



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 23 April 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

John Truman
Acting 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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 6. Deputations
 7. Mayoral Minutes
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1. Australian National Anthem

The National Anthem will be performed by Sing Australia.

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 26 March 2015 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 March 2015.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 DA 2014/328 - 12 De Havilland Crescent, Ballina

8. Development and Environmental Health Group Reports

8.1 DA 2014/328 - 12 De Havilland Crescent, Ballina

Applicant	Mr Kari Tanttari
Property	Lot 18 DP 816966, No.12 De Havilland Crescent, Ballina
Proposal	Change of Use of an Industrial Building to a Place of Public Worship
Effect of Planning Instrument	The land is zoned IN1 General Industrial under the provisions of the Ballina LEP
Locality Plan	The subject land is depicted on the locality plan attached

Introduction

Although a “place of public worship” is now permissible within the IN1 – General Industrial zone, Council may recall that prior to the introduction of the Ballina LEP 2012, Council was flexible in the approval of mixed uses in industrial zones and granted approval to a number of non-industrial uses in the previous No. 4 – Industrial Zone under the Ballina LEP 1987.

Council at its Ordinary Meeting of 11 September 1997 resolved to grant consent to the erection of an industrial building to be used (initially) as a place of public worship by the Assembly of God Church at this site. Council imposed a condition of development consent DA 1998/3 limiting the operation of the church to a period not exceeding three years. At the time, the applicant indicated that the use would only be for an interim period whilst a larger property which could accommodate a church building and complex was acquired and developed.

Other places of worship were also approved in the No. 4 – Industrial Zone as follows (some limited consents also):

- DA 1998/120 – 52 De Havilland Crescent (Christian Outreach Centre),
- DA 2005/814 – 16 Southern Cross Drive (Heritage of Faith); and
- DA 2008/669 – 24 Endeavour Close (River City Church).

Upon submission of the current DA 2014/328 for the erection of an awning at the subject premises, Council advised the applicant that DA 1998/3 for the temporary use of the premises as a place of public worship could no longer be relied upon and was not valid as Condition No. 3 provided that it could only be used as a place of public worship until 2000-2001 after which it was to be reverted back to an industrial use/building development.

Consequently, the building has been utilised as a place of public worship without consent for approximately 15 years and the current development application, if approved, will authorise the continued use of the premises as a "place of public worship" for approximately 200 patrons on-going and without limitation (from the date of any consent). This use therefore needs to be assessed under current standards now applicable at the time of determination as the applicant cannot rely upon the prior DA 1998/3 in any way.

Council has undertaken an assessment of the application which has identified one particular area of conjecture that is to be considered further in this report. This is in relation to the provision of disabled access and facilities. The applicant contends that they are not in a financial position to upgrade the existing sanitary facilities to current requirements as these works would cost approximately \$15,000. The applicant suggests that they were built to appropriate standards in the late 1990s and have worked well for that purpose and do not need upgrading.

Council should note that with regard to the applicant's financial capacity to undertake the works required by the current standards, they have recently constructed a \$40,000 external awning at the premises.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The application was not placed on public exhibition.

Report

This report only relates to the provision of disabled access and facilities. In relation to other matters relevant to Section 79C of the Environmental Planning and Assessment Act 1979, Council's assessment staff are satisfied that the proposal can be supported subject to conditions.

Relevant Legislation

The building was approved in 1997 and constructed in 1998. The applicable standard for accessibility at that time was AS 1428.1-1993.

At the final inspection on 3 September 1998, seven outstanding items were identified that needed to be completed. These included the requirement to provide grab rails and internal fittings to the toilet facilities in accordance with AS 1428.1-1993. These have not provided to date.

Two further versions of AS 1428.1 have been introduced in the period following the date of the final inspection referred to above.

AS 1428.1-2009 is the current standard and applies to new buildings, new parts of existing buildings, and affected parts of existing buildings.

AS 1428.1-2001 is the most recent of the superseded versions of the standard. It is still referenced as the applicable standard for accessible sanitary compartments in new parts of existing buildings, and affected parts of existing buildings where a concession is provided under the Premises Standards.

The Disability (Access to Premises-buildings) Standards 2010, (Premises Standards), does not require any upgrading for accessibility to areas that are not new parts of existing buildings, or affected parts of existing buildings.

Recent alteration work has been carried out to the foyer and new crèche room and is considered to be new work for the purposes of the Premises Standards. Council's Building Surveyors have recommended that these areas, and access to these areas from the principal pedestrian entrance, comply with AS 1428.1-2009.

No work has been carried out, nor is any work proposed to be carried out, to the sanitary facilities in the application.

Section 23 of the Federal Disability Discrimination Act 1992 (DDA) makes it unlawful to discriminate against a person with a disability in terms of the provision of access to, or the use of, premises.

Amongst other things, "premises" are defined in the DDA as a "building" and a "place" and also includes a part of these premises.

Compliance with the provisions of the Premises Standards ensures that the requirements of Section 23 of the DDA are satisfied in relation to providing equitable access to a building for people having a disability. It is unlawful under the DDA to contravene the Premises Standards.

Schedule 1 of the Premises Standards contains the Access Code for Buildings (Access Code) that sets out Deemed to Satisfy provisions and Performance Requirements. A building that complies with the Deemed to Satisfy provisions, or Performance Requirements, or a combination of both, is considered to meet the requirements of both the Premises Standards and the DDA.

In many instances, the Access Code refers to the technical aspects of Australian Standard 1428-2009 Design for access and mobility, Part 1 General requirements for access – New building work (AS1428.1-2009).

Changes were made to the Building Code of Australia (BCA) on 1 May 2011 to ensure consistency between the BCA provisions and the Access Code. This means that compliance with the BCA provisions for people with a disability is also considered to meet both the Premises Standards and the DDA for new building work.

Applicable Buildings and Parts

Part 2 of the Premises Standards details which type of buildings (i.e. BCA Classification) it applies to. In addition to new buildings, Part 2 also clarifies the "new parts" and "affected parts" of existing buildings to which it applies where additions or modifications are to be carried out to an existing building.

New Buildings

The subject building is not a “new building” as defined in the Premises Standards and therefore is not subject to the provisions for a new building.

New Parts

An application for building work (new awning) was submitted for the subject building on 8 July 2014. As this is after the introduction of the Premises Standards on 1 May 2011, this part of the building is considered to be a “new part” as defined in the Premises Standards.

In addition, recent internal building work consisting of the relocation of walls to the foyer area and the creation of a crèche room has been carried out without obtaining an appropriate approval (Development Consent and Construction Certificate or Complying Development Certificate). Although an appropriate approval was not obtained for this work prior to it being carried out, it is considered to be a “new part” and therefore needs to be compliant with the provisions of the Premises Standards. This can be conditioned accordingly.

Toilet Concession

Although AS 1428.1-2009 is the applicable standard for accessible sanitary compartments in new buildings and new parts of buildings, no work has been proposed or has been carried out to the sanitary facilities in the building. Therefore they are neither a “new part” nor an “affected part” as defined in the Premises Standards. Consequently no upgrade work is technically required by the Premises Standards.

Although the proposed use is within an existing building, Council needs to be mindful that there is no consent in place for the use of this building as a place of public worship (i.e. it was to revert back to an industrial use in 2000-2001 due to the time limited consent).

Consequently, as Council is considering the use of the building as part of the current application, Council can still require the provision of (or upgrade to) the existing sanitary facilities in accordance with current AS 1428.1-2009 rather than the exemptions provided under the Premises Standards, i.e. compliance with the previous AS 1428.1-2001.

The 2009 version of AS 1428 requires much larger circulation spaces than required by the 2001 and 1993 versions.

For example:

- AS 1428.1-2009
 - Water closet (wc) circulation space 2300mm x 1900mm
 - doorway opening width 850mm
 - door circulation space 1490mm x 1450mm

- AS 1428.1-2001
 - wc circulation space 2000mm x 1600mm
 - doorway opening width 800mm
 - door circulation space 1380mm x 1350mm

8.1 DA 2014/328 - 12 De Havilland Crescent, Ballina

- AS 1428.1-1993
 - wc circulation space 2000mm x 1600mm
 - doorway opening width 760mm
 - door circulation space 1350mm x 1350mm

To meet AS 1428.1-2009 the building would require alterations to provide a new accessible sanitary compartment with the appropriate dimensions as well as increasing the width of the hallway leading to the facilities.

The existing accessible sanitary compartment has internal dimensions of 2340mm x 1660mm. This is compliant with AS 1428.1-2001 for a cubicle containing a WC but is non-complaint with the current AS 1428.1-2009.

It should be noted that AS 1428.1-2001 allows a wash basin to be located within or outside the toilet cubicle. The main area of non-compliance with this cubicle relates to the installation of the basin within 300mm of the arc of the door leaf. There appears to be no suitable location for the basin to be located outside the cubicle in this case that would allow the required door clearance to the basin to be achieved.

The following aspects of the existing accessible sanitary compartment do not meet AS 1428-2001:

- The doorway does not provide a clear unobstructed width of at least 800mm.
- The arc of the opening door is within 300mm of the basin.
- The basin wastepipe encroaches into the free access space below the basin.
- The shower does not have the required circulation space, folding seat or grab rails.
- The WC is located 50mm closer to the side wall than the required minimum.
- The type and positioning of internal fixtures such as the basin taps, toilet roll holder, paper towel dispenser, clothes hook and grab rails are not in accordance with the standard.

It should be noted that there is no requirement to provide a shower to this facility. It is also considered that it is not possible to fit a compliant shower and circulation space within the current room.

The internal fixtures could be made compliant with AS 1428.1-2009 with little difficulty and low-moderate cost.

Conclusions

The current sanitary facilities within the industrial building (proposed for more than 200 followers) are non-compliant with AS 1428.1-1993, AS 1428.1-2001 and AS 1428.1-2009.

Although:

- (a) Council approved the non-compliant design in 1998 this consent can no longer be relied upon for the proposed use of the premises as a place of public worship; and,

- (b) The Premises Standards does not require any works to be carried out to the existing accessible sanitary compartments (as no additions or modifications are proposed to this area of the building by the applicants).

Council's Building Surveyors have recommended a number of works relating to the upgrading of the development's sanitary facilities. The works recommended by the building surveyors are listed below:

- (i) the water closet (wc) pan be moved away from the side wall by approximately 50mm by using an offset collar to make it compliant with AS 1428.1 -2001;
- (ii) the wc cistern be relocated in-line with the wc pan;
- (iii) the clear opening width of the doorway be increased to 800mm in accordance with AS 1428.1-2001 (Note: to make the doorway comply with the AS 1428.1-2009 would create further circulation space issues in the hallway);
- (iv) the doorway location and configuration remain generally as it is at present (i.e. maintain current swing configuration and increase width on hinge side);
- (v) the basin to be re-located closer to the side wall to be 400mm from the wall to the centre line in accordance with AS 1428.1-2001;
- (vi) the basin waste pipe be re-located out of the free access space below the basin in accordance with AS 1428.1-2001;
- (vii) the grab rails and internal fittings be installed in accordance with AS 1438.1-2009;
- (viii) the doorway to the crèche room be increased to have a clear unobstructed width of at least 850mm in accordance with AS 1428.1-2009;
- (ix) door handles to the main entrance be located between 900mm and 1100mm above the floor in accordance with AS 1428.1-2009; and
- (x) any remaining outstanding items from the final inspection in 1998 are to be completed.

If the Council was to approve the application subject to these conditions it would need to be aware that they would only bring the sanitary facilities to partial compliance with AS 1428.1-2001.

Based on the continued but unauthorised use of the premises for some 15 years and the need for the applicant to obtain a totally new approval for the proposed use at these premises (or find a suitable alternative), Council has three options.

Option One

Council request the applicant to bring the existing sanitary facilities to the applicable standard for accessibility at the time the building was constructed, i.e. AS 1428.1-1993. This is not recommended based on the time limited consent which has not been valid since 2000-2001 and the improved standards currently required.

Option Two

Council request the applicant to bring the existing sanitary facilities into partial conformity with AS 1428.1-2001 in accordance with those recommendations (i) to (x) inclusive set out in the conclusions above. This is not being recommended based on the proposed capacity of the church for more than 200 attendees on-going. Although the Premises Standards gives concessions in cases where a significant cost of upgrading circulation spaces of existing sanitary facilities is required, it is considered that Council should not be allowing such concessions where the applicant has had the benefit of over 15 years of occupation without consent. Further, while the applicant knew about the possible need to upgrade disabled access/facilities it would appear that the church recently spent approximately \$40,000.00 in constructing an awning at the premises without allocating funds for the sanitary facilities.

Option Three

Council request the applicant to bring the existing sanitary facilities into conformity based on current AS 1428.1-2009 requirements. Although this means alterations to increase the size of the existing sanitary compartment, increasing the width of the hallway leading to the facilities and taking some space from either the male or female adjoining sanitary compartment, these modifications are reasonably readily achievable. This would ensure that the building is suitable for the proposed use on-going, particularly as any consent will not be time limited similar to that issued in 1998.

Based on the planned intensive attendance by over 200 people at particular times and the diverse range of people both in age and mobility, it is the preferred option to bring the building into conformity with current Australian Standards, to ensure the contemporary expected service level and to improve accessibility. It is not proposed to allow an extended additional timeframe for the facilities to be provided based on the unauthorised use over a substantial period of time. The disabled access and facilities upgrades should be required to be provided within a reasonably short period of time noting the continued occupation of the premises as a place of public worship. This should be within the order of 12 months from the issue of any consent.

RECOMMENDATIONS

That any consent issued for the use of the premises as a place of public worship require the provision/upgrade of existing access and sanitary facilities to comply with current Australian Standard 1428.1-2009 and that such be required to be provided within twelve months of the date of consent.

Attachment(s)

1. Locality Plan
2. Site Plan

8.2 Policy (Review) - Backyard Burning

8.2 Policy (Review) - Backyard Burning

Delivery Program Environmental and Public Health

Objective To review the Backyard Burning Policy.

Background

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 Backyard Burning Policy.

Council first adopted this policy on 22 June 2006 resolution number 22/06/2006(012). The objective of this policy is to prevent air pollution from air borne particulates and chemicals, and eliminate localised nuisance caused by smoke and odour generated by backyard burning.

Key Issues

- Ensure the policy meets Council's and current legislative requirements.
- Ensure the Backyard Burning Restricted Area maps contain all current and relevant mapping information.
- Ensure the policy is straightforward and legible.

Information

The review of this policy has identified only minor changes (as contained in Attachment 1) and outlined below:

- The deletion of some words to improve readability.
- An addition of a Clause reference from the Protection of the Environment Operations (Clean Air) Regulation 2010 to ensure consistency throughout the document.
- Correcting the title of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991.
- Correcting the name of Council's Development and Environmental Health Group.
- Including an additional reason for people to call Council's after hours, namely that fire is causing a serious risk to the environment such as air quality.
- Amending the Backyard Burning Restricted Area maps so they contain relevant and up to date mapping information such as, property boundaries and street names.

8.2 Policy (Review) - Backyard Burning

- Consideration was given to including Gilmore Close, Wollongbar and Fig Tree Hill Estate, Lennox Head in the backyard burning restricted area maps.

These areas would be considered closely settled with the potential to have an adverse impact on neighbouring residents should backyard burning be carried out in an unsatisfactory manner. However they are large rural allotments ranging from approximately 2000m² to 9000m² in size and there is no history of backyard burning complaints from these areas.

In addition, consideration was also given to including Sanctuary Village at Ross Lane, Lennox Head in the Restricted Area Maps due to the closely settled nature of the site.

However the decision was made to monitor complaints from the abovementioned areas and assess the circumstances at the next Policy review.

The changes are highlighted in the amended policy attached to this report with a single strike through the deletions.

Otherwise the policy is still considered to be contemporary and therefore no further changes are recommended.

Council's website, factsheets and outwards correspondence templates will also be amended to reflect these minor changes.

Sustainability Considerations

- **Environment**
The updated maps and wording will improve the control of backyard burning and better allow members of the community and Council Officers to identify what activities are restricted in which areas to manage air pollution in the Shire.
- **Social**
The proposed amendments will improve the legibility of the policy allowing the community to better understand the policy requirements and better manage air pollution in the Shire.
- **Economic**
There are no economic implications relating to the review and proposed amendments to this policy.

Legal / Resource / Financial Implications

It is likely the policy amendments will reduce the number of enquiries received by Council relating to the policy requirements, along with a reduction in time taken by Council Officers to identify properties in the backyard burning restricted areas.

8.2 Policy (Review) - Backyard Burning

Consultation

As the changes are only minor it is recommended that Council adopt the draft policy as presented, and that the policy be placed on public exhibition for public comment. Should there be no significant comments from the community during the exhibition period, then the policy will be finalised and adopted without further report to the Council.

Options

Council may accept or amend the proposed changes to the policy. The changes included are largely housekeeping therefore it is recommended that the policy be adopted as presented and be placed on public exhibition.

Alternatively, the Council may reject the proposed changes to the policy and request further amendments, with the policy then submitted to Council for consideration.

RECOMMENDATIONS

1. That Council publically exhibit the draft amendments to the Backyard Burning Policy, as attached to this report. If no submissions are received the policy will be considered as adopted by Council. A further report will be presented to Council in response to any submissions received.

Attachment(s)

1. Policy (Review) Backyard Burning

8.3 Unauthorised Clearing of Vegetation and Development without Consent - 1010 Pimlico Road, Wardell

8.3 Unauthorised Clearing of Vegetation and Development without Consent - 1010 Pimlico Road, Wardell

Delivery Program Development Services

Objective To Provide a Recommendation to Council for the Commencement of Legal Proceedings

Background

On 14 August 2014, it became known to Council that clearing works were being carried out within Lot 67 DP 755688, 1010 Pimlico Road Wardell (“the subject premises”).

The subject premises contain predominately native vegetation with some exotic grassland. The native vegetation includes broad-leaved paperbark (*Melaleuca quinquenervia*), Swamp Mahogany (*Eucalyptus robusta*) and Coastal Cypress Pine (*Callitris Columellaris*), which are listed as threatened species and comprise Endangered Ecological Communities for the purposes of the *Threatened Species (Conservation) Act 1995* (NSW).

Council referred the matter to the NSW Office of Environment and Heritage (OEH) for review as the regulatory authority for threatened species legislation. OEH advised Council that no approval under the provisions of the *Threatened Species (Conservation) Act 1995* (NSW) had been sought or issued for the removal of any threatened species within the subject premises.

On 3 September 2014, Council officers conducted an inspection of the subject premises. During this inspection, it was observed that the following works had been undertaken:

- Clearing of native vegetation and threatened species, namely broad-leaved paperbark (*Melaleuca quinquenervia*), Swamp Mahogany (*Eucalyptus robusta*) and Coastal Cypress Pine (*Callitris Columellaris*), identified as threatened species as defined under the provisions of the *Threatened Species (Conservation) Act 1995* (NSW);
- Stockpiling of removed native vegetation;
- Excavation works for a waste disposal system for a future dwelling on the subject premises;
- Excavation works for the creation of a dam within the subject premises;
- Stockpiling of extracted materials to create a potential building pad for a future dwelling on the subject premises;
- Installation of water tanks for a future dwelling on the subject premises;
- Creation of roads or tracks through the remaining vegetation;
- Signage indicating that a dwelling house was to be erected within the subject premises; and
- Stockpiling of waste materials, including concrete rubble and metals within various locations on the subject premises.

8.3 Unauthorised Clearing of Vegetation and Development without Consent - 1010 Pimlico Road, Wardell

An investigation by Council's Compliance staff revealed the following:

1. The subject premises are owned by Mr Brian William Camidge, a resident of Ewingsdale NSW;
2. No approval had been sought or granted by OEH for the removal of the threatened species or Endangered Ecological Communities under the *Threatened Species (Conservation) Act 1995* (NSW) within the subject premises;
3. No approval had been sought or granted by OEH for the removal of native vegetation under the provisions of the *Native Vegetation Act 1993* (NSW) within the subject premises;
4. No development consent had been sought or obtained from Council for the removal of native vegetation that includes threatened species and Endangered Ecological Communities as required under the provisions of Clause 9 of the *Ballina Local Environmental Plan 1987* within the *1(b) Rural Secondary Agricultural Land Zone that applies to the land*;
5. No development consent or Local Government Act approval had been sought or obtained from Council for the construction of a dwelling house, for excavation works, or for the installation of an On-Site Sewage Management System, within the subject premises; and
6. There was no dwelling entitlement for the subject premises.

The investigation was held in abeyance for a period of two weeks after Council's initial inspection, as this was appropriate due to some personal circumstances for Mr Camidge.

On 9 September 2014, approximately one week after the initial compliance inspection, Perry Homes lodged a development application for the construction of a dwelling within the subject premises. This application was subsequently withdrawn as the subject premises do not currently enjoy a dwelling entitlement.

On 15 September 2014, Council issued a Show Cause Notice to Mr Camidge for the unauthorised works outlined above. Mr Camidge provided a written response to Council's Show Cause Notice, in which he stated that:

- (a) He cleared the land to enable the construction of a dwelling and to plant an orchard (finger limes and Davison Plums) and small crops (Russian garlic and ginger);
- (b) He initially did not wish for any native trees to be removed, however some were removed for fencing and fire protection;
- (c) He organised the construction of the dam and the erection of water tanks for future use by the Rural Fire Services;
- (d) There had been a large amount of rubbish, including beer bottles, beer cans, pots, corrugated iron, steel, bed frames and the like distributed throughout the land; and,
- (e) He wished to beautify the area.

8.3 Unauthorised Clearing of Vegetation and Development without Consent - 1010 Pimlico Road, Wardell

Following detailed correspondence and meetings with officers from OEH, Grafton, Council's investigation was delayed pending the completion of the OEH investigation. On 9 February 2015, OEH advised Council that their investigation had been completed and that an offence against Section 12, *Native Vegetation Act 1993* (NSW) had occurred.

Key Issues

- Unauthorised clearing within the subject premises in contravention of the *Native Vegetation Act 1993* (NSW) and the *Threatened Species (Conservation) Act 1995* (NSW);
- Unauthorised clearing within the subject premises in contravention of *Ballina Local Environmental Plan 1987*;
- Unauthorised earthworks within subject premises in contravention of *Ballina Local Environmental Plan 1987*;
- Works undertaken without Council consent;
- No dwelling entitlement exists for the erection of a dwelling house.

Information

Council's Environmental Scientist has knowledge of the property having visited the subject premises on a number of occasions since 2004.

On 16 March 2004 Council's Environmental Scientist visited the subject premises in relation to a complaint of unauthorised clearing activities that had taken place. On 17 March 2004, a letter of explanation was sent to the former owner and on 3 May 2004 the landowner was given an official warning for unauthorised clearing of native vegetation.

On 27 April 2009 Council's Environmental Scientist visited the subject premises in relation to the preparation of Council's new Local Environmental Plan, when the subject premises was mapped in detail to identify the vegetation growing within it.

On 3 September 2015, Council's Environmental Scientist visited the subject premises as part of the Compliance investigation which is the subject of this Report.

Council's Environmental Scientist has advised that aerial photography dating back to 1967 confirms that the subject property was completely covered by native vegetation until some clearing was conducted by a previous landowner in early 2004.

Based on available information, Council's Environmental Scientist has advised that:

- The subject premises is a parcel of land, approximately 5.4 hectares in size;
- Prior to this clearing, there was approximately 5,400 square metres or 0.54 hectares of Coastal Cypress (*Callitris Columellaris*) EEC within the subject premises;

8.3 Unauthorised Clearing of Vegetation and Development without Consent - 1010 Pimlico Road, Wardell

- This clearing has removed the majority of the Coastal Cypress (*Callitris Columellaris*) EEC within the subject premises;
- This clearing has included a small section of Swamp Sclerophyll EEC located within the central portion of the subject premises;
- It is estimated that the total clearing of native and threatened species vegetation comprises approximately 18,000 square metres or 1.8 hectares of land; and,
- This clearing of native and threatened species vegetation has removed one third of the native vegetation within the subject premises.

The conservation significance of vegetation within the subject premises has been assessed with regard to the Regional Forest Agreement (RFA 1999) for Northeast NSW, including the Comprehensive Adequate Representative (CAR) forest reserve. This assessment has revealed all of the native vegetation that was cleared was of high conservation significance.

Council's Environmental Scientist considers this vegetation clearing has directly impacted on the conservation valued vegetation communities that are of State significance. Further, this clearing will have a number of adverse ecological impacts which include, increased weed growth, and edge effects, as well as increased predation by feral animals including foxes and cane toads.

Council's Environmental Scientist has advised that there is one threatened species, the Wallum Froglet (*Crinia tinnula*), that was known to occur within the subject premises prior to this clearing and that these works will have a number of adverse impacts on the species including, increased predation by cane toads, altered hydrology, and a direct removal of the species' habitat. In addition, a range of other threatened species of fauna would also be expected to use the habitat resources of the vegetation communities associated within the subject premises as the Swamp Sclerophyll EEC is also known to be habitat for the vulnerably listed Koala.

In summary, Council's Environmental Scientist has advised that:

- The clearing of native and threatened species vegetation has been conducted in Key Fauna Habitat as identified and mapped by the NSW State Government; and
- The clearing would warrant the preparation of a Species Impact Statement (SIS) to accompany a formal development application, had one been submitted to Council for consideration and determination.

Sustainability Considerations

- **Environment**
The unauthorised clearing of native and threatened species vegetation and associated earthworks have had an adverse impact on the environment, given the significance of the vegetation and the presence of threatened species, both flora and fauna within the subject premises.

8.3 **Unauthorised Clearing of Vegetation and Development without Consent - 1010 Pimlico Road, Wardell**

- **Social**
Not Applicable
- **Economic**
Not applicable

Legal / Resource / Financial Implications

Legal proceedings are generally costly and to minimise costs and to achieve an acceptable outcome, there are a number of options available.

Consultation

No consultation with any of Council's legal representatives has been undertaken at this time. There has been significant correspondence with the parties involved.

This report has been made in open Council as all the information within it is a matter of public record. If the Council needs to debate any matters having potential legal privilege, it may be necessary to resolve to move into confidential session.

Options

Council has a number of options as to what form of action, if any, it wishes to take for this unauthorised clearing of native vegetation and associated earthworks within the subject premises. The available options are more fully outlined in the *Ballina Shire Council Enforcement Policy* originally adopted by Council on 26 November 2009 and endorsed at the December 2013 Council meeting (hereinafter referred to as the "Enforcement Policy").

In determining a suitable response to this matter the Council will need to give due consideration to the requirement for a general deterrent to other residents, both within the immediate vicinity and within the Ballina Shire as a whole, that the carrying out of unapproved works is not acceptable.

Should Council decide to take minimal action for the unauthorised clearing of native and threatened species vegetation and associated earthworks within the subject premises, it could create an undesirable situation within the local area that may result in similar unauthorised works being undertaken by adjoining residents.

Having given due regard to the considerations for legal action as outlined in Part 3 of the Enforcement Policy and the need for a clear deterrent to the general public, it is considered that further enforcement action is warranted against Mr Camidge for the unauthorised clearing of native and threatened species vegetation and associated earthworks within the subject premises.

Council currently has six options available in relation to this unauthorised works identified within the Enforcement Policy. Council's options are:

8.3 Unauthorised Clearing of Vegetation and Development without Consent - 1010 Pimlico Road, Wardell

1. Issue Formal Warnings
2. Issue Penalty Infringement Notices
3. Commence Local Court Criminal Prosecution Proceedings
4. Commence Land and Environment Court Criminal Prosecution Proceedings
5. Commence legal proceedings in the Court of appropriate jurisdiction requiring the restoration of the subject premises
6. Service of formal notices requiring the restoration of the subject premises.

Option One

Issue Formal Warnings - When viewed in isolation, the service of Formal Warnings is not considered to be a suitable and substantial deterrent for the unauthorised clearing of 18,000 square metres or 1.8 hectares of native and threatened species vegetation and associated earthworks within the subject premises without the prior consent of Council.

Option Two

Issue Penalty Infringement Notices - The total amount of native and threatened species vegetation that has been removed from the subject premises is 18,000 square metres and the associated earthworks for the erection of a dwelling house and associated buildings have been carried out when no dwelling entitlement exists under the provisions of the applicable Shire Plan.

On this basis, one Penalty Notice could be written for the offence of development without development consent – individual – other (@\$1,500) against Mr Camidge.

The issuing of this one Penalty Notice in isolation does not address any need to revegetate the subject premises. Further, the payment of any Penalty Notice would not legally be viewed as an admission of guilt, but rather a decision not to challenge the Penalty Notice in Court.

Options Three and Four

Options three and four recommend the commencement of criminal prosecution proceedings for:

- Clearing of native vegetation and threatened species, including Swamp Sclerophyll EEC and Coastal Cypress EEC;
- Stockpiling of removed native vegetation;
- Excavation works for a waste disposal system for a future dwelling on the subject premises;
- Excavation works for the creation of a dam within the subject premises;
- Stockpiling of extracted materials to create a potential building pad for a future dwelling on the subject premises;

8.3 Unauthorised Clearing of Vegetation and Development without Consent - 1010 Pimlico Road, Wardell

- Installation of water tanks for a future dwelling on the subject premises;
- Creation of roads or tracks through the remaining vegetation; and
- Stockpiling of waste materials, including concrete rubble and metals within various locations on the subject premises.

The major difference between these two options is the Court jurisdiction.

The NSW Land and Environment Court is a division of the NSW Supreme Court. In this jurisdiction, any criminal prosecution, if successful, would leave any party subject to a maximum penalty of \$1,100,000.

On the other hand, the Local Court jurisdiction would be able to impose a maximum penalty of \$110,000.

Council would need to also consider the capacity of any party to pay any penalty that may be imposed by the relevant Court. As stated, monetary penalties issued by the Land and Environment Court can be substantial.

Either of these two options would adequately address the penalty requirements and, upon successful completion of the proceedings, would provide a general deterrent to the general public for the unauthorised clearing of native and threatened species vegetation and associated earthworks. In this case Local Court action is recommended as being commensurate with the level of the offences.

Options Five and Six

Options five and six are avenues for Council to require the owner to provide adequate funding to repair the damage caused by the unauthorised clearing.

These options provide an avenue to have an appropriate plan prepared and endorsed by the Court or Council staff, requiring the proper revegetation of the area of cleared native and threatened species vegetation and associated earthworks and the ongoing maintenance for a period of up to five years to ensure that the plantings are well established.

The main difference between these options is that Option Five requires the commencement of legal proceedings in the Land and Environment Court seeking revegetation, whilst Option Six relies on a formal Order to be served by Council.

Use of Multiple Options:

There is no legal impediment to Council utilising more than one of the above options to remedy the unauthorised clearing and associated earthworks. When referring to actions within the Land and Environment Court, it is common practice, should sufficient evidence exist, for both criminal and civil proceedings to be commenced for an unlawful activity. Further, Council could utilise three or four options should circumstances require.

The use of multiple options is also consistent with the Enforcement Policy.

8.3 Unauthorised Clearing of Vegetation and Development without Consent - 1010 Pimlico Road, Wardell

In this particular instance, it is considered that employing more than one option would be appropriate, given the need for a pecuniary penalty and for remediation action that is considered to be necessary in this matter.

Any decision in relation to this report should be made consistent with previous resolutions.

In April 2012 Council considered a matter involving Verna Wall and Chambers Constructions Pty Ltd and in May 2013 considered the matter involving Jade and Fiona Rose, Karen Wiggins and TCDE Pty Ltd. In these instances, Council, after due consideration, resolved to take legal action in the local Court for the identified offences.

In the above cases, the Magistrate found all parties guilty of the offences and issued fines ranging from \$5,700-00 up to \$24,250-00 plus legal costs in the individual cases.

The recommendation that follows outlines the preferred course of action which is considered to be a reasonable balance in respect to the options available.

RECOMMENDATIONS

1. Council endorse Option Three to pursue a Local Court Prosecution against Mr Camidge for the offence of unauthorised clearing of 18,000 square metres or 1.8 hectares of native and threatened species vegetation comprising EECs and associated earthworks within the subject premises;
2. Further to point one above, Council also endorse Option Six to serve formal Orders on Mr Camidge under the provisions of the *Environmental Planning and Assessment Act 1979* (NSW) to require the revegetation of the subject premises, including:
 - a) The preparation of suitable Revegetation Management Plans or the like for approval by the Council; and
 - b) Identification and carrying out of any necessary preparation works; and
 - c) The engagement of appropriate staff to carry out all necessary works in line with any approved Revegetation Management Plans or the like; and
 - d) The ongoing monitoring and remedial actions to ensure that the revegetation of the subject premises is successful.

Attachment(s)

Nil

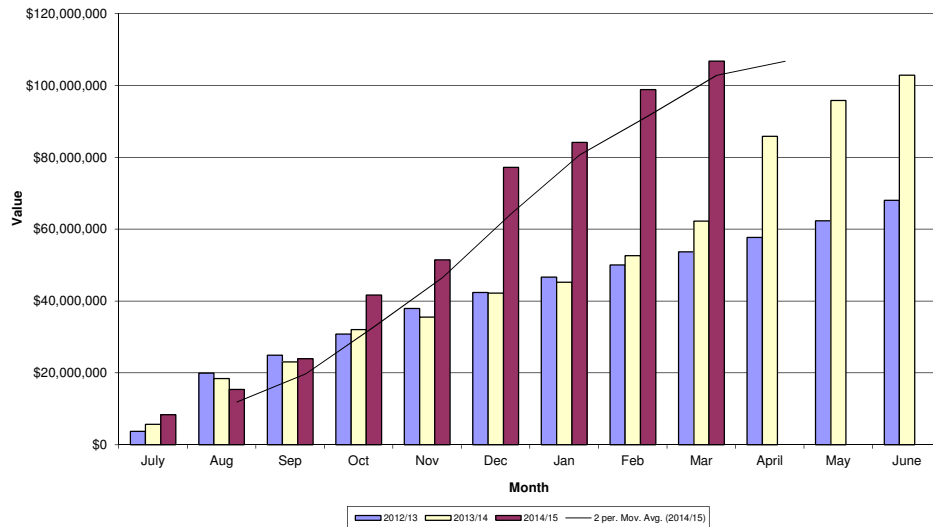
8.4 Development Consent Statistics - March 2015

8.4 Development Consent Statistics - March 2015

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

Number of Applications	Value of Work
22 Other Building Related	\$ 681,000
21 Dwelling/Duplexes/Residential Flat Buildings	\$ 7,209,000
5 General Developments	\$ 0
Total Value	\$ 7,890,000

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 2014/15 to assist in the comparison.



RECOMMENDATIONS

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

Attachment(s)

Nil

8.5 Development Applications - Works in Progress - April 2015

8.5 Development Applications - Works in Progress - April 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.

DA No.	Date Rec'd	Applicant	Proposal	Status
2011/515	30/11/2011	Newton Denny Chapelle	Staged development - 5 x lot subdivision for future cluster housing development and construction of public road - No. 565-589 River Street, West Ballina	Being Assessed
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	Determination Pending
2014/508	08/10/2014	Richard Lutze & Associates	Erection of Storage Shed and additional Knight Statue (fronting the new Pacific Highway) associated with and ancillary to an existing Tourist Facility (The Macadamia Castle) - 1697-1699 Pacific Highway, Knockrow	On Exhibition
2014/525	15/10/2014	Ardill Payne & Partners	Additions to a Rural Industry and Offensive and Hazardous Industry Comprising	Being Assessed

8.5 Development Applications - Works in Progress - April 2015

			Metal Fabrication and Abrasive Blasting - 21 Cumbalum Road, Cumbalum	
2014/550	27/10/2014	SG Fitzpatrick	To Erect a Holiday Cabin - 188 Old Byron Bay Road, Newrybar	On Exhibition
2014/553	27/10/2014	M Mittag	Strata Title Subdivision of Building - 12 Shelly Beach Road, East Ballina	Awaiting Additional Information
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	Being Assessed
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	Being Assessed

8.5 Development Applications - Works in Progress - April 2015

2014/609	21/11/2014	Planners North	To undertake a mixed use development comprising the erection & strata title subdivision of a two storey commercial premises fronting Ballina St and four, three storey, shop top housing units at the rear of the site adjacent to Rayner Ln & associated works including vehicle access off Rayner Lane & a central ground level car parking area – 45 Ballina Street, Lennox Head	Matter Deferred as per Council's Resolution 26/3/2015
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	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 -	Awaiting Additional Information

8.5 Development Applications - Works in Progress - April 2015

			1/11 Seaview Street, East Ballina	
2015/19	20/01/2015	Creative Planning Solutions	Alterations and 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	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
2015/34	30/01/2015	Northern Rivers Surveying Pty Ltd	Two Lot Subdivision to create 1 x 40.9 and 1 x 48.55 hectare allotments - 145 Brooklet Road, Newrybar	Being Assessed
2015/72	18/02/2015	Peter Turner & Associates	Erection of a Wall Advertising Sign - 19 Pacific Parade, Lennox Head	Awaiting Additional Information
2015/92	02/03/2015	G Barlow	Erection of	Being Assessed

8.5 Development Applications - Works in Progress - April 2015

			multiple carports, consolidation and strata title subdivision of 10 units within an existing residential flat building - 25-27 Crane Street, Ballina	
2015/93	03/03/2015	Onnotec Building Systems P/l	Change of use from an existing hardware shop (Bunnings Warehouse) to a Self-Storage Premises containing 291 units - 2 Ray O'Neill Crescent, North Ballina	Awaiting Additional Information
2015/101	09/03/2015	Ardill Payne & Partners	Alterations and additions to the food court area of the Ballina Fair Shopping Centre - 84 Kerr Street, Ballina	Being Assessed
2015/112	12/3/2015	Paul R Gray Prg Architects	Erection and Strata Title Subdivision of a Two Storey Multi Dwelling Housing Development Comprising Four Units and Associated Works – 14 Megan Crescent, Lennox Head	Awaiting Additional Information
2015/120	17/3/2015	Chris Abbott Surveying	Boundary adjustment subdivision to create 1 x 25ha and 1 x 43ha allotments – Lot 32 Newrybar Swamp Road, Tintenbar	Referred to Government Departments
2015/121	17/3/2015	Bunjum	Alterations/Addi	Being Assessed

8.5 Development Applications - Works in Progress - April 2015

		Aboriginal Co-Op Ltd	tions to the Bunjum Aboriginal Co-Operative Community Service Centre – 44 Tamar Street, Ballina	
2015/122	17/3/2015	Don Taylor & Associates	Boundary Adjustment to Create 1 x 930m2 and 1 x 7876 mw Allotments – 18 Brooklet Road, Newrybar	Referred to Government Departments
2015/125	18/3/2015	Ardill Payne & Partners	Boundary Adjustment Subdivision to Create 1 x 1.56ha and 1 x 39.5ha Allotments – 18 Brooklet Road, Newrybar	Awaiting Additional Information
2015/127	20/3/2015	Michael Hajjar Surveying	Boundary Adjustment Subdivision to Create 1 x 4515m2 and 1 x 28ha Allotments – 1832 Pacific Highway, Newrybar	Awaiting Additional Information
2015/130	20/3/2015	Northern Rivers Surveying Pty Ltd	To Change the Use of an existing building approved as Stables for the purpose of Tourist and Visitor Accommodation – 80 Owenia Way, Broken Head	Referred to Government Departments
2015/135	23/3/2015	Nasmyth Pty Ltd	Erection and Strata Title Subdivision of an Industrial Building Comprising Eight Industrial Tenancies and Four Storage	Being Assessed

8.5 Development Applications - Works in Progress - April 2015

			Sheds – 1 Stinson Street, Ballina	
2015/138	26/3/2015	Civiltech Consulting Engineers	To undertake coastal protection works along the eastern boundary of the subject allotments comprising a dry rock retaining wall, removal of vegetation and filling of land – 2 Skinner Street, Ballina	On Exhibition
2015/143	27/3/2015	E Brabrook	Vegetation Management Works involving the pruning of two trees – 2/6 Calypso Court, Alstonville	Being Assessed
2015/145	27/3/2015	N Samm	Alterations and additions to existing dwelling house to establish a Bed and Breakfast Facility – 21 Old Pacific Highway, Newrybar	On Exhibition
2015/150	31/3/2015	Ardill Payne & Partners	To undertake the establishment of a Bed and Breakfast Facility – 341 South Ballina Beach Road, South Ballina	Referred to Government Departments
2015/161	2/4/2015	Holcim (Australia) Pty Ltd	Alterations to existing concrete batching plant – 33 North Creek Road, Ballina	Being Assessed

8.5 Development Applications - Works in Progress - April 2015

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	OEH Concurrence Received Assessment Being Finalised
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	Being Assessed

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 Awaiting Determination from DoPE

RECOMMENDATIONS

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

Attachment(s)

Nil

9.1 Planning Proposal BSCPP 14/009 - Ballina Heights Estate

9. Strategic and Community Facilities Group Reports

9.1 Planning Proposal BSCPP 14/009 - Ballina Heights Estate

Delivery Program Strategic Planning

Objective To inform the Council of the outcomes of the public exhibition of Planning Proposal BSCPP 14/009 to amend various land use zoning provisions in the Ballina Heights Estate and to seek direction from the Council concerning the finalisation of the amendment.

Background

At its Ordinary Meeting held on 23 October 2014, the Council considered a proposal to undertake a number of adjustments to the *Ballina Local Environmental Plan 2012* (BLEP 2012) as it applies to land in the area of the Ballina Heights Estate at Cumbalum. The particulars of the proposal are detailed in the planning proposal document contained in Attachment One.

In consideration of the proposal, it was resolved (Minute No. 231014/14):

- 1. That Council endorses the proposed adjustments to the R2 Low Density Residential, R3 Medium Density Residential, B2 Local Centre and RE1 Public Recreation zoning and related planning provisions in the Ballina Local Environmental Plan 2012 as they apply to the Ballina Heights Estate at Cumbalum and in accordance with the attached planning proposal.*
- 2. That Council authorises the submission of the planning proposal relating to the Ballina Heights Estate (as contained in Attachment One) to the Department of Planning and Environment for review and Gateway determination.*
- 3. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal, including public exhibition, be undertaken.*
- 4. That prior to the public exhibition of the planning proposal, that parties contracted to purchase lots the subject of the amendment are notified of the proposed changes.*
- 5. That a further report be presented to the Council in relation to this matter following the mandatory community consultation.*

Following the above resolution, a request for Gateway determination was submitted to the Department of Planning and Environment. An affirmative Gateway determination was issued on 17 November 2014, a copy of which is provided in Appendix B of the attached planning proposal. The planning proposal was subsequently placed on public exhibition in accordance with the Council's resolution.

9.1 Planning Proposal BSCPP 14/009 - Ballina Heights Estate

The purpose of this report is to outline the outcomes of the agency engagement and public exhibition and to seek direction with respect to the progression of the planning proposal.

Key Issues

- Adjustments to land use planning provisions to achieve the desired land use outcomes envisaged for the Ballina Heights Estate.
- Consideration of the outcomes of the agency engagement and public exhibition of the proposal.

Information

This planning proposal has been initiated at the request of the developers of the Ballina Heights Estate to apply land use zoning provisions that reflect the desired land use outcomes envisaged for various stages of the estate. The proposal will result in the distribution of a mix of medium density and low density residential land for the remaining stages of the Ballina Heights Estate. This distribution reflects the developers' desired outcomes and is consistent with development consents previously granted by the Council for the Ballina Heights Estate subdivision.

In addition to the above, the opportunity has been taken to refine and rationalise existing zone boundaries in the vicinity of the Ballina Heights Estate to recognise recently registered cadastral boundaries and public land dedication. This includes the adjustments of existing zone boundaries to match new cadastral boundaries where possible and to make amendments to the RE1 Public Recreation zone to include all areas recently dedicated to the Council as public reserve.

Following the Council's October 2014 resolution, a planning proposal detailing the proposed adjustments was referred to the Department of Planning and Environment for Gateway determination. A favourable Gateway determination was issued by the Department on 17 November 2014, a copy of which is included in the planning proposal provided in Attachment One.

The Gateway determination required Council to consult with the NSW Rural Fire Service and the Commonwealth Civil Aviation Safety Authority and to take into consideration any comments made prior to public exhibition of the proposal. The proposal was referred to the above agencies, with responses received advising they have no objections to the proposal. Council also consulted the Manager of the Ballina Byron Gateway Airport and Air Services Australia. Copies of the responses received are included in the planning proposal document included in Attachment One.

The planning proposal was placed on exhibition for public comment from 11 March to 27 March 2015. Two submissions were received in response, each raising concerns in relation to the proposal. Copies of the submissions received are included in the planning proposal document included in Attachment One. Details of the issues raised in the submissions are addressed in greater detail below.

The purpose of this report is to advise the Council of the outcomes of the consultation and public exhibition of the proposal and to seek direction as to the progression of the proposal to finalisation.

Sustainability Considerations

- **Environment**

The proposed adjustments to the BLEP 2012 primarily affect existing residential zoned (but undeveloped) land and seek to apply density controls consistent with the land use outcomes envisaged in the various subdivision applications and respective consents granted for the land. In addition, minor adjustments to the existing public recreation and nominated business areas respectively in the Ballina Heights Estate are also proposed. It is not expected that the changes will result in significant or negative environmental, social or economic outcomes.

- **Social**

As above.

- **Economic**

As above.

Legal / Resource / Financial Implications

The proposed adjustments to the provisions of the BLEP 2012 as they apply to the Ballina Heights Estate are consistent with Council's legal obligations and responsibilities as a local planning authority. The LEP amendment can be finalised within the existing work program of the Strategic and Community Facilities Group.

Consultation

Consultation was undertaken with the NSW Rural Fire Service and the Commonwealth Civil Aviation Safety Authority in accordance with the Gateway determination requirements. Council also consulted the Manager of the Ballina Byron Gateway Airport and Air Services Australia. No objections were raised in relation to the proposal. Copies of the responses received are contained in the planning proposal in Attachment One.

The planning proposal was placed on public exhibition from 11 March to 27 March 2015. Two submissions in response were received. Copies of these submissions are included in the planning proposal provided in Attachment One.

Part of the public exhibition process included the direct notification of all landowners adjoining land subject to the proposal. One submission was received from an owner of adjoining land affected by the proposal. The particular site is currently zoned to enable medium density development and is recognised in the strategic planning for the Ballina Heights Estate as designated for medium density residential use. The submission has raised objection to the application of the medium density zoning to the site. This site has been included in the proposal to enable an adjustment to the zone boundary between B2 Local Centre and R3 Medium Density zones to reflect recently registered cadastral boundaries. The submitter has been advised in writing of the above.

9.1 Planning Proposal BSCPP 14/009 - Ballina Heights Estate

In accordance with the Council's resolution of 23 October 2014, notification was also given to parties contracted to purchase lots the subject of the amendment. At the time of commencement of public exhibition, 19 of the affected lots had either sold or were under contract for purchase. Each party was advised of the proposal and how it would affect the land in which they had an interest. One submission from a recent purchaser was received. While supportive of the principles of the proposal, the submission raised objection to the retention of a medium density zoned lot in the vicinity of their land.

Concern was raised as to the suitability of the particular lot for medium density development given its size and access constraints. A response was provided to the submitter advising the retention of certain medium density lots is primarily to facilitate dual occupancy development. Given the size constraints of the lot and the application of Council's residential design standards, the provision of any residential density greater than two dwellings (dual occupancy) is unlikely to be feasible.

Importantly, in relation to both of the landowner submissions received, the medium density zonings that have raised concern are presently in place. That is, the LEP amendment does not seek to alter the existing zones on the land parcels of concern. Having regard for the above, no changes are recommended in response to the submissions received.

Options

1. Finalise the Planning Proposal

Finalising the planning proposal as drafted and as exhibited will result in the amendment of the BLEP 2012 to reflect the intended development pattern for the Ballina Heights Estate, as sought by the developer of the land and reflected in development consents previously granted for the estate.

In addition, the finalisation of this planning proposal will also result in the rationalisation and rectification of a number of zoning anomalies in the estate that have come about as a result of recently registered cadastral boundaries and will enable the appropriate zoning of the land recently dedicated to the Council as public open space.

This is the recommended option.

Under the Department of Planning and Environment's Gateway determination provisions, Council has been delegated the authority to finalise this planning proposal. In this particular instance, given the procedural nature of the planning proposal, it is considered reasonable and appropriate to exercise the delegation. Under this approach, Council staff would complete the LEP amendment directly in liaison with Parliamentary Counsel.

9.1 Planning Proposal BSCPP 14/009 - Ballina Heights Estate

2. Discontinue the Planning Proposal

The option to discontinue the proposal is open to the Council. This option is not recommended as it does not address the various matters identified to achieve the desired land use outcomes envisaged for the Ballina Heights Estate.

3. Defer the Planning Proposal

The Council may wish to defer the finalisation of the planning proposal pending further investigations or discussions. Given that no changes are recommended as a result of the public exhibition period, and the nature of the planning proposal, this option is not recommended.

RECOMMENDATIONS

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to undertake adjustments to the zoning and other associated planning provisions for the Ballina Heights Estate as detailed in Planning Proposal BSCPP 14/009.
2. That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP 14/009 directly in liaison with Parliamentary Counsel.

Attachment(s)

1. Planning Proposal - BSCPP 14/009 Ballina Heights Estate

9.2 Pop Denison Park, East Ballina - Preparation of a Site Master Plan

9.2 Pop Denison Park, East Ballina - Preparation of a Site Master Plan

Delivery Program Strategic Planning

Objective To inform the Council of the proposed approach to the preparation of a Master Plan for Pop Denison Park.

Background

Pop Denison Park is a public reserve located on a parcel of Crown land (Reserve No. R88004) adjacent to the eastern foreshore of Shaws Bay in East Ballina. Council is the appointed Reserve Trust Manager for this land. The park has an approximate area of 6.8ha and is accessible off Compton Drive. Currently the park contains basic playground and picnic infrastructure as well as public amenities. The northern part of the park provides for parking and access to Shaws Bay. A large proportion of the park is made up of open grassland, with perimeter areas fenced and landscaped. A plan showing the location of the park is contained within Attachment 1.

Pop Denison Park is identified in both the draft Shaws Bay Coastal Zone Management Plan (draft CZMP) and the Ballina Shire Contributions Plan 2008 for augmentation of facilities. The CZMP recommends a number of actions related to Pop Denison Park and also contains an initial concept plan for the park's future enhancement.

The draft CZMP was considered by the Council at its Ordinary Meeting held on 28 August 2014 and endorsed for public exhibition. Following the exhibition, comment on the plan has been sought from the Office of Environment and Heritage prior to the plan being finalised and submitted for Ministerial Certification.

Under the Ballina Shire Contributions Plan 2008 (s94 plan), Council is currently collecting developer contributions for provision of district park infrastructure at Pop Denison Park.

Further to the above, Pop Denison Park has also been identified as a key area of interest as part of the Ballina Major Regional Centre Strategy (BMRCS), particularly given its potential for provision of enhanced district or regional level facilities and its value as a point of access to the Shaws Bay waterbody.

To enable the embellishment of Pop Denison Park to be further considered, preparation of a Master Plan, building on the draft CZMP, s94 plan and BMRCS, and incorporating a staging plan with indicative cost estimates, is proposed.

This report provides an outline of the proposed approach to the preparation of a detailed Master Plan for Pop Denison Park and seeks the Council's direction on the initiation of the project.

Key Issues

- Scope of Pop Denison Park Master Plan project.
- Embellishment of Pop Denison Park.
- Consistency of Master Plan with CZMP concept plan.

Information

Land Tenure and Expenditure Context

A Master Plan for Pop Denison Park is proposed to provide structure and guidance for the future embellishment of the reserve and the associated expenditure. In considering this it is important to recognise that the park is Crown land and Council currently administers the park as Reserve Trust Manager. Therefore, this report and the Master Plan project contemplate expenditure of local funds on State Government-owned land held by Council as Trust Manager.

At present, expenditure in the order of several hundred thousand dollars is identified for the park under the draft CZMP and for public amenities improvements. There is also \$1.5M budgeted for embellishment under the s94 developer contributions plan (although it is important to note that this amount of money will take many years to collect).

Having regard for the above, Council's consideration of the future of Pop Denison Park relates to Council in its capacity as the local government authority for the Ballina Shire and as the Reserve Trust Manager for the land on behalf of the State of NSW.

Master Plan Preparation Process

It is proposed that the Master Plan be developed in two stages as detailed below:

Part A – Background and Consultation

1. Review and documentation of background information including site history, land status, current uses/improvements, adjoining/adjacent uses and access requirements.
2. Overview of statutory and policy framework including the Crown Lands Act 1989 and planning controls including the Ballina Local Environmental Plan 2012.
3. Examination of the draft CZMP to ensure consistency with the Concept Plan and identify opportunities to reinforce connectivity with adjoining land uses.
4. Engagement with relevant key stakeholders.

Part B - Preparation of Master Plan

1. Identification of the park's environmental, economic, social and heritage/cultural values based on the background information and stakeholder engagement.

9.2 Pop Denison Park, East Ballina - Preparation of a Site Master Plan

2. Identification of issues, opportunities and options for the potential future improvement of the park.
3. Preparation of an options and rationale report outlining the reasons for the approach to the Master Plan.
4. Preparation of a Landscape Master Plan, illustrating the landscape and improvement concept proposed for the park.
5. Preparation of a staging plan and indicative cost estimates for each stage.

Overarching the approach outlined above, it is planned that the project would be supported by a specific community engagement program, including a public exhibition period.

It is proposed that the draft Master Plan would be prepared by a consultant landscape architect or urban designer. The delivery of the project would be coordinated by Council's Strategic and Community Facilities Group, with the involvement of the Open Space and Reserves as well as Environmental Health Sections.

Through the above process it is intended that Pop Denison Park will be enhanced as a district level park and may ultimately provide for a more regional level park. A regional level facility would likely be consistent with the nature of events that currently occasionally take place in the Shaws Bay recreational precinct.

Sustainability Considerations

- **Environment**
Linking the Master Plan with the relevant concepts and associated actions developed through the CZMP process provides a means by which some environmental outcomes specified in the CZMP may also be progressed.
- **Social**
The preparation of the Master Plan will have broad social benefits. These benefits will be realised through the process of community engagement and the subsequent development of a park facility that meets community needs.
- **Economic**
The development of the Master Plan, which will incorporate a staging plan with indicative cost estimates, provides the framework to facilitate long term financial planning relating to the park's improvement.

Legal / Resource / Financial Implications

The cost of preparing the Master Plan has been estimated to be in the vicinity of \$20,000. This project can be funded from within the existing resources of the Strategic and Community Facilities Group.

9.2 Pop Denison Park, East Ballina - Preparation of a Site Master Plan

There is no significant resourcing implication associated with the development of the Master Plan and the associated supervision of consultants. This project can be accommodated within the work program of the Strategic and Community Facilities Group during 2015.

Consultation

During the preparation phase of the draft Master Plan, consultation will be required with Crown Lands, Fisheries and adjoining and nearby property owners as well as major park user groups. A community engagement program will be prepared and implemented as part of the project.

Following the preparation of a draft Master Plan, it is intended that the draft document will be further considered by the Council (including Council as Reserve Trust Manager) and be subject to a public exhibition period.

Options

Given that resources are currently available to progress the Master Plan project, the currency of the draft Shaws Bay CZMP and the potential for a master plan to link with the Ballina Major Regional Centre Strategy, it is recommended that the Council resolve to commence this project in line with the approach outlined in this report.

Alternatively, the Council could decline to initiate this project for the time being or seek further information, possibly through a briefing session.

RECOMMENDATIONS

1. That the Council (including Council as Reserve Trust Manager) notes the contents of this report concerning the Pop Denison Park Master Plan project.
2. That the Council (including Council as Reserve Trust Manager) endorses the suggested scope of the Pop Denison Park Master Plan and initiation of the project as outlined in this report.

Attachment(s)

1. Pop Denison Park - Site Locality Plan

9.3 Occupation of Council Owned Property

9.3 Occupation of Council Owned Property

Delivery Program Community Facilities and Services

Objective To invite the Council's further consideration of a request from FSG Australia to occupy premises at No 32 Swift Street Ballina.

Background

On 11 March 2015 the Council's Finance Committee received and considered a report relating to the future use of a Council-owned property located at No 32 Swift Street Ballina.

In recent years this property has been leased by Ballina District Community Services Association (BDCSA). The property is referred to as the YAC (Youth Activities Centre), within which BDCSA and its partner organisations have provided a range of youth-related services. The premises operates under the terms of Development Consent No 1995/311. The lease between Council and BDCSA expires on 30 June 2016.

FSG Australia is a not-for-profit organisation which coordinates and delivers a diverse range of community support services, funded through Government programs. FSG Australia is currently merging with BDCSA and is seeking Council's agreement for the new merged entity to continue to occupy 32 Swift Street for the delivery of youth-orientated support services.

This report invites the Council to provide direction concerning its preferred future use of the property.

Key Issues

- Transparency and equity in the allocation of Council properties.

Information

Having considered the information contained in the earlier report, the Council's Finance Committee recommended that the determination of this matter be deferred in order to give FSG Australia an opportunity to provide additional information about its operations and, more particularly, what activities it proposes to undertake at No 32 Swift Street. This recommendation was endorsed by the Council at its Ordinary Meeting held on 26 March.

On 7 April, representatives of FSG Australia attended a Councillor Workshop, where an overview of the organization was provided, including its key delivery areas. Information was also shared about the need for agencies and service providers to adapt to new ways of "doing business" under the recently introduced National Disability Insurance Scheme (NDIS), being a new consumer-directed care model for people with disabilities and their carers.

9.3 Occupation of Council Owned Property

In relation to the use of No 32 Swift Street, FSG's intention is to continue to promote the facility as a key "connecting point" between young people and support agencies within Ballina Shire. A range of structured programs will be delivered, based on service demands and funding opportunities. Importantly, FSG Australia has indicated that it will not be operating in isolation, but will welcome involvement at the facility by other agencies and service providers.

FSG Australia is aware of the terms and conditions of the consent previously issued by Council for the use of the facility. Proposals to deviate from the approved use will require prior discussion with Council's Development and Environmental Health Group.

In terms of the building itself, FSG Australia has identified a need to make modifications to ensure the property is "fit for purpose". The proposed extent of change is not yet known, but ideas will be generated through engagement with prospective users of the facility over the next few months. Representatives at the Councillor Workshop confirmed it is FSG's intention to meet all costs associated with building modification. They have engaged the services of a local building consulting firm to assist in reviewing options and obtaining any regulatory approvals that may be required.

Sustainability Considerations

1. Environment

Not Applicable

2. Social

Under the Council's endorsed Community Strategic Plan, specific outcomes being sought include:

- a) assisting disadvantaged groups within our community;
- b) providing equitable access to a range of community services and facilities; and
- c) providing young people with a range of leisure activities, along with opportunities for personal development.

It is suggested that FSG's occupation and active use of No 32 Swift Street, and its use of Council's other community facilities for structured programs, will go a considerable way toward the achievement of these outcomes.

3. Economic

The Council's support for FSG's use of the property needs to be balanced against alternative uses which, from a purely financial perspective, might yield more beneficial results.

Legal / Resource / Financial Implications

At the expiry of the current lease in June 2016, it is proposed that FSG Australia would be offered a new lease over the property for a period of four years, at nominal rental.

9.3 Occupation of Council Owned Property

The report which was presented to the Council's Finance Committee held on 11 March canvassed alternative uses for this property. However, at least for the time being, the Council appears to be satisfied that the community benefits derived from the facility being used for the delivery of important youth services outweighs other potential benefits which might flow from those alternative uses.

Consultation

Community consultation concerning this matter has not been undertaken.

Options

Options in relation to the future use of the property, and in respect of the current proposal by FSG Australia, were mentioned in the report to the Council's Finance Committee on 11 March.

Briefly, these options are:

1. Accede to the request made by FSG Australia to occupy the building under a new lease for a period of (say) 4 years from July 2016, at nominal rental.
2. Decline this request from FSG Australia and seek expressions of interest from community based or not-for-profit organisations which provide services within Ballina Shire.
3. Restore the building for residential usage and offer it to the rental market.
4. Dispose of the property, or redevelop it.

Option 1 is the preferred and recommended course of action, with options 2, 3 and 4 being presented as conceptual ideas. If the Council wished to consider these options further, additional reporting would be required to address issues of permissibility, zoning restrictions, land reclassification, economic assessments and the like.

RECOMMENDATIONS

1. That Council notes the contents of the report relating to the Council-owned property located at No 32 Swift Street Ballina;
2. That Council offers FSG Australia a lease of the premises at No 32 Swift Street Ballina (being the existing building and immediate curtilage) for a period of four years from July 2016 at nominal rental. The purpose of the lease is to enable FSG Australia and associated organisations to conduct youth-related services in accordance with the terms of Development Consent No 1995/311 granted on 5 July 1995.
3. That the General Manager be authorised to affix the Seal of the Council to documents relating to the new lease.

Attachment(s)

Nil

10.1 Investment Summary - March 2015

10. General Manager's Group Reports

10.1 Investment Summary - March 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 March 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 31 March was \$65,283,000. This represents an increase from February of \$1,001,000. Council's investments as at 31 March are at an average (weighted) rate of 3.48%, which is 1.18% above the 90 Day Bank Bill Index of 2.30%. The balance of the cheque account at the Commonwealth Bank, Ballina as 31 March 2015 was \$2,728,178.

At the March Finance Committee meeting Council received a report that reviewed all investment holdings. The review identified three securities where there may be advantage in selling prior to maturity. At this stage there have been no sales with the decision taken to continue monitoring the relative value of the securities.

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%

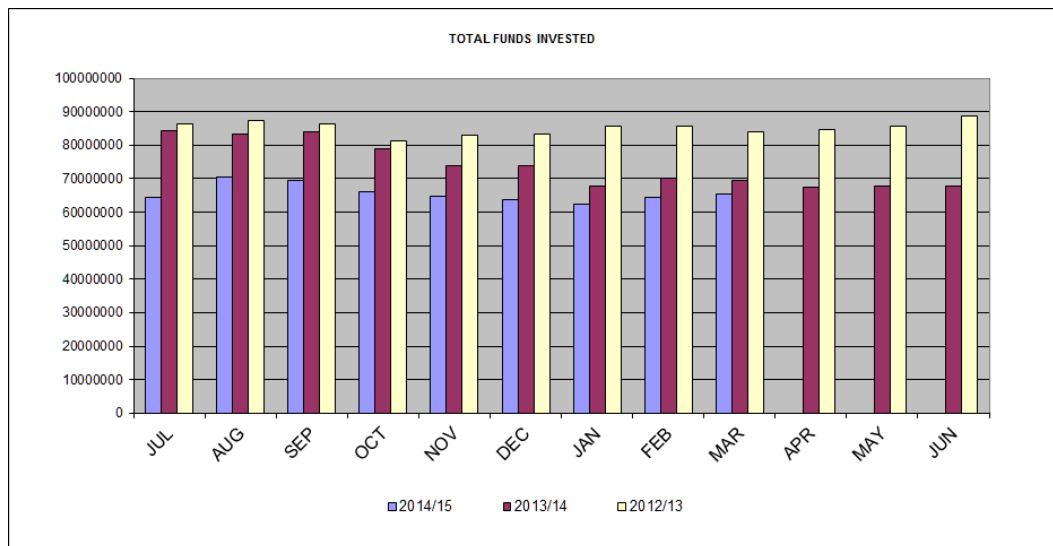
* Based on reserves held as at 30 June 2014

10.1 Investment Summary - March 2015

A. Summary of Investments by Institution

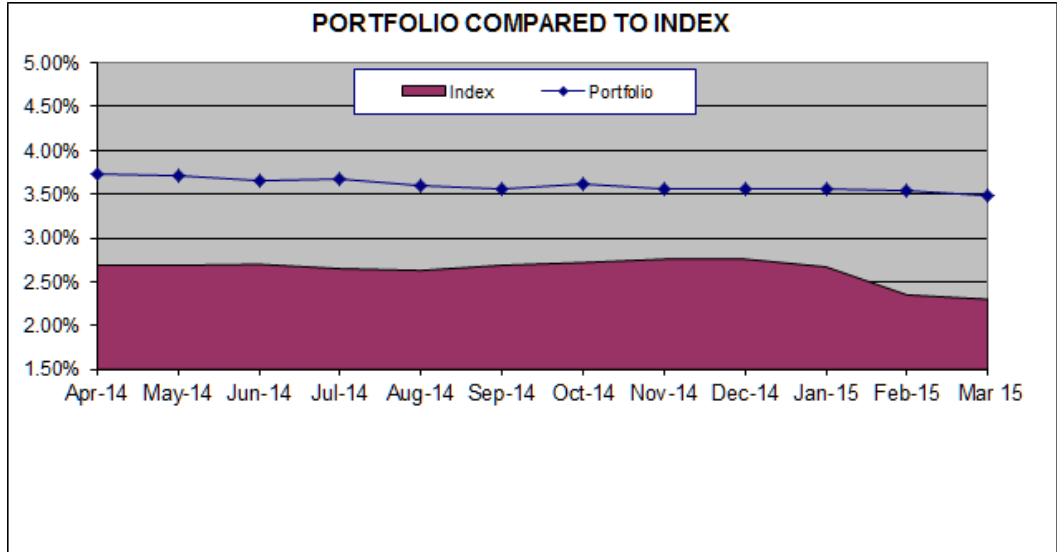
Funds Invested With	ADI Rating	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
Grandfathered Investments						
Goldman Sachs	A	1,000	1,000	0	1.5%	
National Australia Bank	BBB	1,788	1,788	0	2.7%	
National Wealth M'ment Holdings	A-	2,000	2,000	0	3.1%	7%
Rated Institutions						
AMP Bank	A+	6,000	6,000	20%	9.2%	
Bank of Queensland	A-	3,000	3,000	10%	4.6%	
Bank of Western Aust	AA-	8,000	9,000	20%	13.8%	
Bendigo & Adelaide Bank	A-	2,000	2,000	10%	3.1%	
Commonwealth Bank of Australia	AA-	2,494	2,495	20%	3.8%	
Defence Bank Ltd	BBB+	1,000	1,000	10%	1.5%	
Greater Building Society	BBB	2,000	2,000	10%	3.1%	
ING Bank Ltd	A-	4,000	4,000	10%	6.1%	
Members Equity Bank	BBB+	6,000	6,000	10%	9.2%	
National Australia Bank	AA-	8,000	8,000	20%	12.3%	
Newcastle Perm Bld Society	BBB+	2,000	2,000	10%	3.1%	
Suncorp-Metway Bank	A+	10,000	10,000	20%	15.3%	
Westpac Banking Corporation	AA-	5,000	5,000	20%	7.7%	93%
Unrated ADI's				\$1m	0.0%	0%
Total		64,282	65,283		100%	

B. Monthly Comparison of Total Funds Invested

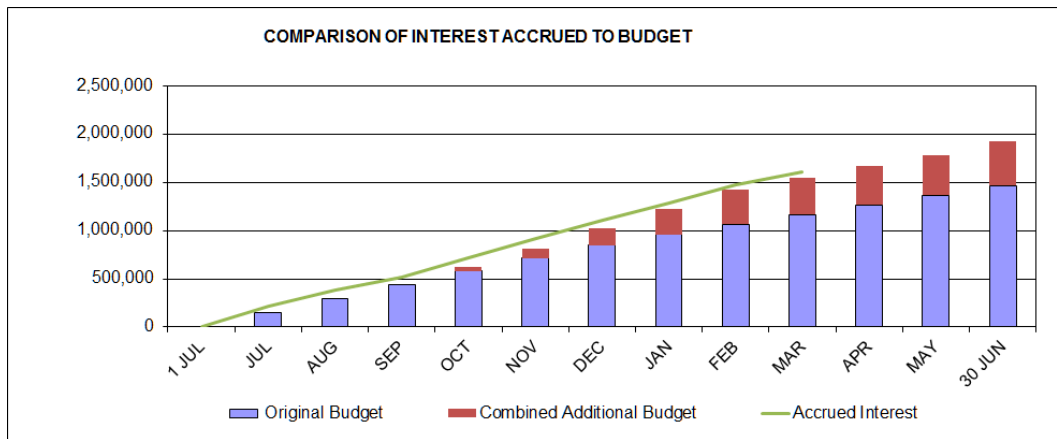


10.1 Investment Summary - March 2015

C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



10.1 Investment Summary - March 2015

E. Investments held as at 31 March 2015

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURIT Y DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
at call	Commonwealth Bank Of Australia	CDA	2.45%	at call	501	501
20/09/04	National Australia Bank (ASX Listed)	FRN	3.59%	Perpetual	1,788	1,383
12/04/06	Goldman Sachs	FRN	3.25%	12/04/16	1,000	999
16/06/06	National Wealth M'tment Holdings	FRN	2.95%	16/06/26	2,000	1,958
24/01/12	ING Bank Ltd	FRTD	4.60%	24/01/17	1,000	1,000
06/02/12	Westpac Bank	FRN	4.05%	06/02/17	1,000	1,024
25/01/13	Commonwealth Bank Of Australia	TD	4.25%	25/01/18	1,994	2,096
05/06/13	National Australia Bank	FRTD	3.61%	05/06/15	2,000	2,000
07/06/13	Greater Bld Society	FRN	3.78%	07/06/16	2,000	2,006
25/02/14	Westpac Bank	FRN	3.27%	25/05/15	2,000	2,022
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	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
02/02/15	Newcastle Permanent Bld Society	TD	3.30%	04/05/15	2,000	2,000
02/02/15	AMP Bank	TD	3.30%	04/08/15	2,000	2,000
11/02/15	ING Bank Ltd	TD	3.20%	17/08/15	2,000	2,000
18/02/15	Members Equity Bank	TD	3.20%	17/08/15	2,000	2,000
26/02/15	National Australia Bank	TD	3.17%	25/08/15	1,000	1,000
02/03/15	BankWest	TD	3.10%	02/06/15	1,000	1,000
03/03/15	Suncorp-Metway Bank	TD	3.10%	31/08/15	2,000	2,000
Totals					65,283	64,989
CDA = Cash Deposit Account		FRN = Floating Rate Note				
FRTD = Floating Rate Term Deposit		TD = Term Deposit				

RECOMMENDATION

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

Attachment(s)

1. TCorp Local Government Economic Commentary for March 2015

10.2 Goods and Services Tax Reimbursements

10.2 Goods and Services Tax Reimbursements

Delivery Program Governance and Finance

Objective To determine whether Council wishes to participate in a proposed action to recover Goods and Services Tax that has been paid by Council.

Background

Council has, at times, used a company called Genesis Accounting (Genesis) to assist with specialist matters concerning the Goods and Services Tax (GST). The most recent example was the revenue ruling obtained by Genesis from the Australian Taxation Office (ATO) on behalf of all NSW councils following the abolition of Division 81 of the Goods and Services Tax Act.

Division 81 laid the foundations for all councils to rely on when making decisions on what is a very complex web of GST rules for local government. The ATO decided that Division 81 was very difficult to administer and decided to abolish the legislation. This left local governments in a very vulnerable position in respect to GST treatments.

The revenue ruling secured by Genesis effectively replaced Division 81 and provided a consistency of approach for local government in respect to GST and a legal basis for GST decisions taken on a daily basis.

The principal of the company Mr. Pat McCarthy is in the process of contacting councils across Australia to invite them to participate in a case that would enable the reimbursement of some GST paid by Council. The reimbursements are in respect to sales of property and other assets such as plant.

Key Issues

- potential revenue
- no expenditure other than staff time
- morality of the claim

Information

A copy of the letter of introduction from Genesis and the proposed letter of engagement is attached to this report. The impetus for the action stems from a Federal Court ruling which found that Melton Shire Council was not required to pay GST on property (including land and other assets) of any kind. Melton Shire Council used this decision to obtain refunds from the ATO of GST paid.

The general terms of the arrangement are that Genesis is appointed as Council's tax agent and that they represent Council in all dealings with the ATO for the duration of the action.

10.2 Goods and Services Tax Reimbursements

Genesis must meet all costs associated with the claim, which may include the employment of barristers to argue the case in connection with the operation of section 114 of the Australian Constitution. The fee charged by Genesis will be 25% of any reimbursement obtained. If a reimbursement is achieved the funds will be paid to Genesis and Council will receive the reimbursement less the 25% fee.

For information, section 114 of the Constitution is reproduced below.

114. A State shall not, without the consent of the Parliament of the Commonwealth, raise or maintain any naval or military force, or impose any tax on property of any kind belonging to the Commonwealth, nor shall the Commonwealth impose any tax on property of any kind belonging to a State.

The argument in the Melton case was councils are incorrectly being charged GST on various property transactions because they are a part of State.

At this stage 30 Councils have signed the letter of engagement. Genesis is anticipating that in the order of 100 Council's will participate in the action.

In considering this offer, the Council should turn its mind to the following questions;

- If the case is successful, on technical legal grounds, does that mean however the Council is receiving funds that should be available for the purposes of the Federal Government?

Arguably the GST arrangements established by the Federal Government were clearly intended for councils to pay GST on property and other asset sales. The alternate view is the Council is responsible for the direct interests of Ballina Shire residents only and should take all steps to advance those interests.

Council also needs to be mindful that some in the community would be concerned if we declined the offer yet many other councils joined the action and received funds as a result.

- If the application is successful, should the person or organisation that was also party to the transaction receive 50% of the reimbursement?

There are a number of different scenarios that exist in this situation.

For example, Council may have sold items to individuals who are not registered for GST and therefore could not claim a GST credit. While in this situation the other party has agreed to pay the price and had no expectation of a GST credit, should the Council end up in a better position than anticipated?

A second example is where the other party is registered for GST. The price was negotiated assuming a GST credit would apply to the purchaser and they duly received that credit. Again the purchaser has not gained or lost, it is just that Council has benefitted to a greater extent than originally anticipated because of our status as a State entity.

10.2 Goods and Services Tax Reimbursements

A third example is where, as per example two, the party is registered for GST and they did receive a GST credit relating to the purchase. However because of the case run by Council the ATO retrospectively reverses the credit given to the purchaser. In this instance it is quite clear that Council would need to pass any benefit received back to the purchaser. Genesis are of the view that this scenario is very unlikely.

A potential consequence of the proposed action, assuming it is successful, is some sort of remedial action by the ATO to address the legal process that has arisen. However it is likely that Council would be subject to this action regardless of whether or not it participated in the initial case.

Legal / Resource / Financial Implications

The understanding of the arrangement is that Council will not have to provide any funds towards the case unless it is successful. If it is successful 25% of the income that would otherwise be received will be paid to Genesis. Staff time will be required to assist with providing data.

Staff resources have not been allocated to attempt to estimate the potential income that may be achieved if the case is successful because any reasonable estimate would take significant time to calculate.

Consultation

Some discussion of this matter has been undertaken by council representatives at the North Coast/Mid Coast meeting of local government financial professionals held in December 2014. However at that time the proposal was not fully developed to the current extent.

Options

Council may choose to sign the letter of engagement and participate in the proposed action or determine not to be a party to the proposal.

The recommendation to this report is developed on the basis that Council should pursue opportunities to improve its financial position, and while there are a number of questions to be considered in respect of this decision, ultimately the ones pertaining to the Federal Government are for their determination in terms of a response to any successful claim.

RECOMMENDATIONS

That Council agree to participate in the proposed joint legal action seeking reimbursement from the Australian Tax Office of GST paid by council for certain transactions and that Council authorises the General Manager to sign the letter of engagement with Genesis Accounting attached to this report.

Attachment(s)

1. Letter of introduction Genesis Accounting
2. Letter of Engagement Genesis Accounting

10.3 2015/16 Business Stormwater Management Service Charge

10.3 2015/16 Business Stormwater Management Service Charge

Delivery Program Governance and Finance

Objective To consider implementing changes to our business stormwater management service charging structure from 2015/16

Background

In 2005/06 the New South Wales Government introduced legislation that provided councils with the option of levying an annual stormwater management service charge (SMSC) to fund new and/or additional stormwater management services.

The SMSC applies to rateable urban land only. The revenue raised from the charge must be used to provide new or additional stormwater services to private rateable land. The cost of continuing to provide the same level of service that existed prior to the introduction of the SMSC must be met from other income sources such as grants or general revenue.

Exemptions to the SMSC include;

- Public land (includes Crown and council owned land, as well as properties leased under the Housing and Aboriginal Housing Acts).
- Vacant Land (except if covered with an impervious material such as a car park).
- Rural land.
- Land exempt from rating (such as public charities or public benevolent institutions).
- Land to which a stormwater management service is not provided.

The maximum allowable SMSC under current legislation is;

Residential

- \$25 for a residential parcel of rateable land
- \$12.50 for a residential strata lot

Business

- \$25 plus an additional \$25 for each 350 square metres (or part thereof) that exceeds 350 square metres for land categorised as business.
- \$5 or the relevant portion of the SMSC as noted in the point above, for a lot in a strata scheme categorised as business.

Council introduced a SMSC for the first time in the 2007/08 rating year. A simple charging structure was implemented where all applicable residential and business properties were charged a flat \$25, and all residential and business strata lots were charged a flat \$12.50. This same charging structure is still being utilised in 2014/15.

Hence Council has not levied the SMSC on business properties to the maximum extent that is permissible because we have not used a structure that increases the charge proportionally based on land area.

10.3 2015/16 Business Stormwater Management Service Charge

The guidelines issued by the Office of Local Government (OLG) supported the use of a simplified charging structure initially. The simplified approach was to assist community acceptance of the new charge and to provide time for Council's to develop the database necessary to levy the more complex business charges. The guidelines anticipated that councils would implement a business SMSC that was based on area in later years.

Council has not yet implemented a business property SMSC to the full extent detailed within the OLG guidelines, primarily because business properties have experienced other significant expense increases over recent years due to;

- The implementation of a strategy to increase the proportion of total ordinary land rate income payable by the business category from 10% to 20%. This occurred incrementally by 2% per annum between 2006/07 to 2010/11.
- The special variation increases above the rate pegging limit for seven of the past 9 rating years.

However, to ensure Council has regard to the OLG guidelines, it is now timely for Council to consider the options to amend the stormwater management service charging structure for eligible properties in the business category. This report does not discuss any proposals to make any changes to the existing residential SMSC structure.

Key Issues

- Changes to the SMSC for business properties and business strata lots.
- Compliance with legislation - Section 496A of the Local Government Act 1993 (LGA) and clauses 125A and 125AA of the Local Government (General) Regulation 2005 (LGR).

Information

The OLG Stormwater Charging Guidelines require business properties to be charged based on their land area, and that a council's SMSC structure is to be equitable across all urban properties to reflect the cost of providing the stormwater management service to the land.

Typically, urban business land has a larger proportion of impervious area than residential land. As a result of this, business land creates a proportionally larger amount of stormwater to be managed. It is also the case that the water quality from the stormwater generated by business properties is generally lower with a higher pollutant component than residential land.

The legislation establishes a business SMSC charging regime based on an equivalent residential lot size. On this basis the guidelines follow business SMSC charging categories of 350 square metres which represent the average impervious area of a residential lot.

10.3 2015/16 Business Stormwater Management Service Charge

The legislation sets criteria for maximum charges that Council can levy and there is a range of options that Council may choose to levy, subject to compliance with the maximum limits.

One of these options is to levy the charge based on the impervious surface area of the property as opposed to the total area of the property. It is generally accepted that this is a more equitable approach. Examples of property types where the total area based charge may apply unfairly and would not reflect the actual cost of supplying a stormwater service to the land would be;

- Golf courses
- Racecourses
- Bowling Greens
- Caravan Parks

For example, the Ballina Golf Club would receive a SMSC of around \$33,000 if the business SMSC was based on actual land area and around \$350 if the business SMSC was based on impervious area. This arrangement would not comply with the requirement in the guidelines for Council to provide stormwater services to the Ballina Golf Club at an amount equal to the charge.

A survey of other local councils reveals that Byron, Lismore and Richmond Valley levy business property SMSC's on an impervious area based charging structure.

The disadvantage of this approach is some business properties may have private stormwater catchment and reuse management systems installed (e.g. rainwater tanks) and as a result, the SMSC calculated based on impervious land area may not provide an equitable reflection of the stormwater service Council provides to the land. If the Council supported a charge on impervious surface area, it would be possible for Council to review the SMSC for these properties on a case by case basis upon request. Any resulting SMSC charge adjustments would be made in the form of an adjustment to the chargeable impervious land surface area to reflect a more equitable SMSC.

Business Strata Units

In preparing this report it has been identified that the legislation in respect to business strata units was changed in late 2013. The change required councils to calculate the SMSC for the whole strata complex based on land, then distribute this cost to all individual strata lots based on their unit entitlement (minimum charge \$5). This means for 2014/15 Council's current charging structure for business strata lots does not comply and it is proposed to make a retro prospective change to address the noncompliance.

In 2014/15 business strata units were charged \$12.50 per unit and in some instances this will exceed the maximum nominated in the revised legislation.

10.3 2015/16 Business Stormwater Management Service Charge

To remedy the incorrect 2014/15 SMSC levied on business strata lots, it is proposed to calculate a notional 2014/15 SMSC for business strata lots based on the proposed 2015/16 impervious area calculation structure. This is considered the most equitable and cost efficient way to calculate any overcharged accounts (rather than basing it on a flat \$25 SMSC on the whole strata complex). If the notional SMSC is less than the \$12.50 SMSC levied in 2014/15, the difference would be provided as a credit to the individual property's rates assessment.

This adjustment would affect approximately 269 of the 433 business strata lot assessments, and result in a total credit adjustment of around \$1,300. As noted above, these estimates may change following the application of the proposed impervious land area investigation outcomes.

Estimated Income based on impervious area

The following tables detail the approximate SMSC income generated in 2014/15 and estimated income that would be generated in 2015/16 based on the suggested SMSC charging structure outlined earlier within this report.

Table One – 2014/15 Stormwater Management Service Charge Income

Stormwater Charge Type	Services (Qty)	Charge (\$)	Income (\$)
Stormwater Residential	8,482	25.00	212,000
Stormwater Residential - Strata Lot	4,212	12.50	52,500
Stormwater Business	613	25.00	15,500
Stormwater Business - Strata Lot	433	12.50	5,500
Total			285,500
<i>Mixed Development property charges have been excluded from this table as they are negligible in comparison to other charging category income totals.</i>			

Table Two – 2015/16 SMSC Estimated Income

Stormwater Charge Type	Services (Qty)	Charge (\$)	Income (\$)
Stormwater Residential	8,482	25.00	212,000
Stormwater Residential - Strata Lot	4,212	12.50	52,500
Stormwater Business	613	25.00 / 350m ² x impervious area	95,000
Stormwater Business - Strata Lot	433	25.00 / 350m ² x impervious area / unit entitlement (min charge \$5)	7,000
Total			366,500
<i>Mixed Development property charges have been excluded from this table as they are negligible in comparison to other charging category income totals.</i>			

Table Two indicates that additional revenue of approximately \$81,000 will be generated under the new suggested business SMSC structure.

10.3 2015/16 Business Stormwater Management Service Charge

It is important to note that all business SMSC income shown within table two is a preliminary estimate only. Around 580 of the 613 business properties have a land area greater than 350 square metres and therefore require impervious area investigations. Impervious areas of properties have not been calculated at this time however, it is considered to be achievable in time for the 2015/16 levy of rates and annual charges.

Initial estimates supplied within this report for business properties less than 10,000 square metres have been based on an average business lot comprising of 90% of impervious land area surface. Impervious land surface areas for business lots greater than 10,000 square metres have been estimated on a case by case basis.

It is proposed to initiate the impervious land area information gathering process if Council supports the SMSC changes suggested for 2015/16. As explained previously, regardless of Council's decision regarding the business lot charging structure, business strata lot adjustments must be made in accordance with section 125AA of the Local Government Regulation.

The following table provides some examples of SMSC's for selected business properties under the proposed new charging structure for 2015/16. It is noted again that under the current arrangements they all paid a flat SMSC of \$25 (strata units \$12.50) in 2014/15 and that some amounts may change following accurate impervious land area investigations.

Table Three – Proposed 2015/16 SMSC – Business Property Examples

Property	Proposed 2015/16 SMSC (\$)
Ballina Fair Shopping Centre	3,850
Alstonville Bowling Club	375
Southern Cross Mobile Home Park	725
Ballina Shire Council Customer Service Centre	150
National Australia Bank Alstonville	50
Strata Unit – Lennox Point Holiday Apartments	8

If Council supports the proposed changes to business SMSC's outlined within this report, our stormwater management service expenditure program will require further review. The works program will be expanded to provide additional/improved stormwater services to acquit the extra funding. As Council would appreciate, there are many potential projects that could be included in the program.

Sustainability Considerations

Environment

The Council has a stormwater management plan which has been prepared to assist to mitigate the impacts on water quality associated with urban stormwater. This charge assists with the implementation of this plan.

10.3 2015/16 Business Stormwater Management Service Charge

Social

The stormwater management plan also targets flooding impacts and identifies opportunities for Council to deliver improved drainage outcomes for the community, thereby improving the amenity of the urban area. This charge assists with the implementation of this plan.

Economic

The proposed SMSC structure will generate additional revenue of around \$81,000 per annum. Residential customers are not affected by the proposed changes. Some business properties will experience increased charges depending upon the impervious surface area of their land.

Legal / Resource / Financial Implications

The OLG guidelines prefer for business property SMSC's to be based on land area as this approach results in a more equitable charging structure in comparison to an average residential lot. Section 125AA of the LGR directs Council to levy the SMSC for business properties based on area with strata units divided based on their unit entitlement.

The proposed 2015/16 SMSC structure will ensure compliance and generate additional revenue of around \$81,000 annually if supported by Council.

Consultation

The proposed changes to the SMSC structure will need to be advertised for public comment via the 2015/16 Draft Operational Plan. It is also proposed to write to owners of business properties where there is a proposed change to the 2014/15 charge.

This process will provide opportunity for submissions to be received during the exhibition of the Draft Delivery Program.

Options

As per the information in this report, to achieve compliance with the legislation it is necessary for Council to amend the structure of its SMSC charges applicable to business properties in the urban area. Under the structure however, there is flexibility in regards to the amount charged, subject to meeting some maximum limits.

Council has elected to set the stormwater charge at the maximum of \$25 since the inception of the legislation in 2005/06. There has not been any increase to the charge to make any adjustment to cover the cost of living in almost ten years. From this perspective, it would seem reasonable to continue charging the maximum amount allowable under legislation. The guidelines recommend that equity will be improved where the SMSC set by Council for residential land is equivalent to the business SMSC. On this basis and having regard to the point above in relation to the history of no adjustments to the charge, it is proposed to retain the residential charge of \$25 per property and accordingly it is recommended that the business structure also be based on \$25. The disadvantage to this arrangement is that some businesses will receive an increase in their charge, however the Council is reminded that the reason for

10.3 2015/16 Business Stormwater Management Service Charge

this is the guidelines are seeking to distribute the costs on the basis of the demand for the service and this is effectively achieved by using land area as the most equitable distribution method.

Council does need to adjust the method of charging business strata units such that the individual strata's do not exceed the maximum. The legislation directs Council to use an area based structure for business properties (includes strata units) and therefore this is the recommended approach.

RECOMMENDATIONS

1. That Council adopt the following Stormwater Management Service Charge (SMCS) charging structure for the 2015/16 rating year;
 - i. A maximum residential rating category property SMSC of \$25.00 per eligible rateable assessment.
 - ii. A maximum residential rating category strata lot SMSC of \$12.50 per eligible rateable strata assessment.
 - iii. A maximum business rating category property SMSC of \$25.00 per eligible rateable assessment plus an additional \$25.00 for each 350 square metres of impervious land surface area or part thereof by which the impervious land surface area of the assessment exceeds 350 square metres.
 - iv. A business rating category strata lot SMSC the greater of;
 - a. \$5.00 or
 - b. The relevant proportion (i.e. registered strata plan unit entitlement) of the maximum SMSC that would apply to the strata scheme if it were land subject to the SMSC at iii.
2. That Council arrange a reimbursement of overcharged 2014/15 SMSCs levied upon business rating category strata lots as per the information in the report.

Attachment(s)

Nil

11.1 Future of Deadmans Creek Road

11. Civil Services Group Reports

11.1 Future of Deadmans Creek Road

Delivery Program Asset Management

Objective To consider the future role of Deadmans Creek Road

Background

Council considered a report 22 July 2010, regarding amendment of the Combined DCP to facilitate the further development of Ballina Heights Estate. The report also canvassed options regarding the future role of Deadmans Creek Road for access to Ballina Heights. Options explored in the report included:

1. Close Deadmans Creek Road
2. Defer Closure of Deadmans Creek Road
3. Retain Deadmans Creek Road
4. Reconfigure Deadmans Creek Road

Council then resolved:

"That prior to taking any action on Deadmans Creek Road, Council receive a further report which examines the feasibility of maintaining the access via lowering the road as close as possible to natural surface level."

This report responds to the above motion.

Key Issues

- Preserving the amenity of Ballina Heights residents
- Optimising road network access to Ballina Heights
- Minimising upstream flood impacts caused by the obstruction of Deadmans Creek Road formation across the Emigrant Creek floodplain
- Safety during floods
- Infrastructure delivery and funding

Information

Locality

Deadmans Creek Road junctions with Tamarind Drive (Old Pacific Highway), 3 km north of Ballina and until recently was the only access to the Ballina Heights urban area. Late in 2014, Ballina Heights Drive, 3.9 km north of Ballina, was opened and is now the major designated access to Ballina Heights and the future CURA-A residential development further north.

11.1 Future of Deadmans Creek Road

Flooding Impacts of Deadmans Creek Road

The Ballina Flood Study Update (BFSU), March 2008, advised regarding flood flows from Emigrant Creek:

"At the downstream end of this narrow section of the floodplain, Deadmans Creek Road also forms a barrier to flow."

The BFSU recommended construction of an excavated 40m wide floodway parallel to the Ballina Bypass and a series of culverts 30 x 3m wide x 0.9m high beneath the proposed Cumbalum Way (now called Ballina Heights Drive). An alternative flood free route for Ballina Heights Drive, further north was then developed and has now been constructed. The change in location for Ballina Heights Drive offered benefits for the design of the development and importantly for Council it avoided the risks associated with the planning and construction of a significant culvert structure on soft soils. This has facilitated provision (adjacent to Tamarind Drive) of an unexcavated floodway corridor for Emigrant Creek flood flow, free of road obstacles, except for the western section of Deadmans Creek Road that was planned to be removed or lowered.

The issue of the future planning for Deadmans Creek Road was further reported in the now adopted "Ballina Floodplain Risk Management Study - Exhibition Version January 2012" which recommended:

"Due to the significant flood impact caused by Deadmans Creek Road, it is recommended that the road is lowered or removed. Culverts under the road have been assessed in the Ballina Flood Study Update, but were found to be cost prohibitive. It is recommended that waters in Emigrant Creek are monitored over time to determine if the road can be lowered to a level that does not flood regularly and at the same time not cause significant flood impacts."

The Ballina Floodplain Risk Management Plan, which recently completed public exhibition, includes an action item to investigate the feasibility of lowering or removing Deadmans Creek Road.

The outcomes of the Ballina Floodplain Risk Management Plan are reported separately in this business paper. As the Risk Management Plan is complete and Ballina Height Drive is in service, now is considered an appropriate time to report on the future options for Deadmans Creek Road in accordance with the 2010 resolution of Council.

How Much Should Deadmans Creek Road be Lowered?

The section of road under consideration extends east from Tamarind Drive for a distance of 100 m. The existing surface level is around 1.5 m AHD and the surrounding ground level is around 0.5 m AHD. Consultants BMT/WBM have recently modelled the impacts of lowering the road by a range of levels during an ARI 100 year local flooding event. The results are shown in Table One below.

11.1 Future of Deadmans Creek Road

Table One Flooding Benefits from Lowering Deadmans Creek Road

Level of Deadmans Creek Road (m AHD)	Reduction in flood Level (mm)			
	Private land, west of Cumbalum Interchange	Western Roundabout	Eastern Roundabout Ballina Heights Drive	Immediately upstream of Deadmans Creek Rd
1.5	0	0	0	0
1.4	1	2	3	5
1.3	2	3	5	8
1.2	4	5	6	10
1.1	4	4	7	12
1.0	4	5	8	13
0.9	4	6	9	15
0.8	5	6	9	15
0.7	5	6	9	16
0.6	5	6	9	17
0.5 natural ground level	5	7	9	17

The impact of reducing flood levels immediately upstream of Deadmans Creek Road is not significant as this is an unoccupied floodway. The flood level reductions at the interchange and on private land immediately west of the interchange roundabouts are important (maximum 9 mm) and considered significant for cumulative impacts. The table shows that a reduction of Deadmans Creek Road surface level to 0.9 m AHD substantially achieves this objective.

BMT/WBM in their summary advise:

"Whilst reducing the level of Deadmans Creek Road over a 100m long section reduces upstream peak flood levels, the optimal level is shown to be approximately 1.2m AHD. Any further lowering has minimal additional benefits, especially beyond 0.9m AHD."

Runoff from the subject section of Deadmans Creek Road is conveyed across Tamarind Drive via a flood gate controlled pipe that discharges into Emigrant Creek. In normal times, the action of the floodgate keeps the standing water level in the southern table drain adjacent to Deadmans Creek Road to around 0.35 m AHD (lower than the high tide level in the creek). During the recent rainfall event late February 2015, the water level adjacent to Deadmans Creek rose to 0.8 m AHD before falling back to 0.45 m AHD on Monday 24 February 2015. These levels indicate that if Deadmans Creek Road was lowered to 0.9 m AHD, during rainfall events similar to February 2015, the road would still have 0.1 m freeboard. In heavier rain events, levels would be higher and Deadmans Creek at a level of 0.9 m could become inundated.

In these heavier rainfall events, a lowered Deadmans Creek Road would function as causeway, with this part of the road being inundated to varying depths. Traffic would then access the subdivision area via Ballina Heights Drive. It would also be necessary to install appropriate signage and depth markers to inform and warn motorists of the water hazard. There would remain a risk that some motorists may ignore the warnings and place themselves and passengers at safety risk by using the road when inundated.

11.1 Future of Deadmans Creek Road

Immediately to the north of this section of Deadmans Creek Road, there is pre-load earthworks fill on private land, on the older, now abandoned alignment of Ballina Heights Drive. This preload is no longer needed and would need to be simultaneously removed for lowering of Deadmans Creek Road to be effective.

Costs and Funding for Lowering Deadmans Creek Road

The capital cost to lower a 100 m length of Deadmans Creek Road to a surface level of 0.9 m AHD is estimated at \$225,000. Cost to lower to 1.2 m AHD is estimated at \$185,000. The work may be eligible for 2:1 floodplain management grant as the lowering or removal of the road is a recommendation of the Floodplain Risk Management Study. If Deadmans Creek remains open there are ongoing maintenance costs, and part of the road is in poor condition.

Council's road asset register indicates the following schedule of works for Deadmans Creek Road based on its current configuration.

Remaining Pavement Life: Rip, shape and reseal in 2043
Full pavement reconstruction in 2083

Remaining Seal Life: Spray reseal in 2023

The annual maintenance and asset renewal costs have been estimated to be \$3,266 per year.

Impacts of Closing or Lowering Deadmans Creek Road

It is estimated that 200 residences currently in Ballina Heights, would use Deadmans Creek Road as their preferred access to points south based on travel time advantage only. This may rise to 350 residences when Ballina Heights is fully developed. For traffic emerging from the southern end of the Ridgeway, the route to Ballina is 1.5 km shorter using Deadmans Creek Road than by using Ballina Heights Drive. This preference is demonstrated by recent traffic counts (16 - 22 February 2015) that show 1,603 vehicles per day on Deadmans Creek Road and only 901 vehicles per day on Ballina Heights Drive.

With residents of Ballina Heights currently having a choice of using Deadmans Creek Road or Ballina Heights for access, many vehicles that choose to use Deadmans Creek Road also utilise the southern section of The Ridgeway to access their final destination. If Deadmans Creek Road was closed, it is likely that fewer vehicles would use the southern section of The Ridgeway and there would be a resultant improvement of amenity for The Ridgeway residents. This amenity issue for The Ridgeway has been raised in a number of representations, especially the impact of heavy construction vehicles. The Ridgeway has a road network collector road function and geometry and will always have more traffic than local access roads, however the amenity impact may be lessened if Deadmans Creek had a load limit (from Tamarind Drive to Summerhill Crescent) which would compel heavy vehicles to use Ballina Heights Drive.

11.1 Future of Deadmans Creek Road

Closing Deadmans Creek Road would increase vulnerability of Ballina Heights to temporary isolation in the event of an accident closing Ballina Heights Drive. It would also cause more traffic to use the Cumbalum Interchange eastern roundabout and may bring forward the anticipated upgrading of this roundabout estimated to cost \$2,600,000.

The various impacts are summarised in table two below.

Table Two Option Analysis

Impacts	Option		
	Lower 100 m Section Deadmans Ck Rd to 0.9 m AHD	Close & Remove 100 m Section Deadmans Ck Rd	No change to Deadmans Ck Rd
Flooding	100 year ARI flood level reduced 4mm on upstream private land and 6mm-9mm at interchange	100 year ARI flood level reduced 5 mm on upstream private land and 7mm-9mm at interchange	No reduction in upstream flood level
Capital Cost	\$225,000	\$50,000	Nil
Maintenance Cost	On going maintenance cost for section of road	Nil	On going maintenance cost for section of road
Amenity of those preferring Deadmans Ck Rd	Vehicles must use Ballina Hts Dr during heavy rain events	Additional 1.5 km trip for 1,603 vehicles each day or an extra 877,642 vehicle km per year	No impact
Cumbalum Interchange eastern roundabout	Future roundabout upgrades (\$2.6 M) can be deferred longer	Traffic diverted to roundabout will bring forward future upgrade (\$2.6M)	Future roundabout upgrades (\$2.6 M) can be deferred longer
Security of access to Ballina Heights	Reduced vulnerability with 2 alternative accesses	Vulnerable to temporary isolation if single access closed by an accident	Reduced vulnerability with 2 alternative accesses
Safety	Risk of motorists unsafely using inundated road		

Sustainability Considerations

- **Environment**

Removing/lowering the obstruction to Emigrant Creek floodwater of Deadmans Creek Road will assist restoration of more natural floodplain hydraulics. Closing Deadmans Creek Road would increase vehicle mileage by 877,642 km per year with associated adverse energy consumption and emissions impacts.

- **Social**

Closure of Deadmans Creek Road will reduce amenity for a significant portion of Ballina Heights residents, requiring them to travel longer distance/time to/from destinations in Ballina. Closure of Deadmans Creek Road will reduce traffic volumes and thereby improve residential amenity on The Ridgeway.

11.1 Future of Deadmans Creek Road

- **Economic**

Lowering Deadmans Creek Road has a significant capital cost. Closing the road will cost residents an extra 877,642 vehicle km per year and bring forward the cost of upgrading the Cumbalum eastern roundabout.

Legal / Resource / Financial Implications

A public consultation process would be required if Council decides to permanently close Deadmans Creek Road. The closure is likely to economically disadvantage up to 250 existing residences, but whether this would be grounds for any legal action is beyond the scope of this report.

There would be a significant cost to reconstruct and lower the level of Deadmans Creek Road to eliminate a small adverse impact on flood behaviour. The closure of the road would have significant and ongoing costs to members of the public who would need to travel an extra 1.5 km for each trip on the non preferred route via Ballina Heights Drive.

The annual costs to maintain Deadmans Creek Road are discussed in the information section of this report.

Consultation

Previously the Council has published for public exhibition a number of strategic planning documents which have examined this issue. More recently Council has received submissions on this matter as part of the consultation for the Cumbalum Precinct A - DCP and Contributions Plan which was considered by Council, 26 February 2015 and for the Ballina Floodplain Risk Management Plan and Development Control Plan. These latter items are reported elsewhere in this agenda.

No specific consultation has been undertaken in the preparation of this report.

It is open to Council to conduct further consultation with affected stakeholders and the public prior to making a decision on the future of the road.

Options

1. Lower the 100 m length of Deadmans Creek Road, east of Tamarind Drive to a surface level of 0.9 m AHD.
2. Close and remove the formation of the 100 m length of Deadmans Creek Road, east of Tamarind Drive.
3. No change to Deadmans Creek Road.

The major objective in considering closing or lowering Deadmans Creek Road is to reduce upstream flooding impacts of 4mm on private land and 6mm - 9mm at the Cumberlam interchange.

11.1 Future of Deadmans Creek Road

As noted in the above report, there will be considerable ongoing social and economic costs (equivalent to 877,622 vehicle km per year) to Ballina Heights residents if Deadmans Creek Road is closed.

Lowering Deadmans Creek Road represents a means of achieving these floodplain management objectives whilst avoiding the social and economic costs to residents of a full closure, but would be at a substantial capital cost to Council. This capital cost would be minimised if Council is able to obtain a floodplain management grant.

The ongoing maintenance and asset renewal cost for Deadmans Creek Road is considered reasonable when compared to the benefits of retaining the access.

On balance, option one, lower the road appears to be the preferred position as it achieves reasonable floodplain objectives and still provides a beneficial access. As asset renewal work is not scheduled for some time, it is recommended that Council take no further action at this point in time in respect of lowering the road, with the exception of seeking flood mitigation grants to reduce the costs to Council to complete a project to lower the road.

While Council has recently received many submissions in support for the retention of the road, previously there has been a strong level of interest from landholders affected by flooding and from residents who live near the road and would prefer for the closure to proceed. On this basis it is appropriate for Council to recognise all interests by seeking comment in response to the Council determining a preferred direction.

RECOMMENDATIONS

1. That, based on the information in the above report, Council determine its preference is to lower the surface of Deadmans Creek Road to a level of 0.9 m AHD when funds become available.
2. Council invite comments from the public and key stakeholders in response to the decision in point one above.
3. Council respond to opportunities to apply for flood mitigation grant funds to assist in the costs to lower the surface of Deadmans Creek Road.

Attachment(s)

Nil

11.2 Road Closing Proposal - Rous Mill

11.2 Road Closing Proposal - Rous Mill

Delivery Program Asset Management

Objective To determine Council's response to a request from Crown Lands to deal with the closure and sale of an unconstructed Council public road at Rous Mill.

Background

This report is presented to Council to consider the closing of an unconstructed public road located at 90 Crawfords Lane, Rous Mill. The request from the Crown is for the road to be considered in conjunction with other Crown public roads identified for closure in that locality. Under the provisions of the Roads Act 1993 if an unconstructed Council public road is closed, the land within the road reserve becomes vested in the Crown.

The road closing process is administered by NSW Trade & Investment – Crown Lands in consultation with Council. Crown Lands has been proactive in rationalising the Crown road network by encouraging landholders to make application to close and purchase unnecessary roads within and adjacent to their property. In this case, the Crown has identified an unconstructed Council public road which would be suitable for closure.

When assessing these applications, the present and future use of the land must be considered. While the Council is invited to form an opinion in response to a road closure application, Crown Lands will be required to make the final determination. If a decision transfers the care and control of a Crown road to Council or a Council road remains as unconstructed road, then this can create future liabilities for Council.

Council has a policy entitled 'Road Closing Applications for Public Roads' ("the policy") which provides guidelines for assessing an application. The purpose of the Policy is to guide the assessment of the public benefit from the proposal and the associated costs for retaining the sections of unformed road. These benefits and costs may not be easily quantified.

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

Key Issues

- Suitability of closure

Information

Council has received notification from Crown Lands regarding the proposed closure of a Crown road at Rous Mill. The initial investigations have identified other unconstructed Crown roads in the vicinity that are also suitable for road closure.

11.2 Road Closing Proposal - Rous Mill

This section of Council road, as shown in attachment one, is not constructed and is fully within the current single landholding of Lot 1 DP 364889 at 90 Crawfords Lane, Rous Mill.

The terrain is reasonably steep and densely vegetated for the western section of this road, which identifies a reason why no construction has occurred to construct this access route. The road is a public road and provides a legal road connection between the existing constructed roads of Crawfords Lane and Marom Creek Road.

Crown Lands are requesting approval from Council to deal with this section of road in conjunction with the assessment for closure of nearby Crown roads.

Council staff have undertaken a desktop assessment to identify potential uses of this site if retained as public road. The site has thick vegetation and contains areas of steep land which limit potential use and there are no present or future requirements for this road to be part of the road network. It is therefore considered there are limited uses for this site if retained by Council.

Council is the roads authority and the owner of this public road. Any request to close and purchase a section of Council public road must first be endorsed by Council before initiating the formal road closing process. If the Council provides the Crown with the approval to deal with the road, the administrative procedures would be undertaken by the Crown.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
This road is public land and the closure and sale would see this land become consolidated into the adjoining private land.
- **Economic**
The future closure of this road and consolidation with the adjoining land parcels supports efficient land management principles. If the land were retained, there are possible ongoing costs and liabilities with managing the site. The public ownership of the land provides the opportunity for a future service and access corridor.

Legal / Resource / Financial Implications

Should the Council support this request, a section of unconstructed public road could be closed and sold to the adjoining land owner. The land is Council public road, however as the road is unconstructed, any proceeds from the sale go to the Crown as per Section 38 (2)(b) Roads Act 1993.

The land is enclosed within an existing landholding and is being managed by the adjacent landholder. Should the Council retain the land as road there may be financial and liability implications for Council to maintain this land.

11.2 Road Closing Proposal - Rous Mill

Consultation

Council has received the request from Crown Lands and Council has had no discussions with property owners.

Options

1. That the Council supports the request from Crown Lands to deal with the Council public road in conjunction with the proposed road closing application for Crown roads in this locality.

The advantage of this option is that if the road closing proceeds, Council does not have any future liability attached to this unnecessary section of road. It also allows for the adjoining landowner to proceed with the road closing and, if approved, consolidate the land into the adjoining property. This may well be the most efficient and best use of the land and therefore be a preferred outcome for the adjoining landowner and the community.

2. That the Council opposes the request from Crown Lands to deal with the Council public road. The road remains as Council public road and any financial or liability matters stay with the Council.

Option one is the preferred approach.

RECOMMENDATIONS

1. That Council endorses the request from Crown Lands to deal with the section of unconstructed Council public road adjacent to 90 Crawfords Lane, Rous Mill in conjunction with other Crown road closure applications in the vicinity.
2. That Council authorises the Council seal to be attached to the road closing application and associated documents where required.

Attachment(s)

1. Diagram showing unconstructed Council Public Road at 90 Crawfords Lane, Rous Mill

11.3 Plant Replacement Program

11.3 Plant Replacement Program

Delivery Program Operations Support

Objective To complete the annual review of the Plant Replacement Program for 2015/16 to 2024/25

Background

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

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

This report presents an update to Council's 10 year Plant Replacement Program, which if endorsed, will be included in the Council's draft Delivery and Operational Plan for 2015/16.

In addition to presenting the 10 Year Plant Replacement Program, Council is also asked to approve the minor replacement changes to the current 2014/15 budget which will allow for the earlier replacements of three items of heavy plant. This change has been identified in response to the high operational costs which are currently being incurred for these items.

This program and report was prepared in parallel with the 'Review of Electric Vehicles for Council's Fleet'. Please see the other report within this Ordinary Meeting for the research and review that was been conducted.

Key Issues

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

Information

The Plant Replacement Program proposed for 2015/16 to 2024/25 (attachment one) includes fleet covered under the General, Water, Wastewater (Sewer) and Domestic Waste Management plant funds. These have been separated accordingly in the program.

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

11.3 Plant Replacement Program

The replacement program does not allow for any expansion in the size of the fleet. Any additional plant items need external or extra funding for their purchase. Once purchased the renewals are managed by the on-going internal hire charges.

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

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

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

Consistent with previous reporting to Council, the Replacement Program and Financial Plan indicate a higher capital expenditure in 2015/16 than what has been typical in previous years. This is due to a backlog of plant replacements that did not occur in 2013/14. These vehicles were reassessed, along with other upcoming replacements and distributed over the following two years. The capital funds required for meeting the 2015/16 replacements will be \$1,975,000.

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

As this is only a prediction, the replacement program will be continually monitored throughout the year along with the Financial Plan. Plant utilisation, condition and operational needs will be frequently reassessed in order to defer the replacement of any plant where that is feasibly possible to the following financial years, aiming to prevent the reserve balance being reduced to an unsustainable level.

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

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

11.3 Plant Replacement Program

Adjustments to the 2014/15 Replacement Program

The replacements programmed for this financial year are progressing as endorsed by Council on 25 September 2014. Due to critical plant faults that have occurred during 2014/15, three items of heavy plant that were not scheduled for replacement need costly repairs to be operational. To optimize the operational costs of these vehicles and reduce high external hire rates, it is recommended to move the replacement of these vehicles forward to this financial year.

The vehicles which need to be added to the 2014/15 program are listed below, along with other changes that have occurred to the program since the 2014/15 program was endorsed by Council:

P266 & P64 John Deere 5720 Tractors	Due for replacement in 2015/16. Replacement required to be moved forward to 2014/15. The condition of the plant has been assessed and repairs estimated by Workshop. Consideration has been given to hiring contractors and/or equipment until the start of the next financial year. It has been identified that the most cost effective solution for Council would be to move forward this replacement by 1 year. Replacement cost \$70,000
P320001 Fuso 1627 Tipper Truck	Due for replacement in 2014/15. Replacement was not captured in the program put forward to Council due to a software error which excluded it from the list. The condition of the plant supported the need for the replacement to occur in accordance with the original date within 2014/15. Replacement cost \$90,000.
P214001 Holden Commodore	Due for replacement in 2014/15. Replacement deferred to 2015/16 due to good plant condition and the opportunity to get more utilization kilometres.
P219 Holden Colorado 4X2	Due for replacement in 2014/15. Replacement deferred to 2015/16 due to good plant condition and the opportunity to get more utilisation kilometres.
P220 Ford Ranger Single Cab	Due for replacement in 2014/15. Replacement deferred to 2015/16 due to good plant condition and the opportunity to get more utilisation kilometres.
P212 Mitsubishi Canter	Due for replacement in 2014/15. Replacement occurred in 2014/15, as planned, however due to vehicle enhancements capital costs exceeded the budget. For this reason they were procured under a lease which will be paid out in 2015/16. Replacement cost \$90,000
P23 Mitsubishi Canter	Due for replacement in 2014/15. Replacement occurred in 2014/15, as planned, however due to vehicle enhancements capital costs exceeded the budget. For this reason they were procured under a lease which will be paid out in 2015/16. Replacement cost \$90,000

To replace the three items of plant this financial year (P266, P64, P320001), an additional \$222,000 of capital funds is required to be transferred from reserves to this 2014/15 budget.

Sustainability Considerations

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

Legal / Resource / Financial Implications

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

As indicated in the Financial Plan, the Reserve balance is predicted to be impacted in following the 2015/16 financial year. Replacement of plant will be monitored and reassessed throughout the year in an attempt to defer feasible plant replacements to the following year.

In the event that the General Plant Reserve Balance requires assistance to remain in the positive, an internal loan will be sought from the LRM Refurbishment Reserve. Depending on the amount to be borrowed, repayments would be made within 2-3 years.

Regardless, predictions show that following 2017/18 the reserve balances will significantly increase over the following years.

Consultation

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

Options

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

RECOMMENDATIONS

1. That Council endorses, for strategic planning purposes, the Plant Replacement Program, as attached to this report, along with the Financial Plan.
2. The draft 2015/16 Delivery and Operational Plan include a fleet procurement program in accordance with the Plant Replacement Program endorsed in point one above.
3. That Council approves an additional \$222,000 be transferred to the capital budget for the 2014/15 year, to enable the replacement of plant items P266, P64 and P320001 as per the information in the above report, with funds sourced from the General Plant Reserve.

Attachment(s)

1. Plant Replacement Program 2014/15 to 2024/26
2. General Plant Financial Plan 2014/15 to 2024/25

11.4 Review of Electric Vehicles for Council's Fleet

11.4 Review of Electric Vehicles for Council's Fleet

Delivery Program Operations Support

Objective To consider the feasibility of introducing Electric Vehicles into Council's Fleet.

Background

This report responds to a resolution of Council to consider the feasibility and benefits of introducing electric vehicles (EV) into Council's fleet.

To respond to this resolution staff have reviewed Australian EV trials and various technical papers as well as contacting nearby Councils that have purchased EVs.

Key Issues

- Considering the use and cost of Electric Vehicles
- Optimum plant selection to minimise operational costs

Information

Types of Electric Vehicles

The types of EVs available in the current market are summarized below.

Hybrid Electric Vehicle (HEV)	Petrol powered vehicles which are supplemented with electrical energy stored in batteries. This energy is captured from the braking system. Models: Toyota Prius, Honda Civic Hybrid, Toyota Camry Hybrid.
Plug-in Hybrid Electric Vehicle (PHEV)	Similar to the HEV with the addition of a plug to charge the battery of the vehicle. They differ in their choice of using petrol or electricity as their primary energy source. These can also be referred to as extended range vehicles. Models: Holden Volt, Mitsubishi Outlander
Battery Electric Vehicle (BEV)	Vehicles which use electricity as their sole energy source. Models: Nissan Leaf

11.4 Review of Electric Vehicles for Council's Fleet

Therefore only passenger vehicles are available as an EV, with no utility or vehicle types currently in the market. Council has a fleet of passenger vehicles for operational purposes. These vehicles are available to certain staff for private and commuter use purposes. Staff pay a lease fee to cover the costs of the private use associated with these vehicles. The passenger vehicles are primarily based at the Council Administration Office.

The specific models of electric vehicles compared throughout this report, are popular models which are available on NSW Buy Government Contract. These include: Nissan Leaf (BEV), Holden Volt (PHEV) and Mitsubishi Outlander (PHEV).

Charging Electric Vehicles

Electric vehicles can be charged by using a designated charging station or utilising the charging cable provided with the vehicle to charge from a standard power supply wall socket.

It is recommended to utilise a 15amp power supply although a 10amp charging cable is available from manufactures, this extends charging time significantly.

Charging a battery differs between the vehicle models. For most batteries it is recommended to charge to 80% capacity to prolong battery life (however the Mitsubishi Outlander does not specify these restrictions on battery charging).

The following provides details on the time to charge a battery in three specific EVs utilising different power supplies.

Nissan Leaf (BEV)	Holden Volt (PHEV)	Mitsubishi Outlander (PHEV)
A designated charging station, providing 22amps. <ul style="list-style-type: none">• 'Quick charge' can take the battery to 80% in 30 minutes.• 'Normal charge' takes around 7-8 hours to full charge• 'Trickle charge' takes around 14 hours*.	A power supply providing: <ul style="list-style-type: none">• 15amps, will fully charge the battery in under 4 hours.• 10amps, will fully charge the battery in under 8 hours.	A power supply providing: <ul style="list-style-type: none">• 15amps will fully charge the battery in under 5 hours.

In the future EVs may come with the ability to swap batteries with fully charged replacements at dedicated swap stations and/or the possibility to charge using wireless induction-charging. However, the majority of electric vehicles are currently charged by using a plug-in connection.

Dedicated Charging Stations

If needed, a dedicated charging station can be installed – the benefit to this is the ability to charge the EV at a higher current. A higher current decreases the time to charge the battery.

11.4 Review of Electric Vehicles for Council's Fleet

Brisbane City Council currently operated eight EVs and do not utilise a dedicated charging station as they consider the cost is not warranted. They charge their vehicles by 10/15 amp connections to a standard power plug.

Lismore City Council operates two electric vehicles and have installed a charging station utilising the solar panels at their waste facility. The cost of their charging station was \$1,375.

Staff have sought an indicative quote for the supply of a charging station in Ballina with the indicative price being \$1,800 ex GST plus installation and cost of charging leads at \$390 each.

Typical Travel Range

A typical travel range for an electric vehicle is between 100 and 150km, depending on the vehicle. Of the three vehicles listed previously the estimated travel range from a fully charged battery is as follows (subject to driving conditions).

Nissan Leaf (BEV)	Holden Volt (PHEV)	Mitsubishi Outlander (PHEV)
170 km from full charge.	70 km from full charge.	52 km from full charge.*
	600 km including a full backup generator tank & fuel tank.	824 km including a full fuel tank.
		*Indicative figures. Hasn't had the ADR testing done.

Brisbane City Council currently utilise six Nissan Leaf and two Holden Volt. They charge batteries to 80% charge for optimum battery life and obtain a range of approximately 120km from both vehicles (depending on operator).

Lismore Council operate one Nissan Leaf and are looking to add more to fleet and achieve approximately 150km with full charge.

Cost to Purchase

The following electric vehicles are available from a NSW Buy Government Contract.

Nissan Leaf (BEV)	Holden Volt (PHEV)	Mitsubishi Outlander (PHEV)
\$29,809 (ex-GST)	\$50,373 (ex-GST)	\$41,973 (ex-GST)

By way of comparison, Council has a number of Hyundai ix35 in its fleet and the current purchase price for these is \$28,355.

Vehicle Servicing

The difficulty with electric vehicles within this region is that there are no local servicing facilities. Lismore City Council currently transports the Nissan Leaf to Southport for servicing. This would also be required for the Holden Volt (PHEV) or Mitsubishi Outlander (PHEV).

11.4 Review of Electric Vehicles for Council's Fleet

Quayside Motors are looking at the viability of becoming a certified service agent for Mitsubishi Outlander although there are significant costs to the dealer in training and workshop setup.

Residual Sale Value

To ascertain the estimated resale values of the electric vehicles, various sources have been utilized, such as Redbook, Auction sales and data from other councils.

Vehicle	Milage	Resale Value	Retail Price	Residual on Sale
Nissan Leaf 2012 (BEV)	30-50,000 km	\$17-19,000	\$29,809 (Gov contract)	58% over 3 years
Holden Volt 2012 (PHEV)	30-50,000 km	\$27-30,400	\$50,373 (Gov contract)	53% over 3 years
Mitsubishi Outlander 2014 (PHEV)	15-25,000 km	\$28-31,300	\$41,973 (Gov contract)	59% over 1 year

This compares favourably to a current petrol engine vehicle, the figures for the Hyundai ix35 are shown below. If it were replaced after a 3 year period (inline with the above EVs) it would have a residual of 55%.

Hyundai ix35	45,000 km	\$15,000	\$28,355 (Gov contract)	55% over 3 years
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It appears that EVs are receiving high residuals, although the EVs generally have a lower utilisation than a petrol engine vehicle due to the limited travel range. Current petrol engine vehicles in Council's fleet are held for 5 years as this is seen as the optimum replacement time. At this turn over time, the petrol passenger vehicles have a residual of around 30%.

Whole of Life Costs

Estimating and comparing a vehicle's 'whole-of-life' cost enables fleet managers to gain a more accurate picture of vehicle costs over time and assists in making more strategic purchasing decisions.

The 'Whole-of-life' cost calculations include the following elements:

- purchase price
- depreciation
- recurring fixed costs (registration, insurance, roadside assistance)
- operating costs (fuel, tyres and maintenance).

The table attached to this report (attachment one) makes assumptions and uses available data to determine the 'whole-of-life' cost of the EVs and the Hyundai ix35 petrol vehicle. The estimated cost to Council per km for each of these vehicles (after trade-in), are as follows:

- Nissan Leaf (BEV) \$0.41 / km or \$6,158 / year
- Hyundai ix35 (Petrol) \$0.45 / km or \$6,691 / year
- Mitsubishi Outlander (PHEV) \$0.55 / km or \$8,211 / year
- Holden Volt (PHEV) \$0.61 / km or \$9,175 / year

Sustainability Considerations

- **Environment**

Several studies reviewed by staff show that EVs, even when charged by grid energy, have reduced emissions of pollutants, greenhouse gas, and improving energy efficiency when compared to petrol vehicles.

Purchase of an EV would allow Council to demonstrate leadership and promote EVs as a feasible alternative to the community.

- **Social**

Not Applicable

- **Economic**

Not Applicable.

Legal / Resource / Financial Implications

Passenger vehicles are funded by lease charges received from the vehicles operator. This can be under a private use or commuter use arrangement.

Changing the selection of vehicles available would result in adjusting lease rates for accommodating that vehicle, which would be worn by the operator if they chose that vehicle.

Consultation

Consultation has occurred with experienced fleet coordinators in other regions of Local Government in relation to incorporating and/or considering Electric Vehicles into their fleet.

Options

If the Council was inclined to purchase an EV there are essentially two options. The first option is to include an EV under the arrangements in Council's Light Vehicle Protocol. The second option is to purchase a vehicle which is not leased and retained as a pool vehicle. The merits of these options are discussed below.

1. Include EVs in the Council's Light Vehicle Protocol

Under this option, suitable EV models would be listed as an option under this policy for staff to select at a vehicle changeover. The key advantages of this option is that the Council does not incur the expense of an additional vehicle in the fleet, Council will receive a lease fee for the private use of the vehicle, and the staff member allocated the vehicle will be responsible for the cleaning of the vehicle (on their own time) and the overnight garaging of the vehicle.

11.4 Review of Electric Vehicles for Council's Fleet

A disadvantage of this option is that the private use potentially reduces or removes the opportunity for Council to display any educational type message on the vehicle in regards to promoting the awareness of this action as a sustainability initiative. A further disadvantage is staff may not be inclined to select the vehicle due to the range limitations. To manage that issue the Council could provide an incentive by reducing the lease fee, thereby increasing the net operational cost to Council.

If this is the preferred option for Council, it Council needs to also consider the vehicle type. Due to the greater operational range of a Plug-in Hybrid Electric Vehicle (PHEV), utilization of the vehicle would be less constrained due to its ability to still be used when charging stations are unavailable and it is more likely that staff will have an interest in select this vehicle from the options available to them under the policy. However, the PHEVs are significantly more expensive to purchase and arguably do not carry the same sustainability message that Council could achieve from the Battery EV option.

2. Purchase an EV as a General Pool Vehicle

The advantage is the Council is unrestrained in respect of education and promotion of the vehicle.

The preferred approach to managing general maintenance, cleaning and garaging would be to provide commuter use for the vehicle to a staff member. Under this arrangement there is only a very small income to Council from staff compared to the full lease, however the new EV could easily replace an existing utility that is used for commuter purposes. The Council would incur an additional Fringe Benefit Tax liability as currently the Council does not pay any FBT for commuter vehicles as the utilities qualify for an exemption. The FBT liability is dependent on the number of kilometres travelled and would be in the order of 20% of the purchase price per annum, meaning this is a significant cost.

To avoid the FBT costs the Council could garage the vehicle without any commuter or private benefit. The difficulty with this option is that the Administration Centre does not have any secure parking for a vehicle regularly parked outside the building overnight. To avoid this risk, the car could be garaged overnight and collected/returned to and from Council's depot. Combined with the need for staff to complete cleaning and general maintenance of the vehicle, this is considered an inefficient use of Council's human resources. The car could be based operationally at the depot, however there is limited demand for an additional vehicle at this location.

The purchase of the vehicle could be undertaken by using funds from the Plant Reserve budget, or the vehicle could be procured by lease. Under either option, an annual expense budget would need to be created to meet either the internal operating costs or the lease expenses. Assuming an FBT liability within the operating costs, this budget would need to be in the order of \$10,000.

11.4 Review of Electric Vehicles for Council's Fleet

If this is the option preferred by Council, then the BEV type of vehicle is recommended. The BEV is more aligned with the objectives behind Council's interest in this proposal and the range limitation for the vehicle is not a constraint having regard to the local use of the vehicle.

3. Maintain the status Quo

The range limitations for EVs mean it is not possible for the Council to consider at this point in time a strategic change from petrol vehicles to EVs for its fleet. Therefore the Council needs to consider whether there are sufficient education and sustainability awareness benefits from the purchase of one or a few vehicles compared to the costs. As noted above, option one can be considered reasonably close to cost neutral, however option two is a significant cost.

Furthermore, this technology can still be considered in its early stages of development. Therefore it is expected that vehicle, battery and charging technologies will significantly improve over the next few years. As EV costs come down and performance improves, the proposition of EVs adding value to Council's operations and sustainability objectives will be strengthened and will be more attractive to Council.

The purchase of an EV would allow Council to demonstrate leadership and promote EVs as a feasible alternative to the community. Option Two adds significant costs to the increasingly difficult challenge of developing a budget for the organisation that delivers on the community's expectations for services. For this reason, and mindful of the comments in respect of option three, option two is not recommended at this point in time, however ultimately the allocation of resources is a key task of the elected Council who may perceive there are sufficient benefits in the program to justify the costs.

Option One is considered feasible, however there is some uncertainty as to whether, or when, there will be an approved staff member willing to select an EV under Council's current policy. Noting this limitation, the recommendation allows the option to at least be created. Further discussions may be needed in regards to whether a subsidised lease fee is appropriate and the extent the car can be marked for educational awareness purposes. The recommendation limits this option to a BEV for the reasons discussed in the above report.

Regardless of the option selected by Council, the Fleet Coordinator will continue to monitor trends in the commercial EV sector as it develops, including any incentives which would assist with the take up of EVs within Council.

RECOMMENDATIONS

1. That Council endorse a Battery Electric Vehicle option be added to the list of passenger vehicles available for selection by staff members under the Council's Light Vehicle Protocol.
2. That Council note the contents of the above report regarding electric vehicles and request the General Manager continues to monitor trends in the commercial electric vehicle sector as it develops, including any incentives which would assist with the take up of electric vehicles within Council.

Attachment(s)

1. Whole of Life Cost Comparison - Electric and Petrol Vehicles

11.5 Floodplain Risk Management Study and Plan - Results of Public Exhibition

11.5 Floodplain Risk Management Study and Plan - Results of Public Exhibition

Delivery Program Engineering Works

Objective To report to Council the results of the public exhibition of the draft Floodplain Risk Management Plan and draft Floodplain Management Development Control Plan.

Background

This report responds to the outcomes of the Council Resolution from the November 2014 Ordinary meeting of Council which reads:

1. *That the draft Ballina Floodplain Risk Management Plan and Chapter 2b – Floodplain Management Development Control Plan be placed on public exhibition in accordance with the requirement of the Environment Planning and Assessment Act 1979.*
2. *That prior to the commencement of the public exhibition in point one above, a workshop is conducted to assist Councillors in their further familiarisation of the plans that are the subject of this report.*

Point 2 in the resolution was actioned late last year.

The public exhibition period was undertaken between 4 February 2015 and 6 March 2015 and comprised an information brochure plus the exhibition documents. The exhibited documentation was available at Council's Community Access Points and on the website.

Overall 22 submissions were received during and following the exhibition period. A profile of the submissions is as follows:

- 17 responding to the action to investigate the "feasibility of lowering or removal of Deadmans Creek Road" with:
 - 14 submissions (including one petition) for no lowering or removal.
 - 3 submissions (one repeated) for removal/closure.
- One responding to floodplain management generally.
- One expressing concern in regards to a "fill-it-all" approach and the non-sustainability of this.
- Two responding to the area north of Ross Lane, primarily due to Richmond River County Council's "Newrybar Swamp Drainage and Flood Mitigation Study", and associated modelling being incorporated into the Ballina Floodplain Risk Management Plan (BFRMP) and DCP.
- One responding (Ballina Chamber of Commerce) to consideration for lower fill height in Ballina CBD.

A copy of all of the submissions is provided as attachment one. Furthermore, the information section of this report will provide more commentary regarding the submissions.

11.5 Floodplain Risk Management Study and Plan - Results of Public Exhibition

Councillors may also recall that the November 2014 Council report dealing with the proposed public exhibition provided an updated background for the project. This updated background was provided due to delays associated with the project whilst waiting for delivery of the Newrybar modeling.

The previous reporting on this project has been extensive over an extended period of time. The information in this report does not seek to reintroduce the information in regards to the development of the plans prior to the Council's decision to place the plans on public exhibition. Councillors needing assistance or access with the earlier information should contact the Group Manager Civil Services.

Key Issues

- Completion and adoption of the draft Ballina Floodplain Risk Management Plan.
- Completion and adoption of the draft Floodplain Management Development Control Plan

Information

The following information is in two sections, one for the Risk Management Plan and one for the Development Control Plan. The information is discussion in response to the points raised in the submissions.

1. Draft Ballina Risk Management Plan (BFRMP)

Deadmans Creek Road

As noted in the background section to this report, there were 17 submissions out of 22 (comprising 77%) which were responding to the BFRMP Flood Modification Measure F2:

“Undertake detailed feasibility of lowering or removal of Deadmans Creek Road, including investigation on social impacts and impacts on flood evacuation.”

Fourteen submissions were opposing this action (which may lead to lowering or closure) with half of the submissions being a form letter. This included a Ballina Heights Residents Action Group submission as well as a petition. The main themes of the submissions comprised the susceptibility of Ballina Heights Drive due to local flooding at the Ballina Bypass Cumbalum roundabout, the need for better planning in providing more than one access for such a subdivision and the vulnerability and/or risk associated with a single access being blocked and hence the inability for emergency access. One submission was made by a consulting firm on behalf of a Summerhill Crescent resident. The submission questioned the technical merits of the measure and its formulation within the development of the integrated flood model plus other developments and their associated consents. A detailed reply is yet to be completed to this submission.

11.5 Floodplain Risk Management Study and Plan - Results of Public Exhibition

Three submissions were also received (from two respondents) which supported the closure of Deadmans Creek Road

The BFRMP identified the consideration of this measure in year three of its prioritization schedule. Due to the interest in this matter raised at other forums, including traffic planning matters, a separate report has been prepared dealing with Deadmans Creek Road and this is presented elsewhere in this business paper.

Ballina District Citizens and Rate Payers Association (BDCRPA)

The BDCRPA provides a narrative regarding perceived flooding issues across the floodplain. It is difficult to pinpoint a specific matter within their correspondence, however a number of headings are identified with responses.

- SES Preparedness – the SES have been stakeholders in the preparation of the BFRMP and have received project output for their use.
- Duty of Care – the floodplain management process followed by Council follows NSW State Government guidelines.
- Actual Flood Height Figures Not Used – the flood modelling which underpins the BFRMP has used historic flood events for calibration.
- Emigrant Creek (upstream of West Ballina) – is a creek comprising Crown Land, and is not a Local Government drainage resource.
- Uncontrolled Developments – the purpose of the BFRMP is to ensure development is consistent with floodplain management policy.
- Levees – the BFRMP identifies the need for guidance material regarding the impact of agricultural levees.

Planners North (PN)

Planners North have been an active participant regarding feedback with the earlier Ballina Floodplain Risk Management Study (BFRMS) and previous DCP exhibition processes.

PN is critical to the current strategy to continue to fill and indicates flood protection could be achieved with some filling, leveeing and pumping, and flood gating.

Preliminary investigations identified a number of risks and constraints associated with these options to the extent that further analysis was not undertaken at this point in time. The topography of the Ballina Floodplain, in particular its proximity to the influence of ocean surge, make levee construction extremely difficult. It would also require considerable direct investment of large sums of public money compared to the recommended approach which is achieved by small incremental improvements by landowners over time. Therefore, in the absence of the above more detailed investigations and the funding of these, it is considered appropriate in the short term to continue with the current fill policy for that portion of private development. It has previously been reported to Council that the adoption of the 1 in 100 year ARI (2050 scenario) for filling on Ballina Island will become a capped height.

11.5 Floodplain Risk Management Study and Plan - Results of Public Exhibition

Firstly this capped height is not dissimilar to the existing minimum fill height (and the status quo is retained for road access and the like) and should flood height predictions change then further protections can be achieved with building design.

Secondly the capped height provides private development with protection from inundation due to future sea level rise (SLR) and is therefore required irrespective of flood events.

It is acknowledged that the BFRMP and DCP should be adaptive and responsive to new information and investigation. Accordingly, the options proposed by PN can be considered when options are further developed or investigated into the future.

The Strategic Planning and Community Facilities Group are currently preparing a Housing Resilience and Options Report for Ballina (with Councillor workshop scheduled for 21 April 2015). This is an example where policy development can further inform and improve the planning outcomes associated with the BFRMP and DCP.

PN also points out that the work within the BFRMS included reference to likely investigations and flood mitigation of public infrastructure. This has not been explicitly identified as any action in the current BFRMP, although isolated infrastructure modifications have been identified. It is suggested this be added as a measure in the BFRMP.

PN have also submitted volumes and costs for filling Ballina Island, and early estimates by Council indicate that this is significantly overstated.

Finally PN have inquired how future flood modification measures will be funded. This matter has been considered, and the current approach is to apply the flood model to determine whether a development triggers the need for the flood mitigation measure.

The suggestion for a Section 94 Plan is noteworthy however early advice for BMT WBM is this would be complex and has not progressed at this stage.

C Skennar (CS)

The response from CS deals with mostly submissions to the Newrybar Swamp Drainage and Flood Mitigation Study (BMT WMB, 2014) undertaken by Richmond River County Council (RRCC).

However, one comment relates to the likely change of water flows due to CURA B development. It is acknowledged that further flood modeling will be undertaken as part of this development and this issue does not impact on the adoption of the plan.

A Anderson and M Pool (AA)

The response from AA covers three matters:

11.5 Floodplain Risk Management Study and Plan - Results of Public Exhibition

- AA indicates there has been lack of consultation with upper floodplain landholders (north of Ross Lane) regarding the Newrybar Swamp Drainage and Flood Mitigation Study and the BFRMP. There has been a crossover with respect to expectations and work being done by RRCC and Council. It is understood that RRCC was undertaking stakeholder consultation as part of the Newrybar study with landholders. However Council was not active with its BFRMP Community Reference Group during the time due to completion of the Newrybar study.

However, it is an undertaking of the BFRMP to consider the outcomes of the Newrybar study. This has been recorded in year four in the prioritisation schedule. Further consultation will take place to clarify this matter.

- AA has identified that early flood modelling for CURA B has occurred, and this now comprises part of the integrated flood model. It is suggested impacts would occur upstream and modelling has not considered this, and furthermore filling upstream should also be considered. The purpose of modelling fill scenarios (developments) is to ensure minimal impacts under flood conditions. The CURA B development will need to be configured to ensure this is the case.
- The last matter from AA refers to DCP mapping and is discussed under the DCP submissions. A copy of a submission to RRCC dealing with the Newrybar study was also supplied.

2. Draft Development Control Plan

Planners North (PN)

- PN have reiterated their comments regarding mandatory filling as recorded by the BFRMP section. With minimum requirements being positive drainage, no tidal inundation ponding and floor levels provided by building construction. This matter has been adequately discussed in the BFRMP section.
- PN have suggested further modifications to the structure of the DCP to provide core material at the beginning of the document, and non-core information at the rear. Further rewording of the document has merit given that further explanation regarding third party modelling has been suggested.
- PN have indicated that special consideration should be given to Ballina Town Centre with redevelopment able to occur at grade or with minimal increase (say 300m).

The current draft DCP has been used for recent projects, such as Woolworths (Ballina) where minimal floor height increases were adopted. It is considered that the proposed DCP adequately allows for such considerations.

11.5 Floodplain Risk Management Study and Plan - Results of Public Exhibition

C Skennar (CS)

CS has indicated that minimum fill mapping for north of Ross Lane (and either side of Newrybar Swamp Road) is inconsistent and would affect insurance premiums. A culvert should be provided. The flood mapping provided by the DCP comprises 1 in 100 year ARI events does not adequately quantify stormwater events.

CS's concern regarding drainage has been previously advised and is being investigated.

A Anderson and M Pool (AA)

AA has questioned that with the completion of the Newrybar study, the DCP Flood Risk Precinct map has not been extended to cover the extended modelling area.

This is a valid query and has been taken up with BMT WBM to provide the extended mapping.

Ballina Chamber of Commerce (BCC)

The submission from BCC refers to the floor heights of the Ballina Town Centre and comments similar to comments at point three for Planners North apply.

Sustainability Considerations

- **Environment**
The draft BFRMP reports on changes to the natural environment which impact on the built environment.
- **Social**
The draft BFRMP identifies areas potentially subject to inundation due to flooding and climate change.
- **Economic**
There are significant economic implications for development where the draft DCP is applied and equally where inundation occurs and the draft DCP provisions are not applied.

Legal / Resource / Financial Implications

The process follows the guidelines outlined in the NSW State Governments manual "Floodplain Development Manual, the Management of Flood Liable Land" (April 2005) and Councils policy regarding SLR projections (November 2012). Under Section 733 of the Local Government Act, an exemption from liability is generally offered to Council where it has acted in good faith in accordance with guidelines.

11.5 Floodplain Risk Management Study and Plan - Results of Public Exhibition

Consultation

Throughout the duration of the project there have been a number of meetings and/or workshops where progressive outcomes of the BFRMS and BFRMP have been discussed.

A Community Reference Group has also been convened during the progress of the BFRMS, however there was no need to continue during the preparation of the BFRMP.

This is now the second time these plans have been on exhibition. The feedback from the first exhibition mainly sought the representation of the information contained in the documents as these were considered confusing. This type of feedback does not appear to have emerged on this second round of consultation.

Options

This is a complex piece of public policy and it is unlikely that a solution exists that will completely satisfy all of the elements influenced by the plans in their attempt to balance risk management, economic development and sustainable environmental planning outcomes. Therefore, the recommendation to this report is to adopt the plans as exhibited, subject to the modifications discussed in the above report. It is however noted that the process to continuously improve and develop the plans will be ongoing and this will be achieved through undertaking the further investigations proposed in the implementation of the plans, as well as other investigations and strategic planning activities by Council.

Filling of the floodplain appears to be one key point of conjecture. In this regard it is highlighted that the minimum fill levels proposed under the plan relate to sea level rise, not flooding. This provides future flexibility for the minimum floor heights and their relationship to fill levels. The DCP also now provides a risk based approach which allows commercial properties to be assessed on a merit basis and this means there are flexible options for proponents to consider in their development design solutions.

The Council is also able to defer the adoption of the plans if it is inclined to further examine the issues raised in the submissions. The Council can also make amendments to plan prior to adopting it.

Regarding the draft BFRMP and public exhibition feedback, there is one specific recommended addition, being the inclusion of a measure to continue to investigate future flood and climate change mitigation associated with public infrastructure.

Regarding the draft DCP and public exhibition feedback it is recommended to make some changes to the document and add clarification material. The technical aspects of application of policy would not change. The Flood Precinct Map would also be updated. The Council may wish to review the final document before adoption or re-exhibit.

11.5 Floodplain Risk Management Study and Plan - Results of Public Exhibition

RECOMMENDATIONS

1. That the draft Ballina Floodplain Risk Management Plan be amended to include a measure to continue to investigate future flood and climate change mitigation associated with public infrastructure and adopt the Plan.
2. That the draft Chapter 2b – Floodplain Management Development Control Plan be adopted, subject to the incorporation of minor clarifications and amended technical aspects into the plan as outlined in the above report.

Attachment(s)

1. Submissions (Under separate cover)

11.6 Playground Upgrade Plan

11.6 Playground Upgrade Plan

Delivery Program Open Spaces and Reserves

Objective To provide a plan for the provision and hierarchy of playgrounds in Ballina Shire

Background

Council currently manages 47 playgrounds in accordance with relevant Australian Standards for the benefit of the community. Playgrounds provide an opportunity for both active and passive play for primarily younger children, and children of all ages, in both a supervised and unsupervised setting.

Council has previously managed the provision of playgrounds through the adopted 2007 Playground Equipment and Installation Program and draft 2013 Playground Upgrade and Improvement Program. The draft 2015 Playground Upgrade Plan (attached) has been developed following an assessment of the progress to implement the previous plans and information contained in a recent audit of our playground assets. The revised plan aims to clearly highlight the adopted hierarchy and playground catchment area, ensure the community has reasonable access to quality playgrounds and provide a framework for the upgrade and replacement of equipment.

Key Issues

- Playground provision

Information

Playground Provision

The draft 2015 Playground Upgrade Plan has been prepared to ensure the equitable playground provision throughout Ballina Shire and appropriate asset management principles are used to ensure that playgrounds are maintained and replaced to ensure safety to the community. A copy of the draft plan is provided in attachment one.

Most of the playgrounds within Ballina are local parks, which play an important role in servicing a local catchment, generally within walking distance. Council recognises that there is also strong demand for playgrounds with higher level of embellishment and equipment and has identified and included locations for enhancement.

The plan has updated the catchment size in line with playground hierarchy to clearly identify areas of over and undersupply and take appropriate actions over time to address issues. Overall it is recommend that playground numbers increase from 47 to 52.

11.6 Playground Upgrade Plan

Playground Hierarchy

Council has an existing playground hierarchy which determines the catchment size and provision of equipment being local, district, regional playgrounds.

Local Playgrounds

- service an approximate 500m catchment size
- generally has 1-4 items of play equipment
- generally reliant on natural shade
- minimal supporting infrastructure
- generally cost between \$15-\$40,000

District Playgrounds

- service an approximate 750m catchment size
- generally larger and has more play equipment than a local playground catering for a wider range of ages
- may have associated landscaping
- supported by additional infrastructure
- generally cost more than \$75,000

Regional Playgrounds

- service an approximate 1km radius
- generally of a large size incorporating play themes, specific equipment for a wide range of ages
- is well supported by landscaping, formed path networks and associated infrastructure
- services a wider community who travel to the playground as a destination
- usually supported by public toilets nearby
- generally cost more than \$150,000

Replacement Plan

Whilst previous playground plans have included a 4 year capital works plan, it is recommended that Council utilise the results from Council operational and independent comprehensive inspections to plan and review replacement priorities on a yearly basis and these be reported to Council for approval. Some of the factors that will determine priority of replacement include;

- Age of equipment
- Location of playground
- Condition of the site and equipment
- Park rating score
- Compliance of equipment
- Associated risk
- Level of potential injury
- Associated costs to modify and upgrade
- Softfall condition and materials
- Estimated usage of equipment

11.6 Playground Upgrade Plan

Playground Inspections

To comply with Australian Standard AS/NZS4486.PT1:1997 routine and operational inspections are undertaken by qualified Council staff on a regular basis. Council also relies on its Customer Request Management (CRM) system to respond to reactive maintenance requirements highlighted by the community.

Council has also engaged Kico Inspection & Testing Services to undertake comprehensive inspections and provide audit services of playground safety.

The comprehensive audit undertaken by Kico Inspection & Testing Services in 2014 inspected over 1153 separate items, a combination of all individual playground components, activities, borders and safety surface materials. The audit identified priority repairs are required to 13% of these components, at an estimated cost of \$50,610. These estimates have been further costed by Council staff, with an updated price of \$62,630.58 to undertake these priority repairs. These repair works required exceed Council's regular maintenance budget and it is proposed that funds be allocated from the 2014/15 capital works budget to undertake these repairs immediately.

The recent audit also identified the following sites that are recommended for removal due to non-compliance with Australian Standards and/or poor condition and are unable to be rectified:

- Fitzroy Street Park, Wardell - swings and remnant equipment of old playground only. Existing equipment in park is in good condition.
- Victor Place, Lennox Head
- SS Rainbow Park, East Ballina
- Lindsay Crescent, Wardell

Lindsay Crescent has been identified for replacement this financial year. It is proposed that equipment removal coincide with installation of new equipment. Victor Place and SS Rainbow have been identified as not for replacement following the construction of Kings Court and Pop Dennison Park. A risk management approach will be taken to the removal date of these playgrounds, however it is expected that the removal of Victor Place will not be required until the Kings Court project is completed.

Geoff Watt Oval, Alstonville was identified in the 2014 audit as requiring major works to ensure compliance. Due to the age of equipment and high costs of repairs, it is recommend in the audit that works at this location be undertaken as a priority.

Identification of existing sites for upgrade

As part of the proposed plan the following sites have been identified for upgrade;

- Upgrade Pop Denison Park from a local park to a regional park
- Upgrade Geoff Watt Oval from a local park to a district park
- Upgrade of Ross Park from a local park to a district park

11.6 Playground Upgrade Plan

Identification of new sites for installation

As part of the proposed plan the following new sites have been identified for installation;

- Kings Court – design approved by Council and pre-construction has commenced.
- Porter Park, West Ballina – Community feedback as part of the Porter Park Embellishment Project strongly identified the suitability of a playground in this location, and Council has resolved to consider this location further. The supporting facilities currently being constructed, such as path network, landscaping and barbeques identify this location as suitable for a district size playground to service the West Ballina community.
- Captain Cook Park, Ballina – Identified as part of the Captain Cook Masterplan adopted by Council.
- Riverview Park, Ballina – Suitable location to service catchment gap.
- Cawarra Park, Ballina – Suitable location to service catchment gap.
- Serpentine Park, East Ballina – Suitable location to service catchment gap.
- Faulks Reserve, West Ballina – Has been previously identified and adopted by Council as a preferred site for a playground in this area. The river front park is a large open space, with ample parking and supporting facilities such as gardens, picnic tables, public toilets and barbeques.

Council has been made aware of a proposal by the Ballina Rugby Club to install a playground on Council land at Quays Reserve, following the receipt of a grant under the Community Building Partnership program. The specific details of the proposal are unknown to staff at this point in time, as consent was not obtained from Council prior to the lodgment of the grant. The site, as a single Rugby Oval, does not lend itself to a public playground due to lack of available usable space that would allow a playground to be constructed to Crime Prevention Through Environment Design (CPTED) principles and is not recommended by staff. Obviously the Rugby Club considers the equipment will add significant value to the amenity at the Clubhouse. On this basis, staff suggest that this proposed upgrade is not considered in terms of contributing to the catchment needs of this location. Council will therefore assess any application for approval to install the playground in respect of site matters only and not with regard to our overall preferred strategic direction for playgrounds as per the attached plan. For approval, the Club would need to accept full responsibility for risk management and maintenance of the facility.

Areas of Oversupply Identified

It has been identified that in some locations, there is an oversupply of playgrounds based on the service catchment. Whilst it is recognised that in some locations this may occur, such as in prominent areas, to maximize the efficiency of the playground program it is recommend that the playgrounds identified below not be replaced once they have reached their end of useful life. It is proposed that Council and nearby community be informed prior to any action being undertaken, with no immediate action proposed unless the playground becomes unserviceable or non-compliant with Australian Standards.

11.6 Playground Upgrade Plan

Playgrounds identified include;

- Victor Place, Lennox Head – Catchment to be serviced by Kings Court.
- Weerama Park, West Ballina – Catchment to be serviced by Porter Park and Faulks Reserve.
- SS Rainbow, East Ballina – Catchment to be serviced by upgrade to Pop Dennison Park.
- Montwood Park – Catchment to be serviced by Lilli Pilli Park and Beryl Park and future development nearby.
- Campbell Park – Catchment currently serviced by Rubiton Park and Green Park.
- Apex Park – Catchment currently serviced by EA Brown Park and Geoff Watt Oval.

2014/15 Action Plan

The following works summarised below are proposed to be undertaken, commencing immediately, from the available capital budget;

- Geoff Watt Oval, Alstonville – upgrade existing playground from local from 2014/15 capital budget at estimated cost of \$80,000.
- Fitzroy Street Park, Wardell – remove swings identified as non-compliant to Australia Standards.
- Lindsay Crescent, Wardell – be replaced at estimated cost of \$24,000.
- Commence planning of regional playground at Pop Denison Reserve.
- Undertake priority repairs identified from comprehensive inspections at a cost of \$62,630.58 reallocated from 2014/15 capital budget.
- SS Rainbow and Victor Place be monitored at a higher frequency to ensure risk to public is minimised prior to removal.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Playgrounds provide health and social well-being for both children and caregivers
- **Economic**
Playgrounds are essential for the presentation of the Shire and as a desirable place for residents and visitors

Legal / Resource / Financial Implications

Council has a duty of care in the management of playgrounds to ensure safety to relevant Australian standards, in particular AS/NZS4486.PT1:1997. It is required to have a “safe management system” which involves inspections, maintenance and reporting systems.

Play equipment has a 10-15 year life-cycle and appropriate asset management and provision is important to the delivery of compliant playgrounds within existing budgets.

11.6 Playground Upgrade Plan

Council currently has an annual capital budget of \$200,000 per annum to undertake playground works. Currently there is \$166,460 remaining in the 2014/15 capital budget following the installation of new equipment at Jabiru Park. The maintenance budget for repairs and inspection is funded through the Open Spaces and Reserves operational budget.

Consultation

It is recommended that the attached plan be placed on exhibition to allow input from the wider community. It is also recommended that the catchments highlighted in the plan be used to communicate to the community via letter box drop proposed works.

Options

Based on the information in this report, it is recommended that the works identified in the 2014/15 action plan be implemented.

It is also recommended that the Playground Improvement Plan be placed on exhibition for public comment, with any submissions received to be resubmitted back to Council. It is an option for Council to amend the draft plan. Finally it is also an option for Council to decide not to adopt a plan, however this is not recommended having regard to risk management principles and it is considered essential that there is a strategic plan for these important assets.

RECOMMENDATIONS

1. The information in the above report regarding playgrounds be noted.
2. The Council endorse the 2014/15 action plan, set out in the attached Playground Improvement Plan, for implementation.
3. The Playground Improvement Plan, attached to this report, be placed on exhibition. If no responses are received, the Plan will be considered adopted by Council. Any submissions received will be reported back to Council for determination.
4. That the General Manager continue to liaise, generally in the terms in the report above, with the Ballina Rugby Club regarding the proposed playground at the Ballina Rugby Clubhouse.

Attachment(s)

1. Draft 2015 Playground Upgrade Plan

11.7 Policy (New) - Temporary Storage Containers on Community Land

11.7 Policy (New) - Temporary Storage Containers on Community Land

Delivery Program Open Spaces and Reserves

Objective To report a submission in response to the public exhibition of a draft Council policy.

Background

Shipping containers are currently being used by sporting and community groups as a cost effective way to store equipment on Council managed community land. There has been an increase in the number of containers used in recent years, often without approval from Council. While the containers are effective for clubs, the containers can also have an impact on the amenity, presentation and safety of our public spaces.

In response to the need to appropriately manage this issue, at its meeting held 22 January 2015, Council considered a draft policy which, following amendments requested by Council, was placed on public exhibition.

A submission was received in response to the exhibition. This report assesses the submission and invites Council's response.

Key Issues

- To establish a guiding policy for the approval and management of temporary storage containers on community land

Information

A copy of the draft policy that was exhibited is provided in attachment one to this report.

In response to the exhibition, the Ballina Rugby Club has made a submission. A copy of the submission is presented to Council as attachment two to this report.

In their submission Ballina Rugby Club recognise the need for the policy however they have expressed concerns with the objective of the policy. The following extract from the submission summarises their position.

We believe that the aim of "limit and reduce the use of storage (shipping) containers' is not in the best interests of these Groups".

The Club also makes the following point.

We feel the objective of this policy should be for the 'Clarification and Control of the use of Temporary Storage Containers on Community Land"

The Club agrees that Council should have a licence process to manage these units, however it is the view of the Club that the policy should encourage the endeavours of community groups by supporting the use of shipping containers as they support the operations of these groups.

11.7 Policy (New) - Temporary Storage Containers on Community Land

The Rugby Club also suggest the period of an approval be lengthened to five years. The Club has selected this period to align with the statutory commencement period for a development application that would apply for a permanent storage facility in the event development consent from Council was required. The Council could make this adjustment if it is preferred to lengthen the time a licence is in place, however it is noted that the relationship with development consent is not valid as the statutory limit is for commencement only as there is no general limit in respect of time for completion.

The Council originally deferred the public exhibition until a workshop was held as it wanted to strengthen the terms of the policy compared to the draft prepared by staff. The suggestions from the Club are therefore considered as a direct contrast to the current preferred direction of Council.

Sustainability Considerations

- **Environment**
By providing an approval process for the use of containers, Council is able to manage any potential environmental impacts from their use.
- **Social**
Sporting and Community Groups form vital components of the community and the use of containers can be an effective support to their activities.
- **Economic**
The use of shipping containers is an opportunity for clubs to reduce their costs and thereby allow them to continue to provide cost effective community outcomes.

Legal / Resource / Financial Implications

Council has a requirement to formalise storage containers under licence agreements where the application results in the exclusive occupation of community land.

By adopting a policy which includes approval and risk management processes, Council is appropriately responding to public liability issues associated with the use of its land.

Consultation

The draft policy has been exhibited and this report assesses the response to the exhibition.

11.7 Policy (New) - Temporary Storage Containers on Community Land

Options

As noted above, the suggestions from the Ballina Rugby Club are not aligned with the current direction of Council. Therefore the following two options are available for Council.

1. Amend the policy in accordance with the suggestions in the submission
2. Adopt the policy without change.

As option two represents the current direction of the elected Council, this option is provided as the recommendation to this report.

RECOMMENDATIONS

1. That Council adopt the Temporary Storage Containers on Community Land Policy, as attached to this report.
2. That Council write to the Ballina Rugby Club to thank them for their submission and to explain the reasons for Council's decision in point one above.

Attachment(s)

1. Submission from Ballina Rugby Club Inc
2. Temporary Storage Containers on Community Land Policy as exhibited

12. Public Question Time

12. Public Question Time

13. Notices of Motion

13. Notices of Motion

Nil Items

14.1 Finance Committee Minutes - 16 April 2015

14. Advisory Committee Minutes

14.1 Finance Committee Minutes - 16 April 2015

Attendance

Cr David Wright (Mayor - in the chair), Jeff Johnson, Sharon Cadwallader, Keith Williams (arrived at 4.04 pm), Keith Johnson, Ken Johnston, Paul Worth, Ben Smith and Robyn Hordern.

John Truman (Acting General Manager), Rod Willis (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Peter Morgan (Manager Finance and Governance) and Sandra Bailey (Secretary) were in attendance.

There were six people in the gallery at this time.

1. Apologies

An apology was received from Cr Susan Meehan.

RECOMMENDATION

(Cr Ben Smith/Cr Robyn Hordern)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Susan Meehan

2. Declarations of Interest

Cr Jeff Johnson – declared an interest in Item 4.4 –Lake Ainsworth – South Eastern Precinct Upgrade Project. (Nature of Interest: non significant, non pecuniary – he is a member of the Lennox Head Surf Club). He will be remaining in the meeting while the matter is discussed.

3. Deputations

Graham Eggins, Ballina Community Men’s Shed – spoke in relation to Item 4.8 – Delivery Program and Operational Plan – Exhibition, and in particular to a proposal submitted by the organisation for land at 54 North Creek Road.

Cr Keith Williams arrived at the meeting at 04:04 pm.

Ballina Community Men's Shed - 54 North Creek Road

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That the proposal submitted by the Ballina Community Men's Shed be dealt with at the Commercial Services Committee meeting scheduled for Tuesday 19 May 2015.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Susan Meehan

4. Committee Reports

4.1 North East Weight of Loads Group (NEWLOG)

RECOMMENDATION

(Cr Keith Johnson/Cr Ben Smith)

1. That Council notes the contents of the NEWLOG Annual Report for 2013/14.

2. That Council endorses the draft NEWLOG budget for 2015/16.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Susan Meehan

4.2 Water and Wastewater - Long Term Financial Plans

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

1. That for the Water Fund, Council endorses the 2015/16 annual charges as shown in table five of this report together with the financial model summarised in table four of this report, for inclusion in the Draft Delivery Program 2015/16 to 2018/19.

2. That for the Wastewater Fund, Council endorses the 2015/16 annual charges as shown in table seven of this report together with the financial model summarised in table six of this report, for inclusion in the Draft Delivery Program 2015/16 to 2018/19.

3. That the attached schedule of capital works for Water and Wastewater be adopted, which includes budget amendments for the 2014/15 programs.

Cr Keith Williams left the meeting at 04:19 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Susan Meehan

Cr Keith Williams returned to the meeting at 04:20 pm.

4.3 **On Site Sewage Management (OSSM) Program Review**

RECOMMENDATION

(Cr Paul Worth/Cr Robyn Hordern)

1. That Council notes the contents of this report in respect to the progress of the OSSM Program.
2. That Council acknowledges the existing resource limitations in respect to the Program and endorses the increase in the OSSM fee over a two year period from \$40 to \$50 commencing 2015/2016 to enable additional resources to be committed to advance the Program.
3. That Council supports the findings of the review of the current Program and the OSSM Strategy and endorses the employment of a full time OSSM Officer from the additional revenue raised.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Susan Meehan

4.4 **Lake Ainsworth - South Eastern Precinct Upgrade Project**

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Jeff Johnson

1. That Council adopts the following table as its preferred program of works for the funds currently available for the Lake Ainsworth Improvement Project.

Description	Amount (\$)
Construction	
Ross Street Road Works – Formalise Parking and Road Capacity	286,000
Pacific Parade	50,000
Eastern Road (Stage 1 – Road closure with Offset Car parking)	587,000
Eastern Road (Stage 2 – Option 3)	350,000
Sub Total	1,273,000
Design/Development	
Lake Ainsworth Precinct - Stage 2 (DA/Approvals)	50,000
New Surf Club Development - Stage 2 (DA/Approvals)	100,000
Total	1,423,000
Available Council Budget	1,436,000
Balance (small contingency)	13,000

2. That Council endorses the project required to be completed first under this program is stage one of the eastern road closure.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Ken Johnston

1. Council adopts the following table as its preferred program of works for the funds currently available for the Lake Ainsworth Improvement Project.

14.1 Finance Committee Minutes - 16 April 2015

Description	Amount (\$)
Construction	
Ross Street Road Works – Formalise Parking and Road Capacity	286,000
Pacific Parade	50,000
Eastern Road (Stage 1 – Road closure with Offset Car parking)	587,000
Eastern Road (Stage 2 – Option 3)	350,000
Sub Total	1,273,000
Design/Development	
Lake Ainsworth Precinct - Stage 2 (DA/Approvals)	50,000
New Surf Club Development - Stage 2 (DA/Approvals)	100,000
Total	1,423,000
Available Council Budget	1,436,000
Balance (small contingency)	13,000

- That Council endorses the project required to be completed first under this program is stage one of the eastern road closure.
- That the \$100,000 allocation for the New Surf Club Development remain in the Community Facilities Reserve and that no work be undertaken on the Surf Club at this stage.

The **Amendment** was **LOST**.

FOR VOTE - Cr Jeff Johnson and Cr Ken Johnston

AGAINST VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Susan Meehan

The **Motion** was **CARRIED**.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Ken Johnston and Cr Robyn Hordern

AGAINST VOTE – Cr Keith Johnson, Cr Paul Worth and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Susan Meehan

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Jeff Johnson)

- That Council adopts the following table as its preferred program of works for the funds currently available for the Lake Ainsworth Improvement Project.

Description	Amount (\$)
Construction	
Ross Street Road Works – Formalise Parking and Road Capacity	286,000
Pacific Parade	50,000
Eastern Road (Stage 1 – Road closure with Offset Car parking)	587,000
Eastern Road (Stage 2 – Option 3)	350,000
Sub Total	1,273,000
Design/Development	
Lake Ainsworth Precinct - Stage 2 (DA/Approvals)	50,000
New Surf Club Development - Stage 2 (DA/Approvals)	100,000
Total	1,423,000
Available Council Budget	1,436,000
Balance (small contingency)	13,000

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2. That Council endorses the project required to be completed first under this program is stage one of the eastern road closure.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Ken Johnston and Cr Robyn Hordern
AGAINST VOTE – Cr Keith Johnson, Cr Paul Worth and Cr Ben Smith
ABSENT. DID NOT VOTE - Cr Susan Meehan

4.5 Fees and Charges - 2015/16

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

1. That Council approves the exhibition of the draft schedule of fees and charges for 2015/16, as attached, including any amendments resulting from this meeting.
2. That Council also include in the draft schedule an exemption from footpath dining fees for businesses wishing to operate during community based events.
3. That information be presented to the Ordinary meeting on 23 April 2015 on the options for the following fees:

Aircraft overnight parking fee
4WD Beach Access permits

FOR VOTE – Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith
AGAINST VOTE - Cr Jeff Johnson
ABSENT. DID NOT VOTE - Cr Susan Meehan

RECOMMENDATION

(Cr Ken Johnston/Cr Paul Worth)

That the yearly season ticket fee for the Burns Point Ferry for 2015/16 be increased by 10% for both residents and non residents.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith
AGAINST VOTE - Cr Jeff Johnson
ABSENT. DID NOT VOTE - Cr Susan Meehan

Cr Keith Johnson left the meeting at 05:50 pm.

Cr Jeff Johnson left the meeting at 05:51 pm.

4.6 **Requests for Information**

RECOMMENDATION

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council notes the contents of this report in respect to the cost of completing the sealing of Tweed Street, Ballina. Council also provides in principle support to upgrade Tweed Street, Ballina and requests the General Manager to monitor the Road Maintenance budget in 2015/16 and resubmit this item for Council's consideration in the event savings are identified during the year.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Johnson and Cr Susan Meehan

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

2. That the footpath program in the draft 2015/16 Delivery Program be amended to the following to reflect the inclusion of Sneaths Road in the PAMP Program, along with the inclusion of Quays drive, West Ballina in 2015/16.

	15/16	16/17	17/18	18/19
Footpaths and Shared Paths Totals	308,000	324,000	341,000	459,000
Ballina Street, Lennox Head	58,000			
Robertson Street, Alstonville	15,000			
Kingsford Smith Drive, Ballina	68,000			
Byron Street, Lennox Head	20,000			
Grant Street, Ballina	15,000			
Simpson Avenue, Wollongbar	68,000			
Fox Street, Ballina	10,000			
Park Lane, Lennox Head	12,000			
Tamarind Drive, North Ballina	34,000	20,000		
Quays Drive, West Ballina	8,000			
Allens Parade, Lennox Head		55,000		
River Street, Ballina		18,000		
Martin Street, Ballina		23,000		
Horizon Drive, West Ballina		12,000		
Simpson Avenue, Wollongbar		10,000		
Fox Street, Ballina		10,000		
Compton Drive, East Ballina		80,000		
Ross Street, Lennox Head		26,000	23,000	
Sneaths Road, Alstonville		70,000	80,000	
Pine Avenue, East Ballina			40,000	
Chickiba Drive, East Ballina			22,000	
Burnet Street Ballina (Moon-Kerr) (Kerr-Temple)			147,000	
Alston Avenue, Alstonville			29,000	
Hill Street, East Ballina				12,000
Smith Lane, Wollongbar				35,000
Chickiba Drive, East Ballina				98,000
Manly Street, East Ballina				25,000
Beachfront Parade, East Ballina				77,000
Hill Street, East Ballina				30,000
Freeborn Place, Alstonville				15,000
Parkland Drive, Alstonville				15,000
Owen Street, Ballina				130,000

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Johnson and Cr Susan Meehan

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

3. That Council finances the preparation of the Lennox Head CBD Town Masterplan in 2015/16 as per the suggestion in the report, to be funded by the deferral of the Park Lane footpath and College Avenue street lighting.

Cr Jeff Johnson returned to the meeting at 05:54 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

RECOMMENDATION

(Cr Keith Williams/Cr Sharon Cadwallader)

4. That Council endorses the contents of this report in respect to the merits of the Brunswick Street boat ramp.

Cr Robyn Hordern left the meeting at 05:59 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson, Cr Susan Meehan and Cr Robyn Hordern

A **Motion** was moved by Cr Sharon Cadwallader

5. Given that the Coastal Country Musical Festival is not going ahead in 2015, that the \$25,000 be reallocated and that Council endorses the following Long Term Financial Plan including the following budget amendments to finance the Gallery Administration Assistant.

Item	Previous Budget	Revised Budget
Economic Development Programs	15,000	15,000
Heritage Programs	15,000	15,000
Aboriginal Programs	15,000	15,000
Fair Go	14,000	4,000
Tourism Promotions	100,000	100,000
Gallery Administrative Staff	0	35,000
Total	159,000	159,000

The **Motion LAPSED**.

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

5. That Council endorses the latest update of the Long Term Financial Plan included the following budget amendments to finance the Gallery Administration Assistant.

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Item	Previous Budget	Revised Budget
Economic Development Programs	15,000	10,000
Heritage Programs	15,000	10,000
Aboriginal Programs	15,000	10,000
Fair Go	14,000	4,000
Tourism Promotions	100,000	90,000
Gallery Administrative Staff	0	35,000
Total	159,000	159,000

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson, Cr Susan Meehan and Cr Robyn Hordern

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

6. That Council endorses a revision of the 2014/15 estimates for Section 94 recoupments to the Community Infrastructure Reserve from \$103,000 to \$500,000 with \$350,000 to then be allocated in the 2015/16 budget from this reserve to finance the construction of the Wollongbar Skatepark.
7. That Council notes the update on options for the sports and events centre project.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson, Cr Susan Meehan and Cr Robyn Hordern

RECOMMENDATION

(Cr Ben Smith/Cr Keith Williams)

8. That Council organise a tour of the indoor sports facility currently under construction at Colley Park, Casino and the Byron Regional Sports and Cultural Centre at Ewingsdale.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson, Cr Susan Meehan and Cr Robyn Hordern

4.7 Long Term Financial Plan - Consolidated Forecast

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Paul Worth)

That Council endorses the exhibition of the draft Long Term Financial Plan document for 2015/16 as attached to this report, subject to any amendments arising from this meeting.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson, Cr Susan Meehan and Cr Robyn Hordern

4.8 Delivery Program and Operational Plan - Exhibition

RECOMMENDATION

(Cr Paul Worth/Cr Sharon Cadwallader)

That Council approves the exhibition of the draft Delivery Program and Operational Plan document, as attached to this report, inclusive of any changes arising from this meeting.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson, Cr Susan Meehan and Cr Robyn Hordern

MEETING CLOSURE

6.16 pm

RECOMMENDATIONS

That Council confirms the minutes of the Finance Committee meeting held 16 April 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 March 2015 Ordinary meeting:

<u>Date</u>	<u>Function</u>
29/3/15	Lennox Markets
29/3/15	Wollongbar Hall Music Performance
2/4/15	Gallery Launch
7/4/15	Meeting at Gibbon Street
7/4/15	Briefing FSG – Youth Activities
9/4/15	Meeting Wollongbar Progress Association - Executive
9/4/15	Meeting Graham Eggins – Men's Shed
9/4/15	Youth Week Skating – Lennox Head
9/4/15	Aboriginal Advisory Committee
10/4/15	Meeting – Jack Davison – University Gold Coast
10/4/15	Ballina Art Society Exhibition – RSL
11/4/15	Wollongbar Hall Working Bee
12/4/15	New Alstonville Markets
12/4/15	Lennox Head Markets
13/4/15	Meeting Bob Higgins
14/4/15	Public Citizenship
14/4/15	Alstonville Wollongbar Business Chamber Meeting
14/4/15	Alstonville 150 years Meeting
15/4/15	Launch B Space
15/4/15	Lennox Head Chamber of Commerce After Hours
15/4/15	Wardell Progress Association - Annual General Meeting
16/4/15	Finance Committee
17/4/15	Youth Week Skating – Ballina
17/4/15	Lennox Head Interpretative Signage Launch
18/4/15	Celebration of Life of Alan Rich
19/4/15	Heartfelt House 10 th Celebrations
19/4/15	Alstonville Historical Society – Book Launch
20/4/15	RRCC
20/4/15	House With No Steps – Remembrance and Sculpture
21/4/15	Conference Call - Robyn Hobbs, Small Business
21/4/15	Workshop – Housing and Resilience
22/4/15	Meeting – EPM Projects
23/4/15	Council Meeting
25/4/15	ANZAC Day Dawn Service – Ballina
25/4/15	ANZAC Day – Alstonville
25/4/15	ANZAC Day - Ballina
26/4/15	Art Competition – Lennox Head
27/4/15	Small Business Meeting
28/4/15	Briefing – 45 -49 Ballina Street Lennox Head

15.1 Mayoral Meetings

RECOMMENDATIONS

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