

Agenda

Ordinary Meeting **22 April 2021**

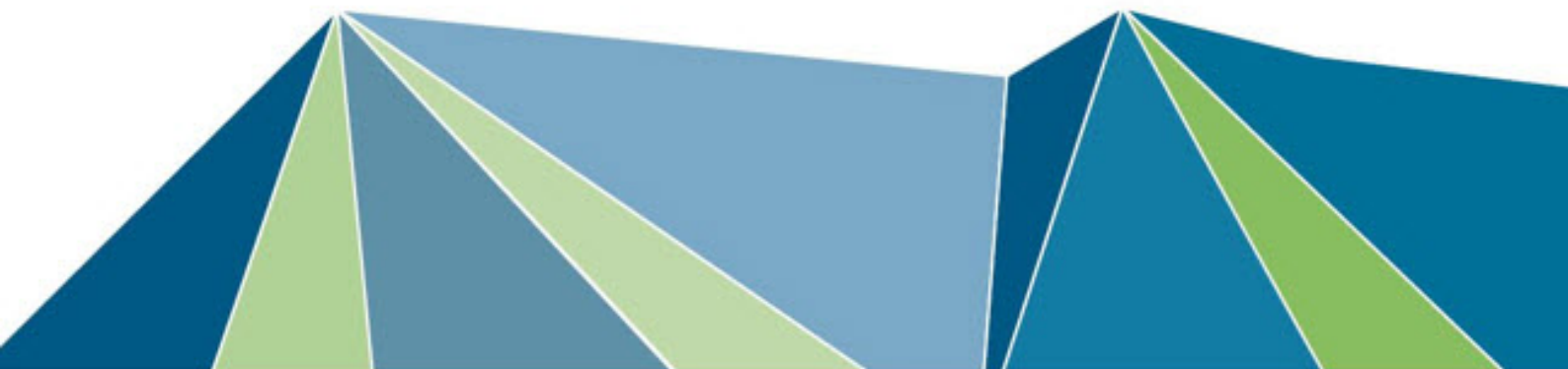
An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 22 April 2021 commencing at 9.00am.**

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

Paul Hickey
General Manager

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

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



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.

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- Attendance at the meeting is taken as consent by a person to their image and/or voice being webcast.
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- Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. All liability will rest with the individual who made the comments.
- This meeting must not be recorded by others without the prior written consent of the Council in accordance with Council's Code of Meeting Practice.

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1. Australian National Anthem
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 7. Mayoral Minutes
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1. Australian National Anthem

The National Anthem will be played.

2. Acknowledgement of Country

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

3. Apologies

4. Confirmation of Minutes

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

RECOMMENDATION

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

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 LEP Amendment - Northern Rivers Wildlife Hospital - Lindendale Road

8. Planning and Environmental Health Division Reports

8.1 LEP Amendment - Northern Rivers Wildlife Hospital - Lindendale Road

Section	Strategic Planning
Objective	To seek Council's direction on an LEP amendment request relating to part of the Wollongbar Primary Industries Institute site for the purpose of a veterinary hospital and information and education facility.

Background

The Northern Rivers Wildlife Hospital Ltd (NRWH) has lodged a request to amend the Ballina Local Environmental Plan (LEP) 1897 to permit, as an additional permitted use, a veterinary hospital. The development site is part of the existing Wollongbar Primary Industries Institute site. The request also seeks to permit an information and education facility.

The site has an approximate area of 2.123ha. It is located at 46 Lindendale Road approximately 450 metres to the southwest of the intersection of Lindendale Road with the Bruxner Highway (Figure 1).



Figure 1: Site Location Proposed NRWH - Lindendale Road Wollongbar

Lodged concurrently with the LEP amendment request was a development application (DA 2021/185). This application seeks consent to:

...change the current “public building” “existing use” to a different form of public building, being the Northern Rivers Wildlife Hospital.

8.1 LEP Amendment - Northern Rivers Wildlife Hospital - Lindendale Road

The applicant for the development application, Planners North, were advised on 29 March 2021 that any existing use rights applicable to the agricultural research centre are considered not to permit a wildlife / veterinary hospital as proposed. This confirmed advice previously provided to the applicant at a Pre-DA Lodgement meeting on 9 February 2021. As a consequence of the February 2021 advice this LEP amendment request has been submitted.

Erected on the site is a 1970s style dwelling house and a garage. It is these buildings that are proposed to be converted for use as part of the wildlife hospital (veterinary hospital) proposal.

The site is located within a 7(c) Environmental Protection (Water Catchment) zone under the provisions of Ballina LEP 1987. Veterinary hospitals, and information and education facilities are uses prohibited within this zone.

The proponents has entered into a Memorandum of Understanding (MOU) with the NSW Department of Primary Industries. The MOU provides for a legal tenure agreement to be entered into, and the construction and operation of a wildlife hospital facility.

This report seeks Council's direction on the progress of the LEP amendment through the preparation of a planning proposal and seeking of a Gateway determination from the Department of Planning Industry and Environment.

Key Issues

- Need for a planning proposal
- Existing use rights
- Appropriateness of use within a 7(c) zone
- Pathway for enabling of the proposed land use

Discussion

The LEP amendment request seeks to permit the development as proposed by DA 2021/185 together with the additional use of an information and education facility. No specific details have been submitted in respect to the information and education facility use other than it is proposed to form Stage 2 of the development.

Details of development proposal

Information submitted with the development application indicates that the development consists of the construction of a wildlife hospital with four enclosures for overnight stays and one aviary.

The existing dwelling house on the site is proposed to be converted for use as a wildlife hospital and will contain the following:

- Reception
- 2 x triage rooms
- Operating room
- X-ray room
- 2 – 3 isolation rooms
- Toilet and laundry facilities (existing)

8.1 LEP Amendment - Northern Rivers Wildlife Hospital - Lindendale Road

The existing garage on the site is proposed to be converted to accommodate utility rooms.

Car parking for 20 vehicles is proposed together with a new driveway, pathway and landscape works.

The wildlife hospital is proposed to operate on a seven day per week basis between the hours of 8am to 4pm. In terms of visitors to the site, it has been submitted that one visitor per hour is anticipated to attend the premises during operating hours as well as one to two deliveries of medical supplies per day.

The DA also indicates that:

School excursions may also visit the wildlife hospital, with a maximum of one school excursion per day. This group taking part in the excursion are expected to arrive in buses transporting all students and teachers both to and from the hospital.

The estimated cost of the development is \$350,000.

Figure 2 shows the manner in which the existing dwelling house is proposed to be converted to a wildlife hospital.

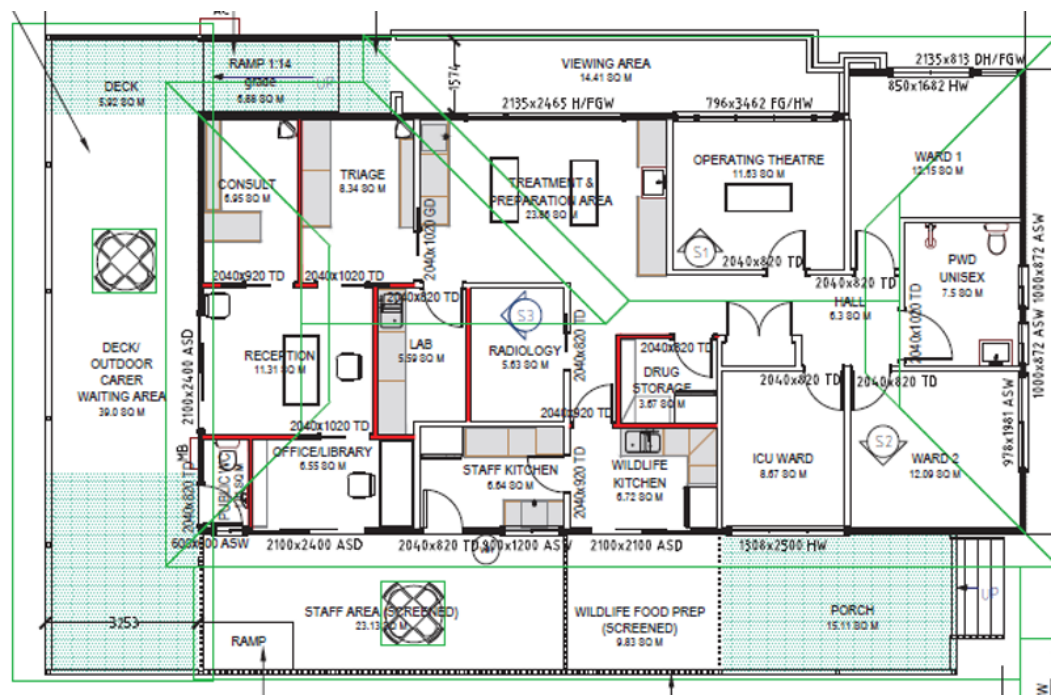


Figure 2: Proposed Wildlife Hospital Layout

Attachment 1 contains the planning proposal request which incorporates the development proposal site plan as submitted with the development application.

The plan contained in Attachment 1 indicates that the information and education facility will be located in the area designated as Area L. An extract from this plan showing the location of area L is contained in Figure 3.

8.1 LEP Amendment - Northern Rivers Wildlife Hospital - Lindendale Road

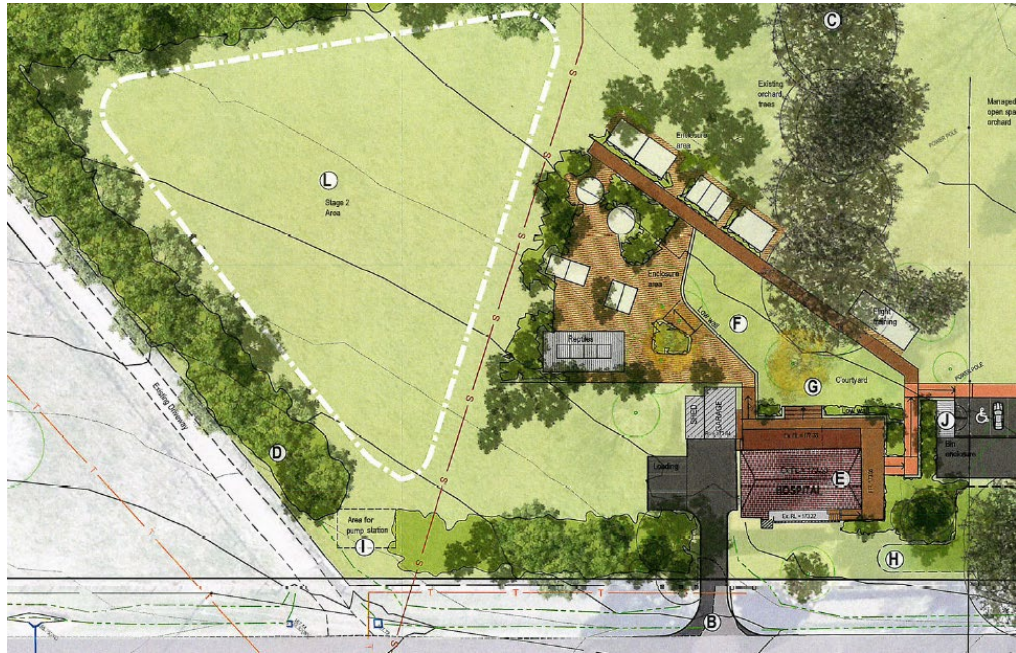


Figure 3: Future Stage Information and Education Facility Site - Area L

The photo below shows the existing dwelling and garage located on the site.



Need for a Planning Proposal

Council staff have on a number of occasions considered whether the proposed wildlife hospital may be approved under the existing use rights provisions contained within the Environmental Planning and Assessment Act 1979.

Based on available information, staff consider that the proposal represents an additional use located in a part of the site which may not benefit from existing use rights. The veterinary hospital is proposed to be located in an existing dwelling house.

Dwelling houses are permitted with consent within the 7(c) zone. As such the issue of existing use rights is not considered to arise when considering alternative uses proposed for the dwelling house.

In the above circumstances a planning proposal, as submitted, is considered the appropriate way in which to address the permissibility issue.

Definitional Issues

A wildlife hospital (veterinary hospital) is a use not specifically defined within Ballina LEP 1987 or the Environmental Planning and Assessment Model Provisions 1980. It is considered to be an innominate use.

The proponent has submitted that the proposed wildlife hospital, as well as the existing Wollongbar Primary Industries Institute, should be considered to be public buildings as defined in the Model Provisions viz:

public building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

It is not agreed that the existing use of the site, and the proposed use, should be characterised as a public building. This is because the definition is limited to the use of buildings and not places. It must also be for the use of offices or for administration or other like purposes. A wildlife hospital is not considered to be an administrative use or the like.

In terms of the proposed information and education facility, this is also not a use specifically defined in the 1987 LEP and the Model Provisions.

As a consequence of the above the definitions contained within Ballina LEP 2012 for veterinary hospital, and information and educational facility, are proposed to be utilised to permit what is proposed. These definitions are reproduced below:

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

At this stage the proponent has not provided any supporting information relating to the manner in which the information and education facility component of the proposed use will function. Ordinarily this would be seen as an impediment to its incorporation within the planning proposal. In this case, however, it is considered reasonable that it be dealt with at the planning proposal stage for the following reasons:

- The visitations to the proposed wildlife hospital of school groups may present difficulties if the use were only able to be characterised as a veterinary hospital;
- The future development of information and educational facilities, in Area L as shown on plan forming a part of Attachment 1, would be required to be subject to assessment as part of a separate development application process and may or may not be approved.
- Broadening the range of uses permitted on the site to also incorporate information and educational facilities overcomes the need for a further planning proposal at some future time.

Land Zoning Considerations

Attachment 2 contains a copy of the zone objectives and development control table applicable to the 7(c) Environmental Protection (Water Catchment) zone under the provisions of Ballina LEP 1987.

The primary objective of the zone is *to prevent development which would adversely affect the quantity or quality of the urban water supply*. It is considered that the proposed uses do not unduly impact either the quantity or quality of the urban water supply.

The secondary objectives of the zone is to regulate the use of land:

- (a) *to encourage the productive use of land for agricultural purposes and to permit development which is ancillary to agricultural land uses, except for development which would conflict with the primary objective of the zone, and*
- (b) *to ensure development of the land maintains the rural character of the locality, and*
- (c) *to ensure development of the land does not create unreasonable and uneconomic demands, or both, for the provision or extension of public amenities or services.*

It is considered that the proposed uses do not conflict with the secondary zone objectives. The proposed veterinary hospital, and any information and educational facilities which are associated with the veterinary hospital function, are both considered to be broadly ancillary to the agricultural land uses within the zone.

Whilst not of direct relevance, it is noted that information and education facilities are permitted with consent within the RU1 Primary Production zone under the provisions of Ballina LEP 2012. Whereas veterinary hospitals are not permitted.

The RU2 zone permits both information and education facilities as well as veterinary hospitals.

Land Constraint Issues

Bushfire Risk

The site is designated as bushfire prone land being located within a buffer zone to Category 1 vegetation. For this reason a Bushfire Risk Assessment Report should be prepared, and consultation with the NSW Rural Fire Service undertaken following Gateway determination

SEPP 55 – Contaminated Land Assessment

The site is located within a buffer area to a previously used cattle dip site.

As such, land contamination issues are required to be assessed in accordance with the requirements of SEPP 55 and the associated Managing Land Contamination Guidelines.

8.1 LEP Amendment - Northern Rivers Wildlife Hospital - Lindendale Road

The development application has been supported with a Preliminary Contaminated Land Assessment Report. The report has been prepared in accordance with the requirements of SEPP 55 and includes soil testing. There are no issues raised within this report which would indicate that the proposed wildlife hospital use of the existing dwelling and its curtilage (approx. 2,500m²) is impacted by land contamination concerns.

Figure 4 shows the location of the cattle dip site and the locations where soil has been sampled for contaminants.



Figure 4: Soil Sampling Location Diagram - Preliminary Contaminated Land Assessment Report February 2021.

It is noted that at this stage the report has not yet been peer reviewed nor does it cover the whole of the area shown in the Development Proposal Site Plan contained in Attachment 1. The issue of land contamination will require further consideration post Gateway determination.

Delivery Program Strategy / Operational Plan Activity

The management of LEP amendment requests and the associated assessment and processing of such requests is referenced in action HE3.1j of the Delivery Program and Operational Plan 2020 – 2024.

Community Consultation Policy

The planning proposal is considered to have a low level local impact when assessed in accordance with the Community Consultation Policy. As such it is proposed to inform and consult with local residents who live within a one kilometre distance of the proposal. A minimum consultation period of 14 days is proposed.

It is noted that the planning proposal will be required to be publically exhibited in accordance with the requirements of the Gateway determination once issued by the Department of Planning Industry and Environment.

Financial / Risk Considerations

Costs associated with the processing of the planning proposal will be funded from fees payable by the proponent as set in Council's Fees and Charges.

The planning proposal process provides the most appropriate means of considering and balancing the risks associated with the proposed activity.

Options

The following options are presented for Council's consideration:

Option 1 – Proceed with the LEP amendment request to permit a veterinary hospital and information and education facility on the site

Council could resolve to prepare a planning proposal to permit with consent a veterinary hospital, and an information and educational facility on part Lot 237 DP 755745, 46 Lindendale Road, Wollongbar.

This option would involve the preparation of a planning proposal for referral to the Department of Planning, Industry and Environment (DPIE) for Gateway determination.

This option is recommended on the basis that the proposed uses are broadly complementary with the existing Primary Industries Institute use of the site. As such what is proposed is considered not to adversely affect the quantity or quality of the urban water supply and therefore accords with the primary objective of the 7(c) zone.

Council also needs to determine whether to exercise its delegated plan making functions for this LEP amendment. In this instance it is recommended that Council seeks agreement from the DPIE to exercise the plan making functions under delegation in the role of the plan making authority.

Option 1 is the recommended approach.

Option 2 – Proceed with an LEP amendment to permit only a veterinary hospital on the site

Council could resolve to prepare a planning proposal to permit only a veterinary hospital on the site without any reference to the information and education facility.

This approach is not recommended for the reasons outlined in this report.

Option 3 - Decline the LEP amendment request.

This option is not recommended.

The establishment of a wildlife hospital within Ballina Shire is considered to have broader community benefits. It is for this reason that this option is not recommended.

8.1 LEP Amendment - Northern Rivers Wildlife Hospital - Lindendale Road

Option 4 – Defer the LEP amendment request and seek additional information.

Should Council require additional information, or should it wish to explore other alternatives, then the application could be deferred for a further report or a briefing.

RECOMMENDATIONS

1. That Council proceed to prepare a planning proposal to amend Ballina LEP 1987 so as to permit with consent a veterinary hospital, and an information and educational facility on part Lot 237 DP 755745, 46 Lindendale Road, Wollongbar.
2. That the planning proposal be forwarded to the Department of Planning, Industry and Environment for a Gateway determination.
3. That the Department of Planning, Industry and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
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 be undertaken, including public exhibition.
5. That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal.

Attachment(s)

1. LEP Amendment Request
2. Extract from Ballina LEP 1987 - 7(c) Development Control Table

8.2 Ballina Farmers Market - Expansion Request

8.2 Ballina Farmers Market - Expansion Request

Section	Strategic Planning
Objective	To outline a request from the manager of the Ballina Farmers Market to facilitate expansion.

Background

The Ballina Farmers Market has been operating at Commemoration Park since 2017.

The current capacity of the market has been limited by exempt and complying development thresholds relating to the number of tents or marquees allowed in relation to community events, in accordance with the Exempt and Complying Development Codes SEPP. Beyond the current number of stalls (approximately 30) a development application will be required.

Council has received a request from the Ballina Farmers Market to enable the expansion of the market to approximately 60 stalls.

The management of the farmers market is due to be renewed through an expression of interest process in July 2021, in accordance with the terms of Council's Markets Policy.

The purpose of this report is to invite the Council to endorse the preparation of a development application to enable the use of Commemoration Park for community events (including markets) to a capacity of approximately 60 stalls.

Key Issues

- Community events
- Economic development

Discussion

Council has received a request from the manager of the Ballina Farmers Market, Ms Cornelia Burless, for Council to facilitate the expansion of the market from the current 30 stalls to 60 stalls.

A proposed market layout is provided as Attachment 1 to this report.

Having regard to the popularity of the Ballina Farmers Market, from the perspective of community and social interest, and the demand for fresh local produce, the expansion of the market appears to have merit.

The development assessment process will need to have particular regard to traffic and parking, neighborhood amenity and impacts on the reserve. Key issues in relation to traffic and parking include site access arrangements, parking locations, pedestrian access, road speed environment and level of service.

8.2 Ballina Farmers Market - Expansion Request

Where mitigation measures are possible and/or required in response to issues identified through the planning process, Council has both the assessment process including use of conditions of consent and the licensing arrangement for the market as avenues to achieve preferred outcomes.

Concerns have previously been raised by a community member regarding perceived traffic and pedestrian conflicts along Bentinck Street when the farmers markets are in operation. Staff subsequently made enquiries with the local Police who indicated that no complaints had been received or any issues encountered in relation to this.

As mentioned above, traffic, parking and pedestrian movement will be considered as a part of the development assessment process.

Staff are currently in the process of coordinating the preparation of a master plan for the Kingsford Smith Drive precinct, which includes Commemoration Park, Kingsford Smith Reserve, Missingham Park and surrounding areas.

The provision for markets within this precinct is a key consideration of the plan and a preferred market location within the precinct has not yet been determined.

Any changes proposed to the current market location as a part of this master plan will likely have a longer term timeframe for implementation. As such, the preparation of a development application for the expansion of the Ballina Farmers Markets in its existing location at Commemoration Park as outlined above is recommended.

The preferred approach for community events of this kind on public land is that Council obtains necessary development consent (where it is possible and practical to do so), and license management to an independent market manager.

In terms of the development application, it is proposed that this be prepared on the basis of maximising flexibility for the use of the site for community events as far as practicable (i.e. seeking to enable the use of the site for a broader range of activities with similar impacts as markets).

Regardless of any development consent in place, Council can still determine the specific authorised use of the land through the licensing process associated with the use of public land.

The management of the Ballina Farmers Market is due for renewal, through an expression of interest process, in July 2021 in accordance with Council's Markets Policy.

This would be undertaken concurrently with the preparation of a development application, with this helping to inform the terms of the expression of interest process.

Delivery Program Strategy / Operational Plan Activity

The following Delivery Program and Operational Plan actions are relevant to the consideration of this matter:

8.2 Ballina Farmers Market - Expansion Request

- CC2.1 - Create events and activities that promote interaction and education, as well as a sense of place.
- CC2.2 - Encourage community interaction, volunteering and wellbeing.
- PE1.2 - Provide opportunities for new business
- PE1.3 - Enhance the image of the local economy

The operation of a farmers market is also consistent with action B4.5 of the Ballina Major Regional Centre Strategy to support food related events and activities that contribute to the development of a strong local food culture

Community Consultation Policy

Should a development application be prepared this will be notified to the community in accordance with Council's Community Participation Plan.

Financial / Risk Considerations

It is anticipated that the preparation of a development application for the Ballina Farmers Market can be accommodated within existing budgets. The estimated cost for preparation of an application is approximately \$10,000.

Options

Option 1 – Council could endorse the preparation of a development application to enable a larger farmers market at Commemoration Park, Ballina.

This option would involve Council engaging a planning consultant to prepare a development application for a larger farmers market at Commemoration Park (in the order of 60 stalls), as outlined in the body of this report. The application would be prepared to maximise the flexibility for other community events where possible.

This option is recommended on the basis that the expansion of the farmers market responds to community demand and the assessment of impacts can be appropriately considered through the development application preparation and subsequent assessment process.

Option 2 – Council could decline the request to facilitate the expansion of the Ballina Farmers Market.

This option would involve advising the market manager that Council does not support the expansion of the market in this location at this time.

This option is not recommended for the reasons outlined in option 1.

Option 3 – Council could defer this matter.

This option is not recommended, however is available should Council wish to consider further information on this matter by way of a briefing or receipt of additional details.

RECOMMENDATION

That Council proceed to prepare a development application for a larger scale farmers market (and other community events where possible) at Commemoration Park, Ballina, as outlined within this report.

Attachment(s)

1. Proposed Expanded Ballina Farmers Market Layout

8.3 Development Control Plan Amendment - Rural Function Centres

8.3 Development Control Plan Amendment - Rural Function Centres

Section	Strategic Planning
Objective	To present the outcomes of the public exhibition of draft development control plan provisions relating to rural function centres and seek direction on implementation of the amendment.

Background

Council considered a report with respect to planning amendments relating to rural function centres at the 26 February 2021 Ordinary meeting and resolved as follows:

- 1. That Council authorises the General Manager to finalise and implement Planning Proposal BSCPP 18/005 relating to Rural Function Centres as exhibited and contained in Attachment 1 to this report, under delegated authority.*
- 2. That Council undertake the public exhibition of the draft amendments to Ballina Shire Development Control Plan 2012 relating to function centres on rural land foreshadowed as part of BSCPP 18/005, incorporating the amendment outlined in this report.*

In accordance with item two of the Council's resolution, the proposed development control plan amendment was placed on public exhibition from 3 March 2021 to 31 March 2021 as Amendment No. 14 to the Ballina Shire Development Control Plan 2012.

The purpose of this report is to present the outcomes of the public exhibition process and seek direction on the adoption of the draft development control provisions relating to rural function centres.

Key Issues

- Parameters for establishment of function centres and temporary uses in rural areas relative to rural amenity, agricultural production and economic development considerations.

Discussion

The finalisation of the local environmental plan amendment relating to rural function centres is currently in progress (in accordance with point one of the resolution above).

The draft DCP provisions support the LEP based provisions through a further level of detail and requirements in relation to the rural function centre land use.

The draft development control provisions relating to rural function centres were publicly exhibited for 28 days in accordance with the Council's resolution and the Environmental Planning and Assessment Act 1979.

8.3 Development Control Plan Amendment - Rural Function Centres

No submissions were received during the public exhibition period in relation to this matter.

The substantial planning considerations relating to this matter have previously been outlined in the report considered at Council's Ordinary meeting held on 25 February 2021.

Following the exhibition of the draft provisions, some minor changes have been made to the text and formatting to improve the clarity of the text.

A copy of the provisions, as recommended, are contained in Attachment 1.

Delivery Program Strategy / Operational Plan Activity

The progress of the planning proposal relates to the following Delivery Program strategies:

- CC 1.2 - Ensure relevant public health and safety standards are being met
- PE1.2 - Provide opportunities for new business
- PE2.1 - Provide an efficient and cost effective regulatory environment for doing business
- HE3.1 – Implement plans that balance the built environment with the natural environment
- HE 3.2 – Minimise impacts on the natural environment.

Community Consultation Policy

The draft development control plan provisions were publicly exhibited for 28 days in accordance with Council's Community Participation Plan. No submissions were received in response to the exhibition.

Financial / Risk Considerations

The amendment of the DCP in relation to this matter will provide improved and more detailed development control provisions relating to function centres in rural areas of the Shire. The DCP amendment can be finalised within existing resources.

Options

Option 1 – Finalise the DCP Amendment

This option involves Council adopting the amendment to the Ballina Shire Development Control Plan 2012 to insert specific provisions relating to rural function centres. This can be in line with the recommended text as set out in Attachment 1 or with changes to the provisions as identified by Council.

This option is recommended on the basis that the DCP amendment provides a balanced approach to function centre development in rural areas which provide opportunities for such development whilst seeking to protect other legitimate rural activities from land use conflict.

8.3 Development Control Plan Amendment - Rural Function Centres

If this option is adopted, it is proposed that the DCP provisions take effect from the date of the finalisation of the associated LEP amendment (BSCPP 18/005).

Option 2 – Discontinue the DCP amendment

This option involves discontinuing the amendment of the DCP in relation to rural function centres. This option is not recommended as the DCP amendments support recently endorsed amendments to the Ballina Local Environmental Plan 2012 relating to this matter.

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

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

RECOMMENDATIONS

1. That Council adopts the draft amendment (Amendment No.14) to the Ballina Shire Development Control Plan 2012 relating to rural function centres as contained in Attachment 1.
2. That Council provide public notice of the adoption of Amendment No.14 to Ballina Shire Development Control Plan 2012 with the amendment to take effect from the date of finalisation of the LEP amendment relating to function centres of rural land (BSCPP 18/005).

Attachment(s)

1. Draft Function Centres DCP Amendment (Amendment No.14) - BSDCP 2012 Chapter 7 - Rural Living and Activity

8.4 Submission - NSW Agritourism Reforms

8.4 Submission - NSW Agritourism Reforms

Section	Strategic Planning
Objective	To seek endorsement of a submission to the public exhibition of proposed agritourism planning reforms put forward by the NSW Department of Planning, Industry and Environment.

Background

The NSW Government through the Department of Planning Industry and Environment (DPIE) has commenced a public exhibition process with respect to proposed planning reforms relating to 'Agritourism and small-scale agriculture development'.

The intention and rationale underpinning the proposed changes are contained in explanation of intended effects (EIE) documentation. The EIE for these reforms is provided in Attachment 1.

A draft submission has been prepared by staff in response to the EIE which is provided as Attachment 2. Staff propose a submission because the reforms, if implemented, will result in fundamental changes to the permissibility of certain development in rural areas and the way in which the impacts of certain development can be considered and assessed.

In many cases staff make submissions directly to various NSW Government reform proposals from a technical perspective, based on existing policy of Council or following outcomes from reports to Council, briefings or engagement processes. In this case Council endorsement of the submission is sought as a number of the matters addressed are considered to be of a nature that warrant direction from the elected Council.

The public exhibition period ends on 19 April 2021. However, Council has been granted an extension (to 30 April 2021) to enable the elected Council to consider and, if so inclined, endorse the submission.

Key Issues

- Land use planning
- Economic development
- Agricultural values
- Land use conflict

Discussion

Staff have reviewed the EIE for the proposed agritourism reforms and have identified significant concerns, relating to both technical planning system aspects as well as the appropriateness of the proposal, having regard to the potential for land use conflict, impacts on agriculture and the practicalities of compliance.

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There are some aspects of the proposed changes that provide for diversification of agricultural land use consistent with the principle of agricultural activity remaining the primary use of land in rural areas. However, many of the proposed changes remove the ability for Council to consider the merit and impact of proposed development in rural areas (and apply suitable conditions), with this being a key point of concern.

Further, a number of the changes relating to exempt and complying development if implemented will be reliant on Council monitoring uses and undertaking compliance and enforcement action in cases where activities do not meet set requirements.

This is expected to create a resourcing impact on Council as the types of development proposed are known to raise issues associated with impact on neighbours, the environment and agricultural activities.

The EIE proposes a new definition of 'agritourism' to be included within the group land use term of 'agriculture' within the Standard Instrument LEP (SILEP). The proposed definition of agritourism is as follows:

Agritourism includes, but is not limited, to the following:

- (a) *Farm gate activities*
- (b) *Farm events*

Whilst, in principle expanding the provision for agritourism related activities in rural areas has merit, significant concerns arise when reviewing the range of land use activities that are proposed to be included in the definitions for 'farm gate activities' and 'farm events'.

The reform package proposes the following definition for 'farm gate activities':

- (a) *the processing, packaging and sale of agricultural produce, or*
- (b) *a restaurant or café, or*
- (c) *facilities for the holding of tastings, workshops or providing information or education to visitors for agricultural produce grown on the farm or predominantly grown in the surrounding area.*

Whilst the reform package does not provide a draft definition for 'farm events' it is apparent from the documentation that it is proposed that farm stay accommodation and wedding venues are to be included in the definition.

The reform package also foreshadows a relaxation of the definitions relating to 'a working farm' as it relates to 'farm stay accommodation'.

The EIE proposes a range of exempt and complying development provisions relating to these uses, through proposed amendment to the Exempt and Complying Development Codes SEPP.

An associated clause would be offered which councils will have the option of including in their respective LEPs to provide additional protections, however the details are not provided.

The inclusion of these 'agritourism' uses as forms of 'agriculture' in the SILEP would have the consequence of making these uses permissible without consent on all land subject to the RU1 Primary Production zone and RU2 Rural

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Landscape zone, unless Council were to list agritourism as either permissible with consent or prohibited under the land use table to the LEP.

As noted in the draft submission, the primary purpose of rural zoning, particularly in the case of the RU1 Primary Production zone, is the preservation of agricultural productivity.

An important distinction should be made between those rural land uses that support and add value to agricultural production (such as tastings, farm tours, and modest retail sales in association with on-farm rural production) and those higher-impact activities that do not directly relate to the agricultural activity occurring on the land and which have a greater potential to compete or conflict with other legitimate rural activities and undermine the viability of agriculture.

Having regard to the above, should these reforms be implemented in their current form Council will need to give consideration to whether agritourism should be listed as a development activity that is prohibited on land zoned RU1 under the Ballina LEP 2012, in order to protect agricultural values consistent with the zone objectives.

This would have the disadvantage of limiting opportunities for genuine agritourism in these areas.

There are other concerns raised by the EIE which are addressed in the draft submission provided as Attachment 2.

In summary, the draft submission raises the following key concerns in relation to the proposed reforms:

- The introduction of a new 'agritourism' definition that would include activities such as wedding venues, farm stay accommodation and restaurants and cafes, and the inclusion of agritourism as forming part of the LEP definition of 'agriculture', despite such activities not relating in any practical or real sense to agricultural production.
- Provision for 'small scale' wedding venues as a form of 'farm event', allowing 52 events annually of up to 30 guests per event or 10 events annually of up to 50 guests per event that could occur as forms of exempt or complying development or otherwise as development with consent on any agricultural land.
- Provision for restaurant or café development as a form of 'farm gate activity' that could occur as either exempt or complying development or development with consent on any agricultural land.
- Provision for the conversion of existing farm buildings or the erection of tents as forms of 'farm stay' accommodation that could occur as either exempt or complying development or development with consent on any agricultural land. This is particularly problematic given farm buildings can often occur without requiring development consent.

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- Provision for 'small-scale' animal processing facilities as forms of exempt or complying development (allowing for example the annual on-farm processing of up to 3 million litres of dairy, 4,000 pigs, 100 cattle and 4000 poultry). The lack of adequate residential setbacks, effluent management provisions or details regarding how the proposal relates to the relevant food safety regulations are particular concerns.
- The lack of appropriate exempt and complying development standards that explicitly address issues such as wastewater management, or the provision of appropriate set-backs from nearby rural residential uses and intensive horticulture. Further, the setback requirements proposed are problematic as it does not recognise that rural villages or hamlets do not have 'residential zoning'. It is further noted that the failure to properly consider the risk of spray-drift could be detrimental to ongoing agricultural production.
- With respect to 'farmgate activities' proposed as exempt development, the failure to acknowledge the need for appropriate authorisations for any works within the road reserve, pursuant to section 138 of the Roads Act 1993. Further, the self-assessment by applicants with respect to road safety standards (sight-distances and verge conditions) is of concern.
- The impracticalities of undertaking compliance activities in relation to many uses and activities that would be enabled by the proposed reforms. The consequence of this being that the proposed exempt and complying development activities could be largely unregulated in a practical sense.

In the view of staff, the EIE fails to achieve an appropriate balance between the interests of tourist and business operators and other rural land users including farmers, residents and (arguably) other tourism operators.

There is also concern that aspects of the reforms may in fact encourage land uses other than agriculture to become dominant land uses because the reforms do not establish a strong basis for many of the new uses to be tied to or subordinate to agricultural land use. This could have the effect of further inflating rural land values and discouraging agricultural production.

Some of the land uses may also generate substantial conflict with neighboring agricultural activity. Land use conflict and impact from non-agricultural land uses on adjoining properties is a common central theme running through development applications relating to rural land in the shire.

In this regard, it is not so much the concept of enabling different land uses on rural land that is the issue, but rather determining the appropriate location for these types of uses and a suitable level of merit and impact assessment.

Council has largely established what is considered to be acceptable in Ballina Shire, within the context of community expectations, environmental characteristics and planning history through its 2012 LEP and DCP and associated targeted adjustments relating to rural land use over time.

A key point here is that exempt and complying development provisions as proposed have a significant potential to undermine these circumstance based strategic planning decisions made by Council.

For example, the proposed reforms are at odds with Council's local planning amendments relating to rural function centres (wedding venues), including amendments to the development control plan that is the subject of a separate report in this business paper.

The rural function centre provisions Council has been considering reflect local experience and understanding that is the product of proposal assessment, community feedback, strategic planning for the shire and the operation of councils local planning instruments over time.

The proposed reforms, if implemented in their exhibited form, could have significant consequences for the character of rural areas in the shire.

The draft submission reflects these concerns and seeks to encourage the Department to focus the reforms on providing for genuine agritourism activities with appropriate levels of regulatory oversight.

Delivery Program Strategy / Operational Plan Activity

The following Delivery Program actions are relevant to this matter:

- CC2.1 - Create events and activities that promote interaction and education, as well as a sense of place
- PE1.1 - Promote our area as an attractive place to visit
- PE1.2 - Provide opportunities for new business
- PE1.3 - Enhance the image of the local economy
- PE2.1 - Provide an efficient and cost effective regulatory environment for doing business
- HE3.1 - Implement plans that balance the built environment with the natural environment

Community Consultation Policy

This report has been prepared to respond to a public exhibition process being undertaken by the NSW Government.

Financial / Risk Considerations

The proposed agritourism reforms that are the subject of this report, if implemented, could have significant financial and legal consequences for Council associated with compliance and the management of land use conflict.

Options

The following options are presented for Councils consideration:

Option 1 – Council could endorse the submission provided as Attachment 2 to the Council report.

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This option is recommended to encourage the DPIE to reconsider a number of aspects of the proposed changes in order to achieve a more balanced set of provisions that promote genuine agritourism activity.

Option 2 – Council could amend the draft submission provided as Attachment 2 to the Council report on the basis of any further concerns.

This option is available should the Council wish to adjust the submission.

Option 3 – Council could resolve to not make a submission in relation to the proposed Agritourism reforms.

This option is not recommended on the basis that the proposed agritourism reforms are likely to have significant implications for rural land use in Ballina Shire.

RECOMMENDATION

That Council endorses the submission to the NSW State Government's Agritourism Reforms, as contained in Attachment 2, to this report.

Attachment(s)

1. DPIE - Agritourism Explanation of Intended Effects
2. Submission - Agritourism Reforms, April 2021

8.5 Development Applications – Variation to Development Standards

8.5 Development Applications – Variation to Development Standards

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

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

RECOMMENDATION

That Council notes that there have been no applications approved under delegation for variations to development standards of 10% or less for January to March 2021.

Attachment(s)

Nil

8.6 Development Applications - Works in Progress - April 2021

8.6 Development Applications - Works in Progress - April 2021

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

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

DA No.	Date Rec'd	Applicant	Proposal	Status
2018/74	13/2/2018	Ardill Payne & Partners	Amended Proposal: Demolition of Existing Residential Flat Building and Erection and Strata Title Subdivision of a six storey Residential Flat Building containing 12 (originally 14) dwellings, associated car parking and works. The proposed building has a height of 18.6m (originally 18.3) with the lift over run at a height of 19.3m which is above the building height allowance of 18m under the Ballina Local Environmental Plan 2012 – 8 Grant Street, Ballina	Awaiting additional information
2018/554	13/9/2018	Ardill Payne & Partners	Change of Use to Establish a Depot – Removalist Business and Associated Signage – 6 Waverley Place, West Ballina	Awaiting additional information
2018/630	16/10/2018	Ardill Payne & Partners	To establish a detached dual occupancy and associated works involving the change of use of an existing shed to a dwelling (retrospective). The application is supported by a variation to a development standard request to enable the proposed dual occupancy to be detached rather than attached to the existing dwelling house as required by Clause 14 of the Ballina Local Environmental Plan 1987 – 218 Old Byron Bay Road, Newrybar	Determination pending
2018/788	24/12/2018	Prestige Properties Design and Construction	Change of use of a portion of an existing shed to a dual occupancy - 142 Brooklet Road, Newrybar	Awaiting additional information
2019/145	8/3/2019	Ardill Payne & Partners	Amended Proposal: Construction of an industrial development to be used for a Depot and for general and light industrial purposes and associated works – 29-31 Smith Drive, West Ballina	Being assessed

8.6 Development Applications - Works in Progress - April 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/283	7/5/2019	Newton Denny Chapelle	Change of use from a high technology industry to general industry involving the assembly, manufacture and fitting of prosthetic limbs and alterations to the building - 2/188-202 Southern Cross Drive, Ballina	Awaiting additional information
2019/376	11/6/2019	Newton Denny Chapelle	Amended proposal: Erection of two greenhouses, six shade house structures, two sheds, 13 rainwater tanks, earthworks including terraced retaining walls along the western boundary, access driveways, vegetation removal and landscaping – 348 Rous Road, Rous Mill	Being assessed
2019/499	2/8/2019	Planners North	Implementation of erosion and slope stabilisation measures, bushland regeneration works, ongoing geotechnical monitoring and use of existing structures for residential purposes – 35 Pine Avenue, East Ballina	Awaiting additional information
2019/535	21/8/2019	Ardill Payne & Partners	Amended Proposal: To undertake a development in four stages comprising: Stage 1: Three Lot Torrens Title Subdivision (Proposed Lots 1 and 2 with an area of 800m ² each and Proposed Lot 3 with an area 1,092m ²), Stage 2: Erection of a two storey dwelling upon newly created Lots 2 and 3. Erection of an attached dual occupancy upon proposed Lot 1. Stage 3: Strata Subdivision of Lots 2 and 3 to create a vacant lot for a future dual occupancy. Strata subdivision of Lot 1 containing attached dual occupancy Stage 4: Construction of a dwelling on vacant strata Lots 2 and 3 to create a detached dual occupancy – 26-30 Fitzroy Street, Wardell	Awaiting additional information
2019/659	15/10/2019	D McAllister	Alterations and additions to a dual occupancy dwelling - 15 Jorgensens Lane, Brooklet	Awaiting additional information
2019/708	1/11/2019	P Johnstone	Construction of a shed forward of the laneway building line - 5 Gibbon Street, Lennox Head	Determination pending
2019/718	7/11/2019	L King	Change of use from an Office/Rumpus Room to a Bedroom - 2/44 Stewart Street, Lennox Head	Determination pending
2019/720	12/11/2019	A Andrews	1.8m high boundary fencing forward of the building line - 11 Fern Street, Lennox Head	Awaiting additional information

8.6 Development Applications - Works in Progress - April 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/743	22/11/2019	Ardill Payne & Partners	Refurbishment and expansion of the existing caravan park to provide a total of 87 long-term sites and one site for the manager residence/office. The proposal comprises demolition works, earthworks, removal of short-term and camping sites, removal of access from River Street and construction of new driveway access from Emigrant Lane, construction of new amenities and facilities, internal roadworks and car parking - 586 River Street and 21 Emigrant Creek Road, West Ballina	Awaiting additional information
2020/56	7/2/2020	Ballina Shire Council	Construction of a new sewer rising main extending 1,465m from the intersection of North Creek Road and Skennars Head Road to an existing sewer pump station east of Castle Drive, Lennox Head. The proposed new pipeline will replace an existing dilapidated main – North Creek Road, Skennars Head Road and Castle Drive, Lennox Head	Awaiting additional information
2020/76	14/2/2020	Newton Denny Chapelle	Proposed filling of land to establish a building pad for future development purposes and associated works – 210 Southern Cross Drive & Corks Lane, Ballina	Awaiting additional information
2020/244	23/4/2020	Northern Rivers Land Solutions	Three Lot Torrens Title Subdivision to create one x 800m ² , one x 860m ² and one x 1,084m ² allotments, filling and retaining works, vegetation removal, riverbank stabilisation works, infrastructure servicing and associated works – 23 Richmond Street, Wardell	Awaiting additional information
2020/306	21/5/2020	Town Planning Alliance Pty Ltd	Demolition of a dwelling, tree removal and construction of a two storey dwelling and associated earthworks, a swimming pool and a tennis court including works forward of the rural building line - 172 Old Byron Bay Road, Newrybar	Being assessed
2020/364	12/6/2020	Ardill Payne & Partners	Boundary adjustment subdivision of two lots to create two modified lots comprising one proposed 1.3ha and one 17.3 ha allotments - 13 Kamala Place, Tintenbar	Being assessed
2020/378	18/6/2020	C Kikiras	Alterations and additions to a dwelling, including additions forward of the building line - 29 Pine Avenue, East Ballina	Referred to Government Department

8.6 Development Applications - Works in Progress - April 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/441	14/7/2020	Planit Consulting Pty Ltd	Alterations and additions to a dwelling - 36 Pacific Parade, Lennox Head	Referred to Government Department
2020/450	20/7/2020	Ray Cavill	Establishment of an information and education facility (art gallery and studio) comprising conversion of existing church building to gallery space, erection of pottery studio, kiln shed, ancillary amenities including caretaker's accommodation and associated infrastructure works – 36 Rous Mill Road, Rous Mill	Awaiting additional information To be determined by Council Resolution No: 270820/10
2020/466	27/7/2020	A Dunnings	Alterations and additions to a dwelling and construction of a shed and swimming pool - 157A Byrnes Lane, Tuckombil	Awaiting additional information
2020/523	17/8/2020	Ardill Payne & Partners	Change of use from a studio to an expanded dwelling module - 208 Fernleigh Road, Tintenbar	Being assessed
2020/553	1/9/2020	S Lee	Staged detached dual occupancy development consisting of: Stage 1: Construction of a single storey dwelling and associated earthworks and retaining walls; Stage 2: Construction of a two storey dwelling and associated earthworks and retaining walls and Strata Subdivision - 73 Plateau Drive, Wollongbar	Referred to Government Department
2020/567	4/9/2020	T Brice	Demolition of a shed and construction of a single storey detached secondary dwelling and associated works - 20-22 Summerhill Crescent, Cumbalum	Being assessed
2020/569	4/9/2020	C Imeson	Alterations and additions to an apartment building comprising of new covered decks, relocation of an external stairs and removal of common laundry facilities - 6-7 Easton Place, East Ballina	Being assessed
2020/584	9/9/2020	RLA Building Design	Detached building – proposed art studio - 11 Martins Lane, Knockrow	Being assessed
2020/590	10/9/2020	Byron Bay Planning and Property Consultants	Construction of a two storey dwelling, associated earthworks, retaining walls and swimming pool - 51A Blue Seas Parade, Lennox Head	Referred to Government Department
2020/591	14/9/2020	Newton Denny Chapelle	Subdivision comprising the creation of 25 industrial lots ranging in size from 1,181m ² to 4,493m ² , one residue lot of 4.13hectares and associated infrastructure servicing and bulk earthworks – 25-39 Boeing Avenue and Corks Lane, Ballina	Awaiting additional information

8.6 Development Applications - Works in Progress - April 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/609	18/9/2020	Jared Alexander Drafting Services	Alterations and additions to a dwelling and construction of a Secondary Dwelling and shed - 2 Henderson Drive, Lennox Head	Being assessed
2020/632	25/9/2020	Newton Denny Chapelle	Warehouse or distribution centre involving the construction of a 40m x 40m shed and associated civil, car parking and landscaping works. A variation to the 8.5m Height of Building development standard is being sought for the proposed shed – Lot 228 DP 1121079 Teven Road, West Ballina	Being assessed
2020/641	20/9/2020	Northern Rivers Land Solutions	Two lot boundary adjustment subdivision to create one x 17.1ha and one x 36.7 ha allotments – 9 Houghlahans Creek Road and 1668 Eltham Road, Teven	Awaiting additional information
2020/645	1/10/2020	D S Harris	Alterations and additions to a dwelling including a second storey bedroom and deck - 6B Brighton Street, East Ballina	Determination pending
2020/657	7/10/2020	O Ben Harush	Strata Title Subdivision of an existing dual occupancy – 38 Calnan Crescent, Cumbalum	Being assessed
2020/665	12/10/2020	G A Shaw	Demolition of a carport, garage and two decks and alterations and additions to a two storey Dual Occupancy building to create a new attached Dual Occupancy development and associated parking - 28 Allens Parade, Lennox Head	Being assessed
2020/682	15/10/2020	Newton Denny Chapelle	Multi dwelling housing development comprising three dwellings, Strata Title subdivision and associated earthworks – 62 Avalon Avenue, Wollongbar	Determination pending
2020/685	16/10/2020	S R Laing	Construction of a shed and carport and associated earthworks - 283 Empire Vale Road, Empire Vale	Awaiting additional information
2020/687	16/10/2020	R Hammond	Change of use to establish a mixed use development comprising a vehicle repair station with ancillary sales of spare parts and tyres and vehicle sales or hire premises - 16-18 Owens Crescent, Alstonville	Awaiting additional information
2020/699	23/10/2020	W E Smith	Construction of Secondary Dwelling and a carport - 22 Fenwick Drive, East Ballina	Referred to Government Department

8.6 Development Applications - Works in Progress - April 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/700	26/10/2020	Prestige Properties Design and Construction	Alterations and additions to a dwelling comprising the construction of a new attached double car garage and driveway, conversion of the existing garage to a games room, removal of the existing patio roof structure and replacement with a new roof - 15 Prospect Street, East Ballina	Determination pending
2020/704	27/10/2020	J W Gibson	Construction of a double garage - 83 Crane Street, East Ballina	Being assessed
2020/716	29/10/2020	Newton Denny Chapelle	Subdivision by boundary adjustment of three existing lots to create one 1.3 hectare lot, one 53 hectare lots and one 52 hectare lot – 898 River Drive, Lot 5 River Drive and Lot 6 Church Lane, Empire Vale.	Being assessed
2020/727	3/11/2020	AGS Commercial	Construction of farm shed associated earthworks - 239 Signata Road, Pimlico	Being withdrawn
2020/731	4/11/2020	PRG Architects	Alterations and additions to a dual occupancy comprising of internal alterations to the kitchen, laundry and living areas, replacement and extension of an existing garage and construction no deck – 5 King Lane, Ballina	Referred to Government Department
2020/743	9/11/2020	Richmond Hill Holdings Pty Ltd	Construction of carport, new driveway and 1.8m high boundary fence – 42 Riverside Drive, West Ballina	Referred to Government Department
2020/752	12/11/2020	P D Lee	Construction of an above ground swimming pool and associated works	Being assessed
2020/756	17/11/2020	Newton Denny Chapelle	Vehicle Repair Station involving demolition of the former Big W nursery, erection of new building extending west from the Big W western façade, erection of free standing associated building and reconfiguration of existing on-site car parking – 44 Bangalow Road, Ballina (Big W Nursery)	Awaiting additional information
2020/776	24/11/2020	Ardill Payne & Partners	Alterations and additions to St Andrews Village including demolition of two units and construction of two replacement units - 140-150 Cherry Street, Ballina	Awaiting additional information
2020/778	24/11/2020	R&J Harris Consulting Pty Ltd	Proposed rural industry comprising the erection of 30 silos and including a variation to the 11.2m AHD building height development standard under clause 4.3A of the BLEP 2012– Silos - 540 Pimlico Road, Pimlico	Awaiting additional information

8.6 Development Applications - Works in Progress - April 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/786	26/11/2020	A Stafford	Alfresco dining – Lennox Smokin' Barrell - 9 Moon Street, Ballina	Awaiting additional information
2020/761	18/12/2020	Dixon Homes	Construction of two dwellings to create an attached Dual Occupancy development and associated earthworks and retaining walls	Determination pending
2020/762	18/11/2020	G J Steele	Construction of an above ground swimming pool and associated deck and roof	Referred to Government Department
2020/770	20/11/2020	Ardill Payne & Partners	Alterations and additions to a dwelling including a Master Bed (with ensuite and WIR), mud/sand room, laundry, office, powder room, living/dining/kitchen (with pantry), entry, Beds 1, 2 & 4 (each with ensuite), Bed 3, bathroom and media room, garage/store, double garage, swimming pool and pool terraces (partially roofed) and an existing pool to be retained and converted to water storage	Being assessed
2020/779	24/11/2020	A J Sharpe	Alterations and additions to a dwelling comprising of a second storey addition, a swimming pool and front boundary fencing	Being Assessed
2020/784	25/11/2020	B N Adamson	Construction of two dwellings to create an attached Dual Occupancy development, two swimming pools and front boundary fencing and associated earthworks and retaining walls and strata subdivision to create two strata lots	Being assessed
2020/789	26/11/2020	Ardill Payne & Partners	Construction of a carport	Referred to Government Department
2020/788	26/11/2020	PRG Architects	Alterations and additions to a dwelling including the creation of Secondary Dwelling in association with the Principal Dwelling	Being assessed
2020/797	30/11/2020	R N Lloyd	Construction of a carport	Being assessed
2020/806	02/12/2020	Newton Denny Chapelle	To establish a dual occupancy (detached)	Being assessed
2020/801	02/12/2020	M J Thurston	Alterations and additions to a Dual Occupancy dwelling including construction of a deck and roof	Being assessed
2020/817	4/12/2020	Ardill Payne & Partners	Change of use to a vehicle body repair workshop and associated works to the car park and driveway – 1/34 Southern Cross Drive, Ballina	Awaiting additional information
2020/818	4/12/2020	A D Overall	Erection of Farm Shed and Site Filling and Associated Works – 66 Fishery Creek, Ballina	Awaiting additional information

8.6 Development Applications - Works in Progress - April 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/839	16/12/2020	Newton Denny Chapelle	Multi-Dwelling Housing and Strata Title subdivision of three single storey dwellings and associated works – 51 Habitat Way, Lennox Head	Awaiting additional information To be determined by Council Resolution No: 280121/8
2020/845	17/12/2020	Newton Denny Chapelle	Earthworks for a new level fill pad, erection of a shade house structure and associated reticulated irrigation works – 2 Weis Lane, Rous	Awaiting additional information
2020/850	17/12/2020	Ardill Payne & Partners	Subdivision by way of boundary adjustment and consolidation of four rural lots to create one 6.7ha and one 1.7ha allotments – Uralba Road, Uralba	Awaiting additional information
2020/864	21/12/2020	Ardill Payne & Partners	Multi dwelling housing development comprising the erection and Strata Title subdivision of three units, two swimming pools and demolition of existing dwelling house – 44 Pacific Parade, Lennox Head	Being assessed
2020/869	24/12/2020	Newton Denny Chapelle	Relocation of heritage items including Croquet clubhouse from Lumley Park to the Alstonville Showgrounds, construction of new shed for storage of relocated heritage items at the Alstonville Showgrounds and associated works – 2 Pearces Creek Road and 22-40 Commercial Road, Alstonville	Being assessed
2020/875	24/12/2020	A Cole	Rural Dual Occupancy comprising the erection of a dwelling house and swimming pool and associated works – 137 Friday Hut Road, Tintenbar	Being Assessed
2020/877	24/12/2020	Ardill Payne & Partners	Alterations and additions including part demolition to one dwelling within an existing multi dwelling housing development – 1/49 Gibbon Street, Lennox Head	Determination pending
2021/10	7/1/2021	Tim Fitzroy & Associates	Construction of a Storage Premises Comprising Six Storage Units and Associated Works – 11 Simmons Street, Ballina	Awaiting additional information
2021/43	21/1/2021	S P Hall	Stage 1: Subdivision to create two Torrens Title allotments. Stage 2: Erection and Strata Title Subdivision of a detached dual occupancy on Proposed Torrens Lot 1 – 77 Habitat Way, Lennox Head	Determination pending
2021/54	27/1/2021	Outlook Planning & Development	Demolition of existing pylon sign and erection of new pylon sign – 486 River Street, West Ballina	Awaiting additional information

8.6 Development Applications - Works in Progress - April 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2021/55	28/1/2021	GM Project Development & Management	Erection of a hardware and building supplies multiple tenancy building, vehicular access and car parking, site filling, vegetation management works and associated works – 462-470 River Street, West Ballina	Being assessed
2021/62	29/1/2021	Victor Holmes Town Planning	Erection of a single storey dual occupancy (attached) for the purposes of providing accommodation for persons with a disability under the provisions of State Environmental Planning Policy (Housing for Seniors and Persons with a Disability) 2004, demolition of existing buildings, earthworks and vegetation removal – 39 Kerr Street, Ballina	Awaiting additional information
2021/66	1/2/2021	Abode2 Project Management Pty Ltd	Erection and Strata Title subdivision of a multi dwelling housing development comprising three detached two storey dwellings - 41 Habitat Way, Lennox Head	Being assessed
2021/78	3/2/2021	Ardill Payne & Partners	Erection of shed and demolition of existing shed - 83 Gallans Road, Ballina	Awaiting additional information
2021/82	5/2/2021	Ardill Payne & Partners	Multi dwelling housing development comprising the erection of a single storey detached dwelling being a third dwelling on site, in addition to an approved dual occupancy – 175B Tamar Street, Ballina	Awaiting additional information
2021/92	11/2/2021	Inspiration Trees Pty Ltd	Vegetation management works comprising the removal of two trees – 58 Martin Street, Ballina	Awaiting additional information
2021/99	12/2/2021	Newton Denny Chapelle	Erection of a Service Station incorporating signage, underground fuel tanks, bulk earthworks, car parking, stormwater management and provision for future retail tenancy - 246-250 Lismore Road, Wollongbar	On exhibition
2021/117	22/2/2021	Newton Denny Chapelle	Two lot Torrens title subdivision to create one 2.56 hectare and one 2,000m ² allotments – 419 Hinterland Way, Knockrow	Being assessed
2021/126	25/2/2021	PRG Architects	Erection and Strata Title subdivision of a multi dwelling housing development comprising four, two storey dwellings, demolition of existing dwelling house and vegetation management works – 18 Pine Avenue, East Ballina	Awaiting additional information
2021/129	25/2/2021	Newton Denny Chapelle	To increase alfresco dining area – 63-65 Ballina Street, Lennox Head	Awaiting additional information
2021/134	01/03/2021	S P Post	Alterations and additions to existing building	Being Assessed

8.6 Development Applications - Works in Progress - April 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2021/137	01/03/2021	A Mitchell	Alterations to existing dwelling house to create an attached dual occupancy, vegetation removal and associated works	Being assessed
2021/142	3/3/2021	J Cronin	Vegetation management works comprising the removal of five trees – 12 Bletchingly Street, Wollongbar	Being assessed
2021/150	4/3/2021	R Walsh	Subdivision of three existing lots to create two modified lots comprising one 1,461m ² and one 1,578m ² lots, 24-29 River Street, East Wardell	Being assessed
2021/152	03/03/2021	Newton Denny Chapelle	Waste or Resource Management Facility comprising the storage of approximately 35,000 tonnes of mulch per year Teven Road West Ballina	On exhibition
2021/154	04/03/2021	M Carkeet	Vegetation management works comprising the removal of two trees 1/3 Rutherford Street Lennox Head	Being assessed
2021/165	04/03/2021	Ardill Payne & Partners	Change of Use – General Industry to Recreation Facility 29 Cessna Crescent Ballina	Being assessed
2021/168	10/03/2021	B J White	Vegetation management works comprising the removal of one tree 23 Amber Drive Lennox Head	Being assessed
2021/173	11/03/2021	Apex Building & Consultants	Strata Title subdivision of an existing detached dual occupancy 13 Calnan Crescent Cumbalum	Being assessed
2021/174	11/03/2021	T L Stuart	Vegetation management works comprising the removal of three trees 38 Simpson Avenue Wollongbar	Being assessed
2021/175	11/03/2021	Stroud Homes	Strata Title subdivision of a detached dual occupancy 20 Dent Crescent Cumbalum	Being assessed
2021/185	12/03/2021	Planners North	Change of use to establish a wildlife hospital and associated building and infrastructure works 1243 Bruxner Highway Wollongbar	Awaiting additional information
2021/192	16/03/2021	Ocean Shire Developments	Strata Title subdivision of an approved detached dual occupancy 127 Montwood Drive Lennox Head	Being assessed
2021/200	17/03/2021	Newton Denny Chapelle	Two lot Torrens Title subdivision of an approved detached dual occupancy creating one 624m ² lot and one 569m ² lot being below the 600m ² minimum lot size development standard 112 Stoneyhurst Drive Lennox Head	Being assessed
2021/201	17/03/2021	Planners North	Use of Existing Shop for Liquor Sales and Extension of Trading Hours 22 Old Pacific Highway Newrybar	Being assessed
2021/205	18/03/2021	Essential Energy	Alterations and additions to the existing Essential Energy 34 Temple Street Ballina	Being assessed
2021/207	18/03/2021	J S Egan	Vegetation management works comprising the removal of two trees 4 Rubiton Street Wollongbar	Being assessed

8.6 Development Applications - Works in Progress - April 2021

DA No.	Date Rec'd	Applicant	Proposal	Status
2021/210	22/03/2021	Ardill Payne & Partners	Strata title subdivision of an existing attached dual occupancy 20 Calnan Crescent Cumbalum	Being assessed
2021/217	25/03/2021	J W Moye	Vegetation management works comprising the removal of one tree 35 Tanamera Drive Alstonville	Being assessed
2021/218	25/03/2021	Newton Denny Chapelle	Erection of the Lennox Head Rural Fire Service Facility and associated earthworks, vegetation management works and infrastructure servicing and including earthworks, car parking and vehicular access for a future preschool 9 Byron Bay Road Lennox Head	On exhibition
2021/220	26/03/2021	D A Carter	Vegetation management works comprising the pruning of one tree 10 Albert Street Alstonville	Being assessed

Regional Development (Determined by Northern Regional Planning Panel)

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

RECOMMENDATION

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

Attachment(s)

Nil

9.1 Investment Summary - March 2021

9. Corporate and Community Division Reports

9.1 Investment Summary - March 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 March 2021.

Key Issues

- Compliance with Investment Policy

Discussion

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

The total balance of investments as at 31 March 2021 was \$90,300,000 which was consistent with the balance as at 28 February 2021. Council's investments as at 31 March were invested at an average (weighted) interest rate of 0.742%, which is 0.708% above the March average 90 Day Bank Bill Index of 0.034%.

The balance of the Commonwealth Bank business account as at 31 March 2021 was \$5,200,517.

The bank account balance decrease of \$2,191,938 from the balance as at 28 February 2021 has resulted from significant transactions including loan repayments totaling \$1.8 million.

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

https://www.tcorp.nsw.gov.au/resource/Monthly_Economic_Report%20_-_March%20_2021.pdf

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

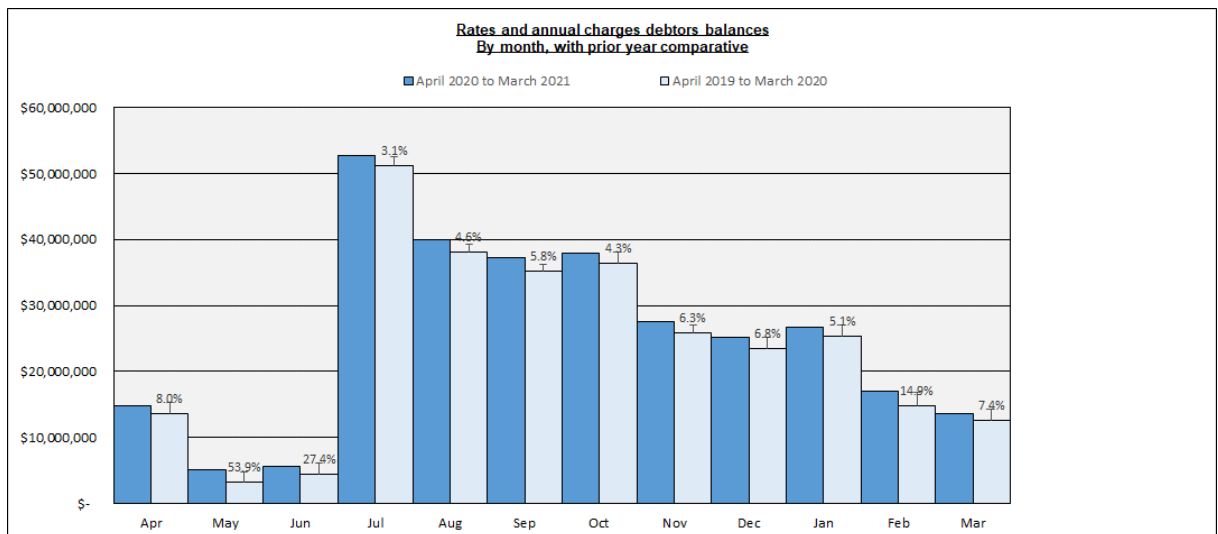
9.1 Investment Summary - March 2021

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

* Reflects reserves updated as at 30 June 2020.

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

Debtors as at 31 March 2021 were 7.4% higher (\$0.9 million) than as at 31 March 2020. In addition to the increase resulting from rates and charges changes (2.5%), the primary reason for this increase was the timing of the third quarter rates instalment due date.



9.1 Investment Summary - March 2021

A. Summary of investments by institution

Funds Invested With	Fossil Fuel Aligned / non-Green	Rating S&P	Rating Moody	Previous Month \$'000	Current Month \$'000	Quota %	% of Total
AMP Bank	Yes	BBB	A2	5,500	5,500	10%	6.2%
Australian Unity bank	n/a	BBB+	-	1,000	1,000	10%	1.1%
Auswide Bank	No	BBB	Baa2	3,000	3,000	10%	3.3%
Bank of China	Yes	A	A1	5,000	5,000	20%	5.5%
Bank of Communications	Yes	A-	A2	1,000	1,000	20%	1.1%
Bank of Queensland	Yes	BBB+	A3	6,000	6,000	10%	6.6%
Bendigo & Adelaide Bank	No	BBB+	A3	6,000	6,000	10%	6.6%
Commonwealth Bank	Yes	AA-	Aa3	4,000	4,000	20%	4.4%
Commonwealth Bank (Green)	No	AA-	Aa3	11,000	11,000	20%	12.2%
Credit Union Australia	No	BBB	Baa1	600	600	10%	0.7%
Defence Bank Ltd	No	BBB	-	4,000	5,000	10%	5.5%
IMB Ltd	No	BBB	Baa1	6,000	4,000	10%	4.4%
ME Bank	No	BBB	Baa1	5,500	6,500	10%	7.2%
Macquarie Bank Limited	Yes	A+	A2	1,000	1,000	20%	1.1%
My State Bank Ltd	No	BBB+	Baa1	1,000	-	10%	-
National Australia Bank	Yes	AA-	Aa3	9,000	9,000	20%	10.0%
Newcastle Perm Build Society	No	BBB	A3	1,700	2,700	10%	3.0%
Suncorp Limited	No	A+	A1	5,300	5,300	20%	5.9%
Teachers Mutual Bank Ltd	No	BBB	Baa1	700	700	10%	0.8%
Westpac Banking Corp	Yes	AA-	Aa3	13,000	13,000	20%	14.4%
Total				90,300	90,300		100%

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

B. Summary of Investments Fossil Fuel Aligned and Green Investments

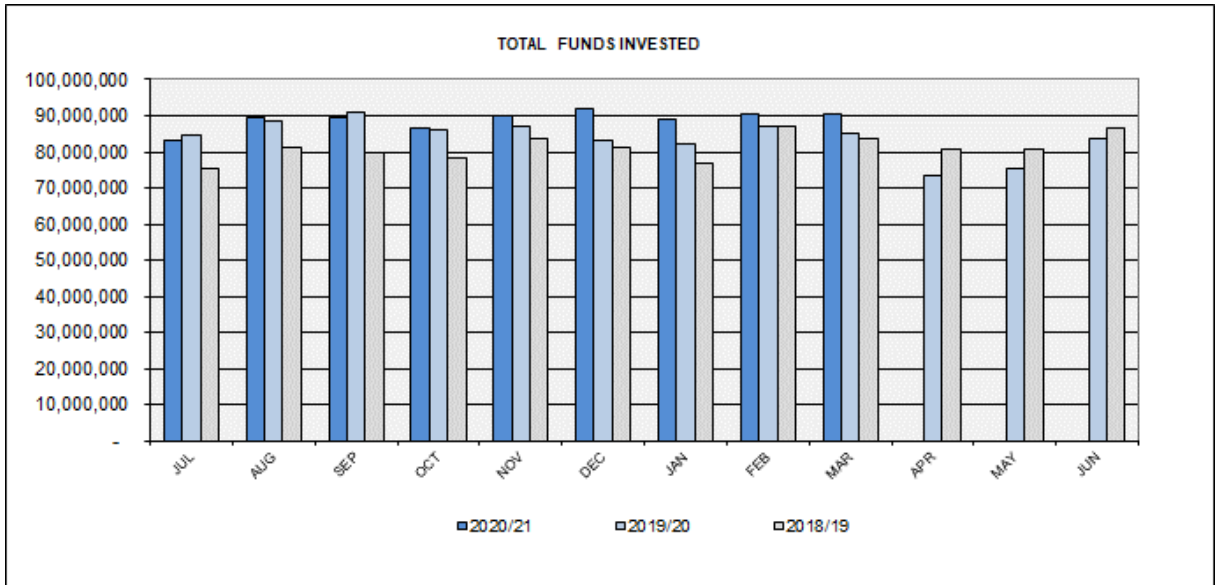
Environmental Classification	Previous Month		Current Month	
	(\$'000)	(%)	(\$'000)	(%)
Fossil Fuel Aligned and Non-Green Investments	44,500	49	44,500	49
Non-Fossil Fuel Aligned	33,800	38	33,800	38
Green Investments	11,000	12	11,000	12
Not Classified	1,000	1	1,000	1
Total	90,300	100	90,300	100

In March 2021, investments totaling \$10 million reached final maturity. These investments were held in fossil fuel free aligned institutions. The total \$10 million was reinvested in new fossil fuel free investments. As a result, the environmental status of Council's investment portfolio was unchanged from the position as at 28 February 2021.

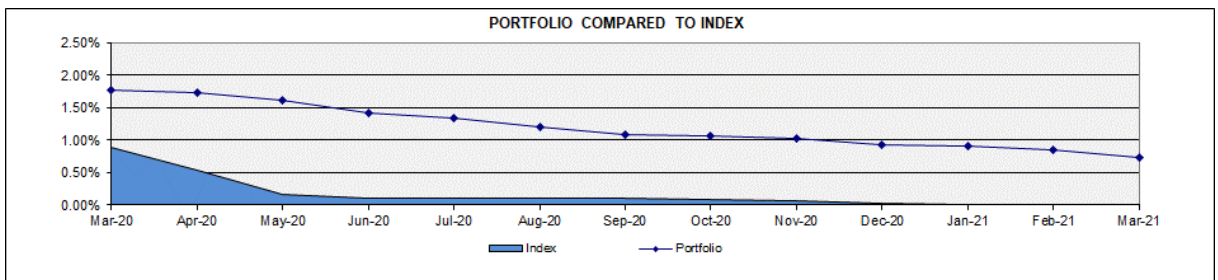
During the month, Council continued to roll existing Floating Rate Note (FRN) investments totaling \$7.1 million, of which \$6.5 million is invested with fossil fuel aligned institutions. The rolled FRNs will be held until their maturity dates which are between June and September 2021.

9.1 Investment Summary - March 2021

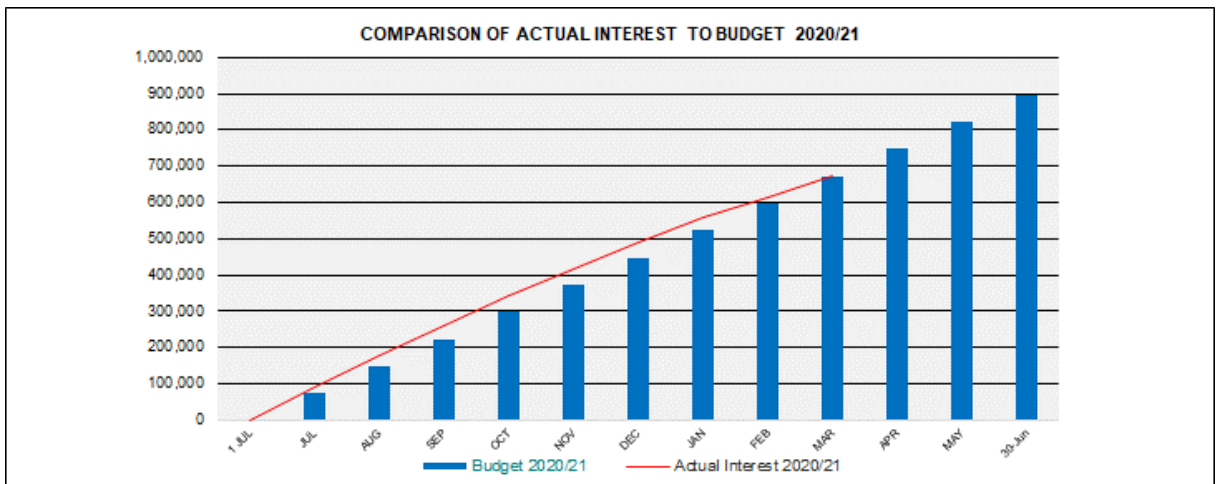
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



9.1 Investment Summary - March 2021

F. Investments held as at 31 March 2021

Purch Date	Issuer	Type	Rate	Final Maturity Date	Purch Value \$'000	Fair Value \$'000
17/06/2016	Commonwealth Bank of Australia	FRN	1.08%	17/06/2021	1,000	1,000
30/06/2016	Commonwealth Bank of Australia	FRN	1.07%	30/06/2021	1,000	1,000
3/08/2017	Westpac Banking Corporation	FRN	1.06%	3/08/2022	2,000	2,000
18/08/2017	Westpac Banking Corporation	FRN	1.06%	18/08/2022	1,000	1,000
6/02/2018	Newcastle Permanent Bld Society	FRN	1.41%	6/02/2023	700	700
2/07/2018	Teachers Mutual Bank Limited	FRN	1.38%	2/07/2021	700	700
30/07/2018	Westpac Banking Corporation	FRN	0.94%	31/07/2023	1,000	1,000
31/07/2018	Westpac Banking Corporation	FRN	0.94%	2/08/2023	1,000	1,000
6/09/2018	Credit Union Australia	FRN	1.29%	6/09/2021	600	600
6/09/2018	Newcastle Permanent Bld Society	FRN	1.41%	6/02/2023	1,000	1,000
10/09/2018	AMP Bank	FRN	1.12%	10/09/2021	1,500	1,500
11/01/2019	Commonwealth Bank of Australia	FRN	1.15%	11/01/2024	1,000	1,000
8/02/2019	Westpac Banking Corporation	FRN	1.06%	6/02/2024	2,000	2,000
26/07/2019	Commonwealth Bank of Australia	FRN	1.06%	26/07/2021	1,000	1,000
1/08/2019	AMP Bank	FRN	1.12%	10/09/2021	2,000	2,000
26/08/2019	AMP Bank	FRN	1.12%	10/09/2021	1,000	1,000
28/10/2019	Bank of Communications	FRN	0.90%	28/10/2022	1,000	1,000
4/06/2020	National Australia Bank	TD	0.99%	18/05/2021	3,000	3,000
4/06/2020	Bank of China	TD	0.95%	1/06/2021	2,000	2,000
10/06/2020	Australian Unity Bank	TD	1.05%	8/04/2021	1,000	1,000
10/06/2020	Bank of China	TD	0.92%	8/06/2021	1,000	1,000
24/06/2020	Bank of China	TD	0.95%	23/06/2021	2,000	2,000
29/06/2020	Bank of Queensland	TD	1.05%	22/06/2021	1,000	1,000
29/06/2020	Bank of Queensland	TD	1.05%	28/06/2021	2,000	2,000
4/08/2020	National Australia Bank	TD	0.85%	28/07/2021	2,000	2,000
4/08/2020	National Australia Bank	TD	0.85%	3/08/2021	4,000	4,000
11/08/2020	Bendigo & Adelaide Bank	TD	0.75%	5/08/2021	2,000	2,000
11/08/2020	Bank of Queensland	TD	0.85%	10/08/2021	3,000	3,000
17/08/2020	AMP Bank	TD	0.80%	17/08/2021	1,000	1,000
20/08/2020	Westpac Banking Corporation	TD	0.75%	21/07/2021	4,000	4,000
27/08/2020	Defence Bank Ltd	TD	0.90%	26/08/2021	1,000	1,000
31/08/2020	Westpac Banking Corporation	TD	0.76%	3/09/2021	2,000	2,000
2/09/2020	Bendigo & Adelaide Bank	TD	0.70%	1/09/2021	2,000	2,000
8/10/2020	Suncorp-Metway Limited	TD	0.55%	14/04/2021	1,000	1,000
14/10/2020	Bendigo & Adelaide Bank	TD	0.60%	13/10/2021	2,000	2,000
30/11/2020	ME Bank	TD	0.50%	20/04/2021	2,000	2,000
2/12/2020	IMB Bank	TD	0.40%	11/05/2021	2,000	2,000
8/12/2020	ME Bank	TD	0.45%	27/04/2021	1,500	1,500
10/12/2020	IMB Bank	TD	0.40%	4/05/2021	1,000	1,000
16/12/2020	Commonwealth Bank - Green	TD	0.48%	15/12/2021	1,000	1,000
22/12/2020	Macquarie Bank Limited	TD	0.70%	15/12/2021	1,000	1,000
28/01/2021	Commonwealth Bank - Green	TD	0.37%	17/08/2021	4,000	4,000
4/02/2021	Auswide Bank	TD	0.50%	18/01/2022	2,000	2,000
15/02/2021	Commonwealth Bank - Green	TD	0.41%	8/02/2022	4,000	4,000
22/02/2021	IMB Bank	TD	0.30%	23/08/2021	1,000	1,000
22/02/2021	Commonwealth Bank - Green	TD	0.43%	15/02/2022	2,000	2,000
23/02/2021	Defence Bank Ltd	TD	0.44%	22/02/2022	1,000	1,000

9.1 Investment Summary - March 2021

Purch Date	Issuer	Type	Rate	Final Maturity Date	Purch Value \$'000	Fair Value \$'000
24/02/2021	Suncorp-Metway Limited	FRN	0.46%	24/02/2026	1,300	1,300
24/02/2021	Auswide Bank	TD	0.50%	25/05/2021	1,000	1,000
1/03/2021	ME Bank	TD	0.45%	14/09/2021	2,000	2,000
1/03/2021	ME Bank	TD	0.45%	21/09/2021	1,000	1,000
2/03/2021	Suncorp-Metway Limited	TD	0.30%	18/08/2021	1,000	1,000
2/03/2021	Defence Bank Ltd	TD	0.45%	1/03/2022	1,000	1,000
2/03/2021	Defence Bank Ltd	TD	0.45%	1/03/2022	2,000	2,000
4/03/2021	Newcastle Permanent Bld Society	FRN	0.63%	4/03/2026	1,000	1,000
9/03/2021	Suncorp-Metway Limited	TD	0.30%	14/12/2021	2,000	2,000
	Totals				90,300	90,300
	TD = Term Deposit	FRN = Floating Rate Note				

RECOMMENDATION

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

Attachment(s)

Nil

9.2 Policy (Review) - Investments

9.2 Policy (Review) - Investments

Section	Financial Services
Objective	To provide an overview of outcomes from the public exhibition of proposed amendments to the Investments Policy and seek direction on the adoption of the policy.

Background

Council resolved at 25 February 2021 Ordinary meeting as follows:

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

A copy of the exhibited Investment Policy is included as Attachment 1.

During the exhibition period Council received one submission from Ballina Environment Society Inc ('BES'). A copy of the submission is included as Attachment 2. This report provides details of the submission received and seeks Council's direction on the policy.

Key Issues

- Environmental outcomes with respect to investing in financial institutions exposed to fossil fuels

Discussion

Council staff have reviewed the submission received from BES. A summary of the issues raised and the staff responses are outlined below:

Summary of submission	Staff response
Concern that Council's non-fossil fuel aligned investments was "quite low and has been declining since the Climate Declaration".	<p>The proposed changes to the Investments Policy align with Council's CSP Outcome SP1 'Strong budget and economy' and Delivery Program strategy HE.1 'Our planning considers past and predicted changes to the environment'.</p> <p>Council has not placed any new investments in fossil fuel aligned institutions since December 2020. The increased focus on "green investments" since November 2020 has seen an improvement in Council's environmental outcomes from the total investment portfolio.</p>

9.2 Policy (Review) - Investments

Summary of submission	Staff response
Green fund investments within Institutions not being considered	Green investments are considered by staff and form part of the exhibited Investments Policy.
Policy requires an aspirational target and a mechanism to evaluate how the policy is being achieved.	<p>The scope of Council's investments is mandated under the NSW Local Government Act, through a Ministerial Investment Order.</p> <p>Council's Investment Policy sets out the investment criteria to frame investment decisions, risk management parameters and governance standards.</p> <p>The Investments Policy is reviewed annually, in accordance with the Office of Local Government's investment policy guidelines. This annual review process provides a sound mechanism to ensure that its objectives are being achieved.</p>
Concern that Council lacks a specialist leadership role to implement the Climate Change Policy in the form of a dedicated senior climate change officer and to campaign other councils for solutions to bottle necks.	<p>This matter was discussed in the "Policy Climate Change" report to the March 2021 Ordinary meeting.</p> <p>As part of the review of the Workforce Plan, Council has supported the employment of a part-time position to assist with the implementation and monitoring of the Climate Change Policy and associated plans and actions.</p> <p>Council's Investments are reported to Council on a monthly basis providing the mechanism to closely monitor Council's investment performance.</p>

Delivery Program Strategy / Operational Plan Activity

The exhibited Investments Policy aligns with CSP Outcome SP1 'Strong budget and economy' and Delivery Program strategy HE.1 'Our planning considers past and predicted changes to the environment'.

Community Consultation Policy

The Policy has been placed on public exhibition enabling the community to provide a submission on the revised Policy.

Financial / Risk Considerations

Investment returns have significantly reduced since February 2020 as a result of the COVID-19 pandemic. This has resulted in lower interest rates and more limited investment opportunities. The Investments Policy maintains an investment portfolio that is conservative and comprises investments in institutions with high investment credit ratings, whilst allowing for flexibility for investment opportunities that enhance Council's financial returns.

Options

The options available include:

1. Adopt the exhibited Investments Policy as per Attachment 1.
2. Further amend the Policy based on the submission received.
3. Defer adoption of the policy to seek additional information.

Option 1 is recommended as the policy is contemporary and supports Council's commitment to actively invest in products that are specifically marketed as ethical "green" investments, in addition to investments held by non-fossil aligned financial institutions, whilst ensuring that Council continues to meet our economic and legislative requirements.

RECOMMENDATION

That Council adopts the exhibited Investments Policy, as per Attachment 1, to this report.

Attachment(s)

1. Policy (Review) - Investments
2. Submission - Ballina Environment Society Inc

9.3 Council Meetings - Attendance by Councillors by Audio-Visual Link

9.3 Council Meetings - Attendance by Councillors by Audio-Visual Link

Section Governance

Objective To seek the position of Council on guidelines issued by the Office of Local Government on attendance at meetings by audio-visual link.

Background

At the March 2021 Ordinary meeting, a report was presented on the Office of Local Government (OLG) Circular 21-01, which outlined the process for transitioning back to in-person Council and Committee meetings, along with the OLG consultation paper "Remote Attendance by Councillors at Council Meetings". Council resolved as follows:

- 1. That Council notes that the Office of Local Government is proposing to extend the existing prescribed amendments to permit an individual Councillor (but not all) to attend meetings by audio-visual link from the currently expiry date of 25 March 2021 to 31 December 2021, with further information on the extension yet to be released.*
- 2. That Council make a submission to the Office of Local Government's Remote Attendance by Councillors at Council Meetings consultation paper, supporting greater flexibility for Councillors to attend Council or Committee meetings by audio-visual link, subject to the current proposed limit of three meetings per annum.*
- 3. The submission to also focus on creating more flexible opportunities for Councillors.*
- 4. That Council forward copies of our submission to our local members of Parliament and the relevant Minister.*

Since the March Ordinary meeting, the OLG has issued Circular 21-02, which advises that the Local Government (General) Regulation 2005 has been amended to temporarily exempt councils from complying with the requirement, under their codes of meeting practice, for Councillors to be personally present at meetings, to participate. The exemption expires on 31 December 2021.

A copy of the circular is attached to this report.

Councils are not required to amend their codes of meeting practice to allow Councillors to attend meetings by audio-visual link, while the Regulation amendment is in force.

However, it is recommended that procedures are adopted to govern attendance by Councillors at meetings, by audio-visual link, to supplement the code of meeting practice.

The attached circular 21-02 contains suggested procedures by the OLG.

Key Issues

- Amendment to Local Government (General) Regulation 2005
- Temporary exemption expires on 31 December 2021
- Preferred Council approach

Discussion

The OLG is continuing to consult on the proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code). The closing date for submissions is 3 May 2021.

In accordance with the March 2021 resolution, Council has provided a submission to the OLG consultation paper communicating our preference to maintain maximum flexibility for attendance at Council meetings.

As reported to the March 2021 Ordinary meeting, it was understood that the OLG were proposing to extend the ability for Councillors to be able to attend meetings by audio-visual link until 31 December 2021, however specific details on the approvals or justification had not yet been advised.

The reason for the proposed extension was to provide sufficient time for the OLG to conclude the consultation process, and to avoid councils from needing to amend their Model Code of Meeting Practice prior to the upcoming elections.

The OLG Circular 21-02 has now confirmed that the Local Government (General) Regulation 2005 (the Regulation) has been amended to temporarily enable councils to continue to permit Councillors to attend meetings remotely by audio-visual link. This approval expires on 31 December 2021.

What this means is that during this temporary amendment period councils are able to:

- Hold meetings of the council and committees, comprising wholly of councillors, in physical venues and to permit members of the public to attend in person, subject to complying with the requirements of any Public Health Order in force at the time.
- Enable councillors to attend meetings remotely by audio-visual link. Council has the ability to permit a councillor to attend meetings remotely by audio-visual link where it is satisfied that the councillor will be prevented from attending the meeting/s in person because of illness, disability, caring responsibilities, or such other reason that is acceptable to the Council or the committee.
- When considering if approval will be granted for reasons outside of illness, disability or caring responsibilities, a resolution by the council or a committee of the council is required to permit attendance of one or more meetings by audio-visual link. Such decision is at the council's or committee's discretion however councils must ensure that they comply with the Health Privacy Principles prescribed under the Health Records and Information Privacy Act 2002.

9.3 Council Meetings - Attendance by Councillors by Audio-Visual Link

The OLG has identified the need to develop procedures to govern attendance by Councillors at meetings using audio-visual link. The procedures do not need to be a separate document and can be adopted as part of this report.

In respect to the temporary exemption for Councillors to attend meetings in person, if Council supports the position taken at the March 2021 Ordinary meeting, where maximum flexibility is available, one option is to delegate the approval for any request to attend by audio-visual link to the General Manager, as this avoids including an additional item in the Council agenda for the approval process.

The recommended procedures, in the attached circular, reference the need for a resolution, for a reason other than illness, disability or caring responsibilities, at a meeting.

This is somewhat clunky, when the Councillor may already have participated in the start of the meeting, and the preference is to provide the delegation to the General Manager to remove this from the meeting agenda. The OLG has confirmed, verbally, that Council is allowed to provide this delegated authority to the General Manager.

Other procedural matters recommended include:

- a) Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the Councillor's audio-visual link to the meeting will be terminated and the Councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the Council or committee, or at any time during which the Council or committee is voting on the matter.
- b) Councillors attending a meeting by audio-visual link must be appropriately dressed and ensure that no other person is within sight or hearing of the meeting at any time that the meeting has been closed to the public under section 10A of the Local Government Act 1993.
- c) If a Councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the Councillor's audio-visual link to the meeting.

Delivery Program Strategy / Operational Plan Activity

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

Community Consultation Policy

The OLG is currently consulting on "Remote Attendance by Councillors at Council Meetings". This process concludes on 3 May 2021.

Audio-visual link attendance will be optional and a Council that wishes to implement the changes, if they proceed, will be required to adopt procedures in the interim period.

Financial / Risk Considerations

There is no financial or risk impacts raised.

Options

The main options relate to including approvals in the Council meeting agenda or to provide delegated authority to the General Manager.

Delegated authority is the preferred option to simplify the process and the recommendation supports that approach.

RECOMMENDATIONS

1. That Council notes the changes to the Local Government (General) Regulation 2005 to allow councils to permit Councillors to attend meetings remotely by audio-visual link while the Office of Local Government consults on the new provisions of the Model Meeting Code.
2. That Council adopts the following procedure to support the temporary exemption provisions:
 - a) Notice must be given to the General Manager, at a minimum one hour prior to the meeting, of a Councillor's intention to join the meeting by the Council approved audio-visual link (currently Zoom).
 - b) Council delegates to the General Manager the authority to determine Councillor applications to attend Council and Committee meetings by audio-visual link, with Council's preference being for maximum flexibility in respect to the reasons for not physically attending a meeting.
 - c) Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the Councillor's audio-visual link to the meeting will be terminated and the Councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.
 - d) Councillors attending a meeting by audio-visual link must be appropriately dressed and ensure that no other person is within sight or hearing of the meeting at any time that the meeting has been closed to the public under section 10A of the Local Government Act 1993.
 - e) If a Councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the Councillor's audio-visual link to the meeting.

Attachment(s)

1. OLG Circular 21-02 - Temporary exemption from the requirement for Councillors to attend meetings in person

9.4 Tender - Flat Rock Tent Park Management

9.4 Tender - Flat Rock Tent Park Management

Section Commercial Services

Objective To report the outcomes of the tender evaluation for the Tender - Flat Rock Tent Park Management

Background

The services to be undertaken under this contract are the management of the Flat Rock Tent Park for a three year period with two one year options.

Tenders were called in February 2021 and at the close of tenders on 18 March 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

Twenty-three companies downloaded the documentation with tenders received from:

- Belgravia Leisure
- Brookstay Pty Ltd
- DesignHub2478
- Jeremy & Jones Pty Ltd
- Melissa Parker

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

- Understanding of the requirements
- Conformity with tender requirements

The three conforming tender submissions met the mandatory assessment and were assessed using the following weighted assessment criteria:

- Pricing Structure 40%
- Relevant Experience 25%
- Capability & Resources 20%
- Local and Community 15%

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

9.4 Tender - Flat Rock Tent Park Management

Delivery Program Strategy / Operational Plan Activity

The Delivery Program Strategy PE2.3 'Operate Council business activities that support economic development' identifies a specific action to ensure the on-going profitability of the Flat Rock Tent Park.

Community Consultation Policy

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

Financial / Risk Considerations

The tendered amount of the preferred tenderer is \$510,000 (excluding GST) plus commission. Based on the tendered amount and predicted commission, the budget for 2021/22 currently on exhibition is sufficient to meet this contractual requirement.

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 Brookstay Pty Ltd t/a Frontier Tourism.

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 Brookstay Pty Ltd t/a Frontier Tourism for the Tender - Flat Rock Tent Park Management for the total amount of \$510,000 (excluding GST) plus commission.
2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Councillor Memorandum - Tender Assessment Report - Flat Rock Tent Park Management (Confidential) (Under separate cover)

9.5 Tender - Workshop Extension and Roof Replacement

9.5 Tender - Workshop Extension and Roof Replacement

Section Facilities Management

Objective To report the outcomes of the tender evaluation for the Tender - Workshop Extension and Roof Replacement

Background

The works to be undertaken under this contract are Mechanical Workshop Extension and Roof Replacement at the Council Depot, Southern Cross Drive, Ballina.

The Mechanical Workshop currently affords a single bay and awning area for metal fabrication. An improvement to existing facilities is required to enable continuation of metal repair and minor fabrication works, provide a more contemporary workplace, and to support the ability to expand and fabricate larger items such as trailers and truck bodies.

Tenders were called in March 2021 and at the close of tenders on 1 April 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

Six companies downloaded the documentation with tenders received from:

- AGS Commercial Pty Ltd
- Bishton Group Pty Ltd

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

- Insurance
 - \$20,000,000 Public Liability
 - NSW Workers Compensation
 - Work Insurance
- Work Health and Safety

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

9.5 Tender - Workshop Extension and Roof Replacement

- Pricing Structure 50%
- Experience & Resources 15%
- Relevant Experience 10%
- Delivery Timing 10%
- Local and Community 15%

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

Delivery Program Strategy / Operational Plan Activity

The Delivery Program and Operational Plan (DPOP) EL3.3 encourages responsive and efficient services, with the benefits of employee satisfaction and increased efficiencies. The extension to the mechanical workshop and roof replacement will support this objective through providing improved facilities and the ability to expand operational capability for this section.

Community Consultation Policy

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

Financial / Risk Considerations

The Long Term Financial Plan (LTFP) has allocated internal funds to upgrade works at Council's Works Depot. A budget of \$681,000 was allocated for 2020/21 for the Mechanical Workshop Extension and Roof Replacement. The total cost of the preferred tender is \$573,498 (excluding GST).

Options

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

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

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

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

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to AGS Commercial Pty Ltd for the Tender - Workshop Extension and Roof Replacement for the total amount of \$573,498 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

9.5 Tender - Workshop Extension and Roof Replacement

Attachment(s)

1. Councillor Memorandum - Tender Assessment Report - Mechanical Workshop Extension and Roof Replacement (Confidential) (Under separate cover)

9.6 Tender - Design and Construct - Lennox Head Rural Fire Shed

9.6 Tender - Design and Construct - Lennox Head Rural Fire Shed

Section Project Management Office

Objective To report the outcomes of the tender evaluation for the Tender - Design and Construct - Lennox Head Rural Fire Shed

Background

The works to be undertaken under this contract are Design and Construct the Lennox Head Rural Fire Shed (RFS) facility. This tender will include completion of the design and construction of the new facility which consists of:

- Driveway/road works with entries to Byron Bay Road and Hutley Drive
- 17 car parking places
- Disability compliant access to the RFS and the planned Preschool facility
- Stormwater mitigation works
- Vegetation management
- Connection of potable water, sewer and electrical services
- Construction of the RFS building.

Tenders were called in February 2021 and at the close of tenders on 3 March 2021, three tender submissions were received.

This report outlines the results of the tender process.

Key Issues

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

Discussion

Thirteen companies downloaded the documentation with tenders received from:

- AGS Commercial Pty Ltd
- Alder Construction Pty Ltd
- Mavid Construction Pty Ltd

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

- Public Liability Insurance
- Workers Compensation Insurance
- Professional Indemnity Insurance

Mavid Constructions Pty Ltd did not have the required Professional Indemnity insurance and were considered non-conforming.

9.6 Tender - Design and Construct - Lennox Head Rural Fire Shed

The tenders were assessed using the following weighted assessment criteria

- Pricing Structure 65%
- Capability 20%
- Local and Community 15%

Evaluation Criteria	Weighting
Price	65%
Technical Capability <ul style="list-style-type: none">• Design-Build Capability• Works Program• Construction Methodology and Capability• Key Personnel.	20%
Social and Community Benefit <ul style="list-style-type: none">• Knowledge and experience with local conditions• Social impact on local economy	15%

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

Delivery Program Strategy / Operational Plan Activity

The relocation of the Lennox Head Rural Fire Shed is identified in the 2020/21 capital expenditure program and is part of the Delivery Program Strategy CC1.3 (Ensure adequate plans are in place for natural disasters and environmental changes).

Community Consultation Policy

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

Financial / Risk Considerations

The Rural Fire Service has allocated a budget in their long term financial plan for this facility of \$370,000. Some of these funds will be expended on fitout.

Council allocated \$500,000 to the project from a grant received under National Bushfire Recovery Agency funding.

Council's long term financial plan also provides \$400,000 from the Community Infrastructure Reserve for the project meaning the total funds from Council's sources are \$900,000.

This provides a total budget of \$1,270,000 with approximately \$73,000 spent to date on removal of the former house, remediation works, consultants etc.

The total cost of the preferred tender is \$1,066,712.00, excluding GST.

9.6 Tender - Design and Construct - Lennox Head Rural Fire Shed

The ground conditions of the site at 9 Hutley Drive is considered to be the main project risk. This risk has been mitigated to a reasonable extent by Council undertaking the land remediation to remove lead and asbestos contamination and undertaking the geotechnical survey.

It will also be necessary to remove the existing rural fire shed from Park Lane once these works are completed, along with formalising the car parks that are intended to form part of the existing site.

Options

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

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

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

RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2005 Section 178(1)(a)*, accepts the tender and awards the contract to AGS Commercial Pty Ltd for the Tender - Design and Construct - Lennox Head Rural Fire Shed for the total amount of \$1,066,712.00 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Councillor Memorandum - Tender Assessment Report - Lennox Head Rural Fire Shed (Confidential) (Under separate cover)

9.7 Tender - Stormwater Rehabilitation Works

9.7 Tender - Stormwater Rehabilitation Works

Section Engineering Works

Objective To report the outcomes of the tender evaluation for the Tender - Stormwater Rehabilitation Works

Background

The works to be undertaken under this contract are Stormwater Rehabilitation Works.

The procurement strategy comprised of two stages:

1. A publicly advertised Expression of Interest to select a panel of up to three eligible Companies/Organisations who can meet Council's requirements.
2. Invite a formal tender from the selected Companies/Organisations determined in stage one.

Expressions of Interest (EOI) were initially called and at the close, eight submissions were received.

Two companies were then shortlisted to receive tender documents.

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 were shortlisted from the EOI process to be issued tender documents in January 2021 with tender submissions received from:

- Abergeldie Rehabilitation Pty Ltd
- Interflow Pty Ltd

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

- Insurance
- Suitability of proposed materials for site conditions

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

9.7 Tender - Stormwater Rehabilitation Works

Evaluation Criteria	Weighting
Price	70%
Methodology and Program <ul style="list-style-type: none">• Suitability of process, materials and approach for site conditions• Works program	15%
Social and Community Benefit <ul style="list-style-type: none">• Knowledge and experience with local conditions• Social impact on local economy	15%

Interflow 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 stormwater rehabilitation is part of the Delivery Program Strategy HE1.2 “Undertake and promote initiatives that improve our waterways” and is identified in the planned capital expenditure program for the four year period 2020/21 to 2023/24.

Community Consultation Policy

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

Financial / Risk Considerations

The works are to be undertaken over the 2020/21 and 2021/22 financial years from the following allocated capital works budgets:

Description – long term financial plan	Financial Year	Budget (\$)
Dodge Lane, Lennox Head	2020/21	90,000
Moon Street (Tamar Street to Holden Lane)	2020/21	70,000
Urban Stormwater Reticulation Renewal	2020/21	100,000
Kerr St (Tamar St to Richmond River)	2020/21	140,000
Bangalow Road (Moon St intersection)	2020/21	86,000
Alison Avenue Lennox Head (re-lining)	2020/21	55,000
Martin Street, Ballina	2020/21	75,000
Urban Stormwater Reticulation Renewal	2021/22	50,000
Alison Avenue Lennox Head (re-lining)	2021/22	150,000
Total Available Budget		816,000

Undertaking works on buried stormwater assets presents a number of unknowns which can incur additional costs not included in the lump sum portions.

9.7 Tender - Stormwater Rehabilitation Works

The budget retains a 20% contingency to cover unknown additional costs, should they arise. It is not expected the full amount of contingency will be required. Remaining budget at the completion of works will be allocated to 2021/22 stormwater asset renewals.

The total cost of the preferred tender is \$668,104.85 (excluding GST).

Options

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

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

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

Based on the tender evaluation, it is recommended that Council accept the tender from Interflow 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 Interflow Pty Ltd for the Tender – Stormwater Rehabilitation Works for the total amount of \$668,104.85 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.

Attachment(s)

1. Councillor Memorandum - Tender Assessment Report - Stormwater Rehabilitation Works (Confidential)

9.8 Tender - Airport Business Development and Marketing Services

9.8 Tender - Airport Business Development and Marketing Services

Section Commercial Services

Objective To report the outcomes of the tender evaluation for the Tender - Airport Business Development and Marketing Services

Background

The services to be provided under this contract are Business Development and Marketing Services for the Ballina Byron Gateway Airport for a three year period. Tenders were called in February 2021 and at the close of tenders on 16 March 2021, four 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

Thirty nine companies downloaded the documentation with tenders received from:

- L & B Worldwide Australia Pty Ltd t/a Landrum and Brown
- The Trustee for The Strategic Energy Trust t/a Lime Intelligence
- The Trustee for Cicuttini Family Trust t/a Redwater Consulting Group
- Three Consulting Pty Ltd

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

- Previous and proven experience in providing business development services to regional airports
- Previous and proven experience in providing marketing services to regional airports
- Previous and proven record of negotiating with major airlines

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

- | | |
|-----------------------------------|-----|
| • Pricing Structure | 40% |
| • Experience and Past Performance | 25% |
| • Capability and Resources | 20% |
| • Local and Community | 15% |

9.8 Tender - Airport Business Development and Marketing Services

The Trustee for The Strategic Energy Trust t/a Lime Intelligence 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 business development and marketing on the Ballina Byron Gateway Airport is identified in the following delivery program strategies and actions:

- Pe2.2 Enhanced connectivity to capital cities
- Pe2.2b Ensure the ongoing viability of the Ballina Byron Gateway Airport

Community Consultation Policy

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

Financial / Risk Considerations

The cost for business development and marketing services will be funded out of the Airport's existing promotional budget. This contract will be awarded as a schedule of rates contract.

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 The Trustee for The Strategic Energy Trust t/a Lime Intelligence.

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 The Trustee for The Strategic Energy Trust t/a Lime Intelligence for the Tender - Airport Business Development and Marketing Services at the tendered rates.
2. That Council authorises the General Manager to sign the contract documents.

9.8 Tender - Airport Business Development and Marketing Services

Attachment(s)

1. Councillor Memorandum - Tender Assessment Report - Ballina Byron Gateway Airport - Business and Marketing (Confidential) (Under separate cover)

9.9 Delivery Program and Operational Plan - 31 March 2021 Review

9.9 Delivery Program and Operational Plan - 31 March 2021 Review

Section Governance

Objective To provide the quarterly update on the implementation of the 2020/21 to 2023/24 Delivery Program and 2020/21 Operational Plan for the nine month period to 31 March 2021.

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 third review of the 2020/21 to 2023/24 Delivery Program and the 2020/21 Operational Plan, with the information based on the period to 31 March 2021, representing nine months of the 2020/21 financial year. The review is included as a separate attachment.

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

Key Issues

- Compare results to date against adopted goals and priorities

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.

9.9 Delivery Program and Operational Plan - 31 March 2021 Review

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

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

Program Actions Summary - By Division and Number

Division / Status	C&C	Civil	PEH	Total
Green	31	25	53	109
Amber	1	4	3	8
Red	0	0	4	4
Total	32	29	60	121

Program Actions Summary - By Division and Percentage

Division / Status	C&C	Civil	PEH	Total
Green	97	86	88	90
Amber	3	14	5	7
Red	0	0	7	3
Total	100	100	100	100

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

- Implement Ballina Coastline Management Plan (page 8) – Council has been successful in obtaining grant funding to assist in updating the existing Ballina Coastline Coastal Zone Management Plan to a Coastal Management Plan (CMP). The adoption of a CMP helps to secure additional grant funding.
- Complete evaluation for constructing Barlows Road as a connection between Tamarind Drive and River Street (page 9) – The preliminary analysis supports this road as a viable traffic management option.
- Deliver Ballina SES Headquarters and Construct Lennox Head Rural Fire Service (RFS) Shed at Byron Bay Road (page 10) – Council has endorsed for further investigation the land to the south of the existing SES building, as a possible site for expansion of the building, and the tender for the RFS shed is reported to the April 2021 Ordinary meeting.
- Implement management plans for Killen and Tosha Falls (page 15) – The 2020/21 program of works has been completed.
- Implement Lake Ainsworth Coastal Management Plan (page 16) – Council has been successful in obtaining grant funding of \$250,000 for the implementation of actions in this CMP.
- Implement Public Art Program (page 17) – The community has been actively involved in a number of public art projects.
- Examine planning options to expedite the delivery of commercial and retail shops in the Ballina Heights Estate (page 21) – Council has approved the advancement of LEP amendment to help progress this proposal.

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

Service Indicators Summary - By Division and Number

Division / Status	C&C	Civil	PEH	Total
Green	35	16	19	70
Amber	8	5	6	19
Red	5	0	6	11
Total	48	21	31	100

Service Delivery Indicators Summary - By Percentage

Division / Status	C&C	Civil	PEH	Total
Green	73	76	61	70
Amber	17	24	19	19
Red	10	0	19	11
Total	100	100	100	100

The primary purposes of the 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:

- Number of passengers for Airport (page 24) – After dropping to a cumulative 12 month figure of 370,900 for the September quarter the cumulative 12 month figure to March 2021 is 444,819.
- Facilities Management (pages 26 - 29) – Recent figures are showing increased demand for use of the Council facilities, albeit many are still trending below the original targets for 2020/21.
- Development Services (pages 36 - 37) – Processing times are continuing to be below the preferred targets although some areas have improved. This is a reflection of the high volume of applications, as well as assessment staff having to dedicate a significant amount of time in respect to court cases (i.e. Intrapac developer contributions for Skennars Head, 404 Old Byron Bay Road, Tuckombil Lane etc). The next update on legal cases is scheduled for the May 2021 Ordinary meeting.

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 2020/21 Operational Plan.

9.9 Delivery Program and Operational Plan - 31 March 2021 Review

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 and varied activities undertaken by Council.

RECOMMENDATION

That Council notes the contents of this report on the quarterly review of the 2020/21 to 2023/24 Delivery Program and 2020/21 Operational Plan.

Attachment(s)

1. Delivery Program and Operational Plan Quarterly Review - 31 March 2021
(Under separate cover)

9.10 Capital Expenditure Program - 31 March 2021 Review

9.10 Capital Expenditure Program - 31 March 2021 Review

Section Governance

Objective To provide an update on the implementation of the 2021/21 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 third report for 2020/21 and outlines work undertaken to 31 March 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 2020/21 Estimate - Represents the original 2020/21 estimate as per the adopted Operational Plan.
- Carry Forwards - Includes budgets carried forward from the previous financial year, approved by Council at the August 2020 Ordinary meeting.
- Approved Variations – Other variations approved by Council, either through a Quarterly Budget Review, or a separate report on a project.
- New Variations – Additional variations recommended as part of this report.
- 2020/21 Estimate - Sum of the original estimate plus variations.
- Expended This Year - Expenditure to 31 March 2021 on a cash basis. This figure excludes commitments and accruals.
- % Expended - Percentage of budget expended to 31 March 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.

9.10 Capital Expenditure Program - 31 March 2021 Review

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

Open Spaces (attachment one)

Wollongbar Skate Park and District Park – The Skate Park component is largely completed and construction has commenced on the District Park.

In respect to the final budget for this project, the tender report to the November 2020 Ordinary meeting, identified that the tenders were in excess of the estimate, and there was a need to confirm the budget variations based on the final contract.

This report includes savings from the amenities projects (Wardell and Kerr Street) transferred to the District Park (\$130,000). The total scope of the works is now \$440,000 for the Skate Park (2020/21), \$903,000 for the District Park (2020/21) and the draft Long Term Financial Plan for 2021/22, includes another \$465,000 in funding for the District Park, resulting in a total project cost of \$1,808,000.

This project has been largely funded from Council's Community Infrastructure Reserve, however the project is identified in Council's Open Spaces Developer Contributions Plan, with an apportionment of 100% to development. This means that as Council collects developer contributions, the Community Infrastructure Reserve can be reimbursed for the Council funding contributed to the works.

Various Shelters and BBQs – This project is funded from the Federal Government's Local Roads and Community Infrastructure (LRCI) grant program, with Council receiving \$880,000 in round one and \$1,760,000 in round two. Round one funds need to be expended by 30 June 2021 and round two by 31 December 2021.

Throughout this report, and the attachments, a number of LRCI round two projects, or part thereof, are deferred to 2021/22, as currently the total funding is in 2020/21. It is not possible to expend all the funds this financial year, as the round two funding was only confirmed in January / February 2021. Therefore the report recommends, in a number of areas, for the round two funds to be transferred to 2021/22 or spread between 2020/21 and 2021/22. \$100,000 of the \$175,000 for Shelters and BBQs is deferred to 2021/22.

Ross Park - \$150,000 deferred to 2021/22 due to delays in approvals.

EPIQ Sports Fields – The lighting has been completed and the construction of the amenities, which is being undertaken by the developer, and is not shown in Council's capital expenditure program, is well progressed.

Public Amenities – Wardell and Kerr Street completed well under budget by Council trades staff. The savings have been transferred to the Wollongbar District Park. \$150,000 is deferred to 2021/22 for LRCI related works.

Public and Environmental Health (attachment one)

Shaws Bay Coastal Management Program – Project largely complete for this year, with expenditure still to be incurred on the transport and disposal of the contaminated dredge material.

Commercial Services (attachment two)

Airport - Runway widening / lengthening – COVID-19 has had a significant impact on the airline industry resulting in a review of airline strategic fleet requirements.

Council staff, through assistance from an airline specialist, have had discussions with CASA and airline industry representatives to gain a thorough understanding of their requirements.

This process has identified that the fleet requirements have changed, removing the need for the widening of the runway.

All other aspects of the \$10m Federal Government grant funding approval, such as strengthening of the runway, construction / replacement of RESA, improvement of lighting and air navigation systems remain.

As a result, staff are currently in discussions with the grant body to explore the option of changing the scope, from widening the runway, to construction of a fifth bay to support the increased need for aircraft parking bays.

Airport – Pilot Activated Light (PAL) – Lighting equipment room improvements have been completed. The lead time for the PAL equipment is slow due to the equipment being sourced from overseas, therefore part of the funding is deferred to 2021/22.

Airport – Passenger Screening – Similar to the previous item, the X-ray scanning equipment is scheduled for installation during May, however the installation of the body scanner equipment is delayed, pending the required modifications to the terminal, resulting in part of the funding being deferred to 2021/22.

Airport – Car Park, Solar and Boom Gates - Concept designs have been confirmed and detailed designs are now being developed, with a focus on minimising project costs by utilising as much of the existing infrastructure as possible. Based on current cash flows \$200,000 is recommended for deferral to 2021/22.

Flat Rock – Works completed and surplus funds transferred back to reserve.

Wollongbar Urban Expansion Area – Stage 3 – The tender for construction of the residential lots was approved at the November 2020 Ordinary meeting. Due to significant periods of wet weather an amount of \$2.4m is recommended for deferral to 2021/22.

Henderson Land – Infrastructure Contribution – This contribution to the adjoining property owners for shared infrastructure is likely to be paid in 2021/22.

Facilities Management (attachment two)

Lennox Head Cultural Centre (LHCC) – Project completed and centre operational with savings transferred back to the Community Infrastructure Reserve.

Depot – The tender for the workshop is reported to the April 2021 Ordinary meeting, with the tender price allowing the project scope to include improvements to the electricity supply and roof. Based on forecast cash flows \$400,000 is deferred to 2021/22.

Asset Management and Emergency Services (attachment three)

Lennox Head Rural Fire Service Shed – The existing house on the new site has been demolished and removed. Tender for design and construction submitted to the April 2021 Ordinary meeting.

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

Water and Wastewater Operations (attachments four and five)

Water Operations – There are some relatively minor adjustments to the main renewal works, with the one major adjustment being a deferral of \$500,000 to 2021/22 for the Marom Creek Treatment Plant upgrade, with the planning consent taking longer than originally anticipated.

Wastewater Operations – The major variations are for:

- Seamist Place, Lennox Head Rising Main Renewal Works - \$200,000 deferred to 2021/22 as planning consent has not been issued
- Treatment Plant – Ballina – Rectification – Contract negotiations for the approved supplier are close to being finalised. Based on the forecast cash flows \$800,000 is deferred to 2021/22.
- Treatment Plant - Lennox Head – High Lift Switchboard – Based on the forecast work plan, \$200,000 is deferred to 2021/22.
- Recycled Water – West Ballina – State Government approvals are delaying this project resulting in a deferral of \$300,000 to 2021/22.

Engineering Works (attachment six)

Roads and Bridges

A number of adjustments have been identified, particularly relating to projects delayed by wet weather, LRCI funded works, and certain works requiring cultural approvals for Lennox Head. Items of note include:

Carrs Bridge – There has been a relatively significant variation to this project due to a substantial increase in the piling needed for the works.

9.10 Capital Expenditure Program - 31 March 2021 Review

Airport Boulevard – Contractor has commenced work with \$1m recommended for transfer to 2021/22 based on wet weather delays.

River Street – Four Laning (Stage 2) – Burns Point Ferry Road to Barlows Road has commenced with \$1m recommended for transfer to 2021/22.

Ancillary Transport Services - Shared Paths and Footpaths

Primarily LRCI funded projects and the two footpath projects requiring a Cultural Heritage assessment are recommended for deferral to 2021/22.

Summary

There continues to be a large program of capital works scheduled for 2020/21 with almost \$20 expended on a cash basis to date, out of a total revised budget of approximately \$41m, as per the following summary.

Capital Works Summary – 31 March 2021 (\$'000)

Section	Budget (\$)	Cash Expenditure (\$)	Percentage Expended
Open Spaces	3,878,000	1,951,300	50%
Strategic Planning	234,000	204,400	87%
Public and Env Heath	1,232,000	1,060,100	86%
Commercial Services	3,432,000	888,000	26%
Facilities Management	4,713,900	2,147,300	46%
Asset Mgmt and Emergency Services	360,000	139,600	39%
Resource Recovery	530,000	58,300	11%
Water Operations	2,643,000	1,988,500	75%
Wastewater Operations	3,602,200	1,834,700	51%
Engineering Works	20,339,500	9,189,300	45%
Total	40,964,600	19,461,500	48%

A number of external contracts have been let, or are in the process of being let as tenders reported to the April 2021 Ordinary meeting.

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

Council is also continuing to secure a number of grant funds for additional works and this then results in an ever expanding works program.

Delivery Program Strategy / Operational Plan Activity

The Operational Plan includes a number of references to infrastructure delivery including

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.

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 the preparation and management of the construction work.

Options

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

RECOMMENDATIONS

1. That Council notes the contents of this report on the Capital Expenditure Program for the 2020/21 financial year.
2. That Council approves the following 2020/21 budget amendments as outlined in the attachments to this report:

Item	Current Budget	Variation	Revised Budget	Comment
Open Spaces				
Wollongbar District Park	773,000	130,000	903,000	Transfer from Amenities
Various Shelters and BBQs	175,000	(100,000)	75,000	LRCI - Defer to 2021/22
Ross Park, Lennox Head	400,000	(150,000)	250,000	Defer to 2021/22
Sports Fields – Improvements	261,000	(261,000)	0	LRCI - Defer to 2021/22
Public Amenities – Various	180,000	(100,000)	80,000	LRCI - Defer to 2021/22
Public Amenities – Regatta Ave	50,000	(50,000)	0	LRCI - Defer to 2021/22
Public Amenities – Wardell	160,000	(100,000)	60,000	Transferred to District Park
Public Amenities – Kerr St	139,000	(30,000)	109,000	Transferred to District Park
Total – Open Spaces	2,138,000	(661,000)	1,477,000	
Public and Environmental Health				
Rangers Equipment	20,000	(8,000)	12,000	Working capital saving
Commercial Services (Airport)				
Runway Widening / Lengthening	500,000	(300,000)	200,000	Defer to 2021/22
Pilot Activated Light	315,000	(165,000)	150,000	Defer to 2021/22
Passenger Screening	405,000	(200,000)	205,000	Defer to 2021/22
Car Park, Solar, Boom Gates	500,000	(200,000)	300,000	Defer to 2021/22
Commercial Services (Flat Rock)				
Flat Rock - Miscellaneous	55,000	(30,000)	25,000	Transfer back to Reserve
Commercial Services (Property)				
WUEA – Stage Three	4,400,000	(2,400,000)	2,000,000	Defer to 2021/22
54 North Creek Road	12,000	5,000	17,000	Trans from Prop Dev Res
Henderson Land - Contribution	200,000	(200,000)	0	Defer to 2021/22
Total – Commercial Services	6,387,000	(3,490,000)	2,897,000	
Facilities Management (Community Facilities)				
Lennox Head Cultural Centre	752,400	(51,000)	701,400	Trans to Comm Infr Reserve
Halls – Various	157,000	(157,000)	0	LRCI - Defer to 2021/22
Wigmore Hall – Painting etc	14,000	(14,000)	0	Defer to 2021/22
Facilities Management (Depot and Admin Centre)				
Depot – Workshop	681,000	(400,000)	281,000	Defer to 2021/22

9.10 Capital Expenditure Program - 31 March 2021 Review

Item	Current Budget	Variation	Revised Budget	Comment
Admin Centre - Foyer	75,000	(75,000)	0	LRCI - Defer to 2021/22
Total – Facilities Management	1,679,400	(697,000)	982,400	
Water Operations				
Main Renewal – Recurrent	12,000	14,000	26,000	Transfer from reserve
Main Renewal – High / Park St	206,000	52,000	258,000	Transfer from reserve
Main Renewal – Suvla Street	40,000	80,000	120,000	Transfer from reserve
Treatment Plant – Marom Creek	520,000	(500,000)	20,000	Defer to 2021/22
Total – Water Operations	778,000	(354,000)	424,000	
Wastewater Operations				
Main Renewal – Recurrent	325,000	50,000	375,000	Transfer from reserves
Main Renewal – Seamist	226,000	(200,000)	26,000	Defer to 2021/22
Pump Stns – Montwood Drive	212,000	(70,000)	142,000	Transfer to reserve
Pump Stns – Renewals	138,400	(90,000)	48,400	Transfer to reserve
Pump Stns – Skennars / Tara	0	12,000	12,000	Transfer from Wet Well
Pump Stns – Wet Well Relining	150,000	(12,000)	138,000	Transfer to Skennars / Tara
Treatment – Ballina Rectification	1,000,000	(800,000)	200,000	Defer to 2021/22
Treatment – Lennox High Lift	300,000	(200,000)	100,000	Defer to 2021/22
Recycled Water – West Ballina	325,000	(300,000)	25,000	Defer to 2021/22
Total – Wastewater Operations	2,676,400	(1,610,000)	1,066,400	
Engineering Works (Roads and Bridges)				
Carrs Bridge	173,000	232,500	405,500	Transfer from Bridges/Sandy
Bridges – Other	112,500	(112,500)	0	Transfer to Carrs Bridge
Airport Boulevard	4,256,000	(1,000,000)	3,256,000	Defer to 2021/22
River Street – Four Laning – 2	2,807,000	(1,000,000)	1,807,000	Defer to 2021/22
Bagotville Road – Segment 50	120,000	(20,000)	100,000	Transfer to Pimlico Road
Ballina Bypass	146,000	(140,000)	6,000	Transfer to Internal Reserve
Tintenbar to Ewingsdale Bypass	106,000	(50,000)	56,000	Transfer to Internal Reserve
Sandy Flat Dust Seal	120,000	(120,000)	0	Transfer to Carrs Bridge
Simmons Street - Segment 20	150,000	(150,000)	0	Defer to 2021/22
Regatta Avenue	181,000	44,000	225,000	Transfer from Martin Street
Pimlico Road – Segs 110 and 20	100,000	20,000	120,000	Transfer from Bagotville
Fawcett Street – Segment 10	89,000	(89,000)	0	Defer to 2021/22
Martin Street – Segment 10	346,000	(44,000)	302,000	Transfer to Regatta Avenue
South Ballina Beach – Seg 60	220,000	(170,000)	50,000	Transfer to Fernleigh Road
Alstonville Bypass	100,000	12,000	112,000	Trans from Internal Reserve
Local Road Haulage	251,600	(214,600)	37,000	Trans to Handover Projects
Safer Rds – Byron Bay / Ross	250,000	(100,000)	150,000	Defer to 2021/22
Safer Rds – Kerr / Bentinck	100,000	(50,000)	50,000	Defer to 2021/22
Fernleigh Road – Segment 80	183,000	170,000	353,000	Trans from South Ballina Bch
River Drive – Segments 10 to 30	290,000	(280,000)	10,000	Defer to 2021/22
Wardell / Ballina – Back Channel	40,000	3,000	43,000	Trans from Local Haulage
Wardell / Ballina – Mass Haul	53,800	(21,400)	32,400	Trans from Local Haulage
Wardell / Ballina – Back Channel	0	157,000	157,000	Trans from Local Haulage
Wardell / Ballina – Lumleys	0	76,000	76,000	Trans from Local Haulage
Lanes Upgrades	226,000	(226,000)	0	LRCI - Defer to 2021/22
Total – Roads and Bridges	10,420,900	(3,073,000)	7,347,900	
Engineering Works (Ancillary Services)				
Car Park – Missingham	50,000	(50,000)	0	LRCI - Defer to 2021/22
Car Park – Serpentine	50,000	(50,000)	0	LRCI - Defer to 2021/22

9.10 Capital Expenditure Program - 31 March 2021 Review

Item	Current Budget	Variation	Revised Budget	Comment
Coastal Walk – Structures	140,000	(120,000)	20,000	LRCI - Defer to 2021/22
Lighthouse Parade - Bollards	103,000	108,000	211,000	Extra Grant Income
Paths – Greenwood Place	54,000	(54,000)	0	Defer to 2021/22
Paths – Banksia Avenue	32,000	(32,000)	0	Defer to 2021/22
Paths - Grandview Street	70,000	(70,000)	0	LRCI – Defer to 2021/22
Total – Ancillary Services	499,000	(268,000)	231,000	

Attachment(s)

1. Planning and Environmental Health Division
2. Corporate and Community Division
3. Asset Management, Emergency Services and Resource Recovery
4. Water Operations
5. Wastewater Operations
6. Engineering Works

10.1 Crown Land Acquisition - Lighthouse Parade, East Ballina

10. Civil Services Division Reports

10.1 Crown Land Acquisition - Lighthouse Parade, East Ballina

Section	Infrastructure Planning
Objective	To obtain Council approval for the acquisition of Crown Land for road over the existing Lighthouse Parade at East Ballina

Background

Lighthouse Parade, East Ballina was constructed in conjunction with the Crown subdivision of Shaws Bay in the 1970's. The roadway (eg: bitumen, kerb and gutter, footpath) appears typical of any local road, however the roadway is located on Crown land and is not a dedicated public road.

This report seeks Council approval to acquire the Crown land to ensure the road that is used by the public and maintained by Council is on land dedicated as road.

A location diagram provide as Attachment 1.

Key Issues

- Acquisition of Crown Land

Discussion

Lighthouse Parade is located on Crown land identified as Lot 3 DP1197191 and Lot 7025 DP1064241 at East Ballina. These lots include the existing Lighthouse Parade, Lighthouse Beach, open space and car parking areas which are enjoyed by the public and maintained by council.

Lighthouse Parade provides a valuable link in the road network along with providing vehicle and pedestrian access to Lighthouse Beach, North Wall, Marine Rescue building and other public locations.

The reasons for having this land as public road is to ensure public road access and to enable Council to undertake routine maintenance and improvement works on the road without requiring approvals from the Crown or other agencies.

Current examples of unnecessary delays relate to the installation of street lighting, the provision of pedestrian safety works and water infrastructure works along Lighthouse Parade. If the land was public road, these projects could be undertaken with minimal delay.

The proposal is to acquire sufficient land to contain the existing road formation, verge, parking and footpath areas.

10.1 Crown Land Acquisition - Lighthouse Parade, East Ballina

It is anticipated a road reserve 30m wide will be required and the area to be acquired is approximately 1.55ha.

The acquisition of Crown land follows a statutory process under the Land Acquisition (Just Terms Compensation) Act 1991.

The Council is required to submit a request for compulsory acquisition to the Minister and Governor through the Office of Local Government.

If approval is granted, then consent to issue acquisition notices upon the Crown, and any other party that may have an interest in the land, can be made.

To establish if Native Title exists or Aboriginal Land Claims are applicable, the acquisition notices are also served on the respective agencies.

Delivery Program Strategy / Operational Plan Activity

This project is not identified in Council's Delivery Program, however it is consistent with Strategy PE3.3 to deliver infrastructure that supports residential living.

Community Consultation Policy

This report is for land acquisition only and as no works are proposed, the project will have no impact on residents or users of the existing infrastructure.

The acquisition process, if approved, requires notices to be issued to land owners and other respective agencies.

Financial / Risk Considerations

The acquisition of this section of Crown land is not linked to existing projects or funding source.

This proposal seeks to improve the management arrangements for the land and does not propose any actual change to the use. Therefore it would be reasonable for the Crown to dispose of the land to Council at no cost to Council.

Representations to the Crown, in this regard, have not been made at this point time because it is expected the Crown would require the documentation of a valuation even if the disposal option is able to be negotiated. The valuation of Crown land is undertaken by the Valuer General.

This monetary amount can form the basis of any agreement on land value that is finally negotiated between government and Council.

It is possible the cost of the transfer will exceed the benefits. Therefore the purpose of this report is to seek Council's support to move to the next stage which is to obtain a valuation and commence negotiation with the Crown.

Funding and approval can be considered later if a reasonable cost outcome can be achieved.

It is intended that the acquired land is to be dedicated as public road.

Options

1. That Council supports the request for land acquisition procedures to commence to enable the acquisition of Crown land for road reserve to contain the existing Lighthouse Parade. The proposal affects part of Lot 3 DP1197191 and Lot 7025 DP1064241.

The recommendation to Council is for this option with approval for the acquisition of Crown land to commence.

2. That Council opposes the request for the Crown land to be acquired.

In this case the status quo remains and Council will maintain the existing roadway and continue to experience the inefficiencies with managing this section of roadway.

RECOMMENDATIONS

1. That Council resolves to compulsorily acquire Crown land for Lighthouse Parade, East Ballina in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the Local Government Act 1993. The affected land is part of Lot 3 DP1197191 and Lot 7025 DP1064241.
2. That Council resolves to make an application to the Office of Local Government, the Minister and the Governor for the approval of the compulsory acquisition (by agreement) of part of Lot 3 DP1197191 and Lot 7025 DP1064241.
3. That Council authorises the General Manager to conduct negotiations with NSW Department of Planning, Industry and Environment (DPIE) – Crown Lands to acquire part of Lot 3 DP1197191 and Lot 7025 DP1064241.
4. A further report be presented to Council to assess the outcomes of the costs associated with this proposal following the negotiations noted in point 3.
5. That Council approves the use of the Council seal on any documents associated with the acquisition of part of Lot 3 DP1197191 and Lot 7025 DP1064241.
6. That Council notes its intention, upon acquisition of the land, is to dedicate the land as public road.

Attachment(s)

1. Proposed Acquisition Diagram - Lighthouse Parade

10.2 Crown Land Acquisition - River Street, West Ballina and Fishery Creek

10.2 Crown Land Acquisition - River Street, West Ballina and Fishery Creek

Section Infrastructure Planning

Objective To obtain Council approval for the acquisition of Crown Land as part of the River Street duplication project.

Background

The River Street duplication project requires the acquisition of Crown Land to facilitate the new bridge over Fishery Creek, Ballina.

Council has previously resolved to progress with the River Street duplication project at the 23 January 2020 Ordinary meeting.

The River Street works are contained within the existing road reserve except for the land required for the bridge approach on the western side of Fishery Creek and part of Fishery Creek which will contain the new bridge.

A location diagram is include as Attachment 1.

Key Issues

- Acquisition of Crown land

Discussion

The land required for the proposed bridge and approaches is currently Crown land identified as part of the bed of Fishery Creek, lot 458 and part of lot 459 DP 728654.

The land acquisition is over Crown land and no private land is affected.

The area of land to be acquired will be determined from the final road and bridge designs and then confirmed by survey.

The estimated areas are:

- 1,123 m² (Lot 458 DP 728654)
- 4,200 m² (part of Lot 459 DP 728654)
- 2,300 m² (part of Fishery Creek)

It is intended that the acquired land is to be dedicated as public road.

The existing boat ramp parking area will be affected by the acquisition. Some existing parking spaces adjacent to River Street will be removed and the existing pontoon may require a shift southwards (closer) to the boat ramp.

The existing boat ramp is to remain as is and should be available for public use during the bridge construction period depending upon construction exclusion zones which may be required.

10.2 Crown Land Acquisition - River Street, West Ballina and Fishery Creek

The acquisition of Crown land follows a statutory process under the Land Acquisition (Just Terms Compensation) Act 1991.

The Council is required to submit a request for compulsory acquisition to the Minister and Governor through the Office of Local Government.

If approval is granted, then consent to issue acquisition notices upon the Crown, and any other party that may have an interest in the land, can be made.

To establish if Native Title exists or Aboriginal Land Claims are applicable, the acquisition notices are also served on the respective agencies.

Delivery Program Strategy / Operational Plan Activity

Strategy PE3.3 in Council's Delivery Program is to deliver infrastructure that supports residential living. Under this strategy there is an Operational Plan activity PE3.3c – "Progress dual laning of River Street".

Community Consultation Policy

The River Street dual laning project has been through a community consultation phase over the last two years with exhibition of the concept and then construction plans, along with two public information sessions.

Public submissions have been received on a number of occasions during this period.

The submissions presented to the 23 January 2020 Ordinary meeting raised the boat launching facility car park as being impacted by the bridge approach.

The response in the report was that the detailed design will need to ensure the encroachment on the car parking area is minimised and the resulting car park configuration is compatible with the objectives of the Ballina Marina Master Plan.

There will be impacts during the construction phase for anyone travelling between Ballina Island and West Ballina as a pedestrian or in a motor vehicle and for maritime vessels using Fishery Creek.

Further community consultation will be undertaken prior to and during the construction phases.

Financial / Risk Considerations

Council has included the River Street dual laning project in the Long Term Financial Plan.

The River Street dual laning project has costs for the new bridge which includes land acquisitions.

These costs are estimates only at this stage and property valuations will be obtained as part of the acquisition process.

Options

1. That Council supports the request for land acquisition procedures to commence to enable the acquisition of Crown land as part of the River Street dual laning project. The affected lands are part of the bed of Fishery Creek, lot 458 and part of lot 459 DP 728654.

The recommendation to Council is for this option with approval for the acquisition of Crown land to commence. This is consistent with the River Street dual laning project approval and necessary for the River Street dual laning project.

2. That Council opposes the request for the Crown land to be acquired. There are no benefits for the River Street dual laning project associated with this option.

RECOMMENDATIONS

1. That Council resolves to compulsorily acquire Crown land as part of the River Street dual laning project in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the Local Government Act 1993. The affected lands are part of the bed of Fishery Creek, lot 458 and part of lot 459 DP 728654.
2. That Council resolves to make an application to the Office of Local Government, the Minister and the Governor for the approval of the compulsory acquisition (by agreement) of part of the bed of Fishery Creek, lot 458 and part of lot 459 DP 728654.
3. That Council authorises the General Manager to conduct and finalise negotiations with NSW Department of Planning, Industry and Environment (DPIE) – Crown Lands to acquire part of the bed of Fishery Creek, lot 458 and part of lot 459 DP 728654.
4. That Council approves the use of the Council seal on any documents associated with the acquisition of part of the bed of Fishery Creek, lot 458 and part of lot 459 DP 728654.
5. That Council intends, upon acquisition of the land, to dedicate the land as public road.

Attachment(s)

1. Proposed Acquisition Diagram - River Street Four Laning

11.1 Notice of Motion - South Ballina Beach Closure

11. Notices of Motion

11.1 Notice of Motion - South Ballina Beach Closure

Councillor

Cr Williams

I move

That Council write to the NSW Minister for Crown Lands to:

1. Thank the Minister for acting to reduce risk to beach users and limit ongoing environmental degradation to South Ballina Beach.
2. Advise that Ballina Shire Council has not undertaken any community consultation (as defined by Council Policy) regarding usage of South Ballina Beach.
3. Express concern that the decision to close South Ballina Beach to vehicles was taken prior to any community engagement with the local community being undertaken by the Department, in accordance with Departmental Policy.
4. Request the Minister to direct the Department to engage in consultation with local residents to consider modifications to the proposed list of 'Approved Users' that may be authorised to access the beach (for example: people with a disability, seniors, immediate neighbours, licensed wildlife rescuers, members of local fishing clubs).

Councillor Comments

Failure to consult the community undermines respect for both the decision making process and the eventual decision.

Residents of South Ballina and the wider community of beach users deserve the opportunity to formally provide input into the future management of South Ballina Beach.

The words '(excluding approved users)' were specifically added to the Council Resolution of 25 June 2020 to provide a mechanism for limited local usage, in addition to the usual authorised persons.

In August 2020 I attended a meeting of the combined Ballina Shire fishing clubs and assisted with the drafting of a letter to General Manager of Council (copy attached)

Following a reply from the General Manager that the matter was for Crown Lands rather than Council, the letter was forwarded to Crown Lands.

In a follow up phone call to the Crown Lands Office, I was advised that a community engagement plan was being developed and the request would be considered.

11.1 Notice of Motion - South Ballina Beach Closure

Notice of closure

https://www.industry.nsw.gov.au/lands/public/notifications/south-ballina-beach-closed-to-vehicle-access?fbclid=IwAR06IISsfOk2URfgpuW6FEggL_xogAlcqsTITncDEQVNoXirrPbaSQm-W2c

Community Consultation Policy - Ballina Shire Council

<https://ballina.nsw.gov.au/files/Policy%20-%20C14%20Community%20Consultation%20Adopted%20231117.pdf>

Community Engagement Strategy - NSW Crown Lands

<https://www.industry.nsw.gov.au/lands/public/community-engagement-strategy>

Working with local Councils - NSW Crown Lands

https://www.industry.nsw.gov.au/_data/assets/pdf_file/0020/144524/Managing-Crown-lands-an-update-for-local-councils-September-2017.pdf?fbclid=IwAR255Nkxu4ykQxTRxfS6sS6hRCwIN4OonxEWgGrT7P-gVKEO4z1KpZKvV2s

The above documents clearly show that community engagement regarding a significant change to the use of the Crown Reserve should be undertaken by Crown Lands.

COUNCILLOR RECOMMENDATION

That Council write to the NSW Minister for Crown Lands to:

1. Thank the Minister for acting to reduce risk to beach users and limit ongoing environmental degradation to South Ballina Beach.
2. Advise that Ballina Shire Council has not undertaken any community consultation (as defined by Council Policy) regarding usage of South Ballina Beach.
3. Express concern that the decision to close South Ballina Beach to vehicles was taken prior to any community engagement with the local community being undertaken by the Department, in accordance with Departmental Policy.
4. Request the Minister to direct the Department to engage in consultation with local residents to consider modifications to the proposed list of 'Approved Users' that may be authorised to access the beach (for example: people with a disability, seniors, immediate neighbours, licensed wildlife rescuers, members of local fishing clubs).

Attachment(s)

1. Letter to Council dated 18 August 2020

12. Advisory Committee Minutes

12.1 Finance Committee Minutes - 7 April 2021

Attendance

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

Paul Hickey (General Manager), John Truman (Director, Civil Services Division), Matthew Wood (Director, Planning and Environmental Health Division) (via Zoom), Kelly Brown (Director, Corporate and Community Division), Linda Coulter (Manager Financial Services), Caroline Klose (Manager Communications), Lee Mathers (Coordinator Northern Rivers Community Gallery) and Sandra Bailey (Secretary) were in attendance.

There was one person in the gallery at this time.

1. Apologies

An apology was received from Cr Jeff Johnson.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Nathan Willis)

That such apology be accepted and leave of absence granted.

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

2. Declarations of Interest

- **Cr Sharon Cadwallader** – declared an interest in Item 4.3 – Debtors Write-offs. (Nature of Interest: non significant, non pecuniary – one of the attachments includes a letter from Ballina Seagulls which mentions a donation by Lion Nathan - her daughter works for Lion Nathan). She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Sharon Cadwallader** – declared an interest in Item 4.4 – Fees and Charges – 2021/22 and in particular to fees for wedding bookings. (Nature of Interest: non significant, non pecuniary – she is a wedding celebrant). She will be remaining in the meeting while the matter is discussed and voting on the matter.

3. Deputations

- **Mark Turner, Treasurer, Seagulls Rugby League Club** – spoke in relation to Item 4.3 – Debtor Write-offs.

4. Committee Reports

4.3 Debtor Write-offs

A **Motion** was moved by Cr Phillip Meehan and seconded by Cr Sharon Cadwallader

1. That Council notes that matter one, relating to excess water charges, is the subject of a confidential report in this agenda, as it relates to the personal hardship of a residential ratepayer.
2. That matter two be deferred for further information in respect to the non for profit status of the Rugby League Club.

The **Motion** was **LOST**.

FOR VOTE - Cr Phillip Meehan, Cr Eoin Johnston, Cr Keith Williams and Cr Sharon Cadwallader

AGAINST VOTE - Cr David Wright, Cr Sharon Parry, Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Jeff Johnson

RECOMMENDATION

(Cr Ben Smith/Cr Nathan Willis)

1. That Council notes that matter one, relating to excess water charges, is the subject of a confidential report in this agenda, as it relates to the personal hardship of a residential ratepayer
- 1.
2. That in respect to matter two, being the rates and charges arrears for the Ballina Seagulls Rugby League Football Club Ltd, Council approves a write-off of interest charges only, being \$92.24 for Assessment 109210, with the General Manager authorised to provide the Club with the opportunity to enter into a suitable payment plan.
- 2.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Stephen McCarthy, Cr Nathan Willis, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan, Cr Eoin Johnston and Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Jeff Johnson

4.1 Northern Rivers Wildlife Hospital - Reimbursement

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council authorises the General Manager to reimburse fees for the Northern Rivers Wildlife Hospital, relating to DA 2021/185, with a total value of \$2,490, as detailed within this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

4.2 Specialised Resource Recovery Facility - Project Update

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of this report in respect to the project update for the proposed Specialised Resource Recovery Facility at the Waste Management and Resource Recovery Centre.

Cr Phillip Meehan left the meeting at 04:40 pm.

FOR VOTE - All Councillors voted unanimously.

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

4.4 Fees and Charges - 2021/22

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That, as part of the exhibition of the 2021/22 Operational Plan, Council approves the exhibition of the draft schedule of fees and charges for 2021/22, as per Attachment 1 to this report, including any amendments resulting from this meeting.
2. That Council receive a report modelling an increase in fees and charges for planning to assist in funding additional resources.

Cr Phillip Meehan returned to the meeting at 04:43 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

4.5 Rating Structure - 2021/22

RECOMMENDATION

(Cr Ben Smith/Cr Nathan Willis)

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

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

4.6 Northern Rivers Community Gallery - Creative Action Plan and Direction

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Phillip Meehan)

1. That Council notes the contents of this report relating to the strategic future of NRCG operations and funding options.
2. That Council endorses the public exhibition of the draft Creative Action Plan, as presented in Attachment 5 to this report.
3. That Council endorses the inclusion of a part time public programs officer (creative producer) for the NRCG as outlined in this report in the 2021/22 workforce plan, subject to points four and five.
4. That Council approves withdrawal of the \$23,000 annual Regional Arts Network contribution and redirection of the contribution towards resourcing of the NRCG (through the employment of a part time public programs officer as set out in point 3).

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5. That the net additional operating cost of the new position in point three, is to be funded from savings in operating costs across the organisation, with those savings to be reported back to Council at the June 2021 Ordinary meeting, as part of the adoption of the 2021/22 Operational Plan and Delivery Program.

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

4.7 Workforce Management Plan - 2021/22 to 2024/25

RECOMMENDATION

(Cr Keith Williams/Cr Nathan Willis)

1. That Council approves the exhibition of the draft Workforce Management Plan 2021/22 to 2024/25, as per Attachment 1 to this report.
2. That subject to the adoption of that document, Council authorises the General Manager to proceed with the recruitment of the positions identified as funded.
3. That Council authorises an amendment to the Wastewater Plant Replacement Program, to allow the inclusion of the purchase of an additional item, being a tipper truck, estimated at \$250,000, funded from Wastewater Reserves.

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

4.8 General Fund - Long Term Financial Plan

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council approves the exhibition of the draft Long Term Financial Plan, as per Attachment 1 to this report, including any amendments arising from this meeting.

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

4.9 Community Infrastructure Projects - Recurrent Expenditure

RECOMMENDATION

(Cr Ben Smith/Cr Nathan Willis)

That Council approves the inclusion of the recurrent capital expenditure priorities, as outlined in this report, in the draft 2021/22 to 2024/25 Delivery Program and Operational Plan.

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

A **Motion** was moved by Cr Ben Smith and seconded by Cr Nathan Willis

That Council transfer the footpath works for Rifle Range Road, Wollongbar, to 2021/22, with the works intended to be carried out under the Bike Plan in Eyles Drive/John Sharpe Street deferred until 2022/23.

The **Motion** was **LOST**.

FOR VOTE - Cr Eoin Johnston, Cr Nathan Willis and Cr Ben Smith
AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Stephen McCarthy, Cr Keith Williams and Cr Sharon Cadwallader
ABSENT. DID NOT VOTE - Cr Jeff Johnson

4.10 Community Infrastructure Projects - Non-recurrent Expenditure

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this update on non-recurrent community infrastructure projects.

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

4.11 Delivery Program and Operational Plan 2021/22 to 2024/25 - Exhibition

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council approves the exhibition of the draft Delivery Program and Operational Plan, as per Attachment 1 to this report, subject to any changes arising from this meeting.

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

5. Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Sharon Parry)

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

5.1 Debtor Write-off - Confidential

Reason for Confidentiality

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

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b) the personal hardship of any resident or ratepayer

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the discussion on the report will be in relation to the personal and private circumstances of the resident ratepayer.

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

(The Committee moved into Confidential Session at 6.24pm).

Open Council

RECOMMENDATION

(Cr Sharon Parry/Cr Ben Smith)

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

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

(The Committee moved into Open Council at 6.30pm).

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

5.1 Debtor Write-off – Confidential

A **Motion** was moved by Cr Ben Smith and seconded by Cr Sharon Cadwallader

1. That Council approves a 50% write-off, for part excess water consumption for Assessment 115512, due to the owner's personal hardship and it is likely that any attempt to recover this amount would not be cost effective.
2. That the General Manager provide the owner an opportunity to enter into a suitable payment plan for the remaining debt, and failing that, proceed with formal debt recovery action.

An **Amendment** was moved by Cr Nathan Willis and seconded by Cr Sharon Parry

That Council write off 100% of the excess water consumption for Assessment 115512, due to the owner's personal hardship and it is likely that any attempt to recover this amount would not be cost effective.

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

FOR VOTE - Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader
AGAINST VOTE - Cr David Wright, Cr Phillip Meehan and Cr Ben Smith
ABSENT. DID NOT VOTE - Cr Jeff Johnson

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

FOR VOTE - Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith
AGAINST VOTE - Cr David Wright and Cr Phillip Meehan
ABSENT. DID NOT VOTE - Cr Jeff Johnson

RECOMMENDATION

(Cr Nathan Willis/Cr Sharon Parry)

That Council write off the excess water consumption for Assessment 115512, due to the owner's personal hardship and it is likely that any attempt to recover this amount would not be cost effective.

FOR VOTE - Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith
AGAINST VOTE - Cr David Wright and Cr Phillip Meehan
ABSENT. DID NOT VOTE - Cr Jeff Johnson

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Sharon Parry)

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

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

MEETING CLOSURE

6.31pm

RECOMMENDATION

That Council confirms the minutes of the Finance Committee meeting held 07 April 2021 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

13.1 Mayoral Meetings

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

13.1 Mayoral Meetings

Councillor David Wright

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

Date	Function
23/3/21	Funeral – Larry Platt – Lennox Head Surf Club
25/3/21	NRCG Gallery Opening
29/3/21	Meeting – Austin Smith – Horizon 5
30/3/21	Kevin Hogan Funding Announcements - Wardell and Pimlico
4/4/21	Commemoration Park Markets
7/4/21	Finance Committee Meeting
9/4/21	Funeral – Lion – Mary Jack
11/4/21	Commemoration Park Markets
12/4/21	HuskeeSwap Launch – 68 Ballina Street Lennox Head
13/4/21	Citizenship Ceremony
14/4/21	Local Traffic Committee
14/4/21	First Aid – Snake Bite – Williams Reserve
15/4/21	Citizen Science – Speaking with the River – Missingham Park
16/4/21	CSPC Meeting
18/4/21	Commemoration Park Markets
18/4/21	Ballina Markets
19/4/21	Briefing – Rous County Council – Alstonville Aquifer
22/4/21	Council Meeting
25/4/21	Commemoration Park Markets
25/4/21	Dawn ANZAC Service – Ballina
25/4/21	Lay ANZAC Wreath – Alstonville
25/4/21	ANZAC Service – Ballina
26/4/21	Tour - Marom Creek Treatment Plant, Quarries
30/4/21	Virtual Meeting – NCEMS – Teams Call

RECOMMENDATION

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

Attachment(s)

Nil

14. Confidential Session

14. Confidential Session

Nil Items