



Notice of Ordinary Meeting

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 28 January 2021 commencing at 9.00 am.**

Business

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

Paul Hickey
General Manager

A morning tea break is taken at 10.30 a.m. and a lunch break taken at 1.00 p.m.

**Due to COVID-19 - Social distancing applies in the Public Gallery.
You may access this meeting via our Live Streaming link
ballina.nsw.gov.au/agendas-and-minutes**

Deputations to Council – Guidelines

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

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

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

Recording and Livestreaming of Council Meetings

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

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1. Australian National Anthem
 2. Acknowledgement of Country
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 7. Mayoral Minutes
-

1. Australian National Anthem

The National Anthem will be played.

2. Acknowledgement of Country

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

3. Apologies

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 17 December 2020 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 17 December 2020.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 Development Control Plan 2012 - Amendment - 23 Compton Drive

8. Planning and Environmental Health Division Reports

8.1 Development Control Plan 2012 - Amendment - 23 Compton Drive

Delivery Program

Strategic Planning

Objective

To inform the Council of the outcomes of the public exhibition of proposed amendments to the Ballina Shire Development Control Plan 2012 relating to land at 23 Compton Drive and seek direction on the adoption of the amendments.

Background

Council at its Ordinary meeting held on 22 October 2020 considered a report which addressed the outcomes of the public exhibition of a planning proposal for 23 Compton Drive, East Ballina (Lot 3) and the adjoining public land (part Lot 1) and resolved as follows:

1. *That Council resolves to amend the planning proposal as indicated in Step 1 as contained in the information section of this report.*
2. *That Council forward the amended planning proposal to the Minister and seek a determination that the amended planning proposal not require further community consultation.*
3. *That, if required by the Minister, Council re-exhibit the amended planning proposal together with proposed DCP amendments and draft s88B restrictions, and then reconsider the proposal after exhibition.*
4. *That Council, upon obtaining Ministerial advice that re-exhibition is not required, implement the actions contained in Steps 2 and 3 as contained in the Information section of this report. Such actions include the preparation of DCP amendments and associated community consultation.*
5. *That Council authorise the use of the Seal to execute documentation required to place the s88B restrictions outlined in Step 2 on the title of Lot 3.*
6. *That Council request the Department Secretary to approve the inconsistency with section 9.1 direction 4.4 Planning for Bushfire Protection.*
7. *That Council upon obtaining confirmation that the s88B restrictions have been registered on the title of Lot 3, request the Department of Planning Industry and Environment to finalise the LEP amendment.*
8. *That the persons who made submissions to the planning proposal be thanked for their interest in this matter.*

Advice was subsequently received from the Department of Planning, Industry and Environment (DPIE) that additional community consultation was not required in respect to the minor changes proposed to the exhibited planning proposal.

An altered Gateway determination was issued by DPIE in November 2020, and the time to complete the planning proposal extended until 6 April 2021.

Attachment 1 contains correspondence received from DPIE related to the Gateway alterations.

8.1 Development Control Plan 2012 - Amendment - 23 Compton Drive

In respect to the draft DCP amendments, these were prepared following the proponent submitting a plan which indicated the location of the various restrictions proposed to be applied to Lot 3 (Vegetation management plan area, asset protection zone, and building envelope). This plan forms a part of the draft DCP amendments.

Attachment 2 contains a copy of the exhibited draft DCP amendments (with minor changes to improve the clarity of the text).

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

Key Issues

- Implementation of proposed development control plan amendments

Information

The draft DCP amendments propose to introduce special area controls within Chapter 4 – Residential and Tourist Accommodation which apply only to Lot 3.

The draft development controls relate to:

- Demolition of existing building improvements and reinstatement of the impacted Compton Drive footpath area.
- Bushfire Asset Protection Zone requirements
- Building envelope restrictions
- Ecological considerations including offset requirements
- Delineation of location and nature of s88B restrictions
- Building height requirements
- 0 metre building line provision
- Geotechnical engineering requirements
- Vegetation Management Plan requirements
- Advice relating to applicable s88B restrictions

The draft DCP amendments are designed to provide site specific development controls necessitated by the somewhat unique development challenges posed by this site.

The DCP amendments are proposed to take effect concurrently with the publication of Ballina LEP Amendment 49 on the NSW Government Legislation web site. This will not occur until after the required s88B restrictions have been registered on the title of Lot 3.

Sustainability Considerations

- **Environment**

Development of the site will be subject to the provisions of the Biodiversity Conservation Act 2016. Council has also sought to minimise the environmental impacts of the site through site specific controls contained within the draft DCP amendments that specify compensatory planting offset requirements (10:1) as well as specific provisions relating to the provision of a vegetation management plan.

- **Social**

There are no significant social impacts associated with the adoption of the recommendations to this report.

- **Economic**

There are no significant economic impacts associated with the adoption of the recommendations to this report.

Legal / Resource / Financial Implications

The preparation of the draft amendments to the Ballina Shire Development Control Plan 2012 has been undertaken in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the associated Regulation. The amendment can be completed and implemented within existing available staff and financial resources.

Clause 21 of the Environmental Planning and Assessment Regulation 2000 sets out the process applicable following public exhibition. Clause 21 is reproduced below:

21 Approval of development control plans

- (1) *After considering any submissions about the draft development control plan that have been duly made, the council—*
 - (a) *may approve the plan in the form in which it was publicly exhibited, or*
 - (b) *may approve the plan with such alterations as the council thinks fit, or*
 - (c) *may decide not to proceed with the plan.*
- (2) *The council must publish notice of its decision on its website within 28 days after the decision is made.*
- (3) *Notice of a decision not to proceed with a development control plan must include the council's reasons for the decision.*
- (4) *A development control plan comes into effect on the date that notice of the council's decision to approve the plan is published on its website, or on a later date specified in the notice.*

Consultation

The draft amendments to the DCP were publicly exhibited between 20 November 2020 and 19 December 2020 in accordance with the requirements of the EP&A Act and associated Regulation. Details of the proposed amendments were posted on Council's website and persons who previously made submissions to the exhibition of the planning proposal were advised via email.

In response, no submissions were received.

Options

Option 1 - Adopt and implement the draft amendments to the DCP as exhibited.

This is the recommended option. It will result in site specific development controls being applied to the site which have been designed having regard to the somewhat unique development challenges posed by this site.

The recommended amendments are set out in Attachment 2 (note minor typographic changes have been made to improve clarity of the exhibited provisions).

In addition to the adoption of the draft amendments, it is also recommended that the DCP Building Line Map be amended to reflect to 0m building line identified in the site specific provisions for the land. This will provide for consistency within the DCP.

Option 2 - Decline the adoption of the draft amendments to the DCP.

Council may resolve to decline to adopt the draft amendments to the DCP in whole or in part. This is not the recommended course of action and will create additional assessment difficulties at the development application stage.

Option 3 - Defer adoption of the draft amendments to the DCP.

Council may resolve to defer the adoption of the draft amendments to the DCP and seek additional information and/or further consideration of the identified or additional issues.

This is not recommended as the provisions have been designed in association with the proposed LEP amendment to enable construction of a dwelling house on the land responsive to the particular characteristic and constraints of the site.

RECOMMENDATIONS

1. That Council adopts the draft amendments to the Ballina Shire Development Control Plan 2012 relating to 23 Compton Drive as exhibited.
2. That the Ballina Shire Development Control Plan Building Line Map be amended to reflect the building line adopted for 23 Compton Drive under point 1.
3. That Council provide public notice of the adoption of the amendments to the Ballina Shire Development Control Plan 2012, with the amended DCP provisions to take effect from the date that Ballina LEP Amendment No 49 is published on the NSW legislation web site.
4. That Council provide a copy of the amended Ballina Shire Development Control Plan 2012, once it comes into effect, to the NSW Department of Planning, Industry and Environment as required by the Environmental Planning and Assessment Regulation.

Attachment(s)

1. Department of Planning, Industry and Environment Correspondence - 23 Compton Drive
2. Draft DCP Amendments - 23 Compton Drive East Ballina

8.2 Plan of Management for Community Land - Crown Land Integration

8.2 Plan of Management for Community Land - Crown Land Integration

Delivery Program

Strategic Planning

Objective

To outline the draft Ballina Shire Plan of Management for Community Land and seek direction on the public exhibition of the plan.

Background

In 2018 the Crown Land Management Act 2016 (CLM Act) replaced the Crown Lands Act 1989. The reform included the requirement for councils to manage their dedicated or reserved land as if it were public land under the Local Government Act 1993 (LG Act). This requires councils to have plans of management (POM) in place for the land.

The CLM Act provided a transition period of three years from commencement of the Act for councils to have these plans in place. This period ends on 30 June 2021.

In June 2019, Council resolved to endorse the preparation of compliant plans of management, in line with principles set out in a report on the Classification and Categorisation of Crown Land reserves.

The approach taken is to have two plans covering Council owned community land and Council managed Crown land (that is managed as community land). The two plans the Ballina Coastal Reserve POM (addressing the Crown land within the Ballina Coastal Reserve) and the POM for Community Land (incorporating all other community land including Crown land managed by Council)

A draft POM has now been prepared which provides the management framework for community land, including both Council managed Crown and Council owned land (where managed as community land). The draft POM is contained in Attachment 1.

This report seeks the endorsement of the draft POM for public exhibition and referral to Crown Lands for review.

Key Issues

- Exhibition of draft Plan of Management for Community Land
- Timeframe for compliance with Crown Land Management Act reforms
- Finalisation pathway

Information

POMs provide guidance for strategic planning and governance for the management and use of land under the LG Act. POMs set out objectives and performance targets for community land and promote active land management and use, including issuing tenures over the land.

In June 2019, Council resolved to proceed with the preparation of a POM for community land. The POM incorporates land subject to the existing POM for community land 2015 and Crown land reserves classified as community land following Council's resolution in June 2019:

1. *That Council endorses the initial classification and categorisation of Crown Land as identified in Tables 1, 2(a) and 2(b), as per this report.*
2. *The General Manager is authorised to seek Ministerial consent for the classification of Crown Land listed in Table 1 as operational land, as per this report.*
3. *The General Manager is authorised to seek the categorisation of Crown land under the management of Council in line with the categorisation identified in relation to Table 1 (if Ministerial consent to classify the land as operational is refused) and Tables 2(a) and 2(b), as per this report.*
4. *That Council endorses the preparation of compliant plans of management, as required by the Crown Land Management Act (2016) by 30 June 2021, in line with the principles set out in this report.*
5. *That Council makes a deputation to the State Government in respect to Crown land resourcing issues and other related matters.*

The draft POM for community land has been prepared on the basis that all Council managed community land (aside from land within the Ballina Coastal Reserve) will be managed under a single plan. The plan has also been prepared based on Crown Lands advice regarding the categorisation of land.

The provisions of site specific POMs for Williams Reserve, Lennox Head and Hampton Park (Crown land) have been integrated into the draft Plan of Management for Community Land. This has been on the basis of an overarching review of these plans consistent with the methodology outlined in the June 2019 report to Council.

As part of the plan review and Crown land integration process, the existing POM for community land 2015 will be replaced by the draft POM for community Land 2020 (upon its adoption). The structure of the 2020 plan is similar to the adopted 2015 plan, with notable amendments including:

- The addition of background information, explaining the purpose of POMs, leases and licences.
- The addition of express authorisations, including the authorised scale and purpose of development (to facilitate typical, routine and common works and activities on public land). This will assist asset owners in undertaking routine works on community land, including structural works, maintenance of buildings and surrounds, and vegetation management.

8.2 Plan of Management for Community Land - Crown Land Integration

- Separation of land categorised as Natural Area (and its subcategories) and the more general categories of Park, Sportsground and General Community Use. This is because in natural areas, the priority of Council is to generally protect and maintain these areas. On land categorised as Sportsground, Park or General Community Use, there is more opportunity for Council to grant leases or licences to the community.
- Integration of site specific POM provisions for Williams Reserve and Hampton Park into the POM.
- The 2020 draft POM provides possible community use activities (such as filming and sportsfield usage) which may be undertaken on General Community Use areas, which directs the community to access the relevant plans and policies on Council's website.

Performance and assessment of the POM uses the same framework as the existing POM for community land 2015.

Existing site specific POMs and master plans

With respect to the integration of existing POMs and master plans that have been prepared previously, the draft POM has been structured to enable these plans to be incorporated into the master plan. Details from these plans that guide management of the land have been referenced and where necessary, special provisions incorporated to identify development and uses permissible on the land.

POMs currently in place under Division 6 of the Crown Lands Act 1989 continue in force until an LG Act POM is adopted for the land. Council has three current site specific POMs prepared under the Crown Lands Act 1989, being the Ballina Coastal Reserve POM, Williams Reserve POM and Hampton Park POM.

In line with the approach outlined in the June 2019 report to Council, the Hampton Park and Williams Reserve POMs have been integrated into the draft POM for community land. The provisions of these plans that provide direction of management and use of the land have been incorporated on a like for like basis as the overarching review undertaken has not identified a need or basis for significant change at this time.

More specifically, with respect to Williams Reserve, the existing approach to the management of the land is considered appropriate having regard for current uses. However, it is expected that the future of Williams Reserve will be a key point of interest to the Lennox Head community during the preparation of the Lennox Head Strategic Plan (which has commenced).

A need for a master plan for Williams Reserve or changes in the use of the land may be an outcome of the strategic planning process based on community feedback. Changes arising from this process can be incorporated into the POM for community land in future.

8.2 Plan of Management for Community Land - Crown Land Integration

Further in relation to Williams Reserve, in November 2018 Council resolved to examine a change in the category of the precinct identified as a natural conservation area to a more generic category. The categories endorsed by Crown Lands for Williams Reserve are Sportsfield and General Community Use.

General Community Use has been applied to the vegetated area on the western side of the reserve. Importantly though, this land should continue to be sensitively managed in relation to its ecological values due to the presence of coastal cypress vegetation which is listed as an endangered ecological community under the NSW Biodiversity Conservation Act.

In relation to Hampton Park, the 2020/21 Delivery Program and Operational Plan includes an action to prepare a management plan for Hampton Park (HE3.1s). Commencement of this is pending the outcome of Crown Lands consideration of the future management arrangements for the land. Where there are changes to the management of Hampton Park identified through a management planning process, these can be incorporated into the POM for community land.

For other key land parcels and areas, if Council wishes to examine the planning and management framework for such land in greater detail, this can be done through site specific management and master planning. Several site specific planning processes are identified in the current Delivery Program and Operational Plan for completion over the next four years. Outcomes from these planning processes can be incorporated into the POM for community land in future.

Ballina Coastal Reserve POM

The Ballina Coastal Reserve consists of 63 land parcels. This reserve is subject to a site specific POM, and it is appropriate that this be continued given the nature of the existing POM, the characteristics of the coastal reserve and the importance of the coastal reserve to the Shire.

Compliance with the CLM Act requires an update to this plan to align it with the terms of the LG Act. Work on the update of this plan is underway.

Information contained in appendices to the POM

Land register extract

An extract of the land register is referenced in the draft POM (the register at the time of preparation of this report is contained in Attachment 2).

The land register extract includes all parcels of land managed as community land by Council (including Crown land).

Council also maintains an interactive land register through its website. This allows community members to search and access contemporary information regarding parcels of land.

8.2 Plan of Management for Community Land - Crown Land Integration

Maps

Mapping for land parcels which have multiple categorisations is referenced in the draft POM.

To allow for simple identification of categories within reserves, all maps related to the draft POM include aerial imagery.

The draft maps are contained in Attachment 3 to this report.

Approach to completing notification period

Under the Local Government Act 1993 (LG Act), Council is required to forward a copy the draft POM for community land to the Department of Planning, Industry and Environment – Crown Lands (Crown Lands) as the owner of the land. Council must then include any provisions in the draft POM that Crown Lands specify.

Council has been verbally advised that the estimated timeframe for receiving a response from Crown Lands on the draft POM is up to three months. Given the legislative requirement for completion of the POM by 30 June 2021, Council has also been advised that it is acceptable to refer the draft POM to Crown Lands and undertake public exhibition concurrently.

Under this approach, it is possible that Crown Lands may require amendments to be made once the draft POM has finished its public exhibition period. In this circumstance, under the LG Act, if it is of the opinion that the amendments are not substantial, Council can adopt the amended draft plan without further public exhibition. If the amendments are considered to be substantial, Council will need to publicly exhibit the changes, and meeting the legislative deadline may be challenging if this circumstance arises.

During ongoing consultation regarding the timeframe for adoption, Council has been sent the internal checklist used by Crown Lands when assessing Council POMs. The POM has been developed in line with this guidance and as such it is not anticipated there will be substantial amendments required following the Crown Lands review.

Once the exhibition period has concluded, Council will receive a final report summarising any submissions received, feedback from Crown Lands and any recommended amendments.

Sustainability Considerations

- **Environment**

Environmental, social and economic values have been considered in the preparation of the draft POM. An adopted POM provides a framework for how public land is managed to facilitate protection of our environmental assets and community use and enjoyment.

- **Social**

As above.

- **Economic**
As above.

Legal / Resource / Financial Implications

Council is required to adopt compliant POMs under the CLM Act by 30 June 2021. Council's Delivery Program and Operational Plan 2020-2024 also captures this legislative requirement through item HE3.11 – Implement Crown Land Management Act reforms.

The draft POM has been prepared using funding allocated in November 2018 to Council by the NSW Office of Local Government for the preparation of POMs to satisfy the requirements of the CLM Act. The finalisation of processes leading to the adoption of the POM can also be undertaken using this funding.

Consultation

Internal consultation has taken place with asset managers and an internal plan of management working group, including members of the Strategic Planning and Open Spaces sections.

Community consultation will be undertaken when the draft POM is publicly exhibited, once endorsed by Council. Following endorsement, Council must give public notice of the draft POM. The draft POM will be advertised and publicly exhibited for 42 days. During this time, public submissions may be made to Council.

Options

Option 1 – Place the Draft POM for community land on public exhibition and refer the plan to the Department of Planning, Industry and Environment – Crown Lands concurrently.

In order to achieve adoption of the final plan by 30 June 2021, this is the recommended option. As outlined in this report, this approach has been recommended by the Department of Planning, Industry and Environment – Crown Lands in order to meet the required timeframe.

Adjustments will be undertaken to ensure that the endorsed document presents as a professional contemporary document for exhibition.

Option 2 – Refer the draft POM to the Department of Planning, Industry and Environment – Crown Lands prior to placing the plan on public exhibition.

Council can resolve to refer the draft POM to Crown Lands and await advice, prior to placing the draft POM on public exhibition.

This is not recommended as there is a high risk of not being able to satisfy the 30 June 2021 adoption deadline and option 1 is acceptable to Crown Lands as a way of concurrently progressing the required steps in the plan preparation process.

8.2 Plan of Management for Community Land - Crown Land Integration

Option 3 – Defer further consideration of the draft POM pending a Councillor briefing.

If the Council would like more information regarding the draft preparation of the POM, staff could present additional details through a Councillor briefing.

The implications of deferring the draft POM is that it constrains the time available for community consultation and preparation of the final document, and again, this option runs the risk of not being able to satisfy the 30 June 2021 adoption deadline. Therefore a briefing prior to public exhibition of the draft POM is not recommended.

If a briefing is desirable, it is suggested that a briefing be held following, or towards the end of, the public exhibition period. This approach would also allow for consideration of submissions.

RECOMMENDATIONS

1. That Council endorses the public exhibition of the draft Plan of Management for Community Land (as contained in Attachment 1) in accordance with the terms of the Local Government Act and concurrently refers the plan to Crown Lands for review.
2. That Council receive a further report on the draft Plan of Management for Community Land following completion of the public exhibition period.

Attachment(s)

1. Draft Plan of Management for Community Land 2020
2. Land Register, Appendix 1 to Plan of Management for Community Land 2020
3. Maps, Appendix 2 to draft Plan of Management for Community Land 2020

8.3 Lennox Head Community Market - Appointment of Market Manager

8.3 Lennox Head Community Market - Appointment of Market Manager

Delivery Program

Strategic Planning

Objective

To present the outcomes of the Expression of Interest (EOI) process for the appointment of a manager of the Lennox Head Community Market.

Background

Council considered a report relating to the management of the Lennox Head Community Market at the 24 September 2020 Ordinary meeting.

Council resolved as follows:

1. *That Council proceed with an expression of interest process for the management of the Lennox Head Community Market at Williams Reserve.*
2. *That following the appointment of a market manager for the Lennox Head Community Market at Williams Reserve, that Council proceed to prepare and lodge a development application for the operation of the market on the land to enable the market outcome endorsed through the expression of interest process.*
3. *That, following the expression of interest process and appointment of a market manager, Council enables the use of Williams Reserve for a small scale market under the terms of SEPP (Exempt and Complying Development Codes) 2008.*

In accordance with the above resolution, the market management was put out for expressions of interest (EOIs) for the period 19 October to 17 November 2020. No EOIs were received during this initial period.

Following the public notification that no EOIs had been received, Council received a number of enquiries from interested parties. Consequently, a second invitation for EOIs was issued and two expressions were received during the extended EOI period.

The purpose of this report is to summarise the submissions along with the assessment of the EOIs and seek Council's endorsement for the appointment of a market manager for the Lennox Head Community Market.

Key Issues

- Public Land Management
- Recommencement of the Lennox Head Community Market

Information

The EOI process for the appointment of a manager for the Lennox Head Community Market invited submissions responding to the following assessment criteria:

- Demonstrated knowledge and experience applying relevant legislation and ability to work constructively with councils and state government agencies to deliver markets or similar public events (35%).

8.3 Lennox Head Community Market - Appointment of Market Manager

- Understanding of, and commitment to, supporting the growth of local and regional produce and the ongoing sustainability of the Lennox Head Community Market into the future (15%).
- Social and community considerations including: knowledge and experience with local conditions; and the social impact on the local community (20%).
- Experience in, and/or commitment to, environmentally sustainable operations and initiatives (15%).
- Demonstrated knowledge and experience applying relevant risk management practices to deliver markets or similar public events (15%).

Two EOIs have been received for management of the Lennox Head Community Market. These have been circulated to Councillors separately to this report due to the commercial-in-confidence nature of the information contained in the EOI responses. Key summary details of each submission are provided below.

Foragers Markets

The Foragers Group is a for profit company registered in Byron Bay, operated by Kirrily Sinclair and Kate Walsh.

The two-person Foragers Markets team have over 20 years of experience (each) in event curation and production, including several markets held in the Wollongong CBD.

Foragers Markets has also more recently operated a Friday evening 'Eat-Street' market in the Bangalow Public School grounds and has had roles in Taste of Sydney, Sample Bangalow and the Byron Bay Fine Food Festivals, Artisan Lane at the Sydney Tramsheds and Finders Keepers Markets.

This core two-person team is supported by staff in logistics and administration, with additional staffing proposed for the Lennox Head Community Market for site management and social media.

Key details of the Foragers Market proposal include:

- A monthly (Sunday) community market on Williams Reserve with a proposed seasonal timetable adjusted to provide for a later market hours of operation (4pm-9pm) during the summer period (with morning hours outside this period).
- 30 stalls initially (as exempt development) with up to 100-150 stalls following Council obtaining development consent for the full-scale market.
- Stallholders are to come from within the Northern Rivers region with the following composition target (with special consideration given to existing stallholders):
 - 10% farmers/gardeners/producers
 - 20% food processors
 - 20% restaurateurs/food stalls
 - 50% artisans

8.3 Lennox Head Community Market - Appointment of Market Manager

- In terms of community benefits, in addition to benefits associated with the market itself (in terms of employment, community cohesion and economic multipliers), these include the following:
 - Each market would have one stall dedicated to either a community group or local not-for-profit.
 - The Forager Group have established a business incubation program where a new business can apply to have a free stall and up to \$500 worth of mentoring in the areas of marketing, visual merchandising and online commerce.
- Strive to have zero waste events, work with stallholders to phase out single use plastics and encourage recycling.

Byron Bay Community Association

The Byron Bay Community Association Inc. (BBCA) is a not-for-profit organisation responsible for running the Byron Bay Community Centre. In addition, the organisation has operated the following markets in Byron Shire for the last 10 years:

- Byron Community Market held once a month held at Butler Street Reserve (300 plus sites).
- Byron Beachside Artisan Market held at the beach foreshore four times a year in the school holidays (200 plus sites).
- Byron Twilight Artisan Market held in Railway Park each Saturday evening over summer from Oct-April (40 plus sites).

The BBCA markets team comprises the following:

- 1 top tier manager
- 3 market managers directly responsible for each market
- 2 admin staff to support all managers
- 1 communications officer for all markets and
- 8-10 ground crew who work across all markets.

An additional manager would be appointed for the Lennox Head Community Market. The EOI also notes that a number of existing staff are residents of the Ballina Shire.

The BBCA team are supported by market management and stallholder mapping systems and a local stallholder database. The stallholder database operates on a 'homegrown handmade locals first' priority system, implemented at stallholder applicant stage to preference local (to the Northern Rivers region) and handmade products and produce.

Key details of the BBCA Lennox Market proposal include:

- Monthly (Sunday) community market on Williams Reserve.
- 30 stalls initially (as exempt development) with expansion following Council obtaining development consent for the full-scale market.
- In addition to the 'homegrown handmade locals first' priority system outlined above, all current and long-standing stallholders of the Lennox Head Community Market would be given priority.

8.3 Lennox Head Community Market - Appointment of Market Manager

- In terms of community benefits, in addition to benefits associated with the market itself (in terms of employment, community cohesion and economic multipliers) these include the following:
 - A number of equipment supply companies directly servicing the existing BBKA markets are based in the Ballina Shire.
 - With profits derived from management of the existing Byron Shire markets, the BBKA operates a number of charitable programs to support vulnerable members of the community, which has included residents of Ballina Shire. BBKA proposes to explore further opportunities to directly support vulnerable members of Ballina Shire's community with Council.
- Requires stallholders of all markets to find alternatives to single use plastics and implements a comprehensive waste management policy that includes green waste, recycling and general waste procedures.

Scale of Market

Both EOIs acknowledge that a market comprising only 30 stalls is not viable in the longer term, as has been previously noted. Consequently, and in accordance with the previous Council resolution, upon the appointment of the market manager Council will proceed to seek development consent for the market at full scale. The number of stalls that may be accommodated at the site will, however, be determined following the technical assessments (in particular traffic and parking).

Details regarding site/stall layout, parking and hours of operation can be settled in association with the licensing and development approvals processes.

Licence fees

Both proposals are subject to the existing fees set in Council's Fees and Charges Schedule for 'Markets on Public Land' of \$250 per market as the basis for licence fees applicable to the market. It is proposed that this fee will be applied under the licence to the appointed operator.

It is recommended that the fees and charges for community markets be reviewed as part of a future update to Council's Fees and Charges Schedule.

It may be appropriate that a sliding scale of market fees be implemented for when markets operate with a large number of stall holdings.

Council may also wish to further consider delineation of fees applicable to for profit and not for profit organisations that operate markets.

This should be done, however, after consideration of the capacity of the existing market sites, through the preparation of a development application for the Lennox Head Community Market and the potential expansion of the Ballina Farmers Market (to be considered further when market management EOIs are sought in July 2021).

The capacity of local traffic and parking are likely to place an upper limit on the potential expansion of market sites.

EOI Assessment

8.3 Lennox Head Community Market - Appointment of Market Manager

The Expressions of Interest were reviewed and assessed by three members of Council staff, against the relevant criteria.

The outcome of the assessment is summarised in the following table.

EOI Assessment Criteria	Foragers Group	Byron Bay Community Association
Knowledge and experience in operating a market in accordance with Council's Markets Policy, Events Policy and the applicable licence.	2.74	2.92
Growth of the market in accordance with the requirement for an emphasis on local and regional produce, and the ongoing sustainability of the market into the future.	1.05	1.15
Social and community considerations including: knowledge and experience with local conditions; and the social impact on the local community.	1.37	1.65
Experience in, and/or commitment to, environmentally sustainable operations and initiatives.	1.13	1.20
Knowledge and understanding of the principles and practices of risk management and work health and safety, and ability to apply them to market management.	1.08	1.25
Total combined weighted score	7.36	8.17

On the basis of the assessment of EOIs it is recommended that the Byron Bay Community Association (BBCA) be appointed market manager for the Lennox Head Community Market.

Whilst both EOIs demonstrated a good understanding of Council's requirements and extensive experience in running similar events, the BBCA EOI stood out on the basis of organisational capacity (including number and range of staff), environmental measures and stallholder management systems.

Sustainability Considerations

- **Environment**
Environmental considerations, including waste management, relating to the Lennox Head Community Market have been considered in the assessment of the EOIs.
- **Social**
The social benefits associated with management options for the Lennox Head Community Markets have been considered in the assessment of the EOIs.

- **Economic**

The economic benefits associated with management options for the Lennox Head Community Markets have been considered in the assessment of the EOIs.

Legal / Resource / Financial Implications

With respect to the management of the land, markets are expressly provided for as a use authorised at Williams Reserve under the draft Community Land Plan of Management, reported separately in this business paper.

In relation to licensing, following endorsement of a market manager, a licence agreement will be offered to the operator. The licence agreement will be presented to Council for endorsement under a use of seal report.

It is recommended that the successful operator be appointed for a period of five years. The five year appointment would be on the basis of an annual temporary licence renewal. The licence can be updated as required to reflect any changes in operating conditions or the scale of the market should development consent for a larger market be granted in future.

Once a licence agreement has been entered into, a development application for a larger market on the site will be prepared. It is anticipated that the application can be prepared from within the existing resources of the Strategic Planning Section.

Consultation

Whilst this matter has not been the subject of direct community engagement, the matter of the location and management arrangements for the Lennox Head Community Market has been the subject of several recent Council reports available to the public.

Options

Option One – Appoint Market Manager

Council may endorse the appointment of a market manager. The Byron Bay Community Association is recommended for appointment as the manager of the Lennox Head Community Market as a result of the December 2020 EOI process.

Under this option, the Byron Bay Community Association would be invited to enter into a licence agreement to be renewed annually for a period of five years.

The licence agreement will be presented to Council for endorsement under a use of seal report.

Under this option, a small-scale market may commence as exempt development.

Council would work with the market manager to prepare a competent development application for a larger market for Council's consideration.

8.3 Lennox Head Community Market - Appointment of Market Manager

This option is recommended on the basis that the EOIs have been independently reviewed and assessed by three members of Council staff, and the appointment of a market manager at this time would progress the recommencement of the Lennox Head Community Market in a timely way.

Option Two – Defer to Councillor Workshop

Under this option, a Councillor workshop would be held to outline the EOIs received in more detail. This option is presented should the Council wish to receive further information on the EOIs submitted for the management of the Lennox Head Community Market.

This option is not recommend on the basis that the EOIs have been reviewed and assessed by three members of Council staff. This option would also involve additional delays in the recommencement of the Lennox Head Community Market.

RECOMMENDATIONS

1. That the Byron Bay Community Association be invited to enter into a licence agreement for the management of the Lennox Head Community Market, to be renewed annually for a period of five years.
2. That Council, in association with the appointed market manager, proceed to prepare a development application for a larger scale market (greater than 30 stalls) at Williams Reserve, Lennox Head.

Attachment(s)

1. Confidential - Expressions of Interest (Under separate cover)

8.4 Development Applications - Variation to Development Standards

8.4 Development Applications - Variation to Development Standards

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

DA No.	Date Approved	Applicant	Proposal and Address	EPI and Land Zoning	Development Standard and Approved Variation	Justification for variation
Nil						

RECOMMENDATION

That Council notes that there have been no applications approved under delegation for variations to development standards of 10% or less for the period October to December 2020.

Attachment(s)

Nil

8.5 Development Applications - Works in Progress - January 2021

8.5 Development Applications - Works in Progress - January 2021

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

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

DA No.	Date Rec'd	Applicant	Proposal	Status
2018/74	13/2/2018	Ardill Payne & Partners	Amended Proposal: Demolition of Existing Residential Flat Building and Erection and Strata Title Subdivision of a six storey Residential Flat Building containing 12 (originally 14) dwellings, associated car parking and works. The proposed building has a height of 18.6m (originally 18.3) with the lift over run at a height of 19.3m which is above the building height allowance of 18m under the Ballina Local Environmental Plan 2012 – 8 Grant Street, Ballina	Awaiting additional information
2018/554	13/9/2018	Ardill Payne & Partners	Change of Use to Establish a Depot – Removalist Business and Associated Signage – 6 Waverley Place, West Ballina	Being assessed
2018/615	9/10/2018	P Evans	Conversion and change of use of an existing shed to a dual occupancy (detached) dwelling - 49 Humpty Back Road, McLeans Ridges	Referred to Government Departments
2018/630	16/10/2018	Ardill Payne & Partners	To establish a detached dual occupancy and associated works involving the change of use of an existing shed to a dwelling (retrospective). The application is supported by a variation to a development standard request to enable the proposed dual occupancy to be detached rather than attached to the existing dwelling house as required by Clause 14 of the Ballina Local Environmental Plan 1987 – 218 Old Byron Bay Road, Newrybar	Awaiting additional information

8.5 Development Applications - Works in Progress - January 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2018/747	6/12/2018	Ardill Payne & Partners	Staged Torrens Title Subdivision and Boundary Adjustment to create 18 x residential lots, 1 x residual lot, 1 x drainage reserve, associated infrastructure works, earthworks and revegetation/rehabilitation works (Avalon Estate Stages 6a and 6b) - Rifle Range Road and 22 Scarlett Court, Wollongbar	Awaiting additional information
2018/788	24/12/2018	Prestige Properties Design and Construction	Change of use of a portion of an existing shed to a dual occupancy - 142 Brooklet Road, Newrybar	Awaiting additional information
2019/136	7/3/2019	R & M Martin	Change of use from a manager's dwelling to a dual occupancy dwelling - 783 Fernleigh Road, Brooklet	Awaiting additional information
2019/145	8/3/2019	Ardill Payne & Partners	Construction of an industrial development to be used for a Depot and for general and light industrial purposes, filling of land and associated works – 29-31 Smith Drive, West Ballina	Awaiting additional information
2019/283	7/5/2019	Newton Denny Chapelle	Change of use from a high technology industry to general industry involving the assembly, manufacture and fitting of prosthetic limbs and alterations to the building - 2/188-202 Southern Cross Drive, Ballina	Awaiting additional information
2019/376	11/6/2019	Newton Denny Chapelle	Amended proposal: Erection of two, six shade house structures, two sheds, eight rainwater tanks, earthworks, access driveways, vegetation removal and landscaping – 348 Rous Road, Rous Mill	Amended proposal on exhibition
2019/462	18/7/2019	Town Planning Studio Pty Ltd	Change of use from a non-habitable storage workshop building to a Detached Dual Occupancy development - 80 Owenia Way, Broken Head	Determination pending
2019/499	2/8/2019	Planners North	Implementation of erosion and slope stabilisation measures, bushland regeneration works, ongoing geotechnical monitoring and use of existing structures for residential purposes – 35 Pine Avenue, East Ballina	Being assessed

8.5 Development Applications - Works in Progress - January 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/535	21/8/2019	Ardill Payne & Partners	Amended Proposal: To undertake a development in four stages comprising: Stage 1: Three Lot Torrens Title Subdivision (Proposed Lots 1 and 2 with an area of 800m2 each and Proposed Lot 3 with an area 1092m2), Stage 2: Erection of a two storey dwelling upon newly created Lots 2 and 3. Erection of an attached dual occupancy upon proposed Lot 1. Stage 3: Strata Subdivision of Lots 2 and 3 to create a vacant lot for a future dual occupancy. Strata subdivision of Lot 1 containing attached dual occupancy Stage 4: Construction of a dwelling on vacant strata Lots 2 and 3 to create a detached dual occupancy – 26-30 Fitzroy Street, Wardell	Amended proposal on exhibition
2019/659	15/10/2019	D McAllister	Alterations and additions to a dual occupancy dwelling - 15 Jorgensens Lane, Brooklet	Awaiting additional information
2019/666	16/10/2019	GHD Pty Ltd on behalf of Ballina Shire Council	Upgrades to the Marom Creek Water Treatment Plant – 65 Weis Lane, Rous	Being assessed
2019/708	1/11/2019	P Johnstone	Construction of a shed forward of the laneway building line - 5 Gibbon Street, Lennox Head	Awaiting additional information
2019/718	7/11/2019	L King	Change of use from an Office/Rumpus Room to a Bedroom - 2/44 Stewart Street, Lennox Head	Being assessed
2019/720	12/11/2019	A Andrews	1.8m high boundary fencing forward of the building line - 11 Fern Street, Lennox Head	Awaiting additional information
2019/743	22/11/2019	Ardill Payne & Partners	Refurbishment and expansion of the existing caravan park to provide a total of 87 long-term sites and one site for the manager residence/office. The proposal comprises demolition works, earthworks, removal of short-term and camping sites, removal of access from River Street and construction of new driveway access from Emigrant Lane, construction of new amenities and facilities, internal roadworks and car parking - 586 River Street and 21 Emigrant Creek Road, West Ballina	Awaiting additional information
2019/782	10/12/2019	D Rowe	Change of use of a farm shed to create a two storey dwelling - 62 Eden Valley Drive, Alstonville	Determination pending

8.5 Development Applications - Works in Progress - January 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/794	12/12/2019	Ardill Payne & Partners	Two lot subdivision by way of boundary adjustment to create one x 42.46ha and one x 1.47ha allotments – Palm Lake Resort, 120 North Creek Road, Ballina	Being assessed
2020/56	7/2/2020	Ballina Shire Council	Construction of a new sewer rising main extending 1,465m from the intersection of North Creek Road and Skennars Head Road to an existing sewer pump station east of Castle Drive, Lennox Head. The proposed new pipeline will replace an existing dilapidated main – North Creek Road, Skennars Head Road and Castle Drive, Lennox Head	Awaiting additional information
2020/76	14/2/2020	Newton Denny Chapelle	Proposed filling of land to establish a building pad for future development purposes and associated works – 210 Southern Cross Drive & Corks Lane, Ballina	Awaiting additional information
2020/153	13/3/2020	Planners North	Erection of a mixed use development comprising recreation facility (indoor) and information and education facility and associated works – 68 De-Havilland Crescent, Ballina	Being assessed
2020/157	13/3/2020	M Crook	Alterations and additions to a dwelling - 4 Loedna Place, Lennox Head	Being assessed
2020/166	18/3/2020	P Murray	Alterations and additions to a dwelling - 430 Old Byron Bay Road, Newrybar	Determination pending
2020/194	30/3/2020	Ardill Payne & Partners	To undertake the construction of a car park and associated access driveway to service an existing seniors housing development – 148 and 120 North Creek Road, Ballina	Determination pending
2020/199	1/4/2020	Newton Denny Chapelle	Alterations and Additions to an existing industrial building and associated works – 6 Piper Drive, Ballina	Determination pending
2020/242	23/4/2020	Planners North	Multi dwelling housing development comprising the erection and Strata Title subdivision of 44 two storey dwellings and associated works - Lot 6 DP 1225206 The Coast Road, Skennars Head	Being assessed
2020/244	23/4/2020	Northern Rivers Land Solutions	Three Lot Torrens Title Subdivision to create one x 800m ² , one x 860m ² and one x 1,084m ² allotments, filling and retaining works, vegetation removal, riverbank stabilisation works, infrastructure servicing and associated works – 23 Richmond Street, Wardell	Awaiting additional information

8.5 Development Applications - Works in Progress - January 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/306	21/5/2020	Town Planning Alliance Pty Ltd	Demolition of a dwelling, tree removal and construction of a two storey dwelling and associated earthworks, a swimming pool and a tennis court including works forward of the rural building line - 172 Old Byron Bay Road, Newrybar	Awaiting additional information
2020/364	12/6/2020	Ardill Payne & Partners	Boundary adjustment subdivision of two lots to create two modified lots comprising one proposed 1.3ha and one 17.3 ha allotments - 13 Kamala Place, Tintenbar	Awaiting additional information
2020/378	18/6/2020	C Kikiras	Alterations and additions to a dwelling, including additions forward of the building line - 29 Pine Avenue, East Ballina	Awaiting additional information
2020/406	29/6/2020	J Connors	Construction of a double carport forward of the building line - 1/2 Fern Street, Lennox Head	Being assessed
2020/441	14/7/2020	Planit Consulting Pty Ltd	Alterations and additions to a dwelling - 36 Pacific Parade, Lennox Head	Being assessed
2020/450	20/7/2020	Ray Cavill	Establishment of an information and education facility (art gallery and studio) comprising conversion of existing church building to gallery space, erection of pottery studio, kiln shed, ancillary amenities including caretaker's accommodation and associated infrastructure works – 36 Rous Mill Road, Rous Mill	Awaiting additional information To be determined by Council Resolution No: 270820/10
2020/465	24/7/2020	Metricon Homes Qld Pty Ltd	Construction of a single storey dwelling and associated earthworks - 62 Eden Valley Drive, Alstonville	Being assessed
2020/466	27/7/2020	A Dunnings	Alterations and additions to a dwelling and construction of a shed and swimming pool - 157A Byrnes Lane, Tuckombil	Awaiting additional information
2020/468	27/7/2020	R & J Harris Consulting P/L	Alterations and additions to existing resource recovery facility comprising new awning to provide covered vehicular parking and unloading operations – 540 Pimlico Road, Pimlico	Being assessed
2020/476	29/7/2020	RLA Building Design	Construction of a two storey dwelling and associated earthworks and retaining walls and a swimming pool and 1.5m high fencing forward of the building line - 6 Olivia Circuit, Lennox Head	Being assessed
2020/480	30/7/2020	B Greig	Alterations and additions to a dwelling - 13 Angus Kennedy Close, Lennox Head	Being assessed

8.5 Development Applications - Works in Progress - January 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/518	14/8/2020	T Fitzroy	Extensions to existing industrial building and associated works and change in use of existing premises from a vehicle repair station to light industry – 11 Owens Crescent, Alstonville	Awaiting additional information
2020/523	17/8/2020	Ardill Payne & Partners	Change of use from a studio to an expanded dwelling module - 208 Fernleigh Road, Tintenbar	Being assessed
2020/529	21/8/2020	Ardill Payne & Partners	To establish a detached dual occupancy and associated works involving the change of use of a shed to a dwelling (retrospective). The application is supported by a variation to a development standard request to enable the proposed dual occupancy to be detached rather than attached to the existing dwelling house as required by Clause 14 of the Ballina Local Environmental Plan 1987 – 76 Phillips Road, Newrybar	Awaiting additional information
2020/540	26/8/2020	Ardill Payne & Partners	Subdivision involving the staged creation of three Torrens Title Lots, demolition of dwelling house and associated infrastructure works – 71 Teven Road, Alstonville	Being assessed
2020/542	26/8/2020	Newton Denny Chapelle	Expansion of an existing rural industry involving the processing of natural extracts and including the erection of a new shed and the carrying out of associated earthworks, services and driveway access - 226 Hinterland Way, Knockrow	Being assessed
2020/548	27/8/2020	Tim Fitzroy & Associates	Erection of an industrial building and associated works - 66 De-Havilland Crescent, Ballina	Determination pending
2020/553	1/9/2020	S Lee	Staged detached dual occupancy development consisting of: Stage 1: Construction of a single storey dwelling and associated earthworks and retaining walls; Stage 2: Construction of a two storey dwelling and associated earthworks and retaining walls and Strata Subdivision - 73 Plateau Drive, Wollongbar	Being assessed
2020/567	4/9/2020	T Brice	Demolition of a shed and construction of a single storey detached secondary dwelling and associated works - 20-22 Summerhill Crescent, Cumbalum	Awaiting additional information

8.5 Development Applications - Works in Progress - January 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/569	4/9/2020	C Imeson	Alterations and additions to an apartment building comprising of new covered decks, relocation of an external stairs and removal of common laundry facilities - 6-7 Easton Place, East Ballina	Being assessed
2020/584	9/9/2020	RLA Building Design	Detached building – proposed art studio - 11 Martins Lane, Knockrow	Awaiting additional information
2020/590	10/9/2020	Byron Bay Planning and Property Consultants	Construction of a two storey dwelling, associated earthworks, retaining walls and swimming pool - 51A Blue Seas Parade, Lennox Head	Being assessed
2020/591	14/9/2020	Newton Denny Chapelle	Subdivision comprising the creation of 25 industrial lots ranging in size from 1,181sqm to 4,493sqm, one residue lot of 4.13hectares and associated infrastructure servicing and bulk earthworks – 25-39 Boeing Avenue and Corks Lane, Ballina	Awaiting additional information
2020/592	11/9/2020	N Eldridge & J O'Grady	Construction of a shed and associated earthworks - 31 Emigrant Creek Lane, West Ballina	Being assessed
2020/596	15/9/2020	Ardill Payne & Partners	Industrial development comprising the demolition of one existing industrial building and the construction of two new industrial buildings to be used for a combination of general industrial purposes and warehousing and the carrying out of associated works – 14-16 Southern Cross Drive, Ballina	Being assessed
2020/618	23/9/2020	Newton Denny Chapelle	Multi-dwelling housing development comprising the erection of 25 two storey dwellings, Strata Title subdivision and associated works. A variation is sought to the 8.5m height of building development standard contained in Clause 4.3 of the Ballina Local Environmental Plan 2012 for a number of the proposed dwellings – 2, 6 and 12 Anchorage Avenue, Lennox Head	Awaiting additional information
2020/632	25/9/2020	Newton Denny Chapelle	Warehouse or distribution centre involving the construction of a 40m x 40m shed and associated civil, car parking and landscaping works. A variation to the 8.5m Height of Building development standard is being sought for the proposed shed – Lot 228 DP 1121079 Teven Road, West Ballina	Being assessed

8.5 Development Applications - Works in Progress - January 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/641	20/9/2020	Northern Rivers Land Solutions	Two lot boundary adjustment subdivision to create one x 17.1ha and one x 36.7 ha allotments – 9 Houghlahans Creek Road and 1668 Eltham Road, Teven	Referred to Government Departments
2020/649	2/10/2020	Ardill Payne & partners	Subdivision to create three Torrens Title residential allotments and associated infrastructure servicing – 30 Kellie-Ann Crescent, Lennox Head	Awaiting additional information
2020/657	7/10/2020	O Ben Harush	Strata Title Subdivision of an existing dual occupancy – 38 Calnan Crescent, Cumbalum	Awaiting additional information
2020/672	13/10/2020	Ardill Payne & Partners	To establish temporary stockpiles of soils and rock surplus to the subdivision works in the western precinct of Ballina Heights Estate – Mitchell Close, Cumbalum	Awaiting additional information
2020/681	15/10/2020	Ardill Payne & Partners	Change of use to general industry and alterations and additions to the industrial premises - 15 Clark Street, Ballina	Awaiting additional information
2020/682	15/10/2020	Newton Denny Chapelle	Multi dwelling housing development comprising three dwellings, Strata Title subdivision and associated earthworks – 62 Avalon Avenue, Wollongbar	Awaiting additional information
2020/687	16/10/2020	R Hammond	Change of use to establish a mixed use development comprising a vehicle repair station with ancillary sales of spare parts and tyres and vehicle sales or hire premises - 16-18 Owens Crescent, Alstonville	Awaiting additional information
2020/705	27/10/2020	J Brady	Alterations and additions to existing shop (Hair Dressing Salon) – 66 Ballina Street, Lennox Head	Awaiting additional information
2020/716	29/10/2020	Newton Denny Chapelle	Subdivision by boundary adjustment of three existing lots to create one 1.3 hectare lot, one 53 hectare lots and one 52 hectare lot – 898 River Drive, Lot 5 River Drive and Lot 6 Church Lane, Empire Vale.	Referred to Government Department
2020/756	17/11/2020	Newton Denny Chapelle	Vehicle Repair Station involving demolition of the former Big W nursery, erection of new building extending west from the Big W western façade, erection of free standing associated building and reconfiguration of existing on-site car parking – 44 Bangalow Road, Ballina (Big W Nursery)	Awaiting additional information
2020/757	17/11/2020	GM Project Development	To establish a storage premises (damaged vehicles) – 26 Smith Drive, West Ballina	Awaiting additional information

8.5 Development Applications - Works in Progress - January 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/766	19/11/2020	Ardill Payne & Partners	Construction of an industrial complex containing two buildings to be used for light/general industrial and a gymnasium and cafe - Lot 8 Ascot Road, Ballina	Awaiting additional information
2020/767	19/11/2020	Ardill Payne & Partners	Extension to Council's reticulated sewerage system (sewer main) and the connection of six private lots - Paperbark Close and Teven Road, West Ballina	Being assessed
2020/776	24/11/2020	Ardill Payne & Partners	Alterations and additions to St Andrews Village including demolition of two units and construction of two replacement units - 140-150 Cherry Street, Ballina	Awaiting additional information
2020/778	24/11/2020	R&J Harris Consulting Pty Ltd	Proposed rural industry comprising the erection of 30 silos and including a variation to the 11.2m AHD building height development standard under clause 4.3A of the BLEP 2012- Silos - 540 Pimlico Road, Pimlico	Awaiting additional information
2020/786	26/11/2020	A Stafford	Alfresco dining – Lennox Smokin' Barrell - 9 Moon Street, Ballina	Awaiting additional information
2020/810	3/12/2020	Newton Denny Chapelle	Subdivision by way of boundary adjustment and consolidation of four allotments to create one 10.8ha allotment and one 28 hectare allotment – 65 & 142 Bartletts Lane, Meerschaum Vale	Referred to Government Departments
2020/811	2/12/2020	Ardill Payne & Partners	Erection of an industrial building to be used for the purposes of a warehouse and distribution centre – 11 Ascot Road, Ballina	Awaiting additional information
2020/817	4/12/2020	Ardill Payne & Partners	Change of use to a vehicle body repair workshop and associated works to the car park and driveway – 1/34 Southern Cross Drive, Ballina	Being assessed
2020/836	15/12/2020	Michael Groves	Vegetation management works comprising the removal of three trees – 8 Montwood Drive, Lennox Head	Being assessed
2020/838	15/12/2020	Intrapac Skennars Head	Proposed roundabout and median within Aureus Boulevard – Lot 165 Aureus Boulevard and Road Reserve, Skennars Head	On exhibition
2020/839	16/12/2020	Newton Denny Chapelle	Multi-Dwelling housing and Strata Title subdivision of three single storey dwellings and associated works – 51 Habitat Way, Lennox Head	On exhibition

8.5 Development Applications - Works in Progress - January 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/840	16/12/2020	Newton Denny Chapelle	Signage comprising alterations to two existing pylon multi-identification signs and 14 trolley bay signs – 44 Bangalow Road, Ballina (Ballina Central)	Determination pending
2020/849	17/12/2020	Catherine Russo	Vegetation management works comprising the pruning of seven trees – 18 Sunray Crescent, Lennox Head	Being Assessed
2020/850	17/12/2020	Ardill Payne & Partners	Subdivision by way of boundary adjustment and consolidation of four rural lots to create one 6.7ha and one 1.7ha allotments – Uralba Road, Uralba	On exhibition
2020/858	18/12/2020	Creative Planning Solutions	Alterations and additions to recreation hall, Lennox Head Sport and Recreation Centre - Pacific Parade, Lennox Head	Being Assessed
2020/864	21/12/2020	Ardill Payne & Partners	Multi dwelling housing development comprising the erection and Strata Title subdivision of three units, two swimming pools and demolition of existing dwelling house – 44 Pacific Parade, Lennox Head	On exhibition
2020/869	24/12/2020	Newton Denny Chapelle	Relocation of heritage items including Croquet clubhouse from Lumley Park to the Alstonville Showgrounds, construction of new shed for storage of relocated heritage items at the Alstonville Showgrounds and associated works – 2 Pearces Creek Road and 22-40 Commercial Road, Alstonville	On exhibition
2020/877	24/12/2020	Ardill Payne & Partners	Alterations and additions including part demolition to one dwelling within an existing multi dwelling housing development – 1/49 Gibbon Street, Lennox Head	Awaiting additional information

8.5 Development Applications - Works in Progress - January 2021

Regional Development (Determined by Northern Regional Planning Panel)

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

Major Development (Determined by Minister)

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

RECOMMENDATION

That Council notes the contents of the report on the status of outstanding development applications for January 2021.

Attachment(s)

Nil

9.1 Investment Summary - December 2020

9. Corporate and Community Division Reports

9.1 Investment Summary - December 2020

Delivery Program

Financial Services

Objective

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

Background

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

The report is to be presented at the Ordinary Council meeting, immediately following the end of the respective month. This report has been prepared for the month of December 2020.

Key Issues

- Compliance with Investment Policy

Information

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

The total balance of investments as at 31 December 2020 was \$91,788,300. This is an increase of \$2,000,000 from November. Council's investments as at 31 December were invested at an average (weighted) interest rate of 0.934%, which is 0.921% above the December average 90 Day Bank Bill Index of 0.013%.

The balance of the Commonwealth Bank business account as at 31 December 2020 was \$3,321,424. This is a decrease of \$7,295,665 from the balance as at 30 November 2020.

The net movement in the investments and bank balances since 30 November was a decrease of \$5,295,665. In addition to the additional investments of \$2 million, loan repayments of \$2.59 million and significant creditor payments occurred in December.

TCorp's final weekly economic commentary report for December 2020 can be reviewed online using the following link:

<https://www.tcorp.nsw.gov.au/resource/141220.PDF>

9.1 Investment Summary - December 2020

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

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

* Reflects reserves updated as at 30 June 2020.

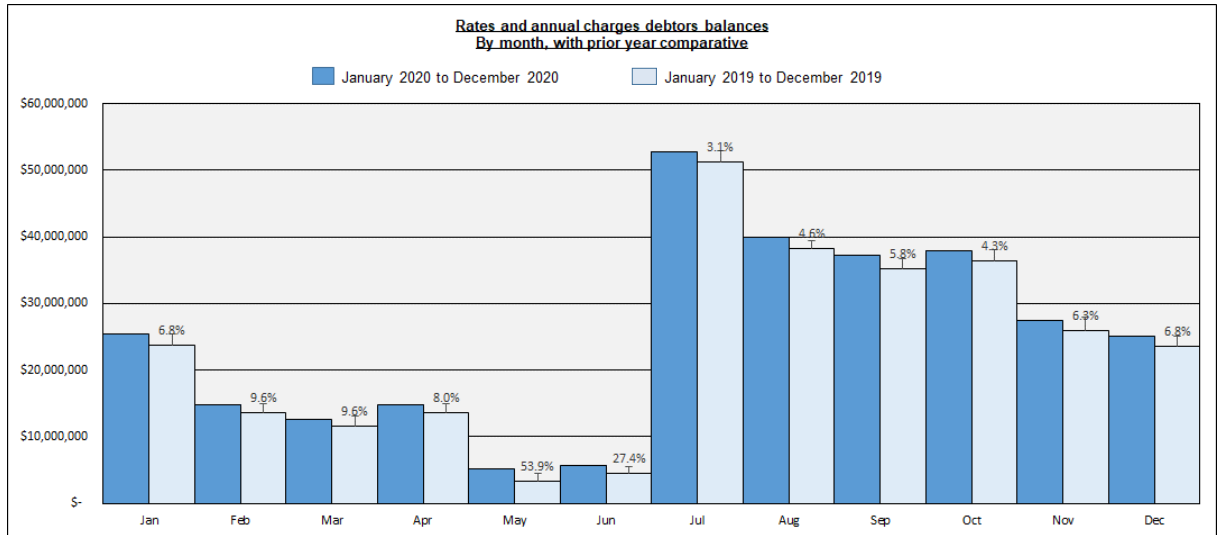
Rates and Charges Debtor Balances

The following chart shows the monthly balance of rates and annual charges debtors for the year ended 31 December 2020 and the percentage variance, in comparison to the year ended 31 December 2019. Noting there was a rate variation of 2.6% on ordinary rates and other charges increased in the vicinity of 2.3% for 2020/21, an increase of around 2.5% on the previous year would be expected if all else were equal.

Debtors as at 31 December 2020 were 6.8% higher than 31 December 2019, so were above the expected increase that would result from the rates and charges increases alone. When examining and comparing the movement in the level of debtors from month to month in both years, there continues to be a comparatively slower debtor repayment rate in the 2020/21 year (post-COVID 19), than the 2019/20 year.

Informal debt recovery actions during December 2020 included establishing new payment plans and issuing reminder letters to overdue debtors with debtor balances exceeding \$250. These actions will continue throughout the quarter ending 31 March 2021.

9.1 Investment Summary - December 2020



A. Summary of Investments by Institution

Funds Invested With	Fossil Fuel Aligned / non-Green	Rating S&P	Rating Moody	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
Grandfathered Investments								
National Australia Bank	Yes	BBB	-	1,788	1,788	0	1.9%	2%
Rated Institutions								
AMP Bank	Yes	BBB	A2	6,500	5,500	10%	6.0%	
Australian Unity bank	n/a	BBB+	-	1,000	1,000	10%	1.1%	
Auswide Bank	No	BBB	Baa2	2,000	2,000	10%	2.2%	
Bank of China	Yes	A	A1	5,000	5,000	20%	5.4%	
Bank of Communications	Yes	A-	A2	1,000	1,000	20%	1.1%	
Bank of Queensland	Yes	BBB+	A3	6,000	6,000	10%	6.5%	
Bendigo & Adelaide Bank	No	BBB+	A3	6,000	6,000	10%	6.5%	
Commonwealth Bank	Yes	AA-	Aa3	11,000	11,000	20%	12.0%	
Commonwealth Bank (Green)	No	AA-	Aa3	-	1,000	20%	1.1%	
Credit Union Australia	No	BBB	Baa1	600	600	10%	0.7%	
Defence Bank Ltd	No	BBB	-	5,500	4,000	10%	4.4%	
IMB Ltd	No	BBB	Baa1	2,000	5,000	10%	5.4%	
ING Bank (Australia) Ltd	Yes	A	A3	1,000	1,000	20%	1.1%	
ME Bank	No	BBB	Baa1	6,000	7,500	10%	8.2%	
Macquarie Bank Limited	Yes	A+	A2	1,000	1,000	20%	1.1%	
My State Bank Ltd	No	BBB+	Baa1	2,000	1,000	10%	1.1%	
National Australia Bank	Yes	AA-	Aa3	9,000	9,000	20%	9.8%	
Newcastle Perm Build Society	No	BBB	A3	4,700	4,700	10%	5.1%	
Suncorp Limited	No	A+	A1	4,000	4,000	20%	4.4%	
Teachers Mutual Bank Ltd	No	BBB	Baa1	700	700	10%	0.8%	
Westpac Banking Corp	Yes	AA-	Aa3	13,000	13,000	20%	14.2%	98%
Total				89,788	91,788		100%	

Credit Rating Summary as per the Investment Policy	Maximum Allowed		Value Previous	Value Current	% Previous	% Current
	%	Value				
A- or Higher	100%	91,788	45,000	46,000	50.1%	50.1%
BBB	60%	55,073	44,788	45,788	49.9%	49.9%
Total			89,788	91,788	100%	100%

9.1 Investment Summary - December 2020

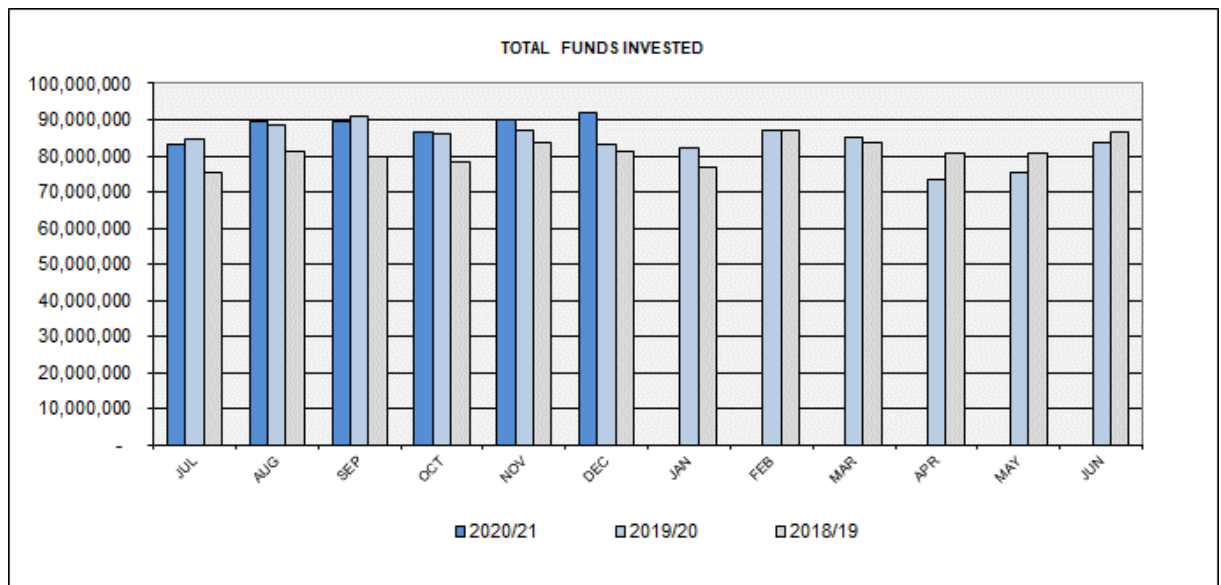
B. Summary of Fossil Fuel Aligned and other non-Green investments

In December, Council invested \$4.5 million across three new fossil-fuel free term deposit investments and \$1.0 million in a Commonwealth Bank of Australia Green Bond. One new investment in a fossil fuel aligned institution occurred totalling \$1.0 million as the non-fossil fuel aligned institutions available for investments could not offer a competitive rate.

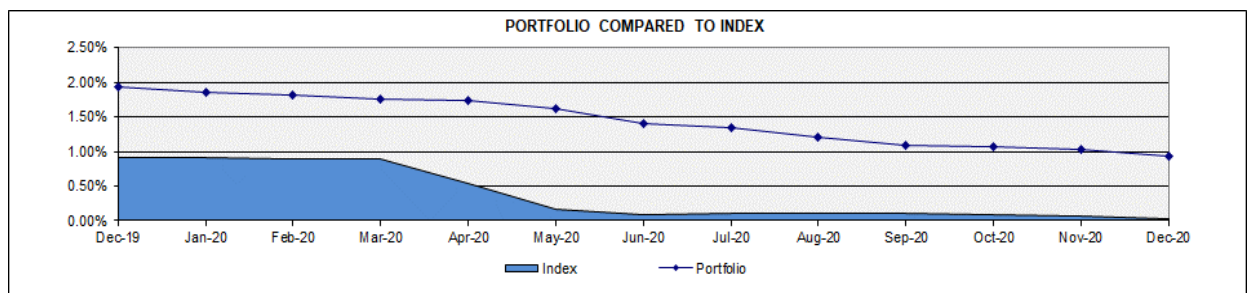
	Previous Month (\$'000)	Current Month (\$'000)
Fossil Fuel Aligned and other non-Green Investments	55,288 62%	54,288 59%
Non-Fossil Fuel Aligned	33,500 37%	36,500 40%
Not Classified	1,000 1%	1,000 1%
Total	89,788 100%	91,788 100%

Fossil Fuel classification based on advice from 'Market Forces'. Green investment classification based on Climate Bond Standards.

C. Monthly Comparison of Total Funds Invested

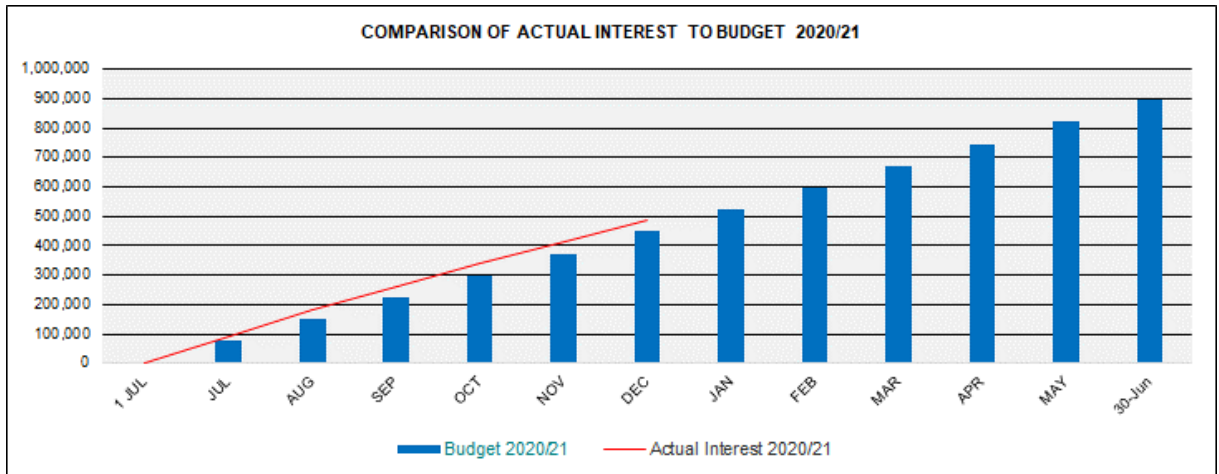


D. Comparison of Portfolio Investment Rate to 90 Day BBSW



9.1 Investment Summary - December 2020

E. Progressive Total of Interest Earned to Budget



F. Investments held as at 31 December 2020

Purch Date	Issuer	Type	Rate	Final Maturity Date	Purch Value \$'000	Fair Value \$'000
20/09/04	National Australia Bank (ASX Listed)	Perpetual	1.3500%	Perpetual	1,788	1,763
17/06/16	Commonwealth Bank of Australia	FRN	1.0642%	17/06/21	1,000	1,000
30/06/16	Commonwealth Bank of Australia	FRN	1.0500%	30/06/21	1,000	1,000
03/08/17	Westpac Banking Corporation	FRN	1.1048%	03/08/22	2,000	2,000
18/08/17	Westpac Banking Corporation	FRN	1.0700%	18/08/22	1,000	1,000
06/02/18	Newcastle Permanent Bld Society	FRN	1.4200%	06/02/23	700	700
02/07/18	Teachers Mutual Bank Limited	FRN	1.4600%	02/07/21	700	700
30/07/18	Westpac Banking Corporation	FRN	0.9868%	31/07/23	1,000	1,000
31/07/18	Westpac Banking Corporation	FRN	0.9868%	02/08/23	1,000	1,000
06/09/18	Credit Union Australia	FRN	1.2700%	06/09/21	600	600
06/09/18	Newcastle Permanent Bld Society	FRN	1.4200%	06/02/23	1,000	1,000
10/09/18	AMP Bank	FRN	1.1000%	10/09/21	1,500	1,500
11/01/19	Commonwealth Bank of Australia	FRN	1.2101%	11/01/24	1,000	1,000
08/02/19	Westpac Banking Corporation	FRN	1.0710%	06/02/24	2,000	2,000
21/02/19	Newcastle Permanent Bld Society	FRN	1.0682%	22/02/21	2,000	2,000
22/02/19	Newcastle Permanent Bld Society	FRN	1.0682%	22/02/21	1,000	1,000
26/07/19	Commonwealth Bank of Australia	FRN	1.1500%	26/07/21	1,000	1,000
01/08/19	AMP Bank	FRN	1.1000%	10/09/21	2,000	2,000
26/08/19	AMP Bank	FRN	1.1000%	10/09/21	1,000	1,000
28/10/19	Bank of Communications	FRN	0.9456%	28/10/22	1,000	1,000
28/01/20	ING Bank (Australia) Ltd	TD	1.6500%	21/01/21	1,000	1,000
11/02/20	Auswide Bank	TD	1.6500%	04/02/21	2,000	2,000
26/02/20	Defence Bank Ltd	TD	1.6500%	23/02/21	1,000	1,000
03/03/20	Defence Bank Ltd	TD	1.6500%	02/03/21	1,000	1,000
05/03/20	My State Bank Ltd	TD	1.6500%	03/03/21	1,000	1,000
24/03/20	Defence Bank Ltd	TD	1.8500%	23/03/21	1,000	1,000
04/06/20	National Australia Bank	TD	0.9900%	18/05/21	3,000	3,000
04/06/20	Bank of China	TD	0.9500%	01/06/21	2,000	2,000
10/06/20	Australian Unity Bank	TD	1.0500%	08/04/21	1,000	1,000
10/06/20	Bank of China	TD	0.9200%	08/06/21	1,000	1,000
24/06/20	Bank of China	TD	0.9500%	23/06/21	2,000	2,000
29/06/20	Commonwealth Bank of Australia	TD	0.7400%	05/01/21	4,000	4,000

9.1 Investment Summary - December 2020

Purch Date	Issuer	Type	Rate	Final Maturity Date	Purch Value \$'000	Fair Value \$'000
29/06/20	Bank of Queensland	TD	1.0500%	22/06/21	1,000	1,000
29/06/20	Bank of Queensland	TD	1.0500%	28/06/21	2,000	2,000
30/07/20	Commonwealth Bank of Australia	TD	0.7200%	04/02/21	3,000	3,000
04/08/20	National Australia Bank	TD	0.8500%	28/07/21	2,000	2,000
04/08/20	National Australia Bank	TD	0.8500%	03/08/21	4,000	4,000
11/08/20	Bendigo & Adelaide Bank	TD	0.7500%	05/08/21	2,000	2,000
11/08/20	Bank of Queensland	TD	0.8500%	10/08/21	3,000	3,000
17/08/20	AMP Bank	TD	0.8000%	17/08/21	1,000	1,000
20/08/20	Westpac Banking Corporation	TD	0.7500%	21/07/21	4,000	4,000
27/08/20	Defence Bank Ltd	TD	0.9000%	26/08/21	1,000	1,000
31/08/20	Westpac Banking Corporation	TD	0.7600%	03/09/21	2,000	2,000
31/08/20	Suncorp-Metway Limited	TD	0.7000%	09/03/21	2,000	2,000
02/09/20	Suncorp-Metway Limited	TD	0.7000%	02/03/21	1,000	1,000
02/09/20	Bendigo & Adelaide Bank	TD	0.7000%	01/09/21	2,000	2,000
16/09/20	ME Bank	TD	0.6500%	16/03/21	1,000	1,000
08/10/20	Suncorp-Metway Limited	TD	0.5500%	14/04/21	1,000	1,000
14/10/20	Bendigo & Adelaide Bank	TD	0.6000%	13/10/21	2,000	2,000
05/11/20	ME Bank	TD	0.4500%	12/01/21	2,000	2,000
27/11/20	ME Bank	TD	0.5000%	30/03/21	1,000	1,000
27/11/20	IMB Bank	TD	0.4000%	30/03/21	2,000	2,000
30/11/20	ME Bank	TD	0.5000%	20/04/21	2,000	2,000
02/12/20	IMB Bank	TD	0.4000%	11/05/21	2,000	2,000
08/12/20	ME Bank	TD	0.4500%	27/04/21	1,500	1,500
10/12/20	IMB Bank	TD	0.4000%	04/05/21	1,000	1,000
16/12/20	Commonwealth Bank of Australia-Green	TD	0.4800%	15/12/21	1,000	1,000
22/12/20	Macquarie Bank Limited	TD	0.7000%	15/12/21	1,000	1,000
	Totals				91,788	91,763
	TD = Term Deposit	FRN = Floating Rate Note				

RECOMMENDATION

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

Attachment(s)

Nil

9.2 Use of Council Seal

9.2 Use of Council Seal

RECOMMENDATION

That Council affix the Common Seal to the following document.

US/01	Licence Agreement 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 January 2021 - January 2026.
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Attachment(s)

Nil

9.3 Councillor Expenses - Six Monthly Review

9.3 Councillor Expenses - Six Monthly Review

Delivery Program

Governance

Objective

To provide the annual report on Councillor Expenses for the six month period to 31 December 2020.

Background

The Councillor Expenses and Facilities Policy requires a report to Council every six months outlining the provision of expenses and facilities to each Councillor. The information is also published on Council's website.

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

Key Issues

- Councillor expenses and facilities expenditure
- Compliance with Council Policy

Information

This report details the expenditure incurred for the period 1 July to 31 December 2020. This expenditure excludes the Councillor and Mayor annual allowances and is based on claims submitted and paid.

Councillor Expenses and Facilities Expenditure (\$ excl GST)

Councillor	General Travel Expenses	Prof Dev / Conferences	ICT	Home Office	Incidentals	Mayor Vehicle (1)	NRPP	Totals \$
Cadwallader	392.28	76.00	641.18		322.77		600.00	2,032.23
Johnson			386.10		245.45			631.55
Johnston		72.00	211.85		290.90			574.75
McCarthy			430.11		227.27			657.38
Meehan	56.76		597.28	40.82	280.88			975.74
Parry					297.09			297.09
Smith			204.98	136.00	227.27			568.25
Williams			303.58		227.27			530.85
Willis			204.50					204.50
Wright		61.00	92.00		227.27	6,000.00	600.00	6,980.27
								13,452.61

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

The Councillor Expenses and Facilities Policy provides the following limits:

- \$3,000 annual limit (excluding GST) on general travel arrangements
- \$5,000 annual limit (excluding GST) on professional development and conferences (excluding induction training)
- \$80 per month for reimbursement of certain Information and Communication Technology (ICT) expenses, which is in addition to the cost of providing the Council ICT.
- \$1,000 on Home Office Expenses (excluding GST).
- There is no cap on corporate training subject to annual budget limits.

9.3 Councillor Expenses - Six Monthly Review

Legal / Resource / Financial Implications

Council has funding allocated in the Long Term Financial Plan for this expenditure.

Options

This report is for noting.

RECOMMENDATION

That Council notes the contents of this update on the Councillor expenses, as per the Councillor Expenses and Facilities Policy, for the period 1 July to 31 December 2020.

Attachment(s)

Nil

9.4 Disclosure of Interest Return

9.4 Disclosure of Interest Return

Delivery Program

Governance

Objective

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

Background

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

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

Importantly, as per clause (c), it is necessary to lodge a new return during the year, within three months of there being a change in the interests disclosed. For example, the purchase or sale of a property would require disclosure during the year.

Clause 4.26 of the Model Code then requires the General Manager to table any returns lodged under clause 4.21 (c) to be tabled at the next Council meeting after the return is lodged. This report complies with clauses 4.21 (c) and 4.26.

Information

A staff member identified as a designated person has amended their return in accordance with clause 4.21(c) of the Code of Conduct. The updated return and the register of returns will be tabled at the meeting.

Consultation

The register of returns is defined as open access information and is to be made available to the public.

RECOMMENDATION

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

Attachment(s)

Nil

9.5 Debtor Write-off

9.5 Debtor Write-off

Delivery Program

Financial Services

Objective

To obtain Council approval to write off a debt considered uneconomical to pursue.

Background

In July 2018, Council identified earth and excavation works had occurred at a Coolgardie property without the required approvals.

Council issued a formal Notice and Order under the Environmental Planning and Assessment Act 1979 (NSW) which included Council invoices for the service of the Notice and Order as outlined in Council's Fees and Charges. The invoices remain unpaid and the total debt is \$1,530.

The purpose of this report is to obtain approval to write-off the debt.

Key Issues

- Personal circumstances
- Debt recovery costs and likelihood of success

Information

In July 2018, Council staff observed an area of earth and excavation works that would need to be further investigated, including:

1. Excavations of earthworks involving cut and fill of more than 600mm below or above the existing ground level.
2. Construction of horse riding arena. Horse riding area would be defined as a 'recreation facility (outdoor)' and this use would require the prior consent of Council.

A check of Council records did not locate any approvals for any of these works.

Council requested information from the land owner in relation to the unapproved works and received no response. As a result Council issued the formal Notice of Proposed Order which also received no response.

Council then issued the formal Order and the Council invoice to the landowner. The land owner did not respond to Council's Order. Council subsequently issued a penalty notice for the unauthorised works and sought to instruct Council's solicitors to action this matter to achieve compliance.

The property owner made representations to Revenue NSW seeking annulment of the infringement notice. Revenue NSW invited Council to review the representations and having regard for the personal circumstances, the reviewing Council officer recommended that a caution be issued rather than a fine.

9.5 Debtor Write-off

The infringement notice was subsequently cancelled by Revenue NSW and legal action was not taken in view of the personal circumstances of the land owner and efforts of the land owner to obtain the required development consent.

Subsequently the land owner lodged a development application in March 2019. Following submission of additional information a deferred commencement consent was issued on 22 September 2020.

The outstanding debt was administered by Council's Financial Services section and the debt recovery actions to date have been unsuccessful.

During meetings with Council staff the land owner held a view that they should not have to pay the outstanding debt due to not understanding the approval requirements and were unable to pay the outstanding debt due to social, personal and financial hardships experienced.

Due to the particulars of this matter, and in view of the additional costs to Council in pursuing further debt recovery, it is recommended that this debt in the amount of \$1,530 be written off.

Legal / Resource / Financial Implications

Council currently has a debt owed of \$1,530. If Council resolves to further pursue recovery, additional costs will be incurred and may not be recoverable.

Consultation

There has been consultation with the land owner and with Council's debt recovery agency, in an attempt to recover these debts.

If Councillors wish to discuss the personal circumstances of the landowner, it will be necessary to resolve into confidential session due to privacy reasons.

Options

The following options are available.

1. Approve the request for write-off of the debt of \$1,530.00.

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

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

RECOMMENDATION

That Council approves the write-off of the \$1,530 debt as per the details of this report, based on the land owner now having obtained development consent, and due to the personal and financial hardships experienced by the land owner, as conveyed to Council staff.

Attachment(s)

Nil

9.6 Flat Rock Tent Park - Fees and Charges

9.6 Flat Rock Tent Park - Fees and Charges

Delivery Program

Commercial Services

Objective

To adopt the 2021/22 fees and charges and respond to a resolution seeking information on the minimum night stay requirements for the Flat Rock Tent Park.

Background

A report to the November 2020 Ordinary meeting requested approval to exhibit the draft fees and charges for Flat Rock Tent Park for 1 February 2021 to 31 January 2022. The draft fees and charges also included the booking and cancellation / refund policy.

The Council resolution authorised the exhibition of the draft fees and charges and also sought information on the option of reducing the minimum two night stay to a one night stay.

The purpose of this report is to comment on the review of the minimum night stay and to adopt the fees for 2021/21.

Key Issues

- Submissions to fees and charges
- Minimum night stay bookings
- Financial viability of Flat Rock Tent Park

Information

The draft fees and charges were exhibited for public comment with no written submissions received.

Council did receive verbal feedback from park users during the Christmas period that the current provisions do not provide enough flexibility to cancel bookings in response to unforeseen circumstances such as border restrictions and public health order requirements.

For this reason it is proposed to amend the section which refers to 'Severe Weather' to provide for more flexibility to respond to a more diverse range of circumstances. Council would assess each situation on a case by case basis.

The wording in the General Provisions responding to flexibility in cancellation provisions would change from 'Severe Weather' to "Severe Weather/ Unforeseen Circumstances eg. Public Health Orders, State Border Closures".

The updated document with highlighted amendments to identify the recommended changes is included as an attachment to this report.

In respect to minimum night stays, there is currently in the exhibited fees and charges a range depending on the holiday period; i.e.

9.6 Flat Rock Tent Park - Fees and Charges

Christmas Peak Period	Seven nights
Easter Peak Period	Seven nights
Shoulder Period – NSW & Qld School Holidays	Seven nights
Shoulder Period – NSW & Qld Public Holidays incl. long weekends	Three nights
Off Peak Period	Two nights

As part of the development of the annual fees and charges, a review was undertaken of other local and comparative holiday parks' charges, terms and conditions and minimum night bookings.

This process included obtaining feedback from the managers of the Flat Rock Tent Park.

During the off peak period there are parks in the North Coast area that offer no minimum night stay bookings whilst others have a three night minimum.

Examples provided are as follows:

Reflections Holiday Park (multiple parks)	No minimum night stay booking in off peak period (typically two night minimum for other periods)
Discovery Parks (multiple parks)	No minimum night stay booking in off peak period
Tweed Holiday Parks (Council owned and operated)	Reservations for single night stays are not available online. Any bookings can only be accepted after 3pm the preceding day by ringing the park. Overnight stays are only accepted in off peak and generally not on weekends and depend on availability – at discretion of managers.
First Sun Holiday Park, Byron Bay	Minimum three night stay booking

Similar to Tweed Holiday Parks, our on line booking system currently does not provide the ability to make reservations for one night only however there is provision within the Flat Rock Tent Park Fees to enable discretion by the Park Manager.

The Park Manager is currently able to accommodate one night stays for situations where prior advance bookings are not made (e.g. an individual arrives at the park without notice) subject to site availability.

During the review of the fees and charges, the feedback provided by the Park Manager was that if it was proposed to change the minimum night booking to one night that this should only be applied to mid-week stays and not on weekends based on the positive performance of minimum two night bookings for weekends.

The draft fees and charges identifies a minimum cost per night of \$38.00 with the current cancellation administration fee set at \$50.00.

9.6 Flat Rock Tent Park - Fees and Charges

Any proposed changes to the booking information for online bookings for a minimum night stay in off peak periods would require a change to the cancellation / refund fee for off peak periods.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
Minimal impact due to potential change only applying to off peak period bookings.

Legal / Resource / Financial Implications

The introduction of minimum one night stay booking may impact on the availability of sites for weekend multiple night bookings and administration changes for cancellations / refunds.

Consultation

Consultation has been undertaken with the current Park Managers as well as a review of a number of holiday parks within the local area.

Options

1. Maintain the minimum night stay booking for off peak period to two nights with the Park Manager's discretion to reduce the period as required and include a change to the current fees and charges document wording to provide more flexibility to respond to unforeseen circumstances.

This is the preferred option as it provides the flexibility for the Park Manager to take bookings on an as needs basis and provides a better financial return to the Park. Feedback provided by the Park Manager is that this system has operated well to date and there is no identifiable benefit in changing it due to the current flexibility provisions in place.

2. Provide a booking provision that does not have a minimum night stay booking in off peak periods.

This option is not recommended as it may limit the booking potential for sites in the park for weekend bookings.

3. Provide a booking provision that enables a minimum night stay booking during Monday to Thursday only and continue the provision of manager's discretion for one night stays on weekends based on site availability.

This option would improve the flexibility for on line bookings during Monday to Thursday in off peak periods however would result in an increase cost in cancellations and refunds.

9.6 Flat Rock Tent Park - Fees and Charges

Based on the current flexibility of the Park Manager's to accommodate one night stays, this option is not recommended.

In summary, many tourism accommodation providers in highly popular locations, have minimum stays, as it generally results in increased bookings by maximising occupancies. Allowing one night bookings, especially in peak holiday times, can result in the loss of longer term holiday stays.

The current fees and charges provide the option for the Park Manager to provide a one night stay, and on that basis option one is recommended.

RECOMMENDATIONS

1. That Council adopts the amended draft 2021/22 Fees and Charges for the Flat Rock Tent Park, as attached to this report, inclusive of a change to the general provisions to expand the ability to respond to cancellations for unforeseen circumstances such as border closures or public health order requirements.
2. That based on the contents of this report Council retain the current minimum two night booking terms as outlined in the exhibited draft Fees and Charges for the Flat Rock Tent Park.

Attachment(s)

1. Fees and Charges (Review) - Flat Rock Tent Park 2021- 2022

9.7 Local Roads and Community Infrastructure Program - Round Two

9.7 Local Roads and Community Infrastructure Program - Round Two

Delivery Program

Governance

Objective

To further review the projects to be completed through the funding allocated to Council in round two of the Local Roads and Community Infrastructure Program.

Background

A report to the December 2020 Ordinary meeting advised that Council had received an additional \$880,000 through the Federal Government's Local Roads and Community Infrastructure (LRCI) Program resulting in total funding of \$1.76m.

Council resolved to allocate the additional funding to the following projects:

Projects	Allocation \$)
1. Lanes - Amenity Upgrade	226,000
2. Road Reconstruction – Eltham Road	186,000
3. Sporting Facilities – Maintenance / Improvements	261,000
4. Community Halls / Facilities – Maintenance / Improvements	157,000
5. Amenities / Open Space Buildings – Maintenance / Improvements	90,000
6. Pat Morton Car Park (reversal)	(40,000)
Total	880,000

It has now been confirmed that Council has actually been allocated \$880,000 in round one of this program and an additional \$1.76m in round two, when initially it was thought that \$880,000 had been added to the original funding resulting in a total of \$1.76m.

This means there is an additional \$880,000 still to be allocated by Council.

This report seeks confirmation of the additional projects to be funded.

Key Issues

- Projects must be completed by December 2021
- Projects must be additional to existing work plans for 2020/21

Information

As reported to the December 2020 Ordinary meeting, the LRCI Program is part of the Federal Government's COVID-19 pandemic stimulus measures, with the focus on additional projects that can be delivered in a timely manner.

The list of eligible projects is broad with the key criteria being:

- *Eligible local road projects are projects that involve the construction or maintenance of roads managed by local governments.*

9.7 Local Roads and Community Infrastructure Program - Round Two

- *Eligible community infrastructure projects are projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.*

Road related projects can include traffic signs, control equipment, road and sidewalk maintenance, as well as the normal construction and maintenance of roads. Community infrastructure can include cycleways and walking paths, improvements to community facilities, landscaping such as tree planting, fencing, picnic shelters, barbecues, playgrounds, skateparks or off-road car parks such as those at sporting grounds or parks.

Council has resolved to allocate funding to the following projects.

Table One – LRCI Program – Round One

Project	Allocation (\$)
1. Ballina Heights Sports Fields – Lighting	200,000
2. Pat Morton Car Park – Upgrade	40,000
3. Chesworth Lane – Sealing	120,000
4. Pimlico Hall – Improvements	50,000
5. Wardell Hall – Improvements	20,000
6. Ross Park – Playground Redevelopment	250,000
7. Wollongbar Sports Fields – Drainage	200,000
Total	880,000

Table Two – LRCI – Extension (now Round Two)

Projects	Allocation \$)
8. Lanes - Amenity Upgrade	226,000
9. Road Reconstruction – Eltham Road	186,000
10. Sporting Facilities – Maintenance / Improvements	261,000
11. Community Halls / Facilities – Maintenance / Improvements	157,000
12. Amenities / Open Space Buildings – Maintenance / Improvements	90,000
13. Pat Morton Car Park (reversal)	(40,000)
Total	880,000

Pat Morton car park works were reversed due to concerns that the project would not be able to be completed by 31 December 2021 due to the various approvals and permits needed for the works.

Projects 10, 11 and 12 in Table Two refers a large number of essential maintenance works as per the following summary.

Table Three – Projects 11, 12 and 13 – Maintenance / Improvements

Assets	Estimate (\$)	Description	Source
Fripp Oval –AFL Junior Club Storage (Referred to as 'Old Shed' in Australis Report)	45,000	Reroof and gutter, external paint, remove asbestos sheeting, replace fascia, electrical upgrade	Australis report
Naval Museum Public toilets and Accessibility	38,000	Upgrade to public toilets to current standards to improve accessibility	Australis report
Seagulls Southern Overpass	50,000	Repair subsidence issues due to structural deterioration	Trades staff inspection

9.7 Local Roads and Community Infrastructure Program - Round Two

Assets	Estimate (\$)	Description	Source
Lennox Head Cultural Centre Stage and Lift	35,000	Install permanent stage and disability lift	Accessibility improvement
Lennox Head CWA – Hall	15,000	Anti-vandal roof access prevention	Trades staff inspection report
Timber Slat at Fawcett Park Shelters	15,000	Replace deteriorated timber slats on park shelters	Trades staff inspection
Ballina Surf Life Saving Club Hot Water System Failed	15,000	Replace existing corroded system with ecofriendly solar with booster	Trades staff inspection
BBQ - Replacement Upgrade	40,000	Replace existing aged BBQ's in various parks some units over 14 years old	Trades staff inspection
Park Shelter Maintenance	35,000	Carry out shelter repairs throughout various reserves	Trades staff inspection
Saunders Oval Sports Club	18,000	Balcony, doors, electrical, finishes ceiling, floor and wall, fixtures, plumbing, structural	Australis report
Rowing Club	40,000	Doors, electrical, façade, finishes ceiling, floor and wall, fixtures, plumbing, structural, windows	Australis report
Geoff Watt Oval Sports Amenities Building	70,000	Electrical DB, fluoro lights, zip boiler, finishes amenities ceiling, broken tiles, metal window grille, plumbing, roof, fascia, paint wooden post	Australis report
Ballina Hockey Club	18,000	Maintenance, fixture improvements	Australis report
North Lakes Hall	19,000	Electrical, upgrade kitchen facilities, external and internal building repairs, painting	Australis report
Wardell Hall	25,000	Asbestos debris removal and maintenance	Australis report
Kentwell Centre	10,000	Amenity enhancements	Trades staff inspection
Lyle Park	20,000	Immediate maintenance works	Trades staff inspection

With an additional \$880,000 in funding available, the focus on preferred projects is again on improvements and maintenance items that are typically left as a lower priority, or don't have a sufficient recurrent budget to fund the works needed, along with existing major projects where there may be funding shortfalls.

In respect to maintenance priorities, the initial request from operational staff for BBQ replacements was \$150,000 and park shelter maintenance was also \$150,000.

The recommendation to the December 2020 Ordinary meeting was \$40,000 and \$35,000 respectively, as outlined in Table Three, to allow a wide range of projects to be delivered through the \$880,000 in funding.

9.7 Local Roads and Community Infrastructure Program - Round Two

With \$75,000 approved (\$40,000 plus \$35,000) and \$300,000 initially requested, an additional \$225,000 could be added to the Round Two funding to match the original request.

One project that has recently arisen is the public lift in the Council Administration Centre, which is largely beyond its useful life. The preliminary estimate is that replacement will cost approximately \$70,000.

As the LRCI highlights improved community accessibility as a key criteria, this project may well be eligible. Ensuring that the Administration Centre foyer toilets are compliant with current accessibility standards could be added creating a total budget of \$100,000.

In reviewing major projects that are underway and could be delivered by 31 December 2021, the two projects in progress with distinct components unfunded are the Coastal Walk and the Lennox Village Vision, being the main street renewal for Lennox Head.

Major components of the Coastal Walk that were excluded from the adopted tender, due to funding shortfalls, are as follows.

Table Four – Coastal Walk - Unfunded Components

Detail	Estimate (\$)	Comments
Structure 1 – Two metre wide asphalt finger path with viewing platform in recycled plastic decking (two viewing platforms in a similar location just north of Sharpes Beach)	350,000	Very accessible
Structure 2 - Seating node including bench, kickboard and signage further north of Sharpes Beach (top of headland area)	40,000	
Structure 5 - Two composite fibre finger paths with recycled plastic decking and safety balustrades, leaning rails and signage (top of Pat Morton Lookout)	117,000	
Structure 6 - Split level composite fibre viewing platforms with recycled plastic decking, safety balustrades, leaning rail and step connection (top of stairs at Pat Morton Lookout)	70,000	Help to finish off this area
Sub-total Structures	577,000	
Various items for gravel pathway, steep path works	313,000	Various chainage to improve drainage / appearance particularly on steep headland sections.
Total	890,000	

From an operational perspective Structure 5 is the highest priority, particularly as it has been supported by the NSW Police and NSW Coroner.

9.7 Local Roads and Community Infrastructure Program - Round Two

This project is ready to commence and the existing construction contract for the Coastal Walk could be extended to include these works, which will ensure it is complete by 31 December 2021.

There is currently a Bushfire Local Economic Recovery grant program open, for tourism related projects, and it is intended to apply for other components of the Coastal Walk through that program, due to its strong emphasis on tourism.

In respect to the Lennox Village Vision project, as reported to the August 2020 Ordinary meeting, the estimate for all the adopted components of this project is approximately \$10m.

At the August 2020 Ordinary meeting, Council endorsed a project budget of \$6.8m to fund the following components:

Component	Estimate (\$)
Stage 1a – Ross Park	535,000
Stage 1b – Ross Park	265,000
Stage 2 – Town Centre	5,703,000
Total	6,503,000
Contingency	297,000
Total	6,800,000

Components that remain unfunded include:

Component	Estimate (\$)
Balance of Ballina Street, Byron and Park Lane	2,750,000
Future Stage – Foreshore	465,000
Future Stage – Park Lane	423,000
Total	3,638,000

A copy of the concept plan is attached to this report.

In completing the detailed design for the Town Centre component, what has become apparent is that the works in Ballina Street will result in a significant raising of the road and street pavement.

Two sections of the unfunded portion of the Ballina Street works are the raised entries to the town centre from the north and south. The construction of these raised entries will provide the effect of slowing traffic down a more gradually at the entry points to the Main Street. The raised entries will act collectively with the works currently funded to calm vehicular movement and result in a more holistic redevelopment of Ballina Street.

The preliminary estimates for these two items is approximately \$400,000 each inclusive of a 20% contingency.

The downside to including these works in the LRCI program is that based on the current Lennox Village Vision construction program, it will not be logistically possible to complete the raised entries by 31 December 2021.

9.7 Local Roads and Community Infrastructure Program - Round Two

As they are a high priority for funding, another option is to bring forward revenue funded works from 2021/22, which are already in Council's adopted Delivery Program, fund those works this year from the LRCI program and then reallocate the funds freed up in 2021/22 to the Lennox Village Vision project. This achieves the objective of reducing some of the current shortfall for the Lennox Village Vision.

In reviewing the 2021/22 works program, one priority identified from operational staff is to bring forward the public amenities improvement program, with the four year program in Council's adopted Delivery Program as follows:

Location	2020/21	2021/22	2022/23	2023/24
Wardell (completed)	160,000			
Main Beach, Lennox Head		180,000		
Moon Street, Ballina			185,000	
Commemoration Park, Ballina				190,000

The Wardell Toilet refurbishment was recently completed by Council trades staff, well under budget (\$55,000 expended to date based on a budget of \$160,000). The \$180,000 allocation for 2021/22 could be brought forward and funded through the LRCI Program.

In respect to the actual works program, based on the significant savings achieved by staff this year at Wardell, it may well be possible to complete all the three projects currently identified in the Delivery Program. The initial focus will be on Moon Street and Commemoration Park as any Lennox Head works require cultural heritage approvals.

Bringing forward further road construction works was also considered, however there is already a significant program in place and the recent tender for contractors to undertake some road works, has not, to date, secured a cost effective result.

Similarly the open spaces playground program is already significant and the preference was not to bring forward any works from that program.

The one other area of recurrent capital expenditure where projects could be delivered in a timely manner, by Council staff, is the footpath program. In reviewing the program for 2021/22 the two projects that could be brought forward are:

- Bagot Street and Canal Road, Ballina \$149,000 (Bagot Street works have been completed this financial year and the Canal Road works is the next extension of that project)
- Grandview Street, Ballina - \$72,000 (Suvla Street footpath works are scheduled this financial year and the Grandview Street works can follow on from that project).

Based on this information and acknowledging that completion of the funded projects by 31 December 2021 is the priority a possible program of works for the \$880,000 available could be as follows:

9.7 Local Roads and Community Infrastructure Program - Round Two

Description	Amount (\$)
BBQs and Park Shade Shelters	225,000
Administration Centre Foyer – Lifts / Toilets	100,000
Coastal Walk – Structure 5 and Path Improvements	154,000
Public Amenities – Improvement Program	180,000
Footpaths – Bagot Street and Canal Road	149,000
Footpaths – Grandview Street	72,000
Total	880,000

The items marked in yellow, totalling \$401,000, are included in the adopted Delivery Program for 2021/22 funded from general revenue.

As per the comments on the Lennox Village Vision project it is recommended that the \$401,000 in general revenue be reallocated in the Long Term Financial Plan to the Lennox Village Vision works to assist in funding, at least, one of the raised entries in Ballina Street.

This still leaves another \$400,000 needed for the second raised entry, with the funds likely to be required for the construction works during 2022.

The intention is to review the Community Infrastructure Reserve cash flows at the March or April 2021 Finance Committee meetings, as scheduled for the preparation of the 2021/2024 Delivery Program and 2021/22 Operational Plan, to determine whether there are sufficient funds in that reserve to finance the \$400,000 shortfall.

A major source of income for the Community Infrastructure Reserve is developer contributions recouped for community infrastructure projects Council has constructed ahead of the schedule in the Open Spaces and Community Facilities Contributions Plan. With development still continuing at a relatively high rate across the Shire, it is likely that the reserve balance will be higher than originally forecast.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The LRCI Program has a focus on community outcomes and many of the projects listed deliver community benefits.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The projects listed are all works that can be delivered in a timely manner through existing resources.

Consultation

There has been internal staff consultation in respect to the projects, with a number of the works reflecting community feedback / requests.

Options

The options are to endorse the projects listed, or amend, based on differing priorities.

It has been difficult to identify works that can be completed by 31 December 2021, particularly when Council still has a significant capital works program in place.

The recommendations reflect projects that staff are confident can be delivered by 31 December 2021, while also freeing up some funds for the Lennox Village Vision project.

RECOMMENDATIONS

1. That Council confirms the preferred program of works for the \$1.76m allocated through the Local Roads and Community Infrastructure Program, Round Two, is as follows:

Approved December 2020 Ordinary Meeting

Projects	Allocation \$)
Lanes - Amenity Upgrade	226,000
Road Reconstruction – Eltham Road	186,000
Sporting Facilities – Maintenance / Improvements	261,000
Community Halls / Facilities – Maintenance / Improvements	157,000
Amenities / Open Space Buildings – Maintenance / Improvements	90,000
Pat Morton Car Park (reversal)	(40,000)
Total	880,000

Additional Projects

Projects	Allocation \$)
BBQs and Park Shade Shelters	225,000
Administration Centre Foyer – Lifts / Toilets	100,000
Coastal Walk – Structure 5 and Path Improvements	154,000
Public Amenities – Improvement Program	180,000
Footpaths – Bagot Street and Canal Road	149,000
Footpaths – Grandview Street	72,000
Total	880,000

2. That the \$401,000 in funding currently allocated for Public Amenities (\$180,000) and Footpaths (\$221,000) in the 2021/22 Long Term Financial Plan be reallocated to the Lennox Village Vision Project to assist in funding the raised entries for Ballina Street.

Attachment(s)

1. Lennox Village Vision Concept Plan

9.8 Tender - Lennox Head Treatment Plant - Membrane Replacement

9.8 Tender - Lennox Head Treatment Plant - Membrane Replacement

Delivery Program

Water and Wastewater

Objective

To provide the results of the tender process for the Lennox Head Wastewater Treatment Plant Membrane Replacement

Background

The works to be undertaken under this contract are the supply and installation of replacement filter membranes at the Lennox Head Wastewater Treatment Plant.

Tenders were called in November 2020 and at the close of tenders on 3 December 2020, 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

Information

22 companies downloaded the documentation with tenders received from:

- Aquamanage Environmental Pty Ltd
- Pall Water Pty Ltd
- Aqualyng ICES Pty Ltd

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

- Insurance
- Work Health and Safety compliance
- Conformity with Tender Requirements

Pall Water Pty Ltd was the only company which met the mandatory criteria assessment and was assessed using the following weighted assessment criteria:

- Pricing Structure 50%
- Capability, Experience & Performance History 10%
- Understanding of requirement/s 15%
- Methodology & Works Program 10%
- Local and Community 15%

Pall Water Pty Ltd has been assessed as the preferred tenderer based on the evaluation. Details of the assessment and pricing options have been provided to Councillors by a confidential memorandum.

Sustainability Considerations

- **Environment**
Replacement of membranes at the treatment plant will ensure ongoing viability of recycled water.
- **Social**
Not Applicable
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Council has undertaken a public tender process in accordance with Local Government (General) Regulations 2005. The replacement of the Lennox Head WWTP Membranes has been identified as part of the Wastewater Long Term Financial Plan. There is a shortfall of \$100,000 in the current budget for 2020/21, which will be addressed in the Capital Expenditure Review report elsewhere in this agenda.

Consultation

A public tender process was undertaken.

Options

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

- (1) *After considering the tenders submitted for a proposed contract, the council must either:*
- (a) *accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
 - (b) *decline to accept any of the tenders.*

Based on the tender evaluation, it is recommended that Council accept the tender from Pall Water Pty Ltd using the Asahi Kasei LOA-6210 membrane.

RECOMMENDATIONS

1. That Council accepts the tender from Pall Water Pty Ltd using the Asahi Kasei LOA-6210 membrane for the Lennox Head WWTP – Membrane Replacement.
2. That Council authorises the General Manager to attach the Council seal to the contract documents.

Attachment(s)

1. Confidential Memorandum - Lennox Head Wastewater Treatment Plant - Membrane Replacement - Tender Assessment (Under separate cover)

9.9 Tender - Airport Security and Screening Services

9.9 Tender - Airport Security and Screening Services

Delivery Program

Commercial Services

Objective

To provide the results of the tender process for the Security and Screening Services at the Ballina Byron Gateway Airport.

Background

The works to be undertaken under this contract are Provision for Security and Screening Services at Ballina Byron Gateway Airport for a three year period.

Tenders were originally called for security and screening services at the beginning on 2020 and reported to Council in March 2020. Council resolved not to accept the tender due to uncertainty caused by COVID-19.

Tenders were re-issued in October 2020 and at the close of tenders on 27 October 2020, five tender submissions were received.

This report outlines the results of the tender process.

Key Issues

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

Information

14 companies downloaded the documentation with tenders received from:

- Aerordrome Management Services Pty Ltd
- Sydney Night Patrol & Inquiry Co Pty Ltd
- MSS Security Pty Ltd
- Securecorp (NSW) Pty Ltd
- Trident Services Security Pty Ltd

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

- A minimum \$250m aviation liability insurance
- Workers compensation insurance
- Professional indemnity Insurance

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

- | | |
|--|-----|
| • Pricing Structure | 40% |
| • Previous performance in Aviation Passenger Screening | 30% |
| • Resourcing | 15% |
| • Local and Community | 15% |

MSS Security Pty Ltd has been assessed as the preferred tenderer based on the evaluation. Details of the assessment and pricing options have been provided to Councillors by a confidential memorandum.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
Cost of program funded by airline landing fees

Legal / Resource / Financial Implications

Council is required under the Aviation Transport Security Act 2004 and Aviation Transport Security Regulations 2005 to provide mandatory security screening services at the Ballina Byron Gateway Airport.

Security fees are levied at a per passenger rate from airlines calculated to cover the costs for security screening services.

The estimated cost is based on the current flight schedules for the airport.

Consultation

A public tender process was undertaken.

Options

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

- (1) *After considering the tenders submitted for a proposed contract, the council must either:*
 - (a) *accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
 - (b) *decline to accept any of the tenders.*

Based on the tender evaluation, it is recommended that Council accept the tender from MSS Security Pty Ltd.

RECOMMENDATIONS

1. That Council accepts the tender from MSS Security Pty Ltd for the Provision for Security and Screening Services at Ballina Byron Gateway Airport.
2. That Council authorises the General Manager to attach the Council seal to the contract documents.

Attachment(s)

1. Confidential Memorandum - Airport Security and Screening Services - Tender Assessment (Under separate cover)

9.10 Tender - Road Reconstruction Program

9.10 Tender - Road Reconstruction Program

Delivery Program

Engineering Works

Objective

To provide the results of the tender process for the 2020/21 Road Reconstruction Program

Background

The works to be undertaken under this contract involves the reconstruction of the following three roads identified in the Delivery Program and Operation Plan:

- Fernleigh Road, Segment 80
- Kays Lane, Wollongbar, Segment 20
- South Ballina Beach Road, Segment 60

Expressions of interest were called in August 2020, with submissions being received from five companies. At the completion of the evaluation of the expressions of interest, all five companies were invited to submit a tender.

Tenders were issued to the five companies on 4 November 2020 and at the close of the tender period on 25 November 2020, three tender submissions were received.

Key Issues

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

Information

The five companies downloaded the tender documentation with tenders being received from:

- Alder Constructions
- CD Excavations
- CCA Winslow

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

- Appropriate insurance cover
- Compliant WH&S management system
- Compliant Quality management system
- Compliant Environmental management system

9.10 Tender - Road Reconstruction Program

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

- Pricing structure 70%
- Methodology and works program 15%
- Local and Community 15%

CD Excavations Pty Ltd has been assessed as the preferred tenderer based on the evaluation. Details of the assessment and pricing options have been provided to Councillors by a confidential memorandum.

Sustainability Considerations

- **Environment**
The successful tenderer will be required to implement an environmental management plan for the works.
- **Social**
The road reconstruction program will provide for improved community infrastructure.
- **Economic**
The establishment of essential community infrastructure improves the economic outlook for the shire.

Legal / Resource / Financial Implications

The reconstruction of the three roads is identified in the Delivery Program and Operation Plan.

The total price, submitted by the lowest tenderer, exceeds the remaining 2020/21 budget by the sum of \$150,685 (excl. GST) or 19%.

Consultation

A public tender process was undertaken.

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.

9.10 Tender - Road Reconstruction Program

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

- (3) *A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:*
- (a) *postpone or cancel the proposal for the contract,*
 - (b) *invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
 - (c) *invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
 - (d) *invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
 - (e) *enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
 - (f) *carry out the requirements of the proposed contract itself.*
- (4) *If a council resolves to enter into negotiations as referred to in subclause 3 (e), the resolution must state the following:*
- (a) *the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*
 - (b) *the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).*

This approach will enable staff, prior to the issue of a letter of award, to resolve any outstanding points in the contract, review the final scope of works with a preferred contractor, and limit the overall change required to the adopted budget.

RECOMMENDATIONS

1. That Council in accordance with the Local Government (General) Regulation 2005 Section 178(1)(b), declines to accept any tenders for the Construction of Roadway and Associated Components for Roads Reconstruction Program as the tenders are in excess of the Council budget for the entire project.
2. That Council, in accordance with Local Government (General) Regulation 2005 Section 178(3)(e) authorises the General Manager to enter into negotiations with the two lowest priced tenderers CD Excavations Pty Ltd and CCA Winslow Pty. Ltd., with a view to enter into a contract for the Construction of Roadway and Associated Components for Roads Reconstruction Program.

9.10 Tender - Road Reconstruction Program

3. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(a) the reason Council has declined to invite fresh tenders is that the tender process has established sufficient market interest and it is more efficient and timely to negotiate with interested parties than call for new submissions.
4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b), Council has determined to negotiate with CD Excavations Pty Ltd and CCA Winslow Pty Ltd with a view to entering into a contract in relation to the subject matter as they are the preferred tenderers following assessment against the mandatory and weighted evaluation criteria established for the tender.
5. That Council authorises the General Manager to attach the Council seal to the contract documents.

Attachment(s)

1. Confidential Memorandum – Road Reconstruction - Tender Assessment (Under separate cover)

9.11 Delivery Program and Operational Plan - 31 December 2020 Review

9.11 Delivery Program and Operational Plan - 31 December 2020 Review

Delivery Program

Governance

Objective

To review the implementation of the 2020/21 to 2023/24 Delivery Program and 2020/21 Operational Plan for the six month period to 31 December 2020.

Background

Section 404 (5) of the Local Government Act states as follows:

Delivery Program

"The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months".

The preferred approach is to provide quarterly reports to ensure the information remains contemporary.

This report represents the second review of the 2020/21 to 2023/24 Delivery Program and the 2020/21 Operational Plan, with the information based on the period to 31 December 2020, representing the first six months of the 2020/21 financial year. The review is included as a separate attachment.

The attachment provides an overview of all the actions and indicators included in the Delivery Program and Operational Plan (DPOP), with comments provided by the Director and / or Section Manager. The current DPOP is available on Council's website and is also accessible on the Councillor iPads.

Key Issues

- Compare results to date against adopted goals and priorities

Information

The DPOP is the key corporate document that outlines Council's goals and priorities, with a four year forecast for the Delivery Program and a one year action list for the Operational Plan.

The attachment provides an update on all the adopted actions and indicators in the DPOP, with the information also linked to Council's Community Strategic Plan (CSP) objectives. The attachment has two main sections:

- Program Actions – Outlines the status of all the adopted actions in the Operational Plan
- Service Indicators – Measures actual results as compared to the adopted indicators in the Operational Plan.

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All items are marked with a green (on track for this financial year) amber (behind schedule or trending below target) or red (off track or well below benchmark) traffic light.

There are 121 program actions listed in the Operational Plan and the following two tables provide an overview of the status of those actions on a number and percentage basis.

Program Actions Summary - By Division and Number

Group / Status	C&C	Civil	PEH	Total
Green	31	27	50	108
Amber	1	2	9	12
Red	0	0	1	1
Total	32	29	60	121

Program Actions Summary - By Division and Percentage

Group / Status	C&C	Civil	PEH	Total
Green	97	93	84	89
Amber	3	7	15	10
Red	0	0	1	1
Total	100	100	100	100

The majority of items are on track and some items of interest in the attachment include:

- Deliver Ballina SES Headquarters and Construct Lennox Head Rural Fire Service (RFS) Shed at Byron Bay Road (page 2) – Council has endorsed for further investigation the land to the south of the existing SES building as a possible site for expansion of the building. The RFS shed is progressing through the planning process.
- Implement Public Art Program (page 3) – The Lennox Head skate park public art has received positive feedback and an artist has been engaged for the public art planned for the Wollongbar District Park.
- Support Council initiated volunteer programs (Airport, Gallery etc) (page 3) - Seven volunteers have been recruited this quarter for the Airport and the Visitor Information Centre, which is an excellent outcome.
- Review of the Ballina Shire Community Facilities Strategy 2008 (page 6) – This project is behind schedule. The strategy is an important project for 2020/21 as the results will underpin the review of the Open Spaces and Community Facilities Section 7.11 Contributions Plan.

The Strategic Planning Section has 37 distinct actions identified in the Operational Plan, on top of their day to day responsibilities. This is a significant workload, with many actions created from the Crown Land Management Act, and a number will run into the 2021/22 financial year.

- Progress Lennox Head Town Centre Village Renewal (page 7) – This project is tracking well with the concept plans endorsed by Council and the detailed designs now being advanced.

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- Examine planning options to expedite the delivery of commercial and retail shops in the Ballina Heights Estate (page 8) – The owners of the commercially zoned land are providing a briefing to Councillors in February 2021, which will hopefully progress the commercial and retail shop development.
- Promote Ballina Marina (Trawler Harbour) Master Plan (page 8) – Council has sought to raise awareness in relation to the project through correspondence to Ministers and State agencies, including the Department of Regional NSW, reinforcing interest in advancing this project. There has been some private sector and State agency enquiry received seeking information on the status of the adopted master plan and steps required to advance the project.
- Determine operational future of Council quarries and Airport Sandpit (page 9) - Quarries – The Airport Sandpit focus remains on the potential to use any resource to assist with the fill required for the Southern Cross Innovation Precinct and Expansion, subject to appropriate zoning of the land.

For Stokers Quarry, it had been proposed to engage a consultant to examine options for the site. Rather than incurring this cost, a preferred option, in the first instance, is to determine whether there is support to use all, or part of this site, as an extension to the Duck Creek Mountain Bike Park, which is on the adjoining Council owned land.

Council leases that site to the Northern Rivers Dirty Wheels Mountain Bike Club Inc. and the Club has done an excellent job in creating a popular and well used mountain bike track.

Council's adopted Ballina Shire Sport and Recreation Plan (2020) includes the following actions for mountain biking (page 84 of the plan):

Based on the facility needs assessment, the recommendations for Mountain Biking within the Ballina Shire are:

1. *Work with the Club to undertake site investigations for the provision of a future regional level mountain bike facility within the Shire to cater for local users as well as to attract visitors to the Shire. Additionally, consider partnerships with adjoining Local Councils*
2. *Once a suitable site is secured, undertake site planning and design in conjunction with the Club*
3. *Continue to support the Club in maintaining the Duck Creek Mountain Bike Facility*

Very preliminary discussions with members of the Mountain Bike Club indicate there is interest in extending into the Stokers Quarry site. On this basis it is recommended that Council provide in principle support for the Club to evaluate this option. The outcome of that evaluation can then be reported to Council to determine whether to proceed with this proposal.

Previous reports to Council on Stokers Quarry identified that \$258,000 needed to be expended on the site to ensure the site was safe to operate as a quarry (Ausrocks Consulting Mining Engineers – March 2016)

Ausrocks also provided the following valuations for the site in October 2015:

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- a) Resource Value – Current approval - \$380,000
- b) Resource Value – Future DA approval – \$980,000
- c) Land Value (July 2014) - \$755,000

With mountain biking being a growing sport, there is a strong argument that an expanded facility would bring higher economic benefits through increased tourism and day visitors, than the direct financial benefit of the material at the site, particularly when a development consent for an expanded quarry is always difficult to obtain due to environmental and amenity impacts.

Rather than spending funds from the Council's Quarry Reserves on remediating or operating the Stokers Quarry site, an alternative could be to expend some of those funds, with possible grant monies, once secured, on expanding the existing mountain bike facility.

Dependent on the area needed for the mountain bike facility, there could also be opportunities on the site for environmental restoration and biodiversity offset opportunities, which can provide environmental and economic benefits to Council.

An aerial of the quarry site is as follows.



The recommendations to this report seek support to further evaluate the mountain bike facility option.

In respect to the Tuckombil site, it has a large number of potential use options available, recognizing that it is close to sports fields and residential

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properties, and it is still intended to engage a consultant to provide an options report to Council.

- Facilitate local affordable housing planning and policy framework (page 10) – In addition to Council reviewing a proposal for housing on Council owned land in the Wollongbar Urban Expansion Area, staff are reviewing a new assessment tool recently released by the Department of Planning Industry and Environment.

This assessment tool tests scenarios and the viability of an affordable housing contribution rate under an affordable housing contribution scheme available to councils under State Environmental Planning Policy No. 70 Affordable Housing (Revised Schemes).

This then helps councils determine a viable affordable housing contribution rate for new residential floor space, which will assist in ascertaining whether an affordable housing contribution scheme should be pursued.

The preparation of the policy framework is continuing with staff currently collating housing and population data. It is intended to schedule a briefing in the short term to discuss the various options available for the framework.

- Progress dual laning of River Street (page 11) – Works are scheduled to start on the Burns Point Ferry Road to Barlows Road section of this project during February 2021.
- Implement Shaws Bay Coastal Management Plan (page 13) – Significant works completed at Shaws Bay, including dredging, which was many years in the planning.
- Implement management plans for Killen and Tosha Falls (page 18) – The large number of visitors to the Shire, which appears to be a common COVID-19 pandemic outcome for regional areas, particularly for coastal holiday towns, places significant pressure on many pristine areas that have with limited infrastructure.

Killen Falls has had a large number of visitors with complaints received from adjoining residents and drivers due to over flow car parking on the site and on Friday Hut Road.

Council adopted a plan of management plan for Killen Falls in 2017 and a summary of the status of the actions in that plan is as follows.

Killen Falls – Plan of Management – Actions Summary

Objectives	Detail	Estimate (\$)	Year	Status
Ensure the ecological viability of the land by protecting its biodiversity and promoting rehabilitation of rainforest. Protect and respect the aesthetic, heritage, recreation, education and scientific values of the land and Emigrant Creek.	Declare the subject land to be a dog prohibited area.	Minimal cost	1	Completed
	Provide signage requesting that visitors stay on the designated track and keep out of rainforest rehabilitation areas.	\$720	1	Completed
	Provide stickers or signage encouraging patrons not to litter.	\$250	1	Completed
Minimise impacts arising from the use of the subject land on adjacent private land (in particular trespass and privacy).	Provide fencing and an additional warning sign to prevent access from next to the viewing platform, which is currently used to access the creek and rocks at the top of the falls.	\$375	1	Completed
	Follow up with tour operators who visit Killen Falls to ensure they have a licence with Ballina Shire Council to operate on public land and that they have appropriate insurance in place (consistent with Council policy).	Minimal cost	1	Continued education and management under Commercial Activities on Public Land policy
Provide facilities proportionate to site use that allow public enjoyment of the land. Provide for the safety of the users of the subject land.	Alert the public of potential risks on the subject land by providing signage based on Australian Standards for hazard signage.	\$1,500 (\$375 per sign)	1	Completed
	Provide signage advising that Council does not make any claim that the water in Emigrant Creek meets the standard required for swimming, and that swimming is not advised.	\$375	1	Completed
	At the northern end of the car park, provide signage that identifies the viewing platform track and supplies information regarding its suitability for different ages or abilities as well as distances and hazards.	\$750	1	Completed
	Provide additional signage to properly identify an existing designated turning area at the northern end of the car park. Parking signage improvements are recommended, including no overnight stays and no parking opposite the current nine bays.	\$1,120	1	Completed
	Provide an edge-to-edge speed hump at the entrance to the car park and designate a 10 kph speed limit in the car park as a shared zone.	\$2,100	1	RMS advised that this action unable to be implemented

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Objectives	Detail	Estimate (\$)	Year	Status
	Provide road markings and signage to identify a designated disabled car space in the existing car park.	\$750	1	Completed
	Declare the entire area to be glass free to make it safer for users and discourage anti-social behaviour.	Minimal cost	1	Completed
	Replace the rotted timber bench seat near the car park utilising existing brackets and footings.	\$200	1	Completed
	Undertake periodic water quality monitoring at the falls using the criteria normally assessed for human contact. Water quality monitoring will only be undertaken if Council seeks to promote the site as a swimming location.	\$2,500 per annum recurrent cost	1-4	Not applicable as not promoted as swimming site
Provide facilities proportionate to site use that allow public enjoyment of the land. Minimise the impacts arising from the use of the subject land on adjacent private land (in particular trespass and privacy).	Provide a permanent toilet at the northern end of the car park, near the beginning of the track to the falls. The design and wastewater capacity of the toilet should be assessed by a wastewater management professional. This public toilet is not planned for construction until Rous County Council contributes to 50% of the cost.	\$130,000 Installation \$10,000 design / approval	2	Completed
		\$15,500 per annum recurrent cost	3 and 4	Ongoing
	Undertake track improvements along the 330 metre length of the viewing platform track to make it safer and to reduce slip and trip hazards along its length.	\$25,500	2	Completed
	Undertake site safety inspections at the falls not less than monthly.	Undertake at same time as water quality assessment	1	Implemented utilising e-form to record inspections
Minimise impacts arising from the use of the subject land on adjacent private land (in particular trespass and privacy).	Establish additional landscaping near the front boundary of Lot 3 DP 251994 to increase privacy for the dwelling on this lot. Install bollards as part of landscaping near the front boundary.	\$3,700	3	Rock bollards completed, landscaping scheduled for February 2021
	Fence both sides of the viewing platform track along its entire length to decrease access to the northern side of Emigrant Creek and to Lot 2 DP 251994.	\$10,500	3	Completed
Provide facilities proportionate to site use that allow public enjoyment of the land. Minimise impacts arising	Beyond the viewing platform, install a low, fixed handrail along the steep section to improve safety for site users who access the creek.	\$2,400	3	Completed

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Objectives	Detail	Estimate (\$)	Year	Status
from the use of the subject land on adjacent private land (in particular trespass and privacy).	Implement measures to slow traffic along Killen Falls Drive to make it safer for pedestrians, including speed reduction (40kph) for the entire road from the turn-off to the car park and speed cushions (with signage) to make it happen.	\$6,700	3	RMS has advised Council that this action unable to be implemented.
Ensure the ecological viability of the land by protecting its biodiversity and promoting rehabilitation of rainforest.	Complete an updated assessment of the biodiversity values of the Council owned land adjacent to Killen Falls.	\$8,000	3	Not commenced
	Revise the Killen Falls Vegetation Restoration Plan 2004 based on the updated assessment of the biodiversity values of the site.	\$3,000	3	Not commenced
Ensure the ecological viability of the land by protecting its biodiversity and promoting rehabilitation of rainforest. Protect and respect the aesthetic, heritage, recreation, education and scientific values of the land and Emigrant Creek.	Protect, maintain and continue to rehabilitate environmentally sensitive areas, and continue with rainforest rehabilitation on land in Council control.	\$10,000 per annum recurrent	4	Not commenced
Provide facilities proportionate to site use that allow public enjoyment of the land. Provide for the safety of the users of the subject land.	Identify parking overflow areas along Killen Falls Drive as well as bus parking. Use <i>Geohex</i> or similar material to control erosion and damage to the road verge in these locations. Use signage to identify the preferred locations and parking patterns.	\$43,400	4	Not commenced

As per this summary, a large number of the actions are completed, particularly the provision of toilet facilities which had the highest cost.

The major actions not completed relate to some extent to approvals not provided by Transport for NSW (TfNSW - RMS). For example the creation of a 10 km per hour shared zone was not approved.

In late 2020, the TfNSW - RMS was approached to introduce a 50 km per hour speed zone in this locality and they have agreed to inspect the site and complete a review. They have also been asked to determine whether there are options to improve the operation of the Friday Hut Road / Killen Falls intersection.

As well as the speed zone, the planned inspection will consider parking controls and improved line marking and warning signage. To assist with this process, Council has deployed traffic classifiers on Friday Hut Road and Killen Road. The classifiers will collect speed and volume data.

Another interim option is to deploy temporary traffic controls or warnings (for example variable message boards) during peak holiday periods to reinforce to drivers the risks.

For any blocked driveways, NSW Road rules apply and enforcement actions are possible and another action is to implement further signage to reinforce the rules.

In summary a number of the plan of management actions have been completed and the priority focus is now on traffic management and road and parking controls.

- Implement management plan for Ocean Breeze Reserve (page 19) – Council adopted this plan in 2017 with the Lennox Head Community Garden Group establishing onsite. Now that the Hutley Drive extension is completed the installation of playground equipment is scheduled for the last quarter of the current financial year.

One other matter that has arisen is that the Lennox Head Lions Club has been successful in obtaining a grant for a new shed for storage of their equipment and trailer. Unfortunately the application was submitted and the grant approved without a preferred site. The planned shed is of a reasonably significant size and scale (approximately 60 square metres) and Council staff and the Lions Club have not been able to identify a suitable location, with this matter now having been on-going for at least 18 months.

As with any grant, there are time limits and the Lions Club need to have a development application for a preferred site advanced by the end of March 2021.

At the most recent meeting between staff and the Lions Club, Ocean Breeze Reserve was identified as a possible option, as part of the area licensed to the Lennox Community Gardens. This was based on informal feedback from the Community Gardens to the Lions Club that an existing structure within the licensed area could be removed and replaced with the shed.

Prior to preparing and lodging a development application, the Lions Club, in conjunction with Council, intend to liaise with adjoining neighbours to explain the proposal and try and eliminate, or at least reduce, any concerns.

If Ocean Breeze Reserve does not eventuate the only remaining site identified as feasible, is an extension to the existing storage shed that the Lions Club use at the Skennars Head sports fields.

This extension would need Councillors to approve a construction over the property boundary and on to the road reserve, which would normally not be recommended or approved by Council staff. Therefore that proposal will need to be reported to Council.

This matter remains on-going.

- Implement technology solutions that generate productivity gains (page 24) – Council's corporate systems are being integrated with the Department of Planning's new e-portal. All planning applications must be lodged through this portal from 1 July 2021. This should improve the quality of applications received and result in greater consistency in application information across the State. The system also collates statistical information for use by Council and the Department of Planning.

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- Undertake a community survey to measure perception of Council service delivery (page 25) – The Micromex community importance and satisfaction survey results were received during December 2020, with the results being positive as benchmarked against other regional coastal councils.

In respect to Service Delivery there are a total of 100 indicators identified in the Operational Plan and the following two tables provide an overview of how the indicators are tracking against the benchmark, again on a number and percentage basis.

Service Indicators Summary - By Division and Number

Group / Status	C&C	Civil	PEH	Total
Green	32	16	22	70
Amber	12	5	6	23
Red	4	0	3	7
Total	48	21	31	100

Service Delivery Indicators Summary - By Percentage

Group / Status	C&C	Civil	PEH	Total
Green	67	76	71	70
Amber	25	24	19	23
Red	8	0	10	7
Total	100	100	100	100

A number of these indicators are beyond the control of Council and the indicator's primary purpose is to provide an idea of how a service may be tracking compared to previous years. Items of note include:

- Number of passengers for Airport (page 32) – After dropping to a cumulative 12 month figure of 370,900 for the September quarter the cumulative 12 month figure to December 2020 is 405,200 with December numbers very strong. Passenger numbers and revenue will continue to fluctuate as COVID-19 pandemic border restrictions change, based on virus clusters.
- Web usage indicators (tourism page 33, Council page 34, gallery page 47) – These numbers continue to grow as more and more people turn to online information.
- Facilities Management (pages 34 - 36) – Recent figures are showing increased demand for use of the Council facilities, albeit many are still trending below the original targets for 2020/21.
- Increase renewable energy generated on Council sites (kW pa) (page 36) – It is pleasing to see that the installation of solar panels at the Kentwell Centre (10kW) and the Administration Centre (70kW) has Council now generating a total of 700kW from solar panels.
- Development Services (pages 43 - 44) – Processing times are continuing to be below the preferred targets although some areas have improved. This is a reflection of the high volume of applications, as well as assessment staff having to dedicate a significant amount of time in respect to court cases (i.e.

9.11 Delivery Program and Operational Plan - 31 December 2020 Review

Intrapac developer contributions for Skennars Head, 404 Old Byron Bay Road, Tuckombil Lane etc).

The next update on legal cases is scheduled for the February 2021 Ordinary meeting.

Additional development engineering, planning and building surveyor resources continue to be temporarily engaged to assist with the high workload, which does not appear to be decreasing as building income is again trending above budget.

That budget has already been increased by \$450,000 once this year and a further increase may be required as part of the December 2020 Quarterly Financial Review, which will be reported to the February 2021 Ordinary meeting.

Sustainability Considerations

- **Environment**

There is a range of environmental, social and economic outcomes identified in the Delivery Program and Operational Plan.

- **Social**

As above.

- **Economic**

As above.

Legal / Resource / Financial Implications

The Delivery Program and Operational Plan identify the allocation of Council's resources and finances.

Consultation

This report provides the community with information on how Council is performing in respect to the Delivery Program and Operational Plan.

Options

The report is for noting with the information highlighting the many and varied activities undertaken by Council. There are also recommendations in respect to Killen Falls, Lennox Head Lions Club shed and Stokers Quarry as discussed in the report.

RECOMMENDATIONS

1. That Council notes the contents of this report on the quarterly review of the 2020/21 to 2023/24 Delivery Program and 2020/21 Operational Plan.
2. That Council notes the contents of this report in respect to the status of the Killen Falls Plan of Management.
3. That Council notes that the Lennox Head Lions Club's preferred site for the construction of a new shed is Ocean Breeze Reserve, with the alternative site being the Skennars Head Sports Fields. Both options require a development application to be lodged with Council.
4. That Council provides in principle support for the use of the Stokers Quarry site as an extension to the Duck Creek Mountain Bike Track with discussions to be held with the Northern Rivers Dirty Wheels Mountain Bike Club, or other relevant organisations, on the merits of this extension. The outcomes of those discussions is to be reported back to Council to seek further direction.

Attachment(s)

1. Delivery Program and Operational Plan - 31 December 2020 Review

9.12 Capital Expenditure Program - 31 December 2020 Review

Delivery Program

Governance

Objective

To provide an update on the implementation of the adopted capital expenditure program for 2020/21.

Background

Council has a significant capital expenditure program included in the annual Operational Plan. Due to the magnitude of the program it is important that updates are provided on a regular basis. Current practice is to provide a quarterly status report on all the major projects. The status report provides details on key milestones, along with a comparison between budget and actual expenditure.

This is the second report for 2020/21 and outlines work undertaken to 31 December 2020.

Key Issues

- Status of works
- Budget variations

Information

To assist in understanding the delivery of the capital works program the attachments to this report provide information on the following items for the major capital projects:

- Total Project Value – As projects can be delivered over a number of financial years, this column identifies the total project value. This may include expenditure from previous financial years or estimated expenditure for future years.
- Original 2020/21 Estimate - Represents the original 2020/21 estimate as per the adopted Operational Plan.
- Carry Forwards - Includes budgets carried forward from the previous financial year, approved by Council at the August 2020 Ordinary meeting.
- Approved Variations – Other variations approved by Council, either through a Quarterly Budget Review, or a separate report on a project.
- New Variations – Additional variations recommended as part of this report.
- 2020/21 Estimate - Sum of the original estimate plus variations.
- Expended This Year - Expenditure to 31 December 2020 on a cash basis. This figure excludes commitments and accruals.
- % Expended - Percentage of budget expended to 31 December 2020 based on the cash expenditure figures.
- Milestone Dates - Target dates for the major milestones such as completion of design and / or planning approval, as well as construction commencement and completion dates.
- Status – Provides space for any additional comments.

The attachments are split into the areas undertaking the works: i.e. Planning and Environmental Health Division (Open Spaces, Strategic Planning, Public and Environmental Health), Corporate and Community Division (Commercial Services, Facilities Management) and Civil Services Division (Asset Management, Emergency Services, Resource Recovery, Water and Wastewater and Engineering Works).

Points of interest are as follows.

Open Spaces (attachment one)

Wollongbar Skate Park and District Park – Construction has commenced on the skate park. Council only received two tenders for the construction of the District Park, as reported to the November 2020 Ordinary meeting, and negotiations are close to being finalised with a preferred tenderer to complete the balance of the works.

The District Park works should start in February 2021 and it is recommended that \$200,000 be deferred to 2021/22 to reflect likely cash flows.

Playground Equipment – Works have been completed at Condon and Coastal Grove Parks.

Ross Park, Lennox Head – Throughout this report there are a number of projects for Lennox Head, where it is recommended that part or all of the funding is deferred to 2021/22. The reason for this is that there are a number of sites and items of significance to the local Aboriginal community in the Lennox Head locality. The locality is also known as an area that has potential for new sites and items of cultural significance to be identified.

Because of this, it is often the case that Council engages with local Aboriginal stakeholders to inform the approach to projects and at times permits are required for projects to be able to proceed. In these circumstances, there is sometimes a substantial amount of time involved in working through key issues and the timelines are difficult to accurately estimate. Ross Park is one such project where \$400,000 is recommended for deferral to 2021/22.

Pop Denison – Master Plan – Planning consent has only recently been issued for this project and based on forecast cash flows \$750,000 is recommended for deferral to 2021/22.

EPIQ Sports Fields – Lighting has been completed. The construction of the amenities, which is being undertaken by the developer, is also progressing.

Public Amenities – Wardell – New toilets have been completed, with the work undertaken by Council trades staff. This final cost using Council staff is well under the estimate, which was based on an external modular contract price.

Public and Environmental Health (attachment one)

Shaws Bay Coastal Management Program – Dredging works have been completed, new shelters installed, and the boardwalk and pathways are largely complete. The planning consent for Pop Denison improvements (included in Open Spaces program) has also recently been issued, which will result in further improvements to this precinct over the next six months.

Commercial Services (attachment two)

Airport - Runway widening / lengthening - Consultants have been engaged to assist with preparing the Part V planning processes. Council has made an application to the Department of Industry, Innovation and Science seeking an extension to the timeframe to submit all approval requirements for the allocated \$10m grant. This extension application was required due to the complexities associated with the planning approvals.

There is still a significant amount of risk with this project, in respect to obtaining planning approvals and the overall cost, and regular updates will be provided on how the project is advancing.

Airport – Passenger Screening – Council secured \$2.3m in grant funding in December 2020 for changes to the terminal to accommodate new security screening equipment.

It is not feasible to complete these works by 30 June 2021, with the design and planning approvals expected to take a number of months. Based on this, \$2.5m is recommended for deferral to 2021/22. The new security equipment should still be operational by 1 July 2021, however improvements to the terminal to provide more streamlined queuing will be completed in the next financial year.

Airport – Car Park, Solar and Boom Gates - Concept designs have been confirmed and detailed designs are now being developed with a focus on minimising project costs by utilising as much of the existing infrastructure as possible. It will be necessary to complete some of these works in conjunction with Airport Boulevard (i.e. car park connection to roundabout) and based on the timing of that project \$1.5m is recommended for deferral to 2021/22.

Wollongbar Urban Expansion Area – Stage 3 – Tender for the construction of the residential lots was approved at the November 2020 Ordinary meeting. Based on the construction program the subdivision should be completed by 30 June 2021.

Shelly Beach Café – The café, which is privately owned and funded, is now operational.

Facilities Management (attachment two)

Lennox Head Cultural Centre (LHCC) – Project completed and centre operational with savings transferred to reserve.

Alstonville Cultural Centre (ACC) – Concept designs being advanced. The revised budget reflects expenditure on designs and approvals, with the balance transferred to reserve. Byron Studios has signed the licence agreement and is now operating from the centre.

Ballina Indoor Sports Centre (BISC) - Council resolved at the August 2020 Ordinary meeting as follows:

“That Council investigate purchasing a basketball return machine for hire as part of the monies saved on the construction of the Ballina Indoor Sports Centre”.

The findings from the research into machine options has identified that the best source of ball return units is the Dr. Dish Company. Based on the needs of the facility, the two preferred options from this range are as follows:

- The Dr. Dish 'Rebel' (approximately \$12,650 plus delivery). This ball return unit includes easy to use touch screen controls.
- Dr. Dish 'All-star' (approximately \$14,850 plus delivery). This machine provides the same features as 'Rebel' plus additional movements and user interface and control.

The 'All-star' product is recommended as it provides greater versatility in operations.

If Council wishes to proceed with this acquisition it is recommended that Council introduce a new half court usage fee, which includes the set up and pack down of the machine, along as a hire fee for the equipment.

Based on the current hire fees of \$80 per hour per court, it is proposed that the following fees be placed on exhibition for half court and machine usage:

Fee Name	Commercial	RCBU	Community
Ball Return Unit Hire	\$20/hr	\$15/hr	\$10/hr
Half Court Hire Mon – Fri	\$40/hr	\$30/hr	\$15/hr
Half Court Hire Sat – Sun	\$50/hr	\$36/hr	\$25/hr

It is anticipated that this machine will be popular and will support the marketing of this facility for casual group hire.

Depot – The entire scope for the projects listed is under review as the funding allocated will be insufficient for the preferred works program. The depot master plan is also being reviewed to confirm a preferred order of works, within the funding limitations. The Open Spaces Shed and Solar projects are recommended for deferral to 2021/22.

Asset Management and Emergency Services (attachment three)

Lennox Head Rural Fire Service Shed – The existing house on the new site has been demolished and removed. The concept design has been provided to the Rural Fire Service for their approval and a consultant has been engaged to prepare the development application. Based on planning consent and construction timeframes it is recommended that \$700,000 be deferred to 2021/22.

SES Building – Council confirmed that the Bangalow Road land near the existing building is a viable option and consultants are now being engaged to further advance the design of the new building on that site.

Water and Wastewater (attachments four and five)

Water Operations – Some main renewal works are being brought forward from the next financial year as internal resources are available for additional projects. The developer of the EPIQ Estate has completed certain works that benefit the entire water network, with the funding for those works reimbursed to the developer from Section 64 contributions held by Council (\$163,000).

Wastewater Operations – Part work deferred to 2021/22 for Seamist Rising Main and Treatment Plant – Ballina Rectification works, based on timing of contractor appointments and tender responses.

Similar to Water Operations, the developer of the EPIQ Estate has completed certain works that benefit the entire wastewater network, with the funding for those works reimbursed to the developer from Section 64 contributions held by Council (\$963,000).

Engineering Works (attachment six)

Roads and Bridges

A number of projects completed to date with the status of some of the larger projects as follows.

Airport Boulevard – Tender for construction reported to the October 2020 Ordinary meeting and contractor scheduled to commence during January 2021. Based on forecast cash flows, \$2m is recommended for transfer to 2021/22.

River Street – Four Laning (Stage 2) – Burns Point Ferry Road to Barlows Road is scheduled to commence in February 2021. Based on forecast cash flows \$1m is transferred to 2021/22.

River Street – Four Laning (Stage 3 and 4), Hutley Drive – Middle Section, Tamarind Drive – Four Laning – These are all projects funded largely from Section 7.11 road contributions and based on the design work planned for this year all four budgets have been reduced. This means the transfer from Section 7.11 road contributions is also reduced.

Gibbon Street (segments 10 and 20), Lennox Head Village Renewal, Byron Bay Road / Ross Lane – These four projects require Cultural Heritage approvals and based on the estimated time frame for those approvals, part funding is deferred to 2021/22.

Ancillary Transport Services - Shared Paths and Footpaths

Coastal Walk – This project is largely complete and has been well utilised during the Christmas / New Year period.

There have been a few complaints in respect to bike riders using the walk and negatively impacting on the experience of walkers, recognising that the project has been designed to a walking track standard only.

9.12 Capital Expenditure Program - 31 December 2020 Review

Bikes are not banned from the walking track and this may well be something that Councillors may need to examine, at some point in the future, dependent on the on-going level of community feedback.

Summary

There continues to be a large program of capital works scheduled for 2020/21 with \$14.4m expended on a cash basis to date, out of a total revised budget of \$48.7m, as per the following summary.

Capital Works Summary – 31 December 2020 (\$'000)

Section	Budget (\$)	Cash Expenditure (\$)	Percentage Expended
Open Spaces	3,833,000	1,306,700	34%
Strategic Planning	234,000	35,900	15%
Public and Env Heath	1,240,000	993,400	80%
Commercial Services	6,647,000	718,300	11%
Facilities Management	5,083,400	1,788,600	35%
Asset Mgmt and Emergency Services	338,000	94,900	28%
Resource Recovery	530,000	11,200	2%
Water Operations	2,997,000	1,379,200	46%
Wastewater Operations	5,212,200	1,461,900	28%
Engineering Works	22,585,500	6,640,500	29%
Total	48,700,100	14,430,600	30%

In respect to improving the percentage expended figure, Council has let, or in the process of finalising a number of major contracts, with works on those contracts commencing January / February. This includes:

- Wollongbar Urban Expansion Area – \$2m
- Wollongbar District Park – \$1.1m
- Airport Boulevard - \$6.6m
- Airport Body Scanning - \$400,000
- Basalt Court Reservoir - \$240,000
- Plant and Equipment on Order - \$728,000.

As the above table is cash payments only, it does not recognise the large amount of work undertaken to engage contractors, including reports to Council, with a number of contractors commencing work in January / February 2021.

Importantly all the major construction projects are advancing through the design, approval and construction phases, albeit that the cash flow for a number of projects will result in expenditure being incurred during the next financial year.

Expenditure of \$14.4m to 31 December 2020 still reflects a significant amount of capital expenditure delivered for the current financial year.

Sustainability Considerations

- **Environment**
Many of the works listed provide positive environmental outcomes

9.12 Capital Expenditure Program - 31 December 2020 Review

- **Social**
Certain items provide significant social benefits
- **Economic**
Improved infrastructure can benefit the local economy.

Legal / Resource / Financial Implications

The report provides financial information on the capital expenditure program.

Consultation

This report is presented for public information.

Options

This report provides an update on the capital expenditure program for 2020/21 and recommends known or likely budget variations. The recommendations reflect the information as per the attachments to this report.

There is also a proposal to introduce a new fee for the hire of the basketball return equipment at the Ballina Indoor Sports Centre. Section 610F (3) of the Local Government Act requires a minimum of 28 days' notice before introduction of a new fee after the Operational Plan is adopted. It is not required to call for public submissions.

RECOMMENDATIONS

1. That Council notes the contents of this report on the Capital Expenditure Program for the 2020/21 financial year.
2. That Council provide notice of the introduction of the following fees for hire of the basketball return machine at the Ballina Indoor Sports Centre, as per Section 610F (3) of the Local Government Act:

Fee Name	Commercial	RCBU	Community
Ball Return Unit Hire	\$20/hr	\$15/hr	\$10/hr
Half Court Hire Mon – Fri	\$40/hr	\$30/hr	\$15/hr
Half Court Hire Sat – Sun	\$50/hr	\$36/hr	\$25/hr

3. That Council approves the following 2020/21 budget amendments as outlined in the attachments to this report:

Item	Current Budget	Variation	Revised Budget	Comment
Open Spaces				
Wollongbar District Park	973,000	(200,000)	773,000	Defer to 2021/22
Ross Park, Lennox Head	800,000	(400,000)	400,000	Defer to 2021/22
Pop Denison Park – Master Plan	936,000	(750,000)	186,000	Defer to 2021/22
Total – Open Spaces	2,709,000	(1,350,000)	1,359,000	
Commercial Services (Airport)				
Passenger Screening	2,905,000	(2,500,000)	405,000	Defer to 2021/22
Car Park, Solar, Boom Gates	2,000,000	(1,500,000)	500,000	Defer to 2021/22
Total – Commercial Services	4,905,000	(4,000,000)	905,000	
Facilities Management (Community Facilities)				

9.12 Capital Expenditure Program - 31 December 2020 Review

Item	Current Budget	Variation	Revised Budget	Comment
Lennox Head Cultural Centre	952,400	(200,000)	752,400	Transfer to reserve
Alstonville Cultural Centre	484,000	(284,000)	200,000	Transfer to reserve - less \$15,000 for BISC - Equipment
BISC – Equipment	0	15,000	15,000	Trans from Kentwell Centre
Facilities Management (Depot and Admin Centre)				
Depot – Workshop	499,000	182,000	681,000	Transfer from Depot Roof
Depot – Open Spaces	149,000	(149,000)	0	Defer to 2021/22
Depot – Solar	120,000	(120,000)	0	Defer to 2021/22
Depot – Workshop Roof	182,000	(182,000)	0	Transfer to Workshop
Facilities Management (Plant and Fleet)				
Light Vehicles and Heavy Plant	3,194,100	(465,000)	2,729,100	Defer to 2021/22
Total – Facilities Management	5,580,500	(1,203,000)	4,377,500	
Emergency Services				
Lennox Head Rural Fire Shed	900,000	(700,000)	200,000	Defer to 2021/22
Water Operations				
Main Renewal – Recurrent	103,000	(91,000)	12,000	Transfer to reserve
Main Renewal – Alstonville	370,000	156,000	526,000	Transfer from reserve
Main Renewal – Grant Street	40,000	10,000	50,000	Transfer from reserve
Main Renewal – Biala Place	62,000	(21,000)	41,000	Transfer to reserve
Main Renewal – Bugden Avenue	54,000	38,000	92,000	Transfer from reserve
Main Renewal – Kays Lane	4,000	1,000	5,000	Transfer from reserve
Main Renewal – Cawarra Street	37,000	10,000	47,000	Transfer from reserve
Main Renewal – Suvla Street	0	40,000	40,000	Transfer from reserve
Main Renewal – Crane Street	0	125,000	125,000	Transfer from reserve
Water Network – EPIQ Estate	0	163,000	163,000	Developer Contributions
Water Meters - Replacement	65,000	185,000	250,000	Transfer from reserve
Total – Water Operations	735,000	616,000	1,351,000	
Wastewater Operations				
Main Renewal – Seamist	846,000	(620,000)	226,000	Defer to 2021/22
Pump Stns – Wet Well Lining	400,000	(250,000)	150,000	
Wastewater Network – EPIQ Est	0	926,000	926,000	Developer contributions
Treatment - Security	75,000	(25,000)	50,000	Saving – transfer to reserve
Treatment – Ballina Rectification	2,500,000	(1,500,000)	1,000,000	Defer to 2021/22
Treatment – Lennox Membrane	300,000	100,000	400,000	Transfer from reserve
Recycled Water – Meters	80,000	(40,000)	40,000	Saving – transfer to reserve
Total – Wastewater Operations	4,201,000	(1,409,000)	2,792,000	
Engineering Works (Roads)				
Teven Road Segs 70 / 58 to 60	230,000	(40,000)	190,000	Trans to other roads
Airport Boulevard	6,256,000	(2,000,000)	4,256,000	Defer part to 2021/22
River St – Four Lanes – Stage 3	218,000	(100,000)	118,000	Savings – return to sec 7.11
River St – Four Lanes – Stage 2	3,807,000	(1,000,000)	2,807,000	Defer part to 2021/22
River St – Four Lanes – Stage 4	124,000	(54,000)	70,000	Savings – return to sec 7.11
Hutley Drive (middle section)	200,000	(50,000)	150,000	Savings – return to sec 7.11
Bagotville Road – Seg 50	170,000	(70,000)	100,000	Transfer to other roads
Northumberland Ave – Seg 10	212,000	(200,000)	12,000	Defer part to 2021/22
Gibbon Street – Seg 20	73,000	(63,000)	10,000	Defer part to 2021/22
Pimlico Road – Segs 110 / 20	100,000	20,000	120,000	Trans from other projects
Tamarind Drive – Four Lanes	177,000	(57,000)	120,000	Savings – return to sec 7.11
Gibbon Street – Seg 10	130,000	(120,000)	10,000	Defer part to 2021/22
Burnet Street – Seg 30	245,000	30,000	275,000	Trans from other roads

9.12 Capital Expenditure Program - 31 December 2020 Review

Item	Current Budget	Variation	Revised Budget	Comment
Martin Street – Seg 10	406,000	(60,000)	346,000	Trans to other roads
Lennox Village Renewal	1,500,000	(1,000,000)	500,000	Defer part to 2021/22
Byron Bay Road / Ross Lane	1,000,000	(750,000)	250,000	Defer part to 2021/22
Uralba Road – Seg 40	605,000	120,000	725,000	Trans from other roads
Stewart Street – Seg 150	100,000	(90,000)	10,000	Defer part to 2021/22
Crane Street – Seg 30	90,000	(80,000)	10,000	Defer part to 2021/22
Engineering Works (Ancillary and Water Transport)				
Car Park – Improvements	90,000	(70,000)	20,000	Defer part to 2021/22
Street Lighting – Lighthouse Pde	125,000	(100,000)	25,000	Defer part to 2021/22
Paths – Minor Works	0	11,000	11,000	Transfer from other budgets
Paths – Suvla Street	164,000	(4,000)	160,000	Transfer to minor works
Paths – Bugden Avenue	67,000	(15,000)	52,000	Transfer to Kerr Street
Paths – Kerr Street	47,000	15,000	62,000	Transfer from Bugden Ave
Paths – Greenwood Place	57,000	(4,000)	53,000	Transfer to minor works
Paths – Banksia Avenue	35,000	(3,000)	32,000	Transfer to minor works
North Creek Boat Ramp	180,000	(150,000)	30,000	Defer part to 2021/22
Total – Engineering Works	16,408,000	(5,884,000)	10,524,000	

Attachment(s)

1. Planning and Environmental Health Division (Open Spaces, Strategic Planning, Public and Environmental Health)
2. Corporate and Community Division (Commercial Services, Facilities Management)
3. Asset Management, Emergency Services and Resource Recovery
4. Water Operations
5. Wastewater Operations
6. Engineering Works

10. Civil Services Division Reports

10. Civil Services Division Reports

Nil Items

11.1 Notice of Motion - Rous County Council - Future Water Project

11. Notices of Motion

11.1 Notice of Motion - Rous County Council - Future Water Project

Councillor

Cr Sharon Cadwallader
Cr Eoin Johnston
Cr Stephen McCarthy

We move

That Ballina Shire Council send a clear message to Rous County Council that Council has major concerns about a secure water strategy for the region and ask that Rous County Council continue with further investigations as to the viability of the Dunoon Dam proposal. The groundwater on the Alstonville Plateau has many demands on it and should not be relied upon as a major source of supply.

Staff Comments

A similar motion was lost at the 17 December 2020 Ordinary meeting.

To consider this matter again within a three month period, a notice of motion must include three signatures.

This notice complies with the requirements of the Local Government Act. If the motion is lost again it cannot be re-considered for three months.

COUNCILLOR RECOMMENDATION

That Ballina Shire Council send a clear message to Rous County Council that Council has major concerns about a secure water strategy for the region and ask that Rous County Council continue with further investigations as to the viability of the Dunoon Dam proposal. The groundwater on the Alstonville Plateau has many demands on it and should not be relied upon as a major source of supply.

Attachment(s)

Nil

11.2 Notice of Motion - Spoonbill Reserve

11.2 Notice of Motion - Spoonbill Reserve

Councillor

Cr Cadwallader

I move

That Council, as part of the preparation of the 2021/22 Operational Plan, receive a report on the benefits of including an action in that plan to prepare an embellishment program, or a site specific master plan, for Spoonbill Reserve, Skennars Head.

Councillor Comments

Spoonbill reserve is a large area of Council owned open space that currently has no facilities at all on the site. The reserve is located in an ideal location close to schools (day care centre, primary and secondary) and between the existing Skennars Head residential area and new Aureus development.

With the current rapid increase in residential population in Lennox Head and Skennars Head, this site could provide an excellent recreational facility for the local community. A program of works, once adopted, could also be included in the scheduled review of the Open Spaces and Community Facilities Section 7.11 Developer Contributions Plan.

Staff Comments

Spoonbill reserve is a relatively large sized parcel of open space (almost two hectares) with no embellishments to date. The reserve is located at Redford Drive, Skennars Head opposite the Xavier Catholic College.

The preparation of a master plan will confirm the future use of the site, subject to sufficient resources being allocated in the 2021/22 Operational Plan to complete that work. Council already has a number of high priority plans to complete (Kingsford Smith Reserve, Cawarra Park, Hampton Park, numerous crown land parcels) and the priority for the preparation of the plans can be examined as part of the formulation of the 2021/22 Operational Plan.

COUNCILLOR RECOMMENDATION

That Council, as part of the preparation of the 2021/22 Operational Plan, receive a report on the benefits of including an action in that plan to prepare an embellishment program, or a site specific master plan, for Spoonbill Reserve, Skennars Head.

Attachment(s)

Nil

11.3 Notice of Motion - Marom Creek Treatment Plant

11.3 Notice of Motion - Marom Creek Treatment Plant

Councillor

Cr Meehan

I move

That Council receive a report on the merits of expanding the supply of potable water from the Marom Creek Treatment Plant for Ballina Shire Council constituents to assist Rous County Council in delivering long-term security for the region.

Councillor Comments

Council has resolved to further examine the leasing or sale of the Marom Creek Treatment Plant to Rous County Council to assist in the delivery of their long term water management strategy for the region.

Prior to making a final decision on this, Council should also examine whether there are merits in expanding our own potable water supply from this source as by becoming more self-reliant we will lessen the demand placed on Rous County Council.

Council is already leading the way through the use of recycled wastewater for outdoor watering, toilet flushing and laundries and if we can continue to expand our water supply self-reliance, this will in turn lessen the demand on the bulk water sourced from Rous County Council.

The cost of purchasing bulk water is already comparatively high from Rous County Council, as confirmed in the staff comments in the December 2020 Notice of Motion, and it may well be possible to lessen the impact of future water price increases that have been proposed by Rous County Council through maximising our own bulk water source.

The Rous County Council pricing structure to the constituent councils is based on the percentage of the total bulk water supplied to each constituent council and the smaller the percentage Ballina Shire Council sources of the total bill, the less our residents will pay.

Staff Comments

The Marom Creek Water Treatment Plant (WTP) was constructed in the 1980s and was designed to accommodate future growth. Its current daily supply volume is defined by the supply area agreed with Rous County Council, being Cabbage Tree Island, Wardell and Meerschaum Vale. The Service Level Agreement with Rous County Council is due for review and renewal by 30 June 2021, making it timely to review agreed supply arrangements.

The Marom Creek WTP Asset Master Plan, completed in 2018, considered the current and future supply requirements for Wardell and Alstonville, and works required to meet these requirements.

11.3 Notice of Motion - Marom Creek Treatment Plant

The plant is currently producing an average of 500 kL of drinking water a day, but has the hydraulic capacity to treat and supply approximately five times this amount without augmentation. Although not its primary objective, the current project to upgrade the plant will improve the hydraulic capacity further through pump improvements.

The plant is connected to the rest of Council's water reticulation network, making it physically possible to supply water from the plant into the network through Wollongbar Reservoir.

The operating costs for the plant are to a certain extent fixed, regardless of the amount of water produced. This means that as water production is increased, the comparative cost per kilolitre of water produced decreases, representing a relative saving when compared with the bulk supply rate of water currently paid to Rous County Council.

The key issue to consider when reviewing the amount of water supplied from Marom Creek WTP is the source of raw water available. Council's current water allocation from Marom Creek Weir is 200 ML/year, which is close to the amount already extracted, treated and supplied to customers.

Increasing extraction from the weir pool would be subject to application to the regulator, and constrained by the secure yield of the weir pool, currently understood to be in the climate adjusted range of 278 – 299 ML/year.

Council retains water allocations for its two bores at Ellis and Lindendale Roads, and it would be possible to use these to supplement supply if desired.

COUNCILLOR RECOMMENDATION

That Council receive a report on the merits of expanding the supply of potable water from the Marom Creek Treatment Plant for Ballina Shire Council constituents to assist Rous County Council in delivering long-term security for the region.

Attachment(s)

Nil

11.4 Notice of Motion - Indigenous Acknowledgement

11.4 Notice of Motion - Indigenous Acknowledgement

Councillor

Cr Jeff Johnson

I move

1. That Council acknowledges the long and enduring association the Bundjalung Nation and Aboriginal people have with the land within the Ballina Shire and beyond.
2. That Council liaise with JALI Local Aboriginal Land Council cultural representatives to design a process for Aboriginal place-naming, including naming of local sites with Aboriginal cultural significance.

Councillor Comments

Let's make 2021 a year to focus on continuing the journey of healing and reconciliation with our First Nations brothers and sisters.

There is still a long way to go on this journey. Indigenous recognition and empowerment is something that I hold dear. Prominent landmarks and places in the Ballina Shire and beyond should be recognised by Aboriginal names and the cultural significance of these areas/places known to the wider community.

While we do have 'information boards and stories' on the coastal shared path route (which is a huge step forward), there are still many places, such as the Lennox Headland that are known by names that don't reflect the long and proud history of our Indigenous community.

For example, why is the Lennox Headland known as Pat Morton Lookout instead of an Indigenous word / name that reflects the significance of this location and the local history.

My research has revealed that Pat Morton's only 'real' connection to the Northern Rivers was that he was born in Lismore before moving to Sydney and being elected to Mosman Council. Pat then joined the NSW Liberal party and served as leader between 1955-1959. I can't find any connection to Lennox Head.

On the other hand Lennox Head has a long Indigenous history highlighted by a well-preserved Bora Ring (just off Gibbon Street) and the Lake Ainsworth area where expectant mothers would go to give birth in the healing tea tree waters.

I'm sure that the imposing Lennox Headland also has cultural significance to the local Indigenous community, why is it not known or celebrated?

If Ballina Shire Council liaise with local Aboriginal Cultural representatives and JALI Local Aboriginal Land Council to identify areas / places of cultural significance that would more appropriately recognised with an Aboriginal name that would be another step forward along the reconciliation pathway.

COUNCILLOR RECOMMENDATIONS

1. That Council acknowledges the long and enduring association the Bundjalung Nation and Aboriginal people have with the land within the Ballina Shire and beyond.
2. That Council liaise with JALI Local Aboriginal Land Council cultural representatives to design a process for Aboriginal place-naming, including naming of local sites with Aboriginal cultural significance.

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 December 2020 Ordinary meeting are as follows:

<u>Date</u>	<u>Function</u>
14/12/20	Meeting – Church Group
15/12/20	Sunrise Interview
15/12/20	Meeting Paul Munro – Kingsford Smith Park
20/12/20	Ballina Markets
3/1/21	Commemoration Park Markets
10/1/21	Commemoration Park Markets
15/1/21	Kerry Saxby Walk - Opening
17/1/21	Ballina Markets
17/1/21	Commemoration Park Markets
22/1/21	Rehearsal- Australia Day
24/1/21	Commemoration Park Markets
26/1/21	Australia Day Ceremony
26/1/21	Rotary Australia Day BBQ Opening
28/1/21	Council Meeting
31/1/21	Commemoration Park Markets

RECOMMENDATION

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

Attachment(s)

Nil

14. Confidential Session

14. Confidential Session

Nil Items