



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 25 September 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.

Table of Contents

1.	Australian National Anthem	1
2.	Acknowledgement of Country	1
3.	Apologies.....	1
4.	Confirmation of Minutes.....	1
5.	Declarations of Interest and Reportable Political Donations.....	1
6.	Deputations	1
7.	Mayoral Minutes	1
8.	Development and Environmental Health Group Reports.....	2
8.1	DA 2013/473 - Notice of Appeal to Land and Environment Court	2
8.2	Development Applications - Works in Progress - September 2014	4
8.3	Development Consent Statistics - August 2014	13
9.	Strategic and Community Facilities Group Reports.....	14
9.1	Ballina Shire Growth Management Strategy - Implementation Update	14
9.2	Pacific Pines Development Lennox Head	18
9.3	Cumbalum Precinct B - Locality Naming	33
9.4	Alstonville Farmers' Market - Operation and Licensing	38
10.	General Manager's Group Reports	47
10.1	Use of Council Seal	47
10.2	Investment Summary - August 2014	48
10.3	Code of Conduct - Reporting	53
10.4	Policy (Review) - Donations - Fees and Australian Representation	55
10.5	Policy (Review) - Councillor Expenses and Facilities	57
10.6	Deputy Mayor - Election	59
11.	Civil Services Group Reports.....	61
11.1	Newrybar Village - Provision of Additional Parking	61
11.2	Tender - Construction of Pressure Management Zones	65
11.3	Plant Replacement Program	68
11.4	North East Waste Regional Waste Strategy	71
12.	Public Question Time.....	74
13.	Notices of Motion.....	75
13.1	Notice of Motion - Gateway Entry Treatments	75
13.2	Notice of Motion - Opposition to Proposed Medicare Co-Payment	76
13.3	Notice of Motion - Forced Amalgamations	77
14.	Advisory Committee Minutes	83
15.	Reports from Councillors on Attendance on Council's behalf.....	84
15.1	Mayoral Meetings	84

16.	Questions Without Notice	85
17.	Confidential Session	86
17.1	DA 2013/473 - Court Appeal - Preferred Course of Action	86

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

The National Anthem will be performed by Red Inc Signing Choir.

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 28 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 28 August 2014.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 DA 2013/473 - Notice of Appeal to Land and Environment Court

8. Development and Environmental Health Group Reports

8.1 DA 2013/473 - Notice of Appeal to Land and Environment Court

Delivery Program Development Services

Objective To inform Council of a Class 1 Appeal to the NSW Land and Environment Court against Council's refusal of DA 2013/473

Background

Council received a report to its June 2014 Ordinary Meeting seeking a determination of DA 2013/473. A copy of this report is attached. This development application sought approval to establish two dwelling house pad sites with associated access and asset protection zones as a staged development application. At this meeting Council resolved to refuse the development application for the following reasons:

The application does not comply with the provisions of Chapter 7 of the Ballina Shire Development Control Plan 2012, and would consequently present an unacceptable restriction of, and risk to, the on-going environmental protection programs on adjoining public lands and the approval of the dwelling house pad sites and associated asset protection zones would not be in the public interest.

Council has now been served a Class 1 Appeal to the NSW Land and Environment Court against this determination. Shortly after receiving the appeal notice, Council also received a letter from Planners North, on behalf of the landowner, offering to have without prejudice discussions with Council in an attempt to find a mutually acceptable resolution of the concerns raised by the Council in its determination.

Councillors received a briefing on the matter on 16 September 2014. The purpose of this report is to provide notice that a confidential report has been included later in this agenda to allow Councillors to provide direction to staff in the management of this appeal.

Key Issues

- The Court will establish strict timeframes in preparing for and attending to the hearing

Information

The confidential report later in this agenda provides more information in relation to the Appeal, the offer to have without prejudice discussions and the recommended course of action.

Sustainability Considerations

- **Environment**
Achieving the planning objectives for South Ballina as contained in Council's DCP 2012 will be an essential outcome in these deliberations
- **Social**
Council is mindful of ensuring the matter is dealt with in a fair, reasonable and timely manner.
- **Economic**
Attending to a Class 1 Appeal Hearing before the NSW Land and Environment Court is likely to incur considerable cost for Council.

Legal / Resource / Financial Implications

Council will need to engage legal representation in this matter and engage relevant experts should the matter proceed to a hearing.

Options

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

RECOMMENDATION

That Council notes the contents of this report advising of the appeal to the NSW Land and Environment Court in respect to Council's refusal of DA 2013/473.

Attachment(s)

1. DA 2013/473 - Site Analysis Plan
2. Report to Council's June 2014 Ordinary Meeting

8.2 Development Applications - Works in Progress - September 2014

8.2 Development Applications - Works in Progress - September 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

8.2 Development Applications - Works in Progress - September 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	
2014/19	24/01/2014	Visionstream Pty Ltd	To erect a telecommunications (fixed wireless broadband) facility comprising a 30 metre high monopole tower with antennas, compound area, equipment and associated works – 55 Beacon Rd, Teven	Awaiting Additional Information
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	Being Assessed

8.2 Development Applications - Works in Progress - September 2014

DA No.	Date Rec'd	Applicant	Proposal	Status
			approval for nine residential lots and one public reserve lot - 78 Hutley Drive & Henderson Lane, Lennox Head	
2014/229	21/05/2014	Tony Hart	Subdivision by way of minor boundary adjustment to create 1 x 41ha and 1 x 50.7ha allotments and the erection of a dwelling house on each proposed allotment - Friday Hut Road & Jorgensens Lane, Brooklet	Determination Pending
2014/239	26/05/2014	D Fryer	Erection of Self Storage Units - 33 Smith Drive, West Ballina	Being Assessed
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	Awaiting Additional Information
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	Being Assessed

8.2 Development Applications - Works in Progress - September 2014

DA No.	Date Rec'd	Applicant	Proposal	Status
			Mitchell Close & Unara Parkway, Cumbalum	
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
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	Awaiting Additional Information
2014/328	7/07/2014	K Tantarri	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	9/07/2014	Alstonville Community Preschool	To undertake the erection of a community facility for use as a child care centre (Alstonville Community Preschool) and associated works including access road and carparking – 21 Alston Avenue, Alstonville	Being Assessed
2014/345	14/07/2014	Geolink	Erection of Sports Amenity and Clubhouse Facilities Associated with the Use of the Wollongbar	Determination Pending

8.2 Development Applications - Works in Progress - September 2014

DA No.	Date Rec'd	Applicant	Proposal	Status
			Sporting Fields – Rifle Range Road, Alstonville	
2014/349	14/07/2014	D M Dossor	Residential subdivision comprising 17 allotments and one open space allotment and associated civil and environmental works – Amber Drive, Lennox Head	Awaiting Additional Information
2014/354	17/07/2014	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	Determination Pending
2014/360	22/07/2014	Newton Denny Chapelle	To undertake a staged development involving the establishment of a master plan for the long term 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	Awaiting Additional Information
2014/361	22/07/2014	Chris Abbott Surveying	Boundary adjustment	Referred to Government

8.2 Development Applications - Works in Progress - September 2014

DA No.	Date Rec'd	Applicant	Proposal	Status
			subdivision subdivision to create 1 x 7.2ha and 1 x 4ha allotments – 192 Friday Hut Road, Tintenbar	Department
2014/370	30/07/2014	M L Thompson	Change of Use to a Food and Drink Premises – 8/216-234 River Street, Ballina	Determination Pending
2014/376	1/08/2014	Techton Building Services	Establishment of a Tow Truck Holding Yard – 54 Piper Drive, Ballina	Determination Pending
2014/377	1/08/2014	Newton Denny Chapelle	Erection of a strata title subdivision of a multi dwelling housing development comprising 25 two storey dwelling units above basement car parking and associated works - 6 Burns Point Ferry Road, West Ballina	Being Assessed
2014/386	7/08/2014	Newton Denny Chapelle	Vehicle Hire Business – 2/188-202 Southern Cross Drive, Ballina	Being Assessed
2014/387	8/08/2014	Visionstream Pty Ltd	To Erect a Telecommunications Facility Comprising a 45m High Lattice Tower and Ancillary Equipment – 11 Dees Lane, Lynwood	On Exhibition
2014/393	14/08/2014	RAW Fast	To undertake the change of use of an industrial	Awaiting Additional Information

8.2 Development Applications - Works in Progress - September 2014

DA No.	Date Rec'd	Applicant	Proposal	Status
			building utilised for the Retail of Bulky Goods to a Recreational Facility (Indoor) - Health Studio - 16 Southern Cross Drive, Ballina	
2014/408	19/08/2014	St Andrews	To undertake Vegetation Management Works comprising the removal of two gum trees - 142-150 Cherry St, Ballina	Being Assessed
2014/411	20/08/2014	Kawaihae Outrigger Canoe Club	Establishment of a Compound Area for the Kawaihae Outrigger Canoe Club, involving the erection of a 1.8m high chain-wire security fence, a single storey colorbond shed and ancillary storage areas - 5 Cawarra Street, Ballina	On Exhibition
2014/414	21/08/2014	North Coast Community Housing	To undertake Vegetation Management Works comprising the removal of one Swamp Mahogany Tree and the pruning of one Brushbox Tree - 13 Russell Street, Ballina	Being Assessed
2014/437	3/09/2014	Ardill Payne & Partners	Continued operation of the Alstonville Farmers Market (7am to 2pm Saturday) -	On Exhibition

8.2 Development Applications - Works in Progress - September 2014

DA No.	Date Rec'd	Applicant	Proposal	Status
			Bugden Lane, Alstonville (Council (public) car park and road reserve)	
2014/441	3/09/2014	Chris Abbott Surveying	Two Lot Rural Subdivision to create 1 x 1.05 hectare Lot 1 x 20.3 hectare Lot (Lot 2 - Primary Production Lot) via State Environment Planning Policy (Rural Lands) 2008 – 50 Weis Lane, Rous	On Exhibition

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

8.2 Development Applications - Works in Progress - September 2014

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 September 2014.

Attachment(s)

Nil

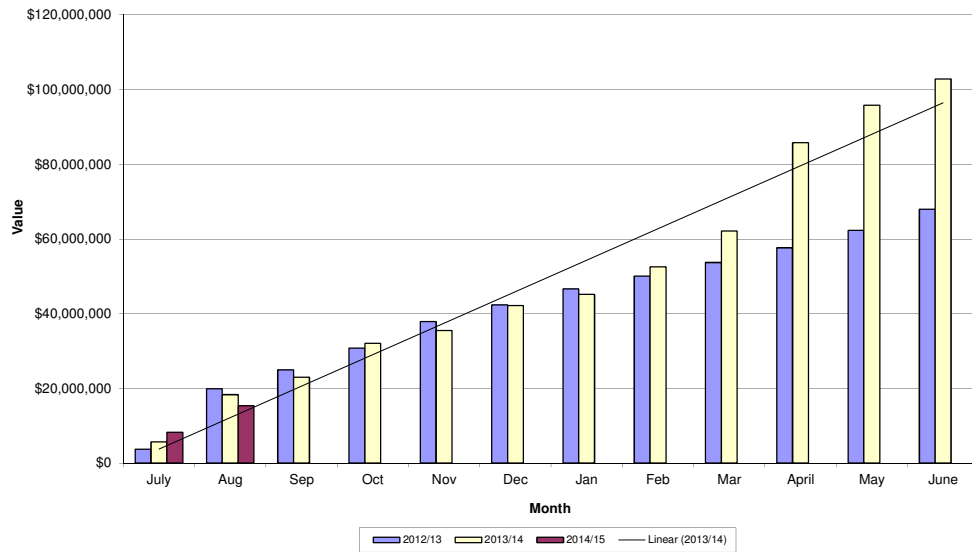
8.3 Development Consent Statistics - August 2014

8.3 Development Consent Statistics - August 2014

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

Number of Applications	Value of Work
30 Other Building Related	\$ 2,938,100
17 Dwelling/Duplexes/Residential Flat Buildings	\$ 4,002,000
1 General Developments	\$ 140,000
Total Value	\$ 7,080,100

The following chart details the cumulative consent figures for 2014/15 as compared to 2012/13 and 2013/14. A trend line is also included for 2014/15.



RECOMMENDATION

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

Attachment(s)

Nil

9.1 Ballina Shire Growth Management Strategy - Update

9. Strategic and Community Facilities Group Reports

9.1 Ballina Shire Growth Management Strategy - Update

Delivery Program Strategic Planning

Objective To provide the Council with an update on the status of strategic actions identified in the Ballina Shire Growth Management Strategy.

Background

The Council adopted the Ballina Shire Growth Management Strategy (GMS) in July 2012 [Minute No. 260712/7] following considerable community and public authority consultation. The purpose of the strategy is to provide the local planning framework for managing population and employment growth in the shire over the planning period 2012-2031. The GMS is founded on a long-standing policy platform provided by previous Urban Land Release Strategies produced and endorsed by the Council.

A copy of the adopted GMS has previously been distributed to Councillors and is also available on the organisation website.

The document is not a statutory document like, for example, the Ballina Local Environmental Plan 2012, though it works “hand in glove” with the LEP and other planning instruments. The GMS provides an overview and planning context for the shire, whereas the LEP is more “rules-based” – specifying what may be done in different zoned areas.

The GMS also complements other important Council strategic documents; for example, the urban water strategy and various development-servicing plans.

In addition to the strategy being a key component of Council’s local planning framework and land use planning policy, the strategy also meets the requirements of the State Government’s Far North Coast Regional Strategy.

The GMS was endorsed by the (then) Department of Planning and Infrastructure in May 2013. The GMS was endorsed by the Department with one minor exception and specific reference to the need for careful consideration in relation to the long term proposal for a third village on the Alstonville Plateau.

The Council considered a review of the GMS in September 2013 and resolved to receive and note the review and update provided. Staff has continued to monitor the progress of the implementation of the strategic actions endorsed under the GMS and this report provides an update on the status of those actions for the information of the Council.

Key Issues

- Operation and application of the GMS.
- Status of strategic actions identified in the GMS.

Information

GMS Overview

The Ballina Shire Growth Management Strategy (GMS) is Council's principal local planning policy document for the management of residential, commercial and industrial growth in the shire. Essentially, the GMS provides direction to the community, public and other service and infrastructure providers and potential developers in relation to areas for future growth, the type of growth envisaged, key issues and desired outcomes.

The GMS is a strategic document designed to operate over a planning horizon of 15 to 20 years. Council's GMS is designed to not only focus on development and growth issues, but also to consider and identify other key attributes of the shire that are important planning considerations, such as biodiversity, agricultural lands, water catchments, cultural values, visual amenity and local character.

The GMS incorporates information about projected growth in the Ballina Shire as well as outcomes from a variety of strategic planning studies that Council has completed to guide planning outcomes in the shire. The GMS also establishes principles for growth management considerations and embodies the principles of sustainability.

The GMS identifies potential urban growth areas (known as strategic urban growth areas) which are intended for investigation in relation to future population and employment growth. More specifically, the GMS includes individualised consideration of each urban locality in the shire through the documentation of character statements for each locality, along with identification of key issues and features.

The GMS incorporates specific locality objectives and strategic actions for each urban area in the shire in order to recognise the qualities and character of each place. It provides direction for future planning and development activity. The GMS also includes a series of broader strategic actions that encompass the non urban parts of the shire.

Strategic Actions

A central function of the GMS is the identification of strategic actions that aim to provide for enhanced planning outcomes over the life of the strategy. These strategic actions essentially form a work program for staff to action. A list of the actions endorsed under the GMS and the status of each action is contained in Attachment 1.

As a general observation, Council has progressed or completed a large number of actions since the initial endorsement of the GMS. This is particularly positive as it reinforces the planning policy contained within the GMS, enhancing the effectiveness and usability of the document.

Completion of the strategic actions also supports the establishment of strong, logical and evidence-based planning policy and delivery of positive outcomes for the shire community.

Rezoning of Strategic Urban Growth Areas

A key purpose of the GMS is to identify areas that Council views as having potential for future urban development (residential, commercial and industrial). There are a number of identified potential growth areas that are currently subject to rezoning proposals.

Potential growth areas in the shire that are presently subject to rezoning proposals include the Reservoir Hill Site at Lennox Head, land on the western side of Burns Point Ferry Road in West Ballina and the Southern Cross Industrial Estate (expansion). The status of these individual rezonings is reported to Council regularly.

In addition to the above, the Stewart Farm (Skennars Head Coastal Village), Cumbalum Precinct A and Cumbalum Precinct B have all been rezoned by the NSW Minister for Planning to enable urban development since the GMS review and update report was presented to the Council in September 2013.

The GMS conveys important policy guidance to the Council itself, staff, the community, development proponents and public authorities/service providers in relation to rezoning proposals. Specifically, the GMS is providing a clear and consistent policy context for the initial consideration and subsequent assessment of rezoning proposals.

Sustainability Considerations

- **Environment**

The GMS establishes Council's long term urban growth planning policy. The GMS seeks to provide a policy basis for decision making in relation to urban development in the shire that is underpinned by balanced consideration of environmental, social and economic factors.

- **Social**

As above.

- **Economic**

As above.

Legal / Resource / Financial Implications

There are no specific legal, financial or resource implications associated with the outcomes of the review of the GMS that has been undertaken.

Consultation

The GMS was endorsed by the Council in July 2012 following a period of public exhibition. The GMS is also founded on long-standing local and State Government urban planning policy that has been subject to community feedback and engagement over many years. It is intended that the GMS will be reviewed again within 12 months of the next general local government election. It is anticipated that a comprehensive community engagement program will accompany the review. It is open to the Council to request a further review of the document prior to that time, should it identify a need to do so.

Options

This overview of the Ballina Shire Growth Management Strategy and update in relation to the status of the identified strategic actions is provided for the information of the Council.

RECOMMENDATION

That Council notes the contents of this report concerning the status of the Ballina Shire Growth Management Strategy and the associated strategic actions.

Attachment(s)

1. Ballina Shire Growth Management Strategy - Endorsed Strategic Actions and Status - September 2014

9.2 Pacific Pines Development Lennox Head

9.2 Pacific Pines Development Lennox Head

Delivery Program Strategic Planning

Objective To inform the Council about the progress of the Pacific Pines development in Lennox Head and seek direction in relation to traffic considerations.

Background

The Council considered a number of matters relating to the progress of the Pacific Pines development at Lennox Head at its April 2014 Ordinary Meeting. Specifically, the Council considered issues associated with the conservation zone on the site and the configuration and cost of the playing fields. With respect to the matters raised, the Council resolved as follows [Minute No.240414/14]:

1. *That the Council accepts, in principle, the dedication of the conservation zone area within the Pacific Pines development into Council ownership following compliance with the relevant conditions of development approval (State and Federal) and subject to the proponent providing a commitment to work collaboratively with Council in relation to the ultimate handover of the land.*
2. *That the Council authorises the General Manager to liaise with the proponent to establish a positive covenant over the conservation zone area benefitting Ballina Shire Council based on the principle of achieving compliance with the applicable conditions of approval, recognition of the desired environmental outcomes and flexibility in the way in which Council can manage the land once its comes into public ownership.*
3. *That the Council endorse the provision of a revised sporting facility based on the alternate design illustrated in Attachment Four (but not necessarily excluding a hard stand playing surface) through the application of the provisions of the Infrastructure SEPP.*
4. *That, in conjunction with the revised playing fields configuration, Council maintains a requirement for the provision of a road access corridor between Pacific Pines Estate and the Henderson Farm.*
5. *That the Council provides in principle support to the offer from the Royal Bank of Scotland and Lend Lease to enter into a voluntary planning agreement with respect to the delivery of the Pacific Pines Estate playing fields and authorises the General Manager to enter into negotiations in this regard consistent with the sentiments expressed in this report. Further, that following negotiations this matter be reported to the Council for further deliberation, with Council not to consider any waiver of contributions.*

The purpose of this report is to provide the Council with an update in relation to the matters addressed in the above resolution and the Pacific Pines development more generally.

The report also outlines traffic management considerations associated with the development and seeks direction in relation to the matter.

Key Issues

- Conservation zone management
- Configuration and composition of the playing fields and sporting infrastructure
- Developer contributions
- Traffic management planning

Information

Development Status

The Royal Bank of Scotland (RBS) is presently the owner of the Pacific Pines Estate, being Lot 234, DP 1104071 in Lennox Head. RBS has been working in partnership with Lend Lease to undertake the development of the land based on an approved concept plan under Concept Approval MP07_0026 issued by the (then) Department of Planning and Infrastructure in March 2013. Figure 1 shows the area of the approved concept plan for the land (this area is referred to as the Pacific Pines development for the purposes of this report).



Figure 1 – Pacific Pines Estate Master Plan Area (existing Pacific Pines development is located at the bottom of the plan and the Meadows Estate area is located at the top).

In summary, the Pacific Pines Estate development as currently approved involves a residential subdivision providing for approximately 560 lots as well as a neighbourhood commercial precinct, a community hall, seniors' housing, playing fields and associated infrastructure including internal roads and a partial extension to Hutley Drive. More specifically, the playing fields proposed include two senior football fields, two junior football fields, two cricket fields, a hard stand area (tennis courts), cricket practice nets, an amenities building and associated car parking. Importantly, much of the planned infrastructure, including the playing fields is to be delivered up front by the developer of the site prior to the release of residential land in the first stage of the development.

9.2 Pacific Pines Development Lennox Head

Council issued a construction certificate for Stage 1A of the Pacific Pines development on 6 August 2014. Stage 1A involves the creation of 51 residential lots and provision of associated servicing infrastructure. Stage 1A is located off Fox Valley Way and Lakeside Way to the north east of the existing Pacific Pines Estate residential area. Significantly, the lots in Stage 1A cannot be released for housing construction until the majority of the playing fields infrastructure has been completed.

Council has also issued a construction certificate for earthworks associated with Stage 1B on 29 August 2014. This enables preloading and preparatory civil works to be undertaken in support of the broader Stage 1B development which includes road construction and the playing fields.

Recently, Council was notified by RBS that it is considering the sale of the site. Council has also been advised that RBS currently has an expression of interest process underway. RBS is continuing to provide updates to Council on a regular basis. In the meantime, RBS, Lend Lease and project consultants GeoLINK are continuing to seek construction approvals for the development, with Council currently processing construction certificate documentation for the remainder of Stage 1B, including the playing fields infrastructure.

Council's Strategic and Community Facilities Group is continuing to work with the proponents to facilitate the flow of information. Staff note a positive working relationship with RBS, Lend Lease and GeoLINK and both a historic and ongoing willingness of the proponent to be proactive, provide information and seek to resolve issues arising quickly.

Conservation Zone and Dedication of Land to Council

The April 2014 report to the Council canvassed the option of Council agreeing to accept the conservation zone area (Figure 2) and an associated positive covenant over the land with Council as beneficiary. This was canvassed as a means to enable the proponent to comply with a condition of approval under the Federal *Environment Protection and Biodiversity Conservation Act* which seeks to maintain the ecological values of the area in the long term.



Figure 2 – Pacific Pines Estate Conservation Zone Area

In considering the land ownership and covenant, the Council resolved to accept the dedication of the conservation zone area to Council in principle and authorised the General Manager to liaise with the proponent to establish a suitable positive covenant over the land. Following the consideration of the key issues, including conformity with conditions of approval, desired environmental outcomes and flexibility and practicality in relation to future land management, wording for a positive covenant was agreed to in July 2014.

Council has subsequently been advised that the Federal Department of the Environment has agreed that the proposed covenant is acceptable in terms of meeting the applicable condition of approval. The next step is the placement of the covenant over the conservation zone area prior to the registration of residential lots in Stage 1A of the development.

9.2 Pacific Pines Development Lennox Head

Separately in relation to the conservation zone, a condition of the State Government's development approval requires the developer to fund and provide a research program in relation to Hairy Joint Grass and the Freshwater Wetland ecosystem found in the conservation zone. Council has now been advised that the proposed research program has been agreed to by the NSW Office of Environment and Heritage and on this basis, it is understood that the applicable condition of approval has been met. The agreed program involves students from Southern Cross University over a three year period.

Playing Fields

Council was presented with a suggested alternate playing field layout (provided by the proponent) at its April Ordinary Meeting. Council's Open Space and Reserves Manager indicated at the time that the revised layout is considered to be advantageous from an open space provision and management perspective. More specifically, the alternate layout has the advantage of locating the amenities building and car parking closer to Hutley Drive and the commercial area in the development (located opposite the proposed playing fields, on the eastern side of the proposed Hutley Drive extension) as well as potential for better passive surveillance compared to the original design.

On consideration of the alternate design proposed, the Council resolved to endorse the provision of a revised playing fields configuration through the application of the provision of the NSW Infrastructure SEPP. The Infrastructure SEPP was identified as a mechanism to enable the varied approach.

Subsequent to the Council's decision, Council staff and the proponents considered further details about the type and location of various playing field infrastructure, with staff affirming that the original extent of playing fields and their technical design would be required, with the exception of the hard stand playing surface (originally proposed as a tennis court). In relation to the hard stand area, staff indicated that rather than two tennis courts, a single all-purpose court of a higher utility and standard could be deemed acceptable on the basis of limited demand for tennis and the broader potential for activity offered by a multi-purpose court. Essentially, staff affirmed Council's requirement for basically the same pieces of infrastructure but in a different configuration.

Given that the type of infrastructure to be incorporated into the alternate layout is essentially the same as that required under the original approval (i.e. two senior football fields, two junior football fields, two cricket fields, a hard stand area, cricket practice nets, an amenities building and associated car parking), the proponent has progressed with the alternate arrangement based on the principle that the revision can be deemed to satisfy the original conditions of approval relating to the playing fields.

Having regard for the above, an approval under the Infrastructure SEPP has not been considered to be necessary in the circumstances. On this basis, the proponent has lodged construction certificate documentation with Council for Stage 1B of the development inclusive of an alternate playing field layout consistent with that considered by the Council in April. The layout proposed as part of the Stage 1B works is currently being assessed.

Road Access to Adjoining Henderson Farm

As part of its consideration of the alternate playing field layout, Council staff also addressed the road access arrangement between Pacific Pines Estate and the land to the west known locally as the Henderson Farm. It is a condition of the Pacific Pines development approval that road corridors, including that for the western access corridor between Pacific Pines Estate and the Henderson Farm, are dedicated to Council as public roads. There has been no change to this condition as a result of the altered playing fields layout or for any other reason.

The difference in relation to the western access road arising from the alternate playing fields layout is the length of constructed road access. By relocating the car parking area servicing the playing fields closer to Hutley Drive, the constructed length of the western access road is shortened. The precise details of the road composition and length are subject to detailed assessment being undertaken at present. However, it is currently estimated that the western access road would be about 30% - 40% of the length of the road proposed to service the original playing field car park.

It is important to note that the Pacific Pines Estate approval does not require provision of a constructed road access to service the Henderson Farm site as part of either Stage 1A or Stage 1B. The development consent does, however, require constructed road access to residential stages of the development and when the land immediately to the north of the playing fields is released for subdivision, it is possible that the western access road will be required to be further extended by the Pacific Pines Estate developer.

Council also needs to recognise that it has a land holding that is part of the Henderson Farm site and as such, must be conscious of probity considerations when looking at the issues associated with the western access road.

Financial Considerations and Developer Contributions

The proponent of the Pacific Pines development sought Council's support to enter into a voluntary planning agreement (VPA) that would have involved Council providing some financial support to the construction of the playing fields and associated infrastructure. Various options in this regard were canvassed in the April 2014 report to the Council.

The Council resolved to support the preparation of a VPA in principle, but determined that the VPA was not to involve the waiver of any contributions beyond what is already possible under the adopted Section 94 contributions plans applying to the land. More specifically, the Council indicated that such an agreement should be based on deferral of contributions rather than other forms of financial assistance.

The proponents have not sought to advance negotiations in relation to a VPA and as such, there has been no further consideration of a deferral of contributions payable to date. Notwithstanding this, the Council's resolution enables the consideration of a VPA in the future.

9.2 Pacific Pines Development Lennox Head

On a more specific matter, the proponents have asked Council to consider developer contributions in relation to the multi-purpose hall facility that is proposed as part of the Pacific Pines development. Subject to the facility meeting Council's minimum standards, it is possible for the planned hall to meet the need associated with the identified additional community hall space for the Lennox Head locality.

Acceptance of the hall as the planned second space for Lennox Head would entitle the developer of Pacific Pines Estate to a specified level of 'credit' under the Ballina Shire Contributions Plan 2008. This would be on the basis of the multi-purpose hall facility being accepted as works in kind in lieu of payment of developer contributions. Council is now awaiting further information from the proponent in relation to determining the extent of any credit available and how it would be applied.

Traffic Management

The following discussion in relation to traffic management is based on advice provided by Council's Civil Services Group, and arises from the current assessment of the construction certificate for Stage 1B of the Pacific Pines development. This section of the report discusses the traffic management report, particularly to seek direction from the Council in relation the environmental capacity of Montwood Drive.

Condition B7 of the Minister for Planning's approval for the Pacific Pines development requires the preparation of a traffic management plan and its approval by Council prior to the issue of a Construction Certificate for Stage 1B. In response, Cardno Eppell Olsen (on behalf of the developers) has prepared a document entitled "Lennox Head - Pacific Pines Estate, Traffic and Transportation Statement, November 2011" and submitted it for Council review and approval.

A requirement of the condition is for the plan to be prepared in consultation with the (then) RTA. Advice has been received from NSW Roads and Maritime Services (RMS) that this consultation has taken place.

In April 2014 Council requested that the proponents update their traffic assessment to incorporate current data for traffic counts on key roads to be used as access to Pacific Pines. The further information was provided by Cardno in July 2014. This letter modified parts of the analysis in the above referenced November 2011 document.

As required by the condition of approval, the Traffic Management Plan analyses the impacts of the various staged release scenarios for Pacific Pines Estate on the adjoining road network. The basic assumptions of the plan for land release staging, traffic generation and distribution are considered satisfactory, and this has also been confirmed by RMS. Matters such as intersection treatments and speed conditions have also been addressed, with management approaches identified.

9.2 Pacific Pines Development Lennox Head

One key issue arising from the assessment undertaken is the traffic volumes generated by the Pacific Pines development and the associated network capacity. Specifically, the environmental capacity of Montwood Drive is a particular matter that warrants careful consideration. The following overview of traffic volumes and capacities illustrates the issue and provides a rationale for the recommended approach.

Cardno identify the existing volumes and environmental capacities of Montwood Drive and Henderson Lane in their July 2014 update (below).

Table 2 2014 Surveyed Volumes and Available Capacity

Road Name	Environmental Capacity (Vehicles per Day)	2014 Surveyed Volumes (Vehicles per Day)	Spare Capacity (Vehicles per Day)
Montwood Drive	3,500	1,712	1,788
Henderson Lane	3,500	1,634	1,866

"Environmental" capacity is a theoretical capacity above which the amenity of the neighbourhood and adjoining residents will be progressively adversely impacted. For Montwood Drive, being a minor residential collector road, 3,500 vehicles per day (vpd) is the notional limit "environmental" capacity. Environmental capacity is different from the functional or physical capacity of a road. In the case of Montwood Drive, the physical traffic-carrying capacity is substantially higher than the nominated environmental capacity.

Based on the proposed development staging (below) the consultants analysed a series of network options for successive stages of development. The network options and associated traffic volumes are discussed below using figures and tables from the Cardno report.

Table 3 Proposed Development Yield

Stage	Residential (Dwellings)	Senior, Assisted and Independent Living (Dwellings)	Commercial and Retail (GFA)
1A	54		
1B	92		4,800
2	154		
3	37	145	
4	77		
5	57		
6	42		
Total	513	145	4,800

Network Option 1 is for Stages 1A and 1B to be developed and connected to Montwood Drive only. This option identifies that traffic generated (existing plus new traffic arising from Pacific Pines Stages 1A and 1B) on Montwood Drive would be 3,701 vehicles per day (vpd), being 201 vpd in excess of its "environmental" capacity.

9.2 Pacific Pines Development Lennox Head

Figure 1 Network Option 1



Table 4 Network Option 1 Capacity Analysis

Stage	Resultant External Traffic Generation	
	Montwood Drive	Total
Capacity	3,500	3,500
1A	306	306
1B	1,683	1,683
Existing	1,712	1,712
TOTAL	3,701	3,701

Network Option 2 includes development of Stages 1A, 1B, 2, 3, 4 and 5 with connection via Montwood Drive and additionally Henderson Lane. This option identifies that traffic generated (existing and from Pacific Pines) on Montwood Drive would be 4,070 vpd and on Henderson Lane 3,386 vpd. Again, the traffic on Montwood Drive exceeds its "environmental" capacity (at this stage by 570 vpd). Henderson Lane volumes are below, but approaching the specified "environmental" capacity.

9.2 Pacific Pines Development Lennox Head

Figure 2 Network Option 2



Table 5 Network Option 2 Capacity Analysis

Stage	Resultant External Traffic Generation		
	Montwood Drive	Henderson Lane	Total
Capacity	3,500	3,500	7,000
1A	230	77	306
1B	697	986	1,683
2	624	300	924
3	265	128	393
4	312	150	462
5	231	111	342
Existing	1,712	1,634	3,346
TOTAL	4,070	3,386	7,456

Network Option 3 provides for the ultimate development of Pacific Pines Estate with an additional northern connection of Hutley Drive (left in/left out) to North Creek Road. Network Option 3 has acceptable traffic volumes on Hutley Drive (North) and Henderson Lane, but retains an over "environmental" capacity volume on Montwood Drive of 4,071 vpd (an excess of 571 vpd).

9.2 Pacific Pines Development Lennox Head

Figure 3 Network Option 3



Table 6 Network Option 3 Capacity Analysis

Stage	Resultant External Traffic Generation			
	Montwood Drive	Henderson Lane	Hutley Drive	Total
Capacity	3,500	3,500	10,000	17,000
1A	230	8	69	306
1B	884	160	640	1683
2	485	88	351	924
3	206	37	149	393
4	243	44	176	462
5	180	32	130	342
6	132	24	96	252
Existing	1,712	1,634	730	4076
TOTAL	4,071	2,027	2,340	8,438

Further Network Options are explored in the 2011 document and indicate that the exceedance of "environmental" capacity on Montwood Drive will be eliminated if and when Hutley Drive (South) is completed. This section of Hutley Drive is the responsibility of Council and is a programmed work in the Roads Section 94 Plan. At this time, planning approval for Hutley Drive South has not been issued (an application for its construction is currently on foot and is a matter which will be determined by the Northern Joint Regional Planning Panel), nor are there sufficient funds in the Section 94 Plan account to construct the works.

The Traffic and Transportation Statement (as amended July 2014), confirms that all stages of development of Pacific Pines Estate can be accommodated by Network Option 3. However this is dependent on:

- The "temporary" (until Hutley Drive South is constructed) exceedance of "environmental" capacity on Montwood Drive being acceptable; and

9.2 Pacific Pines Development Lennox Head

- For development of Stage 6, provision of Hutley Drive (North) including provision of at least a left in/left out standard of access onto North Creek Road.

Cardno, acting as traffic consultants to the Pacific Pines Estate proponents, advise that while the theoretical "environmental" capacity of Montwood Drive is likely to be exceeded, the links in this network can more than adequately physically accommodate the traffic generated by the entire Pacific Pines Estate development.

Under the Minister's approval for the development, it is for Council to assess and approve the submitted Traffic Management Plan. This assessment needs to consider the future development scenarios, management of interim and long term traffic impacts and identify any external road upgrades needed. By way of summary, Cardno has identified the following necessary road upgrades:

- Improvements to the North Creek Road/Montwood Drive and North Creek Road/Henderson Lane intersections; and
- Construction of Hutley Drive (North) at least to left in/left out standard to accommodate beyond Stage 5 Pacific Pines development.

In regard to Montwood Drive, it has been identified that until Hutley Drive (South) is constructed (assuming it is approved and adequate funding is available) there will be a maximum exceedance of the specified environmental capacity on Montwood Drive (3,500 vpd) by 571 vpd (to a total of 4,071 vpd) being caused by the development of later stages of Pacific Pines Estate.

The identified exceedance of environmental capacity on Montwood Drive would equate to a daily exceedance of 57 vehicles per hour in the morning and afternoon peak, with total peak hour traffic being 407 vph. As outlined above, the exceedance caused by earlier stages of the development is less. The timing for the ultimate development of the estate (and hence the traffic implications) is unknown but it is presently estimated at around ten years. The early stages (being 1A and 1B) are anticipated to occur in the next few years.

As Council is responsible for construction of Hutley Drive through the Roads Section 94 Contribution Plan, planning approval, financing and timing of construction of this road are beyond the control of the proponent of Pacific Pines Estate. The exceedance of the environmental capacity of Montwood Drive is around 12% and, whilst being undesirable, it is unlikely to have a significant long term, adverse impact on the amenity of residents. The ultimate anticipated volume of 4,071 vpd is also well within the traffic carrying capacity limit (ie geometry, width, speed and alignment) of Montwood Drive, being a two lane minor collector road.

The projected time for construction of Hutley Drive (South) by Council is not known at present due to uncertainties with the planning approval process and financial constraints, including the uncertainties regarding likely future contributions income cash flow. Given that the need for Hutley Drive (South) to address the exceedance of environmental capacity on Montwood Drive relates to the implementation of the various development stages, there is likely to be a reasonable period of time available to provide for the Hutley Drive extension.

9.2 Pacific Pines Development Lennox Head

Pacific Pines Estate is a key component of Council's strategic plan for the provision of future residential and commercial development and community infrastructure for the Lennox Head area. In addition to the opportunity for economic benefits for the community, the development will also provide recreation, shopping and residential choice benefits to the Lennox Head locality through provision of around 560 additional residential lots, a commercial area, new road infrastructure and new playing fields. Given these benefits, and the small scale and expected temporary nature of potential traffic impacts on Montwood Drive associated with its environmental capacity, it is considered that the Traffic and Transportation Statement as modified (July 2014) should be approved by the Council for the purposes of meeting the applicable condition of consent.

Importantly, the Council will have further opportunities to consider traffic related matters, as future stages of Pacific Pines Estate beyond the currently proposed stages 1A and 1B will be subject to new development applications.

In considering the traffic implications for Montwood Drive, it is also important to recognise that the Pacific Pines development is not the only development in the locality that may result in increased traffic volumes on Montwood Drive. Of particular note in this regard is the potential future development of the Henderson Farm where it is expected that some additional traffic resulting from the development will utilise Montwood Drive.

Using the similar traffic movement assumptions applied for the Pacific Pines development, it is presently estimated that the ultimate development of the Henderson Farm (if approved) could add in the order of an additional 300 vehicle movements per day to Montwood Drive in the absence of the Hutley Drive extension. Importantly, this is an estimate only as the development application and associated traffic analysis reporting for the Henderson Farm is still under assessment.

Having regard for the above, it is a recommendation of this report that the Council

- a. Acknowledges the aspects of the traffic management analysis presented in this report and the overall assessment of the suitability of the report for the purpose of meeting the condition of approval relating to provision of a traffic management plan.
- b. Recognises that on balance, the projected exceedance of the environmental capacity of Montwood Drive associated with the Pacific Pines development is reasonable having regard for the particular circumstances of the situation.
- c. Recognises that the provision of the Hutley Drive north and south connections provides for a potential solution to the projected exceedance of environmental capacity on Montwood Drive.

Sustainability Considerations

- **Environment**

The Pacific Pines development includes a significant conservation area that has a broad community value.

- **Social**

The Pacific Pines development includes provision of substantial public infrastructure including playing fields and associated infrastructure, public roads and a community hall. The development will also provide significantly more housing choice within the Lennox Head market.

- **Economic**

The Pacific Pines development has the potential to create a number of employment opportunities in the construction industry in the short term and longer term employment opportunities in the planned commercial precinct and seniors' housing components of the development.

Legal / Resource / Financial Implications

There are no specific legal, resource or financial implications arising from the discussion within this report. The management of the various aspects of the Pacific Pines development involving Council are being attended to within existing resource allocations.

Consultation

Broad community consultation occurred regarding the proposed Pacific Pines Estate at the time the Department of Planning was assessing the concept plan and development applications under the prevailing legislation. Prior to that, there were various iterations of development plans for the new estate which were also exhibited for community and government agency feedback.

The likelihood of the remainder of the Pacific Pines Estate being undertaken on a staged basis was also "factored in" at the time the Council prepared and adopted the Lennox Head Community Aspirations Strategic Plan in 2002 and the Lennox head Structure Plan in 2004. Both of these documents were based on comprehensive community engagement.

Options

The information relating to the conservation zone area, the playing fields, the western access road and financial considerations has been provided as an update for the information of the Council.

With respect to traffic management, it is open to the Council to either support approval of the traffic management plan, noting the exceedance of the environmental capacity of Montwood Drive, or to require further investigations or management measures to be considered before proceeding further.

As outlined above, the content of the traffic management reporting has been assessed by Council's Civil Services Group and, overall, it is considered to be acceptable. The primary matter for consideration is the projected exceedance of the environmental capacity of Montwood Drive as the staged development of Pacific Pines Estate occurs, in the absence of the Hutley Drive road link (north and south).

On balance, it is recommended that the projected environmental exceedance on Montwood Drive be recognised as reasonable in the circumstances.

9.2 Pacific Pines Development Lennox Head

In the event that the traffic management plan is not approved by the Council, parts of the Pacific Pines development may not be able to proceed until such time as Hutley Drive is extended. This could mean that significant public infrastructure, housing and the commercial area associated with the development will not proceed.

The disadvantage of proceeding on the basis of the traffic management plan provided is that residents along Montwood Drive may experience or perceive an adverse amenity impact until such time as Hutley Drive is extended.

RECOMMENDATIONS

1. That Council notes the contents of this report providing an update on the Pacific Pines development in relation to the conservation zone area, the playing fields, the western access road, financial contributions and the status of the various approval processes and the proponent.
2. That in relation to the Traffic and Transportation Statement prepared by Cardno Eppell Olsen November 2011 (as modified by their letter dated 10 July 2014), Council:
 - a. Acknowledges the aspects of the traffic management reporting presented in this report and the overall assessment of the suitability of the report for the purpose of meeting the condition of approval relating to provision of a traffic management plan.
 - b. Recognises that on balance, the projected exceedance of the environmental capacity of Montwood Drive associated with the Pacific Pines development is reasonable having regard for the particular circumstances of the situation.
 - c. Recognises that the delivery of the Hutley Drive north and south connections provides for a potential solution to the projected exceedance of environmental capacity on Montwood Drive.
3. That on the basis of the items set out in point two and the matters identified in this report, the Council provides its in principle support for the approval of the Traffic and Transportation Statement, with respect to meeting the requirements of the development consent for Pacific Pines Estate relating to the provision of a traffic management plan.

Attachment(s)

Nil

9.3 Cumbalum Precinct B - Locality Naming

9.3 Cumbalum Precinct B - Locality Naming

Delivery Program Strategic Planning

Objective To invite the Council's further consideration of a process for the potential renaming of the Cumbalum Precinct B locality.

Background

On 21 January 2014 the Council considered a report which discussed options for the introduction of new development guidelines for Cumbalum Precinct B. That area has recently been rezoned under the Ballina Local Environmental Plan 2012 to enable the establishment of a new urban centre anticipated to accommodate up to 5,000 residents in the forward planning period.

Precinct B forms part of the larger Cumbalum Urban Release Area (CURA) which comprises Ballina Shire's principal future growth area, which has been planned for almost 20 years.

The development guidelines for the new Precinct B release area, referred to above, have subsequently been adopted by the Council following their public exhibition (Minute No.240414/13). It now remains to be seen when more detailed infrastructure planning will be undertaken by the parties who have an interest in the respective properties within Precinct B, to support the lodgement of development applications for urban subdivision.

In considering the draft development guidelines in January, the Council also felt that it was desirable to review the name of the locality within which the Precinct B development is planned to occur. A report which discussed the processes associated with a locality name change, and their relevance to Precinct B, was presented to the Council at its Ordinary Meeting held on 22 May this year.

Following its consideration of the report, the Council resolved to initiate action to adjust the locality boundaries for the purpose of establishing a new locality based on the area illustrated on the map which accompanied that report (Minute No.220514/16). The Council authorized a community consultation program seeking feedback on the proposal to change the locality boundaries and also inviting nominations for the naming of the newly declared locality (if this was to be approved by the NSW Geographical Names Board).

The following report discusses the action taken to engage with the community in relation to the above, and the information received in response. The report also recommends that the Council make a submission to the Geographical Names Board (GNB) inviting its consideration of a proposed adjustment to locality boundaries and the declaration of a new locality, with a suggested name.

A copy of the map, previously presented to the Council illustrating the preferred outcome in relation to the localities, is attached to this report.

Key Issues

- Procedures for locality naming
- Community engagement

Information

Commencing in July, steps were taken to notify the community of the Council's desire to review the boundaries of the Cumbalum and Tintenbar localities and to examine the option of creating a new locality. An invitation was also conveyed for community suggestions regarding a preferred name for the new locality, if it were to be declared.

The respective steps taken included the following:

1. An advertisement was placed in the Advocate newspaper, as this free weekly publication is delivered to each home in Ballina Shire. A copy of this advertisement is contained in Attachment 1. The period of exhibition was one month.
2. A package of information was prepared and placed on Council's website for the duration of the exhibition period.

The package included an explanation of the planning context and the urban growth that is planned for in the locality. It included a copy of the previous report which the Council had considered, relevant maps of the existing localities and also copies of the Fact Sheets from the GNB which outline the role of that authority in terms of place naming.

3. A letter was prepared and distributed to all owners of property in the area potentially affected by the locality and name changes. A copy of this letter is contained in Attachment 2. The letter was accompanied by the information package referred to above, a copy of which is also attached (Attachment 3).

The exhibition material, including the land owner letters, generated a modest level of enquiry, with a number of phone calls received by staff. As a generalization, it should be said that people making enquiries were positive and supportive of the Council's initiative to review the locality boundaries; not only because of the new development that is predicted to occur and which will transform the area, but also because of the change to the area brought about by the recent construction of the Ballina Bypass. This project was seen as significant, and landowners spoken to indicated that the highway is a logical point of differentiation between localities.

The exception to the above is a letter from Mr and Mrs Rose who resides in Glenross Drive, located on the northern side of Ross Lane. For the reasons cited in their letter, Mr and Mrs Rose prefer that any change to locality boundaries be limited to land south of Ross Lane. This option was canvassed in the report to the Council on 22 May, but was not supported.

The other matter that is relevant is that, contrary to the inference made by Mr and Mrs Rose, the area including Glenross Drive on the northern side of Ross

9.3 Cumbalum Precinct B - Locality Naming

Lane has in fact been earmarked for investigation in the future, to determine its suitability for urban rezoning and development.

This area was deferred from inclusion in the previous Precinct B investigations due to the uncertainty that existed at that time in relation to the routing of the Ballina Bypass.

As the Glenross Drive area remains in the Council's endorsed Growth Management Strategy as an area to be investigated for urban development, it is suggested that it should be incorporated in the new locality. This view is supported by a desire to use the realigned Pacific Highway as the line of separation between Tintenbar locality (western side of the highway) and the proposed new locality.

As stated, the majority of enquiries were positive in regard to the proposed changes. In relation to formalized submissions, a total of thirteen were received. One additional suggestion was made by Ms Gail Greig-Morrison. Rather than making a written submission Ms Greig-Morrison requested that staff record her view about a proposed locality name (being "Lennox Heights").

A copy of each of the written submissions is contained in Attachment 4 for the consideration of Councillors. Some of the submitters appear to have thought carefully about the circumstances and context for this proposal, particularly about proposed names for a new locality. If it is agreed that a new locality should be established, its naming is a matter for the Council, and ultimately, the GNB. The Council may select and recommend a name generated from the community consultation, or nominate its own individual or shortlisted names. Irrespective, reference should be made to the GNB's place naming guidelines in coming to a view. These guidelines formed part of the information package that was publicly available, and copies are attached to this report.

Of the names nominated by the community, it is suggested Kinvara, Rosssdene, Yabsley and Jingara appear to be particularly meritorious. Kinvara, Rosssdene and Yabsley are reflective of the historical European settlement of this area. Jingara may be the Aboriginal name for the area, though it is suggested attempts should be made to verify this if this name for the proposed new locality is preferred. An informal enquiry was recently made of JALI Local Aboriginal Land Council's Cultural Heritage Officer to ascertain if Jingara is a known reference. The officer advised that he had not heard of this name being used in a local context and that the matter would require further discussion within community.

Other suggested names for the new locality which have been noted include Lennox Heights and Lennox Ridge. It is suggested that these may well be adopted as Estate names by future developers within Precinct B, but appear to be less suitable as locality names for the purpose of the GNB.

Sustainability Considerations

- **Environment**
Not Applicable

- **Social**

9.3 Cumbalum Precinct B - Locality Naming

Place naming is important in endeavouring to promote community cohesion.

- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Through Council's careful long term planning, the Cumbalum ridge will transform over time to accommodate a substantial portion of Ballina Shire's predicted growth. The Council has seen the need to "tidy up" the existing locality boundaries so that future development within Precinct B will be contained within one discreet area. In doing so, an opportunity has been identified to adjust the locality boundaries and areas to have regard for the construction of the Pacific Highway Ballina Bypass.

The adoption of a new locality, as illustrated on the map accompanying this report, appears to be a logical step to take and is not anticipated to have any significant adverse consequences for residents within the area (now or in the future) or the wider community.

Consultation

Although the community engagement exercise undertaken did not generate a significant response in terms of numbers, indications are that the consultation method has been effective in communicating what the Council is contemplating.

The majority of respondents appear to support the Council's initiative and have contributed positively to the process. It is noted that if the Council chooses to proceed with the changes and selects a preferred name for the new locality, the Geographical Names Board will conduct a similar community consultation exercise, as it is obligated to do under the Geographical Names Act. Ultimately, the GNB may adopt Council's recommendation or alternatively apply different boundaries and/or a different name or take no action to change existing arrangements in the locality.

Options

In relation to this matter, the Council has a number of options available to it.

The first option is to do nothing, leaving the locality boundaries where they are. This is an acceptable option for the time being. However, in the longer term, as development occurs within Precinct B, an adjustment of locality boundaries may be sought to reduce/remove confusion within the settlement areas. With this option, the concept of having locality boundaries align with the Ballina Bypass is not implemented.

The alternative and recommended option is to continue with the process that has been outlined in the information package that has been distributed. That is, confirm the Council's desire to have the Tintenbar and Cumbalum locality boundaries adjusted and an additional locality formalized, generally as illustrated in the plan accompanying this report (ie the plan titled "Proposed

9.3 Cumbalum Precinct B - Locality Naming

new locality showing impact on existing localities of Cumbalum and Tintenbar”).

With this option, the Council is invited to nominate the name/s which it considers would be most appropriate for the new locality. Of the names that have been nominated by the community, Kinvara, Rosdene, Yabsley or Jingara are suggested as the preferred alternatives, however it is a matter for the Council to make a selection and recommendation to the GNB. As stated, if Jingara is chosen, a verification process with our Aboriginal community is seen as highly desirable. The three options are provided in the recommendation and Council may well have to have a separate ballot on the preferred name if there is not consensus.

If the Council is comfortable with the concept of proceeding with the locality boundary adjustment and the formalisation of a new locality, but remains uncertain about the preferred name, it will be helpful to provide guidance to the General Manager as to what additional steps are desirable to confirm the naming.

RECOMMENDATIONS

1. That Council notes the contents of this report and the community engagement action which has been taken in relation to the proposed adjustment of the Tintenbar and Cumbalum locality boundaries and the proposed establishment of a new locality.
2. That Council confirms its desire to proceed with the locality alterations as illustrated on the plan, which was exhibited for public comment, and which accompanies this report (the plan titled “Proposed new locality showing impact on existing localities of Cumbalum and Tintenbar”).
3. That in relation to the naming of the proposed new locality, the Council’s preference is Kinvara or Rosdene or Yabsley or Jingara (to be determined by the Council).
4. That Council’s decisions in relation to points two and three above be communicated to the NSW Geographical Names Board with a view to that authority being requested to initiate the actions necessary to effect these changes.
5. That a letter is forwarded to the community members who participated in the recent engagement process conveying the Council’s appreciation for their input.

Attachment(s)

1. Cumbalum Precinct B - Advertisement - 15 July 2014
2. Cumbalum Precinct B - Letter to Landowners and list of recipients
3. Cumbalum Precinct B - Information Package
4. Cumbalum Precinct B - Submissions for Proposed Locality Name

9.4 Alstonville Farmers' Market - Operation and Licensing

9.4 Alstonville Farmers' Market - Operation and Licensing

Delivery Program Community Facilities and Services

Objective To update the Council on the operation of the Alstonville Farmers' Market and outline options for the future of the market.

Background

The Council considered the establishment of a weekly farmers' market at Alstonville at its May 2013 Ordinary Meeting and resolved as follows [Minute No. 230513/1]:

- 1. That based on the outcomes from the registration of interest process, Council authorises the General Manager to appoint Mr Cooke as the market operator of the Alstonville Farmers' Market for a period of twelve months, effective from the date of the initial market.*
- 2. The appointment of Mr Cooke is on the basis that the market operator will meet all operational, management and marketing costs associated with the Alstonville Farmers' Market for the duration of the twelve month trial period.*
- 3. That Council waives any rental associated with the Alstonville Farmers' Market site for the initial twelve month trial period on the basis of the substantial establishment costs likely to be incurred by the approved market operator.*
- 4. That Council receive a further report towards the end of the twelve month trial of the Alstonville Farmers' Market outlining the social, environmental and economic benefits and impacts of the market.*

In accordance with point four of the Council's above resolution, this report provides an update to the Council in relation to the operation of the market during the trial period and presents options for the continued operation of the market.

Key Issues

- Economic development
- Use of public land

Information

The weekly Alstonville Farmers' Market (the market) has been operating on a trial basis over the last 12 months in the Bugden Lane Car Park, Alstonville on a Saturday between the hours of 7am and 2pm (Figure 1).

The land comprises a public car park, which is owned by Council, and road reserve.

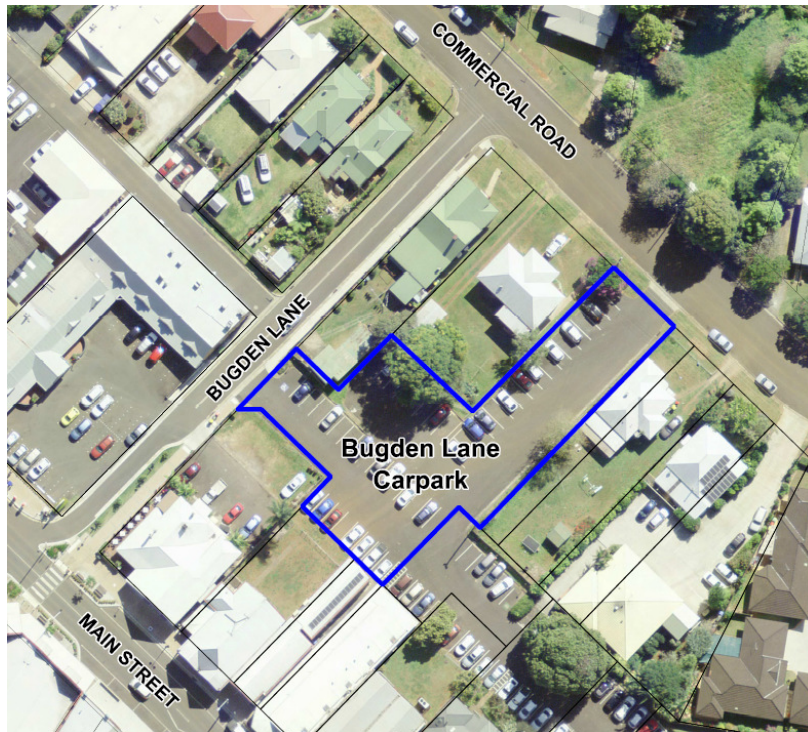


Figure 1 – Location of Alstonville Farmers' Market, Bugden Lane Car Park

The 12 month trial period, concluding on 4 October 2014, was set by the development consent, which authorised the market. In addition to the limitations and conditions of the development consent, the market is also subject to various requirements under a licence agreement between Council as the land owner and the market operator.

The operator of the market during the period of the trial, Mr Steve Cooke, has provided Council with a report on the market, as required by the licence agreement.

The market operator's report presents information relating to:

- Social and economic benefits of the market
- Stall numbers
- Advertising
- Financial income and expenditure
- Viability and sustainability of the market.

The operator makes a number of observations regarding the social, environmental and economic benefits of the market's trial, including:

- That overall, the market is considered a success by customers, stallholders and the market operator and is developing into a popular and successful community activity
- The number of stallholders and visitors have been steadily increasing with 39 different stalls attending over the trial market period, with an average of 13 stalls trading each week

9.4 Alstonville Farmers' Market - Operation and Licensing

- The intensive advertising and letterbox campaigns conducted by the operator has contributed to the success of the market
- Significant time and resources have been dedicated to the establishment of the market and the manager has received no financial benefit to date
- There have been no accidents or noise complaints to date
- Six different charities have held fundraisers on market days and the opportunity for not-for-profit organisations to operate a fundraising "sausage sizzle" is promoted through the market's advertising material
- The market provides an economic opportunity for local farmers, other food producers and local musicians
- Currently, the average weekly income does not cover the average expenditure per market
- The market operator has been contributing in-kind his management time estimated at \$200 per week and vehicle usage (\$1,228 annually).

Further information regarding parking and community feedback are outlined below.

The report provided by Mr Cooke contains information of a commercial nature, which should not be publicly disclosed. Consequently, it has not been included as an attachment to this report. However, Councillors may view the market manager's initial report by contacting the Strategic and Community Facilities Group.

Traffic and Parking

The operation of the market precludes the use of up to 29 car parking spaces in the Bugden Lane carpark during market operation and also generates an increase in demand for car parking by stallholders and market visitors during this time.

A car parking survey was required as a condition of the development consent for the trial market to determine the impacts on car parking availability in the vicinity of the market. Results of this survey confirmed that there has been no significant car parking shortages or issues in the immediate local road network. Council has received no complaints in relation to parking during the trial period.

Community feedback

Stallholders from the monthly market held at the Alstonville Showground have recently contacted Council expressing a desire for more active market management from the Alstonville Agricultural Society. The weekly Alstonville Farmers' Market has been nominated by these stallholders as an example of a well-managed market that is well promoted and attended.

Prior to the commencement of the weekly farmers' market last year, representatives from Council facilitated a meeting between the Alstonville Agricultural Society, the operator of the Alstonville Farmers' Market and the Alstonville and Wollongbar Chamber of Commerce to determine how both markets could complement each other. It appears that no arrangement between the parties was reached at this meeting.

9.4 Alstonville Farmers' Market - Operation and Licensing

Given the feedback from stallholders of the monthly market, Council staff have again suggested that the parties involved meet to determine a way forward.

Although it is not a matter for Council at this time, should the weekly farmers' market no longer be viable on the Bugden Lane car park site (for example due to its size or site conditions), it is open for the market operator to negotiate an arrangement with the Alstonville Agricultural Society to continue the market in the undercover area on the grounds of the showground.

No other feedback from the community has been received during the trial period of the weekly farmers' market.

Ongoing Operation of the Market

The key matters to be considered with respect to the operation of the Alstonville Farmers' Market are:

- Whether the operation of the market should be extended beyond the 12 month trial period
- Whether the Council allows the market to continue to be operated by a 'private' market operator rather than a non-for-profit operator as specified in Council's market policy
- Whether the Council seeks new expressions of interest for the market operator in association with any extension of the market beyond the trial period
- Whether a site rental should be charged for the use of the public car park.

Extension of Alstonville Farmers' Market

The report from the manager of the Alstonville Farmers' Market indicates that the market has had a positive impact on the community and has the potential to become a popular and successful event into the future.

Based on the market operator's request that the market be continued, the social and economic benefits, and that no adverse community feedback has been received in relation to the market's operation, there are no specific technical or operational reasons suggesting that the Alstonville Farmers' Market should be discontinued.

If the Council is inclined to authorise the continued operation of the market, development consent will be required for a permanent market and a new licence agreement with the appointed market operator will need to be completed.

A development application for the permanent operation of a weekly market on the site has been lodged with Council's Development and Environmental Health Group and is currently being processed. Although the need for a fresh development consent is acknowledged, the Council's decision on the operation of the market more hinges on operational and licence arrangements, as discussed below.

That is, even with development consent in place, direction is required in relation to the appointment of an operator.

Expressions of Interest

Council sought expressions of interest (EOI) for the management of a trial of the Alstonville Farmers' Market in December 2012 following the withdrawal of the original proponent of a market in this location. No EOIs were received in response at that time.

Following this, the Westpac Life Saver Helicopter Service (WLSHS) was invited to manage the market. However WLSHS declined to pursue this opportunity based on the limited success of the Ballina Twilight Market (that WLSHS was also managing at the time).

Subsequently, the Alstonville and Wollongbar Chamber of Commerce referred Mr Steve Cooke to Council, who lodged a formal EOI in March 2013. The Council agreed to Mr Cooke's management of the market at its March 2013 Ordinary Meeting for a 12 month trial period.

A further round of EOI for the management of the Alstonville Farmers' Market would involve preparing the EOI package and advertising documentation. The package would be available for a period of four weeks, after which individual EOIs would be assessed against the preferred market criteria. In line with Council's Market Policy, this criteria favours not-for-profit organisations.

Due to the difficulty in securing expressions of interest for the trial market previously, the reported limited viability of the market presently and the effort of the current market manager in establishing the market, undertaking a new EOI process at this point is not recommended.

If the Council wishes to authorise continuation of the market, it is suggested the current operator be appointed for a new three year period, via a new licence agreement, with the EOI process to be reconsidered at the end of the licence period, or if the licence arrangement concludes earlier.

This approach would allow time for the market to become more established as a community activity under the current management arrangement and for the market to possibly become a more profitable operation.

This process would involve issuing a new licence for a period of three years (or other period nominated by the Council) following the grant of a fresh development consent for the market. Prior to the expiry of this licence, an EOI could be advertised, if considered desirable, thus providing another opportunity for groups or individuals to nominate for the management of this market.

Market Operator

Council acknowledges the support and professionalism of the incumbent market operator, Mr Cooke, in the operation of the market during the period of the trial. The success of the market trial has been, in large part, due to the diligent and constructive approach of the operator. Mr Cooke has indicated that he is willing to continue as manager provided it is for a reasonable period in order for him to recoup his investment in the market. He specifies this period as a minimum of two years.

9.4 Alstonville Farmers' Market - Operation and Licensing

These factors, however, should be considered in terms of whether a further variation to the Council's Market Policy is warranted in this case.

The management of the market is currently undertaken by a private operator, rather than by a community-based organisation and is therefore inconsistent with Council's adopted Market Policy. Council's Market Policy emphasises that a market operator will be a *not-for-profit group*. In the policy, a not-for-profit group is defined as "*an individual or group who returns any profits from the charging of market site fees to the running of the markets to a nominated community group or charity. Preference will be given to Ballina Shire based organisations and then to organisations that operate within the region.*"

In considering the circumstances associated with the Alstonville Farmers' Market, the Council decided to allow a variation to its market policy via the appointment of Mr Cooke as market manager at its May 2013 Ordinary Meeting.

Now that the trial period is coming to a conclusion, the Council may elect to investigate other opportunities for the market to occur under the oversight of a suitable not-for-profit organisation. This approach is not recommended at this time. It is suggested, given the way in which the market has operated, the establishment costs incurred by the market operator and the professional conduct of the manager to date, that Mr Cooke is provided the opportunity to continue the market for a further three years through the provision of a new market licence.

Extent of Public Benefit

The Council's market policy is currently predicated on allowing the use of public land for markets by not-for-profit groups for the benefit of the broader community, including through the re-distribution of site/stallholder fees to community-based causes.

Currently, Mr Cooke does not pay a site rental or lease to the Council for the commercial use of Council land. The proponent has outlined in his market report how this market may benefit the public. The current benefits identified by the proponent include:

- A free charity stall with the sole right to operate a sausage sizzle and drinks fundraiser at the market. This opportunity is shared among interested charities each week.
- The market supports local musicians. Live music is performed at the market between 9am–12noon and is sponsored by a neighbouring business.
- The selling of produce and local crafts builds community cohesion, attracts visitors to the town and stimulates the local economy by increasing employment and encouraging consumers to support local business.

9.4 Alstonville Farmers' Market - Operation and Licensing

Whilst these are potentially public benefits associated with farmers' markets, the Council is invited to consider whether these benefits outweigh the potential adverse impacts associated with the operation of the market (on neighbourhood amenity, parking, access etc). It is also important to consider equity across market operations in the shire, with other operators using public land either paying fees or providing direct benefit to not-for-profit community organisations, consistent with the terms of Council's market policy.

The Council is invited to consider other options to derive public benefits appropriate for this particular activity. One such option that also assists in addressing the equity across market operators is the application of a site rental fee, given the commercial use of the site and management by a private operator. Such a rent may be based on a fee per stall, nominal fee paid annually or as otherwise nominated by the Council.

Although the market manager has indicated he has received no financial benefit to date, the market report indicates stall holder numbers are increasing and it is suggested that the financial position of the Alstonville Farmers' Market may improve.

Given this, and that Council is trying to encourage the establishment of a market in this locality, the application of a commercial based site rental is not recommended. However, a nominal fee of, say, of \$10 per market, paid annually, may be appropriate for the next licence period. On this basis, it is recommended that Council apply a site rental fee for the occupation of public land by a private market operator of \$500 (excl GST) per annum for the duration of the licence agreement.

It is open to the Council to defer any rental associated with the Alstonville Farmers' Market site on the basis of the establishment costs incurred by the approved market operator and that this situation be reviewed following the expiry of the new market licence.

It is recommended that Council also continue to require as part of any licence offered to Mr Cooke, that all site management, operational and marketing costs be met by the operator (e.g. electricity, waste management, advertising etc). This recommendation seeks to balance the opportunity to establish the market with costs to the community.

Sustainability Considerations

- **Environment**

The success of a local farmers' market contributes to local sustainability through the reduction of 'food miles' associated with the transport of food.

- **Social**

Farmers' markets support the availability of fresh produce to the local community and provide opportunities for social interaction.

- **Economic**

Local farmers' markets support the local economy by retaining income within the region. Markets located in proximity to existing commercial areas are also more likely to contribute to the business activity of commercial areas.

Legal / Resource / Financial Implications

The continued operation of the market, as discussed within this report, has required the preparation and lodgment of a further development application and will require establishment of a new licence agreement. This documentation will incur modest financial and staff time costs. This work can be accommodated within the existing work program and budget allocation.

Consultation

Broader public consultation concerning the performance of the market trial has not been undertaken at this time. However, the market operator's report does include information relating to stallholder and customer feedback.

It is noted, however, that no unsolicited public comment (aside from the feedback provided by stallholders involved in the Alstonville Agricultural Society's market) has been received by Council in relation to the operation of the market, either positive or negative, during the period of the trial.

Options

1. Discontinue the Alstonville Farmers' Market.

This approach would involve Council declining to issue a new licence for a market operator to provide for the market on the Bugden Lane car park site.

This option is not recommended due to the wider potential benefits markets can provide to the local community, the goodwill built during the trial period of the market's operation and that there are no specific technical or operational reasons at present that warrant the discontinuation of the market.

2. Extend the operation of the Alstonville Farmers' Market.

This option involves the appointment of a market operator and issue of a new licence agreement to facilitate ongoing operation of the market on the Bugden Lane car park site. The progress of this option is dependent on a favourable determination of a development application enabling the market to continue. Council's Development and Environmental Health Group is currently assessing a development application for ongoing operation of the market.

To extend the operation of the market, it is recommended that the Council take the following steps for the reasons outlined in this report:

- reappoint the current market operator, Mr Steve Cooke, as market manager
- appoint Mr Cooke as market operator under a licence agreement for a period of three years
- apply a fee of \$500 per annum for the operation of the market on public land

9.4 Alstonville Farmers' Market - Operation and Licensing

- revisit the suitability of an expression of interest process for a market operator at the conclusion of the licence arrangement with Mr Cooke.

The above approach provides for the terms of the operation of the market to be reviewed and evaluated after a further three year period of operation.

In proceeding under this option, it is important to note that the appointment of a private market operator is inconsistent with Council's current market policy. However, in the subject circumstances, there are particular reasons to support such a variation.

Extension of the operation of the market and reappointment of Mr Cooke as operator is the recommended approach.

3. Seek further information prior to determining the preferred approach.

It is open to the Council to seek further information prior to determining the future operation of the market. If Council wishes to obtain further details through a briefing or other means, it is recommended that the Council authorise a short term extension to the current market operator's licence so the market is not required to cease operation on 4 October 2014 while additional information requirements are addressed. A suggested resolution in this case is as follows:

That Council extend the period of the licence agreement for the operation of the Alstonville Farmers' Market for a period of four months.

For the same reasons outlined in relation to option one, this approach is not recommended.

RECOMMENDATIONS

1. That Council endorses the ongoing operation of a farmers' market on the Bugden Lane car park in Alstonville.
2. That Council authorises the appointment of Mr Steve Cooke to continue the operation of the Alstonville Farmers' Market as manager for a period of three years following the conclusion of the 12 month market trial period on 4 October 2014.
3. That Council applies a fee for the operation of the Alstonville Farmers' Market on the Bugden Lane car park in the amount of \$500 (ex GST) per annum.

Attachment(s)

Nil

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 document.

US13/34	<p>Ballina Shire Council - Licence to State of New South Wales (Minister for Police) for folio identifier 1/632176, Water Reservoir, Suvia Street, East Ballina for a period of five years at a rental of \$3,200 p.a. + GST with a fixed 3% annual increase + GST for a telecommunications tower and equipment shelter.</p> <p>Explanation: Council staff have been negotiating with NSW Police regarding the renewal of the current licence and upgrading of equipment at the water reservoir. This matter was previously reported to Council, with the matter then deferred to seek further information on the rental figure.</p> <p>As a result of this resolution, information was sought from the local government property manager's group (being a network of property officers within councils) as to the rental paid for similar leases. There were limited responses received from councils with Gosford advising they recently negotiated a 20 year rental at \$5,000 (which involved significant negotiations), Corowa charge \$500 and Wollondilly around \$3,000 based on IPART recommendations.</p> <p>IPART, on 2 September 2014, actually finalised their latest review of rental arrangements for telecommunication towers on crown land, with that report available on the IPART website (www.ipart.nsw.gov.au).</p> <p>The link to that report is as follows. http://www.ipart.nsw.gov.au/Home/Industries/Other/Reviews/Tower_Sites/</p> <p>As there are many similarities between crown and Council land, that report is interesting in that the recommended value for these types of leases on crown land, for the budget funded sector (i.e. NSW Government agencies or authorities that deliver core services to the public) for locations classified as medium (i.e. within 12.5km of the centre of urban centres having a population of 10,000 or more) is \$3,019 (ex GST) for 2013/14. This figure is based on a market value rental of \$15,095 (ex GST) less a recommended community sector rebate of \$12,076.</p> <p>The proposed rental in the recommendation is \$3,200 which is a reasonable increase from the existing rental of \$2,800 and is commensurate with the latest IPART report. If Council wishes to charge a higher figure, the recommendation will need to be amended.</p>
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Attachment(s)

Nil

10.2 Investment Summary - August 2014

10.2 Investment Summary - August 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 August 2014.

Key Issues

- Compliance with Investments Policy and Investment Return

Information

Council's investments are all in accordance with the Local Government Act, the Regulations and Council's Investments Policy.

The balance of investments as at 31 August 2014 was \$70,534,000. This represents an increase from July of \$6,005,000. Council's investments as at 31 August are at an average (weighted) rate of 2.89%, which is 0.78% above the 90 Day Bank Bill Index of 2.11%. The balance of the cheque account at the Commonwealth Bank, Ballina as at 31 August 2014, was \$1,850,418.

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.

The majority of Council's investments portfolio, approximately \$71 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	15
Wastewater Fund (incl developer contributions)	External	26
Section 94 Developer Contributions	External	6
Bonds and Deposits	External	2
Other External Restrictions	External	12
Land Development	Internal	8
Employee Leave Entitlements	Internal	3
Carry Forward Works	Internal	11
Miscellaneous Internal Reserves	Internal	11
Unrestricted		6
Total		100%

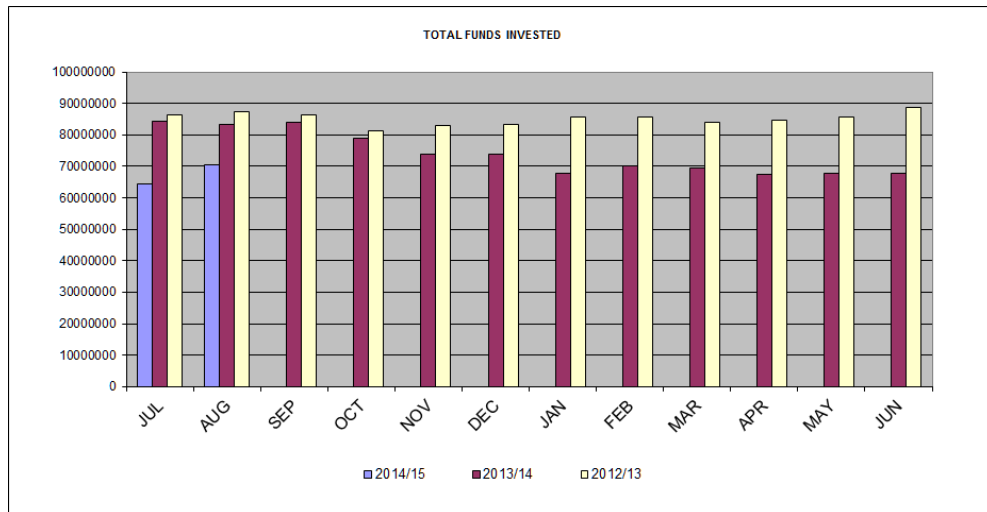
* Based on reserves held as at 30 June 2014

10.2 Investment Summary - August 2014

A. Summary of investments by institution

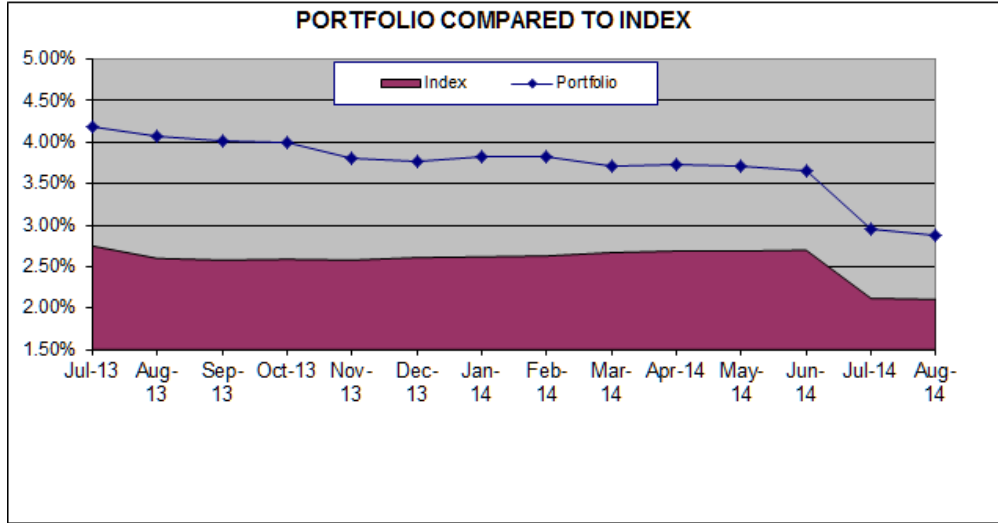
Funds Invested With	ADI Rating	Previous Month (\$'000)	Current Month (\$'000)	Quota %	% of Total	Total
Grandfathered Investments						
Goldman Sachs	AA-	1,000	1,000	0	1.4%	
National Australia Bank	AA-	1,788	1,788	0	2.5%	
National Wealth M'ment Holdings	A	2,000	2,000	0	2.8%	7%
Rated Institutions						
AMP Bank	A+	4,000	6,000	20%	8.5%	
Bank of Queensland	BBB+	4,000	4,000	10%	5.7%	
Bank of Western Aust	AA-	2,000	4,000	20%	5.7%	
Commonwealth Bank of Australia	AA-	5,741	8,746	20%	12.4%	
Defence Bank Ltd	BBB+	1,000	1,000	10%	1.4%	
Greater Building Society	BBB	2,000	2,000	10%	2.8%	
Heritage Bank	BBB+	5,000	4,000	10%	5.7%	
ING Bank Ltd	A-	3,000	3,000	10%	4.3%	
Members Equity Bank	BBB+	4,000	4,000	10%	5.7%	
National Australia Bank	AA-	9,000	9,000	20%	12.8%	
Newcastle Perm Bld Society	BBB+	2,000	2,000	10%	2.8%	
Rural Bank Ltd	A-	1,000	1,000	10%	1.4%	
Suncorp-Metway Bank	A+	10,000	10,000	20%	14.2%	
Westpac Banking Corporation	AA-	7,000	7,000	20%	9.9%	93%
Unrated ADI's				\$1m	0.0%	
Total		64,529	70,534		100%	

B. Monthly Comparison of Total Funds Invested

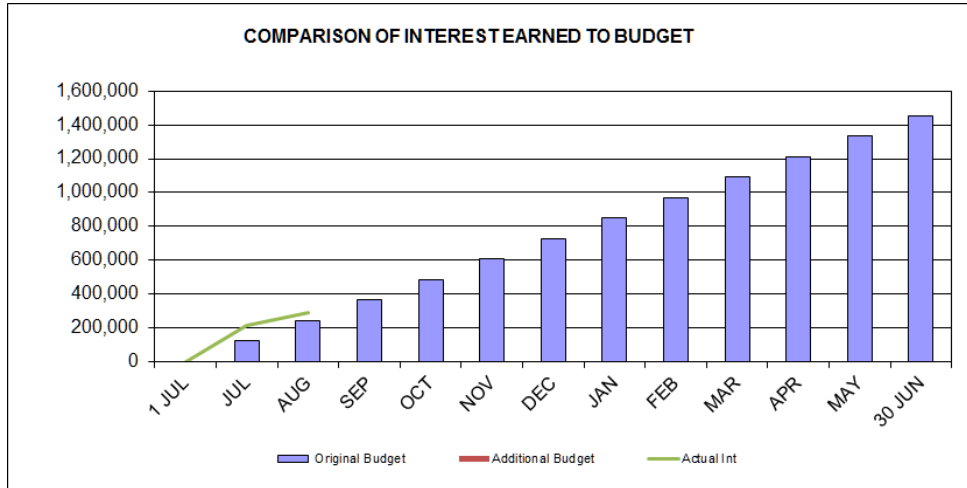


10.2 Investment Summary - August 2014

C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



10.2 Investment Summary - August 2014

E. Investments held as at 31 August 2014

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
20/09/04	National Australia Bank (ASX Listed)	FRN	3.89%	Perpetual	1,788	1,461
12/04/06	Goldman Sachs	FRN	3.17%	12/04/16	1,000	999
15/09/14	National Wealth M'ment Holdings	FRN	3.32%	16/06/26	2,000	1,938
at call	Commonwealth Bank Of Australia	FND	2.45%	at call	6,753	6,753
24/01/12	ING Bank Ltd	FRTD	4.59%	24/01/17	1,000	1,000
06/02/12	Westpac Bank	FRN	4.29%	06/02/17	1,000	1,032
25/01/13	Commonwealth Bank Of Australia	TD	4.25%	25/01/18	1,993	2,053
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	2,015
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
25/02/14	Westpac Bank	FRN	3.58%	25/02/19	2,000	2,031
04/03/14	Suncorp-Metway Bank	TD	3.55%	04/09/14	2,000	2,000
24/03/14	Members Equity Bank	TD	3.80%	22/09/14	1,000	1,000
14/04/14	National Australia Bank	TD	3.70%	14/10/14	2,000	2,000
15/04/14	Suncorp-Metway Bank	TD	3.55%	13/10/14	3,000	3,000
30/04/14	National Australia Bank	TD	3.69%	03/11/14	2,000	2,000
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
05/08/14	Newcastle Permanent Bld Society	TD	3.40%	05/11/14	2,000	2,000
05/08/14	AMP Bank	TD	3.50%	27/01/15	2,000	2,000
11/08/14	ING Bank Ltd	TD	3.45%	11/02/15	2,000	2,000
22/08/14	BankWest	TD	3.45%	29/10/14	2,000	2,000
26/08/14	National Australia Bank	TD	3.65%	26/02/15	1,000	1,000
Totals					70,534	70,282
TD = Term Deposit		FRTD = Floating Rate Term Deposit				

RECOMMENDATION

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

Attachment(s)

1. Tcorp Local Government Economic Commentary - August 2014

10.3 Code of Conduct - Reporting

10.3 Code of Conduct - Reporting

Delivery Program Administration

Objective To comply with Council's Code of Conduct and directions from the Office of Local Government.

Background

The Office of Local Government's Model Code of Conduct requires a report to be submitted annually on Code of Conduct complaints. It is required that the report is submitted within three months of the end of August.

This report satisfies these requirements.

Key Issues

- Number and nature of complaints

Information

The last report Council considered in respect to this matter was for the 12 month period 1 September 2012 to 31 August 2013. This report is for the period 1 September 2013 to 31 August 2014.

The details of the complaints managed under the code for the period of this report are as follows;

Number of complaints made about councillors and the general manager	3
Number of complaints referred to a conduct reviewer	3
Number of complaints finalised by a conduct reviewer at the preliminary assessment stage	2
Outcome – Take No Action	2
Number of complaints investigated by a conduct reviewer	1
Outcome – Training or Education	1
Number of complaints investigated by a conduct review committee	0
Number of matters reviewed by the Division	0
Total cost of dealing with code of conduct complaints	\$8,191
Invoiced from conduct reviewers	\$6,691
Approximate staff costs	\$1,500

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The Code of Conduct exists to ensure there are appropriate standards of behaviour.

10.3 Code of Conduct - Reporting

- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The Council's Code of Conduct, which is based on the Office of Local Government's Model Code of Conduct, requires a report to be submitted annually on Code of Conduct complaints. This report satisfies that legal requirement.

Consultation

This report is provided for information.

Options

This report is for information purposes only.

RECOMMENDATION

That Council notes the contents of this report on Code of Conduct complaints for the period 1 September 2013 to 31 August 2014.

Attachment(s)

Nil

10.4 Policy (Review) - Donations - Fees and Australian Representation

10.4 Policy (Review) - Donations - Fees and Australian Representation

Delivery Program Governance and Finance

Objective To review two policies being Donations - Assistance with Council Fees for Community Groups and Donations - Australian Representation.

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 two policies being Donations – Assistance with Council Fees for Community Groups and Donations – Australian Representation.

Council last reviewed these policies in 2010.

Key Issues

- Whether the policies meet the requirements of Council and current legislation.

Information

The review of these policies identified only minor changes with any additions marked in yellow and deletions marked with strikethrough.

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

Sustainability Considerations

- **Environment**
The policies assist in supporting environmental outcomes.
- **Social**
The policies are aimed at supporting community groups which in turn assists in developing the social fabric of the community.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Council typically allocates a budgetary amount annually to enable donations to be provided in accordance with the policy. In 2014/15 Council allocated \$93,000 for various types of donations which included \$2,000 for fee relief under the Assistance with Council Fees Policy.

10.4 Policy (Review) - Donations - Fees and Australian Representation

Consultation

Consultation has only been undertaken at a staff level. It is proposed that the policy be advertised for public comment.

Options

Council may accept or amend the proposed changes to the policies. The changes included are largely housekeeping 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 Donations – Assistance with Council Fees for Community Groups Policy and Donations – Australian Representation, as attached to this report.
2. That Council place these policies 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 - Donations - Assistance with Council Fees for Community Groups
2. Policy - Donations - Australian Representation

10.5 Policy (Review) - Councillor Expenses and Facilities

10.5 Policy (Review) - Councillor Expenses and Facilities

Delivery Program Governance

Objective To review the Councillor Expenses and Facilities policy.

Background

Section 252(1) of the Local Government Act requires that within five months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.

The last review of the policy was undertaken in January and February 2014 where it was resolved to amend the policy to provide for a maximum allowance of \$5,000 (ex GST) per Councillor for conferences and associated travel per financial year.

The policy was placed on public exhibition and reported back to the March 2014 meeting. That meeting adopted the amended policy, along with a further minor amendment that approval for conferences and travel, both inside and outside the NOROC region, will be approved by the Mayor and / or General Manager, in accordance with Council policies.

Key Issues

- Cost and benefit of facilities provided
- Ensuring the service remains contemporary

Information

The existing policy has only recently been reviewed and as such no further changes are recommended. Please note the kilometre travel rates in the table in Clause 2.1.2 reflect the latest Australian Taxation Office figures.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The Expenses and Facilities Policy is designed to assist Councillors in undertaking their role as an elected member of the community.
- **Economic**
Budgets are provided for Councillor equipment and travel.

10.5 Policy (Review) - Councillor Expenses and Facilities

Legal / Resource / Financial Implications

Council is legally required to review this policy within five months of the end of the financial year.

Consultation

The Local Government Act requires changes to the Expenses Policy to be exhibited for public comment, excluding minor amendments.

Options

No changes are recommended therefore the options are to endorse the policy as it currently stands, or amend. The preferred option is to adopt the existing policy as it has only recently been reviewed.

RECOMMENDATION

That Council adopts the existing Councillor Expenses and Facilities Policy, as attached to this report.

Attachment(s)

1. Councillor Expenses and Facilities Policy

10.6 Deputy Mayor - Election

10.6 Deputy Mayor - Election

Delivery Program Governance

Objective To determine whether Council wishes to appoint a Deputy Mayor and if so, how that position is to be elected.

Background

Section 231 of the Local Government Act states:

- (1) *The councillors may elect a person from among their number to be the deputy mayor.*
- (2) *The person may be elected for the mayoral term or a shorter term.*
- (3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*
- (4) *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

Nominations for the office of Deputy Mayor are to be submitted in writing to the General Manager, signed by the nominee and at least one other Councillor, prior to this report being discussed at the ordinary meeting.

Copies of the nomination forms are attached under separate cover.

The Deputy Mayor can be paid an allowance for such time as the Deputy Mayor acts in the office of the Mayor. The Office of Local Government has advised that such an allowance cannot be established on an annual basis and paid as an annual figure. Rather it must reflect actual time acting as the Mayor. Therefore the Deputy Mayor will only receive an allowance if the Mayor is on a period of extended leave.

Key Issues

- To determine whether Council wishes to appoint a Deputy Mayor
- If yes, Council must determine the method of voting

Information

An election must be held if more than one nomination is received.

Council must then determine whether the voting is to be by preferential ballot (if three or more candidates nominated), ordinary ballot (secret ballot) or open voting.

Section 251(5) of the Local Government (General) Regulation states as follows:

10.6 Deputy Mayor - Election

Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot. (Reg 251)

Note: Part 11 of this Regulation provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that "ballot" has its normal meaning of secret ballot.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Council may elect to have a Deputy Mayor to assist with functions and activities when the Mayor is now available.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

There is no legal obligation for Council to elect a Deputy Mayor.

Consultation

Not applicable.

Options

The options are to have or not have a Deputy Mayor and the method of voting. The term of the election can also be for the entire term of Council or for a shorter period. The recommendation that follows reflects Council's traditional practices, which is to have a Deputy Mayor, elected for a period of one year, with the method of voting by ordinary (secret) ballot.

RECOMMENDATIONS

1. That Council elect a Deputy Mayor for the period to September 2015.
2. That the method of voting for the election of Deputy Mayor be by way of ordinary (secret) ballot.
3. That the number of votes at the ballot be revealed at the meeting and that the General Manager, following the meeting, destroy the ballot papers.

Attachment(s)

Nil

11.1 Newrybar Village - Provision of Additional Parking

11. Civil Services Group Reports

11.1 Newrybar Village - Provision of Additional Parking

Delivery Program Engineering Works

Objective To provide Council with options for providing additional car parking in Newrybar Village.

Background

For a number of years Council has been receiving representations from Newrybar residents regarding additional car parking in Newrybar Village. An increase in commercial activity in recent years has resulted in on-going requests for increased parking in the village.

In response, at the April 2014 meeting, Council resolved to allocate \$30,000 in the 2014/15 budget to assist the Newrybar community to build a car park. In consultation with representatives of the community and business, Council staff have investigated options for providing additional parking and this report assesses those options.

Key Issues

- Various options available
- Funding

Information

The growth in activity for the businesses in Newrybar in recent years has resulted in a significantly increased demand for car parking. Approvals for recent developments have required additional parking as a condition of consent; however, there are still requests for more parking.

Representatives of the Newrybar community have been actively trying to realise a solution to the problem, including offers to contribute to the cost. There is a current offer from the owners of the Harvest Café to contribute \$10,000. In discussions between Council staff and community/business representatives, two potential locations have been identified:

1. The road reserve on the northern side of the village between the Old Pacific Highway and the current Pacific Highway.
2. The southern shoulder of Brooklet Road from the Old Pacific Highway west for a distance of approximately 130 metres.

These sites are shown in Attachments One and Two respectively.

11.1 Newrybar Village - Provision of Additional Parking

Site One – Pacific Highway Road Reserve

This site would provide 18 parking spaces. The estimated cost is approximately \$90,000 for a bitumen sealed car park. This cost could be reduced to \$70,000 if bitumen sealing is excluded; however, the ongoing maintenance cost of an unsealed gravel surface is considerably greater than for a sealed surface.

There were offers from the contractor on the Pacific Highway upgrade, Boulderstone (now Lend Lease) to provide some assistance with this site. The final offer only involved the supply of fill and rocks to the site which was of no significant benefit to the project.

Site Two – Brooklet Road

This site would provide 17 car parks. The work involves the construction of kerb and gutter and the bitumen sealing of the road shoulder. The estimated cost is \$65,000. Ongoing maintenance costs for this site will be considerably less than for Site One. This option also has the advantage that it will result in improved drainage in Brooklet Road by replacing the existing open drain and unsealed road shoulder. A further advantage of this site is that is closer and more directly connected to the village.

Sustainability Considerations

- **Environment**
Replacement of the open drain and unsealed road shoulder in Brooklet road would reduce silt build up in local waterways.
- **Social**
The provision of additional car parking will provide social benefits to residents and visitors to Newrybar.
- **Economic**
The provision of additional car parking will provide economic benefits to the community.

Legal / Resource / Financial Implications

Council has allocated \$30,000 in the 2014/15 budget toward the cost of this work. An additional \$10,000 is available from the community, making a total of \$40,000.

The amount allocated in the 2014/15 budget is insufficient to undertake either of these projects.

Based on the funds available, the shortfall for Site One is \$30,000 and for Site Two is \$25,000.

Given the efforts of the Newrybar community to provide additional parking, Council could consider providing additional funds from the roads budget to complete the lowest cost option, which is Site Two, Brooklet Road. This could be achieved by allocating funds from the following budget items:

11.1 Newrybar Village - Provision of Additional Parking

1. Rural Roads Reseals (Budget \$283,000)	\$5,000
2. Rural Roads Heavy Patching (Budget \$157,000)	\$15,000
3. Urban Lanes Drainage (Budget \$20,800)	<u>\$5,000</u>
	Total <u>\$25,000</u>

Consultation

There have been a number of meetings between Council staff and representatives of Newrybar residents and businesses regarding the two options being considered for additional car parking. It is understood that the community representatives concur with the preferred option in this report.

Options

The following options are available to Council:

1. Due to the shortfall of funding, not proceed with the project
2. Provide an additional \$50,000 from the roads budget to construct a bitumen sealed car park at Site One.
3. Provide an additional \$30,000 from the roads budget to construct an unsealed car park at Site One.

The difficulty with this option is that reduced presentation of the site compared to option two is not likely to reflect a positive image of Council, notwithstanding it would be an improvement to the current situation.

4. Provide an additional \$25,000 from the roads budget to provide car parking at Site Two.

The proposal to construct the carpark as per options two and three has been the proposal for a number of years. However, option four is considered to be the preferred option. It is less expensive than option two, is directly connected to the village, provides a similar number of car parks and is an opportunity to improve the drainage and other aspects of the road within the same project.

The information in this report provides options to adjust the budget with manageable impacts to enable the additional funds required to be allocated to the project.

11.1 Newrybar Village - Provision of Additional Parking

RECOMMENDATIONS

1. That Council selects the Brooklet Road Option, as per attachment two to this report, as the site for the provision of additional car parking in the village of Newrybar.
2. That Council approves an increase of \$25,000 in the Council capital budget for this project to be funded from the following reductions to existing maintenance budget programs:
 - Rural Roads Reseals \$ 5,000
 - Rural Roads Heavy Patching \$15,000
 - Urban Lanes Drainage \$ 5,000
3. That Council approves a further increase of \$10,000 to the project budget with this funding to be sourced from a capital contribution to the project from the Newrybar community (i.e. Harvest Café).

Attachment(s)

1. Proposed Newrybar Carpark Layout 1
2. Proposed Newrybar Carpark Layout 2

11.2 Tender - Construction of Pressure Management Zones

11.2 Tender - Construction of Pressure Management Zones

Delivery Program Water and Wastewater

Objective To obtain Council approval to award Contract: RFT769 - Provision for the Construction for the Implementation of Pressure Management Zones and Demand Management Areas.

Background

Council's Pressure and Leakage Management Plan is designed to improve the environmental and economic sustainability of water supply through reducing water loss and the frequency of infrastructure failure.

In 2012, Council completed a desktop planning study that identified that expansion of the existing pressure and leakage management scheme would realise financial savings through leakage reductions.

Council considered a report (24 April 2013) concerning the economics of implementing new water demand and pressure reduction zones and resolved to implement these zones due to the expected cost and water savings.

With the completion of the design and environmental assessment to set up these zones, Council then undertook significant preparatory construction work using Water and Wastewater staff.

The remaining works require specialist skills and an open tender was called for this construction, with tender closing date of 22 July 2014.

One tender was received from Ledonne Constructions Pty Ltd.

Key Issues

- To improve efficiencies and sustainability of our drinking water resources through the reduction of water loss.
- Budget
- Tender process
- Award tender in accordance with the Local Government (General) Regulations 2005.

Information

A tender submission was received on 22 July 2014 from Ledonne Constructions Pty Ltd in the GST exclusive amount of \$1,767,772.70.

11.2 Tender - Construction of Pressure Management Zones

Initial assessment of the tender against the tender estimate identified the need to clarify the extent of works and a post tender meeting was held with Ledonne Constructions Pty Ltd, 13 August 2014. In addition to clarifying the extent of works items 1.1 to 1.5 (Waterwheel zone) and 1.11 (approximately 20 lineal metres of pipeline) of the schedule of prices was deleted from the tender. The deduction of these works was deemed not to substantially alter the original tender.

The pretender estimate was revised to reflect the deductions and Ledonne Constructions Pty Ltd resubmitted their tender schedules (Schedule 1 – Form of Tender for Contract and Schedule 2 – Schedule of Prices).

The Ledonne Constructions Pty Ltd adjusted lump sum tender price, dated 22 August 2014, is \$1,103,800 (gst exclusive).

A summary of the pretender estimates and Ledonne Constructions Pty Ltd tender submissions are provided:

Item	Original (gst exc)	Adjusted (gst exc)
Estimate	\$1,195,900	\$1,116,000
Ledonne Constructions Pty Ltd	\$1,767,772	\$1,103,800

The tender panel determined Ledonne Constructions Pty Ltd submission met our requirements in regards to capability, experience and quality and work health and safety. Communication with two of Ledonne Constructions Pty Ltd references reinforced this assessment. Furthermore, this company has successfully completed a major contract for Council previously.

Based on a recent financial assessment undertaken by NSW Procurement, Ledonne Constructions Pty Ltd financial capacity was deemed satisfactory.

Sustainability Considerations

- **Environment**
Reduction of water loss will result in less extraction of water from the natural environment.
- **Social**
Not Applicable
- **Economic**
Improvements to existing infrastructure supporting economic development.

Legal / Resource / Financial Implications

There will be financial savings in the reduction of the bulk water supply usage.

An important objective of this project is to provide savings to Council's budget in the future from reduced water system losses.

11.2 Tender - Construction of Pressure Management Zones

The budget for this program is \$1,250,000. Of this amount \$187,000 has been spent on the preparatory works installed by Council staff and on design and investigation. This means a further \$100,000 is required in the budget to cover the expense of the tender.

Should the tender be endorsed by Council an appropriate budget adjustment will be made at a future quarterly review. It is expected that having regard to the size of the regular variations in income and expenditure for this fund this variation will not have a significant impact on the financial result for the current period.

As part of our budget monitoring processes, staff will review opportunities to potentially find a saving to offset the increased expense.

Consultation

An open tender process has been completed.

Options

1. Award construction contract RFT 769 to Ledonne Constructions Pty Ltd in the adjusted tender amount of \$1,103,800 (gst exclusive).
2. Reject the tender received and recall tenders.

In making this decision, an issue for Council to consider is that only one tender was received. In comparison to the pre tender estimate prepared by staff, the tendered amount is considered to represent value for money. Council could elect to call for fresh tenders in an attempt to establish a larger market response. On balance this is not recommended due to the following reasons.

- It is uncertain as to whether a better response will be achieved.
- Typically costs will increase following a delay for these types of projects.
- The tender price is below the estimate.
- Delays will only further defer the expected savings from this project to our bulk water costs.

RECOMMENDATIONS

1. Council accept the tender from Ledonne Constructions Pty Ltd, RFT769 for the Provision for the Construction for the Implementation of Pressure Management Zones and Demand Management Areas, in the amount of \$1,103,800 (gst exclusive).
2. Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

Nil

11.3 Plant Replacement Program

11.3 Plant Replacement Program

Delivery Program Operations Support

Objective To present an updated Plant Replacement Program and Financial Plan.

Background

Council owns and operates a wide range of fleet and plant items to meet its operational needs. The fleet range from light vehicles (utility and passenger) to heavy plant (graders, excavators, rollers, trucks backhoes, loaders, tractors and a street sweeper).

To maintain Council fleet in a serviceable condition and to optimize operational costs, an annual rolling replacement program has been prepared. Replacement dates are based on industry recommended replacement intervals of age and utilisation (hours / kilometres operated), along with staff assessments.

This report presents an update to Council's 10 year Plant Replacement Program, which if endorsed, will allow Council to meet its Operational Plan target of implementing a Fleet Management Plan.

In addition to presenting the 10 Year Plant Replacement Program, Council is also asked to approve the items of plant to be replaced for funds available in the 2014/15 budget.

Key Issues

- Optimum plant replacement to minimise operational costs
- Funding replacements by utilising operating surplus from fleet and plant operations (excluding depreciation)

Information

The Plant Replacement Program proposed for 2014/15 to 2023/24 (attachment one) includes fleet covered under the General, Water, Wastewater (Sewer) and Domestic Waste Management plant funds. These have been separated accordingly in the program.

The plant funds work by Council charging internal hire rates to the jobs using the plant, with the net surplus on those hire rates then transferred to an internal reserve to fund the plant replacements.

The replacement program has traditionally and continues not to allow for any expansion in the size of the fleet. Any additional plant items need external or extra funding for their purchase (i.e. allocation of additional funds by Council).

Once purchased the renewals would then be managed by the on-going internal hire charges.

Funding for the Program has been considered, using the following:

11.3 Plant Replacement Program

- Industry referenced material / advice on annual depreciation
- Forecasting of plant operational income and expenses
- Predictions on the available plant reserve balance
- Estimated plant changeover costs (net values)

To meet the proposed Plant Replacement Program, a 10 year Financial Plan (attachment two) has been prepared for the replacements under the General Plant fund. The financial plan predicts the required Capital Expenditure needed to be transferred from the Plant Reserve, along with the effect on the Reserve Balance at the end of each Financial Year.

The Replacement Program and Financial Plan indicate a higher capital expenditure in the next two years than previous years. This is due to a backlog of plant replacements that did not occur in 2013/14. These vehicles have been reassessed, along with other upcoming replacements and distributed over the next two years. This will require the current 2014/15 budget to be \$1,566,000 to meet the recommended program.

Due to the increase in capital expenditure required to meet planned plant replacements and the backlog of replacements, this will influence the Plant Reserve balance at the end of each financial year. The Financial Plan aims to utilise the entire Reserve by end of the 2015/16 financial year. However, the Reserve balance will significantly increase over the following three financial years.

As this is only a prediction, the replacement program will be continually monitored throughout the year along with the Financial Plan. Plant utilisation, condition and operational needs will be frequently reassessed in order to defer the replacement any plant feasibly possible to the following 2016/17 financial year, aiming to prevent the reserve balance being consumed below a desired contingency balance.

The use of Reserve funds for Capital Expenditure will not impact on Council's Operational Plan targets of:

- Implementing a Fleet Management Plan (EL3.3.3b)
- Targeting an operating surplus from the fleet and plant operations, excluding depreciation (EL2.1.3b)

Sustainability Considerations

- **Environment**
Replacing plant at the optimum economic point assists in ensuring the fleet conforms to modern environmental standards and performs to those those standards.
- **Social**
Not Applicable
- **Economic**
Cost effective programs and services are delivered through the efficient management of Councils fleet and plant.

11.3 Plant Replacement Program

Legal / Resource / Financial Implications

The replacement of plant is internally funded from the plant reserve. Income is generated from internal plant hire rates and the surplus (equivalent to depreciation) is transferred to the reserve for this purpose.

As indicated in the Financial Plan, the Reserve balance is predicted to be impacted in the 2015/16 financial year. Replacement of plant will be monitored and reassessed throughout the year in an attempt to defer feasible plant replacements to the following year. Regardless, predictions show that following 2015/16 reserve balances will significantly increase over the following three years.

The General Fund Plant Reserve balance was \$921,407 as at 1 July 2014, and the current budget includes an allocation of \$755,000. This represents total available funding of \$1,676,407. This means there are adequate funds to finance the revised program for 2014/15 which is \$1,566,000.

Consultation

Consultation has been undertaken with internal staff regarding the proposed replacement program.

Options

This program is submitted for endorsement while noting that it is monitored and annually reviewed as part of budget deliberations and operational needs. This program can be amended by Council if it desires, either now or in subsequent annual reviews which are scheduled to occur within the process to prepare the Delivery Program.

RECOMMENDATIONS

1. That Council endorses, for strategic planning purposes, the Plant Replacement Program, as attached to this report, along with the Financial Plan.
2. The Council approves the replacement program for 2014/15 as listed in the attached Plant Replacement Program.
3. That Council approves the capital budget for the 2014/15 year to be adjusted to \$1,566,000 with funds sourced from the General Plant Reserve.

Attachment(s)

1. Plant Replacement Program 2014/15 to 2023/24
2. General Plant Financial Plan 2014/15 to 2023/24

11.4 North East Waste Regional Waste Strategy

11.4 North East Waste Regional Waste Strategy

Delivery Program Waste Management

Objective To seek endorsement of the 2013/21 North East Waste Regional Waste Management Strategy

Background

Council is a member of the regional waste group, North East Waste (NEW). In order to continue to receive State Government funding, NEW is required to have a Regional Waste Strategy using the State Government template. This report seeks endorsement of the NEW Regional Waste Management Strategy for 2013-21, which is based on the member councils' waste strategies (attachment one).

NEW is a voluntary regional waste group, formed in 1997 and comprising Ballina, Byron, Clarence Valley, Kyogle, Lismore, Richmond Valley and Tweed Councils. The Regional Waste Strategy was developed in collaboration with the member councils and aims to set the strategic direction of waste management in the region through a coordinated and collaborative approach that optimises skills and resource sharing opportunities. It is driven by political, economic and environmental imperatives including the requirements of the State Government initiatives and strategies, the need to protect the environment and the economic benefits of sharing resources.

Key Issues

- Addressing regional waste and sustainability goals and objectives.

Information

In 2014/15 NEW will receive \$309,493 in support funding from the NSW State Government (Environmental Protection Authority). The member councils contribute around \$231,000 of funds and the amount contributed by each council depends on population. In 2013/14, Ballina contributed \$36,880 to NEW.

In 2014/15 NEW will also receive grant funds from the NSW State Government Waste Less Recycle More funding program of over \$825,000 for various projects.

The key projects NEW will implement in 2014/15 include:

- Business Waste Advisory Service
- Love Food Hate Waste Education
- Illegal Dumping Education
- Household Asbestos Program
- Community Recycling Centres
- Litter Reduction Program

11.4 North East Waste Regional Waste Strategy

In order to continue to receive the support funding from the NSW EPA every regional waste group in NSW was required to compile a regional waste strategy using the NSW EPA template. Over the past six months the regional waste managers and the NEW contractors have compiled a strategy that is based on each member councils' individual waste strategy and regional waste projects that have been ongoing in the region as well as the new projects resultant from the Waste Less Recycle More funding.

Key result areas for the Regional Waste Strategy include:

- Regional Cooperation and Communication
- Waste Generation
- Resource Recovery
- Landfill Diversion
- Problem Wastes
- Illegal Dumping and Litter.

The implementation of the strategy is guided by the development of a full range of delivery mechanisms (actions). These actions were assessed using a multi criteria analysis to prioritise each action. The drivers were evaluated against their:

- Affordability
- Impact
- Likelihood to proceed
- And sustainability

These key drivers include:

- Regional solutions to manage waste through partnerships and sharing resources
- Improving NE Waste operations and communications
- Reducing waste generation by encouraging community and business engagement
- Increasing recycling rates to meet NSW targets
- Increase diversion of waste to landfill
- Raise awareness to problem wastes
- Reduce and combat illegal dumping and litter.

Council has considered on a number of occasions the issues associated with regional collaboration for waste management. The interest level to advance a regional approach has, from this Council's perspective, been delayed by the level of commitment from other councils. Typically the level of interest by members has been determined by the extent of available future landfill capacity at a local site and the different service arrangements offered to local communities.

While these issues continue to exist, it is pleasing that a strategy has been confirmed and that the overall objectives of the region are generally compatible with Council's strategic intentions. Therefore the adoption of the strategy and our continued participation in its future development and implementation is the most practical way for Council to continue to seek the desired regional solutions to the provision of waste management services in the future.

Sustainability Considerations

- **Environment**
Regional waste initiatives offer opportunities to improve the environmental outcomes associated with the waste management services provided by Council.
- **Social**
Regional waste initiatives offer opportunities to improve the waste management services provided by Council to the community.
- **Economic**
Cost effective council services support economic development.

Legal / Resource / Financial Implications

The Regional Waste Strategy has objectives, targets and actions that drive the diversion of waste from landfill and supports Council's long term financial plans.

Consultation

Consultation has occurred with all the member councils.

Options

As per the information above, endorsement of this strategy is the preferred option as it will enable Council to continue to be engaged in the processes to develop regional waste initiatives.

If this option is not preferred, Council should express its concerns with the strategy so that these can be communicated to NEW for their consideration.

RECOMMENDATION

That Council endorses the North East Waste Regional Waste Management Strategy for 2013-21 as attached to this report.

Attachment(s)

1. North East Waste Regional Waste Management Strategy - 2013/21
(Under separate cover)

12. Public Question Time

12. Public Question Time

13.1 Notice of Motion - Gateway Entry Treatments

13. Notices of Motion

13.1 Notice of Motion - Gateway Entry Treatments

Councillor Cr Meehan

I move

1. That in conjunction with the 'gateway entry treatment program' of tree planting for Ballina township, Council supports the dedication of those avenues, into and out of town, to the Australian Waler Horse, in recognition of the 160,000 mounts who supported our troops in World War One, only one of which ever returned.
2. In addition Council supports the application through the Federal Government's ANZAC Centenary Local Grants Program for a modest memorial to those animals.

Councillor Comment

The project comes from community members interested in a memorial to 'The Walers' - mounts of The Light Horse Regiment serving in the first World War 1914-1918 (please see accompanying information regarding the history of Waler horses). Australia's own Waler horses served our soldiers well in World War One. The Centenary year of ANZAC would be a most appropriate time to recognise their contribution. 160,000 horses went to war and due to quarantine and army economies, only one returned.

The horses were particularly noted at the campaign for Beersheba against the Turks, where they worked with the 4th and 12th Regiment to win the town and waterwells so desperately required in the desert. These Australian horses became legendary for their qualities of endurance and courage. They are an endangered breed today. I am proposing that the avenue of trees coming into Ballina, from both directions, be dedicated to those horses. My application to ACLCP is to support signage and a modest memorial to hopefully be dedicated at the Centenary of ANZAC ceremony 2015

COUNCILLOR RECOMMENDATIONS

1. That in conjunction with the 'gateway entry treatment program' of tree planting for Ballina township, Council supports the dedication of those avenues, into and out of town, to the Australian Waler Horse, in recognition of the 160,000 mounts who supported our troops in World War One, only one of which ever returned.
2. In addition Council supports the application through the Federal Government's ANZAC Centenary Local Grants Program for a modest memorial to those animals.

Attachment(s)

1. History of Waler horses

13.2 Notice of Motion - Opposition to Proposed Medicare Co-Payment

13.2 Notice of Motion - Opposition to Proposed Medicare Co-Payment

Councillor

Cr Jeff Johnson

I move

That Council writes to the Federal Minister for Health, the Federal Leader of the Opposition, the Federal Leader of the Greens, the Federal Leader of the Palmer United Party and all cross-bench senators to express our opposition to the introduction of the proposed Medicare GP co-payment.

Councillor Comment

For over 30 years Medicare has provided universal health coverage through the provision of bulk billing services from general practitioners and free public hospital treatment. The proposed introduction of a GP co-payment by the Federal Government represents a significant shift away from universal health care and towards a user-pays system. Health care experts have raised many objections to the proposed GP co-payment. These objections include triaging patients based on ability to pay rather than need for treatment; putting extra pressure on hospital outpatient services and recognition that the current system of GP bulk billing is the most efficient way of delivering front line health services to the community.

These pressures would also shift costs from Federal funding for GP consultations to State funding for hospital services. There is considerable doubt that the proposed GP co-payment level of seven dollars will cover the administration costs of collecting the co-payment. Others have suggested that the GP co-payment is 'the thin end of the wedge' and will inevitably lead to higher payments in the future and the further erosion of Medicare's universal healthcare ambitions.

COUNCILLOR RECOMMENDATION

That Council writes to the Federal Minister for Health, the Federal Leader of the Opposition, the Federal Leader of the Greens, the Federal Leader of the Palmer United Party and all cross-bench senators to express our opposition to the introduction of the proposed Medicare GP co-payment.

Attachment(s)

Nil

13.3 Notice of Motion - Forced Amalgamations

13.3 Notice of Motion - Forced Amalgamations

Councillor

Cr Jeff Johnson

I move

1. That Council notes with concern the NSW Government's response to the Independent Review of Local Government - 'Fit for the Future' which provides limited funding for Council's who choose to amalgamate.
2. That Council write to our local member and former Minister for Local Government, Mr Don Page, the current Minister for Local Government, Mr Paul Toole, and the Premier, Mr Mike Baird asking them to confirm in writing that Ballina Council will not be forced to amalgamate with a neighbouring Council (or part there of)
3. That in the event of a forced amalgamation, that Ballina Shire ratepayers assets (commercial property valued at over \$30 million) will not be sold and used to fund projects outside the current Ballina LGA boundary.

Councillor Comment

The proposed changes to the Local Government Act are a blueprint for forced amalgamations of Council's throughout NSW. While there is limited funding available to Councils who wish to merge, the reality is that Council's have now been instructed to present a 'fit for the future' plan to the NSW Government by June 2015.

The Premier Mr Mike Baird has made it clear that he believes there are too many Council's in NSW and that mergers are on the agenda. Mr Baird has repeatedly refused to rule out any forced mergers but is on the record saying that 'there are too many Council's in NSW'. Furthermore, during a recent press conference he made the point that if Council's don't merge, then 'we will have to look at other options'.

Labor's shadow local government minister Ms Sophie Cotsis said the Fit for the Future policy was 'nothing more than forcing the amalgamation of councils across NSW by stealth'.

The biggest concern for the Ballina Shire is its sizable commercial property holdings. Currently this portfolio is valued at over \$30 million and would be an easy target for a regional Council that would be under pressure to deliver much needed community infrastructure.

The point being that a merged Council would be able to sell Ballina ratepayers assets and spend the money on roads and community facilities outside the existing Ballina LGA. This motion seeks to highlight this important issue, seek confirmation from the NSW Government that Ballina Shire Council will not be forced to amalgamate, and if it was, that Ballina's ratepayers funds will not be able to be reallocated beyond Ballina's existing Local Government boundaries.

13.3 Notice of Motion - Forced Amalgamations

Ballina Council has a large community infrastructure backlog that needs to be addressed. Continuing to invest in commercial property is not only a risky practice, but in the event of a merger, these assets will be the first to be sold.

Ballina ratepayers have been lobbying the Council to improve our public swimming pools and to build an Indoor Sports Centre for over a decade. During that same period of time, Ballina Council has invested in an office block, a steel factory, and a number of cafes/bars.

Furthermore, Council is engaged in a consultation process with the intention of applying to IPART for another special rate variation to pay off a loan to redevelop our public pools (Ballina and Alstonville).

With the threat of a forced amalgamation, I believe that Council should look to reallocate some of the \$30 million that it has in commercial property to fund essential community infrastructure projects to meet the needs of our growing community.

Staff Comment

It is important to recognise that the Independent Review Panel Final Report did not recommend Ballina Shire Council for amalgamation. The only council recommended for amalgamation in this region was Kyogle, with both Lismore and Richmond Valley identified as the potential amalgamation partners.

The NSW State Government, as part of their new Fit for the Future Program, is offering councils financial incentives to amalgamate. Those incentives are primarily aimed at the councils that were recommended for amalgamation, although any council can access the funding, if amalgamating.

From discussions with officers from the Office of Local Government this is clearly a strategy to promote voluntary amalgamations for those councils recommended for amalgamation, as per the Independent Review Panel Final Report. Whether or not Ballina Shire Council wishes to pursue this funding through a possible amalgamation will be examined in a more detailed report to Council on the Fit for the Future Program later this year.

In respect to our financial position, both Ballina and Tweed Shire Councils were the only two councils in this region that were identified by NSW Treasury Corporation (TCorp) as having a neutral outlook, rather than a negative financial forecast, in the TCorp 2012/13 assessment of all NSW councils.

Neutral was described by TCorp as "There are no known foreseeable events that would have direct impact on the financial sustainability of the local government".

The notice of motion makes reference to a "large community infrastructure backlog". Council's actual infrastructure backlog ratio, as per the latest available comparative data reports from the Office of Local Government is 1.2%. This is well below the group average of 10.6% for similar councils, whilst the TCorp benchmark for this indicator is less than 20%, with Council well below that benchmark.

This is one of the reasons why Ballina Shire Council was identified as "neutral" in the TCorp assessment.

13.3 Notice of Motion - Forced Amalgamations

The term “backlog” could be considered as being used in the wrong context in the notice of motion, as facilities such as a new sports stadium are not considered to be backlogs from an Office of Local Government or TCorp perspective, but rather a want or desire from certain sections of the community.

Similarly the current pool consultation is about an increase in service levels for the existing pools, with the community now being asked whether they wish to pay additional rates for that increase in service levels. This is a more than reasonable approach and it is the type of community consultation that should be undertaken to determine the level of service that people are prepared to pay for.

The reference to “\$30 million that is in commercial property” also needs clarification. For the 2013/14 Annual Financial Statements the valuations for Council’s investment properties are as follows:

Property	Value (\$'000)
Wigmore Arcade, Ballina	5,100
89 Tamar Street, Ballina	7,250
2-6 Cessna Crescent, Ballina	3,300
67 Piper Drive, Ballina	2,280
Fawcett Café	470

These figures are well below the \$30 million mentioned.

Council’s other major land holdings, which are not defined as commercial properties, but are possibly included in the \$30m figure, are the Wollongbar Residential Land, the Russellton Industrial Estate, the Southern Cross Industrial Estate and the residual Henderson Farm at Lennox Head. Council already has land for sale at Wollongbar, Russellton and Southern Cross, with the only land not on the market being the Henderson Farm, which is currently landlocked.

The notice of motion also mentions cafes with the cafes leased by Council being the Shelly Beach Café land lease, Fawcett Park café and Northern Rivers Community Gallery Café. This excludes any café tenants in the Wigmore Arcade, along with the café at the Ballina Airport.

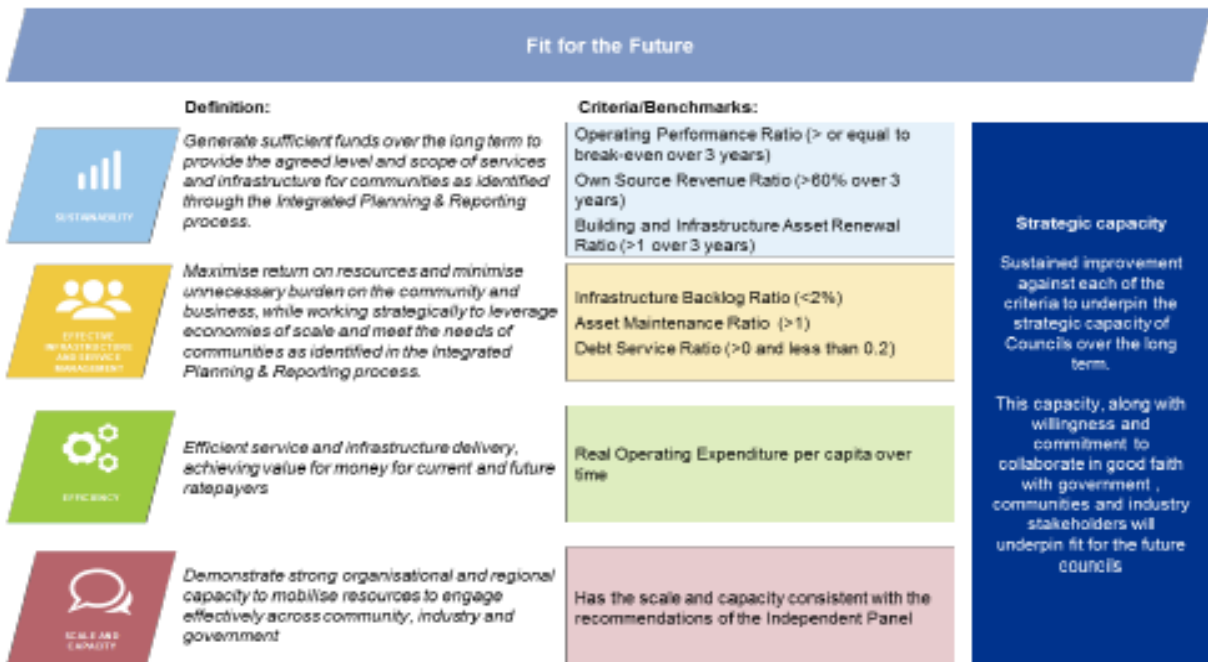
In respect to sale of the first three cafes, the Gallery Café is on crown land and cannot be sold, while the other two sites are on prime waterfront land, and it would be hard to justify selling these properties to private interests, considering their significant locations.

The commentary in the notice of motion that Council should sell commercial property to fund one off infrastructure construction fails to recognise that Council’s commercial properties are currently generating approximately \$1.7m in income. This figure is anticipated to rise to close to \$2m, if the Wigmore occupancy rates increase over the next two years, as a result of the current refurbishments.

If these commercial properties are sold then the recurrent revenue streams are lost.

13.3 Notice of Motion - Forced Amalgamations

The criteria for councils to become fit for the future, as per the State Government’s website (www.fitforthefuture.nsw.gov.au), places a strong emphasis on a council’s operating performance and the renewal of existing infrastructure. That criterion is outlined in the following graphic sourced from the Fit for the Future Program.



In reviewing this criteria, generally Ballina Shire Council is in a position to meet all the benchmarks, with the only exception being the “Operating Performance Ratio (> or equal to break even over three years)”.

What this benchmark is saying is that Council should be generating an operating surplus inclusive of depreciation.

Council’s long term financial plan currently shows the following operating results on a consolidated basis (inclusive of general, water and wastewater operations) and for the general fund alone.

Consolidated – Forecast Operating Results (2014/15 – 2018/19) (\$’000)

Item	2014/15	2015/16	2016/17	2017/18	2018/19
Operating Revenues	79,260	83,098	86,905	91,643	95,994
Operating Expenses	91,895	92,905	92,705	94,847	97,418
Result (Deficit)	(12,634)	(9,807)	(5,800)	(3,204)	(1,424)

General Fund – Forecast Operating Results (2014/15 – 2018/19) (\$’000)

Item	2014/15	2015/16	2016/17	2017/18	2018/19
Operating Revenues	54,094	55,924	57,453	59,489	61,929
Operating Expenses	63,223	63,903	63,903	65,549	67,573
Result (Deficit)	(9,129)	(7,980)	(6,450)	(6,061)	(5,644)

13.3 Notice of Motion - Forced Amalgamations

As per these figures, Council is predicting operating deficits well into the future. These figures include a non-cash depreciation expense of approximately \$20m on a consolidated basis and approximately \$15m for the General Fund only. The benchmark required to be Fit for the Future is inclusive of depreciation.

These forecast results can only be improved through increases in revenue, reductions in expenditure or a combination of both. As Councillors would be well aware, to save anywhere from \$5.6m to \$9.1m per annum in General Fund operating expenses to achieve a breakeven result, would result in an unacceptable reduction in services and is not practical.

This means that any strategy to achieve breakeven for the General Fund must also focus on increased revenues.

If Council did sell any commercial properties, as identified in the notice of motion, it would actually put us at greater risk of amalgamation, as our existing revenue streams would be substantially reduced, therefore increasing our existing operating loss.

This loss would worsen even further if a brand new facility such as a sports stadium was constructed, which then resulted in Council incurring recurrent operating costs anywhere from \$50,000 to \$200,000, especially once depreciation was included.

This example helps to highlight the flawed financial logic of selling recurrent revenue generating assets, particularly for new non-income generating asset construction.

Also, even if the asset proceeds are applied to the redevelopment of the swimming pools, the loss in recurrent revenues would not be offset by any significant savings in operating expenses. Again it is highly likely that operating expenses would increase (with depreciation included) worsening Council's overall financial situation and therefore increasing our risk of being considered as a Council that should be amalgamated.

As part of our reporting for the Fit for the Future Program, Council will need to consider our revenue levels (as well as reductions in operating expenses). It has been highlighted many times that, on a comparative basis, Council's average rates are low and Council may well need to consider a further program of rate increases to reach the breakeven position.

However the preferred option remains to achieve additional income through other non-standard sources such as commercial property rentals. The attachment to this notice of a motion is a recent article from the Local Government Section of the Sydney Morning Herald (9 September 2014) on the financial performance of Hills Shire Council. Two of the key actions that Hills Council has taken to improve their financial performance are:

- *"A number of property developments with a percentage of profits set aside for future developments".*
- *"Borrowings only used if a continuous income source services the debt".*

13.3 Notice of Motion - Forced Amalgamations

This is a very similar process to that currently being followed by Council, with all revenues from 89 Tamar Street and 50% of the income from the Cessna Crescent building being applied to community infrastructure. Similarly a large percentage of the profits from the Wollongbar Residential Estate land sales are also being applied to community infrastructure. In addition to this the revenue from the Wigmore Arcade has, for decades, supported Council's recurrent services.

The upgrade for the swimming pools, funded from loans, will only occur if Council is able to obtain approval for a permanent rate increase to finance the loans. The other benefit from this approach is that the extra revenue will finance both the interest and principal on the loan, however only the interest paid is included in the operating result. Therefore the additional income being applied to the principal component will help to improve Council's operating result.

In summary many of the financially strongest councils have significant property portfolios generating non-standard revenue streams. Hills Shire is but one example, with other notable examples including the City of Sydney, Port Stephens and Warringah Councils.

Council staff have concerns regarding the notice of motion considering that Councillors have not yet had a chance to even consider the Fit for the Future Program. All councils have until 30 June 2015 to provide a detailed response to this program and to provide a letter at this early stage, before reporting the matter to Council, is not the preferred approach, at this point in time.

COUNCILLOR RECOMMENDATION

1. That Council notes with concern the NSW Government's response to the Independent Review of Local Government - 'Fit for the Future' which provides limited funding for Council's who choose to amalgamate.
2. That Council write to our local member and former Minister for Local Government, Mr Don Page, the current Minister for Local Government, Mr Paul Toole, and the Premier, Mr Mike Baird asking them to confirm in writing that Ballina Council will not be forced to amalgamate with a neighbouring Council (or part thereof)
3. That in the event of a forced amalgamation, that Ballina Shire ratepayers assets (commercial property valued at over \$30 million) will not be sold and used to fund projects outside the current Ballina LGA boundary.

Attachment(s)

1. Sydney Morning Herald Article, 9 September 2014

14. Advisory Committee Minutes

14. Advisory Committee Minutes

Nil Items

15.1 Mayoral Meetings

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

15.1 Mayoral Meetings

Councillor David Wright

Activities since the August 2014 Ordinary meeting:

<u>Date</u>	<u>Function</u>
30/8/14	Alstonville Farmers' Markets
2/9/14	Meeting with Japanese Delegation from Mt Fuji at Airport
2/9/14	Alstonville/Wollongbar Chamber of Commerce - Bowling Club
4/9/14	Official Opening Florence Price Gardens
5/9/14	Abode2 Inspection – 78 Moon Street
6/9/14	Alstonville Orchid Society Presentation
6/9/14	Wollongbar Hall Garage Sale / Wardell Red Cross Celebrations
7/9/14	Commemoration Day – RSL – Battle of Britain – Cr Smith
9/9/14	Funeral – Richard Wells
9/9/14	Meeting on Alstonville Markets and Meeting Jill Sloan – Marina
9/9/14	A Ward Meeting
10/9/14	Briefing Wollongbar Drive-In Site
11/9/14	C Ward Meeting
11/9/14	Hospital Consultation Committee
11/9/14	Meeting Alstonville Soccer Club
12/9/14	Ballina Hospital Planning
12/9/14	Ballina Cup
14/9/14	Summerland House Country Fair
15/9/14	Australia Post Meeting - Lismore
15/9/14	B Ward Meeting
16/9/14	Presentation by Steve Posselt and briefing Sneesby's Lane
17/9/14	Meeting Alstonville Croquet Club
18/9/14	'Fit for the Future' Briefing - Lismore
18/9/14	Community Drop-in Shaws Bay Mgmt Plan – Ballina Surf Club
18/9/14	Briefing on Playground Equipment Standards
19/9/14	Southern Cross School Year 12 Assembly
20/9/14	Alstonville Markets
20/9/14	Surf Life saving Far North Coast Flag Raising – Ballina
20/9/14	Alstonville/ Wollongbar Chamber Business Awards
21/9/14	100 Years Celebration Uniting Church – Ballina
23/9/14	Filming for DVD
25/9/14	Council Meeting
27/9/14	Ballina RSL Bowling Club 50 th Anniversary
27/9/14	Ballina Coast & Hinterland Northern Star Business Awards
29/9/14	Year 12 – Southern Cross School
29/9/14	Police Remembrance
30/9/14	Red Cross Zone Conference

RECOMMENDATION

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

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 DA 2013/473 - Court Appeal - Preferred Course of Action

Refer to Item 8.1 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 DA 2013/473 - Court Appeal - Preferred Course of Action

Reason for Confidentiality

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

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as it may prejudice Council's legal privilege in this matter.