



Notice of Port Ballina Taskforce Meeting

Notice is hereby given that a Port Ballina Taskforce Meeting will be held in the Ballina Shire Council Committee Room, Ballina on **Tuesday 18 November 2014 at 3.00 pm.**

Business

1. Attendance and Apologies
2. Minutes from Port Ballina Taskforce meeting held 12 August 2014 (attached).
3. General Business
 - (a) Welcome – New Member
 - (b) North Creek - Dredging
 - (c) Ballina Boat Harbour - Dredging
 - (d) Ballina Boat Harbour – Project Plan
 - (e) Ballina Bar
 - (f) Better Boating Grants
 - (g) Regional Boating Program
4. Business Without Notice
5. Next Meeting

Paul Hickey
General Manager

1. **Attendance and Apologies**

2. **Minutes from Port Ballina Taskforce Meeting held 12 August 2014**

The Minutes from the meeting held Tuesday 12 August 2014 are attached.

Recommendation

That the Taskforce confirms the Minutes of the Meeting held on Tuesday 12 August 2014.

**Minutes
Port Ballina Taskforce
Tuesday 12 August 2014 at 4.00 pm**

Attendance

Members

Cr David Wright, Mayor, Ballina Shire Council (Chair)
Max Ryan, Community Representative
Peter Carmont, Ballina Chamber of Commerce & Industry
James Foster, Community Representative (arrived at 4.40pm)
Cr Keith Williams, Ballina Shire Council
Cr Paul Worth, Ballina Shire Council
Garry Joblin, Ballina Professional Fishermen

Observers

Paul Hickey, General Manager, Ballina Shire Council
Darren Watson, RMS – Maritime
Cr Cadwallader, Ballina Shire Council

There were three people in the audience at this stage.

1. Apologies

Greg Watt, Department of Premier and Cabinet
Michael Cocks, Community Representative
Phil Hilliard, Ballina Fishermen's Co-operative
Nadia Elliott-Burgess, Ballina Chamber of Commerce & Industry

2. Minutes from Dredging Taskforce Meeting held 8 May 2014

The Taskforce confirmed the Minutes of the Meeting held on Thursday 8 May 2014.

3. General Business

(a) Recreational Fishing Group Representation

Based on the submissions received the Taskforce members agreed that Mr Tom Bowers, on behalf of the Cherry Street Fishing Club, and with support of the Ballina RSL Club Ltd, was considered to be the most representative applicant on behalf of Recreational Fishing Groups.

Action: Council will now write to the Cherry Street Fishing Club, confirming Mr Bower's appointment to the Taskforce.

(b) Dredging – North Creek

Information noted.

c) Dredging – Ballina Boat Harbour

Prior to the meeting Phill Hilliard had confirmed in writing as follows:

- The works will go ahead this Financial Year
- The Expressions of Interest have been received

**Minutes
Port Ballina Taskforce
Tuesday 12 August 2014 at 4.00 pm**

- A formal announcement will be made upon contract Award

d) Dredging – Ballina Bar

Correspondence from Mr Don Page on behalf of the Minister for Natural Resources, Lands and Water (Kevin Humphries) was tabled at the meeting. Copy attached.

Action: Council write to the State Government seeking details of latest surveys for the bar.

e) North Wall Breakwater – Raising the Crest

Information noted.

f) Better Boating Program (BBP) Grants

Information noted.

g) Regional Boating Program

Information noted.

h) Fawcett Park – Sale of Fresh Seafood from Trawler

Prior to the meeting Phil Hilliard had provided advice in writing relating to the difficulties in providing this service, particularly relating to food regulations etc.

Information noted.

i) Marina Infrastructure

General discussion around the concept plan that was included in the agenda. It was emphasised that this was a concept plan only and was designed to provide an indication of the type of plan that may be needed to generate the substantial monies required to rectify the bar (estimated at \$20m to \$25m).

Brief discussion also on the other marina locations such as Regatta Avenue and the existing Ballina Boat Harbour.

Paul Hickey is reporting marina options to the August 2014 meeting of Council to seek direction from the elected Councillors on the various options available.

4. Business Without Notice

Nil

5. Next Meeting

To be determined.

Meeting closure: 5.00pm

**Minutes
Port Ballina Taskforce
Tuesday 12 August 2014 at 4.00 pm**



PARLIAMENT OF NEW SOUTH WALES
LEGISLATIVE ASSEMBLY



DON PAGE, M.P.
MEMBER FOR BALLINA

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7 Moon Street
Ballina NSW 2478
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BALLINA NSW 2478
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30th July 2014



Cr David Wright
Mayor
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

David,
Dear Cr Wright,

I refer to my representations on your behalf to the Hon. Andrew Stoner MP, Deputy Premier regarding dredging of the Ballina bar.

I now enclose herewith the response received from the Hon. Kevin Humphries MP, Minister for Natural Resources, Lands and Water for your information.

Yours faithfully

Don Page MP
MEMBER FOR BALLINA

encl.
DP:dc

**Minutes
Port Ballina Taskforce
Tuesday 12 August 2014 at 4.00 pm**



The Hon Kevin Humphries MP
Minister for Natural Resources, Lands and Water
Minister for Western New South Wales

PMIN14/740/2

30 JUL 2014

Mr Don Page MP
Member for Ballina
PO Box 1018
BALLINA NSW 2478

25 JUL 2014

Kevin
Dear Mr Page

Thank you for your representations of 12 May 2014 to the Deputy Premier on behalf of Mr David Wright, Mayor of Ballina Shire Council (PO Box 450 Ballina NSW 2478) and the Port Ballina Taskforce, seeking advice on whether the State Government is considering dredging of the Ballina bar at the entrance to the Richmond River. As this matter falls within my portfolio responsibilities as Minister for Natural Resources, Lands and Water, your correspondence was forwarded to me for my consideration.

Crown Lands advises that regular surveys of the river entrance during 2013 and the most recent survey in May 2014 indicate depths of at least 4.0 metres at low tide or greater are generally prevailing through the entrance and this meets the requirements identified by local stakeholders. As a result, no dredging of the bar is currently planned.

As you may be aware, in June 2014 the NSW Government announced \$10 million for priority dredging projects over the next four years. Should regular surveys and analysis of relevant oceanic/climatic data identify long term changes to the existing situation, the NSW Government may consider one-off dredging at the Ballina bar utilising the recently announced funding.

It will be important to monitor the results of any future dredging program to demonstrate the outcomes particularly in terms of costs, long terms benefits and mitigation of any identified risks.

I have asked that Mr Stephen Wills, Director Infrastructure and Land Management, Crown Lands, be available to discuss this matter further with you. Mr Wills may be contacted on 4920 5049 or stephen.wills@lands.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink that reads "Kevin Humphries".

The Hon. Kevin Humphries MP
Minister for Natural Resources, Lands and Water
Minister for Western NSW

Level 33, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000
Phone (61 2) 9228 5248 Fax: (61 2) 9228 5882 Email: office@humphries.minister.nsw.gov.au

Ballina Shire Council
12 August 2014

Port Ballina Taskforce Minutes
Page 4

3. General Business

a) Welcome – New Member

As per the minutes of the last meeting, Mr Tom Bowers has been appointed to the Taskforce as the representative of the Cherry Street Fishing Club.

b) Dredging - North Creek

Following the advertising of an expression of interest process by Crown Lands, Council has been selected as the preferred proponent for the extraction of sand from North Creek. This selection is subject to further negotiations with Crown Lands and a copy of the document outlining those negotiations is attached. Further updates will be provided as those negotiations progress.



Trade &
Investment
Crown Lands

Our Ref –13/14593 (DTIRIS 14/048)

Date – 20 October 2014

The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478



Dear Sir – Attention: SIMON SMITH

**Expression of Interest –
Opportunity to Extract Sand from North Creek, Ballina**

Reference is made to your Expression of Interest (EOI) for the above matter, which closed on 2 June 2014.

Crown Lands thanks you for your interest in this opportunity and I am pleased to advise that Council has been selected as the preferred proponent, following evaluation by the Evaluation Panel.

I have attached the Negotiation Protocol and Probity Plan for Council's review, signature and return to Crown Lands.

Should you have any enquiries concerning this matter, please contact Simone Collins on 49379304 or by email via simone.collins@crowmland.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gary Wood'.

Gary Wood
Project Manager
& Chair, Evaluation Panel

Simone Collins Property Development Project Officer
Regional and Strategic Projects
NSW Department of Trade and Investment - Crown Lands
141 Newcastle Road East Maitland 2323 | PO BOX 2215 DANGAR NSW 2309
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**Trade &
Investment**
Crown Lands

NEGOTIATION PROTOCOL

**for the Extraction of Sand
from North Creek, Ballina**

PARTIES

- 1. NSW Trade and Investment - Crown
Lands,
ABN 72 189 919 072 of Level 3, 437 Hunter
Street, Newcastle, 2300
("T&I - CL")**
- 2. Ballina Shire Council
ABN 53 929 887 369 of 40 Cherry Street
BALLINA NSW 2478
("the Proponent")**

NEGOTIATION PROTOCOL

PARTIES

1. **NSW Trade and Investment - Crown Lands, ABN 72 189 919 072 of Level 3, 437 Hunter Street, Newcastle, 2300 ("T&I - CL")**
2. **Ballina Shire Council, ABN 53 929 887 369 of 40 Cherry Street, Ballina, 2478 ("the Proponent")**

A. Introduction to Project –

Ballina Shire Council is seeking to negotiate a tenure over Crown land below the High Water Mark of North Creek, Ballina, being part Reserve 56146 from Sale or Lease Generally Notified 23 May 1923, part Reserve 1011268 for Future Public Requirements Notified 3 February 2006, Part Reserve 1012188 for the public purpose of Access and Public Requirements, Tourism Purposes and Environmental and Heritage Conservation Notified 18 August 2006 (Ballina Coastal Regional Crown Reserve), hereinafter referred to as "the site", for the extraction of sand.

The policy framework pertaining to the administration of Crown land in NSW for the purpose of issue of a licence derives from the *Crown Lands Act 1989*.

T&I - CL has indicated its willingness to enter into direct negotiations with the Proponent and negotiations are due for conclusion by 30 October 2015.

- B. T&I - CL wishes to enter into a negotiation protocol with the Proponent to ensure the integrity of the negotiation process and that both parties negotiate in good faith.
- C. The matters to be negotiated include but are not limited to –
 - The terms of the new licence in respect of "the site";
 - The process for Initial Rent determination, including the Royalties to be payable upon execution of the licence agreement; and
 - Any other matters that may arise in the course of the negotiations.
- D. T&I - CL and the Proponent agree to enter into the Protocol on the terms and conditions set out below.
- E. T&I - CL appoints Brett Phillips, Gary Wood and Simone Collins to negotiate on its behalf.
- F. The Proponent appoints Paul Hickey, John Truman and Simon Smith to negotiate on its behalf.
- G. The T&I - CL and Proponent's officers will hereby be referred to as "the negotiation team".



- H. The Proponent may, by prior consent of the negotiation team, appoint special advisors to assist in the negotiations. Any specialist advisors so appointed shall also be bound by the terms of this negotiation protocol.
- I. All meetings shall be held for discussion purposes only. Nothing said at any meeting shall be binding upon parties. The parties shall only be bound by such matters as are conveyed to the parties in writing and signed, in the case of T&I - CL – a T&I - CL officer of the negotiation team, and in the case of the Proponent – a Proponent's Officer of the negotiation team.
- J. So as to ensure that information supplied by T&I - CL and the Proponent is not inadvertently conveyed to other parties, the parties agree that:
 - Any correspondence between parties is to be communicated by hand to persons named in E and F above, or via email to agreed email addresses, or by letter or document clearly marked as confidential. Facsimiles may only be sent to a facsimile in a secure office environment or by secure electronic delivery.
- K. So as to promote integrity and fairness in the negotiation process, all negotiation meetings may be conducted in the presence of a Probity Advisor, should the negotiation team consider it necessary.
- L. Any issues of a probity nature arising as a result of negotiations may be raised directly with the Probity Advisor.
- M. The parties and any advisors appointed in accordance with H undertake to keep all correspondence and negotiations confidential.
- N. The confidentiality undertaking shall continue notwithstanding the expiration of termination of negotiations or the cessation of involvement of any individual in the negotiations.
- O. The parties undertake to identify and manage any actual or potential conflicts of interest that may exist or arise during the negotiations in a way that ensure the integrity of the process. Any conflict of interest issues arising will be resolved in consultation with the Probity Advisor.
- P. All T&I - CL costs, including expert consultants as required, and T&I - CL officer and operational costs will be fully recoverable. The proponent shall bear its own costs of negotiation.
- Q. The timetable for negotiations shall be as follows –

(a) As per below or as mutually agreed by the parties

ACTION	TIMEFRAME
T&I - CL engage independent valuer to determine the Initial Rent and Royalty Rate	February 2015
On-going Licence negotiations	July 2015
Execution of Licence agreement	October 2015

(b) The negotiations are to be completed by 30 October 2015.



- R. Parties acknowledge that any agreement between them is subject to the normal review and approval process, including as required, Ministerial consent.

T&I - CL	
Signed:	
Print Name:	BRETT PHILLIPS, DIRECTOR - STRATEGIC PROJECTS, TRADE & INVESTMENT - CROWN LANDS
Dated	

Proponent	
Signed:	
Print Name:	John Truman, Group Manager – Civil Services
Dated	



Trade &
Investment
Crown Lands

Probity Plan

Extraction of Sand from North Creek, Ballina

Approved by:	
Brett Phillips Director – Strategic Projects NSW Trade & Investment – Crown Lands	
Date of Approval:	

FORWARDED
FOR INFORMATION
PURPOSES.

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1. PURPOSE

1.1 Background and Purpose of Negotiations

NSW Trade & Investment - Crown Lands (T&I – CL) recently provided an opportunity for the interested parties to lodge an Expression of Interest (EOI) for the extraction of sand and disposal of such from North Creek at Ballina.

Following the EOI process, Ballina Shire Council was selected as the suitable proponent to satisfy the terms and conditions of the proposal.

1.2 Probity Principles

NSW Trade & Investment - Crown Lands (T&I – CL) has the opportunity to engage a probity advisor, should it be considered necessary. The advisor is appointed to ensure that negotiations are conducted transparently and otherwise in accordance with probity principles.

The Macquarie Dictionary definition of probity is “integrity, uprightness, honesty”. With government procurement (and in this case the negotiation), the word “probity” is often used in a general sense to refer to an “appropriate process”. The NSW Independent Commission Against Corruption (ICAC) has identified principles to enhance the probity of procurement, contracting and similar processes which are set out below. T&I – CL seek to conduct its commercial dealings (including this negotiation) in accordance with these principles. T&I – CL officials (and its advisors) must be able to demonstrate high standards of probity in this negotiation whilst pursuing the stated project initiatives.

The negotiation must be conducted in a manner that satisfies the following probity principles:

Obtaining Value for Money

This is the principal objective of all procurement. The negotiation process should be developed that conforms to the requirements of the Lease and aims to achieve best value for money. The negotiation should be consistent with ‘best practice’ according to current government policy

Managing Conflicts of Interest

Conflicts of interest arise when there is a conflict between a public official’s public duty and their private interests, where those private interests could improperly influence the performance of their official responsibilities. Advisors providing input to the negotiation are considered to be public officials and therefore must comply with public sector conflict of interest requirements.

Conflict of interest can be actual, perceived or potential. Failure to declare and/or effectively manage conflicts of interest can damage the integrity of the negotiation, therefore eroding public or market confidence in the outcomes.

The management of perceived or potential conflicts of interest is no less important than the management of actual conflicts of interests. Inadequate systems for identifying and dealing with conflicts of interest provide opportunities for corruption, maladministration and serious wast of public resources.

Maintaining Accountability and Transparency of the Process

Public Sector accountability requirements are intended to save money, resources and time in the long term and prevent corruption, maladministration and substantial waste of public resources. All members of the negotiation group should be accountable for their actions associated with the negotiation group should be accountable for their actions associated with the negotiation. All key activities and decision-making associated with the negotiation must be recorded.

Transparency helps ensure that the negotiation is conducted with integrity, thus enhancing the delivery of value for money, as well as reducing opportunities for corruption, maladministration and substantial waste of public money. Processes followed should be well documented and reviewable.

Maintaining Confidentiality and Security

A significant quantity of confidential information is likely to be generated during the course of the negotiation. Breaches of confidentiality requirements can compromise the integrity of the process and lead to outcomes that do not represent best value for money. The processes adopted for receiving, managing and disseminating information are to ensure the security and confidentiality of intellectual property, proprietary information and otherwise sensitive information.

The Negotiation Protocol also sets out the requirements for managing confidentiality throughout the negotiation.

The negotiation is also to be undertaken in a manner consistent with the NSW Government policies, in particular:

- NSW Code of Practice for Procurement;
- Probity principles established by NSW ICAC for government procurement;
- ICAC Direct Negotiations Guidelines.

The negotiation should also be undertaken in a manner consistent with the:

- Tenure conditions, to the extent required;
- Negotiation Protocol to be agreed between the parties; and
- T&I – CL policies and guidelines relating to commercial use of Crown land.

1.3 Conduct Guidelines

Each person associated with the negotiation as members of the negotiation group (as nominated in Section 2.2) has a responsibility to ensure that their personal behaviour does not adversely impact on the integrity of the negotiation. Each of these persons is responsible for:

- Acting in accordance with the –
 - Negotiation Protocol
 - this Probity Plan
 - their Declaration of Interests/Associations & Deed of Confidentiality; and
 - any other approved processes.
- Not making public comment about the negotiation;
- Discussing probity risks identified or other probity concerns with the Project Manager and Probity Advisor (if appointed) with a view to maintaining the integrity of the negotiation; and

- Reporting any suspected breaches of the Probity Plan to the Project Manager, Project Sponsor and the Probity Advisor (if appointed).

1.4 Objectives of the Probity Plan

The objectives of this Probity Plan are consistent with the Working with Government Guidelines which emphasise the Government's commitment to provide the best practicable level of public services to the people of NSW.

This Probity Plan provides guidance on the application of the Probity Principles, referred to in Section 1.2 above, to the negotiation. The specific objectives of the Probity Plan are to:

- Increase awareness of the probity related processes that apply to the negotiation;
- Foster a probity culture among the negotiation group;
- Document processes that support the meeting of high standards of probity, including confidentiality and conflict of interest management;
- Detail roles and responsibilities of persons involved in the negotiation as they relate to probity; and
- Describe the role of the Probity Advisor and encourage negotiation group members to discuss any probity related issues with the Project Manager and Probity Advisor (if appointed).

1.5 Probity Plan Scope

A negotiation protocol covering the following has been prepared for signatures by both parties.

- i. Introduction –Extraction of sand from North Creek, Ballina negotiations
- ii. Ensuring the integrity of the negotiation process
- iii. Matters for negotiation
- iv. Agreement to enter into the negotiation protocol
- v. Authorised negotiators
- vi. Appointment of specialist advisors
- vii. Non-binding nature of discussions
- viii. Management of communication and confidentiality between the parties.
- ix. Promotion of integrity and fairness
- x. Probity Issues to be raised directly with the Probity Advisor
- xi. Agreement to keep all correspondence and negotiations confidential
- xii. Confidentiality to continue beyond the expiry or termination of negotiations
- xiii. Management of actual or potential conflicts of interest
- xiv. Recovery of CLD costs
- xv. Negotiation timetable
- xvi. Negotiation outcomes to be subject to Government review and approval

The Negotiation Protocol represents the agreed framework and terms upon which the lease negotiations will proceed. It is an extension of and should be read in conjunction with this Probity Plan. Adoption of the Negotiation Protocol and adherence to it in the course of negotiations will help ensure that the negotiations progress in an orderly manner which is fair and equitable to both parties, and will also underpin compliance with this Probity Plan and the attainment of the probity objectives described above.

1.7 Negotiation Framework

The negotiation framework is broadly described as determining the terms of offer of a new tenure over the Project Area and will include negotiations on terms and conditions, particularly in the areas of annual market rental, royalty payments on material won, and terms and conditions on the proposed tenure to authorise the operation.

2. ROLES AND RESPONSIBILITIES

Roles and responsibilities in respect of the negotiation process and as referred to in the Negotiation Protocol are as described below –

2.1 Decision Making

The ultimate decision maker with respect to granting is the NSW Government's Minister for Trade and Investment - Crown Lands.

The parties have acknowledged through execution of the Negotiation Protocol that any agreement between them is subject to normal Government review and approval processes, including as required, Ministerial consent.

2.2 Negotiation Governance Structure

The T&I – CL negotiation group will be chaired by Gary Wood, Project Manager - Regional & Strategic Projects – Hunter, and will include the following –

- Simone Collins, Property Development Project Officer – CL officer

The Ballina Shire Council negotiation group will be chaired by John Truman, Group Leader – Civil Services and will include the following -

- Simon Smith, Environmental Engineer – Council Officer

All members are reminded of their responsibility to comply with the conflict of interest management requirements stated in Section 3.2.

2.3 Probity Advisor

If considered necessary, T&I – CL will appoint a Probity Advisor. The Probity Advisor is independent of the Negotiation. The Probity Advisor is responsible for reviewing the application of the probity principles outlined in Section 1.2 above. A Probity Advisor reports to T&I - CL in relation to the implementation of the Probity Plan and the resolution of probity issues arising.

The Probity Advisor may attend a sample of the negotiation meetings sufficient to form a view as to conformance with the Probity Plan and Negotiation Protocol.

The Probity Advisor will provide a probity report on the negotiation process followed by other reports as required during the negotiation.

T&I – CL will advise the Proponent, in writing, of the name of the appointed Probity Advisor.

The Probity Advisor is available to any member of the project groups to discuss any probity issues or concerns in relation to the Negotiation.

All project group members and other persons associated with the negotiation are required to inform the Probity Advisor if they become aware of any probity related issues arising during the Negotiation.

3. PROCESS

3.1 Confidentiality

Maintaining confidentiality of information is fundamental to probity and is the responsibility of each negotiation team member.

Confidential information must be managed in accordance with this Probity Plan, the Negotiation Protocol and the Confidentiality and Conflict of Interest Undertaking.

Confidential Documents

The following items are to be maintained as confidential:

- Records of the negotiation meetings;
- Particulars of the Ballina Shire Council proposals and any associated documentation;
- Clarification questions and responses;
- Advice and reports from advisors regarding the Negotiation;
- Records of clarification and negotiation meetings with the proponent;
- Other information of a confidential or sensitive nature related to the Negotiation.

3.2 Conflicts of Interests

Conflicts of interest arise when persons are influenced, or may appear to be influenced by personal interest when carrying out their official duties. This applies to public officials and Advisors.

Dealing with Conflicts of Interests

All negotiation group members are required to avoid all conflicts of interest in carrying out their duties and must have no conflict of interest which would adversely affect the impartiality of the decision making process. All negotiating group members are responsible for bringing any potential, perceived or actual conflicts of interest to the attention of the Probity Advisor and/or the Project Manager without delay.

If an actual or potential conflict of interest is identified the Probity Advisor and/or the Project Manager who, on advice from the Probity Advisor, should make a determination on any associated probity risks and the appropriate risk mitigation measures.

Negotiation team members should review their conflict of interest declarations during the course of the negotiations and if their circumstances change, bring any matters to the attention of the Probity Advisor or the Project Manager for review and risk mitigation action as appropriate.

Confidentiality and Conflict of Interest Undertaking

Please see Deed of Undertaking (Confidentiality) and Statement of Interests and Association attached.

The Project Manager should maintain a Register of all Statements of Interests and Associations documents including related and private interests reported on those documents.

The signed Confidentiality and Conflict of Interest declarations forms are to be maintained by CLD as part of the negotiation records.

Accountability

The Department and the Department's officers, consultants and advisers will be accountable for their actions in the conduct of the Project. All aspects of the process will be recorded meticulously. These principles are intended to achieve an equitable, defensible and sound process according equal opportunity for all participants but common sense and flexibility should apply in where appropriate.

Record Keeping

Record keeping procedures are vital for ensuring the principles of probity outlined in this Probity Plan are maintained. Records should be kept throughout the Project and provide sufficient information to enable audit and independent review functions to be carried out. Departure from established procedures should only be for sound and well-documented reasons. Production of documents listed may be necessary to establish that probity was achieved.

All records are to be maintained by the Project Manager in accordance with Lands record management policy and this Probity Plan.

At a minimum, the following records may be maintained -

- Planning documentation relevant to the negotiation;
- Approval to proceed with negotiations;
- Action list created at negotiation meetings;
- Records of correspondence/communication pertaining to the tenure application, negotiation and renewal process;
- Records of the outcome of the negotiations;
- Any advisor's reports prepared in support of the negotiations;
- Other records required to maintain a record of the resolution of issues arising and decisions made.

Negotiation Report

A report should be prepared by the T&I – CL's negotiation group as an official record of the negotiation process, any issues arising and their resolution and the final outcome of the negotiation.

The negotiation report should include -

- The context for the negotiations;
- The statutory and policy framework for tenure negotiations;
- Composition of the negotiation group;
- Outcome of the negotiation process;
- The final offered tenure terms and conditions; and
- Issues arising during the negotiations and how they were resolved.

The report should be signed off by the Deputy General Manager - Crown Lands, and, as appropriate, members of the T&I – CL's negotiation group.

Communication with the Proponent

The protocols for communication with the proponent are set out in the Negotiation Protocol and should be adhered to ensure accountability and transparency. Records should be maintained on the Lands negotiations project file.

Records should be maintained on T&I – CL's project file Trim 13/14593.

Appendix A: Deed of Confidentiality

DATE	
FROM	"Employee/Consultant"
TO	NSW Trade & Investment – Crown Lands "T&I – CL"
IN RELATION TO THE PROJECT	Expressions of Interest for the Extraction of Sand at North Creek, Ballina

1. Definitions

In this Deed of Confidentiality the following terms have the following meanings:

Confidential Information means any ideas, concepts, drawings, specifications, data or information which:

- (a) relates to the operation or business of T&I – CL;
- (b) has been produced by T&I – CL, the Employee/Consultant, any Subconsultant or any third party; and
- (c) has only been obtained or produced by the Employee/Consultant as an incident to the performance of his or her work on the EOI.

2. Employee/Consultant warrants

The Employee/Consultant warrants to T&I – CL that, subject to clause 3, and except to the extent that it is necessary to do so to carry out his or her work on the EOI process the Employee/Consultant has not and will not at any time in the future (without the prior consent of T&I – CL):

- (a) Disclose or give to any person the Confidential Information; or
- (b) Use or reproduce the Confidential Information.

3. Exceptions

Clause 2 shall not apply to the extent that the Confidential Information is:

- (c) In the public domain at the time that the Confidential Information is disclosed or given; or
- (d) Required by law to be disclosed or given.

EXECUTED AS A DEED SIGNED SEALED AND DELIVERED

Signature of Employee/Consultant	
Name of Employee/Consultant	
Signature of Witness	
Name of Witness	

Appendix B: Statement of Interests and Associations

Date	
Name	
Organisation	NSW Trade & Investment – Crown Lands "T&I – CL"
In relation to the	Expressions of Interest for the Extraction of Sand at North Creek, Ballina

Declaration

I _____, [insert full name] of
 _____ [insert business address]

agree and acknowledge that, except for the matters disclosed below:

1. I have not been employed or engaged in any capacity by the nominated respondents which have been listed below, or any related bodies corporate, professional advisers, or representatives of those organisations.
2. I have not provided any advice or assistance to the listed nominated respondents in relation to the Project;
3. To the best of my knowledge, I do not have:
 - a. Any financial or other interest, either directly or indirectly in the listed nominated respondents;
 - b. Any immediate family members (spouse, children, parents or siblings) or close friends with any financial or other interest in the listed nominated respondents;
 - c. Any other interest or association, either directly or indirectly, with the listed nominated respondents.

NOMINATED RESPONDENTS

1	
2	
3	

Disclosure

- A. _____
- B. _____
- C. _____
- D. _____
- E. _____
- F. _____

(if further space is required please attach a signed separate letter)

I undertake to:

1. Notify T&I - CL as soon as possible after I become aware of any matter which could affect the accuracy or completeness of the statements made in this deed or which would make them incorrect if this deed was given again; and
2. Make a further updated declaration as soon as practicable.

I confirm that the statements set out in this deed are true and correct as at the date indicated below.

EXECUTED AS A DEED
SIGNED SEALED AND DELIVERED

Signature of Declarant	
Name of Declarant	
Signature of Witness	
Name of Witness	

c) Dredging – Ballina Boat Harbour

The NSW State Government has allocated funding for this work. Update to be provided by Ballina Fishermen's Co-op.

d) Ballina Boat Harbour – Project Plan

Following the visit by the Maritime Access and Infrastructure Council (MAIC) earlier this year, as previously reported to the Taskforce Transport NSW wrote to Council regarding possible investigations into improved marina infrastructure at the existing Ballina Boat Harbour and the neighbouring RMS land.

To push this along Council resolved at the August 2014 Ordinary meeting to allocate \$40,000 to help fund a project plan that would assess the feasibility and methodology that would need to be followed to allow the expansion of marina facilities at this location.

For example one option that has previously been discussed is whether Council should partner with agencies such as Transport NSW and NSW Trade & Investment (Crown Lands) in an attempt to obtain planning approvals for this location for the expanded marina infrastructure. Obtaining planning approvals may then create a higher potential for a private sector entity to consider investing funds into this location.

Council has now received verbal advice that we are likely to receive matching funding of \$40,000 to allow this project to proceed.

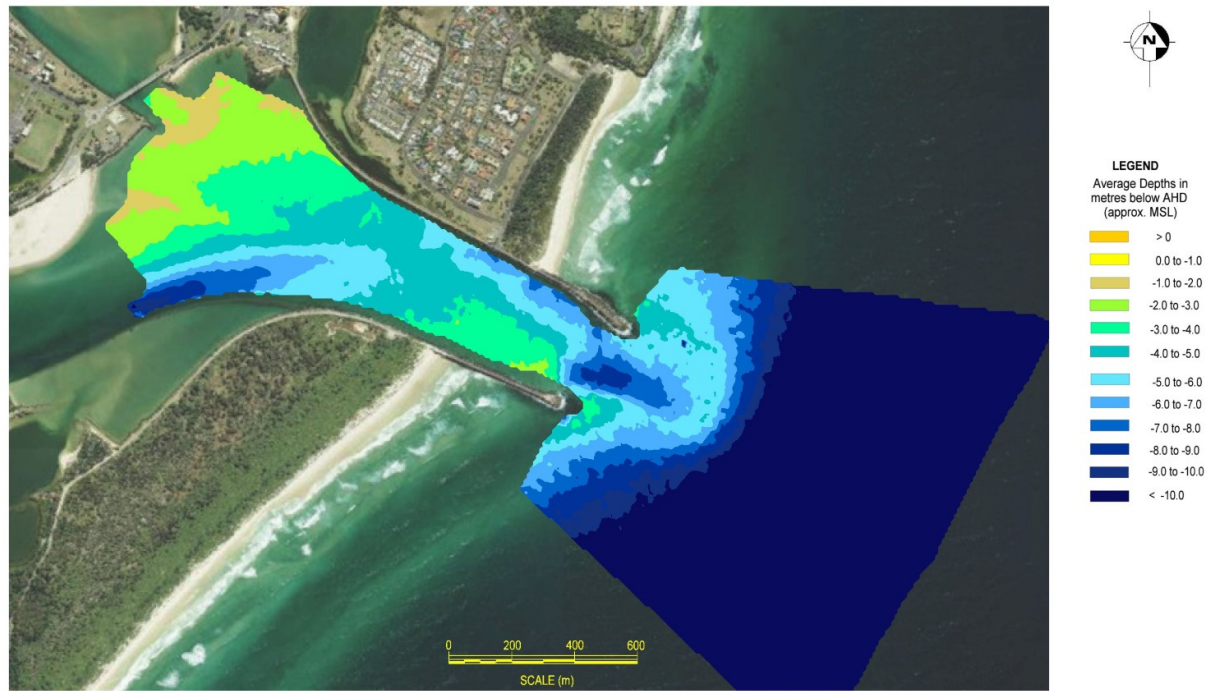
A NSW Minister was scheduled to visit Ballina on Friday 14 November 2014 to make this announcement however that visit was cancelled at the last moment. Hopefully the \$40,000 verbal advice will be confirmed in the near future which will then allow this proposal to further advance.

e) Ballina Bar

Crown Lands have supplied the latest hydrographic survey results of the Ballina Bar (May and September 2014) (copy attached). A copy has also been sent to Marine Rescue Ballina.

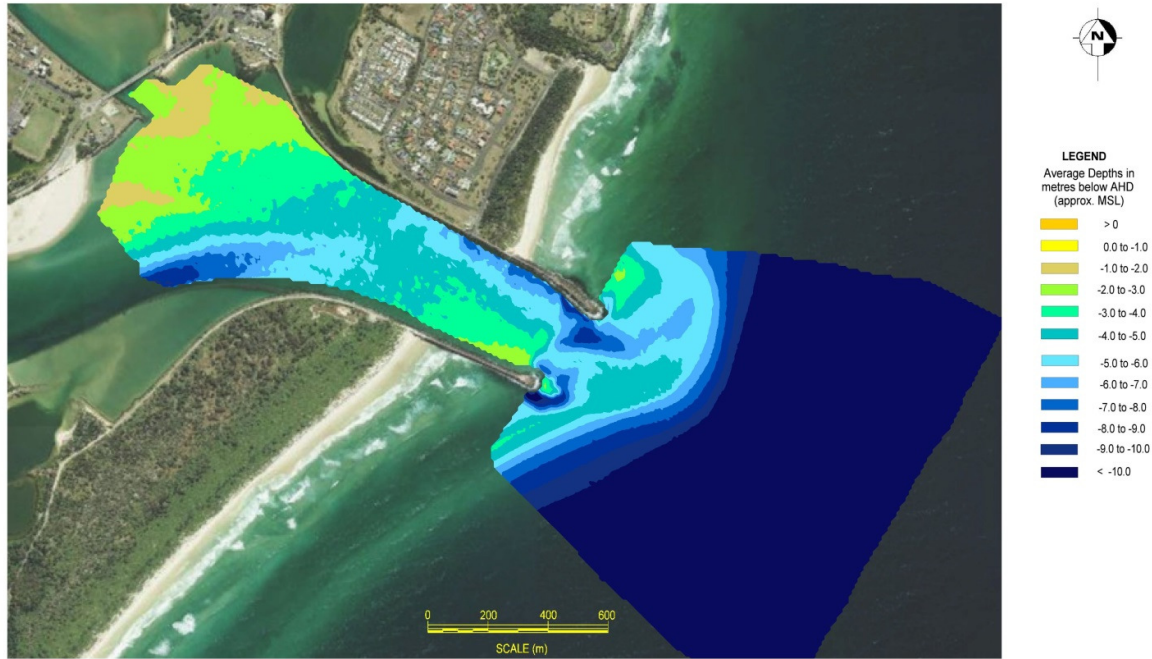
The September 2014 survey indicates some shoaling has occurred at the Ballina Bar. This shoaling is likely to be a result of unfavourable oceanic conditions recently experienced on the north coast.

Richmond River Entrance Survey as at May 2014



WARNING: Changes in bed and channel contours could occur rapidly due to waves and currents. Extreme caution should be used when navigating this entrance. Seabed contours show average depths in metres below Australian Heights Datum (AHD) (approximately Mean Sea Level (MSL)) not clearance depths. This survey is not to be used for navigational purposes.

Richmond River Entrance Survey as at September 2014



WARNING: Changes in bed and channel contours could occur rapidly due to waves and currents. Extreme caution should be used when navigating this entrance. Seabed contours show average depths in metres below Australian Heights Datum (AHD) (approximately Mean Sea Level (MSL)) not clearance depths. This survey is not to be used for navigational purposes.

f) Better Boating Program (BBP) Grants – Status

As previously advised Council has the following three projects in the 2014/15 budget, with 50% of the funding received under the NSW State Government's BBP.

1. Extend car park at Fishery Creek boat ramp - \$315,500 – These works have commenced and are scheduled to be completed prior to the Christmas holidays.
2. Master plan for the Martin Street / Regatta Avenue precinct - \$80,000 – Following the expression of interest process Geolink has been identified as the preferred consultant. Crown Lands are in the process of approving this engagement prior to Geolink commencing work.
3. Boat ramp investigation at Keith Hall Lane – \$60,000 – This funding allows for investigation, design and approvals to be completed during 2014/15. These works are progressing as a lower priority with the major objective being to seek funding for construction as part of the 2015/16 Regional Boating Plan Program.

g) Regional Boating Plan

The Regional Boating Plan supersedes the BBP. As reported to the last meeting Council has submitted a comprehensive lists of projects for this Plan and from all reports announcements on the projects funded for 2015/16 should be forthcoming in the near future.

4. Business Without Notice

5. Next Meeting