



Notice of Ordinary Meeting

an Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 25 June 2015 commencing at 9.00 am.**

Business

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

Paul Hickey
General Manager

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

Deputations to Council – Guidelines

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

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

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

Public Question Time – Guidelines

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

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

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

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

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

Recording of the questions will not be verbatim.

The standard rules of behaviour in the Chamber will apply.

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

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1. Australian National Anthem

The National Anthem will be performed by

2. Acknowledgement of Country

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

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

3. Apologies

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 May 2015 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 May 2015.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8. **Development and Environmental Health Group Reports**

8.1 **DA 2014/609 - Ballina Street, Lennox Head**

Applicant	Mr C Watson C/- Planners North
Property	Lots 25-27 Section 1 DP 11687, No.'s 45-49 Ballina Street, Lennox Head
Proposal	Construction and strata title subdivision of a two storey mixed use development providing commercial/food and drink premises/offices (Building A fronting Ballina Street) and three storey shop top housing (Building B fronting Rayner Lane) with centralized open car park, landscaping and associated infrastructure
Effect of Planning Instrument	The land is zoned B2 Local Centre under the provisions of the Ballina LEP
Locality Plan	The subject land is depicted on the locality plan attached

Introduction

A report was presented to Council's Ordinary Meeting on 26 March 2015 where Council resolved to defer the application and:

- (a) *Request the applicant to revise the application to reconsider the proposed offices fronting Ballina Street from short term tourist units or shop top housing and,*
- (b) *Request the applicant to reduce the bulk and scale of Building B to ensure it meets the seaside village character.*
- (c) *Request the Strategic and Community Facilities Group to review the provisions of Chapter 6c of the DCP having regard for the specific issues raised by this report*
- (d) *and that a Councillor briefing be held prior to this matter being reported back to Council.*

In accordance with (d) above, Council held a briefing about the subject development on 28 April 2015. The purpose of the briefing was to allow Councillors the opportunity to consider the key issues relating to the development and to work through the available options for resolving the particular matters of concern that the assessment of the application had identified.

In preparation for the briefing, Councillors were provided with a Memorandum that identified and summarised the issues of concern as they were understood by the Council's staff. Additionally, the assessment report prepared for the Council's March Ordinary Meeting, and copies of all additional submissions received from the applicants and from local residents following the March meeting were also provided.

In no particular order, the outcomes from the briefing were:

- Notwithstanding the descriptors of the DCP, Councillors were generally satisfied that the proposed mix of land-uses were suitable for the site with the exception of the commercial component fronting Rayner Lane. In this regard, Councillors noted that the applicant had submitted an offer that gave consideration to the removal of the commercial component of the shop top housing units and replacing these with dwelling houses (having an otherwise similar design as the shop top housing units) on individual strata subdivided allotments. Subject to compliance with the statutory provisions of the Shire Plan, Councillors considered that such an amendment would materially assist the application.
- Councillors addressed the matter relating to the planned traffic circulation for the Lennox Head Village as outlined in the DCP. This strategy requires traffic serving Precinct D to be directed along Rayner Lane. In this regard, Councillors were generally mindful of the overall traffic management design that seeks to minimise vehicle and vehicle/pedestrian conflicts in Ballina Street by reducing footpath crossings in Precinct D, and that seeks to provide for the widening of Rayner Lane, and supported the DCP requirements.
- Councillors noted that there is in place a consent that approves a larger building than the proposed Building B to be constructed along the Rayner Lane frontage of the site and that the current proposal met the new Shire Plan's height limits notwithstanding that it included three storey construction. Councillors are cognisant of the need to assess the bulk, scale, and particular presentation of the current application's design afresh. In this regard some concern was expressed about the scale of proposed Building B in the context of existing development in Rayner Lane but it was generally identified that such an assessment would also need to have regard for the planned and likely future amenity and development along the eastern side of Rayner Lane. The eastern side of Rayner Lane is in a different zone and allows a different range of land-uses and recent redevelopment in this lane has been for large and bulky dwelling houses and attached dwellings.

Following the briefing session, it was considered that Councillors were looking to have the problems identified with the current application resolved along the lines outlined above.

The applicant responded to the resolution of 26 March 2015 and to the outcomes of the briefing session by revising their plans (copy attached). The revised plans from the applicant propose to:

- (a) *"Remove the commercial component of the shop top housing units; and*
- (b) *Replace the shop top housing units with dwelling houses on individual "cubic space" strata allotments."*

The applicant has not provided any revisions to the application with regard to points (a) and (b) of Council's resolution of 26 March 2015.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The revised proposal was not publically re-exhibited, however previous submitters were directly advised of the Councillor briefing and the revisions made by the applicant.

At the time of preparing this report Council had received one additional submission of objection.

Report

The applicants have taken some action in an attempt to better meet with the Council's and the local community's wishes for the development of this important site(s). This has included giving consideration to changing the land use mix along the Rayner Lane frontage of the site and deletion of the proposed offices/shops on ground level fronting Rayner Lane.

These changes are generally in line with the outcomes of the briefing session that have been advised to the applicants and local residents.

In all other respects the proposal has generally remained unaltered.

Key Matters that remain in Contention

The following four issues are the key matters that are in contention and that need to be resolved:

Underlying Planning Objectives of Chapter 6c

The Council needs to determine whether the proposed four dwelling houses that have replaced Building B in the application are complementary to the location and the seaside village atmosphere of Lennox Head in that they will have a significant impact on the streetscape of Rayner Lane due to their bulk and scale, height, and design. In determining this, the Council needs to have regard for the existing and likely future character of the immediate area, the design guides, and precinct preferred land uses.

The proposed four dwelling houses, due to their visually uninterrupted length, three level height and the narrowness of Rayner Lane may be imposing on the streetscape. The applicant has generally retained the architectural style of the original proposal.

The Preferred Land uses of Precinct D

This issue is outlined in the previous development assessment report presented to Council. Essentially, for the Planning Precinct the subject land is in, the DCP currently identifies an overall preference for tourist accommodation to be the dominant land-use on the site(s). The DCP also allows for other commercial land uses that would support and/or be ancillary to a tourist accommodation development.

It is fair to say that, other than in respect to overall traffic generation along Rayner Lane, this issue of predominant tourist accommodation land use is not one that is of particular concern to the local residents objecting to the development and the application's amended proposal for four individual dwelling houses is permissible in the zone.

This is a critical issue for the applicants and the application and in this regard the Council's resolution (c) from its meeting and the communicated outcomes of its briefing session support the amended proposal.

The applicants are submitting that they have tested the viability of tourist accommodation development for the site via their previous application and found it to be uneconomic / unfinancial. Consequently, they are requesting Council to exercise its discretion in assessing and determining the application to allow the site to be developed with a different residential/commercial mix that does not include any designated tourist accommodation and is predominately commercial in nature.

In addressing the above issue, if the Council were to accept the applicants' submissions, it could resolve in favour of a land use mix that doesn't conform to the preferred DCP land uses provided that the proposed land uses were permissible in the LEP's applicable zone (as is the case with the current application).

In this instance, given the applicants' submissions and that the general view of the local residents is that they aren't particularly concerned to have predominantly tourist accommodation land uses in this precinct, the Development and Environmental Health Group wouldn't raise objection to a non-conforming land use mix.

This position is, however, only held provided that the Council also takes steps via the Strategic and Community Services Group to amend its DCP to align it with such a stance within the precinct.

Here, it has to be said that other people have enquired about buying land in the precinct and, having been advised of the DCP's preferred land-use mix, have apparently not proceeded with the purchase of land. Consequently, the Council has to maintain a consistent application of its DCP provisions and be mindful of following proper planning and public consultation procedures when looking to change plans in order to keep faith with all people in the community.

Commercial Land uses along Rayner Lane and Building "B"

The DCP seeks to protect the Rayner Lane and Lennox Head Village setting by describing identified characteristics for development in different precincts.

Essentially the DCP seeks to establish and maintain a non-commercial development tone for the immediate Rayner Lane locality.

Local residents have submitted numerous objections to the originally proposed Building B element of the subject application on the grounds that, in their opinion, the bulk and scale of the building and its proposed ground floor "shop" use and the overall Rayner Lane traffic generation of the proposal would be incompatible with the tone sought to be established by the DCP.

This element of the application has been revised, i.e. the shop top housing is no longer proposed along Rayner Lane and has been replaced by what the applicant proposes to be four individual free standing dwelling houses.

Land Use Permissibility

This revision has raised another issue to the application that is critical for the purposes of the LEP. The LEP provisions require that each dwelling house be free standing/unattached within its own Strata titled allotment because "attached dwellings" are prohibited within the zone.

An "attached dwelling":

"...means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and*
- (b) each of the dwellings is on its own lot of land,*
and
- (c) none of the dwellings is located above any part of another dwelling."*

By deleting the ground floor office area of each of the dwellings, the applicant has now described the ground floor area as a "family room". As the ground floor has retained the sink and bench space (which could be utilised as a kitchenette) and a shower has been designed within the ground floor bathroom, the layout of the ground floor with separate foyer entries to the remainder of the upper floors is readily capable of separate occupation and therefore could be easily converted to a second dwelling (similar to "dual key" apartments).

Such an unapproved conversion may give rise to a permissibility issue with two dwellings on one strata lot and would be very difficult for the Council to enforce.

By reverting the shop top housing to purely residential accommodation, the revised application is further at odds with the current DCP preferred land uses for Precinct D than the previously proposed shop top housing which is an encouraged land use.

Bulk, Scale and Character of Building B

The external appearance of the four dwelling houses that have replaced Building B has remained unaltered to that previously considered by Council at its Ordinary Meeting on 26 March 2015.

The comments provided in the previous assessment report to Council about this aspect of the development stand.

On-site Car Parking Deficiency

Due to the deletion of the shop top housing (i.e. ground floor offices) from Building B, if the facilities which allow the ground floor areas to be separately occupied are deleted the development will be no longer deficient in relation to the provision of on-site car parking and contributions towards car parking will no longer be applicable.

Conclusions

Similar to the previous report to Council, the application (as revised) remains inconsistent with the following:

- the current underlying planning objectives, particularly Chapter 6c.
- the current preferred land uses of Precinct D.
- the current desired future character in relation to the bulk, scale and built form fronting Rayner Lane.

They do, however, generally address the outcomes communicated following the Council's briefing session. It is open to the Council to approve the application as it stands notwithstanding the inconsistencies with the DCP.

The applicants have argued that the DCP for this precinct provides a restrictive land-use mix that, on face value of the applicants' experience, requires adjustment and/or clarification. Such does not seem to be opposed by local residents provided that the Rayner Lane frontages of the sites along Ballina Street are protected from direct commercial land uses.

The local residents raised objections to the bulk and scale of proposed Building B in the original application. The building's designs do, however, meet the height restrictions of the new Shire Plan but leaves open for merit assessment, the relative bulk & scale of the buildings as they present to the lane.

The applicant disagrees with the original development application assessment report and the residents in relation to the reservations expressed about the presentation of the building to the lane in the context of nearby development. This is based on reasoning including that the newer housing at the northern end of the lane is bulky and it could be expected that the redevelopment of the older housing at the southern end of the lane opposite to the development site will also lead to the construction of very large houses and that the future redevelopment of other land in the precinct will also seek to achieve the height allowed under the new plan.

Options

1. Having regard for the applicant's revised plans and addressing the development viability of the Village Centre, Council could exercise its discretion in relation to the provisions of the DCP and approve the proposed development as proposed, as a mixed residential and commercial use, subject to conditions, including that the proposed dwelling houses be independent free-standing buildings contained within their individual strata titled allotments.

Or

2. Request the applicant to further revise the application to delete facilities that provide for dual key apartments on the ground floor and provide clear advice and detailed plans on how the proposed dwelling houses will be designed and constructed so as not to be defined as an "attached dwelling" that would be prohibited within the B2 zone.

8.1 DA 2014/609 - Ballina Street, Lennox Head

This is an option that may be favoured by Council having regard to the issues raised in this report.

Or

3. Refuse the application on the basis that the development as revised is not suitable as a mixed use residential/tourist and commercial development.

The preference of staff is to allow Councillors to make a determination for this application based on options one, two and three as presented.

RECOMMENDATION

That Council make a determination of the revised development application having regard for the assessments and options outlined in this report.

Attachment(s)

1. Locality Plan
2. Applicant's Revised Plan Set
3. Applicant's Covering Letter
4. Applicant's Contentions Regarding Non compliances
5. Letter of Objection

8.2 DA 2015/204 - Alterations to Existing Residential Units

8.2 DA 2015/204 - Alterations to Existing Residential Units

Applicant	GM Project Management and Development
Property	Lots 1 and 2, SP: 70209, Units 1 & 2 No. 67 Stewart Street, Lennox Head
Proposal	Vary development standards to allow for the carrying out of alterations to Unit 2, and the construction of carports to each of the units, forward of the building line
Effect of Planning Instrument	The land is zoned R3 Medium Density under the provisions of the Ballina LEP
Locality Plan	The subject land is depicted on the locality plan attached

Introduction

This application relates to alterations and additions to an existing Strata Title two unit development located on a 509m² site within the Lennox Head Village area. The existing two unit development was approved by Council at its Ordinary meeting dated 24 April 2002.

Garage alterations and the change of use of the double garage are proposed to Unit 2, whilst carport additions forward of the six metre building line are also proposed to each unit.

On 15 December 2014, a routine inspection by an officer of Council revealed that alterations were being carried out to the double garage of Unit 2, with no formal approval having been obtained beforehand. The alterations included the relocation of a laundry area within the garage and the conversion of the remainder of the garage to a walkway and storage/studio area.

The works were quite substantial with the existing garage floor being “topped” with a new resin/concrete floor and the construction of internal wall framing and cladding to form a separate room within the garage. The works also involved the removal of the garage door and replacement with walling.

The owner was instructed verbally and in writing on the 15 December 2014 to cease all building works and convert the double garage back to the original approval. The owner was also advised they had the right to seek consent for these unauthorised works through the submission of a Development Application. However, the owner was also advised to carefully consider any breaches of Council’s planning instruments prior to the submission of any application.

The owner has subsequently engaged planning consultants, GM Project Management and Development, to prepare a Development Application for the works, and for other works being the proposed construction of two carports forward of the building line.

The carrying out of internal alterations to Unit 2 has resulted in the Floor Space Ratio (FSR) of Unit 2 exceeding the 0.5:1 ratio permitted by the Ballina Local Environmental Plan (BLEP) 2012.

8.2 DA 2015/204 - Alterations to Existing Residential Units

The construction of the two carports will also necessitate a variation to the building line requirements of the Ballina Development Control Plan 2012, (DCP) particularly Chapter 4 – Residential and Tourist Development.

Reportable Political Donations

Details of known reportable political donations are as follows:

There are no known political donations made in respect to this proposal.

Public Exhibition

Details of the proposal were notified in writing to adjoining and nearby property owners with two submissions being received opposing the proposal.

The objections refer to:

- Why should exceptions to the planning standards be permitted on the basis that exceptions may have been issued previously
- Visual intrusiveness of the proposed carports
- No provision for off street visitor parking if the driveway is taken as a carport
- Off street parking is only available in front of adjoining residences, with possible traffic / pedestrian conflict.

The planning consultant's submission includes letters from the nearby owners of No's 68 and 65 Stewart Street, supporting the proposal to construct the carports.

Applicable Planning Instruments

Ballina Local Environmental Plan 2012, particularly:

- Clauses 4.4 and 4.5 – Floor Space Ratio,
- Clause 4.6 – Exceptions to Development Standards

Ballina Development Control Plan 2012, particularly:

- Chapter 1 - Administration
- Chapter 4, Element H – Vehicular access and parking.

Report

As stated, this application seeks Council consent to convert the existing two car garage of Unit 2 to a laundry, storage, walkway area and to compensate for the loss of car parking through the construction of two carports forward of the building line. The existing double garage to Unit 1 is to remain as such.

8.2 DA 2015/204 - Alterations to Existing Residential Units

Should Council approve of these changes, it would require Council to grant variations to a Development Standard of the BLEP (floor space ratio) and the planning controls within DCP 2012.

The provisions of the BLEP provide that space within a building utilised as required car parking is excluded from the floor space ratio calculations. The approval of the existing development in 2002, and as is the case for such approval now under current planning controls, requires a minimum two car spaces per unit with one space per unit required to be covered.

The conversion of the garage of Unit 2 to an enclosed storage/walkway area has resulted in that area now being included as floor space, resulting in the required floor space ratio of 0.5:1 being exceeded.

Ballina Local Environmental Plan (BLEP) 2012

- Clause 4.4 (2) of the LEP states:

“The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.”

- Clause 4.4 (2A) states:

“Despite subclause (2), a dwelling house, a dual occupancy, a semi-detached dwelling or a secondary dwelling must not exceed a floor space ratio of 0.5:1.”

- Further, Clause 4.6 (3) and (4) states:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request for the applicant that seeks to justify the contravention of the development standard by demonstrating;

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) That there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) The consent authority is satisfied that:

(i) The applicants’ written request has adequately addressed the matters required to be demonstrated by subclause (3) and

(ii) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) The concurrence of the Director General has been obtained.

8.2 DA 2015/204 - Alterations to Existing Residential Units

Regarding the above Development Standard (FSR) under the BLEP, the following comments are made:

When the original Development Application (DA 2002/752) was considered by Council for approval in 2002, a number of objections were made to Council concerned with the size, bulk and scale of the development. An important consideration was the fact that the development complied with the FSR of 0.5:1 which was the standard at the time and remains the standard at the present time.

The approved plan in 2002 resulted in the total development having a floor area of 255m², excluding the garages, with a FSR of 0.5:1.

The current proposal to convert the garage space to a storage and laundry area increases the gross floor area of the building by approximately 32.5m², resulting in a new FSR of 0.56:1.

The reasons for establishing a FSR limit are found in clause 4.4 of the BLEP, the objectives of which are:

- (a) To ensure that buildings are compatible with the bulk, scale and character of the locality, and*
- (b) To minimize adverse impacts on existing or future amenity of adjoining properties and the scenic or landscape quality of the locality.*

In the submission accompanying the application, the applicant has sought to justify the increase in floor area above that permitted by stating that the objectives of Clause 4.4 continue to be met, in that the building's bulk has not changed and the proposal does not "give rise to an intensity of use for habitable purposes".

Further, it is stated Council's dwelling density map requires 1 dwelling per 250m², which is not exceeded by the internal alterations.

Should this application be approved, the existing car space to unit 2 would be lost, necessitating the parking of motor vehicles on the open space between the front of the building and the street property boundary. Part of the proposal is to provide two carports in front of the building alignment, which is permissible under the DCP2012, subject to specific design requirements being met. The carports do not meet all of the design requirements specified by the DCP2012, and further exemptions are being sought as discussed later in the report.

Further, should the proposal to alter the garage be approved it would be difficult to refuse any subsequent applications to allow the garage to unit 1 to be also converted to a use other than garage, which would result in the required FSR requirement of 0.5:1 being exceeded even further.

It should be noted however, that even if the second garage was subsequently approved for a use other than a garage, apart from the addition of the carports, the height and scale of the building would not increase.

Council also needs to consider the intent of the FSR, being to generally control the size and scale of developments.

8.2 DA 2015/204 - Alterations to Existing Residential Units

The Lennox Head Village area in question is predominantly zoned R3 Medium Density, with larger developments existing where it is important to keep the size of such developments in check. There are issues of precedence in approving these types of proposals where many owners desire larger buildings, particularly on smaller sites like this 509m² site.

It is also acknowledged that many owners do use their garage spaces for storage and the like rather than for car parking, however as mentioned previously, with this proposal the opportunity to use the garage for vehicle use is lost with vehicles now proposed to be stored out the front of the site, forward of the building line. DCP2012 also encourages required car parking to be located behind the building line.

The Lennox Head Village R3 Medium Density areas do have issues with adequate off street car parking and the suitable screening of such car parking.

Development Control Plan (DCP) 2012

Chapter 1 clause 1.5 of the DCP2012 states:

- *“Under Section 79c of the EP&A Act the consent authority is required to take into consideration the relevant provisions of this DCP in determining a Development Application for development in Ballina Shire.*
- *Where Council is of the opinion that strict compliance with a development standard specified in the DCP is unreasonable or unnecessary it may permit such a variation notwithstanding the above”.*
- *Table 4.4 – Carparking for Residential and Tourist Uses; stipulates that for attached dwellings, 2 carparking spaces per dwelling must be provided, with one space per dwelling being covered.*

Regarding the above development controls for carports, the following comments are made:

The provision and design of vehicular access and parking are contained with CH4 of DCP2012. Both of the units currently have existing double garages, each capable of housing two motor vehicles.

The proposed change of use of the garage to unit 2 will mean the required two car parking spaces to Unit 2 will be within the proposed carport.

As stated previously, should this application be approved, a substantial precedent for applications made under the provisions of the 2012 Shire Plan may arise resulting in another application being lodged to convert the garage space to Unit 1 to another use as well as other similar developments in the wider area.

The provisions of DCP2012 relating to car parking spaces does allow for the construction of carports forward of the building line subject to certain criteria.

The required building line to Stewart Street is six metres from the property boundary.

Element E of the DCP – Building lines, provides that where an encroachment of the building line is sought, variation to the standard may be granted where an alternate building line can be established on the basis of the average distance of the building lines of the nearest two buildings, having a boundary with the same primary road and located within 40 metres of the lot in which the residential accommodation is erected.

The consultant's submission suggests an alternate building line can be established in accordance with Element E, in that:

- 40 metres to the south of the allotment is a carport forward of the building alignment
- 60 metres to the north of the allotment is a carport forward of the building alignment
- Diagonally across Stewart Street is a carport forward of the building alignment
- There are numerous other intrusions into the building alignment on both sides of Stewart Street

Figure 5 of the attachment to the consultant's report details the locations where encroachments into the building line exist on other nearby properties.

The submission accompanying the Development Application argues that the reduced setback does not impact upon the streetscape in an adverse manner given the balance of the building, the narrow frontage of the lots and other carports forward of the building line.

The submission further states that the proposed development meets the overarching objectives of CH4, in that:

- a) The proposed carports will not impact on the neighbourhood;
- b) The carports will not be out of character with the developments along Stewart Street that already have carports forward of the building line; and
- c) The open sided nature of the carports will not impose on the visual amenity of the locality.

It is worth noting that the front façade of this building when viewed from Stewart Street, is a two story structure. The dominant feature is a two-storey masonry wall, with the only visual relief being the two large roller doors, which are considered the most visually significant feature of the development.

It is acknowledged the proposal to construct the two carports, with skillion roofs designed to match the roof line of the building, may actually improve the outward appearance of the building and the streetscape.

Element H – vehicular access and parking allows for carports forward of the building alignment to be considered subject to the following:

- *No other suitable location is available*
Comment: should the application for the garage conversion be approved, there are no other places available for the parking of cars to Unit 2, other than the proposed carport area forward of the building alignment.

8.2 DA 2015/204 - Alterations to Existing Residential Units

- *The carport is located a minimum of 900mm from the side boundary*
Comment: Any issued consent could be conditioned requiring the posts to be a minimum of 900mm clear of the side boundary.
- *The frontage facing the street remains open and is not fitted with a door or enclosing device of any kind*
Comment: The front of the carport is shown open and any issued consent could be conditioned to require the front of the carports to remain open at all times.
- *Carport posts are setback a minimum of two metres from the street boundary*
Comment: Any issued consent could be conditioned requiring compliance with this requirement, although Council has approved other similar structures in the past with posts forward of this setback.
- *The carport roof does not significantly impact on the streetscape*
Comment: The carport roof should not significantly impact on the streetscape, however the roof design does not match the existing roof line of the main building.

Due to the scale of the existing building, it could be argued however, that the construction of the carports may improve the external appearance of the building.

- *The carport roof is not trafficable*
Comment: The carport roofing will remain non trafficable.
- *The carport does not exceed 33% of the width of the allotment frontage or 6m (whichever is the lesser)*
Comment: Due to the narrow width of the allotment (15.89m) and the two carports having a combined width of 9.9m, the carports occupy 62% of the width of the street frontage.
- *Any side and/or rear enclosure or screening is to include minimum 50% visual permeability*
Comment: The proposed carports are shown on plan as open structures and any approval can be conditioned to ensure the carports remain open with a minimum of 50% visual permeability being maintained at all times.

In summary, the proposal to construct two carports forward of the building line does not meet all of the requirements of DCP2012 in that there are already alternative car parking spaces available (the existing garages) and the combined width of the carports exceeds 33% of the width of the allotment frontage. The carports will certainly be a dominant feature.

Conclusion

This application seeks Council's agreement to vary a significant Development Standard, being the FSR requirement of the 2012 BLEP. The FSR is a planning standard used to control the bulk and scale of developments to prevent the overdevelopment of sites.

8.2 DA 2015/204 - Alterations to Existing Residential Units

Notwithstanding the significance of the FSR standard, Council is able to vary this requirement where appropriate under the circumstances. In this instance, unauthorised works have been carried out by the owner to obtain a larger building to suit their own purposes and in doing so, the owner is now requiring further concessions in order to comply with the car parking requirements. Should a fresh application be received today for the total re-development of this site, it is considered the FSR requirements would be enforced.

In this case, the FSR standard is proposed to be varied to exceed the 0.5:1 ratio, with no significant change in the outward appearance of the building, apart from the construction of the two carports. The use of the garage to unit 2 however has now changed, with the owner potentially benefitting by such modification.

A variation is also being sought to DCP2012. DCP2012 does allow for carports to be constructed forward of the building line subject to certain criteria being met, however in this case not all of the criteria can be met.

It is acknowledged the proposal to construct two new carports forward of the building may improve the outward appearance of the building. However, the concern with the proposal to approve the change of use of the garage and to construct the carports is that it is likely to reduce the overall amount of parking available for residents and visitors to the property, with visitors being forced to park in front of neighbouring properties.

For these reasons it is considered the application should not be approved.

The following options are available to Council in the consideration of this application, which are:

1. Refuse the application as submitted
2. Approve the application subject to conditions

For the reasons outlined in the report the recommendation is for refusal.

RECOMMENDATION

That Development Application 2015/204 be **REFUSED** in that the proposed development:

1. Does not comply with the Floor Space Ratio (FSR) Development Standards and objectives contained within the Ballina Local Environmental Plan (BLEP) 2012
2. Does not comply with the planning controls contained within the Ballina Shire Development Control Plan (DCP) 2012
3. The development is not in the public interest.

Attachment(s)

1. Locality Plan
2. Site Photos
3. Applicant's Submission Including Plans
4. Submission
5. Submission - Objection

8.3 Compliance Work Plan 2014/15

8.3 Compliance Work Plan 2014/15

Delivery Program Development Services

Objective To advise Council of the outcomes of the 2014/15 Compliance Work Plan

Background

At the June 2014 Ordinary Meeting, Council adopted a Compliance Work Plan for the 2014/15 financial year. This report provides a status report on that plan.

Key Issues

- Level of Compliance
- Results achieved

Information

The Compliance Work Plan nominated four areas as the priorities for this financial year as they were considered to be the areas of highest risk or potentially lowest levels of compliance.

These priority areas are:

1. *Audit of Major Developments within the Shire (Ongoing Program)*
2. *Audit of Identified Development Consents (Ongoing Program)*
3. *Review of all Development Consents issued within the Russellton Industrial Estate.*
4. *Review of Arterial Road Signage*

In addition to these areas of identified priority, the Compliance Team respond to customer requests received from members of the general public as well as from Council employees and State and Federal Government Agencies.

In relation to the matters identified in the Compliance Work Plan, the majority of outstanding issues currently under investigation relate to the certification of works to the required standard following the completion of developments.

Of the nominated priority areas within the Compliance Work Plan, Council is provided with the following updates.

1. *Audit of Major Developments within the Shire (Ongoing Program)*

Major Developments are defined as developments consisting of five or more units/parcels of land/dwellings as well as all developments within areas of high environmental significance.

8.3 Compliance Work Plan 2014/15

This program originally commenced in the 2008/09 financial year with an audit of 2006 development applications, which included applications that have been determined or withdrawn.

This program has continued on to audit 2007, 2008, 2009, 2010 and 2011 development applications. Compliance resources have also been involved in auditing developments being carried out on environmentally and culturally sensitive sites on an ongoing basis to ensure ongoing compliance.

As this program now extends over six separate years, it is intended that each audit year will be reported separately, in table form.

Item	2006	2007	2008	2009	2010	2011
Number of Major Developments	65	89	77	43	82	56
Number Inspected for compliance	65	89	77	43	45	0
Number Compliant	53	78	62	34	22	0
Number of Ongoing Inspections	4 ¹	1 ²	4 ³	5 ⁴	15	0
Number of Consents not commenced	0	0	0	0	8	0
Number of Consents lapsed	8	10	11	4	0	0
Number yet to be inspected	0	0	0	0	37	56

¹ All four developments have been inspected and require further follow up inspections. Compliance is working with the receivers and the new landowners to bring the environmental restoration in line with the approved revegetation management plans approved for each development. There is a condition of consent that requires ongoing revegetation of the sites, which will take place for at least the next three years or until the objectives of the revegetation management plans are achieved.

² This development relates to a tourism development where works have commenced and are ongoing.

³ These developments relate to a quarry and redevelopment of a hotel, which are ongoing matters and two developments which are currently the subject of ongoing compliance action to ensure compliance with conditions of consent.

⁴ Four of these developments relate to ongoing subdivisions which are awaiting final submission of linen plans and the remaining development is a tourist development which will lapse in the coming months if the use is not physically commenced.

2. *Audit of Identified Development Consents (Ongoing Program)*

Identified Development Consents are defined as all approvals issued by Council *EXCEPT* those identified as either (a) Major Developments or (b) Consents that require further approvals from Council or an accredited certifier,

8.3 Compliance Work Plan 2014/15

(e.g. Construction Certificates, Occupation Certificates, Subdivision Certificates, Food Inspection Certificates) and therefore have a 'built in' mechanism or stage within the consent where compliance with conditions are checked. In these circumstances, a desktop audit is conducted to ensure that the appropriate certification has been received, and if no documentation has been received by Council, follow up inspections to ascertain whether the consent has been acted on or has lapsed are then undertaken.

This program originally commenced in the 2008/09 financial year with an audit of 2006 development applications, which included applications that have been determined or withdrawn. This program has continued on to audit 2007, 2008, 2009, 2010 and 2011 development applications.

As this program now extends over six separate years, it is intended that each audit year will be reported separately, in table form.

Item	2006	2007	2008	2009	2010	2011
Number of Identified Developments	143	131	131	99	147	96
Number Inspected for Compliance	143	131	131	99	147	0
Number Compliant	142	128	119	96	125	0
Number of Ongoing Inspections	0	1 ¹	6 ²	3 ³	12	0
Number of Consents not commenced	0	0	0	0	8	0
Number of Consents lapsed	1	2	6	0	1	0
Number yet to be inspected	0	0	0	0	1	96

¹ The remaining development relates to a business within Wardell that requires reports certifying all building works undertaken to the building. Compliance action is currently underway to address this non-compliance and a Building Certificate is currently under assessment to address all outstanding issues.

² These developments relate to a number of businesses within the Shire which have not provided final certification of building works. These matters originally came to the attention of Council as these developments had commenced however no certification had been received.

³ These outstanding developments relate to matters in which the works have been commenced, however matters are still outstanding for which final certificates have not been issued. These matters originally came to the attention of Council as these developments had commenced however no certification had been received.

8.3 Compliance Work Plan 2014/15

3. *Review of all Development Consent approvals issued within the Russellton Industrial Estate.*

This programme is currently underway with a desktop audit identifying all relevant properties to be inspected and letters issued to all landowners within the Russellton Industrial Estate advising them of the scope of the audit.

The Audit has been separated into two parts with Compliance staff visiting the Estate and in the first instance speaking with all identified proprietors who have encroachments into the road reserve. These encroachments include goods and/or vehicles stored on the footpaths or security gates opening onto the road reserve.

These landowners have, in the main, been willing to address these obstructions without the need for formal enforcement action being taken.

The audit of the development consents within private property has recently commenced with a number of non-compliances detected, resulting in formal Notices being served on the relevant occupants and/or landowners. Generally, these non-compliances relate to unauthorised uses, the failure to comply with development consent conditions, and to identified trade waste and pollution matters.

4. *Review of Arterial Road Signage*

This programme has been completed.

An electronic record has been created of all signs (comprising of photographs, handwritten ledger, and record cards) in Council's Corporate Mapping System. The Review has identified that 11 advertising signs have been removed with 10 businesses erecting unauthorised signs within the Ballina Shire over the past three years.

Action is currently underway to have these unauthorised signs removed, with formal notices being served on landowners.

Court Proceedings

Some matters investigated by the Compliance Unit result in the commencement of legal proceedings, either in the Ballina Local Court or, where circumstances warrant, the NSW Land and Environment Court. Any legal action through the Courts is undertaken in line with the provisions of Council's *Enforcement Policy*.

This current financial year, the Compliance Unit commenced proceedings in relation to one matter, which was reported to the April 2015 Council meeting.

Further, as Council would be aware, action is underway to enter onto private land to undertake Clean Up Action for a waste dumping matter that was reported to Council's May 2014 meeting.

These matters are ongoing.

8.3 Compliance Work Plan 2014/15

Legal Notices

In addition to any Court matters, the Compliance Unit issues legal Notices for any identified breaches and non-compliances. These legal Notices are the commencement of the process to remedy identified breaches and non-compliances within Ballina Shire.

This current financial year, the Compliance Unit has:

- Issued 91 formal Notices for identified breaches and non-compliances;
- Finalised 55 formal Notices, where the matter has been resolved to Council's satisfaction; and
- 85 Outstanding Notices that require ongoing follow up where if a satisfactory resolution is not achieved the matter may result in formal Court proceedings.

The main area of non-compliance resulting in Council's legal Notices are as a result of complaints for unauthorised second (and sometimes third) residential dwellings within rural land within the Shire. These dwellings are usually converted farm or dairy sheds and have substandard On-Site Sewage Management Systems.

Council is also investigating a number of unauthorised "function centre" (wedding venue) and "tourist and visitor accommodation" complaints within rural zones.

Liquor Licensing Matters

In addition to the above matters, the Compliance Unit also accept, assess and make submissions to the Office of Liquor, Gaming and Racing on liquor licence applications lodged within the Ballina Shire in line with Council's adopted *Liquor Licence Application Policy*.

During the current financial year, the Compliance Unit has dealt with 30 liquor licence applications.

Sustainability Considerations

- **Environment**
Compliance with issued development consents enhances the protection of the built and natural environments.
- **Social**
Not applicable
- **Economic**
Compliance with development conditions results in a more level playing field for business operators.

Legal / Resource / Financial Implications

This program aims to efficiently utilise the resources allocated for enforcement activities.

8.3 Compliance Work Plan 2014/15

Consultation

This report has been provided for public information.

Options

This report has been prepared as a final update on the 2014/15 Compliance Work Plan and therefore the recommendation is to note the contents of the report.

RECOMMENDATION

That Council notes the contents of this report on the outcomes from the Compliance Work Plan for the 2014/15 financial year.

Attachment(s)

Nil

8.4 Compliance Work Plan 2015/16

8.4 Compliance Work Plan 2015/16

Delivery Program Development Services

Objective To provide Council with an outline of the proposed Compliance Work Plan for the 2015/16 financial year

Background

Following on from the previous report in this agenda, this report identifies the major areas where it is recommended that Council apply its compliance resources for 2015/16.

Key Issues

- Proposed areas for investigation and review

Information

To provide Council with a forecast of how Council resources will be directed over the coming 2015/16 financial year, a Compliance Work Plan has been developed. Whilst additional land use complaints will inevitably be received over the coming financial year and all complaints will be prioritised and actioned as appropriate, it is intended that priority will be given to the items contained within the Compliance Work Plan.

The Compliance Work Plan has nominated the following areas as the priorities for the forthcoming financial year as they are considered the areas of highest risk or potentially lowest levels of compliance.

Programs:

1. *Audit of Major Developments within the Shire* (Ongoing Program)

It is intended to continue this program to complete the audit of all 2006, 2007, 2008, 2009 and 2010 Major Development consents and commence the audit of all 2011 Major Development consents.

2. *Audit of Identified Development Consents* (Ongoing Program)

It is intended to continue this program and complete the audit of the 2007, 2008, 2009 and 2010 Identified Development Consents and commence the audit of the 2011 Identified Development Consents.

3. *Review of all Development Consents issued within the Russellton Industrial Estate* (Ongoing Program)

It is intended to continue this program and complete the audit of the Russellton Industrial Estate for compliance with issued development consents and to undertake enforcement action as required for identified non-compliances.

4. *Review of Liquor Licenses and Licensed Premises within Ballina Shire*

This is a new program for the Compliance Work Plan for 2015/16.

This program is intended to be undertaken due to recent legislative changes within the *Liquor Act 2007* (NSW). These changes, which commenced on 18 May 2015, require that an applicant provide the Independent Liquor, Gaming and Racing Authority with proof of Council development consent or other licensing approvals at the time of the submission of an application to the Authority.

Council staff are aware that there are a number of issues with some development consents and with some leases and licenses for public reserves within the Shire. Further, sporting clubs are able to apply for a limited license – multi function licence which permits up to 52 functions per calendar year to be held in conjunction with their sports activities.

Throughout the Shire, there are a number of Council reserves that are occupied by multiple sporting clubs. Each one of these clubs may also seek to have a number of limited licences (up to 52 functions per year). Situations could arise whereby functions could potentially be held on a regular basis throughout the year on a Council reserve that is within close proximity to a residential area. The associated noise and anti-social issues which would arise from these multiple licenses are matters that Council needs to be proactive in minimising.

It is proposed that Council, in liaison with the NSW Liquor Licensing Police, Council's Manager Open Spaces and Resource Recovery, and Council's Property Officer – Community Land:

- identify, record and map all current liquor licenses issued on both private property and public reserves within the Ballina Shire
- review of all development consents, licenses and leases
- inspect licensed premises, both within private land and public reserves for compliance with the issued Development Consent, lease or licence
- take follow up enforcement action as required for any identified areas of non-compliance with the issued development consent, lease or licence
- identify the distribution of licensed venues by type within Ballina Shire for Strategic Planning purposes.

Sustainability Considerations

- **Environment**
Compliance with issued development consents enhances the protection of the built and natural environments.
- **Social**
Not applicable
- **Economic**
Not applicable

8.4 Compliance Work Plan 2015/16

Legal / Resource / Financial Implications

This program is based on utilising existing resources.

Consultation

This report has been provided for public information.

Options

The options are to support the proposed work plan or amend it to other areas where Council believes there may be a higher priority. The recommendation is to endorse the plan.

RECOMMENDATION

That Council endorses the proposed annual Compliance Work Plan for 2015/16 as detailed within this report.

Attachment(s)

Nil

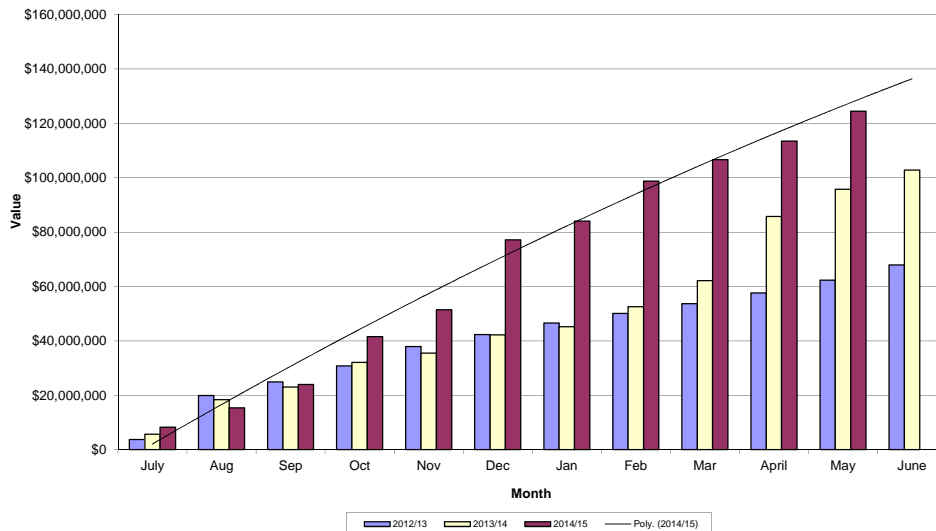
8.5 Development Consent Statistics - May 2015

8.5 Development Consent Statistics - May 2015

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

Number of Applications	Value of Work
32 Other Building Related	\$ 1,876,500
33 Dwelling/Duplexes/Residential Flat Buildings	\$ 9,210,000
0 General Developments	\$ 0
Total Value	\$ 11,086,500

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.



RECOMMENDATION

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

Attachment(s)

Nil

8.6 Development Applications - Works in Progress - June 2015

8.6 Development Applications - Works in Progress - June 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
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	Determination Pending
2014/550	27/10/2014	SG Fitzpatrick	To Erect a Holiday Cabin - 188 Old Byron Bay Road, Newrybar	Determination Pending
2014/564	31/10/2014	P Sternberg	To use an existing building for tourist and visitor accommodation - 10 Martins Lane, Knockrow	Determination Pending
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	Referred to Government Departments

8.6 Development Applications - Works in Progress - June 2015

			pole and associated works - 1A Suvla Street, East Ballina	
2015/27	23/01/2015	Ardill Payne & Partners	To undertake a change of use of part of the existing general store/takeaway/ cafe area to include additional café area and to modify the hours of operation – 12 Shelly Beach Road, East Ballina	Matter Deferred as per Council's Resolution 28 May 2015. Awaiting Amended Plans from Applicant
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	Awaiting Additional Information
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	Determination Pending
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	Determination Pending
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	Awaiting Additional Information

8.6 Development Applications - Works in Progress - June 2015

			Way, Broken Head	
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	Awaiting Additional Information
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	Awaiting additional information.
2015/161	2/4/2015	Holcim (Australia) Pty Ltd	Alterations to existing concrete batching plant – 33 North Creek Road, Ballina	Being assessed.
2015/174	10/4/2015	Planners North	Stockpiling of fill material for future use in development of manufactured home estate under provisions of DA 2002/887 - 1 Riverbend Drive, West Ballina	Awaiting Additional Information
2015/183	15/4/2015	T Robinson	Change of use to Light Industry (Recording Studio) - 1/19 Kays Lane, Alstonville	Being assessed.
2015/210	24/4/2015	Paul R Gray PRG Architects	To demolish an existing dwelling house and to	Being Assessed

8.6 Development Applications - Works in Progress - June 2015

			undertake the erection and strata title subdivision of a three storey residential flat building (basement carpark and two storey above) comprising three units, swimming pool and associated works - 10 Byron Street, Lennox Head	
2015/211	27/4/2015	Northern Rivers Surveying Pty Ltd	Subdivision of land to create four rural lots comprising two x 20ha, 1 x 18.8 ha and 1 x 41ha allotments - 94 Rishworths Lane Brooklet	Referred to Government Departments
2015/222	1/5/2015	Ardill Payne & Partners	Two lot boundary adjustment subdivision to create 1 5.8ha and 1 x 5.3 ha allotments - 658 Tamarind Drive Cumbalum	Awaiting Additional Information
2015/233	6/5/2015	Ardill Payne & Partners	Two Lot Torrens Title subdivision to create 1 x 540sqm and 1 x 507sqm allotments and construction of carport fronting Newport Street - 9 Newport Street East Ballina	Awaiting Additional Information
2015/253	13/05/2015	Ardill Payne & Partners	Erection of Shade Sails over Existing Car Parking Spaces in the Car Parking Area of the	Being assessed

8.6 Development Applications - Works in Progress - June 2015

			Ballina Fair Shopping Centre – 84 Kerr Street, Ballina	
2015/259	19/05/2015	Newton Denny Chapelle	Change of Use – Education Establishment to Offices – 78B Main Street, Alstonville	Being assessed
2015/267	25/05/2015	Northern Rivers Land Solutions	Two lot boundary adjustment subdivision to create 1 x 2.7ha and 1 x 23 ha allotments and establishment of a dual occupancy on the 2.7ha allotment – 423 & 427 Friday Hut Road, Brooklet	Referred to Government Departments
2015/268	25/5/2015	S Cooke	To conduct a Farmers' Market Each Saturday from 7am to 3pm - 22- 40 Commercial Road, Alstonville	On Exhibition
2015/272	27/05/2015	D Priest, Northern Rivers Communications P/L	Erection of a 20 m high radio communication s pole and equipment – 140 Buckombil Mountain Road, Meerschaum Vale	On Exhibition
2015/281	03/06/2015	Vivian Gordon	Vegetation management works comprising the removal of four trees – 3 Panorama Drive, Alstonville	Being Assessed

8.6 Development Applications - Works in Progress - June 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	The JRPP determined to grant approval to this DA at its meeting held on 17/6/2015
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	Referred to Government Departments
2015/180	15/04/2015	Ardill Payne & Partners	To undertake the establishment of an Extractive Industry – Sand Quarry with a total extractable resource amount of 400,000m ³ (in situ) – Lot 2 DP 1192234 Old Bagotville Road, Bagotville	Referred to Government Departments

8.6 Development Applications - Works in Progress - June 2015

2015/203	22/04/2015	Ardill Payne & Partners	To Undertake the Establishment of a Waste Management Facility comprising of a Waste Transfer Station capable of the temporary storage of up to 100,000 litres and Associated Works – 540 Pimlico Road, Pimlico	On Exhibition
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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's comments provided to DoPE Awaiting Determination from DoPE

RECOMMENDATION

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

Attachment(s)

Nil

9.1 LEP Amendment Request and Planning Proposals - Status Report

9. Strategic and Community Facilities Group Reports

9.1 LEP Amendment Request and Planning Proposals - Status Report

Delivery Program Strategic Planning

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

Background

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

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

Key Issues

- Status of rezoning and LEP amendment requests.

Information

LEP Amendment Requests and Planning Proposals Status

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

Table 1: Status of LEP amendment requests and planning proposals

Item	Name and Status	Summary and Notes	Completion Due
13/005	Southern Cross Industrial Estate Expansion, Ballina. (Stage 4)	Proposal for the rezoning of land northward of the existing Southern Cross Industrial Estate to enable a mixture of business and industrial land uses. Council is awaiting further information from the proponent (Council's Commercial Services Section).	30/07/2016

9.1 LEP Amendment Request and Planning Proposals - Status Report

Item	Name and Status	Summary and Notes	Completion Due
14/001	Teven Road, West Ballina. (Stage 4)	Proposal to enable the establishment of freight transport facilities adjacent to Teven Road on the western side of the Ballina Bypass. Staff is now awaiting submission of further technical assessment material by the proponent.	07/11/2015
14/002	Reservoir Hill Site, Lennox Head. (Stage 4)	Proposal for the rezoning of land to apply a residential zone to the land known as the Reservoir Hill site in Lennox Head. Third party assessment of the proposal has been undertaken on behalf of the Council. Council is awaiting further information from the proponent.	21/04/2016
14/004	Tara Downs (No 16), Lennox Head. (Stage 4)	Proposal for the rezoning of land immediately east of the existing Tara Downs Estate for residential purposes. Technical assessment of material submitted by the proponent is underway.	13/05/2016
14/005	Blue Seas Parade (No 44-52), Lennox Head. (Stage 4)	Proposal for the rezoning of land at the eastern end of Blue Seas Parade for residential purposes. After previously resolving to discontinue consideration of this proposal at its July 2014 Ordinary Meeting, the Council resolved to recommence processing (January 2015) following the JRPP's review of the matter. Council is now awaiting submission of technical information by the proponent.	10/02/2016
14/008	Burns Point Ferry Road, West Ballina (Ballina Waterways). (Stage 4)	Proposal for the rezoning of land adjacent to Burns Point Ferry Road and River Street to enable a mixture of employment and residential land uses. The proposal includes implementation of a biobanking scheme over part of the land. Council is awaiting further information from the proponent.	29/03/2016
14/009	Ballina Heights General Amendments. (Stage 7)	Proposal to adjust the mix of R2 Low Density and R3 Medium Density residential zoning over undeveloped (but urban zoned) land at Ballina Heights. The Council has resolved to finalise the amendment. Steps to complete the amendment being undertaken.	24/08/2015
14/010	General Amendments (2) - BLEP 2012 twelve month review. (Stage 7)	Proposal to undertake primarily "housekeeping" amendments to the LEP following a review of the plan's operation since its commencement in February 2013. The Council has resolved to finalise the amendment. The amendment is now pending publication.	02/09/2015

9.1 LEP Amendment Request and Planning Proposals - Status Report

Item	Name and Status	Summary and Notes	Completion Due
15/003	Teven Highway Service Centre (Stage 5)	Proposal to alter the area within which a highway service centre is permitted as an additional permitted use adjacent to the Teven Road Pacific Highway interchange. Planning proposal has progressed to public exhibition.	20/01/2016
15/004	Greenwood Place, Lennox Head (Stage 4)	Proposal to rezone land fronting Greenwood Place and The Coast Road for residential purposes. Council is awaiting submission of technical information by the proponent.	21/04/2016
#	Reclassification – Compton Drive, Ballina. (Stage 2)	Proposal to reclassify land opposite Shaws Bay on Compton Drive as operational land for the purpose of the Local Government Act. Pending action. Likely to be combined with another reclassification (see below) for resource efficiency, given the requirement for a public hearing as part of reclassification matters.	#
#	Reclassifications, Various Locations (Stage 2)	Proposal to reclassify several miscellaneous land parcels in Ballina and Lennox Head from community land to operational land to reflect current land use/purpose. Planning proposal documentation under preparation.	#
#	Private Native Forestry (Stage 3)	Proposal to amend the Ballina LEP 1987 to require development consent for private native forestry on rural land. The Department of Planning and Environment declined the issue of a Gateway determination to enable this matter to proceed. Council has requested a review of this decision.	#
<p>LEP Amendment Request/Planning Proposal Processing Stages</p> <ol style="list-style-type: none"> 1. Initial Concept - Proponent submits initial amendment concept for review and reporting to the Council. 2. Planning Proposal - Preparation of a planning proposal for Council's consideration (if the initial concept is supported by the Council). 3. Gateway Determination - DP&E determination as to whether the planning proposal may proceed (if the Council resolves to submit the planning proposal for determination). 4. Study Preparation - Relevant technical information to enable complete assessment compiled and considered. This step may also involve pre-exhibition public authority consultation. 5. Community Consultation - Planning proposal and associated technical assessment material exhibited for public comment. 5a. Public Hearing - Public Hearing held, where required. 6. Submissions Assessment and Council Decision - Reporting of community consultation outcomes and Council decision regarding finalisation of the planning proposal. 7. Finalisation - DP&I finalisation (or Council finalisation under delegation) of the LEP amendment based on the planning proposal. Note: the Minister for Planning and Environment may finalise, alter or terminate the amendment. <p># Denotes proposal number and due date subject to Gateway determination.</p> <p>The completion due date is a date for completion determined by the Department of Planning and Environment.</p>			

Sustainability Considerations

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

Legal / Resource / Financial Implications

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

Consultation

This report is provided for the information of the community.

Options

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

RECOMMENDATION

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

Attachment(s)

Nil

9.2 Ballina Major Regional Centre Strategy - Public Exhibition

9.2 Ballina Major Regional Centre Strategy - Public Exhibition

Delivery Program Strategic Planning

Objective To outline the progress of the Ballina Major Regional Centre Strategy project and seek direction from the Council concerning further community engagement through a public exhibition process.

Background

Ballina has been identified as a 'Developing Major Regional Centre' in the NSW Government's Far North Coast Regional Strategy. This reflects the increasing significance of Ballina within the region, due to a range of factors including: the growth of the Ballina-Byron Gateway Airport; improving road connections to south east Queensland; ongoing development of employment lands; and the capacity to accommodate increases in population through significant greenfield development areas in Cumbalum, Lennox Head, Skennars Head and Wollongbar.

In February 2014, Council was successful in receiving a NSW Planning Reform Fund Grant of \$200,000 towards the development of a strategic plan for Ballina, to guide the development of Ballina as a 'Major Regional Centre' over the next 20 years. Council has contributed a further \$50,000 towards to the project. The Council endorsed the project at its Ordinary Meeting held on 27 February 2014 (Minute No. 270214/16).

The project aligns with several actions in the State and regional planning framework that applies to Ballina as set out in the Far North Coast Regional Strategy, the Ballina Shire Growth Management Strategy, and the 2014/15 Operational and Delivery Plan for the shire.

A key aspect of the project, and one which aligns it with the State Government's recent planning reform agenda, is an emphasis on up-front community engagement as the basis for the formulation of the strategic plan. Reflecting this, Council has undertaken a considerable amount of community engagement in the preparation of the draft exhibition material that is the subject of this report.

The completion of the project involves two remaining key stages. The first of these involves the sharing of ideas for the future that have been gathered to date, and identification of core values and aspirations for Ballina's future, as determined through community consultation. The second stage will involve the formulation of these ideas, values and aspirations into an action-oriented strategic plan that will form the basis for incorporation into Council's operational plan and delivery program. Both stages are founded on community engagement undertaken since May 2014 and specific exhibition processes.

A Councillor briefing was held in relation to this matter on 10 June 2015.

Key Issues

- Strategic planning
- Community engagement and consultation

Information

As outlined above, a key aspect of the Ballina Major Regional Centre Strategy project is an emphasis on up-front community engagement as the basis for the formulation of the strategic plan. Reflecting this, the community engagement activities Council has undertaken to date in relation to this project include the following:

- Futures Forum - Council held an evening discussion forum at the commencement of the project, involving 47 randomly selected members of the community. The forum sought to establish community views regarding: What does Ballina becoming a major regional centre mean for our community? What are the opportunities it could create? What are the challenges which need to be considered?
- Civic Panel - The Civic Panel, comprising 14 community members from the Futures Forum participants, has met at key stages during the project to provide feedback and act as a community sounding board to the project's progress. Four meetings have been held to date, with a further two to three planned.
- Staff Forum – 18 key Council staff members representing all divisions within Council were invited to a discussion forum where the same questions from the Futures Forum were considered.
- Interagency Government Forum - Council held a Forum for representatives of other Government Departments which saw 21 representatives from State Government departments meet at the first gathering to discuss the views of various government agencies within the context of a strategic plan for the future of Ballina. Two meetings have been held to date and further meetings with this group are planned.
- Presentations to Community Groups – Council invited 24 community groups to engage with members of the project team via various means. Eleven of these groups have participated in the project to date. Project team members gave a presentation and invited open discussion and mapping of concerns, experiences and aspirations to directly feed into the project.
- Presentations to schools - In an attempt to gain youth input in to the project, local schools were invited to receive a brief presentation from the project team to facilitate student input in terms of their experiences and thoughts for the future of Ballina. Three schools participated, with students from years six and ten engaged in an interactive workshop. A series of maps were made using the sMap social mapping tool through this process.
- Newspaper Articles - Articles (six in total) which gave the community background to the project's progress and invited thought on key issues

9.2 Ballina Major Regional Centre Strategy - Public Exhibition

were written and published over a six week period in the Ballina Advocate. The process instigated further letters and emails to Council, and stimulated the use of the sMap and Instagram tools.

- Creative Workshops - There were four workshops of 2.5 hours each held, targeted at grandparents and grandchildren or older residents and their younger friends or relatives, which were designed to bring generations together to share experiences of the Ballina community and what participants like about living in Ballina, through paver-based art. Following the workshops, the pavers were fired and are now being incorporated into the Wigmore Arcade redevelopment, providing a durable record of what is important about our community to different generations. A total of approximately 60 people were involved in these workshops.
- sMap – Ballina Shire Council is the first organisation to use sMap in Australia. It is an interactive online mapping tool which is being used to map various visions for Ballina's future. 55 maps have been produced with a total of 448 points of interest plotted.
- Instagram - Council set up Instagram hashtag - #ballinafuture and asked that people tag photos they have of what they like, or dislike about Ballina, or tag photos of what they would like to see in Ballina in the future. In total, 89 photos have been shared on the Instagram using the #ballinafuture hashtag.

Community Engagement Package

The information obtained from the above community engagement activities has been analysed and incorporated into a draft community engagement/exhibition package. The elements of the community engagement package are:

- Covering Information
- Strategic Question Sheets
- Background Report
- Technical/Specialist Studies

Through the community engagement processes and input outlined above, Council staff has identified a series of 'strategic questions' which reflect the priorities and concerns of our community, relating to Ballina's emergence as a major regional centre. These questions are:

How can we...

- *Grow local jobs?*
- *Keep Ballina beautiful?*
- *Be more sustainable?*
- *Have suitable housing?*
- *Deal with climate change?*
- *Respect our history and heritage?*
- *Enjoy and care for the coast?*

9.2 Ballina Major Regional Centre Strategy - Public Exhibition

- *Support our sense of community?*
- *Get the infrastructure we need?*
- *Live active healthy lives?*
- *Support older residents?*
- *Bring more life to the CBD?*
- *Encourage creativity and innovation?*
- *Cater for Youth and Families?*

Each of the above strategic questions is set out in the following format:

- *Introduction* – An outline of the question and why it is considered important.
- *Community Viewpoint* – An expression of the community's views on the question, identified through community engagement undertaken to date.
- *Drivers & Influences* – A list of key drivers and influences of change that are relevant to the question.
- *Ideas* – Initial ideas for responding to the question that lie within the scope of Council's influence, identified through the community engagement processes undertaken to date.

Council has also prepared a background report to provide detailed information on the strategy's development, including planning context, community engagement techniques employed and planned, alignment with NSW planning reform objectives, and information regarding key trends, issues, aspirations, ideas and outcomes associated with the delivery of the project.

To support and inform the preparation of the strategy, Council has prepared, or engaged consultants to prepare, a number of technical studies relating to a number of key topic areas. These studies include:

- Housing resilience investigation and options study.
- Housing needs and opportunities analysis
- Development feasibility analysis.
- Urban & landscape design ideas.
- Industrial & commercial land audit update.
- Historic influences & elements.
- Multi-purpose sports facility investigation.

Relevant aspects of these technical and specialist studies have been incorporated into the strategic question sheets and background paper that form the core of the engagement package. It is proposed that the urban and landscape design plans, which express a variety of ideas for the future, will form part of the exhibition package as a means of encouraging public interest in the project and feedback from the community. More generally, the studies will be used as a supporting material for the project.

A copy of the draft background report (inclusive of the Strategic Question Sheets) has been provided to Councillors under separate cover.

Community Engagement Strategy

Staff is currently in the process of preparing for a number of community engagement activities to support the public exhibition of the community engagement package outlined above. These activities will likely include a combination of the following:

- Traditional media and online
- Feedback postcards
- Face-to-face street engagements
- Tactical urbanism and
- Online survey.

Through the first stage public exhibition, it is proposed that Council will seek feedback with respect to the following:

- Do the strategic questions accurately reflect the community's priorities for addressing change over the next twenty years?
- Do the ideas proposed in the strategic question sheets reflect the community's values, aspirations and priorities?
- Is there anything in the exhibition material that has been understated, overstated or is missing?

It is proposed that the first stage exhibition period run for a period of 6 weeks. It is anticipated that minor refinement of the draft engagement package, including formatting for publication and inclusion of additional photos and images will occur prior to the exhibition commencing. Further, as an outcome of the recent Councillor Workshop, it is proposed that an additional landscape plan be prepared prior the commencement of the public exhibition, to include an option of a sea-pool at Shelly Beach.

Following the public exhibition, the community feedback will be evaluated to inform the development of an action-focused strategic plan, which will be subject to further consideration by the elected Council and a second round of public exhibition.

Sustainability Considerations

- **Environment**
The development of a strategic plan for Ballina will assist in the identification of environmental qualities of the locality that may warrant further protection or enhancement through Council's plans, policies or programs.
- **Social**
The development of a strategic plan for Ballina will assist in the identification of measures to enhance social interaction and community cohesion into the future.
- **Economic**
The development of a strategic plan for Ballina will assist in the identification of measures for enhancing the economic wellbeing of the locality and the shire.

Legal / Resource / Financial Implications

The exhibition of the community engagement package can occur within the allocated project budget. The project does not have particular legal or financial implications for Council at this stage.

Consultation

A summary of the engagement undertaken to date is set out elsewhere in this report.

The public exhibition of the community engagement package which is the subject of this report is recommended for a period of 6 weeks.

Options

1. That Council place the Ballina Major Regional Centre Strategy Community Engagement Package, subject to its finalisation for publication, on public exhibition for a period of six weeks.

Due to the extensive community engagement that has been undertaken in the preparation of the engagement package, and having regard for the project timeframe required of the funding grant, this option is recommended. The public exhibition of the information compiled to date will provide an opportunity for broader community consideration of the project and the further sharing of a variety of ideas for the future of Ballina.

As outlined above, the exhibition material (or engagement package) will include the background paper and the strategic question sheets, as well as supporting explanatory material. Aside from the information contained in the background reporting, the technical and specialist studies prepared would be used as reference materials to support the public exhibition.

2. That Council considers this matter further through an additional Councillor workshop or places the project on hold.

For the reasons outlined above, and that a recent Councillor workshop has been held in relation to this matter, this option is not recommended.

RECOMMENDATION

That Council endorses the Ballina Major Regional Centre Strategy Community Engagement Package, as detailed within this report, for public exhibition for a period of at least six weeks.

Attachment(s)

1. Ballina Major Regional Centre Strategy - Background Report (Including Strategic Question Sheets) (Under separate cover)

9.3 Ballina Skateboarding Event

9.3 Ballina Skateboarding Event

Delivery Program Tourism

Objective To provide the Council with responses regarding an expression of interest to coordinate the presentation of a skateboarding event in Ballina, and to invite the Council's direction concerning the proposal.

Background

In March 2015, the Council resolved to call for expressions of interest for the management and coordination of a Ballina Skateboarding event in 2015. The Council has allocated funds up to \$4,000 to support this event. Expressions of interest have now closed and the Council is invited to review the submissions and select a suitable applicant.

Key Issues

- Future management of a skateboarding event
- Equitable and transparent process of allocating event funding

Information

In June 2012 the Council resolved to enter into a three year sponsorship agreement with Skateboarding Australia for the management of Ballina's 'Fair Go' skateboarding event, held at Missingham Park.

The extent of the Council's financial commitment to the sponsorship was \$10,000 per annum for an agreed three year period.

In September 2014, Skateboarding Australia notified Council of its inability to coordinate the 2014 event. Shortly afterward, Mr Richard Flude, representing Ownlife, contacted Council to nominate his organisation to conduct the 2014 event under the same terms and conditions as had been agreed with Skateboarding Australia.

The Council authorised this agreement on 23 October and the event was held on 20 December 2014.

In February 2015, Mr Flude contacted Council staff advising that his organisation, Ownlife, was available and had an interest in conducting the event in 2015.

The Council declined this request and resolved instead to call for expressions of interest for the management and coordination of a Ballina Skateboarding event in 2015.

The extent of Council's financial commitment to this event is now \$4,000.

Expressions of interest opened on Monday 13 April and closed on Friday 22 May 2015.

9.3 Ballina Skateboarding Event

Eligibility criteria were established, as follows:

History of organising similar events	Any history of hosting community events
Evidence of Public Liability Insurance	The organiser must hold a minimum \$20,000,000 public liability insurance to cover the scheduled event
Event details	Proposed name and anticipated audience numbers
Preferred dates	The event must be held between 1 July and 31 December 2015
Event Program	A draft program of activities is to be provided
Community Partnerships	Plans to leverage the event to strengthen community capacity. Engagement of local organisations in the development of the event program
Site Map	A proposed site map is to be provided
Event budget	A draft budget is to be provided
Cost to participate	Indicate whether the event will be free to participate or whether there will be a cost for skateboarders to be involved
Sponsorship	Seeking additional sponsorship is a significant factor in determining the final budget and viability of the event. An indication of how the organisation plans to seek sponsorship should be included

Council received two submissions, the first from *Ownlife* and a second from *Ballina Skateboard Competition Committee*. The details of the submissions are as follows:

Submission One - Ownlife

Ownlife is currently operated as a Sole Trader Commercial Enterprise, which subcontracts staff as required. The owner/operator, Mr Richard Flude is based in Victoria. Ownlife has appropriate insurances in place to conduct the skateboarding event, with Ballina Shire Council noted as an interested party.

Council staff is familiar with Ownlife, as it coordinated the Fair Go Skateboarding Competition in 2014, with \$10,000 in Council funding. Ownlife was also involved in this year's Youth Week, engaged by FSG Australia to run events at both Lennox Head and Ballina skate parks.

Eligibility criteria	Response
History of organising similar events	2014 Fair Go, Lennox Head Youth Week, Ballina Youth Week
Public Liability Insurance	\$20 million public liability (attached)
Event details	2015 Ballina Fair Go, 300 people
Preferred dates	Saturday 26 September, Sunday 27 September 2015 (contingency)
Event Program	Junior Heats, All Ages Heats, Bowl Jam, Best Trick Competition on Rail
Community Partnerships	Northcott, Reconnect, Interrelate, Family Referral Services, FSG Australia, Keep

9.3 Ballina Skateboarding Event

Eligibility criteria	Response
	NSW Beautiful, Social Development Council, Lennox Head Residents Association.
Site Map	Included in submission
Event budget	Budget income of \$5,000 (\$4,000 Council support and \$1,000 sponsorship). Expenses total \$5,000, with a noted \$1,700 towards salaries and \$700 towards administration. In kind sponsorship is totalled at \$2,100 made up of product sponsorship and volunteer hours.
Cost to participate	Free to participate
Sponsorship	Truckstop Skateboard Shop, Cherry Street Bowls Club, Hardcore Distribution, 5FottFour Distribution, Skullcandy Headphones, Adidas Skateboarding

Based on their previous experience organising Fair Go in 2014, Council staff believe Ownlife is competent in delivering a skateboarding competition as outlined in its proposal.

Submission Two - Ballina Skateboard Competition Committee

The Ballina Skateboard Competition Committee is a newly formed committee, established for the purpose of submitting an expression of interest to manage and coordinate a skateboarding event at Ballina Skate Park in 2015. The committee is made up of a number of local representatives, who have collaborative experience in running skateboarding events in the region.

At the time of application, the committee was not incorporated, nor had a bank account set up. The committee currently does not hold public liability insurance; however has formally requested a quote should it be successful in the EoI process. If successful, the committee will be seeking direction from the Council on any formalities required, such as becoming incorporated and opening a committee bank account.

Eligibility criteria	Response
History of organising similar events	Individual committee members' skills and experience detailed in EoI.
Public Liability Insurance	No. Evidence of requested quote
Event details	Fair Go Skateboard Competition
Preferred dates	Saturday 14 November 2015 (in conjunction with Ballina Prawn Festival)
Event Program	Girls, Under 14s, Open, Sponsored & Bowl Jam
Community Partnerships	Byron Bay Skateboarding School, Byron Youth Service, Ballina Chamber of Commerce, Woodburn Chamber of Commerce, Coraki Village Voice, Mid-Richmond Neighbourhood Centre, Nimbin Skate Park Committee.
Site Map	Form part of the Ballina Prawn Festival

9.3 Ballina Skateboarding Event

Eligibility criteria	Response
Event budget	Budget income of \$9,000 (\$4,000 Council support and \$5,000 sponsorship). Expenses total \$9,000, with \$3,000 noted as prize money and other line items such as first aid, which were stated earlier in the EoI as being leveraged through the Ballina Chamber of Commerce. In kind sponsorship is totalled at \$10,000 in contra prizes.
Cost to participate	Free to participate
Sponsorship	Vans, Skullcandy Headphones, Z Flex, Absolute, Trinity and Project Distribution (all represent between ten and twenty brands). Local businesses.

As Council staff has not worked with a number of the proposed committee members, we are unable to provide comment on the capacity of the committee to run the event. However, based on its members' individual skills and experiences detailed in the EoI, it could be concluded that the committee is competent to deliver a skateboarding competition of the nature and scale envisaged.

Sustainability Considerations

- **Environment**
Any potential environmental impacts are managed via the Events on Public Land application process.
- **Social**
An event provides an opportunity for the general public to actively support young people and increases the overall awareness and participation opportunities for skateboarders in the Ballina Shire through a high quality and professionally managed event.
- **Economic**
There is evidence from recent years that skateboarding events provide a modest boost to the Ballina economy, primarily through accommodation and food sales.

Legal / Resource / Financial Implications

A memorandum of understanding on financing between the successful applicant and Council will be prepared. A total of \$4,000 has been allocated in the 2015/16 budget.

Consultation

An expression of interest document was prepared and promoted via Council's website and local paper.

Expressions of interest were open for six weeks.

9.3 Ballina Skateboarding Event

Options

From staff's perspective, it would be highly desirable for a sense of "local ownership" of this event to be fostered, for what is planned this year and for events to come, should the Council see fit to allocate funds for future events.

With this in mind, the bid submitted by The Ballina Skateboard Competition Committee would be recommended to the Council. It would appear that the group's individual members have the capacity to competently plan and deliver the event, and have secured sponsorship as evidence of this.

Unfortunately however, the group has not satisfied the basic selection criterion which was established under the Expression of Interest prepared by Council. Insurance coverage has not been secured as the group is not an incorporated body.

An alternative would be for the group to run the event under another organisation's insurance, however this option has not been presented for the Council's consideration.

Given the above, the recommendation is that the Council accept Ownlife's proposal on this occasion. Its Expression of Interest is compliant with the information required by Council, and the business coordinated a similar event in Ballina last year, albeit with a larger amount of funds made available by the Council.

If Councillors wanted to support the local group an alternate motion could be as follows:

That Council authorises the General Manager to provide the Ballina Skateboard Competition Committee up until Friday 17 July 2015 to satisfactorily address the outstanding matters in relation to their expression of interest for the Ballina Skateboarding Event. If the outstanding matters are addressed to the satisfaction of the General Manager, the General Manager is authorised to award the expression of interest to this group. If the matters are not satisfactorily addressed the expression of interest is to be awarded to Ownlife.

RECOMMENDATION

That Council award the management and coordination of a Ballina Skateboarding event in 2015 to Ownlife and authorise the allocation of up to \$4,000 to support this event, as per the March 2015 resolution of the Council.

Attachment(s)

1. EOI - Ownlife
2. EOI - Tony Chavez

9.4 Aboriginal Cultural Ways - Project Update

9.4 Aboriginal Cultural Ways - Project Update

Delivery Program Strategic Planning

Objective To provide the Council with an update on the Aboriginal Cultural Ways Project and seek endorsement to proceed to finalise the project.

Background

The idea for an Aboriginal Cultural Heritage Trail within the Coastal Reserve was first put forward in a Councillor Notice of Motion in August 2012. Following the notice of motion, grant funding was sought to enable the project to proceed, with a number of unsuccessful grant applications made. In 2014 Council was provided with funding for the cultural ways interpretive project in association with the construction of the coastal pathway between Angels Beach and Sharpes Beach. The funding, in the amount of \$69,000 which has been matched by Council, has been provided by the Heritage Branch of the Office of NSW Environment and Heritage.

Although the long term goal of the project is to provide interpretive materials along the full length of the pathway route between Angels Beach at East Ballina and Pat Morton Lookout at Lennox Head, Phase One of the project concentrates on the location between Angels Beach and Sharpes Beach, as well as Flat Rock. Importantly, this section of the pathway incorporates parts of the East Ballina Aboriginal Place, recently declared under the NSW National Parks and Wildlife Act 1974. The section of the coastal pathway the subject of the cultural ways project is illustrated in red in Figure 1 below incorporating, and northward of, the Angels Beach car park.



Figure 1: Section of the coastal pathway for Phase One of the Aboriginal Cultural Ways Project (in red, incorporating, and northward of, the Angels Beach carpark).

9.4 Aboriginal Cultural Ways - Project Update

The Aboriginal Cultural Ways interpretation project is a partnership between Council, Registered Aboriginal Parties associated with the Coastal Pathway project, Jali Local Aboriginal Land Council and the NSW Office of Environment and Heritage. The project, now also referred to as 'The Coast Track', commenced in August 2014 with the aim of developing interpretive materials and content recognising the local Aboriginal cultural and heritage values of the iconic Ballina Shire coastline.

An overview of the project, including images of the draft signage panels, was provided at a Councillor Briefing held on 16 June 2015. This report provides information on the project and seeks the Council's endorsement to proceed with the completion of the project through the manufacture and installation of the interpretive materials. The draft content and design of the signage panels is currently being reviewed and commented on by Aboriginal stakeholders.

Given that there may still be some discussion within the Aboriginal community about the final wording and suitability of material for publication, and that the intention of the project has been for the panel content to be determined by the local Aboriginal community, the draft signage material is not attached to this report. However, staff are available to discuss the content and panel design with Councillors if of assistance.

Key Issues

- Recognition of indigenous culture and heritage.
- Progression of cultural ways project to completion.

Information

Interpretive material for 'The Coast Track' includes a series of signage panels, a web-app accessed via a smart phone and wayfinding signage.

'The Coast Track' has been a working name for the project that has been chosen for its simplicity. This name provides an appropriate description of the pathway that, when complete, will comprise a blend of shared and walking paths that follow the coast and provide interpretive experiences based on local Aboriginal cultural heritage, as well as the environment through which the track passes.

This name has been presented to the Aboriginal stakeholders who have participated in the project and it has been accepted for use in the project. This acceptance by the participating stakeholders likely relates to the suitability of the terminology in reflecting the uses of the path (including the recognition of historic tracks through the area) and the wording is not culturally sensitive. Further, the name is short, it is easily recognisable for marketing and wayfinding purposes and it provides for an element of continuity for the entire path network, especially as the path network will encompass various elements including both shared and walking path components, look out areas and interpretive materials. The artwork motif designed for the project also draws on the track theme, representing pebbles along a track with water or waves.

The interpretive material for the signage and web-app provides information regarding the significant Aboriginal cultural and landscape values along this section of the pathway. The participating Aboriginal stakeholders have

9.4 Aboriginal Cultural Ways - Project Update

provided cultural material determined to be appropriate for sharing with the wider community and important to pass on to younger generations. This material includes reference to historical events, cultural stories based on the landscape features of the locality, cultural information, language elements, contemporary comments and culturally significant artwork.

The gathering of this material has required significant amounts of time, not only in its collation but also in the process of gaining agreement between parties for the publication of the material. The artwork provided for the project by local Aboriginal artists has informed the overall design of the signage panels and has been used extensively to underpin and convey the stories and information presented on them.

An illustration of the approximate location for individual signage panels is provided in Figure 2 below. These signs are a mix of single and double-sided plinth signs, as well as signs which attach to the rail of the lookout platforms. An entry and major node that provide a cluster of signs and allow viewers to gather, sit and contemplate the information provided is also proposed. It is intended that the entry point to the pathway at the Angels Beach carpark will reinforce a sense of arrival and incorporate additional elements to complement the signage materials.

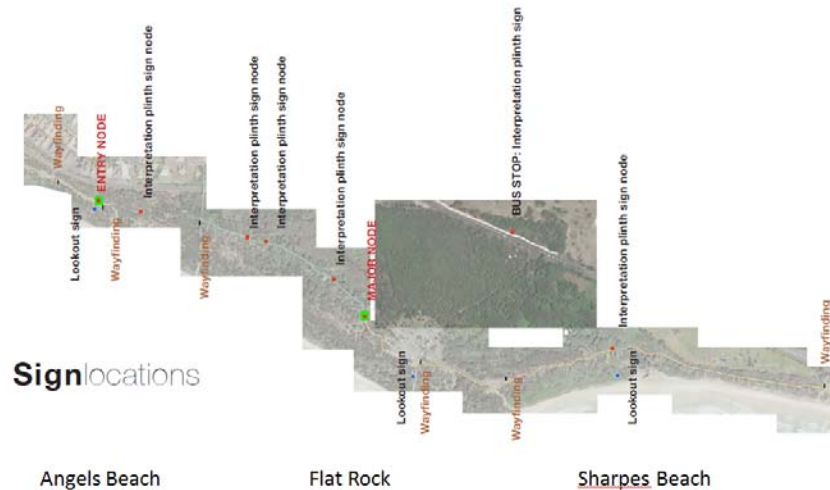


Figure 2: Approximate location of signage panels for Stage One

A further complementary feature of the interpretive material is a planned digital interface provided via a web-app allowing viewers to access further content and visual material through their smart phones. This content will be delivered via QR code linkages on the signage to a webpage designed to function as a web-app. This approach has several benefits, but especially in that additional content can be added over time, ensuring that the interpretive materials remain contemporary. Having a digital component to the interpretive material also provides an opportunity for a virtual 'keeping place' for material that the local Aboriginal community would like to share, not only with the wider community but also as a source for reference material for younger generations.

As mentioned, the draft signage content is currently being reviewed by the Aboriginal stakeholders. Once this process has been finalised (and the

9.4 Aboriginal Cultural Ways - Project Update

Council has endorsed proceeding to project completion as discussed in this report) the signs will be manufactured ready for installation with the construction of the Angels Beach to Sharpes Beach section of pathway. Whilst the hard signage is being manufactured the content for the web app will be collated in further consultation with the Aboriginal community. It is anticipated that these webpages will contain additional material that will complement and support the information provided on the signage panels.

Subject to the relevant approvals being in place, Council's Civil Services Group advise that it is anticipated work on the construction of the shared pathway from Angels Beach underpass to Flat Rock carpark and on to Sharpes Beach carpark will commence in the last quarter of the 2015 calendar year.

Sustainability Considerations

- **Environment**

The majority of interpretive materials will be located within the corridor of works planned for the construction of the Coastal Recreational Pathway (The Coast Track). The small additional area that has been identified as further enhancing this interpretive experience at the major node will be subject to a further approval process under Part 5 of the Environmental Planning and Assessment Act.

The project materials incorporate recognition of important environmental attributes of the area as they relate to local Aboriginal culture.

- **Social**

The Aboriginal Cultural Ways project is consistent with a number of short and long term goals embraced by the Council's Integrated Planning and Reporting framework. In addition to the Council's Community Strategic Plan, the recent Shire-wide Aboriginal Heritage Study and Cultural Plan for the shire highlight both limited public promotion of Aboriginal cultural heritage in the shire/region at present and the desire for Aboriginal community members (including Elders) to work with Council to promote Aboriginal culture and heritage.

This project recognises the rich Aboriginal heritage in Ballina Shire and enables the sharing of this culture and heritage with the broader community and visitors to our region.

- **Economic**

The interpretive materials for this area may also generate wider economic activity through possible employment opportunities provided through activities associated with the project including guided tours by local Aboriginal people.

Legal / Resource / Financial Implications

The project has been funded by the NSW Office of Environment and Heritage and Council. The State Government's financial commitment to the project is acknowledged and appreciated.

9.4 Aboriginal Cultural Ways - Project Update

Funds for the ongoing maintenance of the infrastructure will need to be considered, however the signage has been designed to be durable and suited to the environmental conditions of the location. Additional funding for Phase Two of the project, to extend interpretive materials based on the local Aboriginal cultural heritage along the coastal pathway to Pat Morton Lookout, will be sought through further grant applications.

It is anticipated that the substantial consultation that has occurred with the Aboriginal community from the outset of the project, and the overall endorsement that has been received for the project more broadly will reduce the risk of any legal implications that may arise.

Consultation

A record of consultation on the project indicates that there have been almost 100 separate occasions of consulting on and addressing project issues. This level of engagement, mostly in the form of face to face discussions, has been a fundamental aspect of reaching this point in the project. The engagement has sought to provide all stakeholders with the opportunity to provide input into the project. Ensuring that stakeholders have been updated regularly on the progress on the project and gaining agreement to move forward has facilitated the project outcomes to date.

Options

1. That Council put the project on hold and defer the manufacture of the signage.

This option could involve further consideration of the draft panels and the project more generally regarding content, process or design of the signage and web-app. Based on the information provided to Councillors at the Councillor Briefing on the 16 June 2015, the extensive community consultation that has been undertaken to date and the agreement reached by the majority of stakeholders, this option is not recommended.

2. That Council endorse finalisation of the project.

This option would involve proceeding to the final steps as outlined at the recent Councillor Briefing. These steps would include:

- Obtaining final comment on the draft panel text and artwork from the Aboriginal stakeholders.
- Finalising the draft signage panels including formatting and typographical edits.
- Manufacturing the signage panels.
- Acquiring the relevant approval for the signage nodes and breakout areas.
- Collating the web-app material including additional stories, recordings, photographs etc.
- Developing the web-app, based on the material received.
- Installing the signage panels on site in conjunction with the staged construction of the path between Angels Beach to Sharpes Beach.

9.4 Aboriginal Cultural Ways - Project Update

Completion of the above would be based on the use of 'The Coast Track' as the preferred name for the pathway and signage infrastructure of the coastal pathway, unless the Council prefers to identify an alternate approach in this regard.

Based on the outcomes of the consultation undertaken to date in establishing material for the signage panels, this option is recommended.

This approach is recommended to enable staff to finalise engagement with the Aboriginal community, recognise the role of the Aboriginal community in determining the content for the panels (i.e., the final check for the content is by the Aboriginal community) and to enable progress to manufacture the signage panels in readiness for installation.

Further information on the finalised materials, including the web-app following completion of the above steps could be provided to Councillors prior to construction of the pathway via a Councillor briefing, if desirable.

RECOMMENDATIONS

1. That Council notes the information contained in this report with respect to the process undertaken to date in delivery of the Aboriginal Cultural Ways Project.
2. That Council authorises staff to proceed to finalise the manufacture and installation of the interpretive material, and associated web based information, in accordance with the steps outlined in this report.

Attachment(s)

Nil

9.5 Wollongbar Preschool - Lease of Community Land

9.5 Wollongbar Preschool - Lease of Community Land

Delivery Program Community Facilities and Services

Objective To determine whether Council wishes to proceed with a lease of Community Land to Wollongbar Preschool Incorporated

Background

The Council considered a report at its Ordinary Meeting held in December 2014 regarding the Wollongbar Community Preschool Inc proposal to subdivide community land to enable the registration of a lease, which in turn will enable the Preschool to access State Government grant funding.

At that meeting, the Council resolved to authorize the General Manager “to implement the various actions contained in this report to facilitate the preschool’s ability to accept the grant funding which is currently available for alterations and additions to the premises” [Minute No 181214/17].

The public exhibition period for the proposal to lease community land in accordance with s47 of the Local Government Act commenced on 27 April 2015 and concluded on 22 May 2015.

Three written responses from community members were received during the exhibition period, and these are discussed in this report. Copies of the submissions are contained in attachment 1.

Direction is now sought from the Council with respect to finalisation of the lease arrangements.

Key Issues

- Proposed long term lease of community land in Wollongbar for the purposes of the continued operation of a community preschool.
- Community responses to the draft proposal.

Information

The Wollongbar Community Preschool currently holds a community group lease with Council for its occupation of the site in Hall Court, Wollongbar. To enable the preschool to access the State Government funding which has been offered to facilitate alterations and additions to the existing buildings on the site, the preschool must have a registered lease to enable security for the grant funding to be registered.

Since the Council’s December 2014 resolution, the encroachment issues have been addressed and the new plan is awaiting registration with the Department of Lands.

9.5 Wollongbar Preschool - Lease of Community Land

As indicated above, public exhibition of the lease proposal has concluded and three submissions were received in response to the proposal to lease community land.

Each of the submissions provide support for the preschool but express concern at the parking situation and traffic movements in the Hall Court precinct.

Mr and Mrs Baxter are owners of a unit in the complex at 3 Hall Court, Wollongbar and comment that there is only 1 carpark available and further note that Hall Court is a dead end street. They also comment that the narrowness of Hall Court means parents are causing damage to the grass outside the units by vehicles turning around over the grass.

Mr and Mrs Henderson are also owner occupiers of a unit in the complex at 3 Hall Court, Wollongbar. Mr and Mrs Henderson repeat the concerns of Mr and Mrs Baxter and further note that the traffic congestion causes difficulties for residents of the units to enter and leave their premises during school drop off and pick up time.

Mr Gale is also an owner/occupier of a unit in the complex at 3 Hall Court, Wollongbar. Mr Gale's submission also repeats the concerns of Mr and Mrs Baxter and Mr and Mrs Henderson, as well as referring to a "passive agreement with the Preschool" whereby the residents of 3 Hall Court try not to park their own vehicles in the area which is needed for the preschool traffic.

These issues, while relevant considerations for the overall Hall Court precinct, are not matters which relate directly to the granting of a ten year lease of Council owned Community Land to the Wollongbar Community Preschool Inc. That is, granting a lease to the Preschool is not a matter which will alter the current approved operation of the preschool or the capacity of preschool. The granting of a lease (or withholding the granting of a lease) does not change car parking and access relating to the preschool and it is not the purpose of the lease to change the current operation of the preschool. Any changes to enrolment numbers or car parking and traffic issues are matters which would be considered via a development application, or an application to amend conditions of consent. The granting of a ten year lease is solely for the purpose of demonstrating secure tenure to provide security for the release of grant funding.

A review of the history of the preschool is provided in this report to give some context to the submissions.

The Wollongbar Community Preschool has operated from the Hall Court precinct, initially from the Wollongbar Hall in 1985 until the preschool was constructed in 1990.

During 2011 Wollongbar Preschool lodged a development application for alterations and additions to the existing preschool building. The application identified that a total of 29 children attended the preschool and that the application was not for the purpose of increasing the number of children enrolled at the preschool. A condition was imposed on DA 2011/191 restricting the number of children able to attend the centre on any one day to 29.

9.5 Wollongbar Preschool - Lease of Community Land

The traffic/parking issues have been considered by Council staff on many occasions, and discussed at Council's Traffic Committee. A concept plan for additional parking has been previously prepared which would address many of the issues associated with the congestion at the preschool, provide a pedestrian path access to the preschool and also provide additional parking for users of the Wollongbar Hall.

Funding has not been allocated to implement this plan within the public reserve.

As detailed in the December 2014 report, the works proposed by the Wollongbar Preschool will be funded by a Department of Education and Communities grant. While the proposed works will increase the physical size of the preschool building, no application has been received to date to increase the enrolment numbers of the preschool.

However, the project manager for the preschool building project has been advised by the Department of Education and Communities that a condition of the grant being made available is that the preschool must demonstrate an increase in placements at the centre.

The Wollongbar Preschool Committee is currently investigating its options in relation to making an application for an amendment to their consent conditions to increase the number of children that can attend the centre. This process will trigger an assessment of the existing and future parking situation (as a result of an increase to enrolment numbers) at the site and the surrounding locality. Therefore, the finalisation of the lease supports the preschool in investigating options for the future of the facility.

Sustainability Considerations

- **Environment**

There are no direct environmental considerations associated with the lease proposal. Further environmental considerations regarding any increase of children numbers can be dealt with as part of the assessment process for any subsequent application lodged.

- **Social**

The Wollongbar Community Preschool is a highly valued social asset for the Wollongbar community which has provided services to the local community for the past 26 years.

- **Economic**

The improvement of infrastructure required to operate the preschool assists to create an overall positive economic environment within communities. At present, Council does not receive any income from activities conducted with the Hall Court precinct. Council benefits by updates and improvements to existing infrastructure at no cost to Council.

The granting of a lease at peppercorn rental will be consistent with the terms of leases for other similar facilities operating on Council-owned land.

Legal / Resource / Financial Implications

Council's statutory obligations in terms of community engagement associated with the proposed lease have been fulfilled.

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

Under the provisions of the Act, and before granting the lease, the Council must consider all submissions duly made to it. Council must not grant the lease except with the Minister's consent if a person makes a submission by way of objection to the proposal.

Consultation

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

In addition, Council's traffic committee has regularly consulted with the adjoining neighbours in relation to the traffic issues to identify opportunities for improvement.

Options

1. Decline to grant a lease to the Wollongbar Community Preschool Incorporated.

Whilst the matters raised by the submitters are acknowledged, it is suggested they do not constitute grounds for discontinuing with the lease proposal, or changing the proposed lease terms as the issues are historical in nature and are planning considerations rather than considerations relating to the use of community land in this instance.

The consequence of not granting the lease is the preschool will be unable to accept the State Government grant funding which will likely have a negative impact on the preschool's ability to provide services to the community.

2. Proceed to finalise the proposed ten year lease. This is the preferred option, as the granting of the lease does not cause any significant change to the existing traffic and parking situation within Hall Court.

Any proposals to increase enrolment numbers will require separate assessment of traffic and parking and this can be considered as part of any future development application or amendment to existing consents.

RECOMMENDATIONS

1. That Council, in accordance with s47(5)(a) and s47(6) of the Local Government Act 1993, grants a ten year lease to the Wollongbar Community Preschool for the continued operation of the preschool.
2. That Council make application for the consent of the NSW Minister for Local Government for the lease proposal referred to in point one above.
3. That the respondents to the public exhibition be notified of the circumstances in which the Council has agreed to the grant of the lease.

Attachment(s)

1. Letter: submission of objection
2. Letter: submission of objection
3. Letter: submission of objection

9.6 Policy (Review) - 4WD Beach Access - Seven Mile Beach Lennox Head

9.6 Policy (Review) - 4WD Beach Access - Seven Mile Beach Lennox Head

Delivery Program Governance and Finance

Objective To review the 4 Wheel Drive Beach Access - Seven Mile Beach Lennox Head Policy and outline the outcomes of the associated public exhibition of the revised policy.

Background

Council considered a review of the 4WD Beach Access policy for Seven Mile Beach at Lennox Head at its December 2014 Ordinary Meeting. This was undertaken as part of Council's routine review of its policies.

At the December 2014 meeting, the Council resolved to exhibit the revised policy, with the policy to be adopted unless submissions were received [Minute No. 181214].

In accordance with the Council's resolution, the policy was exhibited between 14 January 2015 and 11 February 2015. In response to the exhibition, one submission was received from a member of the public and additional information was also provided by Council's Open Spaces and Reserves Section. This report addresses the internal and external feedback received and presents a revised policy for the Council's consideration.

The reporting of this matter to the Council post exhibition has been delayed to enable the revised policy to reflect investigations that have been undertaken into the implementation of an electronic ticketing system for beach access permits. This matter is discussed further below.

Key Issues

- Ensuring the Council's policies remain contemporary and suitable for application.

Information

Background to the Policy and Review

The Council first adopted the 4WD Beach Access – Seven Mile Beach Lennox Head policy in August 2010. Under the terms of the policy, Council has implemented a permit system for beach access on Seven Mile Beach northward of the Lake Ainsworth Sport and Recreation Centre. A plan showing the area to which the policy applies is contained in the policy document in Attachment 1.

This current review is the first review of the policy since its adoption. It has been reviewed with particular regard for the experience gained in operating the beach permit system, Council's beach management roles and responsibilities and the communication of key policy requirements to beach users.

9.6 Policy (Review) - 4WD Beach Access - Seven Mile Beach Lennox Head

Importantly, this policy review relates to Crown land within the Ballina Coastal Reserve that Council has been appointed by the Minister for Lands to manage. As such, the policy should be considered from both a Council and Reserve Trust perspective.

Initial Policy Review

The initial review of the policy (as presented in December 2014) identified opportunities to clarify the application of the policy and provide improved delineation between the operation of the beach access permit system and Council's regulatory roles in terms of beach management. In response, the December 2014 revision of the policy incorporated the following key amendments:

- Reinforcement of the policy objectives to encompass access, safety and environmental elements as well as allowance for special uses.
- Clarification of the management role and responsibility of Council for the beach, which is Crown land.
- Clarification of the key definitions used by the policy and introduction of a map of the area to which the policy applies.
- Relocation of beach use guidelines from within the policy provisions to an annexure and an associated community information brochure.
- Alignment of the permit processing system with current practice.
- Adjustment and addition to provisions addressing special circumstances for beach access (e.g. for persons with a disability, filming and research).
- Inclusion of illustrations depicting key requirements of the beach use guidelines.
- Removal of a provision that applies a fee for issue of a replacement permit.
- Inclusion of a specific requirement for Council to maintain a register of valid permits.

Public Exhibition and Submissions

As outlined above, Council received one submission from a member of the public (Dr Lyn Walker) as well as additional information from our Open Spaces and Reserves Section in response to the exhibition of the revised policy.

Dr Walker's submission (Attachment 2) indicates general support for the review of the policy. The key issues raised in the submission relate to the extent of 4WD drive access and the way in which 4WD use of the beach is monitored and regulated.

Dr Walker suggests that the number of 4WD beach access permits should be limited. The revised policy does not promote this approach. However, it is suggested that it will be prudent for Council to continue to monitor beach usage in relation to user conflict issues, environmental considerations and recreational opportunities to feed into the next review of this policy.

With respect to the above, Dr Walker suggests that Council should keep various records associated with the permit system and beach use. Council already records key information relating to the issue of permits.

9.6 Policy (Review) - 4WD Beach Access - Seven Mile Beach Lennox Head

However, many of the matters raised in this regard will be further addressed by the introduction of an electronic ticketing system and the requirement in the revised policy for Council to maintain a register of permits.

In addition to the submission from Dr Walker, Council's Open Spaces and Reserves Section also provided additional information for consideration in revision of the policy. In summary, the key suggestions for consideration related to expansion of the policy to apply to the Rutherford Street boat ramp (the boat channel) at the southern end of Seven Mile Beach, disability access using vehicles other than registered 4WDs and clarification of various elements of the policy to assist with enforcement and regulation activities.

The Rutherford Street boat ramp area has not been incorporated into the policy as this area is considered to be sufficiently different in its management considerations to warrant a separate policy framework.

In relation to disability access, the December 2014 version of the policy provided for beach access for persons with a disability using a motorised vehicle other than a 4WD. The Open Spaces and Reserves Section has indicated that there are considerable safety and conflict concerns with this as this provision could enable beach access by vehicles such as quad bikes, dune buggies and home built vehicles. This policy approach may also undermine extensive effort Council has made in educating beach users about safety, appropriate beach use protocols and suitability of vehicles.

Given the above, the special provision regarding disability access has been deleted from the policy in Attachment 1. This means that beach access for persons with a disability will be enabled via registered 4WD vehicles consistent with access provisions for the general public. The policy does not restrict the use of non motorised vehicles by persons with a disability, such as the sandcruiser wheelchair.

Further to the above change, the policy has also been revised to improve clarity in relation to the intent and application of the policy elements in response to some of the suggestions made by Council's Open Spaces and Reserves Section. These amendments have not changed the intent or fundamentals of the policy as exhibited.

Electronic Ticketing Machine

In addition to the above, the policy has been revised to embody the use of an electronic ticketing system for the issue of beach access permits. This is proposed in the form of a ticket machine that can dispense permits located at the Pacific Parade entrance to Lake Ainsworth, opposite the Lennox Head Surf Club. This system will improve efficiency of permit issue and record keeping and support Council's regulatory activities through enhanced information availability.

It is anticipated that the new ticketing system will be in place in the first quarter of the 2015/16 financial year. In the meantime, Council will continue to operate the existing manual permit system.

Sustainability Considerations

- **Environment**

The policy seeks to establish an administrative framework for beach access on Seven Mile Beach that balances recreational and environmental considerations as well as safety and special access matters.

- **Social**

As above.

- **Economic**

As above.

Legal / Resource / Financial Implications

There are no specific legal or resource implications associated with the policy.

From a finance perspective, it is proposed that the policy removes an existing provision that specifies a charge for issue of a replacement permit. Replacement permits are rarely issued and there is currently no charge set in Council's adopted fees and charges. This approach represents a goodwill gesture to those who may seek a replacement permit.

Consultation

Council publicly exhibited the initially revised policy for four weeks. Council received feedback in response the exhibition and this is addressed in the 'Information' section of this report. The policy has been further revised to address aspects of the feedback received.

Options

Council may accept or amend the proposed changes to the policy. Given that the revisions to the policy relate to the feedback received, and that the adjustments regarding the ticketing system relate to administrative elements, it is recommended that Council adopt the policy without further public exhibition.

RECOMMENDATION

That Council (and Council as Reserve Trust Manager) adopts the amended 4WD Beach Access - Seven Mile Beach Lennox Head policy, as attached to this report.

Attachment(s)

1. Policy (Revised) - 4WD Beach Access - Seven Mile Beach
2. Submission

10.1 Use of Council Seal

10. General Manager's Group Reports

10.1 Use of Council Seal

RECOMMENDATIONS

That Council affix the Common Seal to the following documents.

US 15/08	<p>The Trust Company (Australia) Limited ACN 000 000 993 of C/- Clarence Property Corporation Limited requests Ballina Shire Council create a Positive Covenant in respect to Lot 234 in DP 1104071 Pacific Pines Estate Conservation Zone.</p> <p>Explanation: Council resolved at its Ordinary Meeting held on 24 April 2014 to accept dedication of the conservation area at Pacific Pines into Council ownership. As part of that decision Council authorised the General Manager to liaise with the proponent to establish suitable wording for a covenant benefitting Ballina Shire Council over the land. The covenant is required to meet the conditions of approval issued by the Commonwealth Government under the Environment Protection and Biodiversity Conservation Act. Wording for the covenant was subsequently agreed between Council and the proponent in July 2014. Clarence Property as the proponent for the Pacific Pines development has now requested that Council proceed to execute the covenant to give the instrument effect.</p>
US 15/09	<p>Essential Energy - Deed as to Transfer of Easement</p> <ul style="list-style-type: none">• Transfer granting easement for Lot 1 DP 1171927 (future extension of Ballina Heights Drive). <p>Explanation: Essential Energy has requested an easement to install an electrical substation on the corner of Council's reservoir site at Cumbulam. The substation will ultimately power Council's infrastructure at the reservoir, public infrastructure for the subdivision (eg street lighting), and residential lots within the subdivision. The site is operational land under the control of Council's Water and Wastewater section. Approximately 30m² is required for the substation. The land is not required for other Council infrastructure and it provides an efficient use of land by grouping public infrastructure together.</p>

Attachment(s)

Nil

10.2 Investment Summary - May 2015

10.2 Investment Summary - May 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 May 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 May was \$61,285,000. This represents a decrease from April of \$1,999,000. Council's investments as at 31 May are at an average (weighted) rate of 3.28%, which is 1.13% above the 90 Day Bank Bill Index of 2.15%. The balance of the cheque account at the Commonwealth Bank, Ballina as at 31 May 2015 was \$7,781,580. This particularly high balance is attributable to significant payments anticipated to occur in June, including approximately \$3m in loan repayments, \$2.2m for insurances and \$800,000 for Wollongbar Sports Fields.

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 investment portfolio is restricted by legislation (external) and Council (internal) uses for the following purposes:

Reserve Name	Internal/External Restriction	% of Portfolio*
Water Fund (incl developer contributions)	External	15
Wastewater Fund (incl developer contributions)	External	26
Section 94 Developer Contributions	External	6
Bonds and Deposits	External	2
Other External Restrictions	External	12
Land Development	Internal	8
Employee Leave Entitlements	Internal	3
Carry Forward Works	Internal	11
Miscellaneous Internal Reserves	Internal	11
Unrestricted		6
Total		100%

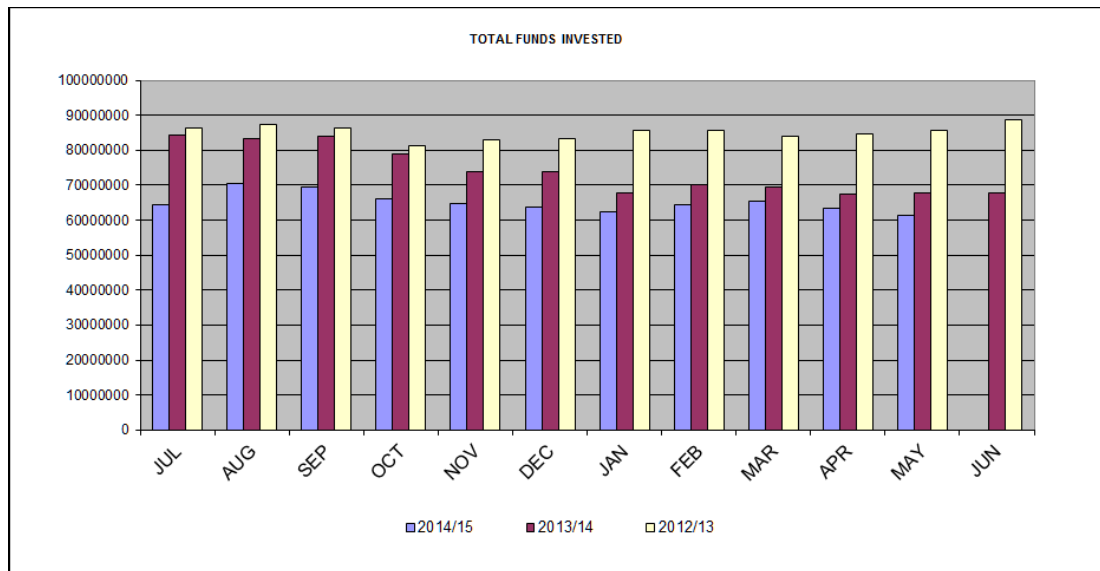
* Based on reserves held as at 30 June 2014

10.2 Investment Summary - May 2015

A. Summary of Investments by Institution

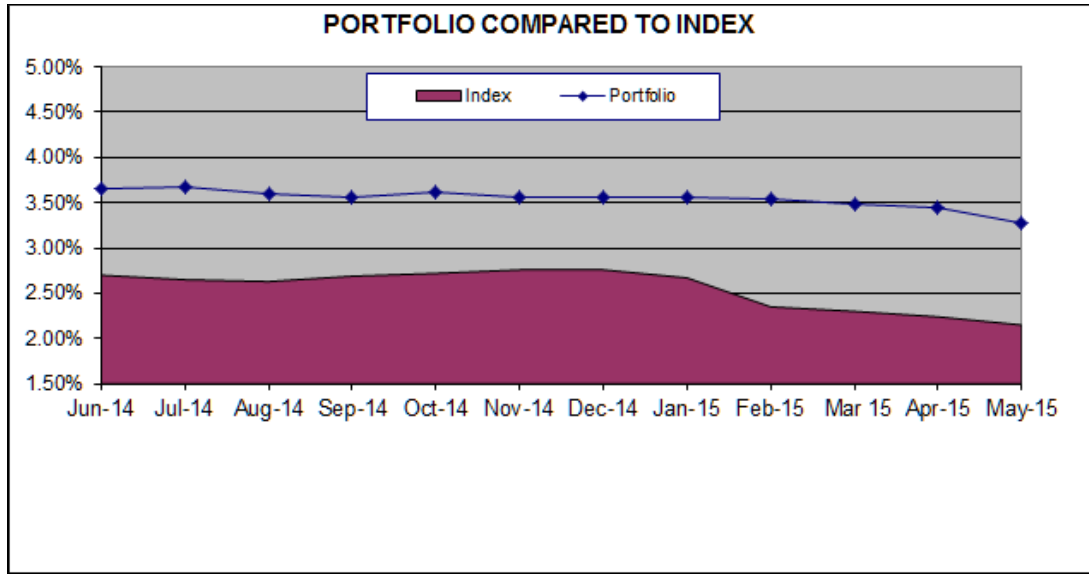
Funds Invested With	ADI Rating	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
Grandfathered Investments						
Goldman Sachs	A	1,000	1,000	0	1.6%	
National Australia Bank	BBB	1,788	1,788	0	2.9%	
National Wealth M'ment Holdin	A-	2,000	2,000	0	3.3%	8%
Rated Institutions						
AMP Bank	A+	6,000	6,000	20%	9.8%	
Bank of Queensland	A-	3,000	4,000	10%	6.5%	
Bank of Western Aust	AA-	9,000	10,000	20%	16.3%	
Bendigo & Adelaide Bank	A-	2,000	2,000	10%	3.3%	
Commonwealth Bank of Austra	AA-	2,496	2,497	20%	4.1%	
Defence Bank Ltd	BBB+	1,000	1,000	10%	1.6%	
Greater Building Society	BBB	2,000	2,000	10%	3.3%	
ING Bank Ltd	A-	4,000	3,000	10%	4.9%	
Members Equity Bank	BBB+	6,000	4,000	10%	6.5%	
National Australia Bank	AA-	6,000	8,000	20%	13.1%	
Newcastle Perm Bld Society	BBB+	2,000	1,000	10%	1.6%	
Suncorp-Metway Bank	A+	10,000	10,000	20%	16.3%	
Westpac Banking Corporation	AA-	5,000	3,000	20%	4.9%	92%
Unrated ADI's				\$1m	0.0%	0%
Total		63,284	61,285		100%	

B. Monthly Comparison of Total Funds Invested

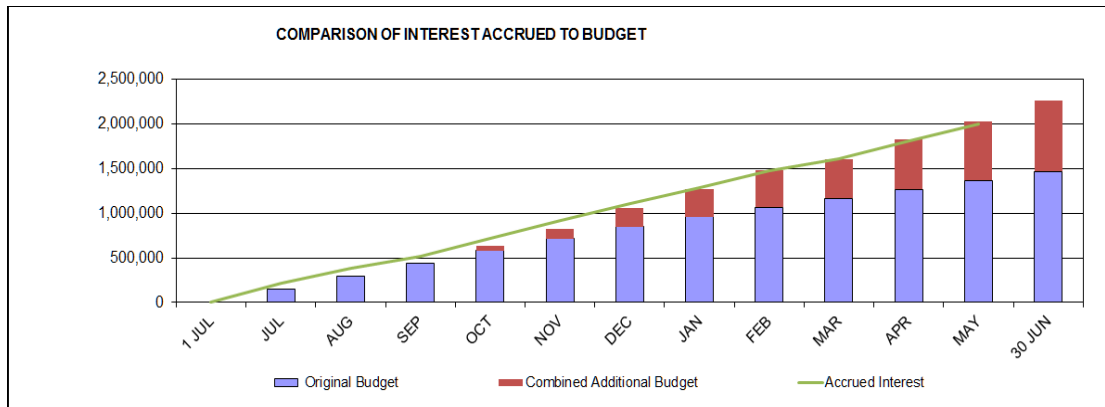


10.2 Investment Summary - May 2015

C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



10.2 Investment Summary - May 2015

E. Investments held as at 31 May 2015

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURIT Y DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
at call	Commonwealth Bank Of Australia	CDA	1.95%	at call	503	503
20/09/04	National Australia Bank (ASX Listed)	FRN	3.39%	Perpetual	1,788	1,354
12/04/06	Goldman Sachs	FRN	2.78%	12/04/16	1,000	999
16/06/06	National Wealth M'ment Holdings	FRN	2.95%	16/06/26	2,000	1,986
24/01/12	ING Bank Ltd	FRTD	4.21%	24/01/17	1,000	1,000
06/02/12	Westpac Bank	FRN	3.80%	06/02/17	1,000	1,022
25/01/13	Commonwealth Bank Of Australia	TD	4.25%	25/01/18	1,994	2,084
05/06/13	National Australia Bank	FRTD	3.41%	05/06/15	2,000	2,000
07/06/13	Greater Bld Society	FRN	3.78%	07/06/16	2,000	2,007
25/02/14	Westpac Bank	FRN	3.07%	25/05/19	2,000	2,025
22/09/14	Members Equity Bank	TD	3.65%	22/09/15	1,000	1,000
17/11/14	Defence Bank	TD	3.50%	15/06/15	1,000	1,000
20/11/14	Bank of Queensland	TD	3.55%	02/06/15	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	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
13/04/15	Suncorp-Metway Bank	TD	3.00%	13/10/15	3,000	3,000
28/04/15	BankWest	TD	2.90%	29/07/15	2,000	2,000
04/05/15	Newcastle Permanent Bld Society	TD	2.75%	30/07/15	1,000	1,000
04/05/15	BankWest	TD	2.90%	29/09/15	2,000	2,000
04/05/15	Bank of Queensland	TD	2.90%	29/10/15	1,000	1,000
04/05/15	National Australia Bank	TD	2.97%	03/11/15	2,000	2,000
05/05/15	BankWest	TD	2.90%	06/10/15	2,000	2,000
11/05/15	BankWest	TD	2.85%	08/10/15	2,000	2,000
11/05/15	Bank of Queensland	TD	2.95%	11/11/15	1,000	1,000
18/05/15	BankWest	TD	3.00%	19/10/15	1,000	1,000
19/05/15	Bank of Queensland	TD	2.95%	18/11/15	1,000	1,000
25/05/15	National Australia Bank	TD	2.97%	07/12/15	1,000	1,000
25/05/15	National Australia Bank	TD	2.97%	30/11/15	1,000	1,000
25/05/15	Suncorp-Metway Bank	TD	2.95%	02/12/15	1,000	1,000
25/05/15	Members Equity Bank	TD	2.90%	22/09/15	1,000	1,000
26/05/15	National Australia Bank	TD	2.97%	22/02/16	1,000	1,000
	Totals				61,285	60,980
	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 May 2015.

Attachment(s)

1. TCorp Local Government Economic Commentary - May 2015

10.3 Policy (Review) - Financial Planning

10.3 Policy (Review) - Financial Planning

Delivery Program Governance and Finance

Objective The purpose of this report is to review the Financial Planning Policy.

Background

The Financial Planning Policy (copy attached) looks at short, medium and long term financial ratios. Staff are required to calculate Council's performance annually and compare the outcome to prescribed benchmarks. This comparison provides an indication of the financial health and sustainability of the organisation.

Key Issues

- Relevance of the policy

Information

This policy was introduced at a time when the calculation of ratios and comparison to industry accepted benchmarks was not particularly prevalent in Local Government. Therefore it is considered that the policy was quite insightful and had value.

The question is whether the policy continues to add value to financial reporting given that Council now has various statutory ratios that must be reported. The annual financial statements now include six financial ratios (Note 13) and a further four infrastructure related ratios (special schedule seven) calculated on a consolidated and per fund basis.

Council must also consider selected ratios as a part of each quarterly review. There are also ratios being reported and analysed as part of Tcorp assessments and Fit for the Future.

Given the reporting that is now mandatory it is considered that a further policy and reporting regime focused on ratios is excess to requirements.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
Ratios are a very important financial tool that assist understanding the performance and position of an organisation

10.3 Policy (Review) - Financial Planning

Consultation

No specific consultation has been undertaken in respect of this report.

Options

Council can delete the Financial Planning Policy or retain the policy. The recommendation is to delete the policy because the mandatory reporting that is taking place on ratios is sufficient to keep Council adequately informed.

If Council prefers to keep the policy it will need to be revised so that the ratios align better than they presently do with the statutory ratios that are being reported.

RECOMMENDATION

That Council revoke the Financial Planning Policy, as attached to this report, as the policy has been superseded by a range of mandatory reporting on financial ratios.

Attachment(s)

1. Policy (REVIEW) Financial Planning

10.4 Policy (New) - Concealed Water Leaks - Step Rate

10.4 Policy (New) - Concealed Water Leaks - Step Rate

Delivery Program Governance and Finance

Objective To consider the merits of only charging the first step rate tariff per kilolitre for water consumption charges resulting from a concealed water leak.

Background

Council requested a report at the 28 May 2015 meeting in order to consider the merits of applying only the first step rate tariff per kilolitre in cases where water consumption charges were caused as a result of a concealed water leak. This report endeavours to satisfy that request.

An inclining two step tariff rate per kilolitre for water consumption charges was introduced in 2001/02 as part of our move to a user pays water billing structure. This structure complied with guidelines issued by the NSW Office of Water and was intended to provide a pricing signal to consumers in an attempt to conserve water. It could be argued that the inclining tariff does not apply fairly in a range of circumstances, which will be covered later within this report.

Council introduced a Concealed Water Leaks policy in 2011 and the policy was rescinded on 22 May 2014 due to concerns about the level of financial assistance provided to consumers. Part of this rescinded policy included charging water consumption at the first step rate tariff only for the portion of consumption attributed to a concealed water leak.

Key Issues

- Financial assistance to consumers
- The equity of a two-step inclining water consumption charge tariff
- Future comprehensive review of our water billing structure

Information

In 2014/15 Council has levied water consumption charges at \$2.02 per kilolitre for the first 350 kilolitres consumed per water meter per annum, and \$3.04 per kilolitre thereafter.

Council buys water in bulk from Rous Water at a cost of approximately \$1.60 per kilolitre. All property owners are responsible to pay for water that passes through the meter.

Extensive water saving education material has been provided to consumers for many years. This includes information about how to check for water leaks, which is printed on the reverse side of our quarterly issued water billing notice.

However, Ballina Shire consumers continue to use water at some of the highest per capita rates in the region.

10.4 Policy (New) - Concealed Water Leaks - Step Rate

There are approximately 13,500 water billing assessments within Ballina Shire. Council staff will contact between 100 and 200 property owners each quarter that have higher than normal water consumption. A high percentage of these are caused as a result of a concealed water leak.

It can be argued that the inclining step rate tariff applies unfairly in a range of circumstances, and its use as a pricing signal has reduced in significance over time. The following points are some examples that support this view.

- Every kilolitre of water consumed at a property costs the same to supply to that property so why have an inclining tariff?
- High water consumers such as schools, clubs, nursing homes, caravan parks etc, are effectively subsidising the low water consumers
- Many high water consumers (e.g. commercial laundries, clubs, schools, large families, residential flats etc) may be water wise but are penalised by paying the higher step rate
- Caravan and mobile home parks are charged for the majority of water consumed at the higher rate however, under the relevant Residential Parks legislation, the park owner can only seek reimbursement from tenants of the park at the lower rate
- NSW Office of Water now supports the simplification of water bills and the use of a single rate per kilolitre rather than an inclining tariff for water consumption charges.

Council also needs to consider the equity of providing financial assistance to consumers that have experienced a water leak and are arguably able to prevent this outcome by being diligent. In comparison to those consumers that are adversely affected by the higher step rate but are largely unable to prevent their high water consumption (eg commercial users).

Since the removal of the concealed water leaks policy staff have received enquiries from property owners regarding the possibility of financial relief for water leak events. These people have been advised that current Council policy does not provide for any such assistance. Hence if Council were to reintroduce a concealed water leaks policy that allowed the charging of the lower step rate only, one matter to consider is whether this policy should be backdated. If the policy is backdated there will be many people who have been denied relief that Council will not be able to contact as no record has been kept of some enquiries.

It is difficult to estimate the amount of revenue that Council may write off if the water leaks policy is introduced. However it is worth noting that the original policy was removed following concerns that the amount of write off was unacceptably high. One issue to consider is whether if a water leaks policy is introduced there should be a cap on the maximum amount that could be written off.

For example in a recent case that contributed to Council's request for this report, a consumer received a quarterly water consumption bill of \$6,500 for about 2,200 kilolitres of water consumption that was mostly caused as a result of a concealed water leak.

The consumer's usual water bills have previously been around \$120 per quarter (around 60 kilolitres water consumption). Since the difference between

10.4 Policy (New) - Concealed Water Leaks - Step Rate

our first and second step rate is about \$1 per kilolitre, if Council were to charge concealed leak water consumption at the first step rate only, Council would forgo around \$2,200 of revenue in this instance.

In a separate, but related issue, Council staff intend to present Council with a report during 2015/16 that considers several changes to our water billing structure to introduce a simplified and arguably more equitable water charging structure from 2016/17.

The two main changes being considered consist of:

- Introducing a single rate per kilolitre for all water consumed (i.e. abolishing the inclining tariff)
- Levying water access charges for residential consumers based on the number of self-contained occupancies rather than just the water meter size.

Our water billing structure is complex and any changes will cause some significant water bill variations for some consumers. For this reason Council may wish to advertise the changes to the community to provide them with the opportunity to make submissions during 2015/16 for 2016/17.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Council needs to be mindful of the social impacts of our fees and charges.
- **Economic**
Council needs to consider that offering financial assistance could have a significant effect to revenue generated.

Legal / Resource / Financial Implications

Providing financial assistance could result in a significant loss of revenue. The level of loss is unable to be gauged due to the nature of water consumption and private infrastructure. Administration of a concealed leaks policy does take staff considerable time to manage.

Consultation

Community consultation has not been undertaken. Generic water leak education has been extensively supplied to water consumers for many years.

Options

Council needs to consider the merits of charging only the first step rate per kilolitre for customers that have experienced a concealed water leak. The option is to introduce a policy or not.

It is important to acknowledge that if Council is only going to charge step one then it needs a comprehensive policy that clarifies what qualifies as a concealed water leak and when the step one tariff is applied. Therefore this essentially reinstates the policy rescinded in 2014.

10.4 Policy (New) - Concealed Water Leaks - Step Rate

A draft policy is attached to this report, which is largely the same as the previous policy excepting that the only write off that will be considered is the difference between the step one and step two charges. If Council resolves to introduce this policy, together with any amendments from this meeting, it would be advertised for public comment. If no comment was received then it would be deemed to be adopted. If comment is received the matter, together with the comment will be reported to Council.

Council would also need to consider if it wishes to make the policy retrospective to encompass recent ratepayer approaches bearing in mind that staff would not be able to contact all ratepayers who have approached Council. Also Council may wish to consider placing a cap on the amount that may be written off at the higher step.

In looking at the preferred option staff are mindful that Council only rescinded the concealed water leaks policy in 2014. Also there is intent to review the two step charging structure during 2015/16. This being the case the preferred option is not to make a decision on the application of the two step charging structure for concealed water leaks in isolation and defer such a decision until a comprehensive review of the existing water charging structure is undertaken during 2015/16. The recommendations endorse this approach.

The other alternative would be adopt the attached draft policy for immediate implementation, with the recommended wording for the alternate resolution as follows:

- 1. That Council adopts the Concealed Water Leaks Policy, as attached to this report.*
- 2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.*
- 3. This policy is to commence operation following the exhibition period (or following the further reporting to Council if any submissions are received), with the policy only to apply to applications received following commencement.*

RECOMMENDATIONS

1. That Council notes the contents of this report and endorses the current water billing structure, which does not provide financial relief or adjustment of water consumption charges for any water leak events (concealed or otherwise).
2. That Council undertake a comprehensive review of our water billing structure during the 2015/16 rating year, including consideration of the removal of the two step tariff structure, with the results reported to Council for consideration in time for any changes to be introduced for the 2016/17 rating year.

Attachment(s)

1. Policy - (Draft) - Concealed Water Leaks

10.5 Delivery Program 2015/16 to 2018/19 and Operational Plan 2015/16

10.5 Delivery Program 2015/16 to 2018/19 and Operational Plan 2015/16

Delivery Program Governance and Finance

Objective To report on submissions received in response to the exhibition of the draft Delivery Program and Operational Plan and to adopt the documents inclusive of any amendments.

Background

The draft Delivery Program and Operational Plan have been placed on public exhibition, with two public meetings held as part of the exhibition process. It is now incumbent upon Council to adopt the documents, subject to any matters arising during the exhibition period.

The draft documents, including the Fees and Charges and Long Term Financial Plan (LTFP i.e. the budget) were placed on exhibition following a series of Finance Committee meetings during March and April.

As the documents are extensive they have not been reproduced for this report. Copies of the documents, as exhibited, are available on Council's website. Additional hard copies can be obtained from Council if needed.

Final copies of the documents will be reproduced in full once adopted.

Key Issues

- Contents of submissions
- Additional amendments

Information

This report has been dissected into two main components being:

- A. Submissions to the draft Delivery Program / Operational Plan and details of the two public meetings held during June.
- B. Further amendments to the draft documents based on updated or amended information.

A. Submissions

The submissions can be categorised under three main headings:

1. Submissions for funding assistance (i.e. general and hall donations)
2. Submissions to fees and charges
3. Submissions for works and services

1. Submissions for Funding Assistance

The draft budget includes the following allocations for funding assistance:

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Donation Description	Budget (\$)
Donations – General	50,000
Richmond Room – Donation for Chair Set Up	5,000
Public Halls – Capital Works	41,000
Southern Cross University – Scholarship	10,000
Donations - Rates and Charges	26,000
Planning and Development Fees - Community Groups	4,000
Total	136,000

Council policy to allocate the General Donations and Public Halls donation budgets is to form a working party, comprising a minimum of three Councillors, with each ward represented.

The working party normally considers the submissions and recommends to the July 2015 Ordinary meeting the preferred distribution of the available funds. At times all Councillors have been included in the working party to avoid repeating the discussions at the July meeting.

Details of submissions for funding assistance are summarised in the next two tables. Applicants are required to complete a standard form that seeks to provide Councillors with consistent information.

As part of the budget process Council also writes to all the Public Hall Committees advising that there is funding available under our halls assistance program (i.e. 50% funding up to a limit of \$10,000 per hall).

Table one outlines the submissions received for general funding assistance.

Table One: Submissions for Funding Assistance

Ref	Organisation / Person	Project / Activity	\$
1	Alstonville Combined Lions, Apex Club and Historical Society	150th Anniversary of Alstonville Celebrations	*4,000
2	Tintenbar Branch of Australian Red Cross	Waste disposal generated by the 2015 Trash and Treasure Sale	120
3	NSW Rural Doctors Network	To provide improved healthcare to rural and remote communities	3,000
4	Northern Rivers Branch Ulysess Motorcycle Club	Traffic control for the 2015 Toy Run	770
5	Ballina Jet Boat Surf Rescue	Fuel and products to run and maintain rescue vehicles	3,000
6	Ballina Jet Boat Surf Rescue	Insurance and Survey Renewals for rescue vehicles	6,209
7	Ballina Breast Cancer Support Group	Hire of rooms at Kentwell Community Centre to hold monthly meetings	432
8	Alstonville Baptist Church	Engage subcontractors and hire equipment for the Alstonville Christmas in the Park event	3,000
9	Seacoast Pantry – Global Care	Waive waste disposal fees for packaging accumulated from donated food	833
10	Lennox Head Chamber of Commerce	Costs associated with Love Lennox 2016	2,500
11	Lions Club of Lennox Head	Hire of facilities at LHCCC to hold 2 fundraising events and insurance for trailer	1,312

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Ref	Organisation / Person	Project / Activity	\$
		used for fundraising barbeques	
12	Headliners Chorus	Purchase blazers with logo to wear when performing for community events	1,000
13	Quota International Alstonville-Wollongbar	Costs associated with holding Craft Fair in August	4,000
14	Lennox Head Landcare Inc	Costs associated with monitoring environmental water quality in Lennox Head	580
15	Alstonville Agricultural Society Inc	Replace existing timber seating around the main show ring	10,000
16	Lennox Head Residents' Assoc Inc (Coast Care Committee)	Insurance and equipment to carry out maintenance to the amenities of Lennox Head	1,800
17	Ballina General Cancer Support Group	Hire of community facilities to hold meetings	336
18	Ballina Tennis Club	Resurfacing two tennis courts	23,430
19	Assoc of Ballina Taekwon-Do Community Inc	Costs associated with 7 members attending Taekwondo World Championships in London in July 2016 (Australian Representation)	5,000
20	Ballina Camera Club	Costs to hold a photographic competition to promote Ballina	1,900
21	Northern Rivers Dirty Wheels Mountain Bike Club Inc	Works to be carried out at the park	4,748
22	Caroline Wales in Partnership with NRCG	Costs associated with developing the bi-yearly artist collaboration event <i>Ballinale</i>	3,698
23	Ballina RSL Sub Branch	Council rates for the RSL Youth Club at 5 Piper Drive Ballina	**5,600
24	Lennox Head Cricket Club	Costs to carry out work at Megan Crescent Sporting Facilities	75,000
25	Cabbage Tree Island Descendants Rugby League Aboriginal Corporation	Purchase of team apparel and equipment	3,000
26	Susan Brennan	Costs associated with holding the Jazz by the Sea 2016 festival including community facilities hire	1,500
27	Rainbow Region Dragon Boat Club	Costs associated with holding the Clubs regatta in August 2015.	1,000
28	Ballina Senior Citizens Inc	Costs to run Christmas Party 2015	2,000
29	Ballina Naval Museum	Waste disposal costs associated with clearing the Florrie annex which is a requirement of the development consent granted by Council	500
Total Requests			168,242

* Funds already committed – Resolution No. 231014/12.

** The Ordinary Rates for 5 Piper Drive (RSL Youth Club) are estimated to be \$3,573.69.

Items 18 and 24 are really sporting facility improvements that ideally would be funded in part, or in full, from a Council recurrent budget for sports fields.

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Currently the entire sports fields' capital budget of approximately \$150,000 for 2015/16 is allocated to the Wollongbar Sports Fields.

In respect to works related to public hall improvements, Council policy is that assistance is provided to 50% of the cost of works, based on a maximum assistance figure of \$10,000.

Donated funds can be matched on a dollar for dollar basis, or matched with in-kind contributions, by the organisation which owns or is licensed to manage the hall.

The Halls Donations Policy has been amended to include in-kind contributions.

There are no guidelines in place in respect to what constitutes appropriate in-kind contributions.

This is a matter that Council may wish to consider in terms of the approval and more particularly the acquittal process; i.e. does the in-kind need to be skilled labour, is there any evidence required in terms the credibility of hours nominated, does it need to be directly related to the work or could it be attendance at a committee meeting and what is an appropriate way to value the contribution (i.e. set charge rate for labour).

This policy applies to halls that are on Council land and managed by community groups and halls that are on crown land or freehold title and controlled by local incorporated groups.

Table Two: Submissions for Community Halls

Ref	Organisation	Project / Activity	Project Value (\$)	Amount Requested (\$)
1	Wollongbar Progress Association for Wollongbar Community Hall	Sanding and refurbishing toilet floors and repair / painting of verandah ceiling	1,897	949
2	Tintenbar School of Arts (Hall)	Construction of new storeroom adjoining hall	22,000	10,000
3	Rous Mill & District Memorial Hall Inc	Pressure spraying and cleaning of exterior of hall, pest treatment, maintenance of external double timber doors and locking arms and solicitor fees to transfer hall ownership to Hall Committee Incorporated.	20,560	17,875
4	Pearces Creek Public Hall Inc	Replace existing roof and upgrade hall electrics	5,260	2,630
5	Newrybar Community Hall	Update and modernise toilet facilities	*20,000	*20,000
Total			69,717	51,454

*Newrybar Community Hall is an estimate at this stage.

Copies of all the submissions for Tables One and Two have not been included with this report. These submissions will be distributed to all Councillors as part of the working party process. Copies are available from Council if needed.

2. Submissions Fees and Charges

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The following submissions are included as attachments to this report.

Ferry Season Tickets

Council received eleven submissions in response to the proposal to increase season tickets from \$250 to \$365 per annum. A number of the submissions required quite detailed responses and it is not proposed to repeat the questions and answers in this report. All submissions are attached in full and a summary of some of the key points are as follows:

- The economic impact on families is extreme. Many people in South Ballina are on low incomes and are struggling to make ends meet. Most people have more than one car and this 'doubling' of the fee will cause hardship.
- Residents are concerned that the running of the Ferry is indifferent, wasteful, inefficient and possibly dishonest.

Staff comment: The response to this submission included that the Council, as a public authority, is obligated to investigate allegations of this nature however Council will require details to substantiate the accusations to enable investigation. There is no evidence to support the comments in this submission.

- In 2001 the fee was \$140 for the first vehicle and \$70 for the second. Fourteen years later and we are looking at a fee of \$365 for each and every vehicle. This is a very substantial increase.
- Many of the respondents commented that they and their family will change their practices via a variety of different means and either not buy a ticket or buy less tickets. The end result is that Council will actually receive less income following the price increase.
- We do not expect something for nothing, just a fair and equitable solution for residents. Other than garbage collection and occasional pothole maintenance we receive very little for our rate payer dollar.
- Does Council intend to impose punitive charges on all other council subsidised operations? E.g. swimming pool.
- The massive amount of money that it costs to run and maintain the ferry is ridiculously expensive.
- Ballina has three bridges previously paid for with some of the rates paid by South Ballina residents.
- There are many casual bicycle riders that use the ferry for free on a regular basis. They often cross in large numbers and inconvenience paying customers. Casual riders, excluding South Ballina residents and children, should be required to pay a fee.
- Many low income earners or people on community benefits are placed south of the river by various government and community organisations. So the increase hits the most vulnerable.

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- Everyone in our household is a pensioner and this cost will hit us hard. Particularly on top of the increase for the swimming pools which we will never use.
- A close inspection is required of the annual slippage cost along with wages paid and operating expense.
- Council should change the charge so that it is levied on the person not the car. After all one person can only drive one car at a time.
- Council should include in the fees and charges an option for business owners to have a variable ticket that covers numerous vehicles.

Staff Comment: The proposed increase to fees has generated significant comment and suggestion.

In respect to variable tickets it is advised that four tickets have been issued this year (two to the National Parks and Wildlife Service and two to individuals). They are only issued following application to the manager of the ferry who approves or denies the application.

Variable tickets have been provided to Government Departments such as the National Parks and Wildlife Service where there is a pool of cars that may use the ferry intermittently. Also a variable ticket has been issued to a private business where the residents regularly use a different company vehicle. The owner of a car dealership is one such example. So it is the same person driving a different company vehicle that changes regularly.

Another matter for Council to consider is the relativity of season ticket fees. The draft document proposes a large increase to the fee for motor vehicles under 3 tonnes and therefore an agricultural tractor also. However the fee for a motor bike has an approximate cost of living increase. See extract from fees and charges document below.

Table Three: Extract from Ferry Fees

Ferry Season Tickets	2014/15	2015/16
Motor Vehicle under 3 tones carrying capacity	\$250	\$365
Motor Cycles	\$125	\$130
Agricultural Tractor	\$50% of annual and quarterly ticket	\$50% of annual and quarterly ticket

By virtue of the wording in the fees and charges the season ticket fee for a tractor will increase in proportion to the fee for a vehicle less than 3 tonnes however the motor bike will not.

Traditionally the fee for a motor bike has been 50% of the fee for a vehicle (same as a tractor) and it is a matter of whether Council would like to maintain these same relativities.

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The recommendations that form part of this report include an increase to the fee for a motor bike to be 50% of the fee for a vehicle less than three tonnes and that the wording in the fees and charges is amended to reflect this change.

Further to the above comments, the Mayor, along with Councillors Paul Worth and Ken Johnson and the Group Manager Civil Services were able to meet with a group of residents concerned about this proposal. The residents expressed their concerns in respect of the increase in fees and those comments largely reflect the points noted.

The group also provided comment in respect of ideas to reduce the operating costs of the ferry and to increase revenue from other sources.

The key points are listed below with a staff response.

- **Truck Fees**

Issue – A reduction in the fees for trucks would increase interest in operators using the ferry. As well as increasing total revenue, this will reduce the volume of trucks using River Drive.

Response – The Council sends monthly invoices to various truck operators who use the ferry. The total income from the debts issued is in the order of \$23,000. This amount does not include the income from casual truck usage.

The Council has not received feedback from these regular users that they elect to use River Drive on the basis of the ferry fees. On this basis it is unlikely that a reduction in fees would stimulate a demand increase of such significance that it would assist the financial outcome for the ferry.

It is however open to the Council to reduce the fee and measure the impact of this decision.

This is not recommended at this point in time.

If further information becomes available that suggests the idea should be reconsidered, a future report to Council can revisit this matter. The current fee for a vehicle over 10 tonnes to use the ferry is \$25.

- **Operations Budget**

Issue – The meeting requested further information on the operational budget for the ferry.

Response – Staff are preparing a written response to this request.

- **Bikes**

Issue – The preference from these residents is for the bike users to be charged.

Response – As this is an item previously, and recently, debated by Council no further staff response is provided.

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- **Cable Wheel Size**

Issue – The meeting suggested the use of a larger wheel size will increase the life of the cables and provide other operational savings.

Response – Staff have agreed to conduct a review of this suggestion and make a change if appropriate.

- **Annual Slip**

Issue One – The residents have suggested that the ferry be slipped at the Ballina slipway instead of Swan Bay.

Response – The slipway at Ballina was previously used by Council however it has been assessed as unsuitable for Council's requirements for a number of years. Space limitations restricted the capacity to complete the required tasks and appropriately meet WHS requirements. Furthermore the environmental controls at the site did not meet Council's needs.

The proprietor of the Ballina slipway advised the meeting changes have been made and in response staff have invited a formal, commercial proposal be submitted to Council for our review.

Issue Two – The residents have suggested that the ferry not be slipped annually.

Response – As previously advised to Council this issue has been reviewed on earlier occasions. Having regard to the previous work programs, which have contributed to the high reliability of the ferry, it has been preferred to slip the ferry annually. This has also been considered the most economic as the smaller more frequent service has been assessed as less expensive to the deferred option.

Over the last few years ramp replacement work and other activities have successfully been completed. We have also engaged the services of marine engineering technicians who have assisted to assess the protective paint systems and a strategy to optimise the maintenance schedule is being implemented.

Furthermore, Council has recently been advised of a change to its licence which requires an out of water inspection in 2015 and again in 2018.

On this basis it is suggested that Council respond to this request by slipping the ferry later this year (2015) as planned and required by the licence and that this slip include completing the work required to enable the slip due in 2016 to be deferred.

A slip in 2017 or 2018 can then assess the value of this strategy compared to the historical arrangements.

- **Advertising**

Issue – The sale of advertising space on the ferry is suggested as a revenue opportunity.

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Response – The Council has previously resolved to seek advertising for the ferry however that process did not yield a successful result following an advertising process. It is agreed in light of the concerns with the proposal to increase the fees to again attempt to seek market interest in advertising on the ferry.

- **S94 Heavy Haulage Contributions Plan**

Issue – The residents requested funds from this reserve be allocated to the ferry.

Response – This reserve is funded from contributions paid from a levy on extractions from local quarries. A program of road rehabilitation is developed annually in response to the amount of funds available.

The use of these funds for the ferry would reduce the funds available for roads. The ferry is maintained annually. Over the last two years the ramps have been replaced and at this point in time there is no immediate asset renewal activities required for the ferry.

From the perspective of staff it is preferred that the quarry funds continue to be allocated towards road rehabilitation as this provides asset renewal benefits compared to the benefits of supporting the annual maintenance expenditure required for the ferry.

In conclusion, ensuring the ferry is operated as efficiently as possible is a primary objective of Council's service delivery.

Staff continue to examine opportunities for improvements and it is agreed that it is timely to again look at some of the issues raised above.

In the event that these ideas do improve the financial position of the ferry, the claims that these changes can yield an improvement that is sufficient to remove or substantially reduce the deficit are not evidenced based in the opinion of staff.

The Council has also resolved that a report be prepared in relation to leasing the ferry to the private sector to operate.

A lease to operate the ferry would need to include conditions on levels of service and the setting of fees to protect against over charging, however this would also significantly impact on the interest in the market for this opportunity.

The alternative option would be to invite a more open response from the market in regards to the service level and fee structure. The Council could invite proposals with both options in mind and assess the relative advantages of the responses.

Similar to the debate regarding the airport, albeit at a different scale, in inviting proposals, the Council needs to consider the cost of preparing a lease document (in this case this could be done with existing staff resources), the cost to the market to respond and the concerns around employment uncertainty for existing staff.

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Industrially there is also legislation that provides some protection against paying contractors less than award rates payable to Council employees for similar duties. Therefore any contract would need to ensure that Council is protected against future claims for unfair contracts.

Even though Council has expressed an interest in privatising this service the preference at this point in time is to continue to pursue other efficiencies such as the possible deferral of the annual slippage for 2016/17.

The recommendation supports this approach, however if Council wishes to resolve to conduct a leasing or contract process that should be clearly enunciated as an alternative resolution and Council must be prepared to finance the various redundancies etc that would be payable if such a contract eventuated.

Finally a copy of the draft fees as exhibited is outlined in the following table for reference purposes due to the extensive debate on these fees.

Table Four: Ferry Fees as Exhibited

Description	2014/15	2015/16
Motor Car & Vehicles (under 3 tonnes carrying capacity)	\$5	\$5.20
Vehicles (3 to 10 tonnes carrying capacity)	\$12.50	\$12.90
Car & trailer or caravan or boat or taking up two spaces	\$10	\$10.40
Vehicles (>10 tonnes carrying capacity)	\$25	\$26
Vehicles (>10 tonnes carrying capacity) book of 25 (available at Council Chambers)	\$625	\$650
Vehicles (3-10 tonnes carrying capacity) book of 25 (available at Council Chambers)	\$312.50	\$322.50
Ferry Weekly Tickets		
Motor car & vehicles (under 3 tonnes carrying capacity)	\$50	\$52
Motor Cycles	\$25	\$26
Ferry Season Tickets - Resident/Ratepayer		
Motor Vehicle (under 3 tonnes carrying capacity)	\$250	\$365
Motor Cycles	\$125	\$130
Agricultural Tractor	50% of annual & quarterly ticket	50% of annual & quarterly ticket
Ferry Quarterly Season Ticket		
(Applies from 1 Jul - 30 Sept; 1 Oct - 31 Dec; 1 Jan - 31 Mar; 1 Apr - 30 Jun)	25% of annual ticket plus \$5 admin fee	25% of annual ticket plus \$5 admin fee
Ferry Season Tickets - Non-Resident/Ratepayer		
Motor Vehicle (under 3 tonnes carrying capacity)	\$450	\$365
Motor cycle	\$225	\$130
Replacement Ferry Pass Stickers		
Replacement Ferry Pass Stickers	\$6.80	\$7

10.5 Delivery Program 2015/16 to 2018/19 and Operational Plan 2015/16

Stormwater Annual Charge

A letter was sent to all business categorised properties explaining the proposed changes to the annual Stormwater charge. Two submissions were received.

The draft fees and charges looks to increase the charge for business properties from a flat \$25 per property (\$12.5 for units) to \$25 per 350 square meters of land (or part thereof) that has an impervious surface.

The submissions raise issues such as:

- Council is already introducing rate increases of 5.41% and 5.34% over two years for the swimming pools. The stormwater increase (for this ratepayer) amounts to 400% and it is all just too much for struggling businesses.
- Using 350 square meters as the basis for what equates to a residential allotment is not correct. Most residential allotments are closer to 700 square meters and this should be the area used by Council which would serve to halve the proposed increase.
- The increase for the nursing home will be in the order of 6000% and in dollar terms the charge will go from \$25 to over \$1,500. We have already set budgets for 2015/16 so would it be possible to either bring the change in over a couple of yours or alternatively defer the increase for 12 months.

Staff Comment: The revised charging structure for business properties accords with legislation and guidelines issued by the Office of Local Government.

The 350 square metres takes into account the fact that business properties tend to have a far higher proportion of impervious area than residential property; i.e. residential properties tend to have approximately 350 square meters of impervious area with a significant amount of grass.

Businesses in most other local government areas have been paying the elevated charges for many years. The current proposal was delayed for some time as Council increased the percentage of the ordinary rate yield paid by business properties from 10% to 20% of our total rate yield.

The legislation is worded such that the charge is a maximum charge. Therefore Council could choose to charge less the maximum. Enquiries of other councils indicate that they are all raising the charge based on 350 square meters of impervious area.

NB: the legislation states 350 square meters of land area. So by levying the charge based on impervious area, Council will charge less than the maximum on some properties, if approved.

Airport Brochure Fee

A submission has been received raising concerns about the level of the increase for brochure display. The fee is currently \$110 and the draft increases the fee to \$150.

10.5 Delivery Program 2015/16 to 2018/19 and Operational Plan 2015/16

Staff Comment: The fee increase was aligned with the increase in passenger numbers as the more passengers the more exposure for the business.

3. Submissions to Works and Services

Wardell Progress Association - Submission 1

The Progress Association is dismayed that no funds have been provided for future works in the village. This has been the same for a couple of years.

Staff Comment: This same issue was discussed at the public meeting. Given that supply will never come close to demand it is always a very difficult issue for Council to prioritise competing demands.

The association has requested that funds from Wardell Town Centre reserve, which has a current balance of \$421,000, be used to upgrade footpaths in Byron and Carlisle Streets. These funds have been held to finance the boardwalk however this project has stalled whilst Council seeks grant funding to enable the project to commence. The estimated cost of the boardwalk is \$540,000.

The estimated cost of the works in Carlisle Street is \$70,000 and Byron Street \$55,000. Obviously if funds are used for the footpaths then the boardwalk project becomes that much more difficult to fund, however it has been several years without action.

This report does include a recommendation that the Byron and Carlisle Street footpaths be funded from the reserve, so if this is not the preference of Council the recommendation will need to be deleted.

Wardell Progress Association - Submission 2

The Association has provided a detailed submission on the boardwalk and they have asked Council to get the job completed. The project has been on hold whilst Council has tried to secure grant funds and to date the applications have not been successful.

The community has been waiting several years for the project; it is a safety hazard and should be completed as a matter of urgency.

Staff Comment: The cost estimate to complete the works, prepared by engineering works staff, is \$540,000. Council has \$421,000 available in reserve for this project so funding of \$119,000 is required.

The first submission from the association asks Council to allocate \$125,000 towards footpath capital works. If Council agrees to the first request then additional funding to \$244,000 will then be required to fund the boardwalk.

There is no funding source for this work and no recommendation has been made in respect to the second submission from the association.

10.5 Delivery Program 2015/16 to 2018/19 and Operational Plan 2015/16

Bulwinkle Landcare Group

The Bulwinkle Landcare Group would like consideration to be given to including funding in the budget to improve stormwater runoff and improve amenity to neighbours. They also request assistance and advice in respect to the grant application process.

Staff Comment: The budget does not include funding for improvements to Bulwinkle Park. Council staff are available to assist the group apply for grants and assist with general operations.

Alstonville Community Pre School

Additional funding of \$43,424 has been requested to pay for costs that are in excess of budget.

Staff Comment: Council has contributed to this project via the provision of land, donations/waivers as well as providing \$120,000 towards total construction costs. The intent of putting forward the lump sum of \$120,000 was to limit Council's exposure to the project. Other fees waived to date are in the tens of thousands.

If Council wishes to provide a further contribution of \$43,424 it will need to be sourced by increasing the working capital deficit, reserves or deferring other projects.

As Council has previously resolved to cap its contribution at \$120,000 the recommendation is not to support this request. If Council wishes to provide support a further report may be needed to identify the preferred funding source.

As an aside to this following a survey of the pre-school site it has been confirmed that the swimming pool fence is encroaching approximately one metre into the area that forms the legal leased area for the preschool.

This has occurred as the footprint for the preschool utilised for the recategorisation of the land, subdivision and lease was created (by Council) using the correct cadastral boundaries, and not the fence line. The encroachment was discovered by the preschool's surveyor after the recategorisation and after the subdivision had been finalised.

The preschool has offered to relocate their lease area one metre further out to rectify this encroachment however this would now mean that the preschool is encroaching not only over cadastral boundaries but also over the categorisation boundary. Further the preschool are not able to condense their plans to remove the encroachment area as they would run the risk of not meeting their accreditation standards.

The overall area of encroachment is 23.4 square metres and the very preliminary advice from the swimming pool redevelopment consultant is that the redevelopment of the Alstonville swimming pool can occur using or not using this encroached area.

10.5 Delivery Program 2015/16 to 2018/19 and Operational Plan 2015/16

Due to the complexities in recategorising the land and redesigning the preschool plans etc the preferred approach is to realign the swimming pool fence to the correct boundary as part of the preschool redevelopment.

This is included in the recommendations for this report however as some Councillors have stated their preference is to retain the swimming pool fence on the current alignment, an alternate motion may need to be resolved.

House With No Steps

Council approved an allocation of \$5,000 for the House with No Steps 'Country Fair from the 2014/15 donations budget.

A submission has been received advising that the Country Fair will not proceed and Council has been asked for approval for the funds to be used for the following purposes;

- 1 day event (scaled version of a Country Fair). This fair will be similar to the 'Little Splendour' at Byron's Splendour in the Grass'.
- 6 days over two weeks – school holiday activities in September 2015
- 6 days over six weeks – school holiday activities in December 2015

The recommendation that forms part of this report is that Council not agree to the transfer of these funds to the revised activities. This transfer is inconsistent with the purpose of this funding source and therefore not supported. Councillors may well wish to consider the allocation of monies from the General Donations budget for this request (as per the submissions in Table One).

Lennox Head Residents Association

The submission from the Association asks that Council commit to improvement works at Ross Park Lennox Head. The Association estimates that the cost of the works is in the order of \$15,000. The submission includes a suggested means of funding the expense by adjusting the proposed works program.

Staff Comment: Works proposed could be undertaken to provide short term beautification, however this ad hoc work may be sacrificial and not in line with future planned works for the site.

Alternatively, given the high profile of the site and opportunity for embellishment, appropriate master planning and planned design could be undertaken on the reserve with greater input from the community.

Public Meetings

Council held two public meetings to outline the draft 2015/19 Delivery Program and 2015/16 Operational Plan.

The meetings were advertised in the local paper, on Council's website and via community access points. Brief descriptions of the meetings follow.

10.5 Delivery Program 2015/16 to 2018/19 and Operational Plan 2015/16

Wardell Community Hall: 25 May 2015

There were 15 people in attendance excluding staff and councillors. A summary of the main issues discussed is as follows:

- The observation was made that the Delivery Program again includes very little for Wardell and this has been the case for the last three years. Growth areas such as Wollongbar were receiving more works than existing areas such as Wardell.
- There is concern and frustration that the boardwalk has still not progressed. The sentiment was that this is an essential requirement for mobility. The underpass could not be used by mobile scooters or even a double pram so the town was effectively cut in two. If grant funds cannot be identified to allow the work to be completed than council should fund the whole work from reserve.
- Council's intent to formalise a boat ramp at Keith Hall was noted and the meeting queried whether a garbage bin and mowing services would be supplied once completed.
- The road at the intersection of Herman's Lane and Riverbank Drive is falling apart.
- Burns Point Road is regularly subject to flooding and on the last occasion there were no warning signs erected. Does Council intend to do any works to prevent the flooding? Has any investigation been conducted into the problem?
- There is no public disabled toilet in Wardell. This situation needs to be corrected.
- Burns Point Ferry operations and fees were discussed. Points raised included:
 - Port Macquarie ran an online survey of residents on the use of the ferry and different pricing alternatives. Ballina should follow this example.
 - Residents would be more inclined to accept higher fees if Council showed that they were proactive in minimising costs or increasing revenue. For example the ferry at Ulmarra was serviced every second or third year.
 - Why do we need two people to work the ferry in busy times?
 - Council should provide an option to buy a book of tickets. This would be convenient and may increase sales.
 - Council should consider paying a consultant to audit the ferry slippage procedure and options.
 - There needs to be lights and a turning circle provided on the South Ballina side of the ferry.

The meeting comprised a number of members of the Wardell Progress Association and it was confirmed that they are in agreement with Council applying funds to the Carlisle Street footpath \$70,000 and the Byron street footpath \$55,000 from the Wardell Masterplan reserve.

There was no agreement to using funds from this reserve for the East Wardell Pontoon which currently forms part of the 2015/16 budget (\$100,000 total project cost funded 50% from grant and 50% from this reserve).

10.5 Delivery Program 2015/16 to 2018/19 and Operational Plan 2015/16

Many of the issues raised at the meeting have been raised in previous years and reflect a frustration with what is seen as a lack of works by Council in Wardell.

Dependent on the actions taken at this Council meeting the Council response will provide comments on many of the concerns raised as some relate to operational matters.

Lennox Head Community and Cultural Centre: 26 May 2015

There were six people in attendance excluding staff and councillors.

A summary of the main issues discussed is as follows:

- The point was made that Council need to have very good landscaping to accompany the coastal shared path, particularly when the shared path or the coastal walk is constructed on the eastern side of the road.
- There was discussion around the works that are funded in the 2015/16 financial year at Lake Ainsworth and surrounds. The meeting was also advised that various grant applications have been made to try and leverage available funds.
- It was noted that there is \$17 million in the 2018/19 financial year to construct Hutley Drive. Discussion flowed around these works and a possible bridge coming off North Creek Road. The timing of these works will depend on growth rates and Section 94 road contribution collections.
- The upgrade of Ross Lane was discussed and whether Council had any plans or had made investigations into the matter. The meeting was advised that there were no plans at this stage for an overall upgrade however staff have sought grants for specific projects and the black spot funding was going to be targeted in the coming year.
- The new shared path along Skennars Head Road has created a dangerous situation at the point where pedestrians/cyclists cross over from one side of the road to the other (west of the soccer fields). Those at the meeting considered that a refuge was necessary particularly for children.

Staff Comment: In respect to the pedestrian refuge on Skennars Head Road, it is not required as per the standards, however staff are considering options to construct a median refuge together with speed zone reviews being conducted by Roads and Maritime Services.

B. Amendments to the Draft Delivery Program and Operational Plan

Long Term Financial Plan (Budget)

During the period that the Draft Delivery Program has been on exhibition numerous budgets have been adjusted and fine tuned as part of an ongoing review of the budget. Detailed as follows are the more significant amendments.

10.5 Delivery Program 2015/16 to 2018/19 and Operational Plan 2015/16

1. Regional Library Contribution

Advice has been received that the Richmond Tweed Regional Library Committee has reviewed their budget and one of the amendments is a reduction to annual member contributions.

The draft budget included a contribution of \$1,312,000 and this has reduced to \$1,297,000.

The \$15,000 reduction to expense will reflect as an improvement to the forecast working capital result.

2. Superannuation/Leaves/Oncosts

Fine tuning of superannuation and oncosts indicates that the superannuation budget (expense) should be increased by approximately \$60,000 and there is room to increase oncost on internal staff salaries (internal income) by \$60,000.

These two adjustments balance each other and have no impact on the forecast net result.

A cash budget of approximately \$2.4 million has been provided for leave entitlements. Based on recent history this allocation could be substantially short, perhaps in the order of \$500,000.

However recent history has also evidenced that much of this short fall has been funded from salary budgets which trend below forecast due to delays in replacements and extended leave being taken.

No adjustments are proposed at this time. The matter is raised to highlight that these areas of the budget are subject to large fluctuations.

3. Telephone System

The draft budget included an allocation of \$100,000 to introduce a new telephone system. The new system was a resource sharing project that was being undertaken with other north coast Councils. The costs associated with the new system are now considered to be prohibitive and the project will not be proceeding.

The \$100,000 has been removed from the budget which has improved the forecast working capital result of General, Water and Wastewater funds.

4. Team Leader Customer Service

During the initial phases of the organisational restructure there was support for the front counter operation at the Administration Centre to be run by a Team Leader. The previous and current arrangements have this service supervised by a remote manager who has many competing priorities.

The cost to employ a new person to perform this role was considered to be prohibitive on a cost benefit basis given that the existing service was considered to be satisfactory.

10.5 Delivery Program 2015/16 to 2018/19 and Operational Plan 2015/16

One employee who works three days per week has advised that they will be retiring at the end of this financial year, which presents an opportunity to reconsider a supervisor role.

An additional \$25,000 including oncosts will be required to convert the existing three day per week position to a five day Team Leader role. The salary of this position is allocated to various funds and sections across the organisation so the cost to General Fund will be approximately 50% of the total.

The new role will assist with customer service focus and coordination of team members plus the additional days will greatly assist administrative resources for the Strategic and Community Facilities Group.

Fees and Charges

Rous Section 64 Contributions

The draft Fees and Charges includes two fees for Rous Water section 64 contributions. One fee is for development applications (DA) approved prior to 2010 and the second fee is for DA's approved after 2010.

The proposal is to remove from the document the fee for DA's approved prior to 2010 as it is a point of confusion when developers are assessing their development charges.

If a developer has a consent that specifically refers to a fixed payment plus cost of living (i.e. a prior to 2010 consent) then this will be the fee charged however there are only a couple of developments that are in this position.

Food Surveillance, Events

The draft Fees and Charges includes, under 'Events on Public Land';

Item	2014/15	2015/16
Food Surveillance/Temporary Structures/ Amusement Devices/Entertainment Areas (per hour, minimum 1/2 hour)	\$170	\$214

This fee structure is inconsistent with the service provided by Council's Health Inspectors. The service provided is for food inspection only and the fee is \$220 per hour. Any other inspections occur as part of the development application process. The proposed revised fee is as follows:

Item	2014/15	2015/16
Food Inspection (per hour, minimum 1/2 hour)	\$170	\$220

Developer Contribution Charges- Water and Wastewater

Following several periods of public exhibition Council adopted new Section 64 plans in February 2015. The new plans were registered by the Office of Water last week and therefore the new plans take effect from 1 July 2015. The tables below outline the fees advertised as compared to the new fees.

10.5 Delivery Program 2015/16 to 2018/19 and Operational Plan 2015/16

Water Section 64 Charges

Area Charge per equivalent tenement	Draft 2015/16 (\$)	Revised 2015/16 (\$)
A – Wardell	3,602	12,170
B – North/East/West		
Ballina, Ballina Island, Skennars Head, Lennox Head	3,602	3,159
C – WUEA	1,860	2,017
E – Alstonville, Wollongbar	3,602	3,159
F – CURA A, Ballina Heights	2,614	615
G – CURA B	2,614	615

Wastewater Section 64 Charges

Area Charge per equivalent tenement	Draft 2015/16 (\$)	Revised 2015/16 (\$)
A - Wardell	7,802	4,834
B – North/East/West		
Ballina, Ballina Island, Skennars Head, Lennox Head	7,802	4,834
C - WUEA	10,847	13,484
E – Alstonville, Wollongbar	4,030	4,834
F – CURA A, Ballina Heights	7,802	3,078
G – CURA B	7,802	3,078

Some charges have decreased and this is partially because the new plans require that the developer constructs more works themselves as part of the development.

Ordinary Rate Revenue

Council needs to formally adopt the ordinary rates to be levied in the 2015/16 financial year. The rates in the dollar and base amounts in the table below reflect an increase of 5.41% which is based on the special variation application. The application has been approved by IPART on the condition that the funds are applied in accordance with the application and the upgrade of Ballina and Alstonville pools. There were no submissions received in relation to the special variation as part of advertising for the Delivery Program. It is now up to Council to resolve to accept the increase and the recommendation is that the special variation is adopted.

Rates in the Dollar and Base Amounts 2015/16

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.180828	449.00	49.84
Business	0.711775	449.00	14.78
Farmland	0.143208	449.00	32.48
Mining	0.711775	449.00	00.00

10.5 Delivery Program 2015/16 to 2018/19 and Operational Plan 2015/16

Hutley Drive

Council has recently been granted development consent by the Joint Regional Planning Panel for the construction of Hutley Drive. The consent has a number of conditions that require substantial work that has to be prepared and approved prior to the issue of a construction certificate.

The work includes the detail engineering design, further environmental assessments, including stormwater management planning, biodiversity offset determinations, and acoustic barrier consultation and design. Most of these requirements are to meet approval conditions from various state agencies.

Having regard to the extent of the work required and the time that this will take, it is preferred to commence this work immediately.

There are concerns by some residents about the impacts to Montwood Drive from residential growth and it is important to close out these preconstruction activities now while the consent is active and thus enable the construction to occur as soon as funds are available.

An assessment of the funds required for the preconstruction works has not been undertaken, however a preliminary budget of \$75,000 is recommended to facilitate the commencement of the process and complete as much of the work as possible.

Hutley Drive is included in the Section 94 Roads Plan and this work can be funded entirely from a combination of pre-plan and current Section 94 monies. The recommendation is to include this work in the 2015/16 budget.

Airport Boulevard

The other road where there is considered to be merit in obtaining planning consent is the Airport Boulevard Road. Council is currently conducting a rezoning process for the Southern Cross land adjacent to the Airport and numerous studies have been completed to allow that rezoning process to proceed. A large number of these studies can be used to obtaining planning consent for the proposed road.

Planning consent would assist Council in seeking grant funds, both State and Federal, for this important piece of infrastructure and it is recommended that funding of \$50,000 be included in the 2015/16 budget to allow this approval process to consent. This work would need to be funded from the Property Development Reserve, which has a forecast closing balance of \$1.462m for 2015/16.

Ferry Income

The budget as exhibited included an estimate for ferry income of \$495,000 for 2015/16. Based on the comments expressed in submissions and dependent on the outcomes from this meeting there are concerns that this estimate may be too optimistic. The following is a summary of actual income for recent and current years.

10.5 Delivery Program 2015/16 to 2018/19 and Operational Plan 2015/16

Item	2012/13 Actual	2013/14 Actual	2014/15 To Date	2015/16 Estimate
Ferry Income Toll Fees	287,100	345,400	346,100	367,000
Ferry Income Toll Fees Council	5,800	12,000	8,600	8,000
Ferry Income Season Tickets	76,400	82,100	80,400	110,000
Diesel Fuel Rebate	4,700	8,000	8,100	10,000
Total	374,000	447,500	443,200	495,000

There is some elasticity in demand in respect to ferry fee pricing and it is recommended that the overall estimated income from the fees be reduced to \$470,000. This is considered to be a more realistic estimate at this point in time.

Sustainability Considerations

- **Environment**
This report encompasses the entire Council budget and proposed activities and operations.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

This report deals with all of Council's operations. Legal, resource and financial implications are all relevant to this report. The recommendations contained at the bottom of this report include various budget adjustments.

Based on the adjustments identified in this report the revised working capital deficit forecast for the General Fund for 2015/16 is \$92,100 which is an acceptable outcome.

Consultation

The Draft Delivery Program and Operational Plan have been advertised for public comment during May and June.

Options

Council has a legal obligation to adopt the Operational Plan and Delivery Program. Three Finance Committee meetings have been held to develop the strategies contained within these documents and Council is also in a position to consider community input.

The recommendations that follow encompass all the items addressed in this report, along with a recommendation to endorse the rating structure for 2015/16.

RECOMMENDATIONS

10.5 Delivery Program 2015/16 to 2018/19 and Operational Plan 2015/16

1. That Council adopts the 2015/16 to 2018/19 Draft Delivery Program and 2015/16 Operational Plan, as exhibited, inclusive of any amendments determined at this meeting.
2. That Council approves the formation of a Committee of three Councillors, representing each Ward, to consider the applications for the General and Hall Donations for 2015/16.
3. That in respect to the various submissions for fees and charges Council endorses the following actions:
 - a) Ferry Fees – that the annual season ticket for a motor bike be amended such that it is 50% of the fee for a season ticket for a vehicle less than 3 tonnes.
 - b) Stormwater Annual Charge Business - noted with no change recommended due to the delay that has occurred in implementing this revised charge.
 - c) Airport Brochure - noted with no change recommended as the fee is considered realistic based on passenger numbers at the airport.
 - d) Rous Section 64 Developer Contributions - that the reference to fees charged prior to 2010 be deleted from the document.
 - e) Public Event Fee - that the fee be amended as follows:

	2014/15	2015/16
Food Inspection (per hour, minimum 1/2 hour)	\$170	\$220

- f) Developer Contribution Charges - that Council include the revised charges as per the following tables:

Water Section 64 Charges

Area Charge per equivalent tenement	Draft 2015/16 (\$)	Revised 2015/16 (\$)
A – Wardell	3,602	12,170
B – North/East/West	3,602	3,159
Ballina, Ballina Island, Skennars Head, Lennox Head		
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Wastewater Section 64 Charges

Area Charge per equivalent tenement	Draft 2015/16 (\$)	Revised 2015/16 (\$)
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E – Alstonville, Wollongbar	4,030	4,834
F – CURA A, Ballina Heights	7,802	3,078
G – CURA B	7,802	3,078

10.5 Delivery Program 2015/16 to 2018/19 and Operational Plan 2015/16

4. That in respect to the various submissions for works and services Council endorses the following actions:
 - a) Wardell Progress Association submission 1 – that the footpath works program be amended to include works on Byron Street \$50,000 and Carlisle Street \$70,000 funded from the Wardell Town Centre Reserve.
 - b) Wardell Progress Association submission 2 – noted with no change recommended as funding is not available for the boardwalk.
 - c) Bulwinkle Park Landcare Group - noted with no change to the budget, however staff are to provide grant application support to this group.
 - d) Alstonville Community Preschool - noted with no change to the budget as Council has capped its direct cash contribution at \$120,000. Council also notes and provides its approval for the realignment of the existing pool fence to ensure it aligns with the property boundary.
 - e) House With No Steps - that Council not reallocate these monies as the funding source is allocated for major Events.
 - f) Lennox Head Residents association - noted with no change to the budget as Council has allocated its playground monies for 2015/16.
5. That in response to the various submissions on the increased ferry fees Council:
 - a) conduct an external process seeking advertising for the ferry
 - b) defer the annual slippage for the 2016 calendar year due to the change in licensing requirements
 - c) continue to investigate other efficiencies including changes to the cable wheel size
 - d) defer any action on conducting an external leasing process for the operation of the Burns Point Ferry due to the large costs that would be incurred through external leasing (i.e. redundancies) and to allow further time to assess the efficiencies to be gained from items a) to c).
6. That based on the latest available information Council endorses the following amendments to the Long Term Financial Plan:
 - a) Regional Library Contribution - draft budget reduced by \$15,000.
 - b) Overheads - superannuation budget increased by \$60,000 and the oncost income (internal) is increased by \$60,000.
 - c) Telephone System – budget of \$100,000 to install a new telephone system to be deleted due to the higher than anticipated cost of this project.
 - d) Customer Service Team Leader- that the salary budget be increased by \$25,000 to enable the employment of a five day team leader position with this cost significantly offset by contributions from other self-funded areas.
 - e) Hutley Drive – include a budget of \$75,000 funded from Section 94 monies (pre-plan and current plan) to allow preliminary project works to be undertaken on this project.

10.5 Delivery Program 2015/16 to 2018/19 and Operational Plan 2015/16

- f) Airport Boulevard – include a budget of \$50,000 funded from the Property Development Reserve to allow an approval to be sought for this project.
 - g) Ferry Income – a reduction of \$25,000 in estimated income to reflect elasticity in demand for this service.
7. That Council resolves to make a base rating structure for the levy of the 2015/16 Ordinary Rate as per the following structure.

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.180828	449.00	49.84
Business	0.711775	449.00	14.78
Farmland	0.143208	449.00	32.48
Mining	0.711775	449.00	00.00

Attachment(s)

- 1. Submissions to Fees and Charges
- 2. Submissions to Works and Services

10.6 Senior Staff - Contract Conditions

10.6 Senior Staff - Contract Conditions

Delivery Program Governance and Finance

Objective To comply with Section 339 of the Local Government Act.

Section 339 of the Local Government Act states as follows:

The general manager must, at least once annually, report to the council on the contractual conditions of senior staff.

Senior staff are defined under Section 332 of the Local Government Act which lists a range of criteria which must be satisfied before a staff member can be defined as senior staff. The positions within the Ballina Shire Council that meet the criteria and have been resolved by Council as senior staff are:

- General Manager
- Group Manager - Civil Services
- Group Manager – Development and Environmental Health

The purpose of this report is to comply with section 339 of the Local Government Act in respect to these three positions.

The report that follows provides details that are not considered to be of a personal nature, with a further report included in the confidential section of this agenda.

The confidential report contains information that can be considered to be of a personal nature and as such the report is recommended for discussion in confidential session in accordance with Section 10A(2) (a) of the Local Government Act; i.e. personnel matters considering particular individuals.

Key Issues

- Compliance with the Local Government Act

Information

The major difference between senior staff positions and other positions within the council organisation (excluding the total salary) is that senior staff must be placed on standardised performance based contracts, details of which are reported to Council each year (Sections 338 and 339). Also under Section 332 of the Local Government Act the general manager may appoint or dismiss senior staff only after consultation with the council.

Details of the three senior staff positions within the organisation are as follows:

General Manager

- Term limited, performance based contract
- Five year term terminating 13 April 2017

10.6 Senior Staff - Contract Conditions

Civil Services Group Manager

- Term limited, performance based contract
- Five year term terminating 31 May 2016

Development and Environmental Health Group Manager

- Term limited, performance based contract
- Five year term terminating 31 May 2016

Specific details of the employee's remuneration are included in the confidential report.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Council is complying with the Local Government Act in providing this report.

Consultation

This report contains what are considered to be the open Council items relating to the employment contracts for the senior staff.

Options

This report is provided for information.

RECOMMENDATION

That Council notes the contents of this report relating to the senior staff contracts.

Attachment(s)

Nil

11.1 Pedestrian Crossing Warrants Review - Ballina

11. Civil Services Group Reports

11.1 Pedestrian Crossing Warrants Review - Ballina

Delivery Program Asset Management

Objective To report the findings of a review of certain pedestrian crossings in Ballina.

Background

Council has commenced a program to review the warrants for Marked Pedestrian Crossings in Ballina Shire. The findings of the first stage of the review for a number of crossings in Ballina are presented in this report. This information has also been considered by the Local Traffic Committee.

Key Issues

- Pedestrian safety

Information

1. Review of Ballina Shire Marked Pedestrian Crossings

The Ballina Local Traffic Committee meeting held 13 August 2014 requested a report on the status of pedestrian crossings in Ballina Shire. After receiving a report on the issue at the 8 October 2014 meeting, the Committee recommended that:

"Crossings 3 (Links Avenue, Ballina), 4 (Bangalow Road, Ballina), 7, 8, 9 & 10 (Cherry Street, Ballina), 11 (Crane Street, Ballina) and 14 (River Street, Ballina East of Norton Street intersection) be prioritised for review in the 2014/15 period."

A report on the findings at these marked pedestrian crossings was presented to the Local Traffic Committee meeting held 15 June 2015. The findings are now submitted for consideration by Council.

2. The Role of Marked Pedestrian Crossings

Marked Pedestrian (Zebra) Crossings are provided to give pedestrians a legal right of way (over vehicular traffic) when crossing streets. They can be approved when there is a minimum threshold level of vehicle and pedestrian traffic volume. These threshold volumes are documented by NSW Roads and Maritime Services (RMS) and are known as a "warrant".

There is considerable evidence that pedestrian crossings do not necessarily enhance pedestrian safety. This is because some pedestrians, knowing that they have legal right of way, do not exercise due care when crossing streets. They may assume that drivers will see them in time and stop, but, unfortunately this does not always happen. Further when there are low

11.1 Pedestrian Crossing Warrants Review - Ballina

pedestrian numbers using marked crossings, regular motorists become used to them being clear and can be slow to react when a pedestrian is present.

The RMS marked crossing warrants identify where significant numbers of pedestrians have difficulty in safely crossing busy streets because there are insufficient gaps in the traffic stream to permit a safe crossing movement. In these cases, the legally enforceable pedestrian right of way provided by a marked pedestrian crossing is considered appropriate.

In locations where the pedestrian and/or traffic volumes are lower, gaps in the traffic stream are more readily available to facilitate safe pedestrian crossing movements. On significant pedestrian desire lines, a "pedestrian refuge" may be used to facilitate safer pedestrian crossing movements. A pedestrian refuge has a median protected "refuge" in the centre of the street enabling pedestrians to cross streets in two short stages where they only have to cope with traffic coming from one direction during each stage. As pedestrian refuges do not confer any legal right of way on pedestrians, pedestrians generally take more care in assessing breaks in the traffic stream (compared with marked crossings) which lowers accident risk.

3. NSW Roads and Maritime Services - Marked Pedestrian Crossing Warrants

The RMS warrants for pedestrian crossings are expressed in a number of formulas combining pedestrian and vehicle traffic volumes. In these formulas P = number of pedestrian using a crossing in an hour and V = number of vehicles crossing a marked pedestrian crossing in an hour.

Normal Pedestrian Crossing Warrant

$P > 29$ for 3 x 1 hr periods per day, and $V > 499$ and $P \times V > 60,000$

Reduced Pedestrian Crossing Warrant *(Predominantly to be used where the proposed crossing is to be used by children or aged/impaired pedestrians)*

$P > 30$ for two periods a day immediately before and after school, and $V > 199$

4. Pedestrian Crossing Counts April May 2015

Traffic and pedestrian counts were conducted in April and May 2015. Counts conducted at Crossings 7, 8 and 9 on Cherry Street were initially completed on rainy days and were repeated as the rain potentially impacted on normal pedestrian activity. Crossing 10 was not reviewed as it has already been removed by the installation of the Cherry Street/Tamar Street roundabout. Results of the counts are tabulated below:

11.1 Pedestrian Crossing Warrants Review - Ballina

Crossing 3, Links Ave 22/04/2015						
Time	Pedestrians				Vehicles	PxV
	School	Aged impaired	Other	Total Ped		
8:30-9:30	67	9	10	86	431	37,066
12:30-1:30	0	3	12	15	275	4,125
3:30-4:30	101	2	8	111	449	49,839
Assessment Qualifies as Reduced Warrant						
Crossing 4, Bangalow Rd, North Cherry Street 23/04/2015						
Time	Pedestrians				Vehicles	PxV
	School	Aged impaired	Other	Total Ped		
8:30-9:30	0	0	6	6	754	4,524
12:30-1:30	1	3	6	10	630	6,300
3:30-4:30	3	4	2	9	722	6,498
Assessment No Warrant						

Crossing 7, Cherry St, South of Burnett St 1/05/2015 Wet weather						
Time	Pedestrians				Vehicles	PxV
	School	Aged impaired	Other	Total Ped		
8:30-9:30	32	0	0	32	592	18,944
12:30-1:30	11	0	3	14	529	7,406
3:30-4:30	7	1	1	9	624	5,616
Assessment No warrant						
Crossing 7, Cherry St, South of Burnett St 14/05/2015						
Time	Pedestrians				Vehicles	PxV
	School	Aged impaired	Other	Total Ped		

11.1 Pedestrian Crossing Warrants Review - Ballina

8:30-9:30	99	1	4	104	542	56,368
12:30-1:30				0		
3:30-4:30	106	1	3	110	584	64,240
Assessment Qualifies as Reduced Warrant						

Crossing 8, Cherry St, South of Swift St 30/04/2015 Wet weather						
Time	Pedestrians				Vehicles	PxV
	School	Aged impaired	Other	Total Ped		
8:30-9:30	3	0	4	7	593	4,151
12:30-1:30	0	0	1	1	543	543
3:30-4:30	13	0	6	19	526	9,994
Assessment No warrant						

Crossing 8, Cherry St, South of Swift St 15/05/2015						
Time	Pedestrians				Vehicles	PxV
	School	Aged impaired	Other	Total Ped		
8:30-9:30	30	1	15	46	612	28,152
12:30-1:30						
3:30-4:30	58	1	15	74	644	47,656
Assessment Qualifies as Reduced Warrant						

Crossing 9, Cherry St, South of Crane St 27/04/2015 Wet weather						
Time	Pedestrians				Vehicles	PxV
	School	Aged impaired	Other	Total Ped		
8:30-9:30	6	3	11	20	518	10,360
12:30-1:30	0	2	9	11	535	5,885
3:30-4:30	1	0	2	3	479	1,437
Assessment No warrant						

11.1 Pedestrian Crossing Warrants Review - Ballina

Crossing 9, Cherry St, South of Crane St 18/05/2015						
Time	Pedestrians				Vehicles	PxV
	School	Aged impaired	Other	Total Ped		
8:30-9:30	5	3	6	14	537	7,518
12:30-1:30						
3:30-4:30	19	1	6	26	582	15,132
Assessment No warrant						

Crossing 11, Crane St, East of Martin St 8/05/2015						
Time	Pedestrians				Vehicles	PxV
	School	Aged impaired	Other	Total Ped		
8:30-9:30	6	7	10	23	42	966
12:30-1:30	0	3	4	7	35	245
3:30-4:30	1	0	7	8	32	256
Assessment No warrant						

Crossing 14, River St, West of Norton St 28/04/2015						
Time	Pedestrians				Vehicles	PxV
	School	Aged impaired	Other	Total Ped		
8:30-9:30	0	6	12	18	553	9,954
12:30-1:30	0	4	5	9	452	4,068
3:30-4:30	3	4	5	12	492	5,904
Assessment No warrant						

11.1 Pedestrian Crossing Warrants Review - Ballina

Summary	Initial Count	Second Count	Warrant Review Outcome
Pedestrian Crossing	Warrant Outcome	Warrant Check Outcome	
3 - Links Avenue	Qualifies Reduced Warrant		Retain
4 - Bangalow Road, North Cherry Street	No warrant		Remove
7 - Cherry Street, South of Burnett Street	No warrant	Qualifies Reduced Warrant	Retain
8 - Cherry Street, South of Swift Street	No warrant	Qualifies Reduced Warrant	Retain
9 - Cherry Street, South of Crane Street	No warrant	No warrant	Remove
11 - Crane Street, East of Martin Street	No warrant		Remove
14 - River Street, West of Norton Street	No warrant		Remove

5. Recommendation of the Local Traffic Committee

The Local Traffic Committee meeting held 10 June 2015 considered the pedestrian crossing counts above and has recommended:

"A report be submitted to Council detailing the outcomes of the review which indicate, subject to community consultation, that the following pedestrian crossings should be removed:

- *Crossing 4 - Bangalow Road, Ballina, North of Cherry Street*
- *Crossing 11 - Crane Street, Ballina, East of Martin Street*
- *Crossing 14 - River Street, Ballina, West of Norton Street"*

Crossing 9 Cherry Street, South of Crane Street, even though it failed to meet the RMS warrant is not recommended for removal at this time due to its proximity to schools. This crossing will continue to be monitored and volumes periodically checked to determine if further action is required.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Removal of pedestrian crossings that do not meet required minimum pedestrian and vehicle volume thresholds will contribute to pedestrian safety and movement efficiency.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Council has a range of delegations from RMS for the regulation of traffic (including regulation of marked pedestrian crossings) that require the concurrence of the Ballina Local Traffic Committee.

The above report provides information in respect of the level of compliance of the selected marked crossings with the relevant technical standards. It is important for the Council to have regard to those standards when making a decision and furthermore, a decision to undertake an action (or do nothing) that departs from the standard should be carefully documented.

Consultation

Community consultation about the proposed removal of three marked pedestrian crossings in Ballina is recommended.

Options

Option 1 - Undertake community consultation for the proposed removal of three designated pedestrian crossings.

Option 2 - Take no further action for removal of the three designated pedestrian crossings.

Option 1 is recommended on the basis that the assessments have identified that the crossings are not compliant with a warrant. As per the information in this report, the warrant is the technical assessment to determine if a marked pedestrian crossing is preferred from a safety perspective to the use of pedestrian refuges, signage and line marking. The response to the community consultation will assist in any decisions regarding the future requirements for pedestrians at these locations.

If the Council is not inclined to support this recommendation it is important to record, for the proper management of public liability, the basis of its decision. Such a basis could be that Council considers there is a merit in retaining crossings in these locations above the level needed by the technical assessment due to the long standing practice of having crossings in these locations.

RECOMMENDATIONS

1. That based on the technical assessment Council authorises community consultation to be undertaken for the proposed removal of marked pedestrian crossings and replacement where appropriate with pedestrian refuges at the following locations:
 - Bangalow Road, Ballina, North of Cherry Street
 - Crane Street, Ballina, East of Martin Street
 - River Street, Ballina, West of Norton Street
2. The results of the community consultation in point one are to be referred to the Ballina Local Traffic Committee for advice and reported to Council.

Attachment(s)

Nil

12. Public Question Time

12. Public Question Time

13.1 Notice of Motion - Indoor Sports and Culture Facility

13. Notices of Motion

13.1 Notice of Motion - Indoor Sports and Culture Facility

Councillor Cr Smith

I move that Council

1. Commence the process of preparing the designs and a development application for a two court indoor sport and cultural facility immediately, with this work to be expended from the funds currently available for this project (approximately \$260,000).
2. The designs are to allow for future expansion for an additional two courts (4 in total).
3. The plans are to be based on the preferred site being Council owned land at Gallans Road or the Southern Cross Industrial Estate. The initial evaluation is to assess which is the optimum site for this facility with that evaluation to be reported back to Council for direction.
4. The General Manager is to provide a report on funding options for this scale facility, with options including the use of reserve funds, land sales.
5. That Council continue to pursue additional grants and funding opportunities through State and Federal Government throughout the development process for this facility. If State or Federal funding opportunities become available Council will consider options to bring forward future provisions into the development such as the introduction of the two additional courts or other cultural facilities.

Councillor Comment

Council has had funds set aside for 3 terms for the design and development application for an indoor sports and cultural facility.

During this time Council has had numerous reports on site options and design configurations.

Council had an onsite tour in Queensland the previous term, and more recently had a tour of Byron Bay's facility which cost approximately \$3 million.

Council has now also produced two reports on potential site options (with Gallans Road still coming out on top in both).

Reporting and discussion has continued for eight years and due to lack of funding for the envisioned facility (approx \$8-12 million) nothing has been progressed to date.

13.1 Notice of Motion - Indoor Sports and Culture Facility

Meanwhile, demand for such a facility continues to grow. Southern Cross School, the de-facto sports gym for Ballina, is continually under pressure. Southern Cross K-12 has grown as a school substantially since the early 90's and its use of the facility currently is far more extensive than it ever was. Approximately 15 of the 52 weeks are either unavailable or partly unavailable for sports hire due to increasing usage by the school.

Additionally, sports like Basketball in Ballina have continued to grow, The Men's competition was split across two nights last year as otherwise the last game for the night would have started past midnight.

The current Federal Government has a clear intent to make savings and reduce federal expenditure, there is little point delaying this project further in the hope of federal funding.

Additionally, while State funding from a potential poles and wires sale may or may not eventuate, it's clear that Council will come across no windfall from the State Government any time soon and the promise of free depot site land is unlikely to eventuate. Council can either continue to wait for State and Federal Government grants, and accessibility to Crown Land for this facility, or make a clear decision and move forward with the facility on Council owned land that Council can afford.

After seeing the Byron Facility (\$3 million) and knowing that the Casino facility cost \$2 million, Council has a clear opportunity to build something practical and affordable that will meet the needs of the community today, but stage it and plan for funding opportunities when they eventuate.

Both the Gallans Road land and the Southern Cross Industrial Estate are suitable locations for a facility of this size and with Council owning these sites we are in a position to rapidly progress this development. By having agreed plans and a development consent in place we are in a far better position to secure grant funds.

In respect to the four court proposal we are not in a position to fund that size facility at this point in time, however this motion is designed to allow for further expansion if Federal or State funding is forthcoming.

In respect to the sports vs cultural centre debate, this motion focuses primarily on the sporting aspect of the development, albeit that a facility of this size could be used for some cultural activities.

Based on discussions, I am confident that the General Manager will be able to prepare options for a facility based on two courts and the time is right for Council to make a clear decision on this matter and move the project forward.

It's within Council's current capacity to build an affordable and practical two court sports and culture facility like Byron Bay and Casino and now is the time to make that happen.

Staff Comment

As part of the Ballina Major Regional Centre Strategy project, Council has received feedback through the community engagement phase suggesting an indoor sporting and cultural facility is of importance to the future of Ballina.

13.1 Notice of Motion - Indoor Sports and Culture Facility

In response to this, Council engaged Rob van Iersel Environmental Planner to undertake a review of the potential locations for such facilities in Ballina. The review included consideration of a stand-alone sporting facility, a stand-alone cultural facility and a multi-purpose sporting/cultural facility.

The logic behind this was to assist in examination of options around the staging of facilities (for example, construction of a sporting facility in the short term with a longer term goal to provide a cultural centre) and identify key locational factors for further consideration. The review assessed site characteristics and assigned a ranking.

The report recommends Treelands Reserve as a preferred location for a multi-purpose facility which would comprise new sporting facilities and renovation of the Kentwell Centre to support cultural/ community functions. Treelands Reserve should, however, be considered with respect to potential impacts on adjoining residents and limitation in terms of configuration of the reserve to accommodate a four court indoor stadium. Treelands may not be suitable if it is preferred that the Kentwell centre is not modified (in terms of use and structure).

The second site option in terms of ranking is Kingsford Smith Park. The key challenge with Kingsford Smith Park is that it is not in Council's ownership. Further, a large multi-purpose or four court indoor sports stadium would likely consume a significant area on the reserve, potentially impacting on existing recreational activities.

The third site in a ranking sense is Gallans Road. Gallans Road has the advantages of being owned by Council and centrally located in relation to Ballina and the future Cumbalum Urban Release Area population. It is also large enough to enable expansion opportunities and is consistent with the outcomes of the Southern Cross Precinct master Plan endorsed by Council in 2008. There are however, flooding matters to address and it is currently located on the edge of Ballina, with Cumbalum in its early development stages.

COUNCILLOR RECOMMENDATIONS

1. That Council commence the process of preparing the designs and a development application for a two court indoor sport and cultural facility immediately, with this work to be expended from the funds currently available for this project (approximately \$260,000).
2. That the designs are to allow for future expansion for an additional two courts (4 in total).
3. That the plans are to be based on the preferred site being Council owned land at Gallans Road or the Southern Cross Industrial Estate. The initial evaluation is to assess which is the optimum site for this facility with that evaluation to be reported back to Council for direction.
4. That the General Manager is to provide a report on funding options for this scale facility, with options including the use of reserve funds, land

13.1 Notice of Motion - Indoor Sports and Culture Facility

sales.

5. That Council continue to pursue additional grants and funding opportunities through State and Federal Government throughout the development process for this facility. If State or Federal funding opportunities become available Council will consider options to bring forward future provisions into the development such as the introduction of the two additional courts or other cultural facilities.

Attachment(s)

Nil

13.2 Notice of Motion - Letter to Shadow Transport Minister

13.2 Notice of Motion - Letter to Shadow Transport Minister

Councillor

Cr Smith

I move that Council

Write to Shadow Minister for Transport, Penny Sharpe reiterating Council's support for the RMS's approved Woodburn to Ballina route and that any alternate eastern route will likely be inconsistent with the Wardell Planning and Environmental Study.

Councillor Comment

The Save the Koala campaigners recently toured the Woodburn - Ballina highway route with MLC Penny Sharpe (Shadow Transport Minister) and presented the minister with a petition to be tabled in parliament.

It's appropriate that Council reiterate its resolved position on the Woodburn to Ballina Highway upgrade to the minister and to note that any alternate route through Wardell or to the east will likely impact on Council's existing (and proposed) urban development planning.

COUNCILLOR RECOMMENDATION

That Council write to Shadow Minister for Transport, Penny Sharpe reiterating councils support for the RMS's approved Woodburn to Ballina route and that any alternate eastern route will likely be inconsistent with the Wardell Planning and Environmental Study.

Attachment(s)

Nil

14.1 Finance Committee Minutes - 23 June 2015

14. Advisory Committee Minutes

14.1 Finance Committee Minutes - 23 June 2015

These minutes will be distributed prior to the meeting.

RECOMMENDATIONS

That Council confirms the minutes of the Finance Committee meeting held 23 June 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 May 2015 Ordinary meeting:

Date	Function
31/5/15	Lennox Head Markets
31/5/15	Alstonville 150 th Celebration Street Market Day
1/6/15	Wollongbar Skate Park Meeting
2/6/15	Alstonville Wollongbar Chamber Breakfast.
2/6/15	Thank you Function for Airport Ambassadors – Tour Fire Station
2/6/15	Access Committee
3/6/15	Alstonville Tibouchina RSL Day Club – 100 th Birthday
3/6/15	Tour Byron Bay Sport Facility
5/6/15	Tree Planting Lennox Head – World Environment Day
5/6/15	NOROC
6/6/15	Love Lennox Festival
6/6/15	Town and Gown Art Show
7/6/15	Lions Fun Run - Ballina
9/6/15	Clem MacMahon – Maritime Museum
9/6/15	Public Citizenship Ceremony
9/6/15	Alstonville 150 th Celebration Meeting
10/6/15	Traffic Committee
10/6/15	Meeting with South Ballina Residents
10/6/15	Wollongbar Progress Association
10/6/15	Cr Briefing - Ballina Major Regional Centre Strategy
11/6/15	Leo Changeover – Ballina High
11/6/15	Aboriginal Community Committee Meeting
12/6/15	100 Years of Women in Policing Baton Relay
12/6/15	Meeting with Newrybar Progress Association and Businesses
12/6/15	Oliver – Ballina Players
13/6/15	Lennox Head Craft Fair
13/6/15	Rene Bolten – Artist Workshop
13/6/15	North Coast Academy of Sports – Awards – Ballina RSL
14/6/15	Ballina Netball Opening
14/6/15	Alstonville Markets
14/6/15	Lennox Head Markets
15/6/15	Police and Council Quarterly Meeting
15/6/15	Meeting Show ground
15/6/15	Wardell Masterplan – East Wardell
16/6/15	Meeting Ballina Aboriginal Child and Family Centre
16/6/15	Aboriginal Cultural Way Project Briefing
16/6/15	Wardell Master Plan – ‘Old Town’
17/6/15	JRPP Meeting – Hutley Drive
17/6/15	Wardell Masterplan – Western
18/6/15	Meals on Wheels – High Tea
18/6/15	Ballina Rotary on Richmond Changeover RSL
18/6/15	Wardell Progress Association Meeting
19/6/15	Meeting Marine Rescue – 1.00 Training Room
20/6/15	World Refugee Day – Richmond Room
20/6/15	Combined Lions Changeover Dinner – Club Lennox
21/6/15	Beyond Zero Emissions

15.1 Mayoral Meetings

22/6/15	RRCC
23/6/15	Internal Audit Committee
23/6/15	Finance Committee Meeting
24/6/15	Alstonville Lions Changeover Dinner
24/6/15	Oliver – Scope
25/6/15	Council Meeting
25/6/15	Gallery Launch
27/6/15	Pop Denison Park – Drop-In Session
27/6/15	Alstonville Rotary Changeover Dinner and Reunion for 150 th Celebration
28/6/15	Tintenbar Tennis

RECOMMENDATION

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

Attachment(s)

Nil

16. Questions Without Notice

16. Questions Without Notice

17. Confidential Session

In accordance with Section 9 (2A) of the Local Government Act 1993, the General Manager is of the opinion that the matters included in the Confidential Business Paper, and detailed below are likely to be considered when the meeting is closed to the public.

Section 10A(4) of the Local Government Act, 1993 provides that members of the public are allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

A brief summary of each of the reports recommended for consideration in confidential session follows:

17.1 Senior Staff - Confidential Contract Conditions

This report contains information relating to the personal affairs of staff.

RECOMMENDATION

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

17.1 Senior Staff - Confidential Contract Conditions

Reason for Confidentiality

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

- a) personnel matters concerning particular individuals (other than councillors)

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the report provides details of the personal affairs of staff.