



Notice of Ordinary Meeting

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 28 August 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 Holy Family School.

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

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 July 2014 were distributed with the business paper.

A copy of the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Wednesday 6 August 2014 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 July 2014.

That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Wednesday 6 August 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. Council at its Ordinary Meeting of 24 July 2014 resolved the following:

“That the application be deferred to allow further analysis of the potential to co-locate the proposed tower with any of the existing three telecommunication facilities”

Following consideration of the above resolution, the applicant submitted additional information in relation to the potential for co-location. This information is attached to this report. A copy of the original report is also included as an attachment.

Information

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 or construct a facility upon which one of the existing operators could locate.

Following a review of the additional information provided by the applicant it is considered that the applicant has adequately explained why in the circumstances this is not feasible.

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

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.

Based on this additional information the options are as follows.

Option One - That Council approves the development application in light of the additional information 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.

Option one is the recommended approach for the reasons outlined in this report and the previous report presented to Council.

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, as per the report to the 24 July 2014 Council meeting.

Attachment(s)

1. Council Report 24 July 2014 Meeting
2. Report Attachments 24 July 2014 Meeting
3. Additional Co-location Information Submitted by Applicant

8.2 DA 2014/265 - Tree Removal - Grandview Street, East Ballina

8.2 DA 2014/265 - Tree Removal - Grandview Street, East Ballina

Applicant	Owners' Corporation SP 87242 C/- Curtis Strata
Property	Lot 0 SP 87242, No. 1 Grandview Street, East Ballina
Proposal	To undertake vegetation management works comprising the removal of two mature Norfolk Island Pine Trees
Effect of Planning Instrument	The land is zoned R3 Medium Density Residential under the provisions of the Ballina LEP 2012
Locality Plan	The subject land is depicted on the locality plan attached

Introduction

The application proposes to remove two existing and substantial Norfolk Island Pine trees located in the eastern front boundary setback and in close proximity to the existing residential unit building, known as Bayview Apartments, and access driveway.

The request to remove both trees is based on the following:

- (a) The trees have become unsuitable for the setting due to their size and close proximity to the building and other Norfolk Island Pine Trees.
- (b) The trees are lifting the footpath and driveway pavers.
- (c) The trees will affect the efficiency of solar panels on the roof of the building (to be installed in the future).

Due to the substantial size (dominating height and bulk), and the location of the trees at elevation when compared to surrounding lands, the Norfolk Island Pines have landscape/scenic value not only to the site and streetscape, but also to the surrounding locality when viewed from various vantage points.

The trees, in conjunction with other substantial Norfolk Island Pine Trees within the site, adjoining site, and road reserve assist in reducing the scale of this building and the immediately adjoining Grandview Apartment building.

Consequently, this application is reported to Council for determination. A Locality Plan and photos of the trees are attached.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil (or state otherwise if this is not the case)

Report

There was limited information submitted to support the nominated tree removal and from a site inspection it was not obvious at ground surface level that the trees were causing significant damage to infrastructure or posing a danger to residents, i.e. Council Officers could not clearly view damage to the footpath and driveway pavers (other than some minor lifting from root systems).

Additionally, it was noted that Condition 5 of the original DA 1981/400 for the buildings required the Norfolk Island Pine Trees on the site and footpath system to be retained and have no damage caused to them during construction. The design and location of these buildings also had specific regard for maintaining the existing Norfolk Island Pine Trees and planting of additional Norfolk Island Pine Trees at the time.

Consequently, Council requested the applicant to provide further clarification / supporting documentation for the tree removal. This was provided via letter of 1 August 2014 (copy attached from Curtis Strata).

Council Officers have subsequently considered the particular merits as they relate to the current proposal.

Leaving aside their landscape value for the present, it is evident that these maturing and substantial trees are not well suited for this setting, having regard for their close proximity to the building and other associated infrastructure. The trunk of the southern-most tree is approximately three metres from the building whilst the northern-most tree (i.e. closest to the driveway) is approximately four metres from the building.

Although an arborist's report was not submitted, Council's Environmental Scientist has advised the southern-most tree is in ill health and decline, whilst the northern-most tree appears to be in good health and sound structural condition with little to nil deadwood.

As a *genus*, *Araucaria's* are a heavily lignified tree, and they are not highly prone to failure of branches. Notwithstanding this, as the trees continue to grow they may cause damage to the building and infrastructure or hinder future maintenance work.

Council should also note that the applicant is not proposing to plant replacement tree(s) within this area, so no physical offset for the removal of the two advanced species is proposed at this time.

For the following reasons, the removal of the trees is considered to be consistent with the relevant objective of clause 5.9 of the BLEP 2012 – preservation of trees or vegetation which is “...to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation...”

It is also considered that the tree removal will not compromise the amenity of the area (having regard for remaining Norfolk Island Pine trees) and that the trees do not have biodiversity values.

Despite the elevated nature of the site, Chapter 2 of the Ballina Shire Development Control Plan 2012 (DCP), specifically clause 3.2 – Ridgelines and Scenic Areas and clause 3.3 Natural Area and Habitat, do not apply as the site does not form part of the ridgelines and scenic areas mapping and the trees do not form part of the ecologically valued/sensitive areas.

If the site did form part of the Ridgelines and Scenic Area mapping, Council would need to have specific regard for the scenic value of the trees, when viewed from public land, and the retention of prominent vegetation along ridgelines and visually prominent areas.

Having regard for the amenity of the locality, removal of the two trees would not be significant when viewed from Shelly Beach Road. A level of scenic loss when viewed from the Suvla Street / Shelly Beach Road intersection will occur but is not considered to be excessive given the number of younger Norfolk Island Pines that are well established and maturing along the ridgeline.

In determining this application, an assessment under clause 4.2.1 of Chapter 2a of the DCP for vegetation management works on land within urban zones, has been undertaken as follows:

- a) *whether the tree or other vegetation contributes to the aesthetic qualities of the locality and comprises an important component of the skyline;*

The trees do contribute to the aesthetics of the locality and are part of a key feature of the skyline. The site is elevated and the trees in question are substantial in size and, along with others in the immediate locality, form a line along the ridgeline/skyline. Notwithstanding this, there are four other existing substantial Norfolk Island trees within the immediate location of the two trees that make up the feature cluster of pines referred to and these will maintain the impact of this scenic line in the locality if the application is approved.

- b) *whether the tree or other vegetation makes a significant contribution to the amenity and character of the locality;*

The two subject trees together with the four other Norfolk Island Pine trees collectively contribute to the amenity and character of the locality. Removal of the two subject trees is unlikely to create an adverse impact on the aesthetic qualities of the area particularly having regard for the four other surrounding substantial Norfolk Island Pines currently at the site, and the others in the locality.

- c) *whether the tree or other vegetation is important from a cultural and/or heritage perspective;*

Unlike some other Norfolk Island Pines in the Shire, these trees have not, individually, been identified as being significant in this regard.

- d) *whether the growth habit (crown or root) or mature size of the tree or other vegetation is undesirable in a given situation (e.g. under power lines, on top of or under retaining walls or banks, over sewer lines, close to roads or driveways etc.) such that it unreasonably interferes with infrastructure or sight distances;*

Norfolk Island Pine trees do not have invasive root systems. There is only minor evidence of the pavers in the driveway lifting.

- e) *whether the tree or other vegetation is causing damage to public or private utilities and services including kerb and guttering and the aesthetic value of the tree or other vegetation is not greater than the effect of damage caused by the tree;*

This is not evident at present.

- f) *whether the tree or other vegetation is interfering with, or may interfere with, the efficiency of a solar or communication appliance;*

The trees, due to their size, are affecting solar access to both the building on the site and the Grandview Apartments immediately to the south. The Owners' Corporation of the Bayview Apartments has further advised that they wish to install solar panels on the roof in the near future and their efficiency will be compromised by the trees if retained, as per their attached correspondence.

- g) *whether the tree or other vegetation is in an overcrowded situation where the overcrowding is detrimental to tree growth and the judicious removal of tree(s) will result in improved growth of other trees;*

Yes, having regard for the other Norfolk Island Pines and the overlapping/interlocking branches, the trees are considered to be in an overcrowded situation that is affecting growth.

- h) *whether the species and/or growth form of the tree or other vegetation is ecologically significant in the local or regional context and its ability in providing habitat for native fauna; and*

The trees are not recognised as having ecological significance.

- i) *whether, based on supporting documentation submitted with the application, the tree or other vegetation is dying or diseased and its safe useful life expectancy is diminished.*

Council's Environmental Scientist has determined that the southern-most Norfolk Island Pine tree nominated for removal is in a state of decline. The northern-most tree nominated for removal appears to be healthy.

NSW Rural Fire Service

Under recent legislation changes, Council should note that a Code of Practice known as the 10/50 Vegetation Clearing Code of Practice for New South Wales (the 10/50 Code) has been prepared in accordance with section 100Q of the *Rural Fires Amendment (Vegetation Clearing) Bill 2014*.

This 10/50 Code has been developed to provide for vegetation clearing work to be carried out in certain areas near residential accommodation or high-risk facilities to reduce the risk of bush fire. It permits landowners in the 10/50 vegetation clearing entitlement area to clear on their own land, vegetation that is adjacent to an external wall of a building containing habitable rooms that comprises or is part of residential accommodation or a high-risk facility.

Although an assessment against the eligibility of this site has not been undertaken, as part of the site is identified as being bush fire prone, the owners' corporation may be eligible to undertake the nominated clearing works without Council approval.

Should the Council be supportive in approving the removal of the two trees, it could give consideration to conditioning more suitable on-site replacement planting (i.e. smaller trees and/or shrubs). Alternatively, Council could consider approving only one of the subject trees (i.e. the southern most tree due to its state of decline) to be removed.

Options

From the contents and discussion contained within this report there are three options available to the Council in determining this application.

Option 1

Council could refuse the application on the grounds that the applicant has not provided sufficient information and justification in addressing the tree removal having regard for the significance of the trees in the landscape.

Council should note that if it takes this option it may be open to the applicant to remove the trees without any approval under recent NSW Bush Fire exemptions for vegetation removal within bush fire prone areas (noting the site is partially identified as being bush fire prone).

Option 2

Council could grant consent to the application noting that the trees have not been specifically identified as significant landscape items of interest in any Council policies. If deemed necessary, Council could also apply suitable conditioning to address replacement tree planting requirements but, given the substantial trees being retained at these sites, replacement planting is not considered necessary in this particular case.

Option 3

Council could approve the removal of the southern-most tree noting the poor health of the tree whilst retaining the northern-most tree. Council should note that if it takes this option it may be open to the applicant to remove the northern-most tree without any approval under recent NSW bush fire exemptions for vegetation removal within bush fire prone areas (noting the site is partially identified as being bush fire prone).

Conclusion

It is a key responsibility of the Council to decide on its local planning controls and, in their preparation and implementation, strike a suitable balance between public and private interest for land across the Shire as a whole.

Although the retention of the trees may be in the interests of the wider community (from a visual perspective), the trees are becoming overcrowded and unsuitable for the site and the built environment.

8.2 DA 2014/265 - Tree Removal - Grandview Street, East Ballina

If the tree removal is approved, there are four other substantial Norfolk Island Pine Trees in the immediate vicinity and two of the four are located on public lands (i.e. within the road reserve) that will continue to assist in reducing the scale of the buildings and supporting the streetscape.

RECOMMENDATION

That Development Application No. 2014/265, for the removal of two Norfolk Island Pine trees from No. 1 Grandview Street (Bayview Apartments), East Ballina be **APPROVED** subject to standard applicable tree removal conditions.

Attachment(s)

1. Locality Plan
2. Letter from Curtis Strata
3. Photograph of Tree Location

8.3 DA 2014/63 - Subdivision and Home Industry - Newrybar

8.3 DA 2014/63 - Subdivision and Home Industry - Newrybar

Applicant	Northern Rivers Surveying Pty Ltd (on behalf of Dr. F D and Mrs. N M Elsworth)
Property	Lot 8 DP 1011671, No. 61 Jorgensens Lane, Brooklet Lot 2 DP 1099980, No. 145 Brooklet Road, Newrybar
Proposal	To undertake a special purpose subdivision, involving the creation of a one hectare allotment and the erection of a shed for the purposes of a “home industry” (macadamia nut processing)
Effect of Planning Instrument	The land is zoned 7(c) – Environmental Protection (Water Catchment) Zone under the provisions of the Ballina LEP 1987
Locality Plan	The subject land is depicted on the locality plan attached

Introduction

Council is in receipt of Development Application 2014/63 for a “special purpose subdivision”, which involves the creation of a one hectare allotment and the erection of a shed for the purposes of a “home industry” (macadamia nut processing) at Lot 8 DP 1011671 No. 61 Jorgensen’s Lane, Brooklet and Lot 2 DP 1099980, No. 145 Brooklet Road, Newrybar. Refer to Attachments 2 and 3.

This report seeks Council’s determination of DA 2014/63. The key issue arising from the assessment of this application and requiring particular consideration in Council’s determination of Development Application 2014/63 is compliance with the relevant statutory provisions of the Ballina Local Environmental Plan (BLEP) 1987, in particular the permissibility of the proposed development within the 7(c) – Environmental Protection (Water Catchment) Zone, its compliance with the definition of “home industry” and whether the proposed subdivision is able to be considered via Clause 11(5) (special purpose subdivision) of the plan.

Details of the proposal

The proposed development involves a boundary adjustment between Lot 8 DP 1011671 and Lot 2 DP 1099980 to create 1 x 1ha allotment (special purpose lot – Proposed Lot 201) and 1 x 87.54 lot (Proposed Lot 202).

Proposed Lot 201 (area of one hectare) is to be created as a “special purpose allotment”, containing a “home industry” for the purposes of Macadamia Nut Processing and Distribution (Duck Creek Macadamias). This will involve the erection of a new shed with an area of approximately 50m² to house the processing (roasting, storage and packing) and distribution business.

The applicant has also stated that the roasting and packing will occur Monday to Friday, 7am to 4pm, employing four staff. A small area of macadamia nut plantation will remain on this small allotment.

The proposed shed is to be constructed of colorbond (roof and clad walls), with dimensions of 6.2m x 8.1m and an overall height of approximately 3.3m. The proposed building is to be divided into two sections, being a roasting area and a storage/packing/distribution area.

The proposed shed is to be erected in close proximity to an existing building upon Lot 2 DP 1099980, which is currently utilised as an administration and marketing office for Duck Creek Macadamias. The application also identifies that this existing building is to be utilised in conjunction with the home industry, and will maintain its current use.

Proposed Lot 202 (area of 87.54ha) is to contain the majority of the existing Macadamia Nut Plantation and an existing large farm shed. Information lodged with the development application indicates that activities currently undertaken within the shed associated with the agricultural use of the property (de-husking and sorting of macadamia nuts) are to cease. These processing activities are to be relocated off site (i.e. nuts are to be transported off-site for processing) and the existing silos are to be decommissioned.

The de-husked and cracked nuts are to be transported in pallets to the proposed "home industry" shed on Proposed Lot 201 via small table top vehicles for roasting. Roasted nuts will then be packaged and distributed to market.

Vehicular Access to the proposed special purpose allotment (Proposed Lot 201) is to be via an existing driveway servicing Lot 2 DP 1099980, with a right of carriageway to be created over Proposed Lot 202 to service both proposed allotments.

Description of the Subject Site

The subject land is located approximately 1.5kms south west of Newrybar Village.

Lot 8 DP 1011671 has an area of 16.4ha and is accessed via Jorgensen's Lane. The property contains an existing dwelling house and a macadamia nut plantation.

Lot 2 DP 1099980 has an area of 73.14ha and is accessed via Brooklet Road. The property contains an existing shed (machinery storage and processing of macadamia nuts), silos, a macadamia nut plantation and a building currently utilised as an administration and marketing office for Duck Creek Macadamias.

It is noted that this building appears to have been formerly used as a dwelling house.

A search of Council's records has not located an approval for the erection of this dwelling house on the property. However, the applicant has stated that:

"The existing building on Proposed Lot 201 was the original home/dwelling occupied in the full legal sense, by the owners of the subject land since its construction. The building age dates back to circa. 1930. The building was certainly constructed and used, legally, as a dwelling house since that time and still retains all the same features of the dwelling house".

It is important to note that a boundary adjustment has previously been approved by Council (under delegated authority) on 20 December 2012 between the subject two allotments as part of DA 2012/325. This boundary adjustment involved the creation of 1 x 1.45ha and 1 x 88.09ha allotments, with the 1.45 allotment to contain the existing dwelling house within Lot 8, accessed via Jorgensen's Lane. The 88.09ha allotment was to contain the macadamia nut plantation and other improvements (including the existing large shed and building utilised as an administration and marketing office for Duck Creek Macadamias).

As DA 2012/325 involved the creation of an undersized allotment, concurrence from the Department of Planning and Infrastructure was obtained in relation to a SEPP 1 Objection to the development standards within Clause 11 of the BLEP 1987.

To date, a Subdivision Certificate has not been applied for in relation to DA 2012/325 and therefore the subdivision has not been registered. It is noted that the development plans for DA 2014/63 show the approved 1.45ha allotment and it would therefore appear the owner's intention is to proceed with registration of the approved subdivision. In this regard, the proposed "boundary adjustment (special purpose) subdivision" would appear to involve the creation of an additional allotment from the existing two rural allotments – Lot 2 DP 1099980 and Lot 8 DP 1011671. These issues are further discussed in following sections of this report.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The application was placed on public exhibition from 26 March 2014 to 10 April 2014. No submissions were received in relation to the proposed development.

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.

Applicable Planning Instruments

Ballina Local Environmental Plan 1987

The subject land has been mapped as "DM – Deferred Matter" on the Ballina Local Environmental Plan 2012 Maps. In this regard, the Ballina Local Environmental Plan (BLEP) 1987 applies to the land.

The subject land is zoned 7(c) – Environmental Protection (Water Catchment) Zone under the provisions of the BLEP 1987.

The landuses permitted with development consent in the 7(c) zone are *bed and breakfast establishments; childcare centres; dwelling-houses; forestry; helipads; home industries; public utility undertakings; retail plant nurseries; roads; telecommunications facilities; utility installations.*

The information provided as part of the DA documentation states that a shed is proposed to be erected on Proposed Lot 201 for the purposes of a “home industry”, which will involve macadamia nut processing and distribution.

In accordance with the Environmental Planning and Assessment Model Provisions 1980 (as adopted via Clause 6 of the BLEP 1987), “Home Industry” means *an industry carried on in a building (other than a dwelling-house or a dwelling in a residential flat building) under the following circumstances:*

- 1. the building does not occupy a floor space exceeding 50 square metres and is erected within the curtilage of the dwelling-house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by that person, and*
- 2. the industry does not:*
 - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise,*
 - (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter, or*
 - (iii) require the provision of any essential service main of a greater capacity than that available in the locality.*

A “home industry”, as detailed in its definition, is reliant upon a relationship with a “home” or dwelling house, and given the size restrictions imposed upon a home industry (a maximum of 50m²), it is considered to be a subservient use to the residential occupation of the land.

The plans submitted with the development application demonstrate that the proposed shed does not exceed an area of 50m² and is to be erected in close proximity to an existing building upon Proposed Lot 201. The existing building on Proposed Lot 201, which is currently utilised as an administration and marketing office for Duck Creek Macadamias, may have formerly been used as a dwelling house.

The applicant has stated that this existing building was the original home/dwelling for the property and has previously been legally occupied as a dwelling house. The appearance of the building is such that it has retained its residential features and appears as a dwelling house.

It is possible that this dwelling house was erected on the subject property at a time when the consent of the Council was not required for the erection of a dwelling house on rural land.

The applicant has not provided information to suggest that the building is currently utilised, or will be, for residential occupation. The applicant has however, provided information detailing that direct relatives of the current owner of the property are employees of the business and occupy the building as the administration and marketing office for Duck Creek Macadamias.

A search of Council's records has not revealed that Council has issued a consent/approval for the use of a building for a "commercial premises" or administration office associated with the agricultural use of the property". In this regard, the current use of the building is unauthorised (and is not able to be approved, given these uses are not permissible within the 7(c) zone).

The applicant has not demonstrated that there is a residential occupation of the existing building on Proposed Lot 201. Therefore, this building cannot be considered as a "dwelling house" for the purposes of the "home industry" definition. As this has not been established, the proposed shed (and its use) cannot be considered as a "home industry", as it is not within the curtilage of a "dwelling house occupied by the person carrying on the industry".

The "home industry" definition also provides that the building may be erected on an adjoining parcel, however this parcel must be owned by and adjoining to land that contains a dwelling house occupied by the person carrying on the industry. It is considered that the proposal is unable to meet these requirements either, given the absence of a "dwelling house" on either of the two allotments in close proximity to the proposed shed.

In terms of the remaining components of the home industry definition, the applicant has stated:

"Duck Creek Macadamias is an existing low intensity home industry operating without a Development Consent that is not anticipated to increase in size. Rather, we are looking to formalise consent for the existing use in a new shed "within the curtilage of a dwelling house occupied by the persons carrying on the industry".

Notwithstanding the absence of a "dwelling house" on the land, the information submitted by the applicant as part of the development application has not sufficiently demonstrated that:

- the proposed business is a subservient use to the residential occupation of the land
- the proposed business will not interfere with the amenity of the locality and
- the need for the business to be conducted in the proposed rural location, rather than within an industrial zone.

It is noted that a Land Use Conflict Risk Assessment (LUCRA) and a Noise Impact Assessment have been prepared and submitted as part of the development application. Refer to the following section of this report for discussion in relation to these issues.

As the use of the proposed shed does not comply with the "home industry" definition, it is considered that the proposal may, as an alternative, be defined as a "rural industry".

"Rural Industry" means handling, treating, processing or packing of primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

It must be noted that rural industries are not permitted with development consent in the 7(c) zone.

In this regard, the use of the proposed shed is not permissible with the 7(c) zone.

The objectives of the 7(c) zone are:

- A. *The primary objective is to prevent development which would adversely affect the quantity or quality of the urban water supply.*
- B. *The secondary objective is to regulate the use of land within the zone:*
 - (a) *to encourage the productive use of land for agricultural purposes and to permit development which is ancillary to agricultural land uses, except for development which would conflict with the primary objective of the zone, and*
 - (b) *to ensure development of the land maintains the rural character of the locality, and*
 - (c) *to ensure development of the land does not create unreasonable and uneconomic demands, or both, for the provision or extension of public amenities or services.*
- C. *The exception to these objectives is development of public works and services, outside the parameters specified in the primary and secondary objectives, only in cases of demonstrated and overriding public need and subject to the impact on water quality and quantity being minimised as much as is reasonably practical.*

It is not considered that the proposed subdivision or home industry would have an adverse impact upon the quantity or quality of the urban water supply.

Information submitted with the development application indicates that the existing On Site Sewage Management System (OSSMS) servicing the administration and marketing office is to be upgraded (from a primary septic system) to a secondary treatment system with a new effluent land application area.

The upgrade to the system has been supported by Council's OSSMS Officer.

The proposed subdivision, if approved, would result in the creation of another allotment from the existing two lots (given that a boundary adjustment between the two existing allotments has recently been approved as part of DA 2012/325 – although not yet registered).

In this regard, the proposed "special purpose allotment" is to be subdivided off from the larger agricultural allotment (area of 88.09ha) from that subdivision.

The approval of a further subdivision of this land would result in the cumulative fragmentation of this land, reducing its potential for agricultural use. It is possible for lifestyle oriented uses to establish on the smaller allotment (should the proposed special purpose allotment be sold in the future), which if this was to occur, is likely to be incompatible with the existing horticultural (macadamia) operations undertaken on the larger parcel and other legitimate agricultural uses in the locality.

In this regard, it is questionable as to whether the creation of the proposed "special purpose allotment" is consistent with the secondary objectives of the 7(c) zone, as the productive agricultural allotment is further reduced in area and there is potential for its current farming activities and those occurring in the locality to be negatively affected due to the creation of another smaller allotment in close proximity.

Despite the applicant's contentions that existing macadamia trees are to be retained on the one hectare allotment (Proposed Lot 201), this allotment will not be a viable farming entity on its own and will rely on the income generated from the "home industry" use.

In this regard, there is potential for the smaller allotment to be sold off, should it no longer be required as part of the Duck Creek Macadamias enterprise, or the building utilised for an alternative home industry use that has a higher income generation. This use may conflict with the agricultural operations undertaken on Proposed Lot 202.

Concerns are also raised as to the establishment of the "home industry" use upon a smaller allotment, which there will be a heavy reliance on for product, but will not have any real link (other than the current ownership) to the agricultural uses undertaken on the proposed larger agricultural allotment.

In this regard, the proposed home industry could expand its operation to service agricultural properties (other than Proposed Lot 202) for the processing (roasting, storage and packing) and distribution of macadamia nuts.

The applicant has also stated that "the approval of the subdivision and new building for the Duck Creek Macadamias Home Industry will reinforce the strength of the value adding processes associated with Macadamia farming in Newrybar's agricultural locality".

Whilst there is merit in strengthening the value adding processes for macadamia farming in this locality, the 7(c) zone does not allow for these uses as a "rural industry" and as such they should be more appropriately located in a rural zone (RU1 Primary Production or RU2 Rural Landscape within the BLEP 2012) or an industrial zone.

Alternatively, the proposed shed could be used legitimately as a "home industry" in conjunction with a dwelling house on the existing Lot 2 without the need to excise this use from the agricultural lot.

Clause 11 - Subdivision of land within Zone No 1 (a1), 1 (a2), 1 (b), 1 (d), 1 (e), 7 (a), 7 (c), 7 (d), 7 (d1), 7 (f), 7 (i) or 7 (l)

The proposal seeks to create a 1 x 1ha allotment via Clause 11 (5) of the Ballina Local Environmental Plan (BLEP) 1987.

11 (5) Where land within Zone No 1 (a1), 1 (a2), 1 (b), 1 (d), 1 (e), 7 (a), 7 (c), 7 (d), 7 (d1), 7 (f), 7 (i) or 7 (l):

a) is lawfully used for a purpose other than a dwelling-house, bed and breakfast establishment or agriculture, or

b) may lawfully be used for a purpose other than a dwelling-house, bed and breakfast establishment or agriculture by reason of a development consent granted in respect of that use, the council may consent to the excision of that land for that purpose.

Clause 11(5) relates to the creation of an allotment for a purpose other than a dwelling house, bed and breakfast establishment or agriculture. The premise on which the proposed erection of the shed and its macadamia nut processing/distribution use is sought, is that it is to be a “home industry”.

Due to its definition alone, it must relate to the occupation of a dwelling house by the person carrying on the industry. This has been discussed previously, where it has been determined that the proposed use cannot be considered as a home industry.

It is considered that consent is not able to be issued for a lawful use as part of this development application, given that the proposed use of the shed is not consistent with any of the landuses permitted with development consent in the 7(c) zone. In this regard, it is not considered that the proposal can meet the requirements of this clause and as such consent cannot be issued to excise the land for that purpose.

In the circumstance that the use of the proposed shed could qualify as a “home industry”, the use of this clause to create a special purpose allotment would not be recommended or supported for the following reasons:

1. The approval of a special purpose allotment related to a home industry would create a precedent for all home industries or the like uses in the Shire.
2. There is an inconsistency with Clause 11 (5) (b), as the home industry is subservient to the dominant/principal use, being the dwelling house (as has been previously stated within this report).

Council staff requested that the applicant provide detailed discussion in relation to the merits of the proposal and the creation of an allotment under the provisions of Clause 11(5) of the BLEP 1987. The applicant has provided the following statements in support of the creation of the proposed “special purpose allotment” under the provisions of Clause 11(5):

“The existing building is used as the Administration and Marketing Office for Duck Creek Macadamias.

It is an existing business situated in a rural area that employs 4 locally based staff who rely on that income. The production staff currently work out of the adjoining farm machinery shed and the business is currently operating without Development Consent. The administration and marketing office is currently within a building that was designed and built as a dwelling house.

The purpose of the development application as submitted was to obtain formal development consent for Duck Creek Macadamias to operate as an approved home industry with its own security of title.

The implications of not achieving Development Consent for the application as submitted, could very well lead to the closure of Duck Creek Macadamias and the loss of 4 very valuable jobs in this rural locality.”

Clause 12 - Dwelling-houses within Zone No 1 (a1), 1 (a2), 1 (b), 1 (d), 1 (e), 7 (a), 7 (c), 7 (d), 7 (d1), 7 (f), 7 (i) or 7 (l)

Clause 12(3) of the BLEP 1987 states:

(3) A dwelling-house may, with the consent of the council, be erected on vacant land to which this clause applies only where that land:

(a) has an area of not less than:

(i) in the case of land within Zone No 1 (a1) or 7 (i)—20 hectares,

(ii) in the case of land within Zone No 1 (a2), 1 (b), 1 (d), 1 (e), 7 (a), 7 (c), 7 (d), 7 (d1), 7 (f) or 7 (l)—40 hectares,

(b) is an existing holding,

(c) is an allotment created by subdivision to which development consent has been granted in accordance with clause 11,

(d) is an allotment created by a subdivision to which development consent has been granted in accordance with clause 13 as in force when consent for the subdivision was granted but before the gazettal of Ballina Local Environmental Plan 1987 (Amendment No 36), or

(e) is an allotment created by a subdivision to which development consent, or approval, was granted by the Council in accordance with the provisions of Interim Development Order No 1—Municipality of Ballina or Interim Development Order No 1—Shire of Tintenbar before the appointed day, not being development consent, or approval, that was granted subject to a condition that a dwelling could not be erected on the allotment.

(f) (Repealed).

If the proposed subdivision is granted consent, both proposed allotments would enjoy a dwelling entitlement in accordance with the provisions of Clause 12 (3) (c).

Given the area of Proposed Lot 202 is to be greater than 80 hectares, it is permissible for this allotment to be subdivided into two allotments, under the provisions of Clause 11 (2) of the BLEP 1987 (each allotment created by a subdivision must not be less than 40 hectares in the 7(c) zone).

In this regard, the proposed development will result in the creation of an additional allotment and dwelling entitlement/opportunity.

Land Use Conflict

The following assessment has been made of the proposed development with respect to land use conflict as referred to in Chapters 2 (General and Environmental Considerations) and 7 (Rural Living and Activity) of the Ballina Shire DCP 2012.

The development application has been accompanied by a Land Use Conflict Risk Assessment (LUCRA), which references the proposed home industry and special purpose subdivision. The LUCRA has concluded that:

“The most limiting factor is de-husking noise. It is important to note that Lot 201 will retain the existing macadamias across the 1 hectare site and therefore will be subject to the ongoing activities/impacts of macadamia production. In addition, Lot 201 will house the proposed value adding processing shed which will utilise staff and equipment to roast and pack macadamia products.

The primary noise impacts (the most limiting factor) and potential source of greatest conflict relates to matters associated with macadamia processing principally de-husking and sorting of nuts. Measures aimed at reducing the noise at source were examined and following a cost/benefit analysis it was decided by the client:

- *To discontinue de-husking and sorting of nuts onsite;*
- *Arrange for harvested nuts to be collected and placed in skip bins for processing offsite; and*
- *To decommission the drying silos and elevators.*

Outside of de-husking and sorting operations, a number of routine macadamia farm operations generate noise that is common to both future Lots 201 and 202. The common activities are summarised below:

- *Mowing*
- *Fertilising*
- *Pruning*
- *Mulching*
- *Truck and vehicle movements.*

It is our view based on the commonality of uses as active macadamia farms that there will not be a cause of conflict as a result of the proposed subdivision”.

Council’s Public and Environmental Health Section have provided the following comments on the proposal in relation to land use conflict.

Advice provided from the Australian Macadamia Society (based in Lismore – Robbie Commons) indicates that the minimum size currently considered viable for a macadamia farm is approximately 10 hectares.

In this regard, it is unlikely that a one hectare property is a viable macadamia farm. The bigger the farm is, the more viable it is, as scales of economy improve.

In view of this advice, the suggestion that the two parcels of land are carrying out similar land uses, and will therefore not create land use conflict, is not supported. The smaller allotment is not of a size to be a viable agricultural concern and even if the macadamia trees are retained, they will be more of a hobby than an agricultural pursuit.

In this regard, the possibility of land use conflicts occurring between the larger parcel and the smaller parcel are very likely, particularly as the proposed special purpose allotment will enjoy a dwelling entitlement.

The Land Use Conflict Risk Assessment and Noise Impact Assessment reports prepared in support of the proposal, conclude that the de-husking and sorting of nuts will have to cease on the larger allotment due to potential noise impacts on the smaller allotment.

However, this is not an enforceable requirement as de-husking or other noisy agricultural activities can occur on the larger property (as part of the agricultural landuse, which does not require development consent). In fact, by stating this requirement, the applicant and their consultants are acknowledging that in approving the proposed "special purpose subdivision and home industry" in an existing agricultural area, there is potential for the sterilisation of normal agricultural activities that are appropriate in the locality.

In this regard, there is an unacceptable risk of land use conflicts occurring in the future if the proposed development is approved and therefore current proposal is not able to be supported.

Noise

A Noise Impact Assessment has been prepared and submitted with the development application. The Noise Impact Assessment has reiterated the conclusions reached in the LUCRA:

"Our assessment of the current noise environment at No. 145 Brooklet Road, Brooklet identified that elevated noise from the de-husking and sorting of macadamia nuts generated noise levels that were in excess of the Project Specific Noise Criteria at the nearest affected building/office. Measures aimed at reducing the noise at source were examined and following a cost/benefit analysis it was decided by the client:

- *to discontinue de-husking and sorting of nuts onsite;*
- *arrange for harvested nuts to be collected and placed in skip bins for processing offsite; and*
- *to decommission the drying silos and elevators.*

De-husked and Cracked nuts will be returned to the site in palletised (small table top vehicles) for roasting. Roasted nuts will then be packaged and distributed to market. Outside of de-husking and sorting operations a number of routine macadamia farm operations generate noise that is common to both future Lots 201 and 202. The common noise generating activities are summarised below:

- *Mowing*
- *Fertilising*
- *Pruning*
- *Mulching*
- *Truck and Vehicle Movements.*

It is our view based on the commonality of uses as active macadamia farms that noise generating activities will comply with the intent of the Industrial Noise Policy (NSW EPA 2000) and will not be a cause of conflict as a result of the proposed home industry and special purpose subdivision."

Council's Public and Environmental Health Section have provided the following comments on the proposal in relation to noise:

The Noise Impact Assessment has been generally prepared in accordance with the requirements of the NSW Industrial Noise Policy 2000.

The report determines the Project Specific Noise Criteria (PSNC) for the smaller dwelling/home industry/admin building and concludes that macadamia processing and de-husking occurring at the existing agricultural shed will exceed these PSNC. Therefore, the report recommends that macadamia processing and de-husking cease on site, and recommends that nuts be removed from site for processing. An alternative method of providing noise attenuation to the macadamia processing on site is rejected due to cost benefit analysis.

It is impracticable to impose conditions of consent to restrict the processing of macadamia nuts on the larger agricultural allotment (Proposed Lot 202) as agriculture (and its ancillary uses) can occur without the consent of Council on 7(c) zoned land. In addition, this unreasonably restricts agricultural uses in an agricultural area due to the creation of a small allotment, which would have a reasonable expectation of noise amenity. This is not a good outcome for a rural area.

Conclusion

As discussed within this report, the proposed development does not meet the fundamental permissibility requirements in relation to the Ballina Local Environmental Plan 1987.

The proposed use of the shed, as outlined within the development application, is inconsistent with the definition of “home industry”. The proposal is not reliant upon a relationship with a “home” or dwelling house (as one does not exist upon the subject or adjoining property), and the proposed industry will not be a subservient use to the residential occupation of the land.

It is considered that the use of the proposed shed is more appropriately identified as a “rural industry”. Rural industries are not permissible within the 7(c) – Environmental Protection (Water Catchment) zone. Of the other uses permitted with development consent in the 7(c) zone (bed and breakfast establishments; childcare centres; dwelling-houses; forestry; helipads; public utility undertakings; retail plant nurseries; roads; telecommunications facilities; utility installations), the proposal cannot be considered in accordance with these definitions.

Given that consent is not able to be issued for a lawful use (the proposed use of the shed cannot be considered as a home industry) as part of this development application, there is no ability for the proponent to rely on Clause 11(5) of the BLEP 1987 to create a “special purpose allotment” and excise the one hectare allotment for that purpose. In any event, it is considered clause 11(5) cannot legitimately be applied to excise a home industry.

Notwithstanding this, the creation of another small allotment in an agricultural area would result in the cumulative fragmentation of this land, reducing its potential for agricultural use. In this regard, it is debatable as to whether the proposal complies with the secondary objectives of the 7(c) zone. There is potential for the current horticultural operations undertaken on the larger property (Proposed Lot 202) and in the locality to be negatively affected due to the creation of another smaller allotment in close proximity.

The Land Use Conflict Risk Assessment and Noise Impact Assessment reports prepared in support of the proposal, conclude that the de-husking and sorting of nuts will have to cease on the larger allotment (Proposed Lot 202) due to potential noise impacts on the smaller allotment. However, as stated within this report, this is not an enforceable requirement as de-husking or other noisy agricultural activities can occur on the larger property (as part of the agricultural landuse, which does not require development consent). The approval of the proposed development has the potential to sterilise normal agricultural activities that are appropriate in the rural locality.

The application is not supported and therefore is recommended for refusal.

RECOMMENDATION

That Development Application 2014/63 for a special purpose subdivision, involving the creation of a one hectare allotment and the erection of a shed for the purposes of a "home industry" (macadamia nut processing) at Lot 8 DP 1011671, No. 61 Jorgensens Lane, Brooklet and Lot 2 DP 1099980, No. 145 Brooklet Road, Newrybar be **REFUSED** for the following reasons:

1. The proposed development does not comply with the provisions of the Ballina Local Environmental Plan 1987, specifically:
 - (i) The proposed development does not comply with the definition of home industry and therefore is not a permissible use in the 7(c) – Environmental Protection (Water Catchment) zone.
 - (ii) The proposed development is inconsistent with the secondary objectives of the 7(c) – Environmental Protection (Water Catchment) zone.
 - (iii) The proposed development is not able to be considered via Clause 11(5) as the proposed development is not a lawful use and the land may not be excised for the proposed purpose.
2. The proposed development has the potential to sterilise normal agricultural activities in the rural locality due to landuse conflict issues and noise impacts from agricultural activities upon Proposed Lot 201.

Attachment(s)

1. Locality Plan
2. Plan of proposed subdivision
3. Plans of proposed shed

8.4 Swimming Pools- Pool Barrier Inspection Program

8.4 Swimming Pools- Pool Barrier Inspection Program

Delivery Program Building Services

Objective To provide an update on the swimming pool barrier inspection program.

Background

Council received a report to the 10 December 2013 Ordinary Council Meeting regarding the establishment of a pool barrier inspection program for the Shire. A copy of that report is attached and is to be read in conjunction with this report.

The December report contained certain recommendations, including the introduction of an interim pool inspection program and other actions which were adopted by Council.

Council was to be provided with an updated report at the May 2014 Ordinary Meeting, however administrative delays have been experienced in identifying all pools within the Shire under our electronic records retrieval and mapping systems.

This report comments on the actions taken following the December resolution and provides further recommendations regarding the establishment, implementation, and operation of a pool barrier inspection program that will meet the Council's statutory obligations under the NSW Swimming Pools Amendment Act.

Key Issues

- Legislative requirements
- Community expectations
- Public safety
- Economic impacts

Information

The resolution of the December Ordinary Meeting set the following actions. Comments are provided regarding the status of those actions.

1. That Council take the following actions in respect to the Swimming Pool Inspection Program:

- a) Commence cross checking all pools on the NSW Division of Local Government register and our records management system*

8.4 Swimming Pools- Pool Barrier Inspection Program

Comment: We have only recently identified the total pool numbers in our Shire. This process has involved an assessment of our electronic file retrieval archives, however not all older pools could be identified using this system. We have therefore also accessed Council's electronic aerial photo mapping system in an endeavor to identify all properties containing pools. Figures were then obtained from the NSW Government's pool register and cross-referenced to identify total pool numbers and the level of registration across the Shire.

Through these processes, a total of 3,837 pools have been identified in the Shire. 2,982 pools have been registered on the NSW Government register and 855 identified as not having been registered. The current level of registration compliance stands at 78%

- b) *Identify and take action on all pools not registered on the NSW Division of Local Government register through Council's GIS mapping system or through the services of a private company offering similar services*

Comment: As stated, through our electronic file management and aerial mapping systems, we have now identified total pool numbers including pool numbers not registered on the NSW Government register. We will need to cross-check both Council and the NSW Government data bases to identify the addresses of unregistered pools. We do not require the services of a private company in completing this task.

As these pool figures have only recently been obtained, we have not yet commenced any follow up work on those pools not registered. This work however, is to soon commence and we intend to send warning letters to the owners of residences containing unregistered pools, advising that penalties for non-compliance apply. We have also re-instigated a broader community education program, involving advertisements in the local paper and community connect newsletters, reminding owners of their obligations to register their pools.

- c) *Establish an electronic pool register*

Comment: A pool register has now been established in Council's electronic Authority system. All new pools are currently being registered on the system whilst all existing pools will need to be registered in the system.

Whilst there will be a level of duplication, there is a need to establish a separate local register in addition to the State register in order to maintain a record of the status of all pools. This includes the need to record local inspection results, issue of Final Occupation Certificates, and any Notices and Orders.

8.4 Swimming Pools- Pool Barrier Inspection Program

- d) *Commence an inspection program for all identified higher risk pools, to be finalised by April 2014*

Comment: For some years the Group has had a public health program of identifying and inspecting public and semi-public swimming pools across the Shire. This is a program that is required under the NSW Public Health Act and carries with it an inspection and testing fee schedule set by the Council. Consequently, public and semi-public pool owners may be confused by having to pay the Council two sets of charges to have their pools inspected by the Council at different frequency for two different purposes. Currently there are 46 establishments in the public and semi-public pool inspection program. Attached to this report is an outline of the Council's current program that is being conducted under the provisions of the NSW Public Health Act. This most recent requirement that commenced March 2013, follows earlier iterations of the State's public health provisions and has been an on-going program of the Council for some years.

For the pool safety program, we have initially identified a total of 68 high risk pools and we commenced inspecting these in late 2013. Inspections to date have found that 56 pools are satisfactorily fenced and Pool Compliance Certificates have been issued for these. Four pools have outstanding matters and eight are yet to be inspected.

We intend to finalise all inspections of these pools over the coming month. Under the legislation, all identified high risk pool owners must obtain a Pool Compliance Certificate from either a private accredited certifier or the local council by 29 April 2015.

Now that statistics are available identifying all pools in the Shire, it is also envisaged the number of identified unauthorised and high risk pools may increase, requiring further inspections.

- e) *Commence an inspection program for pools not registered on the NSW Division of Local Government register*

Comment: We have only recently obtained figures on the number of pools not registered on the system, being quite high at 855 pools. As stated, we have commenced an advertising program and intend to introduce a warning letter program in an endeavor to have all pools registered on the NSW Government register. Depending on available resources, we will then commence inspecting those premises that continue to be not registered.

- f) *Continue to inspect outstanding finalisations for pools subject to the DA process*

Comment: In the past, we have operated a file resubmit and inspection procedure in finalising pools under the Development Application (DA) process. Generally, most pool DA's are finalised at final inspection stages, however some owners and builders do not contact Council or their Private Certifier to finalise their pool inspections.

8.4 Swimming Pools- Pool Barrier Inspection Program

This operation of the resubmit and inspection process is not mandatory and is dependent upon adequate staff resources being provided. Due to resourcing issues, we have not recently been in a position to continue with the program. Should resources become available, we will re-assess our position having regard for other priorities within the Group.

- g) *Inspect pools subject to lease or sale, as required under the legislation, commencing 29 April 2014 or as requested sooner by applicants*

Comment: This requirement has now been deferred by the NSW Government until 29 April 2015.

Although this requirement has been deferred, many owners and agents are requesting Pool Compliance Certificates for properties being sold or leased, in preparation for the legislation. Over the 2 January 2013 to 25 July 2014 period, the Building Services Section has received 150 Pool Compliance Certificate applications, adding to the workload of the Section.

This may prove to be a problem similar in impact to that experienced by the OSSM. Program where property transfers and the need to obtain new Approvals to Operate by new owners has almost entirely derailed the routine preventative inspection program.

- h) *Investigate the advantages of providing an inspection service through the private sector*

Comment: Contact has been made with a few private companies offering pool compliance inspection services about the operation of Council's high risk pool inspection process. Generally, there was considerable reluctance by those contacted to become involved due to the limitations placed upon councils regarding their ability to charge for inspections. Currently, the legislation places a maximum charge of \$150 for the initial inspection and \$100 for a maximum of one further inspection, if required. Of the private sector individuals contacted, their charging would need to be in excess of that allowed to be charged by councils, including the need to set additional charges where several re-inspections are required.

Under the current NSW Government legislation, the minimum requirements to be met under a council's pool barrier inspection program, is the inspection of identified high risk pools and attending to Pool Compliance Certificate applications made by an owner or authorised agent. It is considered our current resourcing levels are able to meet these minimum requirements without the need for private sector assistance.

Pool owners and agents also have the choice of using the private sector or councils regarding the issue of Pool Compliance Certificates, however councils must provide the service.

8.4 Swimming Pools- Pool Barrier Inspection Program

2. That Council receive a further report by 31 May 2014 to review the operation and delivery of the Swimming Pool Barrier Inspection program actions undertaken, as per point one above:

Council is now requested to determine the type of Pool Barrier Inspection program to be adopted. The adoption of any program obviously comes with the need to adequately resource it.

We still have considerable outstanding administrative work to update all pools within the Shire into our electronic Authority register, which will involve the cross checking of the NSW Government register with our own electronic records. Once this is completed, we will identify all those pools not registered and commence a program to have all the outstanding pools registered. Part of this process will also include the identification of additional higher risk pools requiring inspection.

Having regard to current staffing levels, it is considered we are only in a position to address the minimum requirements of the legislation. As stated previously, the minimum legislative requirements under an adopted program are for councils to inspect the higher risk pools (motels, hotels, tourist facilities and multi-residential apartments) every three years and, where specifically requested by owners/agents, deal with Pool Compliance Certificate Applications.

The request for these certificates will increase after 29 April 2015, when it will become mandatory for owners of residential premises being leased or sold to obtain a Pool Compliance Certificate, valid for three years. The Compliance Certificate will need to be attached to any sale contract or lease agreement.

Through the process of premises being leased or sold, many residences containing pools will now be captured by the legislation, improving the general level of pool safety. With the implementation of the legislation and various inspection and advertising programs across the State, there appears to be an increase in awareness regarding pool safety and fencing.

Should Council adopt a full "belt and buckle" approach to pool fencing over and above the minimum legislative requirements, such as requiring the inspection of all private pools in the Shire every five years, additional dedicated resources would need to be committed to this process. Assuming there is a total of approximately 3,840 pools in the Shire, it is envisaged it would take approximately two to three years to work through all the pools, having inspected around 1,200-1,300 per year.

It is also acknowledged that the number of inspections and workload can tend to snow ball, as often there are defects in fencing where multiple inspections are required.

Due to the legislated restrictions that allow councils to only charge limited inspection fees, the operation of the program is not expected to be fully cost recoverable. It is difficult to predict the degree of expenditure and income under such a program, due to the complexities involved in pool fencing inspections and re-inspections and of enforcement.

8.4 Swimming Pools- Pool Barrier Inspection Program

The adoption of a program involving the inspection of all pools at regular intervals also places potential financial burdens on owners, which needs to be considered.

Our community survey conducted in 2013 resulted in only 78 submissions being made. Of these, 54% preferred Council only inspect the higher risk pools every three years as required by the legislation and not all pools. Although only of limited value, from this the Council can see that while pool safety was recognised locally as being important, additional Council costs and charges were also of substantial local concern.

Discussions have been held with some nearby councils regarding their pool inspection programs, where it is evident they are only in a position to meet the minimum legislative requirements.

Some of the larger metropolitan councils have staff dedicated full time to pool barrier inspections and enforcement, where they have adopted comprehensive inspection programs.

Due to the current staffing levels, it is recommended that we adopt a program that satisfies the minimum requirements of the NSW legislation. In making this recommendation, it is expected that the general level of pool safety will be increased through promotion programs conducted locally and by the NSW Government.

3. That Council further promote this through our community advertising:

As stated, we have commenced an awareness campaign, reminding pool owners to register their pools on the NSW register. We will also continue to place advertisements in local papers and newsletters regarding general pool safety and the need to provide and maintain adequate pool barriers.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Public safety, minimising the risk of child drownings
- **Economic**
Costs of inspections, service delivery and potential non-compliance penalties

Legal / Resource / Financial Implications

There are potential litigation costs involved with non-compliance issues. Additional human resources may also be required depending on the type of program adopted. Any adopted inspection program will also require ongoing monitoring to assess its ability to meet the requirements of the legislation.

8.4 Swimming Pools- Pool Barrier Inspection Program

Consultation

The community was consulted by survey about the adoption of a local Pool Barrier Inspection Program, in accordance with the legislation.

Options

1. Implement a local pool barrier inspection program in accordance with the minimum requirements of the NSW Government's legislation, being the Swimming Pools Amendment Act 2012. This program to include the following:
 - a) Inspection of all high risk pools by 29 April 2015 and at three year intervals thereafter;
 - b) Inspect all pools subject to Pool Compliance Certificate applications as required, including those residential premises leased or sold after 29 April 2015.
2. In addition to the minimum requirements of the NSW legislation, implement a more comprehensive pool barrier inspection program, including the inspection of all pools at pre-determined intervals, such as five year periods. Additional dedicated staff resources would need to be allocated to this program if this option were to be adopted.

Option one is the recommended approach as this is reflective of Council's existing resource levels.

RECOMMENDATIONS

That Council implement a local pool barrier inspection program in accordance with the minimum requirements of the NSW Government's legislation, being the Swimming Pools Amendment Act 2012, with this program to include the following:

- a) Inspection of all high risk pools by 29 April 2015 and at three year intervals thereafter and
- b) Inspect all pools subject to Pool Compliance Certificate applications as required, including those residential premises leased or sold after 29 April 2015.

Attachment(s)

1. Report to the 19 December 2013 Ordinary Meeting (including resolution)
2. NSW Public Health Act Pool Program

8.5 Seabreeze Holiday Park - Direction to Take Preventative Action

8.5 Seabreeze Holiday Park - Direction to Take Preventative Action

Delivery Program Environmental and Public Health

Objective To provide an update on the actions being taken in respect to the Seabreeze Holiday Park.

Background

Councillors are aware of a long standing action to have the on-site sewage management system at Seabreeze Holiday Park corrected so that it does not present a hazard to public health or the environment.

In July 2014 Council served a notice on LLCP Pty Ltd, owners of the Park, to show cause as to why Council should not precede with action to enforce its Notice of 4 June 2012.

LLCP Pty Ltd made representations to Council in respect of the Show Cause Directive. The representations were considered by staff and legal advice sought.

Councillors received a briefing on 11 August 2014. This report provides a brief introduction to this matter with the confidential report later in this agenda providing details of correspondence between the parties.

Key Issues

- Risk to public health and the environment

Information

The confidential report later in this agenda provides more information in relation to background, includes attachments and legal advice provided together with the recommended action.

Sustainability Considerations

- **Environment**
The presently malfunctioning on-site sewage management system presents a potential risk to public health and the environment. This risk increases with the population in the Park and during and after heavy rainfall events. Given its location close to the estuary there is a potential for impact on the seafood industry
- **Social**
Council has been cautious throughout its management of this matter given the threats made to close the Park, potentially making people homeless.

8.5 Seabreeze Holiday Park - Direction to Take Preventative Action

- **Economic**
People impacted by the closure of the Park may find difficulty given their circumstances, finding suitable alternative accommodation.

Legal / Resource / Financial Implications

Council is obliged to carry out its responsibilities as the appropriate regulatory authority under the Protection of the Environment Operations Act.

Consultation

Council staff have consulted with our legal advisors, a mediator with the Affiliated Residential Park Residents Association inc, and a NSW Fair Trading Representative following the response to the Show Cause Directive.

Options

This report is for background information only with the confidential report outlining the actions proposed.

RECOMMENDATION

That Council notes the contents of this summary report in respect to the actions being taken to achieve compliance at the Seabreeze Holiday Park.

Attachment(s)

Nil

8.6 Coastal Zone Management Plan (CZMP) - Shaws Bay Ballina

8.6 Coastal Zone Management Plan (CZMP) - Shaws Bay Ballina

Delivery Program Environmental and Public Health

Objective Determination of whether Draft Shaws Bay CZMP should be exhibited in present form.

Background

In 2012 Council requested a review of the Shaws Bay Estuary Management Plan completed by Patterson Britton and Partners in 2000. Although it was believed there was support locally, when Council submitted a grant application to the Office of Environment and Heritage (OEH) under the Estuary Management Scheme which provides up to 50% funding for preparation of a new Plan, this was rejected on the basis that there had been insufficient change in circumstances since the 2000 Plan. Council subsequently elected to fully fund preparation of a new Plan for the year 2013/14. A Brief was prepared in consultation with OEH so it could receive Ministerial Certification in accordance with the Coastal Protection Act 1979 and to ensure that recommended eligible works would conform to the state guidelines, and be eligible for award of grant funds during the implementation phase.

Three firms responded to the Brief. The work was awarded to Hydrosphere Consulting Pty Ltd of Ballina, their proposal being both comprehensive and representing the best value for money. Work commenced in March 2014 and included significant community consultation including a dedicated web-site, public survey, specific stakeholder consultation and a community drop-in session conducted at Ballina Surf Club. A first draft CZMP and supporting documentation was provided to staff in July 2014 and a presentation was made by Hydrosphere Consulting to Councillors on 11 August 2014.

The report that follows now seeks Council approval to exhibit the draft Plan for public comment. A copy of the draft plan is included as an attachment to this report.

Key Issues

- Actions identified in the draft Plan
- Affordability

Information

The Shaws Bay Coastal Zone Management Plan builds on the 2000 Estuary Management Plan, much of which had been implemented at the commencement of this work. Prior to work commencing there had been much comment expressed about issues including water quality, infilling and nature of the sediments, erosion, sea-grass proliferation and regulation of fishing in the Bay. This study benefitted from a hydrographic survey conducted in 2013 that could be compared to that undertaken for the original Study in 2000.

8.6 Coastal Zone Management Plan (CZMP) - Shaws Bay Ballina

Councillors should note that this Plan incorporates potential affects of sea level rise which was not considered in the 2000 Plan. This study is likely to be the first in NSW to incorporate “wave set-up” in the impacts of sea level rise, being relevant given the proximity of Shaws Bay to the river mouth.

Wave set-up has only recently been a consideration in the preparation of CZMPs and was included at the request of OEH post awarding of the contract. The cost to implement all the recommended actions approaches \$1.57 million dollars over the 10 year implementation phase.

Attention is drawn to Section 6 of the draft Plan that elaborates on recommended options and Management actions including estimated cost for implementation of actions. An earlier draft was reviewed by relevant Council staff and a copy was also provided to OEH for review. As a result some amendments were made. This included revision of the cost estimates for Action 2 - dredging of main section of Shaws Bay, to accommodate the requirement of Fisheries NSW to compensate for loss of marine vegetation (seagrass). Given the present seagrass population and density within the area proposed to be dredged, if compensation in other ways was not able to be agreed, cash compensation could amount to around \$250,000. This will likely vary depending on the seagrass presence at the time this work is proposed.

NSW Fisheries has agreed to work with Council to establish whether works elsewhere designed to enhance marine habitat might negate or reduce the need for monetary compensation.

Advice was sought from OEH to confirm which of the recommendations would be eligible for funding under the Estuary Management Grant Scheme and this is set out below under financial implications.

The document has addressed all of the issues flagged in the Brief which included the requirements of OEH and hence where eligible, the actions should attract grant funding under the Estuary Management Scheme (depending on merit against other proposals put forward at the time of application).

The consultants have provided a comprehensive list of options that have been analysed in detail. Not only are the recommended options justified, but those options not being recommended are accompanied by reasoning for not pursuing these options. The Plan is worded so as to be readily comprehended by non-technical people and is considered ready for exhibition.

Sustainability Considerations

- **Environment**

The Plan takes into account the environment to a significant extent. Protected vegetation communities and other aspects have been thoroughly analysed and where necessary the consultants have conferred with State and other Authorities to ensure the latest legislative and policy directions are accounted for. The Plan protects and enhances the environment whilst noting constraints on natural processes created by man made features such as rock walls and other infrastructure.

- **Social**

Shaws Bay is a popular recreation area of significance to many local people and also to the many visitors annually to Ballina Shire. The Plan recognises the aesthetic, recreational and environmental values of Shaws Bay together with the Shire's growth and development.

- **Economic**

Given the prominence of Shaws Bay as a tourist attraction as well as being a valuable active and passive recreation resource together with its value aesthetically and environmentally, its preservation for recreational purposes as well as its environmental values is important to businesses in the Shire relying on visitation.

Legal / Resource / Financial Implications

The water body of Shaws Bay is not under Council's care control and Management. It is Crown land under State control. Whilst Council has control of the reserves around it and has influence over such matters as storm water management, the water body itself is a State resource. This has relevance in relation to dredging and compensatory payments in relation to inevitable destruction of seagrass that naturally establishes as the water shallows with sedimentation. The \$400,000 cost of this work plus the compensatory requirements imposed by Fisheries is a significant proportion of the estimated total \$1.57 million implementation cost for the Plan.

The cost to fully implement the Plan has been apportioned over 10 years, but significant expenditure of \$920,000 is apparent in years two and three (2016/17 and 2017/18), that is not budgeted in Council's current Long Term Financial Plan (LTFP). This could be reduced if Council does not proceed with Action 2 (Dredging) or if the State part or fully funds that dredging.

Of the recommendations OEH has indicated that only the following are eligible and may achieve 50% grant funding (competitive) from the Estuary Management Scheme or other OEH grant schemes:

- Action 1 - Control of East arm Bank erosion and creation of sandy beach
- Action 5 - Expansion of Pop Denison Park and improvement of access to the Eastern foreshore (relevant actions relating to habitat restoration and conservation)
- Action 11 - Education Program-Estuarine Vegetation (if the action requires that an education package be developed as opposed to just running educational articles from time to time as per usual Council business)
- Action 16 – Monitoring Evaluation and Reporting Program - only the Estuary Management Program is relevant (not the coastal management program)
- Action 18 – Development of Strategy to address inundation risk - OEH Floodplain Management program is most suitable for this action (funding offered on a 2:1 basis) followed by the OEH Estuary Management program (1:1)
- Action 20 – Ten Year Review of CZMP - OEH Estuary Management Program (not the coastal management program)

If grant money is secured this would reduce the obligation on Council. Council has been advised that work to achieve Action 7, refurbishment of break wall steps may receive favourable consideration from Crown Lands.

8.6 Coastal Zone Management Plan (CZMP) - Shaws Bay Ballina

It is of course open to Council to defer aspects of the Plan into the future however it would appear that if dredging is to be undertaken it would be wise to minimise infill recurrence by proceeding with Action one to control East arm erosion.

One of the criticisms often made when plans such as this are exhibited, or adopted, is how they will be funded. The following cashflow represents one option that could see the works plan funded in full.

Table One – Funding Plan for the draft CZMP for Shaws Bay

Action / Year	Lead	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25
Action 1: Arm bank erosion	Council	25	175	0	0	0	0	0	0	0	0
Action 2: Dredging	Council	25	25	350	0	0	0	0	0	0	0
Action 3: Stormwater	Council	0	0	0	25	0	0	0	0	0	0
Action 4: Western foreshore	Council	20	100	80	0	0	0	0	0	0	0
Action 5: Pop Denison Park	Council	0	30	120	100	100	0	0	0	0	0
Action 6: Fenwick Drive	Council	0	0	20	50	50	0	0	0	0	0
Action 7: Breakwall steps	Crown	0	0	0	0	20	130	0	0	0	0
Action 8: Mangroves	Council	0	0	0	0	0	0	0	0	0	0
Action 9: Weed management	Council	10	5	2	2	2	1	0	0	0	0
Action 10: Education – health	Council	3	0	0	0	0	0	0	0	0	0
Action 11: Education – veget	Council	0	0	0	0	0	0	0	0	0	0
Action 12: Education – fishing	Fisheries	0	0	0	0	0	0	0	0	0	0
Action 13: Education – irritants	Council	3	0	0	0	0	0	0	0	0	0
Action 14: Foreshore signage	Council	5	0	0	0	0	0	0	0	0	0
Action 15: Beachwatch	Council	1	1	1	1	1	1	1	1	1	1
Action 16: Monitoring	Council	0	6	0	0	6	0	0	6	0	0
Action 17: Hydrographic survey	Council	0	0	5	0	0	0	0	5	0	0
Action 18: Inundation risk	Council	0	0	0	0	0	0	0	0	0	0
Action 19: Review of CZMP	Council	0	0	0	0	0	0	0	0	0	0
Action 20: 10 year review	Council	0	0	0	0	0	0	0	0	0	50
Total Expenditure		92	342	578	178	179	132	1	12	1	51
Funding Strategy											
OEH (50%)											
Action 1		13	88	0	0	0	0	0	0	0	0
Action 5		0	15	60	50	50	0	0	0	0	0
Action 11		0	0	0	0	0	0	0	0	0	0
Action 16		0	3	0	0	3	0	0	3	0	0
Action 18		0	0	0	0	0	0	0	0	0	0
Action 20		0	0	0	0	0	0	0	0	0	25
Sub Total		13	106	60	50	53	0	0	3	0	25
Crown Lands											
Action 2 (50%)		13	13	175	0	0	0	0	0	0	0
Action 7 (100%)		0	0	0	0	20	130	0	0	0	0
Sub Total		13	13	175	0	20	130	0	0	0	0
Council											
Action 5 - Sec 94 (50%)		0	15	60	50	50	0	0	0	0	0
Action 6 - Sec 94		0	0	20	50	50	0	0	0	0	0
Action 9 - Open Spaces Budget		10	5	2	2	2	1	0	0	0	0
Action 10 - Env Health Budget		3	0	0	0	0	0	0	0	0	0
Action 14 - Signage Budgets		5	0	0	0	0	0	0	0	0	0
Action 15 - Env Health Budget		1	1	1	1	1	1	1	1	1	1
Existing Recurrent Funding		70	50	52	53	55	57	58	60	62	64
Sub Total		89	71	135	156	158	59	59	61	63	65
Total Funding		114	189	370	206	231	189	59	64	63	90
Net Surplus / (Deficit)		22	(153)	(208)	28	52	57	58	52	62	39
Transfer from Property Reserve			(77)	(104)							
Transfer from Quarry Reserve			(77)	(104)							
Surplus for Lake Ainsworth		22	0	0	28	52	57	58	52	62	39

8.6 Coastal Zone Management Plan (CZMP) - Shaws Bay Ballina

Explanations for the various funding sources are as follows:

1. OEH – represents 50% grant funding for the items that OEH may support
2. Crown Lands – represents 50% or 100% funding for the items that Crown Lands may support or possibly should undertake.
3. Council – Explanations for each of the Council items are:
 - Action 5 – Council's Open Spaces Section 94 Plan has as one of its major projects "Pop Denison Park – Major Upgrading". The 2008 allowance for this project was \$1.5m with the works 100% funded from Section 94 developer contributions. Approximately \$200,000 in funds are currently available that could potentially be used for this work. As there is an assumption that OEH may fund 50% of this action the balance has then been funded in this cashflow from these developer contributions.
 - Action 6 – As per Action 5 above, albeit that the works program would need to be considered as Pop Denison Park upgrading, to allow use of Section 94 funds.
 - Actions 9, 10, 14 and 15 are sourced from existing recurrent budgets
 - Existing Recurrent Funding – In recent years Council has been attempting to increase the recurrent funding available to implement actions identified in the Lake Ainsworth and Shaws Bay Management Plans. This line represents the recurrent funding currently allocated in the Long Term Financial Plan.

Council has \$30,000 allocated in 2014/15 and \$40,000 in 2015/16 and an assumption has been made that the \$30,000 will be carried forward to 2015/16 thus providing a balance of \$70,000 for that year.

As this recurrent funding is also to be applied to the Lake Ainsworth Management Plan, funds will only be available for that Plan, where surplus figures are available, as per the bottom line. As Council still has the Ross Street land sale proceeds to expend on Lake Ainsworth it may be reasonable not to allocate any funds to Lake Ainsworth for the next two to three years from this recurrent budget.

Once all of these funds are added to the works program, the only funding deficiencies are in 2016/17 and 2017/18. In order to balance these two years funds are sourced equally from the Property and Quarry Reserves.

This should only be considered as one option and the use of those reserves would be subject to annual review of the funds available in each reserve, along with consideration of any other priorities for funding.

There are a wide range of assumptions re grant funds in this cashflow however it is considered that it is a reasonable base to work from for financial planning purposes.

8.6 Coastal Zone Management Plan (CZMP) - Shaws Bay Ballina

Therefore it is recommended that Council include this cashflow in our Long Term Financial Plan, with the acknowledgment that the forecasts will be reviewed each year dependent on the availability of grant funds and also monies in the Property and Quarry Reserves.

Consultation

Extensive consultation was undertaken during the preparation of the CZMP and will continue, in that the document must be further exhibited for minimum 21 days prior to submission to the Minister for certification and/or formal adoption by Council.

During the exhibition period another Community Drop in Session will be conducted by the Consultants and has been tentatively booked at the Ballina Surf Club on the afternoon of 11 September 2014.

We understand that the Minister has chosen not to, or deferred certification of recently prepared CZMPs. Should this occur in respect of the Shaws Bay CZMP, then if there are no issues of significance raised during the exhibition period of the plan it will be recommended that Council adopt the Plan. The specific consultation and feedback undertaken during the preparation of the Plan is contained in Section 4 Volume two of the CZMP.

Options

1. Note the Plan but not proceed to exhibition and therefore not seek certification of the Plan. This option would result in the previous Plan remaining the applicable Plan for Shaws Bay. This option is not recommended.
2. Exhibit the Plan but in advance of its exhibition request Hydrosphere Consulting Pty Ltd make amendments (if desired by Council) to be set out in an attached schedule. Should there be no significant comment from the community during the exhibition period submit the plan for Ministerial Certification and/or adoption.
3. Exhibit the Plan for public consultation. Consider any submissions of significance put forward by the community to the exhibited Plan. Should there be no significant submissions from the community during the exhibition period, have the Plan finalised and submit the Plan for Ministerial certification and/or adoption.

In the event that there are issues of significance raised during the exhibition period then a further report addressing the submissions be submitted to Council for consideration prior to submitting the Plan for certification and/or adoption. This is the recommended option.

RECOMMENDATIONS

1. That the draft Coastal Zone Management Plan for Shaws Bay, as attached to this report, be placed on public exhibition. Should there be no significant comment from the community during the exhibition period then the Plan will be finalised for Ministerial Certification under the Coastal Protection Act 1979. Should the Minister choose not to certify the Plan that it be adopted by Council.
2. In the event that there are issues of significance raised during the exhibition period then a further report addressing the submissions be submitted to Council for consideration prior to submitting the Plan for certification and/or adoption.
3. That Council amend our Long Term Financial Plan to include the forecasts outlined in the cashflow forecast outlined within this report (table one). These forecasts are to be reviewed if changes are made to the draft Plan and it is acknowledged that these forecasts will be reviewed annually as part of Council's budget deliberations.

Attachment(s)

1. Draft Shaws Bay Coastal Zone Management Plan - Volume 1 (Under separate cover)
2. Draft Shaws Bay Coastal Zone Management Plan - Volume 2 (Under separate cover)

8.7 Development Applications - Works in Progress - August 2014

8.7 Development Applications - Works in Progress - August 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	Awaiting additional information
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	Awaiting additional information
2013/446	15/11/2013	Newton Denny Chapelle	To undertake a boundary adjustment subdivision, demolition of existing dwelling house, erection of residential accommodation comprising 20 multi dwelling housing units	Awaiting Additional Information

8.7 Development Applications - Works in Progress - August 2014

DA No.	Date Rec'd	Applicant	Proposal	Status
			and associated earthworks, access driveway, services, tree removal and car parking. The development is to be undertaken in a staged manner – 209 Ballina Road, Alstonville	
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 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	Awaiting additional information
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	Being Assessed

8.7 Development Applications - Works in Progress - August 2014

DA No.	Date Rec'd	Applicant	Proposal	Status
			dwelling house on each proposed allotment - Friday Hut Road & Jorgensens Lane, Brooklet	
2014/239	26/05/2014	D Fryer	Erection of Self Storage Units - 33 Smith Drive, West Ballina	Awaiting Additional Information
2014/266	11/06/2014	Planners North	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	Referred to Government Departments
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	Awaiting Additional Information
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	Awaiting Additional Information

8.7 Development Applications - Works in Progress - August 2014

DA No.	Date Rec'd	Applicant	Proposal	Status
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	Being Assessed
2014/310	30/06/2014	Namatjira Haven Ltd	Additions to existing Namatjira Haven facility comprising new colorbond shed - 108 Whites Lane, Alstonville	Being Assessed
2014/328	7/7/2014	K Tanttari	To undertake the continued use of the premises as a place of public worship and erection of new awning – 12 De Havilland Crescent, Ballina	Awaiting Additional Information
2014/333	9/7/2014	Alstonville Community Preschool	To undertake the erection of a community facility for use as a child care centre (Alstonville Community Preschool) and	Being Assessed

8.7 Development Applications - Works in Progress - August 2014

DA No.	Date Rec'd	Applicant	Proposal	Status
			associated works including access road and carparking – 21 Alston Avenue, Alstonville	
2014/345	14/7/2014	Geolink	Erection of Sports Amenity and Clubhouse Facilities Associated with the Use of the Wollongbar Sporting Fields – Rifle Range Road, Alstonville	Being Assessed
2014/349	14/7/2014	D M Dossor	Residential subdivision comprising 17 allotments and one open space allotment and associated civil and environmental works – Amber Drive, Lennox Head	On Exhibition
2014/354	17/7/2014	Far North Coast Laundry Services Pty Ltd	Change of Use to Commercial Laundry and Erection of Mezzanine Level within the Building – 2/188-202 Southern Cross Drive, Ballina	Being Assessed
2014/358	21/07/2014	The Hammer & Quill	Change of Use Art Studio and Tattoo Parlour – 4/75 Main Street, Alstonville	Being Assessed
2014/360	22/7/2014	Newton Denny Chapelle	To undertake a staged development involving the establishment of a master plan for the long term	On Exhibition

8.7 Development Applications - Works in Progress - August 2014

DA No.	Date Rec'd	Applicant	Proposal	Status
			development of the Emmanuel Anglican College Campus with Stage 1 comprising the expansion of the central administration building and Stage 1A being the construction of junior classrooms – 62 Horizon Drive, West Ballina	
2014/361	22/7/2014	Chris Abbott Surveying	Boundary adjustment subdivision subdivision to create 1 x 7.2ha and 1 x 4ha allotments – 192 Friday Hut Road, Tintenbar	Referred to Government Department
2014/370	30/7/2014	M L Thompson	Change of Use to a Food and Drink Premises – 8/216-234 River Street, Ballina	Being Assessed
2014/371	05/05/2014	Northern Rivers Surveying	Two Lot Subdivision in Brooklet Road, Newrybar – land predominantly in Byron Shire. Byron Shire. Council is the consent authority	Being Assessed
2014/376	1/8/2014	Techton Building Services	Establishment of a Tow Truck Holding Yard – 54 Piper Drive, Ballina	Being Assessed

8.7 Development Applications - Works in Progress - August 2014

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 August 2014.

Attachment(s)

Nil

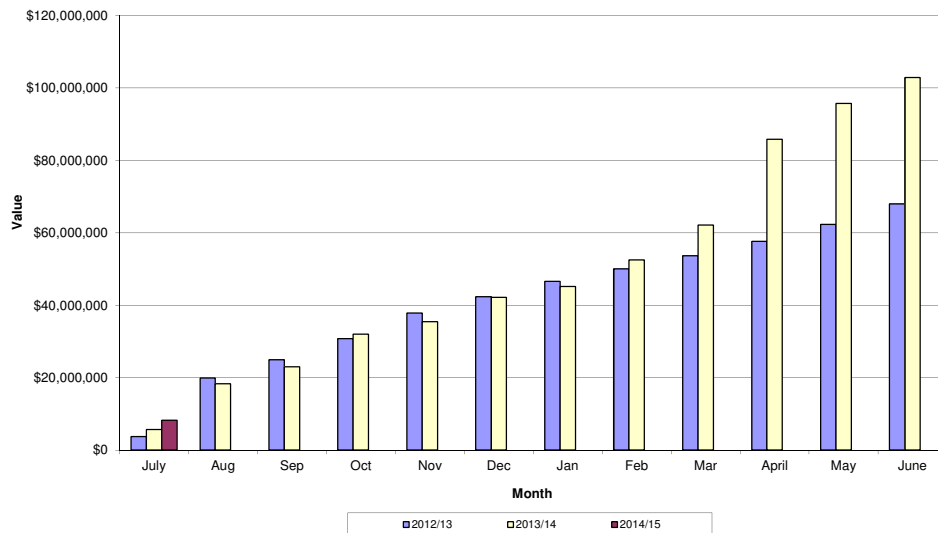
8.8 Development Consent Statistics - July 2014

8.8 Development Consent Statistics - July 2014

During the period of 1 July 2014 to 31 July 2014 the Development and Environmental Health Group issued Development Consent comprising of:

Number of Applications	Value of Work (\$)
26 Other Building Related	1,298,379
21 Dwelling/Duplexes/Residential Flat Buildings	6,996,000
3 General Developments	\$ 0
Total Value	8,294,379

The following chart details the cumulative consent figures for 2014/15 as compared to 2013/14 and 2012/13. It is too early in the year to provide a useful trend line for 2014/15.



RECOMMENDATION

That Council notes the contents of the report on development consent statistics for 1 July 2014 to 31 July 2014.

Attachment(s)

Nil

9.1 Rural Settlement Character Statements

9. Strategic and Community Facilities Group Reports

9.1 Rural Settlement Character Statements

Delivery Program Strategic Planning

Objective To inform the Council of the outcomes of the Rural Settlement Character Statements project.

Background

The Ballina Shire Growth Management Strategy, endorsed by the Council in July 2012, included an action to establish character statements for rural settlements in Ballina Shire. This action was subsequently incorporated into Council's Delivery Program and Operational Plan for the 2013/14 year (PE2.3.1a Establish Character Statements for Rural Hamlets).

The rural character statement program was originally devised as a means to document overarching strategic direction for rural settlements in the shire to underpin key planning provisions for rural areas under Council's development control plan. The program was also designed to provide for more general recognition of rural settlement areas in Council's local planning framework and provide an opportunity for rural communities to speak with Council about their ideas and visions as well as their issues and concerns.

Council engaged MikeSvikisPlanning to undertake a community engagement program and prepare character statements for a number of rural settlement areas in the shire during the first half of 2014. The settlements for which character statements have been developed are Newrybar, Tintenbar, Fernleigh, Meerschaum Vale, Rous, Rous Mill, Patches Beach, Empire Vale/Keith Hall and South Ballina.

This report provides an overview of the process undertaken in delivery of the project as well as the content of the character statements that have been prepared. The report also provides an outline of other information received in response to the community engagement initiative.

Key Issues

- Recognition of the characteristics of rural settlement areas in the shire within the local planning framework.
- Community engagement process and outcomes.

Information

The Rural Settlement Character Statements (RSCSs) have been prepared based on completion of a 'Place Check' investigation approach and discussions with the communities of Newrybar, Tintenbar, Fernleigh, Meerschaum Vale, Rous, Rous Mill, Patches Beach, Empire Vale/Keith Hall and South Ballina. Details of the community engagement process are contained in the consultation section below and an overview of the Place Check methodology is contained in the attached reporting prepared by MikeSvikisPlanning.

Over four community meetings held in rural localities that were well attended, Council received extensive feedback to support the establishment of RSCSs and in relation to key ideas, aspirations, issues and concerns amongst the communities that participated.

In response to the extensive feedback received, MikeSvikisPlanning prepared a two part report for Council.

Part 1 contains the character statements for each of the settlements examined in direct response to the project identified in Council's Delivery program and Operational Plan (Attachment 1).

Part 2 documents the outcomes of the consultant and community Place Check work that was undertaken and the matters arising from the meetings held that were outside the scope of the RSCS part of the project (Attachment 2).

The character statements consist of descriptive text that seeks to encompass the values and attributes that define each of the localities examined and a map that shows key physical features of each area. These statements can be incorporated into local planning policy to formally reflect the defined character of the settlements and can be used to inform Council's decision making in relation to these areas over time.

The additional feedback received by Council in relation to community ideas, aspirations, issues and concerns is a highly valuable associated output arising from the project. This information provides Council with an insight into the views of rural communities in the shire in a consolidated format. To assist the Council in its consideration of the matters raised, MikeSvikisPlanning has also identified potential actions to address some of the items raised (see Potential Strategic Actions in Attachment 2).

Importantly, the project was presented to the community as being centred on the establishment of the RSCSs.

With respect to the additional ideas and issues arising, the value of the information was noted and the community was advised that the information would be recorded as part of the project and reported to the Council for consideration.

Overall, the character statements provide for clear recognition of rural settlements within Council's local planning policy and are a valuable tool for Council to support the consideration of area-specific planning controls over time (although no such provisions are proposed at present).

9.1 Rural Settlement Character Statements

The project is an example of up front strategic planning where the community has an opportunity to consider values and issues more broadly rather than focusing on a particular policy proposal.

The character statements provide a structured way in which to consider the values of the local community in future planning decisions. This is similar to the way in which detailed strategic planning processes for Cumbalum, Lennox Head (including Skennars Head) and Wardell have provided a basis for the more intensive strategic, regulatory and operational planning for these areas, albeit at a different scale.

Sustainability Considerations

- **Environment**

The environment was typically seen as a major feature and drawcard for people living in rural localities. The importance of environmental attributes is reflected directly in a number of the character statements and the associated feedback.

- **Social**

Many of the discussions began on a general appreciation for the participants' local community, the lifestyle the area afforded. One key issue that was identified related to travel – that is, having to travel for services (and whether or not this was a problem), difficulties getting around by methods other than a motor vehicle and perceptions of excessive speed by those travelling through rural areas.

- **Economic**

The productive nature of the land was a theme throughout. There were concerns expressed by some attending that the consultation was the first step in allowing more intensive residential development in these areas. Whilst this was not the case (and this was made clear at the meetings), many participants suggested that the impact of more intensive residential development could create a very difficult agricultural production environment.

Legal / Resource / Financial Implications

The Rural Settlement Character Statement project was undertaken in accordance with Council's 2013/14 Delivery Program and Operational Plan and the Ballina Shire Growth Management Strategy. The project has been undertaken within the existing resources of the Strategic and Community Facilities Group and was funded from savings in the delivery of other programs.

Public exhibition of the character statements, as recommended below, can be accommodated within the current Strategic and Community Facilities work program.

Consultation

Four community meetings were held across the shire to provide opportunities for residents to attend a discussion specifically about their own locality.

9.1 Rural Settlement Character Statements

Invitations to participate were sent to all landholders within a locality. Invitations included a "Place Check" questionnaire which asked community members to think about their locality, what they like about the area, what they value and how it could be made safer and more pleasant. This questionnaire could be returned separately, and consideration of the returned questionnaires was included in the consultant's reporting.

Supplementary advertising within Council's section in the Ballina Advocate was also utilised to reach community members who are not landholders. At least one community (South Ballina/Keith Hall/Empire Vale/Patches Beach) also contributed with their own signage about the meetings.

The Cabbage Tree Island community was also approached through the Jali Local Aboriginal Land Council to form part of the discussion. Although a character statement was not derived for Cabbage Tree Island as part of the current project, it is intended that Cabbage Tree Island would be included in future additions to the current project.

The community meetings were held in the early evening as follows (with estimated attendance in brackets):

- | | | |
|---------------------|---------------------------|-------------|
| 1. Monday 12 May | Tintenbar Hall | (33 people) |
| 2. Wednesday 14 May | Newrybar Hall | (37 people) |
| 3. Thursday 22 May | Meerschaum Vale Hall | (65 people) |
| 4. Monday 26 May | Empire Vale Public School | (47 people) |

Each meeting lasted from 6.30pm until 8pm, and was facilitated by staff from MikeSvikisPlanning. Meetings were well attended as shown above, and contributions were mostly thoughtful and enthusiastic. Staff consider the number of community members in attendance at the meetings shows a great deal of good will and a particular interest within the rural community in both the project and talking to Council. One possible extension to this project could be provision for more regular Council engagement initiatives in rural areas, whether project based or more general in their nature.

Notably, the Empire Vale Public School meeting was dominated by discussion about South Ballina, and some representation from other community members was received after the meeting expressing disappointment with this outcome.

A number of issues were raised in each meeting which were not strictly the focus or purpose of the engagement. This had been anticipated, and a mechanism for these issues provided where they were recorded and/or referred to the Council staff member present. These issues ranged from requests for reviews of the speed limits and associated road signage issues, to consideration of river health for the future of fish stocks.

To provide for a feedback loop with the community, it is suggested that these issues be reviewed by Council staff, and where appropriate, information be reported back to the communities. Although this approach will draw on resources across Council, this course of action responds to, and supports, the goodwill and trust shown by the community members in attending the meetings and providing their input. As outlined below, it is recommended that Council respond to the feedback provided through the use of Community Connect. It is envisaged that such an approach would involve the use of several pages focused on addressing the rural issues raised during the character statement project.

Aside from the recommended approach to responding to the issues raised, it should be noted that matters deemed to require more immediate feedback have been referred to appropriate staff. Also, The South Ballina Community Association provided a detailed submission which has been separately considered by the Council as part of its delivery program through the community submissions review that formed part of the delivery program reporting at the June 2014 Ordinary Council Meeting.

Options

1. Adopt Rural Settlement Character Statements as presented.

There has been a significant community consultation process to develop the RSCSs contained in Attachment 1. However, the community has not been provided the opportunity to comment on the presentation of the statements as prepared and whether or not they are representative of each locality. The level of participation in the process indicates that the community is very interested in the outcome of the project and would appreciate an opportunity to review the information compiled.

Having regard for the above, this approach is not recommended.

2. Publicly exhibit the Rural Settlement Character Statements to seek community feedback.

This option would allow for further discussion and comment on each locality and provide a platform for feedback. It is sometimes difficult for community members to visualise how Council intends to utilise information it has collated. A public exhibition process would provide the opportunity for the community to see how Council has collated the information obtained and enable further feedback before adoption of the statements.

Under this approach, it is also important that a mechanism for the address of the other issues raised in the meetings is identified to assist in managing the expectations of community members in relation to these matters and to demonstrate an accountable process for the consideration of the extensive feedback received.

In this regard, it is recommended that Council utilise a future 2014 Community Connect edition as a feedback mechanism for issues raised that were outside the scope for the establishment of the character statements.

This option is the recommended approach.

3. Defer exhibition of Rural Settlement Character Statements to allow consideration of additional information or workshops.

This option would allow for further discussion by communities and/or Council about the localities that have been examined. This option is not recommended at this time given the community engagement undertaken to date, and that the recommended option allows for further community input in relation to the character statements.

9.1 Rural Settlement Character Statements

The option for the Council to further discuss the matters arising from exhibition of the character statements (if endorsed by the Council as recommended) remains open.

RECOMMENDATIONS

1. That the Rural Settlement Character Statements for Newrybar, Tintenbar, Fernleigh, Meerschaum Vale, Rous, Rous Mill, Patches Beach, Empire Vale/Keith Hall and South Ballina be placed on exhibition for public comment.
2. That Council's Community Connect newsletter be utilised as a feedback mechanism for issues raised that were outside the scope of the Rural Settlement Character Statements.

Attachment(s)

1. Ballina Shire Rural Settlement Character Statements (Part 1) - Character Statements
2. Ballina Shire Rural Settlement Character Statements (Part 2) - Placecheck Information (Community and Consultant) and General Community Feedback

9.2 Policy (Review)- Local Directional Signage within Road Reserves

9.2 Policy (Review)- Local Directional Signage within Road Reserves

Delivery Program Tourism

Objective To invite the Council's adoption of the draft Local Directional Signage Within Road Reserves Policy following its public exhibition.

Background

This report follows on from a report presented to the Council at its Ordinary Meeting held on 26 June 2014 pertaining to the draft Local Directional Signage Within Road Reserves policy.

The resolution from that meeting was that the draft policy and recommended fee for the erection of signage be placed on exhibition for community comment, with any submissions received to be presented back to the Council.

The draft policy was subsequently placed on public exhibition for a period of four weeks, with one submission received. The submission is in support of the policy, and a copy is attached to this report for the Council's information.

Key Issues

- Adoption of exhibited draft policy

Information

The submission from the Ballina RSL Club is supportive of the draft policy, and acknowledges the outcome will meet the needs of Ballina Shire residents and regional and interstate visitors, and is also in keeping within acceptable community standards.

Also as part of the exhibition process the policy document itself has been restructured slightly to provide greater clarity, without any change to the intent of the document exhibited.

Sustainability Considerations

- **Environment**
The intent of the policy is to maintain attractive and safe streetscapes. The policy will seek to limit the number of directional signs in any one location in accordance with the Australian Standard 1742.
- **Social**
Implementation of the policy, if adopted, will be beneficial in providing directional support for those less familiar with our area, and may boost visitation to the respective facilities/organisations.
- **Economic**
Not Applicable.

9.2 Policy (Review)- Local Directional Signage within Road Reserves

Legal / Resource / Financial Implications

The proposed policy addresses the financial and/or resource implications of manufacture and installation of signs, with reasonable costs associated with the erection, display, affixing, maintenance and removal of signs being the responsibility of the applicant. The proposed fee of \$450 (including GST) per sign was exhibited with the draft policy.

In addressing legal implications, the policy only applies to local roads where Ballina Shire Council is the relevant public authority. It is intended that all approved signage will be compliant with Australian Standard 1742.

Consultation

The draft policy was exhibited for community comment for a period of four weeks, in a manner consistent with the Council's adopted procedure.

Options

The options are to adopt the draft policy and associated fee, amend the draft policy, or decline to adopt it. The recommendation is to adopt the policy as per the attachment to this report.

RECOMMENDATIONS

1. That the Council acknowledges the submission from the Ballina RSL Club in response to the draft policy recently exhibited for community comment.
2. That the Council adopts the draft Local Directional Signage Within Road Reserves Policy, as attached to this report.
3. That the Council adopts the associated fee of \$450 (including GST) per sign to accompany the policy.

Attachment(s)

1. Submission - Ballina RSL Club
2. Draft Policy - Local Directional Signage within Road Reserves

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.

US13/31	<p>Discharge of Charge - Stubberfield. Lot 4 DP 240895 4-8 Hogan Street, Ballina.</p> <p>Explanation: Removal of charge on the title relating to action taken by Council under Section 92 of the Protection of the Environment Operations Act.</p>
US13/32	<p>Essential Energy - Deed as to Transfer of Easement</p> <ul style="list-style-type: none">• Transfer granting easement for Lot 1 DP 856703 Hutley Drive Lennox Head• Transfer granting easement for Lot 215 DP 1017615 Montwood Drive Lennox Head <p>Essential Energy has requested easements for underground powerlines two metres wide and an easement for multipurpose electrical installation 4.2 metres wide within Lot 215 DP 1017615 Montwood Drive Lennox Head together with an easement for multipurpose electrical installation 4.2 metres wide within Lot 1 DP 856703 Hutley Drive Lennox Head.</p> <p>The compensation for Council is \$3,000 in total plus all legal costs etc being paid by Essential Energy. The \$3,000 is based on external valuations.</p>
US13/33	<p>Community Group Licence agreement between Council and the Lennox Head Football Club Inc. for occupation of the clubhouse and a portion of the storage shed at 54 Skennars Head Road, Skennars Head for a 12 month period. The rental is the standard \$1.00 for sporting groups on Council owned land.</p>

Attachment(s)

Nil

10.2 Investment Summary - July 2014

10.2 Investment Summary - July 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 July 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's 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 six investments have fallen due and have been placed with alternate institutions. As at 31 July 2014 Council had \$3 million invested with ING, representing 4.6% of the total portfolio. The investments are now in accord with Council's Investment Policy.

Overview of Investments Held

The balance of investments as at 31 July 2014 was \$64,529,000. This represents a decrease from June of \$4,291,000.

Council's investments as at 31 July are at an average (weighted) rate of 2.95%, which is 0.83% above the 90 Day Bank Bill Index of 2.12%.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 31 July 2014, was \$2,206,447.

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.

10.2 Investment Summary - July 2014

The majority of Council's investments portfolio, approximately \$65 million, is restricted by legislation (external) and Council (internal) uses for the following purposes:

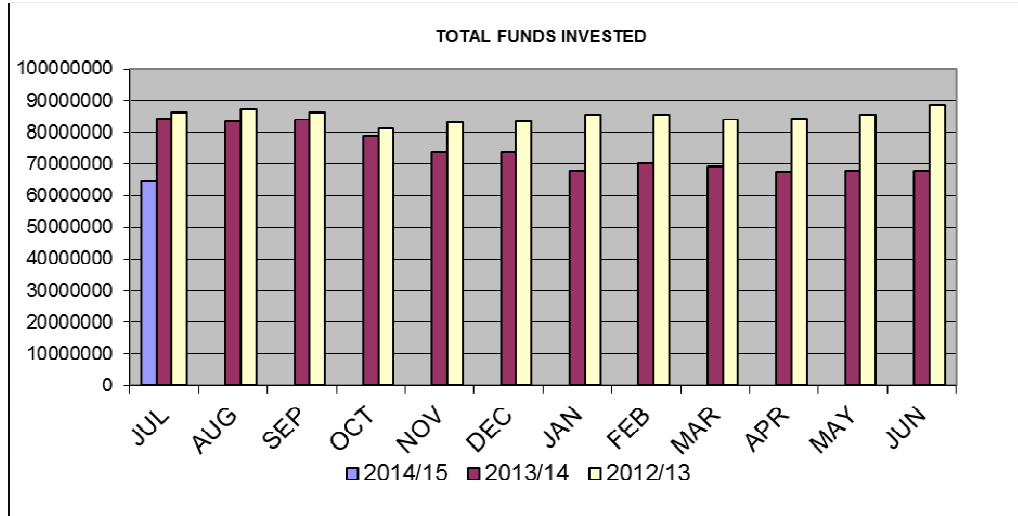
Reserve Name	Internal/External Restriction	% of Portfolio*
Water Fund (incl developer contributions)	External	12
Wastewater Fund (incl developer contributions)	External	34
Section 94 Developer Contributions	External	6
Bonds and Deposits	External	1
Other External Restrictions	External	16
Land Development	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

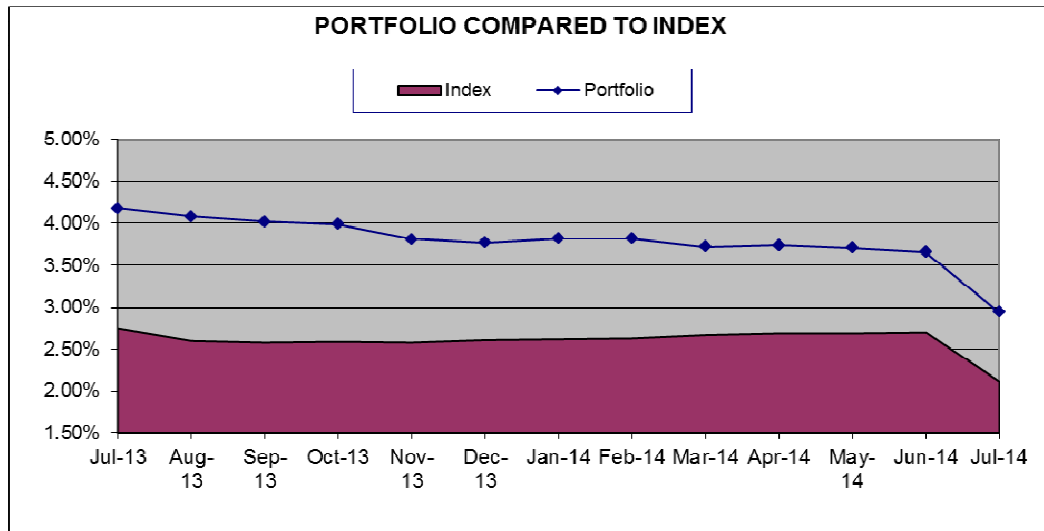
A. Summary of investments by institution

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	2.8%	
National Wealth M'ment Holdings	A	2,000	2,000	0	3.1%	7%
Rated Institutions						
AMP Bank	A+	4,000	4,000	20%	6.2%	
Bank of Queensland	BBB+	4,000	4,000	10%	6.2%	
Bank of Western Aust	AA-	2,000	2,000	20%	3.1%	
Commonwealth Bank of Australia	AA-	5,032	5,741	20%	8.9%	
Defence Bank Ltd	BBB+	1,000	1,000	10%	1.5%	
Greater Building Society	BBB	2,000	2,000	10%	3.1%	
Heritage Bank	BBB+	5,000	5,000	10%	7.7%	
ING Bank Ltd	A-	8,000	3,000	10%	4.6%	
Members Equity Bank	BBB+	4,000	4,000	10%	6.2%	
National Australia Bank	AA-	9,000	9,000	20%	13.9%	
Newcastle Perm Bld Society	BBB+	2,000	2,000	10%	3.1%	
Rural Bank Ltd	A-	1,000	1,000	10%	1.5%	
Suncorp-Metway Bank	A+	10,000	10,000	20%	15.5%	
Westpac Banking Corporation	AA-	7,000	7,000	20%	10.8%	93%
Unrated ADI's				\$1m	0.0%	
Total		68,820	64,529		100%	

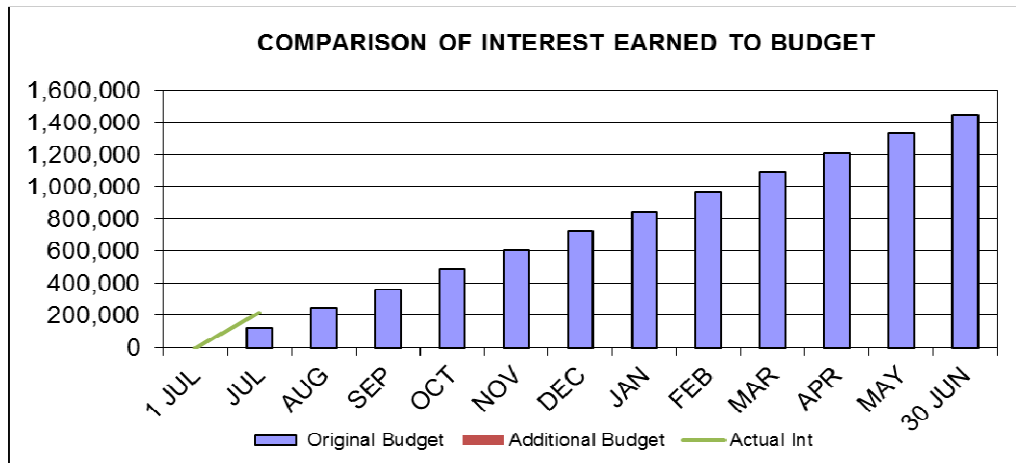
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



10.2 Investment Summary - July 2014

E. Investments held as at 31 July 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	1,438
12/04/06	Goldman Sachs	FRN	3.17%	12/04/16	1,000	997
15/09/14	National Wealth M'ment Holdings Commonwealth Bank Of Australia	FRN	3.32%	16/06/26	2,000	1,936
at call	Australia	FND	2.45%	at call	3,748	3,748
24/01/12	ING Bank Ltd	FRTD	4.59%	24/01/17	1,000	1,000
06/02/12	Westpac Bank Commonwealth Bank Of Australia	FRN	4.32%	06/02/17	1,000	1,032
25/01/13	Australia	TD	4.25%	25/01/18	1,993	2,046
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	2,013
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
24/01/14	AMP Bank	TD	3.80%	23/01/15	2,000	2,000
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	2,020
27/02/14	National Australia Bank	TD	3.74%	26/08/14	1,000	1,000
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 Newcastle Permanent Bld Society	TD	3.69%	03/11/14	2,000	2,000
05/05/14	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	FRN	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 Ltd	TD	3.65%	22/12/14	1,000	1,000
03/07/14	Suncorp-Metway Bank	TD	3.45%	05/01/15	3,000	3,000
31/07/14	AMP Bank	TD	3.50%	27/01/15	2,000	2,000
Totals					64,529	64,230
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 July 2014.

Attachment(s)

1. TCorp Local Government Economic Commentary - July 2014

10.3 Community Donations

10.3 Community Donations

Delivery Program Governance and Finance

Objective To invite Council to consider additional donation requests.

Background

Council approved a large number of donations at the July 2014 Ordinary Meeting for the 2014/15 financial year. Since that time additional requests have been received and generally applicants are advised to reapply next financial year to allow Council to assess all applications at the one time. However the donations policy does allow applications to be submitted to Council where there may be exceptional circumstances.

The following items are considered to be justifiable in reporting to Council for separate consideration. Copies of the requests are attached.

Key Issues

- Community benefit
- Funding available

Information

Rainbow Region Dragon Boat Club

Rainbow Dragons Abreast is a club for breast cancer survivors and their supporters. They are holding their second annual regatta at Shaws Bay 30-31 August 2014 and are seeking financial assistance towards operational costs for the event. They have nominated a figure of \$500.

Lesley Ryan on behalf of NSW Cancer Council

Lesley Ryan has been organising an Art Exhibition as part of an annual fund raiser for the NSW Cancer Council for the last 10 years. She has asked Council to waive the room hire fees for the Richmond Room for this year's exhibition. She has been told by community facilities staff that the rooms are already offered at a reduced cost to not for profit groups. The total cost for 3.5 days is \$645.

Namatjira Haven Ltd

Namatjira Haven Ltd are a not-for-profit Government funded Drug & Alcohol Rehabilitation service for Aboriginal men with Charity status. This request is to waive development application fees for DA 2014/310 lodged 30 June 2014 (proposed colourbond shed for training and music classes).

The amount nominated for consideration as a donation (\$590) is specifically the Development Application fee only. It excludes numerous other fees charged as part of the Development Application.

10.3 Community Donations

This donation would actually be funded from the community donations budget as the Council policy for waiving development application fees (actual policy title "Donations – Assistance with Council Fees for Community Groups") lists the criteria for approval being for Council owned or controlled land only.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Donations can provide community benefits to the Ballina Shire.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The current status of the donations budgets for 2014/15 is as follows:

Items	Budget	Allocated	Balance
Donations (General)	50,000	39,103	10,897
Donations (Public Halls)	41,000	39,802	1,198
Donations (Planning Fees)	2,000	1,849	151
Net Amount Available			12,246

Consultation

The annual donation program is subject to formal public exhibition and Council attempts to ensure that all donations are considered at the same time to ensure there is equity in the allocation process. There has been no specific consultation in respect of these requests.

Options

The options are to approve or decline the requests.

The recommendations provide Councillors the option to approve or refuse the donation requests for items one and three. However for the request from Lesley Ryan the recommendation is for refusal as Council has typically resolved not to support these requests as the room hire is already heavily subsidised.

In respect to the on-going management of donation requests that are received following the July allocation of the majority of the donation funds, there are many requests that do not make it to Council. However, typically there are still another seven to eight reports presented to Council each year for "exceptional" requests.

Requests such as Development Application fee waivers for facilities on Council owned or controlled land and also the Australian Representation donation are reasonable to report to Council as they are guided by different policies and can arise during the financial year.

10.3 Community Donations

For all other donation requests Council staff could take a firmer line and advise all applicants that the process has been completed for the year. This approach could, at times, result in meritorious applications being refused.

Councillors may wish to provide guidance to staff on this issue.

RECOMMENDATIONS

1. That Council approves / refuses the donation request from Rainbow Region Dragon Boat Club.
2. That Council refuses the request from Lesley Ryan as the room hire is already significantly subsidised.
3. That Council approves / refuses the donation request from Namatjira Haven Ltd.

Attachment(s)

1. Letter from Rainbow Region Dragon Boat Club
2. Letter from Lesley Ryan
3. Letter from Namatjira Haven Ltd

10.4 Rates and Charges Write Offs - 2013/14

10.4 Rates and Charges Write Offs - 2013/14

Delivery Program Financial Management

Objective To provide Council with details of the rates and charges written off during the 2013/14 rating year.

Background

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

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

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

The General Manager has also provided the Rating Coordinator delegated authority to write off interest amounts, pursuant to section 567 of the LGA, up to the value of \$100 per assessment, along with delegations to write off water charges in accordance with the Concealed Water Leaks Policy up to \$1,000.

During the 2013/14 rating year Council twice reviewed its Concealed Water Leaks policy. On 22 April 2014, a ceiling limit was introduced to one of the financial assistance calculation components. On 22 May 2014, Council decided to rescind the policy. The policy was originally introduced on 24 February 2011.

Sub clause (6) of clause 131 also requires the General Manager to inform the Council of any amounts written off under delegated authority. This report complies with that clause.

Key Issues

- Compliance with clause 131 (6) of the LGGR.

Information

In accordance with clause 131 of the LGGR, details of the 2013/14 rates, charges, and interest, written off under delegated authority, are provided in table one. Detailed information regarding individual assessments is recorded in Council's rating files.

Although not required under clause 131 of the LGGR, further tables detailing amounts written off during 2013/14 have also been provided for information purposes.

10.4 Rates and Charges Write Offs - 2013/14

All rates, charges and interest written off during the period 1 July 2013 to 30 June 2014, totalling **\$25,518.28**, are required to be included in Council's annual report (clause 132 LGGA).

The majority of the amounts written off relate to concealed water leaks. 2013/14 will be the final year these write offs are reported as the Concealed Leaks financial assistance policy was rescinded by Council on 22 May 2014. The remainder of the write offs relate to postponed rates and very minor amounts that are not economical to collect.

In respect to the postponed rates Council is required to write rates off where the property meets certain criteria (refer to notes in table two).

Table One - Write-offs - Under General Manager's Delegated Authority

Assessment/Date	Amount	Description
282 Assessments	\$150.20	Small balances (less than \$1.00 per assessment) uneconomical to collect written off at end of year - Section 567 LGA.
Assessment 181995 23 July 2013	\$602.67	Water charges written off in accordance with Council's Concealed Water Leaks policy. 34 Smith Drive WEST BALLINA
Assessment 169210 19 July 2013	\$330.08	Water charges written off in accordance with Council's Concealed Water Leaks policy. 64 Pine Avenue EAST BALLINA
Assessment 205707 22 July 2013	\$192.16	Water charges written off in accordance with Council's Concealed Water Leaks policy. 6 Castle Drive LENNOX HEAD
Assessment 238653 6 August 2013	\$945.19	Water charges written off in accordance with Council's Concealed Water Leaks policy. 502 Ross Lane LENNOX HEAD
Assessment 400674 17 September 2013	\$147.99	Water charges written off in accordance with Council's Concealed Water Leaks policy. 21 Minley Crescent EAST BALLINA
Assessment 211229 9 October 2013	\$228.90	Water charges written off in accordance with Council's Concealed Water Leaks policy. 36 Greenfield Road LENNOX HEAD
Assessment 252665 9 October 2013	\$387.06	Water charges written off in accordance with Council's Concealed Water Leaks policy. 89 Wardell Road ALSTONVILLE
Assessment 287709 24 October 2013	\$299.87	Water charges written off in accordance with Council's Concealed Water Leaks policy. 10 Eskimo Court WOLLONGBAR
Assessment 208836 28 October 2013	\$158.53	Water charges written off in accordance with Council's Concealed Water Leaks policy. 35 Fig Tree Hill Drive LENNOX HEAD
Assessment 218140 30 October 2013	\$816.38	Water charges written off in accordance with Council's Concealed Water Leaks policy. 33 Pinnacle Row LENNOX HEAD
Assessment 217827 30 October 2013	\$477.50	Water charges written off in accordance with Council's Concealed Water Leaks policy. 13-23 Pinnacle Row LENNOX HEAD
Assessment 184838 15 November 2013	\$164.26	Water charges written off in accordance with Council's Concealed Water Leaks policy. 65 Swift Street BALLINA
Assessment 261062 26 November 2013	\$935.42	Water charges written off in accordance with Council's Concealed Water Leaks policy. 12 Adele Street ALSTONVILLE
Assessment 285854 2 December 2013	\$116.51	Water charges written off in accordance with Council's Concealed Water Leaks policy. 1 Rifle Range Road WOLLONGBAR
Assessment 287149 10 February 2014	\$606.14	Water charges written off in accordance with Council's Concealed Water Leaks policy. 8 County Court WOLLONGBAR

10.4 Rates and Charges Write Offs - 2013/14

Assessment/Date	Amount	Description
Assessment 168858 10 February 2014	\$477.50	Water charges written off in accordance with Council's Concealed Water Leaks policy. 79 Pine Avenue EAST BALLINA
Assessment 124171 12 February 2014	\$939.51	Water charges written off in accordance with Council's Concealed Water Leaks policy. 57 Rifle Range Road WOLLONGBAR
Assessment 137823 14 February 2014	\$273.13	Water charges written off in accordance with Council's Concealed Water Leaks policy. 93 Crane Street BALLINA
Assessment 287872 25 February 2014	\$341.89	Water charges written off in accordance with Council's Concealed Water Leaks policy. 13 Francis Avenue WOLLONGBAR
Assessment 161872 24 February 2014	\$477.50	Water charges written off in accordance with Council's Concealed Water Leaks policy. 16 Newport Street EAST BALLINA
Assessment 278938 26 February 2014	\$382.00	Water charges written off in accordance with Council's Concealed Water Leaks policy. 8 Scenic Drive ALSTONVILLE
Assessment 201444 26 February 2014	\$110.78	Water charges written off in accordance with Council's Concealed Water Leaks policy. 1/59 Ballina Road LENNOX HEAD
Assessment 160452 13 May 2014	\$668.63	Water charges written off in accordance with Council's Concealed Water Leaks policy. 54 Moon Street BALLINA
Assessment 181678 14 May 2014	\$183.36	Water charges written off in accordance with Council's Concealed Water Leaks policy. 25 Skinner Street BALLINA
Total:	\$10,413.16	

Table Two - Write-offs – Approved by Council during 2013/14

Assessment	Amount	Description
Assessment 105703	\$1,118.01	Water charges written off in accordance with Council's Concealed Water Leaks policy. Approved by Council in 22/08/13 meeting (resolution 220813/22). 1 King Lane BALLINA
Assessment 290215	\$1,024.04	Water charges written off in accordance with Council's Concealed Water Leaks policy. Approved by Council in 23/01/14 meeting (resolution 230114/16). 26 Owens Crescent ALSTONVILLE
Assessment 290778	\$1,266.62	Water charges written off in accordance with Council's Concealed Water Leaks policy. Approved by Council in 22/05/14 meeting (resolution 220514/23). 32 Rifle Range Road WOLLONGBAR
Assessment 271237	\$1,382.78	Water charges written off in accordance with Council's Concealed Water Leaks policy. Approved by Council in 22/05/14 meeting (resolution 220514/23). 89 Main Street ALSTONVILLE
Assessment 153366	\$1,477.50	Water charges written off in accordance with Council's Concealed Water Leaks policy. Approved by Council in 22/05/14 meeting (resolution 220514/23). 84 Kerr Street BALLINA
Assessment 405488	\$1,477.50	Water charges written off in accordance with Council's Concealed Water Leaks policy. Approved by Council in 22/05/14 meeting (resolution 220514/23). 95-105 Fox Street BALLINA

10.4 Rates and Charges Write Offs - 2013/14

Assessment	Amount	Description
Assessment 255118	\$1,117.82	Water charges written off in accordance with Council's Concealed Water Leaks policy. Approved by Council in 22/05/14 meeting (resolution 220514/23). 37 Converys Lane WOLLONGBAR
Assessment 227319	\$1,477.50	Water charges written off in accordance with Council's Concealed Water Leaks policy. Approved by Council in 22/05/14 meeting (resolution 220514/23). 42-48 Isabella Drive SKENNARS HEAD
Assessment 195376	\$1,037.18	Water charges written off in accordance with Council's Concealed Water Leaks policy. Approved by Council in 22/05/14 meeting (resolution 220514/23). 85 Skennars Head Road SKENNARS HEAD
Assessment 181961	\$1,477.50	Water charges written off in accordance with Council's Concealed Water Leaks policy. Approved by Council in 22/05/14 meeting (resolution 220514/23). 4 Broadwater Place WEST BALLINA
Total:	\$12,856.45	

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

Assessment	Amount	Description
6 Assessments	\$2,248.67	Year six write off of postponed ordinary rate and interest charges - Section 595 LGA - Postponements typically relate to a single dwelling house that is zoned for multiple occupancy - The Valuer General supplies a land value for the highest potential use of the land. Upon application for postponement the Valuer General supplies an attributable value (i.e. extra value due to subdivision or higher use potential) and Council levies but postpones the attributable component. Interest is also charged - After five years the postponed amount and interest is written off. If the entitlement to postponement ceases at any time, any amounts not written off become due.
Total:	\$2,248.67	

Table Four – Historical Write-off Comparative Information

Write Off Type	2012/13		2013/14	
	Count	Amount	Count	Amount
Concealed Water Leaks	38	16,436.68	34	23,119.41
Small Balances	298	146.77	282	150.20
Postponed Rates	6	2,086.89	6	2,248.67
Total Write Offs	342	18,670.34	322	25,518.28

Sustainability Considerations

- **Environment**
Not Applicable

10.4 Rates and Charges Write Offs - 2013/14

- **Social**

There may be socio-economic reasons that support writing off a person's account.

- **Economic**

There is a loss of income in any write-off, albeit that the percentage written off is extremely small as compared to the total rates and charges levied.

Legal / Resource / Financial Implications

Revenue to the value of \$25,518.28 has been foregone.

Consultation

This information is included in the Council's annual report.

Options

This report is provided for information purposes only.

RECOMMENDATION

That Council notes the \$10,413.16 rates, charges, and interest written off under delegation of the General Manager for the 2013/14 rating year, pursuant to clause 131 of the Local Government (General) Regulation 2005, as outlined within this report.

Attachment(s)

Nil

10.5 Port Ballina Taskforce and Marina Infrastructure

10.5 Port Ballina Taskforce and Marina Infrastructure

Delivery Program Community Facilities and Services

Objective To obtain direction from Council in respect to marina investigations and to provide an update on the Port Ballina Taskforce.

Background

Council's Port Ballina Taskforce has been operating for just under three years (previously as the Dredging Taskforce) and it is fair to say that the Taskforce has provided a good avenue for various parties to get together to discuss issues in respect to maritime infrastructure and to promote items of interest to the NSW State Government.

One of the key issues regularly discussed at Taskforce meetings is the lack of marina infrastructure in Ballina and at the last meeting a very preliminary concept plan for one marina option was tabled for discussion.

As this proposal has generated a significant amount of media and community debate it is important that Council provide some direction on how proposals of this nature are to be managed.

Also this report provides an opportune time to review other marina options that are under consideration at the Martin Street / Regatta Avenue Precinct, along with the existing Ballina Boat Harbour at West Ballina.

Key Issues

- Marina options
- Viability
- Community engagement

Information

During the past decade Council has undertaken two major studies, being the Richmond River Recreational Boating Study (2005) and the Ballina Foreshore Master Plan (2008), to identify the types of maritime infrastructure that should be provided along the Richmond River.

As the documents are extensive they have not been reproduced in full for this report, with copies available on Council's website.

Links to the documents on Council's website are as follows:

http://www.ballina.nsw.gov.au/cp_themes/default/page.asp?p=DOC-VPW-85-76-88 (Richmond River Recreational Boating Study)

http://www.ballina.nsw.gov.au/cp_themes/default/page.asp?p=DOC-WUA-18-38-71&c=530 (Ballina Foreshore Master Plan)

10.5 Port Ballina Taskforce and Marina Infrastructure

Both these documents have assisted Council in obtaining funding under the NSW State Government's Better Boating Program (BBP), to deliver infrastructure identified in the plans, with a large number of improvements such as boat ramps, jetties, wharves, car parking etc undertaken during the past ten years.

The 2014/15 BBP grants are the last funds to be provided under this program with Council being successful for the following projects this financial year:

1. Boat ramp investigation at Keith Hall Lane – total funding \$60,000 (50% grant) – This funding will allow for investigation, design and approvals to be completed during 2014/15 with funding for construction to be sought during 2015/16.
2. Extend car park at Fishery Creek boat ramp - \$315,500 (50% grant)
3. Master plan for the Martin Street / Regatta Avenue precinct - \$80,000 (50% grant)

The BBP grants are being superseded by what is referred to as the Regional Boating Plan Program. A draft Regional Boating Plan for the Tweed to the Clarence was exhibited by Transport NSW during July 2014 with public submissions to the document required by 20 July. A public meeting was also held in Ballina on Thursday 10 July.

In addition to this representatives from Transport NSW met with Council staff on 10 July and Council had until 1 August to provide submissions to the draft Regional Boating Plan and until 15 August to provide a priority list of projects.

Council's response to the draft Regional Boating Plan is included as attachment one to this report. Our response should be seen as a "wish list" for the short to medium term with the majority of the works based on items included in the Richmond River Recreational Boating Study and the Ballina Foreshore Master Plan. The draft Regional Boating Plan, as exhibited by Transport NSW, is available at the following web link:

<http://www.transport.nsw.gov.au/content/nsw-regional-boating-plans>

Transport NSW has advised that the BBP program is considered to have now addressed a large number of the more small to medium infrastructure projects and the Regional Boating Plan program will focus on more medium to large scale projects, albeit smaller projects can still be funded. Also the 50 / 50 funding criteria that applied for the BBP grants is no longer mandatory, however as is often the case contributions from councils or other organisations will still help in securing grant funds.

In considering major marina infrastructure for Ballina the recommended strategies and actions from Council's Richmond River Recreational Boating Study (2005) are identified as short, medium and long term options (pages 102 – 104 of the Study); i.e.

- Short Term – Martin Street / Regatta Avenue Precinct
- Medium Term – Ballina Boat Harbour (Trawler Harbour)
- Long Term – Greenfield site for a major marina (to be determined)

10.5 Port Ballina Taskforce and Marina Infrastructure

The second, third and fourth attachments to this report provide copies of the location plans for these three options from that Study.

The Ballina Foreshore Master Plan followed a similar tact with the Martin Street / Regatta Avenue Boat Harbour and the Ballina Boat Harbour / RMS Depot site identified as the main marina locations (refer to attachments five and six for extracts of these sites from the Master Plan). This Plan did not have a larger scale marina included in the proposed works program.

In respect to the Martin Street / Regatta Avenue Precinct, as mentioned earlier, Council has \$80,000 set aside for a more detailed master plan to be completed this financial year. Staff are currently in the process of engaging consultants to undertake that work.

The development of this master plan was recommended by the NSW State Government to assist with seeking grants for any works identified in this location. An important element of this new master plan will be to determine the future of the Ballina Naval Museum, as that building does take up a major portion of this precinct, as demonstrated in attachment five.

In respect to the Ballina Boat Harbour site, the NSW State Government has approved funding to dredge that harbour. This follows representations by Council and the trawler operators that the harbour was becoming extremely shallow and at times unusable. The dredging works are being co-ordinated and funded by the State Government and should occur shortly.

In addition to dredging, various options to redevelop this entire site have been discussed over many years, with Macquarie Bank at one stage submitting a concept plan to Council. Also, prior to the global financial crisis, NSW Crown Lands called expressions of interest to develop the site for marina facilities, possibly including the RMS depot, however nothing ever eventuated from that process.

Council, with the assistance of the Port Ballina Taskforce, has continued to make representations to the State Government to develop the site into a modern marina and this resulted in representatives from the NSW State Government's Maritime Access & Infrastructure Council (MAIC) meeting with the Port Ballina Taskforce in March this year. The MAIC consists of representatives from key government agencies such as RMS, Crown Lands, Planning, Primary Industries etc, along with industry representatives.

It was clear from this meeting that the MAIC and the State Government were very aware of the opportunities that existed for the Ballina Boat Harbour Precinct and as a result of that meeting Council received correspondence from Transport NSW in May 2014 advising that they were willing to contribute costs towards a project plan for this site. A copy of that correspondence is included as attachment seven to this report.

Following receipt of this correspondence, discussions were held with both Transport NSW and RMS Head Office who advised they would be attending an inspection at Ballina in July to review the site. The RMS has not ruled out the possible relocation of their offices from this site to assist with the feasibility of any redevelopment.

10.5 Port Ballina Taskforce and Marina Infrastructure

As mentioned in the correspondence as attachment seven, this entire site is crown land, which means Council has no actual tenure in the land. Our only interest is currently in trying to promote the redevelopment of the site.

In respect to this point the issue that Council needs to consider is whether it wishes to contribute funding and possibly lead a project plan to pursue the redevelopment of the site, as intimated in the correspondence from Transport NSW. In verbal discussions Transport NSW has indicated that they would be prepared to allocate \$30,000 to \$40,000 for this work, and ideally Council would need to allocate similar funding.

A total budget of \$80,000 would be similar to the Martin Street / Regatta Avenue project. If Council does wish to continue to promote this location as an expanded marina then it may well have to be Council that drives the project.

In addition to these two sites, at the last meeting of the Port Ballina Taskforce, a concept plan was tabled for a major marina development in the Kingsford Smith Drive Precinct. A copy of that concept plan is included as attachment eight. Please note that an amended plan was provided to Council at the end of that meeting and that plan is included as attachment nine.

These plans have been prepared by private individuals with significant experience in marina developments for discussion purposes only. The major reason for preparing concepts is to highlight the magnitude of development that would be needed to generate adequate funding to then "fix" the Ballina Bar.

One of the key issues continually raised at Taskforce meetings when discussing marina developments, is that the Ballina Bar needs to be fixed to allow boats and yachts to easily access the Richmond River. The estimates to undertake works such as sand transfer, increased rock walls etc range from \$20m to \$30m. Therefore a major development is needed to then finance those works.

Unfortunately, including the original concept plan in the Port Ballina Taskforce agenda, resulted in a significant amount of local media about the proposal. This in turn generated letters and comments both in favour and against.

In discussions at the Port Ballina Taskforce meeting there were no strong objections to the concept plan as a concept only, albeit that the difficulties and complexities of obtaining approval for such a plan were well recognised.

The feedback from the persons who prepared the plan is that Council would need to be the entity driving this proposal due to the high level of crown land involved in the development. The Port Ballina Taskforce members are still keen to continue discussions in respect to this type of concept.

From a staff perspective there are concerns that by the Port Ballina Taskforce continuing to discuss the merits of this proposal, as it is a Council constituted Taskforce, that there is implicit Council support for the concept.

Therefore direction is now sought from the elected Council as to whether it wishes to provide in principle support for on-going discussions in respect to this concept or similar concepts, or alternatively advise that it does not support such a concept in this location.

10.5 Port Ballina Taskforce and Marina Infrastructure

The preference for a major marina identified in the Richmond River Recreational Boating Study was for a greenfield site, whereas the Ballina Foreshore Master Plan, identified a limited number of foreshore improvement works to the Kingsford Smith Drive foreshore, as per attachment ten to this report.

In respect to the Kingsford Smith Drive foreshore, the Ballina Chamber of Commerce is strongly promoting that Council should not be expending significant monies on the redevelopment of the Ballina swimming pool, based on the idea that the pool should be relocated elsewhere as a more comprehensive aquatic centre. These concerns were also raised by the Chamber Board when they recently met with Council's strategic planning staff as part of the consultation for the Ballina Regional Centre Strategy.

This is an interesting line of thought from the Ballina Chamber in that the attendance numbers for the Ballina swimming pool for the 2013/14 season were over 75,000 and due to the close proximity of the pool to the Ballina town centre there must be some spin off to the town centre from that level of attendance.

Also there are opportunities with the existing complex to take greater advantage of promoting its location on the river by replacing the existing fence with a structure that encourages views of the rivers along with providing additional facilities such as training pools, improved children's facilities and possibly improved café / kiosk facilities. Any redevelopment could also look at improving the facilities provided adjacent to the swimming pool that currently forms the Richmond River Sailing Club.

As an example of the type of works that could be considered, albeit not necessarily a good comparison with Ballina, Sydney has a number of instances where swimming pool complexes have been developed to maximise their locations, with North Sydney Pool, Icebergs at Bondi and Andrew Boy Charlton Pool in the Sydney CBD, being good examples of facilities that benefit from their location on the waterfront.

Swimming pool consultants often highlight that many old swimming pools are located adjacent to rivers and those locations are no longer necessarily ideal for pool structures. Also fully integrated aquatic centres that open all year round can result in improved cash operating results, although this does not always work as seen by the Goonellabah Aquatic Centre, which continues to incur significant cash losses for Lismore City Council.

Ultimately it is a matter of how much Council wishes to expend on any redevelopment for the swimming pools as an entirely new aquatic centre will cost at least \$15m to \$20m.

If the redevelopment of the Ballina and / or Alstonville swimming pools does proceed, Council will need to be very mindful of how much funding it wishes to put into each project.

Feedback from Councillors on this issue of the preferred location for the Ballina swimming pool is also sought as part of this report, seeing we are close to commencing a consultation exercise in respect to a special rate rise to finance the redevelopment of both swimming pools.

10.5 Port Ballina Taskforce and Marina Infrastructure

Sustainability Considerations

- Environment**
 Any marina developments would be subject to stringent environmental assessments.
- Social**
 The feedback from any research Council undertakes in respect to the Richmond River is that there is always a strong community and social connection between the river and local residents.
- Economic**
 Marina developments are designed to encourage significant economic and tourism benefits.

Legal / Resource / Financial Implications

There are no implications in respect to the Martin Street / Regatta Avenue precinct proposal, as this work is already funded in the 2014/15 budget.

In respect to the Ballina Boat Harbour precinct proposal, funding of \$40,000 is mentioned in the report, along with possible resource implications in respect to any project plan.

The preferred source of funding for the \$40,000 would be from the quarry reserve as this is the reserve that Council has earmarked for activities such as dredging. The latest financial plan for that reserve is as follows:

Item	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Operating Revenues							
Quarry Rents	30,000	30,000	30,900	31,900	32,900	33,900	35,000
Quarry Royalties	320,000	330,000	339,900	350,100	360,700	371,600	382,800
Sub Total	350,000	360,000	370,800	382,000	393,600	405,500	417,800
Less Operating Expenses							
Sandpit Expenses	11,000	20,000	20,800	21,600	22,400	23,200	24,100
Tuckombil / Stokers Exps	9,000	9,000	9,400	9,800	10,200	10,600	11,000
Council Overheads	23,000	36,000	37,100	38,200	39,300	40,500	41,700
Sub Total	43,000	64,000	67,300	69,600	71,900	74,300	76,800
Net Operating Result (1)	307,000	296,000	303,500	312,400	321,700	331,200	341,000
Less Other Movements							
North Creek Dredging	0	150,000	0	0	0	0	0
Quarry Expansion Study	5,000	295,000	0	0	0	0	0
General Fund Dividend	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Missingham Car Park	150,000	0	0	0	0	0	0
LIRS Road Loan Payments	160,000	160,000	160,000	160,000	160,000	160,000	160,000
Total Cash Withdrawal (2)	365,000	655,000	210,000	210,000	210,000	210,000	210,000
Net Cash Result (1) + (2)	(53,000)	(359,000)	93,500	102,400	111,700	121,200	131,000
Reserve Closing Balance	1,698,000	1,339,000	1,432,500	1,534,900	1,646,600	1,767,800	1,898,800

The major concern with this reserve is that Lismore City Council (LCC) has recently written to Council advising of their termination of the lease for Stokers and Tuckombil Quarries. This lease was due to expire in late 2017 however LCC has stated that the quarry product Stokers Quarry is "exhausted" which allows for the early termination of the lease.

10.5 Port Ballina Taskforce and Marina Infrastructure

“Exhausted” within the terms of the lease refers to the current planning approvals for these sites. Further product is available and Council has commenced a project to prepare the required planning application to enable quarrying to continue in the future.

It is the opinion of Council staff, based on legal advice, that LCC has not provided sufficient details in support of their claim that the quarry product is exhausted. There are concerns that LCC’s interpretation of the relevant lease clauses is related to an issue of economic viability for LCC, not the availability of quarry product.

Council has written back to LCC advising that their termination notice is defective and we have invited them to provide further information to justify their decision.

It is uncertain how these negotiations will finish and it is important to keep this information in mind as it may significantly impact on the current quarry results. The major issue with any loss in quarry income is that the quarry reserve is currently financing a Local Infrastructure Renewal Scheme (LIRS) loan for road works as per the earlier cash flows.

This loan still has around eight years to run and if the quarry reserve is not in a position to fund the loan then Council would have to reduce our cash funding for the road budget to compensative for this loss in revenue.

Importantly significant cash surpluses have been received by Council since LCC commenced operating the quarry, whereas prior to this lease, when Council operated the quarry, losses were incurred or small surpluses. If the lease is terminated over the next few months, there are a range of options for Council to consider in regards to managing the quarries on an interim basis. Under these options, it is likely a reasonable level of income could be expected from Tuckombil Quarry however it is unlikely that the current budget projections could be achieved.

Finally Council’s financial statements also include an allowance for \$1.5m for remediation of the quarries, although whether these funds will be expended remains uncertain as the quarries options report presented to Council in 2013 identified a range of more cost effective options that could significant reduce this liability.

In summary, in considering whether \$40,000 should be funded from this reserve, the funds are available, although Council should minimise any additional transfers from this reserve until the future of the quarry operations is known.

In respect to the Kingsford Smith proposal no funding is currently being sought, albeit that there would be significant financial and resource implications if Council resolved to pursue this project.

Consultation

The Port Ballina Taskforce provides an excellent consultation forum, with membership currently consisting of:

10.5 Port Ballina Taskforce and Marina Infrastructure

- Mayor and two Councillors (Crs Worth and Williams)
- Three community representatives
- Department of Premier and Cabinet (one)
- Ballina Chamber of Commerce (two)
- Ballina Fishermen's Co-op and Professional Fishermen (two)
- Recreational Fishing Group Representative (one - appointed at last meeting)

Council has been approached by NSW Maritime as to whether their local representative, Mr Darren Watson, could join the Taskforce.

Mr Watson attended the last meeting as an observer and it is recommended that Mr Watson, as a representative of NSW Maritime join the Taskforce, as he is involved in many day to day activities on the Richmond River.

Both the Richmond River Recreational Boating Study and Ballina Foreshore Master Plan were subject to extensive consultation processes.

In respect to broader community consultation any major marina proposals would need to be subject to extensive consultation.

Options

In respect to marina proposals no action is needed on the Regatta Avenue / Martin Street Precinct as that consultancy is proceeding. However direction is needed for the Ballina Boat Harbour and the Kingsford Smith Precinct proposals.

In respect to the Ballina Boat Harbour the options are:

- a) allocate funding of \$40,000 and authorise staff to pursue a project plan with the relevant agencies; or
- b) Not approve funding and continue to lobby the State Government

The preferred option is option a) as it is considered that there is now increased support from the State Government for works in this location and to push it along Council can help by providing some financial support. Whether these funds are actually expended will depend on the buy in from the relevant State Government Agencies (i.e. RMS, Crown etc).

In respect to the Kingsford Smith location the options are:

- a) Provide in principle support for discussions to continue based on the preliminary concepts as per attachments eight and nine; or
- b) Acknowledge that any redevelopment in this location would be too problematic and advise the Port Ballina Taskforce that such a plan is inconsistent with Council's long term planning as per the Richmond River Recreational Boating Study and Ballina Foreshore Master Plan

Both of these options are included in the recommendations that follow to allow Council to determine its current position.

10.5 Port Ballina Taskforce and Marina Infrastructure

It is also recommended that a representative from NSW Maritime be included on the Port Ballina Taskforce. This would then represent 13 members and even though too many members could result in the Taskforce becoming unwieldy at this stage it is considered that this level of membership is manageable.

Finally, in discussing Kingsford Smith, it would also be useful for Council to provide feedback on the location of the Ballina Swimming pool in this location and the last recommendation seeks Council's support for this as the preferred site, whilst recognising that as the evaluation process rolls out for the swimming pool redevelopment other options may arise.

RECOMMENDATIONS

1. That Council notes the contents of this report in respect to marina options for Ballina.
2. That Council approves a representative from NSW Maritime to join the Port Ballina Taskforce.
3. That Council approves an allocation of \$40,000 from the quarry reserve to assist with the formation and delivery of a project plan for the redevelopment of the Ballina Boat Harbour site.
- 4A. That Council provides in principle support for the Port Ballina Taskforce to continue discussions with respect to the marina concept plans, as outlined in attachments eight and nine to this report.

OR

- 4B. That Council confirms that it does not provide in principle support for the Port Ballina Taskforce to continue consideration of the marina concept as per attachments eight and nine as it is inconsistent with Council's long term planning for this location, it results in an excessive loss of open space and its on-going consideration can result in unnecessary angst amongst the local community.
5. That in respect to the redevelopment of the Ballina Swimming Pool, Council confirms that at this preliminary stage, the current site remains the preferred location, however it is acknowledged that other options may arise as the planning phase for the redevelopment advances.

Attachment(s)

1. Council response to Draft Regional Boating Plan
2. Richmond River Recreational Boating Study - Martin Street / Regatta Avenue Precinct
3. Richmond River Recreational Boating Study - Ballina Boat Harbour Precinct
4. Richmond River Recreational Boating Study - Greenfield Site
5. Ballina Foreshore Master Plan - Regatta Avenue / Martin Street Precinct
6. Ballina Foreshore Master Plan - Ballina Boat Harbour
7. Response from Transport NSW
8. Concept Master Plan - Proposed Marina
9. Concept Master Plan - Proposed Marina (Revised)
10. Ballina Foreshore Master Plan - Kingsford Smith Drive Preferred Option

10.6 Policy (Review) - Complaints Management

10.6 Policy (Review) - Complaints Management

Delivery Program Governance and Finance

Objective To review the Complaints Management 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 Complaints Management policy.

Council first adopted this policy in 2010. The Office of Local Government recommends that councils have complaints management policies.

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 of two pieces of legislation.

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

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

Legal / Resource / Financial Implications

There are no legal or financial implications in adopting the amended policy.

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 Complaints Management 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) - Complaints Management Policy

10.7 Policy (Review) - Banner Poles

10.7 Policy (Review) - Banner Poles

Delivery Program Governance and Finance

Objective To review of the Banner Poles Policy.

Background

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

Council first adopted this policy in 2005 with the last review in 2010.

Key Issues

- Review of the Banner Poles Policy and included specifications.

Information

Council last reviewed this policy in 2010.

- The template for Council policies has changed since this policy was adopted and the new template includes information on definitions, policy history etc.

The changes have been marked in yellow.

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

Some feedback in regard to actual usage of banner poles is that it has become quite rare for a person or organisation to take up the option to use the banner poles. Over the last year or so they have only been used by the 'Christmas Carols' event organisers and Tourism staff.

The fee for erection and removal of the banner is reasonable and is not really at a level to meet the costs incurred by Council to provide the service. Perhaps the issue relates to the banner itself and the associated cost to benefit.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The banners are designed to promote Ballina Shire and associated activities

10.7 Policy (Review) - Banner Poles

- **Economic**
Not Applicable

Legal / Resource / Financial Implications

There are no legal financial or resource implications associated with the revision of this policy.

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.

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

RECOMMENDATIONS

1. That Council adopts the amended Banner Poles 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) - Banner Poles

10.8 Budgets Carried Forward and Reserve Movements

10.8 Budgets Carried Forward and Reserve Movements

Delivery Program Financial Management

Objective To advise Council of budgets carried forward to the 2014/15 financial year and also of the transfers to reserves included in the finalisation of the financial 2013/14 results.

Background

At the conclusion of the 2013/14 financial year there were a number of items that were incomplete for a variety of reasons (i.e. on-going over two financial years, wet weather, timing etc).

The first section of this report is to advise Council of those works and services and to obtain approval to carry funding forward to the 2014/15 financial year.

The second section of this report then details funds that have been transferred to reserves for future use. These items relate to Council's business operations or to internal reserves that assist in financing the ongoing operations of Council.

The figures presented in this report are preliminary and may vary following end year adjustments.

Key Issues

- Approval for the works and services carried forward
- Approval for the reserve transfers

Information

It is important for budgeting and monitoring purposes that any incomplete actions, that are still on-going, and the matching funding are carried forward to the next year. This ensures that the budget reflects the totality of the works and services program. Table one as follows provides details of the various items recommended to be carried forward.

All of these items have previously been approved by Council and the designated funding source will also be carried forward. The table includes a mixture of recurrent and capital item.

10.8 Budgets Carried Forward and Reserve Movements

Table One - Summary of Items Carried Forward

Description	Dollars	Comment
Strategic and Community Facilities		
Strategic Services		
Heritage Projects	6,500	Projects in progress
Planning Proposals - Rezoning	88,000	Various ongoing rezonings
Captain Cook Park Master Plan	19,600	Funds for possible works
Koala Study and Plan	27,000	Project in progress
Section 94 Plans Review	61,400	Reviews in progress
Tracking Grant	2,000	Project to commence shortly
Major Regional Centre Study	20,600	Project in progress
SCU Consultancy	7,000	Project in progress
Community Facilities & Customer Service		
Northern Rivers Car Pool	9,000	Grant received – Project underway
Wardell Hall Improvements	14,100	Funding for works as required
Regional Sports Centre	67,000	On-going project
Library		
Special Projects Grant Reserve	79,700	Grant funded projects
Library Expansion	145,600	Designs and approvals being finalised
Library Lighting	28,500	Part of above project
Pools		
Alstonville Pool Wastewater Tank	38,000	Works in progress
Community Art Gallery		
Foyer Upgrade	15,000	Work to commence shortly
Tourism		
Business Marketing	7,000	Business promotions underway
Marquee Hire	3,000	Surplus to provide for new marquees
Promotional Activities	22,000	Programs in progress
Group Total	661,000	
Development and Environmental Health		
Shaws Bay Management Plan	14,000	Project in progress
Regulatory Control Services		
Animal Shelter	25,300	Finalisation of capital works
Ballina Surf Club	20,000	Savings from animal shelter project
Group Total	59,300	
Civil Services Group		
Asset Management		
Depot Energy Efficient Lighting	24,200	Works in progress
Depot Upgrade	52,000	Works in progress
Administration Centre Repairs	4,800	Minor works in progress
Procurement and Building Management		
Procurement Software	18,000	Product still to be sourced
Pop Denison Park	36,000	Works now completed
Public Amenities Program	29,400	Works underway
Ballina Surf Club	180,500	Project in progress
Lennox Head Surf Club/ Lake A Precinct	23,600	Options investigation continuing
Asset System Implementation	52,500	Implementation almost complete
Coastguard Tower	46,500	Design still being finalised
Stormwater and Environmental Protection		
Coastal Hazard Study	125,200	Study in progress
Ballina Flood Risk Plan	104,100	Plan in progress
Ballina Flood Actions Plan	25,000	Plan in progress
Foreshore Protection	16,300	Ongoing projects
Emergency Action Sub Plan	8,700	Ongoing project
Third Party Modelling	32,100	Ongoing projects
Newrybar Flood Model	10,500	Works not commenced
Stormwater Capital Cherry Street	20,000	Design or works in progress
Stormwater Capital Megan Crescent	35,600	Design or works in progress
Stormwater Capital Alison Avenue	85,500	Design or works in progress
Stormwater Capital Allens Parade	80,000	Design or works in progress
Stormwater Capital Quays Dredging	50,000	Funds for works as required
Stormwater Capital Gant Street	50,800	Design or works in progress
Roads and Bridges		
Roads Capital Alstonville Bypass	179,700	Design or works in progress
Roads Capital Angels Beach Drive	400,000	Design or works in progress
Roads Capital Tamarind Drive North	4,900	Design or works in progress
Roads Capital Tamarind Drive South	1,448,000	Design or works in progress

10.8 Budgets Carried Forward and Reserve Movements

Description	Dollars	Comment
Roads Capital Ballina Heights Drive	328,900	Design or works in progress
Roads Capital Martin Street	30,400	Design or works in progress
Roads Capital Ridgeway Drive	141,000	Design or works in progress
Roads Capital River/Moon Street Roundabout	69,300	Design or works in progress
Roads Capital Tamar Street Car Park	279,000	Design or works in progress
Roads Capital Tamar Street	509,200	Design or works in progress
Roads Capital Tamar Street Roundabout	50,000	Design or works in progress
Roads Capital Rifle Range Road	56,600	Design or works in progress
Roads Capital Ross Lane/Coast Road	24,300	Design or works in progress
Roads Capital Uralba Road	46,200	Design or works in progress
Roads Capital Maguires Bridge	50,000	Design or works in progress
Roads Capital Teven Bridges	26,500	Vegetation works to be completed
Ballina Surf Club	39,000	Funds from savings in roads program
Ancillary Transport Services		
Footpaths and Shared Pathways	90,200	Coastal shared path in progress
Emigrant Pontoon	25,300	Design in progress
Southern Cross Bus Shelter Shed	14,800	Works to be completed
Roads and Maritime Services		
RMS Grant Funding	73,000	RMS projects
Open Spaces and Reserves		
Ballina RSL Land Swap	13,000	Negotiations ongoing
Porter Park	93,400	Consultation continuing
Coastal Reserves POM	2,300	Project under review
Disability Training	7,100	Grant funds for training
Ballina Entrance Trees	138,000	Designs being finalised
Vegetation Management		
Coast Road Landslip Revegetation	9,200	Ongoing projects
Pine Avenue Revegetation	11,400	Ongoing projects
Crown Weed Control	4,000	Ongoing projects
Various Grant Based Works	181,100	Works in progress
Sporting Fields		
Saunders Field Extension	10,000	Works close to finalisation
Fripp Oval Drainage	90,000	Works deferred to 2014/15
Skennars Head Drainage	21,600	Funding for additional works
Wollongbar Sports Fields	1,376,000	Project in progress
Rural Fire Service		
Hazard Reduction	21,600	Works in progress
Quarries		
Expansion Study	255,000	Approvals being sought
Dredging Plan	50,000	Allowance for dredging approvals
Fleet Management		
Capital Acquisitions	603,000	Purchases on-going
Civil Services Group Total	8,821,600	
General Manager's Group		
Governance		
Community Donations	2,000	Acquittals in process
General Manager's Group Total	2,000	
Commercial Services Unit		
Wigmore Arcade Lease Negotiations	20,000	Negotiations on-going
Shelly Beach Land Purchase	245,000	Settlement due October
Wollongbar Estate Capital Works	643,000	Construction work underway
Southern Cross Estate Capital Works	49,000	Sealing works to be completed
Russellton Estate Capital Works	14,000	Ongoing project
Tamar Street Air-Conditioning	42,000	Works largely complete
Commercial Services Unit Total	1,013,000	
Water Services		
Refer to next report in this agenda		
Water Total		
Wastewater		
Refer to next report in this agenda		
Wastewater Total		
Totals	10,556,900	

10.8 Budgets Carried Forward and Reserve Movements

This next section of the report details with reserve transfers and Table two provides a summary of those transfers. Figures relating to business operations such as domestic waste, landfill and resource recovery, plant, cemetery, quarry etc. represent the net movement of that activity for the year, which is then transferred to or from the reserve.

Table Two - Summary of Transfers to / (from) Reserve

Description	Amount \$	Comment
Strategic and Community Facilities		
Strategic Services		
Sustainability Reserve	18,600	Energy credit to assist with projects
Strategic Projects Reserve	14,500	On-going strategic planning projects
Section 94 Contributions and Interest	2,490,500	Actual contributions plus interest
Community Facs and Customer Service		
Crown Rent Reserve	21,000	Funds to meet rental commitments
Ballina Surf Club Reserve	5,000	Kiosk rental
Community Gallery		
Public Art Reserve	10,000	Funds for public art policy
Group Total	2,559,600	
Development and Environmental Health		
Public And Environmental Health		
Health Projects Reserve	13,000	To purchase specialist equipment
Group Total	13,000	
Civil Services		
Asset Management		
Asset Condition Assessments	10,000	Asset management assessments
Section 94 Plans Reserve	21,000	Section 94 Plan Reviews
Roads and Bridges		
Road Maintenance Contingency	24,600	Savings transferred to reserve
Alstonville Bypass Reserve	35,000	Interest income
Ballina Bypass Reserve	262,700	Interest income and surplus funds
Ancillary Transport Services		
Wardell Town Centre Reserve	28,500	Unexpended from boat ramp works
Commercial Opportunities Reserve	53,500	Internal repayment for street lighting
Cemeteries		
Cemeteries Reserve	(39,300)	Net cash reduction for the year – Includes operating surplus \$120,000, \$75,000 for Entry Treatment Program, \$50,000 Dividend and 34,000 Capital Works
Quarries		
Quarries Reserve	(53,000)	Net cash reduction for the year – includes operating surplus \$307,000, \$150,000 for Missingham Car Park, and \$210,000 Dividend.
Fleet Management		
Plant Reserve	56,000	Net cash increase for the year- includes surplus of \$1,169,000 and capital expenditure of \$1,113,000
Landfill and Resource Recovery		
Operations Reserve	268,000	Net cash increase for the year
Domestic Waste Management		
Operations Reserve	690,000	Net cash increase for the year
Group Total	1,410,000	
General Manager's Group		
Governance		
Records Management	5,000	Funds for project based works
Human Resources and Risk Mgmt		
Employees Leave Entitlement Reserve	(39,000)	Decrease to fund liabilities
Group Total	(34,000)	
Commercial Services Unit		
Commercial Property		
Crown (Property Rents)	87,600	Commercial property rentals

10.8 Budgets Carried Forward and Reserve Movements

Description	Amount \$	Comment
Community Infrastructure Reserve (including Commercial Opportunities Reserve)	228,000	Net increase to reserve. Numerous movements including: Transfers to: Property rentals \$949,000, Land sale \$512,000, S94 recoupments \$845,000. Transfers from: Rental property expenses \$177,000, Loan repayments \$558,000, Capital expenditure \$1,333,000 (Ballina Surf Club, Regional Sports Centre, Coastguard Tower, Air Con 89 Tamar St)
Property Development Reserve	(836,000)	Net decrease to reserve. Numerous movements including: Transfers to: Interest \$181,000 Rental income \$305,000 Land sales \$952,000. Transfers from: Land development \$681,000, Ballina Surf Club \$228,000, Lennox Community Centre \$166,000 Wigmore Arcade \$219,000 Animal shelter \$370,000 Dividend to general fund \$609,000.
BBRC Refunds		
Refunds Reserve	(283,000)	Net movement in the reserve includes; Transfers to reserve from section 94 and 64 funds \$1,092,000. Transfers from reserve to pay for refunds \$1,375,000
Flat Rock Park		
Flat Rock Reserve	113,600	Net cash increase for the year
Airport		
Airport Reserve	(138,000)	Net cash decrease for the year includes operating surplus \$1,049,000 plus grant funds \$4,648,000 less loan repayment \$839,000 and capital expenditure \$4,997,000.
Total	(827,800)	
Water Supply		
Refurbishment Reserve	881,000	Net increase to reserve
Section 64 Reserve	(459,000)	Net decrease to the reserve
Wastewater Services		
Refurbishment Reserve	(8,666,000)	Net decrease to the reserve
Section 64 Reserve	683,000	Net increase to the reserve

Other Matters

The next section of the report provides a very brief overview of the cash results for the different funds and for the waste management operations

The results are subject to change due to end year accounting adjustments however they provide a good indication of performance for the year.

10.8 Budgets Carried Forward and Reserve Movements

General Fund Working Capital

The March review forecast a reduction to working capital of \$115,000 and the end year movement, prior to finalisation of end year adjustments, was an increase of \$81,000 (overall improvement of \$196,000).

The larger variations are detailed below:

- salaries and wages \$270,000 less than forecast. This saving is a combination of staff taking more leave than forecast and delays in replacing staff who have left the organisation
- building services income continued to exceed expectations and was \$92,000 more than forecast. Total income from building services was \$893,000 which compares favourably with the previous year of \$766,000.
- income from engineer supervision of grant funded road works \$74,000. A calculation is completed late in the financial year to determine the amount of time that can be extracted from grants and the outcome was better than anticipated.
- grant for storm damage of \$92,000. The expenditure relating to this grant was incurred in the 2012/13 financial year.
- the cost of electricity associated with street lighting exceeded budget by \$60,000.
- water charges for the Ballina and Alstonville pools exceeded budget by \$43,000.
- community facility buildings exceeded budget by \$36,000. The main issues were lower income than forecast for the Alstonville Leisure and Entertainment Centre and the Lennox Head Cultural and Community Centre.
- income from the ordinary rate was \$44,000 less than forecast. This occurred due to acceptance by the Valuer General of an objection to a value. The property value was decreased substantially and the effective date was backdated. This 'lost' income will be regained in 2014/15.
- work on the Saunders oval extension progressed within budget however the funding source for this work, section 94 open space (Ballina), did not have sufficient funds to meet all of the expenditure incurred. There was a net shortfall of \$45,000.
- A new transfer to the leave entitlements reserve of \$250,000 has been introduced to place most of the savings from salaries and wages back to the reserve. The net movement for the reserve during the year will now be a reduction of \$39,000.

The budget already included a transfer from reserve of \$336,000 associated with leave costs and a transfer to reserve of \$47,000 being payments from other councils as Ballina accepts the leave liability associated with new employees.

10.8 Budgets Carried Forward and Reserve Movements

The improvement to the cash position was a welcome outcome.

It has enabled the Employee Leave Entitlements Reserve to be strengthened and assisted to improve the General Fund working capital position.

Waste Management

The cash result for Landfill and Resource Management (LRM) is shown in the table below and is compared to the March forecast.

Table Three - LRM Financial Result (\$)

Item	March Estimate	June Actual
Operating Income	6,735,300	6,853,506
Operating Expense	6,665,300	5,330,029
Operating Surplus	70,000	410,477
Eliminate Depreciation	1,113,000	1,113,000
Surplus Excluding Depn	1,183,000	1,523,477
Capital Income	312,000	103,200
Capital Expenditure	1,632,000	1,358,716
Net Cash Movement	(137,000)	267,961

In respect to income Council received a contribution of \$145,000 from the State Government associated with the waste minimisation levy. These funds have been placed into a restricted reserve as Council may have to return the funds given the constraints associated with the contribution.

Capital expenditure is dominated by a loan repayment of \$1,053,000 with remaining expenditure primarily relating to the biochar project, \$211,000 and a dividend of \$50,000 in respect to the Business Promotions project.

Council has received grant income in respect to biochar however at this stage all expenditures are being funded from internal reserves pending a final decision on the viability of the project.

The cash result for Domestic waste Management (DWM) is shown in the table below and is compared to the March forecast.

Table Four - DWM Financial Result (\$)

Item	March Estimate	June Actual
Operating Income	7,294,000	7,300,000
Operating Expense	6,777,300	6,646,000
Operating Surplus	516,700	654,000
Eliminate Depreciation	179,000	179,000
Surplus Excluding Depn	695,700	833,000
Capital Income	0	0
Capital Expenditure	142,800	142,800
Net Cash Movement	552,900	690,206

The primary reason for reduced expenses relates to the decision to truck organics kerbside waste directly to Lismore. This avoided payment of gate fees at the Ballina facility for the last few months of the year.

The cash surplus of \$833,000 is excessive given that Council cannot take a profit from this activity. The target surplus is in the order of \$500,000 which is necessary to pay for the loan repayment and one collection vehicle annually.

10.8 Budgets Carried Forward and Reserve Movements

The forecast for 2014/15 looks to adjust the relativities between DWM and LRM such that the financial performance of LRM improves and DWM declines.

Water Operations

The cash result for Water Operations is shown in the table below and is compared to the March forecast.

Table Five - Water Operations Financial Result (\$)

Item	March Estimate	June Actual
Operating Income	10,028,500	10,689,176
Operating Expense	11,265,959	10,998,096
Operating Surplus	(1,237,459)	(308,920)
Eliminate Depreciation	1,859,459	1,859,459
Surplus Excluding Depn	622,000	1,550,539
Capital Income	814,000	798,915
Capital Expenditure	2,990,000	1,927,611
Net Cash Movement	(1,554,000)	421,843

These figures show a massive improvement in the operating result. The improvement is mainly due to additional revenue from water consumption charges, which is \$594,000 more than forecast. This outcome has been heavily influenced by the period of extended dry weather.

There has also been savings in comparison to forecast operating expense of \$269,000. The savings relate to mains operations/maintenance and plant operations.

The operating deficit of \$308,920 is, despite the fact that it remains a deficit, particularly pleasing and brings Council within reach of a milestone goal of achieving an operating surplus inclusive of depreciation.

Funds provided for capital projects that were not expended in full have been transferred to reserve. A separate report forms part of this business paper to review the 2014/15 Water capital works program.

Wastewater

The cash result for Wastewater Operations is shown in the table below and is compared to the March forecast.

Table Six - Wastewater Operations Financial Result (\$)

Item	March Estimate	June Actual
Operating Income	14,389,000	14,463,000
Operating Expense	16,909,900	16,614,000
Operating Surplus	(2,520,900)	(2,151,000)
Eliminate Depreciation	2,643,000	2,643,000
Surplus Excluding Depn	122,100	492,000
Capital Income	1,487,000	2,042,000
Capital Expenditure	13,134,000	10,517,000
Net Cash Movement	(11,524,900)	(7,983,000)

10.8 Budgets Carried Forward and Reserve Movements

The forecast deficit at March of \$2.5 million reduced to \$2.2 million primarily due to expenditure being less than forecast.

Whilst some sections of the budget exceeded forecast there were savings compared to budget across most of the operations and maintenance areas.

Capital income included the final receipt of the loan funds, being \$690,000, from the \$63 million loan facility established to enable the capital program that has taken place over the last three years.

The 2013/14 capital works program was not completed in full and unexpended funds have been returned to reserve.

The Wastewater capital program for 2014/15 has been revised and details of the proposed new program are included in a separate report in this business paper.

Employee Leave Entitlements (ELE) Reserve - General Fund

Staff have been encouraged to take leave entitlements in recent years to reduce the overall Council liability. This has contributed to more wages being charged to the leave entitlements expense and less to the operational areas than has typically been the case. Also there have been delays in replacing staff which has contributed to a general saving of actual expense to budget throughout office based staff.

The actual cash cost for leave taken in 2013/14 was approximately \$2.8 million. There is a net decrease to the leave liability cash reserve of \$39,000 and a decrease to the total liability of \$215,000.

The estimated end year reserve balance will be \$1,969,000. The leave liability will be approximately \$7.3 million. Therefore the cash reserve on hand will fund 27% of the liability which is satisfactory. Benchmarks suggest that a cash fund of 20% to 30% of liability is adequate depending on the age profile of staff. The older age profile of Ballina's staff indicates that our reserve should be at the higher end of the benchmark.

Sustainability Considerations

- **Environment**
Many of the projects have environmental, social or economic outcomes.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

There are no net financial implications from this report as the report details movements between years and surplus funds going into reserves.

10.8 Budgets Carried Forward and Reserve Movements

Consultation

Provided for public information.

Options

This report is designed to ensure Councillors are informed on the works and services carried forward and the transfers to reserves. The options are to approve or not approve the adjustments. As they relate largely to previously approved projects the recommendation is to approve the adjustments outlined in this report.

RECOMMENDATION

That Council approves the works and services carried forward and reserve movements as outlined in tables one and two of this report, for inclusion in Council's Long Term Financial Plan.

Attachment(s)

Nil

10.9 Water and Wastewater Capital Budget Review

10.9 Water and Wastewater Capital Budget Review

Delivery Program Financial Management

Objective To advise Council of proposed amendments to the Water and Wastewater Capital Works Program for 2014/15.

Background

At the conclusion of the 2013/14 financial year there were a number of Water and Wastewater projects that were either incomplete or not commenced for a variety of reasons. Funds relating to these projects are typically carried forward to be completed or commenced in the next financial year.

However the opportunity has also been taken by the new Manager – Water and Wastewater Services to review the entire programs to ensure that all actions and projects are deliverable in 2014/15.

Key Issues

- Revised capital works program
- Impact on the long term financial plan

Information

Water Services

The amendments to the capital works program include incomplete 2013/14 works being carried forward to 2014/15, 2014/15 budgets being increased or decreased and some budgets being shifted to 2015/16.

A summary of the total capital expenditures in each of the three years is shown below.

Table One - Water Capital Works - 2014/15 Delivery Program

Item	2013/14 March Estimate	2014/15 Adopted Budget	2015/16 Adopted Budget
Total Works	2,956,000	4,378,500	698,800

Table Two - Water Capital Works - Proposed August 2014

Item	2013/14 Actual Capital Expenditure	2014/15 Revised Budget	2015/16 Revised Budget
Total Works	1,894,000	4,848,200	2,120,800

Total capital works over the three years in table one amount to \$8,033,300 which compares with \$8,863,000 in table two. Water Fund has sufficient cash reserves to accommodate the approximate \$800,000 increase with a forecast of approximately \$9.8 million being available at the end of 2015/16.

The original and revised budgets are included as an attachment to this report.

10.9 Water and Wastewater Capital Budget Review

As per the attachment for Water, the major change to the adopted budget for 2014/15 is the increase in the Smith Drive Main Renewal budget from \$640,000 to \$1.1m. This reflects the Council decision to complete the total renewal of this main at Council's cost. The Fluoride Dosing Works for Marom Creek have also been carried forward.

Wastewater

Similar to Water Services it is proposed to modify the capital works program. The amendments include incomplete 2013/14 works being carried forward to 2014/15, 2014/15 budgets being increased/decreased and budgets being shifted to 2015/16.

A summary of the total capital expenditures in each of the three years is shown below.

Table Three - Wastewater Capital Works - 2014/15 Delivery Program

Item	2013/14 March Estimate	2014/15 Adopted Budget	2015/16 Adopted Budget
Total Works	10,729,300	7,033,800	2,065,600

Table Four - Wastewater Capital Works - Proposed August 2014

Item	2013/14 Actual Capital Expenditure	2014/15 Revised Budget	2015/16 Revised Budget
Total Works	8,112,000	9,210,000	2,440,600

Total capital works over the three years in table three amounts to \$19,828,700 which compares with \$19,762,600 in table four. The forecast reserve at the end of 2015/16 is approximately \$9.5 million.

In respect to changes in the works planned, as per attachment one, primarily the changes relate to timing differences between years, including unexpended funds carried forward from 2013/14.

Later in this business paper there is also a proposal to install solar energy at the Ballina Wastewater Treatment Plant, which currently is not included in this program. Also the allowance for Kings Court is \$310,000, and this may need to be increased if playground equipment is included, as per a notice of motion at the end of this business paper.

Sustainability Considerations

- **Environment**
Many of the projects have environmental, social or economic outcomes.
- **Social**
As above
- **Economic**
As above

10.9 Water and Wastewater Capital Budget Review

Legal / Resource / Financial Implications

The report proposes amendments to capital works. In respect to Water Fund the outlay over a three year period increases however the Fund is capable of absorbing the increase. The proposed amendments to the Wastewater program reduce the total value of works over the three year period.

Consultation

Internal consultation has resulted in this report.

Options

This report looks to update the Water and Wastewater works programs based on the latest information. Council may choose to adopt the revised programs, make no amendments or make different amendments. The recommendation is to adopt the revised program as the staff responsible for delivery of the works are now confident that this program can be delivered.

RECOMMENDATION

That Council approves the revised Water and Wastewater programs for inclusion in the Long Term Financial Plan, as outlined in the attachment to this report.

Attachment(s)

1. Water and Wastewater - Capital Expenditure (Original and Revised Budgets)

10.10 Property Reserves - Review

10.10 Property Reserves - Review

Delivery Program Commercial Services

Objective To review the estimated property reserve movements for 2014/15.

Background

Council's Property Reserves are a major source of revenue for a wide range of projects, and with the Budgets Carried Forward and Reserve Movements for 2013/14 now confirmed, as per the earlier report in this agenda, it is an opportune time to review the forecast movements and balances for these reserves for 2014/15.

The report that follows reviews the updated budgets and identifies areas for budget amendments based on works being undertaken or planned for this year.

Key Issues

- Available funding
- Project updates

Information

Council now has two major property reserves being the Community Infrastructure Reserve, which primarily finances the delivery of community infrastructure and the Property Development Reserve, which focuses on activities of a more commercial nature, albeit that the lines between these two reserves are sometimes blurred due to funding priorities.

The third major property reserve, which Council held for a number of years, being the Commercial Opportunities Reserve, has essentially been amalgamated into the Community Infrastructure Reserve, as the majority of the balance of the funds held in that reserve are earmarked for the Wollongbar Sports Fields.

The information that follows provides an update on these reserves.

Property Development Reserve

Table one provides budget details for each of the projects with funding sourced in part or full from this reserve, with the budget information spread across three columns:

- a) adopted budget for 2014/15 (column two)
- b) amended budget for 2014/15 based on the projects carried forward as per the earlier report in this agenda (column three)

10.10 Property Reserves - Review

- c) updated budgets for these projects (column four) based on the latest available information.

**Table One – Budget Movements - 2014/15
Property Development Reserve (\$)**

Item	Adopted Budget	Amended Budget	Updated Budget
Opening Balance	2,898,400	3,777,600	3,777,600
Add: Cash Inflows			
Interest Earned on Reserve	68,000	68,000	68,000
Wollongbar Land Sales	1,600,000	1,600,000	2,000,000
Alstonville Plaza Land Sale	180,000	180,000	180,000
Norfolk Homes Rental	145,000	145,000	145,000
ARC Rental (50%)	169,000	169,000	169,000
Tintenbar Quarry Land Sale	0	0	70,000
North Creek Road Residual Land Sale	0	0	150,000
Southern Cross Land Sale	0	0	250,000
Sub Total	2,162,000	2,162,000	3,032,000
Less: Cash Outflows			
Wollongbar Operating Expenses	84,000	84,000	84,000
Wollongbar Development Expenses	700,000	1,343,000	1,443,000
Southern Cross Operating Expenses	100,000	100,000	100,000
Southern Cross Rezoning	150,000	150,000	150,000
Southern Cross Development Expenses	0	49,000	80,000
Russellton Operating Expenses	46,500	46,500	46,500
Russellton Development Expenses	0	14,000	30,000
Wigmore Arcade	1,450,000	1,470,000	1,820,000
ARC Rental Expenses (50%)	4,500	4,500	4,500
Wollongbar Sports Fields – Construction	400,000	400,000	400,000
Dividend - General Fund Operations	467,500	467,500	467,500
Sub Total	3,402,500	4,128,500	4,625,500
Closing Balance	1,657,900	1,811,000	2,184,100

In respect to the Amended Budget column, the opening balance now reflects the actual opening balance as per the final results for 2013/14.

In addition to this, unexpended budgets have then been carried forward for the following projects, as per the earlier report in this agenda:

- a) Wollongbar Residential Land - Increase of \$643,000 being unexpended funds from the \$900,000 development budget allocated in 2013/14. The total redevelopment budget is \$1.6m (\$900,000 originally allocated in 2013/14 and \$700,000 in 2014/15).
- b) Southern Cross Development Expenses – New budget of \$49,000 being funds unexpended for development related activities in this Estate.
- c) Russellton Estate – New budget of \$14,000 being funds unexpended from the budget provided in 2013/14 to obtain the relevant approvals for the next construction stage of this Estate.
- d) Wigmore Arcade – Increase of \$20,000 being unexpended funds from 2013/14 for the on-going Wigmore lease negotiations.

In now reviewing the updated 2014/15 program recommended variances to the budgets, as per column four, are as follows:

10.10 Property Reserves - Review

- a) Wollongbar Land Sales – Increase of \$400,000 - Council approved an increase in this budget of \$400,000 for additional land sales, largely offset by a \$350,000 increase in the Wigmore Refurbishment budget, at the July 2014 Extraordinary meeting.
- b) Tintenbar Quarry Land Sale – New budget of \$70,000 – This sale is expected to be finalised this financial year and this figure represents the estimated net sale proceeds.
- c) North Creek Road Residual Land Sale – New budget of \$150,000 – This sale is likely to proceed this financial year after the original purchaser (adjoining owner) stalled on the purchase. The final sale price may need to be reported back to Council if it varies from the original resolution.
- d) Southern Cross Land Sale – New budget of \$250,000 – Council recently approved the sale of one lot to a local business operator.
- e) Wollongbar Development Expenses – Increase of \$100,000 – With land sales in stage one well advanced, \$100,000 is now required to engage consultants to undertake all the necessary works to obtain the planning approvals for stage two of this Estate.
- f) Southern Cross Development Expenses – Increase of \$31,000 - An outstanding consent condition for the Cessna Crescent Lots is the provision of a final asphalt overlay on this road. An allowance of \$80,000 is recommended for this work based on estimates from the Civil Services Group, which represents a \$31,000 increase on the carried forward budget.
- g) Russellton Development Expenses – Increase of \$16,000 - Council has asked for a comprehensive report on the status and staging of this Estate, with Council's Long Term Financial Plan including \$1.8m in 2015/16 for construction of the industrial lots. Funds are still needed in this financial year for consultants to finalise the various approvals and construction certificates.

The more comprehensive report on the entire Estate will be provided to Council in a Commercial Services Committee within the next two to three months.

Based on these revisions the Property Development Reserve has a reasonable closing balance, albeit that significant funds are needed for the construction of the next stages of the Wollongbar and Russellton Estates.

Community Infrastructure Reserve (including Commercial Opportunities Reserve)

As per the earlier table for the Property Development Reserve, the following table provides details of the adopted budget, the amended budget based on the projects carried forward and the latest available project information.

10.10 Property Reserves - Review

**Table Two – Budget Movements - 2014/15
Community Infrastructure Reserve
(inclusive of Commercial Opportunities Reserve)**

Item	Adopted Budget	Amended Budget	Updated Budget
Opening Balance	1,874,000	2,946,600	2,946,600
Add: Cash Inflows			
Insurance Claim - Lennox Head C.C.	550,000	550,000	550,000
Rental - 89 Tamar St (100%)	661,000	661,000	621,000
Rental - ARC (50%)	164,500	164,500	164,500
Rental - Fawcett Park (100%)	38,500	38,500	50,000
Section 94 - Recouped	103,000	103,000	103,000
Sub Total	1,517,000	1,517,000	1,488,500
Less: Cash Outflows			
Ballina Cenotaph	25,000	25,000	25,000
Ballina Sports and Events Centre	283,000	350,000	350,000
Marine Rescue Centre	879,000	879,000	879,000
Loan Repayments Comm Infrastructure	562,000	562,000	562,000
Shelly Beach – Land Purchase	0	245,000	260,000
Sports Fields - Wollongbar	1,684,000	1,684,000	1,684,000
Surf Club - Ballina	400,000	400,000	400,000
Swimming Pools – Ballina and Alstonville	200,000	200,000	200,000
Tamar Street – Air-conditioning		42,000	42,000
Sub Total	4,033,000	3,897,000	4,665,500
Closing Balance	(642,000)	76,600	33,100

In respect to the Amended Budget column, the opening balance now reflects the actual opening balance as per the final results for 2013/14.

One of the major reasons for this improved opening balance is that the Section 94 monies recouped for 2013/14 was \$845,200 as compared to a budget of \$100,000.

This income is very dependent on development activity during the year and as developers pay contributions for land releases, where Council has undertaken projects that are in the Section 94 Plans and the maximum Section 94 contribution to the project has not been acquitted, then Council is able to reimburse itself for our own monies expended on the project.

Projects such as the Ballina Surf Club, Lennox Head Community Centre, Kentwell Centre and Northern Rivers Community Gallery, Wollongbar Sports Fields, Plateau Drive at Wollongbar are all examples of projects where Council has provided the infrastructure in advance of the Section 94 monies being collected. Therefore as the Section 94 monies are collected Council is reimbursed with the monies typically being transferred back to the Property Reserves, being the Reserves that have funded the majority of our up front infrastructure.

In addition to this change to the opening balance, unexpended budgets have then been carried forward for the following projects, as per the earlier report in this agenda:

- a) Ballina Sports Centre – Increase in budget of \$67,000. This project remains on hold while Council awaits the Crown Lands White Paper review.

10.10 Property Reserves - Review

- b) Shellys Land Purchase – Carry forward unexpended budget of \$245,000 - This acquisition is expected to be finalised by October 2014 with the notification period for the Acquisition Notice, which has been published in the Government Gazette, due to expire by the end of September. Following the expiry of that period, the publication of the Acquisition Notice in the New South Wales Government Gazette, by the Governor, then brings the land described in the notice into Council's ownership.
- c) 89 Tamar Street – Air Conditioning – Carry forward unexpended budget of \$42,000 – This project is largely complete and these funds will be expended in finalising the works.

In now reviewing the updated 2014/15 program recommended variances to the existing budgets are as follows:

- a) Rental 89 Tamar Street – Reduction in budget of \$40,000 – The actual income for 2013/14 was overstated and an adjustment is needed for 2014/15 to offset that overstatement.
- b) Rental Fawcett Park Café – Increase in budget of \$11,500 – The tenant commenced paying rental on 1 July 2014 which means Council should receive the full rental for the year.
- c) Shellys Land Purchase – Increase in budget of \$15,000 - The actual land acquisition price is anticipated to be \$250,000 and as there have been monies regularly spent on legals for this project it is now recommended that the \$245,000 carried forward be increased to \$260,000 to cover any remaining incidentals.

The pleasing point about the revised cash flow for this reserve is then it now has a positive balance whereas previously Council was budgeting for a negative reserve balance at the end of 2014/15. This is largely due to the significant increase in Section 94 monies recouped.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
A number of the infrastructure projects have social benefits to the community.
- **Economic**
The property reserves are a major source of revenue to Council and economic benefits such as the supply of residential and industrial land are also generated through some of Council's property development activities.

Legal / Resource / Financial Implications

This report provides an overview of Council's property reserves which are a major component of Council's financial structure.

10.10 Property Reserves - Review

Consultation

The contents of this report are based on internal consultation in respect to the various projects being funded from the Property Reserves.

Options

The primary purpose of this report is to ensure that Council has an up to date picture of the commitments for the Property Reserves. In looking at these reserves it is also important to understand the implications of the movements in the reserves for future years as many of Council's project priorities are dependent on these reserves.

The attachments to this report provide the revised ten year cash flow forecasts for these reserves based on the assumption that Council endorses the revised budgets as per the final columns in Tables One and Two.

Attachment one is the updated Property Development Reserve and the important point with this reserve is that the \$400,000 in additional land sales at Wollongbar for 2014/15 has resulted in a corresponding reduction in land sale income in 2018/19 (overall nil impact).

Attachment two is the updated Community Infrastructure Reserve and pleasingly with the large recoupment of Section 94 contributions in 2013/14, the reserve has a healthy balance for 2015/16 onwards. This provides Council with an opportunity to access additional funds from that reserve in 2015/16 for existing community infrastructure priorities, albeit that the cash flow for that reserve is based on a \$2.3m dividend from the Property Development Reserve. This dividend will only eventuate if the land sales proceed as per the predictions for the Property Development Reserve.

Finally attachment three is the consolidated movements for all three reserves. What this summary highlights is the large amount of activity, both from an income and expenditure perspective that originates from Council's property reserves.

This consolidated summary also helps to show what the consolidated closing balance is each year. It is essential that the consolidated balance remain positive to provide funding for future projects. The summary also includes the negative balance for the Airport Reserve, as that overdrawn balance is funded from the Property Development Reserve.

In summary the options for Council are to adopt the updated budgets as presented, amend the budgets or not adopt any changes.

As the updated figures represent the current status for the various projects identified the recommendation is to adopt the updated cash flows for these reserves.

RECOMMENDATION

That Council adopts the amended Cash Flows for the Property Reserves as per attachments one and two, with this information to be included in Council's Long Term Financial Plan.

Attachment(s)

1. Cash Flow - Property Development Reserve
2. Cash Flow - Community Infrastructure Reserve
3. Cash Flow - Total Property Reserves

11.1 Local Traffic Committee Report - August 2014

11. Civil Services Group Reports

11.1 Local Traffic Committee Report - August 2014

Delivery Program Asset Management

Objective Consideration of items referred to the Local Traffic Committee meeting held in August 2014

Background

The Local Traffic Committee (LTC) met on 9 April 2014. A copy of the agenda was distributed to all Councillors. This report provides the recommendations of the Committee to Council.

Key Issues

- Consideration of recommendations from the LTC

Information

The agenda contained 18 business items of which one item requires referral to Council for determination. A copy of the minutes of the meeting will be forwarded to Councillors once finalised.

It is also noted that the Committee reviewed Council's position in respect of the proposal to establish a timed parking zone in South Street, Alstonville and was able to approve the implementation of this zone. This matter was previously reported to Council at which time Council indicated its preference for the zone to proceed.

Items Referred to Council

The following items are referred to Council for determination. Further background details are available in the LTC agenda previously distributed to Councillors.

a) **Ballina Prawn Festival Road Closure Kingsford Smith Drive**

Approval was recommended at the 11 June 2014 Local Traffic Committee Meeting for parking and pedestrian controls for Kingsford Smith Drive and Bentinck Street, Ballina and for the short term closure of the Missingham Bridge (for night fireworks), Saturday 15 November 2014, to facilitate the 2014 Ballina Prawn Festival. Consideration of a request to close Kingsford Smith Drive was deferred to the next LTC meeting.

Further to this approval and in relation to the proposed closure of Kingsford Smith Drive, the Chamber of Commerce have advised:

"In addition the Chamber seeking the committee's advice with regard to the possible closure of Kingsford Smith Drive from the Sailing Club

11.1 Local Traffic Committee Report - August 2014

car park to the Bentinck Street roundabout with a detour set up from Norton Street re-directing traffic toward Bentinck Street.

Ideally the closure would be from 6.00 am to 10.00 pm on Saturday 15 November for the following reasons:

- *A Grand opening parade is planned featuring members of the public and floats*
- *The 2014 festival will see the introduction of the Ballina Mobility Scooter Races (in the tradition of Bangalow Billy Cart Derby) along Kingsford Smith Drive (pending approval)*
- *Members of the public could cross directly from the Football Fields Car Park across Kingsford Smith to the festival site eliminating the need for a pedestrian crossing across Bentinck (Bunting would still be installed all along Bentinck as per the attached TCP as it was very successful in 2013 in terms of eliminating all verge parking. Volunteers would direct foot traffic)*
- *In 2013 we received approval from Council to run the Macadamia Castle train along the footpath running parallel to Kingsford Smith Drive. Road closure would allow us to move the train on to the road way alleviating dual use of the footpath*
- *Cars parking on the grass verge all along Kingsford Smith Drive is a traffic hazard and imposing No Parking signs at a recent event resulted in fines being issued and negative public backlash "*

It is considered that the closure of Kingsford Smith Drive and associated detour from 6 am until 10 pm on Saturday 15 November 2014 can be satisfactorily implemented subject to submission of a suitable traffic control plan (attachment one). A copy of the proposed detour plan is also attached (attachment two).

The Council is requested to consider whether or not it is acceptable to close Kingsford Smith Drive for this purpose and length of time. If the Council is concerned that this closure is too inconvenient a number of options would be available such as operating the closure only during the opening parade and the proposed scooter race, with the train operating on the shared path as per last year. As the full closure represents the preference of the organiser, and can be approved, that is the recommendation to this report. Should Council approve of the closure as per the request, its implementation will be monitored to enable a review for future decisions regarding this event.

b) Road Safety Review – Ross Lane

A Road Safety Review has been conducted and written by RMS in relation to Ross Lane. Council staff members were consulted and participated in the process.

The review follows a fatal accident on Ross Lane, 23 January 2014 and the heightened network function of Ross lane which is now the sole eastern/coastal connector to a major Pacific Highway interchange.

The review included comprehensive on site investigations and collection of data. The issues addressed in the review include adjacent land use, road function, alignment and overtaking, road junctions and

11.1 Local Traffic Committee Report - August 2014

accesses, sight distance, guidance and delineation, guardrail, speed zoning, road shoulders, bus facilities, pedestrians, cyclists, traffic volumes, accident data, and future road network planning.

The Review has identified a number of safety issues and has made recommendations for short, medium and long term actions to address these safety issues. The recommendations of the review are listed in the table attached. The Committee has endorsed the Ross Lane Road Safety Review and its recommendations.

While the LTC has endorsed the review, it is considered appropriate for Council to also provide a response as it is the authority responsible for this road. This response will be prepared by staff. Generally speaking it is our intention to confirm support for recommendations with some clarifications or amendments to certain items. The short term actions are supported and in respect of the medium and long term actions we propose to provide advice to the RMS in respect of the concept design planning that has already been undertaken for Ross Lane. We will also continue our requests for State Government funding to assist with the development and improvement of this road.

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 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 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 wherever it is consistent with the guidelines.

Options

The Council can either accept or reject the recommendations. Council's acceptance or rejection of the recommendations is reported to the next meeting of the LTC.

In rejecting a recommendation it is the preferred practice to advise the LTC of the Council's reason for the rejection and invite the Committee to reconsider the matter having regard to the comments of Council, Following that process, if that matter remains unresolved, Council can elect to refer the matter to the Regional Traffic Committee.

RECOMMENDATIONS

1. That in relation to the Ballina Prawn Festival, Council approves the closure of Kingsford Smith Drive from 6 am until 10 pm on Saturday 15 November 2014 as per the attached traffic control plan.
2. That in relation to the Ross Lane Road Safety Review, Council notes the content of the review, including the advice that Council will provide a response to the NSW Roads and Maritime Services and that Council will continue to seek Government funding assistance to implement the Ross Lane Road Safety Review's recommendations.

Attachment(s)

1. Item A - Plan Detour Options
2. Item A - Traffic Control Plan
3. Item B - Table of Recommended Actions for Ross Lane

11.2 Porter Park Embellishment Project

11.2 Porter Park Embellishment Project

Delivery Program Open Spaces and Reserves

Objective To seek Council endorsement to proceed with the Porter Park Embellishment Project.

Background

Council has funding available of approximately \$95,000 to assist in the embellishment of Porter Park. The purpose of these funds is to improve the amenity and functionality of the park.

To identify the potential options that may be considered for this project a community consultation program was undertaken. Details of this consultation and the findings were reported to Council in December 2013, where two concept designs prepared by a local landscape architect were also presented. Council resolved that further consultation be undertaken to gain feedback on the two concept plans. A copy of the concept plans has been included as attachment one.

The purpose of this report is to consider the feedback from the community consultation, make appropriate amendments and to provide approval to proceed with the implementation of the plan.

Key Issues

- Design options
- Community Feedback

Information

Community Consultation

The consultation of the two concept plans was undertaken as previously proposed to Council in December 2013, with a letterbox drop undertaken with feedback received by post and e-mail. Advertising through Council's website and on-site was also undertaken over a three week period.

A total of 24 submissions were received from the community. Copies of the submissions have been included as attachment two. Of the submissions received:

- 8 were in support of option 2
- 7 were in support of option 1
- 9 gave no preference of either option, but made comment on the designs

A key feature that resulted from the comments was a preference to retain the existing toilet block (nine submissions) and an indication that fruit trees were not considered suitable in this location (three submissions).

11.2 Porter Park Embellishment Project

Next Steps

The key difference between the proposed options is the inclusion in option two of an illustration of how a children's playground and half court multi-purpose surface could be included as additional features to option one.

It is noted that the community slightly favored the provision of the playground and multi-court facility; however there was still broad support for no playground, and further support for no preference between the options.

It has previously been reported to Council that the budget available for this project is not able to support all of the features in option two.

It is recommended that works be undertaken to complete the elements that are common to both options, including tree planting, cricket pitch relocation, picnic shelters and shared path.

This would leave the children's play area in a second stage to be completed when funds are able to be made available.

Further confirmation of the suitability for a playground can be obtained through community consultation as part of the Ballina Playground Improvement Program.

In respect of the toilet block, this facility has been closed to the general public for a period of six years. The facility was opened during the times cricket was played at the Park, however this has now not occurred for two years.

It is understood the reason for the closure was low utilisation and vandalism.

In response to the consultation feedback, it is recommended that the toilet block be retained and the next review of the Council's toilet block upgrade program give further consideration to the priority ranking of improvement works for this facility within that program.

Council could elect to reopen the facility now, however unless there is changes in the demand level for the service, it is suggested it is preferable to leave the facility closed until its condition can be improved.

Fruit trees can tend to be a maintenance liability and source of complaint.

Therefore the recommendation to this report is to amend the plan by replacing the proposal for fruit trees with an alternate appropriate species consistent with the landscape plan.

Sustainability Considerations

- **Environment**
The proposed concept layout plan represents opportunities to improve the environment of this locality.
- **Social**
The embellishment of Porter Park presents an opportunity to enhance the social environment in this locality.

11.2 Porter Park Embellishment Project

- **Economic**

Provision of contemporary open space and recreational areas can support the marketing and interest in the Shire as a place to live or visit.

Legal / Resource / Financial Implications

Funds are available that would support the implementation of works common to both designs. There are insufficient funds at this point in time to support the children's playground within option two.

Consultation

The consultation for this project has been comprehensive. The first stage involved a process to include the community in workshops to examine the opportunities for this project. This feedback informed the preparation of the design which Council endorsed for consultation. This has been undertaken with the community through a letterbox drop and on-site, newspaper and website advertising.

Options

1. Council can adopt the plan as exhibited.
2. Council can amend the plan as suggested in the above report. The recommendations below follow this option.
3. Council can make other amendments to the plan and adopt.
4. Council can adopt option two and review the proposed staging if the playground is identified as the priority. The reason this is not recommended is that it is preferred to focus on the common elements of the options that will improve the amenity of the site for a wide range of uses which in turn will provide further support and interest in the addition of the playground facility. Furthermore, Council is currently in a process to review its Playground Improvement Program and it is desirable to defer further consideration on this playground to that process to ensure the outcome will be consistent with Council's strategic planning objectives for these facilities.
5. Council can decide not to endorse the plan and thereby not proceed with any works.

RECOMMENDATIONS

1. Council adopts the Porter Park Concept Plan Option Two, as attached to this report, subject to the following amendments.
 - The reference to remove the toilet facility is deleted.
 - The proposed fruit trees are changed to an alternative tree species to be selected that is consistent with the landscape plan.
2. Council consider the options and priority to upgrade the toilet facility at the time it next undertakes a review of the Council's Toilet Facility Upgrade Program.
3. Council proceed to implement Option Two, except for the playground, to the extent possible having regard to the available funds.
4. Council give further consideration to the playground component of Option Two as part of the process to review the Playground Improvement Program.

Attachment(s)

1. Concept Plans Porter Park
2. Community Submissions (Under separate cover)

11.3 Policy (New) - Road Maintenance and Renewal

11.3 Policy (New) - Road Maintenance and Renewal

Delivery Program Engineering Works

Objective To seek Council endorsement of new policy for Road Maintenance and Renewal.

Background

Council is responsible for an extensive road network and the management regime includes Council's Asset Management Processes and an array of internal documentation that supports our approach to road management.

As the majority of this information is retained within the organisation the objective of this report is to develop a draft policy that outlines to the community the processes followed by Council.

This policy has also been developed in response to on-going requests from residents for Council to extend its existing maintenance regime, with those requests regularly denied by staff due to resource limitations.

The draft policy, as attached, also starts to establish maintenance standards and service levels to assist the community to have confidence that decisions are being made on a consistent and equitable basis, and that these decisions reflect the policy objectives of the elected Council.

Key Issues

- Policy that articulates Council's position in regards to maintaining and upgrading road assets
- Determining which roads are maintained by Council
- Resource and funding levels
- Equitable and consistent levels of service to residents

Information

The road network currently services an array of locations and can vary in formation from a single lane carriageway to major distributor roads servicing population centres.

Due to the diverse nature of these assets a raft of management techniques and practices is utilised to ensure compliance with standards and reduce Council's exposure to risk and associated liability claims.

The opportunity has been taken in the policy to explain some of the industry based techniques employed to achieve best practice in asset management. The Council is referred to the draft policy for further background information around these issues.

One section of the policy is specifically highlighted for Council's consideration.

11.3 Policy (New) - Road Maintenance and Renewal

Council, in an attempt to ensure it does not increase its maintenance liabilities, does not maintain all of the public roads under its management. There is no strict obligation on a road authority to maintain a road, although the Council does have an obligation to consider safety and other risks associated with its assets.

Council's Roads and Transport Asset Management Plan (RTAMP) as prepared and held by the Civil Services Group contains a register of the roads maintained by Council. This register determines our response to requests for service on public roads. From time to time, inquiries are received for a road to be included on this register. The process associated with this is explained in the following extract from the policy.

The RTAMP includes a Road Register which records details of all public roads maintained by Council.

Under this Road Maintenance and Renewal Policy Council will only maintain road lengths included in the Road Register.

Not all public roads under the care and control of Council are included in the Road Register, as roads to be maintained by Council.

The Road Register has been developed over a long period of time and the register reflects that it is not economically feasible, or reasonable, to provide maintenance services to all of the public roads under the control of Council.

Typically roads not maintained by Council are road lengths that serve none, one or two dwellings only.

It is acknowledged that the historical development of this register may, arguably, have resulted in inconsistent outcomes, which could be perceived as being unfair to some residents.

To address this would require Council to establish agreed criteria for inclusion in the register and undertake a comprehensive review of each road segment. This would be a substantial project.

It would also be difficult for Council to reduce existing service levels for a road currently maintained that did not meet any newly defined criteria.

It is also possible that such a review, dependant on the approach, could lead to increased maintenance costs to Council by expanding the length of network maintained.

On this basis, the Council Policy is to maintain the current Road Register as the limit of its maintenance service. This decision is based on the opinion that the current level of service is reasonable, recognising the resource constraints that all councils face in managing roads.

Requests can be made, in writing, to Council to consider further inclusions in the Road Register. These requests will be determined by the General Manager or nominated delegate, on a merit basis. However, the primary purpose of this Policy is to limit Council's maintenance liabilities to existing levels, due to the high demand for Council services and the limited financial resources.

11.3 Policy (New) - Road Maintenance and Renewal

Therefore, applications for inclusion on the Road Register will be subject to relatively high standards and will only be successful where there is or has been:

- *A major change in the traffic demands for the road*
- *A gross inequity when compared to other road segments within the register*
- *Exceptional circumstances that warrant inclusion*

Where an application for inclusion on the register is unsuccessful, this decision will only be reviewed through a Councillor Notice of Motion presented to the Council in accordance with the Code of Meeting Practice.

In summary this means additions will very rarely occur and any review of a decision to decline an application for inclusion will need to be made by the elected Council.

Sustainability Considerations

- **Environment**
A well managed road network will minimise potential impacts on the environment
- **Social**
The provision of a contemporary road resource will enhance the amenities of the area, improve safety and create connectivity between communities.
- **Economic**
A safe and reliable system of roads makes a positive contribution to sound economic growth throughout the shire and the wider region.

Legal / Resource / Financial Implications

The Policy complements the existing Asset Management Policy and focuses on aspects of the Best Practice Manual for Roads developed by Statewide, who are Council's insurers. Features of the manual included a systematic approach to risk management.

In terms of financial constraints, Council's ability to allocate funding streams in the annual budget will influence the governance and implementation of the Road Maintenance and Renewal policy.

Consultation

The road network is a significant component of Council's Asset Management Policy and Asset Management Strategy previously placed on public exhibition and adopted by Council

Council's insurers were consulted during the preparation of the draft Policy.

11.3 Policy (New) - Road Maintenance and Renewal

This report contains a recommendation that the draft policy be placed on public exhibition with submissions received during the consultation period presented to Council for consideration.

Options

Council may endorse or amend the draft policy and place it on public exhibition. Council may also decline to establish a policy for this purpose or alternatively may like to have a briefing on the road network.

Public exhibition of the draft policy is the preferred option and if no submissions are received, the policy can be adopted with no further actions required.

RECOMMENDATIONS

1. That Council adopts the Roads Maintenance and Renewal 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. Draft Policy - Road Maintenance and Renewal

11.4 Better Waste and Recycling Fund

11.4 Better Waste and Recycling Fund

Delivery Program Waste Management

Objective To provide information on the Better Waste and Recycling Fund and the State Government waste levy.

Background

In April 2014 Council received notification that its submission for grant funding under the Better Waste and Recycling Fund (BWRF) had been accepted.

The New South Wales Government has allocated \$70 million over four years for the funding for local government that will support programs and projects that will deliver improved recycling, community engagement, reduce waste generation, tackle litter and illegal dumping and contribute to achieving the targets in the NSW Waste Avoidance and Resource Recovery Strategy (WARR). This funding is being sourced from the waste levy collected by the State Government from local councils.

The purpose of this report is to ensure Council is aware of the commitments that it is required to make if it accepts this grant, along with providing an update on the waste levy.

Key Issues

- Future waste disposal arrangements
- Grant funding conditions
- Impacts of waste levy

Information

The first year funding (2013/14) of \$145,654 for the BWRF was received in May by Council and calculated in a two component method:

1. A population based payment
2. A set base contribution payment to eligible councils

Year two funding is anticipated for payment in August 2014 and has been calculated to be similar to the year one funding. Over the four year funding period it is estimated that a total allocation of \$600,000 will be available to Council.

The use of the funding is restricted and will only support projects that are approved by the EPA. The fund will not support programs that do not contribute to achieving the targets in the NSW Waste Avoidance and Resource Recovery Strategy. The \$600,000 grant funding may require an increase in Council's resources to waste operations due to the additional recycling infrastructure development initiatives needed to reduce waste to landfill.

11.4 Better Waste and Recycling Fund

Under the funding requirements Council is committed to meeting various guidelines, which at the time of the application Council met, with the exception of the following dot point.

- From July 2014, only disposing of the residual waste generated in the regulated area at lawful disposal facilities within NSW.

In March 2014, Council submitted a request for exemption to this requirement of disposing of residual waste within NSW. The submission highlighted Council's unique circumstances and noted that Council had maintained its waste minimisation programs and pricing when it changed the location of where its residual waste was landfilled. The submission also emphasised the following points in regards to Council's program.

1. Our partnership with the North East Waste in the investigation of establishing a regional facility at Bora Ridge in the Richmond Valley Shire.
2. Our work to develop a concept design for our waste operations facility with a focus on resource recovery.
3. The introduction of an alternate waste treatment plant at the Ballina Waste Facility (Bio-Char), which is planned to be operational in late 2015.
4. We have conducted a quantitative and qualitative assessment to determine the long term financial benefits in the development of the approved landfill cells at the facility.

Council was successful in its application however this is subject to a condition that requires Council to transition away from interstate disposal of its residual waste. The transitioning period, or definition of the transitioning period, was not defined by the EPA.

Council currently continues to transport and dispose of a significant amount of waste outside of NSW. The next table identifies Council's current strategy for disposal operations.

Materials	Facility	State
Residual waste (putrescible)	Ti-Tree Bio reactor	South East Queensland
Organics (direct haul)	Lismore Waste Facility	NSW
Construction & Demolition	Veolia - Wattle Glen	South East Queensland
Recycling	Visy - Carrara	South East Queensland

As per this table Council's current waste disposal operations see all waste transported off site with no waste being landfilled at Ballina.

Following an analysis of scenarios provided in the 2010 Aurecon Integrated Waste Strategy report for Council, the preferred disposal solution for Council was, and still is, to pursue a combination of actions: i.e.

1. Divert putrescible waste to other landfill while financial benefit exists. (levy return)
2. Do not allow for landfill approvals to lapse
3. Move to secure/promote a regional solution in the longer term

11.4 Better Waste and Recycling Fund

The option to transport waste to SEQ in the short term is based around an economic incentive to extinguish the State levy component for waste (currently \$63.40 per tonne) once it has been left the landfill. This levy arrangement is a legislative requirement under section 88 of the Protection of the Environment Act 1997.

The calculation of the levy payable by licensed waste facilities is set out in the Waste Regulations 2005, which is to be repealed in September 2014.

Under the new legislation, which will commence on 1 July 2015, Council will be liable for all waste received at the facility and the levy component is only extinguished once the waste has been removed from site for lawful recycling or reprocessing purposes.

This means that from 1 July 2015 all waste being disposed of to landfill, regardless of which State the landfill is in, will be liable to pay the levy to the NSW Government. This will significantly reduce the financial advantages provided by the current arrangement to Council.

Even with the addition of the levy and the costs of transport, maintaining our existing vacant landfill for a longer period may be preferred until there is certainty about a regional solution. The vacant landfill is estimated to provide four years capacity based on current disposal volumes of putrescible waste and the Council has approval to construct a further three cells. This construction could be considered if no regional solution emerges and the cost of transport to Queensland proves more expensive.

This new legislative amendment will have significant impact on the costs to dispose of mixed waste (or any waste going to landfill) at the Waste Facility with the imposition of the levy of an estimated \$75.70 per tonne. This will increase the annual cost to dispose of mixed waste from the 1 July 2015 by \$1 million or 31% on gate fees not including CPI adjustments. This will need to be considered in setting the 2015/16 fees and charges.

Due to the repeal of the Clean Energy Act 2011, Ti Tree Bioenergy (our current putrescible waste receiver) has removed from the disposal price the direct costs attributed to the carbon pricing mechanism (CPM). The current price for the transport and disposal of putrescible to Ti Tree is \$77.85 per tonne.

The 2014/15 budget includes a \$40,000 allocation for an assessment of the costs and feasibility to development of a new cell (cell three). This information is important as it will assist Council to consider the long term future of the current site.

Also the existing loan repayments decrease by approximately \$1m per annum at the end of 2016/17. The planning for any changes to our waste management options may be able to defer further significant works or liabilities until after the loan payments are decreased.

Once further information is available, Council's long term financial plan can be reforecast to enable Council to consider this matter prior to the setting of charges for the next financial year.

Sustainability Considerations

- **Environment**
Transporting to a higher order Bio Energy facility has environmental advantages, however the purpose of the Government's policy and Council's strategy is to minimise the impact on the environment from our waste operations.
- **Social**
The provision of cost effective waste services is important for cost living for residents and is important to support public health.
- **Economic**
The provision of an efficient, competitive waste service assists economic development.

Legal / Resource / Financial Implications

The purpose of this report is to provide preliminary information in respect of issues relating to our waste management operations that will require in depth analysis in respect of their impacts on the Council's long term financial plan.

Consultation

No external consultation has been undertaken in the preparation of this report. Council staff have attended information sessions with the EPA in respect of the regulatory changes.

Options

The primary purpose of this report is to provide preliminary advice that this is an issue that the Council needs to turn its mind too over the next few months.

The Council's attention however is specifically drawn to the requirement that it is conditional for Council to commit to concluding its interstate disposal of its residual waste if it is to accept the Better Waste and Recycling Funds from the EPA. A transition period, which has not yet been defined, is available within this condition.

As set out in the report, it is not yet certain what the preferred long term strategy is, however Council is progressing a number of actions that will assist in informing this decision.

As a transition in regards to local landfilling is not yet confirmed, the Council may wish to decline the funding offer. The Council is active in its future planning for the landfill and regardless of any future decisions in relation to landfilling, the grant money will be spent on important waste minimisation activities and the Council will continue to provide updated advice to EPA in respect of our activities.

On this basis it is considered reasonable to acknowledge the condition and accept the grant. If this position is supported by Council, it is important that it is regularly reviewed and appropriate communications made to the EPA.

RECOMMENDATIONS

1. That Council notes the contents of this report in respect to the Better Waste and Recycling Fund grant arrangements, including the condition that Council transition from its current interstate waste disposal arrangements.
2. That Council endorses the acceptance of this grant, subject to further reviews of our involvement in this program being undertaken in the future and updated advice being communicated to the EPA as appropriate.
3. That Council receive a further report regarding the future of its landfilling arrangements, including the presentation of a revised long term financial plan, recognising the impact of the State Government waste levy from 1 July 2015.

Attachment(s)

Nil

11.5 Land Acquisition - Road Widening of Rifle Range Road, Wollongbar

11.5 Land Acquisition - Road Widening of Rifle Range Road, Wollongbar

Delivery Program Asset Management

Objective To approve the land acquisitions for proposed road works on Rifle Range Road, Wollongbar.

Background

This report is presented to Council requesting approval to acquire land to facilitate a road upgrade project on Rifle Range Road at Wollongbar. A plan showing the sites identified to be acquired are shown on attachment one.

Key Issues

- Seek approval to acquire land for road widening to facilitate a road upgrade.
- The provisions of the Land Acquisition (Just Terms Compensation) Act 1991 would apply to any acquisition.

Information

The proposed upgrade of road segments 245 and 250 on Rifle Range Road is located east from the Avalon Estate to the recently completed road realignment west of Avocado Lane. The preliminary design has determined that two sections of private land need to be acquired to enable the new road construction to be fully contained within a Council road reserve.

The proposed land acquisition at 155 Rifle Range Road is shown in attachment two. The land area is approximately 200m² and the existing fence line would form the proposed road boundary.

The proposed land acquisition at 184 Rifle Range Road is shown in attachment three. The land area is approximately 216m² and the existing fence would be removed and a new fence erected on the proposed road boundary.

Preliminary discussions with the affected land owners have indicated their willingness for the land acquisitions to occur. The provisions of the Land Acquisition (Just Terms Compensation) Act 1991 (the "Act") require the land to be valued and an agreement reached with the land owners.

The land valuations have not been undertaken and therefore no agreed land acquisition costs are available at this stage.

To progress these land acquisitions, Council approval is required to enable staff to proceed with the process, including the valuation and land owner negotiation elements.

Sustainability Considerations

- **Environment**
The road upgrade represents an opportunity to improve the impacts on the local environment from the road infrastructure.
- **Social**
Road improvements improve the safety and amenity of a location for the public.
- **Economic**
Road improvements assist to market the Shire as a desirable place to live and visit.

Legal / Resource / Financial Implications

Should the Council support this request, staff will proceed with the land acquisition. There will be costs associated with land valuations, land purchase, surveying the new property boundaries, legal expenses and, where necessary, fencing of new boundaries. These costs are to be determined and will form part of the capital works budget for the project.

Consultation

Staff will continue to liaise with the land owners throughout the acquisition process.

Options

1. That the Council supports the request to proceed with land acquisitions to facilitate proposed road works on Rifle Range Road at Wollongbar.
2. That the Council opposes the request to proceed with land acquisitions to facilitate proposed road works on Rifle Range Road at Wollongbar and the design be amended to avoid any land acquisitions. This option is not preferred as the proposed road alignment is to improve safety and road amenity.

RECOMMENDATIONS

1. That Council approves, for the purposes of proposed roadworks, to proceed with the process for land acquisitions affecting 155 and 184 Rifle Range Road, Wollongbar.
2. That Council authorises the Council seal to be attached to any documents associated with this acquisition.

Attachment(s)

1. Plan - Location of Proposed Road Works
2. Plan - Proposed Acquisition 155 Rifle Range Road, Wollongbar
3. Plan - Proposed Acquisition 184 Rifle Range Road, Wollongbar

11.6 Road Closing Proposal - Rifle Range Road Wollongbar

11.6 Road Closing Proposal - Rifle Range Road Wollongbar

Delivery Program Asset Management

Objective To determine Council's response to a proposal to close a public road at Wollongbar

Background

This report is presented to Council to consider the closing of part of a public road and the sale of that land to the adjoining land owner. The reason for this request is the result of a road re-alignment by Council on Rifle Range Road at Wollongbar.

A plan showing the site requested to be closed is included as attachment one.

Key Issues

- Closure of part of a road
- Sale of that part of road

Information

Council has received a request to close a section of now unused road (the "road") due to the re-alignment of Rifle Range Road. This section of road is located just west of Avocado Lane at Wollongbar.

The old alignment of Rifle Range Road at this location consisted of a series of curves around a small ridge. This site had an accident history and subsequent Black Spot funding assisted Council in acquiring some adjoining farmland, as shown in DP 1174377, included as attachment two, enabling the straightening of the alignment of Rifle Range Road. The old section of Rifle Range Road and part of the land acquired for road that was not used during the constructed realignment, is subject of this request for road closing.

At this stage the land has not been surveyed, however an estimated area of the road is approximately 4,400m square metres. This area includes the old section of road of approximately 3,000 square metres and the unused section acquired for the realignment of approximately 1,400 square metres.

This section of now unused public road fronts two vacant properties, being lots 2 and 3 in DP 858419, on its northwestern side which are owned by the one landowner. This landowner's representative has now approached Council requesting support for a road closing application to proceed.

The road area contains existing overhead electricity poles and lines, and does not provide access to or provide road frontage to any other properties other than the existing Lots 2 and 3 which, as noted above, are owned by the one adjoining landowner. As the adjoining lots are vacant, the road is not regularly used and the landowner advises the road is providing a site for illegal rubbish dumping and some generally unsociable behavior.

11.6 Road Closing Proposal - Rifle Range Road Wollongbar

If the road was closed, the access to Lots 2 and 3, and access to the electricity infrastructure would need to be addressed through the provision of easements or similar arrangements. The closed road would not have any dwelling entitlement and a requirement of any road closing is that the closed road be consolidated with the adjoining land via a 'boundary adjustment' subdivision.

Council staff have assessed the potential uses of this site if retained as public road. The site has thick vegetation adjacent to the old road carriageway and contains areas of steep land which limits potential use, for example, as a stock pile site for Council road work projects. The soil characteristics are considered to be of relatively poor quality material and the small site would therefore only provide a small quantity of fill material for possible future uses should the site be retained. It is therefore considered there are limited uses for this site if retained by Council.

Council is the roads authority and the owner of this public road. Any request to close and purchase a section of Council public road must first be endorsed by Council before initiating the formal road closing process. A road closing application requires the proponent to provide all the necessary information and to meet all costs through this process. Should the road closing proceed, a Registered Valuer will be engaged to prepare a valuation report to be used as the basis of negotiations for the final sale price.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
This road is public land and the closure and sale would see this land become consolidated into the adjoining private land.
- **Economic**
The recommendation seeks to support efficient land management principles.

Legal / Resource / Financial Implications

Should the Council support this request, a section of unused public road is to be closed and sold to the adjoining land owner.

The land is Council public road and proceeds from the sale go to Council.

Should the Council retain the land there will be financial implications and liability for Council to maintain this area through a weed management program and to clean up any illegal dumping.

Consultation

Council has received the request from the adjacent land owner's representative.

11.6 Road Closing Proposal - Rifle Range Road Wollongbar

Options

1. That the Council supports the request for a road closing application to proceed at Wollongbar.

The advantage of this option is that it ensures Council does not have any future liability attached to this unnecessary section of road. It also allows for the adjoining landowner to proceed with the road closing and, if approved, consolidate the land into the adjoining property. This may well be the most efficient and best use of the land and therefore be a preferred outcome for the adjoining landowner and the community.

2. That the Council opposes the request for a road closing application to proceed at Wollongbar.

The benefits associated with retaining a small site is that it may provide some fill material in the future however on balance the disposal of the land is preferred.

Should Council support the recommendation below, further resolutions will be required later in respect of the road closing process and the selling of the land. This will provide Council opportunities to review its position if required.

RECOMMENDATION

1. That Council approves the proposal to close and sell a section of unused Council public road adjacent to Lots 2 and 3 DP 858419 at Wollongbar, as per the contents of this report.
2. That Council authorises the Council seal to be attached to the road closing application and associated documents.

Attachment(s)

1. Site Plan
2. Plan - DP 1174377

11.7 Tender - Solar Power System - Ballina Wastewater Treatment Plant

11.7 Tender - Solar Power System - Ballina Wastewater Treatment Plant

Delivery Program Water and Wastewater

Objective To obtain Council approval to award a contract for the Design, Supply, Construct, Install and Commissioning of a 300kW Solar Power Generation System at the Ballina Wastewater Treatment Plant.

Background

During recent years the Ballina Waste Water Treatment Plant (BWWTP) has undergone a major redevelopment to cope with present and future waste water demands. Facilities of this type are highly dependent on electricity as a source of energy for pumps, motors, control systems, ultra violet light and other filtration systems and much more.

The average monthly electricity cost for the past 12 months at the BWWTP was \$43,247 with a monthly average energy consumption of 194,113 Kilowatt hours (kWh).

The high energy consumption during the peak period of the day provides Council with the opportunity to supplement the current grid supplied electricity with another source of electricity.

The primary sustainable resource currently suitable for this site is solar power. The site has two large un-used areas of land that provide the space to install an on-ground Solar PV System.

The proposed sites for the system are shown on the attached plan. Council staff have utilised energy consumption and site data to estimate sizing requirements, limitations and practicalities of the projected solar system to support the benefits of the proposal prior to going to tender.

A request for tender was advertised on 29 April 2014 for the design, supply, construction, installation and commissioning of a ground mounted 300kW solar power generation system at the Ballina wastewater treatment plant.

Due to the complexity of the proposed works a pre-tender meeting was held at the treatment works on 12 May 2014 with 32 companies attending.

At the close of the tender period on 17 June 2014, 14 tenders were received.

This report details the outcome of the tender evaluation process.

Key Issues

- Engage suitably qualified and experienced contractor;
- Award the tender in accordance with the Local Government (General) Regulations 2005.

11.7 Tender - Solar Power System - Ballina Wastewater Treatment Plant

Information

Tender submissions were received from:

- Autonomous Energy P/L
- Connor Pincus Group P/L
- EMC Solar Construction P/L
- Nu Energy
- RF Industries P/L
- Jarcon P/L
- SAE Group P/L
- Conergy
- Eco Powered Solutions P/L
- Energy Matters P/L
- Photon Energy Australia P/L
- GNB Industrial Power
- Ingenero P/L
- Westinghouse Solar P/L

All tenders were initially assessed for conformity with the tender specification. From this assessment all tenders were deemed to be conforming.

The tender documentation defined four areas, by which each tender would be assessed:

- Total Price - 40%
- Capability & Experience – 20%
- Concept Design and Proposed Equipment – 25%
- Quality, Safety & Environmental Plans – 15%

The tender documentation was structured to allow Council to separate the works into three separate stages each of 100kW should it be determined that the budget would prevent the entire project to be completed in the current financial year. The successful tenderer would be required to undertake the complete design of the 300kW system, however the installation provided for the entire works to be undertaken or separated into the three 100kW stages.

The tender evaluation panel assessed each of the tenders against the above criteria.

Given the complexity of the equipment offered and a variety of installation systems, the evaluation team were required to undertake an in-depth analysis to determine the rankings and most beneficial solution for Council. Some clarifications were required from several tenderers in order to ensure equity and completeness in the analysis. The following is the final rankings of the top five tender submissions.

Tenderer	Total Revised Price (GST Exclusive)	Ranking
Jarcon P/L	\$752,100	1
Nu Energy	\$694,977	2
Photon Energy Australia P/L	\$718,419	3
Westinghouse Solar P/L	\$812,599	4
Eco Powered Solutions P/L	\$707,965	5

Based on the assessment criteria, Jarcon P/L is ranked the highest in the evaluation. Jarcon P/L has completed similar sized and larger projects in Australia, including large scale solar installations for another NSW Council at its wastewater treatment plants. The proposal from Jarcon P/L is considered the best value solution.

11.7 Tender - Solar Power System - Ballina Wastewater Treatment Plant

If a Councillor requires further information regarding the assessment then this can be provided by contacting the Group Manager Civil Services.

It is recommended that the contract be awarded to construct the complete 300kW system and not to stage the works. Although staging the works would reduce the initial capital expenditure, the amount of solar power produced is substantially less and the impact on the current electricity bills will be minimal.

In addition, there are financial benefits in that the contractor will only have one site establishment and the disruptions at the wastewater treatment plant will be limited to one construction period.

Council has existing contractual arrangements at this site with Energy Australia for the supply of electricity. A major factor that will influence the payback period on a solar PV project is the current purchasing price of electricity.

Our relatively good electricity pricing provided to the Ballina Waste Water Treatment Plant does increase the payback period however this should be looked at in a positive light in balance with the environmental benefits and the substantial financial benefits once the payback period has been reached.

The payback period based on the tenders will be between 8 and 10 years. The expected life of the system is 25 years and this provides Council with approximately 15 years of post payback power generation, less any maintenance expenses.

The amount of energy consumed at the Ballina plant is approximately 6,381 kWh per day and a 300 kW Solar PV system will generate approximately 1,276 kWh per day. This equates to 20 percent of the daily energy consumed by the plant and this is during the peak charged daylight period.

As a general comment, virtually all energy generated by the solar panels during the day will be used by the Wastewater Treatment Plant during that day.

Also the 300 kW uses a large part of the site as per the attached site plan. Options for usage of the roofs were also considered, however due to issues relating to safety, structure and maintenance, the roofs were not included in the tender specification.

The Small-Scale Technology Certificate (STC)

Should Council proceed it is expected that Council will also be eligible for small-scale technology certificates (STCs).

STCs are created by eligible installations of solar water heaters, air source heat pump water heaters and small generation units (small-scale solar photovoltaic panels, wind and hydro electricity systems).

A STC is generally equivalent to:

- 1MWh of renewable electricity deemed to be generated by small generation units unless the Solar Credits REC multiplier applies; or

11.7 Tender - Solar Power System - Ballina Wastewater Treatment Plant

- 1MWh of electricity deemed to be displaced by the installation of solar water heaters.

Only the first stage of 100kW will be eligible for approximately 2,073 STC's which can be assigned to the installing company and will therefore constitute a discount of \$72,555 or \$35 per STC at current pricing.

Sustainability Considerations

- **Environment**
The installation of a 300kW solar power generation system will substantially reduce the amount of electricity required from the power grid and reduce the carbon footprint of the wastewater treatment plant.
- **Social**
Council will demonstrate it is a socially responsible organisation by reducing the consumption of electricity.
- **Economic**
The reduction in electricity from the power grid will reduce the ongoing operating costs for the wastewater treatment plant.

Legal / Resource / Financial Implications

This report is provided to assist Council meet its statutory requirements in regard to tendering and procurement.

Although there is an initial capital cost to install the solar system, it is projected that the payback period on this capital will be approximately 10 years.

At the time this project was first proposed, the funding source for the project was the funds allocated for contingency items in the West Ballina Wastewater Treatment Plant Upgrade Project as the progress in the project delivery for that project indicated that the majority of those contingency funds were not going to be required for that project.

While that has remained the case, the contingency funds are no longer available as those budgets have been reduced due to the expectation that they were not needed and a corresponding budget for this project was not created. This is a similar situation to the reporting last month in relation to the Kings Court Reserve Project.

Therefore, if it is to support this project, it will be necessary for Council to allocate funds from the Wastewater Reserves. While Council needs to be mindful of using reserve funds for projects not included in its program, the benefits of this project suggest it should proceed as soon as possible.

From time to time Council receives updates on its Long Term Financial Plan for this fund and quarterly updates in respect of its capital expenditure. This process will enable Council to monitor the reserve balance and make program or other adjustments if required.

11.7 Tender - Solar Power System - Ballina Wastewater Treatment Plant

Based on current pricing it is estimated that Council will save approximately \$80,000 in electricity charges per annum through the installation of this system.

Consultation

A public tender process was undertaken.

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 award the contract to the highest ranked tenderer Jarcon P/L.

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 14 tenders has indicated that a reliable market has been established.

Option two is recommended as the preferred option as the tender assessment indicates that a reliable market has been established and the assessment by the evaluation panel has determined the highest ranked tender.

RECOMMENDATIONS

1. That Council accepts the tender for the design, supply, construction, install and commissioning of a ground mounted 300kW solar power generation system at the Ballina wastewater treatment plant from Jarcon Pty Ltd.
2. That Council authorises the Council seal to be attached to the contract documents.
3. That Council approves an adjustment to the Wastewater Long Term Financial Plan for this contract, with this expenditure to be funded from Reserves.

Attachment(s)

1. Available Land Area's for On-Ground Solar PV BWWTTP

11.8 Tender - Provision of Surf Life Saving Services

11.8 Tender - Provision of Surf Life Saving Services

Delivery Program Open Spaces and Reserves

Objective To obtain Council approval to award a new contract for the provision of Surf Life Saving Services.

Background

Council has historically contracted out the provision of professional surf life saving services on its beaches, with Australian Lifeguard Service being the incumbent provider. The existing contract expired at the completion of the 2013/14 season. In developing the new tender, Council specified the existing core service levels that have previously been in place and included additional service levels for consideration.

In response to the above, a request for tender was advertised July 2014 for the provision of surf life saving services for a four year period.

At the close of the tender period one submission was received.

This report details the outcome of the tender evaluation process.

Key Issues

- Engage a suitably qualified and experienced surf life saving services to ensure public safety on Ballina beaches
- Award the tender in accordance with the Local Government (General) Regulations 2005.
- Consideration of appropriate levels of service based on available funding

Information

At the close of the tender period on 29 July 2014, tenders were received from the following provider:

- Australian Lifeguard Services

A tender evaluation panel was convened to assess the tender.

The tender document defined the following criteria and weighting, by which each tender would be assessed:

- Fees and Charges - 30%
- Experience and Past Performance – 25%
- Capability – 30%
- Social and Community 15%

The evaluation panel scoring and ranking based on the criteria and weighting is highlighted below

11.8 Tender - Provision of Surf Life Saving Services

Tender Assessment	Weighting (%)	Australian Lifeguard Service
Fees and Charges	30	27
Experience and Past Performance	25	24
Capability	30	28
Social and Community	15	12
Total	100	91
Ranking		1

The proposed fee from Australian Lifeguard Services for providing core life guard services is \$249,764.64 ex GST for Year 1. The core lifeguard service is based on Council's existing provision and service level indicated below.

Item	Beach Name	Minimum Lifeguards	Service Daps per Week	Exclusions	Period of Service (based on NSW School Holidays)
1	Seven Mile Beach	2	5 Days/ Week Mon – Fri only	Weekends and public holidays (volunteers)	Approx. 7 months Start Spring school holidays through Summer to end of Easter/Autumn school holidays
2	Sharpes Beach	2	7 Days/ Week	School term days	Spring, Summer, Easter and Autumn school holidays
3	Shelly Beach	1	7 Days/ Week	School term days	Spring, Summer, Easter and Autumn school holidays
4	Lighthouse Beach	2	5 Days/ Week Mon – Fri only	Weekends and public holidays (volunteers), School term days	Spring, Summer, Easter and Autumn school holidays

Council at its meeting held 28 November 2013 resolved to note the recommendations of the Coastal Public Safety Risk Assessment Study (2013), which states Ballina Shire Council should consider implementing the following risk treatment options;

- Explore the means to fund the lifeguard service at Lighthouse and Seven Mile Beach/Lennox Head to cover both the New South Wales and Queensland School Holiday periods (1.12 p. 67)
- When the volunteer lifesaving service returns to Lighthouse Beach, Ballina Shire Council should explore the means to fund the expansion of the lifeguard service to cover seven days a week during the spring, summer and autumn school holidays (1.13 p. 67)
- When the volunteer lifesaving service returns to Lighthouse Beach, Ballina Shire Council should explore the means to fund the expansion of the lifeguard service to fund a seven month lifeguard service at Lighthouse Beach, to reflect the same patrol periods and hours covered by the service at Seven Mile Beach/Lennox Head (1.14 p. 67)

Previous Australian Lifeguard Service Annual Reports (2013-14) have also made recommendations that due consideration is provided to:

11.8 Tender - Provision of Surf Life Saving Services

- All service locations are manned by two lifeguards at all times – to manage the risk to lifeguards and beachgoers if a mass rescues situation, major first aid or search and rescue is required
- Lighthouse Beach is extended to encompass the entire 7 month season – following the completion of Ballina Lighthouse and Lismore SLSC improvements increased numbers are recorded

The costs of providing additional service levels for Year One are summarised below, with detailed costing's over the four year period identified in Attachment One. These costs are in addition to the core services.

Additional Service Levels	Schedule	Additional Cost 2014/15 (\$)
Extra lifeguard Shelly Beach	B	23,000
Extend Lighthouse Beach to seven months	C	56,000
Provide lifeguard services for QLD school holidays outside of NSW holidays	D	8,000

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Lifeguard services are an important social service provided by Council.
- **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 surf life saving services increases public safety at Ballina beaches and is an important service of Council. The budget for the provision of lifeguard services for the 2014/15 financial year is \$242,000, which is lower the tendered amount to deliver core lifeguard services.

The tendered price of \$249,764.64 ex GST (Year 1) represents an increase from 2013/14 of approximately 8.5%. Clarification with the Australian Lifeguard Services has indicated that the increase is a result of CPI, upgrade of older life saving equipment, wage increase of staff to levels more comparable to city wages and superannuation increases.

11.8 Tender - Provision of Surf Life Saving Services

Additional funding of \$7,000 is required to meet the cost of Australian Lifeguard Services delivering core services for 2014/15 if the Council accepts the tender as submitted. Also Council expends around \$3,000 per annum for the provision of lifeguard facilities at Sharpes Beach therefore the overall budget shortfall is \$10,000 based on existing service levels.

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 Australian Lifeguard Services to deliver existing core life saving service levels for a four year period
3. Council not accept the tender and enter into negotiations with Australian Lifeguard Services.
4. Council may determine to fund and implement additional service levels.

Option one is not recommended as Council has undertaken the tender process in accordance with the Local Government (General) Regulations 2005. The market for professional life guard services is limited in size.

Option two is recommended as the preferred option as the appointment of Australian Lifeguard Services will deliver quality beach safety for the community

In respect of option three, Council could attempt to renegotiate on a CPI basis only, however this is not recommended at this point in time. The tenderer has tendered in good faith and has provided information in respect of the reasons for the price rise. It is noted that the tenderer carries the risk of staff and equipment pricing over the four year period, and have done so under the previous contract and therefore it is considered reasonable that they be able to make appropriate adjustments at the time the tender is reviewed and placed into the market.

If the Council is inclined to pursue option four the real issue is identifying the funding source. The 2014/15 budget is already based on a deficit of \$130,000, with significant deficits forecast for at least the next four years largely due to the impact of the Federal Government’s freeze on the Financial Assistance Grant.

Council has deferred five staff positions from the 2014/15 budget and no CPI increases have been applied to the Roads and Open Spaces budget in 2015/16 to reduce the predict forecast deficit.

11.8 Tender - Provision of Surf Life Saving Services

Based on this significant cut in real income and the cost pressures facing Council, we should really only be increasing service levels, if a matching funding source is identified, most likely through a cut in an existing recurrent service.

If Council does wish to pursue additional service levels the best approach would be to accept the tender as is and then seek a further report on options to fund, on a recurrent basis, the preferred service level identified.

RECOMMENDATIONS

1. That Council accepts the tender for the provision of surf life saving services for a four year period from Australian Lifeguard Services for the amount of \$249,764.64 ex GST (Year 1) with an annual 3% increase.
2. That Council authorises the Council seal to be attached to the contract documents.
3. That Council record that due to its limited resources it is not able to fund the recommended increase in service levels.
4. That Council approves a budget adjustment of \$10,000 to finance the estimated cost of this contract based on existing service levels.

Attachment(s)

1. Schedule of Rates

12. Public Question Time

12. Public Question Time

13.1 Rescission Motion - Kings Park Embellishment Project

13. Notices of Motion

13.1 Rescission Motion - Kings Park Embellishment Project

Councillor Cr Cadwallader
Cr Johnson
Cr Williams

We, the above Councillors, move

“That Resolution 240714/3, as follows, be rescinded.

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, excluding the water park.*
2. *That the property for this project be referred to as Kings Court Reserve.*
3. *That Council approves an allocation of \$310,000 for this project, with this funding to be sourced from savings elsewhere in the wastewater program capital budget.”*

If the above motion is carried, we propose to move the following motion.

1. *That Council approves, for public exhibition, the concept plan for the Kings Park Recycled Water Embellishment Project, as per attachment three to the report in the agenda for the 24 July Ordinary Meeting, subject to the water park being replaced with playground.*
2. *The property for this project be referred to as Kings Court Reserve.*
3. *Council approves an allocation of \$375,000 for this project, with this funding to be sourced from savings elsewhere in the wastewater program capital budget.”*

Councillor Comment

The Kings Court Residents Action Group (KCRAG) have advised that further to their opposition to a water park, there is strong support for a playground to be included in the embellishment of this park.

The view of KCRAG is supported that a playground will provide significant amenity benefits, will promote the use of the new facility and assist with the sensitive integration of the water infrastructure into the local environment.

Staff Comment

The concept of a water park has been a key feature of the consultation with KCRAG for a long period of time, however it is also acknowledged that the original discussions examined the opportunity for a playground to be incorporated into the design.

13.1 Rescission Motion - Kings Park Embellishment Project

Council's Manager Open Spaces and Resource Recovery advises the following in regards to the cost of a playground and the scale and type of equipment recommended for this location.

A study of the existing playground provision, including an analysis of the surrounding playground catchment and the age groups that are serviced, has been undertaken for the surrounds of Kings Court Reserve. In line with the play space objectives and proposed supporting facilities, it is recommended that a unique climbing net and swing combination be installed at Kings Court Reserve, supporting the key design theme of water. The playground, supporting ages 2-10 years is estimated to cost approximately \$65,000.

Council is also advised that there is playground equipment located approximately 300 metres away at Victor Place. This equipment is showing signs of age and the existing swing is no longer serviceable. Therefore the replacement of this equipment is to be considered as part of the current project to review the Playground Upgrade Program. As a new playground in Kings Court Reserve will adequately service the catchment and the existing swing are no longer serviceable, should it proceed, it is recommended that the equipment in Victor Place be removed at an appropriate time and not be replaced.

The Council needs to be mindful of the budget allocation associated with this motion.

The replacement motion includes an upward adjustment of \$65,000 to the original motion. The Council is also reminded that it a further motion, as per below, was adopted in relation to this item.

That Council receive a report on the water play park proposal being placed at Captain Cook Park, with the funding for the project (\$370,000) to be sourced from savings elsewhere in the wastewater program capital budget.

Furthermore, elsewhere in this business paper is a report recommending expenditure of approximately \$750,000 to install a solar power facility at the West Ballina Waste Water Treatment Facility. Those funds, and the funds in the above resolutions if made, will need to be transferred from reserve and are not projects currently contemplated in the Council's Long Term Financial Plan.

Staff are aware of concerns that the original \$310,000 budget for the landscaping is considered high and that the playground costs could be included in the original budget. To assist Council understand the calculation for this budget a bill of quantities has been prepared and a copy is attached to this report. While these rates are still indicative and have not been prepared with market quotes or information from a final design, it is confirmed that for the Council to include a playground of the type recommended above, it will be necessary to either adjust the budget or delete other features of the proposal. No allowance for project management has been included in the estimate.

COUNCILLOR RECOMMENDATIONS

That Resolution 240714/3, as follows, be rescinded.

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, excluding the water park.*
2. *That the property for this project be referred to as Kings Court Reserve.*
3. *That Council approves an allocation of \$310,000 for this project, with this funding to be sourced from savings elsewhere in the wastewater program capital budget."*

If the above motion is carried, we propose to move the following motion.

1. *That Council approves, for public exhibition, the concept plan for the Kings Park Recycled Water Embellishment Project, as per attachment three to the report in the agenda for the 24 July Ordinary Meeting, subject to the water park being replaced with playground.*
2. *The property for this project be referred to as Kings Court Reserve.*
3. *Council approves an allocation of \$375,000 for this project, with this funding to be sourced from savings elsewhere in the wastewater program capital budget."*

Attachment(s)

1. Bill of Quantities

13.2 Notice of Motion - Coastal Recreational Path

13.2 Notice of Motion - Coastal Recreational Path

Councillor

Cr Worth

I move

That amendments be made to the drawings that specify that part of the Coastal Recreational Path which passes around the Flat Rock Tent Park by changing that path's location, as follows:

1. Delete that section that intrudes/follows the eastern boundary of the tent park from chainage 1250 (approx.) to 1670 (approx.) and
2. Replace that alignment with one that starts at 1250 and proceeds to 1670 in two sections. The first is an arc that passes east of the tent park east boundary to a point near and east of 1550 and with a clearance of about 15 to 20 metres, on average, from that boundary fence. The second is fairly straight and follows the existing cleared path. The revised alignment is to be located in a manner that takes maximum advantage of areas that have minimal ethnic vegetation.

Councillor Comment

The change proposed overcomes the major disadvantage of the present proposed alignment and makes good use of the adjacent terrain. Specifically:

- (a) The existing alignment reduces the attraction of the present best tent sites and as a result the park would be less attractive to potential users and will result in reduced income for the facility.
- (b) The existing alignment requires the removal of established and attractive trees that will further add to the reduction in perceived amenity of those sites and the park.
- (c) The area through which the revised alignment will proceed offers many opportunities to use existing open areas, which will not require destruction of attractive vegetation nor higher costs to prepare the alignment for the asphalt surfaced path.
- (d) The revised alignment allows both a strong visual and physical connection to the existing viewing platform. This platform is a major feature of this section of the path and the old alignment does not make a particularly strong connection to it.
- (e) The revised alignment does not require removal of any significant vegetation/tree.
- (f) The separation between revised path and tent park strengthens the natural experience of walking the path.

13.2 Notice of Motion - Coastal Recreational Path

- (g) The revised alignment creates the opportunity for revegetation on both sides of the path once again enhancing the natural experience of that section.

Staff Comment

If this notice of motion is supported Council staff will seek planning consents for the amendments to this section of the project. A location map is included for information.

COUNCILLOR RECOMMENDATIONS

That amendments be made to the drawings that specify that part of the Coastal Recreational Path which passes around the Flat Rock Tent Park by changing that path's location, as follows:

1. Delete that section that intrudes/follows the eastern boundary of the tent park from chainage 1250 (approx.) to 1670 (approx.) and
2. Replace that alignment with one that starts at 1250 and proceeds to 1670 in two sections. The first is an arc that passes east of the tent park east boundary to a point near and east of 1550 and with a clearance of about 15 to 20 metres, on average, from that boundary fence. The second is fairly straight and follows the existing cleared path. The revised alignment is to be located in a manner that takes maximum advantage of areas that have minimal ethnic vegetation.

Attachment(s)

1. Location Map – Flat Rock Tent Park

13.3 Notice of Motion - Provision of Toilet/Shower Facilities

13.3 Notice of Motion - Provision of Toilet/Shower Facilities

Councillor Cr Hordern

I move

1. That Council trial, for a period of six months, the free provision of the Council's shower / toilet facilities at the Kentwell Centre and the Lennox Head Cultural and Community Centre, to disadvantaged persons, with these arrangements to be co-ordinated in conjunction with recognised service providers for the disadvantaged.
2. The facilities are only to be available while the centres are staffed to ensure that adequate supervision is available.
3. That the General Manager report back to Council after this trial period outlining whether this proposal should be continued and then supported by a Council policy.

Staff Comment

This proposal has been discussed with Cr Hordern and these are the two centres where staff are of the opinion that the service could work effectively, for the trial period.

COUNCILLOR RECOMMENDATIONS

1. That Council trial, for a period of six months, the free provision of the Council's shower / toilet facilities at the Kentwell Centre and Lennox Head Cultural and Community Centre, to disadvantaged persons, with these arrangements to be co-ordinated in conjunction with recognised service providers for the disadvantaged.
2. The facilities are only to be available while the centres are staffed to ensure that adequate supervision is available.
3. That the General Manager report back to Council after this trial period outlining whether this proposal should be continued and then supported by a Council policy.

Attachment(s)

Nil

14.1 Environmental and Sustainability Committee Minutes - 21 August 2014

14. Advisory Committee Minutes

14.1 Environmental and Sustainability Committee Minutes - 21 August 2014

The minutes will be distributed prior to the meeting.

RECOMMENDATIONS

That Council confirms the minutes of the Environmental & Sustainability Committee meeting held 21 August 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 July 2014 Ordinary meeting:

<u>Date</u>	<u>Function</u>
26/7/14	National Blood Donor Week – Summerland House
26/7/14	Ballina Home Sweet Home Expo
28/7/14	Meeting Alstonville High P& C – Parking
30/7/14	Meeting – Highway Service Centre
30/7/14	Presentation Dr Alison Taylor
1/8/14	NOROC – Richmond Valley Council - Casino
1/8/14	HMAS Labuan meeting with Navy at Council
2/8/14	HMAS Labuan March – River Street
2/8/14	Better Homes and Gardens – Bunnings'
4/6/14	ANZAC Centenary Service Florence Price Village
5/8/14	Adventist Village Alstonville – Internet Launch
6/8/14	Extraordinary Meeting
7/8/14	Church Service - MH 17 – Anglican Church
7/8/14	Briefing Open Spaces
8/8/14	'All In' – Launch Northcott's Website – Lennox Cultural Centre
9/8/14	NSW State Finals Pennants Titles - Opening
10/8/14	Lennox Head Markets
11/8/14	Meeting Alstonville High – P&C – Traffic –John Truman
11/8/14	Councillor Briefing on Seabreeze Caravan Park
11/8/14	Councillor Briefing Shaws Bay Coastal Zone Management
12/8/14	Public Citizenship Ceremony
12/8/14	Port Ballina Taskforce Meeting
12/8/14	150 Years Celebration – Alstonville Historical Society
13/8/14	NBN Meerschaum Vale Hall – Community Consultation
13/8/14	Local Traffic Committee
13/8/14	Funeral David Kapeen – Francis Xavier's Church
13/8/13	Wollongbar Progress Association Meeting
15/8/14	Lennox Lions Town and Gown Art Exhibition
19/8/14	Meeting May's Motors – John Miller
19/8/14	Aboriginal Community Meeting
20/8/14	Ballina Shire Concert Band Annual Meeting
20/8/14	Wardell Progress Association
21/8/14	Internal Audit Committee
21/8/14	Meeting Marina Concept Plan
21/8/14	Environmental and Sustainability Meeting
27/8/14	RRCC Meeting
28/8/14	Council Meeting
28/8/14	Reserve Trust Meeting
28/8/14	Gallery Opening
30/8/14	Quota Art and Craft Fair
30/8/14	Melbourne Cup Dinner
31/8/14	Lennox Head Markets
31/8/14	Legacy Wreath Laying
31/8/14	Dragon Boat – Pop Dennison
31/8/14	Alstonville Plateau - Gasfield Free Declaration
31/8/14	Community Meeting – Missingham Bridge

15.1 Mayoral Meetings

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

In accordance with Section 9 (2A) of the Local Government Act 1993, the General Manager is of the opinion that the matters included in the Confidential Business Paper, and detailed below are likely to be considered when the meeting is closed to the public.

Section 10A(4) of the Local Government Act, 1993 provides that members of the public are allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

A brief summary of each of the reports recommended for consideration in confidential session follows:

17.1 Seabreeze Holiday Park - Non-compliance With Direction

Refer to Item 8.5 of this agenda.

RECOMMENDATION

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

17.1 Seabreeze Holiday Park - Non-compliance With Direction

Reason for Confidentiality

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

- e) information that would, if disclosed, prejudice the maintenance of law

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 given the potential for legal proceedings to be initiated.