



Notice of Ordinary Meeting

an Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 23 July 2015 commencing at 9.00 am.**

Business

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

Paul Hickey
General Manager

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

Deputations to Council – Guidelines

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

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

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

Public Question Time – Guidelines

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

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

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

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

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

Recording of the questions will not be verbatim.

The standard rules of behaviour in the Chamber will apply.

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

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1. Australian National Anthem
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 7. Mayoral Minutes
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1. Australian National Anthem

The National Anthem will be performed by Emmanuel Anglican College.

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 25 June 2015 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 June 2015.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 Low Pressure Sewerage System - Cooper Close, Lennox Head

8. Development and Environmental Health Group Reports

8.1 Low Pressure Sewerage System - Cooper Close, Lennox Head

Delivery Program Environmental and Public Health

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

Background

This item was previously considered by Council at the Ordinary General Meeting on 26 February 2015 and Council resolved as follows:

8.2 Cooper Close, Lennox Head - Low Pressure Sewer System 260215/6 RESOLVED

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

Council has now received confirmation from six of the seven property owners involved in the low pressure sewerage system project at Cooper Close Lennox Head that they will connect and agree to terms and conditions. One property owner, 19 Cooper Close Lennox Head, has confirmed that they will not be connecting into the system.

8.1 Low Pressure Sewerage System - Cooper Close, Lennox Head

For this reason a report is provided to Council for consideration to determine if the low pressure sewerage system is to proceed with only six of the seven property owners' agreeing to the terms and conditions. A copy of the original report is attached.

Key Issues

- Public and Environmental Health Risk
- Social equity

Information

The property owner at 19 Cooper Close Lennox Head is not willing to connect into the low pressure sewerage system but has expressed his intentions to sell the property in the immediate future. There is only one person living at this property with minor wastewater volumes being generated.

The on-site sewage management system on this property is not failing so an "Order" cannot be issued to upgrade.

Council could consider placing a notification on the 19 Cooper Close Lennox Head property in Council's property management system requiring that:

- a) The owner must connect into the Council low pressure sewerage system in accordance with Council's Pressure Sewer Policy when the property is sold or within five years from the date the low pressure sewerage system is installed and commissioned, whichever comes first;
- b) The owner is to pay Council for their portion of the public infrastructure costs, in a lump sum when the property is sold or before the five year period to connect expires, whichever comes first;
- c) The owner is responsible for arranging and paying the costs of connecting the dwelling wastewater into Council's infrastructure;
- d) The owner is to pay Council the required headworks contribution charges, in a lump sum, at the applicable rate when the property is sold or before the five year period to connect expires, whichever comes first.

These requirements would be notified to potential new owners' via the 149 and 603 certificate search process and can be enforced under the Local Government Act 1993 Sections 124 and 552.

Local Government Act 1993 – Section 124 - Order 24

Orders requiring the preservation of healthy conditions

	Column 1	Column 2	Column 3
	To do what?	In what circumstances?	To whom?
24	To connect premises with a sewerage system by a specified date	The premises are situated within 75 metres of a sewer of the council	Owner or occupier of premises

Local Government Act 1993 - Section 552

What land may be subject to a water supply special rate or charge?

8.1 Low Pressure Sewerage System - Cooper Close, Lennox Head

552 What land may be subject to a water supply special rate or charge?

(3) A special rate or charge relating to sewerage may be levied on all land except:

- (a) land which is more than 75 metres from a sewer of the council and is not connected to the sewer, and*
- (b) land from which sewage could not be discharged into any sewer of the council."*

Sustainability Considerations

- **Environment**

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

- **Social**

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

- **Economic**

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

Legal / Resource / Financial Implications

There is strong support from Cooper Close Lennox Head property owners to connect into the proposed Council low pressure sewerage system. There are currently two owners that need to rectify their on-site sewage management systems and Council has started the legal enforcement process to resolve these issues. The preferred solution for these defective on-site sewage management systems is to connect into Council's sewerage system.

The six property owners agreeing to connect may feel financially disadvantaged and consider the process inequitable if they are required to pay additional installation costs, to cover any shortfall of funds due to one owner not connecting into Council's low pressure sewerage system at this time.

There are several ways to address the shortfall in installation costs of the low pressure sewerage infrastructure costs due to the 19 Cooper Close Lennox Head not connecting by:

1. Council not recouping the shortfall in the public infrastructure costs from the property owners and absorbing the shortfall

8.1 Low Pressure Sewerage System - Cooper Close, Lennox Head

2. Council recovering this shortfall in funds by adding this amount onto the charges that are applied to the six property owners that are agreeing to connect, via a repayment plan
3. Council recouping the shortfall in the public infrastructure costs from the 19 Cooper Close Lennox Head owner when the property is sold or after the five year period to connect expires, whichever comes first.

To ensure that there is an equitable process and an even share of the financial burden on all property owners it is recommended that any shortfall in funding installation costs due to the non-connecting owner are passed onto that owner, as per option three.

Council is intending to pay upfront for the installation costs of the low pressure sewerage system public infrastructure and will recoup the costs from the owners over a five year repayment plan. The owners will not be charged any interest if they comply with their five year repayment plan.

Council may also consider not charging any interest for up to five years to the 19 Cooper Close Lennox Head owner on the public infrastructure cost component amount if it considered such to be consistent and equitable.

Consultation

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

Options

1. That Council not connect the subject properties in Cooper Close into Council's reticulated sewerage system and have each owner upgrade their on-site sewage system as required and when needed. This is an equitable solution, but one which would not realise the health and environmental benefits of connection and would incur on-site sewage management costs over time.
2. That Council apply the same resolutions as made at the Ordinary General Meeting on 23 February 2015, as detailed in the Background section of this report, with the exception that Resolution Point 2 in the first paragraph is amended to state.

*The provision of this Lower Pressure System is only to proceed subject to Council reaching agreement with **a minimum of six of the** seven property owners benefiting from the system and signing an agreement with Council based on the following minimum terms and conditions:*

And, adding Resolution Point 4:

4. *Council is to place a notification on the 19 Cooper Close Lennox Head property in Council's property management system requiring that:*
 - a) *The owner must connect into the Council low pressure sewerage system in accordance with Council's Pressure Sewer Policy when the property is sold or within five years from the date the low pressure*

8.1 Low Pressure Sewerage System - Cooper Close, Lennox Head

sewerage system is installed and commissioned, whichever comes first

- b) The owner is to pay Council for their portion of the public infrastructure costs, in a lump sum when the property is sold or after the five year period to connect expires, whichever comes first;*
- c) The owner is responsible for arranging and paying the costs of connecting the dwelling's wastewater into Council's infrastructure; and,*
- d) The owner is to pay Council the required headworks contribution charges, in a lump sum, at the applicable rate when the property is sold or after the five year period to connect expires, whichever comes first.*

This is the preferred approach.

RECOMMENDATIONS

1. That based on the contents of this report, Council supports the installation of a Low Pressure Sewer System to connect properties in Cooper Close, Lennox Head to Council's reticulated sewerage system in accordance with Council's Pressure Sewer Policy.
2. The provision of this Low Pressure Sewerage System is only to proceed subject to Council reaching agreement with a minimum of six of the seven property owners benefiting from the system and signing an agreement with Council based on the following minimum terms and conditions:
 - a) Council providing upfront funding for the cost of installation of the sewerage system up to and including the pump well on each property and recovering 100% of those costs from each property owner over a five year timeframe
 - b) Council will not charge interest on the five year instalments, subject to the repayments being made in accordance with the terms of the agreement
 - c) Any late repayments will be charged Council's overdue rates and charges interest rate
 - d) Council approving the waiver of application and inspection fees for the subject connections
 - e) The debt is to be shown on the subject property to guarantee the collection of the debt as per Council's standard rates and charges recovery procedures.
3. That Council authorises the allocation of funding from the Wastewater Fund reserves to finance these works, if they proceed.
4. Council is to place a notification on the 19 Cooper Close Lennox Head

8.1 Low Pressure Sewerage System - Cooper Close, Lennox Head

property in Council's property management system requiring that:

- a) The owner must connect into the Council low pressure sewerage system in accordance with Council's Pressure Sewer Policy when the property is sold or within five years from the date the low pressure sewerage system is installed and commissioned, whichever comes first
- b) The owner is to pay Council for their portion of the public infrastructure costs, in a lump sum when the property is sold or before the five year period to connect expires, whichever comes first
- c) The owner is responsible for arranging and paying the costs of connecting the dwelling's wastewater into Council's infrastructure; and
- d) The owner is to pay Council the required headworks contribution charges, in a lump sum, at the applicable rate when the property is sold or before the five year period to connect expires, whichever comes first.

Attachment(s)

1. Item 8.2 - Council Meeting 26 February 2015 - low pressure sewerage system - Cooper Close - report

8.2 Wood Heater Installation - Additional Controls

8.2 Wood Heater Installation - Additional Controls

Delivery Program Environmental and Public Health

Objective To choose the level of control on wood heater installations by nominating to be listed in a Part of the new Schedule within the Protection of the Environment Operations (Clean Air) Regulation 2010.

Background

The NSW Environmental Protection Authority is amending the current wood heater regulatory framework under the *Protection of the Environment Operations (Clean Air) Regulation 2010* to give powers to NSW Councils to introduce additional controls on wood heater installation. These controls are designed to help reduce the generation of air pollution from wood heaters and open fireplaces. Wood smoke from domestic solid fuel appliances such as wood heaters and open fire places contributes to ambient particle pollution and can adversely impact the health of elderly people, children and those with existing health conditions, such as asthma.

The amendment to the Regulation includes:

- The updated Australian/New Zealand Standards for wood heaters which set more stringent limits for wood heater particle emissions and new thermal efficiency limits thus improving the efficiency of wood heaters. The Regulation adopts a staged approach to setting efficiency and emissions limits for new heaters
- A new schedule of additional controls to allow Councils the flexibility to choose a level of control on wood heater installations appropriate for local conditions. Council can choose to implement these controls across their entire local government area or in designated areas such as high density neighbourhoods or localities affected by wood smoke because of their topography. Council also has the option not to be listed in the Schedule and to have only the general Regulation requirements apply. The additional controls under the new Schedule are outlined in the table below.

New Schedule
<u>Part 1</u> No new wood heaters, except with an approval.
<u>Part 2</u> Except with an approval, from 1 September 2016 new wood heaters must have: <ul style="list-style-type: none">• an emission factor of 1.5g/kg for non-catalytic and 0.8 g/kg for catalytic heaters as tested in accordance with AS/NZS 4012; and• a minimum efficiency of 60% as tested in accordance with AS/NZS 4013.
<u>Part 3</u> No new open fire places, except with an approval.
<u>Not listed</u> General Regulation requirements apply.

8.2 Wood Heater Installation - Additional Controls

The amendment to the Regulation (Attachment 1) gives councils the opportunity to consider listing their local government area in the appropriate part of the Schedule in accordance with the desired level of wood heater control. This approach is similar to the control of burning in the open in NSW.

The amendments to the Regulation, including the new Schedule, will come into force on 1 September 2016.

The amendment to the Regulation does not apply to the sale or installation of heaters of the following kind:

- a masonry appliance built on site (except an open fire place)
- a central heating appliance
- a cooking stove appliance
- an appliance intended for use solely for heating water
- an appliance intended for use solely for distributing heat through ducts
- a pellet heater.

In May 2015 Council's Environmental Health Officer completed a NSW EPA Wood Smoke Survey which included a review of Council's records on customer requests relating to smoke from wood heaters. The review indicated Council had only received 20 customer requests relating to this issue in the past five years. This is an indication that smoke from wood heaters is not a substantial issue in Ballina Shire. Notwithstanding this, being listed in an appropriate part of the Schedule would assist to minimise particulate pollution across the Shire.

Key Issues

- Impacts on the environment and community health
- Resources involved in implementing the requirements of the nominated part of the schedule
- Impacts on the community if restrictions were placed on the type of heater permitted to be installed and the approval process if relevant.

Information

The Australian Standards relevant to wood heaters and this Regulation are AS/NZS 4012:2014 Domestic solid fuel burning appliances – Method for determination of power output and efficiency and AS/NZS 4013:2014 Domestic solid fuel burning appliances – Method for determination of flue gas emissions. Under this Regulation all heaters must be sold with a certificate of compliance and must be marked in accordance with Standard 4012 and 4013. Please refer to Attachment 1 for further details on the general requirements. The Australia Home Heating Association is responsible for issuing the appropriate certificates of compliance.

These Standards (published in August 2014) introduce a staged approach to setting particle emission and thermal efficiency limits for wood heaters:

- a 55% efficiency limit and 2.5 grams of particle emission per kilogram of fuel burnt (g/kg) within 12 months of the publishing of the standards
- a 60% efficiency limit and 1.5 g/kg for non-catalytic heaters (0.8 g/kg for catalytic heaters) within five years of publishing.

8.2 Wood Heater Installation - Additional Controls

Nominating and listing our local government area in the new Schedule is voluntary. If Council decides not to list our Shire in the new Schedule, then the general Regulation requirements would apply.

Council will be able to nominate to be listed in a Part of the Schedule at a later date by writing to the EPA. In such case the placement in, and subsequent amendment of the Schedule would be subject to the approval of the Minister for the Environment.

Sustainability Considerations

- **Environment**

The introduction of additional controls on wood heater installation will help to reduce the generation of air pollution from wood heaters and open fireplaces.

- **Social**

The requirements of the new Schedule may place restrictions on the type, and where in the Shire, wood heaters and open fire places can be installed. This will depend on the selected Part of the new Schedule and the area of our Shire to which it will apply.

The cost and time it would take a person to apply for an approval to install a wood heater should also be considered.

- **Economic**

No substantial impact is expected for the residents of the Shire or for the Council depending upon which Part of the Schedule Council seeks to be listed in.

Legal / Resource / Financial Implications

Additional resources required to develop a policy, guidance and promotional material, approval application forms, templates and to update existing relevant documents. The resources needed would depend on the nominated Part of the new Schedule.

The NSW EPA has asked for expressions of interest to provide financial assistance to councils that decide to adopt the proposed restrictions on installation of wood heaters in their local government areas. Councils may receive up to \$15,000 to implement the Regulation amendment, including development of council policies and procedures and community education materials and campaigns.

Consultation

The NSW EPA has carried out consultation with NSW wholesalers and retailers of wood heaters via the Australian Home Heating Association. All of whom should be aware of the requirement for all wood heaters to comply with AS/NZS 4012 and 4013.

Options

1. Nominate the entire area or parts of the Ballina Shire to be included in **Part 1 – No new wood heaters, except with an approval.** Parts of the Shire area could include closely settled areas, such as towns, villages and urban zonings.

Giving Council the ability to assess each installation and associated circumstances may help to reduce the adverse impacts on the environment and nearby residents.

However nominating to be included in Part 1 of the Schedule would have considerable implications on Council's resources. Council would need to receive and process all applications for the installation of wood heaters. Prior to issuing an approval to install a wood heater Council would need to consider the impacts the use of heaters would likely have on local and regional air quality and amenity.

Nominating to be listed in this Part is **not being recommended** for the above reasons given that we currently don't have a substantial public health or environmental issue across the Shire and that the new manufacturing specifications will establish new standards for the efficiency and emissions of wood heaters.

2. Nominate the entire area or parts of the Ballina Shire to be included in **Part 2 - Except with an approval, from 1 September 2016 new wood heaters must have:**
 - an emission factor of 1.5g/kg for non-catalytic and 0.8 g/kg for catalytic heaters as tested in accordance with AS/NZS 4012; and
 - a minimum efficiency of 60% as tested in accordance with AS/NZS 4013.

Parts of the Shire area could include closely settled areas, such as towns, villages and urban zonings.

Council does not receive a substantial number of customer requests relating to smoke from wood heaters.

Being listed in this Part would mean an approval is only required if the heater does not comply with AS/NZS 4012 and 2013. Listing in this Part of the Schedule would, however, help to improve efficiency of wood heaters and reduce air pollution and adverse health impacts on the community over time by encouraging people to purchase efficient heaters.

Nominating to be listed in this Part would also limit the number of applications to be submitted to Council which would place a lighter load on Council resources than nominating to be listed in Parts 1 or 3.

Nominating the entire Shire area to be listed in this Part is therefore **recommended** for the above reasons.

3. Nominate the entire area or parts of the Ballina Shire to be included in **Part 3 – No new open fire places, except with an approval.**

8.2 Wood Heater Installation - Additional Controls

Nominating to be included in Part 3 of the Schedule may help to reduce the adverse impacts on the environment and nearby residents without the same load on Council resources as Part 1. In this Part an approval is only required for new open fire places. Nominating to be included in this Part of the Schedule would, however, place more of a load on Council resources than being included in Part 2 for little environmental gain at this time.

Nominating to be listed in this Part is therefore not **recommended** for the above reasons.

4. Nominate not to be listed in the new Schedule

This would mean the general Regulation requirements would apply. These requirements include the need for all heaters to be sold with a certificate of compliance and all heaters must be marked in accordance with Standard 4012 and 4013.

Not nominating Ballina Shire to be listed in the new Schedule would mean community members would not need to apply for an approval to install a wood heater or open fire place. There would therefore be no additional load on Council resources.

However, if Council chose not to be listed in a Part of the Schedule the Council would not be explicitly encouraging people to purchase efficient heaters and Council Officers responding to those concerns the Council does receive from time to time about smoke would not have the opportunity to assess whether or not the problems were arising from inefficient heaters and check for the correct approval having been obtained. It is for this reason that not being listed in the Schedule is **not recommended**.

RECOMMENDATION

That Council agrees to nominate to be listed in Part 2 of the new Schedule for the installation of wood heaters for the entire Ballina Shire area as per option two of this report.

Attachment(s)

1. Protection of the Environment Operations (Clean Air) Amendment (Heaters and Fire Places) Regulation 2014

8.3 Development Consent Statistics - June 2015

8.3 Development Consent Statistics - June 2015

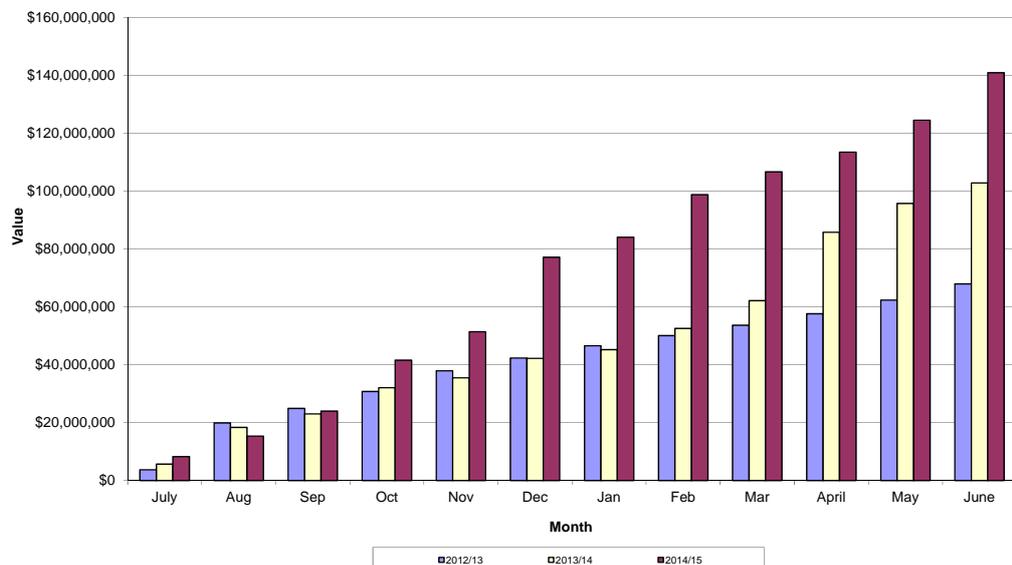
During the period of 1 June 2015 to 30 June 2015 the Development and Environmental Health Group issued Development Consent comprising of:

Number of Applications	Value of Work
31 Other Building Related	\$ 3,118,000
26 Dwelling/Duplexes/Residential Flat Buildings	\$ 8,020,000
4 General Developments	\$ 0
1 Public Infrastructure Works	\$5, 241,000
Total Value	\$ 16,379,000

The following chart details the cumulative consent figures for 2014/15 as compared to 2013/14 and 2012/13.

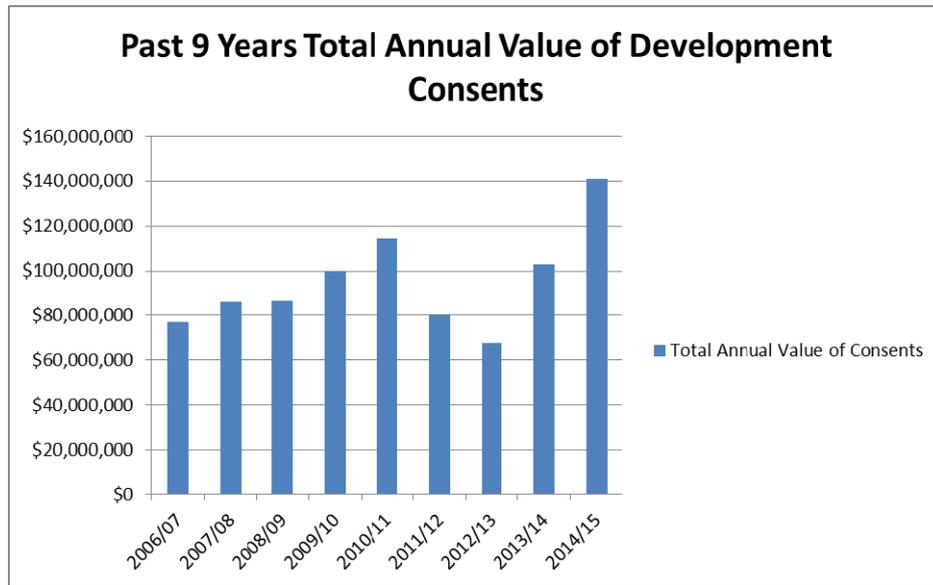
This month we have differentiated new public infrastructure civil construction projects and have listed above a new category showing the value of public infrastructure projects approved. We intend to now also report civil construction works in order to provide additional approvals information. The first project separately listed has been the JRPP's consent for the Hutley Drive Road extension that is included in the chart below.

In future reports we will separate the cumulative Total Values of Work so that the Council will be able to differentiate between conventional development activity as reported to date, and the value of public infrastructure works that have been approved locally and therefore will continue to be able to directly compare past years' economic activity.



8.3 Development Consent Statistics - June 2015

As it is the end of the Financial Year, this year's Total Annual Value of Approvals has been charted with those of the past nine years. These are set out below.



RECOMMENDATION

That Council notes the contents of the report on development consent statistics for 1 June 2015 to 30 June 2015.

Attachment(s)

Nil

8.4 Development Applications - Works in Progress - July 2015

8.4 Development Applications - Works in Progress - July 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
2014/609	21/11/2014	Planners North	To undertake a mixed use development comprising the erection & strata title subdivision of a two storey commercial premises fronting Ballina St and four, three storey, dwelling houses at the rear of the site adjacent to Rayner Ln	Rescission Motion to be considered at July Meeting
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	Determination Pending
2015/34	30/01/2015	Northern Rivers Surveying Pty Ltd	Two Lot Subdivision to create 1 x 40.9 and 1 x 48.55 hectare allotments - 145 Brooklet Road, Newrybar	Being Assessed
2015/138	26/3/2015	Civiltech Consulting Engineers	To undertake coastal protection works along the	Amended application referred to Government

8.4 Development Applications - Works in Progress - July 2015

			eastern boundary of the subject allotments comprising a dry rock retaining wall, removal of vegetation and filling of land – 2 Skinner Street, Ballina	Departments
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	Determination pending..
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	Determination Pending
2015/210	24/4/2015	Paul R Gray PRG Architects	To demolish an existing dwelling house and to undertake the erection and strata title subdivision of a three storey residential flat building (basement carpark and two storey above) comprising three units,	Determination Pending

8.4 Development Applications - Works in Progress - July 2015

			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	Awaiting additional information
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
2015/259	19/05/2015	Newton Denny Chapelle	Change of Use – Education Establishment to Offices – 78B Main Street, Alstonville	Awaiting additional information
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
2015/272	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	Determination pending.
2015/291	10/06/2015	Chris Abbott Surveying	Two Lot Strata Title	Referred to Government

8.4 Development Applications - Works in Progress - July 2015

			Subdivision of Existing Dual Occupancy – 4 Harrier Street, Ballina	Departments
2015/297	12/06/2015	Civiltech Consulting Engineers	1071 Tamarind Drive, Tintenbar – Boundary adjustment subdivision to create one x 10.3ha and one x 4.2ha allotments	Referred to Government Departments
2015/299	12/06/2015	LJ Saad/Stone Inspirations	Use of Premises for Industrial Purposes – 27 Piper Drive, Ballina (Unit 2)	Being Assessed
2015/300	15/06/2015	Newton Denny Chapelle	Use of the Existing Dwelling House for Tourist and Visitor Accommodation and the Temporary Use of the Land for a Function Centre and Associated Works	On Exhibition
2015/301	15/6/2015	Ardill Payne & Partners	Two lot boundary adjustment subdivision – 300 Old Byron Bay Road & 76 Phillips Road, Newrybar	Referred to Government Departments
2015/302	15/06/2015	Newton Denny Chapelle	Three Lot Torrens Title Subdivision to Create 1 x 1920sqm and 1 x 2510sqm allotments and associated works – 19 Bullinah Crescent, East Ballina	Referred to Government Departments
2015/305	15/06/2015	Ron Johnson	Establishment of a Bed and	Referred to Government

8.4 Development Applications - Works in Progress - July 2015

			Breakfast Facility – 412 Friday Hut Road, Brooklet	Departments
2015/311	17/06/2015	Ardill Payne & Partners	Erection and Strata Title Subdivision of a Multi Dwelling Housing Development comprising Four Two Storey and one Single Storey Dwellings, Demolition of Existing Dwelling House and Structures, Vegetation Removal, Site Filling and Associated Works at 175 Tamar St, Ballina.	On Exhibition
2015/313	19/06/2015	Ballina Shire Council	Alterations and Additions to the Ballina Waste Management Facility's Transfer Station – 167 Southern Cross Drive, Ballina	Being Assessed
2015/318	23/06/2015	NSW Public Works	Installation of Electricity Supply Industry Teaching Infrastructure – 61 Sneaths Road, Wollongbar	Referred to Government Departments
2015/320	24/06/2015	I & T Jackson	Erection of Self Storage Sheds – 18 Northcott Crescent, Alstonville	Determination Pending
2015/315	23/06/2015	Michael Hajjar Surveying	Three lot industrial subdivision – 54 North Creek Road, Ballina	Being Assessed.
2015/326	29/06/2015	Ballina Scaffolding	To undertake the storage a	Being Assessed.

8.4 Development Applications - Works in Progress - July 2015

		Services	scaffolding equipment associated with Ballina Scaffolding	
2015/328	30/06/2015	Newton Denny Chapelle	Change of Use – Office to Medical Centre (Ophthalmology Clinic)	Being Assessed.
2015/331	30/06/2015	Jay Sacha	Change of Use – Expansion of Shop into Part of Dwelling House	Being Assessed.
2015/337	06/07/2015	James Lane	Vegetation management works to one Tuckeroo tree – 25 Amber Drive, Lennox Head	Being Assessed.

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2013/286	5/08/2013	Ballina Shire Council	Establishment and Operation of a Biochar and Waste-to-Energy Facility - 167 Southern Cross Drive, Ballina	Referred to Government Departments
2014/615	27/11/2014	Ardill Payne & Partners	To undertake the expansion of an existing extractive industry (quarry) - Old Bagotville Road, Bagotville	Being Assessed.
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

8.4 Development Applications - Works in Progress - July 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	Referred to Government Departments.
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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 July 2015.

Attachment(s)

Nil

9.1 Planning Proposal - Bruxner Highway / Pacific Highway, West Ballina

9. Strategic and Community Facilities Group Reports

9.1 Planning Proposal - Bruxner Highway / Pacific Highway, West Ballina

Delivery Program Strategic Planning

Objective To inform the Council of the outcomes of the public exhibition of Planning Proposal BSCPP 15/003 to reconfigure the boundaries of the NSW Roads and Maritime Services (RMS) Highway Service Centre site subject to Additional Permitted Use provisions and to seek direction from the Council on the finalisation of the amendment.

Background

At its Ordinary Meeting held on 26 March 2015, the Council considered a report pertaining to a planning proposal which sought to reconfigure the boundaries of the RMS highway service centre site that is subject to *Additional Permitted Use* provisions. The subject land is located at the Teven Road interchange of the Pacific and Bruxner Highways at West Ballina. The particulars of the proposal are detailed in the planning proposal document contained in Attachment One.

In consideration of the proposal, the Council resolved as follows (Minute No. 260315/5):

- 1. That Council authorises the submission of a planning proposal to amend the Ballina Local Environmental Plan 2012 to reconfigure the RMS owned land at the Teven interchange at West Ballina, that is subject to additional use provisions for a highway service centre, to the Department of Planning and Environment for review and Gateway determination.*
- 2. That upon an affirmative Gateway determination being received, the procedural steps associated with the progression of the planning proposal, including public exhibition, be undertaken.*
- 3. That a further report be presented to the Council in relation to this matter following the mandatory community consultation.*
- 4. That the Department of Planning and Environment be advised that at this stage of the process it is the Council's intention to exercise its delegated plan making functions.*

Following the above resolution, an affirmative Gateway determination was issued on 15 April 2015 and the planning proposal was exhibited for public comment.

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

Key Issues

- Reconfiguration of the boundaries of the RMS highway service centre site subject to *Additional Permitted Use* provisions under the provisions of Ballina LEP 2012.
- Consideration of the outcomes of the agency engagement and public exhibition of the proposal.

Information

This planning proposal has been initiated at the request of NSW Roads and Maritime Services (RMS) and initially sought to reconfigure the boundaries of the authority's highway service centre site in its south eastern corner. The reconfiguration of boundaries at this point was intended to better align with the boundaries of the as built road works in close proximity to the Teven Road interchange of the Pacific and Bruxner Highways.

Following discussion with the RMS, the planning proposal was amended to reduce the overall area of the site subject to *Additional Permitted Use* provisions under the LEP by approximately 38% or 13.74 hectares. The site area reduction resulted in the exclusion of the wetland area located in the north western corner of the site. The map below shows by the orange colour the area no longer proposed to be subject to *Additional Permitted Use* provisions for highway service centre purposes and by the blue hatching the proposed extension.

Map 1 – RMS Highway Service Centre Site



Following the Council's March 2015 resolution, a planning proposal detailing the proposed reconfiguration of boundaries was forwarded to the Department of Planning and Environment for Gateway determination. A favourable Gateway determination was issued by the Department on 15 April 2015, a copy of which is included in the planning proposal document at Attachment One.

9.1 Planning Proposal - Bruxner Highway / Pacific Highway, West Ballina

The Gateway determination required Council to consult with the NSW Rural Fire Service (RFS) and the NSW Roads and Maritime Services (RMS). In respect to consultation with the RFS, Council was required to take into consideration any comments made prior to public exhibition of the proposal.

The RMS advised that it has no concerns with the proposed reconfiguration of the highway service centre site boundaries and the planning proposal proceeding. In respect to traffic related issues associated with the proposed highway service centre raised by the RMS, these can be addressed at the development application stage.

The RFS also indicated that it agrees that the bushfire hazard zone, which previously impacted the subject site, has effectively been removed as a result of Pacific Highway Ballina Bypass works. The RFS recommended to Council that the Bush Fire Prone Land Map be amended to reflect the removal of vegetation from the site. In respect to the map amendment, it was advised that this may then not require the future highway service centre to be assessed under relevant bush fire legislation. Copies of the responses received from the agencies are included in the planning proposal document included in Attachment One.

The planning proposal was placed on exhibition for public comment from 17 June 2015 until 10 July 2015. No submissions were received in response.

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

Sustainability Considerations

- **Environment**

There are no specific environmental consequences arising from this LEP amendment request, although an area of wetland has been removed from the application of the *Additional Permitted Use* provisions of the LEP. It is noted that the future development application assessment process will be the mechanism by which potential environmental impacts (for example, stormwater treatment and disposal) associated with the construction of a highway service centre will be considered.

- **Social**

The planning proposal is intended to facilitate a development to accommodate the needs of the travelling public. This is consistent with the Government's policies of improving safety and efficiency on the State's highway network. If ultimately approved, the construction and operation of a highway service centre on the land will also be a strong stimulus for the Ballina economy and generate significant initial and ongoing employment opportunities.

- **Economic**

The redefinition of the land area subject to the additional permitted use provisions for a highway service centre, and within the ownership of the RMS, may have beneficial economic outcomes. This is based on the assumption that it will more quickly facilitate the practical development of the site through improving its viability as suggested in the RMS submission.

Legal / Resource / Financial Implications

There are no specific legal implications associated with this proposed LEP amendment at this time. Progress of this matter has been accommodated within the Council's Strategic and Community Facilities Group work program.

Consultation

Consultation was undertaken with the NSW Rural Fire Service and the NSW Roads and Maritime Services in accordance with the Gateway determination requirements. No objections were raised by these authorities to the planning proposal being finalised. Copies of the responses received are contained in the planning proposal in Attachment One.

In respect to the amendment of the Bushfire Prone Land Map as suggested by the RFS, this matter has been referred to Council's Information Technology Section (GIS mapping) for further consideration.

As indicated above, the planning proposal was placed on public exhibition from 17 June to 10 July 2015. No submissions were received.

Options

1. Finalise the Planning Proposal

Finalising the planning proposal as exhibited will result in the reconfiguration of the area subject to *Additional Permitted Use* provisions under the Ballina Local Environmental Plan 2012 in the manner requested by the RMS. The reconfigured site boundaries will better align with as built road works and remove unsuitable wetland from being subject to these provisions.

This is the recommended option.

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

2. Discontinue the Planning Proposal

The option to discontinue the proposal is open to the Council. This option is not recommended as it will result in a site which is much larger than required by the RMS and site boundaries which do not align with as built road works.

3. Defer the Planning Proposal

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

RECOMMENDATIONS

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to reconfigure the boundaries of the Additional Permitted Use area as it affects the RMS highway service centre site as detailed in Planning Proposal BSCPP 15/003.
2. That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP 15/003 directly in liaison with Parliamentary Counsel.

Attachment(s)

1. Attachment One - Planning Proposal BSCPP 15/003 (Final)

9.2 Planning Proposal - Land Reclassification Miscellaneous Properties

9.2 Planning Proposal - Land Reclassification Miscellaneous Properties

Delivery Program Strategic Planning

Objective To seek direction from the Council concerning a planning proposal relating to the reclassification of various Council-owned land holdings from community land to operational land and associated adjustments to land zoning and other land use planning controls.

Background

On 15 July 2014, the Council's Commercial Services Committee considered a report in relation to a proposal to reclassify a number of Council-owned land parcels from community land to operational land. These parcels include 10 lots on 8 separate sites across the shire.

The Commercial Services Committee recommended that Council commence the process for the reclassification of the land from community land to operational land in accordance with the requirements of the *Local Government Act 1993* (LG Act). The Minutes of the Commercial Services Committee meeting were adopted by the Council at its Ordinary Meeting held on 24 July 2014 [Minute No. 240714/31].

Following this resolution, a request was submitted to Council's Strategic and Community Facilities Group to prepare a planning proposal to amend the *Ballina Local Environmental Plan 2012* (BLEP 2012) to facilitate the reclassification of the identified Council land holdings. In the assessment of the various land parcels proposed for reclassification, the need for a number of adjustments to the BLEP 2012 zoning and associated land use planning provisions has also been identified. These adjustments will refine and improve the land use planning provisions applicable to the sites identified, and are intended to reflect the current and desired future uses of the land. These adjustments to the land use planning provisions are being proposed in conjunction with the reclassification of land and are detailed in the attached planning proposal.

In addition to the above, a further eight parcels of Council-owned land have been included in the proposal. These eight additional parcels comprise land that has either been endorsed for reclassification by an earlier Council resolution or have been identified as more appropriately classified as operational land in a recent audit of Council's land holdings. The various parcels have been grouped for reclassification for efficiency given the need for an LEP amendment to facilitate the change.

9.2 Planning Proposal - Land Reclassification Miscellaneous Properties

The purpose of this report is to present the Council with a planning proposal detailing the land proposed for reclassification and to also identify the associated adjustments to the land use planning provisions. Should the Council resolve to support the reclassification of land and associated adjustments to the land use planning provisions, the proposal will be submitted to the Department of Planning and Environment for Gateway determination under the requirements of section 56 of the *Environmental Planning and Assessment Act 1979*.

Key Issues

- Reclassification of public land.
- Initiation of LEP amendment.
- Associated adjustments to zoning and other land use planning provisions.

Information

The LG Act requires the classification of all Council-owned land as either community land or operational land.

Community land consists typically of parks and open space areas (obviously excluding Crown land) which are retained and managed for the general use of the community. Community land may not be disposed of.

Operational land is land typically either held by Council as a temporary asset or as an investment, or land which facilitates Council carrying out its service functions. Generally speaking, Council-owned land that is solely designated for infrastructure purposes is classified as operational land. Council's Works Depot and Wigmore Arcade are random examples of existing operational land. Council is able to deal in operational land, including its sale, as in any free market situation.

The planning proposal in Attachment One relates to 17 sites comprising Council-owned land currently classified as community land for the purposes of the LG Act. It is proposed to reclassify each parcel to operational land, with the proposal also including adjustments to the land zoning and associated planning provisions for some parcels under the terms of the Council's planning instrument. The particulars of these amendments are detailed in Attachment One.

The land parcels endorsed by the Council for reclassification from community land to operational land on 24 July 2014 are summarised in Table One below. Maps and further details for each site are provided in the planning proposal in Attachment One. The numbering in the table reflects the site numbering in the planning proposal.

9.2 Planning Proposal - Land Reclassification Miscellaneous Properties

Table 1 – Land Proposed for Reclassification per Council Resolution 24/07/2014

Site Details	Planning Proposal Site No.	Current Uses
East Ballina Reservoir, Pine Avenue (Lots 1-2 DP 598548)	1	Infrastructure – water reservoir, public access restricted
Richmond Hill Reservoir, Suvla Street, East Ballina (Lot 1 DP 632176)	2	Infrastructure – water reservoir, part public open space
Basalt Court Reservoir, Lennox Head (Lot 47 DP 240657)	3	Infrastructure – water reservoir, public access restricted
Pump Station SP2006 Opp 15 Regatta Ave, Ballina (Lots 1-2 DP 604567)	4	Infrastructure – sewer pump station
Pump Station SP3110 Hutley Dr, Lennox Head (Lot 1 DP 856703)	5	Infrastructure – sewer pump station
Pump Station SP3107 8 Seamist Pl, Lennox Head (Lot 43 DP 1168665)	6	Infrastructure – sewer pump station
Good Start Childcare Centre 34-36 Links Ave, East Ballina (Lot 104 DP 871675)	7	Land leased and exclusively occupied by operators of child care centre
Seeds Childcare Centre Westland Drive, West Ballina (Lot 1 DP 850774)	8 (part)	Land leased and exclusively occupied by operators of child care centre

In addition to the above, further land parcels have been identified for consideration for reclassification based on current and expected future land uses. These parcels were identified in a recent audit of Council's land holdings and are summarised in Table Two below. Maps and further details for each site are provided in the planning proposal in Attachment One.

9.2 Planning Proposal - Land Reclassification Miscellaneous Properties

Table 2 – Additional Land Proposed for Reclassification

Site Details	Planning Proposal Site No.	Comments
<p>Westland Estate Buffer Westland Drive, Barlows Road & Sunset Avenue, West Ballina (part Lot 52 DP 842077, part Lot 2 DP 850774, Lot 179 DP 879355)</p>	<p>8 (part)</p>	<p>This site includes a number of lots established as a buffer for the Westland Estate in 1993. The land consists of a narrow linear reserve at the rear of residential properties fronting Westland Drive on either side of the site leased for the child care centre. The majority of the buffer site contains a stormwater drainage channel servicing the surrounding urban environment. In its current form it provides minimal amenity or function as a public reserve and does not function as an effective buffer, given its width.</p> <p>Given the limited public amenity and predominant use of the site for infrastructure (drainage) it is proposed to reclassify the land as operational land. This is consistent with the approach taken across the shire to land held primarily or exclusively for infrastructure purposes.</p>
<p>Alstonville Wastewater Treatment Plant (part) Johnstons Rd, Alstonville (Lot 1 DP 853747)</p>	<p>9</p>	<p>This site comprises part of the Alstonville Wastewater Treatment Plant and was created as a result of a boundary adjustment registered in 1995. A search of Council records cannot confirm any formal process to apply the operational classification to this land.</p> <p>To clarify the situation, and confirm the operational classification of the land, it is being included in this reclassification proposal.</p> <p>Having regard for the operational nature of the land use (wastewater treatment infrastructure) it is considered appropriate to apply the operational classification. This approach is consistent with other land held by Council for wastewater treatment plants across the shire.</p>
<p>Lennox Head Wastewater Treatment Plant (part) North Creek Rd, Skennars Head (Lot 1 DP 831017)</p>	<p>10</p>	<p>This site comprises part of the Lennox Head Wastewater Treatment Plant and is former Crown land acquired by Council in 1995 to facilitate the expansion and management of the plant. A search of Council records cannot confirm any formal process to apply the operational classification to this land.</p> <p>To clarify the situation, and confirm the operational classification of the land, it is being included in this reclassification proposal.</p> <p>Because of the operational nature of the land use (wastewater treatment infrastructure) it is considered appropriate to apply the operational classification. This approach is consistent with other land held by Council for wastewater treatment plants across the shire.</p>

9.2 Planning Proposal - Land Reclassification Miscellaneous Properties

Site Details	Planning Proposal Site No.	Comments
Elevation Estate Drainage Reserve & Pump Station, McLeans St, Skennars Head (Lot 41 DP 1149233)	11	<p>This site contains stormwater drainage and sewer infrastructure dedicated to Council as part of the Elevation Estate development in 2010.</p> <p>At the time of dedication, the procedure to classify the land as operational was not undertaken and the land is currently classified as community land. This site is included in the proposal because of the operational nature of the site, being solely used for infrastructure (drainage and sewer) purposes.</p>
Daintree Drive Drainage Reserve, Lennox Head (Lot 47 DP 1012769)	12	<p>This site contains stormwater drainage infrastructure dedicated to Council as a drainage reserve in 2000.</p> <p>At the time of dedication, the procedure to classify the land as operational was not undertaken and the land is classified as community land. This site is included in the proposal because of the operational nature of the site, being solely used for infrastructure (drainage) purposes.</p>
Karalauren Court Drainage Reserve & Pump Station, Lennox Head (Lot 28 DP 864257)	13	<p>This is a 297.5m² site containing stormwater drainage and sewer infrastructure. The site was dedicated to Council as a drainage reserve in 1996.</p> <p>At the time of dedication, the procedure to classify the land as operational was not undertaken and the land is classified as community land. Because of the operational nature of the site, being solely used for infrastructure purposes, it is proposed to classify Lot 28 DP 864257 as operational land.</p>

9.2 Planning Proposal - Land Reclassification Miscellaneous Properties

Site Details	Planning Proposal Site No.	Comments
<p>Compton Drive Lease Site 23 Compton Drive, East Ballina (Lot 1 DP 781542)</p>	<p>14</p>	<p>This site is located adjacent to the (currently disused) restaurant premises at 23 Compton Drive, East Ballina. Historically, this 158m² parcel of community land has been used in part by the proprietors of the adjoining restaurant premises for storage and additional seating area. Although the adjoining restaurant is currently vacant and the subject site is currently not in use, this parcel is being included in this proposal for reclassification to operational land.</p> <p>The classification of this site was previously considered by the Council at its Ordinary Meeting held on 26 September 2013 in association with a proposal to lease the site to the operators of the adjoining restaurant. The Council resolved at that time to commence the process for the reclassification of this land from community to operational land. No further action in relation to the reclassification was taken at that time due to the restaurant proprietors advising that they no longer wished to proceed with the leasing of the site. The reclassification of this land was placed on hold in order to couple it with other reclassifications, for efficiency.</p> <p>It is proposed to reclassify this site operational land to enable greater flexibility in the leasing of the site to the proprietor of the adjoining restaurant. This is based on the historical use of part of the site in conjunction with the restaurant and provides the option for a new lease should this be desired in the future.</p> <p>The reclassification of the land would also enable Council to consider the option of selling part of the site to the owners/operators of the adjoining restaurant as an alternative to leasing.</p>

9.2 Planning Proposal - Land Reclassification Miscellaneous Properties

Site Details	Planning Proposal Site No.	Comments
Wayside Place, Ballina (Lot 9 DP 716371)	15	<p>Wayside Place, which is a cul-de-sac located off the northern end of Cherry Street in Ballina, comprises a parcel of land acquired by Council in 2005 that provides a private access road to eight adjoining residential lots.</p> <p>Due to the materials used in the construction of the road surface, Council did not receive the land as a public road dedication at the time of subdivision. Instead, the maintenance responsibility costs for the road are borne by the owners of the eight adjoining lots by way of an easement registered on title under section 88B of the <i>Conveyancing Act 1919</i>. It was intended at the time of acquisition that the land be dedicated as operational land.</p> <p>At the time of acquisition, the procedure to classify the land as operational was not undertaken and the land is classified as community land. In acknowledging the primary purpose of the land being for infrastructure purposes (road access and service provision), it is proposed to reclassify the land as operational land.</p>
Dress Circle Drive Site Adjacent to 25-27 Dress Circle Drive, Lennox Head (Lots 2-5 DP 781641)	16	<p>This site comprises five lots acquired by Council for road purposes at the time of construction of The Coast Road. The lots consist of the residue land not required for road purposes and are located adjacent to 25-27 Dress Circle Drive, Lennox Head.</p> <p>The lots are currently classified as community land but are not accessible to the public and have limited utility as public reserves or for community purposes. Some of the land also contains public stormwater infrastructure. The land is zoned for residential development and Lot 1 may be suitable for disposal for residential purposes. Lots 2-5 are constrained due to their configuration, land area and dimensions and are subject to private use and encroachment from adjoining landowners.</p> <p>The proposed reclassification of this site from community land to operational land will enable Council to better manage the ongoing use of the land and provide for the possible disposal of all or part of the site to the adjoining landowners if considered appropriate.</p>

9.2 Planning Proposal - Land Reclassification Miscellaneous Properties

Site Details	Planning Proposal Site No.	Comments
Marsh Avenue Site Adjacent to 74 Grant Street (cnr Marsh Avenue), Ballina (Lot 29 DP 230062)	17	This 189.7m ² parcel of land was dedicated to Council in 1966 as public reserve. The site is classified as community land and is zoned RE1 Public Recreation under the BLEP 2012. The site has little utility as a public reserve and essentially functions as wide road verge and extension of the front yard space of the adjoining residential properties. Because of this it is proposed to reclassify the land as operational land to enable Council to consider the disposal of this land to the adjoining landowner or have the land declared as public road.

Should the attached planning proposal proceed to finalisation it will result in the identified land parcels being referenced in Schedule 4 of the *Ballina Local Environmental Plan 2012* (BLEP 2012) for the purposes of land reclassification. Because some of the identified sites fall within areas deferred from the BLEP 2012, they remain subject to the planning provisions in the *Ballina Local Environmental Plan 1987* (BLEP 1987). This will mean the planning proposal will also result in amendments to Schedule 7 of the BLEP 1987 for those parcels still subject to the provisions of that plan.

In addition to the reclassification of the land parcels identified in Tables One and Two, it is also proposed to amend the BLEP 2012 to adjust the land zoning and associated planning provisions for some of the land. A summary of these proposed changes is contained in Table Three below. Maps and further details of the proposed changes to the land zoning and other associated planning provisions for each site are provided in the planning proposal in Attachment One.

Table 3 – Associated LEP Amendments

Site Details	Planning Proposal Site No.	Proposed LEP Amendment
East Ballina Reservoir, Pine Avenue (Lots 1-2 DP 598548 and Lot 3 Section 91 DP 958047)	1	It is proposed to rezone both Lots 1 & 2 DP 598548 (Council-owned community land) and the adjoining Lot 3 Section 91 DP 758047 (Crown land managed by Council) from RE1 Public Recreation to SP2 Infrastructure (Water Supply System) to better reflect the current and expected future land uses of the site.
Richmond Hill Reservoir , Suvla Street, East Ballina (Lot 1 DP 632176)	2	This land is currently subject to the provisions of the BLEP 1987 and zoned 6(a) – Open Space. It is proposed to adjust the area to which the BLEP 2012 applies and incorporate this site into the RE1 Public Recreation zone.
Basalt Court Reservoir, Lennox Head (Lot 47 DP 240657)	3	It is proposed to rezone this site from RE1 Public Recreation to SP2 Infrastructure (Water Supply System) to better reflect the current and anticipated future land uses of the site.

9.2 Planning Proposal - Land Reclassification Miscellaneous Properties

Site Details	Planning Proposal Site No.	Proposed LEP Amendment
Pump Station SP3107 8 Seamist Pl, Lennox Head (Lot 43 DP 1168665)	6	Part of this land is currently zoned 2(a) – Living Area under the BLEP 1987. The rest of the land is zoned R2 Low Density Residential under the BLEP 2012. It is proposed to transfer the entirety of this lot into the R2 Low Density Residential zone under the provisions of the BLEP 2012.
Good Start Childcare Centre 34-36 Links Ave, East Ballina (Lot 104 DP 871675)	7	This land (Lot 104 871675) is currently zoned RE1 Public Recreation. It is proposed to change the zoning of the land to B1 Neighbourhood Centre, to be consistent with the adjoining land and to reflect the current and expected future land uses on the site.
Westland Estate Buffer (incl. child care centre lease area) Westland Drive, Barlows Road & Sunset Avenue, West Ballina (Lot 1 DP 850774, part Lot 52 DP 842077, part Lot 2 DP 850774, Lot 179 DP 879355)	8	This land includes several lots and part lots and is currently zoned RE1 Public Recreation. It is proposed to rezone this land R2 Low Density Residential to be consistent with the adjoining land.
Alstonville Wastewater Treatment Plant, Johnstons Road (Lot 1 DP 853747)	9	This lot is currently split between the BLEP 2012 and BLEP 1987. To ensure consistent application of land use planning regulations to the land, it is proposed to make adjustments to include the entire lot under the provisions of the BLEP 2012. To achieve this it is proposed to apply the SP2 Infrastructure (Sewerage system) zone to the entire lot. Associated with this will be the inclusion of the 40 hectare minimum lot size and the 8.5 metre building height to the entire lot. The inclusion of this lot into the BLEP 2012 will also require an adjustment to include the entire lot into the identified drinking water catchment.
Marsh Avenue Site adjacent to 74 Grant Street (cnr Marsh Avenue), Ballina (Lot 29 DP 230062)	17	This land is currently zoned RE1 Public Recreation. It is proposed to change the zoning of the land to R2 Low Density Residential to be consistent with the adjoining land.

Note: The numbering in the above table is not sequential as not all sites nominated for reclassification are subject to proposed LEP amendments.

With respect to the above, where changes to zonings are proposed, it is also proposed that associated development standards will be adjusted consistent with the provisions applying to surrounding land. These changes are identified in the planning proposal.

Sustainability Considerations

- **Environment**

The proposed land reclassification and associated zoning and planning control changes are not expected to result in any direct or immediate environmental consequences.

Social

The proposed land reclassification and associated zoning and planning control changes are not expected to result in any specific social impacts. The proposal will enable Council to better manage the land and the infrastructure and facilities on the subject sites in the best interests of the community.

- **Economic**

The proposed land reclassification and associated zoning and planning control changes are intended to enable Council to more efficiently manage its land holdings.

Legal / Resource / Financial Implications

The approach recommended in this report is consistent with Council's legal responsibilities as a local planning authority. Council's Delivery Program and Operational Plan identifies the need to review community and operational land classifications to ensure they reflect community standards. The responsibilities arising from this report can be attended to utilising existing resources.

Consultation

No consultation has been undertaken in relation to the planning proposal for the land reclassification and adjustments to zoning and associated planning controls. If the Council resolves to proceed with the proposal and a favourable Gateway determination is received from the Department of Planning and Environment, the proposal will proceed to public exhibition and agency consultation in accordance with the requirements of the Gateway determination.

In addition to the above, the LG Act requires that a public hearing must be held prior to the finalisation of the land reclassification process.

Options

The purpose of this report is to seek the Council's direction in relation to the attached planning proposal which involves the reclassification of various parcels of Council-owned land as well as several adjustments to the zoning and associated planning controls affecting the subject land.

As detailed in this report, the Council has already resolved to proceed with the proposal to reclassify some of the identified land. Furthermore, if the proposal proceeds to the consultation and engagement phase, the matter will be further reported to the Council for its final endorsement following the conclusion of the required public exhibition and public hearing processes.

Council's options at this point are as follows:

9.2 Planning Proposal - Land Reclassification Miscellaneous Properties

1. To endorse the attached planning proposal for submission to the Department of Planning and Environment for Gateway determination.

This enables the consultation, exhibition and public hearing phase of the land reclassification and LEP amendment process to proceed. This is the recommended option.

2. To decline to progress the proposed reclassifications further.

This option will result in the matter being discontinued and no further action will be taken in relation to the proposal to reclassify the identified land parcels. This approach would also be inconsistent with earlier resolutions of the Council to reclassify some of the land parcels identified. This option is not recommended for the reasons outlined in this report.

3. To amend the attached planning proposal and defer or remove some of the identified parcels proposed for reclassification.

The land parcels recommended for reclassification and adjustments to zoning and associated planning controls are based on previous Council resolutions and on the results of an audit of Council's land holdings. For these reasons, this option is not recommended.

4. To defer the endorsement of the attached draft planning proposal and request further briefing or additional information.

This option is not recommended given the Council's earlier decisions to proceed with the reclassification of some of the land parcels. The proposed reclassification of land will also be further reported to the Council for consideration following the consultation, public exhibition and public hearing if the planning proposal receives an affirmative Gateway determination, enabling a further opportunity to review and consider the proposal before final endorsement.

If the Council resolves to endorse the planning proposal and the matter proceeds to Gateway determination, the Council will also need to determine whether it wishes to exercise delegation for the finalisation of the LEP amendment (if the matter proceeds to finalisation). In this case, it is recommended that the Council declines the use of the delegation because the planning proposal involves changes to a number of Council-owned land holdings.

RECOMMENDATIONS

1. That Council submits the planning proposal involving the reclassification of various land parcels from community land to operational land and adjustments to the zoning and associated planning controls to the Department of Planning and Environment for review and Gateway determination.
2. That Council advises the Department that it does not wish to seek or exercise delegation in relation to the completion of this planning proposal.

9.2 Planning Proposal - Land Reclassification Miscellaneous Properties

3. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal, including public exhibition and the holding of a public hearing, be undertaken.
4. That a further report be presented to the Council in relation to this matter following the mandatory community consultation.

Attachment(s)

1. Planning Proposal - BSCPP 15/001 Reclassification of Land (Various Parcels) (Under separate cover)

10.1 Investment Summary - June 2015

10. General Manager's Group Reports

10.1 Investment Summary - June 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 June 2015.

Key Issues

- Compliance with Investments Policy and the return on investments.

Information

Council's investments are all in accordance with the Local Government Act, the Regulations and Council's Investments Policy. The balance of investments as at 30 June was \$63,286,000. This represents an increase from May of \$2,001,000. Council's investments as at 30 June are at an average (weighted) rate of 3.17%, which is 1.02% above the 90 Day Bank Bill Index of 2.15%. The balance of the cheque account at the Commonwealth Bank, Ballina as at 30 June 2015 was \$6,000,882. This balance remained high as some payments which had been anticipated to occur in June had not yet been made, including \$2.2m for insurances.

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:

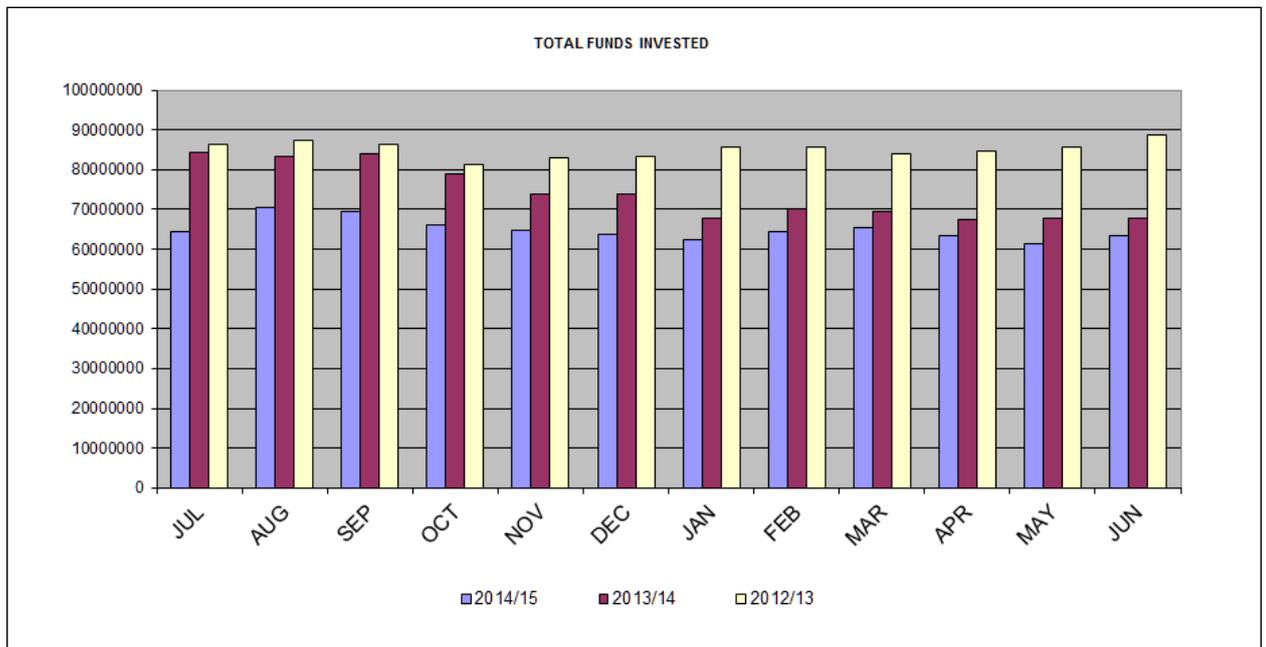
Reserve Name	Internal/External Restriction	% of Portfolio*
Water Fund (incl developer contributions)	External	15
Wastewater Fund (incl developer contributions)	External	26
Section 94 Developer Contributions	External	6
Bonds and Deposits	External	2
Other External Restrictions	External	12
Land Development	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

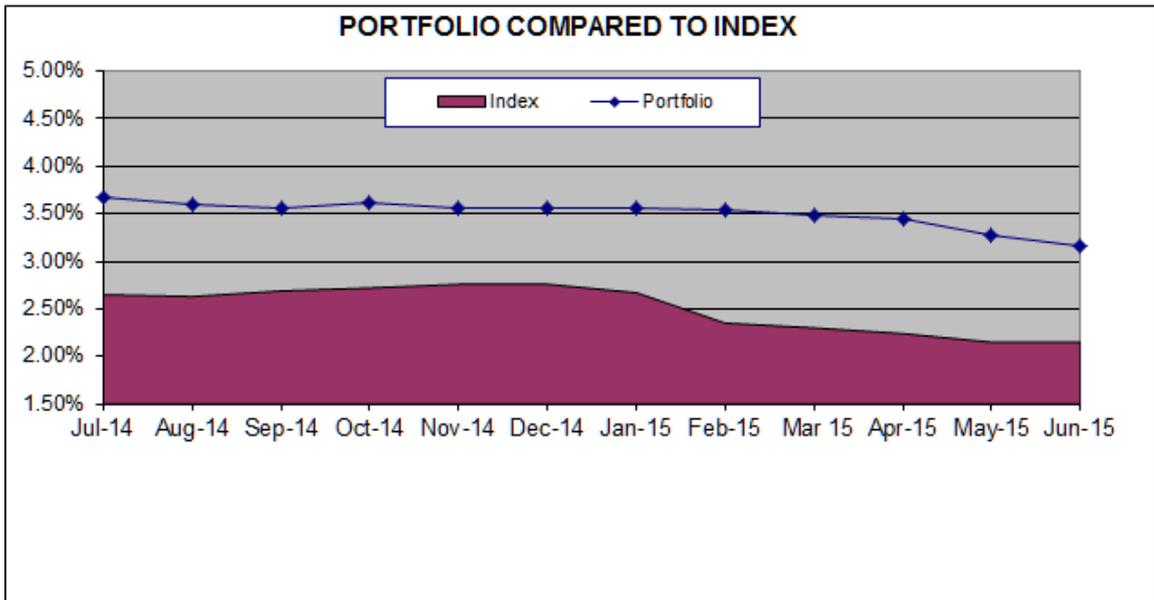
A. Summary of Investments by Institution

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	2.8%	
National Wealth M'ment Holdings	A-	2,000	2,000	0	3.2%	8%
Rated Institutions						
AMP Bank	A+	6,000	6,000	20%	9.5%	
Bank of Queensland	A-	4,000	4,000	10%	6.3%	
Bank of Western Aust	AA-	10,000	11,000	20%	17.4%	
Bendigo & Adelaide Bank	A-	2,000	0	10%	0.0%	
Commonwealth Bank of Australia	AA-	2,497	2,498	20%	3.9%	
Defence Bank Ltd	BBB+	1,000	3,000	10%	4.7%	
Greater Building Society	BBB	2,000	2,000	10%	3.2%	
ING Bank Ltd	A-	3,000	3,000	10%	4.7%	
Members Equity Bank	BBB+	4,000	4,000	10%	6.3%	
National Australia Bank	AA-	8,000	8,000	20%	12.6%	
Newcastle Perm Bld Society	BBB+	1,000	1,000	10%	1.6%	
Suncorp-Metway Bank	A+	10,000	11,000	20%	17.4%	
Westpac Banking Corporation	AA-	3,000	3,000	20%	4.7%	92%
Unrated ADI's				\$1m	0.0%	0%
Total		61,285	63,286		100%	

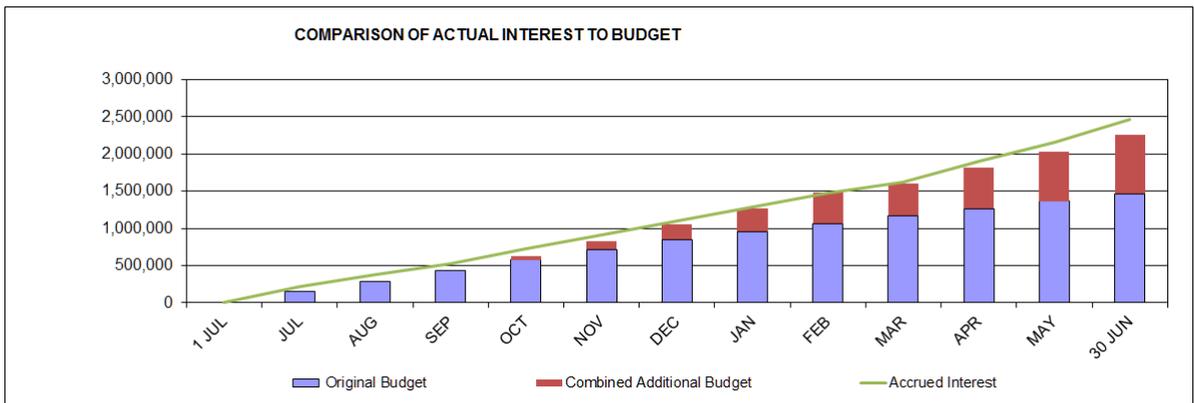
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



It will be noted that actual interest is exceeding forecast. This is because the assumed decrease to the total balance of funds invested has not occurred due to capital works having not been completed as budgeted and to a lesser extent because funds from sources such as section 94/64 contributions, grants and property sales have exceeded expectations.

This matter was raised at the March Financial Review. Budgets were increased at that time and approximately 60% of the trend was accepted by way of budget adjustments.

The final quarter has seen a continuation of this trend so income is again positive in comparison to budget.

The majority of the revenue in excess of budget will be attributed to restricted reserves.

10.1 Investment Summary - June 2015

E. Investments held as at 30 June 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	504	504
20/09/04	National Australia Bank (ASX Listed)	FRN	3.39%	Perpetual	1,788	1,279
12/04/06	Goldman Sachs	FRN	2.78%	12/04/16	1,000	998
16/06/06	National Wealth M'ment Holdings	FRN	2.78%	16/06/26	2,000	1,984
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	1,026
25/01/13	Commonwealth Bank Of Australia	TD	4.25%	25/01/18	1,994	2,107
07/06/13	Greater Bld Society	FRN	3.59%	07/06/16	2,000	2,010
25/02/14	Westpac Bank	FRN	3.07%	25/05/19	2,000	2,023
22/09/14	Members Equity Bank	TD	3.65%	22/09/15	1,000	1,000
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
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
01/06/15	Suncorp-Metway Bank	TD	2.95%	01/12/15	1,000	1,000
02/06/15	BankWest	TD	2.90%	03/12/15	1,000	1,000
02/06/15	Bank of Queensland	TD	3.00%	06/01/16	1,000	1,000
05/06/15	National Australia Bank	TD	2.97%	12/01/16	2,000	2,000
15/06/15	Defence Bank	TD	3.05%	15/02/16	1,000	1,000
16/06/15	Defence Bank	TD	3.05%	17/02/16	1,000	1,000
17/06/15	Defence Bank	TD	3.05%	22/02/16	1,000	1,000
22/06/15	BankWest	TD	3.00%	22/12/15	1,000	1,000
22/06/15	Suncorp-Metway Bank	TD	3.00%	19/01/16	1,000	1,000
	Totals				63,286	62,931
	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 June 2015.

Attachment(s)

1. TCorp Local Government Economic Commentary - June 2015

10.2 Donations - Rates and Charges

10.2 Donations - Rates and Charges

Delivery Program Governance and Finance

Objective To obtain Council approval to donate the 2015/16 rates and charges in accordance with our "Donations - Rates and Charges" policy.

Background

Council's "Donations – Rates and Charges" policy was developed to provide clear guidelines for the management of rates and charges donations to community based service organisations.

The policy underwent a significant review during 2010/11 with the outcome being a focus on broad categories of properties that are used to provide a community service only, and to ensure that the donations provided are equitable and consistent across those categories.

Even though a policy has been adopted, it serves as a guide only and it is good practice for Council to annually resolve to donate specific rates and charges in accordance with Section 356 of the Local Government Act 1993 (LGA).

Key Issues

- Annual donation of rates and charges
- Amendment to policy – removal of Lennox Head CWA Hall

Information

The following table provides **details of specific fixed rates and charges** proposed to be donated for the 2015/16 rating year based on the guidelines provided within Council's current "Donations – Rates and Charges" policy.

All amounts have been rounded to the nearest dollar.

The management and control of the Lennox Head CWA Hall was taken over by Council in late 2014/15 and the hall now falls under the footprint of the Lennox Head Cultural and Community Centre (LHCCC).

As a result it no longer meets the donation policy guidelines to be eligible for a rates or charges donation.

The hall has been excluded from the recommended category A list of 2015/16 donations within this report.

Future water and wastewater charges relevant for the hall will now be payable by LHCCC (i.e. Council internal charging).

10.2 Donations - Rates and Charges

Table One –Donations – 2015/16 Determined Fixed Charge Levies

Assess No.	Organisation	Ordinary Rate	Water Access	Waste-water Access	Storm-water	On Site Sewage	Waste and Recycle	Total (\$)
Category A - 100% of all rates and charges donated								
412192	Ballina SLSC*	0	304	651	0	0	0	955
120347	Lennox SLSC*	0	779	2,089	0	0	0	2,868
295613	Surf Life Saving FNC Branch Inc.*	0	608	651	0	0	738	1,997
173390	Ballina CWA *	0	195	651	0	0	369	1,215
414348	Marine Rescue	0	0	0	0	0	551	551
Category B - 100% of all fixed rates and charges donated (excludes measurable user pays charges)								
145397	Biala School	0	195	651	0	0	0	846
145363	Fox St Preschool	0	195	651	0	0	0	846
172661	Ballina Playgroup	0	195	651	0	0	0	846
172679	River Street Childrens Centre	0	195	651	0	0	0	846
213734	Lennox Preschool	0	195	651	0	0	0	846
232429	Jumbunna Preschool	1,659	195	651	50	0	0	2,555
288323	Wollongbar Preschool	0	195	651	0	0	0	846
151966	Rainbow Children's Centre	4,720	195	651	100	0	0	5,666
115643	Alstonville Ag Society	3,873	803	2,589	300	0	0	7,565
235231	Meerschaum Vale Hall	929	195	0	0	45	0	1,169
254780	McLeans Ridges Hall	1,666	0	0	0	45	0	1,711
250346	Newrybar Hall	1,552	0	0	0	45	0	1,597
191267	Northlakes Community Centre	2,043	195	651	25	0	0	2,914
250663	Pearces Ck Hall	1,225	0	0	0	45	0	1,270
239675	Pimlico Hall	751	0	0	0	45	0	796
234170	Rous Mill Hall	1,467	0	0	0	45	0	1,512
230045	Tintenbar School of Arts Trustees	1,332	0	0	0	45	0	1,377
232013	Wardell Hall	3,154	195	651	50	0	0	4,050
186115	Wigmore Hall	0	195	651	0	0	0	846
112140	West End Hall	1,410	195	651	25	0	0	2,281
264036	Alstonville RSL Sub Branch Hall	1,431	195	651	25	0	0	2,302
213726	Lennox Scouts	0	195	651	0	0	0	846
253556	Alstonville Scouts	0	0	0	0	45	0	45
294243	Ballina Scouts	0	195	651	0	0	0	846
334289	Ballina Jetboat Surf Rescue	651	195	0	25	0	0	870
Category C - 100% of all wastewater charges until backlog wastewater program capital contribution is paid in full								
126822	Sea Bird Rescue	0	0	651	0	0	0	651
119956	Jehovah Witness^	0	0	1,588	0	0	0	1,588
TOTALS (Category A, B, C)		27,863	6,004	18,635	600	360	1,658	55,120

10.2 Donations - Rates and Charges

Assess No.	Organisation	Ordinary Rate	Water Access	Waste-water Access	Storm -water	On Site Sewage	Waste and Recycle	Total (\$)
* Water consumption and wastewater usage charges to be added to donation quarterly following future water meter readings								
^ Wastewater usage charges to be added following future water meter readings								

The following table provides **estimates of water consumption based charges** that are proposed to be donated on a quarterly basis during 2015/16 in addition to the fixed annual charges provided in the previous table. Actual amounts donated are determined by future quarterly water meter readings.

Table Two – Donations – 2015/16 Estimated Volumetric Based Charges

Assessment Number	Organisation	Estimated Water Consumption	Estimated Wastewater Usage	Estimated TOTAL (\$)
412192	Ballina Lighthouse & Lismore SLSC	2,750	1,100	3,850
120347	Lennox/Alstonville SLSC	900	700	1,600
295613	Surf Life Saving FNC Branch Inc.	1,900	700	2,600
173390	CWA of NSW (Ballina)	120	105	225
119956	Jehovah Witness	0	200	200
TOTALS (Estimated)		5,670	2,805	8,475

The following table provides a comparison between the proposed total of 2015/16 rates and charges donations and total rates and charges donated during the 2014/15 rating year.

Table Three – Donations – Comparison between 2015/16 and 2014/15

Rate or Charge Description	2015/16 Donations	2014/15 Donations	Difference (\$)	Difference (%)
Ordinary Rates	27,862	26,433	1,429	5.4
Water Access Charges	6,004	6,011	-7.04	-0.01
Water Consumption Charges	5,670	10,202	-4,532	-44.4
Wastewater Access Charges	16,396	16,446	-50.09	-0.03
Wastewater Usage Charges	2,805	5,093	-2,288	-44.9
Waste or Recycling Charges	1,658	1,618	40	2.5
On Site Sewage Management Fees	600	320	280	87.5
Stormwater Management Charges	360	100	260	260.0
Backlog Sewer Charges	2,239	2,251	-11.15	-0.5
TOTALS	63,594	68,474	-4,879	-7.1

Notes:

- *Water consumption and wastewater usage decreases due to water leak at Lennox Head Surf Club during 2014/15.*
- *Stormwater increase due to changes in business stormwater charging structure for 2015/16.*
- *Water access and wastewater access charges reduced due to removal of Lennox Head CWA from eligible donation property list.*

Sustainability Considerations

- **Environment**
Not Applicable.
- **Social**
Provide support to community based organisations to enable them to deliver services for the benefit of the local community.
- **Economic**
Provide financial assistance to community organisations, allowing them to spend more money on providing their specific service to the local community.

Legal / Resource / Financial Implications

These donations have been budgeted for in the 2015/16 Operational Plan.

Consultation

The Council policy and Operational Plan are exhibited prior to adoption.

Options

The options are to approve, or not approve, the rates and charges donations for each of the assessments detailed within this report. The donations listed are consistent with Council policy and the recommendation is to approve the donations.

RECOMMENDATIONS

1. That Council approves the donation of the 2015/16 rates and charges, as detailed within tables one and two of this report, which includes future estimated water consumption and wastewater usage charges, pursuant to Section 356 of the NSW Local Government Act 1993.
2. That Council amend the current "Donations – Rates and Charges" policy to remove the reference to the Lennox Head CWA Hall as this property no longer meets the donation eligibility criteria.

Attachment(s)

Nil

10.3 Donations - Financial Assistance and Community Halls

10.3 Donations - Financial Assistance and Community Halls

Delivery Program Community Planning

Objective To approve the community financial assistance and public hall donations for 2015/16

Background

The 2015/16 Operational Plan includes an allocation of \$50,000 for community donations, of which \$4,000 is allocated to the Alstonville 150 year celebrations. In addition to this there is also a further \$41,000 available to assist with capital works for halls.

The details of how these funds are to be allocated are included in the following Council policies (both accessible on our website):

- Donations - Financial Assistance
- Donations - Community Halls - Capital Works Assistance

Reference can also be made to the following policy as one of the matters listed in this report relates to Australian representation.

- Donations – Australian Representative

A number of Councillors met at an informal meeting on 13 July 2015 to consider a preferred allocation of the available funds, based on submissions received during the preparation of the 2015/16 Operational Plan.

The purpose of this report is to now consider the recommendations from that meeting and confirm the allocation of the donations for 2015/16.

Key Issues

- Fair and equitable allocation of Council donations

Information

Details of the submissions received for donations were distributed to all Councillors' iPads for the 13 July meeting. The submissions are lengthy therefore they have not been reproduced within this agenda.

A complete copy of all the submissions will be available at the Council meeting, or if a copy is required prior to the meeting, please contact the General Manager's office.

Table One that follows provides a summary of the various submissions for general donations and the final column is the Councillor recommendations.

10.3 Donations - Financial Assistance and Community Halls

Table One: Recommendations for Funding Assistance

Ref	Organisation / Person	Project / Activity	Amount Requested \$	Amount Recommended \$
1	Alstonville Combined Lions, Apex Club and Historical Society	150th Anniversary of Alstonville Celebrations	4,000	4,000
2	Tintenbar Branch of Australian Red Cross	Waste disposal generated by the 2015 Trash and Treasure Sale	120	120
3	NSW Rural Doctors Network	To provide improved healthcare to rural and remote communities	3,000	0
4	Northern Rivers Branch Ulysess Motorcycle Club	Traffic control for the 2015 Toy Run	770	770
5	Ballina Jet Boat Surf Rescue	Fuel and products to run and maintain rescue vehicles	3,000	3,000
6	Ballina Jet Boat Surf Rescue	Insurance and Survey Renewals for rescue vehicles	6,209	6,209
7	Ballina Breast Cancer Support Group	Hire of rooms at Kentwell Community Centre to hold monthly meetings	432	432
8	Alstonville Baptist Church	Engage subcontractors and hire equipment for the Alstonville Christmas in the Park event	3,000	0
9	Seacoast Pantry – Global Care	Waive waste disposal fees for packaging accumulated from donated food	833	833
10	Lennox Head Chamber of Commerce	Costs associated with Love Lennox 2016	2,500	2,500
11	Lions Club of Lennox Head	Hire of facilities at LHCCC to hold 2 fundraising events and insurance for trailer used for fundraising barbeques	1,312	0
12	Headliners Chorus	Purchase blazers with logo to wear when performing for community events	1,000	0
13	Quota International Alstonville-Wollongbar	Costs associated with holding Craft Fair in August	4,000	0
14	Lennox Head Landcare Inc	Costs associated with monitoring environmental water quality in Lennox Head	580	0
15	Alstonville Agricultural Society Inc	Replace existing timber seating around the main show ring	10,000	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	1,800
17	Ballina General Cancer Support Group	Hire of community facilities to hold meetings	336	336
18	Ballina Tennis Club	Resurfacing two tennis courts	23,430	0
19	Assoc of Ballina Taekwon-Do Community Inc	Costs associated with seven members attending Taekwondo World Championships in London in July 2016 (recommendation is the Australian Representation allowance times seven)	5,000	3,017
20	Ballina Camera Club	Costs to hold a photographic competition to promote Ballina	1,900	1,550
21	Northern Rivers Dirty Wheels Mountain Bike Club Inc	Works to be carried out at the park	4,748	3,500

10.3 Donations - Financial Assistance and Community Halls

Ref	Organisation / Person	Project / Activity	Amount Requested \$	Amount Recommended \$
22	Caroline Wales in Partnership with NRCG	Costs associated with developing the bi-yearly artist collaboration event <i>Ballinale</i>	3,698	0
23	Ballina RSL Sub Branch	Council rates for the RSL Youth Club at 5 Piper Drive Ballina	5,600	3,500
24	Lennox Head Cricket Club	Costs to carry out work at Megan Crescent Sporting Facilities	75,000	0
25	Cabbage Tree Island Descendants Rugby League Aboriginal Corporation	Purchase of team apparel and equipment	3,000	1,500
26	Susan Brennan	Costs associated with holding the Jazz by the Sea 2016 festival including community facilities hire	1,500	1,500
27	Rainbow Region Dragon Boat Club	Costs associated with holding the Clubs regatta in August 2015.	1,000	1,000
28	Ballina Senior Citizens Inc	Costs to run Christmas Party 2015	2,000	1,000
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	500
30	Alstonville Wollongbar Chamber of Commerce	Replace noticeboard and upgrade seating in main street near NAB	826	400
31	Diamonds, Pearls & Rural Girls Project – Pilot Program	Costs towards transport hire, fuel, food and incidentals	Not stated	0
32	Alstonville Agricultural Society	Change and upgrade of power and lighting at the entertainment shed	15,000	0
33	ACF & RAAF Assoc (Ballina Branch) Inc	Supply shade and chairs for attendees at the 'Battle for Australia' and 'Battle of Britain' function to be held at the RSL Memorial.	790	400
Total Requests				47,867

The recommendations in Table One allocate \$47,867 (which includes the \$4,000 for the Alstonville 150 Year Celebrations) from an available \$50,000. This leaves a balance of \$2,133 available for the remainder of 2015/16.

The recommended donations include funding for seven members of the Ballina Taekwon-Do Club to receive the Australian representative travelling overseas donation. One concern raised at the meeting was that it was unclear whether all the individuals are Ballina Shire residents. The Club has since confirmed that all members are residents.

The recommended donations also include \$1,000 for the Ballina Senior Citizens for their annual Christmas party. The recommendation also was to advise that this would be the last year Council approves this donation, as the consensus was that the expenditure of \$1,000 on a Christmas Party for one specific group was not a suitable allocation of public monies. This proposal is included in the recommendations to ensure it is formally supported in a Council meeting.

10.3 Donations - Financial Assistance and Community Halls

The community hall recommendations are outlined in Table Two.

Table Two: Recommendations for Community Halls

Ref	Organisation	Project / Activity	Project Value (\$)	Amount Requested (\$)	Amount Recommended (\$)
1	Wollongbar Progress Association for Wollongbar Community Hall	Sanding and refurbishing toilet floors and repair / painting of verandah ceiling	1,897	949	949
2	Tintenbar School of Arts (Hall)	Construction of new storeroom adjoining hall	22,000	10,000	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.	5,260	2,630	2,630
4	Pearces Creek Public Hall Inc	Replace existing roof and upgrade hall electrics	20,560	17,875	17,875
5	Newrybar Community Hall	Update and modernise toilet facilities	*20,000	*20,000	0
Total					31,454

The recommendations in Table Two allocate \$31,454 from an available \$41,000 leaving a balance of \$9,546. The Community Halls Capital Works Assistance Policy was recently amended such that any funds not allocated as part of the donations process will transfer to a halls maintenance budget (clause 3.1 of the Policy).

The recommendations include this budget adjustment.

Based on discussions at the meeting the recommendation also provides for the Manager Community Facilities to investigate whether any of the unexpended funds are required to enable maintenance works at the Wigmore Hall as some concerns were expressed in respect to the condition of that hall.

The Community Halls Capital Works Assistance Policy also requires that organisations seeking a donation under this policy should meet Council's donation on a dollar for dollar basis. Council has used this requirement as a guide only as on many occasions applications have been approved that have not met this requirement. The Pearces Creek Hall application and recommendation is one such example for this report.

The Policy has recently been amended to allow the organisation to include 'in-kind' contributions as part of their matching contribution. The meeting discussed what constituted appropriate in-kind contributions to assist conformity with the acquittal process. It was agreed that 'in-kind' should only include work on the actual project (excludes attendance at meetings to organise the project) and labour must be to a tradesman level.

10.3 Donations - Financial Assistance and Community Halls

This being the case it is recommended that the Policy be amended to reflect these conditions.

Other Matters

1. A late application has been received from the North Coast Academy of Sport seeking a donation of \$5,125 (copy attached). Council has typically supported this organisation although usually not to the full extent of the request. Last year for example the Council donation was \$3,000. The recommendation is to provide a donation of \$2,100 as this essentially exhausts the available funding. If Councillors wish to provide, for example, a \$3,000 donation, this recommendation will need to be amended.
2. The meeting discussed the Lennox Head Christmas carols event as it was noted that a donation application had not been received. However both the Lennox and Ballina Christmas carol events have received a \$5,000 contribution from the 2015/16 festivals events program.
3. The Donations Financial Assistance Policy states that following the conclusion of the donations process at the beginning of the financial year further donation applications will only be reported to Council in exceptional circumstances. Over time this point has become diluted with virtually every application being reported to Council, resulting in a report for consideration almost every month.

At the conclusion of this application process all of the General Donations budget will have been applied and there will be no funds available from the Community Halls budget, assuming the balance is transferred to maintenance. It is therefore proposed that for the rest of the year all applicants for donations will be advised that there no funds available and encourage them to apply for the next financial year. The only way a donation would then be reported to Council is through a Councillor notice of motion.

The only exception to this will be applications for donations in respect to fees levied by Council. A budget of \$4,000 remains available for this purpose in accordance with the "Donations – Assistance with Council Fees for Community Groups" Policy.

Other Donations

Council has previously asked for information on services, provided at no monetary cost by Council, to the community, that are typically not represented in the donations process. This information is shown in table three and this helps to highlight the significant community support provided by Council.

Table Three - In-kind Contributions from Council

Benefiting group/type of donation	Approx (\$)
Alstonville and District Football Club - Property Rental Waiver	5,000
Alstonville Show Society - Mowing Sports Field	3,750
Alstonville Tennis Club - Property Rental Waiver	50,000
ANZAC Day	3,000
Ballina Aero Club - Property Rental Waiver	1,000
Ballina and District Equestrian Club - Property Rental Waiver	20,000
Ballina Concert Band - Property Rental Waiver	5,000

10.3 Donations - Financial Assistance and Community Halls

Benefiting group/type of donation	Approx (\$)
Ballina Girl Guides - Property Rental Waiver	5,000
Ballina Lighthouse and Lismore SLSC - Property Rental Waiver	20,000
Ballina Lighthouse Club- Set Up Tables / Chairs	5,000
Ballina Lions Club (West End Hall) - Property Rental Waiver	10,000
Ballina Meals on Wheels - Food Preparation Inspection	25,000
Ballina Players Theatre - Property Rental Waiver	5,000
Ballina Rugby Club - Property Rental Waiver	5,000
Ballina Senior Citizens - Property Rental Waiver	5,000
Ballina Youth Management Centre - Property Rental Waiver	5,000
Breast Cancer Screening Van	500
Crawford House - Property Rental Waiver	30,000
Festivals and Events – Contributions	98,000
Fox Street Pre School - Property Rental Waiver	20,000
Lennox Head Community Preschool - Property Rental Waiver	5,000
Lennox Head Football Club - Property Rental Waiver	5,000
Lennox Head Rural Fire Service - Property Rental Waiver	15,000
NAIDOC Week	10,000
Naval Cadets - Property Rental Waiver	40,000
Newrybar Community Hall	5,000
Northlakes Community Centre - Property Rental Waiver	15,000
Pimlico Hall - Property Rental Waiver	5,000
Rainbow Children's Centre - Property Rental Waiver	30,000
Rotary Club of Ballina (Defibrillator) - Property Rental Waiver	1,000
Skaters- Fair Go Skate competition	14,000
Various Community Groups - Rates and Charges Donated	70,000
Various Land Care Groups- Insurance / Other	4,000
Volunteer Groups Assistance – Field Staff Support	4,500
Wardell Sports Ground Trust - Mowing Sports Field	3,750
Wollongbar Community Pre School - Property Rental Waiver	10,000
Wollongbar Progress Association - Property Rental Waiver	5,000
Wollongbar Rugby Union Club - Property Rental Waiver	5,000
Wollongbar Rural Fire Service - Property Rental Waiver	3,000
Wollongbar Rural Fire Service - Property Rental Waiver	5,000
Total	576,500

Some of these figures are subjective (i.e. foregone rentals etc) but nevertheless they do provide a rough guide as to the overall level of in-kind support provided by Council.

Sustainability Considerations

- Environment**
 If approved some of the donations support community groups that provide environmental works.
- Social**
 Donations provide financial support for local community groups.
- Economic**
 Injection of financial support into community groups also contributes to the local economy.

Legal / Resource / Financial Implications

Council has total funding available of \$91,000 (\$50,000 for general donations and \$41,000 for halls).

Consultation

Council advertised for donation submissions during the exhibition of the 2015/16 Operational Plan and letters were sent to hall committees.

Options

The options are to either support or amend the recommendations from the meeting. The recommendation that follows is to support the recommendations as this process has worked effectively for a number of years.

RECOMMENDATIONS

1. That Council approves the community financial assistance donations for 2015/16, as outlined in table one of this report.
2. That Council approves the community public hall donations for 2015/16, as outlined in table two of this report.
3. That Council approves a donation of \$2,100 to the North Coast Academy of Sport from the community financial assistance donations budget based on the late submission from this organisation.
4. That Council approves the reallocation of the unallocated balance of the community halls capital works assistance budget to a halls maintenance budget.
5. That the General Manager investigate whether funds are required for the maintenance of Wigmore Hall and approves the expenditure of any reasonable monies from within the Council maintenance budgets on any identified works.
6. That Council advise the Ballina Senior Citizens that the donation of monies towards their Christmas Party will no longer be supported as it is considered inequitable from a Shire wide perspective to only allocate funds to one specific group for an activity of this nature.
7. That Council approves an amendment to the Community Halls Capital Works Assistance Policy to confirm that 'in-kind' contributions can only include work on the actual project (excludes attendance at meetings to organise the project) and labour must be to a tradesman level.
8. That the General Manager advise any applicants requesting donations for the remainder of the 2015/16 financial year that the donations budget has been exhausted and that they will need to apply again in the following financial year, if the donation is still relevant that year.
9. Council notes that the only exception to point eight will be applications in respect to assistance provided for Council fees and charges, as per the "Assistance with Council Fees for Community Groups" Policy. Council also notes that this resolution does not stop any Councillor from submitting a notice of motion to support a donation request.

10.3 Donations - Financial Assistance and Community Halls

Attachment(s)

1. Donations Application - North Coast Academy of Sport

10.4 Delivery Program and Operational Program Review - 30 June 2015

10.4 Delivery Program and Operational Program Review - 30 June 2015

Delivery Program Governance and Finance

Objective To conduct the 30 June 2015 review of the 2014/15 Delivery Program and Operational Plan

Background

Under the Integrated Planning and Reporting requirements Section 404 (5) of the Local Government Act states as follows:

Delivery Program

"The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months".

Even though Council is only required to receive six monthly progress reports the preferred practice has been to receive more timely quarterly reports. This report represents the fourth and final of the 2014/15 - 2017/18 Delivery Program and the 2014/15 Operational Plan, with the information contained in the report based on work undertaken up to 30 June 2015 (complete financial year).

The review information is included as a separate attachment to this report and the attachment provides an overview of all the programs included in the Delivery Program and Operational Plan, with comments provided by the relevant group and section manager.

For reference purposes copies of the current Delivery Program and Operational Plan are available on Council's web site and also accessible by Councillors on their iPads.

Key Issues

- Compare actual results against the adopted goals and priorities

Information

The Delivery Program and Operational Plan are the two key corporate documents that establish Council's goals and priorities for the term of the Council and the current financial year. The attachment to this report provides a comprehensive overview of the actions being progressed, with the information also being linked to Council's Community Strategic Plan (CSP) Objectives.

The attachment has two main sections being:

- Program Actions - This section provides a comment on the status of all the major actions in the Operational Plan

10.4 Delivery Program and Operational Program Review - 30 June 2015

- Service Delivery Targets - This section provides details on the key indicators within the Operational Plan.

In respect to the Operational Plan there are a total of 100 major actions listed in the Plan and the following two tables provide an overview of the status of those actions on a number and percentage basis.

Program Actions Overview - By Number of Tasks

Group / Status	GM	DEH	Civil	SCF	Total
Green	28	5	29	22	84
Amber	0	3	2	5	10
Red	2	0	2	2	6
Total	30	8	33	29	100

Program Actions Overview - By Percentage

Group / Status	GM	DEH	Civil	SCF	Total
Green	93	62	88	76	84
Amber	0	38	6	17	10
Red	7	0	6	7	6
Total	100	100	100	100	100

Many of the actions were completed as planned, with items not completed (i.e. marked as amber or red) that may require further comment as follows.

- Determine and implement strategy for provision of indoor facility for Ballina (page 5) – With the State Government not advancing the crown lands white paper and with Council having no success in securing the old depot site, a recent resolution has been to investigate land owned by Council at Gallens Road and the Southern Cross Industrial Estate.
- Prepare and Implement Sports Fields Management Plan (page 6) – With the change in manager for this section efforts have been focussed on the manager becoming fully informed on the total portfolio prior to finalising any strategic documents.
- Develop and Release Industrial Land at the Russellton Industrial Estate (page 11) – The latest review of the property reserve cash flows confirmed there was insufficient monies for this work to be undertaken during 2013/14 or 2014/15, with the works now deferred to 2015/16. There has been a lot of work undertaken in trying to obtain agreement between two landowners to resolve zoning boundary issues and a development application for this issue is due to be lodged shortly with Council.

A number of other projects have been marked amber however generally speaking these projects are being advanced, albeit they have not been completed by the end of the financial year.

In respect to the Service Delivery Targets there are a total of 93 targets identified in the Operational Plan and the following two tables provide an overview of how Council is performing against those targets, again on a number and percentage basis.

Service Delivery Targets Overview - By Number of Activities

Group / Status	GM	DEH	Civil	SCF	Total
Green	14	16	19	16	65
Amber	5	3	9	4	21
Red	2	1	3	1	7
Total Tasks	21	20	31	21	93

Service Delivery Targets Overview - By Percentage

Group / Status	GM	DEH	Civil	SCF	Total
Green	67	80	61	76	70
Amber	24	15	29	19	23
Red	10	5	10	5	8
Percentage Total	100	100	100	100	100

In respect to these services the variances of note include the following items:

- Asset Management – Percentage of DA referrals completed within 21 days – 62% (target > 70%) (page 26) – Even though this did not reach the benchmark the results have improved significantly as compared to previous years.
- Commercial Services (Airport) – Operating surplus is greater than 25% of revenue – 22% (target 25%) (page 27) – Even though this is only a minor variation the impact on the bottom line is important as airport operating revenues are estimated to be \$122,000 under budget (\$4,709,000 compared to budget of \$4,831,000) and operating expenses \$71,000 over budget (\$3,678,000 compared to budget of \$3,607,000). There are still accruals to be completed for the 2014/15 financial year however these preliminary results represent an overall negative result, as compared to budget, of almost \$200,000.

Once capital cash flows are included the net cash result for the airport for 2014/15, at this preliminary stage, is minus \$218,300. Remembering that the airport reserve already had a negative balance of \$592,500 at the start of the financial year, this result leaves the reserve with a balance close to negative \$810,800.

This figure is now of such a magnitude that Council will need to fund it fully from another reserve. The reserve recommended would be the Property Development Reserve, albeit that it is already under pressure with other priority projects.

Unfortunately for the last four years the actual cash result for the airport has been approximately \$200,000 worse than expected resulting in the cash reserve trending backwards rather than improving as has been typically forecast at the start of each year.

Council now needs to develop a strategy to determine how we wish to manage this increasing deficit for the airport as it can potentially impact on our cash flows for other projects such as our property development activities.

10.4 Delivery Program and Operational Program Review - 30 June 2015

Certainly the airport asset is growing in capital value, however any business must have sufficient cash to operate and that is currently not the situation with the airport. Other areas of Council's operations are now subsidising the airport's operations, as to date we have not been charging any overdraft interest.

The recommendations for this report include a recommendation that Council receive an urgent report on the cash position of the airport and that may well need to be presented to a separate Commercial Services Committee meeting.

- Water and Wastewater Services (Various – pages 37 and 38) – There are a number of amber indicators for this program with results generally close to the benchmark or improved reporting resulting in more up to date information being included in this report. The number of non-compliance events has increased albeit this particularly reflects a higher standard of reporting than in previous years.

In reviewing all of these targets it is also important to recognise that some of the benchmarks are preferred outcomes and at times the targets may not be able to be achieved due to circumstances beyond the control of Council.

There are numerous positive outcomes with items of note including:

- Building and Developments Services meeting all their targets (pages 26 and 30)
- A number of improved results for the Community Facilities and Customer Service Program (pages 28 and 29) with high levels of usage for our facilities and many of the predicted operating deficits coming in well under budget
- Council's customer request management (CRM) system continues to perform well with 88% of CRM's finalised within the set timeframe. For 2014/15 there were almost 10,000 (9,995 actual) requests logged in the system (page 32)
- Workers compensation and insurance claims were generally low for the year (page 33)
- Open Spaces operating expenses came in well under budget with only 93% of the budget expended. If this trend continues the recommendation will be to transfer the surplus funds, possibly up to \$150,000 from operations to capital improvements

Overall the preliminary operating result for 2014/15 is looking positive with a more detailed report to be submitted to the August Council meeting.

Finally the remaining attachments to this provide a summary of the capital works undertaken for the year. The attachments provide the following information for the projects listed:

- Original Budget - the budget as per Council's adopted Operational Plan
- Carry Forward - represents budgets carried forward from the previous financial year that were approved by Council at the August 2013 Ordinary meeting
- Approved Variations - Variations previously approved by Council resolution either through a Quarterly Budget Review or a separate report on a particular project.

10.4 Delivery Program and Operational Program Review - 30 June 2015

- Latest Estimate - Sum of the original budget plus budget changes
- Expenditure to Date - Expenditure to date of report
- % Expended - Percentage of budget expended to date
- Milestone Dates - Represents target dates for completion of the major milestones.
- Status - Allows additional comments to be provided.

The attachments are split into the main functional sections within Council undertaking the works: i.e. Open Spaces, Waste, Engineering Works, Operations Support, Commercial Services, Water and Wastewater. Points of interest in respect to the attachments are as follows.

A summary of the total works undertaken is as per the following table.

Capital Works Summary – 30 June 2015 (\$'000) (Preliminary figures)

Section	Budget (%)	Expended (%)	Percentage
Open Spaces	5,770,400	606,700	11
Waste	852,600	91,200	11
Engineering Works	12,634,500	9,754,200	77
Operations Support	4,396,600	2,314,300	53
Commercial Services	4,878,000	4,566,800	94
Water	3,405,700	2,582,000	76
Wastewater	4,428,000	3,820,200	86
Total	36,365,800	23,735,400	65

Items with the small percentages typically represent major projects that have not commenced or are underway with a large part of the expenditure still to be incurred; i.e.

- Open Spaces – Wollongbar Sports Fields (\$5m unexpended) – This contract has been let with works only recently commencing
- Waste – A waste truck purchase was deferred and the biochar project remains on hold
- Operations Support – The Ballina Surf Club Building B is still to be approved prior to calling tenders for construction and the Lennox Head Community Centre grant monies of \$200,000 are largely unexpended.

Overall \$23.7m worth of capital is still a significant investment in infrastructure for 2014/15.

Sustainability Considerations

- **Environment**
There is a range of environmental, social and economic outcomes identified in the Delivery Program and Operational Plan.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

The Delivery Program and Operational Plan identify the allocation of Council's resources and finances.

Consultation

The purpose of this report is to provide the community with information on how Council is performing or performed in respect to the Delivery Program and Operational Plan.

Options

The report is for noting purposes.

RECOMMENDATION

1. That Council notes the contents of the 30 June review of 2014/15 Delivery Program and Operational Plan including the capital expenditure update as per the attachments to this report.
2. That Council receive a report on the airport to identify a strategy to remove the current reserve deficit.

Attachment(s)

1. Delivery Program and Operational Plan Status Report (Under separate cover)
2. Operational Plan Review - Capital Expenditure (Under separate cover)

10.5 NOROC - Joint Organisations

10.5 NOROC - Joint Organisations

Delivery Program Governance and Finance

Objective To examine a Joint Organisation proposal under consideration by NOROC.

Background

Since 2011 Council has been participating in the NSW Government's local government reform process initially titled "Destination 2036" and later changed to "Fit for the Future".

Following the presentation of a report from the Independent Local Government Review Panel recommending the establishment of regional Joint Organisations (JO's) across regional NSW, the State Government adopted the proposal.

Subsequently five regions across the state were selected by the Minister for Local Government to participate in a JO trial program and he appointed Elton Consulting Group to facilitate and report upon the trial. The NOROC region was not selected to participate in the trial. A progress report on the trial will be completed in August 2015.

While NOROC was not selected to participate in the trial, the General Managers of the six Northern Rivers councils chose to initiate a process of developing an agreed basis for the establishment of a Northern Rivers Joint Organisation, so as to be on the "front foot" in developing a model that worked for the constituent councils rather than await the outcome of the trial and have a mandatory blue print imposed.

The resultant NRJO model proposed is reflected in the NOROC Joint Organisation Discussion Paper, which is included as an attachment to this report. This Discussion Paper was submitted to a meeting of NOROC held on Friday 5 June 2015 and was supported, subject to all constituent councils also supporting the proposal.

This report now seeks Council's support for the model outlined in the discussion paper.

Key Issues

- Model options

Information

The key features of the NOROC model are:

- Proposing a minimalist model so as to avoid creating another layer of bureaucracy

10.5 NOROC - Joint Organisations

- Limiting the JO role (at least initially) to regional strategic planning, regional advocacy, and intergovernmental relations, which is largely the same role NOROC currently performs
- Appointing an Executive Officer (initially part time) at a remuneration level equivalent to Director positions in councils
- Each Council to have two delegates appointed to the JO – the Mayor and one other councillor to be elected by each council
- Each council to have one vote per delegate regardless of council size
- Each council to pay the same annual fee, i.e. Kyogle pays the same as Tweed
- Membership of the JO is mandatory for each council (this is a State Government directive)
- Associate members will be supported e.g. County Councils, bordering councils such as Tenterfield– Associate members will not receive a vote but will pay an annual membership fee
- Membership fees will ultimately increase significantly – In the attached model Council's fee will increase from \$18K p.a. (current annual NOROC membership fee) to \$50K p.a.
- NOROC will be wound up once the JO is established
- The NOROC JO model is consistent with the proposed structures of a number of the trial JOs.

The increase in the overall membership fee is designed to allow a higher level of staff resources to be recruited to pursue regional projects and efficiencies.

Many points in the discussion paper were not unanimous with a range of views on items such as

- Should there be two delegates or one delegate?
- Equal voting and / or equal fees – Is it fair for Tweed and Kyogle to have the same voting rights based on their population?
- Should there be associate members?
- What role should the JO perform? The minimalist model was supported to limit any impacts on the general purpose councils.

There is general agreement that JOs can work provided they move away from the parochialism that has been the downfall of Regional Organisations of Councils, however there are also many decisions that are best made by those closest to the community. Therefore JOs must strike a balance between effective regional governance and the particular needs of individual communities.

Concerns have been expressed about the JO taking on more functions than the core functions of regional strategic planning, working with State Government, and regional leadership and advocacy, which are largely prescribed by the State Government.

The regional strategic planning is not determining LEPs, development applications etc, but providing feedback to Agencies on regional planning matters.

There may be potential benefit in the JO taking on more functions (i.e. libraries, possibly bulk water etc). however this should only occur if there is clear demonstrable improvement in efficiencies or effectiveness for all the member councils.

Sustainability Considerations

- **Environment**
The JO will potentially consider items of environmental, social and economic significance.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

There are no financial implications for the 2015/16 financial year. The actual timing of the creation of the JO remains uncertain.

Consultation

The entire Fit for the Future Program and Independent Review into Local Government have been subject to a significant consultation program.

Options

Council has the option of endorsing the model as attached, or supporting amendments to the model. The JO concept is still in a very preliminary stage and the model proposed is largely the existing NOROC model under another name.

A key issue will be the level of resources allocated to service the organisation as this could significantly increase our membership fees.

The recommendation is to provide in principle support for the model, however prior to any significant increase in fees it is reasonable for Council to receive an analysis outlining the benefits that will be derived from that increase. The recommendation supports this approach.

RECOMMENDATIONS

1. That Council provides its in principle support for the Northern Rivers Joint Organisation model as outlined in the NOROC Discussion Paper, as attached to this report.
2. That Council expresses its concerns regarding any significant increase in membership fees, with any increase only to be approved once all member councils have been provided and endorsed a report that outlines the regional benefits and efficiencies to be gained from such an increase.

Attachment(s)

1. NOROC - Northern Rivers Joint Organisation (Discussion Paper)

11.1 Lake Ainsworth South Eastern Precinct Upgrade - Car Parking

11. Civil Services Group Reports

11.1 Lake Ainsworth South Eastern Precinct Upgrade - Car Parking

Delivery Program Engineering Works

Objective To determine the preferred car parking wearing surface and water quality measures for Stage 1 of the Lake Ainsworth South Eastern Precinct Upgrade Project.

Background

At the 16 April, 2015 Finance Committee meeting, and subsequently adopted at the April 2015 Ordinary meeting, the Council resolved the following in relation to the Lake Ainsworth South Eastern Precinct.

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

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

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

The preferred program of works is to initially construct the funded car parks as this will assist in replacing some of the car parks lost when the Eastern Road is closed.

This report discusses the options for the design of the car park surface and reports information for Council in respect of the changes in car parking capacity that will exist following the completion of this stage of the works.

Key Issues

- Environmental outcomes
- Maintenance requirements
- Landscaping
- Type of wearing surface
- Cost differentials

Information

The preferred program of works to secure the closure of the Eastern Road is to first construct the *Eastern Road (Stage 1 – Road Closure with Offset car parking)* component of the project with an estimated budget of \$587,000. This is essentially the new car parks opposite the Surf Club.

The feedback from the community consultation included interest in a car park design that complemented the natural aesthetics of the precinct. The following information discusses the options in response to this objective. Later the report provides details in respect of the car parking capacity that will result from the future closure of the Eastern Road and associated loss of the current car parking provisions.

Attachment One to this report (Lake Ainsworth Car Park Extension - Options 1, 2 and 3) presents three design drawings for consideration and these are discussed below.

Option 1 - Permeable Paving

This option facilitates the greatest potential for storm water infiltration whilst also maximizing the 'green' appearance with all car parking bays consisting of a reinforced grass cells that sit on a sand base. The generic asphalt surface is limited to the through traffic areas. Further description of this design approach is provided below. This option does not provide the optimum water quality solution and the life expectancy is uncertain. It is likely consideration would need to be given from time to time towards cordoning off the car park to facilitate grass regeneration outside of peak periods.

The indicative cost for this method is \$193,000. Table 1 as follows provides a full options summary and comparison.

Option 2 - Rain Garden

Historically the rain garden (bio retention) option has more widely been adopted for generic car park areas where water sensitive urban design (WSUD) objectives are required coupled with the longer life expectancy of an asphalt surface.

This option maintains, principally an asphalt wearing surface with stormwater runoff treated via a rain garden (bio retention) medium.

A recent example of this type of water quality treatment was incorporated at the Ballina Surf Club car park which was constructed by Council in late 2013.

The asphalt wearing surface has the longest life expectancy out of the three options and is more widely implemented for primary car park area.

The added benefit of this option is that there would be no need to cordon off a section of the car park to facilitate grass regeneration as would be anticipated with Options 1 and 3.

The indicative cost for this method is \$160,000.

Option 3 - Combination of Permeable Paving and Rain Garden

This option is a combination of options 1 and 2. This option maintains the reinforced grassed appearance throughout all car parking bays and also addresses any water quality shortfalls associated with Option 1 by introducing a rain garden. As per Option 1 the longevity of this type of car parking option is uncertain.

Consideration would need to be given towards the potential need for cordoning off the car park to facilitate grass regeneration outside of peak periods.

The indicative cost for this method is \$195,000.

Environmental Outcomes (Water Quality Effectiveness)

One of the main objectives in reviewing the car parking options particularly in the vicinity of Lake Ainsworth is maximising the potential for water quality treatment.

In this regard the rain garden (bio retention) is widely accepted to provide the best pollutant removal performance across the key indicators such as litter, suspended solids, phosphorous and nitrogen removal.

Table 1 below provides a simple summary which ranks the various options in terms of the pollutant removal performance.

In terms of the options presented in this report both Options 2 and 3, which incorporate the rain garden treatment, provide the highest pollutant removal levels.

Table 1 – Pollutant Removal Options Comparison

Pollutant	Pollutant Removal Performance		
	Option 1 Permeable Paving Grass	Option 2 Rain Garden	Option 3 Rain garden and Permeable paving
Litter (Gross Pollutants)	Yes	Yes	Yes
Total Suspended Solids	Yes	Yes	Yes
Nutrient (Total Phosphorous)	Partial	Yes	Yes
Nutrient (Total Nitrogen)	Partial	Yes	Yes
Heavy Metals	No	Partial	Partial

Reinforced Turf

There are a number of suppliers in the market that provide reinforced grass options. The figures that follow represent a proprietary (recycled plastic) product that can be used to support driveways and car park areas.

11.1 Lake Ainsworth South Eastern Precinct Upgrade - Car Parking

Figures 2 and 3 provide detail of the reinforced turf product whilst Figure 4 shows a car park incorporating the reinforced turf. Note the generic asphalt surface is maintained only throughout the through lanes.



Figure 1



Figure 2



Figure 3

Figure 1 - Reinforced Porous Paving Grid

Figure 2 – Grassed Grid

Figure 3 - Finished Car Park example

Maintenance Considerations

Whilst maximising the ‘soft’ green option the reinforced turf for a car park is subject to a greater maintenance regime and cost.

The other issue that needs careful consideration with this particular option in the location is the anticipated high use of these car parks.

The high use is likely to result in wear and tear to the grass resulting in closure of the car park to allow the grass to regenerate.

Staff are not able to advise with certainty in regards to the likely performance outcomes for this type of treatment under local weather and usage conditions.

Options Summary

The following table summarises the advantages and disadvantages considered for each option.

11.1 Lake Ainsworth South Eastern Precinct Upgrade - Car Parking

Options	Advantages	Disadvantages	Total Cost
1 Permeable Paving Turfcell (or equal) and grass	<ul style="list-style-type: none"> Cooler thermal footprint Reduced quantity of runoff Softer "greener" aesthetic Higher level of pollutant removal than "type 1" 	<ul style="list-style-type: none"> Shorter life span than conventional pavements Suitable for low to medium demand only as the grass requires "recovery time". May require cordoning off periodically to allow for recovery Highest level of maintenance required. More costly than conventional pavement types Low removal of dissolved nutrients which feeds water directly to groundwater, which ends up in the Lake due to close proximity 	\$202,000
2- Rain Garden Filtration	<ul style="list-style-type: none"> Provides the highest level of pollutant removal. Plants and biological processes provide nutrient removal which is important for sensitive receiving environments Can incorporate landscaping and rain gardens can appear "seamless" in the landscape Can incorporate shade trees (optional) Can integrate with conventional pavement types with minimal additional cost Recovery time not required 	<ul style="list-style-type: none"> Requires maintenance (less than turfcell) Can restrict options for plant selection. 	\$168,000
3 - Rain garden and permeable paving (grass)	<ul style="list-style-type: none"> Same as Option 1 with a superior level of water quality improvement as option 2 and achieve water quality objectives with small incremental cost (compared to option 1) 	<ul style="list-style-type: none"> Same as option 1 with regards to cost and maintenance 	\$205,000

option two provides the highest level of pollutant removal, is the least expensive and the maintenance regime does not involve the risk issues associated with the alternative options.

However, options 1 and 3 provide the greater level of response to the concerns of the community in respect of the aesthetics of the design which are clearly important in this location.

11.1 Lake Ainsworth South Eastern Precinct Upgrade - Car Parking

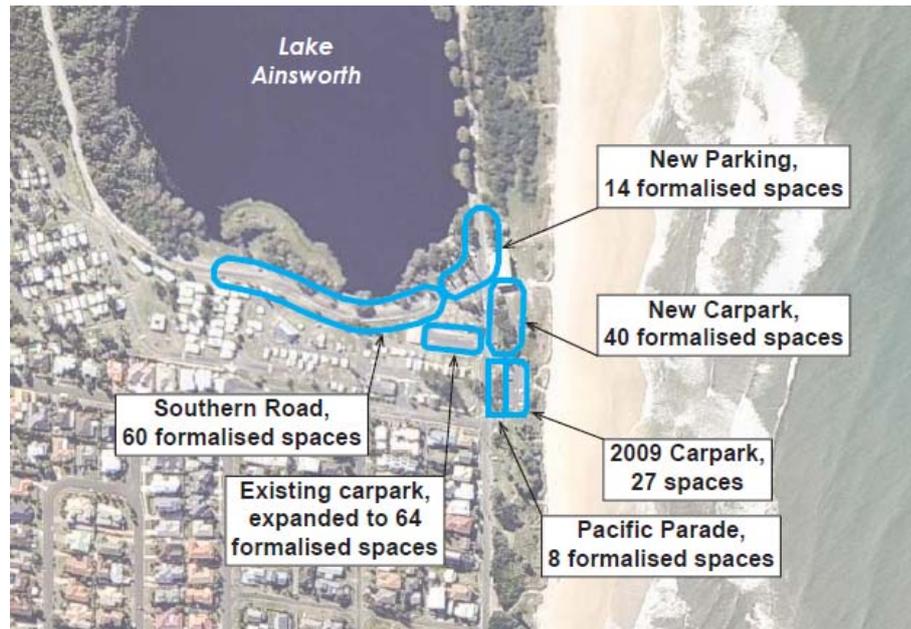
Eastern Road Offset Car Parking Options

There are approximately 60 informal car parking spots that will be lost with the closure of the Eastern Road.

This has been reported by Complete Urban in the Master Planning process.

Figure 1 as follows is an extract of the approximate proposed car parking numbers and locations as reported by Complete Urban, 2014.

Figure 1 Proposed Car Parking Areas, Complete Urban, 2014



The masterplan aimed to create an equivalent number of car parking spaces to offset the loss.

The current challenge in achieving this aim is that a significant number of the proposed new car park spaces are associated with formalising the southern foreshore (Camp Drewe Road) and areas along Pacific Parade which are also linked to works that would be staged to suit a new western access.

Until such time as a western access is in place then the southern foreshore needs to maintain access to Camp Drewe Road and the western side of Lake Ainsworth.

Upgrading the southern foreshore is not currently on the works program due to budget limitations.

This means the expansion to the existing car park will provide an additional 33 (net) spaces of the 60 approximate informal spots that are lost with the Eastern Road closure.

Car parking improvements are also proposed for the south east of the existing Surf Club, however it is not considered practical at this stage to implement these works while the new surf club is subject to detailed design development and approvals.

11.1 Lake Ainsworth South Eastern Precinct Upgrade - Car Parking

Complete Urban have commenced engaging with Council staff and the Lennox Head Surf Club to progress this design development.

Importantly the footprint for these works would not impact on the current road alignment of Camp Drewe Road enabling works to be carried out without impacting on the current traffic provisions.

The endorsed program of works allocated \$286,000 towards the upgrade of Ross Street. These works are necessary to facilitate the future traffic diversion from the eastern road to the western side of the Lake Ainsworth (Camp Drewe Road) via Ross and Gibbon Street.

In addition to pavement rehabilitation the works also include new kerb and gutter and 24 angled car parking spaces.

There are currently eight informal parallel car parking spots (approximately) along Ross Street so the upgrade would result in a net increase of 16.

Attachment 2 is a detailed plan for Ross Street that was developed for Council in 2009.

In summary the total number of car parking spots that is currently proposed is:

Expansion to existing car park	33
Ross Street Upgrade	<u>16</u>
Total	49
Eastern Road loss	60
Net Reduction	11

Eastern Road Closure – Implementation

Following Council's decision to close the eastern road, staff immediately communicated this decision to the NSW Crown Lands Department.

As no response was received after a reasonable period of time, a further letter was sent requesting a response. At the time of writing this report, the response remains outstanding.

Therefore a letter has been sent that advises the Department that in the absence of a response Council will assume their concurrence to the decision and commence the implementation of the project immediately following the construction of the car park.

At this point in time we estimate the car park construction will take around eight weeks duration and this is currently scheduled for August/September.

Sustainability Considerations

- **Environment**
Environmental considerations have been discussed in the options section of this report

11.1 Lake Ainsworth South Eastern Precinct Upgrade - Car Parking

- **Social**

There will be a range of social benefits to the community arising from implementing the various improvements proposed for the Lake Ainsworth Precinct.

Legal / Resource / Financial Implications

The program of works that is subject to the information in this report is generally consistent with the budget adopted by Council.

Consultation

No specific consultation has been undertaken in the preparation of this report. Previous reports relevant to the Lake Ainsworth precinct master planning process have detailed a range of consultation initiatives including a public consultation process. The report also notes feedback from the community regarding the presentation preferences for the carpark.

Options

The reporting in respect of car parking capacity is for information only. Therefore no specific recommendation is made in respect of this information as it follows Council's current decisions regarding this project.

In regards to the car parking surface, three options have been presented for Council's consideration. These are:

- Option 1 Permeable Paving
- Option 2 Rain Garden
- Option 3 Combination of Permeable Paving & Rain Garden

The report provides a table comparing the merits of these options. In summary the report noted, Option Two provides the highest level of pollutant removal, is the least expensive and the maintenance regime does not involve the risk issues associated with the alternative options. However, Options 1 and 3 provide the greater level of response to the concerns of the community in respect of the aesthetics of the design which are clearly important in this location.

As the Rain Garden provides the highest level of pollution control it is recommended that options 2 and 3 be preferred over option 1. The balance of achieving the community desire for aesthetics compared to the maintenance and performance risks and the additional construction cost is a decision for Council to assess and is therefore difficult for staff to provide a recommendation.

RECOMMENDATIONS

That Council determine its preference for the design of the Lake Ainsworth Car Park Extension between Option 2 (Rain Garden) and Option 3 (Combination of Permeable Paving & Rain Garden) as detailed within this report.

Attachment(s)

1. Car Parking - Options 1, 2 and 3
2. Ross Street - Detailed Design Plan

11.2 Alstonville Community Preschool - Funding Support

11.2 Alstonville Community Preschool - Funding Support

Delivery Program Community Facilities and Services

Objective To respond to Council's request to review the request for assistance for the Alstonville Preschool.

Background

At the last Council meeting the report dealing with the submissions received in response to the exhibition of the 2015/16 Operational Plan advised of a request for additional funding for the Alstonville Community Preschool.

In response to this report, the Council deferred a decision and requested staff to further investigate the details of the request. This report responds to that request.

The previous report also noted an issue in relation to the location of the boundary fencing with Council's swimming pool. The preschool has asked that this matter be resubmitted to Council for its determination.

Key Issues

- Review financial assistance request
- Determine boundary location

Information

In early 2014, Council approved \$120,000 towards certain works to assist in the development of the preschool. The current request from the preschool is for a further \$43,424 and correspondence from the preschool advises that the request is to meet the variation in actual costs for the same scope of works in the original request. A copy of the correspondence from the preschool is provided in attachment one to this report.

To determine the original contribution amount, Council was informed by a quantity surveyor's report. The request from the last meeting of Council was for staff to review the preschool's latest request having regard to a reconciliation of the QS report.

To complete this assessment a meeting was held with preschool representatives. From this meeting staff are satisfied that the difference between the actual pricing and the QS report is explained by the following.

The QS report was completed using design drawings that have since been modified to accommodate changes further site specific details and approvals that have emerged in later design processes. It is also noted that the QS report represents an estimate only using typical or general reference rates and the revised pricing represents the actual competitive market response for the costs to construct the project.

11.2 Alstonville Community Preschool - Funding Support

It is also noted that it is not possible to complete a direct reconciliation between the differences in the QS report and the quote information provided by the preschool. The reason for this is the quote responses do not follow the same project breakdown elements as the QS report.

In completing this review it is also helpful to clarify some of the information presented to Council in the previous report.

The following is an extract from the preschool's letter that was attached to the last Council report. A complete copy of the letter is provided as attachment two.

Breakdown of Costs for Site Preparation

		Price Civil	Greenstar	
Quotes		\$150,435	\$116,271	(Exc. GST)
Additions	Water Reticulation	Included	\$17,918	Ballina Shire Council (exc. GST)
	Pump and Boundary Kit Supply and Installation	Included	\$9,010	Sidney & Richardson (exc. GST)
	Concrete Path West of Carpark	Included	\$4,322	Dave Gambley (GST)
	Trench for Power	\$1,200	Included	Separate Quote Price Civil
	Electricity and Telecommunications Connection	\$7,067	\$7,067	AnJon Electrical & Fire Services (exc. GST)
	Excavation of Footings	\$4,800	Included	Separate Quote Price Civil
	Stormwater Tanks	\$7,036	\$7,036	Duraplas (Exc. GST)
	Arborist	\$1,800	\$1,800	Tallow Tree Service (exc. GST)
	TOTAL	\$172,518	\$164,037	
	Council Contribution	\$120,000	\$120,000	
	DEFICIT	\$52,338	\$43,424	

The clarification that is needed is the term "additions" in the left hand column.

The concerns expressed at the Council meeting related to whether or not the additional amount of money sought from Council related to additional work rather than a price difference to the original estimate, and whether or not the QS report already accounted for these items.

However the purpose of the preschool presenting the table above was to show the Council that the preschool sought competitive quotes and selected the least expensive option being, Greenstar, for an amount of \$164,037.

Greenstar have presented their quote in the amount of \$116,271 and noted the "additional" costs by others to complete the full scope of works.

Price Civil however has presented a generally more inclusive quote for these other items. Therefore the term "additions" in the left hand column is not actually referring to additions, rather it is referring to a break down of items within the total request for a quote and is only tabulated to compare the quotes on a like for like basis.

The key point is the \$164,037 is the least expensive quote and it represents the actual market response to the final scope of works for the part of the project relevant to Council's contribution.

11.2 Alstonville Community Preschool - Funding Support

Boundary Fence

The information from the last report is reproduced below.

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.

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.

The recommendation to the report was the following.

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.

The decision of Council was the following and is silent in respect of the fence matter.

That in respect to the Alstonville Preschool funding, staff thoroughly assess all relevant documents with regards to any variations and then provide Council with a new report including commentary in respect of the price fluctuations from the original Quantity Surveyor's report.

The representatives from the preschool advise that a decision is required to ensure they can advance the project in a timely manner.

Having regard to the information above, the previous recommendation is again presented to Council for determination.

Sustainability Considerations

- **Environment**
The project has been built in accordance with relevant standards
- **Social**
The project provides important social benefits in supporting the education and other needs of young children.
- **Economic**
Education is an important component of economic development.

Legal / Resource / Financial Implications

In adopting its 2015/16 budget, Council reallocated an amount of \$35,000 as a budget allowance to support this request if it is confirmed as the preference of Council. The reallocation was possible as it was recommended that the project to construct a storage tank near Crawford Park for the swimming pool filtration system does not need to proceed in light of the planned upgrade of the pool. The requested amount is approximately \$8,000 above the budget allocation.

Consultation

Representatives from the preschool have been consulted in the preparation of this report.

Options

Funding Assistance

Council staff are satisfied that the request represents the actual cost for the scope of works relating to site preparation which was the basis of the preschool's original request. The QS report uses reference rates which do not always reflect actual market rates and in this case it is not possible to complete a direct reconciliation between the QS report and the quote as they are in a different form and were completed at a different time in the design and construct process.

It is therefore open to the Council to decline the request, approve the request or approve the request in part, depending on the level of support the Council wishes to provide. The recommendation to this report follows the direction of the Council from the last meeting and proposes to support the amount in full. As noted above, the funds requested represent an over expenditure compared to the original budget.

Fence Adjustment

The options available to Council are;

1. Relocate the fence on the boundary
2. Recategorise the land to enable the fence to stay on its present location

11.2 Alstonville Community Preschool - Funding Support

As noted, in regards to option two, the land classification process is considered problematic and would result in significant design and other issues for the preschool. The preliminary advice from our pool consultants is that the design of the pool upgrade will not be compromised by the fence relocation. Therefore option one is recommended.

RECOMMENDATIONS

1. That the Council agree to the request from the Alstonville Community Preschool to increase Council's contribution for the construction costs of the new facility by an amount of \$44,000 (rounded) resulting in an increase in the forecast deficit of approximately \$9,000.
2. Council provides its approval for the realignment of the existing pool fence to ensure it aligns with the property boundary.

Attachment(s)

1. Preschool - Email dated 19 June 2015
2. Preschool - Letter dated 6 May

11.3 Wollongbar Skate Park - Masterplan

11.3 Wollongbar Skate Park - Masterplan

Delivery Program Open Spaces and Reserves

Objective To seek Council endorsement to invite community feedback on a draft masterplan for the Wollongbar skate park.

Background

At the November 2014 Ordinary meeting Council passed resolution 271114/5, which is as follows:

That Council endorses the reconfiguration of the RE1 and R3 zone boundaries, amend the minimum lot size map and rezone land designated for road widening from RE1 to R2 with respect to Lots 5 and 6 DP 1161720 and the adjoining road as indicated in the planning proposal.

A notice of motion 181214/11 at the December 2014 Ordinary meeting resolved:

That Council further consider the appropriateness of locating a skate park facility within the reconfigured RE1 zone during the preparation of a landscape masterplan for the proposed reserve.

Council staff engaged a landscape designer, Design Team Ink to prepare a draft Masterplan for the site on the corner of Plateau Drive and Rifle Range Road, Wollongbar. The purpose of this report is to seek Council endorsement to conduct community consultation on the draft Masterplan, with consideration to locating a skate park facility at this location.

Issues

- Design option
- Provision of community infrastructure

Information

The draft Masterplan was prepared for the site to highlight a proposed level of embellishment with consideration to the provision of open space for informal recreation, supporting park infrastructure and an indication of a footprint highlighting a skate facility.

The footprint for the skatepark was based on preliminary community feedback undertaken with an interested stakeholder group, the Wollongbar Alstonville Skate Park Group. The footprint consists of approximately 750 sqm, and is of similar size to the skate facility located at Bangalow, which is the design type preferred by the Skate Group. Comparative skate parks constructed within Ballina Shire include Lennox Head (370sqm) and Ballina (1,500sqm).

11.3 Wollongbar Skate Park - Masterplan

The key feature of the draft footprint is to highlight the balance achieved between open space and a skate facility up to 750 sqm on the site. Other design elements taken into consideration include visual surveillance, provision of shade, access links and landscaping.

Preliminary investigations into the cost for the design and construction for a 750 sqm facility range from \$300,000 to \$600,000. Council currently has \$350,000 allocated in the 2015/16 Delivery Program for the construction of a skate park facility and associated facilities.

The Wollongbar Skate group have asked Council to be made aware that it is their preference for the Skate park to be a minimum of 1,000 sqm as it is their opinion that this is the area *“required to cater for the different sports and age groups using the park as anything less will pose a risk”*.

The recommendation is that the draft Masterplan be taken to the community to assess support for the location and provision of a skate park facility in this location, and the balance achieved with the provision of passive open space based on a maximum 750 sqm facility.

The result of the community consultation and feedback on the draft Masterplan will be reported back to Council for consideration. Once the masterplan is adopted, the procurement for the skate park can commence. Typically it is preferred to manage the procurement through a design and construct contract as this method provides the opportunity to incorporate specialist design and construction knowledge. While the tender would appoint a contractor for design and construction, the specification can provide for appropriate levels of community consultation in the design phase.

Sustainability Considerations

- **Environment**
The embellishment of the site will provide environmental benefit.
- **Social**
The embellishment of open space and provision of a skate park facility for the Alstonville/Wollongbar community would provide valuable social benefit, especially to the youth.
- **Economic**
Not Applicable.

Legal / Resource / Financial Implications

Council has allocated \$350,000 for the provision of a skate park facility at Wollongbar from the 2015/16 Delivery Plan.

Consultation

It is recommended that the draft Masterplan be exhibited for consultation and feedback.

Options

Council has been presented with a draft Masterplan including the provision of a skate park facility within the reconfigured RE1 zone on the corner of Plateau Drive and Rifle Range Road, Wollongbar. Council can propose amendments to the draft Masterplan. Council can also decline to endorse the plan and/or a skate park in this location. It is recommended that the draft Masterplan be placed on exhibition for 28 days and a report on the results prepared for Council.

RECOMMENDATIONS

1. That Council endorses the draft Masterplan, attached to this report, for the purpose of seeking community feedback for the provision of a skate park facility at Wollongbar.
2. The draft Masterplan be exhibited for a minimum period of 28 days and a further report prepared for Council following the exhibition period.

Attachment(s)

1. Plateau Drive Preliminary Park Concept

11.4 Playground Upgrade Plan

11.4 Playground Upgrade Plan

Delivery Program Open Spaces and Reserves

Objective To consider the submissions to the public exhibition of the draft Playground Upgrade Plan.

Background

Council at the 24 April 2015 Council meeting resolved to place on public exhibition the Playground Upgrade Plan. The Playground Upgrade Plan was developed to highlight playground hierarchy and playground catchment to guide future capital works.

The draft plan was placed on public exhibition with the closing date of 3 June 2015. Two submissions were received, copies of which are attached to this report.

Key Issues

- Address submissions

Information

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

Two submissions were received. The issues raised in the submissions suggest that the plan might be improved in respect to providing greater details of the relevant Australian Standards and greater information regarding accessibility issues for children with disabilities.

Response to submissions

Australian Standards – There are more than 10 Australian Standards related to playground design and safety. Council relies on independent auditors to assess playgrounds against these standards in conjunction with qualified trained staff. Listing all of the standards in the plan summary was deemed excessive and furthermore these standards are subject to change. Therefore it is preferred that for the general community to contact staff if they require further information regarding the application of the relevant standards.

11.4 Playground Upgrade Plan

Children with Disabilities – The focus of the Playground Upgrade Plan is on highlighting playground hierarchy and catchment provision. The attached report indicated the level of embellishment appropriate for local, district and regional playgrounds. The equipment design phase of a project is typically where Council provides the consideration, where possible, to cater for a variety of impairments including movement, sight, sound, mental and physical disabilities.

District and regional playgrounds often lend themselves for a greater ability to cater for these needs due to their larger size and proximity to supporting facilities to assist recreation including disabled parking bays, toilets, wetpour rubber surfacing and a wider range of equipment.

Council currently has specific all access playgrounds at Missingham and Fawcett Parks.

Based on the contents of the submissions and the overall upgrade plan it is not considered that the plan needs to be amended and it is recommended that Council note the submissions and adopt the plan as exhibited. The response to the submissions will canvass the issues raised in the submissions.

Sustainability Considerations

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

Legal / Resource / Financial Implications

Council has identified an annual budget of \$156,000 from the 2015/16 Delivery Program to implement the Playground Upgrade Plan.

Consultation

The draft Playground Upgrade Plan was placed on public exhibition with the closing date of June 3.

Options

1. Council can adopt the plan as exhibited
2. Council can amend the plan
3. Council can determine to not adopt the plan.

The recommendation is to adopt the plan.

RECOMMENDATIONS

1. That Council notes the contents of the submissions with the response to the submissions to address the matters raised in those submissions.
2. That based on the limited response to the exhibition process and acknowledging the work that has gone into preparing the Plan, Council adopts the Playground Upgrade Plan as exhibited.

Attachment(s)

1. Playground Upgrade Plan
2. Submissions - Playground Upgrade Plan

11.5 Section 94 Roads Contribution Plan - Review

11.5 Section 94 Roads Contribution Plan - Review

Delivery Program Asset Management

Objective To obtain Council approval to exhibit a review of the Section 94 Roads Contribution Plan.

Background

The Ballina Shire Roads Contribution Plan 2010, adopted 25 February 2010 has been reviewed in accordance with an action adopted in the 2014/15 - 2017/18 Delivery Plan. The review aims to ensure the future road network is appropriate having regard to the traffic generation expected in response to current strategic land use and demographic projections.

Key Issues

- Provide an optimised, affordable road network to service future development, demographic and traffic needs
- Provide equitable, apportioned funding of the future road network

Information

The current *Ballina Shire Roads Contribution Plan 2010* was adopted 25 February 2010 to fund upgrading the road network to accommodate growth in traffic to the year 2026. The plan contains 34 projects costing an estimated \$139.3 M (2009 values). A review of the 2010 plan has now been undertaken to ensure the plan remains contemporary. The review aims to ensure the future road network is appropriate having regard to the traffic generation expected in response to current strategic land use and demographic projections.

The review has enabled traffic modelling supporting the 2010 Plan to be recalibrated with the benefit of actual traffic count data collected following completion of the Ballina and Alstonville bypasses. The works program has been scrutinised to ensure it still contains the optimum mix of projects to accommodate future traffic. The reviewed plan is designated "*Draft Ballina Shire Roads Contribution Plan Version 4.0*". It is the latest of a series of reviews and amendments that have been made to the original Roads Contribution Plan adopted in 2002; i.e.

Table 1. Roads Contributions Plan Versions		
Version	Adopted	Remarks
Ballina Road Contribution Plan, Versions 1 and 1A	No	Exhibition drafts arising from Council meetings 23/5/2000 and 27/7/2000.
Ballina Road Contribution Plan, Version 2	24/10/2002	
Ballina Shire Roads Contribution Plan 2010	25/2/2010	Update of Version 2
Draft Ballina Shire Roads Contribution Plan Version 4.0		Draft under current review, the subject of this report

Demographic Projections

In the period since 2010, demographic projections for the Northern Rivers have been revised with a declining rate of predicted growth by the NSW Department of Planning and Infrastructure. Council's own working projections, which provide estimates of future annual population and dwelling growth in the Shire's various urban localities have similarly been revised downwards.

For the purposes of Version 4.0 of the Roads Contribution Plan a '2036+ development scenario' has been used as the basis for traffic modelling to inform the schedule of required works. This scenario takes into account the ultimate planned and projected development of land within the Shire's major land release areas (in Lennox Head, Cumbalum and Wollongbar).

Occupancy rates are also projected to decline into the future, however for the purpose of determining infrastructure need, the draft plan has assumed a minimum occupancy rate of 2 persons per dwelling in the 2036+ scenario in Council's major release areas. This approach ensures that the schedule of works reflects the sizing of infrastructure required to cater to the anticipated future needs of our growing community.

The tables below summarise the demographic projections previously used in the 2010 Plan and those used as the basis for the Draft Plan.

Table 2.1 Ballina Shire Roads Contribution Plan 2010 (current)			
	2007	2026	Change
Population	43,453	62,847	19,394
Households	16,094	23,277	7,183

Table 2.2 Draft Ballina Shire Roads Contribution Plan Version 4.0			
	2011	2036+	Change
Population	40,747	58,210	17,463
Households	17,995	28,424	10,429

Traffic Modelling

The works program for the 2010 Plan was based on traffic modelling predicted for the year 2026. The current review has commissioned further traffic modelling to explore the road network needs for predicted 2036+ traffic volumes. The traffic model used was first developed in 2000 by Eppell Olsen and updated by Cardno Eppell Olsen in 2007 for the 2010 Plan. This model has now been recalibrated and extended by Cardno Qld for this review.

The traffic modelling involved three major model runs being:

- Calibration model run of the network in 2014
- Model run of 2036 traffic on the current (2014) road network
- Model run of 2036+ traffic on the improved (see Note 1) road network

Note 1: The "improved" network in 2036 includes all of the proposed Contributions Plan Works Schedule items plus completion of the Tintenbar to Ewingsdale and Ballina to Woodburn Pacific Highway upgrades.

11.5 Section 94 Roads Contribution Plan - Review

The 2014 calibration model run was used to recalibrate the traffic model to align the model's outputs for 2014 with actual traffic counts in the network. This calibration run was critical for checking the integrity of the updated model, as since it was previously run in 2007 there have been major changes to the Ballina road network, principally the addition of the Ballina Bypass and Alstonville bypasses.

The calibration and verification of the 2014 model was completed and complies with NSW RMS guideline limits.

The model was then run with year 2036 traffic volumes being distributed over the current (2014) road network. This model run enabled identification of network links that would be loaded beyond their carrying capacity.

The next step was to include additional network links and additional lanes on existing links, in line with the proposed Contributions Plan Works Program in the model, and re-run it with 2036+ projected traffic volumes.

This model run checked that links in the modified network would operate within their carrying capacity.

Plan representations of the traffic volumes predicted in the model run of 2036+ traffic on the improved road network are attached to this report.

Accommodating 2036 Traffic Volumes

The model run of 2036 traffic on the current (2014) road network has enabled road links to be identified that will require upgrading to accommodate future traffic volumes generated by new urban development.

As a general rule of thumb a two lane urban arterial road can accommodate 16,000 to 18,000 vehicles per day (vpd) at a reasonable level of service and above this volume, upgrading to four lanes is typically warranted.

Table 3.1 identifies the two lane roads in the current network that would (if network upgrading does not occur) be carrying volumes over their carrying capacity by 2036.

Road	Proposed Solution
River Street (excluding 4 lane sections)	Upgrade to 4 lanes west of Kerr St
Tamarind Dr	Upgrade to 4 lanes, Cumbalum to Kerr St
Coast Road (Angels Bch Dr to Headlands Dr)	Complete North Ck Rd and bridge from Skennars Head to Tamarind Dr and integrate with Western Arterial
Angel Beach Dr	as above
Kerr St	Complete Western Arterial

The proposed works program has been compiled to address the overloading of existing network roads and to provide those additional links needed to facilitate new urban development.

11.5 Section 94 Roads Contribution Plan - Review

Works Program

The existing 2010 Contributions Plan works program (Estimates are based on 2009 costs) is shown in Table 4.1 below:

Table 4.1 Ballina Shire Roads Contribution Plan 2010 Works Program		Costs
	Western Arterial	\$42,100,000
	Western Arterial (Land Component)	\$250,000
	River Street - Kerr Street - Additional Signalisation Works	\$420,000
	Fisheries Ck Bridge to Tweed St - Four Laning of Pacific Highway	\$3,200,000
	North Creek Rd to Kerr St - Four Laning of Pacific Highway	\$5,900,000
	Upgrade Kerr Street to Four Lanes)	\$5,000,000
	Upgrade Fisheries Creek Bridge	\$4,400,000
	Duplication of North Creek Canal Bridge - Separate Two Lanes	\$3,300,000
	Fisheries Ck Bridge to Sthn Interchange of Bypass - Four Laning	\$7,890,000
	Other Pacific Hwy Improvements (Land Component)	\$110,000
12-14	Hutley Drive Extension	\$12,600,000
	Bangalow Road / Hogan Street - new Left In / Left Out	\$550,000
	Angels Beach Drive / Sheather Street - new Left In / Left Out	\$500,000
	Angels Beach Drive / Sheather Street - LILO (Land Component)	\$90,000
	Skennars Head Road Upgrade	\$5,200,000
	North Creek Road and Bridge (or Skennars Head Distributor)	\$16,000,000
	North Creek Road and Bridge (Land Component)	\$10,000
	Ross Lane Improvements - West	\$2,900,000
	Ross Lane Improvements - East	\$8,720,000
	Ross Lane Improvements - East (Land Component)	\$80,000
	Tintenbar Road / Teven Road - Climbing Lanes	\$1,600,000
	Tintenbar Road / Teven Road - Climbing Lanes	\$1,600,000
	Tintenbar Road / Teven Road - Climbing Lanes (Land Component)	\$1,000
	Pacific Highway to Southern Cross Drive - Right Turn Ban	\$130,000
	Links Avenue / Angels Beach Drive Roundabout	\$900,000
	Skennars Head Rd / Coast Rd / Rocky Point Rd Roundabout	\$1,280,000
	Skennars Head Rd / Coast Rd / Rocky Point Rd (Land Component)	\$120,000
	Traffic calming - North Creek Road / Reservoir Rd / Hutley Dr	\$2,300,000
28a	River Street / Cherry Street Roundabout	\$960,000
28b	River Street / Moon Street Roundabout	\$960,000
	Tamar Street / Cherry Street Roundabout	\$530,000

11.5 Section 94 Roads Contribution Plan - Review

Table 4.1 Ballina Shire Roads Contribution Plan 2010 Works Program		Costs
	Angels Beach Dve / Bangalow Rd Signals and Lanes Extensions	\$3,100,000
33	Cumbalum North-South Link	\$4,000,000
	Cumbalum - Interchange	\$2,600,000
	Total	\$139,301,000

The draft plan proposes the deletion of the following works program items.

Table 4.2 Works Program Items, Proposed to be Deleted		
Item	Description	Reasons for deletion
5	River Street - Kerr Street - Additional Signalisation Works	These works are not required to cater for modelled 2036+ traffic on the network, provided the other items included in the works schedule are completed.
8	Kerr Street, upgrade to Four Lanes	
17	Skennars Head Road Upgrade	
24	Links Avenue / Angels Beach Drive Roundabout (To be RMS funded in 15/17).	
26	Skennars Head Rd / Coast Rd / Rocky Point Rd Roundabout	
26	Skennars Head Rd / Coast Rd / Rocky Point (Land Component)	

The latest traffic modelling indicates that the above works are not required to accommodate additional traffic to be generated by development to 2036. Therefore there is no causal nexus to warrant inclusion in the contributions plan.

The draft plan proposes the addition of the following works program items.

Table 4.3 Works Program, Proposed Additional Items		
Item	Description	Reasons for addition
35	Sandy Flat Rd - Ballina Hts Dr to Tamarind Dr	Link required as connection for Cumbalum urban growth area
37	North Creek Road - Northern Reservoir Hill Deviation joining Hutley Dr (350m + Roundabout)	Link required to facilitate roundabout junction of North Creek Road and Hutley Drive to serve urban growth areas south of Lennox Head
39	North Creek Rd - Tamarind Dr to Southern Cross Dr, 4 lane	4 lanes needed to cater for increased traffic volume caused by urban growth (22,779 vpd)
40	Tamarind Dr, 4 lanes Highway to Nth Ck Rd, 4.15 km	4 lanes needed to cater for increased traffic volume caused by urban growth (20,634 vpd)
41	Bangalow Rd, additional Lane, 200 m east of Angels Beach Dr	Additional lane needed to cater for increased traffic volume caused by urban growth (17,875 vpd)

The draft plan proposes the following amendments to individual items in the works program.

Table 4.4 Works Schedule - Proposed Amendments to Items		
Item	Description	Amendment/Reason
1a	Western Arterial (Option 4) - From Tamarind Dr (at North Ck Rd) to River St (at Brampton Av)	Current estimated cost of adopted Option 2a is now \$51M and is considered unaffordable within the S94 cap. Option 4 which is \$20M cheaper and has similar traffic performance and has been substituted.

11.5 Section 94 Roads Contribution Plan - Review

18	North Creek Road	Skennars Head Distributor option deleted, due to inferior network benefit and need for route certainty
20	Ross Lane Improvements - West	Modelled traffic volumes no longer require 4 lanes, however the current rural cross section is inadequate for traffic generated by urban growth and has been upgraded to a 2 lane urban cross section.
30	Angels Beach Dve / Bangalow Rd Signals and Lanes Extensions	Modelled traffic volumes from urban growth do not warrant signalisation, the existing roundabout has been retained, but, with extensions of length to approach and exit lanes to increase intersection capacity.

Western Arterial Options

The Western Arterial provides a bypass of Ballina Island between River Street and Tamarind Drive. Since the project was conceived a number of route options have been considered with Council finally adopting Option 2A which extends from Tamarind Drive (at North Creek Road) to River Street about 370 m west of Burns Point Ferry Road. Council resolved 25 January 2007:

1. *That subject to the offer of dedication, free of cost, (as outlined in the letter of 13 October from S J Connelly Pty Ltd) the land required for the 2A Option, that Council adopts the 2A Option as the preferred route for the Western Arterial.*
2. *That should the offer of free dedication of land be withdrawn, that Council adopts the Option 2 (Alt0 SK019) as the preferred route for the Western Arterial.*
3. *That the General Manager be authorised to commence the preparation of the EIS on the preferred route.*
4. *That the General Manager be authorised to undertake the processes required for the reservation, transfer and dedication of land required for the preferred route.*
5. *That Council maintain a watching brief on the possibility of the future long term linking of the intersection of Route 2A and the Pacific Highway to the Richmond River crossing at Burns Point.*

Option 2A was included in the 2010 Roads Contribution Plan at an estimated cost of \$41.2M. The current estimate for this item is \$51.1M. When the initial route selection report was compiled, the recommended route was Option 4 which connected to River Street at Brampton Avenue (see attachment to this report).

For various reasons, the Council of the day supported the longer more expensive 2A Option.

Consultants SKM in their assessment selection report had concluded:

"Option 4 ranks first in this assessment because it generally achieves the road network objectives for the project and has a relatively low environmental and community impact. It is the least constrained by property and foundation conditions, and is the shortest route, which contributes to a relatively low construction cost estimate"

11.5 Section 94 Roads Contribution Plan - Review

The main disadvantage of Route 4 is that it will not relieve traffic volumes on River Street west of the Brampton Ave intersection. However, even with Option 2A in place, the high traffic volumes on River Street west would still require this section to be upgraded to 4 lanes. Substitution of Option 4 for Option 2A therefore requires no additional works on River Street west.

	Option 2A	Option 4
Route	Tamarind Dr/Nth Ck Rd to River St 370m west Burns Pt Ferry Rd	Tamarind Dr/Nth Ck Rd to River St/Brampton Ave
Length	3.6km	1.8km
Estimated Cost (2014)	\$51.1M	\$31.7M

The inclusion of an item of the cost magnitude of Option 2A in the draft road contributions plan would increase contribution rates well beyond the Minister's Section 94 cap. Substituting Option 2A with Option 4 enable contributions to stay in a similar range to current contribution rates. The draft plan therefore proposes the substitution of Western Arterial Option 4 in the works program.

Proposed Works Program

The estimates for the majority of works program items in the draft plan have been updated for inflation using ABS Index 3101 Road and Bridge Construction NSW Series A2333685A. This has resulted in a cumulative cost escalation of 21% for Plan Version 4.0 (compared with the 2010 Plan). For new and substantially amended items, estimating rates have been based on the publication "Local Infrastructure Benchmark Costs - Costing Infrastructure in Local Infrastructure Plans" NSW IPART, April 2014 and are shown in Table 4.4 of the Draft Plan Version 4.0.

The proposed works program for *Draft Ballina Shire Roads Contribution Plan Version 4.0* is detailed in Table 4.5 below.

No.	Description	Estimate Cost
1a	Western Arterial	31,669,625
1a	Western Arterial (Land Component)	754,220
6	River Street Fisheries Ck Bridge to Tweed St - Four Laning	3,886,480
7	Tamarind Dr, North Creek Rd to Kerr St - Four Laning	7,165,698
9	River St, Upgrade Fisheries Creek Bridge	5,343,911
10	Tamarind Dr, Duplication of North Creek Canal Bridge - Separate Two Lanes	4,007,933
11	River St, Fisheries Ck Bridge to Sthn Interchange of Bypass - Four Laning	9,582,603
11	Other River St Improvements	133,598
12-14	Hutley Drive Extension	15,303,017
15	Bangalow Road / Hogan Street - new Left In / Left Out	667,989

11.5 Section 94 Roads Contribution Plan - Review

Table 4.5 Proposed Works Program Draft Ballina Shire Roads Contribution Plan Version 4.0		
No.	Description	Estimate Cost
16	Angels Beach Drive / Sheather Street - new Left In / Left Out	607,263
16	Angels Beach Drive / Sheather Street - LILO (Land Component)	109,307
18	North Creek Road and Bridge	19,432,402
18	North Creek Road and Bridge	12,145
20	Ross Lane Improvements - West	4,683,750
20	Ross Lane Improvements - East	10,590,659
20	Ross Lane Improvements - East Land Component)	97,162
21	Tintenbar Road / Teven Road - Climbing Lanes	1,943,240
21	Tintenbar Road / Teven Road - Climbing Lanes	1,943,240
21	Tintenbar Road / Teven Road - Climbing Lanes (Land Component)	1,215
23	Tamarind Dr to Southern Cross Drive - Right Turn Ban	157,888
27	North Creek Road / Reservoir Rd / Hutley Dr, Traffic calming -	2,793,408
28a	River Street / Cherry Street Roundabout	1,165,944
28b	River Street / Moon Street Roundabout	1,165,944
29	Tamar Street / Cherry Street Roundabout	643,698
30	Angels Beach Dve / Bangalow Rd Roundabout Lanes Extensions	896,480
31, 33	Ballina Heights Dr	4,858,101
34	Cumbalum - Interchange	3,157,765
35	Sandy Flat Road	3,018,600
37	North Creek Road - Northern 350m joining Hutley Dr & Byron Bay Rd	3,415,082
39	North Creek Rd - Tamarind Dr to Southern Cross Dr, 4 lane	1,436,350
40	Tamarind Dr, 4 lanes Cumbalum to North Ck Rd, 4.15 km	10,627,536
41	Bangalow Rd, additional Lane, 200 m east from Angels Beach Dr	1,249,000
	Total	152,521,254

Apportionment of Works Program Cost

The current 2010 Plan apportioned the cost of works at 70% being due to new development and 30% being caused by existing development.

The apportionment of new road costs in the draft plan has been fully apportioned to future development where the need for a new road link is considered to be due to future development only.

11.5 Section 94 Roads Contribution Plan - Review

Apportionment of costs for upgrades of existing roads have generally been based on the proportion of current and future traffic relative to the threshold warrants for additional lanes. The apportionments has been derived having regard to the principles in "*Development Contributions - Practice Notes, Determining Rates for Different Types of Development*" issued July 2005 by the NSW Department of Infrastructure Planning and Natural Resources.

The basis and formulas for apportionment of works program costs are detailed in Section 4.4 of the attached *Draft Ballina Shire Roads Contribution Plan Version 4.0*.

Total Works Program	\$ 152,521,254
Apportioned to Development	\$ 132,038,780
Apportioned to Council	\$ 20,482,474

Impacts of Proposed Works on Future Traffic Conditions

The modelling of 2036+ traffic on the improved network gives an insight into future traffic conditions in Ballina Shire.

- The busiest Ballina Shire roads will be River Street West Ballina and Tamarind Drive (between North Creek Road and Kerr Street) both carrying around 30,000 vpd. Whilst the volumes are heavy, they remain within the carrying capacity of a 4 lane urban arterial road.
- The model predicts 20,634 vpd on Tamarind Drive between the Pacific Highway Cumbalum interchange and North Creek Road in 2036 which warrants an upgrade to 4 lanes.
- The model demonstrates upgrading of Sandy Flat Road (combined with traffic calming on Ballina Heights Drive) will induce the majority of southbound traffic from CURA B to use Sandy Flat Road and Tamarind Drive in preference to continuing on Ballina Heights Drive through CURA A.
- The model has verified the utility of the North Creek Road and bridge link between Skennars Head Road and Tamarind Drive. This link is predicted to carry over 14,000 vpd to and from Lennox Head South to North Ballina. This link reduces traffic volumes and negates the need for four lane upgrades on the Coast Road south of Skennars Head Road and on Angels Beach Drive. It also eliminates the need to upgrade Skennars Head Road and to install a roundabout at Angels Beach Road/Links Avenue to achieve necessary traffic capacity.
- The Western Arterial works well in tandem with the North Creek Road link above. Heading south from the Tamarind Dr/North Creek Road roundabout, the Western Arterial conveys over 14,000 vpd from Tamarind Drive to River Street (which would otherwise be routed through Ballina Island). The North Creek Road/Western Arterial forms an effective Ballina ring road and with reduced traffic on Ballina Island, four laning of Kerr Street is no longer necessary.

11.5 Section 94 Roads Contribution Plan - Review

- The attraction of the North Creek Road/Western Arterial partially reduces the volume of traffic from Lennox Head and Cumbalum heading north/west to Ross Lane. The modelling indicates the four laning of Ross Lane and the associated Highway overpass west of Dufficys Lane will no longer be necessary as volumes are only predicted to be around 11,000 vpd.
- The Alstonville Bypass will continue to relieve traffic congestion in Alstonville and is predicted to carry almost 15,000 vpd in 2036. Lismore Road between Alstonville and Wollongbar will carry 9,144 vpd.
- The Bruxner Highway west of Wollongbar is predicted to carry over 22,000 vpd in 2036 and almost 20,000 vpd east of Alstonville. These volumes would warrant full upgrading these sections of highway to four lanes. This is a matter for NSW Roads and Maritime Services (RMS) and is outside the scope of the contributions plan review.
- The Ballina Bypass is predicted to carry 10,144 vpd in 2036 compared with just over 7,186 vpd in 2014.
- The new highway bypass west of Wardell is predicted to carry 14,400 vpd in 2036 with only 2,000 vpd using the current highway alignment north of Wardell.
- In 2036 the new four lane Pacific Highway around Newrybar will carry 24,187 vpd and the current highway alignment 1,860 vpd.

The Section 94 Contributions Cap and IPART

The NSW Minister for Planning and Infrastructure Section 94E Direction dated 28 August 2012 as amended by the Minister's direction 16 July 2013 directs that a Ballina Shire development consent condition must not require Section 94 monetary contributions that exceed \$20,000 per residential dwelling/lot or \$30,000 per residential dwelling/lot in Precinct A Cumbalum. This cap applies to the aggregate amount required under all Section 94 Plans that apply to a residential dwelling or lot.

At this time, when issuing consent conditions, the sum of section 94 contributions in Ballina Shire per residential lot/dwelling, if not adjusted, may exceed the Minister's cap. In order to ensure compliance with the Section 94E Direction, Draft *Ballina Shire Roads Contribution Plan Version 4.0* requires a proportional adjustment to all contributions, to ensure the sum of contributions required by a consent condition remain consistent with the Minister's S94E Direction.

The Department of Planning and Infrastructure *Revised Local Development Contributions Practice Note - For the assessment of Local Contributions Plans by IPART - February 2014*, requires contributions plans to be submitted to IPART for review, if new contributions plans propose a contribution level above the relevant cap. The mandated adjustment contained in Draft *Ballina Shire Roads Contribution Plan Version 4.0* will ensure that the cap is not exceeded and that the draft plan does not need to be forwarded to IPART for review.

11.5 Section 94 Roads Contribution Plan - Review

The draft plan will fine tune the existing *2010 Road Contributions Plan* to ensure proposed road network upgrades remain consistent with development and consequent demographic and traffic predictions. It is proposed that *Draft Ballina Shire Roads Contribution Plan Version 4.0* be publically exhibited to amend and replace the existing plan.

Whilst the review has confirmed most of the works schedule items, there have been some significant additions, deletions and amendments. These changes together with the changed demographic projections have not resulted in a significant change to the level of contribution rates.

The current indexed roads contribution per residential lot is \$11,352 and the draft plan proposes a contribution of \$11,369.

Table 7 is a summary of the key areas of change between the current (2010) plan and the draft contributions plan.

Table 7. Ballina Roads Contribution Plan Review - Key Proposed Changes			
Attribute	2010 Plan	2010 Plan with CPI	Draft Version 4.0 (2015)
Contribution /trip end	\$1,569	\$1,760	\$1,762.64
Admin contrib/trip end	\$24	\$26.67	\$26.44
Contrib /house or lot	\$10,123	\$11,352	\$11,369.03
Admin contrib/house or lot	\$154	\$172	\$170.54
Time horizon	2026		2036+
Population growth	19,394		17,463
Dwelling growth	7,183		10,429
Atributable industry trip growth -20%	14,788		18,280
Residential trip growth	46,330		56,629
Total daily trips generated at horizon	61,118		74,910
Works Program	\$139,301,000		\$152,521,254
Portion Charged to Development	\$97,510,700		\$132,038,780
Portion Charged to Council	\$41,790,300		\$20,482,474
Contrib/trip end			\$132,038,780/74,910

Sustainability Considerations

- **Environment**
Provision of an efficient road network for future development will minimise congestion, fuel usage and atmospheric emissions. Roadworks construction items will be required to conform with environmental standards and minimise ecological impacts.
- **Social**
An efficient future road network facilitates social interaction and provision of public and private services for Shire residents.
- **Economic**
An efficient future road network enables the development of new urban areas and the intensification of development in existing urban areas. It facilitates the transportation required for the future economic well being of Ballina Shire.

Legal / Resource / Financial Implications

Section 94 developer contribution plans enable the cost of future trunk road network optimisation to be equitably shared between future development and the existing population. The proposed draft contributions plan will fine tune the works program to better align with future demographic and traffic patterns.

Draft Ballina Shire Roads Contribution Plan Version 4.0 has had regard to the nexus, or relationship, between the expected types of development and the demand for additional public facilities to meet that demand.

It has been prepared in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2000 and Departmental Practice Notes.

Consultation

The Environmental Planning and Assessment Regulation 2000, requires public exhibition of draft contributions plans.

Following exhibition Council must consider any submissions and may approve the plan in the form publically exhibited, approve it with alterations as the Council sees fit or may decide not to proceed with the plan.

Placing the draft plan on public exhibition will enable the public and key stakeholders to assess the proposed contributions plan and associated works program changes and make submissions which Council can assess when the exhibited plan is re-submitted, post exhibition.

Options

1. Place *Draft Ballina Shire Roads Contribution Plan Version 4.0* on public exhibition
2. Take no action to amend the existing *Ballina Shire Roads Contribution Plan 2010*.
3. Amend *Draft Ballina Shire Roads Contribution Plan Version 4.0* prior to placing on public exhibition.

Option 1 "Place *Draft Ballina Shire Roads Contribution Plan Version 4.0* on public exhibition" is the preferred option. It enables the review process to progress, facilitates early stakeholder input and Council retains the option to modify the plan, if deemed appropriate, when it is re-submitted after public exhibition.

RECOMMENDATION

That the *Draft Ballina Shire Roads Contribution Plan Version 4.0*, included as an attachment to this report, be placed on public exhibition, in accordance with Clause 28 of the Environmental Planning and Assessment Regulation 2000 for a period of not less than 28 days.

Attachment(s)

1. 2036+ Model Run Whole of Shire
2. 2036+ Model Run Alstonville, Lennox Head South, Cumbalum, North Ballina
3. 2036+ Model Run Ballina Island
4. Western Bypass Options
5. Draft Ballina Shire Roads Contribution Plan Version 4.0 (Under separate cover)

11.6 Tender - Provision of Group Training Services

11.6 Tender - Provision of Group Training Services

Delivery Program Human Resources and Risk Management

Objective To obtain Council approval to award the tender for Group Training Services

Background

The engagement of trainees and apprentices is an important recruitment and succession planning strategy implemented by Council.

The current program includes engaging trainees and apprentices in a wide range of fields including but not limited to horticulture, water operations, mechanical, electrical, civil construction, carpentry, plumbing and administration. Council utilises the services of a group training organisation to provide a specialised high level of assistance to Council in engagement and developing and implementing all of the training and support requirements associated with fulfilling state training and other legislative requirements. To maintain the current diversity and scope of the trainees and apprenticeship programs, Council requires the support of the dedicated field and training officers provided by the group training organisation.

Since the introduction of the current program in 2003, Council has achieved very successful results in indigenous traineeship and school based traineeship programs. This strategy has also greatly assisted Council to address skills shortages in many trade positions which have been difficult to recruit. Council has been formally recognised for its exceptional achievements with this program.

Tenders were advertised in March 2015 for the Provision of Group Training Services for a three year period. At the close of the tender period on 15 May 2015, five submissions were received. This report provides the outcomes from the tender evaluation process.

Key Issues

- Engage suitably qualified and experienced service provider;
- Award the tender in accordance with the Local Government (General) Regulations 2005.

Information

Tender submissions were received from:

- Australian Training Company
- HVTC Northern Rivers
- MIGAS
- NovaSkill
- Skilled Group

All tenders were initially assessed for conformity with the tender specification. From this assessment all tenders were deemed to be conforming.

11.6 Tender - Provision of Group Training Services

The tender documentation defined four areas, by which each tender would be assessed:

- Total Price - 20%
- Capability – 35%
- Knowledge of Industry – 25%
- Experience & Past Performance – 20%

A tender evaluation panel was established in accordance with Council's procedures and the tenders were assessed against the stated evaluation criteria.

The following is the final rankings of the six tender submissions.

Tenderer	Ranking
HVTC Northern Rivers	1
NovaSkill	2
Skilled Group	3
MIGAS	4

Based on the non-priced assessment criteria, HVTC Northern Rivers was ranked the highest in the evaluation. With regards to the pricing component, it is recognised that all trainees and apprentices are employed in accordance with appropriate Federal Award. Tenderers were required to identify all oncost rates and amounts that will be charged to Council, these costs were shown as a percentage to award rates. HVTC Northern Rivers tendered the lowest percentage rate and therefore are the lowest priced tender.

NovaSkill are the current provider of group training services to Council. Should Council accept the recommendation to this report to award a contract to HVTC Northern Rivers, all current trainees and apprentices will continue to be employed by Novaskill for the term of their traineeship / apprenticeship.

The proposal from HVTC Northern Rivers is considered the best value proposal for Council.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The engagement of trainees / apprentices by Council will increase the available skill base in the Shire and promote employment opportunities for residents.
- **Economic**
The training of trainees / apprentices assists in the delivery of services in the Shire and the skills and production capacity contributes to economic development.

Legal / Resource / Financial Implications

This report is provided to assist Council to meet its statutory requirements in regard to tendering and procurement.

Consultation

A public tender process has been conducted.

Options

In accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, Council must either:

1. *Accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
2. *Decline to accept any of the tenders.*

A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:

- (a) postpone or cancel the proposal for the contract;*
- (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details;*
- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract;*
- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract;*
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender; and*
- (f) carry out the requirements of the proposed contract itself.*

Accordingly

1. Council may award the contract to HVTC Pty Ltd t/as HVTC Northern Rivers to undertake the provision of Group Training Services for Council; or
2. Council may determine not to accept any of the tenders received and invite fresh tenders or alternatively enter into negotiations directly with one or more service providers.

Option two is not recommended as Council has undertaken the tender process in accordance with the Local Government (General) Regulations 2005. The tenders submitted would indicate a fair test of the market and that a fair rate has been achieved representing good value to Council.

Option one is recommended as the preferred option as the tender assessment indicates that a reliable market has been established and the assessment by the evaluation panel has determined the preferred tenderer.

11.6 Tender - Provision of Group Training Services

HVTC Northern Rivers is a long established provider of group training services and currently provides these services to 17 councils in NSW, including several in the Northern Rivers region.

RECOMMENDATIONS

1. That Council accepts the tender for the provision of group training services from HVTC Pty Ltd t/as HVTC Northern Rivers for a three year period.
2. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

Nil

11.7 Policy (Review) - Pesticide Use and Notification Plan

11.7 Policy (Review) - Pesticide Use and Notification Plan

Delivery Program Open Spaces and Reserves

Objective To review the existing policy and plan to ensure the community is informed about pesticide applications made to outdoor public places that are owned or controlled by Council.

Background

All of Council's existing policies are progressively being reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Pesticide Use Policy and related Pesticide Notification Plan.

Council first adopted this policy and plan in November 2010. Copies of the current policy and plan and revised policy and plan are included as attachments to this report. A pesticide fact sheet is also attached.

Key Issues

- Whether the policy meets the requirements of Council and current legislation.

Information

The review of the Pesticide Use Policy and the Pesticide Notification Plan presents an opportunity to update legislative changes, internal procedures and contemporary practices as well as make significant improvements on how the content of the policy is presented.

Pesticides are an effective and economical way of controlling pests in a regulated environment. Their use remains an important method of pest management throughout Ballina Shire.

Feedback from both the community and staff members highlighted that the existing 10 page policy was focused on technical and procedural data, deemed confusing and contained unnecessary information.

Feedback on the existing 16 page plan highlighted that it was also confusing and contained unnecessary information.

The policy and plan review proposes an updated 4 page policy and 7 page plan enabling the community and staff to have an improved understanding of the policy.

The policy content has been edited and updated based on legislative requirements, internal staff and desktop reviews of other Council's policy and plans regarding pesticide use. Both the policy and plan have been rewritten in a new format to improve structure, clarity and relevance.

11.7 Policy (Review) - Pesticide Use and Notification Plan

The key elements of the policy and plan have been retained and condensed with no significant policy or plan changes required.

One such minor change has been the Pesticide Notification Plan being renamed in line with the legislation as the Pesticide Use Notification Plan and recognised as the plan and not as a policy.

An addition to the policy and plan is the allowance for landholders to have roadside pesticide free areas. Landholders such as organic farmers may find this beneficial and may apply to maintain the adjacent roadside themselves and avoid the use of pesticides around their property.

A Roadside Pesticide Free Areas Fact Sheet will guide landowners who wish to maintain the adjacent roadsides. Roadside maintenance needs to address traffic safety, insurance and appropriate methodologies. It is applicable to rural roadsides as urban landowners already maintain their nature strips themselves and may choose whether pesticides are used.

Sustainability Considerations

- **Environment**
The policy and plan ensure pesticides are applied to public places in a safe, responsible manner minimising potential harm to the environment.
- **Social**
The policy and plan ensure pesticides are applied to public places in a safe, responsible manner minimising potential harm to the community. Pesticide use helps meet the community's expectations for aesthetically appealing parks and public facilities.
- **Economic**
Pesticides are used in public places when necessary to eliminate weeds, to protect public property from pest damage and to protect the users of public places from nuisance or danger.

Legal / Resource / Financial Implications

Council has the responsibility to ensure pesticide usage is justified, minimised and the community is duly notified of the usage.

Consultation

Internal consultation has been undertaken with relevant staff members and stakeholders of this policy. It is recommended the policy and plan be placed on public exhibition for further consultation

Options

Council may accept or amend the proposed changes to the policy and plan.

It is recommended that the revised policy, revised plan and fact sheet be placed on exhibition for public comment.

11.7 Policy (Review) - Pesticide Use and Notification Plan

It is also recommended that if no submissions are received from the exhibition process, the policy and plan with fact sheet be adopted with no further actions required.

RECOMMENDATIONS

1. That the amended Pesticide Use Policy and Pesticide Use Notification Plan with fact sheet, as attached to this report, be placed on public exhibition.
2. If no responses are received to the public exhibition, the policy will be considered to be adopted by Council. Any responses received will however be the subject of a further report to Council.

Attachment(s)

1. Policy (Current) - Pesticide Use
2. Policy (Current) - Pesticide Notification Plan (Under separate cover)
3. Policy (Review) - Pesticide Use
4. Policy (Review) - Pesticide Use Notification Plan
5. Fact Sheet - Roadside Pesticide Free Areas

11.8 Policy (Review) - Unused Public Roads - Short Term Leases

11.8 Policy (Review) - Unused Public Roads - Short Term Leases

Delivery Program Asset Management

Objective To review the Unused Roads - Short Term Leases Policy

Background

All of Council's existing policies are progressively being reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Unused Public Roads – Short Term Leases policy.

Council first adopted this policy in February 2007 and subsequently reviewed it in June 2011.

Key Issues

- Whether the policy meets the requirements of Council and current legislation.

Information

This review of this policy identified only minor changes as follows:

- The template for Council policies has changed since this policy was adopted and the new template includes information on definitions, policy history etc.
- Agency names have been updated.

The changes have been marked in yellow.

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

A copy of the amended policy is attached to the report.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
The use of unused public roads can provide an economic benefit to farmers.

Legal / Resource / Financial Implications

11.8 Policy (Review) - Unused Public Roads - Short Term Leases

The leasing of unused public roads can provide some financial return on otherwise unused road and can formalise an existing occupation or use of an unused road.

All costs to establish the lease are met by the applicant and the lease of unused public roads can provide a small financial return for Council.

The leasing process must follow the requirements contained in the Roads Act 1993 to ensure all interested parties are adequately informed.

Consultation

As the changes are only minor it is recommended that Council adopt the policy as presented, however the document will also be exhibited for public comment. If any submissions are received they can be reported back to Council however there will not be a need for any further report if there is no public comment.

Options

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

It is also recommended that if no submissions are received from the exhibition process, the policy be adopted with no further actions required.

RECOMMENDATIONS

1. That the amended Unused Public Roads – Short Term Leases Policy, as attached to this report, be placed on public exhibition.
2. If no responses are received to the public exhibition, the policy will be considered to be adopted by Council. Any responses received will however be the subject of a further report to Council.

Attachment(s)

1. Policy (Review) - Unused Public Roads - Short Term Leases

11.9 Policy (Review) - Contributions For Dust Sealing of Roads

11.9 Policy (Review) - Contributions For Dust Sealing of Roads

Delivery Program Engineering Works

Objective To complete a review of the Contributions for Dust Sealing of Roads Policy.

Background

In 2011 Council adopted a policy entitled Contributions for Dust Sealing of Roads Policy. This policy was prepared to assist staff responding to inquiries about road upgrade requests. In some circumstances, typically when residents were advised that their requested road upgrade was not part of Council's current forecast for programmed works, residents are sometimes interested in providing funds as leverage to advance or complete the work.

The key issue in those circumstances is to identify that Council will not make any contribution to the works. The reason for this is that it is inequitable for those with a capacity or willingness to make a contribution to road works to influence the programming of the allocation of Council funds by virtue of their contribution.

Once a contribution can be established, the policy confirms the process for Council to maintain its interests in respect of the standard and scope of work to be completed.

Key Issues

- The management of voluntary contributions for road works.

Information

To date there is only three examples where residents were able to establish an agreement sufficiently suitable to enable a project to proceed. However the outcomes in each case have been well received and importantly the policy enables staff to clearly communicate Council's position in response to requests of this type.

Other than minor amendments to ensure the policy is set out in a contemporary manner, no changes are recommended for this policy at this point in time.

Sustainability Considerations

- **Environment**
Improved road surfaces can provide reduced environmental impacts from the road network.
- **Social**
The policy enables improved amenity from road services for local residents who elect to make a contribution under the policy.

11.9 Policy (Review) - Contributions For Dust Sealing of Roads

- **Economic**

The policy allows local business and residents to contribute to improving the Shire's road assets and in some circumstances this would represent an economic return on the contribution investment. The policy facilitates an overall increase in the value of the Council's assets.

Legal / Resource / Financial Implications

There are no legal, resource or financial implications in the renewal of this policy.

Consultation

The recommendation to this report is to place the revised policy on public exhibition.

Options

The options for Council include:

1. Rescind the existing policy.

For the reasons discussed in the above report, this is not recommended.

2. Advertise the draft updated policy for public comment.

This is the preferred option. It is also an option for the Council to amend the draft prior to exhibition. As noted above, staff have not identified a need to change the policy context or operation having regard to its operation over the last four years.

RECOMMENDATIONS

1. That the draft update of the Contributions for Dust Sealing of Roads Policy, as attached to this report, be placed on public exhibition.
2. If no responses are received to the public exhibition, the policy will be considered to be adopted by Council. Any responses received will however be the subject of a further report to Council.

Attachment(s)

1. Policy (Review) - Contributions to Dust Sealing of Roads

11.10 Policy (Review) - Backlog Sewer Program

11.10 Policy (Review) - Backlog Sewer Program

Delivery Program Water and Wastewater

Objective To review the Backlog Sewer Program Policy.

Background

Council adopted its Backlog Sewer Program Policy to guide the management arrangements required with this infrastructure development program. The purpose of the program was to provide pressure sewer systems to previously unsewered areas, located on the fringe of the existing sewer area.

Pressure sewer is technology that enables affordable sewer solutions where traditional gravity systems were unable to be feasibly installed. In developing this program, Council's objective was to increase its service level for sewer and importantly seek to reduce or address the environmental and public health concerns regarding the continued operation of onsite sewer treatment systems at certain locations.

The infrastructure delivery phase for this project was completed a number of years ago and the scheme has been operating successfully since that time. Seven catchment precincts were identified for inclusion in the program.

Key Issues

- Review policy relating to backlog sewer program.

Information

As noted, the infrastructure required to support this program was installed some time ago and has been operating successfully since that time.

The policy set out the responsibilities for Council and the property owners in respect of the maintenance and operation of the system. No suggested changes are made in respect of this part of the policy.

The policy also set out contribution arrangements for the costs of the scheme whereby residential properties will pay 20% of the scheme costs over a five year period and commercial properties will pay 100%. The payment scheme for residents has now been completed while there are some outstanding monies for the commercial property. Again, as the policy program has largely been implemented, no changes to the policy are suggested at this point in time.

While the program is completed, the retention of the policy for a further few years is considered helpful for two reasons. Firstly, it is further confirmation that the arrangements for the final outstanding contributions remain in place and secondly, the extent of the scheme is confirmed to the seven precincts identified in the policy.

11.10 Policy (Review) - Backlog Sewer Program

At this point in time staff have not allocated resources to investigating whether there is merit in expanding the original scheme.

While a formal review has not been completed, there does not appear to be any significant appetite from other areas that might be suitable for such scheme.

This can be continued to be monitored through the implementation of the Council's On Site Sewer Management Scheme.

Should the Council adopt this proposed update of the current policy, it will remain open for the Council to initiate a formal review of expanding the scheme at any appropriate time in the future. Council also has an existing Pressure Sewer Policy which enables properties the option to be connected to the sewer, subject to the conditions in the policy, without participation in the backlog program.

Sustainability Considerations

- **Environment**
The backlog sewer program has a primary objective to reduce the risks of environmental issues associated with on site sewer systems.
- **Social**
The backlog sewer system provided an opportunity for certain residences and businesses to improve their level of management for wastewater.
- **Economic**
Improved sewer services are an opportunity for economic development.

Legal / Resource / Financial Implications

There are no further legal, resource or financial implications with the update of this policy.

Consultation

The recommendation to this report is to place the updated policy on public exhibition.

Options

As noted, the program is essentially complete. The purpose of reviewing and retaining the policy is to enable the final completion of the collection of contributions and to confirm to residents the extent of operation for this particular scheme. On this basis, no changes are recommended to the previous policy, however it is considered timely to readvertise the policy to make a contemporary statement of Council's position. It is open to the Council to amend the policy or rescind it.

RECOMMENDATIONS

1. That Council place the draft update of the Backlog Sewer Program Policy, as attached to this report, on public exhibition.
2. If no responses are received to the public exhibition, the policy will be considered to be adopted by Council. Any responses received will however be the subject of a further report to Council.

Attachment(s)

1. Policy (Review) - Backlog Sewer Program (Under separate cover)

12. Public Question Time

12. Public Question Time

13. Notices of Motion

13.1 Rescission Motion - Development Application 2014/609

Councillor Cr Johnson
Cr Johnston
Cr Williams

We, the undersigned Councillors, propose to move the following:

That Resolution 250615/5, as follows, be rescinded:

That Council authorises the General Manager to approve DA 2014/609 as a mixed residential and commercial use, subject to standard conditions, including and subject to the following amendments/conditions:

- 1. That the proposed dwelling houses be independent free-standing buildings contained within their individual strata titled allotments*
- 2. That the design be amended so that it does not facilitate the conversion of the dwelling house to dual key.*

Councillor Jeff Johnson
Councillor Keith Williams
Councillor Ken Johnston

If this rescission motion is successful we intend to move as follows:

That Council accept the proponent's offer to explore the potential of 2 way access to the site entailing a left hand turn from Rutherford Street into Rayner Lane up to the driveway of the site.

Prior to the submission of a Construction Certificate the proponent's civil engineer shall submit to Councils Civil Services Group a plan for 2 way access.

The Civil Services Group shall assess that plan and approve the access (with or without conditions) or refuse the plan within 30 days of receipt.

In the event that the access is approved the proponent shall be responsible for the implementation of the plan within the Rayner Lane road reserve.

In the event the plan is refused, the proponent shall lodge Construction Certificate documentation on the basis of one way only access to the site from Rayners Lane.

COUNCILLOR RECOMMENDATION

That Resolution 250615/5, as follows, be rescinded:

- 1. That Council authorises the General Manager to approve DA 2014/609 as a mixed residential and commercial use, subject to standard conditions,*

13.1 Rescission Motion - Development Application 2014/609

including and subject to the following amendments/conditions:

2. *That the proposed dwelling houses be independent free-standing buildings contained within their individual strata titled allotments*
3. *That the design be amended so that it does not facilitate the conversion of the dwelling house to dual key.*

Attachment(s)

Nil

13.2 Three Storey Buildings and Over Shadowing - Review

13.2 Three Storey Buildings and Over Shadowing - Review

Councillor

Cr Johnson

I move that Council as part of its current review of the Ballina Development Control Plan (DCP) 2012:

1. Include a provision that discourages three storey buildings in residential areas
2. Looks at the 'overshadowing and privacy' provisions with a view to minimising the impacts that new developments have on the surrounding residential area.

Councillor Comment

Council has previously discussed its desire to restrict new dwellings to 2 stories. Under the current height limits (8.5m) it has been possible to design new buildings that contain three stories. The potential for three storey buildings encourages developers to build large bulky dwellings to improve views and maximise floor space. This causes significant overshadowing and a reduction in privacy for existing homes. I don't believe anyone wants to wake up and discover a three storey building 900mm from their property boundary.

While it is conceded that too categorically rule out three storey dwellings would require an LEP amendment, I feel that it's important for Council to stipulate its preferred position in its DCP. If this proposal has wide community support, Council can take the next step and submit a Planning Proposal to the NSW Government to have these provisions included in the Ballina LEP 2012.

As Council staff are currently reviewing the DCP, now is the appropriate time for these matters to be looked at to reduce the likelihood of large bulky three storey buildings from appearing in our residential areas.

COUNCILLOR RECOMMENDATION

That Council as part of its current review of the Ballina Development Control Plan (DCP) 2012:

1. Include a provision that discourages three storey buildings in residential areas
2. Looks at the 'over shadowing and privacy' provisions with a view to minimising the impacts that new developments have on the surrounding residential area.

Attachment(s)

Nil

13.3 Financial Assistance Grants - Restoration

13.3 Financial Assistance Grants - Restoration

Councillor Cr Meehan

I move that:

1. Council acknowledges the importance of federal funding through the Financial Assistance Grants Program for the continued delivery of council services and infrastructure
2. Acknowledges that Council received \$3.7m in 2014/15; and
3. Council will ensure that this Federal Funding, and other funding provided by the Federal Government under relevant programs, is appropriately identified as Commonwealth funding in Council publications, including Annual Reports.

Councillor Comment

Attached is correspondence received from the Australian Local Government Association following my attendance at the recent ALGA conference. The attachment provides all the relevant background information and we all recognise the importance of the financial assistance grant in providing essential Council services.

COUNCILLOR RECOMMENDATIONS

1. Council acknowledges the importance of federal funding through the Financial Assistance Grants Program for the continued delivery of council services and infrastructure
2. Acknowledges that Council received \$3.7m in 2014/15; and
3. Council will ensure that this Federal Funding, and other funding provided by the Federal Government under relevant programs, is appropriately identified as Commonwealth funding in Council publications, including Annual Reports.

Attachment(s)

1. Australian Local Government Association (ALGA) - Restore Financial Assistance Grant

14. Advisory Committee Minutes

14.1 Commercial Services Committee Minutes - 15 July 2015

Attendance

Cr David Wright (Chairperson), Cr Jeff Johnson (arrived at the meeting at 4.10pm), Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Robyn Hordern

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Paul Tsikleas (Manager – Commercial Services), Neil Weatherson (Airport Manager), Leanne Harding (Commercial Property Officer) and Joanne Cordery (Secretary) were in attendance.

1. Apologies

An apology was received from Cr Ben Smith

RECOMMENDATION(Cr Robyn Hordern/Cr Sharon Cadwallader)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

2. Declarations of Interest

Nil.

3. Deputations

4. Committee Reports

4.1 Richmond Christian College Cycleway

RECOMMENDATION (Cr Paul Worth/Cr Robyn Hordern)

That Council not approve the use of the Gallens Road site for the cycleway and that the General Manager write to the College asking that they seek an amendment to their consent to allow the cycleway to be constructed along Tamarind Drive, to the same extent/value as proposed on the Gallens Road site. Council will also consider extending this revised cycleway to then join the existing network.

Cr Jeff Johnson arrived at the meeting at 4.10pm

FOR VOTE - All Councillors voted unanimously.

4.2 Acquisition of Unformed Crown Roads - Ballina Byron Gateway Airport

RECOMMENDATIONS (Cr Keith Johnson/Cr Robyn Hordern)

1. That Council authorises the General Manager to make application to the Department of Trade and Investment Crown Lands to formally close and acquire the 6.604ha of unformed Crown roads at the agreed price, as per the attached plan.
2. The Council's seal is authorised to be placed on any documents pertaining to the closure and acquisition of the unformed crown roads.
3. This expenditure is to be funded from the Airport Miscellaneous Capital Expenditure budget.
4. The land is to be classified as operational land under the Local Government Act, 1993.

FOR VOTE - All Councillors voted unanimously.

4.3 Compulsory Acquisition - Crown Land Ballina Byron Gateway Airport

RECOMMENDATIONS (Cr Paul Worth/Cr Robyn Hordern)

1. That Council proceed with the compulsory acquisition of the land described as Crown land adjoining lot 3 DP 1147805 and adjoining the southernmost part Crown public road east of Lot 213 DP 755684 (see attached plan) for public purposes in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.
2. That Council make application to the Minister for Local Government and/or the Governor for approval to acquire Crown land adjoining Lot 3 DP 1147805 and adjoining the southernmost part Crown public road east of Lot 213 DP 755684 by compulsory acquisition process under the Local Government Act, 1993.
3. The Council's seal is authorised to be attached to any documents relating to this proposed acquisition.
4. This expenditure is to be funded from the Airport Miscellaneous Capital Expenditure budget.
5. The land is to be classified as operational land under the Local Government Act, 1993.

FOR VOTE - All Councillors voted unanimously.

4.4 Land Sale - Lot 90 Cessna Crescent, Ballina

RECOMMENDATIONS (Cr Sharon Cadwallader/Cr Robyn Hordern)

1. That Council approves the sale of Lot 90 DP 1161854 Cessna Crescent, Ballina, as detailed within this report.
2. That Council authorises the Council seal to be attached to the contract for sale and any other related documents including sale transfers.

FOR VOTE - All Councillors voted unanimously.

4.5 Wigmore Arcade Complex - Leasing Update and Roof Replacement

RECOMMENDATIONS (Cr Robyn Hordern/Cr Sharon Cadwallader)

1. That Council notes the contents of this report in respect to the current lease negotiations.
2. That Council authorises the General Manager to call quotations for repairs to the River Street awning for the Wigmore Arcade Complex with \$40,000 to be allocated from the Property Development Reserve to fund this work.
3. That Council receive a report on restricting access along Winton Lane behind Wigmore Arcade.

FOR VOTE - All Councillors voted unanimously.

4.6 Land Acquisition

RECOMMENDATION (Cr Sharon Cadwallader/Cr Robyn Hordern)

That Council notes that a confidential report has been included in this agenda in respect to a strategic land purchase.

FOR VOTE - All Councillors voted unanimously.

4.7 Commercial Projects - Year in Review and Work in Progress

RECOMMENDATION (Cr Paul Worth/Cr Sharon Cadwallader)

That Council notes the contents of this report in respect to commercial projects completed during 2014/15 and in progress for 2015/16.

FOR VOTE - All Councillors voted unanimously.

5. Confidential Session

RECOMMENDATION (Cr Robyn Hordern/Cr Sharon Cadwallader)

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.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 5.01pm).

Open Council

RECOMMENDATION

That Council move into Open Council and out of Committee of the Whole. (Cr Keith Johnson/Cr Susan Meehan)

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Open Council at 5.24pm).

The General Manager reported to the Open Meeting the recommendations made while in Confidential Session:

5.1 Land Sale Price - Lot 90 Cessna Crescent, Ballina

RECOMMENDATION (Cr Paul Worth/Cr Robyn Hordern)

1. That Council approves the sale price and terms, negotiated for Lot 90 DP 1161854 Cessna Crescent, Ballina as per Option One of this report.
2. That a further report be presented to Council regarding the possibility of rezoning the land of Cessna and Boeing Avenues.

FOR VOTE - All Councillors voted unanimously.

5.2 Wigmore Arcade Complex - Leasing Update Terms

RECOMMENDATIONS (Cr Sharon Cadwallader/Cr Keith Johnson)

1. That Council authorises the General Manager to finalise negotiations with the prospective tenant for Shop 3 Wigmore Arcade, based on the terms and conditions outlined within this report.
2. That Council authorises the Council seal to be attached to any lease documentation.

FOR VOTE - All Councillors voted unanimously.

5.3 Land Acquisition – Details

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

That Council continue to investigate the acquisition of the subject site.

The **Motion** was **LOST**.

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader and Cr Ken Johnston
AGAINST VOTE - Cr David Wright, , Cr Susan Meehan, Cr Keith Johnson, Cr Paul Worth and Cr Robyn Hordern

RECOMMENDATION

(Cr Keith Johnson/Cr Susan Meehan)

That Council notes the contents of this report in respect to strategic land acquisitions.

FOR VOTE - Cr David Wright, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth and Cr Robyn Hordern
AGAINST VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader and Cr Ken Johnston.

Adoption of Recommendations from Confidential Session

RECOMMENDATION (Cr Jeff Johnson/Cr Sharon Cadwallader)

That Council adopt the recommendations made in Confidential Session.

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

5.25pm.

RECOMMENDATIONS

That Council confirms the minutes of the Commercial Services Committee meeting held 15 July 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 June 2015 Ordinary meeting are as follows.

Date	Function
26/6/15	Blackwater Information - University
27/6/15	Visit to the Ballina Community Garden
27/6/15	Pop Denison Park – Drop-In Session
27/6/15	Alstonville Rotary Changeover Dinner/Reunion - 150 th Celebration
28/6/15	Tintenbar Tennis
2/7/15	Skullcandy Oz Grom Open – Set-Up
2/7/15	Shark Attack – Media – Skullcandy consequences
3/7/15	Skullcandy Oz Grom Open – Shark Incident
4/7/15	Skullcandy Oz Grom Open
4/7/15	Matthew Lee Community Board Signing
5/7/15	Skullcandy Oz Grom Open
5/7/15	Ballina Rotary Changeover
5/7/15	Skullcandy Oz Grom Open – Hotel Function
6/7/15	NAIDOC Week Walk
6/7/15	Meeting with Tony Gilding and Planners
6/7/15	Briefing - Richmond River Eco – Health Report
7/7/15	Skullcandy Oz Grom Open
7/7/15	NBIRS – Vocational Intervention Program Launch
7/7/15	Alstonville Wollongbar Chamber Meeting
7/7/15	150th Anniversary Alstonville Committee
8/7/15	Skullcandy Helicopter Observation
8/7/15	Skullcandy Oz Grom Open
8/7/15	Meeting Childcare Centre
8/7/15	Presentation – Skullcandy Oz Grom Open
9/7/15	Opening – Stacks – the Law Firm
9/7/15	'C' Ward Committee
10/7/15	NSW Coroner – Shark Fatality Meeting
10/7/15	Meeting 150 th Alstonville Parade Meeting
10/7/15	GM Performance Review
12/7/15	Ballina Fine Wine and Food Festival
12/7/15	Lennox Head Markets
12/7/15	Alstonville Markets
13/7/15	Meeting with staff and South Ballina residents
13/7/15	Consideration of Hall and Community Donations
13/7/15	Community Meeting for New High School
14/7/15	Meeting – Shark Mitigation – Surf Club
14/7/15	'A' Ward Committee
15/7/15	Meeting – Wendy Channon - Markets
15/7/15	Wardell – Telstra
15/7/15	Commercial Services Meeting
15/7/16	Lois Cook – Babe in the Woods - Gallery
16/7/15	Port Ballina Taskforce
17/7/15	Tree Planting – Kingsford Smith
20/7/15	Meeting – Nick Mercer
20/7/15	'B' Ward Committee
21/7/15	Meeting at Surf Club – Shark Sighting Protocol
21/7/15	United Hospital Auxiliaries – Annual General Meeting
21/7/15	Ballina East Lions Children of Courage Awards

15.1 Mayoral Meetings

21/7/15	Jobs' Summit – Tamara Smith
22/7/15	Council Briefing – Section 94 Roads Contribution
22/7/15	Ballina High School Re-Development
22/7/15	Goonellabah-Wollongbar Lions Changeover Dinner
23/7/15	Council Meeting
23/7/15	Gallery Launch
24/7/15	Launch – Ecohealth Report – Fishery Creek
24/7/15	Blanchie
30/7/15	Seminar – Statewide Mutual Integrity
30/7/15	Ballina on Richmond Rotary – Guest Speaker

RECOMMENDATION

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

Attachment(s)

Nil

15.2 General Manager - Performance Appraisal Process

15.2 General Manager - Performance Appraisal Process

Councillor

David Wright

Background

The General Manager's Performance Review Committee (PRC) comprises the Mayor and the Deputy Mayor as determined by Council. The PRC met with the General Manager on Friday 10 July 2015 to perform the twelve monthly performance review for the 2014/15 financial year. The primary purpose of this report is to confirm that a confidential report has been included later in this agenda in respect to the annual performance appraisal for the General Manager.

Key Issues

- Compliance with the General Manager's contract

Information

Council is legally obliged to fulfil its contractual obligations with the General Manager. This includes a 12 monthly appraisal.

Council also has a number of options in managing the appraisal process. Some councils use the whole council to conduct the appraisal while other councils vary this from the Mayor only to any sub-component of the elected council. The Council and/or General Manager also have the option of utilising an external consultant to assist. Almost all of these options have been trialled by Council and the most effective process to date has been to use a small sub-committee (i.e. Mayor and Deputy Mayor) with all the Councillors then having an opportunity to comment when this report is presented to Council.

Consultation

The actual performance appraisal report has been listed as confidential as it involves personnel matters.

Options

This report is for noting only with the confidential report providing the performance appraisal.

RECOMMENDATION

That Council notes the contents of this report providing an overview of the General Manager Performance Appraisal process.

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 General Manager - Performance Appraisal

This report contains information relating to as the discussion may relate to personal matters regarding the employee's performance.

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 General Manager - Performance Appraisal

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 discussion may relate to personal matters regarding the employee's performance.