



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 26 February 2015 commencing at 9.00 am.**

Business

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

Paul Hickey
General Manager

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

Deputations to Council – Guidelines

Deputations by members of the public may be made at Council meetings on matters included in the business paper. Deputations are limited to one speaker in the affirmative and one speaker in opposition. Requests to speak must be lodged in writing or by phone with the General Manager by noon on the day preceding the meeting. Deputations are given five minutes to address Council.

Any documents tabled or given to Councillors during the meeting become Council documents and access may be given to members of the public in accordance with the requirements of the Government Information (Public Access) Act 2009.

The use of powerpoint presentations and overhead projectors is permitted as part of the deputation, provided that the speaker has made prior arrangements with the General Manager's Office at the time of booking their deputation. The setup time for equipment is to be included in the total time of five minutes allocated for the deputation.

Public Question Time – Guidelines

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

The period for the public question time is set at a maximum of 15 minutes.

Questions are to be addressed to the Chairperson. The period is set aside for questions not statements.

Questions may be on any topic, not restricted to matters on the agenda for the subject meeting.

The Chairperson will manage the questions from the gallery to give each person with a question, a "turn". People with multiple questions will be able to ask just one before other persons with a question will be invited to ask and so on until single questions are all asked and, time permitting, the multiple questions can then be invited and considered.

Recording of the questions will not be verbatim.

The standard rules of behaviour in the Chamber will apply.

Questions may be asked from the position in the public gallery.

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1. Australian National Anthem
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1. Australian National Anthem

The National Anthem will be performed by Ballina High School.

2. Acknowledgement of Country

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

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

3. Apologies

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 January 2015 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 January 2015.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 Review of Contribution Charges - 11 Tara Downs, Lennox Head

8. Development and Environmental Health Group Reports

8.1 Review of Contribution Charges - 11 Tara Downs, Lennox Head

Delivery Program Development Services

Objective To assess a request for Council to reduce developer contribution charges.

Background

In July 2006, consent was issued (DA 2006/690) for the development of a dual occupancy residence at 11 Tara Downs, Lennox Head.

The land was subsequently bought by Mr Adam Garvin and Mr and Mrs Trent and Tanya Collins with a view to undertaking the development and providing a residence for each family. Their plan was to be able to construct affordable housing for their families by sharing costs.

This consent was due to lapse on 27 July 2011.

Before the applicants could finance the construction part of the project, the global financial crisis occurred and they were not able to immediately finance the work. By the time they were in a better position to activate the consent it was close to lapsing and at the time they were not able to finance the payment of the development contributions in order to obtain the Construction Certificate as, with CPI increases, the total cost of these had risen from \$6,617 to about \$8,300.

As they couldn't afford the contributions at the time, and the consent was lapsing, they accepted an option provided by Council staff and chose to submit a new application (the application fees were less than the contribution charges) and re-new the consent thus gaining another five years to commence.

Unfortunately, in the interim period, additional contribution plans had been introduced for roads and the new plans for water and sewer servicing set much higher charges.

The total charges have risen so that they are now in excess of \$27,000; substantially higher than the indexed charges would have been today, if levied under the 2006 consent.

The applicants have written to the Council outlining the history of their situation and are requesting Council recognize their particular circumstances and amend the applicable developer contributions to those that would have applied under the 2006 consent as indexed to the current day (refer to attached letter).

8.1 Review of Contribution Charges - 11 Tara Downs, Lennox Head

Key Issues

- Circumstances of this case
- Equity

Information

Generally, the circumstances of this case are as outlined in the applicants' letter of 3 September 2014 (copy attached).

In response to a number of enquiries over time, Council staff considered the requests being made and on 14 January 2014 and 10 December 2014 provided the attached letters of reply. These responses have not satisfied the applicants and they have now asked for the Council to reconsider their request.

Since the time of the renewal of consent, the State Government has brought in the Affordable Rental Housing SEPP. This policy provides dispensation for the levying of certain contribution fees and charges and has been discussed with the applicants as a potential alternative avenue to achieving more affordability for them.

The SEPP is, however, understandably restrictive and doesn't meet Mr Garvin's and Mr & Mrs Collins' needs and as an option has been rejected by them.

In assessing whether or not the Council should distinguish the subject case, it is advised that there would be many cases and projects across the Shire that were affected by the GFC and the financial resources of the developers. However there would only be the one application where, at that time, the applicants came into this Council close to the expiry of their consent and sought advice about how to retain its currency due to their then inability to finance the charges.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The request goes to the affordability of a housing solution for two local families who have experienced particular difficulties in progressing their project. There are individual circumstances that have been outlined in the attached correspondence that are relevant to the Council's consideration. In general, the provision of affordable housing is a substantial social issue for Ballina Shire.
- **Economic**
The fundamental reason for levying developer contributions is to assist local councils to affordably provide the necessary infrastructure to service expanding residential development and growing populations. Whilst any individual charge is, to a degree marginal, the total of contributions sought and paid is a substantial component of financing infrastructure.

Legal / Resource / Financial Implications

The risk for the Council in considering the subject request revolves around how clearly it considers this particular case can be distinguished from other affordability cases that would abound in the community.

Consultation

There has not been any need for public consultation about this matter as it is a request relating to the particular circumstances of the case.

Options

The options available to the Council are as follows:

- 1) Should the Council consider that the circumstances of this case relating to the history of the applicants' experience trying to advance their project are such that warrant agreement with their request, the Council could resolve to take action authorising the General Manager or delegate to amend the conditions of development consent 2011/274 in relation to the levying of developer contributions and charges as requested by the attached correspondence. Any such resolution will need to clearly justify the reasons for the decision as Council has a statutory responsibility to charge the relevant development conditions and these can only be amended where the circumstances support that amendment, in the opinion of the Council.
- 2) Should the Council not consider that there are circumstances that adequately distinguish the circumstances of this case with those of other affordability cases that are experienced in the local community, it should refuse the request for the reasons already outlined to the applicants in Council's correspondence (copies attached).

In either case the Council could also indicate its preparedness or otherwise to offer assistance to the applicants by allowing for the payments to be made over time.

Ultimately this is a matter for Councillors to determine whether the circumstances of the case warrant an amendment of the consent. The staff position on this is that the circumstances do not justify an amendment of the consent and the recommendation that follows is consistent with that approach.

This request is also somewhat different from a request later in this agenda where the Alstonville Community Preschool is seeking a waiver of the developer contributions payable for the construction of a building on Council owned land. In that the case the asset effectively becomes a Council asset as it is on our land.

In this case the application is from private citizens where the benefit goes with the privately owned property.

RECOMMENDATIONS

1. That in respect to the attached request from Garvin, Collins and Collins Council confirms that it is not in a position to alter the developer contribution charges payable for development 2011/274 consent as the circumstances are not sufficient to justify such an amendment when considered against all the various circumstances that Council must deal with in its role as a statutory planning authority.
2. That Council authorises the General Manager, or nominated delegate, to enter an agreement with Garvin, Collins and Collins, to allow a time payment plan for the developer contribution charges applicable to the consent.

Attachment(s)

1. Correspondence to Council
2. Letter to Collins, Collins and Garvin - 14 January, 2014
3. Letter to Collins, Collins and Garvin - 10 December, 2014

8.2 Cooper Close, Lennox Head - Low Pressure Sewer System

8.2 Cooper Close, Lennox Head - Low Pressure Sewer System

Delivery Program Environmental and Public Health

Objective To rectify defective on-site sewage management systems in Cooper Close by connecting all properties into Council's reticulated sewerage system to reduce the risk to public and environmental health.

Background

In March 2013, the owners of 12 Cooper Close Lennox Head requested that Council's On-Site Sewage Management (OSSM) Officer inspect their rental property in regard to concerns raised by tenants with the existing septic systems.

The OSSM Officer inspected the two septic systems at 12 Cooper Close Lennox Head, which revealed that both systems were failing and consequently a "Notice of Proposed Order" was issued to the owners to rectify (which has elevated to "Order" status).

Discussions were held with the owners and internally with Council Officers in regard to the possibility of connecting to Council's sewerage system. This would be an alternative solution to resolve the defective OSSM systems at 12 Cooper Close Lennox Head.

Council's Water and Wastewater Section confirmed that the nearby Council sewerage pump station at Figtree Hill Drive Lennox Head was the closest Council sewerage connection point and it was feasible to connect into this infrastructure.

Council's Water and Wastewater Section have also confirmed that it is not desirable to connect only one property to the sewerage pump station for practicality and financial reasons. If the alternative solution of connecting into Council's sewerage system is to eventuate then all Cooper Close properties (including 516 Ross Lane) would need to be connected. The Council sewerage pump station has the capacity to take the increase in wastewater generated from all Cooper Close properties.

There are environmental and health concerns in regard to the continued operation of on-site sewage management systems in the environmentally sensitive locality in Cooper Close due to the current poor operation of existing OSSM systems, small lot sizes (some properties 2,000-3,000sq/m in area), site constraints and the unsuitability of local soil landscapes.

A solution is needed to rectify the defective OSSM systems in Cooper Close and to minimise the risk to public and environmental health. The preferred solution is to connect the subject properties into Council's reticulated sewerage system via the installation of a Low Pressure Sewer System.

The legal enforcement process of rectifying the defective OSSM systems at 12 Cooper Close Lennox Head have been placed on hold while the option to connect to Council's sewerage system is determined.

Key Issues

- Public and Environmental Health Risk
- Timeframe to complete works
- Social equity

Information

There are essentially two Council policies that are relevant to this report being the “*Pressure Sewer Policy*” and the “*Backlog Sewer Program Policy*”. Both of these policies are attached for reference purposes.

The *Pressure Sewer Policy* states that “*Council will not, as a general rule, extend the reticulated sewer system.....The only exceptions to this will be....[for] reasons such as public health*”, and that where allowed, property owner/s will meet the costs of the extension as well as the “on property” costs and any connection fees (including Section 64 Sewer Charges).

Based on this policy, the owners have been advised that if the project proceeds they will be required to pay 100% of installation costs to connect into Council’s sewerage system plus Section 64 Sewer Charges under the Local Government Act 1993 (i.e. infrastructure, increase in wastewater treatment and maintenance).

Currently, of the seven property owners affected, there are four willing to connect, two are interested but wish to see more detail about the costs and repayment plan and one that does not wish to connect but will review information provided if the project proceeds. The significant costs and charges are a concern raised by all owners and is a major factor in why there is not entire property owner support.

The *Pressure Sewer Policy* also refers to Council’s *Backlog Sewer Program Policy* and states that “*Council may elect to connect unsewered areas to its sewerage schemes, using pressure sewer systems, as part of its backlog sewer program. At present this is limited to approximately 130 properties in six distinct precincts.*”

The *Backlog Sewer Program Policy*, which was adopted by Council for the provision of sewer to specifically identified areas, only requires residential property owners to repay 20% of the cost of connection and includes a staged payment process over five years. Funding of the remaining 80% and the upfront cost of the installation is through Council’s wastewater fund. Commercial properties were required to pay 100% under this policy.

The majority of works under the Backlog Sewer Program have been completed and the Cooper Close locality was not part of the program.

8.2 Cooper Close, Lennox Head - Low Pressure Sewer System

The situation at Cooper Close potentially fits the criteria for the Backlog Sewer Program to *“connect unsewered areas, located on the fringe of Council’s existing sewerage area....to address significant environmental and health concerns regarding the continued operation of on-site sewage treatment systems in areas which are environmentally sensitive.”*

The Backlog Sewer Program was well defined at the time and, if a precedent was set to include Cooper Close now, Council may be potentially exposed to ongoing costs due to incremental expansion of the program in the future.

The Backlog Sewer Program came about because the cost of connection to the sewerage system is significant; to the point of being prohibitive for many property owners.

In considering this issue other points of note are:

- Unsewered properties do not avoid significant costs. In unsewered areas it is the responsibility of the property owner for appropriate on-site sewage management; including servicing, maintenance and replacement costs – which can be significant. For example the cost to the property owner to fix the failed OSSM at 12 Cooper Close is likely to be similar to the cost to connect to Council’s sewerage system.
- There are significant benefits to property owners when connecting to the sewerage system. For example, through a positive impact on the property’s price, better use of land currently used for OSSM, and transfer of responsibilities for sewage treatment to Council.

There are also a number of other periphery issues that may require consideration:

- The policies are silent on whether applicants must pay application and inspection fees which could range from a few hundred dollars to a few thousand dollars for each property owner. Historically, it appears new pressure sewer connections have paid application and inspection fees; however they have not been charged under the Backlog Sewer Program.
- The property at 43 Cooper Close has a dwelling and plumbed shed built on the land. The two buildings are separated by a distance of approximately 100m such that installation of 2 x E1 pumpwell units will be required plus considerable additional pipework. This differs from the 1 x E1 pumpwell unit required for all other properties in Cooper Close. Historically the individual owner has paid for the extra unit under the Backlog Sewer Program however this could influence whether or not 43 Cooper Close ultimately wants to connect into Council’s reticulated sewerage system.
- The Jehovah’s Witnesses Congregation (JWC) own one of the Cooper Close properties, and Council agreed to waive fees according to the *Donations – Rates and Charges Policy* on another JWC property in an earlier Backlog Sewer Program Project. JWC could apply for a further waiver for the Cooper Close property under the same policy.

Sustainability Considerations

- **Environment**

The subject land contains a soil profile that requires a higher level of treatment for sewage waste to ensure no adverse environmental and public health impacts. The land is low lying and floods (ponding of water) during high rainfall.

- **Social**

Improve amenity of the area by connecting individual properties to the more efficient and effective reticulated sewerage system.

- **Economic**

Economic impacts are associated with the connection to the reticulated sewerage system through Council providing the funding upfront and then recovering costs from each property owner. Property owners will have to fund the connection 100% and will have economic impacts on their finances. If not connected to the reticulated system then resource implications continue for the Council through the OSSM Program and for individual property owners for operational and maintenance costs of on-site systems including rectification costs for systems that don't comply with legislative requirements and environmental and public health standards.

Legal / Resource / Financial Implications

The Council will need to allocate a significant amount of time to finalise the installation of the Low Pressure Sewer System and to resolve the matter i.e. applications, inspections, correspondence, construction costs, etc.

Statistics indicate that approximately 50%-60% of OSSM systems inspected have failed or don't comply due to defects. The OSSM non-compliance process consumes considerable resources as regulatory actions are undertaken to ensure that defective OSSM systems are rectified within appropriate timeframes to ensure the environmental, health and amenity objectives are satisfied.

The connection of these seven properties would assist in the overall on-going workload of the OSSM resources, given that each defective system takes a substantial amount of time and attention to rectify.

It is not envisaged that other Council Officers or resources will be involved in the Low Pressure Sewer System installation works other than for consultation, communication and inspectoral functions.

Home owners need to weigh up the maintenance, servicing, and power consumption (for some systems) costs with their existing OSSM system compared to payment to Council for sewerage rates and the cost of making a contribution towards the Low Pressure Sewer scheme costs.

Council has to consider whether the costs of providing an upfront scheme is justified by the public and environmental health benefits and would align with the Council's policies and the Community Strategic Plan objectives.

8.2 Cooper Close, Lennox Head - Low Pressure Sewer System

Quotes received suggest the total cost to connect the seven properties to the sewerage system would be approximately \$160,000 (incl GST), but this includes the cost of re-plumbing and decommissioning within the boundary of each property – which are usually arranged and fully paid for by the property owners.

Therefore the actual Council upfront costs are estimated at approximately \$140,000 (incl GST); and the funding arrangements and any subsidy on this amount would need to be determined by Council if it proceeds to implement a scheme.

If Council were to fund the upfront installation costs for the Low Pressure Sewer System, these would need to be funded out of the Wastewater Fund. The \$140,000 required has not been forecast and would require funds to be transferred from Council's Wastewater Reserve. There are adequate funds in the reserve to manage this expenditure without amending the priorities for other works.

Council would also then receive the annual wastewater charge from these properties, albeit that we would also be incurring additional operating costs in the wastewater business.

Consultation

Extensive consultation has occurred with the seven property owners, plumbers, a wastewater consultant and Council Officers.

Options

There are a range of options available to Council.

1. That Council not connect the subject properties in Cooper Close into Council's reticulated sewerage system and have each owner upgrade their on-site sewage system as required and when needed. This is an equitable solution, but one which would not realise the health and environmental benefits of connection.
2. That Council apply the existing Pressure Sewer Policy whereby owners will be required to pay 100% of installation costs to connect into Council's sewerage system plus headworks charges. On the one hand this is equitable in that all property owners in the Shire pay for connection and headworks charges; and the majority of Cooper Close property owners are supportive. On the other there are earlier programs including the Backlog Sewer Program whereby owners only paid 20% of connection costs and headworks charges.
3. That Council apply the conditions of the Backlog Sewer Program Policy to properties in Cooper Close and recover 20% of scheme costs and headworks charges via the same repayment plan method as detailed in the Backlog Sewer Program Policy. The Backlog Sewer Program was well defined in terms of scope and budget. Setting a precedent for incremental expansion may potentially expose Council to significant undefined costs into the future.

8.2 Cooper Close, Lennox Head - Low Pressure Sewer System

4. That prior to making any decision Council carry out an extensive review of the Backlog Sewer Program Policy to determine if there are now any appropriate new areas for inclusion in this policy and whether or not Cooper Close would set a precedent. This would delay fixing the current situation in Cooper Close and is currently not the Council's focus.

In identifying the preferred option the Backlog Sewer Program was a specific project identified by Council at that time to sewer high risk areas. That program reviewed all localities in the Shire and Cooper Close was not identified as a priority.

Cooper Close has now been identified as a priority area from an OSSM inspection process and on balance the preferred option is option two – owners are responsible for 100% of the upgrade costs in accordance with Council's Pressure Sewer Policy.

Numerous other properties (i.e. new houses etc) are paying for connection to Council's sewer system and overall there is not considered to be sufficient justification for Council to provide the 80% subsidy as per the Backlog Sewer Program Policy.

Certainly there are environmental and public health benefits to be gained from this process and to encourage connection Council could provide financing for the works by allowing the owners to pay the cost of the connection off over, for example, five years. This charge would be raised as a debt against the property to guarantee that the amount would be paid to Council.

Council could also provide this funding with a nil interest cost, due to the environmental and public health benefits and also recognising that the properties will now pay annual wastewater charges.

The Backlog Sewer Program Policy recipients were also not charged interest, albeit that any owner who falls behind in their rates and charges payments, is then charged at the standard overdue rate (currently 8.5%).

The recommendation that follows supports this approach, with Councillors also being open to consider the 80% subsidy as occurred with the Backlog Sewer Program, if the merits of connecting these properties to the sewer system are considered sufficient to justify that subsidy.

RECOMMENDATIONS

1. That based on the contents of this report, Council supports the installation of a Low Pressure Sewer System to connect properties in Cooper Close, Lennox Head to Council's reticulated sewerage system in accordance with Council's Pressure Sewer Policy.
2. The provision of this Lower Pressure System is only to proceed subject to Council reaching agreement with all seven property owners benefiting from the system and signing an agreement with Council based on the following minimum terms and conditions:
 - a) Council providing upfront funding for the cost of installation of the sewerage system up to and including the pump well on each property and recovering 100% of those costs from each property owner over a five year timeframe (estimated cost is \$140,000 including GST)
 - b) Council will not charge interest on the five year instalments, subject to the repayments being made in accordance with the terms of the agreement
 - c) Any late repayments will be charged Council's overdue rates and charges interest rate
 - d) Council approving the waiver of application and inspection fees for the subject connections
 - e) The debt is to be shown on the subject property to guarantee the collection of the debt as per Council's standard rates and charges recovery procedures.
3. That Council authorises the allocation of funding from the Wastewater Fund reserves to finance these works, if they proceed.

Attachment(s)

1. Pressure Sewer Policy
2. Backlog Sewer Program Policy

8.3 Companion Animals Management Plan

8.3 Companion Animals Management Plan

Delivery Program Environmental and Public Health

Objective Finalisation of the Companion Animals Plan following public exhibition.

Background

Council at its Ordinary Meeting of 23 October 2014 resolved to place on public exhibition for comment the Draft Companion Animals Management Plan.

The draft policy was placed on public exhibition with the closing date of 3 December 2014. One submission was received and a copy is attached to this report.

Key Issues

- Content of policy
- Relevance of policy
- Address submissions

Information

The draft plan was exhibited for a period of 28 days to allow for public comment. The exhibition was notified via Council's website and by way of advertisement in the local newspaper. Copies of the document were made available at Council's Community Access Points. The policy was also exhibited through Council's new electronic newsletter Community Connect eNews, with a link to an online feedback form.

One submission was received. The issues raised in the submission suggest that the policy might be improved in respect to the hiring of cat traps to people who are experiencing nuisance cats and feral cats, the continued commitment to the improvement of the Compton Drive off-leash dog exercise area, and the introduction of a part time off-leash dog exercise area at Angels Beach.

The removal of the fee for the hiring of cat traps may be considered appropriate to assist members of the public in the control and management of unidentified cats in the community. It is recommended consideration be given to this fee at the time of the review of the 2015/16 Fees and Charges. The deposit fee can be increased slightly to cover the cost of a trap if it is lost and or damaged when on hire to a member of the public.

Council under the Companion Animals Act 1998 is required to have one designated off-leash dog exercise area in the Shire. Council currently has seven designated off-leash dog exercise areas strategically positioned throughout the Shire.

8.3 Companion Animals Management Plan

The introduction of Angels Beach as a part time dog off-leash area is not considered appropriate given the number and locality of current sites available. This may be considered as an option at future reviews of the Plan if necessary.

The Compton Drive off-leash dog exercise area has been nominated as a site requiring additional improvements in the future when budgets permit. Proposed works include the provision of dog agility and exercise equipment.

The importance of accessing the off-leash dog exercise area at Seven Mile Beach, Lennox Head is acknowledged. Any future plans for the Lake Ainsworth precinct will need to give consideration to, and incorporate, the access and use of the off-leash dog exercise area.

After consideration of the information submitted no amendments are suggested to the policy as exhibited. A copy of the policy is included as an attachment to this report.

Sustainability Considerations

- **Environment**

The Plan assists with the protection of the natural and built environment through the introduction of clear guidelines for the management of dogs and cats.

- **Social**

Dogs and cats provide great support and companionship to owners and help with loneliness and assist in the rehabilitation of people, particularly the elderly.

- **Economic**

Majority of actions are funded within existing budgets and resources.

Legal / Resource / Financial Implications

The revision of the Plan corrects inaccuracies in the previous Plan arising from legislative changes and updates the Council's responses to the management of dogs and cats.

Consultation

The draft policy was placed on public exhibition with the closing date of 3 December 2014.

Options

The options are to adopt, amend or not adopt the document. Based on the limited feedback from the exhibition period the preference is to adopt the Plan as exhibited.

8.3 Companion Animals Management Plan

RECOMMENDATION

That Council adopts the Companion Animals Management Plan, as exhibited and as attached to this report.

Attachment(s)

1. Submission
2. Companion Animal Management Plan (Under separate cover)

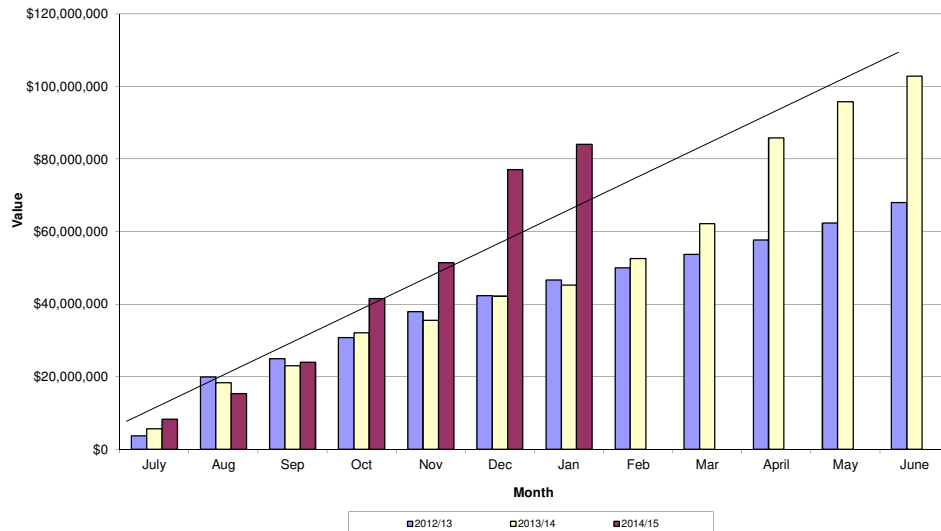
8.4 Development Consent Statistics - January 2015

8.4 Development Consent Statistics - January 2015

During the period of 1 January 2015 to 31 January 2015 the Development and Environmental Health Group issued Development Consent comprising of:

Number of Applications	Value of Work
1 Other Building Related	\$ 824,000
16 Dwelling/Duplexes/Residential Flat Buildings	\$ 4,491,000
26 General Developments	\$ 1,600,000
Total Value	\$ 6,915,000

The following chart details the cumulative consent figures for 2014/15 as compared to 2013/14 and 2012/13. A trend line has also been provided for 2013/14 to assist in the comparison.



RECOMMENDATION

That Council notes the contents of the report on development consent statistics for 1 January 2015 to 31 January 2015.

Attachment(s)

Nil

8.5 Development Applications - Works in Progress - February 2015

8.5 Development Applications - Works in Progress - February 2015

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.

2011/515	30/11/2011	Newton Denny Chapelle	Staged development - 5 x lot subdivision for future cluster housing development and construction of public road - No. 565-589 River Street, West Ballina	Being Assessed
2012/291	23/07/2012	Newton Denny Chapelle	To undertake a staged 47 Lot Community Title residential subdivision with lots ranging in size from 303m ² to 773m ² , associated road, earth and infrastructure servicing works, creation of a public road and one 6.4 hectare Torrens Title residue lot - 565-589 River Street, West Ballina	Determination Pending
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	Awaiting Additional Information

8.5 Development Applications - Works in Progress - February 2015

			place of public worship and erection of new awning – 12 De Havilland Crescent, Ballina	
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	Awaiting Additional Information
2014/508	08/10/2014	Richard Lutze & Associates	Erection of Storage Shed and additional Knight Statue (fronting the new Pacific Highway) associated with an ancillary to an existing Tourist Facility (The Macadamia Castle) - 1697-1699 Pacific Highway, Knockrow	Being Assessed
2014/525	15/10/2014	Ardill Payne & Partners	Additions to a Rural Industry and Offensive and Hazardous Industry Comprising Metal Fabrication and Abrasive Blasting - 21 Cumbalum Road, Cumbalum	Awaiting Additional Information
2014/550	27/10/2014	SG Fitzpatrick	To Erect a Holiday Cabin - 188 Old Byron Bay Road, Newrybar	Awaiting Additional Information
2014/553	27/10/2014	M Mittag	Strata Title Subdivision of Building - 12	Awaiting Additional Information

8.5 Development Applications - Works in Progress - February 2015

			Shelly Beach Road, East Ballina	
2014/564	31/10/2014	P Sternberg	To use an existing building for tourist and visitor accommodation - 10 Martins Lane, Knockrow	Awaiting Additional Information
2014/585	12/11/2014	Northern Rivers Surveying Pty Ltd	Two Lot Rural Subdivision to create 1 x 1.2ha Lot (Lot 1 – Residue Lot) and 1 x 49ha Lot (Lot 2 – Primary Production Lot) via SEPP (Rural Lands) 2008 - Friday Hut Road, Brooklet	Awaiting Additional Information
2014/586	12/11/2014	Northern Rivers Surveying Pty Ltd	Two Lot Rural Subdivision to create 1 x 1.2ha Lot (Lot 1 – Residue Lot) and 1 x 36.71ha Lot (Lot 2 – Primary Production Lot) via SEPP (Rural Lands) 2008 - Jorgensens Lane, Brooklet	Awaiting Additional Information
2014/609	21/11/2014	Planners North	To undertake a mixed use development comprising the erection and strata title subdivision of a two storey commercial premises fronting Ballina Street and four, three storey, shop top housing units at the rear of the site adjacent to	Awaiting Additional Information

8.5 Development Applications - Works in Progress - February 2015

			Rayner Lane and associated works including vehicle access off Rayner Lane and a central ground level car parking area - 45-49 Ballina Street, Lennox Head	
2014/611	25/11/2014	Telstra	Erection of a Telecommunications Facility comprising a 20 metre high monopole and triangular headframe with antennas (overall height of 21.6 metres) and the removal of an existing 12 metre timber pole and 13 metre concrete pole and associated works - 1A Suvla Street, East Ballina	Awaiting Additional Information
2015/3	06/01/2015	CivilTech Consulting Engineers	To undertake a boundary adjustment subdivision and consolidation of three allotments to create one x 36.4 ha and one x 30.8ha allotments - 1190 & 1192 Eltham Road, Alstonvale	Referred to Government Departments
2015/15	15/01/2015	D Albany	To undertake a change of use of part of Unit 1 (garage and storage) to living area - 1/11 Seaview Street, East Ballina	Awaiting Additional Information
2015/19	20/01/2015	Creative	Alterations and	Referred to

8.5 Development Applications - Works in Progress - February 2015

		Planning Solutions	additions to an existing recreation establishment (Lennox Head Sport and Recreation Camp) involving the erection of three teachers accommodation buildings (comprising a total of 10 bedrooms), associated infrastructure works and the removal of vegetation - Pacific Parade, Lennox Head	Government Departments
2015/26	21/01/2015	Ardill Payne & Partners	Torrens Title subdivision to create Two Residential Lots 1 x 965sqm and 1 x 1922sqm and associated works - 32 Tara Downs, Lennox Head	Being Assessed
2015/27	22/01/2015	Ardill Payne & Partners	To undertake a change of use of part of the existing general store/takeaway/ café area to include additional café area and to modify the hours of operation - 12 Shelly Beach Rd, East Ballina	Awaiting Additional Information
2015/60	11/02/2015	M Towns	Vegetation management works comprising the removal of two trees and pruning of vegetation - 23 Cawley Close,	Being Assessed

8.5 Development Applications - Works in Progress - February 2015

			Alstonville	
2015/63	12/02/2015	A Croft	Erection and Strata Title Subdivision of an Industrial Building - 31 & 33 Cessna Crescent, Ballina	Being Assessed

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2012/334	17/08/2012	Ballina Shire Council	The construction of Hutley Drive connection to the Pacific Pines Estate via a round-about, connection to Elevation Estate & vegetation clearance in SEPP 14 affected area – North Creek Road, Lennox Head	Referred to Government Departments
2013/286	5/08/2013	Ballina Shire Council	Establishment and Operation of a Biochar and Waste-to-Energy Facility - 167 Southern Cross Drive, Ballina	Referred to Government Departments
2014/615	27/11/2014	Ardill Payne & Partners	To undertake the expansion of an existing extractive industry (quarry) - Old Bagotville Road, Bagotville	Awaiting Additional Information

8.5 Development Applications - Works in Progress - February 2015

Major Development (Determined by Minister)

Major Project No./DA No.	Date Rec'd	Applicant	Proposal	Status
SSD-6422	8/12/2014	Holcim (Australia) Pty Ltd	Expansion of Existing Quarry involving the extraction and processing of up to 500,000 tonnes per annum of hard rock for 30 years and recycling and processing up to 10,000 tonnes per annum of concrete - Stokers Lane, Teven	Council comments provided to DoPE

RECOMMENDATION

That Council notes the contents of the report on the status of outstanding development applications for February 2015.

Attachment(s)

Nil

9.1 Cumbalum Precinct A - DCP and Contributions Plan

9. Strategic and Community Facilities Group Reports

9.1 Cumbalum Precinct A - DCP and Contributions Plan

Delivery Program Strategic Planning

Objective To present to the Council the outcomes of the public exhibition of draft development control provisions and a draft s.94 developer contributions plan relating to Cumbalum Precinct A.

Background

Council received a report regarding draft development control provisions and a draft s.94 developer contributions plan for the Cumbalum Urban Release Area Precinct A (CURA A) at its Ordinary Meeting held on 27 November 2014.

The Council resolved as follows [Minute No. 271114/9]:

- 1. That the draft s.94 developer contributions plan for CURA Precinct A, as attached, be placed on public exhibition, in accordance with the requirements of the Environmental Planning and Assessment Act 1979.*
- 2. That the draft development control plan amendment for "Cumbalum Views" (DCP Amendment No.4), as attached, be placed on public exhibition, in accordance with the requirements of the Environmental Planning and Assessment Act 1979.*
- 3. That Council receive a further report addressing the exhibition and submissions received following the conclusion of the public exhibition period.*
- 4. That Council consider the inclusion of an upgrade of Sandy Flat Road in the review of the Shire Wide Section 94 Roads Contribution Plan.*

The purpose of this report is to present the submissions received during the public exhibition of the draft development control plan provisions and draft contributions plan for the Council's consideration, in response to points 1-3 above. Direction is also sought from Council in relation to the adoption of the DCP provisions and contributions plan.

A response to point 4 above will be the subject of a further report, from Council's Civil Services Group, in due course.

Key Issues

- Local planning framework for CURA A
- Infrastructure delivery and funding
- Future development controls/guidelines
- Open space
- Road network

Information

In accordance with the Council's resolution, the CURA A draft development control provisions and draft contributions plan were placed on exhibition for public comment from 10 December 2014 until 23 January 2015. A copy of the exhibition documentation, including the draft DCP provisions and draft s.94 developer contribution plan is contained in Attachment 1.

A total of ten submissions were received during the public exhibition period. Of these, five submissions comprised a "form letter" style submission. For the purpose of this report, the issues raised in these submissions are addressed together.

A copy of all submissions received in response to the public exhibition is provided in Attachment 2 to this report.

The submissions received comprise the following:

- Form letter [Greg Unwin on the behalf of the Ballina Heights Residences Action Group (BHRAG), Julie Doxey, Peter Harden, David Robinson and Ken and Helen Stewart] – Residents of Ballina Heights Estate.
- David Buckman – Resident of Ballina Heights Estate.
- Colin Beddoes – Landholder of land located between the Ballina Nature Reserve and Ballina Heights/CURA A.
- Phil Thompson – Landholder of land located between the Ballina Nature Reserve and Ballina Heights/CURA A.
- Planners North on the behalf of Vixsun Pty Ltd – developer/landholder within CURA A.
- Elton Consulting on the behalf of Intrapac Projects Pty Ltd – developer/landholder within CURA A.

The matters raised in the submissions, and Council staff responses to these issues, are provided in the summary table provided as Attachment 3 to this report. A summary of the key issues raised is provided below.

With respect to the form letter submissions and that of Mr Buckman, several of the issues raised relate to local traffic management and infrastructure in Ballina Heights. These matters are outside the scope of the DCP and s.94 plan and have been referred to Council's Civil Services Group for separate consideration and response.

Further to the above, Council received an addendum submission from Elton Consulting on the behalf of Intrapac Projects Pty Ltd at the finalisation of this report, relating to the proposed bushland park (renamed 'Ridge Parkland').

This late submission is provided as Attachment 4 to this report and the matters raised are addressed in the section below relating to open space facilities.

9.1 Cumbalum Precinct A - DCP and Contributions Plan

Stormwater Management

A number of the submissions relate to stormwater management arrangements. In particular, concerns have been raised by downstream landholders (Messrs Beddoes & Thompson) regarding the adequacy of stormwater management assessments and the potential for adverse impacts to occur to their properties.

The proponents have also sought, in their submission, for Council to relax a number of provisions relating to stormwater management.

The issues associated with stormwater management arising from future urban development within both Cumbalum Precincts A and B were considered in detail during the rezoning process.

It was noted during the rezoning process that stormwater management issues will need to be addressed through detailed design of the subdivision and associated stormwater infrastructure, having regard to the characteristics of the site and downstream receiving environment (including the Ballina Nature Reserve and adjacent private properties).

Consequently, the draft provisions relating to stormwater management seek to ensure that due consideration is given to the design and assessment of stormwater management, in association with the subdivision of the land.

Notwithstanding, with reference to the comments provided in Attachment 2 to this report, a number of amendments to the draft stormwater provisions are recommended to clarify the Council's expectations in relation to stormwater management, in response to the submissions made during public exhibition.

The changes are set out in the table at the end of this section of this report.

Open Space Facilities

In reviewing this component of the report, it is worthwhile to note that Councillors have had the benefit of an inspection of the CURA A land, held on 14 October 2014. Those in attendance were able to see, first hand, the respective areas of land the developers propose to allocate for open space purposes. This inspection provided Councillors with a solid understanding of the context for open space (ie where the areas proposed to be dedicated to Council "fit" within the overall future development, access linkages etc) as well as the physical characteristics (slope, orientation, vegetation etc) of the respective areas.

The Precinct A proponents (Intrapac Projects Pty Ltd) request that Council amend the exhibited draft development control provisions and contributions plan as follows:

- District Park - Request that the central district park be reduced in size (from 11,000m², comprising 10,000m² district park and 1,000m² community centre site, to 6,500m²) and be relocated away from the elevated part of the site
- Bushland Park – Request that a 'bushland park' be included in the DCP as a passive local park

9.1 Cumbalum Precinct A - DCP and Contributions Plan

- Local Open Spaces – Request that the DCP should not include specific size, location and ‘usability’ criteria but rather rely upon a set of performance criteria (provided).

Additionally, the proponents suggest that *“local open space should... not require all open space to be 2,000sqm in size and to be 100% usable”*. This statement could be interpreted to suggest that the proponents intend to dedicate land to Council that is otherwise ‘un-usable’, constrained, small in area and difficult to maintain, as nominal “local open space”.

Such an outcome would not appear to be in the interests of the Council or the community.

Open space provision was addressed in detail in the report presented to the Ordinary Council Meeting held on 27 November 2014. The matters relating to the ‘central district park’ and ‘bushland park’ raised in the latest submission are essentially a restatement of the developers’ position outlined in the November 2014 report.

Council’s open space standards require the provision of approximately 10,000m² of district open space/parks as a part of the development of Precinct A.

Further, the standards require the provision of one community hall, comprising an area of 250m², with an auditorium of approximately 170m², occupying a site of 1,000m².

The ‘enquiry by design’ urban design analysis promoted, coordinated and undertaken by the proponent to support planning for the site, including the preparation of the DCP provisions, recommended taking advantage of the elevated part of the site, adjacent to the water reservoir, as a central district park, benefitting from long range views to the east and the west.

With respect to the bushland park, the proponent has proposed an expansion of the park area to include additional land on the ridgeline (see Elton Consulting submission in Attachment 2).

From staff’s perspective, and as previously reported, the proposed bushland park, although large in area, does not comprise much practical, usable open space.

In this regard, it is estimated that 32% (8,021m²) of the proposed park has a slope over 30 per cent, 58% (14,590m²) of the site has a slope between 20 and 30 per cent and only 10% (2,369m²) of the proposed park area has a slope of less than 20 per cent.

It is recommended that the proposed “Bushland Park” not comprise a component of district open space, for the purpose of the Precinct A contributions plan or development control plan.

It may however, be considered as additional open space (or a portion of it) as part of the local park network for the area. Notably, the additional area proposed in the Elton Consulting submission correlates with one of the nominated locations for a local park under the DCP.

9.1 Cumbalum Precinct A - DCP and Contributions Plan

A further submission was received during the finalization of this report, in relation to the proposed bushland park (renamed 'Ridge Parkland'). The submission is provided as Attachment 4 to this report.

This submission provides additional design detail regarding proposed embellishment and rehabilitation of the parkland area. It is noted that the proposal includes a large amount of open space infrastructure and embellishment, including stairs, pathways, boardwalks and native grasslands, some of which may require significant ongoing maintenance. The proposed maintenance regime is not detailed in the submission.

The supplementary information provided in the submission has not altered the staff recommendation in relation to the bushland park proposal.

The preferred approach to the provision of district parks for Precinct A is as per the following:

- one central district park comprising a minimum of 10,000m²; and
- one community hall occupying a (separate) minimum site of 1,000m².

This provides a balanced and reasonable approach to the allocation of publicly accessible and practically usable district park facilities within Precinct A, and provides clarity with respect to Council's expectations associated with the future delivery of that infrastructure.

Under this approach the developer is not precluded from offering the bushland area as public open space additional to that planned for under the s.94 plan and development control plan for Precinct A.

However, if such an offer was made, Council would be urged to evaluate that very carefully, as future maintenance and risk management requirements for the community could be substantial.

The Precinct A DCP requires the direct provision of local parks in association with the subdivision of the land, in a manner such that all residential areas are located within a 400m radius of a local (or district) park, which has been adopted as a reasonable and convenient walking distance.

In light of the above, amendment of the draft development controls and contributions plan as per the proponents' request is not recommended in this case.

Earthworks

The proponents (Intrapac Projects Pty Ltd), request that Council relax the draft development control provisions relating to earthworks as follows:

- That the requirement for detail to be provided, regarding broad scale cut and fill and retaining structures, be deferred to construction certificate stage rather than development application stage and
- Allowing greater than 1.5m if cut and fill for dwelling construction, due to the topography of the land.

9.1 Cumbalum Precinct A - DCP and Contributions Plan

In relation to the first point, Council's Civil Services Group recommend that preliminary engineering plans be provided at development application stage in order to ensure that extent of cut and fill and the scale of any retaining walls can be determined and properly assessed.

For the purpose of clarity, it is recommended that the existing clause be amended to require that preliminary engineering plans are to be submitted at development application stage.

Council's development control provisions for residential earthworks, contained in Chapter 4 of the DCP, have recently been amended (July 2014) to be made consistent with clause 3.29 of the General Housing Code (State Environmental Planning Policy (Exempt and Complying Development Codes) 2008).

The SEPP clause establishes a maximum cut standard of 3.0m, if located more than 1.5m from any boundary.

In addition, Chapter 4 of the DCP includes provisions to encourage alternative building techniques on sites over 15% grade. Having regard for these recent changes, it is recommended the provisions contained in Chapter 4 provide a reasonable balance between flexibility and encouraging alternative building techniques where appropriate, without the need for Precinct A specific controls for cut and fill.

Consequently, it is recommended that sub-clause iv of the Precinct A earthworks provisions be removed, with the result being reliance on the existing general earthworks provisions in Chapter 4 of the DCP for individual home sites.

Recommended Amendments

In light of the above, and with reference to the summary comments contained in Attachment 2 to this report, it is recommended that a number of relatively minor amendments be made to the draft development control provisions for Precinct A. These recommended amendments are outlined in the following table.

Recommended Amendments:
Chapter 3 – Precinct-Specific Controls – Cumbalum Views
<i>B. Element – Infrastructure Provision</i>
<ul style="list-style-type: none">• Amend Stormwater sub-clause xvii to read as follows: <i>“Development proposals are to demonstrate that development will not <u>significantly</u> adversely impact on the downstream natural environment or on adjacent private property due to increased stormwater volume”. [Additional word underlined].</i>• Amend Stormwater sub-clause xx to read as follows: <i>“Stormwater detention areas are to achieve flood immunity for the Q100 flood event and are to be designed and located so as to be free-draining”.</i>• Amend Stormwater sub-clause xxi to read as follows: <i>“Stormwater treatment and disposal are not to rely solely on end of line facilities.</i>

9.1 Cumbalum Precinct A - DCP and Contributions Plan

A treatment train is to be provided that incorporates a range of facilities, inclusive of measures, where appropriate, within the subdivision. To limit the impact of the increased volume of surface run-off from urbanisation on downstream hydrology, consideration is to be given to the infiltration of runoff from minor storms in the design of the stormwater management system."

- Amend Earthworks and Filling sub-clause ii to read as follows:

"Any development application for residential subdivision is to be accompanied by preliminary engineering plans that detail the proposed extent and method of re-contouring at subdivision and individual lot scales (including details of all cut and fill and any retaining structures)". [Additional word underlined].

- Delete sub-clauses i, iii, iv, v and Earthworks and Filling sub-clause iv.

E. Element – Residential Precincts

Insert additional sub-clause viii to read as follows:

- *"Subdivision plans are to include proposed building envelopes and nominate front, side and rear building setbacks. Proposed building setbacks are to have regard to the topography of the land, access and parking arrangements, built form and residential amenity."*

F. Element – Environmental Aspects

Environmental Restoration and Management

Insert additional point under i:

- *"Fencing suitable to restrict the movement of domestic and feral animals between the urban area and adjacent natural areas is to be provided."*

D. Element – Special Spaces

Amend sub-clause vii to read as follows:

"The subdivision is to incorporate the site features and infrastructure shown on the Landscape and Special Places Plan Cumbalum Views – Figure 4 into the subdivision design and layout for Cumbalum Views to create visual interest and place making elements in the community."

Figure 2 – Mobility Plan

Amend to give effect to the following:

- Single off-road shared pathway, on the eastern side of Ballina Heights Drive (connecting to existing constructed shared pathway in the Ballina Heights Estate).
- Single pedestrian footpath on the western side of Ballina Heights Drive.
- No dedicated on-road cycle lanes. It is noted however that currently Council anticipates a road carriageway width of 13m, which should accommodate on-road cycle movements (though not as dedicated on-road cycle lanes).
- Discontinuing pedestrian paths and cycle infrastructure along Sandy Flat Road toward Tamarind Drive at the edge of the development footprint, but maintaining the pathway infrastructure linking (north-south) Precinct A to the playing fields and Precinct B.

Figure 4 – Landscape and Special Places Plan

- Adjust location of potential Aboriginal cultural site to align with that shown in heritage report.

9.1 Cumbalum Precinct A - DCP and Contributions Plan

- Relocate southern 'entry feature' to the boundary of Intrapac and Vixsun properties.
- Identify area proposed to be zoned E2 under the Cumbalum Precinct A Planning Proposal as 'Land to be rehabilitated and held in a single title or Community Title'.

Development Contributions Plan

Contributions plan related feedback is addressed in Attachment 2. There were no matters arising from the public exhibition that have given rise to any recommended amendments to the draft contributions plan.

Sustainability Considerations

- **Environment**

The draft development guidelines include requirements that environmental protection matters be considered in relation to the determination of applications for the future subdivision and development of the land.

- **Social**

The draft development guidelines include provisions relating to ensuring that the social infrastructure needs of future residents (including playing fields, open space and community facilities) are provided in association with the development of the land.

- **Economic**

The facilitation of additional residential development land will support the economic development of Ballina Shire, directly through employment associated with subdivision works and house construction and indirectly through the provision of housing, which will add to aggregate demand within the local and regional economy.

Legal / Resource / Financial Implications

The adoption of development guidelines through additions to, and amendment of, the Ballina Development Control Plan 2012 provides information and criteria concerning development-related matters, which will be considered in the context of future development assessment processes.

There are financial implications from the s.94 contributions plan, with Council having the responsibility to deliver any works included in the plan. This does create a significant financial liability for Council at a future date, however the State Government capping of contributions plans (\$30,000 for this development) means that Council has no choice but to accept this liability.

It is suggested that, should the Council resolve to adopt the development controls, the subject of this report, the earliest date for the commencement of the controls and s.94 plan having regard for the placement of a public notice is 11 March 2015.

Consultation

The draft development control plan and draft developer contributions plan were publicly exhibited, in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*, for a period of 32 days from 10 December 2014 until 23 January 2015.

Information regarding the public submissions received during the public exhibition period is provided in the body of this report.

Options

1. The Council may adopt the draft development control plan provisions and draft developer contributions plan as exhibited.

This option is not recommended as the public exhibition process and further review by Council staff have identified that a number of further (but relatively minor) amendments to the draft development controls are warranted.

2. The Council can adopt the draft development control plan provisions and draft developer contributions plan for Precinct A, incorporating the amendments to the draft development controls outlined in the body of this report.

This option is recommended as the public exhibition process and further review by Council staff have identified that a number of further amendments to the draft development controls are considered appropriate.

As outlined above, should Council pursue this option, it is recommended that the development control plan amendments and developer contributions plan take effect from 11 March 2015. This option would also incorporate minor typographic and formatting adjustments.

This approach will conclude the strategic planning process for CURA A that commenced with the Cumbalum Structure Plan in 2004. The next planning step for the development of CURA A relates to the development application and detailed infrastructure delivery processes.

3. Council can resolve to not adopt the development control plan amendment or the developer contributions plan, for Cumbalum Precinct A.

This option is not recommended as the introduction of the proposed development control plan provisions provides Council's guidance to the consideration of future development applications for the development of the land.

The developer contributions plan provides for the funding of key infrastructure in the CURA A release area.

This approach may also result in Council being required to address a development proposal for the land in the absence of site specific DCP provisions and a contributions plan.

9.1 Cumbalum Precinct A - DCP and Contributions Plan

This is because a deed of agreement between Council and the proponents limiting lodgement of a development application expires on 27 March 2015.

It is suggested that the adoption of the development guidelines and developer contributions plan that have been formulated, as outlined in this report, establish sound parameters for the future development of Precinct A and for the protection of the local environment.

RECOMMENDATIONS

1. That Council adopts Amendment No.4 to the Ballina Development Control Plan 2012 (Cumbalum Precinct A), with amendments as outlined in this report.
2. That Council adopts the Cumbalum Urban Release Area Precinct A Contributions Plan 2014 as exhibited.
3. That the provisions for Cumbalum Precinct A under Amendment No.4 to the Ballina Development Control Plan 2012 and the Precinct A Contributions Plan take effect on 11 March 2015.

Attachment(s)

1. DCP and Section 94 Plan Exhibition Documentation
2. Submissions
3. Submissions Review
4. Additional Submission Relating to Bushland Park Proposal

9.2 LEP Amendment Request - Greenwood Place, Lennox Head

9.2 LEP Amendment Request - Greenwood Place, Lennox Head

Delivery Program Strategic Planning

Objective To present the Council with a proposal to amend the Ballina Local Environmental Plan 2012 to rezone land located at Lot 12 DP 581159 and part Lot 21 DP 1007134 being land located on the north eastern corner of Byron Bay Road and Greenwood Place, Lennox Head and to seek direction in relation to the further progress of the matter.

Background

In December 2014, Council received a request to amend the provisions of the Ballina Local Environmental Plan 2012 (the BLEP 2012). The request would have the effect of rezoning the land described above from zone RU2 Rural Landscape to zone R3 Medium Density under the instrument and apply a 450m² minimum lot size for future development.

The LEP amendment request relates to land contained within a Strategic Urban Growth Area as identified on maps which form a part of BLEP 2012.

The proponent is the Trustees of the Roman Catholic Church, Diocese of Lismore who are also the owners of Lot 12 DP 581159. This lot is located on the corner of Byron Bay Road and Greenwood Place, Lennox Head. The planning proposal also includes part of the adjoining Lot 21 DP 1007134 which is owned by the Condon family.

The Condon family was notified by Council staff that a planning proposal had been submitted and was invited to make comment. At the time of preparing this report a response had not been received.

The LEP amendment request is contained in Attachment One. The land the subject of this LEP amendment request is illustrated in the site plan contained in Attachment Two.

This report provides an overview of the LEP amendment request and seeks the Council's authorisation for the preparation of a planning proposal to progress the amendment.

Key Issues

- Suitability of land for residential zoning and development.
- Minimum applicable lot size.

Information

Zoning – Ballina LEP 2012 and Ballina LEP 1987

The subject land is zoned RU2 Rural Landscape under the provisions of the Ballina Local Environmental Plan 2012 (BLEP 2012). That part of Lot 21 which does not form a part of this LEP amendment request is designated as a deferred matter under the provisions of BLEP 2012 and retains its 1(d) Rural (Urban Investigation) zone under the provisions of Ballina LEP 1987.

Attachment Three contains a map which shows the zones that apply to the subject land.

The LEP amendment request relates to land which is designated as a Strategic Urban Growth Area (SUGA) under the provisions of BLEP 2012. The subject land has an area of approximately 2.1 hectares and a frontage of approximately 91.4 metres to Greenwood Place and 180 metres to Byron Bay Road.

A minimum 40 hectare lot size is currently applicable to the subject land. The proponent's original submission indicates that a minimum lot size of 450m² for future development was proposed.

Subsequent discussions with the proponent's planning consultant, Mr Stephen Connelly – Planners North, resulted in a subdivision concept plan being submitted which provides for a future minimum residential lot size of 600m².

The subdivision concept plan also provides a connection with Blue Horizon Drive and incorporates an additional lot (Lot 8) which is located partly outside the boundaries of the SUGA area. In total the plan indicates that 21 residential lots are proposed with lot sizes ranging from 600m² to 680m².

In respect to one lot, and the connection to Blue Horizon Drive, being located partly outside the boundary of the SUGA area this is considered to be acceptable at this stage of the rezoning process. Roads are a permitted use within the 1(d) Rural (Urban Investigation) zone under the provisions of Ballina LEP 1987.

A road connection as proposed would improve connectivity for the proposed subdivision, as well as the existing residential area to the north, and is therefore seen as a potential positive feature of this proposal.

Conversely, established residents in Blue Horizon Drive may be opposed to the development generally, and to a proposed road connection in particular, as they see their existing quiet enjoyment being diminished. This would be a matter for the Council's future deliberation if the planning proposal is initiated.

The proposed additional lot shown on the subdivision concept plan is also considered to be a minor issue at this stage of the process. If ultimately found to be reasonable, following consideration of land constraints, it will result in the rezoning of approximately 400m² more land than currently contained within the SUGA area.

9.2 LEP Amendment Request - Greenwood Place, Lennox Head

Should the Council resolve to prepare a planning proposal then the issue of the additional lot located partly outside of the designated SUGA area will be able to be further considered.

This would be factored in as an adjustment to the initial LEP amendment request made by Planners North when preparing the planning proposal documentation for Council to review.

Attachment Four contains the subdivision concept plan.

The proponent's planning consultant was advised through discussion that a 450m² minimum lot size would not be supported at a Council staff level having regard to applicable land constraints such as topography and landslip risk affectation.

In this respect, lot sizing in the range of 600 to 800m², pending further investigation of site constraints, is considered to be more appropriate.

An 800m² minimum lot size is currently applicable to the residential lots which adjoin the subject land along its northern boundary and a 600m² minimum lot size is applicable to residential lots to the west of the subject site.

The submitted subdivision concept plan, and minimum 600m² minimum lot size, requires further investigation as to appropriateness but is considered reasonable at this stage of the rezoning process. Investigation of land constraints impacting on the land such as topography, landslip affectation and any buffer areas required to rural land uses will ultimately be used to determine whether a minimum lot size of 600m² is able to be supported.

Ballina Shire Growth Management Strategy (GMS)

The subject land is identified as a strategic urban growth area under the Council's adopted GMS (aside from the proposed Lot 8 and Blue Horizon Drive road connection as discussed above).

Given that the site is identified as a potential future urban area, the proposed rezoning for residential purposes is generally consistent with Council's local urban planning framework.

Lennox Head Structure Plan (LHSP)

Part of the subject land (Lot 12, DP 581159) is designated as a Candidate Release Area within the LHSP. Whilst the LHSP map did not extend the Candidate Release Area over part Lot 21 DP 1007134 there is a clear intent, within the written structure plan document, to extend the Candidate Release Area up to the then existing stand of Banksia trees, located east of Greenwood Place, upon Lot 21.

It is the line of trees located on Lot 21 which subsequently formed the eastern most extremity of the SUGA designated area within BLEP 2012.

9.2 LEP Amendment Request - Greenwood Place, Lennox Head

Far North Coast Regional Strategy 2006 (FNCRS)

The subject land (aside from the proposed Lot 8 and Blue Horizon Drive road connection as discussed above) is located within a proposed future urban release area and is also indicated as being within an area of high level constraints under the FNCRS.

The proposed rezoning for residential purposes is consistent with this strategy, subject to constraints being able to be mitigated. Constraints in this case consist of potential land slip susceptibility and in respect to the seaward side of the hill (not part of this planning proposal) its visual significance.

Site Assessment

The proponent has not examined applicable land constraints in any significant detail. A more detailed site investigation will be required post Gateway determination. This investigation will be required to include the issues detailed in the table below which have been identified as being of relevance to this planning proposal:

Issue	Comment
Coastal Zone Impacts and Visual Amenity Impacts	<p>The subject land is located within the coastal zone.</p> <p>Consideration of relevant matters as specified in Clause 8 of <i>SEPP 71 - Coastal Protection</i> and Appendix C – Table 3 of the <i>NSW Coastal Policy</i> is required. This includes issues associated with visual impacts.</p> <p>The <i>Coastal Zone Design Guidelines 2003</i> are also required to be considered. Consideration of potential building envelopes and subdivision lot design will be required.</p>
Due Diligence Aboriginal Heritage Assessment	<p>Cultural heritage significance associated with the land requires assessment.</p>
Ecological Matters	<p>Potential flora and fauna impacts require assessment.</p>
Geotechnical Investigation	<p>This is covered in the landslip consideration below. Soils are prone to erosion, and mass movement of soil has previously been an issue with the past development of nearby land.</p>
Land Contamination	<p>Site history is unclear, although it appears the land has been used for grazing for 50 years. A preliminary site investigation is warranted.</p>

9.2 LEP Amendment Request - Greenwood Place, Lennox Head

Issue	Comment
Land Slip	<p>The subject land is located within an area identified as being susceptible to land slip (Coffey Partners Pty Ltd). More detailed investigation is required to determine the degree of risk associated with landslip and its impact on any potential residential subdivision.</p> <p>The Roman Catholic Church land is designated as a Category 3 landslip area. Site levels vary from approximately 22m to 38m AHD according to the 2 metre contour map.</p> <p>The Condon land is designated as a Category 1 landslip susceptible area. Site levels across the whole of this land vary from 6m to 56m AHD, but levels for the land which forms a part of this planning proposal vary from approximately 30 to 42m AHD.</p>
Land Use Conflicts	<p>The compatibility of non-intensive agricultural land uses, if proposed to be continued upon part Lot 21, with residential uses proposed for Lot 12 and part Lot 21 requires consideration. A basic Land Use Conflict Risk Assessment (LUCRA) should be undertaken to determine the extent of any buffer areas required if agricultural uses such as cattle grazing are proposed.</p> <p>Clarification from the proponent in respect to this matter is required.</p>
Mosquito Management	<p>An entomologist's report may be required which demonstrates compliance with DCP 2012 – Chapter 2, Section 3.6 – Mosquito Management.</p>
Road Noise Issues	<p>An assessment related to road noise impact issues is required to be prepared in accordance with the provisions of the NSW Road Traffic Noise Policy. The required acoustic report will ensure that any acoustic walls, mounds, setbacks or other attenuation measures are able to be incorporated into the future subdivision development, having regard to proposed minimum lot sizes.</p>
Traffic and Access	<p>Assessment is required to determine the optimal arrangements for site access considering both Greenwood Place and Blue Horizon Drive. Consideration of traffic impacts on the surrounding residential area is also required.</p>
Services and Stormwater Management Report	<p>A stormwater management report will be required which examines issues related to on-site stormwater detention and location of bio filtration areas if proposed, and associated points of discharge. A concept sewer design which is able to demonstrate a satisfactory connection to the existing network is also required.</p>

Sustainability Considerations

- **Environment**

The subject land is substantially cleared of trees and contains predominately grass and weed species. The significance of this vegetation, as well as the impact of any proposed subdivision on adjoining flora and fauna communities, would be required to be assessed further if the planning proposal proceeds.

9.2 LEP Amendment Request - Greenwood Place, Lennox Head

At this stage the proponent has indicated that as the site has been used for agricultural purposes for some five decades no critical habitat or threatened species exist on the site. Whilst this may well be the case, no supporting specialist advice has been submitted to support this statement.

- **Social**

The potential for adverse social impact is considered to be limited given the infill nature of the proposed LEP amendment request.

- **Economic**

Economic impacts associated with the release of additional residential land in a desirable location are considered to be positive.

Legal / Resource / Financial Implications

There are no significant resourcing or financial implications associated with the further processing of the LEP amendment. Subject to the Council's decision, the next step in the process would be to prepare a planning proposal suitable for submission to the Department of Planning and Environment (DP&E) for Gateway determination.

Following a favourable Gateway determination the applicant would be requested to submit additional information which addresses identified land constraint issues, as generally referred to above.

Council's adopted fees and charges associated with LEP amendments would be applied to the further processing of the request.

Consultation

There has been no consultation undertaken, with either the community or government agencies, in relation to this LEP amendment request to date as the matter is in the initial phase.

Should the matter proceed, an affirmative Gateway determination will advise of consultation requirements with government agencies and the community. Community engagement would then occur following assessment of the required additional information, and in accordance with the Gateway determination.

Options

1. Proceed to prepare a planning proposal for the application of an R3 Medium Density Residential zone to the subject land.

This approach would authorise the preparation of a planning proposal for Gateway determination. The proposal would be reported to the Council for further consideration prior to its submission to the Gateway panel.

9.2 LEP Amendment Request - Greenwood Place, Lennox Head

While it is considered that additional information is required to finally determine the most appropriate minimum lot size, and future subdivision configuration, the land the subject of the LEP amendment request appears to be generally suitable for a medium density residential zoning to enable a range of residential land uses. The planning proposal to be prepared for submission to the DP&E would identify that further investigation of land constraints would be required to confirm the suitability of the 600m² minimum lot size as shown on the subdivision concept plan. It would also be prepared to include the area of the proposed Lot 8 and the Blue Horizon Drive road connection as part of the area proposed for residential development to enable further assessment of these matters.

This option is the preferred and recommended approach, given the site's strategic planning context as referred to earlier in this report.

2. Defer or amend the planning proposal.

This approach is not recommended given:

- the proposed rezoning is substantially limited to an area which has been designated as a Strategic Urban Growth Area (SUGA) in Ballina LEP 2012 and within the Ballina Shire Growth Management Strategy; and
- the proposed LEP amendment is generally consistent with Council's strategic land use planning framework for the locality.

Council could, however, determine at this stage that it will not support the rezoning of approximately 400m² of land located outside the SUGA area (the proposed Lot 8) or the road link to Blue Horizon Drive and require the subdivision concept plan to be amended prior to the planning proposal being prepared. Equally, this same decision could be made later, once the Council has had the benefit of receiving a further report relating to the various technical issues, and has received community feedback, particularly from nearby residents, following formal public exhibition of the planning proposal.

3. Cease further action in relation to the planning proposal.

For the same reasons outlined in relation to Option 2, this approach is not recommended.

Importantly, the Council can elect to discontinue a planning proposal at other stages of the LEP amendment process if considered appropriate. That said however, and as the Council is aware, certain recourse procedures are now available to proponents if they were dissatisfied with such a Council decision.

RECOMMENDATIONS

1. That Council prepare a planning proposal for the application of an R3 Medium Density Residential zone over Lot 12 DP 581159 and that part of Lot 21 DP 1007134 designated as a Strategic Urban Growth Area in Ballina LEP 2012 as well as incorporating the road link to Blue Horizon Drive and the area of the proposed Lot 8.
2. That the subdivision potential and associated minimum lot size for the possible future development of Lot 12 DP 581159 and part of Lot 21 DP 1007134 be determined following assessment of additional technical information.
3. That for the purpose of supporting further investigation, the planning proposal is to identify a minimum lot size for subdivision of 600 m².
4. That a further report be presented to the Council documenting the planning proposal prior to its submission for Gateway determination.

Attachment(s)

1. LEP Amendment Request
2. Site Plan
3. Current Zoning Plan
4. Subdivision Concept Plan

9.3 LEP Amendment Request and Planning Proposals - Status Report

9.3 LEP Amendment Request and Planning Proposals - Status Report

Delivery Program Strategic Planning

Objective To advise the Council of the status of the LEP amendment requests and planning proposals that are currently under consideration and outline the process for the completion of LEP amendments under delegation from the Minister for Planning.

Background

Council has an ongoing program of assessing and processing requests to amend the Ballina Local Environmental Plan (LEP) and associated planning proposals. This report provides an update on those matters for the information of Councillors and the community.

The report also outlines the approach for finalising LEP amendments where this process is delegated to the Council by the Minister for Planning based on the practical experience of staff in administering these amendments to the LEP.

Key Issues

- Status of rezoning and LEP amendment requests.

Information

LEP Amendment Requests and Planning Proposals Status

Table 1 provides an overview of the LEP amendment requests and planning proposals currently being considered and processed by Council. With respect to terminology used in this report, the term planning proposal refers to the documentation prepared to describe a request to amend the Ballina Local Environmental Plan. Requests are typically referred to as planning proposals once the Council has agreed to progress the LEP amendment request and prepared the required planning proposal documentation for Gateway determination by the Department of Planning and Environment.

Table 1: Status of LEP amendment requests and planning proposals

Item	Name and Status	Summary and Notes	Completion Due
12/006	Special Events (Exempt Development). Complete	Proposal for the inclusion of provisions in the LEP to enable special events to be carried out on public land as exempt development in certain circumstances (i.e. no development consent required). The amendment was completed via Amendment No.21 to the Ballina LEP 2012 on 19 December 2014.	Complete

9.3 LEP Amendment Request and Planning Proposals - Status Report

Item	Name and Status	Summary and Notes	Completion Due
13/005	Southern Cross Industrial Estate Expansion, Ballina. (Stage 4)	Proposal for the rezoning of land northward of the existing Southern Cross Industrial Estate to enable a mixture of business and industrial land uses. The proponent (Council) is currently preparing technical material for assessment.	30/07/2015
14/001	Teven Road, West Ballina. (Stage 4)	Proposal to enable the establishment of freight transport facilities adjacent to Teven Road on the western side of the Ballina Bypass. Staff is now awaiting submission of further technical assessment material by the proponent.	07/11/2015
14/002	Reservoir Hill Site, Lennox Head. (Stage 4)	Proposal for the rezoning of land to apply a residential zone to the land known as the Reservoir Hill site in Lennox Head. Third party assessment of the proposal has been undertaken on behalf of the Council. Staff is awaiting further information from the proponent.	21/04/2015
14/004	Tara Downs (No 16), Lennox Head. (Stage 4)	Proposal for the rezoning of land immediately east of the existing Tara Downs Estate for residential purposes. Staff is now awaiting submission of technical assessment material by the proponent.	20/08/2015
14/005	Blue Seas Parade (No 44-52), Lennox Head. (Stage 4)	Proposal for the rezoning of land at the eastern end of Blue Seas Parade for residential purposes. After previously resolving to discontinue consideration of this proposal at its July 2014 Ordinary Meeting, the Council has now resolved to recommence processing (January 2015) following the JRPP's review of the matter. Staff is now awaiting submission of technical assessment material by the proponent.	10/02/2016
14/006	Wollongbar Open Space. Complete	Proposal to change the distribution of open space and residential land use zones over Council-owned land in the Wollongbar Urban Expansion Area. The amendment was completed via Amendment No.19 to the Ballina LEP 2012 on 30 January 2015.	Complete
14/007	Camden Lane, Ballina. Complete	Proposal to amend the LEP to enable coastal protection works as an additional permitted use on the land. The amendment was completed via Amendment No.20 to the Ballina LEP 2012 on 16 January 2015.	Complete

9.3 LEP Amendment Request and Planning Proposals - Status Report

Item	Name and Status	Summary and Notes	Completion Due
14/008	Burns Point Ferry Road, West Ballina (Ballina Waterways). (Stage 4)	Proposal for the rezoning of land adjacent to Burns Point Ferry Road and River Street to enable a mixture of employment and residential land uses. The proposal includes implementation of a biobanking scheme over part of the land. Council has received technical information from the proponent and is arranging commencement of a third party assessment process.	29/03/2016
14/009	Ballina Heights General Amendments. (Stage 4)	Proposal to adjust the mix of R2 Low Density and R3 Medium Density residential zoning over undeveloped (but urban zoned) land at Ballina Heights. Consultation with government agencies underway.	24/08/2015
14/010	BLEP 2012 twelve month review. (Stage 5)	Proposal to undertake primarily "housekeeping" amendments to the LEP following a review of the plan's operation since its commencement in February 2013. Public exhibition commenced.	02/09/2015
#	Bletchingly Street, Wollongbar. Discontinued	Proposal for the rezoning of land to apply a medium density residential zone to an existing low density zoned area at the eastern end of Bletchingly Street in Wollongbar. Council resolved to discontinue processing of this matter at its October 2015 Ordinary Meeting.	Discontinued
#	Reclassification – Compton Drive, Ballina. (Stage 2)	Proposal to reclassify land opposite Shaws Bay on Compton Drive as operational land for the purpose of the Local Government Act. Pending action. Likely to be combined with another reclassification (see below) for resource efficiency, given the requirement for a public hearing as part of reclassification matters.	#
#	Reclassifications, Various Locations (Stage 2)	Proposal to reclassify several miscellaneous land parcels in Ballina and Lennox Head from community land to operational land to reflect current land use/purpose. Planning proposal documentation under preparation.	#
#	Private Native Forestry (Stage 3)	Proposal to amend the Ballina LEP 1987 to require development consent for private native forestry on rural land. Council has requested a Gateway determination from the Department of Planning.	#

9.3 LEP Amendment Request and Planning Proposals - Status Report

Item	Name and Status	Summary and Notes	Completion Due
#	Teven Highway Service Centre (Stage 2)	Proposal to alter the area within which a highway service centre is permitted as an additional permitted use adjacent to the Teven Road Pacific Highway interchange. Planning proposal documentation is currently being prepared.	#
#	Greenwood Place, Lennox Head (Stage 1)	Proposal to rezone land fronting Greenwood Place and The Coast Road for residential purposes. This matter is the subject of a separate report elsewhere in this business agenda.	#

LEP Amendment Request/Planning Proposal Processing Stages

1. Initial Concept - Proponent submits initial amendment concept for review and reporting to the Council.
2. Planning Proposal - Preparation of a planning proposal for Council's consideration (if the initial concept is supported by the Council).
3. Gateway Determination - DP&E determination as to whether the planning proposal may proceed (if the Council resolves to submit the planning proposal for determination).
4. Study Preparation - Relevant technical information to enable complete assessment compiled and considered. This step may also involve pre-exhibition public authority consultation.
5. Community Consultation - Planning proposal and associated technical assessment material exhibited for public comment.
- 5a. Public Hearing - Public Hearing held, where required.
6. Submissions Assessment and Council Decision - Reporting of community consultation outcomes and Council decision regarding finalisation of the planning proposal.
7. Finalisation - DP&I finalisation (or Council finalisation under delegation) of the LEP amendment based on the planning proposal. Note: the Minister for Planning and Environment may finalise, alter or terminate the amendment.

Denotes proposal number and due date subject to Gateway determination.

The completion due date is a date for completion determined by the Department of Planning and Environment.

Sustainability Considerations

- **Environment**
Environmental, social and economic considerations form part of the assessment of all planning proposals and LEP amendments.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

The work program is being undertaken within existing resources or on a fee for service basis for specific proposals.

Consultation

This report is provided for the information of the community.

9.3 LEP Amendment Request and Planning Proposals - Status Report

Options

The status of the LEP amendments outlined above is provided for noting only.

RECOMMENDATION

That Council notes the contents of this report concerning the status and approach regarding the current LEP amendment requests and planning proposals that are being processed.

Attachment(s)

Nil

9.4 Alstonville Community Preschool - Lease Proposal

9.4 Alstonville Community Preschool - Lease Proposal

Delivery Program Community Facilities and Services

Objective To inform the Council of the response to the public exhibition of a proposal to lease community land for the purpose of the operation of a Preschool, and to seek direction concerning the proposal.

Background

Information concerning a proposal to establish and operate the Alstonville Community Preschool on Council-owned community land has been reported to the Council on 22 September 2011, 24 November 2011, 20 December 2012, 24 April 2014 and 23 October 2014.

These reports have variously related to a change of categorisation of the community land to enable the Council to consider the siting of a preschool on this land (involving the outcomes of an independent public hearing) and the subsequent assessment and determination of a development application for the facility.

The Preschool has now received sufficient State Government funding, grant funding and Council support to enable commencement of the construction of the new facility in the first half of this year.

A requirement of the State Government funding being provided to the Preschool is the registration of a Mortgage on Lease of a sufficient term to ensure the construction and proper operation of the premises.

In accordance with section 47 of the *Local Government Act*, any lease of community land proposing a term exceeding five years in duration must be exhibited for public comment.

Following consultation between the State Government, the Preschool committee and Council, it was agreed that a twenty year lease would be an appropriate tenure term to meet the funding requirements and is also consistent with the term of Council leases offered to other preschools in the shire.

The public exhibition period of the proposal to lease community land commenced on 8 January 2015 and concluded on 11 February 2015.

The exhibition elicited three written responses from community members, and these are discussed in the following report. A copy of the submissions are attached to this report.

Key Issues

- Proposed long term lease of community land in Alstonville for the purposes of a community preschool
- Community responses to the draft proposal

Information

The submission from Mr B Shoebridge expresses concern that the construction of the Preschool will have a deleterious effect on vegetation within the reserve and detract from the amenity of the Alstonville swimming pool.

Whilst respecting Mr Shoebridge's concern, it is noted the Council has previously assessed the potential environmental impacts associated with the construction and operation of the proposed Preschool, and determined that these will not be unreasonable in the circumstances. The general amenity of the park will be preserved, with new landscaping incorporated into the design of the facility.

The submission from Ms M Thorpe objects to the proposed granting of the lease (and more broadly, to the approval of the facility) on the grounds that the site chosen for the Preschool is unsuitable as it will contravene the design principles which underpinned the original planning for Crawford Park.

Further, Ms Thorpe is concerned that the health of the children who will attend the proposed Preschool may be put at risk as a consequence of emissions from a telecommunications tower, which is located several hundred metres from the site.

The submission provided by the Smee family appears to very similar in content to the letter from Ms Thorpe, with the same grounds for objection being cited.

The Council has previously had careful regard for the various "public interest" type matters raised by community members in its earlier deliberations concerning this project. On balance, the Council has concluded that the site is appropriate for the establishment and operation of the Preschool.

Whilst it is fair to say that there is not unanimous support within the Alstonville community for the establishment of the facility on the selected site, there does not appear to be any issue arising from the public exhibition of the proposed lease which would warrant the Council stepping away from its previous level of commitment to the project or modify the proposed tenure arrangement.

Sustainability Considerations

- **Environment**

There are no direct environmental considerations associated with the lease proposal. The environmental impacts of the construction of a Preschool at this site were considered during the public hearing relating to the land recategorisation during December 2012 and the development application for the construction in October 2014.

- **Social**

The Alstonville Community Preschool is a highly valued social asset for the local community. The granting of the lease to the preschool at Crawford Park will not directly impact on the use of the park for passive recreation or organised sport.

9.4 Alstonville Community Preschool - Lease Proposal

It is acknowledged that the proposed lease site will result in a loss of some informal car parking spaces however the lease proposal does not impact on the playing fields, or the children's play and picnic areas located within the park.

- **Economic**

The provision of infrastructure such as preschools assists with creating an overall positive economic environment within communities. At present, Council does not receive any income from activities conducted within Crawford Park.

Consequently, the granting of a lease at peppercorn rental does not negatively impact Council. This arrangement will be consistent with the terms of leases for other similar facilities operating on Council-owned land.

Legal / Resource / Financial Implications

Council's statutory obligations under section 47(1)(a), (b), (c) and (d) of the Local Government Act 1993, in terms of community engagement, have been fulfilled.

As Council has received submissions by way of objection to the lease proposal, the Minister for Local Government's consent must be obtained, as per section 47(5)(a) of the Act, if the Council wishes to proceed with the proposal.

Consultation

In accordance with the relevant provisions of the Local Government Act 1993, public notice of the draft lease was given via the local media, notices were placed upon the land, and adjacent property owners were formally advised of the proposal.

Options

1. After consideration of the submissions received by way of objection, Council can resolve not to grant a lease for the proposed Alstonville Community Preschool.

Whilst the matters raised by the submitters are acknowledged, it is suggested they do not constitute grounds for discontinuing with the lease proposal, or changing the proposed lease terms.

2. The alternative course of action is to proceed to finalise the proposed lease in accordance with the agreed position negotiated between representatives of the State Government, the Preschool and Council.

This may not be done without first obtaining the approval of the Minister for Local Government, as there are written objections from community members to the grant of the lease. This is the preferred option.

9.4 Alstonville Community Preschool - Lease Proposal

Under the provisions of section 47(4) of the Act, and before granting the lease, the Council must consider all submissions duly made to it; and section 47(5)(a) states that a council must not grant the lease, licence or other estate except with the Minister's consent if a person makes a submission by way of objection to the proposal.

RECOMMENDATIONS

1. In accordance with s47(5)(a) and s47(6) of the Local Government Act 1993, Council resolves to grant a twenty year lease to the Alstonville Community Preschool for the establishment and operation of a preschool on land containing an area of approximately 2,132m², being part of Crawford Park in Alstonville.
2. That Council make application for the consent of the NSW Minister for Local Government for the lease proposal referred to in point one above.

Attachment(s)

1. Submissions received

9.5 Plan of Management (Review) - Community Land

9.5 Plan of Management (Review) - Community Land

Delivery Program Strategic Planning

Objective To inform the Council of the outcomes of the public exhibition of the draft Plan of Management for Community Land.

Background

At its Ordinary Meeting held on 23 October 2014, the Council resolved to endorse the draft Plan of Management for Community Land (the draft plan) for public exhibition in accordance with the requirements of the *Local Government Act 1993* (LG Act). The draft plan is a revision of Council's Principal Generic Plan of Management for Community Land that has been in place since 1995.

In accordance with this resolution, the draft plan was exhibited for public comment from 26 November 2014 to 28 January 2015. Details of the exhibition were included in the Ballina Shire Advocate and copies of the draft plan were made available at Council's Customer Service Centre and at all three shire libraries. Further details were included in the December edition of Council's Community Connect newsletter.

As part of Council's management responsibilities for public land, section 35 of the LG Act requires the adoption of a plan of management for all land in its ownership that is classified as community land. Currently, this land is managed under the Principal Generic Plan of Management for Community Land. This plan has had only minor revisions and adjustments to accommodate site specific changes since its adoption.

The Strategic and Community Facilities Group undertook a comprehensive review of the Principal Generic Plan of Management for Community Land to ensure that the provisions of the plan are applicable and relevant and that the document was compliant with contemporary legislative requirements. The document was also reviewed with the principle of clear and accessible information for the community in mind. Particular emphasis was placed on ensuring that the provisions applied to specific sites are up to date and accurate.

This review was undertaken as part of the transfer of public land administrative functions to the Strategic and Community Facilities Group. The review of plans of management is also an action contained in Council's 2014/2015 Delivery Program and Operational Plan.

The purpose of this report is to advise the Council of the outcomes of the public exhibition of the draft plan and to seek direction with respect to the implementation of an updated plan of management for community land.

Key Issues

- Compliance with the LG Act
- Consistency with other policies of the Council

Information

As detailed in the report to the Council's Ordinary Meeting held on 23 October 2014, a plan of management is an essential tool for the efficient management of classified community land and is a requirement under section 36 of the LG Act. A plan of management must be prepared in consultation with the community and enables Council to clarify how it intends to promote and facilitate use of the land based on its identified features and attributes, in accordance with the provisions of the Act.

The management and planning for community land is constantly subject to the consideration of community values and changing circumstances, and changes in land holdings. Given this, it is suggested that the Council seeks to formally review its plan of management for community land on an annual basis.

This approach will allow the Council to efficiently address community land management issues collectively on a routine basis. It will provide a clear process to address community land issues and minimise the substantial expenditure of resources that occurs in response to ad hoc changes to community land management provisions. Under such an approach, the Council always has the option of specific amendments where necessary.

A copy of the draft Plan of Management for Community Land, as publicly exhibited from 26 November 2014 to 28 January 2015 is included in Attachment One. This version of the draft plan has had some minor amendments to ensure its currency and includes reference to several community land parcels that have changed or have been acquired by Council since the preparation of the earlier version presented to the Council at its October 2014 meeting.

Sustainability Considerations

- **Environment**

The draft plan seeks to address the Council's statutory obligations in managing classified community land in accordance with the LG Act. Council owns a number of parcels of community land that contain areas with high ecological values. These parcels are typically categorised in the draft plan as bushland, wetland, escarpment, watercourse or foreshore.

- **Social**

The draft plan applies to parcels of community land containing parks, sporting facilities and other socially valued public reserves. The provisions of the draft plan will satisfy the statutory requirements of the LG Act and address the management and regulation of the use of those sites categorised as park, sportsground or for general community use.

9.5 Plan of Management (Review) - Community Land

- **Economic**

The use of community land for commercial activities and for economic benefit is regulated and limited under the LG Act provisions. Any exclusive uses of community land, such as a public hall or sporting facility, must be specified in a plan of management. As such, the draft plan contains provisions to address these obligations and allows Council to manage facilities on community land through leasing and licencing arrangements.

Legal / Resource / Financial Implications

The Council is required to have a plan of management in place for all community land under the provisions of the LG Act. The implementation of the plan, if adopted, will ensure the Council meets its legal obligations and provides an appropriate and compliant management approach in relation to the use of community land.

The review of the management provisions for community land, the drafting of the new document and its subsequent public exhibition have been undertaken within the resources and work program of the Strategic and Community Facilities Group.

The revision of the management provisions for community land does not present significant financial implications. Revising and updating the management provisions allows Council to effectively administer and coordinate the use of community land for a variety of public interest and community benefit purposes, including the leasing and licencing of the land.

Consultation

As previously indicated, in accordance with the Council's October 2014 resolution, the draft Plan of Management for Community Land was exhibited for public comment from 26 November 2014 to 28 January 2015. This exhibition period exceeds the requirements specified in the LG Act. No submissions were received in response to the exhibition during this period.

Options

1. Proceed to adopt the draft Plan of Management for Community Land.

The Council may adopt the draft plan (see Attachment One) for the reasons outlined in this report. This is the recommended option and has the primary advantage of giving effect to the outcomes of the review of the plan which sought to simplify and update the 1995 document.

Under this approach, the Plan of Management for Community Land (2015) will replace the Principal Generic Plan of Management for Community Land (1995).

If adopted, it is also recommended that the Plan of Management for Community Land be reviewed after 12 months of operation to ensure that it is functioning effectively and as intended.

9.5 Plan of Management (Review) - Community Land

2. Cease further consideration of the revised Plan of Management for Community Land.

The Council may resolve not to adopt the plan as publicly exhibited and retain the existing management provisions contained in the Principal Generic Plan of Management for Community Land. As outlined in this report and in the report to the Council's Ordinary Meeting held on 23 October 2014, the existing plan has been in place for almost 20 years with minimal review and update. While the current plan provides a basic function of management, its structure and content is not considered to best meet the current needs of the community. For these reasons, this option is not recommended.

3. Defer the adoption of the revised Plan of Management for Community Land.

The Council may resolve to defer the adoption of the draft plan and seek further information. If the Council chooses to investigate further its options in relation to the management of community land, it is recommended that this be considered by way of a Councillor briefing.

This option is not recommended given that no significant issues have been identified in the preparation and public exhibition of the revised plan.

RECOMMENDATIONS

1. That Council adopts the draft Plan of Management for Community Land (2015) as attached to this report.
2. That the adopted Plan of Management for Community Land (2015) be reviewed after its initial 12 months of operation.

Attachment(s)

1. Draft Plan of Management for Community Land (2015) (Under separate cover)

9.6 Missingham Market - Preferred Management Model

9.6 Missingham Market - Preferred Management Model

Delivery Program Community Facilities and Services

Objective To outline options for an improved management model for the operation of the Missingham Market.

Background

The Council considered options for the operation of the Missingham Market at its Ordinary Meeting held in October 2014. The location of the market is shown in Figure 1.

The report outlined a proposal for the market's operation to be offered to the current stallholders in the first instance, and that stall fees could be reduced to compensate for the additional efforts required to manage and expand the market.

In considering this, the Council resolved that the matter be deferred to a Council briefing (Minute No. 231014/17) so that Councillors could seek further information prior to determining the preferred market management approach.



Figure 1: Missingham Market Location

Councillor briefings were held on 28 October 2014 and again on 28 January 2015 where staff provided more detail about management options for the Missingham Market.

This included discussion in relation to clarifying current land tenure for the market and the need to formalise the market's management arrangements.

This report provides further information to the Council regarding the management options available for Missingham Market, including the preferred approach as expressed at the last Councillor briefing.

The report also seeks the Council's direction on the future management of the market.

Key Issues

9.6 **Missingham Market - Preferred Management Model**

- Framework for market operation
- Economic development
- Use of public land

Information

At the October 2014 and January 2015 briefings, Councillors discussed the current land tenure arrangements and market management options. As part of these discussions, Councillors indicated a preference for the following:

- An open expression of interest (EOI) process to seek a market manager for the market
- Sourcing adequate market insurance
- Expansion of the market to accommodate 12-15 stalls
- Council retaining some income from the market and
- Expanding the products sold at the market to encompass fresh and cooked food and possibly some quality artisan products.

The information below provides detail on the options for land tenure and management of the Missingham Market in the context of the preferred approach indicated by Councillors through the Councillor briefings.

Land Tenure

As markets occurring on public land are now considered special events, and as such are exempt development, the Missingham Market will no longer require development consent under the provisions of the Environmental Planning and Assessment Act 1979.

However, because the Missingham Market occurs on Crown Land, the Council in its capacity as Reserve Trust Manager will need to issue the market operator with a temporary licence (12 months) for occupation of the site to meet the requirements of the Crown Lands Act and the Local Government Act.

If a longer tenure is required to ensure the long term future of the market in this location, such tenure would need to be negotiated with Crown Lands, who may require a fee from Council for the use of the market site.

Market Management

The October 2014 report to the Council outlined a proposal for the management of the market's operation to be offered to the current stallholders in the first instance, and that stall fees could be reduced to compensate for the additional effort required to manage and expand the market.

This option was not seen as preferable as it reduced the amount of income Council derived from the market and limited the opportunity for other potential market operators to manage the market.

Another option discussed for market management was the option of Council staff managing the market and using Council's insurance to cover the market activity.

9.6 Missingham Market - Preferred Management Model

The issue of acquiring appropriate insurance for the market is an important component in formalising management arrangements for the Missingham Market. Advice from Council's insurer indicated that the market activity could be covered under Council's existing insurance provided that each stallholder holds their own insurance and that Council provides a staff member for the market to:

- oversee market day set up and pack down
- monitor stallholder products, insurances and compliance with other market licence conditions
- provide day-to-day management including the attendance to potential public safety risks that might arise during the operation of the market.

The resources required to cover Council staff to undertake these duties were further investigated to determine the financial viability of this option.

The estimated costs associated with staff resourcing were found to be substantial. Additional advice was also sought to determine whether Council could take out a separate insurance policy just for the purpose of covering the Missingham Market activity. This was to determine if the associated costs required to meet the conditions of this insurance in terms of staff time could be reduced.

Council's insurer has advised that additional insurance for the market activity can be obtained for the market for a fee of around \$900 annually. This insurance does however place a number of restrictions on stall items and activities that would not be covered by the policy and would therefore need to be excluded from the market.

Although the policy would not require a staff member to be present for the duration of each market, it would be necessary for a staff member to attend the market for some time during its operation on a weekly basis to ensure the market is compliant with Council and insurance obligations and that the market is well run.

This would include ensuring compliance with the insurance conditions, addressing safety concerns, managing any stallholder disputes and requests and ensuring the market is set up according to the market layout plan.

Council would also need to manage other matters including fee collection, waste, provision for additional stallholders and marketing and promotion.

Although this arrangement might reduce the staff hours required on the market site, having regard for the costs still associated with Council running the market and that Council does not have existing dedicated or specialised resources for this type of activity, other management options have been further considered.

Specifically, Councillors examined the option of contracting a market manager through an expression of interest (EOI) process at its January 2015 briefing.

This process is consistent with other markets that have been initiated previously in the shire including the Ballina Twilight Market and the Alstonville Farmers' Market. This option would also allow any of the current stallholders to provide an EOI should they be willing to operate the market themselves.

9.6 Missingham Market - Preferred Management Model

If this approach is pursued, it is suggested that the EOI process be based on a number of principles for the operation of the market that would indicate Council's preferences. Such principles would include:

- Suitable insurance requirements
- Provision of a reasonable income to Council from the market
- Special consideration for the existing stallholders
- Growth of the market to achieve in the order of 12-15 regular stalls and
- Expansion of the type and range of products sold at the market to encompass fresh and cooked food (beyond fruit and vegetables) prepared on site and high quality artisan products.

The EOI would also include criteria against which the respondents would be assessed. This may include experience in operating markets, providing a stallholder selection process, providing a vision for the market and the extent of public benefit derived from the market.

As part of this process Council could invite respondents to determine the public benefit of the market, which may include the fee they are willing to pay Council for the weekly use of this site (and how that might be indexed), any charity fundraising opportunities at the market in the form of BBQs or the like or, in the case of a not for profit group, how funds generated from the market will support the community.

Alternatively, it is also open to Council to set a fee for the weekly use of this land. This option is considered further under the *Market Income* section below.

In the case that Council is not able to contract a manager for the Missingham Market, it could then revisit the option of engaging dedicated resources to manage the market itself under a separate market insurance policy.

Public Benefit and Market Income

Councillors have indicated that they would like to retain some income from the market, especially if the market remains as a private interest.

It is open to the Council to encourage private operators to nominate a fee they are willing to pay for the use of the market site through the EOI process.

Alternatively, the Council can choose to set a fee for the use of the market site and include this in the EOI documentation.

In considering these options, the Council is urged to adopt an equitable approach, having regard for the arrangements it has put in place for other markets operating on public land in the shire.

Currently, the income received by Council from the existing stallholders at the Missingham Market amounts to around \$6,300 per year. This has reduced recently since one of the long term stallholders has left the market.

Apart from the Missingham Market, Council currently receives no financial income from any other markets in the shire. This has been considered as an issue previously by the Council, particularly when private operators start up a market in the shire on public land.

9.6 Missingham Market - Preferred Management Model

Now that markets on public land are considered special events and can be progressed through the Special Events Policy and guidelines there may be an opportunity to also set a ground rental fee for markets as part of Council's fees and charges schedule.

Currently, a ground rental fee applies to one-off events on public land, with applicants eligible for the fee exemption if they are a not-for-profit group. The fee charged for ground rental is based on the impact of the event based on the number of participants anticipated and its potential impact on amenity and surrounds.

Where fees are applied by the Council for special events operated by commercial users, the final ground rental fee is set by the General Manager but falls in the range of \$500 to \$10,000 depending on the scale of the event.

For example, the fee for a low impact event (minimal impact on amenity and surrounds and less than 2,000 anticipated participants) is \$500 to \$2,000, a medium impact event (moderate impact and/or up to 5,000 participants) is \$2,001 to \$5,000 and a high impact event (high impact and/or greater than 5,000 participants) is \$5,001 to \$10,000.

There is scope within the fees and charges schedule to allocate a ground rental fee for events that occur more frequently throughout the year, such as privately operated markets. Setting a fee for the ground rental would also allow some consistency in the fees applied to markets across the shire which are conducted on land owned or managed by Council.

Ground rental fees for regular events could be charged annually or quarterly (with payment made in advance) and be calculated based on the projected average patronage at markets over each period. Council would, under this arrangement, be able to waive fees at its discretion, especially during a new market's startup period, as it has in the past.

Although this fee arrangement may be attractive to Council as a means of gaining some income from markets operating in the shire it should also be considered that any substantial fees on market operators may restrict potential market activity.

The additional social, economic, environmental and cultural benefits that markets bring to a community as outlined under the *sustainability considerations* section of this report should also be considered when determining an appropriate ground rental fee.

For the Missingham Market it may be more appropriate, given its current size, the intended growth and uncertainty regarding its long term economic viability for the market operator, that potential operators of the market provide an estimate of the fee they are willing to pay for the use of the site. This arrangement could be reviewed after the market's first year of operation. Under this approach, the EOI process would identify the current market revenue to give a guide to the financial value of the current market to Council.

Stall Numbers

9.6 **Missingham Market - Preferred Management Model**

Councillors have indicated that around 12 – 15 stalls of the current size would be appropriate for the market. Existing stalls are considered double-sized and include vehicles. Therefore, when determining the number of stalls there may be an opportunity to have a greater number of different sizes provided they fit reasonably in the site provided for the market.

Depending on the success of the market, the number of stalls or the market site could be reviewed at a later date. Details as to the selection of stalls, size, layout and the fees charged for market stalls would be the market operator's responsibility.

Under an EOI process it is desirable to make a special allowance regarding the capping of fees for the existing stallholders in order to encourage their continued presence at the market.

As the experience at other farmers' markets has indicated, securing a core number of farmers that are able to provide a regular and diverse supply of fruit and vegetables has been difficult to sustain. This type of approach would also recognise the significant contribution of the current traders to the establishment and ongoing operation of the Missingham Market. These arrangements could be negotiated between the operator of the market and the existing stallholders or included in Council's licence agreement with the market operator and reviewed after the first year of operation.

Market Produce

There was discussion at the Councillor briefing regarding the preferred products to be sold at the markets. Although it is understood that the market should predominantly be a food-based market, it may be beneficial to reset the criteria for the type of products sold as this can assist in maintaining the character and integrity of the market. This criterion could be based on prioritising fresh or prepared food that is grown or made by the stallholder.

This would also assist in limiting the amount of product sourced from other retail outlets such as fruit shops or the Brisbane Markets and would allow the market to continue as a farmers' market that directly supports farmers (including those that grow produce outside the shire) by reducing re-selling opportunities.

Although a strict criterion can ensure quality produce available for consumers, narrowing the range of products sold at the market can also limit the income derived from the market due to the limited number of producers that may have these products available at any one time.

There was discussion at the Councillor briefing regarding the inclusion of artisan products (soap, candles, timber, craft etc) at the market. Although it is suggested that the market remain food-based, it may assist the market's growth to include artisan products if fresh produce and food vendors are limited. It is suggested that if artisan products are to be sold at the markets then, again, these should be produced by the stallholder to avoid the re-selling of products.

The types of stalls suitable for the Missingham Market could therefore fall under a number of categories, these being:

9.6 **Missingham Market - Preferred Management Model**

- Farmers/ gardeners/ producers - those in the region that grow or produce fresh food, plants or flowers
- Processors – those that make food using regionally grown produce
- Restaurateurs – those that prepare food on site or
- Artisans – those that make the product they are offering to sell.

Sustainability Considerations

- **Environment**

The sale of local produce at markets has a number of additional benefits, in promoting the consumption of fresh fruit and vegetables, supporting regional food security and reducing greenhouse gas emissions due to high 'food miles' (transportation).

- **Social**

The regional network of markets is a valued component of our North Coast lifestyle and feature prominently in local tourism marketing. Farmers' markets support the availability of fresh produce to the local community and provide opportunities for social interaction.

- **Economic**

Markets also support local economic development by encouraging small business and retaining income within the regional economy and promoting regional employment.

Legal / Resource / Financial Implications

The continued operation of the market, if contracting an operator for the market as recommended below, would require some additional staff and financial resources in the preparation, advertising and selection of an operator through and EOI process.

These additional resources could be met through existing budgets.

The alternative option of Council managing the market with staff resources would require additional financial resources, with the extent varying depending on the specific approach taken.

Consultation

The stallholders have delegated Ms Joanne Smith as the Council contact in matters relating to the market. Ms Smith was subsequently invited to a Councillor briefing to represent the views of the Missingham Market stallholders.

Consultation with Ms Smith has occurred over a number of meetings, with the most recent of these held in November 2014.

Consultation with Ms Smith as a first point of contact in relation to market issues is ongoing.

Options

9.6 Missingham Market - Preferred Management Model

1. Continue the market under current arrangements.

This option is not recommended due to land tenure and management considerations for the Missingham Market as outlined in this report. Fundamentally, there is presently an opportunity to streamline and formalise the market operation that has been difficult to achieve in the past. It is recommended below that Council pursue this opportunity by seeking EOIs for the operation of the Missingham market.

2. To manage and operate the Missingham Market with Council staff resources.

As outlined in this report, Council does not have existing dedicated resources for this type of activity and this management option will likely incur additional costs. As such, and for the reasons outlined in this report, this option is not recommended, at this point in time.

3. Contract a market manager to run the market on Council's behalf.

Given the opportunity that is available to formalise the management of the market and the limited viability of Council directly managing the market, it is recommended that Council take the following steps to formalise the management of the market based on a contracted manager model:

- Proceed to prepare an expression of interest for the operation and management of the Missingham Market. This opportunity would be extended to include any current market stallholders with a view to providing them with the opportunity to manage the market. It is recommended that EOI be based on:
 - an initial 12 month operation period (with the option to extend the timeframe following a review of the operation)
 - interested parties being invited to nominate a proposed fee for the operation of the market on public land.
- Include in the EOI documentation, a number of principles that indicate Council's preferences for the market in this location, as outlined above.
- Should this option be pursued, a subsequent report will be provided to the Council based on an assessment of the expressions of interest received.
- Following the appointment of a market manager, Council would then proceed to appoint a market operator under a licence agreement. This could be for a trial period.

This licence could include provisions regarding the negotiations with the operator around market income, insurance, stall numbers and/or market area, the range of produce to be sold at the markets and include any relevant considerations for the five existing stallholders.

This approach is recommended as it provides an opportunity for Council to obtain market expertise to manage and grow the market and it will likely reduce impacts on staff resources currently associated with coordinating the market.

It also retains potential for a revenue stream, allows for formal site tenure arrangements, presents an opportunity to streamline insurance and

9.6 Missingham Market - Preferred Management Model

income collection processes for Council and better aligns the market with the way in which other markets are managed in the shire. The disadvantage is that the basis for a contracted operator to manage the market is currently unknown.

RECOMMENDATION

That Council call for expressions of interest for the management of the Missingham Market based on the principles for operation of the market expressed in this report.

Attachment(s)

Nil

9.7 Fair Go - Update

9.7 Fair Go - Update

Delivery Program Tourism

Objective To invite the Council's review of the ongoing management and sponsorship of the Fair Go Skateboarding Event.

Background

In October 2014 Council resolved to enter into a one year sponsorship agreement with Ownlife for the management and coordination of Ballina's 2014 Fair Go Skateboarding event. The resolution states:

That Council enters into a one year sponsorship agreement with Ownlife for the management and coordination of Ballina's 2014 Fair Go Skateboarding Event, subject to the company demonstrating adequate insurance cover. That Council provides a \$10,000 cash sponsorship to Ownlife and general in-kind support to prepare the Ballina skatepark for the 2014 event from the funds allocated to this project in the Tourism Section's 2014/15 budget.

Council has now been approached by Ownlife to secure the management rights of the event for the next three years; 2015, 2016 and 2017, with the same level of annual financial commitment and support from Council. This report seeks the Council's decision on the future long term management of Fair Go.

Key Issues

- Future management and allocation of financial resources

Information

The annual Fair Go Skateboarding Event is a significant youth event in Ballina Shire that provides an opportunity for the general public to support young people. Fair Go promotes and connects the Ballina Shire youth with the industries of skateboarding at a professional and structured level.

In 2012 and 2013, the event was coordinated by Skateboarding Australia (with the financial support of Council as the major sponsor). However, as a result of internal reallocation of resources within the company, Skateboarding Australia advised Council it was not in the position to run the event in 2014.

After receiving this advice, Council staff was approached by an organisation called Ownlife to take over the management of the event, in its entirety, in 2014, with the existing financial and in-kind support of Council. This request was approved by the Council in October 2014, with the future management rights to the event in subsequent years to be the subject of a further report.

Fair Go (under the management of Ownlife) was held on Saturday 20 December 2014, with a total of 71 participants. The competition divisions included: Female, Juniors (14 and under), Opens, Sponsored and Bowl Jam.

Organiser and founder of Ownlife, Mr Richard Flude reported the following event outcomes:

- obtainment of successful sponsorship agreements
- positive event marketing
- high degree of local engagement, including an impressive local turnout and significant staffing and volunteer support from the local community
- enforcement of the drug and alcohol free event policy
- professional event presentation and catering
- a total crowd count estimated at 275 – 300 people
- professional financial management and prompt payment of contractors and prize winners
- excellent media coverage and utilisation of social media
- positive feedback from competitors and parents

Moving forward with the event, subject to Council endorsement, Mr Flude is eager to commence the 2015 planning process well in advance to ensure maximum impact in terms of potential sponsorship and increased attendee numbers.

Council staff are satisfied that Ownlife delivered a successful and well attended event in 2014 and has the necessary skills and experience to continue to effectively and efficiently deliver the Ballina event in subsequent years. This however should be reviewed on an annual basis to ensure that the event continues to deliver outcomes that are aligned with Council programs. Should Council support the Fair Go event, it will continue to form part of an all-year-round skateboarding program, promoting and ensuring maximum opportunities for youth in the Ballina Shire.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The event promotes and connects the Ballina Shire youth and provides a platform for them to demonstrate their skateboarding talents. It also promotes a healthy, active lifestyle. It is also an excellent use of the reserve generally, and provides strong exposure for the youth-targeted infrastructure (the skatepark) which the Council provided in the reserve at substantial community expense.
- **Economic**
There is evidence from recent years that this event provides a modest boost to the Ballina economy, primarily through accommodation and food sales.

Legal / Resource / Financial Implications

If acceptable to the Council, the proposed agreement would see the establishment of a sponsorship agreement between Council and Ownlife to conduct the event for three years from 2015 to 2017. The \$10,000 annual recurring funding is allocated as part of the Tourism Section's budget. The actual total budget for Fair Go each year is \$14,000 as other costs are incurred by Council.

Consultation

Following the conduct of the event on Saturday 20 December, Ownlife approached Council on 13 January 2015 to renew its management rights and financial support for the event for the next three years; 2015, 2016 and 2017.

Given its previous management history and involvement in the event, Skateboarding Australia was contacted by Council and requested to inform staff of its interest in future management. Skateboarding Australia advised Council on Monday 19 January 2015 that it would be unable to commit to being hosts of this event at this time due to resourcing constraints.

To call for fresh expressions of interest is not considered an appropriate approach by Council staff, as the event needs to grow momentum and consistency and a third change in management rights may have potential negative impacts on the delivery of the event.

Broader community consultation concerning the competition is not considered necessary, as this is a recurrent event using parkland and infrastructure for the purpose for which it was designed.

Options

The Council may decide to either accept or reject the proposal from Ownlife to coordinate the Fair Go event in 2015, 2016 and 2017. Alternatively, the Council may prefer to enter into a one year agreement, to be reviewed on an annual basis. Acceptance of a one year agreement, to be reviewed on an annual basis is the preferred and recommended option.

RECOMMENDATIONS

1. That Council enters into a one year sponsorship agreement with Ownlife for the management and coordination of Ballina's Fair Go Skateboarding event in 2015. This arrangement to be reviewed annually subject to successful outcomes of the event.
2. That Council provides \$10,000 cash sponsorship in 2015, as provided for in its current budget, for the Ballina Fair Go event to Ownlife.

Attachment(s)

1. Expression of interest to host - Ownlife

9.8 Australia Day Awards - Review

9.8 Australia Day Awards - Review

Delivery Program Tourism

Objective To invite the Council's review of its Australia Day Awards Program.

Background

The Council's Australia Day Committee was re-established on 13 January 2015. The Council provided delegated authority to an Australia Day Committee, consisting of all Councillors present, to determine the award recipients for Australia Day. The purpose and role of the Committee was to review and determine the recipients in each category annually. Prior to this, winners were determined at an informal meeting of Councillors, which had no delegated authority and was based on a consensus approach. This process had been followed since 2007.

The Australia Day awards program was well received in 2015, with 26 nominations submitted across the seven award categories.

The purpose of this report is to invite the Council's review of the categories for nomination in the annual Australia Day Awards Program. It would also be appropriate at this time for the Council to indicate if there are other aspects of the Australia Day activities that it would like to change, so that staff can factor these into planning for the forthcoming year.

Key Issues

- Review the Australia Day Award Categories

Information

Council resolved in February 2014 that the period for the Australia Day Award nominations commence in April each year (or earlier if possible) and conclude in December. The purpose of the extended period is to provide increased opportunities for nominations and for promotion of the awards.

In April 2014, Council wrote to all community groups, schools and sporting organisations operating in the shire, inviting them to nominate for the 2015 Awards Program. The total number of nominations received for the 2015 Australia Day awards program was 26.

There was a high number of entries in the Community Event of the Year category and a reasonable number of entries in both the Senior Citizen and Volunteer of the Year categories. Lesser nominations in other categories does provide an opportunity for the Council to review the current award structure.

It is appreciated that there is no ideal model for selection of categories, and the Council can select the arrangement that it feels best fits our shire, and to provide recognition for those who are dedicated to "making a difference" within our community.

9.8 Australia Day Awards - Review

The number of award categories has increased in recent years, and there may be benefits in slightly reducing these. For example, one option could be to remove the Citizen of the Year category from the nomination form and for the recipient to be selected by the Australia Day Committee from all eligible nominations received within the other categories.

Another option might be to do away with the age-differential type awards and focus on broader social, environmental and cultural outcomes which are generally aligned with the Council's endorsed Community Strategic Plan (for example). After all, this document reflects what our residents have said they would like to see, to make Ballina Shire a better place.

Sustainability Considerations

- **Environment**

Our residents and visitors highly value the special environmental attributes of Ballina Shire. The Australia Day Awards provides an opportunity to showcase the efforts of those who work to protect and conserve our environment.

- **Social**

The Awards and associated activities are an excellent way of bringing the shire together and promoting social cohesion. It is also a means of recognising the wonderful contribution so many of our residents make toward the betterment of our shire and its citizens.

- **Economic**

Not Applicable

Legal / Resource / Financial Implications

The Australia Day Awards and associated activities are coordinated, promoted and delivered within the resources provided by the Council, and through the enthusiasm and commitment of members of staff.

Consultation

The categories of the Australia Day Awards program have not been subject to community consultation. However this matter has been previously reported to the Council in February 2013 and February 2014, which could be considered a form of community consultation.

Options

One option is to leave the award categories unchanged. The 2016 Australia Day Award categories would then be as follows:

- Young Citizen of the Year (30 years or under)
- Senior Citizen of the Year (60 years or over)
- Citizen of the Year
- Arts/Cultural Award
- Sports Award
- Volunteer of the Year
- Community Event of the Year

9.8 Australia Day Awards - Review

Retention of these categories would provide the Council with consistency in the awards program.

A second option is to reduce the number of categories in the 2016 awards program to include (for example):

- Citizen of the Year (no age limit)
- Volunteer of the Year
- Sports Award
- Community Event of the Year

This group of categories could be changed at the discretion of Council, as there is no "best fit".

A third option could be to remove the Citizen of the Year category from the nomination form, with the Citizen of the Year selected by the Australia Day Committee from all of the candidates across the six categories as follows:

- Young Citizen of the Year (30 years or under)
- Senior Citizen of the Year (60 years or over)
- Sports Award
- Arts/Cultural Award
- Volunteer of the Year
- Community Event of the Year

It is difficult for staff to provide a recommendation concerning this matter as, often, subjective decisions need to be made about recognition processes.

The recommendation, which has been framed, attempts to maintain the status quo to a large extent, but removes the Citizen of the Year category, with nominees from across the remaining categories being eligible for this award.

The reason for this removal of this category is that there often appears to be a reluctance from people to nominate individuals for Citizen of the Year as this is seen to be the preeminent award for the year. Therefore people may be nominated for one of the other categories when in fact they could be a worthy recipient of the Citizen of the Year Award.

Finally, it is open to the Council to discuss this matter in a workshop prior to formally adopting the preferred categories for the 2016 awards, if it considers this to be beneficial. This approach would also provide an opportunity to discuss with staff any alternative arrangements considered desirable for the day's activities.

RECOMMENDATION

That Council confirms the categories for the 2016 Ballina Shire Australia Day Awards Program are to be as follows, with the Citizen of the Year to be selected by Council from one of these categories:

- Young Citizen of the Year (30 years or under)
- Senior Citizen of the Year (60 years or over)
- Sports Award
- Arts/Cultural Award
- Volunteer of the Year
- Community Event of the Year

Attachment(s)

Nil

10.1 Use of Council Seal

10. General Manager's Group Reports

10.1 Use of Council Seal

RECOMMENDATION

That Council affix the Common Seal to the following documents.

US15/01	<p>Ballina Shire Council Lease to St Andrews Village Ballina Ltd for part of the building known as the Kentwell Community Centre situated on the corner of Bangalow Road and Moon Street Ballina and identified as "Activities 2" and "Quiet 2" areas for a period of five years at a commencing rental of \$13,708.83 excl GST.</p> <p>Explanation: This is a renewal of the lease that Council held with St Andrews Village Ballina Ltd for part of the building known as the Kentwell Community Centre.</p>
US15/02	<p>Ballina Shire Council Lease to Tweed Byron and Ballina Community Transport Incorporated for part of the building known as the Kentwell Community Centre situated on the corner of Bangalow Road and Moon Street Ballina and identified as "Office 1" and "Store" areas for a period of five years at a commencing rental of \$9,139.18 excl GST.</p> <p>Explanation: This is a renewal of the lease that Council held with Tweed Byron and Ballina Community Transport Incorporated for part of the building known as the Kentwell Community Centre.</p>
US15/03	<p>Ballina Shire Council Lease to Ballina District Community Services Association Incorporated for part of the building known as the Kentwell Community Centre situated on the corner of Bangalow Road and Moon Street Ballina and identified as "Office Areas" and "Activities 1 and Quiet 1 and shared use of kitchen" areas for a period of five years at a commencing rental of \$61,449.80 excl GST.</p> <p>Explanation: This is a renewal of the lease that Council held with Ballina District Community Services Association Incorporated for part of the building known as the Kentwell Community Centre.</p>

Attachment(s)

Nil

10.2 Investment Summary - January 2015

10.2 Investment Summary - January 2015

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 January 2015.

Key Issues

- Compliance with Investments Policy and the return on investments.

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 30 January was \$62,278,000. This represents a decrease from December of \$1,484,000. Council's investments as at 31 January are at an average (weighted) rate of 3.56%, which is 0.89% above the 90 Day Bank Bill Index of 2.67%. The balance of the cheque account at the Commonwealth Bank, Ballina as at 31 January 2015 was \$2,468,337.

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 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%

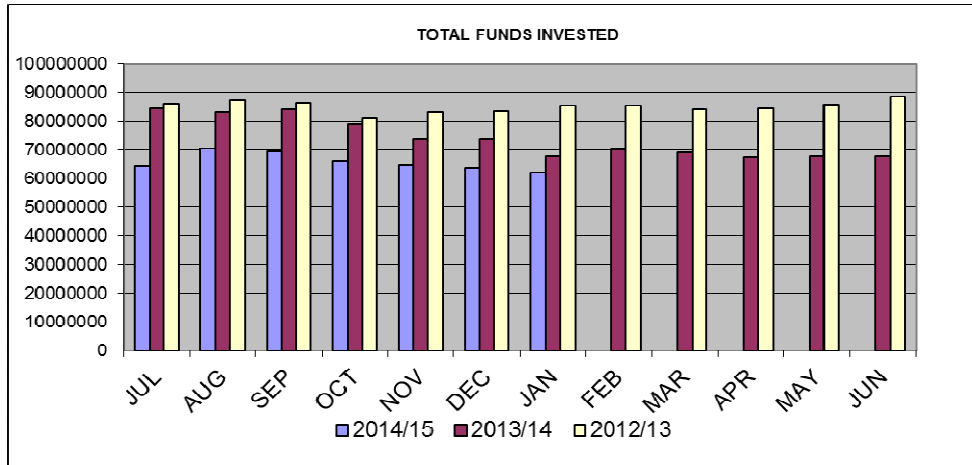
* Based on reserves held as at 30 June 2014

10.2 Investment Summary - January 2015

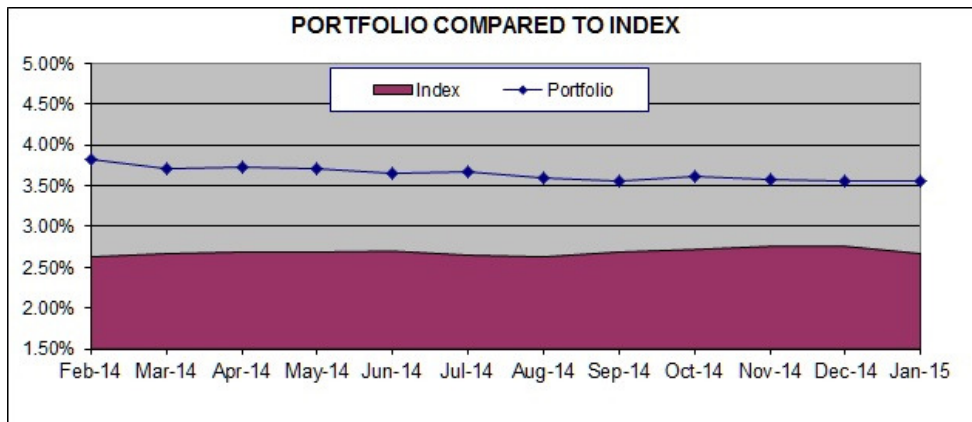
A. Summary of Investments by Institution

Funds Invested With	ADI Rating	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
Grandfathered Investments						
Goldman Sachs	A	1,000	1,000	0	1.6%	
National Australia Bank	BBB	1,788	1,788	0	2.9%	
National Wealth M'ment Holdings	A-	2,000	2,000	0	3.2%	8%
Rated Institutions						
AMP Bank	A+	6,000	6,000	20%	9.6%	
Bank of Queensland	A-	3,000	3,000	10%	4.8%	
Bank of Western Aust	AA-	8,000	8,000	20%	12.8%	
Bendigo & Adelaide Bank	A-	2,000	2,000	10%	3.2%	
Commonwealth Bank of Australia	AA-	3,974	2,490	20%	4.0%	
Defence Bank Ltd	BBB+	1,000	1,000	10%	1.6%	
Greater Building Society	BBB	2,000	2,000	10%	3.2%	
ING Bank Ltd	A-	4,000	4,000	10%	6.4%	
Members Equity Bank	BBB+	4,000	4,000	10%	6.4%	
National Australia Bank	AA-	8,000	8,000	20%	12.8%	
Newcastle Perm Bld Society	BBB+	2,000	2,000	10%	3.2%	
Suncorp-Metway Bank	A+	10,000	10,000	20%	16.1%	
Westpac Banking Corporation	AA-	5,000	5,000	20%	8.0%	92%
Unrated ADI's				\$1m	0.0%	0%
Total		63,762	62,278		100%	

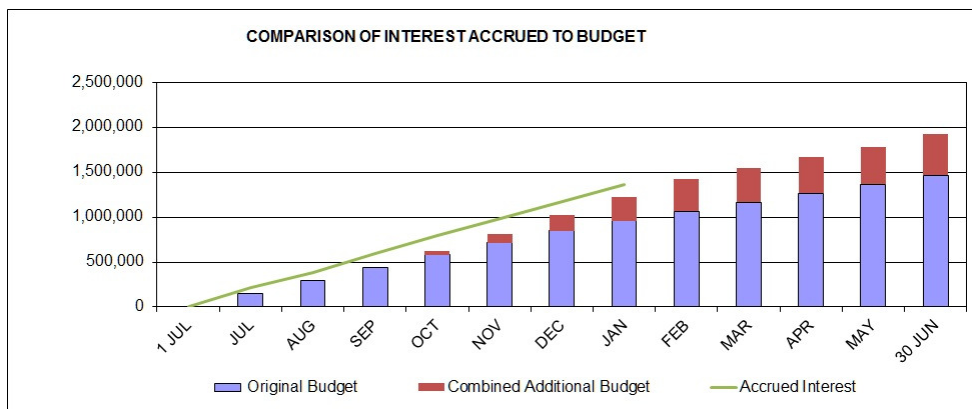
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



10.2 Investment Summary - January 2015

E. Investments held as at 31 January 2015

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
at call	Commonwealth Bank Of Australia	CDA	2.45%	at call	496	496
20/09/04	National Aust Bank (ASX Listed)	FRN	4.03%	Perpetual	1,788	1,375
12/04/06	Goldman Sachs	FRN	3.25%	12/04/16	1,000	*998
16/06/06	National Wealth M'ment Holdings	FRN	3.37%	16/06/26	2,000	1,955
24/01/12	ING Bank Ltd	FRTD	4.60%	24/01/17	1,000	1,000
06/02/12	Westpac Bank	FRN	4.40%	06/02/17	1,000	*1,027
25/01/13	Commonwealth Bank Of Australia	TD	4.25%	25/01/18	1,994	2,084
05/06/13	National Australia Bank	FRTD	3.90%	05/06/15	2,000	2,000
07/06/13	Greater Bld Society	FRN	4.17%	07/06/16	2,000	2,007
25/02/14	Westpac Bank	FRN	3.67%	25/02/19	2,000	*2,019
05/08/14	AMP Bank	TD	3.50%	02/02/15	2,000	2,000
11/08/14	ING Bank Ltd	TD	3.45%	11/02/15	2,000	2,000
26/08/14	National Australia Bank	TD	3.65%	26/02/15	1,000	1,000
04/09/14	Suncorp-Metway Bank	TD	3.45%	03/03/15	2,000	2,000
22/09/14	Members Equity Bank	TD	3.65%	22/09/15	1,000	1,000
13/10/14	Suncorp-Metway Bank	TD	3.50%	13/04/15	3,000	3,000
14/10/14	National Australia Bank	TD	3.55%	14/04/15	2,000	2,000
29/10/14	BankWest	TD	3.40%	28/04/15	2,000	2,000
03/11/14	Newcastle Permanent Bld Society	TD	3.35%	02/02/15	2,000	2,000
03/11/14	National Australia Bank	TD	3.58%	04/05/15	2,000	2,000
03/11/14	Bank of Queensland	TD	3.50%	04/05/15	1,000	1,000
05/11/14	BankWest	TD	3.45%	04/05/15	2,000	2,000
06/11/14	BankWest	TD	3.45%	05/05/15	2,000	2,000
10/11/14	BankWest	TD	3.45%	11/05/15	2,000	2,000
10/11/14	Westpac Bank	TD	3.35%	11/05/15	2,000	2,000
10/11/14	Members Equity Bank	TD	3.55%	11/05/15	1,000	1,000
13/11/14	National Australia Bank	TD	3.57%	25/05/15	1,000	1,000
13/11/14	ING Bank Ltd	TD	3.52%	13/05/15	1,000	1,000
17/11/14	Members Equity Bank	TD	3.50%	18/05/15	2,000	2,000
17/11/14	Defence Bank	TD	3.50%	15/06/15	1,000	1,000
20/11/14	Bank of Queensland	TD	3.55%	19/05/15	1,000	1,000
20/11/14	Bank of Queensland	TD	3.55%	02/06/15	1,000	1,000
24/11/14	Suncorp-Metway Bank	TD	3.60%	25/05/15	1,000	1,000
24/11/14	Suncorp-Metway Bank	TD	3.60%	01/06/15	1,000	1,000
22/12/14	Bendigo & Adelaide Bank	TD	3.40%	22/06/15	2,000	2,000
05/01/15	Suncorp-Metway Bank	TD	3.45%	06/07/15	2,000	2,000
05/01/15	Suncorp-Metway Bank	TD	3.45%	13/07/15	1,000	1,000
23/01/15	AMP Bank	TD	3.40%	23/07/15	2,000	2,000
27/01/15	AMP Bank	TD	3.40%	27/07/15	1,000	1,000
27/01/15	AMP Bank	TD	3.40%	05/08/15	1,000	1,000
Totals					62,278	61,961
CDA = Cash Deposit Account		FRN = Floating Rate Note				
		TD = Term				
FRTD = Floating Rate Term Deposit		Deposit				

*Fair value report for January 2015 not received as at report preparation date 17/2/15. Fair value stated represents fair value as at 31/12/14.

RECOMMENDATION

That Council notes the record of banking and investments for January 2015.

Attachment(s)

1. TCorp Local Government Economic Commentary for January 2015

10.3 Legal Matters - Update

10.3 Legal Matters - Update

Delivery Program Governance

Objective To provide an update on legal matters involving Council.

Background

As a public authority Council is regularly involved in legal matters. This report provides an update on matters that have been subject to court action or may result in court action and represents the first report for the 2014/15 financial year.

Key Issues

- Type and cost of litigation

Information

This report provides an opportunity to examine legal matters in which the Council is, or has been, involved, with reference being to the current or previous financial year.

The report has been provided in open Council to ensure the information is available to the public.

Details of the current case(s) are as follows:

Solicitor for Council	Parties	Case Description	Original Cost Estimate	Costs Paid to Date
Blake Dawson	Oshlack v Ballina Shire Council & Ors	Land & Environment Court - ref. no. 2010/40570 - Challenge to approval of Marom Creek fluoridation plant - Rous Council and Lismore also joined in this case - Class Four – Matter also appealed	\$100,000	\$176,200
Comments Ballina Shire Council and Rous Water were successful in defending the appeal and both Councils were awarded costs. Subsequently Council determined to accept a confidential settlement offer from Mr Oshlack in relation to the costs order. A Deed of Agreement has now been executed, including the receipt of the agreed payment required from Mr Oshlack. This matter is now finalised.				
CH Law	Newton, Denny, Chapelle v Ballina Shire Council	Land & Environment Court – ref. no. 13/10911 - Challenge to refusal of Section 96 application – Class One appeal	\$50,000	\$29,800
Comments The applicant challenged Council's refusal of a Section 96 application to amend DA 2011/105; i.e. Wiggins Scaffold Business. Council successfully defended this matter in Court. An Order was subsequently made against Council for costs in relation to certain aspects of the ongoing proceedings leading up to the court hearing. The quantum of these costs has not been resolved.				

10.3 Legal Matters - Update

Allens, Arthur Robinson	Chris Lonergan v Ballina Shire Council	Land & Environment Court – ref. no. 14/10207 - Challenge to consent conditions – Class one appeal	\$80,000	\$74,400
Comments				
The applicant was challenging a number of conditions for DA consent 2011/506, particularly the Section 94 contributions, for the South Ballina Beach Caravan Park. Agreement was reached between the parties on amended conditions. Consent Orders were issued by the Court on the basis of this agreement. This court matter has now been finalised.				
Allens, Arthur Robinson	Planners North v Ballina Shire Council	Land & Environment Court – ref. no. 14/10669 - Challenge to refusal of development application – Class one appeal	\$50,000	\$0
Comments				
The applicant was challenging Council's refusal of DA 2013/473 regarding the construction of housing pads at South Ballina. Without prejudice discussions were held between the parties with agreement reached on a preferred set of consent conditions. The estimated costs were significantly reduced due to these discussions. Consent Orders were issued by the Court in accordance with the agreed set of conditions. This court matter has now been finalised with final legal costs still to be paid.				

Legal / Resource / Financial Implications

This next section of this report provides an update on the legal costs for 2014/15 along with a comparison to the previous two financial years.

Description	2013/14	2013/14	2014/15
Planning Legals			
Advice – Wiggins	2,000	23,300	5,500
Advice – Verna Wall	12,000	2,000	0
Advice – Alpine Nurseries	0	5,900	0
Advice – 84 Kerr St	11,000	0	0
Advice – South Ballina Caravan Park	7,000	9,700	51,300
Advice / Insurance – Misc	26,000	25,700	28,900
Sub Total	58,000	66,600	85,700
Property Legals			
Land Claim and Native Title	14,000	33,500	0
Lennox Head Community Centre	73,000	165,800	9,000
Sub Total	87,000	199,300	9,000
Water Legals			
Oshlack – Fluoride	4,000	2,900	1,600
Total Expenses	149,000	268,800	96,300
Expenses Recouped			
Miscellaneous	19,000	34,700	0
Total Income	19,000	34,700	0
Net Cost	130,000	234,100	96,300
Fund Summary – Net			
General Fund	126,000	231,200	94,700
Water Fund	4,000	2,900	1,600

In respect to the Lennox Head Community Centre this matter has now been settled with the terms of that settlement confidential.

The total expenditure budget summary for 2014/15 to 31 January 2015 is as per the following table.

10.3 Legal Matters - Update

Item	Budget	Actual	Balance
Planning Legals	150,000	85,700	64,300
Lennox Head CC	20,0000	9,000	11,000
Total General Fund	170,000	94,700	75,300
Water	4,000	1,600	2,400
Total Budget	174,000	96,300	77,700

Consultation

This report is provided in open Council to ensure the community is informed on legal matters involving Council.

Options

This report is provided for information purposes.

RECOMMENDATION

That Council notes the contents of this legal matters update.

Attachment(s)

Nil

10.4 BBRC Funding Agreements - Request for Variation

10.4 BBRC Funding Agreements - Request for Variation

Delivery Program Commercial Services

Objective To determine if Council wishes to accept a request to vary the funding agreements for the Wollongbar Sports Fields and Ballina Heights Drive.

Background

Council was successful in obtaining two Federal grants under the Building Better Regional Cities (BBRC) Program. The Wollongbar Sports Fields Project receiving \$4.5 million and Ballina Heights Drive \$5 million.

The funding agreements required Council to implement a land buyers subsidy scheme ("LBSS") as part of each project. The scheme required Council to provide 96 LBSS grants for the Wollongbar Urban Expansion Area ("WUEA") and 120 grants at Ballina Heights Estate ("BHE") and Cumbalum Urban Release Area A ("CURA A").

The Federal Government recently appointed the NSW Department of Social Services ("NSW DSS") to administer the BBRC Funding Agreements on its behalf.

Council has recently been advised that NSW DSS wish to review the BBRC Funding Agreements to improve the outcomes of the program. One of the suggestions put forward by NSW DSS is to increase the number of subsidised lots sold to eligible purchasers by reducing the amount of each LBSS grant per lot.

The LBSS grant currently available for WUEA and BHE / CURA A is \$25,000 per lot.

This report deals with this request.

Key Issues

- Requested amendments to funding agreement.
- Ongoing administrative costs for Council.

Information

Council obtained Federal Government funding under the BBRC scheme for Wollongbar Sports Fields in 2012 and for Ballina Heights Drive in 2013.

The funding agreements required Council to introduce a LBSS for each project, with a total of 96 grants for WUEA and 120 grants for Ballina Heights Estate and CURA A.

10.4 BBRC Funding Agreements - Request for Variation

The status of applications and grants are summarized as follows:

		WUEA			BHE		
Total No. of grants allocated				96			120
Less							
	No. of applications approved		74			37	
Less							
	No. of applications withdrawn or cancelled	6			2		
	No. of applications pending settlement	12			7		
			18			9	
	No. of grants issued			56			28
Remaining grants available				40			92

Under the terms of each funding agreement, the completion date for both schemes is 30 June 2016.

The LBSS in WUEA has been well received and is on target for the completion date of 30 June 2016 based on the figures noted above. The reason for this is considered to be predominantly due to the fact that there are currently five developers, including Council, within the scheme, resulting in significant competition within the market.

The BHE / CURA A LBSS scheme commenced approximately 12 months later than the WUEA LBSS and as such not as many applications have been taken up.

At present only two developers are supplying land on BHE however competition may improve once developers on CURA A bring lots on line.

In 2014 Council made representations to the Federal Government Department administering the BBRC scheme at the time, to include Ferngrove and River Oaks Estates into the BHE / CURA A LBSS scheme, but this approach was rejected.

Sustainability Considerations

- **Environment**

Not Applicable

- **Social**

The LBSS scheme is providing significant social benefits by assisting lower to moderate income earners in purchasing their own home.

- **Economic**

The suggestion by NSW DSS to increase the number of LBSS grants available by reducing the value of the grants from \$25,000/lot to a figure such as \$20,000/lot or \$15,000/lot is questionable.

10.4 BBRC Funding Agreements - Request for Variation

For a grant to have a stimulatory effect it must be at a value to be meaningful in the context of the local market.

Based upon the earlier figures and the current take up rate in the WUEA it is probable that by the end of June 2015 there will be 25 grants remaining which indicates the scheme is on target for completion by June 2016. Decreasing the value of the grant per lot assumes an increase in demand, however there is no evidence to suggest this will occur. In the circumstances there seems to be little justification in amending a scheme that is performing well.

Over at BHE and CURA A it is estimated that by the end of June 2015 there will be 80 LBSS grants remaining. At the present rate of sales it is unlikely to achieve completion of the scheme by June 2016. It is also unlikely that by decreasing the value of the LBSS grant and increasing the number of grants the target date for completion of the scheme will be achieved, it is highly likely quite the opposite will occur.

Legal / Resource / Financial Implications

Resource

A considerable amount of Council staff time is spent administering the two schemes and reporting to the relevant State and Federal government departments.

Financial Implications

At present the cost to process each LBSS application is \$1000 including \$750 in legal fees and \$250 in valuation fees.

Applicants pay a non-refundable application fee of \$100 and a further \$450 upon settlement of the contract. This means Council funds the shortfall of \$450 per successful LBSS grant in administration costs (excluding staff time). These costs are fixed on a per lot basis, so increasing the number of LBSS grants will add further costs to Council.

It is worth noting that the construction cost quotes received to date for the Wollongbar Sports Field project have exceeded the initial budget estimates. Ballina Heights Drive is complete and under budget, however there is a dispute with the contractor over certain contract variations.

Consultation

Council has been consulting with the State and Federal Governments regarding the funding agreements and LBSS.

Options

Council can advise the NSW DSS that, as requested, they have considered amending LBSS grants for BHE, CURA A and WUEA, but have resolved not to do so. This option is recommended as it is considered unlikely that by increasing the number of LBSS grants available and decreasing the value per grant of the grants the take up rate will increase. Doing so would probably blow out the completion date for the two schemes and increase the administrative costs to Council.

Furthermore the WUEA LBSS scheme is on track to be completed by the target date of June, 2016.

The BHE and CURA A LBSS commenced later and as such is running behind schedule to be completed by June 2016, however as the benefits of Ballina Heights Drive and other infrastructure kick in the take up rate of lots and grants may also increase.

The other option is to support this request. Besides possibly delaying the scheme there is also the concern of equity when Council will have already issued almost 100 rebates at \$25,000 and any new applicants could well be asking why they are not able to access the \$25,000 rebate.

The recommendation that follows supports the retention of the current scheme.

RECOMMENDATION

That Council advise the NSW Department of Social Services that, as requested, it has considered amending the land buyers subsidy scheme for the Wollongbar Urban Expansion Area, Ballina Heights Estate and the Cumbalum Urban Release Area A, however an amendment is not supported for the following reasons:

- a) The current \$25,000 rebate is considered to be an adequate amount to provide a sufficient incentive and stimulus for the program
- b) A reduction in the rebate may substantially extend the life the program;
and
- c) A reduction now is considered inequitable when almost 100 applicants would have already received a rebate of \$25,000.

Attachment(s)

Nil

10.5 Donations - Planning Fees

10.5 Donations - Planning Fees

Delivery Program Governance

Objective To invite Council to consider additional requests for financial assistance for planning fees.

Background

Council approved a number of general and capital assistance donations at the July 2014 Ordinary Meeting for the 2014/15 financial year. Since that time additional requests have been received. Generally Council staff advise the applicants to reapply next financial year, however the policy does allow applications to be submitted to Council where there may be exceptional circumstances.

Key Issues

- Nature of request
- Community benefit
- Funding available

Information

The attachment to this report is a request from the Alstonville Community Preschool for Council to waive developer contributions for DA 2014/333. The waivers requested are shown below.

Contribution Plan	Amount (\$)
Roads	7,870
Wastewater	7,924
Water	4,249
Rous Water	10,909
Total	30,952

The Council Policy titled "Donations – Assistance with Council Fees for Community Groups" outlines the following main criteria for approving these types of applications:

- The recipient organisation must be not for profit and provide a community service within the Ballina local government area
- Consideration must be given to the frequency of the event and / or the nature of the capital project. Regular (i.e. more than once per annum) events or projects will not be eligible for reimbursement
- The nature of the fee to be reimbursed/waived will relate to the delivery of a capital project for the community group
- Fee reimbursements/waivers for capital works must be provided on Council owned or controlled land.

This application meets all of these criteria.

10.5 Donations - Planning Fees

Whilst Council could entertain this request as a donation application, if Council was inclined to support the matter, a suggested course of action would be to amend the development consent such that the conditions regarding the payment of developer contributions were not applied.

- **Environment**
Not Applicable
- **Social**
Donations can provide significant community benefits and the Alstonville Preschool Inc. is in the process of delivering significant community infrastructure.
- **Economic**
The waiver of any contributions reduces the income available for the works identified in the Section 94 and Section 64 Plans.

Legal / Resource / Financial Implications

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

Items	Budget	Allocated	Balance
Donations (General)	50,000	39,676	10,324
Donations (Public Halls)	41,000	33,134	7,866
Donations (Planning Fees)	2,000	5,105	(3,105)
Net Amount Available			15,085

The available balance reported to the January 2015 Ordinary meeting was \$11,083 and adjustments since the last report are:

- decrease to balance: the approval of a donation for the Rainbow Children's Centre in respect to DA fees \$1,648 at the January 2015 Ordinary meeting
- decrease to balance: inclusion of a donation for DA fees for the Ballina Naval Museum \$1,018 approved at the October Ordinary meeting of Council (via the Facilities Committee)
- increase to balance: Council originally allocated \$8,702 to McLeans Ridges Hall for works on the hall. Advice has been received that due to extensive use of voluntary labour the required donation will be \$2,034 resulting in an increase to the available balance of 6,668.

In respect to this application, if Council wishes to approve the waiver, the options are to provide the funds as a donation or to waive the requirement to pay the contributions.

If the donation option is chosen the funds available in the budget are insufficient to meet the needs of the total donation requested.

Therefore if Council wishes to approve the request the preferred option is to waive the requirement to pay the contributions.

Consultation

The annual donations program is subject to formal public exhibition and generally Council attempts to ensure that all donations are considered at the same time to ensure there is equity in the allocation process.

Options

The options are to approve the waiver of the contributions or not.

As donations are somewhat subjective typically this is a matter for Councillors to determine however as the application meets Council criteria in respect to the facility being located on Council owned land and it is being constructed by a not for profit community based group the recommendation supports the request.

As Rous Water contributions are also included in the amounts payable the recommendation seeks Rous Water approval to waive those contributions. If that approval is not forthcoming, based on the recommendation, the Alstonville Preschool Inc would still be responsible for those contributions.

RECOMMENDATIONS

1. That in respect to the Section 94 and Section 64 developer contributions payable for development consent 2014/333, Council confirms its support for the General Manager, or nominated delegate, to either amend the existing consent, or through the applicant, being the Alstonville Preschool Inc, submitting a Section 96 application to amend the consent, that results in the exemption for the developer contributions payable.
2. Council endorses this application for the following reasons:
 - a) The applicant is a not for profit organisation providing a community service within the Ballina Shire; and
 - b) The consent relates to a capital infrastructure project that will deliver community based services; and
 - c) The project is being located on Council owned or controlled land.
3. Council also authorises the General Manager to make application to Rous Water County Council for the waiver of their developer contribution charges with the waiver of those charges a matter for Rous to determine.

Attachment(s)

1. Request to Waive Developer Contribution Fees - Alstonville Community Preschool

10.6 Financial Review - 31 December 2014

10.6 Financial Review - 31 December 2014

Delivery Program Financial Management

Objective To provide a review of the 2014/15 financial year budget based on the known results to 31 December 2014.

Background

In accordance with the Local Government Act the responsible accounting officer of a council must, not later than two months after the end of each quarter, prepare and submit to the council a budget review statement that shows a revised estimate of the income and expenditure for that year. The report that follows provides this review for the second quarter of 2014/15.

Key Issues

- Variations to the budget and financial performance of Council

Information

The purpose of this report is to provide information on known budget variances as at 31 December 2015. The format of the report complies with the Quarterly Budget Review Statement Guidelines set down by the Office of Local Government (OLG).

To comply with these guidelines an Operating Statement, Capital Budget, Cash and Investment Statement, Key Performance Indicators, Contractors, Consultants, Legal Information and certification by the Responsible Accounting Officer are required. Commentary on the variations recommended is then provided after the tables. A brief overview of the information provided in the report is as follows:

Section One - Operating Income and Expense - These tables provide the operating revenues and expenses for the Funds (General, Water and Wastewater).

Section Two - Capital Budget - These tables outline the capital expenditure budgets.

Section Three - Cash and Investment Statement - These tables provide details on the projected movements in reserve balances.

Section Four - Key Performance Indicators - The ratios provide an indication of the financial health of the organisation.

Section Five - Contractors/Consultants/Legal Expenses - This information provides details of specific expenses incurred and contracts entered as required by the OLG.

10.6 Financial Review - 31 December 2014

Certification - This is a Statement by the Responsible Accounting Officer as to whether the current year's estimated financial performance is or is not satisfactory.

General Fund

This next section of the report deals with Council's General Fund operations. Tables for income and expense follow, including recommended variations to budget. Following the tables are comments in respect to proposed budget variations that are considered to be material.

General Fund – Operating Revenues and Expenses

Operating Income	Original Budget 000's	September Budget 000's	Approved Changes 000's	Revised Budget 000's	Changes for Approval 000's	December Budget 000's	Actual to December 000's
Strategic and Community Facilities Group							
Strategic Planning	221	312		312	11	323	73
Community Services and Halls	371	371		371	10	381	270
Cultural and Community Services	109	114		114	1	115	60
Library Services	116	116		116	(4)	112	111
Swimming Pools	336	336		336	6	342	248
Tourism and Communications	45	45		45	38	83	68
Sub Total	1,198	1,294	0	1,294	62	1,356	830
Development and Environmental Health Group							
Development Services	359	359		359	(35)	324	164
Building Services	800	900		900	90	990	633
Environment and Public Health	235	235		235	0	235	224
Admin and Public Order	156	226		226	0	226	178
Sub Total	1,550	1,720	0	1,720	55	1,775	1,199
Civil Services Group							
Engineering Management	198	208		208	117	325	278
Procurement and Building Mgmt	0	0		0	0	0	0
Stormwater and Env Prot	282	282		282	11	293	293
Roads and Bridges	68	146		146	0	146	30
Ancillary Transport Services	713	713		713	42	755	411
Roads and Maritime Services	861	869		869	(2)	867	437
Open Space and Reserves	719	758		758	73	831	547
Fleet Mgmt and Workshop	4,132	4,132		4,132	(3,868)	264	389
Rural Fire Service	214	214		214	0	214	16
Quarries and Sandpit	360	360		360	(80)	280	148
Landfill and Resource Management	6,959	7,084		7,084	(2,959)	4,125	3,044
Domestic Waste Management	6,365	6,408		6,408	(555)	5,853	6,115
Sub Total	20,871	21,174	0	21,174	(7,221)	13,953	11,708
General Manager's Group							
Governance	0	0		0	0	0	0
Administrative Services	28	28		28	0	28	16
Financial Services	158	158		158	50	208	77
Financial Services-General Purpose Rev	22,163	22,341		22,341	(20)	22,321	20,307
Information Services	11	11		11	1	12	4
Human Resources and Risk Mgmt	122	122		122	148	270	242
Property Management	3,011	3,011		3,011	40	3,051	2,961
Ballina Byron Airport	4,981	4,911		4,911	(49)	4,862	2,322
Sub Total	30,474	30,582	0	30,582	170	30,752	25,929
Total Operating Income	54,093	54,770	0	54,770	(6,934)	47,836	39,666

General Fund – Operating Income and Expenses (cont'd)

Operating Expenses (excluding depreciation)	Original Budget	September Budget	Approved Changes	Revised Budget	Changes for Approval	December Budget	Actual to December
Strategic and Community Facilities Group							
Strategic Planning	1,124	1,385		1,385	0	1,385	652
Community Services and Halls	759	759		759	10	769	461
Cultural and Community Services	778	793		793	30	823	477
Library Services	1,419	1,499		1,499	(5)	1,494	1,358
Swimming Pools	792	792		792	6	798	534
Tourism and Communications	776	798		798	37	835	497
Sub Total	5,648	6,026	0	6,026	78	6,104	3,979
Development and Environmental Health Group							
Development Services	1,213	1,213		1,213	(20)	1,193	605
Building Services	765	765		765	(15)	750	378
Environment and Public Health	779	768		768	(50)	718	310
Admin and Public Order	1,189	1,194		1,194	(40)	1,154	578
Sub Total	3,946	3,940	0	3,940	(125)	3,815	1,871
Civil Services Group							
Engineering Management	2,411	2,411		2,411	(1)	2,410	1,245
Procurement and Building Mgmt	1,842	1,855		1,855	18	1,873	1,159
Stormwater and Env Prot	762	1,087		1,087	8	1,095	602
Roads and Bridges	4,450	4,410		4,410	(575)	3,835	2,305
Ancillary Transport Services	1,691	1,793		1,793	41	1,834	1,054
Roads and Maritime Services	861	932		932	(90)	842	467
Open Space and Reserves	3,289	3,702		3,702	72	3,774	1,915
Fleet Mgmt and Workshop	3,020	3,020		3,020	(3,867)	(847)	306
Rural Fire Service	387	431		431	0	431	282
Quarries and Sandpit	165	530		530	0	530	154
Landfill and Resource Management	5,393	5,393		5,393	(3,210)	2,183	1,662
Domestic Waste Management	6,236	6,236		6,236	(615)	5,621	3,725
Sub Total	30,507	31,800	0	31,800	(8,219)	23,581	14,876
General Manager's Group							
Governance	1,039	1,041		1,041	0	1,041	563
Administrative Services	560	569		569	0	569	290
Financial Services	(3,777)	(3,777)		(3,777)	28	(3,749)	(2,203)
Financial Services-General Purpose Reve	0	0		0	0	0	0
Information Services	1,559	1,569		1,569	30	1,599	1,302
Human Resources and Risk Mgmt	962	1,423		1,423	345	1,768	1,396
Property Management	3,747	3,747	165	3,912	0	3,912	1,237
Ballina Byron Airport	3,494	3,494		3,494	23	3,517	2,100
Sub Total	7,584	8,066	165	8,231	426	8,657	4,685
Total Operating Expenses	47,685	49,832	165	49,997	(7,840)	42,157	25,411
Net Operating Result Before Depreciation	6,408	4,938	(165)	4,773	906	5,679	14,255
Unwinding interest free loans	399	399		399		399	200
Depreciation Expense	15,139	15,139		15,139		14,668	7,334
Net Operating Result Continuing Operations	(9,130)	(10,600)	(165)	(10,765)	906	(9,388)	6,722

General Fund Working Capital Forecast

Item	Original Budget	September Budget	Approved Changes	Revised Budget	Changes for Approval	December Budget	Actual to December
Working Capital	(130)	(130)		(130)	(26)	(156)	

Comments - General Fund

The **forecast operating surplus** (before depreciation) has improved from \$4.9 million to \$5.7 million. Inclusive of depreciation, a loss of \$9.4 million is now forecast, which is an improvement from \$10.8 million.

The improvement to the operating position (excluding depreciation) is due to a number of factors however the two largest positive movements is the shifting of roads expenditure from operating to capital \$665,000 and an improved outlook for the operating result for Landfill and Waste Management \$296,000.

Further refinement of the depreciation expense has resulted in a decrease to the forecast by \$471,000 down to \$14.7 million.

Other major changes identified in this report include an increase to the employee leave entitlements budget of \$130,000, increase to the workers compensation premium \$150,000 and a reduction to oncost income of \$65,000.

These negative adjustments have been offset to some extent by increases to forecast income from building services \$90,000, reduction to salaries \$125,000 and an increase to infrastructure inspection income \$110,000.

Forecast income from interest on investments has been increased in some instances based on an increased portfolio balance. The balance is predicted to increase primarily because proposed capital works have been removed from the 2014/15 budget.

Examples include the Marine Rescue Tower, Lake Ainsworth upgrade, Shared Path works and various projects in Water and Wastewater. The forecast increase to income has been tempered by the fact that interest rates continue to fall.

During the quarter the Quarterly Review reporting presentation has been adjusted to more accurately reflect the presentation that occurs for the Annual Statements. Adjustments relate to internal 'income' and 'expense', which are now presented such that they net each other off to reflect a nil affect.

For example transactions relating to internal plant hire were previously shown as 'income' are now shown as negative expense.

The estimated **unrestricted working capital movement** has now decreased by \$26,000 There have been numerous adjustments and where possible negative adjustments have been offset by positives.

Details of the larger budget variations are detailed in this report. The adjustments shown in the tables are inclusive of all amendments and the comments do not account for minor budget changes.

General Fund - Operating Revenues

Strategic and Community Facilities Group

Strategic Planning

Section 94 Contribution Interest Income: forecast income has been increased by \$11,000 based on latest forecasts.

Community Facilities and Customer Service

Alstonville Leisure and Entertainment Centre: income from room hire is exceeding budget and \$10,000 has been added to the vote. The majority of the adjustment relates to fees taken by the contractor in 2013/14. The increase to income has been offset by an equivalent to electricity expense.

Tourism

Visitor Information Centre Income: forecast advertising income has been increased by \$30,000 as contributions are received to the latest Visitor Guide brochure. Promotional expenses have been increased by the same amount.

Forecast income and expense relating to the sale of souvenirs has been increased by \$5,000.

Development and Environmental Health Group

Development Services

Operating Income: income to the half year is trending below forecasts and votes have been reduced by \$35,000. The revised total income is now \$50,000 below last year's actual income (includes legal fees reimbursed). It is interesting that Development Services income is trending down whilst Building Services is trending up.

Building Services

Building Fees: forecast income has been increased by \$90,000. By way of comparison actual income from this section in 2012/13 was \$598,000 and the revised forecast for 2014/15 is \$990,000.

Civil Services Group

Engineering Management

Infrastructure Inspection Fee: new stages of various subdivisions in the Shire have received approval and income related to engineer's inspections is exceeding forecast. The budget has been increased by \$110,000.

Stormwater and Environmental Protection

Operating Income: the vote has been increased for annual Stormwater charges by \$3,000 and Third Party Flood Modelling \$8,000. The expenditure vote for Third Party Modelling expense has had an equivalent increase.

Ancillary Transport Services

Grant Income: grant income has been received to \$4,000 to erect speed safety signs and a new vote to \$12,000 for the Martin Street boat harbour study.

Ferry Income: a period of quite good at surf at South Ballina has contributed to ferry income trending high and the vote has been increased by \$25,000.

Open Spaces and Reserves

Vegetation Management: grant funds have been received to \$73,000 for the Ballina Fontainea project and Marom Creek rehabilitation.

Fleet Management and Workshop

Presentation: the presentation of the budget has been altered such that what has previously been viewed as plant income now shows as negative expense. Both income and expense have been reduced by \$3,867,000.

Quarries

Royalty Income: a downturn in trading at Tuckombil Quarry has resulted in a reduction to forecast royalty income of \$80,000.

Landfill and Resource Management (LRM)

Presentation: the presentation of the budget has been altered such that what has previously been viewed as income in favour of LRM, paid by Domestic Waste Management, is now viewed as negative expense. This adjustment results in income and expense reducing by \$3,175,000.

Operating Income: various adjustments have been made to forecast income and the net change is an increase of \$213,000. The one major adjustment is an increase to forecast gate fees relating to inert (formerly titled construction and demolition) material of \$200,000. Income from this source is trending very high, which is partially due to the way loads are categorised at the gate. Previously some waste that was categorised as general disposal is now classified as inert material.

Domestic Waste Management

Presentation: the presentation of the budget has been altered such that what has previously been viewed as plant income is now viewed as negative expense. This adjustment results in income and expense reducing by \$575,000.

Annual Charges: forecast income has been increased by \$20,000.

General Manager's Group

Financial Services

Fees and Charges: sales of section 603 certificates are trending well and the vote has been increased by \$30,000. 'Legal costs recovered' are exceeding forecast and the vote has been increased by \$20,000. The increase to income is matched by an increase to expense that reflects continuing efforts to keep overdue rates to a minimum.

Financial Services General Purpose Revenue

Interest on Investments: the original vote for this income source was on the optimistic side and the forecast has been reduced by \$20,000.

Human Resources and Risk Management

Insurance Refunds: Council is in receipt of two refunds, one from Statewide to \$46,000 and the other from Statecover to \$102,000. The refund is an incentive payment for favourable risk management practices and outcomes.

Property Management

Interest on Investments: interest attributable to the property reserves has been increased by \$40,000 mainly due to the fact that expenditure will not occur to the extent anticipated on various projects funded by property reserves.

Airport

Operating Income: forecast income has been reduced by \$49,000. The main changes are:

- landing fees for small planes reduced by \$25,000
- security charges reduced by \$14,000
- car parking fees reduced by \$100,000
- lease franchise income increased by \$36,000
- shuttle bus fees increased by \$30,000
- lessee reimbursement increased by \$24,000

No adjustments have been made to passenger income. Whilst it is low on a straight line trend it is anticipated that January and Easter will make up the shortfall.

The reduced surplus is funded from the property reserves.

General Fund - Operating Expenses

Strategic and Community Facilities

Community Services and Halls

Alstonville Leisure and Entertainment Centre: previously the Centre contractor paid for electricity and under new arrangements this account is payable by Council. A new vote to \$10,000 has been raised.

Community and Cultural Services

Art Gallery Crown Land Rent: Council has received a rental account for previous years to approximately \$30,000. A reserve has been created for this possibility and this reserve has been applied to meet the expense.

Tourism and Communications

Visitor Information Centre: the increase to expenditure primarily relates to production of the new Visitor Guide. The expense is funded by contributions from advertisers.

Development and Environmental Health Services

Development Services/ Building Services/ Environment and Public Health Services/ Regulatory Control services

Employee Costs: due to the retirement of one staff member and delays in their replacement, as well as various leaves being taken in excess of forecast, there have been savings in salary expense of \$125,000. The reduced expense has been applied to offset increases to leave budgets.

Civil Services

Procurement and Building Management

Building Maintenance: votes have been increased by \$18,000 in total for maintenance of the Lennox Head Cultural Centre, Ballina Surf Club and the Administration Building. The expense has been funded by a refund on insurance premiums and a transfer from the capital vote for Crawford House refurbishment. The refurbishment was completed under budget.

Roads and Bridges

Budget Relocation: votes for urban roads reseals \$292,000 and rural roads reseals \$283,000 have been relocated from operating to capital expenditure as it is considered that this is the more appropriate accounting treatment for this nature of expenditure.

Ancillary Transport

Grant Income: votes have been raised in anticipation of funding for speed signs \$4,000 and Martin Street boat harbour study \$12,000.

Ferry Slippage: costs to slip and overhaul the ferry have amounted to \$142,000 which exceeds the budget. An increase to the vote of \$25,000 is proposed, which is funded from an increase to forecast toll fees.

Roads and Maritime services

Budget Relocation: vote to \$90,000 has been relocated from operating to capital expense on Main Road 545 as the expenditure is of a capital nature.

Open Space and Reserves

Coastal Reserves: as noted in the income section of this report grants to \$73,000 have been received for the management of coastal reserves.

Fleet Management and Workshop

Presentation: see comments in income relating to adjustments to the presentation of fleet income/expense.

Landfill and Resource Management (LRM)

Presentation: see comments in income relating to adjustments to the presentation of LRM income/expense.

Operating Expenses: there is a net reduction to estimated expenses of \$35,000 resulting from numerous changes. The larger adjustments were:

- reductions to expense; transfer/preloading of waste \$120,000 and Inert exportation \$60,000
- expenditure increases; new vote for E Waste \$20,000, Wardell Tip rehabilitation \$20,000; State levy \$40,000; dust/odour control \$30,000 and clean-up of orphan waste \$20,000.

Dividend: the review adjustments include the intent to take a dividend of \$100,000 from LRM with the funds being used to rehabilitate Southern Cross Drive. This does raise a concern in that there remains a cross subsidy between Domestic Waste Management (DWM) and other users and therefore arguably DWM is contributing to this dividend. Ie DWM pay higher gate fees than self-haul.

DWM is subject to special regulations which preclude the taking of a dividend. A counter to this argument is that there is arguably a nexus between the road damage caused by the LRM and DWM heavy vehicles and a contribution towards road maintenance is fair and reasonable.

Domestic Waste Management (DWM)

Presentation: see comments in income relating to adjustments to presentation of DWM income/expense.

Kerbside Collection: expenditure is trending below forecast and the vote has been reduced by \$40,000.

General Manager's Group

Financial Services

Payment Provider Fees: expenses are exceeding budget and \$8,000 has been added to the vote. The new B Point service has contributed to the increase.

Legal Costs: budget increased by \$10,000 (see comment in income section of report).

10.6 Financial Review - 31 December 2014

Auditor Consulting: the 2014/15 program for the internal auditor is now agreed and the General Fund component of the costs has been increased by \$10,000.

Information Services

Computer Software: software votes have been increased by a total of \$30,000. Additional costs relate to increases to existing licence fees as well as fees for new products.

Human Resources

Employee Entitlements: The budget has been increased by \$130,000 as staff look to reduce leave balances in accord with award provisions. This increase has been primarily offset by reductions to salary votes.

Oncost Income: forecast income (negative expense) relating to staff salaries is not looking as though it will achieve forecast and there has been a reduction of \$130,000 to the vote. The shortfall occurs as staff are on leave or there is delays in replacements and anticipated oncosts are not generated.

This reduction has been offset by an increase to forecast oncost income relating to private and grant funded works of \$65,000. The main contributor has been works funded by Roads and Maritime Services.

Workers Compensation: the budget for the annual premium has been increased by \$150,000 based on recent advice from the insurer. Council is faced with a test case in respect to an accident that occurred to one of our workers and the insurer advises that our premium will be negatively affected regardless of the outcome.

Ballina Byron Gateway Airport

Operating Expense: various adjustments have been made to forecast expenses with a net increase of \$23,000. Consultant's expenses and 'remainder of movement area' are the main areas where budgets have been increased.

There is a net increase to the forecast cash loss of \$72,000 (includes both income and expense adjustments) which is funded from the property reserves.

Water Operations

This next section of the report deals with Council's water operations. The outlook (exclusive of depreciation) has improved by \$213,000 which is primarily due to increases to estimated consumption income.

Water - Statement of Operating Income and Expenses (\$'000)

Item	Original Budget	September Budget	Approved Changes	Revised Budget	Changes for Approval	December Budget	Actual to December
Operating Income	10,259	10,259		10,259	311	10,570	6,599
Operating Exps (excl. dep)	9,469	9,484		9,484	98	9,582	7,595
Net Operating Result Before Depreciation	790	775	0	775	213	988	
Depreciation Expense	1,900	1,900		1,900		1,700	850
Net Operating Result from Continuing Operations	(1,110)	(1,125)	0	(1,125)	213	(712)	(850)

The **forecast operating position** (exclusive of depreciation) is a surplus of \$988,000. Depreciation has also been reassessed using the latest reference rates and it has resulted in a reduction to the estimate of \$200,000.

The revised operating result is estimated to be a loss (inclusive of depreciation) of \$712,000.

Water consumption income received to the half year represents exactly 50% of the annual forecast. Historically however Council tends to receive more income in the second half of the year as compared to the first.

On this basis forecast income could be increased by approximately \$400,000 to \$6,493,000.

The recommendation is that forecast water consumption be increased by \$190,000 being approximately 50% of the historical trend.

Other changes to forecast income include increases to the budget for water tapping fees of \$50,000, leases to radio towers \$30,000, access charges \$14,000 and interest income \$13,000.

The increases to forecast expense total 98,000 and the larger adjustments are employee costs (includes leaves expense) \$30,000, treatment plant maintenance \$42,000 and meter reading \$15,000.

Wastewater Operations

This next section of the report deals with Council's Wastewater operations.

Wastewater- Statement of Operating Income and Expenses (\$'000)

Item	Original Budget	September Budget	Approved Changes	Revised Budget	Changes for Approval	December Budget	Actual to December
Operating Income	14,907	15,074		15,074	133	15,207	13,363
Operating Exps (excl. dep)	14,054	14,221		14,221	(24)	14,197	6,991
Net Operating Result Before Depreciation	853	853	0	853	157	1,010	6,372
Unwinding interest free loans	349	349		349		349	175
Depreciation Expense	2,900	2,900		2,900		2,600	1,300
Net Operating Result from Continuing Operations	(2,396)	(2,396)	0	(2,396)	157	(1,939)	4,898

The **forecast operating position** (exclusive of depreciation) has improved by \$157,000 to a surplus of \$1,010,000. Depreciation has also been reduced by \$300,000 based on the latest reference rates and the revised operating result is estimated to be a loss (inclusive of depreciation) of \$1,939,000.

10.6 Financial Review - 31 December 2014

Forecast revenues have been increased by \$133,000, which relates to access charges \$70,000, interest on investments \$21,000 and house drainage plans \$30,000.

Forecast expenses have been reduced by \$24,000 which is a reduction to wages (education) of \$34,000 and an increase to administration expenses of \$10,000.

Capital Expenditure

This next section of the report looks at capital expenditure and examines proposed changes to the program.

General Fund - Capital Budget - Source and Application of Funds (\$'000)

General Fund Capital works	Original Budget 2014/15 \$'000	September Budget \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for Approval \$'000	December Budget \$'000	Actual to December \$'000
General Fund Capital Funding							
General revenue	3,309	3,549		3,549	861	4,410	
Reserves	13,733	21,345	(3,285)	18,060	200	18,260	
Loans	725	725		725	0	725	
Section 94 contributions	670	948		948	278	1,226	
Grants and contributions	4,218	5,057	(1,425)	3,632	(187)	3,445	
Total Funding	22,655	31,624	(4,710)	26,914	1,152	28,066	10,974
General Fund Capital Expense							
<i>Strategic and Community Facilities Group</i>							
Cultural and Community Services	423	631	(250)	381	5	386	34
Swimming Pools	200	238		238	0	238	3
Northern Rivers Community Gallery	10	25		25	0	25	0
<i>General Manager's Group</i>							
Administration & Information Services	25	25		25	0	25	9
Property Management	2,150	3,565	126	3,691	0	3,691	2,718
Camping Ground	10	10		10	0	10	0
Ballina Airport	1,125	995		995	0	995	552
<i>Development & Environ Health Group</i>							
	0	25		25	0	25	14
<i>Civil Services Group</i>							
Procurement & Building Management	4,175	4,782	(2,850)	1,932	(23)	1,909	295
Stormwater	231	548		548	0	548	144
Roads and Bridges	4,659	8,004	(736)	7,268	966	8,234	3,539
Ancillary Transport Services	2,208	4,188	(1,000)	3,188	40	3,228	1,800
Water Transport and Wharves	376	453		453	(9)	444	309
RMS					90	90	41
Open Space -Parks and Reserves	248	341		341	70	411	54
Open Space - Sporting Fields	5,122	5,290		5,290	0	5,290	108
Cemeteries	0	0		0	0	0	0
Public Amenities	80	80		80	18	98	81
Fleet and Plant	755	1,566		1,566	0	1,566	1,210
Rural Fire Service	0	0		0	0	0	0
Waste Management	858	858		858	(5)	853	100
Total Capital expense	22,655	31,624	(4,710)	26,914	1,152	28,066	10,974

General Fund

The capital works program reduced by approximately \$3.5 million with a number of the larger changes being approved at previous meetings of Council.

Civil Services Group

Procurement and Building Management

Budget adjustments for this section were:

- the budget for 'administration centre lighting' was reduced by \$7,000 as this vote was transferred to 'public amenities lighting'
- implementation of the new asset system was completed \$7,000 under budget so the vote has been reduced to reflect actual costs
- the vote for Crawford House was reduced by \$10,000 with these fund transferred to maintenance of Shelly Beach Surf Club.

Roads and Bridges

There have been a number of adjustments to this program as jobs are completed and works are included and removed from the program. The larger variations include:

- the shifting of roads reseals budget from operational to capital expenditure \$575,000
- a new vote for rural road reseals funded from section 94 developer contributions \$278,000
- an increase to the votes for Links Avenue \$40,000 Tamar Street \$7,000 and Martin Street \$12,000.
- reductions to votes for Ballina Bypass \$62,000 and Wardell Road \$30,000 to cover over expenditures in both the roads program and Ancillary Transport
- a new vote of \$100,000 for Southern Cross Drive funded from a Waste dividend.

Ancillary Transport Services

Budgets have been increased to meet actual expenditures for Newrybar Car Park \$22,000 and Missingham Car Park \$11,000.

Roads and Maritime Services

Budget to \$90,000 has been relocated from operating expense to capital, which more correctly reflects the nature of the expenditure.

10.6 Financial Review - 31 December 2014

Open Spaces and Reserves

New vote raised to \$70,000 to enable safety and amenity improvements to Killen Falls funded from insurance premium reimbursements.

Public Amenities

Votes for 'amenities lighting' \$7,000 and Shelly Beach Surf Club \$11,000 have increased to match the scope of works.

Water - Capital Budget - Source and Application of Funds (\$'000)

There were no material capital adjustments done as part of this review. The majority of adjustments done during the quarter were approved via the Capital Expenditure Report presented to the January meeting.

Water Supply Capital Works

Water Capital Funding

Reserves	902	1,698	(479)	1,219	(4)	1,215	
Section 64 contributions	3,477	3,251	(1,052)	2,199	0	2,199	
Grants & Contributions	0	0	152	152	0	152	
Total Funding	4,379	4,949	(1,379)	3,570	(4)	3,566	2,223

Water Capital Expense

Water Storage	500	455		455	0	455	49
Water Pump & Bore Stations	731	793	(440)	353	0	353	241
Pressure Management	650	1,330		1,330	0	1,330	1,382
Trunk mains	1,595	673	(460)	213	0	213	10
Other	902	1,698	(479)	1,219	(4)	1,215	541
Total Capital expense	4,378	4,949	(1,379)	3,570	(4)	3,566	2,223

Wastewater - Capital Budget - Source and Application of Funds (\$'000)

There were no capital adjustments done as part of this review. The majority of adjustments done during the quarter were approved via the Capital Expenditure Report presented to the January meeting.

Wastewater Services Capital works

Wastewater Capital Funding

Reserves	5,885	8,780	(2,100)	6,680	0	6,680	
Section 64 contributions	1,150	1,423	(300)	1,123	0	1,123	
Loans		0		0	0	0	
Total Funding	7,035	10,203	(2,400)	7,803	0	7,803	2,496

Wastewater Capital Expense

Consultancies	0	41		41	0	41	62
Treatment Plants	427	2,237	(932)	1,305	0	1,305	636
Recycled Irrigation	418	832		832	0	832	149
Pump Stations	3,116	3,196	332	3,528	0	3,528	1,044
Trunk Mains	557	1,175		1,175	0	1,175	493
Wastewater Mains Renewals	422	453		453	0	453	26
Plant	2,095	2,269	(1,800)	469	0	469	86
Other	0	0		0	0	0	
Total Capital expense	7,035	10,203	(2,400)	7,803	0	7,803	2,496

Investments

The next table shows details of projected cash and investments.

	Original Budget 2014/15 \$'000	September Budget \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for approval Sept \$'000	Revised Budget Dec \$'000
Unrestricted	3,908	3,908	0	3,908	0	3,908
Externally Restricted						
- Section 94	2,486	2,585	(278)	2,307	1,605	3,912
- Domestic Waste M'ment	1,052	1,232		1,232	60	1,292
- Unexpended Grants/loans				0	0	0
- Other	65	102		102	(30)	72
- Section 64 Water	4,446	5,194	1,063	6,257	0	6,257
- Water	2,154	2,220	316	2,536	346	2,882
- Section 64 Sewer	2,017	2,805	(113)	2,692	0	2,692
- Sewer	3,912	4,104	3,013	7,117	157	7,274
Total Externally Restricted	16,132	18,242		22,243	2,138	24,381
Internally Restricted						
- Strategic and Community Service	196	281		281	0	281
- Employee Leave Entitlements	1,713	1,777		1,777	0	1,777
- Plant Replacement	505	466		466	0	466
- Quarries	1,055	1,017		1,017	(80)	937
- Property Reserves	872	2,005	895	2,900	(82)	2,818
- Properties Refurbishment	1,325	1,062		1,062	(11)	1,051
- Open Spaces and Reserves	239	242		242	0	242
-Landfill Management	1,950	2,388		2,388	156	2,544
- Civil Works	2,876	3,219	2,092	5,311	18	5,329
- Other	218	251		251	5	256
Total Internally Restricted	10,949	12,708	2,987	15,695	6	15,701
Total Restricted	27,081	30,950	2,987	37,938	2,144	40,082
Total Cash and Investments	30,989	34,858	2,987	41,846	2,144	43,990

The unrestricted cash figure is not inclusive of transactions that would normally be included when calculating working capital; i.e. it is exclusive of movements in items such as debtors and creditors. The available cash figure is taken from note six of the financial statements as at 30 June 2014. Council does not track movements in available cash on a quarterly basis.

Statements

1. Council's investments are all in accordance with the Local Government Act, the regulations and Council's investment policy.
2. As per the investments summary for December 2014, funds invested amounted to \$63,762,000. All restricted monies are included in these investments.

10.6 Financial Review - 31 December 2014

3. Cash has been reconciled to the bank statement as at 31 December 2014 to the amount of \$3,347,762.
4. Actual year to date cash and investments amount to approximately \$67,110,000 as at 31 December 2014. This amount includes cash at bank of \$3,347,762 and funds invested of \$63,762,000, which has been reconciled to bank statements and investment reports.

Bank Reconciliation Summary as at 31 December 2014

Balance as per Bank Statement	3,347,762
Less Unpresented Cheques	71,473
Sub Total	3,276,289
Plus Outstanding not Credited	158,670
Sub Total	3,434,959
Less Amounts Deposited at end of month not in ledger	91,367
Balance as per Ledger	3,343,592

Comment on Cash and Investment Position

The forecast reserves position has increased from \$34.9 million to \$43.9 million. The increase is primarily due to proposed capital works being removed from the budget and transferred to later years.

Also budgets for section 94 income have been increased by over \$1.5 million reflecting significant development activity.

Details of the major changes for approval are summarised below.

Section 94 Reserves

There has been a net increase to the forecast reserve balance following increases to both forecast interest and capital contributions received. The value of capital contributions received is well in excess of forecasts and indicates that significant development is taking place.

Domestic Waste Management (DWM)

There is a net increase to the reserve forecast of \$60,000 following adjustments to forecast operating budgets.

Other

This decrease of \$30,000 to reserve relates to back dated rental payments due to the Crown in respect of the Art Gallery building.

Water Reserves

Net reserves are predicted to increase by \$346,000, which is primarily due to improvements in the forecast operating result.

Wastewater Reserves

Net reserves are predicted to increase by \$157,000, which is primarily due to improvements in the forecast operating result.

Quarries

The forecast reserve movement is a decline of \$80,000 due to a downturn in trading activity at Tuckombil quarry.

Property Reserves

The net movement to these reserves is negative \$93,000. The adjustments that make up this net movement are:

- reduction to reserve \$110,000 regarding Airport evaluation study.
- reduction to reserve \$73,000 regarding the forecast trading result for the Airport.
- increase to reserve of \$50,000 based on legal expenses reimbursed being greater than forecast.
- increase to the reserve of \$40,000 regarding forecast interest on investments.

Landfill Management

The reserve is forecast to increase by \$156,000 which is attributable to an increase to the forecast operating surplus less a dividend of \$100,000 to General Fund.

Civil Works

The reserve increase relates to income received from the section 94 plans relating to 'administration'. The funds are used to review existing plans and create new section 94 plans.

Key Performance Indicators

The next section of the report takes selected financial benchmarks and compares the 30 June 2013 and 2014 ratios with the forecast at December to 30 June 2015.

The performance indicators that have been selected have a short term focus, which suits the quarterly review as it also focuses on the short term.

Key Performance Indicators - Description

1. **Unrestricted Current Ratio** - Unrestricted current assets divided by unrestricted current liabilities.

Measured: as a ratio

Purpose: this ratio is used to measure Council's ability to meet short term liabilities with available short term assets.

Indicator type: Financial Position

Benchmark: >1.5:1 (NSW code of accounting practice)

2. **Operating Performance Ratio** – Total continuing operating revenue (excluding capital grants/contributions and fair value adjustments) less operating expense (excluding capital items and profit or loss on sale) as a percentage of continuing operating revenue (less capital items and fair value adjustments).

Measured: as a ratio

Purpose: this percentage measures whether the Council is sustainable in terms of its operating result. Council should not be recording recurring operating deficits or funding operating results from capital revenue.

Indicator type: Financial Performance

Benchmark: = greater than 0: 1 (NSW code of accounting practice)

3. **Debt Service Cover Ratio** – Operating result (excluding fair value adjustments, capital grants/contributions, depreciation/amortisation, interest expense and profit or loss on sale) as a percentage of loan interest and capital payments

Measured: as a ratio

Purpose: The purpose of this percentage is a measure of whether Council has excessive debt servicing costs relative to the adjusted operating result.

Indicator type: Financial Position

Benchmark: >2:1 (NSW code of accounting practice)

Benchmark Indicators – General Fund

1. **Unrestricted Current Ratio – General Fund**

Benchmark: >1.5:1

2012/13	2013/14	December
Actual	Actual	Estimate
2.61:1	1.97:1	1.33
Pass	Pass	Fail

Comment

The ratio is predicted to fall in 2014/15 as the current forecast is for reserves to decrease by approximately \$16.6 million from \$36.1 million to \$19.5 million. Assuming this decrease does occur the ratio will shift from a pass to fail during the year.

The forecast has improved in comparison to the September quarter because proposed capital works will not be occurring this financial year. This means that forecast current assets have increased and this assists the ratio.

If the works program is not completed as forecast, the ratio will not decline to the extent forecast.

The ratio has been in decline over recent years and is predicted to fall beneath the benchmark following an expansive capital works program that has been taking place over the last few years. The program has looked to take advantage of low interest loans and applying accumulated reserves to community projects.

The Long Term financial Plan predicts that this ratio will stay beneath the benchmark for two years and then gradually improve such that it is above the benchmark from 2016/17. New borrowings for the pools and completion of a large waste loan in 2016/17 play a role in the forecasts.

2. Operating Performance Ratio – General Fund

Benchmark: >0

2012/13	2013/14	December
Actual	Actual	Estimate
-0.04:1	-0.19:1	-0.19:1
Fail	Fail	Fail

Comment

The current forecast for the ratio to June 2015 is that it will remain quite similar to the 2013/14 result which is well below benchmark.

The ratio is affected by many variables and in comparing the 2012/13 financial year, the result for that year benefitted from a one off payment in respect to the two bypass handovers (approx \$7 million). This means that the 2013/14 result and the 2014/15 forecast are more reflective of the real position of the Fund.

The Long Term Financial Plan forecasts that this ratio will improve significantly in 2015/16 as expenses are shifted from operating to capital (most correctly reflects the nature of the expense), depreciation is refined and some benefits are derived from the proposed special variation.

Nevertheless the outlook is that the benchmark will not be achieved and strategies that may be considered to meet the benchmark include:

- increase the Ordinary Rate beyond the rate pegging limit. Based on comparative data from the OLG, Council has a comparatively low average ordinary rate.
- assess current operations to confirm all services currently provided should continue and if so whether current practices can be improved.
- identify opportunities for new income sources such as entrepreneurial activities, taking a dividend from Water and Wastewater Funds and analysing the schedule of fees and charges for opportunities.

10.6 Financial Review - 31 December 2014

- fine tune asset management calculations to ensure that depreciation expense reflects the real cost of the deteriorating asset.

3. Debt Service Cover Ratio – General Fund

Benchmark: > 2

2012/13	2013/14	December
Actual	Actual	Estimated
2.56	1.82	1.36
Pass	Fail	Fail

Comment

With Council having an operating deficit we are struggling to meet the benchmark with the recent trend being negative.

In 2012/13 Council borrowed approximately \$13 million relating to the airport and other infrastructure improvements primarily through the Local Infrastructure Renewal Scheme (LIRS). This represented an approximate 70% increase in General Fund's debt and is the primary reason for the negative trend.

The Long Term financial Plan predicts that the benchmark will not be achieved for two years and in 2016/17 the benchmark will be achieved. This coincides with the expiration of a waste loan.

The strategy to meet the benchmark is to limit further borrowings, unless matched by offsetting revenues, and strengthen the operating result by a combination of increasing income and decreasing expense.

Benchmark Indicators - Water

1. Unrestricted current ratio - Water

Benchmark: >1.5:1

2012/13	2013/14	December
Actual	Actual	Estimated
30.67:1	42.34:1	39.89
Pass	Pass	Pass

Comments

The ratio meets the benchmark comfortably as the Fund has reasonable reserves and no debt.

2. Operating Performance Ratio - Water

Benchmark: > 0

2012/13	2013/14	December
Actual	Actual	Estimated
-0.12:1	-0.02:1	-0.067:1
Fail	Fail	Fail

Comments

The forecast is that the Fund will fail the benchmark in 2014/15 however this outcome is very dependent on income from water consumption. Also the trend moving forward is for a breakeven result by 2017/18.

3. Debt Service Cover Ratio - Water

Benchmark: >2

2012/13	2013/14	December
Actual	Actual	Estimated
100	100	100
Pass	Pass	Pass

Comments

The Fund has no external borrowings and none are anticipated this financial year.

Benchmark Indicators - Wastewater

1. Unrestricted current ratio - Wastewater

Benchmark: >1.5:1

2012/13	2013/14	December
Actual	Actual	Estimated
4.00:1	5.44	2.88
Pass	Pass	Pass

Comments

The ratio is forecast to meet the benchmark although it is predicted to fall in comparison to 2013/14. The reason for the decline is due to the use of cash reserves to fund the capital works program and to finance loan repayments.

2. Operating Performance Ratio - Wastewater

Benchmark: >0

2012/13	2013/14	December
Actual	Actual	Estimated
-0.15:1	-0.18:1	-0.12:1
Fail	Fail	Fail

Comments

The ratio is forecast to fail the benchmark as the Fund struggles to come to terms with debt repayments. Going forward the strategy is to continue to increase annual charges by amounts in excess of CPI and carefully manage expenses. A breakeven result expected by approximately 2017/18 due to proposed increases in wastewater charges.

3. Debt Service Cover Ratio - Wastewater

Benchmark: > 2

2012/13	2013/14	December
Actual	Actual	Estimated
0.94	0.69	0.76
Fail	Fail	Fail

Comments

The forecast is for the ratio to fail the benchmark as the full extent of the loan liability takes effect. The loan was structured such that the capital portion of the loan repayment was delayed for a few years however this period has expired.

This ratio will fail the benchmark for many years although the forecast is that the ratio will gradually improve year on year.

Contractors

The table below provides details of contracts entered into in the December quarter. Contracts below \$50,000 are not included.

Contractor Name	Purpose	Amount \$	Start Date	Duration of Contract	Incl in Budget Y/N
Goldsmith's Building works	Refurbishment of Ballina Library	120,000	Dec 2014	5 months	y
Electrical Workshop Australia	Ballina Heights booster pump station	397,000	Dec 2014	3 months	y
Australian Lifeguard Services	Lifeguard services	258,000 p.a	Dec 2014	4 years	y
Ridgemill p/l	Pools upgrade report	30,000	Dec 2014	6 months	y
Flinstones group p/l	Airport carpark	635,000	Dec 2014	2 months	y

Legal Expenses

The next table summarises the expense incurred to the end of Decemer on legal fees.

For the purposes of the report legal fees have been included where there is a dispute situation. This includes for example recovery of rates not paid but excludes processing of infringement notices (no dispute at this point) and amounts paid to legal firms that may be related to the creation of a lease or sale of land.

Item	Expenditure YTD	Included in Budget Y/N
Legal Fees	\$115,000	Y

This figure includes debt recovery actions.

Statement

The following statement is made in accordance with clause 203(2) of the Local Government (General) Regulations 2005.

It is my opinion that the Quarterly Budget Review Statement for Ballina Shire Council for the quarter ended 31/12/2014 indicates that Council's projected financial position at 30 June 2015 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

The satisfactory position is based on the short term (twelve month) outlook. Council is forecasting operating losses, inclusive of depreciation and exclusive of capital grants, on both a consolidated and fund basis for some years into the future. From a long term perspective Council needs to work towards an operating surplus.



Signed Peter Morgan, Responsible Accounting Officer

Sustainability Considerations

- **Environment**
This report encompasses the entire Council budget and as such has implications for environmental, social and economic outcomes. Council needs to bear in mind the implications of allocating or not allocating resources to particular works and services.

- **Social**
As above

- **Economic**
As above

Legal / Resource / Financial Implications

This report informs Council of actual financial results to date in comparison to budget. Where legal ramifications are envisaged they are detailed within the information section of this report.

Consultation

This report has been prepared to inform the community of budget variations.

Options

Council may approve the budget amendments proposed, make changes or not approve any changes. It is considered that the proposed changes reflect either Council policy or necessary adjustments that reflect the trending of actual incomes and expenses.

RECOMMENDATION

That Council notes the contents of the December 2014 Quarterly Budget Review and approves the changes identified within this report.

Attachment(s)

Nil

11.1 Development Servicing Plans for Water and Wastewater

11. Civil Services Group Reports

11.1 Development Servicing Plans for Water and Wastewater

Delivery Program Water and Wastewater

Objective To adopt the new Development Servicing Plans for Water and Wastewater.

Background

The development and adoption of the Development Servicing Plans for Water and Wastewater (the Plans) allows Council to recover part of the infrastructure costs incurred in servicing new development or additions and changes to existing development for water and wastewater (sewer) services.

The authority to levy these charges comes from section 64 of the Local Government Act 1993 and sections 305 to 307 of the Water Management Act 2000.

Council has previously received three reports on the current review of the Plans. Council's original draft Plans were considered at the June 2013 Council meeting and were approved for public exhibition.

As discussed in detail in a report to the October 2013 Council meeting, a number of issues appeared through that exhibition period and Council resolved *"To endorse the Development Servicing Plans for registration with NSW Office of Water, subject to the inclusion of certain amendments, along with a review and finalization of the servicing strategy for the Cumbalum precinct..."*.

In May 2014 the Plans were submitted to NSW Office of Water (NOW) for registration, however NOW advised Council of particular inconsistencies in the calculation tables which had the potential to impact the Developer Charge as determined by the Plans.

After the calculation tables were revised, Council resolved at its October 2014 meeting to again place the Plans on public exhibition. A copy of the draft Plans have been provided as separate attachments for the information of Councillors.

The second exhibition period was completed on 15 January 2015. The individual submissions as well as a summary paper are attached to this report.

Key Issues

- Submission feedback

11.1 Development Servicing Plans for Water and Wastewater

Information

There were two respondents to the latest public exhibition process; Ardill Payne and Partners (APP) and Ocean Park Consulting (OPC) on behalf of Wave Break Properties Pty Ltd. The issues are listed in detail in the attached report. In general there were major and minor issues.

Major issues

Ballina Wastewater Treatment Plant

APP identified an inconsistency with the way the 'old' Ballina Wastewater Treatment Plant (WWTP) was listed in the calculation tables alongside the 'upgraded' treatment plant. This had the unintended impact of double-counting the infrastructure cost of the Ballina WWTP in the plans.

Correction of this has the direct impact of reducing the Capital Charge for Wastewater in:

- Area B (North/East/West, Ballina, Ballina Island, Skennars Head, Lennox Head) by \$1,823 per ET and
- Areas F&G (CURA A & B and Ballina Heights) by \$5,115 per ET.

The correction also then has an indirect impact to the Wastewater Developer Charge for other Servicing Areas by changing the way in which agglomeration is applied.

- Area C (WUEA) no longer benefits from an agglomeration with Area F and its Developer Charge increases to \$12,300 per ET from \$9,199 per ET
- Area E (Alstonville / Wollongbar) benefits from the agglomeration with the Ballina areas and now has a Developer Charge of \$4,410 per ET, reduced from \$6,575
- Area A (Wardell) benefits through Council's decision to subsidise Wardell to the amount of the Ballina Developer Charge for Wastewater.

Removal of assets to supply water and wastewater servicing to Stewart Farm

The 2004 Plans included wastewater and water supply infrastructure to service the development in Skennars Head as described by the submissions for OPC.

During the review it was decided that this infrastructure should be excluded from the Plans because it only services one development and as such it should be the responsibility of the developer to provide the infrastructure.

Other issues

The OPC submission requested that Council rename its description of development areas in the Plans to reflect the current status of the development area (from 'candidate development area' to 'zoned and candidate development area').

11.1 Development Servicing Plans for Water and Wastewater

In consideration of this request Council's strategic planning group advised that it would provide a greater sense of clarity in the Plan to refer instead to 'development areas' generally; as it is not the intention of the Plans to provide a commentary on the approved status of the land.

It was also suggested that a new map be produced to accompany the Plans, which clearly indicates the development areas.

The maps have not yet been developed, however their addition has no impact on the Plans or the Developer Charge and is only intended to provide greater clarity. It is proposed that these additions be made without further referral to Council or public exhibition.

Other minor issues were identified in the submissions and discussed specifically in the submissions report attachment.

A further issue discussed in the October 2014 Council meeting concerned the population projections within the Plans; that they do not align with Council's current strategic planning projections. It is not proposed to change the Plans, because:

- The projections in the Plans were based on projections at the time of the development of the Plan. These projections were used to size the infrastructure in the Plan
- The Developer Charge is determined by the size of the infrastructure, not the 'population' as such
- The infrastructure in the Plans is not sensitive to the changes in population, apart from the timing of the works which will always be contingent on the development market and population growth.

Revised Developer Charges

Taking into consideration the changes outlined and described in the attachment, the table below presents the new Developer Charges arising from the public exhibition period (note that only the Wastewater Developer Charge has changed from the last public exhibition). Also included for comparative purposes are the changes to the reduction amount, and the changes in the groupings for agglomeration.

Summary of Changes

This table shows the change from the exhibited (Dec 2014 to Jan 2015) Plans to the proposed revised (Jan 2015) Plans. A negative value shows that the revised (Jan 2015) charge is less than the exhibited (Dec 2014 to Jan 2015) charge. The only charge that has increased is the one applying to the WUEA and this issue is discussed in the options section for this report.

Development Area	Developer Charge for Water (\$ per ET)	Developer Charge for Wastewater (\$ per ET)
A - Wardell	0	-2,165
B – North/East/West Ballina, Ballina Island, Skennars Head, Lennox Head	0	-2,165

11.1 Development Servicing Plans for Water and Wastewater

C - WUEA	0	3,101
E – Alstonville, Wollongbar	0	-2,165
F – CURA A, Ballina Heights	0	-6,391
G – CURA B	0	-3,767

Wastewater

Development Area	Developer Charge after Agglomeration and less Reduction Amount (\$ per ET)			
	Current F&C	Dec 2013	Amended Oct 2014	Amended Jan 2015
A - Wardell	7,671	7,348	6,575	4,410
B – North/East/West Ballina, Ballina Island, Skennars Head, Lennox Head	7,671	7,348	6,575	4,410
C - WUEA	10,664	12,633	9,199	12,300
E – Alstonville, Wollongbar	3,962	4,726	6,575	4,410
F – CURA A, Ballina Heights	7,671	7,348	9,199	2,808
G – CURA B	7,671	4,726	6,575	2,808
<p><u>Reduction Amount:</u> Dec 2013 \$2,140 Amended Oct 2014 \$1,351 Jan 2015 (no change) \$1,351</p> <p><u>Agglomeration groupings:</u> Dec 2013 C, (B+A+F), (E+G) Amended Oct 2014 A, (C+F), (G+B+E) Amended Jan 2015 (A+C), (B+E), (F+G)</p>				

Water

Development Area	Developer Charge after Agglomeration and less Reduction Amount (\$ per ET)			
	Current Fees & Charges	Dec 2013	Amended Oct 2014	Jan 2015 (no change)
A - Wardell	3,541	11,641	11,102	11,102
B – North/East/West Ballina, Ballina Island, Skennars Head, Lennox Head	3,541	2,375	2,882	2,882
C - WUEA	1,891	4,294	1,840	1,840
E – Alstonville, Wollongbar	3,541	2,375	2,882	2,882
F – CURA A, Ballina Heights	2,570	1,200	561	561
G – CURA B	2,570	804	561	561
<p><u>Reduction Amount:</u> Dec 2013 \$90 Amended Oct 2014 \$385 Jan 2015 (no change) \$385</p> <p><u>Agglomeration groupings:</u> Dec 2013 C, (B+E), C, F, G Amended Oct 2014 A, (B+E), C, (F+G) Amended Jan 2015 No change</p>				

Sustainability Considerations

- **Environment**

The Development Servicing Plan helps to protect the environment by ensuring appropriate infrastructure is in place to cater for development.

- **Social**

The Developer Servicing Plan allows for the equitable collection of developer contributions where any new development is required to pay their fair share of the cost of supplying infrastructure to the development.

Council has previously resolved to apply a cross-subsidy to the Wastewater Developer Charge for Wardell to create a Developer Charge for that area equivalent to the Ballina Developer Charge.

- **Economic**

The Developer Servicing Plan enables orderly and planned growth which provides economic development benefits. It is also important to consider the affordability of development and the Developer Charge provide a clear signal to Developers of the true cost of development in certain areas.

Legal / Resource / Financial Implications

When the DSPs are adopted Council will be compliant with requirements of the:

- Developer Charges Guidelines for Water Supply, Sewerage and Stormwater, (Department of Land and Water Conservation, NSW, 2002). Note that NSW Office of Water's review required the DSPs to conform with the draft 2012 Guidelines which have not yet been approved by the Minister, but are expected to become the new DSP guidelines
- Best-Practice Management of Water Supply and Sewerage Guidelines (Department of Water and Energy, 2007)
- Water Management Act 2000 and the
- Local Government Act 1993

The DSPs aim to ensure Council has adequate funds to provide the infrastructure needed to accommodate expected population growth. These updated DSPs provide increased certainty to Council and the community that future infrastructure cost will continue to be adequately funded.

The works proposed in the plans have been included in the Council's future capital works program and the long term financial plan incorporates the expected DSP revenues and expenses.

11.1 Development Servicing Plans for Water and Wastewater

Consultation

- Public exhibition
- Notifying the Urban Development Institute of Australia and the Housing Industry Association of the exhibition
- Informing developers that had applied for planning approval of the exhibition
- Providing an open information session with interested parties to meet with Council engineers and the consultant

Options

1. *Adopt the Plans for registration with NSW Office of Water*

Apart from Area C (WUEA) all the Wastewater Developer Charges are lower than exhibited.

As noted in the earlier table the proposed charge for Area C is \$12,300. For the first public exhibition the proposed charge was \$12,633 and for the most recent exhibition the charge was \$9,199. For both exhibition periods, there were no comments in the submissions regarding the arrangements for Area C.

As the proposed charge is less expensive by \$333 from the original exhibition, which didn't receive any comments, it is reasonable for Council to adopt the change that has resulted from the most recent exhibition. Alternatively, as per below, Council could re-exhibit.

2. *Place the Wastewater Plan on exhibition again*

Council may choose to adopt the Water Plan, for which there were no changes to the Plan arising out of the assessment of comments provided during the exhibition period and place the Wastewater Plan on exhibition again for a further 30 working days.

On the basis that the only changes made to the Wastewater Plan were made in response to issues that were raised during the exhibition, the recommendation to this report is for Council to adopt both Plans and seek for their registration with NSW Office of Water.

RECOMMENDATIONS

1. That Council adopts the Development Servicing Plans for Water and for Wastewater, as attached to this report, and forwards these Plans for registration with NSW Office of Water.
2. That Council writes to the two respondents and informs them of Council's response to their submissions.

Attachment(s)

1. GHD Development Servicing Plan for Water Supply Infrastructure (Under separate cover)
2. GHD Development Servicing Plan for Wastewater and Recycled Water Supply Infrastructure (Under separate cover)
3. Exhibition report for Development Servicing Plans
4. Submissions

11.2 Policy (New) - Donation of Waste Fees for Certain Fauna

11.2 Policy (New) - Donation of Waste Fees for Certain Fauna

Delivery Program Waste Management

Objective To present to Council a proposal for a new policy to manage the donation of waste fees for the disposal of feral, orphaned animals and native fauna.

Background

The purpose of this report is to present the new 'Donations – Waste Disposal Fees for the "Not-for-Profit Disposal of Feral, Orphaned Animals and Native Fauna" policy.

This policy has been developed to assist local veterinary practices to continue to manage the humane treatment and disposal of pest animals and wildlife by a way of an introduced waste disposal subsidy.

The provision of the subsidy is to encourage the appropriate management of cadavers received at the practices from a goodwill perspective and to ensure the disposal of cadavers is conducted in a manner that reduces the risk to human health due to certain species of animals that are known to harbor disease-causing organisms which can be zoonosis.

Key Issues

- Whether the policy meets the requirements of Council
- Level of waste management fee relief to provide veterinarians

Information

The development of the policy was instigated once it was highlighted to Council that no formal fee relief arrangement was available to veterinarians assisting in the disposal of cadavers collected at practices free of charge from residents within the shire.

The Companion Animals Act 1998 requires Council to accept into the pound any cat or dog which is delivered to the pound or other authorised person of the council (such as a ranger). However, the Act does not require a council to collect a "stray" animal from any public or private place.

Council currently allows a budget of \$4,000 for the disposal of dead animals at the waste facility that are delivered by the rangers and Council work groups, that typically comprise of the remains of orphan animals either euthanized by rangers or are victims of road traffic accidents.

Under the Prevention of Cruelty to Animals Act 1979 where a cat or dog has been injured in a vehicle accident, the driver of the vehicle is responsible for ensuring that it receives appropriate treatment to alleviate pain.

11.2 Policy (New) - Donation of Waste Fees for Certain Fauna

For compliance to this Act, animals from road accidents are predominantly taken to the nearest veterinarian hospital and are received free of charge. The cost of disposal is then carried by the veterinary practice.

To better assist the practices to continue this service to the community and our local wildlife and animals, the policy allows for the donation of a \$250 annual waste management fee relief with a review in 12 months determining the effectiveness of the policy.

In summary, the policy aims to provide the following outcomes:

- Assists in the correct management of cadavers to prevent risks to human health
- Provides a service to the community that supports the humane treatment, welfare and disposal of animals
- Effectively supports the reduction of Council resources in collection of the deceased animals
- Yearly costs are not to exceed \$1,250 due to the limited number of veterinarians in the Shire. The limit of \$1,250 is to ensure that veterinarians are not disposing of euthanized animals through this policy/

Sustainability Considerations

- **Environment**
The provision of relief of disposal charges will ensure waste is disposed of appropriately.
- **Social**
The not-for-profit collection and disposal will provide considerable social benefit to the community.
- **Economic**
Illegal dumping or the non collection of cadavers has financial implications for Council.

Legal / Resource / Financial Implications

The cost of providing this service will be charged to the Waste Management Program. By placing a limit on the extent of the relief to be provided Council will ensure that the disposal is for an animal that has been received by a veterinary practice under the Prevention of Cruelty to Animals Act 1979.

Consultation

The recommendation to this report is to place the proposed policy on public exhibition. If any submissions are received they will be reported back to Council.

Options

Council may accept, amend or reject the proposed policy.

11.2 Policy (New) - Donation of Waste Fees for Certain Fauna

It is recommended that the policy is suitable for adoption subject to public exhibition.

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 places on exhibition the proposed 'Donations – Waste Disposal Fees for the "Not-for-Profit Disposal of Feral, Orphaned Animals and Native Fauna" Policy, as attached to this report, with any submissions received to be reported to Council.
2. If no submissions are received then the Policy will be considered to be adopted.

Attachment(s)

1. Policy (New) Donations - Waste Disposal Fees for Not-for-Profit Disposal of Feral, Orphan Animals

11.3 Policy (Review) - Liquid Trade Waste

11.3 Policy (Review) - Liquid Trade Waste

Delivery Program Governance and Finance

Objective To review the Liquid Trade Waste Policy.

Background

Council first adopted its Liquid Trade Waste Policy in 2006. The current version of the Liquid Trade Waste Policy (Reference LO2) was adopted in August 2011, and is required to be reviewed every four years to ensure it continues to reflect contemporary practices and legislative requirements.

To this end, a new revision has been developed and is attached to this report. The changes are considered to be relatively minor. A number of factsheets are also being developed which are referenced in the revised Trade Waste policy. These will make it easier for the community to understand Trade Waste requirements and the revised policy.

Key Issues

- Ensuring Council policies remain contemporary
- Protection of human health, the environment and Council infrastructure
- Requirement for Liquid trade waste approvals under the Local Government Act 1993
- Providing the community an opportunity for feedback and to understand Trade Waste requirements

Information

Trade Waste

Under section 68 of the Local Government Act 1993, a person wishing to discharge liquid trade waste to the sewerage system must obtain prior approval from Council.

Liquid trade waste means all liquid waste other than sewage of a domestic nature. Liquid trade waste discharges to the sewerage system include liquid wastes from:

- business/commercial premises
- industrial premises
- trade activities
- any commercial activities carried out at a residential premises

Council has discretion to accept liquid trade waste into its sewerage system on the basis of managing risks to the sewerage system, such that discharges must meet minimum requirements. Council considers the following factors:

- The potential for the liquid trade waste discharge to impact on public health

11.3 Policy (Review) - Liquid Trade Waste

- The possible impacts the discharge may pose to the environment
- The potential impacts of the discharge on the health and safety of Council's employees
- The possible impact of the discharge on Council's sewerage infrastructure or sewage treatment process
- The capability of the sewerage system (both transportation and treatment components) to accept the quality and quantity of the proposed liquid trade waste discharge
- The impact the liquid trade waste will have on the ability of the sewerage scheme to meet state government licence requirements
- Compliance of the proposed liquid trade waste discharge with guideline limits in the Liquid Trade Waste Policy

Council's Liquid Trade Waste Policy closely follows the policy stipulated by the NSW Office of Water (NOW). NOW concurrence is required for Council's policy.

Policy Review

The recent review identified only minor changes were required. These can be summarised as follows:

- Related documentation was updated to include the latest relevant regulations and guidelines
- Some exemptions were revised in keeping with NOW guidelines.
- Inclusion of new requirements for new premises with re fuelling points.
- Minor changes to Classification S trade waste discharger requirements.
- Clarification of after-hours fees to access Councils wastewater treatment plants (WWTPs).
- Updated Trade Waste fee structures for Trade Waste charges
- Updating the policy to match Council's new policy template (which has changed since the policy was last adopted). This now includes information on definitions, policy history etc.

Minor changes to the requirements for non-exempt businesses have been made in Table 1 "Exemptions" to bring the policy into line with what is actually occurring. As such they do not constitute actual changes to the way in which these businesses are currently required to gain an approval for trade waste, but rather have been made to formalize and clarify Council's existing approach.

No other changes are considered necessary, and the policy is still considered to be contemporary, follows the NOW model policy, and reflects current legislation.

A copy of the amended policy is attached to the report, where changes have been marked in yellow.

Sustainability Considerations

- **Environment**

One of the main objectives of the policy is to ensure protection of the environment from liquid trade wastes. Updates to the policy help to ensure it remains relevant and this objective continues to be achieved.

- **Social**

Business operators have always been responsible for their trade waste discharges. The nature of the proposed policy changes does not present any additional or significant requirements or burdens over and above historical trade waste requirements.

- **Economic**

The minor changes to the policy do not present any significant additional costs for business operators over and above historical trade waste requirements.

Legal / Resource / Financial Implications

Changes to this policy have no additional legal, resource or financial implications on Council. Council's responsibility to regulate trade waste will require ongoing long-term resource allocation.

Consultation

The recommendation to this report is to place the draft policy update on public exhibition.

Options

Council may accept or amend the recommended changes to the policy.

It is also recommended that if no submissions are received from the exhibition process, the policy be considered to be adopted by Council.

RECOMMENDATIONS

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

Attachment(s)

1. Policy (Review) Liquid Trade Waste

11.4 Policy (Review) - Urban Vegetation and Tree Management on Public Land

11.4 Policy (Review) - Urban Vegetation and Tree Management on Public Land

Delivery Program Open Spaces and Reserves

Objective To consider a review of the Urban Vegetation and Tree Management on Public Land Policy

Background

All of Council's existing policies are progressively being reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Urban Vegetation and Tree Management on Public Land policy. Council first adopted this policy in August 2010.

Key Issues

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

Information

The review of the Urban Vegetation and Tree Management on Public Land policy presents an opportunity to update legislative changes and contemporary practices as well as make significant improvements on how the content of the policy is presented.

Feedback from both the community and staff members highlighted that the existing 27 page policy was focused on technical data, deemed confusing and, contained unnecessary information. The policy (review) proposes an updated 10 page document and a supporting fact sheet, enabling the community to have a greater understanding of the policy.

The policy content has been edited and updated based on legislative requirements, input from Council's insurer, consulting arborists, internal staff and desktop reviews of other Councils tree policies to ensure current best practice in urban vegetation management. It has been rewritten in a new format to improve structure, clarity and relevance.

Whilst key elements of the existing policy have largely been retained and condensed, several new elements have been introduced to the policy, including the following:

Policy Title

In recognition that urban vegetation includes tree management, the policy title has been renamed Urban Vegetation and Tree Management on Public Land.

11.4 Policy (Review) - Urban Vegetation and Tree Management on Public Land

Development Specifications

To provide consistency in tree protection during all types of development as required by Australian Standard 4970-2009: Protection of Trees on Development Sites.

Rural Fire Service 10/50 Vegetation Clearing Entitlement

The 10/50 Vegetation Clearing Code of Practice for New South Wales has been approved in accordance with Section 100Q of the Rural Fires Amendment (Vegetation Clearing) Bill 2014. It permits landowners to clear an entitlement area on their own land. The entitlement area can generally include clearing all trees within 10m of a dwelling and all other vegetation within 50m of the dwelling. On residential/public reserve interfaces the entitlement areas extend significantly onto public reserve areas. This leads to residents requesting Council to clear large tracts of public reserve vegetation based off the 10/50 entitlement for their property.

Council is not legally required or liable to clear the 10/50 entitlement areas and nor is it resourced to clear large areas of public reserves as requested by residents. The proposed policy approach is to not clear for 10/50 entitlement requests and only clear as required by the existing Rural Fire Service (RFS) fire hazard assessment under the Rural Fires Act 1997. This involves an onsite RFS officer assessment assessing the site specifics for fire hazards and issuing a Hazard Reduction Notice to Council. This has led to our current fire trail and asset protection zone network across the shire as a fire hazard mitigation measure.

Resident Funded Tree Removal

Permits residents to undertake limited tree works on low priority Council owned trees. This would apply to low risk trees, weed species and where Council priorities and resources are unable to undertake the works in the short term. Adequate certification, insurance and requirements will apply. This will assist Council manage its urban vegetation areas where a resident's priority is greater than Council's.

Tree Protection

Whilst various tree protections exist in legislation the proposed policy would cover the relevant areas of protection. This allows a consistent approach to the various areas covered. These include:

- Management of trees during development activities – refers to the relevant Australian Standards for consistency and transparency.
- Overhead powerlines and utilities - provides the ability to pursue the relocation of various infrastructure away from trees to protect the Shire's canopy.
- Unauthorised works/vandalised trees - policy measures proposed are dependent upon site specific investigations and range from community notification and education, legal enforcement and compensatory restoration actions and deterrent installations such as signs and view screens where suitable.

11.4 Policy (Review) - Urban Vegetation and Tree Management on Public Land

- Development replacement measures - Provides for a consistent approach for compensatory plantings to be undertaken whereby proposed developments and unauthorised works damage vegetation.
- Bonds - provides for a consistent approach for Council to apply a bond where trees are at risk during development and put the tree protection responsibility on the development proponent. The bond would be used for damages if required and may cover replacement of the tree including removal, clean up, establishment and traffic control costs.

Copies of both the existing policy and reviewed policy are attached to this report.

Sustainability Considerations

- **Environment**
The best practice management of urban vegetation provides valuable environmental benefits that include: wildlife habitat, species diversity improvements, cooling of urban environments, release oxygen and trap airborne pollutants.
- **Social**
Enhances the amenity of urban streetscapes and public reserves and plays a significant role in determining the urban character of towns.
- **Economic**
Better managed and protected urban vegetation reduces risk and liability whilst matching policy to available resources.

Legal / Resource / Financial Implications

Council has the responsibility to balance the protection of vegetation with the management of risk. This policy provides the framework for this risk management to occur bound by the financial resources of Council

Consultation

Consultation occurred internally with Council's Civil Services, Development and Environmental Health Group and Strategic and Community Facilities Group. Externally consultation occurred with Council's insurer "Statewide", arborist contractors presently working for Council and the Far North Coast Weeds Authority.

Whilst the policy has been rewritten for functionality, with the additions and minor changes combined, the proposed policy change is significant. In accordance with Council's practice, it is recommended the policy be placed on public exhibition.

Options

Council may accept or amend the proposed changes to the policy.

11.4 Policy (Review) - Urban Vegetation and Tree Management on Public Land

It is recommended that the revised policy be placed on exhibition for public comment.

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 Urban Vegetation on Public Land Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

Attachment(s)

1. Policy (Review) Urban Vegetation on Public Land
2. Policy (Current) - Urban Vegetation & Tree Management

11.5 Tender - Smith Drive to Uralba Water Main Replacement

11.5 Tender - Smith Drive to Uralba Water Main Replacement

Delivery Program Water and Wastewater

Objective To award the tender for the construction of the Smith Drive to Uralba Water Main.

Background

At the 22 January 2015 Ordinary meeting, Council resolved to accept the tender of Milbant Constructions P/L for the construction of the Smith Drive to Uralba Water Main. Following that resolution, but before the contract was able to be executed, Milbrant withdrew their tender.

Council officers then followed appropriate procurement protocols and have reviewed the next most advantageous tenders. A new preferred tenderer has now been identified and this report examines this further assessment.

Key Issues

- Implementation of Council's Urban Water Management Strategy
- Reducing water loss and maintaining levels of service
- Revised budget
- Award Contract in accordance with the Local Government (General) Regulations 2005.

Information

The following information in relation to project scope, budget and tenders is reproduced from the previous Council report.

Project scope and budget

The scope of the project is to construct 4.5 km of water main and to remove the existing above ground pipeline. The scope includes finalising any design, survey, geotechnical and other investigations to facilitate the proposed pipeline route including all under bore works.

A condition assessment report from May 2013 estimated the project would cost approximately \$1M based on the assumption that the 150mm DICL pipeline would be replaced like-for-like.

Council refined the design in late 2014 to provide capital and maintenance cost savings to Council, and the refined budget estimate was reduced to \$790,000 plus GST. The revised design is a below-ground poly ethylene pipeline.

A significant portion of the savings have been realised in the western section of the pipe which serves nine properties. The savings were made by sizing the pipe to provide Council's levels of service for domestic water supply rather than for fire-fighting.

11.5 Tender - Smith Drive to Uralba Water Main Replacement

This is considered to provide an appropriate balance between the interests of the residents connected to the main and the costs to broader customer of providing this service to a few customers. The underground nature of the design will also reduce ongoing maintenance costs.

Tendering for construction has been based on this design.

Tenders

The tendering process was carried out in accordance with the *Local Government (General) Regulation 2005*.

Tenders (RFT 1400987) for the Smith Dr Water Main Replacement were called on 18/11/2014 and closed at 9.30 am on 18/12/14. Tenders from eight organisations were received.

Tenders were evaluated based on an 80% price and 20% non-price selection criteria in accordance with the Tender Evaluation Plan. Non-price selection criteria was based on the time schedule. Tenderers also had to meet mandatory criteria based on their experience and previous successful completion of similar projects.

The initial evaluated scores of the tenders including non-price scores as determined by the Tender Evaluation Panel are shown in Table 1.

Table 1

Tenderer	Original Tender amount	Adjusted / Assessed Tender amount	Weighted price score	Total normalized non-price score	Total score	Rank
Milbant Constructions P/L	\$297,974.75	Withdrawn				
Bastow Civil Constructions P/L	\$518,012.00	\$ 503,922.00	80	10	90	1
Codmah P/L	\$792,257.47	\$ 792, 257.47	60.7	20	80.7	2
Murphy McCarthy & Associates P/L	\$794,119.50	\$ 794, 119.50	60.6	10	70.6	4
Ledonne Constructions	\$844,515.00	\$ 864,515.00	55.9	8	63.9	5
Newlands Civil Construction	\$997,851.24	\$683,098.59	68	12	80	3
Malin Excavations P/L	\$1,102,730.00	\$1,102,730.00	40	18	58	6
National Tapping Services P/L	\$1,214,193.00	\$1,214,193.00	32.5	8	40.5	7

Multiple checks were carried out resulting in Milbant Constructions P/L being confirmed as the preferred tenderer, and Council resolved to award the contract. Unfortunately Milbant withdrew its Tender before the contract could be executed – which was particularly disappointing because, as reported to Council in January 2015, as part of the tender assessment process Milbrant were asked to confirm their tender pricing and capacity to undertake the work.

11.5 Tender - Smith Drive to Uralba Water Main Replacement

Further Assessment

Further review of remaining Tenders based on an 80% price and 20% non-price selection criteria resulted in Bastow Civil Constructions P/L being identified as the new preferred tenderer.

Council then undertook reference checks and standard financial checks.

The reference checks identified issues of poor performance on past projects and raised some doubts over Bastow's capabilities to undertake the Smith Drive works. The results of the financial assessment undertaken by Kingsway Financial Assessments P/L were also unsatisfactory.

The financial assessment also identified that Bastow has made several admissions in the recent ICAC Operation Jarrah investigating corrupt conduct by an Ausgrid official. Further details in relation to these disclosures can be made available to Councillors who contact the Group Manager Civil Services.

As a result of the above, Bastow's tender did not meet the mandatory criteria identified in the Tender Evaluation Plan regarding their experience and previous successful completion of similar projects; satisfactory financial capacity; and acceptable references from past clients. Bastow's tender was therefore passed over.

The remaining Tenders were then assessed for suitability. The evaluated scores for Codmah P/L and Newlands Civil Construction are within two points of each other and are therefore deemed as offering 'equal' best value – this is to recognise the subjectivity inherent in scoring non-price criteria. Under these circumstances the lowest price from Newlands Civil Construction was identified as the preferred tender.

Newlands' adjusted Tender Amount is 20% below the pre-tender estimate. Because this is more than 10% below the pre-tender estimate, Newlands was asked to confirm in writing that it fully understands the nature and extent of the contract work and is satisfied the Tender Amount properly reflects all contractual obligations. Newland confirmed that this was the case.

At the time of writing this report, financial and reference checks are underway, however the results are not yet known.

Without preempting, the expectation is that the results of those checks will be satisfactory, given Newlands is a well known mid-tier contractor with experience on multiple projects similar in size and type to the Smith Drive to Uralba pipeline replacement.

Given the above, and based on the tender evaluation methodology, Newlands is identified as the preferred tenderer. The Recommended Tender Amount is \$683,098.59 including GST.

Sustainability Considerations

- **Environment**
The opportunities to prevent water supply losses are important in terms of reducing the demand on the natural environment to support urban population. Potential environmental impacts from construction have been addressed in a Review of Environmental Factors and mitigation measures will be implemented.
- **Social**
This project will assist Council meet determined levels of service for water supply to residents in this locality.
- **Economic**
Renewing infrastructure in Pimlico and Uralba will significantly reduce water loss costs to Council. Replacing old infrastructure will improve reliability of supply to residents and businesses in the area and reduce disruptions.

Legal / Resource / Financial Implications

Council has an obligation under a number of strategic and policy documents to facilitate the renewal of water infrastructure, meet levels of service to customers, and reduce water losses from the system.

The tendered price is within the pre-tender budget, and Council's overall project budget is considered adequate to enable the entire project to proceed.

However Council did adjust its previous budget based on the original tender and as this tender is now \$370,000 dearer, the revised budget will now need to be adjusted awards again. The actual adjustment downwards was \$497,000 therefore there is still a net improvement on budget of \$127,000.

Consultation

There has been considerable consultation with residents along the pipeline over an extended period of time. The planning approvals process has required consultation with relevant state government bodies such as Roads and Maritime Services and Fisheries, and with Council's own planning section.

An open tender process in accordance with the Local Government Act 1993 has been completed.

Councillors have also asked whether the tender amounts for contracts of this nature can be reported in confidential session. Council staff have taken this feedback on board and tenders will now be reviewed on a case by case basis to assess when it is relevant for the tender amount to remain confidential until the contract is signed.

Options

1. Award construction contract RFT 1400987 for the Smith Drive Water Main Replacement to Newlands Civil Construction for the lump sum contract amount of \$683,098.59 inclusive of GST.

11.5 Tender - Smith Drive to Uralba Water Main Replacement

2. Reject the tender received and recall tenders. Despite the issues encountered during the tender process, this is not recommended as a strong market response has already been established and a delay to the project will result in ongoing water loss and maintenance costs.

The alternative to a tender is for Council to construct these works. However Council does not have the internal resources required to complete this work in the same timeframes as a specialist contractor. In addition to construction efficiencies, time is important for this project as our objective is to reduce the water loss from the current infrastructure as quickly as possible. Furthermore, the time to complete this task would divert our resources from other projects and therefore impact on our capacity to deliver the remainder of our capital works program in a timely manner. The works include the coordination of specialist subcontractors and it is considered more efficient for this project to be managed by contract.

The recommendation is to accept the tender as it is within the original budget and the preferred tenderer has met all Council's tender assessment criteria. The recommendation is subject to final confirmation of the reference checks for the preferred contractor.

RECOMMENDATIONS

1. That Council awards construction contract RFT 1400987 for the Smith Drive Water Main Replacement to Newlands Civil Construction, subject to the completion of satisfactory financial and reference checks, for the lump sum contract amount of \$683,098.59 inclusive of GST.
2. That Council authorises the seal to be attached to the contract documents.
3. That Council authorises an increase in the previously amended budget for this work of \$370,000 being the difference in tender amounts following the withdrawal of the original preferred tenderer.

Attachment(s)

Nil

11.6 Tender - Reinforced Concrete Storage Vessels

11.6 Tender - Reinforced Concrete Storage Vessels

Delivery Program Water and Wastewater

Objective To award the tender for the provision of concrete storage vessels to allow a total of eight hours storage at average dry weather flow to existing Sewerage Pump Stations.

Background

Council is required to comply with the requirements of the Pollution Reduction Program 100 administered by the NSW Office of Environment and Heritage. One of the key objectives of the program in regards to sewerage infrastructure is that all sewage pump stations (SPS) provide a minimum of eight hours storage in average dry weather conditions. This provides an environmental safeguard against dry weather sewer overflows, and allows Council to put in place a response, in the event of pump failure or power outage.

The component of the program dealt with by this report is the civil works upgrades to six SPS which requires procurement of a large number of reinforced concrete storage vessels.

In order to reduce the overall cost of the program, and to improve delivery times for these major components, open tenders were called and closed on 10 February 2015. Two tenders were received.

Key Issues

- Improve compliance with relevant standards, authorities, and Sewerage Overflow Investigations Report for Department of Environment and Climate Change PRP 100.
- Budget
- Tender process
- Award tender in accordance with the Local Government (General) Regulations 2005.

Information

Two tenders were received on 10 February 2015 from:

- 1) Rocla Pty Ltd in the GST inclusive amount of \$228,117.84, and
- 2) Holcim (Australia) Pty Ltd t/as Humes in the GST inclusive amount of \$347,023.79

Assessment of tenders was based 100% on price, however tenders were required to meet mandatory minimum criteria in relation to demonstrated technical details for the proposed products, manufacturers installation methodology, quality systems and safety.

11.6 Tender - Reinforced Concrete Storage Vessels

Both tenders adequately fulfilled all of the mandatory criteria, and rankings were then determined on price. Therefore the initial assessment of the tenders identified Rocla Pty Ltd as the preferred tenderer.

A number of minor qualifications were identified and assessed resulting in no change to the relativity of tenders.

Alternatives for two SPS (at Bayview Drive and Cedar Court) were chosen and the cost of the non-required options subtracted from the tender total. The revised tender price following the deductions for the Bayview Drive and Cedar Court were compared and did not alter the assessment for a preferred tenderer.

In addition, at time of tender closing, Council staff reassessed the planned construction methodology for the SPS in Rutherford Street. As this review is ongoing it is recommended to not award this item of work (item 5), at this point in time, but to include it in the contract as a Provisional Sum. As for the deductions discussed above, this change does not change the relative ranking assessment between the two tenderers. This approach will enable the supply of the materials for this portion of the work to be at Council's discretion once confirmation regarding the design is confirmed. Rocla has agreed to this approach.

Rocla confirmed the revised tender GST inclusive price of \$120,852.11, plus a \$49,149.98 Provisional Sum for the Rutherford SPS, resulting in a total tender price of \$170,002.09.

The tender panel determined Rocla Pty Ltd's submission meet Council's requirements in regards to technical details of proposed products, manufacturer's installation methodology, quality systems, and work health and safety.

Sustainability Considerations

- **Environment**
This program protects the environment by reducing the risk of sewer overflows from pump stations.
- **Social**
Reduced risk to overflows reduces health risks and improves local amenity. This program also ensures Council is compliant with regulatory requirements.
- **Economic**
Cost effective improvements to existing infrastructure support economic development.

Legal / Resource / Financial Implications

Council is required to meet the requirements of the PRP 100. Construction of Emergency Storage to existing Sewerage Pump Stations addresses this and avoids environmental non-compliance issues.

11.6 Tender - Reinforced Concrete Storage Vessels

The budget for this element of the programmed capital works (supply and delivery of Emergency Storage vessels) is \$280,000 and this is sufficient to award the works.

Part of the savings is due to Council's request for mandatory alternatives from tenderers on a number of SPS – thus allowing Council to select the least cost option. On the other hand, there is the potential for the total cost of the Rutherford SPS to increase depending on the final design assessment however some overall budget saving is still expected.

Consultation

An open tender process has been completed.

Options

1. Award contract RFT 789 to Rocla Pty Ltd in the tendered amount of \$170,002.09 (GST inclusive) for the Supply and Delivery of Reinforced Concrete Storage Vessels for; The Serpentine, Anderson Street, Bayview Drive (option 1), Cawley Close, and Cedar Court (option 1) Sewer Pump Stations; including a Provisional Sum for Rutherford St to be supplied at Council's discretion.
2. Reject the tenders received and recall tenders. This would jeopardize the PRP 100 program and there is no known reason for Council to reject tenders.

RECOMMENDATIONS

1. That Council accepts the tender from Rocla in the lump sum amount of \$170,002 (GST inclusive) for the Supply and Delivery of Reinforced Concrete Storage Vessels for The Serpentine, Anderson Street, Bayview Drive (option 1), Cawley Close, and Cedar Court (option 1) Sewer Pumps Stations and Provisional Sum for the works for the Rutherford St Sewer Pump Station.
2. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

Nil

12. Public Question Time

12. Public Question Time

13.1 Notice of Motion - Community Poll on Fluoride

13. Notices of Motion

13.1 Notice of Motion - Community Poll on Fluoride

Councillor Cr Jeff Johnson

I move

That Ballina hold a poll at the next Local Government Election (September 2016) to determine whether residents want the water supply fluoridated.

Councillor Comment

Ballina Council recently initiated the process to add fluoride to the drinking water supply for Ballina Shire residents and ratepayers who are connected to mains water. A poll of local residents should have been conducted before any decision to change the status quo was made.

While I'm personally against the fluoridation of Ballina's water supply for a number of reasons I feel that for controversial issues such as this, it is important that the residents have an opportunity to decide whether they want fluoride to be added to their drinking water.

Before the poll takes place, a number of community meetings (Ballina, Lennox, Alstonville) need to be organized so that residents can have the opportunity to hear all the relevant information before casting a vote on the matter. If the outcome of the poll is that the majority of residents don't want their water fluoridated, then the next Council should take all necessary actions to remove it from the water supply. While current State Government policy makes it difficult to reverse this decision, a future State Government or policy shouldn't be ruled out. If there is a clear majority of residents who don't want fluoride, then the Council and State Government should respect that position.

Fluoridation of the water supply in Ballina will cost the ratepayers approximately \$100,000 per year. In my opinion, this money would be much better spent on an educational program in conjunction with local schools and/or the provision of fluoride tablets. Lismore conducted a community poll on CSG at the last election which cost approximately \$14000.

Staff Comment

The NSW Electoral Commission advise that councils should work off around 10% of the cost of the local government election for the conduct of a poll. The 2012 election cost Ballina Shire approximately \$200,000 and the forecast in the Long Term Financial Plan for 2016 is \$230,000. The final cost of any poll will depend on the level of resources committed by Council to informing the community on both sides of the fluoride debate (for and against). Poll results are not binding on councils.

Clause 6B of the Fluoridation of Public Water Supplies Act also requires the approval of the NSW State Government for a water supply authority to cease fluoridation once a direction has been given to fluoridate.

13.1 Notice of Motion - Community Poll on Fluoride

COUNCILLOR RECOMMENDATION

That Ballina hold a poll at the next Council election (September 2016) to determine whether residents want the water supply fluoridated.

Attachment(s)

Nil

13.2 Notice of Motion - Library Funding

13.2 Notice of Motion - Library Funding

Councillor

Cr Cadwallader

I move

That Council write to all the local candidates for the NSW State Election, along with the Premier and Opposition Leader seeking a commitment for the funding to Public Libraries by the State Government to be substantially increased during the next term of Government.

Councillor Comment

Councillors are well aware that the NSW public library funding situation is an historic issue that has been ignored by successive NSW Governments. The key issues remain:

- NSW receives the lowest per-capita funding for public libraries from the State Government of all Australian States
- State Government expenditure on public libraries has decreased as a proportion of total public library expenditure from 23% in 1980 to 7% in 2013
- NSW councils are currently paying 93% of the costs to operate public libraries in NSW (which are governed by State legislation)
- The NSW Public Library Funding Strategy is not indexed to population growth or the consumer price index (CPI).

In 2013, NSW public libraries had over 35 million visits. This is up 30% since 2000. Over 46 million loans were transacted. Over 5.4 million internet sessions via computer terminals and WiFi. Almost 3.2 million members which is almost 44% of the NSW population. More than 56,000 public programs and events. More than 1.2 million attendees at public programs and more than 9 million website visits.

Research published in 2013 by SGS Economics analysed the benefits of libraries, which included not only services and programs but, the social interaction they facilitate. The sense of place and enhanced local amenity. The environmental savings generated through re-use of library collections. The contribution to language and computer literacy; and the contribution of libraries to improved education, career development and health outcomes.

The function and structure of libraries has changed into one of vibrancy with access to technology, discussion, interaction, exhibitions and sometimes performance and is a fundamental resource in all communities that should be kept up to date through adequate funding.

COUNCILLOR RECOMMENDATION

That Council write to all the local candidates for the NSW State Election, along with the Premier and Opposition Leader seeking a commitment for the funding to Public Libraries by the State Government to be substantially increased during the next term of Government.

14.1 Finance Committee Minutes - 11 February 2015

14. Advisory Committee Minutes

14.1 Finance Committee Minutes - 11 February 2015

Attendance

Cr Robyn Hordern (Deputy Mayor - in the chair), Jeff Johnson (arrived at 4.06 pm), Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth and Ben Smith.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Rod Willis (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Peter Morgan (Manager Finance and Governance), Linda Coulter (Accountant), Tim Mackney (Manager Water and Wastewater) and Sandra Bailey (Secretary) were in attendance.

There were no people in the gallery at this time.

1. Apologies

Apologies were received from Cr David Wright, Mayor and Cr Ben Smith.

RECOMMENDATION

(Cr Paul Worth/Cr Keith Johnson)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright, Cr Jeff Johnson and Cr Ben Smith

2. Declarations of Interest

Nil

3. Deputations

Nil

4. Committee Reports

4.1 Water and Wastewater Operations - Long Term Financial Plans

RECOMMENDATION

(Cr Susan Meehan/Cr Keith Johnson)

1. That Council notes the contents of this report in respect to the formulation of the water and wastewater budgets for 2015/16 onwards.
2. That Council supports the preparation of a preferred draft water budget for 2015/16 onwards based on a CPI increase in water charges for 2015/16 (similar to water model two or three as per this report).
3. That Council continue to liaise with Rous Water in attempt to reduce their forecast bulk water charges for future years.
4. That Council supports the preparation of a preferred draft wastewater budget for 2015/16 onwards as close to wastewater model two as possible (i.e. 6% increase in wastewater charges).
5. That Council also accepts that alternative models may need to be presented in respect to points two and four to ensure the long term financial sustainability of the water and wastewater operations.

Cr Jeff Johnson arrived at the meeting at 04:06 pm.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr David Wright and Cr Ben Smith

4.2 Property Reserves - Cash Flow Update

RECOMMENDATION

(Cr Paul Worth/Cr Keith Williams)

1. That Council notes the contents of this report in respect to the latest forecast movements for the Property Reserves.
2. That Council in the preparation of its Long Term Financial Plan include an allowance for the construction of the Wollongbar Skatepark.
3. That Council investigate planning and funding for the Lennox Head Village upgrade as part of the review of its Long Term Financial Plan.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr David Wright and Cr Ben Smith

Adjournment

The Deputy Mayor declared the meeting adjourned at 4.40 pm

The meeting resumed at 4.43 pm

4.3 Special Rate Variation Application - Update

RECOMMENDATION

(Cr Susan Meehan/Cr Keith Williams)

1. That Council notes the contents of this report in respect to the application for a special rate variation for 2015/16 and 2016/17.
2. That Council notes the preliminary forecast for the General Fund Long Term Financial Plan, as per the second attachment to this report.
3. That Council approves the recruitment of the vacant GIS position, as detailed within this report.
4. That Council approves the recruitment of the vacant Building Surveyor position, as detailed within this report.
5. That in the preparation of the Long Term Financial Plan, Council consider a \$10,000 annual allowance for urban fig tree maintenance.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Ben Smith

4.4 Fit for the Future - Overview

RECOMMENDATION

(Cr Keith Johnson/Cr Susan Meehan)

That Ballina Shire Council, noting the results of the Fit for the Future Program statistics in the report, but also recognising the real world values present in Ballina Shire Council's overall culture, declares it has no interest in amalgamation or any other form of dilution of its commitment to the well being of the Shire.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright and Cr Ben Smith

4.5 Ballina Pyrolysis Project - Update

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ken Johnston)

1. That based on the contents of this report, including the project's capital cost estimate review, Council accepts that the Ballina Pyrolysis project is no longer feasible under the current funding and ownership profiles and on this basis Council will no longer make financial investments towards the development of the project.
2. That a submission be made to the Federal Government making the case for the Government to allow the Regional Development Australia Fund grant to be allocated to the completion of the design and documentation of the Ballina Pyrolysis Project.
3. If point two above is unsuccessful, Council advise the Department of Regional Services of Council's decision in point one and request the termination of the Regional Development Australia Funding agreement.
4. If point two above is unsuccessful, Council receive a further report reviewing the strategic options for the processing of organic waste.
5. The General Manager be authorised to invite expressions of interest for the development of the Ballina Pyrolysis Project.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Robyn Hordern

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr David Wright and Cr Ben Smith

4.6 Wollongbar Sporting Fields - Tender

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Johnson)

1. That Council approves the interim deferral of the tennis court related works (courts, fencing and clubhouse) from the construction of the Wollongbar Sporting Fields, due to the total funding not being currently available for these works.
2. That Council authorises the General Manager to proceed with the tennis court related works, if the current contingency figure is not required and funds are available for the works.
3. That Council approves a revised budget (including deferral of the tennis court related works) and funding sources for this project as follows:

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Item	Amount (\$)
Project Management Consultant	150,000
Statutory and Approvals Fees	30,000
Council Inspections and Fees	55,000
Consultant Fees	313,000
Contract Administration	80,000
Architect Fees	58,000
Early Works	1,622,300
Engineering / Landscaping (Synergy)	4,157,800
Less Deferral of Tennis Courts and Fencing (Synergy)	(420,000)
Construction of New Buildings	880,000
Less Deferral of Tennis Courts Club House	(380,000)
Other Miscellaneous Expenses	50,000
Sub Total	6,596,100
Contingency	416,000
Tennis Courts Allowance (deferred)	209,800
Total	7,221,900

Funding Sources	Amount (\$)
BBRC Grant	4,496,000
Interest Accrued on Grant	209,900
Sport and Recreation Grant	25,000
Sports Fields Capital Budget	123,000
Ballina Heights Loan Reserve	284,000
Property Reserves	2,084,000
Total Estimated Project Cost	7,221,900

4. That Council also confirms the \$156,000 available in Council's 2015/16 Long Term Financial Plan for sporting fields is available for the Wollongbar Sports Fields tennis court related works, if adequate funds are available to complete the balance of these works as per point two above.
5. That Council consider the construction of the Ramses Street entrance adjacent to the properties with asphaltic concrete.

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston and Cr Robyn Hordern
AGAINST VOTE - Cr Paul Worth
ABSENT. DID NOT VOTE - Cr David Wright and Cr Ben Smith

4.7 Festival and Event Support Program - Additional Funds

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Keith Williams

1. That Council approves additional funds as requested by the Ballina Fine Wine and Food Festival and the Ballina Prawn Festival for an additional \$10,000 respectively (\$20,000 in total).
2. That Council conduct an expression of interest process for the allocation of Festival and Event Support Program annually, even if funds have been allocated to existing events, to assess whether there are other events that may benefit from funding support, with the allocation of the additional funds to be considered as part of the annual budget process.

An **Amendment** was moved by Cr Susan Meehan and seconded by Cr Robyn Hordern

1. That Council approves additional funds of \$5,000 for the Ballina Fine Wine and Food Festival and \$10,000 for the Ballina Prawn Festival, (\$15,000 in total), with consideration to be given to Council being involved in a formal machinery demonstration on the day of the Prawn Festival.
2. That Council conduct an expression of interest process for the allocation of Festival and Event Support Program annually, even if funds have been allocated to existing events, to assess whether there are other events that may benefit from funding support, with the allocation of the additional funds to be considered as part of the annual budget process.

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

FOR VOTE - Cr Jeff Johnson, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth and Cr Robyn Hordern

AGAINST VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr David Wright and Cr Ben Smith

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

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan and Cr Robyn Hordern

AGAINST VOTE - Cr Keith Johnson, Cr Ken Johnston and Cr Paul Worth

ABSENT. DID NOT VOTE - Cr David Wright and Cr Ben Smith

RECOMMENDATION

(Cr Susan Meehan/Cr Robyn Hordern)

1. That Council approves additional funds of \$5,000 for the Ballina Fine Wine and Food Festival and \$10,000 for the Ballina Prawn Festival, (\$15,000 in total), with consideration to be given to Council being involved in a formal machinery demonstration on the day of the Prawn Festival.

14.1 Finance Committee Minutes - 11 February 2015

2. That Council conduct an expression of interest process for the allocation of Festival and Event Support Program annually, even if funds have been allocated to existing events, to assess whether there are other events that may benefit from funding support, with the allocation of the additional funds to be considered as part of the annual budget process.

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan and Cr Robyn Hordern

AGAINST VOTE - Cr Keith Johnson, Cr Ken Johnston and Cr Paul Worth

ABSENT. DID NOT VOTE - Cr David Wright and Cr Ben Smith

MEETING CLOSURE

6.36 pm

RECOMMENDATION

That Council confirms the minutes of the Finance Committee meeting held 11 February 2015 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

14.2 Commercial Services Committee Minutes - 17 February 2015

14.2 Commercial Services Committee Minutes - 17 February 2015

Attendance

Crs David Wright (Mayor - in the chair), Sharon Cadwallader, Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth, Ben Smith (arrived at 4.03 pm) and Robyn Hordern.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Paul Tsikleas (Manager Commercial Services) and Sandra Bailey (Secretary) were in attendance.

There were no people in the gallery at this time.

1. Apologies

Apologies were received from Crs Jeff Johnson and Keith Williams.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Ben Smith

2. Declarations of Interest

Nil

3. Deputations

Nil

4. Committee Reports

4.1 Land Sale - Lot 5 Wollongbar Residential Estate

RECOMMENDATION

(Cr Keith Johnson/Cr Susan Meehan)

1. That Council approves the placement of a restriction on the title of Lot 5, as per the contents of this report, detailing the building envelope as per the **attached** plan prepared by Newton Denny Chapelle, subject to a straightening of the restriction boundary adjacent to the building envelope (ie approximate 10 metre setback) and with the branches of the teak tree to be lopped.
2. Council authorises the General Manager to sign and affix the Council seal to all relevant documentation.
 - i.

Cr Ben Smith arrived at the meeting at 04:03 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Williams

4.2 Land Sale - Southern Cross Industrial Estate

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council approves the sale of approximately 3,964m² of Southern Cross industrial land as two separate lots, as detailed within this report, with the sale price to be determined as per the separate report elsewhere in this agenda.
2. That Council authorises the Council seal to be attached to the contract for sale and subdivision documentation required, as well as any other related documents.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Williams

4.3 Wigmore Arcade - Leasing Update

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of this report in respect to the current lease negotiations.
2. That Council amend its Long Term Financial Plan to reflect the latest forecast cash flows for the Wigmore Arcade as per the following table and as outlined within this report:

Year	2014/15	2015/2016	2016/2017	2017/2018	2018/2019
Gross Income	300,000	564,000	613,000	628,000	644,000
Less Outgoings	140,000	143,000	146,000	150,000	154,000
Net Income	160,000	421,000	467,000	478,000	490,000

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Williams

5. Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Johnson)

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.

5.1 Land Sale - Southern Cross Industrial Estate (Price)

Reason for Confidentiality

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

- d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest the discussion of the matter in an open meeting is not considered to be in the public interest due to the on-going commercial negotiations.

5.2 Wigmore Arcade - Leasing Update (Commercial Elements)

Reason for Confidentiality

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

- d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest the discussion of the matter in an open meeting is not considered to be in the public interest due to the on-going commercial negotiations.

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

(The Council moved into Confidential Session at 4.16 pm).

Open Council

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

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

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

(The Council moved into Open Council at 4.44 pm).

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

5.1 Land Sale - Southern Cross Industrial Estate (Price)

RECOMMENDATION

(Cr Paul Worth/Cr Robyn Hordern)

That Council approves the sale price negotiated for Part Lot 98 DP 1194043 Stinson Street, Ballina, as per option two of this report.

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

5.2 Wigmore Arcade - Leasing Update (Commercial Elements)

RECOMMENDATION

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council authorises the General Manager to finalise negotiations with the proposed tenants for 151 River Street, based on the terms and conditions outlined within this report.
2. That Council authorises the General Manager to finalise negotiations with the proposed tenants for Shop 7, based on the terms and conditions outlined within this report.
3. That Council authorises the General Manager to finalise negotiations with the proposed tenants for Shop 11, based on the terms and conditions outlined within this report.
4. The General Manager is authorised to execute all the relevant lease and licence documentation and affix the Council seal to same, for points one to three above.
5. That Council approves a transfer of \$50,000 from the Property Development Reserve to finance essential works for the vacant tenancies, as detailed within this report.
6. That Council approves a transfer of \$15,000 from the Property Development Reserve to finance the partitioning of two existing storerooms, to create a greater number of storage spaces for tenants, as detailed within this report.

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

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Robyn Hordern/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Williams

MEETING CLOSURE

4.45 pm

RECOMMENDATIONS

That Council confirms the minutes of the Commercial Services Committee meeting held 17 February 2015 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

15.1 Mayoral Meetings

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

15.1 Mayoral Meetings

Councillor David Wright

Activities since the January 2015 Ordinary meeting:

<u>Date</u>	<u>Function</u>
26/1/15	Australia Day Celebrations
28/1/15	Meeting with Paul Spooner
28/1/15	Briefing on Missingham Markets
28/1/15	Koala Meeting at RSL
31/1/15	Funeral – Brian Hill – RSL
2/2/15	Meeting Paul Spooner and Shadow Minister – Old Tip Site
2/2/15	Meeting Marine Rescue Tower – Shadow Minister
2/2/15	Meeting – Raising money for Bravehearts
3/2/15	Alstonville/Wollongbar Chamber of Commerce
4/2/15	Meeting Minister - Waste Centre Grant
5/2/15	Gallery Opening
6/2/15	NOROC
8/2/15	Lennox Head Markets
9/2/15	Briefings – Storage Containers – Urban Vegetation Management
9/2/15	Media associated with Shark Attack
10/2/15	Planning of beach closures re Shark Attack
11/2/15	De-briefing – Shark Attack
11/2/15	Mr Tony Gibbs – NBN
11/2/15	Traffic Committee
11/2/15	Finance Committee
12/2/15	Briefing – Shark Attack
12/2/15	Meeting at Wollongbar Research Station – OZ Fishing
12/2/15	Aboriginal Community Committee
13/2/15	Meeting with Kris Beavis
14/2/15	Shark Attack Memorial at Shelly Beach
16/2/15	Bagotville Quarry – Press Release
16/2/15	Richmond River County Council
17/2/15	Meeting Paul Spooner and Shadow Minister – Sport Centre
17/2/15	Meeting with staff and Mr Garvin
17/2/15	Interview – Dr Michelle Voyer – Fishing Industry
17/2/15	Commercial Services Meeting
17/2/15	Alstonville 150 th Anniversary Meeting
18/2/15	Meeting re Shark Deterrent
18/2/15	Port Ballina Taskforce
18/2/15	Wardell Progress Association
19/2/15	Cumbalum Precinct 'A' Briefing
20/2/15	Opening Ballina Heights Drive
20/2/15	Ballina High SRC
20/2/15	Meeting Kevin Hogan
24/2/15	Lions Club of Ballina – Youth of the Year Quest – RSL
24/2/15	LGNSW – Work, Health and Safety Welcome
24/2/15	Briefing – Private Native Forestry
26/2/15	Council Meeting

RECOMMENDATION

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

Attachment(s)

Nil

16. Questions Without Notice

16. Questions Without Notice

17. Confidential Session

17. Confidential Session

Nil Items