



Notice of Ordinary Meeting

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 24 July 2014 commencing at 9.00 am.**

Business

1. Australian National Anthem
2. Acknowledgement of Country
3. Apologies
4. Confirmation of Minutes
5. Declarations of Interest and Reportable Political Donations
6. Deputations
7. Mayoral Minutes
8. Development and Environmental Health Group Reports
9. Strategic and Community Facilities Group Reports
10. General Manager's Group Reports
11. Civil Services Group Reports
12. Public Question Time
13. Notices of Motion
14. Advisory Committee Minutes
15. Reports from Councillors on Attendance on Council's behalf
16. Questions Without Notice
17. Confidential Session

Paul Hickey
General Manager

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

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. 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.

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.

Public Question Time – Guidelines

A public question time has been set aside during the Ordinary Meetings of the Council. Public Question Time is held at 12.45 pm but may be held earlier if the meeting does not extend to 12.45 pm.

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 agenda for the subject meeting.

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 before other persons with a question will be invited to ask and so on until single questions are all asked and, time permitting, the multiple questions can then be invited and considered.

Recording of the questions will not be verbatim.

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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1. Australian National Anthem
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1. Australian National Anthem

The National Anthem will be performed by Emmanuel College.

2. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

I would like to respectfully acknowledge past and present Bundjalung peoples who are the traditional custodians of the land on which this meeting takes place.

3. Apologies

An apology has been received from Cr Keith Williams.

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 June 2014 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 June 2014.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 DA 2014/19 - Telecommunications Tower 55 Beacon Road Teven

8. Development and Environmental Health Group Reports

8.1 DA 2014/19 - Telecommunications Tower 55 Beacon Road Teven

Applicant	Visionstream Pty Ltd
Property	Lot 103 DP865070, No.55 Beacon Road, Teven
Proposal	To erect a telecommunications (fixed wireless broadband) facility comprising a 30 metre high monopole tower with antennas, compound area, equipment and associated works
Effect of Planning Instrument	The land is zoned 1(b) – Rural (Secondary Agricultural Land) under the provisions of the Ballina LEP 1987.
Locality Plan	The subject land is depicted on the locality plan attached

Introduction

The application is for the erection of a telecommunications facility comprising a 30 metre high monopole tower with antennas, compound area, equipment and associated works. This application is reported to Council for determination given the issues raised in the public submissions. Plans of the proposed telecommunications facility are attached.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

All adjoining land owners and occupants were notified of the proposed development and three submissions were received. A copy of each submission is attached.

The following issues of concern were raised within the submissions.

1. Interpretation of the Table of Predicted Electromagnetic Emissions (EME). Does it mean that the maximum predicted EME level would be 0.029% of the Australian Standard for safe exposure to EMEs?

Comment: Yes, the applicant has calculated that the proposed EME levels are 0.029% of the maximum permitted by the Australian Standard.

2. Is Council able to satisfy itself that the process adopted by the applicant to calculate the predicted EME levels was conducted accurately?

8.1 DA 2014/19 - Telecommunications Tower 55 Beacon Road Teven

Comment: The applicant states that EME exposure levels for this site have been calculated in accordance with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) prediction methodology and report format. There is no evidence to suggest otherwise.

3. As noted by the applicant, there are already three telecommunication towers in the vicinity of the proposed tower. Is Council informed of the cumulative effect of EME levels on surrounding areas from the operation of four towers?

Comment: Whilst the applicant has not provided the exact figure for the cumulative impact of the proposed tower and the three other towers, based on the evidence supplied there would have to be a significant number of towers of a similar impact to reach the maximum safe exposure limits.

4. The applicant has failed to adequately consider co-location. There are three other towers in the vicinity and options such as extending an existing tower in height must be considered.

Comment: The applicant supplied additional information in relation to this matter which demonstrates that the other three towers are not suitable for co-location. This is included as an attachment to this report. (Refer to letter from Visionstream dated 2 April 2014)

5. A number of concerns were raised with the proposal failing to comply with the NSW Telecommunications Facilities Guideline including Broadband 2010.

Comment: These matters are discussed in detail in the following report.

6. The report submitted with the application incorrectly identifies adjacent sites and makes incorrect statements in relation to what sites have existing telecommunication facilities.

Comment: This issue was raised with the applicant who acknowledged the incorrect statements and provided additional information to correct the errors in the report. The additional information supplied correctly identifies neighbouring properties and provides an adequate assessment of co-location feasibility.

7. What measures will be taken to reduce air conditioning noise levels?

Comment: The facility will have an air-conditioning unit installed (similar to a domestic air conditioning unit). With the unit being located approximately 70m to the neighbours house, it is likely that noise will not be a problem however to ensure offensive noise is not created a specific condition will be applied.

8. The report submitted with the proposal states that there will be no visual impact, however no site inspection was made from our property. The proposed site will impact greatly on our property.

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Comment: The proposed facility will have a visual impact on surrounding properties due to the height of the structure and the prominence of the site. The applicant contends that the height of the tower is the minimum required to achieve reasonable coverage and the slim line monopole structure, instead of a lattice tower, will minimize its impact in the landscape. It is also proposed that the monopole will be galvanized steel with a non-reflective grey colour.

9. Obstruction of views from 444 Teven Road

Comment: The subject dwelling at 444 Teven Road has almost 360 degree views of the surrounding area as stated in the submission. The addition of the proposed tower to the south west of the dwelling will impact on views in this direction.

10. The proposed new tower/pole is in direct line with our microwave and radio links back to our site at Tregagle. Besides possible interference that could be caused to our equipment (which the Australian Communications and Media Authority (ACMA) strongly legislate) the proposed new tower/pole would also block not only our signals to Tregagle, but also NSW Fire and Rescue and NSW Ambulance who co-locate on our existing tower.

Comment: This concern was forwarded to the applicant during the assessment of the application for comment. A response was forthcoming which is attached to this report. (Refer to letter from Visionstream dated 2 April 2014)

11. Visionstream dishes/antennas will be on the same horizontal plane as ours, causing a possible OH and S issue for our staff climbing our tower for maintenance or installation.

Comment: This concern was forwarded to the applicant during the assessment of the application for comment. A response was forthcoming which is attached to this report. (Refer to letter from Visionstream dated 2 April 2014)

Report

The proposed development has been assessed under the heads of consideration in Section 79 (C) of the Environmental Planning and Assessment Act 1979. The following matters are of particular relevance in Council's determination of the Application.

State Environmental Planning Policy (Infrastructure) 2007

Clause 115 permits any person to undertake a development for the purposes of telecommunication facilities on any land with consent.

Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines concerning site selection, design, construction or operating principles for telecommunications facilities that are issued by the Director-General for the purposes of this clause and published in the Gazette

NSW Telecommunications Facilities Guideline including Broadband 2010

When considering a development application for a telecommunications facility, Council is to consider the following Principles:

Principle One: A telecommunications facility is to be designed and sited to minimise visual impact.

Specific Principle	Comment
(a) As far as practical, a telecommunications facility that is to be mounted on an existing building or structure should be integrated with the design and appearance of the building or structure.	N/A
(b) The visual impact of telecommunications facilities should be minimised, visual clutter is to be reduced particularly on tops of buildings, and their physical dimensions (including support mounts) should be sympathetic to the scale and height of the building to which it is to be attached, and sympathetic to adjacent buildings.	N/A
(c) Where telecommunications facilities protrude from a building or structure and are predominantly backgrounded against the sky, the facility and their support mounts should be either the same as the prevailing colour of the host building or structure, or a neutral colour such as grey should be used.	N/A
(d) Ancillary facilities associated with the telecommunications facility should be screened or housed, using the same colour as the prevailing background to reduce its visibility, including the use of existing vegetation where available, or new landscaping where possible and practical.	The associated equipment is proposed to be housed within two small sheds and is considered to comply with this principle.
(e) A telecommunications facility should be located and designed to respond appropriately to its rural landscape setting.	The facility has been located to provide maximum coverage for the network; the design is a monopole and not uncommon in a rural setting.
(f) A telecommunications facility located on, or adjacent to, a State or local heritage item or within a heritage conservation area, should be sited and designed with external colours, finishes and scale sympathetic to those of the heritage item or conservation area.	N/A
(g) A telecommunications facility should be located so as to minimise or avoid the obstruction of a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.	No heritage items existing in surrounding locality
(h) The relevant local government authority must be consulted where the pruning, lopping, or removal of any tree or other vegetation would contravene a Tree Preservation Order applying to the land or where a permit or development consent is required.	N/A

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(i) A telecommunications facility that is no longer required is to be removed and the site restored, to a condition that is similar to its condition before the facility was constructed.	N/A
(j) The siting and design of telecommunications facilities should be in accordance with any relevant Industry Design Guides.	The applicant has provided the following justification regarding visual impacts: <i>“A slim line monopole structure has been selected instead of the bulkier lattice tower design. The monopole will be galvanised steel and a non-reflective grey colour. The grey is expected to blend into the background of the site”.</i>

Principle Two: Telecommunications facilities should be co-located wherever practical.

Specific Principle	Comment
(a) Telecommunications lines are to be located, as far as practical, underground or within an existing underground conduit or duct.	N/A
(b) Overhead lines, antennas and ancillary telecommunications facilities should, where practical, be co-located or attached to existing structures such as buildings, public utility structures, poles, towers or other radio communications equipment to minimise the proliferation of telecommunication facilities and unnecessary clutter.	Attached to this report is the applicant's response to co-location.
(c) Towers may be extended for the purposes of co-location.	Attached to this report is the applicant's response to co-location.
(d) The extension of an existing tower must be considered as a practical co-location solution prior to building new towers.	Attached to this report is the applicant's response to co-location.
(e) If a facility is proposed not to be co-located the proponent must demonstrate that co-location is not practicable.	Attached to this report is the applicant's response to co-location.
(f) If the development is for a co-location purpose, then any new telecommunications facility must be designed, installed and operated so that the resultant cumulative levels of radio frequency emissions of the co-located telecommunications facilities are within the maximum human exposure levels set out in the Radiation Protection Standard.	N/A

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Principle Three: Health standards for exposure to radio emissions will be met.

Specific Principle	Comment
(a) A telecommunications facility must be designed, installed and operated so that the maximum human exposure levels to radiofrequency emissions comply with Radiation Protection Standard.	N/A
(b) An EME Environmental Report shall be produced by the proponent of development to which the Mobile Phone Network Code applies in terms of design, siting of facilities and notifications. The Report is to be in the format required by the Australian Radiation Protection Nuclear Safety Agency. It is to show the predicted levels of electromagnetic energy surrounding the development comply with the safety limits imposed by the Australian Communications and Media Authority and the Electromagnetic Radiation Standard, and demonstrate compliance with the Mobile Phone Networks Code.	<p>The applicant has provided the following in relation to this principle:</p> <p><i>“EME exposure limits from this site have been calculated in accordance with the ARPANSA prediction methodology and report format. The report calculates existing and the cumulative predicted EMR from the proposed facility”</i></p> <p>The report is attached for Council's consideration.</p>

Principle Four: Minimise disturbance and risk, and maximise compliance

Specific Principle	Comment
(a) The siting and height of any telecommunications facility must comply with any relevant site and height requirements specified by the <i>Civil Aviation Regulations 1988</i> and the <i>Airports (Protection of Airspace) Regulations 1996</i> of the Commonwealth. It must not penetrate any obstacle limitation surface shown on any relevant Obstacle Limitation Surface Plan that has been prepared by the operator of an aerodrome or airport operating within 30 kilometres of the proposed development and reported to the Civil Aviation Safety Authority Australia.	The application has been referred to CASA and Ballina Airport, suitable conditions of consent have been provided.
(b) The telecommunications facility is not to cause adverse radio frequency interference with any airport, port or Commonwealth Defence navigational or communications equipment, including the Morundah Communication Facility, Riverina.	<p>The applicant has provided the following response in relation to this principle:</p> <p><i>“The facility is designed to create no electrical interference problems with other radio based systems and complies with the relevant Australian Standards”</i></p>
(c) The telecommunications facility and ancillary facilities are to be carried out in accordance with the applicable specifications (if any) of the manufacturers for the installation of such equipment.	Conditions of consent will address this principle.
(d) The telecommunications facility is not to affect the structural integrity of any building on which it is erected.	The proposed facility is not located on or near an existing structure.
(e) The telecommunications facility is to be erected wholly within the boundaries	The proposed facility is located entirely within one property.

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Specific Principle	Comment
of a property where the landowner has agreed to the facility being located on the land.	
(f) The carrying out of construction of the telecommunications facilities must be in accordance with all relevant regulations of the Blue Book – ‘Managing Urban Stormwater: Soils and Construction’ (Landcom 2004), or its replacement.	Conditions of consent will address this principle.
(g) Obstruction or risks to pedestrians or vehicles caused by the location of the facility, construction activity or materials used in construction are to be mitigated.	Conditions of consent will address this principle.
(h) Where practical, work is to be carried out during times that cause minimum disruption to adjoining properties and public access. Hours of work are to be restricted to between 7.00am and 5.00pm, Mondays to Saturdays, with no work on Sundays and public holidays.	Conditions of consent will address this principle.
(i) Traffic control measures are to be taken during construction in accordance with <i>Australian Standard AS1742.3-2002 Manual of uniform traffic control devices – Traffic control devices on roads.</i>	Conditions of consent will address this principle.
(j) Open trenching should be guarded in accordance with <i>Australian Standard Section 93.080 – Road Engineering AS1165 – 1982 – Traffic hazard warning lamps.</i>	Conditions of consent will address this principle.
(k) Disturbance to flora and fauna should be minimised and the land is to be restored to a condition that is similar to its condition before the work was carried out.	No flora or fauna will be impacted upon.
(l) The likelihood of impacting on threatened species and communities should be identified in consultation with relevant state or local government authorities and disturbance to identified species and communities avoided wherever possible.	No flora or fauna will be impacted upon.
(m) The likelihood of harming an Aboriginal Place and / or Aboriginal object should be identified. Approvals from the Department of Environment, Climate Change and Water (DECCW) must be obtained where impact is likely, or Aboriginal objects are found.	There are no aboriginal sites in the surrounding vicinity.
(n) Street furniture, paving or other existing facilities removed or damaged during construction should be reinstated (at the telecommunications carrier’s expense) to at least the same condition as that which existed prior to the telecommunications facility being installed.	Conditions of consent will address this principle.

Ballina Local Environmental Plan 1987 (BLEP 1987)

The subject land upon which the tower is located is zoned 1 (b) Rural (Secondary Agricultural Land) under the provisions of BLEP 1987. Telecommunication facilities are permissible in the zone with consent.

The zone objectives are as follows:

The primary objective is to regulate the subdivision and use of land within this zone:

- (a) to encourage the productive use of the land and enable development ancillary to agricultural land uses, particularly dwelling-houses, rural workers' dwellings and rural industries, and*
- (b) to permit a range of uses which are compatible with the rural character of the land, particularly tourist oriented developments and recreation establishments and recreation facilities, and*

Comment: The proposal does not adversely impact on the productive use of the land and is therefore consistent with (a) above. Whilst the proposal is not necessarily compatible with the rural character of the land, the public benefit from the proposal is considered to outweigh this objective. Telecommunication facilities in rural locations are not uncommon.

The secondary objectives is to ensure that development within the zone:

- (a) maintains the rural character of the locality, and*
- (b) does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services.*

Comment: Rural character is discussed above. Additionally the proposal is not considered to create unreasonable or uneconomic demands on public amenities and services and in fact assists in providing an essential public service to the surrounding community.

The exceptions to these objectives are:

- (a) development of land within the zone for public works and services, outside the parameters specified in the primary and secondary objectives, subject to the impact on agricultural resources being minimised, where practical,*
- (b) development of land for extractive resource purposes, and*
- (c) development of an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings.*

Comment: As discussed above, the proposal does not significantly impact on agricultural resources in the surrounding locality yet provides important infrastructure which will benefit the broader community.

Environmental Impacts and Suitability of the Site

Whilst the proposal is considered to create a visual impact on surrounding properties due to the height of the structure and the prominence of the site, the overall public benefit of the proposal is considered to outweigh these impacts.

The applicant states that:

"It is important to note that the proposed site at Teven has been designed as a Fixed Wireless Hub site. This means that it not only provides the service to the local community around Teven, but also provides an essential connection to adjoining downstream facilities, linking back into the network through North Wardell and Alstonville North. Without the proposed site at Teven other communities cannot link back into this network. From a technical perspective the proposed facility at Teven needs to have a clear line of sight to each adjoining facility and also a sufficient height to provide the NBN service to the local community."

Additional information was supplied by the applicant in relation to co-location and has been provided as an attachment to this report. It is considered that the information supplied adequately demonstrates that co-location is not a feasible option in this instance.

A 'Summary of Estimated RF EME levels' has been submitted by NBNC Co Ltd dated 19/6/13 to address the potential impacts from EME from the proposed facility on nearby residential premises. The report concludes that EME from the proposed facility will be well below the maximum EME level allowed with an output of 0.029% of the ARPANSA public exposure limits anticipated.

A condition could be applied to the consent requiring certification that the EME levels from the facility comply with the ARPANSA public exposure limits and be submitted to Council within three months of the commissioning of the facility.

Overall, whilst the proposal may create visual impacts on the surrounding properties, the site attributes are considered conducive to the development and approval of the proposal is considered to be within the broader public interest.

Conclusion

The application seeks consent for the erection of a telecommunications facility comprising a 30 metre high monopole tower with antennas, compound area, equipment and associated works.

A key issue in relation to the proposal is whether Council should require the applicant to co-locate on one of the other three towers in the surrounding vicinity. It is considered that the applicant has adequately explained why in the circumstances this is not feasible.

The proposal is permissible in the zone and does not impede on the future agricultural use of the land and adjoining lands. The application has been assessed having regard for Section 79C of the Environmental Planning and Assessment Act 1979 and could be supported by Council subject to conditions of consent.

Option One - That Council approves the development application in accordance with the above assessment subject to the attached conditions.

Option Two - That Council refuse the development application, if it is of the opinion that the proposed facility should be required to co-locate.

8.1 DA 2014/19 - Telecommunications Tower 55 Beacon Road Teven

Option one is the recommended approach for the reasons outlined in this report.

RECOMMENDATION

That Development Application 2014/19 for the erection of a telecommunications facility comprising a 30 metre high monopole tower with antennas, compound area, equipment and associated works at 55 Beacon Road, Teven, be **APPROVED** subject to the planning, environmental and engineering conditions attached.

Attachment(s)

1. Locality Plan
2. Plans of Proposal
3. Submissions
4. Additional Information from Applicant 2 April 2014
5. Schedule of Conditions

8.2 DA 2013/446 - 209 and 195 Ballina Road, Alstonville

8.2 DA 2013/446 - 209 and 195 Ballina Road, Alstonville

Applicant	Newton Denny Chapelle
Property	Lot 48 DP 803760 and Lot 1 DP 1008437, No. 209 and 195 Ballina Road, Alstonville
Proposal	To undertake a boundary adjustment subdivision, demolition of existing dwelling house, erection of residential accommodation comprising 20 multi dwelling housing units and associated earthworks, access driveway, services, tree removal and car parking. The development is to be undertaken in a staged manner.
Effect of Planning Instrument	The land is zoned R3 under the provisions of the Ballina LEP 2012
Locality Plan	The subject land is depicted on the locality plan attached

Introduction

Council is in receipt of a Development Application for a staged residential development involving a boundary adjustment subdivision and the erection and strata title subdivision of 14 x three bedroom units, five x two bedroom units and one x one bedroom units. The application is being reported to Council for determination for the following reasons:

- The proposed access from Ballina Road to the subject land is not supported by the Local Traffic Development Committee and Council's Civil Services Group on road safety grounds and therefore does not comply with Clause 7.7 (2) (e) - (Suitable vehicular access) of the Ballina Local Environmental Plan 2012; and
- The issue of road safety in relation to the proposed access from Ballina Road was raised in public submissions received during the exhibition period.

Details of the proposal

The development is proposed to include the following works:

- Boundary adjustment subdivision to transfer 290m² of land from Lot 48 DP 803760 to Lot 1 DP 1008437;
- Demolition of the existing dwelling on Lot 48 DP 803760;
- The staged erection and strata title subdivision of residential accommodation comprising:
 - Multi Dwelling Housing involving 14 x three Bedroom Units (single storey), five x five Bedroom Units and one x one Bedroom Unit (two storey).
 - Associated earthworks, tree removal, car parking and access.

8.2 DA 2013/446 - 209 and 195 Ballina Road, Alstonville

The access to the site is proposed via an existing residential access off Ballina Road that is proposed to be upgraded to cater for the traffic generated by the residential development.

The vegetation to be removed from the site is not considered to be significant as the majority of the plantings have been established for landscaping purposes on what is largely a vacant site. The significant teak tree on the site is to be retained.

Refer to the attached site plan and elevation drawings that illustrate the proposed development.

The proponents have indicated that the Units have been designed to:

- provide relatively modest dwellings that will be relatively affordable, low maintenance, and adaptable to changing needs of residents;
- to respect the scale, privacy and amenity of adjoining residences by way of building setbacks and window/deck locations;
- provide architectural interest by way of articulation and staggering of the built form; and
- Retain the large Teak tree on the site as a landscape feature of the development, with the surrounds embellished by features such as communal BBQ area and herb garden.

Description of the Subject Site

The subject site is located between Ballina Road and the Bruxner Highway Alstonville Bypass at the eastern end of the village of Alstonville.

Lot 1 DP 1008437

Lot 1 DP 1008437 located at 195 Ballina Road is included within the application as the proposal involves a boundary adjustment subdivision to transfer 290m² of land from Lot 48 DP 803760 to Lot 1 DP 1008437. Lot 1 currently contains a dwelling house and associated outbuildings and obtains access from Ballina Road.

Lot 48 DP 803760

Lot 48 DP 803760 is located at 209 Ballina Road, is the site for the proposed medium density residential development.

This property has an area of 8,145m² and is of irregular shape. It currently contains a single storey dwelling located at the northern section of the site fronting Ballina Road. Vehicular access is via a driveway linking to Ballina Road. The rear of the site backs onto the road reserve of the Bruxner Highway Alstonville Bypass.

The site slopes downwards from Ballina Road towards the Highway bypass.

Elevations range from 155m AHD to 149.75m AHD. The contours generally run in an even distribution across the site. The exception to this is the area at the rear of the existing dwelling which has been modified to facilitate the construction of that dwelling.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The application was placed on public exhibition from 21 November to 13 December 2013 in accordance with Council's Public Notification Policy.

During this exhibition period three submissions by way of objection were received.

At the request of Council, additional information was submitted by the applicant addressing the matters raised within the submissions regarding vegetation removal and vehicular access to the site from Ballina Road.

The main issues raised in the submissions are outlined below:

- Access to and from Ballina Road is too narrow and will be dangerous due to the proximity of the Teven Road intersection;
- Removal of vegetation overhanging the adjoining property 209A Ballina Road Alstonville;
- Adverse impact from the number of dwellings and future residents on a parcel of land that currently houses a single dwelling;

Copies of the submissions are attached to this report.

Response to submissions

The issue of access to the site is addressed within the following sections of this report, and is considered to be a crucial matter with regard to the proposal.

The removal of vegetation from the site has been discussed with the objector and the concerns raised have been addressed to the satisfaction of the objector by way of physically identifying trees on site that are to be removed and an on-site meeting with Council staff to explain the development plans.

The issue regarding the impact from the increase in number of dwellings from one currently on-site to 20 is a matter that can be addressed should the access issues be resolved.

The site is zoned for medium density and the proposed dwelling density complies with Council's planning guidelines for the site.

Report

The proposed development has been assessed under the heads of consideration in Section 79(C) of the Environmental Planning and Assessment Act 1979, with the following being particularly relevant in Council's determination of the Application

Applicable Planning Instruments

Ballina Local Environmental Plan 2012

Under the provisions of the Ballina Local Environmental Plan (BLEP) 2012, the proposed development is defined as:

***multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.*

Note. Multi dwelling housing is a type of **residential accommodation**.

The subject land is zoned R3 Medium Density Residential pursuant to the Ballina Local Environmental Plan 2012 (BLEP). Residential accommodation is permissible within the R3 zone. The planning objectives for this zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide development that is compatible with the character and amenity of the surrounding neighbourhood.*
- *To encourage housing and infrastructure that supports the ageing population.*
- *To provide for development that meets the social and cultural needs of the community.*
- *To encourage development that achieves the efficient use of resources such as energy and water.*

The proposal currently before Council, satisfies the majority of objectives of the zone in relation to the provision of housing types that will cater for the needs of the community and be generally compatible with the character of the area.

However, in relation to the amenity of the surrounding neighborhood, it is considered that the issue of public road safety (as has been raised in the submissions) is a significant public amenity issue.

In this regard the proposed access to the site from Ballina Road is considered to be unsafe and will conflict with traffic movements to and from Teven Road and Ballina Road, and hence is considered to be incompatible with the amenity of the surrounding residents and road users.

Subdivision (Boundary Adjustment)

Clause 2.6(1) of BLEP 2012 requires that development consent be obtained for the subdivision of land, whilst Clause 4.1 and the associated Lot Size Map nominate a subdivision standard of 800m².

Clause 4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
 - (a) to ensure that subdivision is compatible with the character of the locality,
 - (b) to ensure that in the case of urban areas:
 - (i) the subdivision pattern reflects and reinforces the current or planned subdivision pattern of the locality, and
 - (ii) lot configurations are suitable to enable development that is consistent with relevant development controls,
 - (c) to ensure that in the case of rural areas:
 - (i) the subdivision pattern reflects and reinforces the agricultural, resource and environmental values of the land, and
 - (ii) the subdivision pattern minimises land use conflict.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme

The proposed development includes a minor boundary adjustment subdivision to enable a small portion of Lot 48 DP 803760 (approx. 290m²) to be consolidated with adjoining Lot 1 DP 1008437 resulting in proposed Lot 2 (previously Lot 1 DP 1008437) being 1,644m² in area and proposed Lot 1 (previously Lot 48 DP 803760) being 7,855m² in area.

This subdivision complies with the Clause 4.1 of BLEP 2012 and no objection is raised in relation to this aspect of the development.

Clause 4.3 Height of Buildings

Clause 4.3 and the associated Height of Buildings Map nominate a maximum building height for the site of 8.5m measured from ground level (existing) and the highest point of the building.

Comment: 14 of the proposed units are single storey with a nominal building height of 5.7m. The six units fronting Ballina Road are contained within a two storey building with a building height of 8.1m.

Clause 5.9 Preservation of trees or vegetation

Development consent is required for the removal of trees and vegetation nominated in Council's Development Control Plan.

Chapter 2a of Ballina Development Control Plan 2012 requires consent to be received to remove any tree (whether native or non-native) with a height of 6m or greater.

Comment: The proponent has indicated that the subject site contains approximately 164 trees of assorted species that have been planted by the current owner. The proposal involves the retention of 78 of the existing trees and removal of 86.

The mature Teak tree that is located in the centre of the site is proposed for retention as an integral element of the site landscaping.

The Arboricultural Impact Assessment provides details concerning the vigour and life expectancy of the Teak tree and an assessment of the relationship of the tree (and associated SRZ and TPZ) to the development plans.

The remaining trees that are to be retained are located along the boundaries of the site.

Clause 7.7 Essential Services

- (1) The objective of this clause is to ensure that development is supplied with adequate and appropriate levels of infrastructure servicing.
- (2) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage,
 - (d) stormwater drainage or on-site conservation,
 - (e) suitable vehicular access,
 - (f) telecommunication services.

Subclause (e) specifically identifies suitable vehicular access to the site. As Council's Civil Services Group and the Local Traffic Development Committee do not support the proposed access to the site from Ballina Road (refer to Civil Service's comments below), it is therefore considered that the proposal does not comply with this clause.

Ballina Shire Development Control Plan 2012 (BSDCP 2012)

The Development Control Plan provisions that are of particular relevance to this application are as follows:

Chapter 2 – General and Environmental Considerations

Clause 3.4 – Potentially Contaminated Land

A Preliminary Contaminated Land Assessment prepared by Allen & Associates was provided as an to the SEE. This assessment involved a detailed review of historical photos and subdivision plans, interviews with past and current landowners, a search of available contaminated land records and a site inspection.

8.2 DA 2013/446 - 209 and 195 Ballina Road, Alstonville

The assessment concluded that “there is negligible chance that onsite contamination has occurred and on this basis therefore and as per the Guidelines for Consultants Reporting of Contaminated Sites document there is no need for further detailed investigations of the site in regard to soil contamination”.

Clause 3.7 Waste Minimisation

The proponent’s proposal is compliant with the requirement of the BSCDCP 2012 and Council’s Civil Services Group.

Clause 3.9 Stormwater Management

The proponent’s proposal is compliant with the requirement of the BSCDCP 2012 and Council’s Civil Services Group.

Clause 3.10 – Sediment and Erosion Control

The proponent’s proposal is compliant with the requirement of the BSCDCP 2012 and Council’s Civil Services Group.

Clause 3.11 – Provision of Services

The proponent’s proposal is compliant with the requirement of the BSCDCP 2012 and Council’s Civil Services Group.

Clause 3.15 – Crime Prevention Through Environmental Design (CPTED)

The proponent’s proposal is compliant with the CPTED requirement.

Chapter 4 – Residential & Tourist Development

The following table identifies numerical compliance with the requirements of the BSCDCP 2012.

	Required	Provided
Site Area	1,000m ²	7,855m ²
Total No. Dwellings	26 dwellings possible @ 1/300m ²	20
Dwelling Density	1 dwg/300m ²	1 dwg/393m ²
Building Height	Maximum 8.5m	<8.5m
Car Parking	44 spaces	44 spaces
Landscape Open Space	1,800m ²	3,700m ²

The proposed development complies with all the relevant controls within the DCP with the exception of the following:

3.1.3 Element C - Building Envelopes

The block of three units fronting Ballina Road, adjacent to the access road does not comply with the building height plane requirement. It is considered that the extent of the non-compliance is minor and when taking into account the following:

- The adjoining property to the north east of the site has already been developed for medium density residential purposes. The portion of the adjoining site closest to the building height plane encroachment is utilized for communal car parking and vehicular manoeuvring areas for the adjoining units and the access road for the proposed development. As such, there will be no adverse impact with respect to overshadowing or privacy resulting from the building height plane encroachment; and
- The development has been designed to provide a “staggered” setback to Ballina Road, with the portion of the building’s front and rear elevations (at the roof peak) subject to the encroachment varying from between 10 to 15 m setback from the front property boundary. This setback will ensure that the proposal does not adversely impact on the streetscape.

3.1.3 Element H – Vehicular Access and Parking

Objective

- d. Ensure site accesses have adequate sight distances and are designed to ensure that all vehicles are able to safely enter and exit the site and maintain the safety and integrity of the road network;

The proposal currently before Council is reliant upon vehicular access to the site from Ballina Road.

Council’s Civil Services Group have reported on the proposal based on the Traffic Committee’s comments and have recommended that the design and use of this access is not supported on the grounds that the traffic conflicts arising from the proposed development will create significant road safety issues and have a negative impact upon the existing road users. Based on this it is determined that the proposed access does not satisfy objective (d).

Controls – carparking

- i. On site car parking for development is to be provided in accordance with **Table 4.4**;

Table 4.4 – Car Parking for Residential and Tourist Uses	
	Car Parking
Dwelling Houses	2 spaces per dwelling *
Secondary Dwellings	Nil
Dual Occupancies	2 spaces per dwelling *
Semi-detached Dwellings	2 spaces per dwelling *
Attached Dwellings	2 spaces per dwelling *
Multi Dwelling Housing and Residential Flat Buildings	1 space per dwelling where total GFA of dwelling is less than 60m ² . 1.5 spaces per dwelling where total GFA of dwelling is between 60m ² and 85m ² . 2 spaces per dwelling where total GFA of dwelling is greater than 85m ² . Plus 1 additional space per 5 dwellings for visitor parking.

* Stack parking is an acceptable solution where at least 1 required parking space per dwelling is covered.

The proposed development identifies that eight of the required 44 parking spaces (18%) are stacked behind proposed garages. The proposed development is defined as Multi Dwelling Housing. Stacked parking spaces are not an acceptable solution for the provision of on site parking.

Whilst the provision of stacked parking spaces is not supported by the DCP, it is considered that the location of the stacked spaces immediately behind the garages of the units that the parking spaces are allocated to on the strata plan could be supported. However when taking into account the traffic issues associated with access to the subject development, it is considered that this additional non compliance further compounds the issue of the appropriateness of the development on the subject land.

Roads, Traffic, Access and Car Parking

The following comments have been provided by Council's Civil Services Group in relation to roads, traffic, access and car parking for the proposed development (with reference to Chapters 2 and 4 of the Ballina Shire DCP 2012).

Site Access, Internal Driveways and Parking Design

The proposed development's site access point is approximately 20m south east of the Ballina Road/Teven Road intersection as illustrated below.

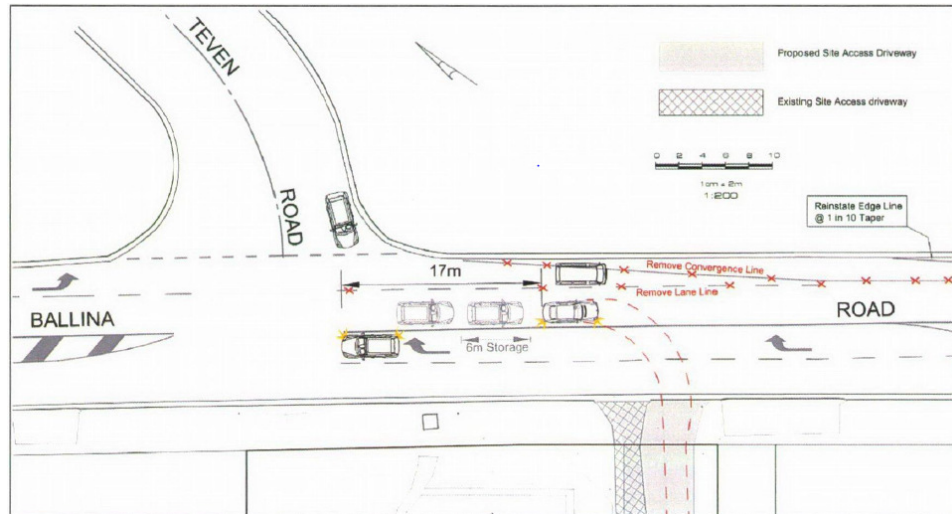
The engineering report in the development application indicates traffic from the North West turning right into the development would queue on Ballina Road and then turn across the right hand turning lane that services Teven Road.

Concerns were raised by Council regarding the safety of locating the access point in the functional area of the Teven Road/Ballina Road intersection and the numerous conflict points created by queuing traffic.



The initial proposed access intersection is illustrated below.

Proposed Treatment One



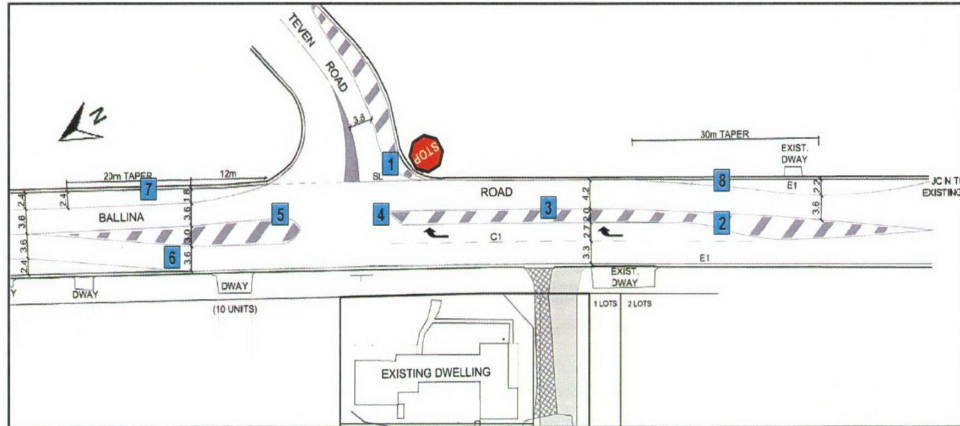
As a response to Council's concerns the applicant proposed to have the intersection design appraised by an independent assessor. Council recommended the assessment should be a design audit conducted in accordance with the Austroad Guide to Road Safety Part 6: Road Safety Audit and performed by an RMS accredited Senior Road Safety Auditor.

The applicant provided a "Road Safety Review" as opposed to a "Road Safety Audit" from Bitzios Consulting. The reviewing engineers RMS accreditation was not provided.

8.2 DA 2013/446 - 209 and 195 Ballina Road, Alstonville

The Road Safety Review also identified a number of issues associated with the original intersection treatment such as conflicting traffic and the likelihood of creating a higher speed environment. The Bitzios review proposed an alternative design illustrated below.

Proposed Treatment Two



The design indicates that vehicles turning right into the development should queue on the painted median until an appropriate gap becomes available. The review also identified that given population and traffic growth in the area the access point may require restricting to left in left out beyond the year 2025.

Local Development Traffic Committee

The Road Safety Review and proposed treatment two were forwarded to the Ballina Council Local Traffic Development Committee for comment at its meeting held on 11 June 2014. The Committee provided the following comments:

“The "Road Safety Review - 209 Ballina Road, Alstonville" dated 3 June 2014 by Bitzios Consulting and its conclusions have been considered and the Committee advises:

1. *Access Treatment 1 and Access Treatment 2 are not considered satisfactory for road safety reasons. During peak times, vehicles standing and waiting to turn right until through and right turning traffic has cleared would create a serious potential for accidents. In regard to Treatment 2, there is also a likelihood that vehicles waiting to turn right may not use the painted median for storage and by waiting in the through lane would create a serious potential for accidents.*
2. *A left in/left out access would be considered satisfactory in regard to road safety at this location, provided it was implemented by constructing a raised and infilled concrete median in Ballina Road to prevent south/east bound traffic on Ballina Road from turning right, to enter the proposed development site.*
3. *The proponent may wish to investigate relocating the proposed entrance to the north side of the lot and examining the feasibility and safety of a four way intersection concept at this location.”*

In summary the Local Traffic Development Committee believes the proposed intersection treatments are unsafe and inappropriate for the development and are therefore contrary to the objectives of the DCP Chapter 4 Residential & Tourist Development section H – Vehicular Access and Parking. The Bitzios review indicates that proposed Treatment Two will not be adequate for the life of the development and would become an issue for Council to resolve in the future. Therefore the development cannot be supported due to the access intersection arrangement in its current format. The Traffic Development Committee has indicated a potentially safer intersection design for the applicant to explore.

Conclusion

The proposed development has been assessed and consideration has been given to all the relevant matters listed in Section 79C of the Environmental Planning and Assessment Act 1979, including the provisions of the Ballina Local Environmental Plan 2012, the Ballina Shire Development Control Plan 2012 and submissions made in response to the exhibition and notification of the proposed development.

The key issues for consideration in the determination of this development application are:

Public Submissions

The three submissions that have been received have been addressed within the body of the report. It is considered that issues raised in relation to vehicular access to the development are significant and the proponent has not been able to adequately address these issues to enable Council to support the application.

Ballina Local Environmental Plan 2012

Zone objectives zoned R3 Medium Density Residential

- To provide development that is compatible with the character and amenity of the surrounding neighbourhood
- Clause 7.7 Essential Services
- Sub Clause (2)(e);

“Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required for suitable vehicle access”; and

Ballina Development Control Plan 2012

Chapter 4 Clause 3.3.3 Element H– Vehicular Access and Parking Objective d.

“Ensure site accesses have adequate sight distances and are designed to ensure that all vehicles are able to safely enter and exit the site and maintain the safety and integrity of the road network.”

When taking into consideration the non-compliance with the above clauses within the Ballina Local Environmental Plan 2012 & Ballina Development Control Plan 2012 relating to provision of vehicular access and the comments of the Local Traffic Development Committee it is recommended that the application be refused on the grounds of inadequate provision of safe access and egress to and from the site.

Options

Council has two options in relation to the current application:

1. **Defer** consideration of the application to enable the proponent to redesign the development with regard to providing a suitable and safe vehicular access to the site.

This option is not supported as the proponent will be required to significantly redesign the development to accommodate an access further towards the Teven Road intersection, thus enabling a four way intersection.

This redesign will essentially be a different development and will require further public exhibition which will add further delays to an application that has been with Council for consideration in excess of eight months (approx. 240 days); or

2. **Refuse** the application on the grounds of non compliance with the Ballina LEP 2012 and Ballina Shire DCP 2012 in terms of the inadequate provision of safe access and egress to and from the site. This is the recommended option for the reasons outlined within this report.

RECOMMENDATION

That DA 2013/446 to undertake a boundary adjustment subdivision, demolition of existing dwelling house, erection of residential accommodation comprising 20 multi dwelling housing units and associated earthworks, access driveway, services, tree removal and car parking upon Lot 48 DP 803760 and Lot 1 DP 1008437, 209 & 195 Ballina Road Alstonville, be **REFUSED** for the following reasons

1. The proposed development does not comply with the requirements of Ballina Local Environmental Plan 2012 Clause 7.7 (2) (e);
2. The proposed development does not comply with the requirements of the Ballina Development Control Plan 2012 – Chapter 4 Clause 3.1.3 Element H – Vehicular Access and Parking; and
3. The grant of consent would not be in the best public interest.

Attachment(s)

1. Locality Plan
2. Site Plan and Elevations / Floor Plans
3. Submissions

8.3 Development Applications - Works in Progress - July 2014

8.3 Development Applications - Works in Progress - July 2014

The following schedule sets out current development applications that have not yet been dealt with for the reasons cited:

Please note that duplex and dual occupancy applications are not included in this report.

DA No.	Date Rec'd	Applicant	Proposal	Status
2011/515	30/11/2011	Newton Denny Chapelle	Staged development - 5 x lot subdivision for future cluster housing development and construction of public road - No. 565-589 River Street, West Ballina	Being Assessed
2012/291	23/07/2012	Newton Denny Chapelle	To undertake a staged 47 Lot Community Title residential subdivision with lots ranging in size from 303m ² to 773m ² , associated road, earth and infrastructure servicing works, creation of a public road and one 6.4 hectare Torrens Title residue lot - 565-589 River Street, West Ballina	Being Assessed
2014/31	5/02/2014	Newton Denny Chapelle	Staged development application pursuant to S.83B for a residential subdivision comprising two stages, with stage one including 159 residential lots, five public	Being Assessed

8.3 Development Applications - Works in Progress - July 2014

DA No.	Date Rec'd	Applicant	Proposal	Status
			reserve lots, tree removal, civil infrastructure works and associated easements and stage two consisting of concept approval for nine residential lots and one public reserve lot - 78 Hutley Drive & Henderson Lane, Lennox Head	
2014/63	24/02/2014	Northern Rivers Surveying Pty Ltd	Two Lot Subdivision to Create 1 x 87.5 ha and 1 x 1 ha allotments and Erection of a Shed Upon Proposed 1 ha allotment for Use as a Home Industry - Macadamia Nut Processing - 61 Jorgensens Lane, Brooklet and 145 Brooklet Road, Newrybar	Application placed on hold by applicant
2014/218	14/05/2014	Newton Denny Chapelle	Proposed Four Lot Residential Subdivision and Associated Works including Demolition of Existing Dwelling House, Civil Works and Vegetation Removal - 170 North Creek Road, Lennox Head	Being Assessed
2014/219	15/05/2014	Newton Denny	Alterations and Additons to	Being Assessed

8.3 Development Applications - Works in Progress - July 2014

DA No.	Date Rec'd	Applicant	Proposal	Status
		Chapelle	Wigmore Arcade and Landscape and Civil Works in and around Winton Lane and the Tamar Street Public Car Park - 80-84 Tamar St & 135-155 River St, Ballina	
2014/229	21/05/2014	Tony Hart	Subdivision by way of minor boundary adjustment to create 1 x 41ha and 1 x 50.7ha allotments and the erection of a dwelling house on each proposed allotment - Friday Hut Road & Jorgensens Lane, Brooklet	Referred to Government Departments
2014/239	26/05/2014	D Fryer	Erection of Self Storage Units - 33 Smith Drive, West Ballina	Awaiting Additional Information
2014/262	10/06/2014	Chris Abbott Surveying	To carry out a boundary adjustment subdivision of three existing lots to create 1x41ha, 1x53ha and 1x 2ha allotments - 134 Hermans Lane & Emigrant Point Road, Pimlico	On Exhibition
2014/265	11/06/2014	Owners Corp. SP 87242	To undertake vegetation management works comprising the removal of two Pine Trees - 1 Grandview Street, East	Awaiting additional information

8.3 Development Applications - Works in Progress - July 2014

DA No.	Date Rec'd	Applicant	Proposal	Status
2014/266	11/06/2014	Planners North	Ballina To undertake an Eight Lot Residential Subdivision and Erection of a 15 Unit Town House Development upon proposed Lot 8 and associated works - Condon Drive, East Ballina	On Exhibition
2014/285	20/06/2014	Malcolm Scott	Alterations and Additions to Existing Office and Medical Centre (Bullinah Aboriginal Health Service) - 120 Tamar Street, Ballina	Being Assessed
2014/286	20/06/2014	Ardill Payne & Partners	Proposed subdivision comprising eight residential lots and two residue lots and associated works including vegetation management works - 33 Mitchell Close & Unara Parkway, Cumbalum	On Exhibition
2014/289	23/06/2014	Kevin Nicol	Vegetation management works involving 16 trees - 17 Castle Drive, Lennox Head	Being Assessed
2014/291	23/06/2014	Brett Horne	Vegetation management works comprising the removal of one Pine tree - 55 Survey Street, Lennox Head	Being Assessed
2014/292	23/06/2014	Newton Denny	Reconfiguration of existing car	Being Assessed

8.3 Development Applications - Works in Progress - July 2014

DA No.	Date Rec'd	Applicant	Proposal	Status
		Chapelle	park and relocation of existing pole sign - 480 River Street, West Ballina	
2014/294	24/06/2014	Don Taylor	Two lot boundary adjustment subdivision - 78 Teakwood Drive, Alstonville	Referred to Government Departments
2014/301	26/06/2014	Ardill Payne & Partners	Subdivision of two existing lots into four residential lots - 31 & 32 Tara Downs, Lennox Head	On Exhibition
2014/307	27/06/2014	Ardill Payne & Partners	Two lot boundary adjustment subdivision and erection of a dual occupancy on one of the modified lots - 608 Ellis Road, Rous	Being Assessed
2014/308	30/06/2014	E Watson	Erection and Strata Title Subdivision of a Residential Flat Development Involving the Construction of Two x Two Storey Residential Units and associated works - 12 Jarrett Street, Ballina	On Exhibition
2014/310	30/06/2014	Namatjira Haven Ltd	Additions to existing Namatjira Haven facility comprising new colorbond shed - 108 Whites Lane, Alstonville	Being Assessed

8.3 Development Applications - Works in Progress - July 2014

DA No.	Date Rec'd	Applicant	Proposal	Status
2014/316	02/07/2014	E McArthur	Vegetation management works comprising the removal of three trees - 5 Seabreeze Place, Lennox Head	Being Assessed

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2012/334	17/08/2012	Ballina Shire Council	The construction of Hutley Drive connection to the Pacific Pines Estate via a round-about, connection to Elevation Estate & vegetation clearance in SEPP 14 affected area – North Creek Road, Lennox Head	Referred to Government Departments
2013/286	5/08/2013	Ballina Shire Council	Establishment and Operation of a Biochar and Waste-to-Energy Facility - 167 Southern Cross Drive, Ballina	Referred to Government Departments

Major Development (Determined by Minister)

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

RECOMMENDATION

That Council notes the contents of the report on the status of outstanding development applications for July 2014.

Attachment(s)

Nil

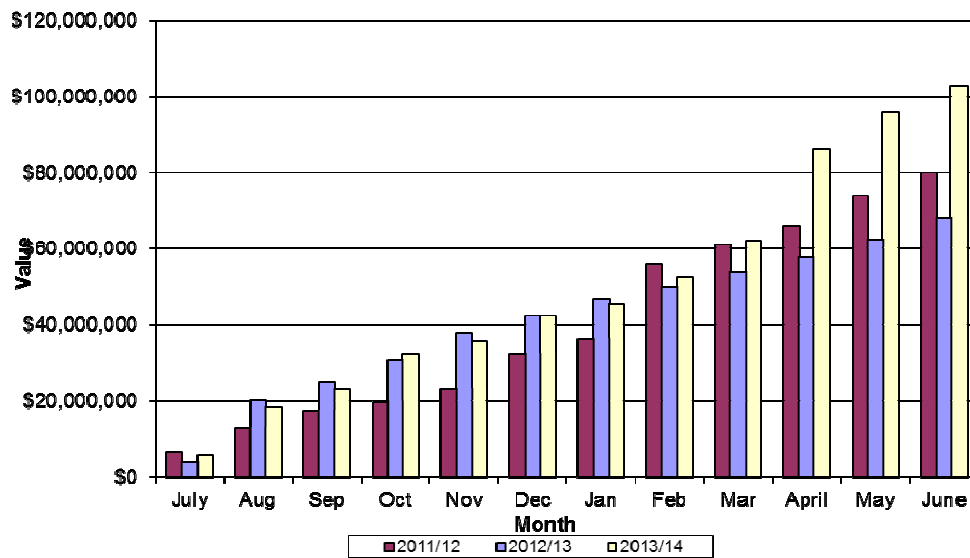
8.4 Development Consent Statistics - June 2014

8.4 Development Consent Statistics - June 2014

During the period of 1 June 2014 to 30 June 2014 the Development and Environmental Health Group issued Development Consent comprising of:

Number of Applications	Value of Work
39 Other Building Related	\$ 1,532,600.
18 Dwelling/Duplexes/Residential Flat Buildings	\$ 5,529,000.
8 General Developments	\$ 1,000.
Total Value	\$ 7,062,600.

The following chart details the cumulative consent figures for 2013/14 as compared to 2012/13 and 2011/12.



RECOMMENDATION

That Council notes the contents of the report on development consent statistics for 1 June 2014 to 30 June 2014.

Attachment(s)

Nil

9.1 LEP Amendment Request - Blue Seas Parade, Lennox Head

9. Strategic and Community Facilities Group Reports

9.1 LEP Amendment Request - Blue Seas Parade, Lennox Head

Delivery Program Strategic Planning

Objective To seek the Council's direction with respect to the further processing of a proposed LEP amendment which primarily involves the application of an R2 Low Density Residential zone over part of Lot 1 DP 1165957 known as 44 - 52 Blue Seas Parade, Lennox Head.

Background

The Council, at its Ordinary Meeting held on 22 May 2014, considered a request to amend the Ballina Local Environmental Plan 2012 (Ballina LEP 2012) relating to land at Blue Seas Parade Lennox Head. The request was made by Mr G Farley, the property owner and proponent. The request sought an amendment to the Ballina LEP 2012 to rezone part of Lot 1 DP 1165957 (Lot 1) from RU1 Primary Production to an R2 Low Density Residential zone. The land the subject of the request is part of the property referred to locally as the "Newton Farm", which includes part of the prominent escarpment located immediately west Lennox Point.

In relation to this matter, the Council resolved as follows [Minute No.220514/12]:

- 1. That Council prepare a planning proposal for the application of an R2 Low Density Residential zone over that part of Lot 1 DP 1165957 designated as a Strategic Urban Growth Area in Ballina LEP 2012.*
- 2. That the subdivision potential and associated minimum lot size for the future development of Lot 1 DP 1165957 be determined following assessment of additional technical information.*
- 3. That a further report be presented to the Council documenting the planning proposal when prepared for submission for Gateway determination.*
- 4. For the purpose of further investigation the planning proposal shall include a minimum lot size of 600 m².*

The planning proposal has now been prepared and forms Attachment One to this report.

The purpose of this report is to seek the Council's endorsement of the planning proposal for submission to the Department of Planning and Environment (DoP&E) to obtain a Gateway determination. Established practice in relation to this type of LEP amendment is for the Council to receive the planning proposal documentation for consideration (following initial commencement of an LEP amendment process) with a view to determining whether the matter should progress to Gateway determination.

9.1 LEP Amendment Request - Blue Seas Parade, Lennox Head

Additional information required to enable a comprehensive assessment of the relevant technical matters will be sought from the proponent after Gateway determination, assuming an affirmative response is received.

Key Issues

- Processing of LEP amendment request and submission of planning proposal for Gateway determination.
- Adjoining property owner's position in respect to the rezoning and the removal of the Strategic Urban Growth Area (SUGA) affectation from their property.

Information

In summary, the planning proposal provides for an amendment to the Ballina LEP 2012 to rezone that part of Lot 1, and the adjoining road reserve, designated as a SUGA, from RU1 Primary Production zone to R2 Low Density Residential zone.

In accordance with the Council's resolution, the planning proposal also applies a 600m² minimum lot size to Lot 1, and the adjoining road reserve, at this stage pending further investigation of land constraints. This aspect of the Council's resolution has been interpreted as setting a lot size standard of at least 600m² (i.e., the minimum lot area for subdivision may ultimately be greater depending on the outcome of more detailed assessment).

In addition to the above the planning proposal provides for some additional consequential amendments to the SUGA map as follows:

- Deletion of the SUGA affectation from a portion of Blue Seas Parade which adjoins Lot 1, and
- Deletion of the SUGA affectation from a triangular section of land (approximate area of 900m²) located on the adjoining Lot 2 DP 1165957 (Lot 2).

The planning proposal has been prepared on the basis of information already available to Council. At this stage the degree to which known constraints such as potential land contamination issues, coastal zone visual impacts and bushfire hazard will impact on the planning proposal is not fully known. However, these issues and others will be required to be further examined post Gateway determination by the proponent if the Council resolves to adopt the recommendations below.

Having regard for the history of this site, it is proposed that an independent third party be engaged by Council to review the proponent's technical reports and prepare an environmental assessment and planning report. The report would draw on the information provided by the proponent and Council staff to establish a recommended approach to the LEP amendment, including an appropriate minimum lot size. The third party assessment will be undertaken at the proponent's cost in accordance with Council's endorsed fees and charges. The assessment and report would also form part of the material placed on public exhibition.

9.1 LEP Amendment Request - Blue Seas Parade, Lennox Head

The proponent has indicated that a 600m² minimum lot size, if applied to the land, would yield up to 13 lots. The Council has indicated that for the purpose of further investigation a 600m² minimum lot size should be applied. From staff's perspective, it is considered that at this stage of the process a lot size greater than 600m² may be appropriate. In this respect, having regard for the rural nature of adjoining land and the location of the proposed lots, a minimum lot size of 1200m² may be more appropriate. This will be examined further as part of the detailed assessment of the land, should the matter proceed.

The attached planning proposal documents the degree to which the proposal complies with the locality's strategic planning framework. Consideration has been given to the planning proposal's consistency with the Far North Coast Regional Strategy, the Ballina Shire Growth Management Strategy, the Ballina LEP 2012, the Lennox Head Structure Plan and applicable State Environmental Planning Policies and the Minister's Section 117 Directions.

It is concluded that the planning proposal is generally consistent with the strategic planning framework applicable to the land, or where there are inconsistencies, these are able to be justified at this stage of the process.

Gateway determination requirements will also specify the range of investigations and studies that the DoP&E will require to advance the planning proposal. Such information will then be required to be submitted to Council by the proponent for incorporation within the planning proposal prior to consultation with public authorities and the community. This additional information will also be evaluated through the independent environmental assessment proposed and form the basis of a planning report into the proposal.

Sustainability Considerations

- **Environment**

The subject land contains various attributes of environmental value. These matters will be assessed in detail prior to public exhibition if the planning proposal proceeds further.

- **Social**

There is a variety of social issues to consider in relation to the proposal, including implications for scenic and amenity values. These matters will be assessed in detail prior to public exhibition if the planning proposal proceeds further.

- **Economic**

The proposal has the potential to result in a number of positive economic impacts associated with construction and infrastructure. These matters will be further considered prior to public exhibition if the planning proposal proceeds beyond Gateway determination.

Legal / Resource / Financial Implications

There are no specific legal implications associated with this proposed LEP amendment at this time.

9.1 LEP Amendment Request - Blue Seas Parade, Lennox Head

In the event that Council wishes to advance this proposal, the proponent will be required to meet various processing costs, including the independent environmental assessment costs, in accordance with the Council's adopted schedule of fees and charges, as well as providing the necessary additional technical information, following Gateway determination.

Progress of this matter can be accommodated within the Strategic and Community Facilities Group work program.

Consultation

Consultation requirements relating to government authorities will be specified within the Gateway determination.

Preliminary consultation has already been undertaken with the owners of 54 Blue Seas Parade (Lot 2) with respect to the proposed deletion of the SUGA affection from their property. In a written response, Council has been advised that the adjoining owners support the removal of the SUGA affectation from their property, should the rezoning proceed. However, they object to the rezoning of part of the adjoining property (Lot1). The basis of the objection primarily relates to perceived visual impact of ridge top development and potential conflicts between rural and residential land uses.

The issues raised in the objection will be required to be examined by the proponent and then be subject to independent review. Of particular relevance is the issue of potential rural - residential conflicts. The owners of Lot 2 maintain that they operate a working farm including bee keeping and cattle raising. Concerns are expressed regarding the need for buffer zones separating the rural and residential land uses so as not to give rise to complaints from cattle being worked, calves being weaned and cattle truck movements.

If the matter proceeds through Gateway determination, the Council will have further opportunity to consider the progress of this matter prior to public exhibition in light of more detailed assessment addressing amenity and land use conflict issues.

A copy of the submission from the owners of Lot 2 forms Attachment Two to this report.

Options

1. Endorse the planning proposal for submission to the DoP&E for Gateway determination.

This is the preferred and recommended option. Requiring the submission of technical information after a favourable Gateway determination has been obtained provides the proponent with additional certainty to justify the expenditure of funds to meet the cost of the specified technical reports and studies.

The Council will also have further opportunity to consider the proposal prior to the matter being finalized.

9.1 LEP Amendment Request - Blue Seas Parade, Lennox Head

2. Require the proponent to submit additional information for incorporation into the planning proposal prior to submission to Planning and Environment for Gateway determination.

The preparation of the planning proposal has highlighted a number of land constraints that will require detailed examination to determine associated impacts. However, given the nature of these matters, these items can be reasonably and fully assessed after Gateway determination.

3. Cease or defer processing of the LEP amendment request.

Council may decline or defer the consideration of the requested LEP amendment.

Declining the LEP amendment request is not recommended given that the land has been designated as a Strategic Urban Growth Area (SUGA). It is however open to the Council to pursue this option if it is of the view that the land is generally unsuitable for residential development, having regard to issues such as potential visual amenity impacts and potential rural – residential land use conflicts.

The Council may also defer the LEP amendment request. This could be based on a requirement for the proponent to liaise further with the adjoining land holder or to seek additional information.

This course of action is not recommended. Proceeding with the proposal at this time, as proposed by Option 1, will enable the completion of further technical assessment following Gateway determination. Importantly, the Council will have other opportunities during the processing of the amendment request to either cease progress of the matter or defer further consideration should it determine this to be the appropriate course of action in the future.

Delegation of Plan Making Functions

Our Gateway submission to DoP&E is required to address whether the Council is proposing to exercise plan-making delegations in finalising the LEP amendment. This means Council staff would liaise directly with Parliamentary Counsel to finalise the drafting of the amendment for implementation.

Although there are resourcing implications for Council (more staff time in processing), it is recommended that the Council provide an indication at this stage that it is proposing to exercise its delegation in this instance. Under this approach, the Council would make its final decision on whether to exercise its delegations at the time of deciding on the finalisation of the amendment post public exhibition.

RECOMMENDATIONS

1. That Council authorises the submission of a planning proposal which provides for the application of an R2 Low Density Residential Zone to that part of Lot 1 DP 1165957 designated as a Strategic Urban Growth Area (SUGA) within Ballina LEP 2012 and the immediately adjoining road reserve to the Department of Planning and Environment for review and Gateway determination.
2. That the planning proposal also provide for the removal of the SUGA affectation from Lots 1 and 2 DP 1165957 and the application of a minimum lot size of at least 600m² to the proposed R2 zoned area and adjoining road reserve.
3. That the Department of Planning and Environment be advised that at this stage of the process it is the Council's intention to exercise its delegated plan making functions.
4. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the proponent be required to submit the technical documentation necessary to enable a comprehensive assessment of the proposal and potential environmental, social and economic implications.
5. That upon the requested information being submitted by the proponent, Council initiate a third party review including preparation of an environmental assessment and planning report relating to this planning proposal.
6. That the owners of Lot 2 DP 1165957, No. 54 Blue Seas Parade be advised of the Council's decision.
7. That the General Manager be authorised to exhibit the planning proposal for community comment following the completion of the third party review, with a further report being presented to the Council following the conclusion of the public exhibition period.

Attachment(s)

1. Attachment One - Planning Proposal
2. Attachment Two - Submission (objection)

9.2 LEP Amendment Request - Burns Point Ferry Road, West Ballina

9.2 LEP Amendment Request - Burns Point Ferry Road, West Ballina

Delivery Program Strategic Planning

Objective To update the Council and to seek the Council's direction with regard to the progress of a proposal to rezone part of Lot 4 DP 537149 in West Ballina for urban purposes.

Background

Council received a request from SJ Connelly (now Planners North) on behalf of the landholder to amend the zoning of the land identified as Lot 4 DP 537149, Burns Point Ferry Road, West Ballina on 18 July 2012. A locality map identifying the site is included in Attachment One.

After seeking additional information, the matter was subsequently reported to the Council's Ordinary Meeting held on 27 June 2013 where it was resolved to defer the consideration of the matter pending receipt of further information and clarification of a number of related issues. The matter was then reported to the Council's Ordinary Meeting held on 23 January 2014 where it was resolved (Minute No. 230114/6):

1. *That Council continue the processing of the LEP amendment request relating to Lot 4 DP 537149 Burns Point Ferry Road, West Ballina.*
2. *That prior to the preparation of a planning proposal, the following steps be undertaken:*
 - (a) *That, based on the agreement of the proponent in correspondence dated 7 June 2013, Council engage an independent ecologist to undertake a review of the ecology of the land within the proposed urban footprint on Lot 4 DP 537149, Burns Point Ferry Road, West Ballina, with the cost of such engagement to be borne by the proponent.*
 - (b) *That, given the e-zone review has not yet been completed, Council obtains advice from the Department of Planning and Infrastructure in relation the availability and potential for use of environmental protection zones under the BLEP 2012 in relation to the proposed rezoning.*
3. *Where the independent ecological study is not completed before 30 May 2014, or the outcomes of the study indicate that there are significant constraints to the proposed land uses, that the LEP amendment request be reported to the Council for further consideration.*

The purpose of this report is to advise the Council of actions taken in response to the above resolution and to seek the Council's direction as to the progression of the LEP amendment request. Following the receipt of the additional information in accordance with the resolution of 23 January 2014, the Council is now in a position to determine whether or not to proceed with the proposal and further assess and consider the rezoning of parts of the subject site to enable development for urban purposes.

It should be noted that the subject site has an extensive history of rezoning proposals and has been considered by respective Councils on numerous occasions over the last 20 years. This history has been addressed in previous reports to the Council. For the information of Councillors, and to assist in the consideration of this report, an updated chronology of events relating to the land use planning of the site is provided in Attachment Two.

Key Issues

- Suitability of parts of the site for urban land uses.
- Progression of the rezoning proposal for the site.

Information

The LEP amendment request before the Council in this instance is a proposal to amend the zoning of parts of the land to enable urban development. The proponent seeks appropriate zoning of the site to enable a mix of employment and residential land uses in the northern section of the site. The majority of the site (residue areas) is to be retained for its ecological values. The proposal also includes an area of the site at its southeastern corner for development as a restaurant. A copy of the current concept plan for the site submitted in support of the LEP amendment request is included in Attachment Three.

The Council's resolution at its Ordinary Meeting held on 23 January 2014 essentially required two primary matters to be addressed to enable the proposal to proceed, which are:

- The completion of an independent ecological assessment of the site to clarify its ecological attributes and to assist in the determination of the suitability of part of the site for future urban development, and
- Clarification from the Department of Planning and Environment in relation to the availability and potential for use of environmental protection zones under the BLEP 2012 in relation to the proposed rezoning.

Ecological Assessment

In agreement with the proponent, and at the proponent's cost, Council engaged Blackwood Ecological Services (Blackwood) to undertake the independent ecological assessment of the northern section of the site (the majority of the area proposed for urban uses). This assessment was undertaken in April 2014 with a final report detailing the findings of the assessment provided to Council on 29 May 2014. A copy of the completed ecological assessment is contained in Attachment Four.

The independent assessment by Blackwood identified several vegetation communities within the area proposed for urban land uses having varying levels of ecological value and quality. The report clarifies the extent of endangered ecological communities (within the meaning of the *Threatened Species Conservation Act 1995*) within the assessment area and identifies areas that are not considered to be of high ecological significance. Based on the Blackwood assessment it appears that there is potential for parts of the

9.2 LEP Amendment Request - Burns Point Ferry Road, West Ballina

site to accommodate urban development without significant adverse impacts on the key ecological attributes of the land. There may also be opportunity to mitigate potential ecological impacts associated with proposed urban development in more sensitive parts of the site.

If the proposal proceeds through Gateway determination, it is proposed that the entire matter be subject to an independent third party review in accordance with Council's processing practice for amendment requests of this type. This process would include more detailed consideration of potential ecological impacts and associated mitigation and management options.

With respect to the ecological attributes, the report specifically identifies the eastern section of the assessment area as containing freshwater wetland having high ecological values. Notably, the concept plans submitted in support of the amendment proposal include areas identified in the Blackwood report as containing vegetation of ecological significance. The proponent was requested to provide its position in relation to how the impacts of the proposed urban rezoning on the ecologically significant areas of the site would be addressed.

In response, the proponent has sought to proceed with the concept design as submitted and is prepared to address the ecological impacts by way of a biobanking scheme over the southern part of the site supported by a confirmation of commitment in a voluntary planning agreement (VPA). The content of a VPA would be negotiated post a Gateway determination if the matter proceeds.

The Blackwood assessment sufficiently identifies the levels of ecological significance of the vegetation on the northern part of the site. Based on this assessment, Council staff are of the view that the proposal to rezone this part of the site to enable urban development warrants further consideration and more detailed assessment. In this regard, it is the recommendation of this report that the proposal to amend the LEP to rezone parts of the subject site be formalised in a planning proposal and forwarded to the Department of Planning and Environment for Gateway determination.

Environmental Protection Zones

In the time since this matter was last reported to the Council (January 2014) the issue regarding environmental protection zones in the *Ballina Local Environmental Plan 2012* has been further considered by the NSW Government (see report to Council's 26 June 2014 Ordinary Meeting). Although Council has now had the opportunity to comment on E zone interim reporting released by the Department of Planning and Environment, there is no indication of timing to conclude the Government's review process, or indeed the outcomes.

In the absence of any clear or immediate resolution to the issue, the proponent has indicated a willingness to commit to a VPA to address the protection of the environmental attributes of the site. This approach, depending on the ultimate content of a VPA (that is, what the proponent is prepared to offer), could result in positive environmental outcomes.

Having regard for the above, it is considered that the rezoning of parts of the subject site as proposed warrants further investigation and that a planning proposal should be initiated to enable this. As such, it is the recommendation of this report that the Council authorise the submission of a planning proposal to the Department of Planning and Environment for Gateway determination and subsequent detailed assessment.

Sustainability Considerations

- **Environment**

As clarified in the assessment by Blackwood Ecological Services, the subject site has significant ecological values. The Blackwood assessment also clarifies the lesser significance of parts of the site which may be suitable for urban development subject to further detailed assessment of environmental impacts and the implementation of appropriate mitigation measures. If the proposal proceeds further, a more detailed investigation will be undertaken to assess the potential environmental impacts of future urban development of the site and options for mitigating these impacts.

- **Social**

The further consideration of the site for rezoning and future urban development will enable greater assessment of the social impacts of the proposed change to the zoning of the land. In general, it is considered that use of parts of the site for urban land uses will result in positive social impacts. In addition, it is considered that long term overall social benefits can be expected as a result of the environmental restoration of the majority of the site that could be facilitated by the rezoning proposal.

- **Economic**

Subject to the matter proceeding to finalisation, the future development of parts of the site for urban land use purposes would result in direct economic benefits for the owners of the land and indirect economic benefits to the wider community through the provision of additional land for urban development.

Legal / Resource / Financial Implications

This matter is being reported to the Council for its consideration and endorsement to enable the further, more detailed assessment of the land use planning outcomes and potential environmental impacts arising from the rezoning proposal.

If the Council resolves to support the progress of this proposal, the costs of further assessment will be borne by the proponent in accordance with Council's standard practice for planning proposals of this nature. This would include involvement of an independent consultant to undertake a review and assessment of the proposal. Because of this, there are no significant public legal or resource implications presented by the proposal.

The progress of the proposal to Gateway determination is also subject to the proponent paying the applicable planning proposal preparation fee.

9.2 LEP Amendment Request - Burns Point Ferry Road, West Ballina

Council, as the relevant planning authority, has the legal responsibility to manage the administration of the proposal in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*. The management and coordination of the proposal, should it proceed, will be incorporated into the existing work program of the Strategic and Community Facilities Group.

Consultation

Other than engagement with the proponent and the independent ecological consultant, no consultation with the public, government agencies or Council's internal staff has been undertaken to date. Should the Council resolve to support the progress of the matter, further consultation will be undertaken in accordance with the Gateway determination and the requirements of the *Environmental Planning and Assessment Act 1979*.

Options

The primary consideration for the Council in relation to this matter is to determine whether or not to proceed with the amendment to the LEP as proposed. The Council has the option to give in-principle support to the LEP amendment request as submitted by the proponent on 18 July 2012 (and subsequently amended) and endorse the planning proposal in Attachment Five for submission to the Department of Planning and Environment for Gateway determination. Alternatively, the Council may decline the LEP amendment request and advise the proponent that it is not prepared to support the proposal in its current configuration.

Having regard for the information submitted in support of the LEP amendment request and the findings of the independent ecological assessment, staff are of the view that there are sufficient grounds to warrant further consideration of the proposal. These include:

- Provision of the opportunity to address the zoning of the site as a whole and integrate positive environmental outcomes,
- Potential economic benefits to the shire based on additional and diversified urban environments (comprising a mix of employment and residential land uses),
- Opportunities to resolve long standing land use planning considerations for the subject site,
- Provision of an enhanced entry treatment for West Ballina, and
- Enabling a planned and well-designed contiguous extension to the existing urban environment.

Based on the information contained in this report, the recommended option is to give in-principle support to the proposal and authorise the submission of the draft planning proposal (Attachment Five) to the Department of Planning and Environment for Gateway determination.

9.2 LEP Amendment Request - Burns Point Ferry Road, West Ballina

As part of the submission of the proposal to the Gateway, the Council will need to consider whether it will seek delegation from the Department of Planning and Environment in the finalisation of the LEP amendment. As it is likely that the Gateway will delegate the finalisation to the Council, it is recommended at this time that the Council resolve to proceed on this basis. It should be noted that Council can choose not to exercise delegation following the public exhibition of the proposal.

RECOMMENDATIONS

1. That in relation to the proposal to amend the *Ballina Local Environmental Plan 2012* as it applies to Lot 4 DP 537149, Burns Point Ferry Road, West Ballina, Council submit the planning proposal attached to this report (Attachment Five) to the Department of Planning and Environment for review and Gateway determination.
2. That the Department of Planning and Environment be advised that at this stage of the process it is Council's intention to exercise its delegated plan making functions.
3. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the proponent be required to submit the technical documentation necessary to enable a comprehensive assessment of the proposal and potential environmental, social and economic implications.
4. That upon the requested information being submitted by the proponent, Council initiate a third party review including preparation of an environmental assessment and planning report relating to this planning proposal. Costs for this engagement are to be borne by the proponent.
5. That a further report be presented to the Council in relation to this matter following the preparation of the independent environmental assessment and planning report and at the conclusion of the community and Government agency consultations, as specified by the Gateway.

Attachment(s)

1. Locality Map
2. Chronology of Planning History
3. Concept Plan
4. Ecological Assessment
5. Planning Proposal

10.1 Use of Council Seal

10. General Manager's Group Reports

10.1 Use of Council Seal

RECOMMENDATIONS

That Council affix the Common Seal to the following documents.

US13/28	Land and Property Information Registration document for the Head Lease for Ballina Surf Club. Lessor is Ballina Shire Council acting as Reserve Trust Manager for the Ballina Coastal Reserve Trust and Lessee is Ballina Shire Council.
US13/29	<p>Lease to Bitupave Ltd for Folio Identifier 1/880416 known as the Tuckombil Quarry for five years at market rent, plus another five year option.</p> <p>Explanation: Bitupave has a lease at the Tuckombil Quarry that is due to expire on 31 December 2014 following a period of five by five years. They have now requested renewal of the lease for a further five year term plus another five year option. Council staff have no objection to this proposal as Bitupave is an integral component of the material sourced from this quarry and a longer lease provides a more viable commercial option to Bitupave.</p> <p>If approved by Council an independent valuation will be undertaken to determine market rent prior to finalisation of lease terms and conditions. The market rent is also reviewed every five years, with the last review resulting in an increase from approximately \$6,500 in 2009 to \$18,500. The \$18,500 has now been indexed to \$20,560 (all figures ex GST).</p> <p>A letter in support of their lease is attached.</p>
US13/30	<p>Council, as Reserve Trust Manager for Lennox Head Williams Reserve (Reserve 82927) - Five Year Crown Land Licence to the Lennox Head Combined Sports Association for the clubhouse building.</p> <p>Explanation: The Reserve Trust in July 2013 resolved to enter into the Crown Land Licence with a minimum statutory rent (\$444 per annum ex GST) taking into account the not for profit status of the organisation.</p>

Attachment(s)

1. Letter in support of Bitupave Ltd lease

10.2 Investment Summary - June 2014

10.2 Investment Summary - June 2014

Delivery Program Governance and Finance

Objective To provide details of how Council's surplus funds are invested.

Background

In accordance with the Local Government Financial Regulations, the responsible accounting officer of a council must provide a monthly report (setting out all money Council has invested), to be presented at the ordinary meeting of Council, immediately following the end of the respective month. This report has been prepared for the month of June 2014.

Key Issues

- Compliance with Investments Policy and Investment Return

Information

Compliance with Investments Policy

Council's investments are all in accordance with the Local Government Act and the Regulations. As previously noted, the investments breached Council's investment policy on 17 February 2014, when Standard & Poor lowered ING Bank Australia's long term rating from 'A' to 'A-'. Council's policy allows up to 20% of the total portfolio to be invested in an organisation with a rating of 'A' or higher, but only 10% of the portfolio with a rating of 'BBB' to 'A-'.

At the time of the ratings downgrade in February 2014, Council had \$13 million invested with ING, representing 18.5% of the total portfolio.

Since that time three investments have fallen due and have been placed with alternate institutions.

In accordance with Clause 16 of Council's investment policy no further investments have or will be made in ING until such time as they fall below 10% of the total portfolio.

As at 30 June 2014 Council has \$8 million invested with ING which represents 11.8% of the total portfolio.

Clause 16 also states; *The objective will be to manage the portfolio back in accordance with the policy limits, within three months from the date the portfolio first exceeds the limit or threshold.*

As noted in previous reports, Council has not eliminated the breach within the desired three month period as this 'objective' could only be achieved by breaking investments which would result in a loss of interest income.

The next ING deposit matures on 21 July 2014 and it is for \$2 million.

10.2 Investment Summary - June 2014

It is expected that the ING percentage of the portfolio would fall below 10% at that time.

Given that the rating of ING remains quite strong (A-), it is again recommended that Council wait until the investment matures to relocate the funds.

Overview of Investments Held

The balance of investments as at 30 June 2014 was \$68,820,000. This represents an increase from May of \$1,005,000.

Council's investments as at 30 June are at an average (weighted) rate of 3.66%, which is 0.96% above the 90 Day Bank Bill Index of 2.70%.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 30 June 2014, was \$3,269,260.

In respect to the current state of the investment market the monthly commentary from the NSW Treasury (T-Corp) is included as an attachment to this report.

As to Council's investments portfolio the majority of the approximately \$69 million of investments are restricted by legislation (external) and Council (internal) uses for the following purposes:

Reserve Name	Internal/External Restriction	% of Portfolio*
Water Fund (incl developer contributions)	External	12
Wastewater Fund (incl developer contributions)	External	34
Section 94 Developer Contributions	External	6
Bonds and Deposits	External	1
Other External Restrictions	External	16
Land Development	Internal	8
Employee Leave Entitlements	Internal	2
Carry Forward Works	Internal	12
Miscellaneous Internal Reserves	Internal	8
Unrestricted		1
Total		100%

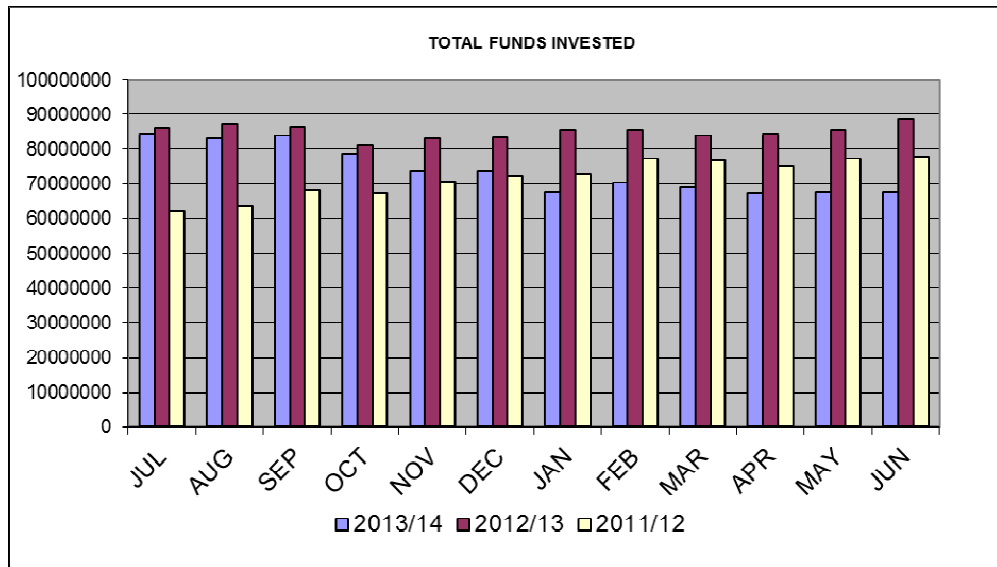
* Based on reserves held as at 30 June 2013

10.2 Investment Summary - June 2014

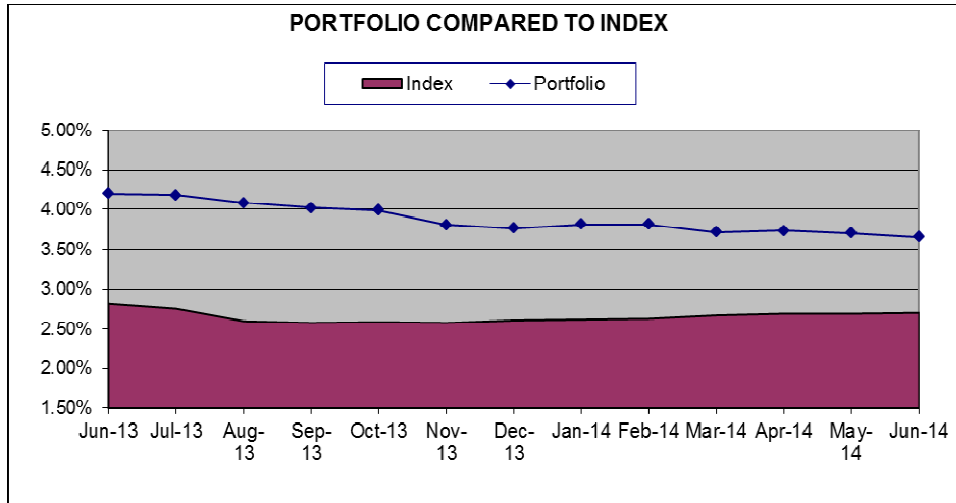
A. Summary of investments by institution

Funds Invested With	ADI Rating	Previous Month (\$'000)	Current Month (\$'000)	Quota %	% of Total	Total
Grandfathered Investments						
Goldman Sachs	AA-	1,000	1,000	0	1.5%	
National Australia Bank	AA-	1,788	1,788	0	2.6%	
National Wealth M'ment Holdings	A	1,000	1,000	0	1.5%	6%
Rated Institutions						
AMP Bank	A+	6,000	4,000	20%	5.8%	
Bank of Queensland	BBB+	4,000	4,000	10%	5.8%	
Bank of Western Aust	AA-	0	2,000	20%	2.9%	
Commonwealth Bank of Australia	AA-	7,027	5,032	20%	7.3%	
Defence Bank Ltd	BBB+	1,000	1,000	10%	1.5%	
Greater Building Society	BBB	2,000	2,000	10%	2.9%	
Heritage Bank	BBB+	5,000	5,000	10%	7.3%	
ING Bank Ltd	A-	8,000	8,000	10%	11.6%	
Members Equity Bank	BBB+	5,000	5,000	10%	7.3%	
National Australia Bank	AA-	9,000	9,000	20%	13.1%	
Newcastle Perm Bld Society	BBB+	2,000	2,000	10%	2.9%	
Rural Bank Ltd	A-	0	1,000	10%	1.5%	
Suncorp-Metway Bank	A+	10,000	10,000	20%	14.5%	
Westpac Banking Corporation	AA-	5,000	7,000	20%	10.2%	94%
Unrated ADI's				\$1m	0.0%	
Total		67,815	68,820		100%	

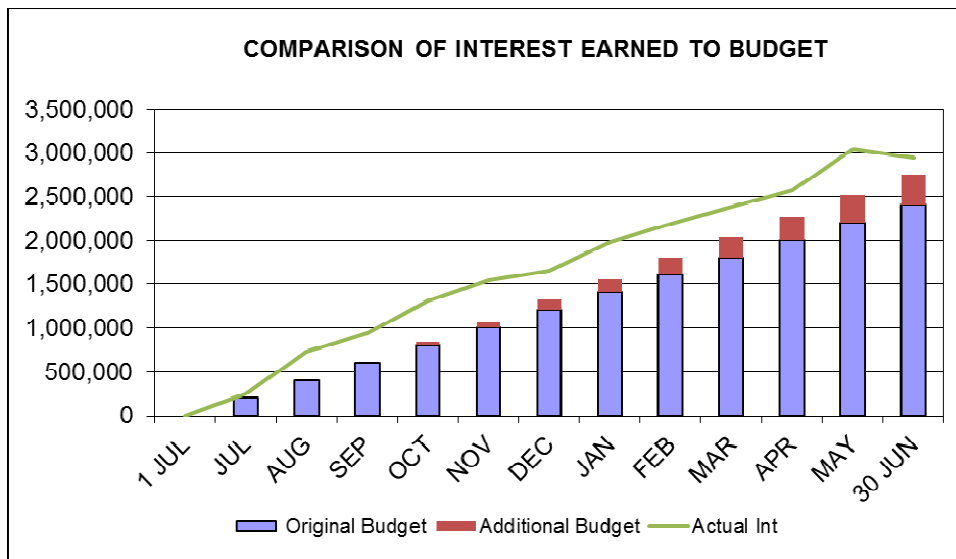
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



10.2 Investment Summary - June 2014

E. Investments held as at 30 June 2014

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
20/09/04	National Australia Bank (ASX Listed)	FRN	3.95%	Perpetual	1,788	1,420
12/04/06	Goldman Sachs	FRN	3.14%	12/04/16	1,000	997
15/09/14	National Wealth M'ment Holdings	FRN	3.32%	16/06/26	2,000	1,933
	at call Commonwealth Bank Of Australia	FND	2.45%	at call	3,039	3,039
24/01/12	ING Bank Ltd	FRTD	4.64%	24/01/17	1,000	1,000
06/02/12	Westpac Bank	FRN	4.32%	06/02/17	1,000	1,033
25/01/13	Commonwealth Bank Of Australia	TD	4.36%	25/01/18	1,993	2,045
07/05/13	Heritage Bank	TD	3.80%	05/11/14	3,000	3,000
05/06/13	National Australia Bank	FRTD	3.93%	05/06/15	2,000	2,000
07/06/13	Greater Bld Society	FRN	4.13%	07/06/16	2,000	2,011
30/07/13	ING Bank Ltd	FRTD	4.13%	30/07/14	2,000	2,000
31/10/13	Heritage Bank	TD	3.80%	31/10/14	1,000	1,000
06/11/13	Bank of Queensland	TD	3.80%	06/05/14	1,000	1,000
25/11/13	Suncorp-Metway Bank	TD	3.65%	25/05/14	2,000	2,000
20/01/14	ING Bank Ltd	TD	3.61%	21/07/14	2,000	2,000
24/01/14	AMP Bank	TD	3.80%	23/07/14	2,000	2,000
24/01/14	AMP Bank	TD	3.80%	23/01/15	2,000	2,000
30/01/14	ING Bank Ltd	TD	3.60%	29/07/14	1,000	1,000
10/02/14	Heritage Bank	TD	3.75%	11/08/14	1,000	1,000
10/02/14	ING Bank Ltd	TD	3.70%	11/08/14	2,000	2,000
25/02/14	Westpac Bank	FRN	3.57%	25/02/19	2,000	2,017
27/02/14	National Australia Bank	TD	3.74%	26/08/14	1,000	1,000
03/03/14	Suncorp-Metway Bank	TD	3.45%	03/07/14	3,000	3,000
04/03/14	Suncorp-Metway Bank	TD	3.55%	04/09/14	2,000	2,000
24/03/14	Members Equity Bank	TD	3.80%	22/09/14	1,000	1,000
14/04/14	National Australia Bank	TD	3.70%	14/10/14	2,000	2,000
15/04/14	Suncorp-Metway Bank	TD	3.55%	13/10/14	3,000	3,000
30/04/14	National Australia Bank	TD	3.69%	03/11/14	2,000	2,000
05/05/14	Newcastle Permanent Bld Society	TD	3.55%	05/08/14	2,000	2,000
13/05/14	National Australia Bank	TD	3.63%	13/11/14	1,000	1,000
14/05/14	Members Equity Bank	TD	3.75%	10/11/14	1,000	1,000
14/05/14	Westpac Bank	TD	3.55%	10/11/14	2,000	2,000
19/05/14	Members Equity Bank	TD	3.75%	17/11/14	2,000	2,000
20/05/14	Defence Bank	TD	3.75%	17/11/14	1,000	1,000
22/05/14	Bank of Queensland	TD	3.70%	20/11/14	2,000	2,000
27/05/14	Bank of Queensland	TD	3.70%	26/11/14	1,000	1,000
27/05/14	National Australia Bank	TD	3.65%	24/11/14	1,000	1,000
06/06/14	BankWest	TD	3.55%	04/09/14	2,000	2,000
13/06/14	Westpac Bank	TD	3.65%	10/12/14	2,000	2,000
23/06/14	Rural Bank	TD	3.65%	22/12/14	1,000	1,000
	Totals				68,820	68,495
	FND = Managed Fund	FRN = Floating Rate Note				
	TD = Term Deposit	FRTD = Floating Rate Term Deposit				

RECOMMENDATION

That Council notes the record of banking and investments for June 2014.

Attachment(s)

1. TCorp Local Government Economic Commentary - June 2014

10.3 Community Donations - Financial Assistance and Public Halls

10.3 Community Donations - Financial Assistance and Public Halls

Delivery Program Community Planning

Objective To approve the community financial assistance and public hall donations for 2014/15.

Background

The 2014/15 Operational Plan includes an allocation of \$50,000 for community donations, of which \$10,000 is allocated to Ballina and Lennox Head Christmas carol events. A further \$41,000 is available to assist with capital works for halls.

The details of how these funds are to be allocated are included in the following Council policies (both accessible on our website):

- Donations - Financial Assistance
- Donations - Community Halls - Capital Works Assistance

Councillors met at an informal meeting on 14 July 2014 to consider a preferred recommendation of the allocation of the available funds, based on the submissions received during the preparation of the 2014/15 Operational Plan.

The purpose of this report is to now consider the recommendations from that meeting and confirm the allocation of the donation funds for 2014/15.

Key Issues

- Fair and equitable allocation of Council donations

Information

Details of the submissions received for donations were distributed to all Councillor's Ipads for the 14 July meeting

The submissions are lengthy therefore they have not been reproduced within this agenda.

A complete copy of all the submissions will be available at the Council meeting, or if a copy is required prior to the meeting, please contact the General Manager's office.

Table one provides a summary of the various submissions for general donations and the final column is the Councillor recommendations.

10.3 Community Donations - Financial Assistance and Public Halls

Table One: Recommendations for Funding Assistance

Ref	Organisation / Person	Project / Activity	Requested (\$)	Recommended (\$)
1	NSW Rural Doctors	Advertising & Promoting Bush Bursary Scheme	3,300	Nil
2	Ballina Lions Club	Hiring Equipment to ensure participants safety, printing and medals	1,000	500
3	N/Rivers Ulysess Motorcycle Club	Traffic Control 2014 Toy Run	650	650
4	Ballina Lighthouse RSL Day Club	Projector for meetings	798	Nil
5	Ballina Community Gardens	In-kind works for sewer connection	4,000	Nil from donations (1)
6	Ballina General Cancer Support Group	Community Facilities hire fees for monthly meetings	550	550
7	Ballina Breast Cancer Support Group	Community Facilities hire fees for monthly meetings	308	308
8	Alstonville Red Cross	Fundraising for local & overseas assistance	1,000	Nil
9	Lennox Head Chamber of Commerce	Operational costs for 2014 Love Lennox Carnival	800	800
10	Mental Health Support Group Inc	Public Liability & volunteer insurance costs	1,151	0
11	Ballina Senior Citizens Club	Operational costs for 2014 Christmas party	2,000	2,000
12	Friends of Handicap in Rwanda	Repairs to Umutara Deaf School	45,000	Nil
13	Ballina RSL Sub-Branch	2014/15 Rates for RSL Youth Club	3,215 (est)	3,215
14	Masters in Motion	Operational costs towards children's fitness program	36,000	Nil
15	Richmond-Tweed Family History Society	Printing & posting quarterly journal	2,500	Nil
16	Cancer Council NSW Relay for Life	Costs associated with running the 2014 Relay for Life event	3,000	Nil
17	Lennox Head Landcare Inc	Costs associated with Waterwatch activities	300	300
18	Bicycle NSW	Costs associated with holding 'Discovery Rides' event in Lennox Head and Ballina	1,000	Nil
19	Lennox Head Resident's Association (Coastcare Group)	Operational costs for maintaining and protecting the amenity provided by the beach dunes	1,800	1,800
20	Autism Spectrum Australia (ASPECT)	Operational costs to run the 8 th Annual Aspect Family Day 2015	3,173	Nil
21	Southern Cross School Distance Education (SXDE)	Rental costs, program delivery resources, travel costs for disadvantaged youths	2,000	Nil
22	Cabbage Tree Island Descendants Rugby League Football Club	Costs associated with attending the Annual NSW Annual Aboriginal Rugby League Knockout Carnival	3,000	Nil
23	Ballina Public School	Costs associated with hosting the Aboriginal/Torres Strait Islander Awards Night	500	500
24	Lennox Head VIEW Club	Operational costs for International Women's Day Breakfast 2015	1,000	1,000

10.3 Community Donations - Financial Assistance and Public Halls

Ref	Organisation / Person	Project / Activity	Requested (\$)	Recommended (\$)
25	Heartfelt House	Funds for building a timber pergola with weatherproof roof to enable meetings to be held	5,000	Nil
26	Australian Seabird Rescue Inc	Operational costs towards the rehabilitation and release of marine wildlife	2,000	1,000
27	Australian Navy Cadets T.S. Lismore	Repair of Boat Ramp used by ANC for waterborne training	12,000	2,000
28	The Silversmiths	Hire costs at Kentwell Community Centre; payment of public liability insurance	720	720
29	Paradise FM Community Radio Assoc Inc	To provide a second broadcasting studio	10,000	Nil
30	Lions Club of Lennox Head	To install storage shelves and covered trailer area at the Skennars Head Soccer Field facility	2,695	1,500
31	Ballina Rugby Union Club	Costs associated with running a knock out competition ie event, insurance, fencing, security personnel	5,000	Nil
32	Spring!! Integrated Dance Theatre Inc	Operational costs to hold dance theatre workshops for persons with and without disabilities	2,000	Nil
33	Tintenbar Tennis Club	Costs for reactivating the Club ie replace nets and insurance costs	1,000	1,000
34	The Northcott Society	Costs associated with holding a disco for clients of all disability Services	800	Nil
35	North Coast Academy of Sport	Costs associated with providing quality coaching, competition and sports science to regional athletes	4,960	3,000
36	Quota International of Alstonville-Wollongbar Inc	Costs associated with running the Arts, Craft & Garden Fair in August	2,250	Nil
37	AFC & RAAF Assoc Ballina Branch Inc	Hire of chairs and shade covers for commemoration service	460	460
38	Wollongbar Community Preschool	Funds for finishing the existing disabled ramp access to the preschool entry	20,000	5,000
39	Tintenbar Branch of Australian Red Cross	Waiver of waste management fees after Trash & Treasure event	100	100
40	Ballina Jockey Club	Costs associated with Melbourne Cup Tour visiting Ballina	3,000	Nil from donations (2)
41	Ballina Jet Boat Surf Rescue	Fuel, lubricants, cleaning products and maintenance items	2,700	2,700
Totals:			189,515	29,103

(Items 36-41 were received after the period for acceptance of submissions closed)

- (1) The meeting recommended that the \$4,000 requested by the Ballina Community Gardens be approved however the funds shall be donated by the Wastewater Fund.
- (2) The meeting recommended that the General Manager be authorised to find the \$3,000 requested by the Ballina Jockey Club for the Melbourne Cup Trophy Tour from General Fund sources other than the donations budget such as the Civic Functions budget.

10.3 Community Donations - Financial Assistance and Public Halls

The community hall recommendations are outlined in table two.

Table Two: Recommendations for Community Halls

Ref:	Organisation	Project / Activity	Project Value (\$)	Amount Requested (\$)	Amount Recommended (\$)
1	McLeans Ridges Hall	Upgrade driveway at rear of hall, close front driveway to ensure safety of patrons	17,404	8,702	8,702
2	Meerschaum Vale Hall	Install fence around hall for safety of patrons	2,200	1,100	1,100
3	Newrybar Hall	Storeroom, part repair of foundations, painting interior and part exterior and upgrade electricals	27,867	10,000	10,000
4	Tintenbar Hall	Tiling wet areas, replacing timber steps, installing gates and repairing timber benches and tables	10,026	5,000	5,000
5	Wardell & District Progress Association (Wardell Hall)	Renovate toilet facilities to include a disabled toilet	46,000	18,000	15,000
Totals			103,497	42,802	39,802

Other Donations

Council has previously asked for information on services, provided at no monetary cost by Council, to the community, that are typically not represented in the donations process. This information is shown in table three and this helps to highlight the significant community support provided by Council.

Table Three - In-kind Contributions from Council

Benefiting group/type of donation	Approx (\$)
Alstonville and District Football Club - Property Rental Waiver	5,000
Alstonville Show Society - Mowing Sports Field	3,750
Alstonville Tennis Club - Property Rental Waiver	50,000
ANZAC Day	3,000
Ballina Aero Club - Property Rental Waiver	1,000
Ballina and District Equestrian Club - Property Rental Waiver	20,000
Ballina Concert Band - Property Rental Waiver	5,000
Ballina Girl Guides - Property Rental Waiver	5,000
Ballina Lighthouse and Lismore SLSC - Property Rental Waiver	20,000
Ballina Lighthouse Club- Set Up Tables / Chairs	5,000
Ballina Lions Club (West End Hall) - Property Rental Waiver	10,000
Ballina Meals on Wheels - Food Preparation Inspection	25,000
Ballina Players Theatre - Property Rental Waiver	5,000
Ballina Rugby Club - Property Rental Waiver	5,000
Ballina Senior Citizens - Property Rental Waiver	5,000
Ballina Youth Management Centre - Property Rental Waiver	5,000
Breast Cancer Screening Van	500
Crawford House - Property Rental Waiver	30,000
Festivals and Events – Contributions	98,000
Fox Street Pre School - Property Rental Waiver	20,000
Lennox Head Community Preschool - Property Rental Waiver	5,000
Lennox Head Football Club - Property Rental Waiver	5,000
Lennox Head Rural Fire Service - Property Rental Waiver	15,000
NAIDOC Week	10,000
Naval Cadets - Property Rental Waiver	40,000

10.3 Community Donations - Financial Assistance and Public Halls

Benefiting group/type of donation	Approx (\$)
Newrybar Community Hall	5,000
Northlakes Community Centre - Property Rental Waiver	15,000
Pimlico Hall - Property Rental Waiver	5,000
Rainbow Children's Centre - Property Rental Waiver	30,000
Rotary Club of Ballina (Defibrillator) - Property Rental Waiver	1,000
Skaters- Fair Go Skate competition	14,000
Various Community Groups - Rates and Charges Donated	70,000
Various Land Care Groups- Insurance / Other	4,000
Volunteer Groups Assistance – Field Staff Support	4,500
Wardell Sports Ground Trust - Mowing Sports Field	3,750
Wollongbar Community Pre School - Property Rental Waiver	10,000
Wollongbar Progress Association - Property Rental Waiver	5,000
Wollongbar Rugby Union Club - Property Rental Waiver	5,000
Wollongbar Rural Fire Service - Property Rental Waiver	3,000
Wollongbar Rural Fire Service - Property Rental Waiver	5,000
Total	576,500

Some of these figures are subjective (i.e. foregone rentals etc) but nevertheless they do provide a rough guide as to the overall level of in-kind support provided by Council.

Sustainability Considerations

- **Environment**
If approved some of the donations support community groups that provide environmental works.
- **Social**
Donations provide financial support for local community groups.
- **Economic**
Injection of financial support into community groups also contributes to the local economy.

Legal / Resource / Financial Implications

Council has total funding available of \$81,000 (\$50,000 for general donations with \$10,000 already allocated and \$41,000 for halls).

Consultation

Council advertised for donation submissions during the exhibition of the 2014/15 Delivery Program and Operational Plan.

Options

The options are to either support the recommendations or to amend the recommendations from the working party. The recommendation that follows is to support the recommendations as this process has worked effectively for a number of years.

10.3 Community Donations - Financial Assistance and Public Halls

The recommendation also makes mention of the Ballina Community Gardens donation and the contribution towards the Melbourne Cup Trophy Tour, as both of these items were specifically excluded from the General Fund donation's budget. There was also only just marginal support for Council funding the Trophy Tour.

Finally Councillors expressed an interest in understanding the level of community rate bookings compared to commercial bookings for Council's facilities, especially considering some community groups want the already subsidised community rate waived.

In response to this staff manually collated the various bookings for the first six months of the 2013/14 financial year as per the following summary.

Table Four – Community Facilities Bookings by Category

Item	Community \$	Community Bookings	Commercial \$	Commercial Bookings	Sport \$	Sport Bookings
Jul-13	5,700	110	3,455	35	690	7
Aug-13	7,230	130	4,020	45	1,350	20
Sep-13	6,461	110	3,105	40	910	19
Oct-13	6,380	121	7,090	65	2,080	23
Nov-13	7,650	120	8,267	70	2,170	23
Dec-13	5,390	80	7,210	55	1,230	14
Totals	38,811	671	33,147	310	8,430	106

As per this table there are a high number of community based bookings, with the number more than twice that of commercial bookings. This does highlight that many community groups pay the community rate.

RECOMMENDATIONS

1. That Council approves the community and public hall donations for 2014/15, as outlined in tables one and two of this report.
2. That Council approves the donation of \$4,000 to the Ballina Community Gardens project, with this expenditure to be funded from the wastewater budget.
3. That Council approves the General Manager to allocate \$3,000 to the Ballina Jockey Club to assist with costs associated with the tour of the Melbourne Cup, with the funding to be sourced from the General Fund.

Attachment(s)

Nil

10.4 Community Donations - Planning Fees

10.4 Community Donations - Planning Fees

Delivery Program Governance and Finance

Objective To invite Council to consider a request for financial assistance to pay Planning and Development Fees.

Background

The previous report in this agenda considered the allocation of Council's donations for budgets for Financial Assistance and Community Halls - Capital Works.

Council's annual budget also includes funding for donations to community groups relating to Council fees for capital works and major funding raising events. This funding is supported by Council Policy Ref. No. D04 – "Assistance with Council Fees for Community Groups". A copy of that policy is attached for information.

The 2014/15 adopted Council budget provides an allowance of \$2,000 for these fees and Council has now received a request to refund development application fees lodged on behalf of a not-for-profit organisation. The report that follows provides a summary of that request.

Key Issues

- Community benefit and funding available

Information

William John Townend has requested a refund of planning fees relating to the lodgement for DA 2014/333 on behalf of Alstonville Community Preschool Inc (a not-for-profit organisation). A copy of the request is attached.

If Council provides the refund the preference would be to provide it direct to the Alstonville Preschool rather than providing a donation to a paid consultant. The Preschool can then use the funds to pay the consultant. This is considered to be a more transparent process.

In respect to waiving or refunding fees for planning matters it is typically preferred to only waive the development application (\$1,636) and compliance levy (\$213.30) fees as these fees relate directly to staff time processing the application and they do not necessarily incur extra costs for Council (besides the workload for staff). The other items listed in the application result in additional costs; i.e.

- Advertising \$324 – Direct costs incurred by Council in advertising the application
- Planning Reform Levy \$455.04 – Monies collected by Council and forwarded to the NSW State Government.

10.4 Community Donations - Planning Fees

If Council wished to support this request the preferred donation amount would be \$1,849.30 (development application and compliance levy).

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Donations can provide significant community benefits.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The current status of the 2014/15 Planning and Development Fees donation fund is \$2,000 available.

Consultation

No particular consultation has been undertaken in respect to this matter

Options

The options are to approve or decline the request. Typically the recommendation is for Councillors to determine approval or refusal, however as this project relates to the Alstonville Pre-school, which is being constructed on Council owned land, and as Council has previously resolved to support this project with funding of \$120,000, the recommendation is to support the request, subject to the reimbursement being paid to the Alstonville Community Pre-school Inc.

The recommendation is to only approve the development application and compliance levy fees as these fees do not result in Council incurring additional direct costs.

RECOMMENDATION

That Council approves the request from William John Townend on behalf of Alstonville Community Preschool Inc to waive or reimburse the Council development application fee of \$1,636 and the compliance levy of \$213.30 for development application 2014/333, noting that if monies are to be reimbursed they are to be paid to the Alstonville Community Preschool Inc.

Attachment(s)

1. Policy - D04 Donations - Assistance with Council Fees for Community Groups
2. Letter of Request - William John Townend

10.5 Community Donations - Rates and Charges

10.5 Community Donations - Rates and Charges

Delivery Program Governance and Finance

Objective To obtain Council approval to donate 2014/15 rates and charges in accordance with our “Donations – Rates and Charges” policy.

Background

Council’s “Donations – Rates and Charges” policy was developed to provide clear guidelines for the management of rates and charges donations to community based service organisations.

The policy underwent a significant review during 2010/11 with the outcome being a focus on broad categories of properties that are used to provide a community service only, and to ensure that the donations provided are equitable and consistent across those categories. Even though a policy has been adopted, it serves as a guide only and it is good practice for Council to annually resolve to donate specific rates and charges in accordance with section 356 of the Local Government Act 1993 (LGA).

Key Issues

- Annual 2014/15 donations of rates and charges

Information

The following table provides **details of specific fixed rates and charges** proposed to be donated for the 2014/15 rating year based on the guidelines provided within Council’s current “Donations – Rates and Charges” policy. All amounts have been rounded to the nearest dollar.

Table One –Donations – 2014/15 Determined Fixed Charge Levies

Assess No.	Organisation	Ordinary Rate	Water Access	Waste-water Access	Storm -water	On Site Sewage	Waste and Recycle	Total (\$)
Category A - 100% of all rates and charges donated								
412192	Ballina Lighthouse & Lismore SLSC**	0	295	608	0	0	0	903
120347	Lennox/Alstonville SLSC**	0	756	1,952	0	0	0	2,708
295613	Ballina/Lismore Jnr SLSC**	0	590	608	0	0	720	1,918
173390	CWA of NSW (Ballina)**	0	189	608	0	0	360	1,157
295168	CWA of NSW (Lennox)**	0	189	608	0	0	0	797
414348	Volunteer Marine Rescue NSW	0	0	0	0	0	538	538
Category B - 100% of all fixed rates and charges donated (excludes measurable user pays charges)								
145397	Biala Special School	0	189	608	0	0	0	797

10.5 Community Donations - Rates and Charges

Assess No.	Organisation	Ordinary Rate	Water Access	Waste-water Access	Storm-water	On Site Sewage	Waste and Recycle	Total (\$)
145363	Fox Street Preschool	0	189	608	0	0	0	797
172661	Ballina Playgroup	0	189	608	0	0	0	797
172679	River Street Childrens Centre	0	189	608	0	0	0	797
213734	Lennox Head Community Preschool	0	189	608	0	0	0	797
232429	Jumbunna Community Preschool	1,523	189	608	25	0	0	2,345
288323	Wollongbar Community Preschool	0	189	608	0	0	0	797
151966	Rainbow Children's Centre	4,244	189	608	0	0	0	5,041
115643	Alstonville Agricultural Society	4,008	779	2,419	25	0	0	7,230
235231	Meerscham Vale Hall	882	189	0	0	40	0	1,111
254780	McLeans Ridges Hall	1,656	0	0	0	40	0	1,696
250346	Newrybar Hall	1,336	0	0	0	40	0	1,376
191267	Northlakes Community Centre	1,934	189	608	0	0	0	2,731
250663	Pearces Creek Hall	1,136	0	0	0	40	0	1,176
239675	Pimlico Hall	714	0	0	0	40	0	754
234170	Rous Mill Hall Trustees	1,366	0	0	0	40	0	1,406
230045	Tintenbar School of Arts Trustees	1,239	0	0	0	40	0	1,279
232013	Wardell War Memorial Hall	3,119	189	608	25	0	0	3,941
186115	Wigmore Hall Committee	0	189	608	0	0	0	797
112140	West End Hall	1,318	189	608	0	0	0	2,115
264036	Alstonville RSL Sub Branch Hall	1,317	189	608	25	0	0	2,140
213726	Lennox Scouts	0	189	608	0	0	0	797
253556	Alstonville Scouts	0	0	0	0	40	0	40
294243	Ballina Scouts	0	189	608	0	0	0	797
334289	Ballina Jetboat Surf Rescue	639	189	0	0	0	0	828
Category C - 100% of all wastewater charges until backlog wastewater program capital contribution is paid in full								
126822	Ballina Sea Bird Rescue	0	0	608	0	0	0	608
119956	Jehovah Witness^^^	0	0	1,485	0	0	0	1,485
TOTALS (Category A, B, C):		26,433	6,011	18,016	100	320	1,618	52,497
<i>** Water consumption and wastewater usage charges to be added to donation quarterly following future water meter readings</i>								
<i>^^^ Wastewater usage charges to be added following future water meter readings</i>								

10.5 Community Donations - Rates and Charges

The following table provides **estimates of water consumption based charges** that are proposed to be donated on a quarterly basis during 2014/15 in addition to the fixed annual charges provided in the previous table.

Actual amounts donated are determined by future quarterly water meter readings.

Table Three – Donations – 2013/14 Estimated Volumetric Based Charges

Assessment Number	Organisation	Estimated Water Consumption	Estimated Wastewater Usage	Estimated TOTAL (\$)
402074	Ballina Lighthouse & Lismore SLSC	2,050	775	2,825
120347	Lennox/Alstonville SLSC	1,100	750	1,850
295613	Ballina/Lismore Jnr SLSC	1,850	525	2,375
173390	CWA of NSW (Ballina)	100	90	190
295168	CWA of NSW (Lennox)	50	40	90
119956	Jehovahs Witness	0	200	200
TOTALS (Estimates):		5,150	2,380	7,530

Sustainability Considerations

- **Environment**
Not Applicable.
- **Social**
Provide support to community based organisations to enable them to deliver services for the benefit of the local community.
- **Economic**
Provide financial assistance to community organisations, allowing them to spend more money on providing their specific service to the local community.

Legal / Resource / Financial Implications

These donations have been budgeted for in the 2014/15 Operational Plan.

Consultation

Applications for financial assistance pursuant to section 356 of the LGA are advertised during the draft Operational Plan exhibition process.

Options

The options are to approve, or not approve, the rates and charges donations for each of the assessments detailed within this report. The donations listed are consistent with Council policy and the recommendation is to approve the donations.

10.5 Community Donations - Rates and Charges

RECOMMENDATION

That Council approves the donation of the 2014/15 rates and charges, as detailed within tables one and two of this report, which includes future estimated water consumption and wastewater usage charges, pursuant to section 356 of the NSW Local Government Act 1993.

Attachment(s)

Nil

10.6 Consultation Strategy - Special Rate Variation

10.6 Consultation Strategy - Special Rate Variation

Delivery Program Governance and Finance

Objective To endorse a consultation strategy in respect to Council's proposal to apply for a special rate variation in 2015/16 and 2016/17 to finance the redevelopment of the Alstonville and Ballina swimming pools.

Background

Council's Delivery Program, Operational Plan and Long Term Financial Plan (LTFP) include a proposal for Council to apply for a special rate variation for an additional 2.5% rate income in 2015/16 and 2016/17 to finance approximately \$4m worth of expenditure on the Alstonville and Ballina swimming pools (\$4m per pool).

In order to obtain approval for the 2.5% additional rate income Council must conduct a formal consultation process with the local community prior to making a submission to IPART for the increase.

The report that follows provides an overview of the proposed consultation program.

Key Issues

- Consultation options

Information

The process for applying for special rate variations is now managed by IPART on behalf of the State Government. IPART has produced a number of publications to assist councils with this process and the two attachments to this report are the:

1. IPART Fact Sheet – Our role in local government rate-setting special variations and
2. IPART Fact Sheet - Community awareness and engagement for special variation applications

Both these publications provide a sound overview of the process to be followed in applying for a variation and the importance of adequate community consultation.

In respect to the application process, key dates for the 2014/15 year (i.e. applications submitted last year) was notification to IPART that a council was applying for a variation by 13 December 2013 and completed applications by 24 February 2014. Similar dates can be anticipated for the 2015/16 applications.

10.6 Consultation Strategy - Special Rate Variation

This means it is important that Council commence its community consultation process as early as possible to ensure that the process is completed in full prior to the due dates.

In respect to consultation, as per the IPART publication, there are numerous options available. Also Council has a documented Consultation Policy (ref. C14), that outlines strategies that should be followed dependent on the complexity of the project undertaken.

The Council policy provides four steps to be followed in determining the appropriate level of consultation and a summary of those steps is as follows.

1. Determine the potential level of impact of the issue

The matrix listed in the policy is as follows.

Scale	High Level Impact	Low Level Impact
LGA	<ul style="list-style-type: none"> Impacts on Council's vision and values including core directives (management plan, sustainability strategy, urban planning, natural environment). Impacts on health, safety and wellbeing of the community (such as climate change). Potential for controversy or conflict (preparation of new local environmental plan or broad reaching development control plan). 	<ul style="list-style-type: none"> Review of survey of recurrent operational programs (satisfaction surveys for various services). Program planning (community events, youth services). Program delivery (capital works upgrades to regional facilities).
Local	<ul style="list-style-type: none"> Vision and values affecting local area or community group (town centre studies, suburban sustainability strategy). Potential for local controversy or conflict (removal or relocation of local park, spot rezoning or local development control plan) High level of community interest (park master planning). 	<ul style="list-style-type: none"> Changes to operational services (minor changes to service delivery, local park upgrades). Local program planning (specific local events such as village fairs). Low risk conflict (temporary local traffic or parking changes).

A rate increase applying to the entire LGA could be identified as high level impact.

2. Determine the appropriate level or scope of participation

The policy then provides the following matrix to determine the types of consultation to be undertaken based on the level of impact.

Impact	Inform	Consult	Involve	Collaborate	Empower
High Level LGA Impact		✓✓	✓✓✓	✓✓	
High Level Local Impact		✓✓	✓✓✓	✓✓	
Low Level LGA Impact	✓✓	✓✓✓	✓✓	✓✓	✓
Low Level Local Impact	✓✓✓	✓✓	✓	✓	✓

As per this matrix Council's consultation should at least Consult, Involve and Collaborate for a high level impact matter across the entire LGA.

10.6 Consultation Strategy - Special Rate Variation

3. Decide on an engagement method or methods

The actions recommended for these types of consultation in the policy are as follows.

CONSULT	
Goal:	To obtain public feedback on analysis, alternatives and/or decisions.
Promise to the public:	We will keep you informed, listened to and acknowledge concerns and provide feedback on how public input influenced the decision.
Guidelines:	<ul style="list-style-type: none"> • Ensure the purpose of engagement is clear, including what is being consulted on and what is non-negotiable. • Know who you are trying to consult, the most effective way to reach them and get a response. • Allow enough time for a response to engagement requests. • Coordinate requests so that, where possible and appropriate, you ask for views once, not several times. • Provide feedback on the results of engagement. • Ensure and demonstrate that the views of those consulted are taken into account in the outcome. • Present all information simply and clearly. • Ensure adequate resources are allocated to the process.
Examples:	Public comment, focus groups, surveys

INVOLVE	
Goal:	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
Promise to the public:	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.
Guidelines:	<ul style="list-style-type: none"> • Ensure all relevant people are given the opportunity to be involved. • Ensure you maintain a commitment to enabling their involvement in the process (have equity/access issues been considered that ensure that individuals are not unknowingly disadvantaged?). • Consider carefully what processes and/or structures are appropriate for the purpose and who is to be engaged. • Avoid misunderstanding and ambiguity by clearly establishing the basis for membership of bodies such as boards or committees (e.g. skills vs representation), the decision-making processes (e.g. voting vs consensus) and roles and responsibilities at the outset.
Examples:	Workshops, deliberative polling

COLLABORATE	
Goal:	To partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.
Promise to the public:	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.
Guidelines:	<ul style="list-style-type: none"> • There must be clarity about the extent of decision-making power that is delegated and, in particular, what is not included. • Avoid misunderstanding and ambiguity by clearly establishing the basis for membership of bodies such as boards or committees (e.g. skills vs representation), decision-making processes (e.g. voting vs consensus) and roles and responsibilities at the outset. • Where formal partnership arrangements are involved, governance arrangements need to be carefully considered.
Examples:	Citizen advisory committees, consensus-building, participatory decision-making

It is interesting to note that the matrix in point two does not include the Inform consultation option, as one of the key actions in the IPART publications, is to ensure that the community is adequately informed in respect to the proposed variation.

10.6 Consultation Strategy - Special Rate Variation

The details of the Inform consultation option from the Council policy are as follows.

INFORM	
Goal:	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.
Promise to the public:	We will keep you informed.
Guidelines:	<ul style="list-style-type: none">• Know who you are trying to reach and how they are most likely to access and understand the information.• Ensure information provided is:<ul style="list-style-type: none">○ high quality○ consistent○ timely○ appropriately targeted○ clear and easily understood by your audience.
Examples:	Fact sheets, websites, notices, letters.

It is considered that Inform should be a key a component of our consultation.

4. Prepare a engagement strategy/plan

Based on this information Council now needs to determine an adequate consultation strategy. The key elements recommended, as sourced from the Council policy, are as follows:

- Fact Sheets – A summary sheet will be produced providing an overview of the works and proposed rate increases.
- Website – Council’s website will contain all relevant information.
- Letters – One option that some councils have followed is to write directly to all property owners impacted by the rate increase. Richmond Valley Council took this step as part of their recent rate application, which involved far higher levels of increases. The cost of this process will be upwards of \$10,000 once postage and printing are included and Council may wish to discuss whether this level of consultation is essential.

This option is currently recommended, as it will demonstrate Council’s commitment to consultation, and costs can hopefully be reduced by aligning this mail out with other Council correspondence (rate notices etc).

- Community Connect – The next edition of Community Connect is scheduled for September 2014 and the rate increase can be the main focus of that edition.
- Community Survey – It is proposed to undertake the Micromex community satisfaction survey this financial year, with this survey now being scheduled every two years. That survey involves 500 residents and in discussions with Micromex, additional information on the proposed rate increase can be included, at a relatively marginal increase in cost. The cost of the standard survey is approximately \$20,000.

It is also proposed to have an on-line survey on the Council website to obtain feedback, as on-line surveys have often proven to be the most effective way of generating additional feedback. The exhibition material will focus on that on-line survey.

10.6 Consultation Strategy - Special Rate Variation

- Ward Committees – The members of these committees form an important component of Council’s consultation processes.
- Public Meetings – The benefit of public meetings is debatable as often they only attract very motivated opponents to proposals such as this. Even so they are considered important and it is recommended that meetings be held in Ballina and Alstonville, where the two swimming pools are located.
- Direct Consultation – It is also recommended that Council liaise directly with key interest groups such as the local swimming clubs. The feedback can also help shape the works planned for the redevelopment.

The Council proposal is for two increases of 2.5% on top of the standard rate pegging figure, which based on discussions with IPART, is estimated at 3%.

This means Council will be applying for a 5.5% increase for 2015/16 and 2016/17. The proposal will be based on these two increases being permanent as the life of the loans will be for a period of 15 years and there is little doubt that in 15 years other works will be required by the community.

The major issue still to be thoroughly examined by Council is how the funds will be ultimately expended. Council’s LTFP is based on \$4m being expended on Ballina in 2015/16 and \$4.1m on Alstonville in 2016/17.

The very early works program proposed for this funding is as follows:

Location	Description	Ballina	A'ville
50 metre pool	Access ramp and steps	85,000	85,000
50 metre pool	New water reticulation piping	42,000	42,000
50 metre pool	Additional lane	150,000	150,000
50 metre pool	Pool heating	195,000	195,000
50 metre pool	Remove and reinstate concourse	115,500	124,000
50 metre pool	Remove coping and relining	940,000	940,000
50 metre pool	Covered spectator tiered seating	120,000	120,000
Site	Storm water drainage to concourse	23,000	23,000
Site	Replacement boundary fence	95,000	30,000
Plant room	Backwash water disposal to sewer	0	45,000
Plant room	Plant room – full upgrade	500,000	500,000
Existing toddlers pool area	Children’s wet play area	240,000	240,000
Existing training pool area	Expand to a multi use pool 16x16m	0	400,000
Existing training pool area	Expand to a 25 metre training pool	450,000	0
New extended pool	Pool heating – heat pump	96,000	85,000
New extended pool	Balance tank and new reticulation	55,000	50,000
New extended pool	Pool plant	275,000	250,000
New extended pool	Remove and reinstate concourse	33,000	33,000
New extended pool	Remove coping and relining	224,000	175,000
Various	BBQ / Picnic Facilities / Piping	30,000	30,000
Contngency		331,500	583,000
Total		4,000,000	4,100,000

This program has largely been prepared by staff and expert advice is now needed to determine how Council will get best value for its monies and to ensure we are planning for where swimming pools are heading in the 21st century.

10.6 Consultation Strategy - Special Rate Variation

Council's 2014/15 budget has an allowance of \$200,000 to engage a consultancy firm to assist in this project, with this expenditure having been deferred from 2013/14 due to the funding being sourced from Council's property reserves and those reserves not being in a position to fund that expenditure in 2013/14.

The \$200,000 in funding in 2014/15 is again sourced from the property reserves and importantly the income items for those reserves looks reasonably certain for 2014/15. The following is a list of the main property income forecasts for 2014/15:

Item	Estimate (\$)
Rental - 89 Tamar Street	720,000
Rental - ARC	338,000
Rental - Fawcett Park Café	50,000
Lennox Head Insurance	550,000
Section 94 Recoupments	103,000
Wollongbar Urban Expansion Land Sale	1,600,000
Alstonville Plaza Land Sale	180,000
Norfolk Homes Rental	145,000

The major variable in this list is the eight lots for the WUEA at \$200,000 (\$1.6m) and pleasingly Council has seven contracts already signed for sale of the land. This being the case Council can now confidently proceed with expending the monies on the pool consultant. This engagement is considered essential to assist Council with the pool redevelopment projects.

The only risk with this engagement is if the special rate variation is not approved. If that does occur Council will need to look at reapplying the following year to fund the redevelopment works needed.

The other risk is if the Council decides to increase the project scope beyond the \$4m budgets and if that does occur other funding strategies will need to be examined.

Sustainability Considerations

- **Environment**
Any swimming pool redevelopment should provide improved environmental outcomes through modern technologies and less water usage.
- **Social**
The swimming pools are an important component of the social infrastructure of the Ballina Shire.
- **Economic**
As the pools are ageing the operating costs are increasing significantly.

Legal / Resource / Financial Implications

The special rate variation approval is considered essential to finance the redevelopment of the swimming pools.

Consultation

The information section of this report details the consultation proposed.

Options

In respect to consultation options there are a wide range of methods available. The preferred strategy is outlined in the information section of this report with Council able to expand or contract its methods as it sees fit.

Finally it is also recommended that Council provide approval to engage the consultant for the swimming pool redevelopment program. That engagement will be reported back to Council for approval of the preferred tenderer following the completion of a call for expressions of interest / tender process.

RECOMMENDATIONS

1. That Council confirms that its community engagement strategy for the proposed special rate variation of 5.5% in 2015/16 and 2016/17 to finance the redevelopment of the Alstonville and Ballina swimming pools will include as a minimum the following actions:
 - a) Fact Sheets
 - b) Use of Council website
 - c) Letters to all residents
 - d) Community Connect advertising
 - e) Community Survey – Including the Micromex community satisfaction survey and on-line survey on the Council website
 - f) Ward Committees
 - g) Public Meetings at Ballina and Alstonville
 - h) Direct Consultation with key interest groups such as the local swimming clubs.

2. That Council authorises the General Manager to conduct a tender process to select the preferred consultant to assist Council with the redevelopment of Alstonville and Ballina Swimming Pools.

Attachment(s)

1. IPART Fact Sheet – Our Role in local government rate-setting special variations
2. IPART Fact Sheet - Community awareness and engagement for special variation applications

10.7 Policy (Review) - Investments

10.7 Policy (Review) - Investments

Delivery Program Governance and Finance

Objective To review the Investments Policy

Background

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

Council first adopted this policy in 2006.

Key Issues

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

Information

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

- Change of name from Division of Local Government to Office of Local Government

The changes have been marked in yellow in the revised policy document contained in Attachment One.

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

Also Councillors have at times expressed some comments about the policy being too conservative, however it is largely consistent with many other councils and as occurred with the ING investment, when the policy guidelines are breached Council can still retain investments until their termination date. This being the case no changes are recommended to the investment parameters.

Legal / Resource / Financial Implications

The policy looks to establish a framework to invest Council's excess cash in a manner that mitigates risks whilst enabling a fair return on funds invested.

10.7 Policy (Review) - Investments

Consultation

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

Options

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

RECOMMENDATIONS

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 received to be resubmitted back to Council. If no submissions are received then no further action is required.

Attachment(s)

1. Policy (Review) - Investments Policy

10.8 Policy (Review) - Public Interest Disclosure

10.8 Policy (Review) - Public Interest Disclosure

Delivery Program Governance and Finance

Objective To review the Public Interest Disclosure Policy to better reflect the roles and responsibilities of staff.

Background

The Public Interest Disclosure Policy was adopted by Council in September 2013. At the time, the policy vested the role of Public Interest Disclosure Co-ordinator with the Manager - Human Resources and Risk, and the role of Public Interest Disclosure Officer was assigned to the Records Co-ordinator.

Administrative arrangements in the General Manager's Group have now evolved where the preference is to relieve the workload of the Manager – Human Resources and Risk and reallocate these responsibilities.

The purpose of this report is to update the current policy to reflect these changed responsibilities.

Key Issues

- Consistency with legislation

Information

The attached draft policy reflects administrative changes in the General Manager's Group as follows;

- Council's Public Interest Disclosures Co-ordinator – Manager - Human Resources and Risk replaced by the Co-ordinator Records and Information
- Council's Public Interest Disclosure Officer – With the transfer of the Public Interest Disclosures Co-ordinator to the Co-ordinator Records and Information this responsibility is transferred to the position of Records and Information Specialist, which reports to that position.

The changes to the policy have been marked in yellow.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
That Council provides transparent and accountable governance.

10.8 Policy (Review) - Public Interest Disclosure

- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Council is required to comply with the Public Interest Disclosure Act 1994.

Consultation

As the changes are only minor it is recommended that Council adopt the policy as presented. It is also recommended that Council place the Policy on exhibition for public comment and if any submissions are received they can be reported back to Council.

Options

Council may accept or amend the proposed changes to the policy. The changes included are largely house keeping to better reflect an allocation of staff duties, therefore it is recommended that the policy be adopted as presented.

RECOMMENDATIONS

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

Attachment(s)

1. Policy (Review) - Public Interest Disclosure

10.9 Code of Conduct - Complaints Co-ordinator

10.9 Code of Conduct - Complaints Co-ordinator

Delivery Program Governance

Objective To amend the appointments for Complaints Co-ordinator and Alternate Complaints Co-ordinator positions under the Model Code of Conduct.

Background

The Ordinary meeting of January 2013 adopted the Division of Local Government's Model Code of Conduct and the Procedures for the Administration of the Model Code. At the May 2013 Ordinary meeting the role of Complaints Co-ordinator was assigned to the Manager - Human Resources and Risk, with the Records Co-ordinator confirmed as Alternate Complaints Co-ordinator.

Administrative arrangements in the General Manager's Group have now evolved where the preference is to relieve the workload of the Manager – Human Resources and Risk and reallocate these responsibilities. Also clause 3.15 of the Code of Conduct Procedures states as follows:

"The person appointed as complaints co-ordinator or alternate complaints co-ordinator must also be a nominated disclosures co-ordinator appointed for the purpose of receiving and managing reports of wrongdoing under the Public Interest Disclosures Act 1994".

In a previous report in this agenda Council was asked to adopt the draft Public Interest Disclosure Policy with changes to the roles of Public Interest Disclosure Co-ordinator and Officer.

Assuming the adoption of the policy, and in order to comply with the Model Code of Conduct it is necessary to amend the roles of Complaints Co-ordinator and Alternate Complaints Co-ordinator in line with the changes to staff roles.

Key Issues

- Concurrence with Division of Local Government procedures

Information

The "Co-ordinator Records and Information" and "Records Specialist" are now the two roles in Council recommended for managing public interest disclosures. For the purposes of the Model Code of Conduct it is therefore necessary for Council to resolve to appoint the complaint management roles under the Code of Conduct as follows:

- Council's Complaints Co-ordinator - Co-ordinator Records and Information
- Council's Public Interest Disclosure Officer - Records and Information Specialist

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The Code of Conduct relates the standards of conduct for Council officials, which includes councillors, council staff, administrators, council committee members, conduct reviewers and delegates of council.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The Local Government Act provides legislation that must be followed in respect to the Code of Conduct.

Consultation

This report is provided for public information.

Options

The options are to either endorse this proposal or provide an alternative proposal. Based on existing staff workloads and the earlier report in this agenda on the Public Interest Disclosure Policy it is considered that the two positions nominated represent the most appropriate allocation of these roles and the recommendation is to support this approach.

RECOMMENDATION

That Council confirms that for the purposes of the Code of Conduct that the Complaints Co-ordinator is Council's Co-ordinator Records and Information and the Alternate Complaints Co-ordinator is Council's Records and Information Specialist.

Attachment(s)

Nil

10.10 Ward Boundaries

10.10 Ward Boundaries

Delivery Program Governance and Finance

Objective To consider options to amend the ward boundaries to ensure compliance with the Local Government Act.

Background

Section 211 of the Local Government Act states as follows:

Ward boundaries

- 1) *The council of an area divided into wards must keep the ward boundaries under review.*
- 2) *If:*
 - a) *during a council's term of office, the council becomes aware that the number of electors in one ward in its area differs by more than 10 per cent from the number of electors in any other ward in its area, and*
 - b) *that difference remains at the end of the first year of the following term of office of the council,*

the council must, as soon as practicable, alter the ward boundaries in a manner that will result in each ward containing a number of electors that does not differ by more than 10 per cent from the number of electors in each other ward in the area.
- 3) *Nothing in subsection (2) prevents a council that has become aware of the discrepancy referred to in subsection (2) (a) from altering its ward boundaries before the end of the first year of the following term of office of the council.*

In summary this means Council must continue to monitor the ward boundaries to ensure that the 10% limit is not exceeded.

A recent review of the current enrolments has identified a greater than 10% variation and the purpose of this report is to consider possible changes to the existing ward boundaries to then comply with the Local Government Act.

Key Issues

- Options for change
- Compliance with the Local Government Act

Information

The most recent report Council received on this issue was in October 2011 when the latest available elector numbers for the Council wards was as follows:

A Ward - 9,663

B Ward - 10,065

C Ward - 9,254

10.10 Ward Boundaries

In this case the difference between C Ward (lowest) and B Ward (the highest) was 811 electors, which represented a variation for C Ward of 8.8%. That report subsequently resulted in no changes to the boundaries.

The latest electoral figures are now as follows:

A Ward – 10,293 B Ward - 10,822 C Ward - 9,545

With these updated figures the variance between the lowest (C Ward) and the highest (B Ward) is 1,277 electors, which represents a variation of 13% for C Ward.

Therefore Council now needs to consider amended ward boundaries.

The last time boundaries were changed was in 2007 when Council resolved to expand A Ward further into East Ballina, which increased elector numbers in A Ward and reduced the numbers in B Ward. The area moved related to the precinct north of Missingham Bridge and through to North Creek. This was largely the precinct from Hill Street to Jamieson Avenue moving from B Ward to A Ward.

The Council wards are divided into small census collection districts (CCDs) and it is recommended that an entire CCD be relocated from one ward to another as this simplifies the counting and reconciliation as the information is supported by readily available census data

Copies of the current ward boundaries, along with enrolment numbers for the CCDs are included as the attachments to this report.

In considering ward boundaries Council should be mindful of our future population growth with the major growth areas being Cumbalum / Ballina Heights (B Ward), Ferngrove / Riveroaks in Ballina (A Ward) Pacific Pines, Lennox Head (B Ward) and Wollongbar (C Ward). Ideally the wards would ultimately be based on the three major population centres; i.e.

- Ward A - Ballina (including Ballina Island, West Ballina, East Ballina) and Ballina Heights
- Ward B – Lennox Head and Surrounds
- Ward C - Alstonville, Wollongbar, Wardell

This would then even allow Council to rename the wards so that they are associated with localities as many residents currently do not understand or recognise the ward names.

In looking at options the current variance is largely between B and C Wards therefore to rectify this we would need to reallocate CCDs from B to C Ward.

One easy solution to this variation can be demonstrated by referring to the first attachment to this report, referred to as Sheet 1. As per that sheet if CCDs 1071807 (432 enrolments) and 1071804 (271 enrolments) are relocated from B Ward to C Ward the revised enrolments are:

A Ward – 10,293 B Ward - 10,119 C Ward – 10,248

10.10 Ward Boundaries

This then represents a variance of less than 2%. Under this proposal all properties west of Friday Hut Road would now be located in C Ward.

This is considered to be a relatively straight forward solution to the current variation and is the recommended approach.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Ideally the make up of each Ward should be based on communities of interest.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Council must comply with the Local Government Act.

Consultation

Any changes must be advertised for public comment as per Section 201A of the Local Government Act: i.e.

- (1) Before dividing a council's area into wards or altering a council's ward boundaries, the council must:
 - a) consult the Electoral Commissioner and the Australian Statistician to ensure that, as far as practicable, the proposed boundaries of its wards correspond to the boundaries of appropriate districts (within the meaning of the *Parliamentary Electorates and Elections Act 1912*) and census districts, and to ensure that the proposed boundaries comply with section 210 (7), and
 - b) prepare and publicly exhibit a plan detailing the proposed division or alteration (the "**ward boundary plan**").
- (2) The council must give public notice of the following:
 - a) the place at which the ward boundary plan may be inspected,
 - b) the period for which the plan will be exhibited (being a period of not less than 28 days),
 - c) the period during which submissions regarding the ward boundary plan may be made to the council (being a period of not less than 42 days after the date on which the ward boundary plan is placed on public exhibition).
- (3) The council must, in accordance with its notice, publicly exhibit the ward boundary plan together with any other matter that it considers appropriate or necessary to better enable the plan and its implications to be understood.
- (4) Any person may make a submission to the council regarding the ward boundary plan within the period referred to in subsection (2) (c).
- (5) The council must consider submissions made in accordance with this section.

When Council previously exhibited changes to the ward boundaries letters were written to the property owners impacted by the change and it is proposed to follow the same approach for this amendment.

10.10 Ward Boundaries

Options

There are many different options that Council could pursue in respect to amending the ward boundaries and Council may well wish to hold a briefing to review possible scenarios.

If Council does not wish to hold such a briefing the transfer of CCDs 1071807 and 1071804 from B to C Ward is considered to be a simple solution to the current variance of 13% and this is the recommendation that follows.

RECOMMENDATION

That Council endorses, for public exhibition purposes, the transfer of census collection districts 1071807 and 1071804 from B to C Ward, as the preferred approach to be applied in amending the existing ward boundaries to ensure that the number of electors in each ward is within the 10% tolerance required by Section 210(7) of the Local Government Act:

Attachment(s)

1. Sheet 1 - Whole Shire Ward Map showing CCDs
2. Sheet 2 - Lennox Head and Skennars Head
3. Sheet 3 - East Ballina
4. Sheet 4 - Ballina and West Ballina
5. Sheet 5 - Alstonville and Wollongbar
6. Sheet 6 - Wardell
7. Enrolment Numbers

10.11 Delivery Program Review - 30 June 2014

10.11 Delivery Program Review - 30 June 2014

Delivery Program Governance and Finance

Objective To provide the final review of the 2013/14 Delivery Program and Operational Plan.

Background

Under the Integrated Planning and Reporting requirements 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".

Even though Council is only required to receive six monthly progress reports the preferred practice has been to receive more timely quarterly reports. This report represents the fourth and final of the 2013/14 - 2016/17 Delivery Program and the 2013/14 Operational Plan, with the information contained in the report based on work undertaken up to 30 June 2014 (complete financial year).

The review information is included as a separate attachment to this report and the attachment provides an overview of all the programs included in the Delivery Program and Operational Plan, with comments provided by the relevant group and section manager.

For reference purposes copies of the current Delivery Program and Operational Plan are available on Council's web site and also accessible by Councillors on their ipads.

Key Issues

- Compare actual results against the adopted goals and priorities

Information

The Delivery Program and Operational Plan are the two key corporate documents that establish Council's goals and priorities for the term of the Council and the current financial year. The attachment to this report provides a comprehensive overview of the actions being progressed, with the information also being linked to Council's Community Strategic Plan (CSP) Objectives.

The attachment has two main sections being:

- Program Actions - This section provides a comment on the status of all the major actions in the Operational Plan

10.11 Delivery Program Review - 30 June 2014

- Service Delivery Targets - This section provides details on the key indicators within the Operational Plan.

In respect to the Operational Plan there are a total of 90 major actions listed in the Plan and the following two tables provide an overview of the status of those actions on a number and percentage basis.

Program Actions Overview - By Number of Tasks

Group / Status	GM	DEH	Civil	SCF	Total
Green	19	7	25	22	73
Amber	0	2	7	3	12
Red	3	0	1	1	5
Total	22	9	33	26	90

Program Actions Overview - By Percentage

Group / Status	GM	DEH	Civil	SCF	Total
Green	86	78	76	85	81
Amber	0	22	21	12	13
Red	14	0	3	3	6
Total	100	100	100	100	100

Many of the actions were completed as planned, with items not completed (i.e. marked as amber or red) that may require further comment as follows.

- Prepare and Implement Sports Fields Management Plan (page 5) – with the change in manager for this section during 2013/14 efforts have been focussed on the new manager becoming fully informed on the total portfolio prior to finalising any strategic documents. No budget was provided for this task to be completed through an extra resource (i.e. consultant) therefore staff need to be actively involved in its preparation. This action has been carried forward to 2014/15 in the current year's Operational Plan and efforts will be made to finalise the document this financial year. The Manager agrees the plan is needed to assist with overall priorities and strategies for our sports fields.
- Review and implement adopted Playground Equipment Program (page 6) – A Councillor briefing is in the process of being scheduled for August to review this program. All funded equipment was installed during 2013/14.
- Review branding of Southern Cross and Russellton Industrial Estates to maximise opportunities for growth (page 8) – This is a major project if Council does wish to rebrand these Estates and with no funding specifically allocated for this work, and with the two staff in the Commercial Services Unit focusing on major projects such as the Wigmore refurbishment and the Wollongbar development, it was flagged early in 2013/14 that the project was unlikely to be completed during the financial year.
- Develop and Release Industrial Land at the Russellton Industrial Estate (page 11) – The latest review of the property reserve cash flows confirmed there was insufficient monies for this work to be undertaken during 2013/14 or 2014/15, with the works now deferred to 2015/16.

10.11 Delivery Program Review - 30 June 2014

- Progress Adopted Master Plan for Southern Cross Industrial Estate (page 11) – A rezoning proposal has been lodged with Council and there are a large number of technical studies required to be completed by the applicant (i.e. the Commercial Services Unit and their consultants) for the rezoning to progress. Funding of \$150,000 is now available in the 2014/15 budget for those studies to be completed.

In respect to the Service Delivery Targets there are a total of 88 targets identified in the Operational Plan and the following two tables provide an overview of how Council is performing against those targets, again on a number and percentage basis.

Service Delivery Targets Overview - By Number of Activities

Group / Status	GM	DEH	Civil	SCF	Total
Green	16	16	18	10	60
Amber	8	3	9	2	22
Red	0	1	4	1	6
Total Tasks	24	20	31	13	88

Service Delivery Targets Overview - By Percentage

Group / Status	GM	DEH	Civil	SCF	Total
Green	67	80	58	77	68
Amber	33	15	29	15	25
Red	0	5	13	8	7
Percentage Total	100	100	100	100	100

In respect to these services the majority met the agreed target with the variances of note being:

- Asset Management – Percentage of DA referrals completed within 21 days – 38% (target > 70%) (page 24) – A new staff member commenced employment in this section in early 2014 and pleasingly the results for the March 2014 and June 2014 Quarters on a stand alone basis were 36% and then 59% which is trending up from the December 2013 Quarter result of 15%. Improvements are being made but there is still a way to go to meet the benchmark.
- Commercial Services (Airport) – Operating surplus is greater than 25% of revenue – 23% (target 25%) (page 24) – Even though this is only a minor variation the impact on the bottom line is important as airport income was \$71,000 under budget (\$4,618,000 compared to budget of \$4,689,000) and expenditure \$129,000 over budget (\$3,566,000 compared to budget of \$3,436,900). This represents an overall negative result, as compared to budget, of almost \$200,000.

Once capital cash flows are included the net cash result for the airport for 2013/14, at this preliminary stage, is minus \$136,000. Remembering that the airport reserve already had a negative balance of \$456,000 at the start of the financial year, this result leaves the reserve with a balance close to negative \$600,000.

To partially offset this, following consultation with the Airport Manager, it has been agreed that the \$130,000 overlay to the existing rental car park in 2014/15 will be deferred to 2015/16.

10.11 Delivery Program Review - 30 June 2014

Once the car park overlay is removed the reserve is budgeted to improve by \$340,000 during 2014/15. The airport budget will again need to be carefully monitored during 2014/15 to ensure that the reserve deficit improves during the year.

- Community Facilities and Services – Operating deficits – (\$397,000) (target (\$379,000)) (page 25) – Cleaning and maintenance is proving to be very expensive for all of the main community facilities and ideally the Manger would like to see the budgets increased.

The operating results for the centres, excluding depreciation for the last three years is as follows.

Item	2013/14			2012/13			2011/12		
	Revs	Exps	Result	Revs	Exps	Result	Revs	Exps	Result
ALEC	5,600	186,000	(180,400)	0	171,000	(171,000)	0	148,000	(148,000)
Surf Club	49,000	84,000	(35,000)	0	0	0	0	0	0
Kentwell	118,000	68,000	50,000	113,000	100,000	13,000	102,000	104,000	(2,000)
Richmond	20,000	29,000	(9,000)	19,000	30,000	(11,000)	15,000	33,000	(18,000)
LHCCC	102,000	325,000	(223,000)	106,000	248,000	(142,000)	56,000	247,000	(191,000)
Total	294,600	692,000	(397,400)	238,000	549,000	(311,000)	173,000	532,000	(359,000)

Points of interest include:

- ALEC – The revenue of \$5,600 for 2013/14 was well below the budgeted figure of \$20,000. This was the estimate based on the new contract with the ALEC contractor, however revenues for the centre have been well below forecast and well below previous years. Council staff are in discussions with the contractor to determine why this is occurring.
- Kentwell and LHCCC – The allocation of staff between these centres has changed frequently therefore the figures for these two centres need to be looked at a consolidated basis to provide an appropriate comparison.

Overall these figures highlight the costs, and associated difficulties in providing these facilities, which operate at a significant subsidy to the users.

- Environmental and Public Health – On Site Effluent Disposal Inspections – 46 (target 250) (page 27) – The concerns with this program have been previously reported to Council as part of the 2014/15 budget deliberations and Council has significantly increased the annual fee from \$27 to \$40 to assist with employing additional staff resources.
- Net Operating Deficit for Swimming Pools – (\$470,000) (target (\$400,000)) (page 29) – The last three year's figures highlight that operating costs are increasing as the pools continue to age. The major increase has been in Council charges (water etc) where the expenses for 2013/14 were \$66,000 for Alstonville and \$86,000 for Ballina. In 2011/12 these expenses were \$37,000 and \$35,000 respectively. Council has identified the pool upgrades as a high priority and it is hoped that the upgrades will significantly assist in reducing costs from items such as water leaks.

10.11 Delivery Program Review - 30 June 2014

The budgeted deficit for the pools for 2013/14 was \$426,600, with the actual deficit being \$470,200. An increase in operating expenses of \$69,700 was offset in part by additional revenues of \$26,100

- Water and Wastewater (page 31) – There has been some compliance concerns although they are primarily minor licensing matters. A major review of trade waste licences is also underway to ensure a higher level of compliance across the Shire.

In reviewing all of these targets it is also important to recognise that some of the benchmarks are preferred outcomes and at times the targets may not be able to be achieved due to circumstances beyond the control of Council.

Finally the following table provides a very preliminary summary of operating revenues and expenses as compared to budget for 2013/14.

Preliminary Operating Revenues and Expenses – 2013/14 (\$'000)

Description	Operating Revenues			Operating Expenses			Operating Result		
	Budget	Actual	+ / (-)	Budget	Actual	+ / (-)	Budget	Actual	+ / (-)
Civil Services Group									
Administration Centre and Depot	180	180	0	1,157	1,085	72	(977)	(905)	72
Ancillary Transport Services	314	449	135	1,036	1,211	(175)	(722)	(762)	(40)
Engineering Management	187	303	116	2,005	1,998	7	(1,818)	(1,695)	123
Cemeteries	380	340	(40)	285	219	66	95	121	26
Domestic Waste Management	7,294	7,300	6	6,598	6,465	133	696	835	139
Ferry, Wharves and Jetties	435	447	12	664	667	(3)	(229)	(220)	9
Landfill and Resource Management	6,735	6,853	118	5,544	5,327	217	1,191	1,526	335
Open Spaces and Reserves	315	428	113	2,527	2,330	197	(2,212)	(1,902)	310
Plant and Fleet Operations	3,990	3,850	(140)	2,836	2,625	211	1,154	1,225	71
Procurement and Building Mgmt	0	0	0	607	631	(24)	(607)	(631)	(24)
Quarries	343	350	7	403	43	360	(60)	307	367
Roads and Bridges	462	500	38	4,423	4,340	83	(3,961)	(3,840)	121
Roads and Maritime Services	933	926	(7)	854	749	105	79	177	98
Rural Fire Services	197	161	(36)	437	365	72	(240)	(204)	36
Sports Fields	141	83	(58)	290	302	(12)	(149)	(219)	(70)
Stromwater and Environment Prot	411	325	(86)	1,181	773	408	(770)	(448)	322
Vegetation Management	111	129	18	596	402	194	(485)	(273)	212
Sub Total	22,428	22,624	196	31,443	29,532	1,911	(9,015)	(6,908)	2,107
Commercial Services Unit									
Airport	4,690	4,618	(72)	3,437	3,566	(129)	1,253	1,052	(201)
Camping Ground	380	423	43	315	301	14	65	122	57
Property Management	2,885	2,957	72	2,697	2,723	(26)	188	234	46
Sub Total	7,955	7,998	43	6,449	6,590	(141)	1,506	1,408	(98)
Development / Envir Health									
Building Services	800	893	93	726	725	1	74	168	94
Development Assessment	378	372	(6)	1,143	1,075	68	(765)	(703)	62
Public and Environmental Health	198	185	(13)	722	680	42	(524)	(495)	29
Regulatory Control and Support	136	163	27	1,121	1,071	50	(985)	(908)	77
Sub Total	1,512	1,613	101	3,712	3,551	161	(2,200)	(1,938)	262
General Manager's Group									
Administration	28	20	(8)	684	679	5	(656)	(659)	(3)
Financial Services	20,190	20,105	(85)	(3,483)	(3,501)	18	23,673	23,606	(67)
Governance	0	0	0	1,050	1,033	17	(1,050)	(1,033)	17
Human Resources and Risk	181	190	9	1,855	1,783	72	(1,674)	(1,593)	81
Information Services	11	13	2	1,487	1,462	25	(1,476)	(1,449)	27
Sub Total	20,410	20,328	(82)	1,593	1,456	137	18,817	18,872	55

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Strategic and Comm Facilities									
Community Facs and Cust Service	338	324	(14)	1,087	1,056	31	(749)	(732)	17
Community Gallery	76	76	0	193	175	18	(117)	(99)	18
Libraries	111	110	(1)	1,463	1,378	85	(1,352)	(1,268)	84
Strategic Planning	378	357	(21)	1,232	1,019	213	(854)	(662)	192
Swimming Pools	322	349	27	749	819	(70)	(427)	(470)	(43)
Tourism	119	138	19	913	862	51	(794)	(724)	70
Sub Total	1,344	1,354	10	5,637	5,309	328	(4,293)	(3,955)	338
Total General Fund	53,649	53,917	268	48,834	46,438	2,396	4,815	7,479	2,664
Wastewater	14,389	14,462	73	14,267	13,890	377	122	572	450
Water	10,029	10,688	659	9,416	9,136	280	613	1,552	939
Consolidated Result (excl deprec)	78,067	79,067	1,000	72,517	69,464	3,053	5,550	9,603	4,053

As per the last column numerous Council budgets have come in better than forecast, albeit some of the savings relate to works not being completed, with the funding then needing to be transferred to 2014/15 to allow projects to be completed this financial year.

Brief comments on some of the areas with major savings are as follows:

- Administration Centre and Depot – Savings were made across a number of budgets for these two facilities, and a delay in replacing procurement staff also contributed to the overall savings.
- Engineering Management – Council charged the RMS for engineering supervision fees which has resulted in an improved result for this program.
- Domestic Waste Management and Landfill and Resource Management – Both of these programs were above budget in revenue and under budget in expenses resulting in increased transfers to reserve.
- Open Spaces and Reserves – Council received storm damage monies of \$93,000 that were not budgeted for and expenses related to the Town Entry Statement program have not yet been incurred, with these monies to be carried forward to 2014/15.
- Quarries – Council allocated significant monies for dredging and expansion projects with those projects to be carried forward into 2014/15.
- Stormwater and Environmental Protection – Major flood projects are on-going with expenditure to be carried forward to 2014/15.
- Vegetation Management – This surplus relates to a number of grant funded projects that will be carried forward to 2014/15.
- Airport – As reported earlier this operating result is approximately \$200,000 worse than originally forecast.
- Development and Environmental Health Group – This group has done extremely well with income increasing significantly during the year, while at the same time staff costs were minimised.
- Libraries – Grant funded projects are still to be completed and the funding will need to be carried forward to 2014/15.
- Strategic Planning – A number of projects are on-going and the funding will need to be carried forward to 2014/15
- Water and Wastewater – Both of these programs are currently showing significant improvements. This is an excellent outcome and this type of result will assist Council in reducing the forecast increase in charges for future years.

10.11 Delivery Program Review - 30 June 2014

In summary the preliminary results for 2013/14 are very positive for the majority of programs. This does not necessarily related to increased funding for additional projects as many of the improved results will be transferred to internal or external reserves (i.e. quarries, waste, water, wastewater etc), whereas others will require projects to be carried forward to 2014/15.

For projects carried forward this will result in increased expense budgets in 2014/15, with the funding for those projects then being sourced from reserves created from the unexpended funds in 2013/14.

Nevertheless, at this very preliminary stage, the results for 2013/14 are not suggesting any financial concerns for Council, with the one exception being the airport, which is now likely to have a negative reserve balance approaching \$600,000, as discussed earlier in this report. Capital works are recommended for deferral to assist in reducing that deficit.

Sustainability Considerations

- **Environment**
There is a range of environmental, social and economic outcomes identified in the Delivery Program and Operational Plan.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

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

Consultation

The purpose of this report is to provide the community with information on how Council is performing or performed in respect to the Delivery Program and Operational Plan.

Options

The report is largely for information purposes, although it is recommended that Council endorse the deferral of the overlay to the airport rental car park of \$130,000 to ensure that the airport reserve balance is improved during 2014/15.

RECOMMENDATION

1. That Council notes the contents of the 30 June review of 2013/14 delivery Program and Operational Plan.
2. That Council approves the transfer of the airport car park overlay budget of \$130,000 from the 2014/15 budget to the 2015/16 budget.

Attachment(s)

1. 2013/14 Delivery Program - June Results (Under separate cover)

11.1 Local Traffic Committee Report - June 2014

11. Civil Services Group Reports

11.1 Local Traffic Committee Report - June 2014

Delivery Program Asset Management

Objective Advise Council of outcomes of the June 2014 Local Traffic Committee meeting.

Background

The Local Traffic Committee (LTC) met on 11 June 2014. A copy of the agenda was distributed to all Councillors. This report is provided for the information of the Council.

Key Issues

- Improved traffic management outcomes and statutory compliance with NSW traffic management arrangements.

Information

None of the recommendations from this meeting of the Traffic Committee are required to be referred to the elected Council for decision. However, two matters where delegation is approved for the Group Manager Civil Services to determine are reported below as some Councillors have expressed a particular interest in these items.

As noted above, the background reporting information for these items has previously been circulated to Councillors. The reports are also available on Council's website or copies can be provided to Councillors in response to a request.

Item 6.7 - Request for Timed Parking – South Street, Alstonville

The Committee reviewed a request for the implementation of timed parking in South Street, Alstonville between Bugden Avenue and Commercial Road.

The Committee recommended:

1. The location be monitored and rangers be requested to enforce the No Stopping zone outside the bakery but no action be taken on altering the parking arrangements in South Street at this time.
2. A request be made to Council's Engineering Works Section for the section of redundant lay back kerb in front of the shopping centre be replaced by vertical kerb.

As the LTC is not a Committee of Council, Council is not able to authorise an alternate position to a recommendation from the Committee.

11.1 Local Traffic Committee Report - June 2014

The following advice is provided in regards to the process that is recommended if the Council would prefer to install time parking at this location.

The Council can appeal to the Regional Traffic Committee, however before that process is contemplated, it is preferred that Council express its views, from a community perspective, and invite the Committee to review its decision.

In this case, while not recommended at this point in time, a system of timed parking can be implemented that meets technical and legal requirements. As this is the case, it is an option for the Committee to note its preferred recommendation, however it can then also approve the Council's preference as this would represent the outcome desired by the local community.

Item 6.8 - 60 km/h Speed Limit - Ballina Road, Alstonville

The Committee reviewed a request to reduce the speed limit on the eastern Ballina Road section of Old Highway from 60 km/h to 50km/h.

The Committee recommended:

1. NSW Roads and Maritime Services be requested to undertake a speed limit review of the 60km/h section of Lismore Road, Alstonville/Wollongbar from 160 m east of Frank Street to Sneaths Road roundabout to determine if the previous 70 km/h speed limit should be restored.
2. No review be requested of the 60 km/h speed limit on Ballina Road, Alstonville.

In relation to point one in this item, Council staff have successfully made representations for this review to be undertaken.

Based on the advice of the RMS, it is unlikely the review will result in a change as the previous decision reflects the outcome of a recent formal assessment completed in accordance with the NSW Speed Zone Guidelines.

The main issue appears to be the requirement for the 60 km/hr to be in place in the urban area of Ballina Road and the length of road in the remaining rural area is too short to support a change in zone.

There is no appeal process for Council to follow as the authority to change speed zones lies solely with the RMS.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Improved traffic management systems support better road safety and local amenity outcomes.

11.1 Local Traffic Committee Report - June 2014

- **Economic**

Optimized traffic management systems support the movement of people and goods which can assist in efficient production, tourism attraction and economic development generally.

Legal / Resource / Financial Implications

Council has statutory requirements in terms of the management of its delegations from the RMS, including the management of the LTC. There is no resource or financial implications directly associated with the recommendations to this report.

Consultation

Public participation in the LTC processes is determined by the RMS Guidelines for the Management of Local Traffic Committees. Council has determined to use its meeting code arrangements for public access whenever it is consistent with the guidelines.

Options

In respect of the request for timed parking South Street, Alstonville the Council has the following options.

1. Accept the recommendation of the Local Traffic Committee.
2. Return the request to the Local Traffic Committee for review.

To be consistent with the technical assessment of the Committee, option one is recommended.

If option two is preferred, a suggested resolution for the Council to determine is provided below.

That the Local Traffic Committee be advised that in relation to parking in South Street, Alstonville, the community preference is for the implementation of a timed parking zone and on this basis the Committee is requested to review its recommendation.

RECOMMENDATION

That Council notes the contents of this report on the June 2014 Local Traffic Committee meeting, including the recommendation from the Committee in relation to the recommendation not to install a timed parking zone in South Street Alstonville.

Attachment(s)

Nil

11.2 Traffic Management Options - Camoola Avenue, Ballina

11.2 Traffic Management Options - Camoola Avenue, Ballina

Delivery Program Asset Management

Objective To assess traffic management options for Camoola Street in response to concerns raised by local residents.

Background

Camoola Avenue is a narrow residential street that provides access and parking for adjacent residents and a through route for residential areas further west. Being adjacent to the Ballina CBD, traffic flows are influenced by nearby commercial land uses. A significant development is proposed and approved in adjacent Kerr Street, and if this is built it is likely to cause additional traffic and parking pressure on Camoola Avenue.

A number of Camoola Avenue residents have expressed a desire for local traffic arrangements to be reviewed. In response to this, the Local Traffic Committee recommended that Council consult with local residents to assess a number of traffic management options.

This report discusses the outcomes of the feedback and assessment.

Key Issues

- Traffic and parking management in the Camoola Avenue locality
- Amenity and safety of local residents and road users

Information

As well as its local access function, Camoola Avenue is a connection for the traffic catchment south of River Street and west of Kerr Street. The traffic signals at the River Street/Kerr Street intersection provide an entry and exit phase for traffic to and from this catchment.

The intersections serving the catchment further west on River Street operate under give way control where right turns are difficult given River Street's traffic volume of over 23,000 vehicles per day.

The Camoola Avenue road reserve is ten metres wide and with a trafficable road pavement between lay back kerb and gutters of six metres width. The verge and footpath area on either side is around two metres wide. The southern footpath is concrete, but the north side is mostly grass surface. There are many access driveways on both sides of the street.

Vehicles parallel park on the sides of Camoola Avenue and can constrict traffic flows, and at times vehicles park partly on the verge and interfere with pedestrian travel paths.

Parked vehicles limit accessibility for two way traffic and at times restrict the avenue down to one effective travel lane.

11.2 Traffic Management Options - Camoola Avenue, Ballina

The intersection of Camoola Avenue and Kerr Street can become congested with parking from visitors to the adjacent restaurant. Residents are concerned that this situation may be worsened through further development, however it is noted these issues were assessed in determining the application for that particular development.

Suggested Traffic Management Options

In response to suggestions of residents, Council staff have developed a number of traffic management options, including an assessment of an option to change to a one way street.

These options are discussed in the following table.

Option	Advantages	Disadvantages	Comments
Option One			
No change. No regulation of kerbside parking. Two way traffic.	Preserves choice of traffic to use Camoola Avenue in both directions. Preserves choice of vehicles to park on either side of street.	If kerbside parking fully utilised it is likely to be staggered and can effectively reduce Camoola Avenue to one trafficable lane. There can be uncertainty which direction has right of way. Uncertainty of directional right of way can lead to congestion and stoppages.	Traffic flow is impeded and could lead to unacceptable congestion and stoppages as traffic volumes increase over future years.
Option Two			
One way traffic eastbound only. Unregulated kerbside parking north side. Kerbside parking not permitted south side	Provides traffic with clear, high capacity eastbound lane. Still enables vehicles to park on one side of Camoola Avenue. Traffic can exit local area via green phase at Kerr Street signals. Westbound traffic can enter local area via left turn from River Street, west of Kerr Street.	Parking choice lost on south side. Entry into Camoola Avenue and local area beyond, via Kerr Street signals not possible. Local traffic circulation choice reduced. May require provision of protected right turn facility on River St to enter Tweed or Brunswick St	Provides balance between the needs of through traffic and parking needs of local residents. Ensures south side kept clear of parked vehicles that may block pedestrian path.
Option Three			

11.2 Traffic Management Options - Camoola Avenue, Ballina

Option	Advantages	Disadvantages	Comments
Two way traffic. Kerbside parking not permitted on any side	Two way uninhibited traffic flow has best capacity. Preserves choice of traffic to use Camoola Avenue in both directions.	All kerbside parking lost in Camoola Avenue May lead to an increase in future traffic using Camoola Avenue and absence of parked vehicles will facilitate higher speeds.	The best solution for providing through traffic flow, but comes at the cost of losing all kerbside parking and thus severely disadvantages local residents.
Option Four			
Two way traffic. Staggered kerbside parking controlled at prescribed locations by signage on either side.	Preserves choice of traffic to use Camoola Avenue in both directions Provides some parking opportunities on both sides	Loss of significant number of parking spaces Staggered parking areas, if fully utilised will effectively reduce Camoola Avenue to one trafficable lane. There may be uncertainty which direction has right of way Uncertainty of directional right of way may lead to congestion and stoppages. Staggered parking signage may be confusing	May impede traffic flow and could lead to unacceptable congestion and stoppages as traffic volumes increase over future years.
Option Five			
Option 5 One way traffic east bound only. Staggered kerbside parking controlled at prescribed locations by signage on either side.	Provides clear, but staggered eastbound lane for through traffic. Provides some parking opportunities on both sides. Staggered parking on either side more equitable for residents than Option 2 (parking north side only). Traffic can exit local area via green phase at Kerr Street signals	Loss of significant number of parking spaces either side Staggered eastbound lane has lower traffic flow capacity than Option 2. Staggered parking signage may be confusing Local traffic circulation choice reduced Entry into Camoola Avenue and local area beyond, via Kerr Street signals	Will provide no more kerbside parking than Option 2, but its through traffic capacity will be compromised by the staggered flow path and may lead to congestion and stoppages as traffic volumes increase over future years.

11.2 Traffic Management Options - Camoola Avenue, Ballina

Option	Advantages	Disadvantages	Comments
	Westbound traffic can enter local area via left turn from River Street, west of Kerr Street	not possible May require provision of protected right turn facility on River St to enter Tweed or Brunswick St.	

West bound one way options were not considered. The reason for this is this option would require right turn access onto River Street for residents wanting to travel to the CBD or Kerr St and beyond.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Improved traffic management systems support better road safety and local amenity outcomes.
- **Economic**
Optimised traffic management systems support the movement of people and goods which can assist in efficient production, tourism attraction an economic development generally.

Legal / Resource / Financial Implications

Implementation of restricted parking and or one way traffic will require compliance with delegations from the RMS, with referral to and the concurrence of the Local Traffic Committee.

There are resource and financial implications for provision of signage for implementation of restricted parking and/or one way traffic.

There could be significant resource and financial implications if a protected right turn for eastbound traffic from River Street into Tweed Street or Brunswick Street is to be implemented.

Consultation

A communication outlining the Camoola Avenue traffic management issues and options was letter boxed to Camoola Avenue residents on 11 April 2014 requesting comments and suggestions to be forwarded to Council by 2 May 2014 (refer to the attachment to this report).

A total of 11 written submissions have been received, with one representing residents of six residences on Camoola Avenue.

Three submissions were from residents in adjacent Tweed Street and River Street.

11.2 Traffic Management Options - Camoola Avenue, Ballina

Issues Raised in Submissions

The following is a summary of submissions received.

Submission No.	Property Location	Option No. Preference	Other Comments
1.	Camoola Ave	2 (one way east, parking north side only)	Parking on footpath blocks pedestrians and forces them onto street. Need RH turn lane eastbound on River St at Brunswick St
2.	Camoola Ave	1 (no change)	Traffic situation acceptable. On occasions speed a problem.
3.	River St, around corner from Camoola Ave	1, 2 nd choice 3 (2 way, no parking either side)	In 6 years no one has complained about cars parked both sides. Issue blown out of proportion.
4.	Camoola Ave	5 (one way east staggered parking)	
5.	Camoola Ave	1	No changes needed. Prevention of parking would encourage speeding
6.	Camoola Ave	2	Speed a problem. Right turn from River St into Tweed St is dangerous, needs improvement.
7.	Tweed St, around corner from Camoola Ave	2	Speed issues, suggests limit & speed bumps. Stormwater issues.
8.	Camoola Ave	2 with reservations	Speed limit 30/40 km/h or speed bumps needed. Parking too close to driveways.
9.	Camoola Ave	5, 2 nd choice 2	Speed a problem. Want speed humps
10. Combined submission representing 6 separate residences	Various residences Camoola Ave	2	Many drivers exceeding speed limit, there is a need for speed bumps.
11.	Tweed St, around corner from Camoola Ave	2	Turn from River St to Tweed St with speeding merging River St traffic is a problem. Protected right turn lanes in River St to Tweed St or Brunswick St needed.

Options

1. Option One

No change, the status quo.

2. Option Two

11.2 Traffic Management Options - Camoola Avenue, Ballina

One way traffic eastbound only. Unregulated kerbside parking north side
Kerbside parking not permitted south side.

3. Option Three

Two way traffic. Kerbside parking not permitted on any side.

4. Option Four

Two way traffic. Staggered kerbside parking controlled at prescribed locations by signage on either side.

5. Option Five

One way traffic east bound only. Staggered kerbside parking controlled at prescribed locations by signage on either side.

Options Conclusion

The majority of submissions favour Option Two. This option maintains a reasonable level of kerbside parking, provides for efficient one way traffic flow and assists pedestrians by keeping parked vehicles off the south side of the road and adjacent footpath. The major disadvantage is the difficulty for eastbound traffic to the area on River Street to turn right at Tweed or Brunswick Street (as access via the Kerr Street traffic lights would no longer be an option).

These turns can be quite difficult due to heavy traffic volumes on River Street resulting in few available safe gaps for right turns and the absence of protected right turn lanes.

The right turn for eastbound traffic on River Street into Tweed and/or Brunswick Street could be improved by the provision of a protected right turn lane at one of these locations. This may involve considerable expenditure if concrete pavement widening is needed to support the reconfigured through traffic lane(s), although it is possible the existing shoulder pavement may be able to provide an adequate level of service for a reasonable period of time.

There is still significant support for the status quo of leaving Camoola Avenue two lane with no more parking regulation.

A majority of residents considered speeding a problem and favoured speed bumps. Unfortunately speed bumps in residential areas are problematic as they result in consistent noise generation that becomes very annoying for nearby residents, particularly at night. The most efficient form of traffic calming is likely to be the presence of parked cars which effectively narrow the available lane width, causing corresponding speed reduction.

Option Three with no parking will encourage higher vehicle speeds. Options One, Four and Five with staggered parking are likely to produce the most effective traffic calming and associated speed reduction.

While Option Two is supported by the majority of residents who responded and it is considered from a technical perspective to provide some overall

11.2 Traffic Management Options - Camoola Avenue, Ballina

benefits, the right turn issues in River Street are considered problematic at this point in time.

Council's engineering design staff have recently prepared concept designs for this section of River Street to ensure the Town Entry Project is implemented with future traffic needs in mind. This design provides for the provision of four traffic lanes and appropriate intersection treatments.

Design staff also examined whether it was possible to provide an inexpensive right hand protection option now through adjustments to line marking. However this option is not recommended due to the lane merging that occurs near this intersection.

Adding the additional right turn lane potentially adds to the risks by creating potential confusion with the number of conflicting traffic movements that would be occurring at this point. It is therefore preferred to install the right turn lane at the same time the convergence issues are removed by the implementation of four through traffic lanes at this location.

Based on this preference, the recommendation to this report is for Council to continue to monitor this location and review the traffic management options for Camoola Avenue again once a right turn lane is installed in River Street.

RECOMMENDATIONS

1. That based on the contents of this report Council agrees to maintain the status quo in regard to the traffic management arrangements for Camoola Avenue, subject to point two as follows.
2. The Council continues to monitor the traffic management performance of Camoola Avenue and that the provision of an eastbound protected right turn lane in River Street at either the Brunswick Street or Tweed Street intersections is to be considered in future capital works programs.
3. Correspondence is to be forwarded to residents explaining Council's decision.

Attachment(s)

1. Feedback from Residents re Camoola Avenue Traffic Management Options

11.3 Pimlico Water Main - Funding

11.3 Pimlico Water Main - Funding

Delivery Program Water and Wastewater

Objective To assess the feedback from property owners in respect to Council's proposal to seek a financial contribution towards the renewal of the water main.

Background

At the 27 February 2014 Ordinary meeting Council resolved to proceed with the Smith Drive Water Main Replacement Project for the section of main servicing properties to the east of Emigrant Creek, but resolved to decommission the remainder of the main to the west.

In response to this resolution Council requested officers to advise affected residents of Council's decision to terminate the water service and undertake a consultation in respect to the impacts of that decision, including an assessment of the costs of any requests by landowners to be provided with an alternative water supply.

Following feedback from the owners, a further report was presented to the May 2014 Council meeting. In addition to the feedback, this report also provided Council with further legal advice in relation to this matter and discussed potential options for financial contributions from the landowners if the water main was replaced.

The resolution of Council from that meeting was as follows:

1. *That Council undertake further consultation with affected property owners seeking feedback in respect of option three as outlined in this report with a 50% contribution payable up to a 20 year period from landowners with feedback from that consultation to be reported back to Council.*
2. *That the consultation be based on*
 - a) *the net cost not being reduced by the compensation previously offered for water tanks,*
 - b) *the net cost being reduced by the predicted water saving cost for that section of main, and*
 - c) *contributions to include an interest component.*

Written advice of this decision was sent to the affected landowners and a meeting was convened on 23 June 2014 to enable staff to discuss this matter further with the owners.

This report advises Council of the outcomes from that meeting.

Key Issues

- Equity
- Legal requirements

Information

The landowners present at the 23 June 2014 meeting expressed their position unanimously that they wished to retain their current water supply and that it was inappropriate for Council to require any additional financial contribution from the owners in the form of a charge to recoup some of the capital expense associated with replacing the main.

The reasons for this position have been previously been reported to Council and substantially remain unchanged. The landowners are of the view that their charges over the extended period of supply from the main have made a reasonable contribution towards the cost of the renewal of the asset. The landowners are also concerned in regard to the impact on property values associated with a special charge and the risks that such a charge can be varied by Council from time to time.

One of the property owners, Mr Curran, was not able to attend the meeting and provided a written response to Council. The property owners requested that this letter be included in this report and a copy is attached.

The matters raised by Mr Curran have previously been reported to Council and the current position of Council, as per the May 2014 meeting, is to consult on the basis of the owners making a contribution to 50% of the net cost of the proposed works. As per the above comments the owners remain firmly of the opinion that this is inequitable as they have been paying charges for many years.

It is now a matter for Council to determine the most equitable outcome for the entire community based on the feedback from the subject property owners.

While there remains uncertainty in regard to the financial arrangements for this project, the project is being designed now so that if it is confirmed to proceed, the procurement can occur concurrently with the Smith Drive project.

This action was preferred as further delays continue the water loss issue that the project will solve.

Sustainability Considerations

- **Environment**
The opportunities to prevent water supply losses are important in terms of reducing the demand on the natural environment to support urban population.
- **Social**
The removal of town water supply from Pimlico and Uralba may be viewed as being fair (in that rural customers do not generally have town water supply and supply is relatively uneconomic) or unfair (the removing an existing service) depending on perspective.
- **Economic**
Renewing infrastructure in Pimlico and Uralba will significantly reduce water loss.

11.3 Pimlico Water Main - Funding

Legal / Resource / Financial Implications

No further legal advice has been obtained since the confidential May report to Council.

Consultation

The consultation for this project included some initial feedback during the options study phase and following Council's initial decision, consultation was undertaken during March and April 2014 by staff meeting individually with each landholder and tenant to establish their needs and response to the compensation and alternate water supply proposals.

Also the information section of this report discusses the outcomes from the latest consultation.

Options

The options now available to Council are as follows.

1. Proceed with the replacement works and not increase the water charges for the landowners – This is the preferred option for the landowners.
2. Not proceed with the replacement works and provide compensation such as rainwater tanks – This option was canvassed in the earlier reports and Council needs to be mindful of the confidential legal advice submitted to the May 2014 Ordinary meeting. Also, as per the attached correspondence from Mr Curran, this will most likely result in legal action against Council by Mr Curran.
3. Proceed with the replacement works and increase the water charges for the landowners – This is the May 2014 resolution from Council, for consultation purposes.

In respect to option three Council's 2014/15 charging structure for water services is as follows:

Table One – Water Access Charges for 2014/15

Service	Annual Charge (\$)
Water Access Charge – Vacant Land	189
Water Access Charge – 20mm Service	189
Water Access Charge – 25mm Service	295
Water Access Charge – 32mm Service	482
Water Access Charge – 40mm Service	756
Water Access Charge – 50mm Service	1,179
Water Access Charge – 65mm Service	1,993
Water Access Charge – 80mm Service	3,027
Water Access Charge – 100mm Service	4,720
Water Access Charge – 150mm Service	10,619
Water Access Charge – 200mm Service	18,880

11.3 Pimlico Water Main - Funding

Also the consumption charge is \$2.02 per kilolitre for the first 350 kilolitres of water consumed and \$3.04 per kilolitre for water consumed in excess of 350 kilolitres.

The relevant property and water consumption information for the properties impacted by this report is as follows.

Table Two – Property Information

Ref No.	Address / Parcel	Average Usage (kl)	Details Use
1	55 Pimlico Rd, Ballina. Parcel No.1954 Lot 3, DP 572345	196	Mainly domestic use Rating = Farmland Water Billing = Residential 20mm meter – 2014/15 Water Access \$189 2013/14 consumption: 158 kl
2	143 Pimlico Rd, Ballina (Dept. of Agriculture) Parcel No.1951 Lot 201, DP728687	2,919	Cottage and shed. Water for cattle troughs (200 cattle plus calves in season) Rating = Non-Rateable (State Govt) Water Billing = Non-Residential 20mm meter – 2014/15 Water Access \$189 2013/14 consumption: 3,018 kl
3	165 Pimlico Rd, Ballina Parcel No.9060 Lot 56, DP 755731	257	Mainly domestic use Rating = Farmland Water Billing = Residential 25mm meter – 2014/15 Water Access \$295 2013/14 consumption: 252 kl
4	66 Pimlico Rd, Ballina Parcel No.3200 Lot 1, DP572345	191	Mainly domestic use Rating = Residential Water Billing = Residential 20mm meter – 2014/15 Water Access \$189 2013/14 consumption: 80 kl
5	151 Uralba Rd, Uralba Parcel No.9943 Lot 1 DP 530628	864	Domestic use in house and flat, plus Primary Production / Nursery, sugar and cattle Rating = Farmland Water Billing = Residential 20mm meter – 2014/15 Water Access \$189 2013/14 consumption: 796 kl
6	189 Uralba Rd, Uralba Parcel No.51282 Lot 1, DP581382	218	Mainly domestic use Rating = Residential Water Billing = Residential 25mm meter – 2014/15 Water Access \$295 2013/14 consumption: 233 kl
7	40 Uralba Cutting Rd, Uralba Parcel No.7452 Lot 21, DP593510	250	Mainly domestic use Rating = Residential Water Billing = Residential 20mm meter – 2014/15 Water Access \$189 2013/14 consumption: 213 kl
8	23 Westbridge Lane, Uralba Parcel No.3195 Lot 313, DP755745	741	Large farm, agricultural and residence , Spraying for weed control, cattle Rating = Farmland Water Billing = Residential 20mm meter – 2014/15 Water Access \$189 2013/14 consumption: 34 kl (new meter 07/03/14)

11.3 Pimlico Water Main - Funding

Assuming the water usage is the same as the average usage figures Council should generate \$14,933.26 in consumption and \$1,724 in access charges, for total income of \$16,657.26 from these properties in 2014/15.

This is calculated as follows:

Table Three – Estimated 2014/15 Water Revenues

Prop. No.	Ref	Average Consumption (KL's)	\$2.02 (< 350)	\$3.04 (>350)	Access Charge	Total Income
1		196	395.92	0.00	189.00	584.92
2		2,919	707.00	7,809.76	189.00	8,705.76
3		257	519.14	0.00	295.00	814.14
4		191	385.82	0.00	189.00	574.82
5		864	707.00	1,562.56	189.00	2,458.56
6		218	440.36	0.00	295.00	735.36
7		250	505.00	0.00	189.00	694.00
8		741	707.00	1,188.64	189.00	2,084.64
Totals			4,369.26	10,564.00	1,724.00	16,657.26

One point that can be made in respect to this level of revenue is that operating expenses for Council's water business, excluding depreciation are currently in excess of 90% of operating revenues. Therefore less than 10% of revenues generated are being put aside for future capital works.

This means that it can be argued that less than 10% of the \$16,657 in current revenues is going towards capital main replacement works. This highlights the question of equity when Council is looking at expending \$430,000 in capital works for these eight properties.

The May 2014 Council resolution was seeking a contribution to 50% of the capital cost, less the annual savings, which is estimated at \$155,000. That calculation is as follows:

Item	Estimate (\$)
Estimated construction cost	430,000
Less estimated water savings	120,000
Net cost	310,000
Less 50% Subsidy	155,000

An issue the residents have raised is why Council is only including the \$120,000 savings once, when that saving is on-going every year. In other words the return on Council's funds for this work, based on a total cost of \$430,000 and annual savings of \$120,000 is 3.6 years or 28% per annum. This is a reasonable argument and needs to form part of Council's deliberations on this issue.

The May 2014 Council resolution mentions a period of 20 years to repay the net cost of \$155,000. The annual loan repayments for this amount, based on an interest rate of 6%, are \$13,500. In order to recoup this amount per annum Council would need to increase the annual access and consumption charges for these properties by 81%. This provides an indication as to the magnitude of increase needed to fund the estimated net cost of the capital works. The increase of 81% in year one is an option that Council may wish to consider.

11.3 Pimlico Water Main - Funding

Another option that would provide greater certainty would be to only increase the access charges for these properties.

As per table two there are six properties with 20mm connections and two with 25mm. If we are trying to generate additional revenues of \$13,500 per annum, this equates to an extra \$1,688 per connection, if evenly distributed. Therefore the annual access charges could be increased by this amount, which would guarantee Council receives the additional revenue required each year.

One argument against this approach is that possibly the bigger consumers should pay more as they have a higher demand for the water. Therefore another option could be to increase the step two threshold (consumption greater than 350 kls) higher than the step one threshold (less than 350 kls)

For example, one scenario is to increase the access charge and step one threshold by 25% and the step two threshold by 100%. This results in additional revenues of approximately \$12,000 as per table four.

**Table Four – Estimated 2014/15 Water Revenues
(25% increase to access and step one and 100% to step two)**

Prop. No.	Ref	Average Consumption (KL's)	(< 350)	(>350)	Access Charge	Total Income
1		196	494.90	0.00	236.25	731.15
2		2,919	883.75	15,619.52	236.25	16,739.52
3		257	648.93	0.00	368.75	1,017.68
4		191	482.28	0.00	236.25	718.53
5		864	883.75	3,125.12	236.25	4,245.12
6		218	550.45	0.00	368.75	919.20
7		250	631.25	0.00	236.25	867.50
8		741	883.75	2,377.28	236.25	3,497.28
Totals			5,461.58	21,128.00	2,155.00	28,744.58

Another option could be to have a differential charging structure based on the property classification for water purposes. As per table two, seven of the properties are classified as residential and one as non-residential (Department of Agriculture).

Council could increase, for example, the residential charges by 25% and the non-residential charges by 100% to generate additional revenues. This results in additional revenues of approximately \$10,700 as per table five.

**Table Five – Estimated 2014/15 Water Revenues
(25% increase to residential and 100% increase to non-residential)**

Prop. No.	Ref	Average Consumption (KL's)	(< 350)	(>350)	Access Charge	Total Income
1		196	494.90	0.00	236.25	731.15
2		2,919	1,414.00	15,619.52	378.00	17,411.52
3		257	648.93	0.00	368.75	1,017.68
4		191	482.28	0.00	236.25	718.53
5		864	883.75	1,953.20	236.25	3,073.20
6		218	550.45	0.00	368.75	919.20
7		250	631.25	0.00	236.25	867.50
8		741	883.75	1,485.80	236.25	2,605.80
Totals			5,991.83	19,062.32	2,296.75	27,350.90

Conclusion

The purpose of this report is to first provide feedback from the residents on Council's proposal for 50% of the net cost to be funded by the property owners.

As per the information section of this report the property owner's position is very clear, they feel that any additional charge is inequitable and unfair.

Based on this feedback the key decisions that need to be made are:

- a) Determine whether the Pimlico water main renewal works are to be undertaken and
- b) If yes whether an increased charging structure is to be introduced for 2015/16 onwards.

In respect to the water main renewal works the recommendation that follows is to authorise those works to proceed. This appeared to be the intention of Council at the May 2014 meeting and with there being a real risk of legal action if the works do not proceed, the preference is to move quickly on those works as the water savings will be significant.

Even if Council was successful with any legal action, that action could delay the works for many months, resulting in the continuation of the water loss at a significant cost to the community.

In respect to charging, the May 2014 meeting confirmed Council's preference to increase the annual water charges for properties benefiting from these works. If this preference remains further discussion with Councillors is needed on the preferred charging structure and that can be undertaken during 2014/15, prior to exhibiting the draft 2015/16 Operational Plan, as any new charges will not apply until 2015/16 onwards.

Even though there is this time frame, it is important that Councillors provide feedback to the residents as to the type of charging structure that will be introduced. There are numerous combinations available including:

- Increase access charges only
- Increase access charges for non-domestic properties by a higher percentage
- Increase consumption charges only
- Increase consumption charges for non-domestic properties by a higher percentage
- Increase the step two threshold by a higher percentage
- Any combination of the above.

In trying to determine a preferred recommendation, assuming that Council's preference is to introduce a higher charging system, the backlog sewer program provides one precedent where Council charged residential properties 20% of the cost and commercial properties 100%. Even though that program was for new works and is different to this main renewal, the 20% / 100% ratio is a formula previously adopted by Council.

11.3 Pimlico Water Main - Funding

Councillors have also expressed concerns about supplying potable water for agricultural purposes and these types of comments suggest a charging structure that applies a premium to non-residential properties. It should be noted here that the only property categorised as non-residential is the Department of Agriculture, as the other properties have been assessed as having a dominant use as residential.

If a 20% and 100% charging structure is implemented this results in additional revenue of \$10,296, as per the following table.

**Table Six – Estimated 2014/15 Water Revenues
(20% increase to domestic and 100% increase to non-domestic)**

Prop. No.	Ref	Average Consumption (KL's)	(< 350)	(>350)	Access Charge	Total Income
1		196	475.10	0.00	226.80	701.90
2		2,919	1,414.00	15,619.52	378.00	17,411.52
3		257	622.97	0.00	354.00	976.97
4		191	462.98	0.00	226.80	689.78
5		864	848.40	1,875.07	226.80	2,950.27
6		218	528.43	0.00	354.00	882.43
7		250	606.00	0.00	226.80	832.80
8		741	848.40	1,426.37	226.80	2,501.57
Totals			5,808.71	18,924.61	2,220.00	26,953.32

The \$10,296 is less than the repayment required for a loan of \$155,000 however it is a significant contribution to the capital cost. Also the exact cost of the main renewal works is still to be determined and will only be known once the works are completed. Similarly the revenue generated each year will depend entirely on water consumption levels.

The recommendation that follows includes this option, largely to seek direction from Council as to how the charging structure is to proceed, while also recognizing that the charging structure will still be subject to formal exhibition in May 2015 for the 2015/16 financial year.

Also the Council, in any year, will be able to introduce a different charging structure for these properties. As water consumption is so variable this will need to be monitored on an annual basis to determine the additional level of revenue generated from these properties.

Finally, the 20% and 100% premiums are significant increases to existing charges and Council may well wish to phase these increases in over two or more years.

RECOMMENDATIONS

1. That Council authorises the General Manager to include the Pimlico water main renewal as part of the Smith Drive Main renewal works.
2. That for the purposes of providing feedback to the Pimlico property owners, Council confirms that its preferred charging structure to recoup part of the cost of these works, is to include a premium of 20% on water charges for domestic properties and 100% on non-domestic properties benefitting from these works.
3. That Council further review this proposed charging structure during 2014/15 once the exact cost of the main renewal works is known, with the new charging structure to be implemented in 2015/16.

Attachment(s)

1. Submission - Mr F Curran - 197 Pimlico Road, Pimlico

11.4 Wardell Water Supply - Application for Rural Connection

11.4 Wardell Water Supply - Application for Rural Connection

Delivery Program Water and Wastewater

Objective To determine an early direction in response to an application for a rural connection to the urban water supply.

Background

Council has received a preliminary application for a rural water connection from a large hydroponics farm at Sneesby's Lane, East Wardell. The application is from Fresh@Heart Pty Ltd and the details of their business and proposal to Council are detailed in the information section of this report.

Council's Watering Metering Policy (policy ref. no. W02) discourages rural connections to trunk mains due to difficulties in providing constant pressure and uninterrupted supply.

However, the Policy allows applications to Council for special consideration to grant a rural connection on a case by case. Early Council in principle direction is now sought prior to the applicant committing to considerable cost and effort to provide a comprehensive application for the connection.

A copy of the Water Metering Policy is included as the first attachment to this report for reference purposes.

Key Issues

- Rural water connection
- Cost recovery
- Equity of service
- Supporting local businesses

Information

Council's Water Metering Policy attempts to discourage rural connections to trunk mains due to difficulties in providing constant pressure and uninterrupted supply. Refer to clauses 8.7 and 8.8 for further information.

However, the policy allows applications to Council for special consideration to grant a rural connection on a case by case (as per clause 8.7).

The policy also states as per clause 8.8:

- 20mm connections only are permitted as the water supply is for domestic purposes.
- Council makes no guarantee as to the quality and quantity of supply.
- No headwork's charges will be levied, as this connection is not a guaranteed service to Council's service level standards for potable water supply.

11.4 Wardell Water Supply - Application for Rural Connection

- Where an extension of the main is required a meter will be installed just prior to the endpoint of the main. The owner is responsible for the running of appropriate pipe from this point and is responsible for its maintenance.
- Where the pipe is to be run along the council road reserve a proposed pipe layout is required showing depth of pipe (minimum 600mm) and route for council's consideration. It is the applicant's responsibility to check to ensure other services will not be disrupted or damaged and that the public and any workers health and safety are not put at risk.

It is understood Fresh@Heart is able to meet the requirements of Council's Policy, including utilisation of a standard 20mm connection, however the water will not be used only for domestic purposes.

Background to Proposal

Fresh@Heart Pty Ltd, a hydroponics farm at Sneesby's Lane East Wardell, is requesting Council extend the existing water main approximately 1.2km north along River Drive from its termination point on the town boundary at East Wardell, to the corner the property at 185 River Drive, DP626704.

Fresh@Heart currently harvests and treats available water on site, however greater security of water supply is required for a planned expansion of the operation. The proposed extension of the main would provide backup supply of potable water if the water supplies available on site were to run low.

Water is used for the hydroponics, staff amenities and final washing of produce. Supplementary potable water is trucked from Wardell when required by a contractor.

Fresh@Heart supplies approximately 4,500 tonnes of cucumbers to Coles stores each year. The Company currently employs 41 people all year round.

The Company has been approached by Coles Supermarkets to increase its production. Preliminary work to extend the existing five hectares of covered hydroponic growing sheds has begun, with the view to tripling production over the next three years generating employment for over one hundred workers.

This expansion is dependant on a readily available and secure supply of external potable water to back up existing harvested water. There is little scope to harvest additional potable water on site.

The connection and mains supply would, in the unlikely event of the farm dam and bore simultaneously running dry, also give added protection against total crop loss.

The second and third attachments to this report are correspondence from Fresh@Heart regarding their proposal.

The costs to extend the water main would be the responsibility of Fresh@Heart and they would need to then pay ongoing access and volumetric charges.

The key issue for Council to consider is whether supporting the employment and economic development benefits of this proposal justify the use of potable water for non domestic use.

Sustainability Considerations

- **Environment**

No significant environmental concerns caused by supply of additional water from the Marom Creek system. The use of potable water for non-domestic purposes could arguably be a negative environmental impact.

- **Social**

Expansion of the business could provide additional employment within the Shire.

Utilisation of drinking water for crop production may not be considered an appropriate use and may raise issues of fairness when compared with other rural landholders.

- **Economic**

Expansion of the business could provide additional economic benefit to the Shire and its residents.

During extended dry periods, priority of supply would be to residents for drinking water. This may result in crop losses, or at the very least commercial uncertainties, if on site water supplies are low at the same time.

Legal / Resource / Financial Implications

As the costs of this proposal would be borne by the applicant there are no specific legal, resource or financial implications attached to the recommendation to this report.

Consultation

Fresh@Heart Pty Ltd has approached Council to discuss their application.

Options

The following options are available to Council:

1. Council could provide in principle support for the application for extension of the line pending further details and satisfactory resolution of technical and ownership issues.
2. Council could refuse to provide in principle support given Council policy discourages rural and non-domestic connections, and to avoid setting a precedent that may result in cumulative impacts to the Wardell water supply and uncontrolled private assets in road reserves.

This is a difficult matter for staff to provide a recommendation to Council. As noted in the report the Council's Policy does not prefer the use of water for these purposes, however the policy does provide a merit assessment when the circumstances are justified.

11.4 Wardell Water Supply - Application for Rural Connection

While the use of the water for non domestic purposes is not preferred it is noted this business is a significant employer of staff and the Council supplied water is a back up to other supplies. Therefore the recommendation contains both options.

RECOMMENDATIONS

That Council provides in principle support for the application for extension of the water pipeline from Wardell to the Fresh@Heart property, pending further details and satisfactory resolution of technical and ownership issues; and on condition that Fresh@Heart funds the capital, maintenance and replacement costs of the pipeline.

OR

That Council does not provide in principle support for the application for an extension of the water pipeline from Wardell to the Fresh@Heart property given Council policy discourages rural and non-domestic connections, and to avoid setting a precedent that may result in cumulative impacts to the Wardell water supply and uncontrolled private assets in road reserves.

Attachment(s)

1. Council Water Metering Policy
2. Original Application from Fresh@Heart
3. Additional Application from Fresh@Heart
4. Plan - Proposed Water Main Extension

11.5 Recycled Water Scheme - Kings Park Embellishment Project

11.5 Recycled Water Scheme - Kings Park Embellishment Project

Delivery Program Water and Wastewater

Objective To obtain Council direction in respect of the proposed embellishment of Kings Park.

Background

Council endorsed the Ballina Shire Urban Water Management Strategy (UMWS) in 2003 as a long term strategy to ensure a sustainable use of water for future generations. Part of that strategy was the supply of recycled water to urban open space and new subdivision areas.

The supply of recycled water required a substantial investment in infrastructure. To ensure the policy objectives of the UMWS could be met and to guide the development of the infrastructure scheme, a Recycled Water Masterplan was prepared and adopted by Council. Following this, regulatory approval was sought for the scheme.

As discussed in more detail below, in response to community concerns regarding the placement of a 3.4 megalitre reservoir at Kings Park, an alternative proposal accepted was to install a smaller header tank which could be incorporated into park embellishment infrastructure that would improve the amenity and encourage increased use of the park.

Regulatory approval was achieved in October 2010. Since that time there has been further consultation with interested community groups and the construction of the header tank and infrastructure required for the recycled water component of the project has recently been completed.

A design concept for the park embellishments was also prepared. In addition to providing the amenity improvements to the park, a key objective of this project was to provide a place for Council to educate the community in respect of its recycled water program and in some measure be a visual representation of the significant investment of public funds in providing contemporary wastewater management infrastructure. As well as education, this presence in the park was considered important to maintain trust and confidence in the community of Council's capacity as a responsible and competent local water authority.

The design concept is supported by local community groups, however discussions with Councillors at a recent financial planning workshop identified concerns with the capital cost. In light of this, the purpose of this report is to seek Council's formal direction regarding the proposal.

In considering this matter, Council should have regard to affordability, the costs and benefits of the proposal, and the opportunity that this proposal provided in terms of avoiding (in part) the significant capital cost associated with the original proposal to construct a reservoir on the site.

11.5 Recycled Water Scheme - Kings Park Embellishment Project

Key Issues

- Compliance with Ballina – Lennox Head Recycled Water Master Plan – Environmental Impact Statement and Part V determination
- Community views on Kings Park embellishments
- Promotion of state-of-the-art recycled water scheme
- Affordability

Information

Project Inception and Approval

As discussed, regulatory approval was required for the recycled water scheme. An Environmental Impact Statement was prepared for assessment under Part V of the *Environmental Planning and Assessment Act*, 1979. This application was for upgrades to the Ballina and Lennox Head Wastewater Treatment Plants, the construction and expansion of recycled water facilities, and associated infrastructure.

It was in response to the public exhibition of the EIS that Council received feedback in relation to the community opposition to the water reservoir proposal. Prior to the determination of the assessment, it was decided to investigate whether other options existed.

A report was prepared for Council and this was considered at the meeting of Council held 17 December 2009. Attachment one provides a copy of this report. In summary, the report discussed seven options and included an economic analysis comparing these options. The report also provided some architectural presentations of how a header tank could be incorporated into a structure that provided some public amenity.

Finally the report included an attachment from the Lennox Head Residents Association which included the following reference.

...Reaction to the proposal and to the concept plans was favourable. It was resolved that the provided the intention to improve the amenity of the Reserve as shown in the sketches ie to incorporate facilities including playground equipment, toilets and covered seating BBQ etc is adopted the Association approves the proposed location of the smaller tank.

Having considered the report the Council resolved as follows:

Council endorses a proposal to amend its Recycled Water Master Plan EIS by replacing the proposed Kings Court Reservoir with a pressure system inclusive of a feeder tank that can be incorporated into a structure that provides embellishment to the amenity and function of the Kings Court Reserve.

The amended application was then placed on public exhibition and an approval determination was made by Council at its meeting held 28 October 2010.

11.5 Recycled Water Scheme - Kings Park Embellishment Project

The Part V approval included the construction of a reservoir at Kings Park to provide a recycled water service to some areas of Lennox Head. Attachment two to this report is a copy of the approval. The terms of the approval are important to note in the context of assessing the extent of Council's current obligations in relation to this project. In this regard the approval includes the following note:

Kings Court Reserve Embellishments

This Part V Approval includes the construction of a 107kL Recycled Water Reservoir (for emergency back up supply to the pressure fed system) at the Kings Court Reserve in Lennox Head. The recommendations and proposed mitigative measures contained within the Determination Report (subsequently approved by Council) recommended that the proposed embellishments to the Recycled Water Reservoir at Kings Court Reserve, Lennox Head be carried out as exempt development pursuant to the Ballina Shire Development Control Plan - Exempt and Complying Development and under the State Environmental Planning Policy – Infrastructure (2007) (I-SEPP).

This approach is consistent with Council's general practise which provides that playground and barbeque facilities within a Council managed reserve is the ordinary operational business of Council's Civil Services Group, specifically managed by the Open Spaces and Reserves Manager, and is therefore exempt from requiring approval.

It is noted that a significant number of submissions received by local residents during the exhibition of the Part V proposal indicated that residents and affected community members believed they were not adequately consulted with regard to the proposed embellishments at Kings Court Reserve. It is further noted that although no approval is issued for the construction of the associated embellishment of the Kings Court Reserve Reservoir, the Council, as the proponents of the project advised in the Representations Report that the following actions would be undertaken with regard to this issue:

- *Further consultation is required and proposed for development of the design at Kings Court Reserve; and*
- *Consultation would be undertaken with residents regarding maintenance scheduling and timing for the proposed reservoir at Kings Court.*

Design Development and Further Consultation

A concept design based broadly on the EIS / Part V requirements has been produced for the proposed embellishment works by local consultant, Design Team Ink. Attachment three to this report provides copies of the concept design drawings. The key elements of the proposed design include:

- Seating and barbeques around the reservoir
- Mural to the back (northern) side of the reservoir
- Picnic tables, pathways (pedestrian & bicycle) and vegetation
- Educational signage and displays
- Water play area

11.5 Recycled Water Scheme - Kings Park Embellishment Project

- Parking

The mural, playground, water play area and other features have been designed to incorporate water education themes and the colour scheme for these items comprises green and purple as a design to reinforce the colours associated with the recycled water program.

In accordance with the commitments discussed regarding consultation, Council officers have continued to consult with community groups to receive their inputs and feedback into the design. The community groups who have contributed to this process have been the Kings Court Action Group, Lennox Head Residents Association, and the Lennox Head Chamber of Commerce.

Both the Kings Court Action Group and Lennox Head Residents Association have recently confirmed their support for the concept design. Should the Council maintain an interest in developing this project, the next step in terms of consultation would be to conduct a broader consultation with the general community.

Cost Estimate

The costs for this project have increased and it is necessary for the Council to review whether the project is affordable and provides the sufficient benefits to justify the cost.

The header tank has been constructed as part of the contract to provide the recycled water distribution system. It was necessary to incorporate the tank project into that contract due to the need to integrate and commission the water infrastructure.

By separating the park part of the project from the recycled water, it was then possible to extend the time to plan and consult regarding the design and this arrangement also allows the Council, should it proceed, to source a different type of contractor to the one required for the water infrastructure contract.

The cost to undertake the project is estimated at \$680,000. In addition there will be costs associated with the annual maintenance and operation costs. The following table provides a breakdown of the cost estimate.

Item	Amount (\$)
Project Management and Design	50,000
Seating, barbeques and beautification of reservoir	80,000
Mural to the back (northern) side of the reservoir	20,000
Picnic tables, pathways (pedestrian & bicycle) and vegetation	105,000
Educational signage and displays	20,000
Water play area	370,000
Parking	35,000
Total	680,000

Sustainability Considerations

- **Environment**

The proposed embellishments will be designed in accordance with established codes of practice in NSW. Construction, operation and maintenance of the proposed embellishments are unlikely to have an unacceptable or unsustainable environmental impact.

- **Social**

Proposed embellishments are considered improvements to the open space area as they will provide an opportunity to realise the full potential of the park and its views and therefore increase the utilisation of the park.

- **Economic**

The proposal has the potential to add to the visitor attraction to Lennox Head and Ballina.

Legal / Resource / Financial Implications

Funding to the value of \$600,000 to fund design and construction of works has been identified in the 2014/15 Wastewater Capital budget – primarily due to savings realised on the major dual reticulation infrastructure works. A shortfall of approximately \$80,000 exists for construction, however savings may be possible to be identified in the detail design and tender phase for this project.

Consultation

As discussed above, Council has continued to consult with representatives from three local resident groups, these being the Kings Court Reserve Protection Group (KCRPG), Lennox Head Chamber of Commerce, and Lennox Head Residents Association (LHRA).

Recent emails, copies attached (attachments four and five), confirm the support from these groups for the proposed concept design.

Should the Council proceed, public exhibition of the design is recommended.

Options

The options for Council's consideration include:

- 1) Council approves the construction of the concept design at an estimated cost of \$680,000.

The advantage of this option is that it is consistent with the original objectives of the project which was to incorporate the reservoir into the park in a way that improved the amenity of the park, provided water education and built community awareness and confidence in the unique and innovative aspects of the Council's strategic approach to water management, including the primary strategy of diverting treated wastewater from marine discharge by reusing the water as a resource.

11.5 Recycled Water Scheme - Kings Park Embellishment Project

This option is also consistent with the application made to Council for planning approval.

The disadvantage of this option is the capital cost as these monies could be applied to other more infrastructure related costs for wastewater. This work could be considered not to be essential infrastructure works.

2) Council approves the construction works for the project, excluding the waterplay area.

This project would have an estimated cost of \$310,000.

The advantage of this project is the reduced price. This project would still provide water education and the embellishments necessary to meet the Council's intentions under the Part V determination. This option has not been presented to the local community prior to the preparation of this report.

3) Council resolves to undertake no further improvement works to Kings Park except for ensuring the appropriate presentation of the constructed reservoir.

This option would require some expenditure to ensure the reservoir was successfully incorporated into the park. Potentially this could be achieved with painting, a roof structure, some seating and landscaping.

The Part V determination, as reproduced, notes that the park embellishment proposal does not need approval, however it was incorporated within the documentation submitted for the overall scheme. Therefore the Council would need to consider whether an amendment to the approval is necessary.

This option would avoid the majority of the required capital expenditure, however the original objectives for the project would not be achieved.

Conclusion

Based on the strong support that is understood to be within the community for this project, option three is not recommended.

In relation to options one and two, staff have a leaning towards option two as it results in cost savings and still provides education and aesthetic benefits to the site. Ideally if Council was going to undertake a waterplay area for education purposes we would be far better off locating it in a more high profile location (i.e. Captain Cook Park) with those works still funded from the wastewater program.

However from a community perspective, or from those consulted to date, it is recognised that there is an expectation that the complete works will be delivered. On this basis the recommendation is as per option one, however if the Council prefers option two rather than the recommendation, the suggested resolution would be as follows.

That Council approves for public exhibition the concept plan for the Kings Park Recycled Water Embellishment Project, as per attachment three to this report, amended by the deletion of the water play area and replacement by appropriate landscaping.

RECOMMENDATIONS

1. That Council approves for public exhibition the concept plan for the Kings Park Recycled Water Embellishment Project, as per attachment three to this report.
2. That Council approves an allocation of \$680,000 for this project, with this funding to be sourced from savings elsewhere in the wastewater program capital budget.

Attachment(s)

1. Copy of December 2009 Report - Recycled Water Masterplan
2. Part V Approval
3. Concept Plan for Kings Court
4. Copy of email from Kings Court Reserve Protection Group
5. Copy of email from Lennox Head Chamber of Commerce

11.6 Cabbage Tree Island - Water and Wastewater Agreement

11.6 Cabbage Tree Island - Water and Wastewater Agreement

Delivery Program Water and Wastewater

Objective To seek Council's approval to enter an agreement to provide services for operation and maintenance of the water and sewerage infrastructure on Cabbage Tree Island.

Background

The NSW Government and the NSW Aboriginal Land Council are investing over \$200 million over the next 25 years to provide recurrent funding for the maintenance, operation and repair of water supply and wastewater systems in eligible Aboriginal communities across NSW.

A survey undertaken by the Department of Commerce from December 2007 to February 2008 identified that the operation, maintenance and management of the water supply and wastewater systems in many Aboriginal communities are inadequate and this places the health of these communities at risk.

The NSW Local Government Association (LGNSW) fully supports the program objective of ensuring the water supply and wastewater services in Aboriginal communities are operated and maintained to the standards normally provided to the wider community in similar circumstances.

A Steering Committee oversees the implementation of the program and LGNSW representatives are members of this Committee. The NSW Office of Water is the program manager.

The responsibility for the operation and maintenance of services in these identified communities is contracted out to experienced service providers, such as a council or local water utility. Additional information about the program is attached.

The NSW Office of Water has asked that Council participate in the management of water and wastewater services within the Cabbage Tree Island by formalising a five year service agreement, called the *Service Agreement Between NSW Office Of Water, Jali Local Aboriginal Land Council (For Cabbage Tree Island Village Community) And Ballina Shire Council* ('The Agreement'). The draft agreement is attached.

Other councils, including Lismore and Clarence Valley, have signed the five year agreements to service communities in their areas.

Key Issues

- NSW Aboriginal Water and Wastewater Program
- Human Health
- Environmental Health
- Cost Recovery

11.6 Cabbage Tree Island - Water and Wastewater Agreement

Information

The infrastructure includes two sewer pump stations, 990 m sewer pipes, sewer manholes and 1200 m water mains, 11 Fire hydrants and 29 water meters.

Historically Council has provided services for the operation and maintenance of some of this infrastructure, such as operation of the sewer pump stations and emergency response to high sewer levels.

The Agreement describes that level of service to be provided by Council to the community at Cabbage Tree Island regarding the maintenance and operation of the water and wastewater reticulation assets on Cabbage Tree Island. This will provide the community of Cabbage Tree Island with a similar level of service as the rest of Council's connected properties. The details of Council's routine works required in the Water and Wastewater Management Plans is also attached.

Council has already been operating under an Interim Agreement with NSW Office of Water which has provided funding to undertake works that Council was already doing, as well as expanded the services to cover other items in the plan.

Council has also received funding of \$150,000 to upgrade the sewer system, including reconstructing damaged manholes and redesigning the pump stations access ladders and structures to improve Work Health and Safety and Public Safety.

To date, both the interim agreement and the upgrade works have progressed well with no implementation issues having been identified.

It is also recognised that there is a complex history of discussions about water and wastewater services on Cabbage Tree Island. In recognition of that long history this new process allows Council and Jali LALC to clearly identify the services levels to be provided by Council, with appropriate funding to be provided by NSW Office of Water.

Sustainability Considerations

- **Environment**
Improved environmental performance of infrastructure.
- **Social**
Improved infrastructure provision and maintenance will contribute to improvements in the health and well being of the residents on the island.
- **Economic**
Financial costs of all work, including emergency responses is met by NSW Office of Water and this investment will reduce the demand on public health systems.

11.6 Cabbage Tree Island - Water and Wastewater Agreement

Legal / Resource / Financial Implications

The Agreement clearly define boundaries of responsibility for Council which will assist in ensuring that Council's obligations to provide services are met.

The intention of the Agreement is to be cost neutral to Council.

Council's works are fully funded by NSW Office of Water with payment in six months advance of works.

Currently Council and NSW Office of Water have agreed to fund \$31,000 per annum for the interim agreement, which has provided sufficient funds to undertake the routine maintenance and operation of the water and wastewater services on Cabbage Tree Island.

Council also receives funding for any emergency works in additional to the agreed amount on an as needs basis.

Backlog works, such as repair to sewer lines, are funded separately. To date Council has received around \$150,000 in funding to undertake backlog works.

The fee for ongoing maintenance and operation can be varied during the course of the contract and to date has been reviewed annually by NSW Office of Water and Council.

All costs have been calculated using Council's private works rates, which are shown as actual cost plus 72.5% as per Council's Fees and Charges.

Jali LALC has recently signed the Services Agreement.

Consultation

The Agreement document has been developed by NSW Office of Water in collaboration from the NSW Aboriginal Land Services and is supported by the NSW Local Government Shires Association.

The steering committee for the NSW Aboriginal Water and Wastewater Program includes representation by the NSW Water Directorate.

The Management Plan was developed by NSW Office of Water in consultation with Jali LALC and Ballina Shire Council's Engineers and Operations Team.

Options

1. Not Participate in the Aboriginal Water and Wastewater Program

Council is not obligated to participate in the program, however is well placed to do so given;

- a. The proximity of the Wardell Wastewater System and connection to the Marom Creek Water Supply.

11.6 Cabbage Tree Island - Water and Wastewater Agreement

- b. Historical involvement in operations and maintenance of water and wastewater infrastructure on the Island.
- c. Existing Relationship with Jali LALC as built upon through the Interim Agreement and the Backlog Program.

2. Continue with the Interim Agreement

The Interim Agreement allows for Council to receive funding for the works required, but provides no advantages to either Council or the Cabbage Tree Island Community because it does not provide surety for long term supply of operations and maintenance services or secure long term funding.

3. Participate in the Aboriginal Water and Wastewater Program by signing up to the Agreement

The body of the report details the implications of this option. Council may elect to employ external parties (contractors) to undertake some or all of the works described in the plan. This may, from time to time, assist with implementation of some components due to resources constraints or availability with current staff. It is proposed that Council maintain this flexibility as part of operational considerations when implementing the plan.

NSW Office of Water encourages Council to engage people from the community to undertake some of the works and services, where possible. Council will continue to liaise with NSW Office of Water and Jali LALC about this, and other issues, through regular reporting and discussions of the Water and Wastewater Management Plan.

The current identified fee to allow Council to undertake this work is \$31,000 per annum.

RECOMMENDATIONS

- 1. The Council agrees to enter into the five year service agreement for Cabbage Tree Island in accordance with Option Three in the above report.
- 2. That Council authorises the General Manager to affix Council's seal to the Agreement.
- 3. That the General Manager be authorised approve changes to the Agreement, as required from time to time, such as changing the fee for works or method of implementation of the plan.

Attachment(s)

- 1. Aboriginal Communities Water & Sewerage Program General Community Brochure Final Draft 6 Feb 2014
- 2. Service Agreement for Aboriginal Communities Water and Sewerage Program Draft Cabbage Tree Service Agreement
- 3. Water & Sewer Management Plans - Cabbage Tree Island

11.7 Public Place Recycling

11.7 Public Place Recycling

Delivery Program Waste Management

Objective To review the public place recycling program.

Background

In March 2012 Council resolved to undertake a trial of Public Place Recycling (PPR) within the Lennox Head Commercial Business District (CBD). The trial aimed to increase the amount of diversion away from landfill of recyclable materials generated from the CBD. In August 2013 the Ballina CBD was included in the trial and these arrangements were partially funded by the Waste and Sustainability Improvement Program (WaSIP).

The bins have a dual purpose. The first objective is to provide a service for the collection of waste and recyclables. The second objective is to provide a promotional tool to highlight the community's commitment to sustainable waste management and resource recovery. Therefore it is important that the system operates well and reflects a positive image of Council.

Following the direction contained within the Department of Environment and Conservation (NSW) "*Better Practice, Public Place Recycling Guidelines*", six new PPR bin enclosures were situated at strategic locations within the Lennox Head CBD. These locations were selected after a consultation process.

Research indicates that historically there has been mixed success of PPR programs. The reason for this has been attributed to confusion within the community in relation to what to recycle because of differences in what can be recycled at home and in public, and because of differences between the collection systems in different local government areas. As a result, the outcomes were often low amounts of recyclable materials collected, or high levels of contamination in the recycling bins.

For the trial period at Lennox Head, the bins were audited on a fortnightly basis by waste staff to identify the recovery and contamination rates and to ensure the location of the bins enabled the capture of the maximum amount of waste and recyclable materials. The audit recorded the weight and volume of each waste category.

The following information reports the outcomes of the trial.

Key Issues

- Economic and social viability of non-residential recycling scheme

Information

The success of a trial is determined by the percentage of contamination by volume of recyclables collected and the actual diversion of recyclable materials from landfill by weight.

11.7 Public Place Recycling

To correctly capture this information waste staff conducted fortnightly audits for a 12 month period of the six PPR bins to determine key outcomes of the trial. The monitoring of bins has provided valuable information on their use and effectiveness in the CBD area and was important in quantifying actual diversion from landfill.

In total 1.4 tonnes of recyclables and 47.5 kg of waste was recovered for auditing purposes - this equated to a contamination rate of less than 4% which is well under benchmark contamination levels.

Due to the success of the trial in Lennox Head, auditing of bins will now only proceed periodically and servicing of the waste bins will be conducted weekly and recycling fortnightly, excluding peak holiday periods when servicing will be increased.

While the contamination rates represent a good result, the PPR is not cost effective when assessed in terms of economic value. The bins are required to be emptied weekly, however the residential recycling service occurs every fortnight. (In the alternate fortnight the collection vehicles are used to service the waste bins). This means each second week the PPR bins are serviced by a utility collection.

As the total annual volume of collected and diverted product from the PPR bins is very small, it is actually more expensive to recycle this product than dispose of it to landfill.

It is estimated the servicing of the Ballina and Lennox Head CBD is costing Council around \$10,000.

These costs do not include the costs of installing the bin surrounds. Each of these units is currently priced at \$3,718.

While the service is not economical, it does reinforce the Council's waste minimisation strategy to the community and represents a better environmental outcome than directing the recyclables to landfill. In considering the future potential expansion of the scheme in Ballina and Alstonville, the Council needs to be mindful as to the value of these benefits when compared to the costs.

Sustainability Considerations

- **Environment**
Public Place Recycling is a useful in raising awareness and promotion of recycling and diversion of recoverable materials from landfill.
- **Social**
Public Place Recycling highlights to the community Council's commitment to sustainable outcomes and contributes to community values and pride.
- **Economic**
There is a direct additional cost from this extra service.

11.7 Public Place Recycling

Legal / Resource / Financial Implications

Funding for this service is currently available under Council's waste management programs. If the Council was inclined to expand the program it will be necessary to adjust the budget to accommodate the additional costs.

Consultation

At time of installation, consultation was undertaken in regards to the location of the bins.

Options

The purpose of this report is to provide information in respect in the outcomes of the trial of PPR in Lennox Head. As noted in the report, the recovery rates, as expected, are small by volume, however low contamination rates has meant that the collection has been able to be diverted from landfill. The report highlights that the PPR does not have a direct economic justification however the cost can be considered reasonable having regard to the education and social benefits provided by the program. For these reasons it is proposed to continue the PPR program in Lennox Head.

It is not proposed to change the number of bins in Lennox Head as the current balance between area coverage and cost is considered appropriate from a staff perspective.

In terms of the Ballina CBD, auditing of the bins to determine contamination rates and total yield is continuing. If the trial is successful, the Ballina CBD does have the potential for the installation of more bins in the western end of the precinct. Staff propose to review the costs of this option when more information is available.

At this point in time, having regard to distance, costs and expected yield, servicing a PPR program in Alstonville is not preferred.

The recommendation to this report is to note the information and thereby maintain the status quo in respect of this program. If the Council would prefer it is open to expand or contract the program. Expansion of the program would require a corresponding adjustment to the budget.

RECOMMENDATION

That Council notes the contents of this report regarding the outcomes of the trial of Public Place Recycling.

Attachment(s)

Nil

11.8 Ballina Waste Management Centre - Operating Hours

11.8 Ballina Waste Management Centre - Operating Hours

Delivery Program Waste Management

Objective To review the operating hours for the Waste Management Centre.

Background

The operations of the Ballina Waste Management Centre (WMC) have changed significantly in recent years. With the view to providing improved operating efficiencies, this report reviews the operational arrangements at the WMC, including an assessment of the opening hours of the facility.

Key Issues

- Operational Efficiencies
- Customer Service Levels
- Staff Arrangements

Information

The Ballina Waste Management Centre (WMC) comprises of a waste baling operation, landfill (currently not operated), transfer station, weighbridge and second hand reuse yard. Landfilling operations at the site were suspended in April 2013 to take an advantage of an economic opportunity to transport putrescible and inert waste to South East Queensland (SEQ).

In 2013/14 the facility managed 35,500 tonnes of waste from all waste streams (excluding Virgin Excavated Natural Material) and operated nine hours a day, seven days per week (excluding public holidays).

In May 2014 the disposal and transport contract of Food Organics and Garden Organics (FOGO) commenced with Solo Waste. This arrangement now sees the FOGO waste directly transported to the Lismore Waste Facility at Wyrallah Road reducing the need for Council staff to load bins prior to their transport.

This activity typically utilised three hours per day of an excavator and plant operator.

Council is currently reviewing pricing for the processing of recyclables and one of the options is to provide this material to the Lismore Council Materials Recovery Facility. If this option proceeds, than a similar transport arrangement to the one for the FOGO will be able to be implemented, further reducing the demand for resources at the waste centre.

The Centre is open to the public 63 hours per week. In comparison, many larger facilities operate 59 hours per week. Adopting a new spread of opening hours will assist in the restructure of the work arrangements at the landfill to ensure the resource arrangements are aligned to the current operational demands of the site.

11.8 Ballina Waste Management Centre - Operating Hours

The current arrangements are not ideal and contribute to less than optimal allocation of resources. As well as inefficiency there are concerns in respect of the level of site supervision on parts of the landfill and this can give rise to Workplace Health and Safety and other issues.

Adjusting the opening of hours of the facility provides the preferred opportunity to align rosters and work tasks to address these issues.

The operation, maintenance and management of a waste facility is a complex, demanding and at times difficult task. The centre is required to operate in accordance with a waste facility licence, substantial statutory regulations, technical guidelines and standards, as well as being financially sustainable and provide an acceptable level of customer service.

To ensure the development of a revised resource structure was appropriately informed, data from the last twelve months has been collated and reviewed.

The review of the operational hours of the waste facility is intended to yield substantial improvements in facility appearance, technical and licence compliance, and resource (human and plant) flexibility and efficiency.

The Ballina WMC, unlike other regional landfills, has trading hours that exceed the working hours of its employees and therefore creates an inefficient employee rostering arrangement.

Table one below illustrates the operating hours of landfills within the region and total waste received for processing.

Table One: Neighbouring Council Operational Hours

Shire Council	Monday to Friday	Weekends	Total Trading Hours	Waste Received Annually (t)
Ballina	7:00am to 4:00pm	7:00am to 4:00pm	63	35,500
Lismore	7:00am to 4:00pm	9:00am to 4:00pm	59	42,400
Tweed	7:00am to 4:00pm	9:00am to 4:00pm	59	38,500
Richmond	8:30am to 4:30pm	8:30am to 4:30pm	56	13,500
Byron	8:00am to 4:00pm	8:30am to 11:30am	46	35,300

A reduction in the opening hours would improve our operating performance on a cost per tonne ratio basis.

As noted earlier, in addition to a reduction in variable costs, a change of opening hours provides other benefits to the organisation of the supervision and work at the site.

To assess the proposal to reduce the opening hours, it is important to consider the frequency of visitors to the site.

A selection of 12 months of representative days of trading is as follows.

11.8 Ballina Waste Management Centre - Operating Hours

Table 2: Selected Averages over 12 months 2012-13

	<i>Sunday</i>	<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>	<i>Saturday</i>
<i>Time ></i>	<i>Number of Customers</i>						
7.00am	2	5	9	6	7	8	3
8.00am	6	9	13	13	11	14	8
2.00pm	13	17	20	16	18	17	13
3.00pm	13	15	16	14	14	14	12

It is estimated that a change in the operational hours will enable the issues discussed above to be addressed and provide an operational saving in the order of \$98,500 per year. This is proposed to be achieved through a staff roster that reflects the contemporary needs of the landfill and is based on the standard 8.5 hour work day which is more consistent with other operational sections within Council.

Under the preferred structure six full time and three part time employees would be required to service the site compared to the current nine full time employees. Subject to further consultation with staff, transition to these arrangements can be achieved with natural or planned attrition and internal redeployment opportunities.

The current structure was implemented for the purposes of maintaining the landfill and baling of waste, both of which are currently not operational.

It is possible to improve the inadequacies of the structure without reducing the amount of opening hours, however as staff are required to man the weighbridge and supervise visitors to the site, aligning the opening hours to standard hours provides the most operational efficiency and as per the table above a later opening would appear to not provide an unreasonable inconvenience or disruption to the level of service offered by Council at the facility.

Sustainability Considerations

- **Environment**
The effective and efficient operation of the site reduces its impact on the environment.
- **Social**
The reduction of opening hours represents a small decline in level of service. However the proposal also reduces the cost pressures and corresponding charges to use the facility.
- **Economic**
The provision of an efficient and cost effective waste management service by Council assists business operating costs and economic development generally.

Legal / Resource / Financial Implications

The purpose of this report is to review options within the waste management function to optimise resource use and achieve financial savings.

11.8 Ballina Waste Management Centre - Operating Hours

Consultation

No public consultation has been undertaken in regards to this proposal. Should Council proceed with the recommendation an appropriate notice period will be provided and communicated to the community. Staff will continue to be consulted in respect of any matters pertaining to employment arrangements.

Options

1. Revise the organisation structure within the waste section to suit the current operational hours of the waste management centre.
2. Adjust the operational hours of the Ballina Waste Management Facility to 8:00 am to 4:00 pm (Monday to Friday) and 8:00 am to 3:30 pm (weekends) and the organisation structure be revised to align with the new operational hours.

Significant operational efficiencies and improved management outcomes can be achieved through adjustments to the organisation structure of the waste section. These outcomes are optimised if the opening hours of the centre are reduced.

The report indicates that the benefits of this change are substantial when compared to the relatively low utilisation by customers of the early start times. Currently the Council is providing a level of access to the waste centre that is extended when compared to other local government areas. Based on the analysis in this report, option two is recommended.

Should Council accept the recommendation, it is possible to make the change to the operating hours immediately, subject to sufficient community notice. The adjustments to the organisation structure will occur at the most appropriate time and this is subject to further discussions with staff.

RECOMMENDATION

That Council approves a change in the operational hours of the Ballina Waste Management Facility to 8:00 am to 4:00 pm (Monday to Friday) and 8:00 am to 3:30 pm (Saturday and Sunday), with the General Manager authorised to implement this change following adequate community notification of the change.

Attachment(s)

Nil

11.9 Policy (New) - Kerbside Waste Bin Entitlement

11.9 Policy (New) - Kerbside Waste Bin Entitlement

Delivery Program Waste Management

Objective To adopt a policy to manage entitlements for Council provided kerbside bins.

Background

In 2011 Council resolved to provide free of a direct charge kerbside waste and recycling bins to domestic and commercial properties that were rated under sections 496 and 501 of the Local Government Act 1993.

Under these provisions of the Act, Council is authorised to levy an annual charge for the collection and disposal of domestic and commercial kerbside waste from properties. The initial bin issue cost is recovered from this levy.

The domestic and commercial collection of waste and recycling is conducted on alternate weeks with the organic collection conducted weekly by an external contractor.

The reissue of organic bins is managed by the contractor and invoiced to Council on a monthly basis.

Key Issues

- To establish a guiding policy on the eligibility for residents to receive kerbside bins.
- Manage the increased customer requests that are being received for a replacement bin within a relatively short timeframe.

Information

Since the commencement of the kerbside organics collection and introduction of free waste and recycling bins in July 2011, Council has issued a total of 2,640 bins with an estimated cost to Council of \$107,210. Of these re-issues, 265 were reported as stolen, and a further 29 bins have been recorded as repeat issues (within a 12 month period). Waste officers document the issue of bins, however it has become increasingly difficult to enforce restrictions on the provision of bins to properties regularly requiring bins and where there is suspected wilful damage or negligence.

In response to this a draft Bin Entitlement Policy, copy attached, has been developed to assist the Waste Facility in the decision making process when responding to bin replacement eligibility. The objective of the policy is to provide staff and residents with clear direction creating confidence in decision making as well ensuring consistency and accountability within our customer service.

The attached policy provides guidance to our waste officers in the determination on eligibility of bin replacement requests.

11.9 Policy (New) - Kerbside Waste Bin Entitlement

The policy is considered to provide a clear, concise and transparent process to be applied in the determination of each request.

Under the policy, Council will continue to be responsible for the maintenance and repair of bins, however the community is also required to take responsibility in ensuring that the bins are kept within the property boundaries after servicing and report to Council, as soon as practical, when repairs to bins are required.

Sustainability Considerations

- **Environment**
The provision of bins assists in reducing the amount of waste impacting on the environment.
- **Social**
This policy supports the legitimate reissue of bins to residents and commercial operators.
- **Economic**
Cost effective and efficient Council services support economic development.

Legal / Resource / Financial Implications

There are no legal, resource or financial implications relating to the implementation of this policy. Bin replacement is part of the budgeted costs within the Waste Management program.

Consultation

It is recommended that Council place a draft of the policy on public exhibition.

Options

1. Council can elect to place the draft policy on public exhibition.
2. Council can amend the draft policy and place on public exhibition.
3. Council can elect to not adopt a policy.

The recommendation to this report is to place the draft policy on exhibition as it reflects current practices.

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

The one key issue that Council needs to consider is whether or not we should continue to provide replacement bins free of charge. When a service is provided free, the natural reaction is not to value, or “respect” that service as highly as when it is being paid for. By providing the replacement free of charge Council may be encouraging excess replacement of bins, however it is accepted that we need to encourage residents to use the bins and by providing the bins free of charge we are ensuring a higher level of compliance with the service provided by Council.

11.9 Policy (New) - Kerbside Waste Bin Entitlement

RECOMMENDATIONS

1. That Council place the draft Kerbside Bin Entitlement Policy, as attached to this report, on exhibition for public comment, with any submissions received to be resubmitted back to Council.
2. If no submissions are received then the policy is considered to be adopted by Council.

Attachment(s)

1. Policy (New) - Kerbside Waste Bin Entitlement

11.10 Tender - Provision for Legal Services

11.10 Tender - Provision for Legal Services

Delivery Program Governance and Finance

Objective To obtain Council approval to award the contract for the provision of legal services to a panel of providers for a five year period.

Background

Council procures legal services by tender. Having regard to the diversity of need for legal services, Council has typically awarded contracts following the tender process to a panel of providers. The current contracts for legal services expired 30 June 2014.

To seek new arrangements, a request for tender was advertised on 5 February 2014 for the provision of legal services for a five year period.

At the close of the tender period 11 tenders were received.

This report details the outcome of the tender evaluation process.

Key Issues

- Engage suitably qualified and experienced legal providers to meet the needs of the Council in conducting its normal business activities;
- Award the tender in accordance with the Local Government (General) Regulations 2005.

Information

A tender evaluation panel consisting of Group Manager Development and Environmental Health, Manager Commercial Services, Property Officer Community Land, and the Project and Contract Coordinator was convened to assess the tenders. The Group Manager Civil Services provided specialist advice to the panel.

At the close of the tender period on 6 March 2014, tenders were received from the following legal firms:

- Lindsay Taylor Lawyers
- Allens
- Kells the Lawyers
- Maddocks Lawyers
- Pikes & Verekers Lawyers
- Clarissa Huegill & Associates
- Locale Consulting
- Newbold Law
- Stacks The Law Firm
- Walters Solicitors
- WJ Grace & Co Solicitors

11.10 Tender - Provision for Legal Services

The tender from Allens was received after the specified closing time and in accordance with the Local Government Act and Local Government (General) Tendering Regulations 2005 Part 177 (2) the tender was not able to be further considered.

This decision was reviewed by NSW Local Government Procurement who concurred with the panel's assessment of the relationship between the time of the submission and the relevant sections of the statutory regulation.

The tender document defined the following areas, by which each tender would be assessed:

- Fees and Charges
- Staffing and Resources
- Capability and Relevant Experience
- Social and Community

The tender specification required tenderers to submit schedules of rates for the different classifications of personnel that would be providing services to Council. The tender documentation provided a weighting of price considerations of 35%.

As these rates for the different types of personnel are on an hourly basis, in the absence of a specific task or project to be performed and priced, it is difficult to make any direct comparisons regarding price. The reason for this is a high hourly rate for experienced and specialist knowledge may in fact be the least expensive in total or best value for money choice of service provider.

Having regard to this difficulty in comparing price, the panel assessed the submissions via a number of methods to determine a relative ranking of the tenderers. However, in assigning point score values to these rankings for inclusion in the overall assessment, a relative narrow spread of scoring was applied. Under this method, price comparisons are used to inform the assessment however they did not become a dominant or determinant factor.

It is noted however that the submitted tender pricing forms the contractual pricing for selected panelists. At the time a specific and quantifiable service is required to be performed, staff use the contract pricing information as part of the process to seek a proposal or service to determine best value for money provider for that particular task.

As per previous practice, to ensure the most efficient use of Council resources, the proposed panel comprises two components.

One component is formed from legal practitioners from large partnerships, typically based in Sydney, who can provide highly resourced specialist legal advice to Council as required, and a panel of providers who can provide a more local level service.

Maddocks Lawyers, and Pikes & Verekers Lawyers were ranked the highest in the assessment for the first group for the panel. The evaluation team also recommend that Lindsay Taylor Lawyers be included on the panel. This firm provides specialist advice in local government law and other related areas.

11.10 Tender - Provision for Legal Services

The appointment of these three firms to the panel of providers will provide Council with a high standard and capacity from which to engage various specialist legal services as required over the next five year period. For Councillors requiring further information in regards to the capacity and personnel from these firms, this information can be provided on request to the Group Manager Civil Services.

W.J. Grace Solicitors and Clarissa Huegill & Associates were ranked the highest in the evaluation from the second group within the panel. Both these firms have provided legal services to Council previously and have carried out these services to a high standard. The evaluation panel also recommends the inclusion of Newbold Law on the panel of providers. The reason for this recommendation is that this firm provided very competitive fixed fees for services in relation to the drafting of leases and licences. Given the nature of this work, pricing can typically be the determining factor for these services.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
Not Applicable.

Legal / Resource / Financial Implications

This report is provided to assist Council meet its statutory requirements in regard to tendering and procurement.

The provision of legal services is important to the day to day operations of Council. The panel of providers will allow Council to select a legal practitioner who can best deliver the required service relative to the type of legal services required.

Consultation

A public tender process was conducted.

Options

Under the Local Government (General) Regulations 2005 Council must either accept the tender that “appears to be the most advantageous” or decline to accept any of the tenders.

1. Council may determine not to accept any of the tenders received and invite fresh tenders.
2. Council may appoint W.J. Grace Solicitors, Clarissa Huegill & Associates, Newbold Law, Maddocks Lawyers, Pikes & Verekers Lawyers and Lindsay Taylor Lawyers to the panel of providers for legal services.

11.10 Tender - Provision for Legal Services

Option one is not recommended as Council has undertaken the tender process in accordance with the Local Government (General) Regulations 2005 and the receipt of 11 tenders has indicated that a reliable market has been established.

Option two is recommended as the preferred option as the appointment of the six legal firms to the panel of providers will provide Council with the necessary legal expertise required for a five year period.

Inclusion on the panel of providers does not automatically entitle a legal practitioner to be allocated legal work and the distribution of work is at the entire discretion of Council. This contract will be non-exclusive and Council may engage non-panel members if specialist legal services are required.

It is further noted that where a legal firm has been engaged under the current legal services contract and the matter is continuing, that legal firm will continue to act for Council until the matter is finalised or their services are no longer needed.

RECOMMENDATIONS

1. That Council accepts the tenders for the provision of legal services for a five year period from W.J. Grace Solicitors, Clarissa Huegill & Associates, Newbold Law, Maddocks Lawyers, Pikes & Verekers Lawyers and Lindsay Taylor Lawyers.
2. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

Nil

11.11 Tender - Provision for the Supply and Laying of Asphalt

11.11 Tender - Provision for the Supply and Laying of Asphalt

Delivery Program Engineering Works

Objective To provide Council with the results of Tender RFT760
- Provision for Supply and Laying of Asphalt.

Background

Tenders were advertised on 19 May 2014, closing on 17 June 2014, for Tender RFT760 - Provision for the Supply and Laying of Asphalt for the period to 30 June 2016.

The following tenders were received:

- Boral Asphalt – South Lismore
- Clark Asphalt Pty Ltd – East Lismore
- RPQ Asphalt Pty Ltd –Swanbank QLD

This report provides details on the outcomes from the tender evaluation process.

Key Issues

- Appropriate assessment and selection of asphaltic concrete contractor for the period ending 30 June 2016

Information

Council undertakes a large number of asphalt projects each year, and the requirements for different projects can be wide ranging. Some projects may involve small quantities and be relatively simple and straightforward works with minimal risk, for instance, asphalt works undertaken on lightly trafficked roads, conversely, other projects may involve various factors of complexity and higher risk, such as asphalt works undertaken on heavily trafficked regional roads with multiple intersection treatments.

This tender includes rates for a range of activities involved with undertaking asphalt works.

The determination of a tendered price comparison for a specific project will depend on the particular combination of activities specific to that individual project.

The tender is based on the Shire being divided into five zones, and for each of these zones a number of activities are priced for a range of asphalt quantities (tonnages).

A summary of these activities and quantities is shown in the following table.

11.11 Tender - Provision for the Supply and Laying of Asphalt

Activity	Quantity Lots
Asphalt Supplied and Lay	10 daily quantity lots priced, less than 5T to greater than 250T lots.
Traffic Control Requirements	7 quantity lots priced, from zero to 6 traffic controllers, and 2 time quantity lots being half day and full day.
Cold Milling	7 quantity lots priced, from 2cu.m. to up to 50cu.m, and 3 depth lots priced from 35mm up to 130mm
Specialised Asphalt	6 extra rates priced for specialised asphalt products

As a result of the above, the tender provides almost 90 individual pay items for consideration, a number which may apply to a specific project. Accordingly, there is a combination of pay items from each tenderer which leads to their price for a specific project.

It is therefore recommended that all tenders be accepted in order to achieve the best cost outcomes for Council for a specific project, i.e. the best outcome for a specific project may be from any of the tenders. Availability is also an important factor when selecting a tender.

However, for information, an overall comparison of the pay items indicates the following:

Boral Asphalt provide the lowest pricing for supply and laying of asphalt for quantities greater than 60 tonnes per day for all zones and also provides lowest pricing for all cold milling.

Clark Asphalt Pty Ltd provide the lowest pricing for supply and laying of asphalt for quantities up to 60 tonnes per day for all zones and also provides an equal lowest pricing for cold milling for 20.01 to 50 cubic metres.

For each specific project the most cost effective contractor will be chosen based on the quantities associated with the project. Hence all tenders need to be accepted in order to achieve the best cost outcomes.

It should be noted that, in general, the lowest rates for asphalt submitted under this tender have increased by 10% compared to the previous tenders received in 2011, for the most common daily quantities.

A schedule of the rates tendered is attached, with the lowest rates highlighted in red.

Sustainability Considerations

- **Environment**
The contract requires the contractor to establish and operate in accordance with an Environmental Management Plan.
- **Social**
This tender will assist in the maintenance of the road network and thereby support the community's transportation needs.

11.11 Tender - Provision for the Supply and Laying of Asphalt

- **Economic**

This tender will provide competitive prices for materials used in the maintenance and construction of the road network, an essential asset for economic development.

Legal / Resource / Financial Implications

This report aims to assist Council to meet its statutory and other legal obligations. Purchases made utilising this tender will be costed against applicable project and program budgets.

As noted in the above report, the rates are approximately 10% more expensive than the previous tender and this has a negative impact on the amount of work Council is able to achieve in its roads budget.

Consultation

A public tender process was conducted.

Options

Council on previous occasions has accepted all tenders. This allows Council the opportunity to use the most cost effective contractors to meet program requirements.

The tender also allows the opportunity to extend the duration of the contract period beyond 30 June 2016. This option is for a further two 12 month periods subject to the approval of the General Manager.

RECOMMENDATIONS

1. That Council accept the tenders from Boral Asphalt, Clark Asphalt Pty Ltd and RPQ Asphalt Pty Ltd as preferred contactors for the supply and laying of asphalt for the period to 30 June 2016.
2. That in accordance with the term of the contract, the General Manager is authorised to extend the contract period to 30 June 2017 and 30 June 2018, if this is preferred at the time.

Attachment(s)

1. Schedule of Rates Tendered

12. Public Question Time

12. Public Question Time

13. Notices of Motion

13. Notices of Motion

Nil Items

14.1 Commercial Services Committee Minutes - 15 July 2014

14. Advisory Committee Minutes

14.1 Commercial Services Committee Minutes - 15 July 2014

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson, Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth, Ben Smith and Robyn Hordern.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Neil Weatherson (Airport Manager) and Sandra Bailey (Secretary) were in attendance.

Hans Pearson, Rob Mactaggart, Paddy Jilek and Anthony Kahne from The Airport Group were also in attendance.

There were nine people in the gallery at this time.

1. Apologies

Nil

2. Declarations of Interest

Nil

3. Deputations

Nil

4. Committee Reports

4.1 Ballina Byron Gateway Airport - Long Term Tenure Options

The Committee received a presentation from The Airport Group representatives in attendance.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council authorises the General Manager to run a competitive tendering process to select a consultant to advise Council on the various long term tenure options available and indicative financial returns for the Ballina Byron Gateway Airport.

FOR VOTE - All Councillors voted unanimously.

4.2 Classification of Community Land to Operational

RECOMMENDATION

(Cr Ben Smith/Cr Paul Worth)

That Council commence the process for the reclassification of the land referred to below from Community Land to Operational Land for the purpose of the *Local Government Act, 1993*.

- Lot 1 DP 598548, Pine Avenue, East Ballina
- Lot 2 DP 598548, Pine Avenue, East Ballina
- Lot 1 DP 632176, Suvla Street, East Ballina
- Lot 47 DP 240657, Basalt Court, Lennox Head
- Lot 1 DP 604567, Regatta Avenue, Ballina
- Lot 2 DP 604567, Regatta Avenue, Ballina
- Lot 1 DP 856703, North Creek Road, Lennox Head
- Lot 43 DP 1168665, Seamist Place, Lennox Head
- Lot 104 DP 871675, Links Avenue, East Ballina
- Lot 1 DP 850774, Westland Drive, West Ballina

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson

4.3 Land Sale - Cessna Crescent, Southern Cross Industrial Estate

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That Council notes the contents of this report in respect to the proposed sale of land at Cessna Crescent in the Southern Cross Industrial Estate, described as Lot 92 DP 1161854.

FOR VOTE - All Councillors voted unanimously.

5. Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That Council 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 Land Sale Price - Cessna Crescent, Southern Cross Industrial Estate

Reason for Confidentiality

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as Council is in the process of negotiating a sale for the property in question.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 5.51 pm).

Open Council

RECOMMENDATION

(Cr Keith Johnson/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Open Council at 5.53 pm).

14.1 Commercial Services Committee Minutes - 15 July 2014

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

5.1 Land Sale Price - Cessna Crescent, Southern Cross Industrial Estate

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council resolves to adopt option two as outlined in this report and authorise the General Manager to finalise negotiations with the purchaser.
2. That the use of Council's Common Seal be approved to be affixed to the Contract for Sale of Land and Transfer, and any other associated documentation.

FOR VOTE - All Councillors voted unanimously.

Adoption of Recommendation from Confidential Session

RECOMMENDATION

(Cr Keith Johnson/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

5.54 pm

RECOMMENDATIONS

That Council confirms the minutes of the Commercial Services Committee meeting held 15 July 2014 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

15.1 Mayoral Meetings

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

15.1 Mayoral Meetings

Councillor David Wright

Activities since the June 2014 Ordinary meeting:

<u>Date</u>	<u>Function</u>
28/6/14	Ballina/Lennox Head Lions Change-Over – RSL Club
1/7/14	Alstonville Wollongbar Chamber of Commerce
2/7/14	Meeting Wollongbar Progress Association re 'E' Zones
2/7/14	Meeting Naval Museum re 'Florrie'
3/7/14	Skullcandy – set up
4/7/14	Skullcandy
5/7/14	Skullcandy
6/7/14	Skullcandy
6/7/14	NAIDOC Gallery Launch
6/7/14	Ballina Rotary Change-Over – Ballina Surf Club
6/7/14	Skullcandy VIP Function
7/7/14	NAIDOC Walk
7/7/14	Skullcandy
7/7/14	Cumbalum 'A' Presentation
8/7/14	Skullcandy
8/7/14	'A' Ward Meeting
9/7/14	Skullcandy Finals and Presentations
10/7/14	'C' Ward Meeting
11/7/14	Anglican Parish of Ballina – Bishop Visit
13/7/14	Lennox Head Markets
14/7/14	Donations Committee
15/7/14	Meeting Dune Care – Flat Rock
15/7/14	Ballina Hospital Auxiliary – Annual Meeting
15/7/14	Commercial Services Committee
15/7/14	Alstonville Historical Society – 150 th Birthday
17/7/14	Community Safety Precinct Meeting
18/7/14	Ballina Kings Lioness Club Change-Over
18/7/14	Gallery Opening - Portraits of a Tea Cosy – Parade
21/7/14	'B' Ward Meeting
23/7/14	Goonellabah Wollongbar Lions Change Over
24/7/14	Ordinary Council Meeting

RECOMMENDATION

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

Attachment(s)

Nil

16. Questions Without Notice

16. Questions Without Notice

17. Confidential Session

17. Confidential Session

Nil Items