

Agenda

Ordinary Meeting **28 October 2021**

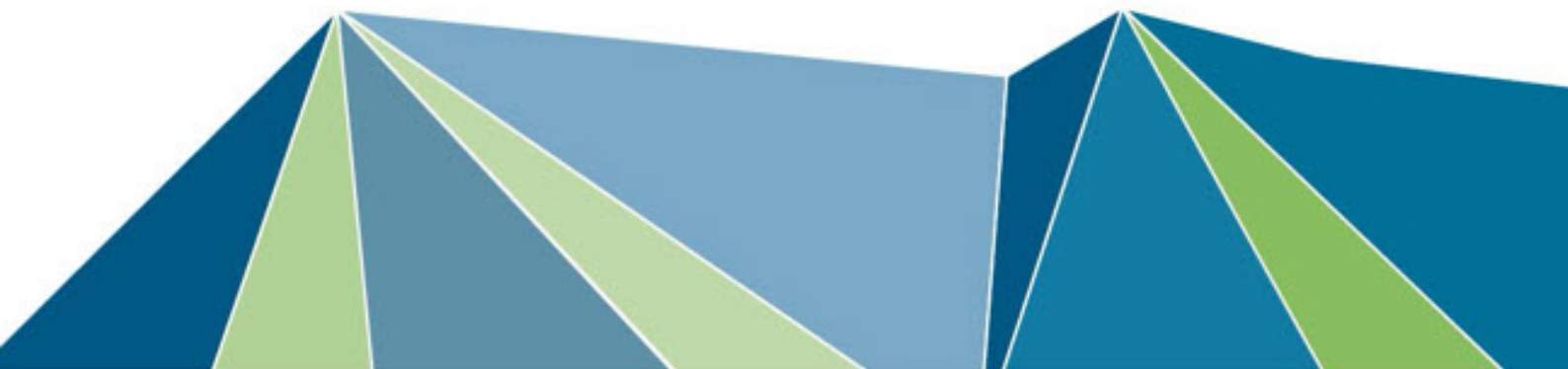
An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **28 October 2021 commencing at 9.00am.**

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

Paul Hickey
General Manager

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

Due to COVID-19 any relevant NSW Public Health Orders must be complied with. Please contact Sandra Bailey (6686 1273) to clarify the ability to participate in the meeting. You may access this meeting via our Live Streaming link ballina.nsw.gov.au/agendas-and-minutes



Deputations to Council – Guidelines

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

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

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

Recording and Livestreaming of Council Meetings

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

Table of Contents

1.	Australian National Anthem	1
2.	Acknowledgement of Country	1
3.	Apologies.....	1
4.	Confirmation of Minutes.....	1
5.	Declarations of Interest and Reportable Political Donations.....	1
6.	Deputations	1
7.	Mayoral Minutes	1
8.	Planning and Environmental Health Division Reports	2
8.1	LEP Amendment - Alstonville Medium Density Residential Zone Expansion	2
8.2	LEP Amendments and Planning Proposals - Status	11
8.3	Ballina Local Environmental Plan 2012 - Deferred Matters Integration	15
8.4	Development Applications – Variation to Development Standards	25
8.5	Kingsford Smith Reserve Master Plan - Adoption	26
8.6	Playground Upgrade and Management Plan	38
8.7	Policy (New) - Sports Fields Management	44
8.8	Policy (Review) - Monuments and Memorials on Public Land	49
8.9	Policy (Review) - Donations - Capital Works Assistance Sporting Groups	52
9.	Corporate and Community Division Reports	54
9.1	Use of Council Seal	54
9.2	Investment Summary - September 2021	55
9.3	Disclosure of Interest Returns	62
9.4	Code of Conduct - Reporting	64
9.5	Policy (Review) - Rates and Charges - Debt Recovery Policy	66
9.6	Tender - Supply of Pavers Lennox Head Village Centre Renewal	68
9.7	Tender - Processing of Organic Waste Material	70
9.8	Tender - Food Organics and Garden Organics Kerbside Collection	73
9.9	Tender - Angels Beach Drive and Bangalow Road Intersection Upgrade	75
9.10	Tender - Road Reconstruction Works	78
9.11	Annual Financial Statements - 2020/21	81
9.12	Financial Year 2021/22 - 30 September 2021 Review	84
9.13	Delivery Program and Operational Plan - 30 September 2021 Review	112
9.14	Capital Expenditure Program - 30 September 2021 Review	116
10.	Civil Services Division Reports	127
10.1	Pat Morton Car Park Precinct - Concept Plan	127
11.	Notices of Motion	132
11.1	Notice of Motion - Pat Morton Lookout (Lennox Headland) Consultation	132
11.2	Notice of Motion - Commercial Development at Ballina Heights	135
11.3	Notice of Motion - Richmond-Tweed Regional Library Operations	138

11.4	Notice of Motion - Youngmans Creek Bridge, Rous Mill	140
11.5	Notice of Motion - Lennox Point - Surfing Culture Recognition	141
11.6	Notice of Motion - Northern Rivers Rail Trail	144
12.	Advisory Committee Minutes	145
13.	Reports from Councillors on Attendance on Council's behalf	146
13.1	Mayoral Meetings	146
14.	Confidential Session	147

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

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

1. Australian National Anthem

The National Anthem will be played.

2. Acknowledgement of Country

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

3. Apologies

An apology has been received by Cr Nathan Willis.

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 September 2021 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 September 2021.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion

8. Planning and Environmental Health Division Reports

8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion

Section	Strategic Planning
Objective	To invite Council to initiate an LEP amendment to enable an expansion of the R3 Medium Density Residential zone in Alstonville and seek direction on the submission of the planning proposal for Gateway determination.

Background

At the December 2017 Ordinary meeting, Council resolved to adopt the Alstonville Strategic Plan 2017 - 2037 (ASP) and the Alstonville Planning and Environmental Study (APES).

The recommendations and strategic actions identified in the adopted plan reflect the community's vision for the future development of Alstonville village to 2037.

The provision of new housing opportunities that promote affordability and provide choice for people to meet changing life needs is one of five locality objectives contained within the Alstonville Strategic Plan.

An action which assists in meeting this objective is identified as Strategic Action No.10, which states:

Initiate a planning proposal for the rezoning of certain R2 Low Density Residential Areas to R3 Medium Density located to the south-west of the Alstonville commercial centre as identified in the Alstonville Planning and Environmental Study.

The ASP provides the following rationale for the above action:

Planning for an increase in permitted densities should occur in the short term before dwelling stock is renewed and opportunities are lost. This proposal relates to 6.6ha of land or approximately 90 properties located in Wardell Road, Coral and Daley Streets and The Avenue.

The proposed 1 dwelling per 200m² of site area density provision is also proposed to apply to this area once rezoned.

The Strategic Action, and the recommended R3 zoning, applies to existing lots fronting Daley Street, The Avenue, Coral Street and Wardell Road, located in easy walking distance to the Alstonville Village Centre.

8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion

Having previously endorsed this action in its adoption of the ASP, the purpose of this report is to seek Council's authorisation to initiate a planning proposal to rezone certain lots from R2 Low Density Residential zone to R3 Medium Density Residential zone.

A draft planning proposal has been prepared for the consideration of Council and is provided in Attachment 1.

Draft amendments to the Ballina Shire Development Control Plan are also proposed should the Council support the attached planning proposal.

The amendment would incorporate the rezoning area within the Alstonville Dwelling Density Map at a proposed density of 1 dwelling per 300m² of site area.

The Alstonville Planning and Environmental Study recommended a density of 1 dwelling per 200m², however a density of 1 dwelling per 300m² is applicable to existing Alstonville R3 zoned areas and is therefore considered more suitable for this proposed new R3 area.

Special area DCP controls are also recommended to be included for part of the subject area to be rezoned as R3, located on the southern side of Daley Street, and the existing R2 area on the eastern side of The Avenue, to ensure that future development in this residential area reflects and respects the existing character and heritage significance of the locality.

Suggested DCP controls are contained in Attachment 2.

The purpose of this report is to seek direction on the progression of the proposed zoning changes and associated DCP amendments.

Key Issues

- Implementing Alstonville Strategic Plan 2037
- Housing choice initiative
- Consistency with strategic planning intent
- Recognition of heritage values.

Discussion

Alstonville Strategic Plan 2017 – 2037

The planning proposal contained in Attachment 1 has been prepared as a result of an adopted action within the Alstonville Strategic Plan 2017 - 2037.

The Alstonville Planning and Environmental Study (APES) initially identified approximately 90 properties (6.6ha) as being potentially suitable for an R3 zoning.

Figure 1 shows by red outline the area identified in the APES as a candidate R3 medium density residential zoned area.

8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion

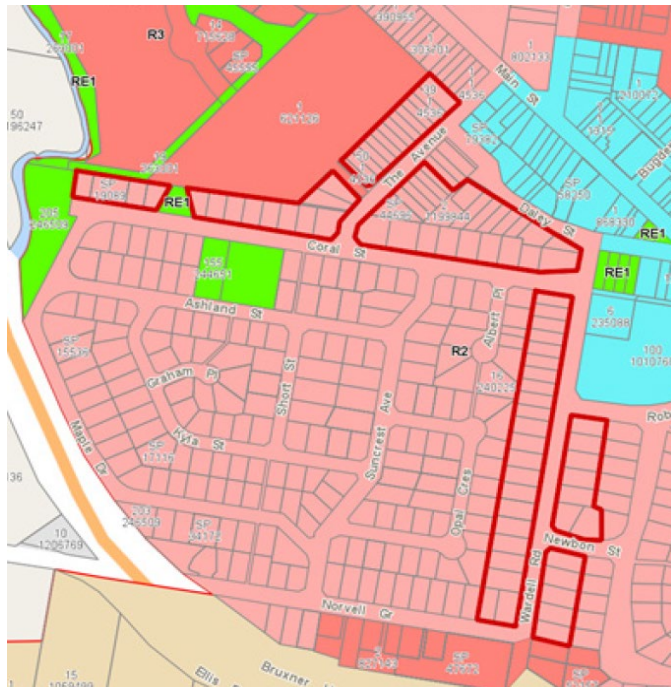


Figure 1 – 2017 APES Candidate R3 Medium Density Residential Zone Area

Heritage Considerations

A local heritage assessment has been undertaken by consultants Virtus Heritage. The assessment is contained within Attachment 3. Consideration has also been given to Council's 2008 Community heritage Study.

Council commissioned the heritage assessment to determine whether any properties in the area identified by red outline in Figure 1 have local heritage value. Following consideration of the heritage assessment report, the area proposed for rezoning has been reduced as indicated in Figure 2 below.

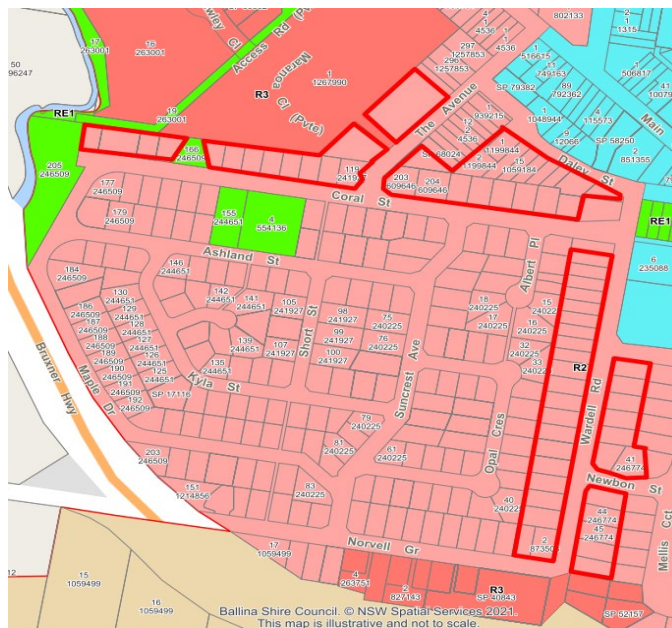


Figure 2 – Area proposed for R3 zoning following heritage assessment.

8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion

The properties excluded from the area initially identified in the 2017 APES are detailed in the table below together with the reasons for exclusion.

Property category removed from candidate R3 area	Property Description	Reason
Items of the environmental heritage in Schedule 5 of Ballina LEP 2012.	<p>Item I24 - St Bartholomew's Anglican Church (timber) No. 1 The Avenue, (was Lot 1, DP 1152916, now Lot 297 DP 1257853)</p> <p>Item I25 - St Bartholomew's Anglican Church Manse, No. 3 The Avenue, (was Lots 39 – 41, Section 1, DP 4536 now Lot 296 DP 1257853)</p> <p>Item I26 - St Bartholomew's Anglican Church (stone), No. 6 The Avenue, Lot 1 DP 939215</p>	Properties considered to have no medium density redevelopment potential due to heritage listing.
Properties recommended as potential heritage items by heritage consultant in 2021 heritage assessment.	<p>No. 3 Wardell Road, Lot 88 DP 240225</p> <p>No. 7 Wardell Road, Lot 1 DP 35468</p> <p>No. 5 The Avenue, Lots 42 & 43, Section 1, DP 4536 (Previously a maternity hospital c.1921)</p>	Properties require further assessment, and consultation with property owners prior to further consideration of land rezoning.
Certain properties within recommended heritage conservation area, and with previously assessed heritage potential (Draft Shire Wide Community Based Heritage Study 2008)	<p>No. 10 The Avenue, Lots 12 & 13, Section 2, DP 4536</p> <p>No. 12 The Avenue, Lot 14, Section 2, DP 4536</p> <p>No. 14 The Avenue, Lot 15, Section 2, DP4536)</p> <p>No. 16 The Avenue, Lots within SP 68024</p>	Properties contain older style timber dwellings. These properties were previously nominated (2008 draft Heritage Study) for inclusion within a The Avenue heritage conservation area.

8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion

The heritage consultant recommended that properties on both sides of Daley Street and properties located on the eastern side of The Avenue be excluded from the R3 Medium density zoning and that they should be included in a new Heritage Conservation Area.

Properties on the eastern side of The Avenue were previously nominated as significant residential streetscapes in the 2008 draft Heritage Study.

Given this, the properties at 10 to 16A The Avenue, currently zoned R2 Low Density Residential and containing original timber dwellings, have been excluded from the proposed R3 zoning area. Also removed is 5 The Avenue as indicated in the table above.

An extract from the 2008 draft Heritage Study appears below (pp89, 93 and 95):

The schedule of the shire's historic houses in the table below demonstrates that its historic iron and timber houses are not only of aesthetic heritage significance, but they represent important aspects of the shire's social history. Further investigation of many of these houses may also reveal other heritage values.¹ The significance of some of these houses also lies in what they represent or demonstrate as a class or group of items. Two historic residential areas in the shire have been identified as proposed conservation areas. The areas are proposed because they demonstrate a mix of historic timber housing types and of different eras, as well as other features that contribute to their historic aesthetic character or appearance, e.g. low timber and brick fencing and a uniform setback. This pattern of streetscape is representative of a 'typical' residential streetscape that is becoming increasingly rare in the shire. In addition to historic appearance, the individual houses incorporated in these streetscape areas have potential to reveal other values as individual items. These areas as shown in the table below are on Ballina Island and in Alstonville.

Alstonville's The Avenue developed in the late 1890s and early 1900s. The northern end of the Avenue boasts several Federation style houses that have seen some additions, but on the whole retain important original fabric. These buildings date from the early 1900s and are good examples of Federation architecture and in a village setting. Among these houses also is the original Anglican Rectory and a former maternity hospital. Other houses too reveal different facets of the town's social history. Other timber housing on the eastern side of The Avenue is more modest in nature, but nonetheless these are 'older style' timber houses (that tell their own story) and as importantly contribute to the overall historic character of the streetscape. The Avenue also includes St Bartholemew's original timber church and the, later built, stone church.

The 2008 draft Heritage Study did not nominate properties within Daley Street as being within a proposed heritage conservation area.

Whether an area should be incorporated within a proposed heritage conservation area has broader implications, which extends well beyond the properties nominated. There are currently no heritage conservation areas within the shire. If Council now sees value in creating such areas then it is suggested that a shire wide approach be adopted.

¹ Davison, Graeme, in Troy, Patrick (ed.), *European Housing in Australia*, Cambridge University Press, 2000, pp. 6-25. Davison talks about the different housing styles found among English, Scottish and Irish in Colonial Australia.

8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion

It is recommended that the properties located on the southern side of Daley Street, currently zoned R2 Low Density Residential, be included in the proposed rezoning to R3 Medium Density Residential, with additional Special Area controls to be added to the residential chapter of Ballina Development Control Plan 2012 (Attachment 2).

The Special Area controls will ensure that future development of this locality will be sympathetic to the character and form of the existing streetscape, complementing the heritage character of The Avenue and Main Street.

These Special Area Controls would also apply to the R2 zoned lots on the eastern side of The Avenue, which currently contain dwellings that provide a positive contribution to the character of this area.

Proposed Rezoning

Properties with more obvious heritage value have been excluded from the proposed R3 zone.

It is open to Council to also remove the R2 zoned residential properties on the southern side of Daley Street from the attached planning proposal, but this has not been recommended for the following reasons:

- This area was not previously nominated in the more in depth and detailed 2008 draft Heritage Study.
- Since 2008, Daley Street has undergone further changes through building demolition and rebuilding. Such action, it is considered, further reduces its value as a heritage conservation area.
- There are more significant areas warranting heritage assessment and potential listing as conservation areas and items of local heritage value than the dwellings in Daley Street.
- Special Area controls can be implemented in the DCP to protect the local streetscape character.

Attachment 4 contains various photos of the dwellings referenced within this report and located in The Avenue, Daley Street and Wardell Road.

As a consequence of the removal of some properties from the 2017 candidate R3 zoned area, the area impacted by this planning proposal has been reduced from approximately 6.6ha to 5.5ha, encompassing 64 lots fronting Coral and Daley Streets, The Avenue, Wardell Road and Newbon Street.

The provision of additional R3 zoned areas within close proximity to the Alstonville commercial centre, as detailed in the planning proposal contained in Attachment 1, is consistent with the strategic objectives of the Alstonville Strategic Plan, Council's Growth Management Strategy, Council's Local Strategic Planning Statement and the State Government's North Coast Regional Plan.

The proposed amendment also includes associated changes to minimum lot sizes for subdivision to apply an 800m² standard to the proposed R3 zoned areas (up from 600m²) to match the standard for medium density zoned land elsewhere in Alstonville.

8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion

Council is invited to endorse the attached planning proposal for referral to NSW Department of Planning Industry and Environment for a Gateway determination.

Following the Gateway determination, the planning proposal and associated draft DCP amendments would be placed on public exhibition.

Following public exhibition the planning proposal and community feedback will be reported back to the Council for further consideration and/or finalisation endorsement.

Delivery Program Strategy / Operational Plan Activity

The implementation of the Alstonville Strategic Plan aligns with the 2021/ 2025 Delivery Program and Operational Plan activity HE3.1b, which relates to the implementation of place based strategic plans.

Community Consultation Policy

In accordance with the provisions of Council's Community Consultation Policy the planning proposal, and associated amendments to the DCP are considered to be a local and potentially moderate level impact.

Council's Community Participation Plan, therefore, requires that the planning proposal be made publically available for a minimum 28 day exhibition period.

Consultation will be required to be undertaken in accordance with legislative requirements.

The notice requirements, and material to be publically displayed, are as specified in the NSW Government's *Guide to preparing local environmental plans*.

Financial / Risk Considerations

The progression of the planning proposal to public authority and agency consultation and public exhibition will be undertaken utilising existing resources within the Strategic Planning section.

In terms of risk management it is considered that this planning proposal has an overall low risk profile.

The planning proposal process, including the requirement to obtain a Gateway determination from the Department of Planning Industry and Environment, further reinforces the low risk profile by introducing a system of checks and balances.

Options

Option 1 – Progress the planning proposal by seeking a Gateway determination

This is the preferred option.

8.1 LEP Amendment - Alstonville Medium Density Residential Zone Expansion

In summary the LEP amendment involves changing the zoning of R2 Low Density zoned land to R3 Medium Density zone consistent with the intent of the Alstonville Strategic Plan. The planning proposal also includes associated amendment to minimum lot sizes for subdivision to apply an 800m² standard to the proposed R3 areas (up from 600m²) to match the standard for medium density zoned land elsewhere in Alstonville.

The assessment of the area's heritage value has resulted in some sites being removed from the original 2017 proposed rezoning area. This does not mean that the properties removed have sufficient value to be nominated as items of local heritage value. A more detailed evaluation process would be required to be undertaken before any listing of properties within Schedule 5 of Ballina LEP 2012 can occur.

Should a favourable Gateway determination be granted, this option would also include the concurrent exhibition of draft amendments to Ballina DCP 2012 that seek to ensure that future development on the south side of Daley Street and eastern side of The Avenue considers and respects the character and heritage significance of the locality.

Option 2 – Amend the planning proposal prior to seeking a Gateway determination.

It is open to Council to remove additional properties from being zoned R3 or to add in additional properties.

For example, Council may consider that properties on the southern side of Daley Street should not form a part of this planning proposal due to perceived potential heritage impacts. For the reasons indicated in this report, such an approach is not recommended.

Option 3 – Cease the Planning Proposal Process

Council could resolve not to submit the Alstonville R3 zone planning proposal to the Department of Planning Industry and Environment for a Gateway determination. If this occurred, it would end the planning proposal process.

If Council supports this option then it is suggested that it also resolves to amend the Alstonville Strategic Plan, at the next scheduled review period, so as to delete Strategic Action No 10.

At this time it is considered that there are no compelling reasons which would suggest that the planning proposal not be submitted for a Gateway determination.

Option 4 - Defer consideration of the planning proposal.

Should Council require further information then it could defer the planning proposal for a briefing and or an on-site inspection of the affected area.

If a briefing is considered beneficial, it is recommended that this be held at the conclusion of the public exhibition period to enable examination of submissions received as part of the consideration of the planning proposal.

RECOMMENDATIONS

1. That Council endorses the Alstonville R3 Zone Planning Proposal, as contained in Attachment 1 to this report, for submission to the Department of Planning Industry and Environment for a Gateway determination.
2. That upon an affirmative Gateway determination being received from the Department of Planning Industry and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
3. That draft amendments to the Ballina DCP 2012 be exhibited concurrently with the Planning proposal, including:
 - Special Area Controls to be included in Chapter 4 – Residential & Tourism development as contained in Attachment 2 to this report, and
 - A Dwelling Density Map to nominate a dwelling density of 1 dwelling per 300m² of site area for the area subject to the planning proposal.
4. That the Department of Planning Industry and Environment be advised that Council is seeking to exercise its delegated plan making functions for this LEP amendment.
5. That the planning proposal and draft DCP amendments be reported to the Council for further consideration following the completion of the public exhibition process.

Attachment(s)

1. Planning Proposal - Alstonville R3 Zone
2. Draft Special Area DCP Provisions - Alstonville R3 Planning Proposal
3. Heritage Assessment Report - Alstonville R3 Planning Proposal
4. Alstonville Dwelling Photos - Alstonville R3 Planning Proposal

8.2 LEP Amendments and Planning Proposals - Status

8.2 LEP Amendments and Planning Proposals - Status

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

Background

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

Key Issues

- Status of rezoning and LEP amendment requests.

Discussion

LEP Amendment Requests and Planning Proposals Status

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

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

Table 1: Status of LEP amendment requests and planning proposals

Item	Name and Status	Summary and Notes	Completion Due
18/004	Reservoir Hill Site, 20 North Creek Road, Lennox Head (Stage 7)	Proposal to amend the Ballina LEP 2012 to make minor zone boundary adjustments to reflect an amended subdivision design. Council resolved at its August 2021 Ordinary meeting to endorse the amendments and to request that DPIE complete the LEP amendment process. The matter has been forwarded to DPIE for finalisation.	12/08/2021
18/005	Function Centres in Rural Areas (Complete)	Proposal to amend the Ballina LEP 2012 to incorporate special provisions for function centres on land within the RU2 zone and reduce the time period allowable for a temporary use under clause 2.8 Temporary Use of Land. This amendment was completed via Amendment No. 47 to the Ballina LEP 2012 on 25 June 2021.	Completed 25/06/2021

8.2 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
20/001	Dwelling Entitlement Reinstatement, Teven Road, Teven (Stage 6)	<p>Proposal to transfer a dwelling entitlement on Lot 3 Section 1 DP 758964 to an adjacent aggregation of lots through identification of these lots on the "Dwelling Opportunity Reinstatement Map" as having one dwelling opportunity. The dwelling entitlement transfer will enable a more suitable development site for a dwelling.</p> <p>In response to an objection lodged by the DPIE's Biodiversity and Conservation Division (BCD), a flood impact assessment report submitted by the proponent has been forwarded to the BCD for review.</p> <p>The matter will be reported to the Council once a response has been received from BCD.</p>	4/12/2021
20/002	6-20 Fitzroy Street, Wardell (Stage 6)	<p>Proposal to amend the LEP to rezone the land from RU1 Primary Production to R3 Medium Density Residential and to apply a minimum lot size of 800m².</p> <p>Currently awaiting consultation advice from NSW Rural Fire Service before the matter can proceed.</p> <p>An altered Gateway determination requesting an extension of time to complete the amendment has been sent to DPIE.</p>	09/09/2021
20/003	Stage 1 – Southern Cross Expansion, Ballina (Stage 6)	<p>Ballina Shire Council proposal for the rezoning of land northward of the existing Southern Cross Industrial Estate from its current rural zoning to enable a mixture of industrial and employment-type land uses.</p> <p>In response to advice from the Department of Planning, Industry & Environment (DPIE) that no further extension of time would be granted beyond 30 January 2021, Council withdrew the 2013 planning proposal (BSCPP 13/005).</p> <p>The DPIE subsequently issued a new Gateway determination in respect to the Stage 1 rezoning of the Southern Cross Industrial Estate expansion area. The Gateway determination specified deadline for completion of 30 June 2021. A Gateway extension request was made with a new deadline of 30 December 2021 being granted.</p> <p>Following public exhibition and State Agency consultation, staff are currently reviewing issues associated with biodiversity and liaising further with State agencies.</p>	30/12/2021
21/001	46 Lindendale Road, Wollongbar (Stage 5)	<p>Proposal to amend the Ballina LEP 1987 to permit with consent a veterinary hospital, and an information and educational facility on part Lot 237 DP 755745, 46 Lindendale Road, Wollongbar.</p> <p>The planning proposal is on public exhibition from 6 October 2021 until 20 October 2021.</p> <p>A report will be presented to Council once any submissions received are assessed.</p>	28/11/2021
21/002	Ballina Heights Neighbourhood Centre	<p>The estate developers have foreshadowed a revised approach involving the relocation of the commercial zone within the estate. This was the subject of a Councillor briefing on 5 October 2021.</p> <p>Staff are now awaiting formal submission of revised proposal for reporting to Council.</p>	#

8.2 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
21/003	Alstonville R3 zone	Proposal to amend the BLEP 2012 to apply the R3 Medium Density Residential zone to certain land at Alstonville. This proposal is the subject of a separate report elsewhere in this business paper.	#
21/004	Deferred Matters Integration into BLEP 2012 (Stage 2)	Proposal to integrate certain deferred matters into the BLEP 2012. This proposal is the subject of a separate report elsewhere in this business paper.	#
21/005	Epiq Estate, Sites 2, 6 & 12 Anchorage Ave, Lennox Head (Stage 3)	Proposal to amend the BLEP 2012 to apply the R3 Medium Density Residential zone and a minimum lot size of 450m ² to the subject site as well as make other minor adjustments to align zoning and lot size provisions to the final subdivision layout. Council resolved at its September 2021 Ordinary meeting to prepare a planning proposal and seek a Gateway determination from DPIE. Documentation is currently being prepared to send to DPIE for a Gateway determination.	#
<p>LEP Amendment Request/Planning Proposal Processing Stages</p> <ol style="list-style-type: none"> 1. Initial Concept - Proponent submits initial amendment concept for review and reporting to the Council. 2. Planning Proposal - Preparation of a planning proposal for the Council's consideration (if the initial concept is supported by the Council). 3. Gateway Determination - DPIE determination as to whether the planning proposal may proceed (if the Council resolves to submit the planning proposal for determination). 4. Study Preparation - Relevant technical information to enable complete assessment compiled and considered. This step may also involve pre-exhibition public authority consultation. 5. Community Consultation - Planning proposal and associated technical assessment material exhibited for public comment. 5a. Public Hearing - Public Hearing held, where required. 6. Submissions Assessment and Council Decision - Reporting of community consultation outcomes and Council decision regarding finalisation of the planning proposal. 7. Finalisation - DPIE finalisation (or Council finalisation under delegation) of the LEP amendment based on the planning proposal. Note: the Minister for Planning and Public Spaces may finalise, alter or terminate the amendment. <p># Denotes proposal number and due date subject to Gateway determination. The completion due date is a date determined by the Department of Planning, Industry and Environment.</p>			

Delivery Program Strategy / Operational Plan Activity

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

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

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

8.2 LEP Amendments and Planning Proposals - Status

Community Consultation Policy

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

Financial / Risk Considerations

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

Options

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

RECOMMENDATION

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

Attachment(s)

Nil

8.3 Ballina Local Environmental Plan 2012 - Deferred Matters Integration

8.3 Ballina Local Environmental Plan 2012 - Deferred Matters Integration

Section	Strategic Planning
Objective	To provide an update to Council on the program to integrate deferred matters into the Ballina Local Environmental Plan 2012 and to seek direction with respect to the submission of a planning proposal addressing certain deferred matter areas for Gateway determination and subsequent public exhibition.

Background

The Ballina Local Environmental Plan 2012 (BLEP 2012) currently includes areas known as deferred matters (DM) due to the State Government's decision in 2012 to not allow the Ballina LEP 2012 (and other LEPs for surrounding LGAs) to include environmental protection zones. These areas remain subject to the provisions of the BLEP 1987.

Council staff have prepared a planning proposal which seeks to rezone certain land previously deferred from inclusion into the BLEP 2012 by applying appropriate zones available under the Standard Instrument Local Environmental Plan (SILEP).

The extent of the proposal and the land to which it applies is set out in the Information Section of this report.

Land use zones, including environmental zones, are proposed having regard for legislative requirements, the NSW Department of Planning, Infrastructure and Environment's Northern Councils E Zone Review Final Recommendations Report, the associated section 9.1 Ministerial Direction and the Council's resolution of 27 April 2017.

The State Government's decision to defer areas from the LEP also affected other provisions and maps within the instrument, not directly related to environmental protection zones. These matters have been addressed within the planning proposal.

The purpose of this report is to provide the Council with an overview of the history of deferred matters within the shire and the current approach to the integration of deferred matters, and to seek direction with respect to the submission of a planning proposal for Gateway determination and conduct of a subsequent public exhibition process.

A copy of the planning proposal is provided in Attachment 1.

Key Issues

- Comprehensive local environmental plan for Ballina Shire
- Environmental protection zoning under the local environmental plan
- Inclusion of various planning provisions not related to environmental protection zoning under the Ballina LEP 2012

Information

History of environmental protection zoning in the Draft Ballina LEP 2012

Ballina Shire Council engaged in the preparation of a comprehensive local environmental plan (LEP) under the State Government's Standard Instrument LEP (SILEP) program between 2006 and 2013. This planning process was underpinned by a comprehensive and sustained community engagement program and considerable and careful deliberation by the elected Council and staff over a prolonged period.

Council resolved to endorse a new draft LEP for the shire in December 2011 and subsequently sought finalisation and implementation of the draft plan through the then NSW Department of Planning and Environment.

In September 2012, prior to Council's draft plan being finalised by the Department (it had received endorsement by the Department's regional office in Grafton), the then Minister for Planning, the Hon. Brad Hazzard made a decision to initiate a review of environmental protection zones in five local government areas on the Far North Coast. This included Ballina Shire.

The consequence of the Minister's decision was that Council's comprehensive LEP was only partly made, with areas identified as having environmental values excluded from the plan.

These 'deferred matter' areas remain subject to the provisions of the Ballina LEP 1987 (being the instrument the new plan was to replace).

The Department released the interim report on the review of the E zones, prepared by consultants Parsons Brinkerhoff, for exhibition and comment in May 2014. Council responded to this with the identification of an extensive suite of shortcomings, errors and omissions within the report. This report has not been updated, nor the issues identified by Council addressed for the public record.

In October 2015 the Department published its final recommendations report for the Northern Councils E Zone Review (NCEZR). The review recommendations do not align with Council's endorsed draft LEP from 2011 or with more than 30 years of environmental protection zoning history and identified environmental attributes and values in the Ballina Shire local government area.

Environmental protection zone matters are an emotional and often divisive consideration in planning. This is why the Council applied extensive resources over a period of five years to study, understand and contemplate environmental attributes and associated zoning in the shire before proceeding to endorse a new draft local environmental plan for implementation in December 2011.

For Ballina Shire, the NSW Government's review recommendations result in the loss of opportunity to apply environmental protection zones to areas on the basis of scenic and amenity value, coastal value, water catchment characteristics and urban buffer characteristics.

This is a substantial shift for Ballina Shire and one that represents a significant change in long standing Council planning policy.

8.3 Ballina Local Environmental Plan 2012 - Deferred Matters Integration

In considering this, it is important to recognise that environmental protection zones have been part of Ballina Shire since 1987 and the majority of the areas so zoned in 1987 remain zoned environmental protection under that plan at present.

Previously adopted staged integration programs

An initial staged approach to integrate deferred matter areas was adopted by the Council at its April 2016 Ordinary meeting in line with the requirements of the Department's final recommendations report.

In response to an offer for funding support from the Department, Council resolved at the October 2016 Ordinary meeting to adjust the staging of the integration program based on a shorter timeframe.

Stage 1 of the integration program commenced with the then Department of Planning issuing a Gateway determination on 9 March 2017 in respect to land predominantly zoned 7(c) Environmental Protection (Water Catchment Zone) under the Ballina Local Environmental Plan 1987 (BLEP 1987) as well as other contiguous areas that were deferred from the BLEP 2012.

Stage 2 of the program involved land zoned 7(d) Environmental Protection (Scenic/Escarpment) and 7(d1) Environmental Protection (Newrybar Scenic/Escarpment) under the BLEP 1987 and other contiguous areas deferred from the BLEP 2012. At its Ordinary meeting held in March 2017 the Council resolved to delay consideration of the Stage 2 planning proposal until after a Councillor briefing on the matter.

During the Councillor briefing held on 6 April 2017, maintaining the status quo in relation to the existing environmental protection zones under the BLEP 1987 was one of the approaches discussed.

This reflects a view that the BLEP 1987 has been in place for a long time and has been very successful with respect to the management of the shire's environmental values, particularly given that adverse impact from development within existing environmental protection zone areas has been limited.

At the April 2017 Ordinary meeting, Council reconsidered the previously adopted approach to the deferred matters integration including a review of ways to enable retention of existing environmental protection zones as contained in the BLEP 1987.

Council subsequently resolved as follows:

That Council addresses the deferred matters under the Ballina Local Environmental Plan 2012 through the following:

- a) *Retention of all deferred areas the subject of an environmental protection zone under the Ballina Local Environmental Plan 1987 as deferred areas (having the effect that the Ballina LEP 1987 will continue to apply).*
- b) *Preparation of a planning proposal to integrate all deferred areas that are not subject to existing environmental protection zones under the Ballina Local Environmental Plan 1987 into the Ballina Local Environmental Plan 2012.*

8.3 Ballina Local Environmental Plan 2012 - Deferred Matters Integration

- c) *Application of the criteria established under the Northern Councils E Zone Review to the areas to be integrated into the Ballina Local Environmental Plan 2012 under point (b).*

Consequently, the Council resolved in June 2017 to formally request the discontinuance of the Stage 1 planning proposal.

A response was received from the Department in July 2017 that the Department is considering possible options to facilitate the implementation of the E Zone Review and will advise Council of its decision on the discontinuation request once the preferred option for implementation has been determined.

To date, Council has not received any further correspondence regarding the discontinuation.

Current approach to the integration of certain deferred matters

In April 2021, Council accepted an offer of funding from the Department of Planning, Infrastructure and Environment (DPIE) to support the integration of certain land previously deferred from inclusion into the BLEP 2012, excluding deferred matter areas identified as an existing environmental protection zone (ie. a "7" zone) under the BLEP 1987.

This is in line with the Council resolution of April 2017.

The terms of the funding agreement required that Council expend the funds by 30 July 2021, with an expectation that a planning proposal will be lodged shortly after.

To facilitate the integration of deferred matters and the preparation of a planning proposal, Council engaged consultants Ascent Ecology Pty Ltd to identify and verify proposed E2 Environmental Conservation and E3 Environmental Management zones under the BLEP 2012 in line with the recommendations and criteria outlined in the DPIE's NCEZR report.

Ascent Ecology worked with Council to develop and refine the methodology used for transitioning DM land into the BLEP 2012. The report prepared by Ascent Ecology, which focusses on the identification and verification of E zone criteria as outlined in the NCEZR report, is supplemented by other information that is considered to be essential for the project. As a result, a final combined methodology report has been prepared and is provided at Attachment 2.

Despite the short timeframe provided by the Department, the overarching approach to the project was to ensure that any proposed zoning is evidence-based and accompanied by appropriate data and a well-documented process.

The DM areas that are proposed to be transitioned from the BLEP 1987 into the BLEP 2012 are shown in Table 1.

The total area of DM land to be transitioned equates to approximately 3,515 hectares. Of this, approximately 80% of DM areas to be transitioned are currently zoned 1(b) Rural (Secondary Agricultural Land).

Environmental protection zones listed in Table 2 will remain subject to the provisions of the BLEP 1987 as per the Council resolution of April 2017.

Table 1: BLEP 1987 DM Zones to be transitioned into BLEP 2012

Zone	Description
1(a1)	Rural (Plateau Lands Agriculture)
1(a2)	Rural (Coastal Lands Agriculture)
1(b)	Rural (Secondary Agricultural Land)
1(d)	Rural (Urban Investigation)
1(e)	Rural (Extractive and mineral Resources)
2(a)	Living Area
2(b)	Village Area
4	Industrial Zone
6(a)	Open Space Zone
8(a)	National Parks and Nature Reserves
9(a)	Roads (Main Roads Proposed)
9(b)	Roads (Local Roads Proposed)
UZ	Unzoned Land

Table 2: BLEP 1987 environmental protection zones not to be transitioned into BLEP 2012

Zone	Description
7(a)	Environmental Protection (Wetlands)
7(c)	Environmental Protection (Water Catchment)
7(d)	Environmental Protection (Scenic/Escarpment)
7(d1)	Environmental Protection (Newrybar Scenic/Escarpment)
7(f)	Environmental Protection (Coastal Lands)
7(i)	Environmental Protection (Urban Buffer)
7(l)	Environmental Protection (Habitat)

The methodology report recommends the application of E2 and E3 zoning to deferred areas as presented in the accompanying maps (Attachment 3). Based on the work completed to date, approximately 73% of DM land the subject of the current planning proposal is identified for an E zone.

Attachment 4 contains a copy of the current gazetted 2012 LEP map sheets showing the extent of existing zoning that applies to land within the shire.

Subject to obtaining a Gateway determination that allows the planning proposal to proceed, the mapping will be finalised taking into account any additional information received (including any refinements to ensure consistency) prior to the public exhibition of the planning proposal.

8.3 Ballina Local Environmental Plan 2012 - Deferred Matters Integration

It is also necessary to make a series of consequential amendments to various clauses within the BLEP 2012 to reference E zones. There is also a need to adjust various maps under the BLEP 2012 to reflect the inclusion of the DM land (e.g. acid sulfate soils, strategic urban growth areas, minimum lot size for subdivision).

These maps will be prepared based on consistency with the existing standards that apply in the BLEP 2012 and the map data that underpinned the BLEP 2012's preparation (where it remains applicable).

Deferred areas unsuitable for an E2/E3 zoning are to be transitioned into the BLEP 2012 by applying the most appropriate equivalent zone as outlined in section 6.4 of the methodology report and reproduced in Table 3 below.

Table 3: Transition of BLEP 1987 to BLEP 2012 zones

BLEP 1987 Zone (DM Area)	Proposed BLEP 2012 Zone
1(a1) Rural (Plateau Lands Agriculture) 1(a2) Rural (Coastal Lands Agriculture) 1(e) Rural (Extractive and Mineral Resources)	RU1 Primary Production
1(b) Rural (Secondary Agricultural Land)	RU2 Rural Landscape
1(d) Rural (Urban Investigation)	Based on adjacent zoning
2(a) Living Area 2(b) Village Area	R2 Low Density Residential or R3 Medium Density Residential
4 Industrial	IN1 General Industrial
6(a) Open Space	RE1 Public Recreation or RE2 Private Recreation
9(a) Roads (Main Roads Proposed) 9(b) Roads (Local Roads Proposed) UZ Unzoned Land	Based on adjacent zoning

To ensure consistency with the approach previously taken by Council in the transitioning of land to a rural zone (RU1 or RU2) at the time the BLEP 2012 was adopted, the following additional criteria was applied to areas unsuitable for E2/E3 zoning for land currently zoned 1(a1), 1(a2), 1(b), 1(d) or 1(e). If the land met the following two criteria, an RU1 zone was proposed:

- Land is identified as State or Regionally Significant Farmland under the Northern Rivers Farmland Protection Project; and
- Land is identified as an agricultural class of 1, 2, 3 or 4 by the NSW Department of Primary Industries agricultural land class mapping.

For land that is zoned 1(b) that does not meet both of these criteria, the RU2 zone was applied.

One proposed exception to this rule is the Tuckombil Quarry site which, despite the presence of some attributes that meet the E2 criteria, is mapped as State Significant Farmland and meets the criteria for the RU1 zone based on the above methodology.

At the July 2021 Ordinary meeting, Council considered a report on the potential use of the quarry site for the purpose of a film studio and other community uses.

8.3 Ballina Local Environmental Plan 2012 - Deferred Matters Integration

In order to maintain flexibility in the range of land use permissibility for the site, until further planning assessment for the land is completed, it is proposed to apply the RU2 zone to the parts of the land that do not qualify for an E zone at this time.

Land Use Tables

New land use tables for E2 and E3 zones are proposed as outlined in Section 3 of the planning proposal, having regard for the DPIE's NCEZR Final Recommendations Report. Based on the outcomes of the E zone review, limited land uses are proposed within the E zones.

Amendment to Ballina LEP 1987

It is also proposed to amend the Ballina LEP 1987 with respect to the temporary use of land clause by reducing the maximum number of days that land may be used for a temporary purpose.

Clause 41(2) of the BLEP 1987 allows for development consent to be considered for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

As per the Council resolution of April 2017, only land that is zoned for environmental protection purposes will remain subject to the provisions of the Ballina LEP 1987.

It is appropriate that any temporary development permitted within these zones be limited to ensure consistency with the provisions of the Ballina LEP 2012, which allow temporary use for a maximum period of 14 days.

This change is consistent with a recent amendment to the Ballina LEP 2012 which applied a 14 day maximum period for temporary uses subject to the 2012 plan.

Delivery Program Strategy / Operational Plan Activity

The integration of deferred matters is identified in Council's adopted Delivery Program and Operational Plan at action *HE3.1f – Review environmental protection zone framework*.

Community Consultation Policy

Community consultation in relation to the attached planning proposal is scheduled to occur post-Gateway determination and will involve targeted engagement with affected landholders prior to public exhibition of the proposed zones.

In accordance with Council's Community Consultation Policy, the proposal is considered to be of a high level impact on a shire-wide scale.

Consultation will also be undertaken in accordance with the requirements of the Gateway determination.

Financial / Risk Considerations

The State Government's E zone review process has impacted Council in both a financial and administrative sense.

The work required to be undertaken in relation to the deferred matter integration program is presently being funded through grant funds from the Department of Planning, Industry and Environment (in the amount of \$40,000 for the overall integration project) and existing Council resources.

Options

The following options are presented for Council's consideration.

Option 1 – Endorse the submission of the planning proposal to the Department of Planning, Industry and Environment for Gateway determination

This is the preferred option.

The proposed integration of deferred matters into the BLEP 2012 accords with the Council resolution of April 2017 to proceed to integrate all deferred areas under the BLEP 1987 excluding existing environmental protection zones.

The planning proposal will facilitate the introduction of E2 and E3 zoning into the BLEP 2012 land use table, thereby enabling application of such zones to areas within the shire that meet the criteria.

It is recommended that Council proceeds to lodge the planning proposal (Attachment 1) with the Department of Planning, Industry and Environment (DPIE) for Gateway determination and then proceed to public exhibition after initial engagement has occurred with those landholders with land the subject of proposed environmental protection and other zones.

Council would receive further reporting on the planning proposal following public exhibition.

Under this option, it is proposed to proceed with public exhibition following final refinements to the mapping based on information gathered post Gateway determination and initial engagement with landholders.

Council also needs to determine whether to exercise its delegated plan making functions to finalise this LEP amendment.

It is recommended that Council does not seek to exercise its plan making delegation in this instance, should the LEP amendment proceed to completion.

This is because the planning proposal includes Council owned land.

Option 2 – Cease further progression of the deferred matters program

Council could decide to cease with the implementation of the deferred matters program and retain the operation of Ballina LEP 1987 in relation to all deferred areas.

8.3 Ballina Local Environmental Plan 2012 - Deferred Matters Integration

This option has the disadvantage of not providing Council with a mechanism for protection of areas identified as suitable for environmental conservation or environmental management under the Standard Instrument LEP.

There is also the risk that the Minister may appoint another planning authority to complete the integration of deferred matters, which could result in Council losing the ability to retain the existing environmental protection zones under the 1987 plan and to integrate remaining deferred areas.

Council may also be required to return the grant funds provided to date if this option is chosen.

This option is not recommended.

Option 3 – Defer consideration of the planning proposal

The deferral of the proposal is not recommended on the basis that it is considered that a suitable level of technical information has now been compiled to enable a Gateway determination.

Council received a briefing on the current approach to deferred matters in September 2021.

If Council wishes to receive another briefing on the matter, it is recommended that this be scheduled to occur post-Gateway determination and after initial engagement has occurred with landholders of land subject to proposed environmental protection zones.

RECOMMENDATIONS

1. That Council endorses, for Gateway determination, the integration of certain land identified as deferred matters in Ballina Local Environmental Plan (BLEP) 1987 into the Ballina Local Environmental Plan 2012, including the introduction of land use tables for the E2 Environmental Conservation and E3 Environmental Management into BLEP 2012 and various other consequential amendments, in accordance with the planning proposal (BSCPP 21/004) contained in Attachment 1.
2. That Council endorses for Gateway determination, amendment to Clause 41 of the Ballina Local Environmental Plan 1987 to limit the temporary use of land to a maximum of 14 days per annum.
3. That Council submits the planning proposal contained in Attachment 1 to the NSW Department of Planning, Industry and Environment for review and Gateway determination.
4. That upon an affirmative Gateway determination being received from the Department of Planning, Industry and Environment the procedural steps associated with progression of the planning proposal, including public exhibition, be undertaken.
5. That the Department of Planning, Industry and Environment be advised that Council does not seek to exercise its delegated plan making functions for this LEP amendment.

8.3 Ballina Local Environmental Plan 2012 - Deferred Matters Integration

6. That Council receive a further report on the deferred matter integration program following the completion of the public exhibition of the planning proposal.

Attachment(s)

1. Planning Proposal (Under separate cover)
2. Methodology Report (Under separate cover)
3. Draft Zone Mapping
4. Gazetted Land Zoning Maps

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 involving variations to development standards of 10% or less for July to September 2021.

Attachment(s)

Nil

8.5 Kingsford Smith Reserve Master Plan - Adoption

8.5 Kingsford Smith Reserve Master Plan - Adoption

Section	Strategic Planning
Objective	To provide Council with the findings of the public exhibition process for the Draft Kingsford Smith Reserve Master Plan project and to present the revised Draft Master Plan for adoption.

Background

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

This reserve includes land in Ballina at:

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

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

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

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

This Draft Master Plan was reported to the July 2021 Ordinary meeting. The report included an outline of community and stakeholder engagement undertaken to inform the design process and presented a Draft Master Plan seeking endorsement for public exhibition.

At this meeting, Council resolved as follows:

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

8.5 Kingsford Smith Reserve Master Plan - Adoption

3. *That Council continue to lobby Crown Lands and State Ministers for access to Boomerang Park for sporting facilities such as additional netball courts.*

Following this, the Draft Master Plan was exhibited for 28 days from 17 August until 14 September 2021.

This report presents a summary of the submissions received during the public exhibition period and in response, recommended minor revisions made to the Draft Master Plan.

A copy of the revised Draft Master Plan, which is recommended for adoption, is contained in Attachment 1.

Key Issues

- Public exhibition feedback outcomes
- Balance of facilities and priorities
- Adjustments to Draft Master Plan

Discussion

Community Engagement

Given the regional significance of the recreation precinct and its importance to several sporting groups and the general community, Council has undertaken two rounds of formal engagement activities with the community and stakeholders.

The first round of engagement included widely publishing information about the project, face-to-face meetings with key stakeholders and user groups and an online survey to collect information about users, the parts of the site that they use and their priorities for improvements. This information was used to inform preparation of a design. 666 responses were received to the online survey.

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

The online survey identified the top 10 'High Priority' items or ideas as being:

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

8.5 Kingsford Smith Reserve Master Plan - Adoption

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

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

The first round of engagement also identified the following loud messages and good ideas:

- Keep it family friendly
- Keep three defined precincts with distinctly different functions (e.g. organised sports and recreation, active play, low key and relaxed)
- Maintain a predominantly 'natural' aesthetic particularly along the water's edge
- Provide an inspiring "destination" playspace suitable for many ages and capabilities
- Expand the skatepark and provide lighting
- Improved safety on Owen Street and Bentinck Street especially during the markets
- Use native vegetation
- More shade and seating
- Upgrade the various sporting group facilities to meet peak sporting body guidelines
- Make it accessible to all

The second round of engagement involved the public exhibition of the Draft Master Plan.

The Draft Master Plan was exhibited from 17 August until 14 September 2021. A copy of the draft is available on Council's website as part of the July 2021 Ordinary meeting agenda.

8.5 Kingsford Smith Reserve Master Plan - Adoption

Information about the project and the Draft Master Plan was widely published via the following forums:

- Council web site (with a link to an online feedback form)
- Social media (link to online feedback form)
- Letter box drop to residences in the adjoining blocks
- Community connect article
- Media release
- Directly sent via email to stakeholder groups

The feedback form was also made available in hardcopy upon request.

Individual Responses Received during Public Exhibition

Six individual responses were received via email. These responses are contained in Attachment 2.

Online Feedback Form Responses Received during Public Exhibition

An online feedback form was used to collect feedback on the Draft Master Plan. This feedback form was active for 28 days to align with the exhibition period and 152 submissions were received.

A copy of the original feedback form responses can be found in Attachment 3.

All respondents “strongly agreed” (54.3%), ‘agreed’ (39.7%) or ‘neither agreed nor disagreed’ (5.96%) with the vision statement for the broader Kingsford Smith Reserve precinct being:

Kingsford Smith Reserve: The recreational heart of Ballina, where the community comes to meet and play by the river. As a destination that brings the community together in an integrated sports and recreation parkland, Kingsford Smith Reserve will offer opportunities for play, leisure and social gatherings in a natural coastal environment that celebrates our enviable waterfront setting. It will be responsive to the natural environment and existing and future activity and will reflect our aspirations as a coastal community. It will acknowledge and celebrate the community’s connection to the park and provide an environment that everyone can enjoy.

The top 5 most desired elements for Kingsford Smith Park are:

- New or improved sports surfaces, fields, courts and associated sports facilities
- New or renovated sports amenity buildings (with accessible and equitable toilets and change rooms)
- Shelter structures and seating to support all season sports viewing
- Landscaping to provide visual amenity, shade and comfort for sports spectators and other users;
- Reconfigured parking to provide better access to sporting destinations and safer pedestrian movement;
- Recreation paths (including a 1500m loop) that connect sporting precincts and allow for equitable access to facilities and spaces and provide opportunities to explore various parts of the park.

(Note: the last two items were equally preferred)

8.5 Kingsford Smith Reserve Master Plan - Adoption

The top 5 most desired elements for Commemoration Park are:

- Toilet facility upgrades
- Waterfront lawn area with landscaped pavilions / shelters for social gatherings or picnics
- Market lawn (an open grassy area to support uses such as the markets)
- Pedestrian crossing or refuge on Bentinck Street to support safe crossing between Kingsford Smith Park and Commemoration Park
- Passive play elements such as public art which can be used by children as an item of play

The top 5 most desired elements for Missingham Park are:

- Expanded skate park with street skate plaza and scooter track
- A series of play spaces, including the undercover toddler play area, interactive discovery playground and an adventure playground themed around a casuarina forest
- Half-court basketball court and additional hardstand space for community exercise
- Lighting of the skatepark area (time limits would apply)
- Widened waterfront promenade/ path with seating and pavilions / shelters

Other loud messages from the online feedback:

- A bike pump track facility should be included somewhere within the precinct;
- Provision should be made for extra and improved netball facilities.

Additional Engagement with NSW Crown Lands

In addition to the engagement with the community and stakeholders and also in response to Council's resolution of 22 July 2021, staff wrote to NSW DPIE – Crown Lands on 7 September 2021 to seek advice as to the process for being appointed Crown Land Manager for land adjoining the southern extent of Kingsford Smith Reserve known as Boomerang Park.

This letter is contained in Attachment 4.

The response from NSW Crown Lands is contained in Attachment 5 whereby Crown Lands advises that it will write to the NSW Crown Holiday Parks Land Manager Board seeking their concurrence to be removed as the appointed Crown Land Manager. Crown Lands will advise Council of the outcome.

If Council were to be Crown Land Manager this would provide opportunities to expand netball facilities southward or for other complementary uses of the land. Until further correspondence is received, the Draft Master Plan excludes the Boomerang Park land. However, Council can make adjustments to the plan for this area in the event that Boomerang Park comes under Council management.

Revised Draft Master Plan

The Draft Master Plan has been revised to best address and balance the various needs and aspirations identified in the community and through stakeholder engagement and post exhibition feedback. It should also be noted that the Draft Master Plan represents a long term vision for the future of the precinct and sets out key principles and proposed general site configurations.

These configurations provide future guidance for how to develop the precinct however are still the subject of detailed site investigations, design, approvals and funding. The main features and vision of the revised Draft Master Plan remains largely unchanged.

Kingsford Smith Park will retain its core function as a regional sports facility with enhanced compliance, safety and parkland amenity. However as a result of the public exhibition period the following key alterations to the Draft Master Plan have been made:

- Western Shared Sports Amenity Building Location

The shared sports amenity building which was originally shown on plans on the Owen Street frontage between the cricket oval and multi-purpose cricket / junior rugby league field has been relocated to a position east of the multi-purpose field. This new position was supported by the Junior and Seagulls Rugby League Clubs as it provides for safer pedestrian access to toilet facilities for spectators west of the main vehicle entry. This position also minimises the visual impacts of buildings for residents on Owen Street. This shared amenity building and the future building south of the main cricket oval may also be utilised by cricket.

- Main Sports Amenity Building Precinct

Following comments from the Seagulls Rugby League Club the following changes have been made to the Draft Master Plan

- The Stage 1 toilet and change room facilities have been incorporated into a consolidated footprint to enable additional tiered landscape seating to the south of the existing (proposed new or renovated) building.
- A small toilet facility and shade structure is proposed on the eastern side of the rugby league field in the position of the existing building.

- Removal of Existing Temporary Amenity Building near the Netball Courts

The existing shipping container which is being used by the netball club is shown in the Revised Draft Master Plan as being removed in the future and these functions provided in a new shared sports amenity building.

- Hockey Upgrades

Some minor improvements to the hockey facilities have been added including a new shade structure and amenities/change building.

- Pump Track

There was a lot of community enthusiasm in the online feedback for incorporation of a bike pump track somewhere within the reserve. Some people expressed a preference for the pump track to be located in the position of the scooter track at Missingham Park, others did not express a preferred location. Whilst the Missingham Park location is an active all ages precinct, it is considered inappropriate for a pump track for the following reasons:

- A pump track is a high speed bike environment which, upon expansion of the skate park may not be compatible with an already high activity space;
- A pump track is constructed with mounds, curves and straights of a particular geometry that allows the rider to generate speed without pedaling. With implementation of an expanded skate park there is inadequate space for a small and properly designed pump track to be included;
- The combination of mounded landform and asphalt surfacing may not be visually appropriate for this waterfront peninsula landscape and would leave little remaining open grass area for water viewing and general use.

Therefore, the revised Draft Master Plan retains the pump track within the plans near the lake area off Kingsford Smith Drive (within Kingsford Smith Park) as an example of “infrastructure to activate the space”. Activating the space around the lake is key to improving use of the parkland, passive surveillance and safety.

- Owen Street traffic calming

Traffic calming has been included on Owen Street, subject to findings of a road safety audit which would be undertaken as part of any detailed design process, as Council has received feedback relating to frequent excessive speed on this local road.

Commemoration Park will remain a primarily passive open space which supports general community use, play, exercise and small local events such as the markets. However as a result of feedback received during public exhibition, the following alterations to the Draft Master Plan have been made:

- Reconfiguration of the market lawn area to provide a larger unobstructed area for the farmers market and controlled vehicular access on market days.

Missingham Park will remain a multi-use parkland and be enhanced with a focus on leisure and play for all ages and capabilities. However as a result of feedback received during public exhibition, the following minor alterations to the Draft Master Plan have been made:

- Mobile Food Vendors

Space for pop-up mobile food vendors such as a coffee cart have been included near the Missingham Park carparking area.

- Skate Park Lighting

Lighting of the skate park to allow evening and night use (time limited) was an extremely popular community response in both rounds of the community engagement.

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

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

However, lighting of this precinct needs to also consider impacts on marine wildlife and be compliant with the “*National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds*” (Commonwealth of Australia, 2020).

In response to this the Revised Draft Master Plan shows the usual wayfinding lighting as required by AS1158 (Lighting for Roads and Public Spaces – Pedestrian Area Lighting) as well as additional provision of power supply at the skate park to enable temporary lighting to be provided to support evening and night time events.

It does not recommend lighting the facility on a permanent basis unless it can be demonstrated that there will not be an unacceptable impact on marine wildlife.

Options for skatepark lighting that were considered, and which Council may like to further consider, include:

- Permanent fixed lighting to support regular evening and night time use. This would require undertaking a lighting feasibility assessment to determine lighting requirements for safe skatepark use and the likelihood of compliance with the guideline in order to minimise impacts to marine wildlife;
- Permanent smart lighting to support regular evening and night time use. This would require undertaking a lighting feasibility assessment to determine lighting requirements for safe skatepark use and the likelihood of compliance with the guideline in order to minimise impacts to marine wildlife. This option would enable lighting to be controlled remotely as required to manage seasonal environmental factors (e.g. nesting turtles), complaints, anti-social behavior or other periodic activities such as to enable events.
- Temporary portable lighting only (as recommended in the Revised Draft Master Plan). This option would require provision of suitable power supply points for temporary lighting to be brought in to support approved evening or night events. It would not support night use on a daily basis.

Environmental Matters

In general, the revised Draft Master plan also places additional emphasis on the riparian context and features, and the significance of the site at the convergence of the North Creek and Richmond River estuarine systems.

Staging and Implementation

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

These works include:

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

The NSW Office of Sport grant funding requires the Stage 1 priority works to be constructed by the end of 2022. Council staff have commenced further definition of the scope of these works with a view to progressing towards pricing and construction of the grant funded Stage 1 works within 2022. All other works remain unfunded.

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

This plan should be viewed as a 10 to 20 year plan, with elements to be progressively undertaken as priorities and resources permit.

Delivery Program Strategy / Operational Plan Activity

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

- Delivery Program and Operational Plan (2021–25)

Direction One: Connected Community

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

Direction Four: Engaged Leadership

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

8.5 Kingsford Smith Reserve Master Plan - Adoption

- Sport and Recreation Facility Plan (2020)

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

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

Community Consultation Policy

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

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

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

Financial / Risk Considerations

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

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

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

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

8.5 Kingsford Smith Reserve Master Plan - Adoption

To enable timely delivery of the Stage 1 works within the constraints of the grant funding, approved contract panels such as State Government contracts or the Local Government Procurement Panel (LGPP) will most likely be used to source contractors to price, design and build the works as allowed under Section 55 of the Local Government Act.

Options

Option 1 – Council may adopt the revised Draft Master Plan as presented in Attachment 1 to this report.

Under this option Council acknowledges the extent of community engagement and feedback received on the exhibited Draft Kingsford Smith Reserve Master Plan and Council adopts the Revised Draft Kingsford Smith Reserve Master Plan (dated October 2021) as per Attachment 1 to this report. This is the recommended approach.

Option 2 – Council may make amendments to the Revised Draft Kingsford Smith Reserve Master Plan

This option would involve Council receiving a further report attaching a revised Master Plan detailing these amendments, or if Council wishes to make relatively minor changes, such changes could be embodied in the Council resolution.

This option is not preferred as there has been significant resources applied to the community engagement and design process and Council is in a position to confirm a preferred Master Plan.

Any changes should be considered in the context of the engagement undertaken with the community and key stakeholders as detailed in this report.

The Master Plan represents a balancing of the key issues identified through the consultation process noting in particular that the area accommodates a wide variety of sporting and community interests.

Further delays may also have grant funding implications.

Option 3 - Council can choose to not adopt the revised Draft Master Plan.

Council may wish to obtain further information or examine other design options. Alternatively Council could elect to cease this project.

There have been significant resources invested in community engagement and development of the Draft Master Plan and the timeframe under the grant funding conditions for implementation of Stage 1 is short. Therefore, this option is not recommended.

RECOMMENDATION

That Council adopts the revised Kingsford Smith Reserve Master Plan, as per Attachment 1 to this report.

Attachment(s)

1. Revised Draft Kingsford Smith Reserve Master Plan (October 2021)
(Under separate cover)
2. Public Exhibition Feedback (Individual Submissions)
3. Public Exhibition Feedback (Online feedback)
4. Letter to DPIE Crown Lands
5. Response from DPIE Crown Lands

8.6 Playground Upgrade and Management Plan

8.6 Playground Upgrade and Management Plan

Section Open Spaces

Objective To provide an updated framework for the provision and management of playgrounds

Background

Council currently manages 45 playgrounds in accordance with relevant Australian Standards for the benefit of the community. Playgrounds provide an opportunity for active and passive play for primarily younger children, and children of all ages, in a supervised and unsupervised setting.

Council has previously managed the provision of playgrounds through the adopted Playground Equipment and Installation Program (2007), Playground Upgrade and Improvement Program (2013) and the Playground Upgrade Plan (2015).

The draft Playground Upgrade and Management Plan 2021 (Attachment 1) has been developed following an assessment of the progress of implementing the previous plans and inspections and audits of playground assets.

The draft plan aims to highlight the adopted hierarchy and playground catchment areas to ensure the community has reasonable access to quality playgrounds and provide information and a framework for the management, upgrade and replacement of playground equipment.

The purpose of this report is to seek direction on the public exhibition and implementation of the draft plan.

Key Issues

- Playground provision
- Risk management
- Priorities

Discussion

Playground Provision and Catchment Maps

The draft Playground Upgrade and Management Plan 2021 has been prepared to facilitate equitable playground provision. The asset management principles applied aim to ensure that playgrounds are maintained and replaced in the interests of community safety and good quality playgrounds. A copy of the draft plan is included as Attachment 1.

8.6 Playground Upgrade and Management Plan

Most playgrounds are within local parks, which play an important role in servicing a local catchment, typically within walking distance. Council recognises that there is also strong demand for playgrounds with higher level of embellishment and equipment and has identified and included locations for enhancement to a higher level in the playground hierarchy.

The draft plan has considered catchment size and playground hierarchy to clearly identify areas of over and undersupply and lists appropriate actions to address the identified inconsistencies and target service levels.

Where it has been identified that there are clear gaps in the catchment maps, new playgrounds have been proposed to provide an easily accessible playground for these sections of the community.

Delivery of the new playgrounds will be considered for inclusion in the Delivery Program and Operational Plan in line with annual budget allocation.

The locations for new playgrounds identified by the plan are:

- *Wollongbar District Park, Wollongbar* - Under Construction.
- *Riverview Park, Ballina* – Awaiting installation.
- *Saunders Park, Ballina* – A local level playground is to be included at this popular sporting venue to fill an identified gap in playground provision.
- *Cawarra Park, Ballina* - This site is to be master planned to consider the best way to develop the site with new sporting and community facilities. This location will provide a playground within proximity to the community in this area of Ballina.
- *Faulks Reserve, West Ballina* - This site was identified to provide a destination park that also caters for a key community area in West Ballina.
- *The Serpentine Park, East Ballina* - This location on the banks of North Creek was identified as a future destination park due to the popularity of this beach area and proximity to the East Ballina community.
- *Ocean Breeze Reserve, Lennox Head* – A master plan for Ocean Breeze reserve has been adopted by Council that will see the creation of a new local level nature play based playground.
- *Caloola Park, Lennox Head* – A new local playground planned for construction in Caloola Park to provide a play space for the Epiq estate community area.
- *Aureus, Skennars Head* – A new local playground is being constructed as part of the construction of the Aureus development.
- *Banyan Hill, Cumbalum* – A new district park and playground is being constructed as part of the Banyan Hills development.

It has also been identified that in some locations there is an oversupply of playgrounds based on the catchment maps.

8.6 Playground Upgrade and Management Plan

Whilst it is recognised that in some locations this may occur, such as in prominent areas where district and regional playgrounds overlap local playgrounds, it is not considered sustainable to maintain multiple small local playgrounds in close proximity.

Where there is opportunity to provide a better located playground with a higher level of playground equipment to service the same community, it is recommended that some existing playgrounds be removed at the end of their serviceable life.

Not all playgrounds identified through this process will be removed immediately.

Many are in good condition and are expected to still have a long serviceable life, meaning they will remain for the community to enjoy for many years to come before they are removed.

Playgrounds identified for removal over time are:

- *Edge Water Park, Ballina* – Is a small local park constrained by space and surrounding residential development. It is planned that the playground in this location will be removed at the end of its serviceable life, when the nearby Yellow Fin Park is upgraded as the local play space for this community.
- *Jabiru Park, East Ballina* – An over provision of local parks has been identified in this area. The location of the playground in Jabiru Park is constrained by surrounding residential development and infrastructure. It has been determined that this playground be removed at the end of its serviceable life with Shearwater Park and Condon Park upgraded through the renewal program to provide improved play spaces for this community area.
- *Silkwood Park, Lennox Head* – Development of the nearby Ocean Breeze Reserve will result in over provision of playgrounds in this area. The playground at Silkwood Park is planned to be removed following construction of the new playground at Ocean Breeze Reserve.
- *Montwood Park, Lennox Head* – Review of the playground catchment maps has identified that a new playground more centrally located for this community at Caloola Park will provide greater benefit, safety and play value.
- *Killarney Park, Wollongbar* – Wollongbar District Park is within 100m of Killarney Park. Based on the existing criteria of playground's serving a 500m catchment for a local playground and 750m for a district playground, it is appropriate that consideration be given to alternative uses for Killarney Park.
- *Green Park, Wollongbar* – Bolwarra Park and Wollongbar District Park share overlapping catchments with Green Park that has been assessed as being in poor condition. This playground is planned for removal now that the new district park is under construction.

8.6 Playground Upgrade and Management Plan

New playground locations, playgrounds to be upgraded to a higher level in the hierarchy and playgrounds identified to be removed at the end of their serviceable life have been identified on the catchment maps and listed in the plan.

Playground Hierarchy

Council has an existing playground hierarchy which determines the catchment size and provision of equipment and level of additional embellishment suitable for each level of the hierarchy. The levels of the hierarchy are identified as local, district and regional playgrounds.

This hierarchy and the catchment sizes used to identify suitable location and spacing between playgrounds is consistent with approached used by many local government areas.

Details of the hierarchy have been reviewed and updated with consideration for the changing costs associated with playground development and community expectations. Definition of the hierarchy has also been included in the plan to provide more information to the community about the provision of playgrounds.

Playgrounds to be upgraded to a higher level in the hierarchy include:

- *Pop Denison Park, East Ballina* – The junior playground area of this master planned park and regional play space is currently under construction and the senior playground and additional embellishments have been designed and approved, ready for construction once appropriate funding is identified.
- *Ross Park, Lennox Head* – A new design for Ross Park has been completed as part of the Lennox Village Vision project and will see the popular existing local park upgraded to a district level park as part of the upgrade works.
- *Fitzroy Park, Wardell* – Council has resolved that the playground at Fitzroy Park in Wardell be upgraded to a district level playground. A design for the park will be developed to provide a new and upgraded play space for the Wardell Community.

Delivery Program Strategy / Operational Plan Activity

This review is aligned with Delivery Program and Operational Plan (2021–25) actions as follows:

CC3.2b Implement Playground Upgrade and Renewal Plan (PURP)

EL2.3c Risk management practices align with insurer and legislative requirements

Community Consultation Policy

It is recommended that the draft Playground Upgrade and Management Plan be placed on exhibition to invite input from the wider community.

8.6 Playground Upgrade and Management Plan

Financial / Risk Considerations

Council has a duty of care in the management of playgrounds to ensure safety relative to applicable Australian standards. The plan outlines Council's risk management approach and management systems including inspections, maintenance and reporting systems.

Play equipment typically has a 10-15 year life-cycle and appropriate asset management and provision is important to the delivery of compliant playgrounds within existing budgets. The Playground Upgrade and Management Plan outline the strategy to achieve this.

Council has an annual capital budget for the renewal and upgrade of playgrounds through the capital works program. The plan identifies the risk management processes that help to identify and prioritise projects to be completed through capital works to manage risk and provide appropriate service levels to the community.

Maintenance, repairs and inspection is funded through the Open Spaces operational budget.

Options

Option 1 – That Council endorses the draft Playground Upgrade and Management Plan 2021 for public exhibition.

Under this approach the draft plan will be publicly exhibited for at least 28 days. Following exhibition the plan will be reported back to Council to seek direction on its adoption.

This is the recommended approach.

Option 2 - That Council make amendments to the draft Playground Upgrade and Management Plan 2021 prior to it being placed on exhibition.

Similar to option 1, under this approach the plan will be placed on exhibition for at least 28 days following incorporation of any amendments as directed by Council.

Option 3 - That Council resolves not to adopt the plan.

This is not recommended having regard to risk management principles that the plan addresses and it is considered essential that there is a strategic plan to ensure sound asset management principles. The plan is recommended for exhibition as it incorporates the outcomes of a recent review of service levels and playground management and seeks to set direction based on this.

In the event that Council would like a briefing, it is suggested a briefing be held post public exhibition to enable consideration of any submissions received as part of the process.

8.6 Playground Upgrade and Management Plan

RECOMMENDATION

That Council endorses the draft Playground Upgrade and Management Plan 2021, as per Attachment 1 to this report, for public exhibition.

Attachment(s)

1. Playground Upgrade and Management Plan (draft)

8.7 Policy (New) - Sports Fields Management

8.7 Policy (New) - Sports Fields Management

Section	Open Spaces
Objective	To establish an overarching policy for the management of sporting facilities in Ballina Shire.

Background

Council seeks to provide for equitable and broad use of its sport fields and facilities for a variety of users and to ensure that the facilities are maintained to quality standards within the limits of Council's budgets and available resources.

Equitable public access to sporting facilities balanced with sporting club occupation of facilities, balancing sporting club interests and preferred outcomes with broader community interests and provision for long term asset renewal and sustainability are key factors to consider in managing the community's sporting assets.

The Sports Fields Management Policy has been developed to provide clarity on how sports fields are to be managed by Council and the responsibilities of user groups and hirers with regard to their hire and use to ensure equitable, safe and sustainable management of facilities.

The new policy seeks to provide a formal benchmark for operations and consistency in decision making to support the optimal application of Council's resources and community use of the active open space areas.

The policy has had particular regard for operational experience in administering sporting facilities in recent years, addressing a series of risk management actions identified through a review of Council's sporting facility management framework and the outcomes envisaged in the adopted Sport and Recreation Plan for the shire.

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

Key Issues

- Communication and bookings
- Alcohol management
- Tenure - leases and licenses
- Facility development
- Sponsorship and advertising signage
- Risk management

8.7 Policy (New) - Sports Fields Management

Discussion

Council manages sports fields and facilities for general community use, community sporting groups, associations and schools. Many groups using our facilities are not aware of obligations and responsibilities or correct procedures for the use of our facilities.

The development of a policy to clearly define the requirements for management and usage of our sports fields and facilities will support improvement in equitable, safe and sustainable use of our fields and facilities.

In developing the policy, a review was undertaken of similar sized council sporting polices to ensure that the policy and management of our facilities is consistent with best practice approaches taken by other councils.

Recommendations and initiatives identified by Statewide Mutual, Council's insurer, have also been addressed.

Key aspects of the policy have been developed around improved communication between user groups and Council to:

- clarify booking processes and requirements

The policy seeks to clearly identify the information and level of detail required to assess and approve bookings, including insurance requirements and timeframes. This should provide more consistency in the booking applications received, improving approval times and support a better understanding amongst clubs and hirers of their obligations and responsibilities in the booking and hire of Council sporting facilities.

- define activities that require written approval from Council

The policy provides a list of activities that require Council approval prior to being allowed on Council sports fields. This information will help to protect against the occurrence of unauthorised activities being carried out on Council fields, improving safety, protecting against damage and providing a consistent approach to the approval of events and activities through this and other related policies.

- define prohibited activities

The policy provides a list of activities that are prohibited at sports fields to clearly define unauthorised and unacceptable activities. This will assist in the assessment of booking or event applications and make it easier to carry out compliance of unauthorised activities at the fields.

- provide information of activity management considerations

The policy includes information outlining management considerations that Council staff, clubs and hirers must consider in the management, operation and use of sports fields and facilities, including considerations such as;

- Site Access and security
- Risk Management and safety
- Alcohol Management

8.7 Policy (New) - Sports Fields Management

- Non-exclusive use and subletting
- Smoking
- Companion Animal Management
- Commercial vendors
- Cleaning
- Waste Management
- Ground preparation and maintenance
- Lighting
- Noise and
- Weather.

Providing this information in the policy ensures that staff, clubs and hirers understand the expected processes and procedures required to manage, operate and use Council's sports fields and facilities. A better informed and consistent approach to management will improve community safety outcomes and management of risks.

- outline processes to facilitate a cooperative approach to facility management, improvement works and grant funding

The policy seeks to clarify these responsibilities and provide a process for communication between community sporting clubs and Council to better manage our sporting facilities through a collaborative approach.

The policy outlines Council processes for the maintenance and improvement of sporting facilities through the Delivery Program and Operational Plan (DPOP), the need to prioritise works based on a risk management approach and a process for clubs to request or propose improvement works and projects.

The policy also outlines a process for sporting groups to make requests of Council in relation to support for grant funding.

Although grant funding is typically positive, sporting groups need to be mindful of providing Council with sufficient time to properly evaluate proposals.

Grant projects need to be considered in relation to landowner consent, planning approvals, alignment with Council asset priorities, alignment with the DPOP, the availability of sufficient funds (and funding or in kind support that might be required of Council) and operating needs (e.g. whether works might impact other users groups).

Grant funding opportunities present opportunities for asset renewal and new assets to be provided but they also represent financial risk to Council at times due to funding shortfalls and can also impact on the prioritisation of planned works that are considered a priority for Council (e.g. risk management, existing asset renewal).

As such, a clear and consistent process for grant related requests is likely to improve communication and outcomes.

8.7 Policy (New) - Sports Fields Management

The proposed policy seeks to improve the quality of grant applications, ensure that applications are focused on priority projects, improve the chances of being awarded funds and enhance the ability of Council in collaboration with community sporting groups to deliver better project outcomes and facility improvements.

- outline specifications for sponsorship and advertising signage

The installation of uncontrolled sponsorship and advertising signage on public land can have negative effects on the visual amenity of open space areas, create hazards, damage community assets and create unfair commercial advantage.

Sponsorship signage has been installed at numerous fields without Council permission and in some cases resulted in community complaints, hazards to public safety and damage to Council assets.

The policy outlines criteria for all sponsorship and advertising at Council sports fields to provide a consistent approach to the management and approval of signage.

It also includes processes and timeframes for the rectification of existing non-compliant signage to ensure that it is modified or removed to be in accordance with the policy

Delivery Program Strategy / Operational Plan Activity

The Sports Fields Management Policy (New) is aligned with Delivery Program and Operational Plan (2021–25) actions as follows:

CC3.2a Implement the Sport and Recreation Facilities Plan

EL2.3c Risk management practices align with insurer and legislative requirements

Community Consultation Policy

It is recommended that the document be issued directly to sporting groups and associations for review and comments in association with a 28 day public exhibition period.

Any submissions received can be reported back to Council.

Financial / Risk Considerations

The policy seeks to improve communication and processes between community clubs, hirers and Council to pro-actively manage sportsgrounds and facilities in order to prevent over-use or inappropriate uses and better facilitate timely identification of risks to ensure long-term sustainability and safety of facilities in accordance with councils risk management approach.

8.7 Policy (New) - Sports Fields Management

Options

Option 1 – Council could endorse the Sports Fields Management Policy as contained in Attachment 1 for public exhibition. As part of an exhibition process, Council would also write to local sporting groups to invite feedback, with submissions to be reported back to Council.

This is the recommended approach as it enables stakeholder consideration of the proposed policy provisions.

Option 2 – Council could make amendments to the draft policy as considered appropriate and then proceed to public exhibition.

If this approach is preferred, public exhibition and stakeholder engagement would occur as set out under option 1 once the policy is amended in line with any direction from Council.

Option 3 – Council could decide not to implement a Sports Fields Management Policy.

Under this option, work on the preparation and implementation of the policy would cease.

This option is not recommended as the policy seeks to formally document a management framework for sporting facilities (both reflecting existing practice and addressing identified gaps). At present, Council does not have a consolidated policy framework for the management of sporting facilities.

If further information is sought, it is suggested that a briefing could be held after a public exhibition period so that any submissions received can be considered in relation to the policy.

RECOMMENDATION

That Council endorse the Sports Fields Management Policy, as per Attachment 1 to this report, for public exhibition.

Attachment(s)

1. Policy (New) - Sports Fields Management

8.8 Policy (Review) - Monuments and Memorials on Public Land

8.8 Policy (Review) - Monuments and Memorials on Public Land

Section Open Spaces

Objective To review the Monuments and Memorials on Public Land policy

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Monuments and Memorials on Public Land policy.

Council first adopted this policy in October 2007 and it was reviewed in September 2011, November 2015, May 2017 and again in November 2018.

Key Issues

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

Discussion

This review of this policy identified major changes, with consideration of the following issues:

- Memorial seat requests from the community are consistently for placement within the Ballina Coastal Reserve and primarily at the coastal headlands at Lennox Head, Boulder Beach and Skennars Head. There is a saturation of memorials with no seating infrastructure left available for new plaques.
- There is minimal community interest for memorial seats overlooking sports fields or other reserves away from the scenic coastline.
- There has been no interest by the community for memorialising other public infrastructure such as tables, showers and platforms etc.
- Legislation can restrict the ability to install seats at some locations in accordance with the Crown Land Management Act.
- Recognition of the importance of Aboriginal cultural heritage and preference to support the continuation of the Aboriginal Cultural Ways project within the Coastal Reserve.
- The high conservation value endangered ecological communities that include littoral rainforest and Themeda grassland cover the coastal headlands and the Ballina Coastal Reserve restrict new infrastructure.

8.8 Policy (Review) - Monuments and Memorials on Public Land

- Roadside memorials, whilst important for families in relation to the loss of loved ones, can become an issue with regards to road and pedestrian safety, amenity, Aboriginal cultural heritage impacts and environmental pollution from the memorial debris.
- The proposed policy changes bring increased ability to manage roadside memorials due to these negative impacts.
- A clear framework for long term management of memorials would assist in decision making around retention and removal of memorials.

Based on consideration of the above, key changes proposed include:

- Directing future memorials away from the Ballina Coastal Reserve.
- Enabling memorials in exceptional circumstances outside of the Ballina Coastal Reserve, with policy guidance on what constitutes an exceptional circumstance standard.
- Setting of memorial tenure timeframes. The proposed policy sets a period for memorial retention of ten years for most memorials, with one year for roadside memorials.

As the policy changes are substantial, a copy of the proposed policy and a copy of the current policy is attached to the report.

Delivery Program Strategy / Operational Plan Activity

The management and regulation of memorials on public land aligns with various principles in the Community Strategic Plan and Delivery Program and Operational Plan that seek to recognise community values in Council operations and sound management of public land.

Community Consultation Policy

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

Financial / Risk Considerations

As Council has operated on a cost recovery pricing strategy for the installation of memorial infrastructure on public land, there are minimal financial impacts associated with the policy review.

Council, in its capacity as Crown Land Manager has obligations to implement the requirements of the Crown Land Management Act.

8.8 Policy (Review) - Monuments and Memorials on Public Land

Options

Council may accept or amend the proposed changes to the policy. It is recommended that the policy be adopted by Council but on the basis that any submissions received are to be reported back to Council for consideration.

If no submissions are received from the exhibition process, the policy be adopted with no further actions required.

RECOMMENDATIONS

1. That Council adopts the amended Monuments and Memorials on Public Land Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

Attachment(s)

1. Policy (Review) - Monuments and Memorials on Public Land
2. Policy (Current) - Monuments and Memorials on Public Land

8.9 Policy (Review) - Donations - Capital Works Assistance Sporting Groups

8.9 Policy (Review) - Donations - Capital Works Assistance Sporting Groups

Section	Open Spaces
Objective	To review the Donations - Capital Works Assistance for Sporting Groups policy

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Donations – Capital Works Assistance for Sporting Groups policy.

Council first adopted this policy in 23 November 2017 to provide guidelines for the allocation of funds to support community groups undertaking capital works.

Key Issues

- Whether the policy meets the requirements of Council and current legislation
- Transparent and equitable allocation of funds

Discussion

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

- The template for Council policies has changed since this policy was adopted and the new template includes information on definitions, policy history etc.
- The policy has provided clarification on project eligibility with reference to Council owned or managed land.

The changes have been marked in yellow.

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

A copy of the amended policy is attached.

Delivery Program Strategy / Operational Plan Activity

This review is aligned with the Delivery Program and Operational Plan (2021–25) as follows:

Direction One: Connected Community

Delivery Program Strategy Item CC3.2a Implement the Sport and Recreation Facilities Plan

8.9 Policy (Review) - Donations - Capital Works Assistance Sporting Groups

Community Consultation Policy

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

If any submissions are received, they can be reported back to Council however there will not be a need for any further report if there is no public comment.

Financial / Risk Considerations

The proposed changes to the policy do not result in any significant financial impacts or risks.

Council allocates funds to capital works in relation to the policy as part of its annual budget cycle relative to overarching financial considerations each year.

Options

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

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

RECOMMENDATIONS

1. That Council adopts the amended Capital Works Assistance for Sporting Groups Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

Attachment(s)

1. Policy (Review) - Capital Works Assistance for Community Sporting Groups

9.1 Use of Council Seal

9. Corporate and Community Division Reports

9.1 Use of Council Seal

RECOMMENDATION

That Council affix the Common Seal to the following documents.

US/16	<p>Assignment of Sublease – PR Sinclair & KL Sinclair to The Far East Company Pty Ltd for Lot 1/1197191 Part being the Café and Balcony, Level 2 Ballina Surf Club, 65 Lighthouse Parade, East Ballina.</p> <p>Assignment of Sublease – PR Sinclair & KL Sinclair to The Far East Company Pty Ltd for Lot 1/1197191 Part being the Kiosk, Level 1, Ballina Surf Club, 65 Lighthouse Parade, East Ballina.</p> <p>Variation of the abovementioned subleases to amend the terminating date of the final option period in line with the Head Lease being 23 June 2033.</p> <p>Explanation: The current sub lessees of the Lighthouse Beach Café and Kiosk have sold the business and request Council's approval for the assignment. Any assignment will be subject to the Minister's consent for Crown Land, if required.</p> <p>An error has been identified that the existing subleases terminate after the Head Lease. This error will be rectified as part of the assignment through a variation.</p>
-------	--

Attachment(s)

Nil

9.2 Investment Summary - September 2021

9.2 Investment Summary - September 2021

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

Background

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

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

Key Issues

- Compliance with Investment Policy

Discussion

As at 30 September 2021, Council's investments are in accordance with Council's Investment Policy and the Local Government Act and Regulations.

The total balance of investments as at 30 September 2021 was \$97.5m being \$9.9m more than the balance as at 31 August 2021. Council's investments at 30 September were invested at a weighted average interest rate of 0.442%, which was 0.428% higher than the August average 90 Day Bank Bill Index (BBSW) of 0.014%.

The balance of the Commonwealth Bank business account as at 30 September 2021 was \$7,853,408. This was a decrease of \$14,572,479 from the balance as at 31 August 2021. The movement in the total investment portfolio and bank account balances since 31 August was a net decrease of \$4,672,479.

At the end of August 2021, Council held excess cash at bank due to limited opportunities to invest. In September, Council invested \$18m in new investments.

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

<https://www.tcorp.nsw.gov.au/resource/Monthly%20Economic%20Report%20-%20September%202021%20Sec.pdf>

Investment Options

At the September 2021 Ordinary meeting, in noting the August 2021 investment summary, Council also resolved as follows:

9.2 Investment Summary - September 2021

That prior to the next review of the Investments Policy that Council look at options to increase the return on our cash investments.

Council's cash investment options are actually very limited, and the only investments allowed is as per the Ministerial Investment Order, issued by the NSW Minister for Local Government. A copy of the current order is attached.

The Investment Order's approved investments include:

- Public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- Debentures or securities issued by a NSW Council;
- Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit taking institution, but excluding subordinated debt obligations;
- Bills of exchange issued by or accepted by an authorised deposit-taking institution and not more than 200 days to maturity; and
- Deposits with the New South Wales Treasury Corporation (TCorp) or investments in TCorp unit trusts or managed funds.

To date, Council's surplus funds have been placed in term deposits and Floating Rate Notes (FRNs) with authorised deposit-taking institutions. The returns available on these cash based investment instruments depend on the Reserve Bank of Australia cash rate and predominantly use the Bank Bill Swap rate (BBSW) as the reference rate.

In response to the significant sharp global economic contraction resulting from the emergence of the COVID-19 pandemic, the Reserve Bank Board enacted a range of monetary policy measures to lower funding costs and support the supply of credit to the economy. These included reducing the cash rate twice in March 2020, to 0.25 per cent and to 0.1 per cent on 3 November 2020.

As at September 2021, the cash rate is not expected to increase until 2024, at the earliest, which is when actual inflation is expected to again be sustainably within the 2 to 3 per cent target range.

Consequently, there is limited scope for an improvement in the return on Council's investments in term deposits and FRNs.

With respect to investment options, Council may be able to further diversify its investment portfolio and earn a higher rate of return by investing in professionally managed funds, via NSW TCorp.

TCorp's Investment Management (IM) funds provide exposure to diversified or single asset classes, including international and domestic shares.

Due to their broader asset class base, TCorpIM funds generally offer a higher return than deposits with authorised deposit-taking institutions. For example, the TCorpIM Medium Term Growth Fund performance for August 2021 provided a return of 0.8618%.

Council staff are currently examining TCorp managed funds prospectus to determine if there are opportunities to invest in the short to medium term.

9.2 Investment Summary - September 2021

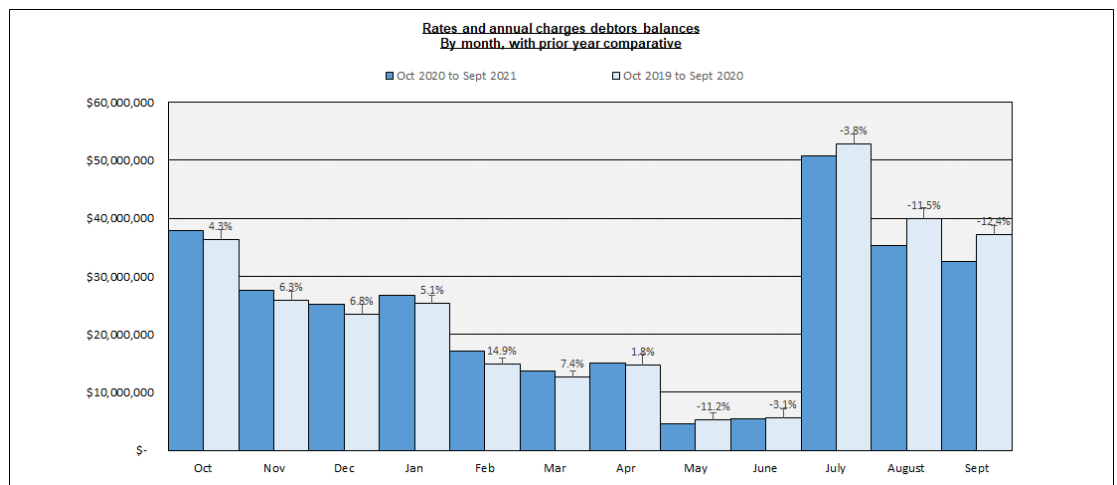
Restricted Reserves

The majority of Council's investment portfolio is restricted by legislation (external) and Council (internal) uses for specific purposes. The following table has been updated to reflect the portfolio percentages based on reserve balances as at 30 June 2021.

Reserve Name	Restriction	% Portfolio*
Wastewater (incl developer contributions)	External	17.8%
Water (incl developer contributions)	External	19.8%
Section 7.11 Developer Contributions	External	14.2%
Bonds and Deposits	External	3.8%
Other External Restrictions	External	2.1%
Carry Forward Works	Internal	3.2%
Bypass Maintenance	Internal	3.4%
Management plans and studies	Internal	1.8%
Airport	Internal	2.8%
Landfill and Resource Management	Internal	2.1%
Employee Leave Entitlements	Internal	2.8%
Quarries	Internal	0.7%
Property	Internal	5.9%
Plant and Vehicle Replacement	Internal	1.3%
Road Works	Internal	3.4%
Open Spaces and Reserves	Internal	2.1%
Community Facilities	Internal	0.8%
Miscellaneous Internal Reserves	Internal	4.3%
Financial Assistance Grant in Advance	Internal	2.3%
Unrestricted		5.4%
Total		100.00%

Debtors

The following chart shows the monthly balance of rates and annual charges debtors for the 12 month period ended 30 September 2021 and the percentage variance, in comparison to the prior 12 month period ended 30 September 2020. Rates debtors as at 30 September 2021 were 12.4% lower than the balance as at 30 September 2020.



9.2 Investment Summary - September 2021

A. Summary of investments by institution

Funds Invested With	Fossil Fuel Free / Green	Rating S&P	Previous Month \$'000	Current Month \$'000	Quota %	% of Total
AMP Bank	No	BBB	4,500	-	10%	0.0%
Auswide Bank	Yes	BBB	2,000	2,000	10%	2.1%
Bank of Communications	No	A-	1,000	1,000	20%	1.0%
Bank of Queensland	No	BBB+	3,000	7,000	10%	7.2%
Bendigo & Adelaide Bank	Yes	BBB+	8,000	8,000	10%	8.2%
Commonwealth Bank	No	AA-	1,000	1,000	20%	1.0%
Commonwealth Bank (Green)	Yes	AA-	11,000	11,000	20%	11.3%
Great Southern Bank ¹	Yes	BBB	600	-	10%	0.0%
Defence Bank Ltd	Yes	BBB	6,000	6,000	10%	6.2%
IMB Ltd	Yes	BBB	6,000	6,000	10%	6.2%
ME Bank	Yes	BBB+	7,500	6,500	10%	6.7%
Macquarie Bank Limited	No	A+	1,000	1,000	20%	1.0%
My State Bank Ltd	Yes	BBB+	1,000	1,000	10%	1.0%
National Australia Bank	No	AA-	-	12,000	20%	12.3%
Newcastle Perm Build Society	Yes	BBB	2,700	2,700	10%	2.8%
Suncorp Limited	Yes	A+	16,300	16,300	20%	16.6%
Westpac Bank Corp	No	AA-	9,000	7,000	20%	7.2%
Westpac Bank Corp (Green)	Yes	AA-	7,000	9,000	20%	9.2%
Total			87,600	97,500		100%

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

Credit Rating Summary as per the Investment Policy	Maximum Allowed		Value	Value	%	%
	%	Value	Previous	Current	Previous	Current
A- or Higher	100%	97,500	46,300	58,300	52.9%	59.8%
BBB	60%	58,500	41,300	39,200	47.1%	40.2%
Total			87,600	97,500	100%	100%

B. Summary of Investments: Fossil Fuel Aligned and Green Investments

Environmental Classification	Previous Month		Current Month	
	(\$'000)	(%)	(\$'000)	(%)
Fossil Fuel Aligned and Non-Green Investments	19,500	22	29,000	29
Fossil Fuel Free Investments	50,100	57	48,500	50
Green Investments	18,000	21	20,000	21
Total	87,600	100	97,500	100

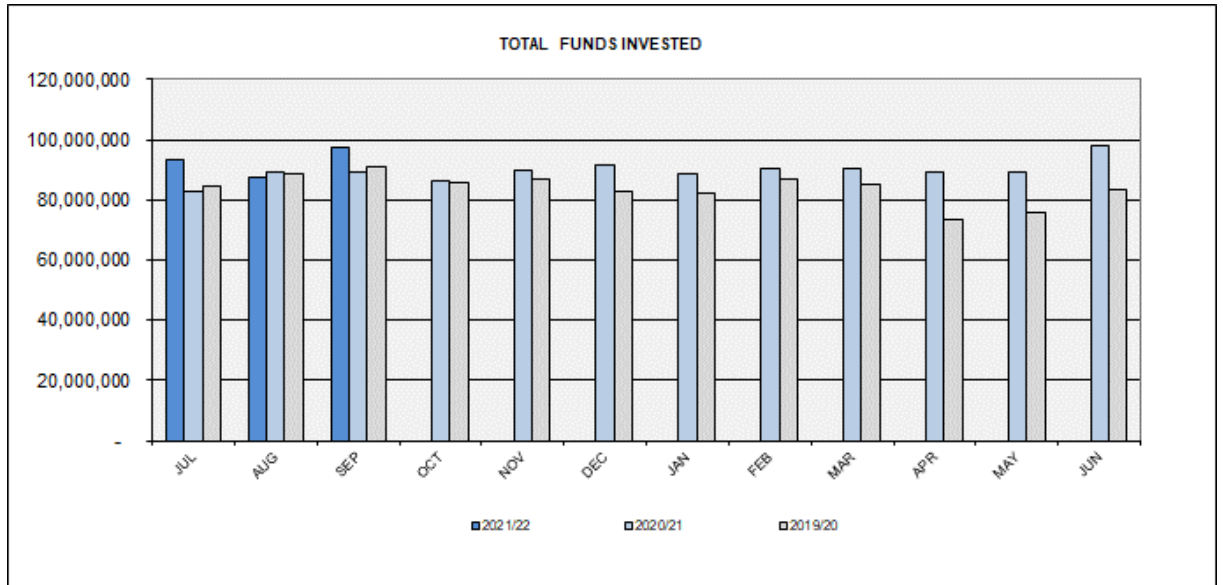
In September 2021, eight investments totaling \$12.1m matured. Four investments totaling \$5.6m were fossil fuel free investments, and four investments totaling \$6.5m were held with fossil fuel aligned institutions.

Due to the limited fossil fuel free institutions accepting new investments from Council in September and the unavailability of green investment options, five investments in fossil fuel aligned institutions occurred during the month (\$16m).

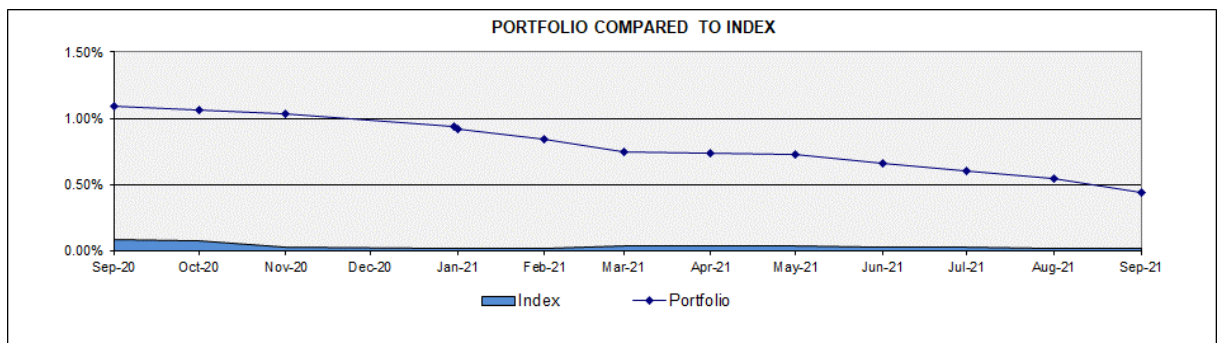
Three of the maturing fossil fuel free investments totaling \$4m were able to be reinvested and one new green investment was placed (\$3m).

9.2 Investment Summary - September 2021

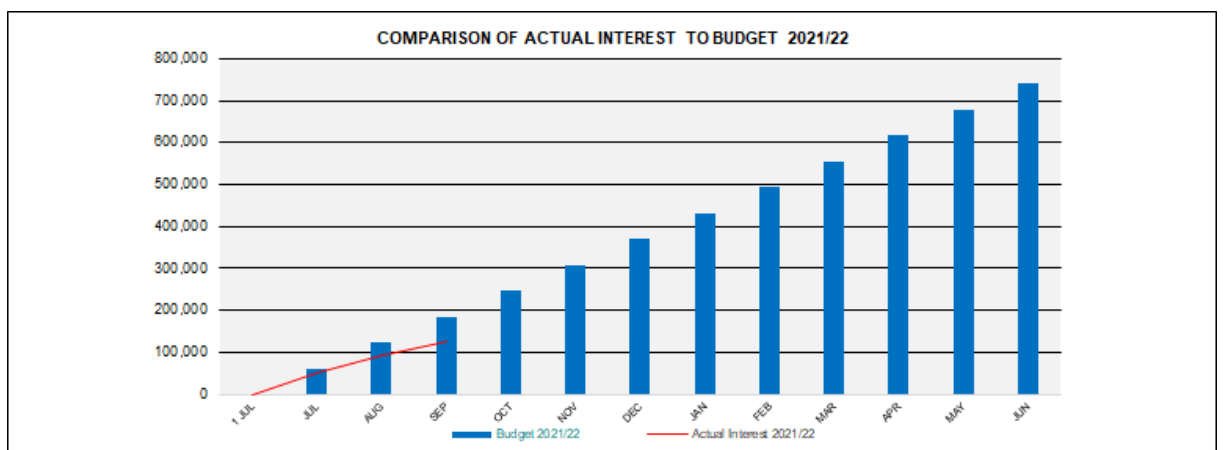
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



Interest earnings are trending well below the adopted budgets. A revision to budgeted interest earnings has been proposed in the “Financial Review – 30 September 2021” report, which is a separate report later in this agenda.

9.2 Investment Summary - September 2021

F. Investments held as at 30 September 2021

Purch Date	Issuer	Type	Rate	Final Maturity Date	Purchase Value \$'000
03/08/17	Westpac Banking Corporation	FRN	1.07%	03/08/22	2,000
18/08/17	Westpac Banking Corporation	FRN	1.06%	18/08/22	1,000
06/02/18	Newcastle Permanent Bld Society	FRN	1.42%	06/02/23	700
30/07/18	Westpac Banking Corporation	FRN	0.95%	31/07/23	1,000
31/07/18	Westpac Banking Corporation	FRN	0.95%	02/08/23	1,000
06/09/18	Newcastle Permanent Bld Society	FRN	1.42%	06/02/23	1,000
11/01/19	Commonwealth Bank of Australia	FRN	1.16%	11/01/24	1,000
08/02/19	Westpac Banking Corporation	FRN	1.07%	06/02/24	2,000
28/10/19	Bank of Communications	FRN	0.91%	28/10/22	1,000
14/10/20	Bendigo & Adelaide Bank	TD	0.60%	13/10/21	2,000
16/12/20	Commonwealth Bank - Green	TD	0.48%	15/12/21	1,000
22/12/20	Macquarie Bank Limited	TD	0.70%	15/12/21	1,000
04/02/21	Auswide Bank	TD	0.50%	18/01/22	2,000
15/02/21	Commonwealth Bank - Green	TD	0.41%	08/02/22	4,000
22/02/21	Commonwealth Bank - Green	TD	0.43%	15/02/22	2,000
23/02/21	Defence Bank Ltd	TD	0.44%	22/02/22	1,000
24/02/21	Suncorp-Metway Limited	FRN	0.46%	24/02/26	1,300
02/03/21	Defence Bank Ltd	TD	0.45%	01/03/22	1,000
02/03/21	Defence Bank Ltd	TD	0.45%	01/03/22	2,000
04/03/21	Newcastle Permanent Bld Society	FRN	0.64%	04/03/26	1,000
09/03/21	Suncorp-Metway Limited	TD	0.30%	14/12/21	2,000
20/04/21	ME Bank	TD	0.50%	19/04/22	2,000
27/04/21	ME Bank	TD	0.50%	26/04/22	1,500
04/05/21	My State Bank Ltd	TD	0.50%	03/05/22	1,000
11/05/21	Suncorp-Metway Limited	TD	0.33%	10/05/22	3,000
18/05/21	Westpac Banking Corporation-Green	TD	0.30%	17/05/22	2,000
24/05/21	ME Bank	TD	0.50%	17/05/22	1,000
02/06/21	IMB Bank	TD	0.23%	05/10/21	3,000
08/06/21	Westpac Banking Corporation-Green	TD	0.28%	02/06/22	1,000
08/06/21	Suncorp-Metway Limited	TD	0.33%	07/06/22	2,000
15/06/21	Suncorp-Metway Limited	TD	0.30%	09/11/21	2,000
18/06/21	Defence Bank Ltd	TD	0.30%	30/11/21	1,000
18/06/21	Bendigo & Adelaide Bank	FRN	0.66%	18/06/26	1,000
25/06/21	Suncorp-Metway Limited	TD	0.33%	22/06/22	2,000
28/06/21	Bank of Queensland	TD	0.35%	01/12/21	2,000
28/06/21	Bank of Queensland	TD	0.35%	01/12/21	1,000
29/06/21	Suncorp-Metway Limited	TD	0.33%	28/06/22	2,000
30/06/21	Westpac Banking Corporation-Green	TD	0.31%	14/06/22	2,000
27/07/21	Suncorp-Metway Limited	TD	0.27%	26/10/21	2,000
28/07/21	IMB Bank	TD	0.24%	25/01/22	2,000
05/08/21	Bendigo & Adelaide Bank	TD	0.30%	08/03/22	1,000
05/08/21	Bendigo & Adelaide Bank	TD	0.30%	08/03/22	2,000
17/08/21	Commonwealth Bank - Green	TD	0.31%	16/08/22	4,000
18/08/21	Westpac Banking Corporation-Green	TD	0.26%	16/08/22	2,000
23/08/21	IMB Bank	TD	0.28%	22/08/22	1,000
25/08/21	Defence Bank Ltd	TD	0.35%	24/08/22	1,000
01/09/21	Bendigo & Adelaide Bank	TD	0.30%	29/08/22	2,000
03/09/21	Westpac Banking Corporation-Green	TD	0.28%	01/09/22	2,000

9.2 Investment Summary - September 2021

Purch Date	Issuer	Type	Rate	Final Maturity Date	Purchase Value \$'000
06/09/21	National Australia Bank	TD	0.25%	07/12/21	6,000
06/09/21	Bank of Queensland	TD	0.43%	01/09/22	3,000
07/09/21	National Australia Bank	TD	0.20%	10/11/21	4,000
07/09/21	Bank of Queensland	TD	0.30%	11/01/22	1,000
07/09/21	National Australia Bank	TD	0.26%	11/01/22	2,000
14/09/21	ME Bank	TD	0.40%	05/04/22	1,000
21/09/21	ME Bank	TD	0.40%	12/04/22	1,000
	Totals				97,500
	TD = Term Deposit	FRN = Floating Rate Note			

RECOMMENDATION

That Council notes the report of banking and investments for September 2021.

Attachment(s)

1. Ministerial Investment Order

9.3 Disclosure of Interest Returns

9.3 Disclosure of Interest Returns

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 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).

Clause 4.25 then requires the General Manager to table those returns at the first meeting of the council after the last day the return is required to be lodged.

This report complies with the Clause 4.21 (b) for the period 1 July 2020 to 30 June 2021.

Key Issues

- Ensuring compliance with the Code of Conduct

Discussion

Disclosure of interest returns are to be tabled by Councillors and designated persons. Clause 4.8 of the Code of Conduct defines designated persons as:

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the Local Government Act
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest

9.3 Disclosure of Interest Returns

- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

To manage the determination of designated positions an internal procedure has been adopted by staff to ensure that the following positions complete the returns:

- General Manager
- Directors

No committee members, other than Councillors, are required to complete the returns, as all Council's committees, other than those consisting entirely of Councillors, have no delegated authority.

The completed returns for 2020/21 and the register are tabled at the meeting for the information of the public.

Delivery Program Strategy / Operational Plan Activity

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

Community Consultation Policy

This report is provided for the information of the public.

Financial / Risk Considerations

Council must comply with the Local Government Act 1993.

Options

This report is for noting.

RECOMMENDATION

That Council notes the contents of the report on the disclosure of interest returns for the period 1 July 2020 to 30 June 2021.

Attachment(s)

Nil

9.4 Code of Conduct - Reporting

9.4 Code of Conduct - Reporting

Section	Governance
Objective	Compliance with annual reporting requirements of the Code of Conduct.

Background

NSW councils are required to report on Code of Conduct complaint statistics within three months of the end of September each year.

The requirements are outlined in Clause 11.1 and 11.2 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, with the report forwarded to the Office of Local Government (OLG).

Key Issues

- Compliance with OLG Model Code of Conduct
- Number of complaints and cost

Discussion

The reporting period is 1 September 2020 to 31 August 2021.

Included in this year's statistics is an unfinalised complaint from the 2019/20 reporting period.

The complaint was subsequently withdrawn by the complainant and is recorded as finalised in this reporting period.

Number of Code of Conduct Complaints	
Number of complaints about councillors and GM <i>received</i> in the period	1
Number of complaints about councillors and GM <i>finalised</i> in the period	2
Overview of Code of Complaints	
Complaints finalised at the outset by the GM or Mayor	0
Complaints referred to the Office of Local Government (OLG)	0
Complaints referred to a conduct reviewer in the reporting period	1
Complaints <i>finalised at preliminary assessment</i> by conduct reviewer	0
Number of <i>finalised</i> complaints investigated by a conduct reviewer	2
Number of <i>finalised</i> complaints investigated where <i>no breach</i> was found	2
Cost of dealing with complaints within the period including staff costs	\$1,455
Outcomes of Investigations	
Resolution <i>after</i> commencement of an investigation by alternative strategies (clause 7.20(a))	1
Application withdrawn by complainant	1

9.4 Code of Conduct - Reporting

Community Consultation Policy

This report is provided for the information of the public.

Financial / Risk Considerations

Compliance with the OLG Model Code of Conduct.

Options

This report is for information purposes.

RECOMMENDATION

That Council notes the contents of the Code of Conduct statistics report for the 2020/21 reporting period.

Attachment(s)

Nil

9.5 Policy (Review) - Rates and Charges - Debt Recovery Policy

9.5 Policy (Review) - Rates and Charges - Debt Recovery Policy

Section	Financial Services
Objective	To review the Rates and Charges - Debt Recovery Policy

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Rates and Charges – Debt Recovery policy.

Council first adopted the Rates and Charges – Debt Recovery Policy on 14 December 2017 to provide consistent boundaries for Council staff and transparency to ratepayers regarding debt recovery processes.

Key Issues

- Whether the policy meets the requirements of Council and current legislation
- Transparency in Council processes

Discussion

A review of this policy was undertaken to ensure that the outcomes were meeting the policy objectives and intent.

The findings from the review identified that the policy has been effective by providing a consistent, equitable and transparent basis for financial support and debt recovery to property owners.

The policy outlines the processes for the recovery of outstanding rates and charges. These processes include:

- Issue of Rates and Charges Notices
- Charging of interest on overdue rates and charges
- Issue of Overdue Reminder Notices
- Entering payment arrangements for up to 24 months
- Broken arrangements and/or dishonoured direct debit payments
- Commencement of legal action
- Issue of letter of advice re consideration of sale of land; and
- Reporting to Council for possible sale of land.

The policy reflects Council's current practices, which are reasonable and balanced, and result in Council having a relatively low level of outstanding debt for rates and charges. The review of this policy did not identify any required changes, other than to note that the interest rate applied is as per a Council resolution.

A copy of the amended policy is attached to this report. The minor change has been marked in yellow.

Delivery Program Strategy / Operational Plan Activity

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

Community Consultation Policy

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

If any submissions are received, they can be reported back to Council however there will not be a need for any further report if there is no public comment.

Financial / Risk Considerations

For various reasons, ratepayers from time to time may fail to pay their rates and charges when they become due and payable to Council.

It is not Council's intention to cause financial hardship to any ratepayer through our debt recovery procedures and consideration will be given to acceptable arrangements to clear the debt where possible.

The policy provides the process for debt recovery to ensure prompt recovery of all amounts due to Council.

Options

Council may accept or amend the proposed change to the policy. The proposed change is minor and it is recommended that the policy be adopted as presented and also placed on exhibition.

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

RECOMMENDATIONS

1. That Council adopts the amended Rates and Charges – Debt Recovery Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

Attachment(s)

1. Policy (Review) Rates and Charges - Debt Recovery

9.6 Tender - Supply of Pavers Lennox Head Village Centre Renewal

9.6 Tender - Supply of Pavers Lennox Head Village Centre Renewal

Section Project Management Office

Objective To report the outcomes of the tender evaluation for the Tender - Supply of Pavers Lennox Head Village Centre Renewal

Background

The works to be undertaken under this contract are the supply of pavers for the Lennox Head Village Centre Renewal project. The project includes the refurbishment of the footpaths on both the eastern and western sides of Lennox Head Village in Ballina Street and the construction of a raised shared vehicle/pedestrian central hub.

This tender is for the manufacture and delivery of custom concrete and natural granite unit pavers for the footpaths and trafficable interlock pavers for the raised central hub and pedestrian crossings.

Tenders were called and at the close of tenders on 21 September 2021, two tender submissions were received.

This report outlines the results of the tender process.

Key Issues

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

Discussion

Four companies downloaded the documentation with tenders received from:

- Pebblecrete Insitu Pty Ltd
- Austral Masonry Holdings Pty Ltd (Urbanstone)

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

- Insurances
- Tender references
- Material properties
- Delivery programme

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

- Pricing structure 70%
- Local and community 15%
- Capability and relevant experience 15%

9.6 Tender - Supply of Pavers Lennox Head Village Centre Renewal

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

Delivery Program Strategy / Operational Plan Activity

The Lennox Head Vision project aligns with Strategy PE1.2 Provide opportunities for new business and Activity PE1.2a Deliver Lennox Head Town Centre Village Renewal.

Community Consultation Policy

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

Financial / Risk Considerations

The total Capital expenditure allocated to the Lennox Head Village Renewal project in the Delivery Program / Operational Plan 2021 -2025 for the 2021/22 financial year is \$3,500,000.

The total cost of the preferred tender is \$720,735 (excl GST) is within the pre-tender budget.

Options

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

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

- (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 Pebblecrete Insitu Pty Ltd.

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to Pebblecrete Insitu Pty Ltd (ABN 67 000 545 531) for the Tender - Supply of Pavers Lennox Head Village Centre Renewal for the total amount of \$720,735 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Confidential memorandum - Tender for Supply of Pavers Lennox Head Village Centre Renewal project (Under separate cover)

9.7 Tender - Processing of Organic Waste Material

9.7 Tender - Processing of Organic Waste Material

Section Resource Recovery

Objective To report the outcomes of the tender evaluation for the Tender - Processing of Organic Waste Material

Background

The works to be undertaken under this contract are Processing of Organic Waste Material.

Council's Food Organics and Garden Organics (FOGO) material is currently processed at the Phoenix composting facility in Yatala QLD and is linked to the FOGO kerbside bin collection service contract held by Solo Resource Recovery. This contract expires on 30 June 2022.

This tender was released following an expression of interest process inviting potential commercial partners or service providers to submit proposals to advance our aspirations of the reuse of this FOGO material. A confidential memorandum sent to Councillors (attached) in September provided information on this expression of interest process and our strategic direction and planning to advance the processing of Council's organic waste.

As advised in that memorandum, a two part strategy has been adopted to secure processing capacity for our FOGO material into the future. Part one involves securing a short to medium term contract with an operational facility, which is the purpose of this tender process.

This contract will provide the certainty needed to continue the service uninterrupted whilst we concurrently investigate and then establish the preferred longer term option for an organics processing facility within, or near, the Ballina Shire.

A selective tender was released to two companies who operate established facilities within an appropriate geographical distance to the Ballina Shire for an initial three year term, plus two optional one year extensions.

Tenders were called in September 2021 and at the close of tenders on 7 October 2021, two tender submissions were received.

This report outlines the results of the tender process.

Key Issues

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

Discussion

Two companies downloaded the documentation with tenders received from:

9.7 Tender - Processing of Organic Waste Material

- Phoenix Power Recyclers – Yatala, QLD
- SoilCo Pty Ltd - Stotts Creek, Tweed, NSW

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

- Compliant Insurances
- Work Health and Safety Management System
- Applicable approvals, registrations, licences and certifications

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

- | | |
|---------------------------------|-----|
| • Pricing Structure | 65% |
| • Local and Community | 15% |
| • Contamination Management Plan | 20% |

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

Delivery Program Strategy / Operational Plan Activity

The cost will be funded from the annual domestic waste management (DWM) operational budget.

Community Consultation Policy

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

Financial / Risk Considerations

This contract will be a schedule of rates contract based on total tonnage processed. The forward cost estimate of the preferred tender for the initial year of the contract (2022/23) is approximately \$993,000 (excluding GST). Total forward contract cost for the initial three year term is estimated at \$3,088,000 (excluding GST).

Options

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

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

- (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
- (b) decline to accept any of the tenders.*

9.7 Tender - Processing of Organic Waste Material

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

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to SoilCo Pty Ltd for the Tender - Processing of Organic Waste Material at the rates as tendered.
2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Confidential memorandum - Tender for Processing of Organic Waste Material (Under separate cover)
2. Confidential memorandum - Strategic pathway for processing Council's organics waste material (Under separate cover)

9.8 Tender - Food Organics and Garden Organics Kerbside Collection

9.8 Tender - Food Organics and Garden Organics Kerbside Collection

Section Resource Recovery

Objective To report the outcomes of the tender evaluation for the Tender - Food Organics and Garden Organics Kerbside Collection

Background

This contract is for the collection of Council's green kerbside food and garden organic (FOGO) bins and the transport of the collected material to a Council nominated processing facility. Council's current contract for the delivery of this service, held by Solo Resource Recovery, is due to expire on 30 June 2022.

The proposed new contract commencement date is 1 July 2022 for an initial contract term of seven years, plus three optional one year extensions.

Tenders were called in September 2021 and at the close of tenders on 23 September 2021, two tender submissions were received.

This report outlines the results of the tender process.

Key Issues

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

Discussion

Eight companies downloaded the documentation with tenders received from:

- Cleanaway Pty Ltd
- Rico Family Trust, t/a Solo Resource Recovery

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

- Compliant Insurances
- Work Health and Safety Management System
- Applicable approvals, registrations, licences and certifications

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

- Pricing structure 65%
- Local and community 15%
- Capability, experience and past performance 20%

9.8 Tender - Food Organics and Garden Organics Kerbside Collection

Rico Family Trust, t/a Solo Resource Recovery has been assessed as the preferred tenderer based on the evaluation. Details of the assessment and pricing options have been provided to Councillors by a confidential memorandum.

Delivery Program Strategy / Operational Plan Activity

The services provided under this contract are part of the standard operations of Council.

Community Consultation Policy

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

Financial / Risk Considerations

The cost will be funded from the annual domestic waste management (DWM) operational budget.

This contract will be a schedule of rates contract based on the number of weekly collections. The forward cost estimate of the preferred tender for the initial year of the contract (2022/23 FY) is approximately \$732,000 (excl GST).

The total estimated cost for the initial seven year term of the preferred tender is \$5,683,000 (excl GST).

Options

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

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

- (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
- (b) decline to accept any of the tenders.*

Based on the tender evaluation, it is recommended that Council accept the tender from Rico Family Trust, t/a Solo Resource Recovery.

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to Rico Family Trust, t/a Solo Resource Recovery (ABN 62 398 515 816 for the Tender - Food Organics and Garden Organics Kerbside Collection at the rates as tendered.
2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Confidential memorandum - Tender for FOGO Kerbside Collection Services (Under separate cover)

9.9 Tender - Angels Beach Drive and Bangalow Road Intersection Upgrade

9.9 Tender - Angels Beach Drive and Bangalow Road Intersection Upgrade

Section Project Management Office

Objective To report the outcomes of the tender evaluation for the Tender - Angels Beach Drive and Bangalow Road Intersection Upgrade

Background

The works to be undertaken under this contract are the Angels Beach Drive and Bangalow Road Intersection Upgrade.

Angels Beach Drive and Bangalow Road intersection plays a key role in facilitating the movement of traffic through Ballina, from adjoining townships. Upgrading this intersection will improve road and intersection capacity and relieve congestion via extending short lanes approaches, installing central medians and connecting Sheather Street to Angels Beach Drive.

The selection of the preferred design approach follows a public exhibition process endorsed by Council. The outcomes of the exhibition were reported to the Ordinary Council meeting held 25 June 2020. In response to this report Council resolved that it *endorses the exhibited concept design for the Bangalow Road/Angels Beach Drive intersection and approaches upgrade project as amended by the actions set out in Table Two of this report and that detailed design and construction proceed in accordance with the concept design as amended.*

Tenders were called in September 2021 and at the close of tenders on 21 September 2021, two tender submissions were received.

This report outlines the results of the tender process.

Key Issues

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

Discussion

Fourteen companies downloaded the documentation with tenders received from:

- Quickway Constructions Pty. Ltd
- Civil Contractors (AUST) Pty. Ltd t/a CCA Winslow

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

- Compliant insurances
- Work Health and Safety Management System

9.9 Tender - Angels Beach Drive and Bangalow Road Intersection Upgrade

- Quality Management System

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

- Pricing structure 70%
- Local and community 15%
- Capability and experience 15%

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

Delivery Program Strategy / Operational Plan Activity

This project is identified in Council's adopted Delivery Program and Operational Plan 2021- 2025. Specifically direction two: Prosperous Economy; Strategy PE3.3 Deliver infrastructure that supports residential living; Operational Plan Activity - Progress Angels Beach Drive / Bangalow Road roundabout lane extensions.

Community Consultation Policy

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

The preferred design was placed on public exhibition.

Financial / Risk Considerations

The current budget for Angels Beach Drive and Bangalow Road Intersection Upgrade is \$3,064,000 (excl GST). Quickway Constructions Pty Ltd's tendered price of \$2,587,002.64 (excl GST) is within budget. The remaining budget will be required for pre-commencement works and project management costs.

Budget – Angels Beach Dr	FT20/21	FY21/22	FY22/23
Bangalow Rd Segment 20	97,000	274,000	0
Bangalow Rd / Angels Beach Roundabout 100%	0	1,000,000	1,,600,000
Carryover (FY19/20)	93,000	0	0
Sub-total	190,000	1,274,000	1,600,000
Total	3,064,000		

The total cost of the preferred tender is \$2,587,002.64 (excl GST).

Council proposes to amend the traffic management plan proposed for this work. This proposal is expected to achieve savings of approximately \$130,000.

If this traffic management plan does not operate as planned, Council will retain the right within the terms of the contract to revert to traffic management plan as per the current tender documents.

9.9 Tender - Angels Beach Drive and Bangalow Road Intersection Upgrade

For this reason the recommendation is to award the tender based on the submitted price to cover both possible circumstances.

The traffic management options have been explained at a Councillor briefing held 19 October 2021.

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 Quickway Constructions Pty Ltd.

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to Quickway Constructions Pty. Ltd. (ABN 80 123 146 449) for the Tender - Angels Beach Drive and Bangalow Road Intersection Upgrade for the total amount of \$2,587,002.64 (excl GST).
2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Confidential memorandum - Tender for Angels Beach Drive and Bangalow Road Intersection Upgrade (Under separate cover)

9.10 Tender - Road Reconstruction Works

9.10 Tender - Road Reconstruction Works

Section Project Management Office

Objective To report the outcomes of the tender evaluation for the Tender - Road Reconstruction Works

Background

The works to be undertaken under this contract are the Provision for External Road Reconstruction Works 2021/22.

The reconstruction of both Fernleigh Road and Simmons Street will enhance Council's road network by providing improved road safety and use ability for the wider community.

Tenders were called in September 2021 and at the close of tenders on 6 October 2021, five tender submissions were received.

This report outlines the results of the tender process.

Key Issues

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

Discussion

Fifteen companies downloaded the documentation with tenders received from:

- Quickway Constructions Pty Ltd
- Civil Contractors (Aust) Pty Ltd
- CD Civil Pty Ltd
- Durack Civil Pty Ltd
- Stabilised Pavements of Australia Pty Ltd

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

- Compliant Insurances
- Work Health and Safety Management System
- Quality Management System

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

- Pricing structure 70%
- Local and community 15%
- Capability and experience 15%

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

Delivery Program Strategy / Operational Plan Activity

These road renewals are identified in Council's adopted Delivery Program and Operational Plan 2021- 2025.

Community Consultation Policy

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

Financial / Risk Considerations

The current budget for completing these works at Fernleigh Road and Simmons Street is \$649,000. CD Civil Pty Ltd's price of \$1,086,295.60 excluding GST is over budget. The pre tender estimate identified it was likely the budget was not sufficient, albeit the price from CD Civil also exceeds the pre tender estimate.

It may be necessary to defer other works scheduled late in the financial year to next year to accommodate any final budget difference.

Community Consultation Policy

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

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.*

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

- (3) *A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:*
- (a) *postpone or cancel the proposal for the contract*
 - (b) *invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details*
 - (c) *invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract*

9.10 Tender - Road Reconstruction Works

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

The cost of the highest ranked tender is significantly over the allocated budget. Accordingly, the recommendation is to decline to accept any tenders and negotiate. This will allow staff the opportunity to re-examine the scope of works, the risk allocation and program priorities.

RECOMMENDATIONS

1. That Council in accordance with the Local Government (General) Regulation 2005 Section 178(1)(b), declines to accept any tenders for the External Road Reconstruction Works as the tenders are in excess of the available budget.
2. That Council, in accordance with Local Government (General) Regulation 2005 Section 178(3)(e) authorises the General Manager to enter into negotiations with CD Civil Pty Ltd (ABN 80642 026300) and any other party (whether or not the person was a tenderer), with a view to enter into a contract for the External Road Reconstruction Works.
3. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(a) the reason Council has declined to invite fresh tenders is that it is more efficient and timely to negotiate with interested parties than call for new submissions.
4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b), Council has determined to negotiate with CD Civil Pty Ltd (ABN 80642 026300) and any other party (whether or not the person was a tenderer), with a view to entering into a contract in relation to the subject works as this contractor and others in the market represent an opportunity to deliver the works at a competitive price once further risk allocation and scope of work assessments are undertaken by staff to potentially reduce the cost of the works.

Attachment(s)

1. Confidential memorandum - Tender for External Road Reconstruction Works 2021/22 (Under separate cover)

9.11 Annual Financial Statements - 2020/21

Delivery Program

Financial Services

Objective

To obtain Council approval to exhibit the 2020/21 Financial Reports for public comment and to sign the certified statements for both the General Purpose and Special Purpose Statements.

Background

Council must prepare financial statements for each financial year that are in accordance with:

- The Local Government Act 1993 (as amended) and Regulations
- The Australian Accounting Standards and professional pronouncements
- The Local Government Code of Accounting Practice and Financial Reporting
- NSW Government Policy Statement - Application of National Competition Policy to Local Government
- Office of Local Government guidelines - Pricing and Costing for Council Businesses: A Guide to Competitive Neutrality

Once completed and audited Council must resolve to exhibit the statements for public comment. Council must then consider the statements again (typically at the November Ordinary meeting of Council), together with submissions, and formally resolve to adopt the statements.

This report seeks Council approval to exhibit the annual financial statements.

Key Issues

- Financial results
- Statements present a true and fair picture of the financial position

Discussion

The Annual Financial Statements for the year ended 30 June 2021 have been completed and audited. A copy of the statements, together with the Auditor's Reports, are enclosed with this business paper. A copy of the statements is available for the public at the Customer Service Centre and Council's website.

The purpose of this report is to obtain Council's approval for the exhibition of the financial statements and to provide Council an opportunity to discuss the information contained within the documents.

9.11 Annual Financial Statements - 2020/21

Council must also provide approval for the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer to sign the statements confirming that, in the opinion of Council, the financial statements are fair and accurate. Copies of the statements to be signed are included as Attachment 1 to this report.

Once the financial statements are approved the statements must be advertised for public comment. The statements must then be adopted at a meeting of Council not more than five weeks after the meeting where approval was provided to advertise.

Subject to Council approval to advertise at this meeting, the statements will be advertised and then presented, with any public comments received, to the meeting scheduled for Thursday 25 November 2021.

Mr Geoff Dwyer of Thomas Noble and Russell, contract auditor for the Audit Office of New South Wales, will be present at this meeting at 11:30 am and will be providing a presentation on the audit.

The documents enclosed with the business paper can be broken down into:

Attachment 1 – Statements by Councillors and Management

These statements are to be signed by the Mayor, a Councillor, General Manager and Responsible Accounting Officer. They are an extract from the draft General Purpose and Special Purpose Financial Statements.

Attachment 2 – Council's End of Year Financial Analysis (under separate cover)

This report, prepared by Council's Manager Financial Services, provides an analysis of Council's results for the 2020/21 financial year and the financial position as at 30 June 2021.

Attachment 3 – Draft Annual Financial Statements 2020/21 (under separate cover)

Part A – Auditor's Report on the Conduct of the Audit

This is the draft (long form) audit report on the general purpose financial statements, noting an intention to issue an unmodified audit opinion.

Part B – General Purpose Financial Statements

These statements provide the consolidated operating result for 2020/21 and the consolidated financial position of Council as at 30 June 2021. The notes included with the statements provide details on income and expenditure, assets and liabilities. The notes also highlight the cash position of Council and identify which funds are externally restricted.

Part C – Special Purpose Financial Statements

These statements are prepared as a result of National Competition Policy and relate to those aspects of Council's operations that are considered to be business activities.

Part D – Special Schedules

These schedules are prepared primarily for the Australian Bureau of Statistics and are used to gather information for comparative purposes.

The Auditor has issued an 'unqualified report', which means that they are of the opinion that the financial reports represent a fair and accurate assessment of Council's financial position.

Delivery Program Strategy / Operational Plan Activity

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

Community Consultation Policy

Subject to Council endorsement, the statements will be exhibited for public comment. The statements, together with any submissions received from the exhibition process, will then be reported back to Council for adoption.

Financial / Risk Considerations

This report provides financial information on the completed and audited Annual Financial Statements for the year ended 30 June 2021.

Council is legally obliged to adopt the financial statements.

Options

Council may approve to exhibit or not exhibit the documents. As Council's auditor has approved the statements it is recommended that Council authorise signing and exhibition.

RECOMMENDATIONS

1. That Council approves the signing of the statements that confirm the Annual Financial Statements are fair and accurate, by the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer.
2. That Council authorises the exhibition of the Annual Financial Statements and Auditor's Reports for the year ended 30 June 2021, as attached to this report, for public comment.

Attachment(s)

1. 2020/21 - Statements by Councillors and Management
2. 2020/21 - End of Financial Year Analysis (Under separate cover)
3. 2020/21 - Draft Annual Financial Statements (Under separate cover)

9.12 Financial Year 2021/22 - 30 September 2021 Review

9.12 Financial Year 2021/22 - 30 September 2021 Review

Section	Financial Services
Objective	To provide a quarterly review of the 2021/22 financial year based on the known results to 30 September 2021.

Background

In accordance with Clause 203 of the Local Government (General) Regulations, the Responsible Accounting Officer of a council must, not later than two months after the end of each quarter, prepare and submit to the council a budget review statement that shows a revised estimate of the income and expenditure for that year. This report provides the review for the first quarter of the 2021/22 financial year.

Key Issues

- Variations to the budget and financial performance of Council

Discussion

The purpose of this report is to provide information on how the financial forecast is tracking compared to budget and to confirm any known budget variances, as at 30 September 2021. The format of the report complies with the Quarterly Budget Review Statement Guidelines set down by the Office of Local Government (OLG). To comply with these guidelines an Operating Statement, Capital Budget, Cash and Investment Statement, Key Performance Indicators, Contractors, Consultants, Legal Information and Certification by the Responsible Accounting Officer are required.

A brief overview of the information provided in the report is as follows:

Section One – General Fund Long Term Financial Plan

This section provides an overview of the General Fund including a high level summary of the Ten Year Long Term Financial Plan.

Section Two - Operating Income and Expenditure Budgets 2021/22

Outlines the 2021/22 operating income and operating expenditure budgets for the Funds (General, Water and Wastewater).

Section Three - Capital Budgets 2021/22

Outlines the 2021/22 capital expenditure budgets.

Section Four - Cash and Investment Statement

Provide details of the projected movements in the cash reserve balances.

Section Five - Key Performance Indicators

The ratios provide an indication of the financial health of the organisation.

Section Six - Contractors/Consultants/Legal Expenses

Details expenses incurred.

Section Seven – Certification

This is a Statement by the Responsible Accounting Officer as to whether the current year's estimated financial performance is or is not satisfactory.

Section One – General Fund Long Term Financial Plan

The following tables provide an overview of how the General Fund Long Term Financial Plan (LTFP) has changed since the budget carry forwards, as reported to the August 2021 Ordinary meeting.

LTFP Forecasts Following Carry Forwards Adopted August 2021 (\$'000)

Year	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
Operating Income	75,496	76,149	77,904	79,657	81,517	83,391	85,566	87,494	89,603	91,846
Operating Exps	61,321	59,394	61,176	62,300	63,356	64,207	65,760	67,240	68,230	69,835
Result before Non-Cash items	14,175	16,754	16,728	17,357	18,162	19,184	19,806	20,254	21,373	22,011
Depreciation/Loss on sale	18,565	18,787	19,130	19,482	19,839	20,203	20,576	20,956	21,342	21,737
Result (Deficit)	(4,390)	(2,033)	(2,402)	(2,125)	(1,678)	(1,019)	(770)	(702)	31	274
WC Result	2	(635)	(693)	(597)	(387)	(171)	32	347	538	874
WC Balance	5,998	5,363	4,670	4,073	3,686	3,515	3,547	3,894	4,432	5,306

LTFP Revised Forecasts September 2021 Review (\$'000)

Year	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
Operating Income	77,487	76,112	77,909	79,829	81,679	83,562	85,743	87,794	89,977	92,031
Operating Exps	63,563	59,401	61,228	62,351	63,393	64,236	65,788	67,268	68,258	69,862
Result before Non-Cash items	13,923	16,712	16,681	17,478	18,286	19,326	19,956	20,527	21,719	22,169
Depreciation/Loss on sale	18,565	18,787	19,130	19,482	19,839	20,203	20,576	20,956	21,342	21,737
Result (Deficit)	(4,641)	(2,075)	(2,449)	(2,004)	(1,553)	(877)	(621)	(430)	377	432
WC Result	(414)	(805)	(843)	(727)	(517)	(301)	(99)	328	591	883
WC Balance	5,582	4,777	3,934	3,207	2,690	2,389	2,290	2,618	3,209	4,092

The future year forecasts indicates the General Fund reaching an operating surplus in 2029/30.

This September quarterly review forecasts a deterioration of \$251,000 to the operating deficit for 2021/22.

The following section provides commentary in relation to the forecast changes impacting on the General Fund.

Section Two – Operating Income and Expenditure Budgets 2021/22

General Fund – Operating Income and Expenses

This section deals with the General Fund operations.

The **Forecast Operating Result as at September** is a loss of \$4.641m.

This compares to a forecast loss of \$4.390m following the carry forwards as reported to the August Council meeting.

9.12 Financial Year 2021/22 - 30 September 2021 Review

The estimated movement in **Unrestricted Working Capital** shows a large deterioration, with a forecast deficit as at **September** now of \$414,200.

This compares to a forecast surplus of \$2,400 following the carry forwards as reported to the August 2021 Ordinary meeting.

The next two tables detail operating income and operating expenses including recommended variations to budget.

General Fund – Operating Income (\$'000)

Operating Income	Original Budget	Approved Carry Forwards	Revised Total	Other Approved Changes	Revised Budget	Changes for Approval	Sept Budget	Actual to Sept
Planning and Environmental Health Division								
Strategic Planning	96	36	132	0	132	(2)	130	4
Development Services	2,922	0	2,922	0	2,922	(150)	2,772	559
Environment / Public Health	717	23	740	0	740	(20)	720	186
Public Order	277	0	277	0	277	12	289	58
Community Gallery	106	0	106	0	106	(6)	100	24
Open Spaces	607	0	607	0	607	(12)	595	297
Open Spaces Buildings	0	0	0	0	0	0	0	0
Sports Fields	0	0	0	0	0	0	0	0
Cemeteries	428	0	428	0	428	(30)	398	65
Vegetation Management	242	0	242	0	242	0	242	0
Sub Total	5,395	59	132	0	5,454	(208)	5,246	1,193
Civil Services Division								
Asset Management	333	6	339	0	339	0	339	29
Stormwater and Env Protect	596	15	611	0	611	10	621	429
Roads and Bridges	931	0	931	60	991	(24)	967	638
Ancillary Transport Services	183	0	183	0	183	0	183	14
Transport NSW	1,040	0	1,040	(60)	980	0	980	520
Ferry, Wharves and Jetties	579	90	669	0	669	(28)	641	109
Emergency Services	118	0	118	0	118	0	118	0
Quarries and Sandpit	69	0	69	0	69	0	69	31
Landfill and Resource Mgmt	7,969	0	7,969	0	7,969	2,339	10,308	2,376
Domestic Waste Mgmt	8,557	0	8,557	0	8,557	69	8,626	7,857
Sub Total	20,375	111	20,486	0	20,486	2,366	22,852	12,003
Corporate and Community Division								
Governance	20	0	20	0	20	0	20	0
Comms / Customer Service	15	0	15	0	15	0	15	1
Financial Services	31,676	0	31,676	0	31,676	(188)	31,488	26,896
Information Services	247	0	247	0	247	70	317	48
People and Culture	151	0	151	0	151	0	151	8
Property Management	2,352	0	2,352	0	2,352	(32)	2,320	772
Flat Rock Tent Park	463	0	463	0	463	0	463	54
Airport	7,425	0	7,425	0	7,425	0	7,425	1,319
Community Facilities	708	0	708	0	708	(8)	700	136
Facilities Management	44	0	44	0	44	0	44	5
Library Services	116	0	116	0	116	61	177	0
Swimming Pools	1,105	0	1,105	0	1,105	(70)	1,035	84
Tourism	62	0	62	0	62	0	62	27
Plant Operations	5,172	0	5,172	0	5,172	0	5,172	1,072
Sub Total	49,556	0	49,556	0	49,556	(167)	49,389	30,422
Total Operating Income	75,326	170	75,496	0	75,496	1,991	77,487	43,618

9.12 Financial Year 2021/22 - 30 September 2021 Review

General Fund – Operating Expenses (\$'000)

Operating Expenses	Original Budget	Approved Carry Forwards	Revised Total	Other Approved Changes	Revised Budget	Changes for Approval	Sept Budget	Actual to Sept
Planning and Environmental Health Division								
Strategic Planning	459	559	1,018	0	1,018	79	1,097	78
Development Services	3,220	0	3,220	0	3,220	0	3,220	951
Environment/ Public Health	2,423	255	2,678	0	2,678	0	2,678	345
Public Order	669	2	671	0	671	0	671	136
Community Gallery	416	20	436	0	436	0	436	67
Open Spaces	3,873	0	3,873	0	3,873	0	3,873	668
Open Spaces Buildings	935	0	935	0	935	6	941	243
Sports Fields	534	0	534	0	534	0	534	114
Cemeteries	302	0	302	0	302	0	302	62
Vegetation Management	898	53	951	0	951	8	959	53
Sub Total	13,729	889	14,618	0	14,618	93	14,711	2,717
Civil Services Division								
Asset Management	1,304	7	1,311	0	1,311	2	1,313	246
Stormwater and Env Protect	1,407	67	1,474	0	1,474	0	1,474	222
Roads and Bridges	3,041	0	3,049	0	3,049	0	3,049	659
Ancillary Transport Services	1,096	64	1,152	0	1,152	0	1,152	177
Transport NSW	749	0	749	0	749	0	749	129
Ferry, Wharves and Jetties	817	120	937	0	937	116	1,053	244
Emergency Services	446	0	446	0	446	0	446	114
Quarries and Sandpit	88	0	88	0	88	0	88	69
Landfill and Resource Mgmt	7,793	50	7,843	0	7,843	2,000	9,843	1,738
Domestic Waste Mgmt	8,221	0	8,221	0	8,221	0	8,221	1,595
Sub Total	24,962	308	25,270	0	25,270	2,118	27,388	5,193
Corporate and Community Division								
Governance	1,348	0	1,348	0	1,348	0	1,348	773
Comms / Customer Service	561	12	573	0	573	0	573	61
Financial Services	730	25	755	0	755	0	755	209
Information Services	2,997	39	3,036	0	3,036	0	3,036	1,034
People and Culture	339	31	370	0	370	0	370	337
Property Management	1,310	30	1,340	0	1,340	0	1,340	413
Flat Rock Tent Park	361	0	361	0	361	0	361	97
Airport	4,699	0	4,699	0	4,699	0	4,699	848
Community Facilities	1,141	0	1,141	0	1,141	10	1,151	273
Facilities Management	594	0	594	0	594	0	594	273
Library Services	1,650	0	1,650	0	1,650	30	1,680	431
Swimming Pools	1,826	0	1,826	0	1,826	(10)	1,816	306
Tourism	520	20	540	0	540	0	540	102
Plant Operations	3,201	0	3,201	0	3,201	0	3,201	919
Sub Total	21,277	157	21,434	0	21,434	30	21,464	6,076
Total Operating Expense	59,968	1,354	61,322	0	61,322	2,241	63,563	13,986
Op Result Before Dep	15,358	(1,184)	14,174	0	14,174	(250)	13,924	29,632
Depreciation and Non-Cash	18,565	0	18,565	0	18,565		18,565	4,641
Net Operating Result	(3,207)	(1,184)	(4,391)	0	(4,391)	(250)	(4,641)	24,991

The larger adjustments to the General Fund Operating Result include:

- A net improvement of \$339,000 for the Landfill and Resource Management (LRM) operating result. These funds are transferred to the LRM reserve and do not impact on the working capital position.
- A decrease to forecast interest earned on investments, with a total decrease of \$269,000 to the General Fund, of which \$180,000 negatively impacts on the working capital position.

- A decrease of \$150,000 to forecast income for Development Services
- An increase of \$116,000 in required expenditure budgets for the Ferry, Wharves and Jetties section. This increase is funded from reserves.

General Fund Working Capital Movements (\$'000)

Item	Original Budget	Approved Carry Forwards	Revised Total	Other Approved Changes	Revised Budget	Changes for Approval	Sept Budget	Actual to Sept
Increase / (Decrease)	(6)	8	2	0	2	(416)	(414)	N/A

Working capital is a measure of short-term liquidity and as a rule Council aims to target a break-even result for the General Fund.

The major reasons for the deterioration in the working capital result is the impact of COVID-19 fee relief measures, including not charging interest on overdue rates for two months, and lower than forecast interest on investment returns.

Comments on the main budget variations are as follows.

General Fund - Operating Income

Planning and Environmental Health Division

Strategic Planning

Income budgets for this section includes interest earned on section 7.11 reserve balances, rezoning fees and grant funding.

Interest earned is allocated at the end of the financial year. The adopted interest budget for this section was \$64,000. It is proposed that this budget be reduced by \$10,000, to a revised budget of \$54,000. This adjustment reduces the transfer to section 7.11 reserves.

Further comment on interest on investments is provided in the Financial Services section later in this report.

An income budget of \$7,700 is raised for a new planning proposal, Stage 3 BSCPP 21/001, with a corresponding expenditure budget.

Development Services

Total income for this section is trending under, being at 19% of total budget of \$2.9 million.

The largest income item within this section is Development Application Fees, which are at 16% of the annual budget of \$825,000.

Plumbing and Drainage Certificates, the second largest income item, are on track at 25% of the annual budget of \$545,000.

Construction Certificates are at only 9% of the annual budget of \$430,000.

9.12 Financial Year 2021/22 - 30 September 2021 Review

An overall decrease to income of \$150,000 is proposed for this review, with \$80,000 decrease to Development Application Fees and a \$70,000 decrease to Construction Certificates.

This is a conservative adjustment, allowing only for the below forecast for quarter one, with further assessment to be completed at the December quarter review.

Environmental and Public Health

Due to the ongoing economic impacts of COVID-19, relief for health related registrations and inspections were considered at the September 2021 Ordinary meeting.

Following the resolution to provide a two month waiver, the income budgets for inspections carried out under the Local Government Act or Food Act 2003 (NSW) have been reduced by \$24,200 in total.

The budget for On Site Sewerage Management (OSSM) annual fees has been increased by \$4,000, to \$179,000, being the annual charges raised from the Rates and Charges first instalment.

Public Order

The income from Parking Fines is trending up and the budget has been increased by \$20,000, to a revised budget of \$195,000.

The budget for Dog Fines has been reduced by \$8,000, to a revised budget of \$34,000. The adopted budget appears to be too high based on trend to date, as well as the actual income earned for the previous year.

Community Gallery

Due to the ongoing economic impacts of COVID-19, rental relief for various Council tenants was considered at the September 2021 Ordinary meeting.

The budgets for the Gallery Café rental income has been reduced by \$5,700, to \$30,300.

Open Spaces

The September 2021 Ordinary meeting also considered fees for Commercial Surf Schools, resolving to provide a three month waiver.

The income budget for licences has been reduced by \$12,000 to reflect a three month waiver.

Cemeteries

Forecast income for cemetery fees has been decreased by \$30,000, to \$398,000, based on trend.

A corresponding adjustment is made to the transfer to the Cemeteries reserve.

Civil Services Division

Asset Management

The largest income item in this section is the Development Engineer Inspection Fees.

Actuals as at 30 September are trending low, at \$14,500 compared to a budget of \$235,000.

No proposed adjustments to budgeted incomes for this quarter, as this income is not received in a linear fashion, with large payments occasionally made.

Stormwater and Environmental Protection

Annual charges income has been increased by \$10,000, based on actuals from the Rates and Charges first instalment.

Roads and Bridges

Income budgets for this section includes interest earned on bypass reserves.

The adopted interest budget for this section was \$35,000. It is proposed that this budget be reduced by \$24,000 with a corresponding adjustment to the reserves.

Ferry, Wharves and Jetties

Operating income for this section includes ferry income of \$579,000 and an operating grant of \$90,000 for the Martin Street Boat Harbour Concept Design.

Actual ferry income at the end of the quarter is at 19%, which is trending under. The daily toll fees, which have a budget of \$450,000, are particularly trending low, most likely impacted by the Queensland border restrictions.

The income budget has been revised down by \$50,000.

The grant funding for the Martin Street Boat Harbour Concept Plan has been increased by \$22,000, to \$112,000.

A corresponding increase to the expenditure budget, and a further increase for a required contribution from Council is noted within the expenditure section of this report.

Emergency Services

The budgeted income in this section relates to the funding that Council receives, as partial reimbursement of the Rural Fire Service contribution. These amounts are expected to be received later in the year.

Quarries and Sandpit

Operating income in this section relates to rental income for the quarry sites, for which the first two quarters of the year have been invoiced.

Landfill and Resource Management (LRM)

Income budgets increased by a net \$2,339,000 in total. Expenditure budgets, noted later in this report, have been increased by \$2,000,000, resulting in a net increase in the transfer to LRM reserves of \$339,000.

Council has secured commercial agreements with commercial waste collection contractors in the Ballina Shire and neighbouring council areas.

This has resulted in a significant increase in the volume of waste managed through the Waste Management Centre, resulting in an identified increase in both gate fee revenue and transport and disposal costs.

This delivers a bottom line profit for the Waste Management Centre, which will assist in funding the forward capital works anticipated to be identified upon the completion of a Masterplan project, noted later in the expenditure section of this report.

The proposed increases to income budgets include an increase of \$2,180,000 to Waste Disposal Fees, with revised budget of \$4,000,000, and an increase of \$60,000 to Disposal Fees for Construction and Demolition (Inert) Waste, with revised budget of \$1,000,000.

The income budget for Recyclable Metal sales has been increased by \$40,000, to a revised budget of \$200,000, with continued strong commodity prices for scrap metal coupled with increased volumes received at the Waste Management Centre since the gate fee was reduced to zero charge, at the beginning of the financial year.

A new income budget of \$84,000 is created for Licence Fees. This income, an annual amount, relates to a new licence agreement with a local contractor for the use of the old bailing shed to manage the container deposit scheme material.

Income budgets for this section also includes interest earned on waste reserves. The adopted interest budget for this section is \$45,000. It is proposed that this budget be reduced by \$15,000 with a corresponding adjustment to the reserve.

Domestic Waste Management (DWM)

Income budgets increased by a net \$69,000 in total. Expenditure budgets, noted later in this report, have been left unchanged, resulting in a net increase in the transfer to DWM reserves of \$69,000.

Annual charges income has been increased by \$94,000, based on actuals from the Rates and Charges first instalment.

Income budgets for this section also includes interest earned on reserves. The adopted interest budget for this section is \$32,000.

It is proposed that this budget be reduced by \$25,000 with a corresponding adjustment to the reserve.

Corporate and Community Division

Financial Services

The adopted budget for interest on investments is \$740,900 for Council as a whole.

This income is allocated based on anticipated reserve balances, with adopted budgets of \$509,900 for the General Fund, \$159,000 for the Water Fund and \$72,000 for the Wastewater Fund.

The General Fund budget is allocated \$310,000 in the Financial Services section and the balance of \$199,900 is allocated to various reserves.

The economic climate has been such that the reserve bank interest, and subsequently the interest rates offered by investment institutions, has continued to deteriorate since the preparation (and adoption) of the budgets.

A review of forecast interest and forecast reserve balances has been undertaken, with a total reduction to adopted budgets of \$369,000 proposed. Of this, an adjustment of \$180,000 is the proposed adjustment for this section.

The remaining proposed adjustments are \$89,000 to General Fund Reserves and \$70,000 to Water Fund.

Interest charges on outstanding rates and charges were considered at the September 2021 Ordinary meeting, with a resolution that no interest would be charged for August and September 2021.

The forecast income for interest on rates and charges has been reduced by \$8,000, to \$42,000.

Information Services

As was reported to the June 2021 Ordinary meeting, EP&A Regulation changes (with a six month transition period from 1 July 2021) had been announced by the State Government.

Those changes were initially thought to impact on one of Council's Information Services Fees, as well as the Compliance Levies for development applications, hence the 2021/22 adopted Information Services Fee income budget was reduced to approximately 50%, with 2022/23 and subsequent years reduced to nil.

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

Further investigation has confirmed that the changes do not impact on the Information Services Fee and that Council will be able to continue to charge this fee post 31 December 2021.

The forecast for Information Services Fee income has been increased by \$70,000, to a revised budget of \$145,000, with similar increases also made to 2022/23 and subsequent years.

Property Management

Due to the ongoing economic impacts of COVID-19, further rental relief for Council tenants was considered at the September 2021 Ordinary meeting.

The income budgets for Wigmore Arcade and Fawcett Street Café have been reduced by \$23,000 and \$9,400, respectively. These adjustments impact on transfers to the Wigmore Arcade and the Community Infrastructure Reserve.

Flat Rock Tent Park

Actual income for the period ending 30 September is low, impacted by the Queensland border restrictions, as well as local lockdowns, with detrimental impacts for both the July and September school holiday periods.

It is proposed that revised forecasts be provided for the December quarterly budget review. This will allow for more certainty around these estimates, with the impact of NSW “opening up” as well as the status of the Queensland border likely to be better known at that time.

Ballina Byron Gateway Airport

The Airport operations have been significantly impacted by lockdowns both within the Northern Rivers and Sydney and NSW more generally. All income streams are trending down.

It is considered premature to make budget adjustments at this stage as there are large numbers of flights scheduled for November and December. A detailed report is to be completed for the December quarter review.

Community Facilities

Income budgets for the various facilities had been set conservatively and are tracking reasonably to budgeted incomes, with the exceptions of the Lennox Head Cultural Centre, which is significantly down, and the Ballina Indoor Sports Centre, which is somewhat down.

For the Lennox Head Cultural Centre, actual income of \$16,400 is reported compared to budget of \$198,000. For the Ballina Indoor Sports Centre, actual income of \$24,700 is reported compared to budget of \$157,000.

It is considered premature to revise the annual forecasts for hiring of rooms, the auditorium and stadium, however a further review will be completed for the December quarter.

As noted earlier in this report, rental relief for various Council tenants was considered at the September 2021 Ordinary meeting. The income budget for the Ballina Surf Club Kiosk and Café has been reduced by \$7,600.

Library Services

An income budget of \$57,600 has been raised, for amounts confirmed from the Library Council of NSW for Special Projects. Of this amount, an expenditure budget of \$30,000 has been raised for expenditure for 2021/22.

The balance, of \$27,600, is placed into the Library Special Projects reserve.

The income budget for the Library Subsidy is revised up by \$3,800, to \$119,800, based on confirmation of the amount to be received for 2021/22.

Swimming Pools

Entrance fees for the first quarter has been impacted by restrictions, as well as the annual planned maintenance closure for Ballina pool.

Budgeted income from pool entry has been reduced for Ballina and Alstonville, by \$40,000 and \$30,000, respectively.

Tourism

Income for this section includes advertising income and souvenir sales and is trending well, with no adjustments to budgets required.

Plant Operations

The largest income component in this section is plant charged to works.

Income is tracking reasonably to budget.

General Fund - Operating Expenses

Planning and Environmental Health Division

Strategic Planning

The budget for Section 7.11 Plan Reviews has been increased from \$10,000 to \$81,500, for a review of the Open Spaces and Community Facilities Plan that is to be completed this year.

This expenditure is funded from the Section 7.11 Plan Reviews Reserve.

A new expenditure budget of \$7,700 is raised for a new planning proposal, Stage 3 BSCPP 21/001, corresponding to a new income budget.

Development Services

Actual legal fees for the quarter are \$271,000 compared to budget of \$300,000.

No increase to the budget is proposed in this review, as Council is also in the process of recovering legal costs awarded by the Court.

A more detailed update will be provided in the next Legal Matters – Update report, scheduled for the November 2021 Ordinary meeting.

Open Spaces Buildings

The budget for insurance is increased by \$6,000 to \$45,000, based on premiums paid.

Vegetation Management

Budget of \$42,200 has been transferred from a capital budget in the Ancillary Transport Services Section, in relation to the Shared Path East. This budget is for compensatory works over a five year period and is an operating expense, not a capital expenditure.

An operating expense budget of \$8,400 has been raised for 2021/22, with the remaining \$33,800 transferred to reserve for compensatory works in future years.

Civil Services Division

Asset Management

The budget for Council's contribution to NEWLOG has been increased by \$2,400, to \$40,400, based on the actual contribution for 2021/22.

A budget of \$3,000 has been raised for a Child Restraints Safety Program, transferring this budget from the unallocated Road Safety Programs budget.

These programs are funded by Transport NSW.

Ferry, Wharves and Jetties

Budgeted operating expenditure included \$160,000 for the ferry's annual slippage and overhaul. These works have now been completed, with the ferry returning to service on 14 September 2021.

Additional essential work was undertaken with this overhaul, which included replacing the electrical and lighting system to comply with the national design standard for certification purposes, replacing the engine (preventative measure), which also required additional overtime hours to achieve within the shutdown program, replacement of access ramp timbers, and replacement of other small structures.

The costs for these works has come to \$228,000.

An increase to the budget, of \$68,000, is required to cover the extra costs incurred.

This budget variation is to be funded from the Civil Contingency Reserve.

The tender process for the Martin Street Boat Harbour Concept Design has now been completed, identifying a required increase of \$48,000 to the budget, to a revised budget of \$168,000.

Of this required increase, Council has been able to secure additional grant funding of \$22,000, leaving a further Council contribution of \$26,000.

Council's contribution is to be funded using an available \$15,200 from the Boat Ramp Reserve and the balance of \$10,800 from the Civil Contingency Reserve.

Emergency Services

This section's expenditure includes Council's contribution to Fire and Rescue NSW and Rural Fire Services and the State Emergency Services.

The total of these contributions is \$330,200, with the first quarter paid.

Quarries and Sandpit

Expenditure to date is on track.

Current year budgets include an amount of \$40,000 for the Tuckombil Quarry, for a consultant to prepare a review of strategic options for the rehabilitation and future use of the site.

The consultant works are underway and their final report is due next quarter.

Landfill and Resource Management (LRM)

As noted in the income section of this report, Council has secured agreements with local commercial collection contractors, with a resultant increase in both income and expenditures.

The proposed increases to expenditure budgets are an increase \$1,550,000 to Transport of Mixed Waste, with a revised budget of \$4,300,000, and an increase of \$400,000 to Bulk Waste Exportation of Construction and Demolition waste, with a revised budget of \$1,400,000.

A new expenditure budget of \$50,000 is proposed for the Waste Management Centre Masterplan.

Council has engaged a consultant to conduct a master planning exercise for the Waste Management Centre to facilitate improvements in efficiency and effectiveness of facility operations and to ensure infrastructure, logistics and operations are sufficient to meet current demand and future growth for the facility.

This masterplan is to be finalised by the end of the calendar year.

Corporate and Community Division

Communications and Customer Service

Expenditure budgets in this section includes a budget of \$120,000 for the community event program.

None of this amount has been expended as at 30 September, although no changes to budgets are proposed at this time.

Flat Rock Tent Park

Expenditure to date is on track.

Further review of estimates will be completed in the December quarter review, along with revisions to the income estimates.

Ballina Byron Gateway Airport

As noted earlier, a more detailed review will be completed as part of the December quarterly review.

Community Facilities

A new expenditure budget of \$10,500 is required for the Lennox Head Community Hall, in the EPIQ estate for costs incurred.

Expenditure related to temporary fencing, the installation of security screens, and supply of evacuation diagrams.

Library Services

As noted earlier, funding of \$58,600 has been confirmed for special projects.

Of this amount, an expenditure budget of \$30,000 is proposed, with the balance placed into reserve until required.

Planned expenditure includes signage for mobile library stops at Wardell and Wollongbar, library programs for the three libraries (Ballina, Lennox Head and Alstonville), mobile shelves for Ballina and security cameras for Ballina and Alstonville.

Swimming Pools

The expenditure budgets for chemicals for Ballina and Alstonville pools have been reduced by \$5,000 each, with these savings as a result of the closure periods.

Tourism

The largest expenditure budget for this section is for tourism promotional expenses.

Expenditure has been low for the first quarter, however this expenditure tends to be lumpy and is anticipated to be expended this year.

No adjustments to budgets proposed.

Plant Operations

Actual expenditure to date appears high, due to the timing of payments for insurance and registration costs.

Expenditure budgets are tracking reasonable to budgets, and no changes are proposed.

Water Operations

This next section of the report deals with Council's Water Operations.

The following table details the forecast operating result for the Fund.

Water - Statement of Operating Income and Expenses

Item	Original Budget	Approved Carry Forwards	Revised Total	Other Approved Changes	Revised Budget	Changes for Approval	Sept Budget	Actual to Sept
Operating Income	13,956	0	13,956	0	13,956	(70)	13,886	3,849
Operating Expenses (excl. dep)	11,839	41	11,880	0	11,880	0	11,880	2,940
Operating Result Before Dep	2,117	(41)	2,076	0	2,076	(70)	2,006	908
Depreciation and Non-cash	1,820	0	1,820	0	1,820	0	1,820	455
Net Operating Result	297	(41)	256	0	256	(70)	186	454

The **Forecast Operating Result** (inclusive of depreciation) **as at September** is a surplus of \$186,000, a deterioration of \$70,000 from the forecast surplus of \$256,000 following the carry forwards as reported to the August meeting.

Forecast operating income has been decreased by \$70,000 in total.

The most significant source of operating revenue for the Water Fund is the water consumption charges budgeted at approximately \$8.5 million and representing approximately 60% of total budgeted operating income.

Billing for the first quarter has recently been completed and is slightly under budget, primarily due to lower than normal non-residential consumption.

This is logical due to the restricted operating conditions that many businesses, particularly restaurants and cafes, have been operating under, for the first quarter of 2021/22.

No changes to forecast consumption charges are currently proposed, with the second quarter reading likely to give a better indication of water consumption for 2021/22.

As noted earlier, the forecast for interest on investments for the Water Fund has been decreased by \$70,000.

Forecast operating expense has not been changed.

Wastewater Operations

This next section of the report deals with Council's Wastewater Operations.

The following table details the forecast operating result for the Fund.

Wastewater- Statement of Operating Income and Expenses

Item	Original Budget	Approved Carry Forwards	Revised Total	Other Approved Changes	Revised Budget	Changes for Approval	Sept Budget	Actual to Sept
Operating Income	21,308	0	21,308	0	21,308	217	21,525	17,205
Operating Expenses (excl. dep)	13,433	91	13,524	0	13,524	0	13,524	2,866
Operating Result Before Dep	7,875	(91)	7,784	0	7,784	217	8,001	14,339
Depreciation and Non-cash	4,700	0	4,700	0	4,700	0	4,700	1,175
Net Operating Result	3,175	(91)	3,084	0	3,084	217	3,301	13,164

9.12 Financial Year 2021/22 - 30 September 2021 Review

The **Forecast Operating Result** (inclusive of depreciation) as at **September** is a surplus of \$3,301,000, an improvement of \$217,000 from the surplus forecast of \$3,084,000 following the carry forwards as reported to the August Council meeting.

The most significant source of operating revenue for the Wastewater Fund is the access charges at approximately \$18.8 million and representing approximately 88% of total budgeted operating income. Of this, residential access charges account for budget of approximately \$16.7 million and non-residential access charges account for approximately \$2.1 million.

Residential access charges are levied in the first instalment for the year in quarter one. Based on the actual amounts levied, an increase to budgeted income of \$217,000 is proposed. Forecast operating expense has not been changed for this review.

Section Three – Capital Budgets 2021/22

This section of the report looks at capital expenditure.

General Fund - Capital Budget - Source and Application of Funds

Capital Funding / Expenditure	Original Budget	Approved Carry Forwards	Revised Total	Other Approved Changes	Other	Changes for Approval this Report	Sept Budget	Actual to Sept
Funding								
General revenue	7,055	0	7,055	0	0	0	7,055	7,055
Reserves	11,261	5,866	17,127	200	40	(8)	17,359	17,359
Loans	9,234	0	9,234	1,260	895	0	11,389	0
Section 7.11 contributions	4,020	1,005	5,025	0	0	0	5,025	5,025
Grants and contributions	13,817	209	14,026	0	(180)	0	13,846	3,814
Total Funding	45,387	7,080	52,467	1,460	755	(8)	56,674	33,253
Expenditure								
Planning and Environmental Health Division								
Environment and Public Health	395	171	566	0	0	0	566	84
Open Spaces	2,565	19	19	0	0	0	19	0
Open Spaces Buildings	170	1,484	4,049	0	0	0	4,049	466
Sports Fields	661	80	250	0	0	0	250	23
Civil Services Division								
Asset Management	0	22	22	0	0	0	22	0
Stormwater and Env Protection	825	858	1,683	0	10	226	1,919	303
Roads and Bridges	21,993	1,713	23,706	1,260	370	(226)	25,110	3,312
Ancillary Transport Services	976	1,572	2,548	0	0	(42)	2,506	327
Transport NSW	291	0	291	0	(60)	0	231	0
Ferry, Wharves and Jetties	150	28	178	0	0	0	178	0
Emergency Services	1,070	117	1,187	0	0	0	1,187	11
Waste Management	500	0	500	0	0	34	534	338
Corporate and Community Division								
Property	3,675	461	4,136	0	40	0	4,176	727
Flat Rock Tent Park	120	0	120	0	0	0	120	0
Ballina Byron Gateway Airport	8,768	32	8,800	0	395	0	9,195	316
Community Facilities	100	146	246	200	0	0	446	0
Facilities Management	1,101	335	1,436	0	0	0	1,436	373
Swimming Pools	100	0	100	0	0	0	100	0
Plant Operations	1,927	(288)	1,639	0	0	0	1,639	180
Total Expenditure	45,387	7,080	52,467	1,460	755	(8)	54,674	6,525

General Fund

A review of the capital works program has been presented as a separate agenda item in the report titled “Capital Expenditure Program – 30 September 2021 Review”. Those proposed adjustments are presented as “Other” in the previous table. Further adjustments to capital budgets proposed in this report are as follows:

Civil Services Division

Stormwater and Environmental Protection

Capital budgets of \$226,000 for Lanes Upgrades, funded through the Local Roads Community Infrastructure Program (LRCIP) are transferred from the Roads Section. The proposed changes are as follows:

Works	Change (\$)	Comments
Lanes Upgrade Lennox Street	40,000	New budget, LRCIP budget transferred from Roads and Bridges Section
Lanes Upgrade Lems Lane North End, Lennox Head	76,000	New budget, LRCIP budget transferred from Roads and Bridges Section
Lanes Upgrade Cliff Murray Lane, Lennox Head	45,000	New budget, LRCIP budget transferred from Roads and Bridges Section
Lanes Upgrade, Cliff Murray Lane / William St, Lennox Head	65,000	New budget, LRCIP budget transferred from Roads and Bridges Section
Quays Drive, West Ballina	50,000	New budget, budget transferred from other existing budgets within Stormwater Section
Riverside Drive, West Ballina	20,000	New budget, budget transferred from other existing budgets within Stormwater Section
Unara Parkway, Cumbalum	25,000	New budget, budget transferred from other existing budgets within Stormwater Section
Bayview Drive, East Ballina	25,000	New budget, budget transferred from other existing budgets within Stormwater Section
Grant Street, Ballina	(5,000)	Reallocation of budget for new budgets. Revised budget \$59,000.
Urban Stormwater Reticulation Renewal	(115,000)	Reallocation of budget for new budgets. Revised budget \$78,000.
Total	226,000	

Roads and Bridges

Capital budgets of \$226,000 for Lanes Upgrades funded under Local Roads Community Infrastructure Program (LRCIP) transferred to the Stormwater Section as per the above table.

Ancillary Transport Services

Capital budget of \$42,200 is transferred from the Shared Path – East (Coast Rd) for future vegetation compensatory works. As noted earlier, an operating budget of \$8,400 has been raised for 2021/22 within the Vegetation Management Section, with the remaining \$33,800 transferred to reserve for compensatory works in future years.

Waste Management

A budget of \$34,300 is raised for the purchase of a utility, required for operational needs.

Water Fund

Water - Capital Budget - Source and Application of Funds (\$'000)

Capital Funding / Expenditure	Original Budget	Approved Carry Forwards	Revised Total	Other Approved Changes	Other	Changes for Approval	Sept Budget	Actual to Sept
Funding								
Reserves	3,082	638	3,720	0	0	78	3,798	3,798
Section 64 contributions	200	0	200	0	0	0	200	200
Total Funding	3,082	638	3,920	0	0	78	3,998	3,998
Expenditure								
Main Renewal	3,282	0	700	0	154	78	932	7
Reservoirs	500	305	805	0	(14)	0	791	88
Water pump and bores	100	0	100	0	0	0	100	0
Trunk mains	830	0	830	0	(140)	0	690	2
Treatment Plant	530	0	530	0	0	0	530	0
Plant	22	173	195	0	0	0	195	0
Connections	540	98	638	0	0	0	638	223
Other	60	62	122	0	0	0	122	0
Total Expenditure	3,282	638	3,920	0	0	78	3,998	320

A review of the capital works program has been presented as a separate agenda item in the report titled "Capital Expenditure Program – 30 September 2021 Review". Those proposed adjustments are presented as "Other" in the above table.

Further adjustments to capital budgets proposed in this report are as follows:

Works	Change (\$)	Comments
North Creek Road to Angels Beach Drive Mains Replacement	20,000	New budget, funded from Water Reserves
Carrington Lane Main Replacement	57,800	New budget, funded from Water Reserves
Total	77,800	

Wastewater Fund

Wastewater - Capital Budget - Source and Application of Funds (\$'000)

Capital Funding / Expenditure	Original Budget	Approved Carry Forwards	Revised Total	Other Approved Changes	Other	Changes for Approval	Sept Budget	Actual to Sept
Funding								
Reserves	3,996	970	4,966	0	(239)	0	4,727	4,727
Section 64 contributions	650	31	681	0	30	0	711	711
Total Funding	4,646	1,001	5,647	0	(209)	0	5,438	5,438
Expenditure								
Pumping Stations	529	31	560	0	30	0	590	54
Treatment Plants	2,534	601	3,135	0	(39)	0	3,096	121
Mains Renewals	510	0	510	0	0	0	510	11
Plant	376	155	531	0	0	0	531	40
Reuse Program	681	157	838	0	(200)	0	638	5
Other	16	57	73	0	0	0	73	0
Total Expenditure	4,646	1,001	5,647	0	(209)	0	5,438	231

A review of the capital works program has been presented as a separate agenda item in the report titled "Capital Expenditure Program – 30 September 2021 Review". Those proposed adjustments are presented as "Other" in the above table.

9.12 Financial Year 2021/22 - 30 September 2021 Review

Further adjustments to capital budgets which are proposed in this report are as follows:

Works	Change (\$)	Comments
Race Course Road Sewer Rising Main	25,000	New budget
Temple Street Rising Main	30,000	New budget
Fig Tree Rising Main	30,000	New budget
Mains Renewals	(85,000)	Reallocation of budget for new budgets. Revised budget nil.
Prospect Bridge to Bangalow Road Recycled Water Main Replacement	20,000	New budget
Ballina High School Recycled Water Main Replacement	20,000	New budget
Recycled Water Bulk Connections	(40,000)	Reallocation of budget for new budgets. Revised budget nil
Total	0	

Section Four – Cash and Investment Statement

The next table shows the forecast for externally and internally restricted reserves.

Forecast Restricted Reserves as at 30 June 2022 (\$'000)

	After Carry Forwards	Approved Changes	Other	Changes for Approval	Sept Budget
Externally Restricted					
Section 7.11	12,850	0	0	(10)	12,840
Domestic Waste Management	1,211	0	0	35	1,246
Section 64 Water	11,614	0	0	(30)	11,584
Water	7,642	0	0	(118)	7,524
Section 64 Wastewater	10,555	0	(30)	0	10,525
Wastewater	12,278	0	240	217	12,735
Total Externally Restricted	56,150	0	210	94	56,454
Internally Restricted					
Council Elections	75	0	0	0	75
Financial Assistance Grant	2,418	0	0	0	2,418
Legal/Audit/Revaluations	275	0	0	0	275
Employee Leave Entitlements	2,994	0	0	0	2,994
Risk Management/Insurance	181	0	0	0	181
Community Infrastructure Reserve	1,420	0	0	(9)	1,411
Property Development Reserve	251	0	(40)	0	211
Wigmore Arcade	626	0	0	(23)	603
Crown Properties Rental	77	0	0	0	77
Flat Rock Tent Park	287	0	0	0	287
Airport	2,540	0	0	0	2,540
Community Facilities	889	(200)	0	0	689
Libraries	220	0	0	27	247
Plant Replacement	1,069	0	0	0	1,069
Administration Building and Depot	34	0	0	0	34
Strategic Planning	382	0	0	0	382
Section 7.11 Plan Reviews	445	0	0	(71)	374
Public Art	110	0	0	0	110
Public Order	2	0	0	0	2
Quarries Compliance	43	0	0	0	43
Healthy Waterways and Projects	873	0	0	0	873

9.12 Financial Year 2021/22 - 30 September 2021 Review

	After Carry Forwards	Approved Changes	Other	Changes for Approval	Sept Budget
Coastal Management Plans	349	0	0	0	349
Vegetation Works	655	0	0	34	689
Other Planning and Env Heath	230	0	0	0	230
Public Amenities	146	0	0	0	146
Open Spaces	596	0	0	0	596
Sports Fields	19	0	0	0	19
Cemeteries	330	0	0	(30)	300
Stormwater Capital	261	0	0	0	261
Stormwater and Env Mgmt Plans	214	0	0	0	214
Canal Dredging	30	0	0	0	30
Bypass Funds	3,192	0	0	(24)	3,168
Roadworks	893	0	0	(69)	824
Other Civil	60	0	0	0	60
Ancillary Footpaths	259	0	0	0	259
Boat Ramps and Infrastructure	25	0	0	(25)	0
Rural Fire Service	30	0	0	0	30
Quarries	711	0	0	0	711
Landfill, Resource Management	1,783	0	0	339	2,122
Total Internally Restricted	24,994	(200)	(40)	149	24,903
Total Restricted	81,144	(200)	170	243	81,357

A review of the capital works program has been presented as a separate agenda item in the report titled "Capital Expenditure Program – 30 September 2021 Review" Those proposed adjustments are presented as "Other" in the previous table.

Statements

1. Council's investments are all in accordance with the Local Government Act, the regulations and Council's investment policy.
2. As per the investments summary for September 2021, funds invested amounted to \$97,500,000. All restricted monies are included in these investments.
3. Cash has been reconciled to the bank statement as at 30 September to the amount of \$22,425,887.
4. Actual year to date cash and investments amounted to \$119,925,887 at 30 September 2021.

This amount includes cash at bank of \$22,425,887 and funds invested of \$97,500,000 which has been reconciled to the bank statements and investment reports.

Comment on Cash and Investment Position

The changes in this report increase the reserves by a net \$243,000, resulting in the current forecast restricted reserves of \$81.357 million.

All changes to reserves made as part of this review have been noted earlier in this report within either 'Section One-Operating Income and Expenditure' or 'Section Two – Capital Budgets'.

The changes made as part of this review, of \$10,000 or more, are summarised as follows.

Section 7.11 Reserves

Net reserves decreased by \$10,000 being the adjustments made to interest on investments with the operating income section of this report.

Domestic Waste Management

There is an increase of \$34,700 to this reserve being the adjustments of \$69,000 made to operating income offset by a capital budget of \$34,300.

Water Reserves

Net reserves decreased by \$147,800 being the adjustments of \$70,000 made to operating income within this report and new capital budgets of \$77,800.

Wastewater Reserves

Reserves increased by \$217,000 for adjustments made to operating income.

Wigmore Arcade

Reserve decreased by \$23,000 for adjustments made to operating income.

Library Special Projects

The increase to reserves of \$27,000 is for special projects funding confirmed for this year which has yet to be allocated to projects.

Section 7.11 Plan Reviews

There is a decrease of \$71,000 to this reserve, being the increase to the budget for the Open Spaces and Community Facilities Plan Review.

Vegetation Works

Reserves are increased by \$34,000. This represents funds transferred from Ancillary capital, for future compensatory works for the Shared Path East.

Cemeteries

This reserve is decreased by \$30,000, being the adjustments made to operating income within this report.

Bypass Funds

These reserves decreased by \$24,000, being the adjustments made to operating income within this report.

Roadworks and Civil Contingency

Part of the increase in the budget for the Ferry Slippage, \$58,000, and part of the increase in the budget for the Martin Street Boat Harbour Concept Design, \$10,800, have been funded from the Civil Contingency Reserve.

Boat Ramps and Infrastructure

This reserve had a balance of \$25,200, which has been fully utilised as \$10,000 for the Ferry Slippage budget and \$15,200 towards the Martin Street Boat Harbour Concept Design.

Landfill and Resource Management (LRM)

There is an increase of \$339,000 being the net adjustments made to the LRM operating result, within this report.

Section Five - Key Performance Indicators

This section of the report takes selected financial benchmarks and compares the 30 June 2020 and 2021 ratios with the forecast at September to 30 June 2022.

The performance indicators have a short-term focus, which suits the quarterly review. Each ratio typically contains numerous variables, and the forecast should be viewed as a guide only.

Key Performance Indicators - Description

1. **Operating Performance Ratio** – Total continuing operating revenue (excluding capital grants/contributions and fair value adjustments) less operating revenue (excluding capital items and profit or loss on sale) as a percentage of continuing operating revenue (less capital items and fair value adjustments).

Purpose: this percentage measures whether the Council is sustainable in terms of its operating result.

Council should not be recording recurring operating deficits or funding operating results from capital revenue.

Indicator type: Financial Performance

Benchmark: = > 0 (NSW Code of Accounting Practice)

2. **Unrestricted Current Ratio** - Unrestricted current assets divided by unrestricted current liabilities.

Purpose: this ratio is used to measure Council's ability to meet short term liabilities with available short term assets.

Indicator type: Financial Position

Benchmark: >1.5 (NSW Code of Accounting Practice)

3. **Debt Service Cover Ratio** – Operating result (excluding fair value adjustments, capital grants/contributions, depreciation/amortisation, interest expense and profit or loss on sale) as a percentage of loan interest and capital payments.

Purpose: The purpose of this percentage is a measure of whether Council has excessive debt servicing costs relative to the adjusted operating result.

Indicator type: Financial Position

Benchmark: >2 (NSW Code of Accounting Practice)

Benchmark Indicators – General Fund

1. **Operating Performance Ratio – General Fund**

Benchmark: >0

2019/20	2020/21	2021/22 Sept
Actual	Actual	Estimate
-1.51%	-0.70%	-3.67%
Fail	Fail	Fail

Comment

This is a key ratio for “Fit for the Future” assessments and has historically been a difficult benchmark to achieve. The ratio is affected by many variables.

The General Fund failed this benchmark in 2019/20 and 2020/21. The current LTFP forecasts that this benchmark will not be met until 2028/29.

The strategy to improve this ratio is to maintain and even reduce operating expenses and increase income.

2. **Unrestricted Current Ratio – General Fund**

Benchmark: >1.5

2019/20	2020/21	2021/22 Sept
Actual	Actual	Estimate
2.53	2.64	1.57
Pass	Pass	Pass

Comment

The General Fund is expected to continue to meet this benchmark.

This ratio is lower than previous years as a result of the extensive capital works program scheduled for 2021/22. Any future deferrals of capital projects will improve this ratio accordingly.

3. Debt Service Cover Ratio – General Fund

Benchmark: > 2

2019/20	2020/21	2021/22 Sept
Actual	Actual	Estimate
3.76	4.06	3.35
Pass	Pass	Pass

Comment

The strategy to continue to meet the benchmark is to limit further borrowings, unless matched by offsetting revenues, and strengthen the operating result by a combination of increasing income and decreasing expense.

Based on the current projections in the LTFP, this ratio is likely to deteriorate in the next three years, which can be explained by the timing of borrowings for Airport Boulevard and property development activities such as the Wollongbar Urban Expansion Area (WUEA). The income generated from property sales will be used to repay the loans and the ratio will be improved from 2025/26 onwards.

Benchmark Indicators – Water

1. Operating Performance Ratio - Water

Benchmark: > 0

2019/20	2020/21	2021/22 Sept
Actual	Actual	Estimate
8.14%	0.50%	2.21%
Pass	Pass	Pass

Comments

The Water Fund achieved a positive operating performance ratio in 2020/21, despite a small operating deficit, as this ratio is adjusted for losses on disposal.

2021/22 and future years are anticipated to achieve positive ratios.

2. Unrestricted current ratio - Water

Benchmark: >1.5

2019/20	2020/21	2021/22 Sept
Actual	Actual	Estimate
81.76	79.08	43.86
Pass	Pass	Pass

Comments

The ratio meets the benchmark comfortably as the Fund has reasonable reserves and no debt.

3. Debt Service Cover Ratio - Water

Benchmark: >2

2019/20	2020/21	2021/22 Sept
Actual	Actual	Estimate
0.0	0.0	0.0
N/A	N/A	N/A

Comments

The Fund has no external borrowings.

Benchmark Indicators – Wastewater

1. Operating Performance Ratio - Wastewater

Benchmark: >0

2019/20	2020/21	2021/22 Sept
Actual	Actual	Estimate
12.95%	25.00%	15.34%
Pass	Pass	Pass

Comments

The Wastewater Fund has achieved a positive operating performance ratio and this trend is expected to continue for future years.

2. Unrestricted current ratio - Wastewater

Benchmark: >1.5

2019/20	2020/21	2021/22 Sept
Actual	Actual	Estimate
1.45	2.83	2.27
Fail	Pass	Pass

Comments

The Wastewater Fund met this benchmark in 2020/21 and it is anticipated that the Fund will meet the benchmark in future years.

3. Debt Service Cover Ratio - Wastewater

Benchmark: > 2

2019/20	2020/21	2021/22 Sept
Actual	Actual	Estimate
1.35	2.15	1.86
Fail	Pass	Fail

Comments

This benchmark was met in 2020/21 as a result of higher than anticipated developer's contributions.

It is anticipated that this ratio will fail the benchmark for several years due to the high level of borrowings.

The forecast is that the ratio will gradually improve year on year as the operating surplus continues to grow, with current projections indicating that the fund will meet the benchmark in 2026/27.

Section Six – Contractors/Consultants/Legal Expenses

Contractors

Contracts entered into during the quarter are as follows.

Contractor Name	Purpose	Amount (GST Excl)	Award Date	Contract Duration	Incl in Budget
Synergy Resource Management Pty Ltd	Pop Denison Park Playground and Park Infrastructure	\$699,624	26/06/21	6 months	Yes
Eljo Pty Ltd & The Trustee for Rico Family Trust t/a Richmond Resource Recovery	Collection and Disposal of Waste and Recycling	\$330,000 per annum	1/09/21	36 months	Yes
The Trustee for Howland Family Trust t/a Hydrosphere Consulting Pty Ltd	North Creek Hydrological and Water Quality Study	\$476,200	8/9/21	21 months	Yes
The Trustee for KO & Co Architecture Trust t/a KO&Co Architecture Pty Ltd	Design Services Alstonville Cultural Centre	\$294,074	23/7/21	15 months	Yes
Hazell Bros (QLD) Pty Ltd	Airport Car Park Reconstruction	\$2,582,339	3/08/21	5 months	Yes
Pitt & Sherry (Operations) Pty	Airport Design of Runway Overlay and Parking	\$422,010	23/07/21	12 months	Yes
Lloyd Group Pty Ltd	Ballina Byron Gateway Airport Terminal Expansion Lloyd Group Pty Ltd	\$2,057,180	27/9/21	6 months	Yes
Club Av Pty Limited t/a CAV Security	Security Services	\$107,488 per annum	1/10/21	36 months	Yes

Consultants

The Office of Local Government defines a consultant as:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Expenditure to 30 September 2021 on consultants is as follows:

Item	Expenditure YTD (excl GST) (\$)	Included in Budget
Consultancies	212,000	Yes

Legal Expenses

The next table summarises the expenditure incurred to the end of September 2021 on legal fees. Legal fees have been included where there is a dispute situation. This includes, for example, recovery of rates not paid but excludes processing of infringement notices (no dispute at this point) and amounts paid to legal firms that may be related to the creation of a lease or sale of land.

Item	Expenditure YTD (excl GST) (\$)	Included in Budget
Legal Fees	290,000	Yes

Section Seven - Certification

The following statement is made in accordance with clause 203(2) of the Local Government (General) Regulations 2005.

It is my opinion that the Quarterly Budget Review Statement for Ballina Shire Council for the quarter ended 30 September 2021 indicates that Council's projected financial position at 30 June 2022 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

The satisfactory position is based on the short term (twelve month) outlook.



Signed Linda Coulter, Responsible Accounting Officer

Delivery Program Strategy / Operational Plan Activity

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

EL2.1g - Pursue compliance with the Fit for the Future Program.

Community Consultation Policy

This report has been prepared to inform the community of budget variations. Staff have been consulted in the preparation of this report.

Financial / Risk Considerations

This report details financial results to date in comparison to budget. The on-going impacts of the COVID-19 pandemic remain one of the major financial risks facing Council as lockdowns and border closures have significant impacts on the operations of the Airport and Council's community facilities.

Options

Council may approve the budget amendments proposed or make further changes. The proposed changes reflect Council resolutions or adjustments based on the trending of actual income and expenses.

RECOMMENDATION

That Council notes the contents of this report for the September 2021 Quarterly Financial Review and approves the budget changes identified within the report.

Attachment(s)

Nil

9.13 Delivery Program and Operational Plan - 30 September 2021 Review

9.13 Delivery Program and Operational Plan - 30 September 2021 Review

Section Governance

Objective To review the implementation of the 2021/22 to 2024/25 Delivery Program and 2021/22 Operational Plan.

Background

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

Delivery Program

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

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

This report represents the first review of the 2021/22 to 2024/25 Delivery Program and the 2021/22 Operational Plan, with the information based on the period to 30 September 2021, representing three months of the 2021/22 financial year. The review is included as a separate attachment.

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

Key Issues

- Compare results to date against adopted goals and priorities

Discussion

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

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

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

9.13 Delivery Program and Operational Plan - 30 September 2021 Review

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

There are 101 program actions listed in the Operational Plan and the following two tables provide an overview of the status of the actions on a number and percentage basis.

Program Actions Summary - By Division and Number

Division / Status	C&C	Civil	PEH	Total
Green	18	25	49	92
Amber	1	4	4	9
Red	0	0	0	0
Total	19	29	53	101

Program Actions Summary - By Division and Percentage

Division / Status	C&C	Civil	PEH	Total
Green	95	86	92	91
Amber	5	14	8	9
Red	0	0	0	0
Total	100	100	100	100

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

- Deliver Ballina SES Headquarters and Construct Lennox Head Rural Fire Service (RFS) Shed at Byron Bay Road (page 8) – Further engagement actions have been undertaken with SES representatives and Council stakeholders to complete the analysis for determining the preferred SES site from the two shortlisted options. A report will be submitted to Council once there is a confirmed position. There have been some difficulties in obtaining the planning consent for the Lennox Head Rural Fire Shed, with the approved contractor ready to commence construction works once the consent is issued.
- Determine future of Airport Sandpit (page 8) – This is on hold until there is more certainty in respect to the commercial development of Council land to the north of Airport Boulevard and until the finalisation of the North Creek CMP is achieved, as this will clarify the opportunities for dredging North Creek.
- Progress Barlows Road as a connection between Tamarind Drive and River Street (page 9) – The public exhibition was completed and reported to Council in July 2021, with Council supporting amendments to restrict use of Horizon Drive by through traffic.
- Implement Shaws Bay Coastal Management Plan (CMP) (page 13) – Council has received confirmation from the Minister that the offset compensatory payment made to the State Government for works associated with the dredging project will be provided back to Council as part of a joint project with Department Primary Industries – Fisheries, which is an excellent outcome. Additional design works for revegetation and rehabilitation works in the ecological endangered communities area has now been finalised and actual works will commence in October 2021.

9.13 Delivery Program and Operational Plan - 30 September 2021 Review

- Promote the Northern Rivers Community Gallery and Ignite Studio (page 15) - Launching of online exhibition screenings commenced on 2 July 2021, including artist interviews and sale details for artworks available in current exhibitions to engage virtual audiences. This resulted in attracting artwork sales for the September exhibitions whilst still in lockdown and an online audience of 384 viewers. Feedback has been extremely positive from artists and audiences.
- Implement Ballina Shire Koala Management Strategy (page 18) – A number of actions are being progressed with a draft of the Ballina Shire Koala Fire Management Plan completed in October 2021 by consultants. The report is currently being reviewed by staff. A project to mitigate Koala vehicle strikes is being progressed and a draft proposal for Koala zone road signage is scheduled for the October 2021 Traffic Committee meeting for endorsement.
- Examine planning options to expedite the delivery of commercial and retail shops in the Ballina Heights Estate (page 18) – This project is slightly behind schedule as the proponents of the planning proposal to rezone existing commercially zoned land to residential zoned land at Ballina Heights have proposed an amendment to the proposal in order to relocate the existing commercial zone to another area (currently zoned R3 Medium Density Residential) within the locality. A Councillor briefing was held on the proposal on 5 October 2021.
- Promote Ballina Marina (Trawler Harbour) Master Plan (page 19) – This item is showing as amber as there has not been any significant interest from the State Government in advancing the Master Plan. Information is provided to interested parties based on the occasional enquiry.

In respect to Service Delivery there are a total of 93 indicators identified in the Operational Plan and the following two tables provide an overview of how the indicators are tracking against the benchmark, again on a number and percentage basis.

Service Indicators Summary - By Division and Number

Division / Status	C&C	Civil	PEH	Total
Green	25	18	19	62
Amber	18	4	5	27
Red	0	1	3	4
Total	43	23	27	93

Service Delivery Indicators Summary - By Percentage

Division / Status	C&C	Civil	PEH	Total
Green	58	78	70	67
Amber	42	17	19	29
Red	0	4	11	4
Total	100	100	100	100

The primary purposes of each indicator is to provide a guide as to how a service may be tracking compared to previous years, or against a preferred benchmark, with some indicators beyond the control of Council. Items of note include:

9.13 Delivery Program and Operational Plan - 30 September 2021 Review

- Number of passengers for Airport (page 21) – The annualised figure is still above 500,000 and at this stage there has been no change to forecasts as extremely high numbers are anticipated from December 2021 onwards.
- Community Facilities (pages 22-23) – The COVID lockdowns and restrictions have resulted in a number of the facilities having extremely low usage for the first quarter. The results are shown as amber as it is hoped there will be a quick bounce back to high use as the COVID restrictions ease for the remainder of 2021/22.
- Minimise operating deficit for Burns Point Ferry (\$) (page 28) – The ferry slip was well in excess of budget and income is well down on previous years, most likely due to the Queensland border restrictions. Ferry income figures for the first quarter of the last four financial years are as follows:

2021/22 - \$114,600
2020/21 - \$169,700
2019/20 – \$198,400
2018/19 - \$174,600

- Development Services (pages 33 - 34) – Processing times are continuing to be below the preferred targets. Additional development engineering, planning and building surveyor resources continue to be temporarily engaged to assist with the high workload.

Delivery Program Strategy / Operational Plan Activity

This report provides a status report on all the adopted activities in the 2021/22 Operational Plan.

Community Consultation Policy

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

Financial / Risk Considerations

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

Options

The report is for noting with the information highlighting the many activities undertaken by Council. The first quarter of 2021/22 has been significantly impacted by State Government COVID lockdowns and it is hoped that the balance of the financial year will see a return to some level of normality.

RECOMMENDATION

That Council notes the contents of this report on the quarterly review of the 2021/22 to 2024/25 Delivery Program and 2021/22 Operational Plan.

Attachment(s)

1. Delivery Program and Operational Plan - 2021/22 to 2024/25 - 30 September 2021 Review (Under separate cover)

9.14 Capital Expenditure Program - 30 September 2021 Review

9.14 Capital Expenditure Program - 30 September 2021 Review

Section Governance

Objective To provide an update on the implementation of the 2021/22 capital expenditure program.

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 first report for 2021/22 and outlines work undertaken to 30 September 2021.

Key Issues

- Status of works
- Budget variations

Discussion

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

- Total Project Value – As projects can be delivered over a number of financial years, this column identifies the total project value. This may include expenditure from previous financial years or estimated expenditure for future years.
- Original 2021/22 Estimate - Represents the original 2021/22 estimate as per the adopted Operational Plan.
- Carry Forwards - Includes budgets carried forward from the previous financial year, approved by Council at the August 2021 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.
- 2021/22 Estimate - Sum of the original estimate plus variations.
- Expended This Year - Expenditure to 30 September 2021 on a cash basis. This figure excludes commitments and accruals.
- % Expended - Percentage of budget expended to 30 September 2021 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)

Pop Denison, Ballina – Council has let the tender for this contract with construction works underway. The works will further enhance the significant improvements Council has made to the Shaws Bay precinct in recent years.

Wollongbar Skate Park and District Park – Following Council approval of a tender, extended contract negotiations resulted in delays in commencing work, with construction now underway.

Playgrounds – The lead time for the delivery of equipment is extremely lengthy, with the majority of the playgrounds unlikely to be completed until late in the 2021/22 financial year.

Lyle Park, Wollongbar – Lighting – The Wollongbar / Alstonville Rugby Union Club (WARUC) completed their own installation of lighting, negating the need to expend the \$170,000 allocated for this project. The efforts of the WARUC to improve the lighting at Lyle Park are appreciated, however this lighting was installed on public land without the prior agreement of Council, which raises a number of public land and asset management matters that staff are now working through.

The recommendation is to transfer the \$170,000 available to other essential sports field improvements and renewals as follows:

- Lyle Park, Wollongbar - Safety Fencing - \$25,000
- Chickiba Park, East Ballina – Provision of athletics facilities, supporting year round athletics, little athletics and school carnivals - \$40,000
- Gallens Road Equestrian Facilities, Ballina - \$25,000
- Goal Post Replacement (various) - \$15,000
- Synthetic Wicket Upgrades - Saunders Oval, Ballina - \$10,000
- Williams Reserve, Lennox Head – Safety / Fencing Works - \$10,000
- Skennars Head Sporting Fields – Fencing / Building Upgrade - \$15,000
- Topdressing/Field Improvements (Various) - \$30,000

However, the WARUC has recently approached Council advising that they are \$350,000 to \$400,000 short of the funds needed to complete their new clubhouse, which has an updated construction cost of approximately \$1.4m.

Delays in obtaining all necessary approvals, finances and rapidly increasing building prices have resulted in this major shortfall in funding.

The development consent for this building (DA 2019/269) is for the following:

- Stage 1 – construction of club house facilities comprising two canteens, two offices, two store rooms, toilet facilities, club room and extensive external viewing areas

- Stage 2 – construction of two additional change rooms.

The \$1.4m relates to Stage 1, with Stage 2 designed to provide female specific change rooms. The WARUC has submitted a grant application for those works with the outcome of that application still to be confirmed.

In respect to the Stage 1 works, the WARUC has secured approximately \$800,000 in grant funds from the State and Federal Governments, along with contributing approximately \$300,000 of their own funds through cash or in-kind contributions.

In discussions with the WARUC, who are seeking support from Council, one proposal was for Council to contribute, say \$100,000, on the proviso that WARUC then sought matching funding from the State and Federal Governments to allow Stage 1 of the clubhouse to be completed.

Potential contributions from the three levels of government could be:

Local - \$100,000
State - \$125,000
Federal - \$125,000

From a Council operational perspective, the higher priority for the \$170,000 available is for the works program identified earlier, as it relates to important maintenance and renewal works to existing facilities.

Asset renewal should always be the first priority for funding, rather than new assets, as a lack of investment in existing infrastructure results in increased maintenance costs and a deterioration in the performance of the asset.

On the other hand, the WARUC has undertaken a significant amount of voluntary effort to advance the clubhouse project, and there is the possibility that a reasonable contribution from Council, say \$100,000, will then allow the project, valued at \$1.4m, to be completed.

The provision of this facility will then support increased use of the Wollongbar Sports Fields, where Council has invested significant funds as part of the future planning for Wollongbar.

Although, in saying this, it is important to acknowledge that there are already change room and amenity facilities constructed at the fields that are suitable to allow organised sport to proceed.

The current facilities include two change rooms, showers, toilets and a referee's room.

If Council was supportive of the \$100,000 contribution to the WARUC clubhouse, additional recommendations that could be added to this report are as follows.

The recommendations include a timeframe for the availability of the \$100,000 so as to enable the use of these funds on other projects in the shorter term should additional State and Federal funding not be immediately forthcoming.

4. *That the \$170,000 for the Lyle Park Sports Fields lighting is to be reallocated as follows:*
 - *Wollongbar Sports Fields – Contribution to Wollongbar / Alstonville Rugby Union Club Clubhouse - \$100,000*
 - *Chickiba Park, East Ballina – Provision of athletics facilities, supporting year round athletics, little athletics and school carnivals - \$40,000*
 - *Goal Post Replacement (various) - \$15,000*
 - *Skennars Head Sporting Fields – Fencing / Building Upgrade - \$15,000*

5. *The \$100,000 contribution to the Wollongbar / Alstonville Rugby Union Club Clubhouse is subject to matching or greater contributions from the State and Federal Governments to allow the Stage 1 works of the new clubhouse to be completed, with that funding be made available by 31 My 2022.*

As the WARUC clubhouse is not a project in Council's long term financial plan, the current recommendations are based on the \$170,000 being allocated to the renewal projects, however the option is there for Council to include points four and five, if this is the preferred allocation of the \$170,000.

Commercial Services (attachment two)

Airport - Runway widening / lengthening – PART 5 approval has been granted for the strengthening and upgrade of the runway, strengthening and upgrade of Bays 1, 3 and 4 and construction of Bay 5.

Detailed design and documentation for these works is in progress with tenders expected to be issued in November 2021 with construction of all works to commence in March 2022.

The amendment for the scope of works and completion date has been submitted to the Federal Government grant body.

Airport Terminal Expansion – This project is to support installation of new passenger security screening – Council approved a tender at the September 2021 Ordinary meeting with works scheduled to commence in October 2021.

Airport – Car Park, Solar and Boom Gates - Council approved tenders at the July 2021 Ordinary meeting with works now underway.

An amount of \$2.7m was included in the 2022/23 financial year for this project.

The timing of the works is ahead of schedule and it is recommended that \$895,000 is brought forward to the current financial year.

This provides a total budget of \$3m and the project is expected to come in below the initial budget estimates.

The additional \$895,000 is sourced from loan funds and the final borrowing for 2021/22 will depend on actual expenditure.

Airport – Baggage Area – The total value of this project is \$2.15m with the majority of the expenditure scheduled for 2022/23.

9.14 Capital Expenditure Program - 30 September 2021 Review

Based on current planning and forecast cash flows the recommendation is to defer \$500,000 to 2022/23.

Southern Cross Industrial Estate – Boeing Avenue – Council has approved the sale of Lot 2, with Lot 3 waiting on a development consent to allow tenders to be called for the construction of the individual allotments.

Wollongbar Urban Expansion Area – Stage 3 – Works have been completed with plan of registration to be submitted to Council for approval.

Shelly Beach Cafe – Stormwater / Wastewater – Failures in respect to the stormwater and wastewater infrastructure require urgent repairs.

Funds transferred from the Property Development Reserve to finance these works.

Facilities Management (attachment two)

Depot – The tender for the workshop extension was approved at the April 2021 Ordinary meeting. Works are well advanced.

It is recommended that \$100,000 be transferred from the Depot Hardstand and Security budget, to the workshop extension budget, to allow additional works to be completed, such as the purchase of a replacement gantry crane for the workshop.

This will help maximise efficiencies from the new workshop space.

Depot 2 - Fencing and Remediation – Council is working with Crown Lands to ensure that this site meets the condition of the Crown Land license. Work is on-going in respect to clearing the site and ensuring it is adequately fenced.

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. Tender for design and construction was approved at the April 2021 Ordinary meeting.

The development consent for the new facility is expected to be issued shortly, which will then allow construction to commence.

SES Building – Preferred site locations are to the south of the existing site on the corner of Bangalow Road / Angels Beach Drive and Council owned land at Endeavour Close, Ballina.

Consultation with SES representatives has been on-going in respect to Endeavour Close, including a more detailed analysis of car parking and vehicle access.

Once a confirmed position is obtained on Endeavour Close a further report will be submitted to Council.

Council Resolution - At the September 2021 Ordinary meeting, Council resolved as follows in response to a notice of motion:

9.14 Capital Expenditure Program - 30 September 2021 Review

That the September 2021 Quarterly Financial Review report identify possible funding options for the construction of the vehicle turnaround for the Alstonville Rural Fire Service site, to ensure that the access is safe, with the need for these works forming part of the negotiations that resulted in the sale of the Council land adjoining the site.

The September Quarterly Financial Review report earlier in this agenda identified that the General Fund working capital deficit had deteriorated, which means there are no readily available funds to finance this work, which is estimated at approximately \$100,000.

The two main options available are to defer projects of a similar nature from the capital works program, or source funds from Council's internal reserves.

The largest capital works program is the roads recurrent renewal budget, with revenue funded works of a similar estimate scheduled for later in the financial year including:

- Wilson Street segments 10 and 20 - \$140,000
- Rishworths Lane Dust Seal - \$120,000
- Brunswick Street segment 20 - \$135,000
- North Creek Road segments 10 and 50 - \$130,000
- Stewart Street segment 150 - \$100,000

One of these projects could be deferred until 2022/23 allowing the funds freed up to be reallocated to the Alstonville Rural Fire Service site access road.

In reviewing the internal reserves, there is \$30,000 retained in an Emergency Services reserve that has been generated from savings in previous years. These funds could be allocated to this project, leaving a \$70,000 shortfall.

The other reserve that Council typically uses to fund this type of expenditure is the Community Infrastructure Reserve, which has a forecast balance of \$1.4m as at 30 June 2022.

However, all funds from this reserve are forecast to be applied to the new SES building and the Alstonville Cultural Centre refurbishment in future years, with the reserve currently having insufficient funds to finance the full magnitude of those two projects.

Therefore additional funds will need to be transferred to that reserve from forecast land sales (after loan debt is repaid) and grant funding is also needed to ensure Council can deliver these two major community infrastructure projects.

As construction of the SES building and Alstonville Cultural Centre are not likely to commence until at least 2023/24, Council could source \$70,000 from the Community Infrastructure reserve and that decision would not have a major impact on the timing of the delivery of these two projects.

Therefore the recommendation to finance improvements to the access to the Alstonville Rural Fire Service site would be as follows:

9.14 Capital Expenditure Program - 30 September 2021 Review

That Council amend the current capital works program to include \$100,000 for safety improvements to the access for the Alstonville Rural Fire Service site, with that funding sourced from the Emergency Services Reserve (\$30,000) and Community Infrastructure Reserve (\$70,000).

This recommendation has not been included in the recommendations to this report as the resolution only asked for options and the staff comments in the notice of motion were as follows:

From a staff perspective, the current standard of access in and out of the Rural Fire Service shed is considered safe and it is reasonable for vehicles to runaround on the grassed area, due to the low number of vehicle movements.

Therefore Council needs to determine whether this project is a priority for 2021/22 or whether it should be considered with the numerous other Council priority projects when the 2022/23 Operational Plan is prepared during April to June 2022.

Grants were also examined as part of this analysis and no opportunities were identified, with the Regional Rural Fire Service office also confirming they had no funds available for this work.

Water and Wastewater Operations (attachments four and five)

Water and Wastewater Operations – There are some relatively minor adjustments to a few budgets with the Bagot Street, Ballina trunk main works no longer needed following a more detailed analysis of the existing trunk main.

Engineering Works (attachment six)

Roads and Bridges

The one major adjustment is for the Safer Roads – Tamarind Drive / Tintenbar intersection project, with additional funding of \$380,000 transferred to the project.

This funding is sourced from the following State Government recurrent grant programs:

- 2020/21 Regional Road Repair Program income carried forward - \$136,000
- 2021/22 Regional Road Repair Program income - \$185,000
- 2021/22 Supplementary Block Grant income - \$60,000 – The Regional Road Reseals budget is currently \$291,000 and \$60,000 will be transferred to this project.

Pleasingly Council has been successful in securing funding for the following projects in round three of the State Government's Fixing Local Roads Program.

Description	Amount (\$)
Friday Hut Road, Tintenbar	94,000
Dalwood Road, Dalwood segment 10	122,000
River Drive, Wardell	148,000
Dalwood Road, Dalwood segment 110	85,000
Gap Road, Alstonville	159,000
Total	608,000

9.14 Capital Expenditure Program - 30 September 2021 Review

Based on the current construction program, these projects will be included in the Long Term Financial Plan for 2022/23, although if there is an opportunity to coincide the works with projects in the current financial year, the funding will be brought forward to 2021/22.

Ancillary Transport Services – Car Park

Approval has been obtained from the Federal Government to transfer the \$50,000 for Missingham Car Park improvements to Rocky Point Road. The Missingham works form part of the Kingsford Smith Reserve Master Plan and the preference is not to expend money on this project, at this point in time, as the Master Plan has changes proposed to the car park area. Rocky Point is on the higher order of priorities for car park improvements and the works can be completed in a timely manner.

Ancillary Transport Services - Shared Paths and Footpaths

Some footpath projects completed, notably the Suvla Street, Shelly Beach Road footpath works. This was a difficult project due to the limited space for a footpath and the design team and construction crew did an excellent job in providing a design solution for this location.

Stormwater

There has been some shuffling of funds to allow urgent works to be completed. Council approved a tender for stormwater rehabilitation works at the April 2021 Ordinary meeting and unfortunately the various border restrictions have resulted in delays due to the contractor being based in South East Queensland.

Summary

There continues to be a large program of capital works scheduled for 2021/22 with almost \$8m expended on a cash basis to date, out of a total revised budget of approximately \$62m, as per the following summary.

Capital Works Summary by Section and Division 30 September 2021 (\$'000)

Section Analysis	Budget (\$)	Expended (\$)	% Expended
Open Spaces	5,290,000	672,800	13
Strategic Planning	19,000	300	2
Public and Env Heath	566,000	84,300	15
Commercial Services	13,491,000	1,067,000	8
Facilities Management	3,421,000	626,500	18
Asset Mgmt and Emergency Services	1,299,000	11,700	1
Resource Recovery	500,000	338,000	68
Water Operations	3,920,000	460,400	12
Wastewater Operations	5,438,000	555,800	10
Engineering Works	28,726,500	4,173,800	15
Total	62,670,500	7,990,600	13
Division Results			
Planning and Environmental Health	5,875,000	757,400	13
Civil Services	39,883,500	5,539,700	14
Corporate and Community	16,912,000	1,693,500	10
Total	62,670,500	7,990,600	13

A large number of contracts have been approved (i.e. Wollongbar District Park, Stormwater, Airport – Car Park, Airport – Terminal, Lennox Head Rural Fire Shed, Depot - Workshop etc), although project delivery timeframes are constantly being negatively impacted by Queensland border changes, local government area lockdowns, supply chain delays or extended timeframes for planning consents based on the high level of economic activity.

There has been limited project budgets deferred, as per the recommendations to this report, which means there is still an expectation that Council will deliver approximately \$54m worth of works during the remaining three quarters of the 2021/22 financial year.

This will continue to be closely monitored with the next Capital Expenditure update scheduled for the January 2022 Ordinary meeting.

Delivery Program Strategy / Operational Plan Activity

The Operational Plan includes a number of references to infrastructure delivery particularly:

EL3.3i - Monitor capital works to ensure they are completed on time and within budget

Community Consultation Policy

This report is presented for public information. Many of the projects reflect feedback from community engagements.

Financial / Risk Considerations

The report provides financial information on the capital expenditure program. All of the projects carry a degree of risk, with risk management forming a major component of any construction works.

Options

This report provides an update on the capital expenditure program for 2021/22. The recommendations reflect the budget variation information, as per the attachments to this report, along with including the Fixing Local Road – Round Three Projects in the Long Term Financial Plan for 2022/23.

9.14 Capital Expenditure Program - 30 September 2021 Review

RECOMMENDATIONS

1. That Council notes the contents of this report on the Capital Expenditure Program for the 2010/22 financial year.
2. That Council approves the following 2021/22 budget amendments as outlined in the attachments to this report:

Item	Current Budget	Variation	Revised Budget	Comment
Open Spaces – Sport Fields				
Lyle Park, Wollongbar - Lighting	170,000	(170,000)	0	Transfer to improvements
Sports Fields - Improvements	0	170,000	170,000	Transfer from Lyle Park
Total – Open Spaces	170,000	0	170,000	
Commercial Services				
Airport - Car Park, Solar	2,105,000	895,000	3,000,000	Loan funding brought forward
Airport - Baggage Area	550,000	(500,000)	50,000	Defer to 2022/23
Property – Shelly Beach Cafe	0	40,000	40,000	Transfer Prop Dev Reserve
Total – Commercial Services	2,655,000	435,000	3,090,000	
Facilities Management (Community Facilities)				
Naval Museum Centre	46,000	(46,000)	0	Design works only 2021/22
Halls – Various	121,000	51,000	172,000	Transfer from other projects
Pimlico Hall - Maintenance	34,000	(34,000)	0	Works completed
Northlakes Hall – Maintenance	8,000	(8,000)	0	Works completed
Newrybar Hall - Maintenance	9,000	(9,000)	0	Works completed
Facilities Management (Depot and Admin Centre)				
Depot – Workshop	648,000	100,000	748,000	Increase scope
Depot – Hardstand	200,000	(100,000)	100,000	Transfer to workshop
Depot 2 – Remediation / Fencing	0	46,000	46,000	Savings from Naval Museum
Total – Facilities Management	1,066,000	0	1,066,000	
Water Operations				
Main Renewal – Moon Street	25,000	150,000	175,000	Scope increase from savings
Main Renewal – Suvla Street	0	4,000	4,000	Transfer from savings
Reservoir – Lennox Head	50,000	(40,000)	10,000	Project saving
Reservoir – Basalt Court	305,000	26,000	331,000	Transfer from savings
Trunk Main – Bagot Street	150,000	(140,000)	10,000	Project saving
Total – Water Operations	530,000	0	530,000	
Wastewater Operations				
Pump Stns – Montwood Drive	31,000	30,000	61,000	Revised estimate
Treatment – Ballina Rectification	500,000	100,000	600,000	Transfer Gantry Crane
Treatment – Gantry Crane	100,000	(100,000)	0	Transfer to Rectification
Treatment – Lennox Membrane	400,000	(39,000)	361,000	Project saving
Recycled Water – Henderson	80,000	(80,000)	0	Project saving
Recycled Water – Meadows	80,000	(80,000)	0	Project saving
Recycled Water – Wardell S60	40,000	(40,000)	0	Project saving
Total – Wastewater Operations	1,231,000	(209,000)	1,022,000	
Engineering Works (Roads and Bridges)				
Rural Roads Heavy Patching	291,000	(21,000)	270,000	Offset budget increases
Riverbank Road	240,000	(20,000)	220,000	Offset budget increases
Kays Lane Segment 20	0	11,000	11,000	Revised estimated

9.14 Capital Expenditure Program - 30 September 2021 Review

Item	Current Budget	Variation	Revised Budget	Comment
Safer Roads Program - Tamarind Drive / Tintenbar Road Intersection	0	381,000	381,000	Funded from 20/21 Repair Program \$136,000, 21/22 Repair Program \$185,000, Trans from Regional Road Reseals \$60,000
North Creek Road Segs 10, 50	140,000	(10,000)	130,000	Offset budget increases
Fernleigh Road Seg 80	515,000	(10,000)	505,000	Offset budget increases
Eltham Road Segment 10	185,000	40,000	225,000	Revised estimated
Engineering Works (Ancillary Services – Car Parks)				
Car Park – Missingham	50,000	(50,000)	0	Project deferred
Car Park – Rocky Point Road	0	50,000	50,000	Replaces Missingham
Engineering Works (Footpaths and Shared Paths)				
Kerr Street, Ballina	20,000	(20,000)	0	Project completed
Quays Drive, Ballina	80,000	(15,000)	65,000	Offset increase
Suvla Street, Shelly Beach Road	150,000	35,000	185,000	Funded from savings above
Engineering Works (Stormwater)				
Grant Street, Ballina	84,000	(20,000)	64,000	Reduced to offset increases
Duck Creek Mountain	0	10,000	10,000	Essential works
Tresise Place, Lennox Head	0	20,000	20,000	Urgent works
Gibbon Street, Lennox Head	0	82,000	82,000	Urgent works
Dolphin Drive, Ballina	0	28,000	28,000	Urgent works
Martin Street, Ballina	90,000	(20,000)	70,000	Reduced to offset increases
Kerr Street, Ballina	139,000	(50,000)	89,000	Reduced to offset increases
Urban Stormwater Reticulation	243,000	(50,000)	193,000	Reduced to offset increases
Wollongbar Sports Fields	26,000	10,000	36,000	Finalise project
Engineering Works (Transport for NSW)				
Regional Roads Reseals	291,000	(60,000)	231,000	Reduced to offset increases
Total – Roads and Bridges	2,544,000	321,000	2,865,000	

3. That Council include the following road reconstruction projects in the Long Term Financial Plan for 2022/23, with the works funded from the State Government's Fixing Local Roads – Round Three Program.

Description	Amount (\$)
Friday Hut Road, Tintenbar	94,000
Dalwood Road, Dalwood segment 10	122,000
River Drive, Wardell	148,000
Dalwood Road, Dalwood segment 110	85,000
Gap Road, Alstonville	159,000
Total	608,000

Attachment(s)

- Capital Expenditure - Division - Planning and Environmental Health
- Capital Expenditure - Division - Corporate and Community
- Capital Expenditure - Division - Civil Services - Asset Management, Emergency Services and Resource Recovery
- Capital Expenditure - Division - Civil Services - Water Operations
- Capital Expenditure - Division - Civil Services - Wastewater Operations
- Capital Expenditure - Division - Civil Services - Engineering Works

10.1 Pat Morton Car Park Precinct - Concept Plan

10. Civil Services Division Reports

10.1 Pat Morton Car Park Precinct - Concept Plan

Section	Engineering Works
Objective	To determine the preferred concept plan for the Pat Morton Precinct Car Park and Shared Path.

Background

Council is progressing the development of a concept plan for an upgrade for the Pat Morton Car park precinct. As well as improving the car park function and amenity, the objective of the concept plan is to identify an option to improve the connectivity of the shared paths and walking paths that provide access to the area.

Council endorsed the public exhibition of four plan options.

A report assessing the feedback from the exhibition was considered at the September 2021 Ordinary Council meeting where Council resolved as follows:

That Council look at different options for the construction materials for the pathway for Options 1 and 2 from the concept designs attached to this report for the upgrade of the Pat Morton Car Park Precinct.

A briefing to consider the options was held on 19 October 2021. The objective of this report is to provide Council an opportunity to determine its next position in respect to the draft concept plans.

Key Issues

- Selection of preferred design option

Discussion

A copy of the previous report is provided as Attachment 1. Copies of the submissions are also included as Attachment 2.

A brief description of Options 1 and 2 is as follows.

Option 1 - Provides a new path north of the car parking area. The edge of the car park area would be pulled back to the south to provide more grassed area and to make provision for the path. The pathway is 2.5m wide and separated from the car parking pavement by a narrow grass verge.

Option 2 - This option is very similar to Option 1 and also provides for a 2.5m path with pathway along the northern edge of the car parking area. The difference is there is no grassed area between the path and carpark.

For both options, the pathway would be defined and separated from vehicles by wheel stops and pavement colour/patterning treatment.

10.1 Pat Morton Car Park Precinct - Concept Plan

The purpose of the grass verge in Option 1 is to reduce the visual impact from the hard surfaces.

The recommended option is Option 1 as per the previous report.

As well as amenity, the increased separation between the car park and the path provided by the grass verge is considered to be beneficial from a safety perspective.

The additional maintenance is only a small addition to the work already required at this location.

In respect of surface options, the following solutions were presented to Council at the briefing.

1. Do Nothing and Keep it Grass
2. Reinforced Grass
3. Decomposed Granite or Compacted Aggregate within an Edge Restraint
4. Rock Salt Pitted Coloured Concrete
5. Natural Stone Cobbles
6. Community Art Pavers
7. Timber or Composite Fibre Recycled Decking

Attachment 3 to this report is a copy of the briefing presentation.

This document includes example visual images for these options and brief summaries of the benefits and disadvantages for each.

The selection of the preferred surface involves a balance considering installation costs, maintenance costs, safety, accessibility and visual amenity.

In respect of amenity, the attachment notes the feedback Council received from the design development processes for the Lennox Village Vision project.

The community priorities for that design reflect the Place Personality which was described as natural, safe, local and connected.

The design directions referred to insert Permeable surfaces, vegetation and art, natural materials, sustainable materials, "soft" on the feet and eyes, climate resilient, safe, appropriate scale and are relevant to this project, albeit the Village project is in an urban area.

In respect of installation costs, high level estimates are as follows:

1. Do Nothing and Keep it Grass / Natural Grass - (Regrade existing surface and turf) - \$20 - \$25/sq.m.
2. Reinforced Grass - Estimated to be in the order of \$200/sq.m
3. Decomposed Granite or Compacted Aggregate within an Edge Restraint - \$120- 140 / sq.m.

10.1 Pat Morton Car Park Precinct - Concept Plan

4. Rock Salt Pitted Coloured Concrete - (Coloured concrete type 1 pathway (coloured concrete (oxide coloured through), 20MPa, reinforced, jointing, rocksalt pitted finish and sealed with a clear non-slip penetrating sealant) - \$190 - \$240/sq.m (some colours can be more expensive)
5. Natural Stone Cobbles - Concrete subbase, cobble setts \$350 - \$385/sq.m.
6. Community Art Pavers - Clay pavers over 125mm thick reinforced concrete slab including art process - \$350 - \$380/sq.m.
7. Timber or Composite Fibre Recycled Decking (installed inground with concrete strip footings) - Price for Timber Decking – installed inground with concrete strip footings - \$975 - \$1,000 /sq.m. Price for Composite Fibre Recycled Decking - \$350/sq.m.

The recommended option is the Rock Salted Pitted Coloured Concrete.

A range of colour options are available, include greens to assist the surface be assimilated within the natural setting.

Council does not need to make a final decision at this point in time as the path portion of the project is not funded.

Setting a direction now is helpful and Council can undertake further analysis by inspecting palette samples.

Council may also wish to pursue a hybrid option where a feature of the design is to use more than one surface type.

For example, the proposal to use community inspired art for a section of the path could be an addition to the rock salted pitted coloured concrete.

Delivery Program Strategy / Operational Plan Activity

This project is consistent with Strategy PE1.1 - Promote our area as an attractive place to visit and Strategy PE3.3 - Deliver infrastructure that supports residential living.

Community Consultation Policy

The draft car park and shared path concept design planning document has been used to seek further community input through a public exhibition process. The consultation from the Lennox Village Vision and the Cultural Ways Project is also helpful to guide Council's decision making for this project. Consultation with the Registered Aboriginal Parties for the Coastal Walk has also been undertaken to allow an amendment to the existing Aboriginal Heritage Impact Permit (AHIP).

Financial / Risk Considerations

At this stage there is only funding available for works directly related to the car park upgrade, with \$65,000 in the 2021/22 capital works program for Pat Morton Car Park.

The purpose of confirming the concept design is to allow the car park works to be designed and implemented with the vision for the whole precinct established. Funding for the other components of the Pat Morton Car Park Precinct upgrade, such as seating, picnic node, toilet building, signage works, pathway etc will need to be funded from other programs or grants.

Options

As per the information in the report the options are presented in two parts dealing with the design location and surface type.

In respect of design location, supporting the previous resolution of Council, the options are:

- Option 1 - Path with grass verge
- Option 2 - Path without grass verge

In respect of surface types, this report considered the following options.

- Option 1 - Do Nothing and Keep it Grass
- Option 2 - Reinforced Grass
- Option 3 - Decomposed Granite or Compacted Aggregate within an Edge Restraint
- Option 4 - Rock Salt Pitted Coloured Concrete
- Option 5 - Natural Stone Cobbles
- Option 6 - Community Art Pavers
- Option 7 - Timber or Composite Fibre Recycled Decking
- Option 8 – Combination of the both – Option 4 and Option 6 combined had some level of support at the briefing.

Option 1 is the recommended design as the grass verge assists the visual and social amenity and has safety advantages by further separating vehicles from the path. It is also important to acknowledge that this option results in some of the northern section of the car being removed, as shown on page eight of Attachment 2, to minimise the impact on the existing grassed area.

Option 4 is the recommended path surface treatment as it should provide the best overall balance in respect of all-weather accessibility, reasonable installation and maintenance costs, visual amenity, social amenity and safety. It is also recommended that further consultation occur with Council on the specific colour as the design progresses.

RECOMMENDATIONS

1. That Council adopts Option 1, as presented in the 23 September 2021 Ordinary meeting report, as per Attachment 1 to this report, as the preferred concept to support the detail design and delivery of the upgrade of the Pat Morton Car Park Precinct.
2. That Council endorses the concept of Rock Salt Pitted Coloured Concrete as the preferred surface for the path to be provided in the preferred option in point 1 above, with Council to be further consulted in regard to the specific details of this option, including final colour, as the project progresses.

Attachment(s)

1. Pat Morton Car Park - Concept Designs Report - September 2021 Ordinary meeting
2. Pat Morton Car Park - Concept Designs - Submissions
3. Pat Morton Car Park - Concept Plan - Briefing Presentation

11.1 Notice of Motion - Pat Morton Lookout (Lennox Headland) Consultation

11. Notices of Motion

11.1 Notice of Motion - Pat Morton Lookout (Lennox Headland) Consultation

Councillor Cr Jeff Johnson
Cr Sharon Parry
Cr Keith Williams

We move

1. That Council defer the consideration of a cycleway/shared path link through the Lennox Headland reserve (currently known as Pat Morton Lookout) until local Indigenous Elders have been given the opportunity to present options for the headland, including a culturally appropriate name.
2. That as part of a more thorough community consultation and engagement process a more holistic approach to the reserve be considered.

Councillor Comments

At the September Council meeting a cycleway/shared path was supported for the area in front of the carpark at Lennox Headland (currently known as Pat Morton Lookout). This is despite a majority of respondents to the consultation process not supporting this approach (being Option 1 or 2).

Furthermore, the proposed works/concept plans for the Headland (including a concrete path and picnic tables) were put together without any consultation with local Indigenous elders. This is despite Council resolving back in January to consult Indigenous elders about an appropriate name for the reserve, as well as cultural information, etc.

Hundreds of people visit the headland reserve every day to take in the majestic vista and to relax on the grassy area. Clearly the consultation process was a failure when there was only 22 responses for such an iconic location.

About 10 years ago Council staff formed up a concrete path/pad in front of the carpark and it was met with widespread community outrage. A stop work order was subsequently introduced and the formwork removed.

This should have been an indication that a large section of the community and Headland reserve users don't want a concrete pathway through the reserve, or more specifically, in front of the carpark.

Many people go up there and enjoy the view from their cars. To turn the area in front of this into a cycleway will greatly change the 'vibe' up at the headland and impact on other users of that area who want to peacefully enjoy the view and/or relax on the grass.

A holistic look at the reserve with the Indigenous cultural heritage at the centre of it would likely come up with a different concept and one that the community would support and be proud of.

11.1 Notice of Motion - Pat Morton Lookout (Lennox Headland) Consultation

I find it very disappointing that the submissions weren't even included in the attachments to the report. If they were, Councillors would have found out that the Lennox Surfing Reserve committee wrote a strong submission after consulting many of its members and they were totally against a cycleway in front of the cars (they recommended Option 4).

Why wasn't it mentioned in the Council report that an important stakeholder group had written a submission?

Since the Council decision I have had discussions with members of the Lennox Surfing Reserve Committee and they are strongly in favour of this alternative motion and approach to the reserve.

Staff Comments

A similar motion was lost at the 23 September 2021 Ordinary meeting. This means that to consider this matter again within a three month period, a notice of motion must include three signatures. This notice complies with the requirements of the Local Government Act. If the motion is again lost it cannot be re-considered for three months.

In respect to the contents of the notice of motion, the report earlier in this agenda titled "Pat Morton Car Park Precinct – Concept Plan" negates the need for the motion, as the resolution in question has been reported back to Council and Councillors can debate the matters raised in the motion as part of that earlier report.

The path option recommended in the earlier report is significantly different to the works proposed a number of years ago in that this option includes removal of part of the northern section of the car park to provide a replacement grass surface to help minimise the impact of the path.

Also, the resolution from the January 2021 Ordinary meeting, as referenced in the Councillor comments, states as follows:

- 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.*

This is a very broad resolution and Council's Strategic Planning Section has been in on-going dialogue with the JALI Aboriginal Land Council on a large number of matters, such as naming, as have many other sections of Council in respect to key infrastructure projects including Airport Boulevard, Coastal Walk, Lennox Village Vision and Stage 2 of the Aboriginal Cultural Ways Project.

11.1 Notice of Motion - Pat Morton Lookout (Lennox Headland) Consultation

Council's Engineering Works Section has also had specific consultation with the Registered Aboriginal Parties (RAPs) for the Coastal Walk project in respect to the pathway route for Pat Morton to allow an amendment to the existing Aboriginal Heritage Impact Permit (AHIP).

In respect to the submissions to the September 2021 Ordinary meeting report, reference back to the report, which is included as an attachment to the earlier report, highlights that the Attachments section at the end of the report, states as follows:

Submissions (Under separate cover).

The submissions were included in the business paper, however they were inadvertently omitted when distributed as they were a separate attachment.

This was only realized by staff after the meeting, and this was not picked up by any Councillor, as the submissions would have been immediately distributed to all Councillors, if requested. The report did include a summary of the submissions.

Unfortunately this does occasionally happen with attachments, as the business paper is often rushed to meet the various reporting timeframes for the Council meeting.

COUNCILLOR RECOMMENDATIONS

1. That Council defer the consideration of a cycleway / shared path link through the Lennox Headland reserve (currently known as Pat Morton Lookout) until local Indigenous Elders have been given the opportunity to present options for the headland, including a culturally appropriate name.
2. That as part of a more thorough community consultation and engagement process a more holistic approach to the reserve be considered.

Attachment(s)

Nil

11.2 Notice of Motion - Commercial Development at Ballina Heights

11.2 Notice of Motion - Commercial Development at Ballina Heights

Councillor

Cr Jeff Johnson

I move

1. That Council provide in principle support for changing the location of the commercial precinct in the Cumbalum / Ballina Heights Estate to the corner of Power Drive and Ballina Heights Drive in order to bring forward the delivery of a much needed commercial precinct.
2. This in principle support is subject to project timing providing for construction of commercial facilities up front, detailed analysis of site opportunities and constraints, the terms of any voluntary planning agreement that the developer proposes and details of overall public interest outcomes associated with the proposal.

Councillor Comments

The Ballina Heights urban expansion area is has been developing for over 10 years and now has thousands of homes but no commercial precinct or supermarket.

It's my understanding that there was a proposed Woolworths or Coles supermarket planned to be constructed years ago but this never eventuated.

There is a large block of land on the corner of Ballina Heights Drive and Power Drive which is ideally situated for a commercial precinct including a supermarket and specialty shops, similar to the East Ballina Shopping Centre.

At a recent Councillor briefing it was discussed that this area could be rezoned from residential to commercial to help facilitate a viable commercial precinct.

I believe this large block of land (over 2 hectares) would be much better suited to a commercial use rather than residential development as it is situated between a main road, a sports field and a wetland.

This motion seeks to confirm Council's support for a commercial precinct on this lot and for Council planning staff to work with the land owner (the Catholic Church) to make this commercial precinct happen sooner rather than later, subject to detailed analysis of the site, the terms of any voluntary planning agreement that the developer proposes, and details of overall public interest outcomes associated with the proposal.

Staff Comments

Councillors received a briefing from the developers of the Ballina Heights Estate on 5 October 2021 outlining a proposal to change the location of the planned commercial precinct within the estate.

11.2 Notice of Motion - Commercial Development at Ballina Heights

Presently, a parcel of land opposite the intersection of Unara Parkway and Ballina Heights Drive is zoned B2 Neighbourhood Centre and is the planned location for commercial facilities to service Ballina Heights and Banyan Hill (shown by the blue dot in Figure 1).

In relation to this site, Council resolved in March this year to progress a planning proposal to rezone part of this land for residential purposes in association with delivery of a series of outcomes enabling commercial development on the site.

This was to be detailed and formalised through a planning proposal and voluntary planning agreement.

In September the landowners put a proposal to Council for the commercial site to be located on the corner of Power Drive and Ballina Heights Drive (shown by the yellow dot in Figure 1).

This involves rezoning of this land for commercial purposes and zoning of part of the existing B2 zoned land for residential purposes. This was the subject of the 5 October briefing.

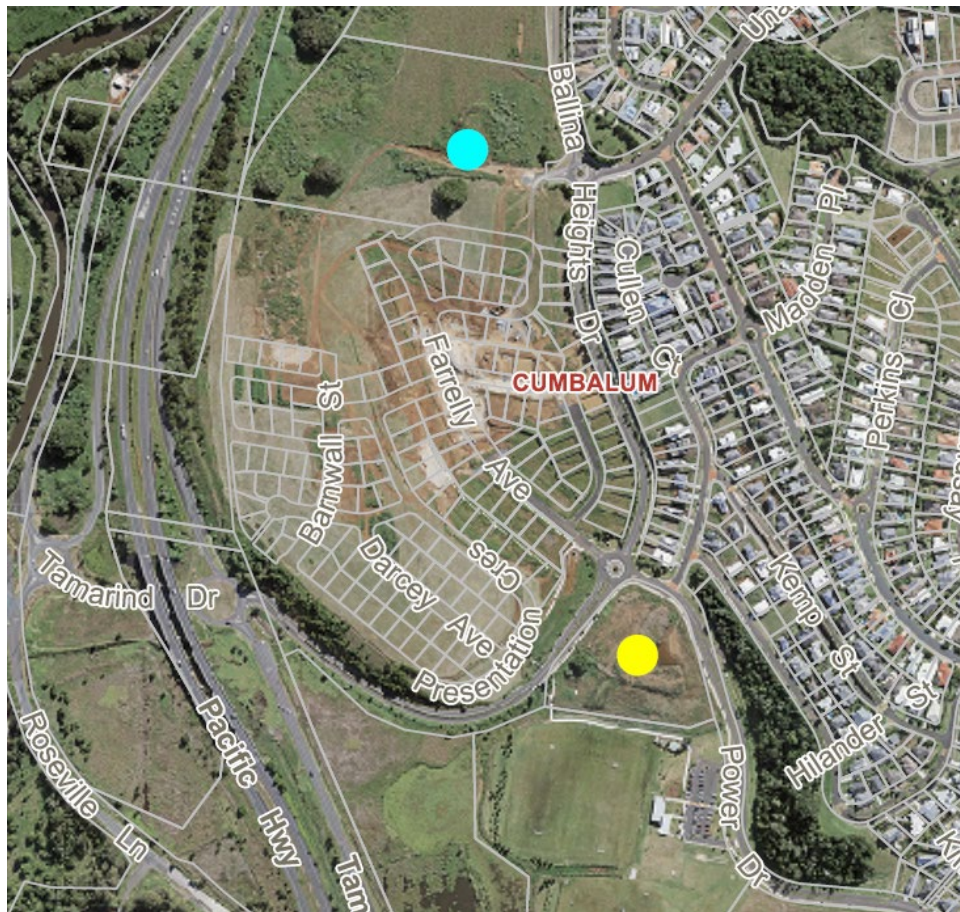


Figure 1: Location of existing and developer proposed commercial area – Ballina Heights Estate

Council staff are now awaiting further details and formalisation of the proposal from the land owners. Once this is received, staff will prepare a report to Council to seek direction on an LEP amendment to give effect to the proposed change.

COUNCILLOR RECOMMENDATIONS

1. That Council provide in principle support for changing the location of the commercial precinct in the Cumbalum / Ballina Heights Estate to the corner of Power Drive and Ballina Heights Drive in order to bring forward the delivery of a much needed commercial precinct.
2. This in principle support is subject to project timing providing for construction of commercial facilities up front, detailed analysis of site opportunities and constraints, the terms of any voluntary planning agreement that the developer proposes and details of overall public interest outcomes associated with the proposal.

Attachment(s)

Nil

11.3 Notice of Motion - Richmond-Tweed Regional Library Operations

11.3 Notice of Motion - Richmond-Tweed Regional Library Operations

Councillor

Cr Meehan

I move

1. That Council receive a report on options to deliver library services to our Shire that will provide greater autonomy for Council in respect to the services delivered and the range of services available as compared to the current model.
2. This report is to also examine Council operating the library as a standalone service, separate to the Richmond Tweed Regional Library (RTRL). Councillor briefing/s are to occur prior to the report being put to Council.

Councillor Comments

In 2021/22 Council is contributing \$1,550,000 to the RTRL. As well, Director and senior staff time is provided to relevant meetings.

Ballina Shire Council owns and maintains the physical infrastructure of our three libraries at Alstonville, Ballina and Lennox Head. Council is currently planning to expand and re-build the Alstonville library as part of the re-development of the Alstonville Cultural Centre. The library buildings are a further significant library cost to Council in terms of building and maintenance.

Currently, RTRL staff are managed through the RTRL under Lismore City Council. It is through this staffing and management model that operational matters are determined such as: staffing levels, opening hours, service models etc.

Ballina Shire Council joined what is now the Richmond Tweed Regional Library in 1974. The Shire and Council's administrative and financial capacity to deliver autonomous library services then, was very different to today.

It is timely for Council to examine alternate models of library service provision to our Shire's residents. This is required due to the very large and ongoing financial commitment Council has, without the capacity to self-determine the fundamental operating mode and function of the service.

The need for Council to have more direct management of its libraries is exemplified by the current library closure. Our libraries are closed to the residents of Ballina Shire, except for a 'click and collect service'. This model of service commenced on Monday 11 October, after the libraries had previously re-opened, following the cessation of 'lockdown' in Ballina Shire. 'Click and collect' is to continue until at least 1 December, in a period when the state is meant to be 'opening up'.

This is at odds with Council's own administration, cultural and indoor sporting facilities which are currently open to the public following appropriate communication and management strategies being implemented.

11.3 Notice of Motion - Richmond-Tweed Regional Library Operations

This 'click and collect' mode of operation has denied the following services to the residents of Ballina Shire:

- Adult, Youth and Child 'face to face' programs
- Use of library computers
- Use of library Wi-Fi hotspot
- Reading of daily newspapers/magazines
- Printing services
- Home library service
- Physical browsing

It would be fair to say that the aged, who have trouble with technology, the poor, who cannot afford resources and the young, have been severely impacted. This resolution will allow Council to examine:

1. A model where Council remains a part of the RTRL but employs the staff for our libraries and has more say in the services delivered.
2. An autonomous model where Council leaves the RTRL and holistically provides its own library services.

Staff Comments

The RTRL cooperative model has been under review for a period of 12 months. This review is examining the contents of the Deed of Agreement and value for money for each member council. Member councils include Lismore, Byron, Tweed and Ballina.

In October 2021, the senior leadership group of the RTRL examined a report into a revised model of service delivery. This included a regional library service delivered via detailed service level agreements. This report is to be considered again at a November RTRL senior leadership group meeting.

As part of the review process, Ballina Shire Council staff are also currently examining operating models for library services independent of the RTRL arrangement. This model would involve Ballina Shire Council leaving the RTRL cooperative and independently operating library services in three locations Ballina, Lennox Head and Alstonville. The findings from this review are scheduled to be reported to Council in early 2022.

COUNCILLOR RECOMMENDATIONS

1. That Council receive a report on options to deliver library services to our Shire that will provide greater autonomy for Council in respect to the services delivered and the range of services available as compared to the current model.
2. This report is to also examine Council operating the library as a standalone service, separate to the Richmond Tweed Regional Library (RTRL). Councillor briefing/s are to occur prior to the report being put to Council.

Attachment(s)

Nil

11.4 Notice of Motion - Youngmans Creek Bridge, Rous Mill

11.4 Notice of Motion - Youngmans Creek Bridge, Rous Mill

Councillor

Cr Eoin Johnston

I move

That Council receive a report assessing the options, cost estimates and possible funding sources to rectify the intrusion of drainage infrastructure into the road pavement on the eastern approach to the Youngmans Creek Bridge on Rous Mill Road.

Councillor Comments

Approximately eight years ago, heavy rain caused serious erosion to the drain running parallel to Rous Mill Road. The drain more than doubled in width and intruded into the edge of the blacktop paving. Council received correspondence from the Rous Mill Ratepayers Association requesting urgent attention to stabilise the drain and prevent further erosion.

Council did act a short time after by laying a thick concrete base dotted with boulders to strengthen the drain and disperse the flow in heavy conditions. The expanded drain , together with the placement of white posts has reduced the width of the road and, in the view of most residents, made it inherently unsafe.

Senior staff have been aware of the situation for some years, yet it has never been deemed fit for funding.

COUNCILLOR RECOMMENDATION

That Council receive a report assessing the options, cost estimates and possible funding sources to rectify the intrusion of drainage infrastructure into the road pavement on the eastern approach to the Youngmans Creek Bridge on Rous Mill Road.

Attachment(s)

Nil

11.5 Notice of Motion - Lennox Point - Surfing Culture Recognition

11.5 Notice of Motion - Lennox Point - Surfing Culture Recognition

Councillor

Cr McCarthy

I move

That Council receive a report on options to provide improved recognition of the surfing culture associated with Lennox Point through items such as improved signage and other associated infrastructure. Factors that could be considered as part of this report include:

- Identifying and protecting important locations (from the Lake at Lennox to South Wall)
- Interpretive signage
- Preserving the walking track and breadfruit area at the end of Lennox Point
- Pathways with embedded symbols possibly recognising the surfer walking along rocks to enter Lennox Point
- Possible expansion of the surfing reserve to include South Wall
- Recognition of the social, historical and cultural significance of the surfing fraternity.

Councillor Comments

All surfers, up to the early 80s were Free Surfers.

Most of these surfers were first generation surfers.

The broader area around the Missingham Bridge, North Wall, Flat Rock, Lennox Point, The Front, Lake Ainsworth and around the Lennox Point Surfing Reserve is culturally and historically significant to the Free Surfer, the making of Lennox Head and the North Coast Lifestyle.

The spirit of the Free Surfer or Free Surfing now lives in many in the broader community.

The broader community (professionals, healthy lifestyles, non-surfers) now fully embraces the spirit of surfing but Free Surfers in the beginning tended to stick to themselves as a counter culture.

Parts of the Coastal Recreational Path route directly overlay the route or areas that are culturally and historically significant to the Free Surfing people of the world.

Significant landforms were named by early surfing pioneers who traversed the land to get to these places, camped overnight in the long comfortable grass, or areas to gain advantage of the views etc.

Some names of significance are The Point, Lennox the Ox, The Breadfruit, The Reef, The Front, The Lake, The Pinnacle, Red Rock, Flat Rock, Backside,

11.5 Notice of Motion - Lennox Point - Surfing Culture Recognition

Trestles, Speeds Reef (named by Bob McTavish), North Wall, Grease's Corner, The Bridge, Brockys (adjacent to the Ocean at Lennox), South Wall etc.

Some of the older surfers took one look at Trestles and said "that looks like Trestles in America" and ever since the name has stuck.

Trestlers, America has high performance wave and some of the oldest surf history in California.

The Bridge, the Lake, the Front were all local surfing starter areas and then you worked your way up to Lennox Point.

In addition to the locals, those who travelled the East Coast in search of the perfect wave became pioneers for a surfing counter culture.

Now, Lennox Point area is socially, culturally and historically significant to regular surfers and visitors, some of whom have been returning daily for many, many decades.

Flat Rock is presently the southern border of the Lennox Head National Surfing Reserve, which recognises its historical and cultural significance to the surfing fraternity.

However, the reserve area extends just 500 metres seaward of the mean high tide mark to comply with national standards.

Chris Brock (Brocky) and Brocky's place at Dress Circle Drive are symbolic of the spirit of the Free Surfers' Life and values.

When a winter westerly blew swiftly across a big southerly swell hitting Lennox Point, Chris and so many others would make the pilgrimage walking, running or driving from what is now called Dress Circle Drive, along what is now the Coastal Recreational Path to the end of the point to enter the water, finishing a session by leaving the water, more often than not, at the Breadfruit.

In the very early days, he and so many others slept or camped on the long comfortable grass on the middle and top hills in anticipation of the swell and getting in the water before sun rise.

Or local surfers would be up, surf board under arm, before sun rise and run out to the point on the same track or from what is now the "top Point car park" in the south.

Many a young person has channeled his or her energy into an 8-hour session at the point.

There were many who travelled by ferry and train from Manly to Byron to get to Lennox Point. The chase for the tube can be addictive. The quest to pick off a wave from the older, more experienced guys could be time consuming.

The surfboards in the beginning were experimental. Where you may or may not have a leg rope or wet suit. We were a community where everyone knew everyone or your mate knew them.

11.5 Notice of Motion - Lennox Point - Surfing Culture Recognition

Your friends were not just your peers but were older and younger than you.

A strong sense of community was formed amongst all.

Today, one can just walk out to the point on the Coastal Recreational Path to sit and watch the surfers and the waves. From the shore, on really good days, one can get a sense of what a surfer feels when pulling into a tube, the waves are so close.

Some surfers have been known to just sit and watch as this experience is so good.

The general community now fully embraces surfing (as a lifestyle and sport) and the home of the Free Surfer at Lennox Point.

To preserve existing spirit of free surfing, and to provide recognition of the high social, cultural and historical significance of the broader landscape and lifestyle, the following recommendations have been provided by the Free Surfer community:

- Identify and protect the important areas (from the Lake at Lennox to South Wall)
- Interpretive signage (Spirit of Free Surfing) Lennox Point pilgrimage walk and Lennox point car park. One at the car park, one at the base, halfway along coastal path from car park to Dress Circle Drive.
- Preserve the walking track, breadfruit area at the end of the point
- Use the pedestrian pathway with either green synthetic mat or a rock brick option to be symbolic of the surfer walking along rocks to enter Lennox Point
- Stop the mono culture, growth of one tree taking over the hillside
- Expand the surfing reserve to include South Wall
- Recognise social, historical and cultural significance of the surfing fraternity, the mean high tide mark of Lennox Head National surfing reserve to the Coast Road – south wall Ballina to Lennox Head.

COUNCILLOR RECOMMENDATION

That Council receive a report on options to provide improved recognition of the surfing culture associated with Lennox Point through items such as improved signage and other associated infrastructure. Factors that could be considered as part of this report include:

- Identifying and protecting important locations (from the Lake at Lennox to South Wall)
- Interpretive signage
- Preserving the walking track and breadfruit area at the end of Lennox Point
- Pathways with embedded symbols possibly recognising the surfer walking along rocks to enter Lennox Point
- Possible expansion of the surfing reserve to include South Wall
- Recognition of the social, historical and cultural significance of the surfing fraternity.

11.6 Notice of Motion - Northern Rivers Rail Trail

11.6 Notice of Motion - Northern Rivers Rail Trail

Councillor

Cr Cadwallader

I move

That Council receive a report on options and estimated costs to extend the shared path (cycleways) networks in Council's main population centres of Ballina, Alstonville and Lennox Head to the Northern Rivers Trail route to maximize the benefits of the rail trail to our residents and to also support our local tourism economy.

Councillor Comments

With the Hon Kevin Hogan MP recently announcing that the Federal Government has approved \$9.9m in funding to build the Bentley to Lismore section of the Northern Rivers Rail Trail, which combined with Tweed Shire Council recently awarding a \$11.8m construction tender for the 24 km section of the rail trail from Murwillumbah to Crabbes Creek (includes Federal Government funding of \$6.5m and State Government funding of \$6.3m), and Richmond Valley Council having \$7.5m in Federal Government funds to construct the section from Casino to Bentley, this project is fast becoming a reality.

Ballina Shire Council already has an extensive cycleway network and there are opportunities to connect our cycleways to the rail trail to maximize the benefits of the trail for our residents and businesses.

A report on the preferred connection options and estimated costs will allow Council to include those works in our strategic planning documents, such as the Ballina Shire Bike Plan and the Long Term Financial Plan.

COUNCILLOR RECOMMENDATION

That Council receive a report on options and estimated costs to extend the shared path (cycleways) networks in Council's main population centres of Ballina, Alstonville and Lennox Head to the Northern Rivers Trail route to maximize the benefits of the rail trail to our residents and to also support our local tourism economy.

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 September 2021 Ordinary meeting are as follows:

<u>Date</u>	<u>Function</u>
19/9/21	Ballina Markets
28/9/21	Meeting – Pete Murray Proposal for Outdoor Event
3/10/21	Commemoration Park Markets
5/10/21	Briefing – LEP Amendment Request – Ballina Heights Commercial Centre
8/10/21	Meeting – Parliamentary Secretary for Regional Housing
10/10/21	Commemoration Park Markets
12/10/21	Briefing – Ballina Island and West Ballina Flood Protection Study
13/10/21	Local Traffic Committee
14/10/21	Cross Border Meeting
15/10/21	Meeting – Resilient Byron – Community Carers and Responders Project
15/10/21	Launch – Umbrellas – Rotary on Richmond – Police
17/10/21	Commemoration Park Markets
18/10/21	Meeting – Alstonville/Wollongbar Rugby Club
18/10/21	Meeting – Social Housing
19/10/21	Presentation on Annual Financial Statements
19/10/21	Audit Risk and Improvement Committee
19/10/21	NSW Volunteer of the Year Awards – Zoom
19/10/21	Briefing – Club Lennox Future Directions
19/10/21	Briefing – Pat Morton Design and Angels Beach/Bangalow Road Project
24/10/21	Commemoration Park Markets
26/10/21	Briefing – Bruxner Highway/Ballina Road Intersection Improvements
27/10/21	Opening – Men's Shed – Fishery Creek Road
28/10/21	Council Meeting
31/10/21	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