



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 27 August 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.

Table of Contents

1.	Australian National Anthem	1
2.	Acknowledgement of Country	1
3.	Apologies.....	1
4.	Confirmation of Minutes.....	1
5.	Declarations of Interest and Reportable Political Donations.....	1
6.	Deputations	1
7.	Mayoral Minutes	1
8.	Development and Environmental Health Group Reports.....	2
8.1	Environmental Planning and Assessment Act - Amendments	2
8.2	Development Consent and Public Infrastructure Approvals - July 2015	8
8.3	Development Applications - Works in Progress - August 2015	10
9.	Strategic and Community Facilities Group Reports.....	17
9.1	Ballina Shire Development Control Plan - Amendment No 6	17
9.2	Wardell Planning and Environmental Study - Exhibition	22
9.3	Koala Plan of Management	29
9.4	Alstonville Farmers' Market and Ballina Twilight Market.	36
9.5	Ballina Naval and Maritime Museum - Timber Vessels	41
9.6	Policies on Use of Public Land - Style and Content Review	45
10.	General Manager's Group Reports	53
10.1	Use of Council Seal	53
10.2	Investment Summary - July 2015	55
10.3	Rates and Charges Write Offs - 2014/15	60
10.4	Ferry - Bicycle Fees	63
10.5	Budgets Carried Forward and Reserve Movements	68
10.6	Councillor Expenses - Claim	83
10.7	Policy (Review) - Councillor Expenses and Facilities	85
11.	Civil Services Group Reports.....	87
11.1	Shark Mitigation Strategy	87
11.2	Permit Parking - 12 Shelly Beach Road	91
11.3	Alcohol Free Zones - Ballina and Wardell	96
11.4	Ballina Heights Drive - Contract Variation Claim	99
11.5	Tender - Cabbage Tree Island - Pump Station Augmentation	101
11.6	Tender - Supply and Delivery of Pre-Mixed Concrete	104
11.7	Tender - Provision for Sprayed Bituminous Surfacing	108
12.	Public Question Time.....	111
13.	Notices of Motion.....	112
13.1	Notice of Motion - Youth Outreach Programs	112
13.2	Notice of Motion - A Community Poll on Fluoride	113

14.	Advisory Committee Minutes	115
15.	Reports from Councillors on Attendance on Council's behalf	116
	15.1 Mayoral Meetings	116
16.	Questions Without Notice	118
17.	Confidential Session	119
	17.1 Ballina Heights Drive - Contract Variation Claim - Financial Details	119
	17.2 Tender - Supply and Delivery of Pre-Mixed Concrete - Pricing	120
	17.3 Tender - Provision of Sprayed Bituminous Surfacing - Pricing	120

1. Australian National Anthem
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 3. Apologies
 4. Confirmation of Minutes
 5. Declarations of Interest & Reportable Political Donations
 6. Deputations
 7. Mayoral Minutes
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1. Australian National Anthem

The National Anthem will be performed by Councillors.

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 23 July 2015 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 July 2015.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 Environmental Planning and Assessment Act - Amendments

8. Development and Environmental Health Group Reports

8.1 Environmental Planning and Assessment Act - Amendments

Delivery Program Development Services

Objective To provide Council with an update on changes to the Environmental Planning and Assessment Act in relation to increased penalties and other planning provisions.

Background

The *Environmental Planning and Assessment Amendment Act 2014* (Amendment Act) was passed by the NSW Parliament on 19 November 2014. The Amendment Act introduces significant reforms to the offences, penalties and enforcement regime under the *Environmental Planning and Assessment Act 1979* (Act).

Key Issues

- Substantially increased maximum penalties for offences under the Act

Information

Most of the new provisions in the Amendment Act and Amending Regulation relate to the new offences, penalties and enforcement regime and commenced on 31 July 2015. The main areas of change within the legislation are:

- the revised penalty notice offences and amounts
- the introduction of a three tier offence regime for prosecution of breaches
- the change in investigational powers for Council officers
- extension to the time for the commencement of legal proceedings
- alternative sentencing options for the Land and Environment Court
- extensions to Utilities Orders and
- the introduction of:
 - the offence of providing false or misleading information in connection with a planning matter and
 - the definition of 'persons associated with each other' for the purposes of disclosure of political donations and gifts.

Penalty Notice Revision

The purpose of the *Environmental Planning and Assessment Amendment (Offences and Enforcement) Regulation 2015* (Amending Regulation) is to support the provisions of the Amendment Act relating to offences, penalties and enforcement. The Amending Regulation includes savings and transitional provisions for the Amendment Act. Most significantly it includes a revised schedule of penalty notice offences consistent with the new penalty regime under the Amendment Act.

8.1 Environmental Planning and Assessment Act - Amendments

Currently the penalty notices that Council can issue for identified breaches of development consent or for works carried out without development consent are to the value of \$3,000 (to corporations) and \$1,500 (to individuals) for the same offences.

Under this legislative change, Council and Police officers will be able to issue penalty notices of up to \$6,000 (to corporations) and up to \$3,000 (to individuals) for the same offences.

These changes came into effect on 14 August 2015 for offences committed on or after this date and work in conjunction with the three tier offence regime outlined below.

Three Tier Offence Regime

Currently the Act provides a maximum penalty on conviction in the Land and Environment Court of \$1.1 million dollars and the Act is silent on the difference between a corporation and that of an individual.

The Amendment Act introduces a new three tier system of penalties for offences, classified according to the severity of the offence. The Amendment Act also introduces new maximum penalties for each of those offences and defines the difference between a corporation and an individual.

Tier 1 - This Tier applies where it is established that an offence was committed **intentionally** and caused, or was likely to cause, significant harm to the environment or the death of, or serious injury to, a person. These offences may include carrying out development without approval or breaching conditions of approval. The new maximum penalties are:

- \$5 million for corporations, with a further \$50,000 for each day the offence continues and
- \$1 million for individuals, with a further \$10,000 for each day the offence continues.

Tier 2 – This Tier applies to most offences against the Act. It includes offences such as carrying out development without approval, or breaching conditions of approval where the offences were committed **unintentionally** (i.e. without the aggravating factors of a Tier 1 offence). Some offences which previously attracted a lower maximum penalty will now be Tier 2 offences, such as occupying or changing the use of a building without an occupation certificate. The maximum penalties are:

- \$2 million for corporations, with a further \$20,000 for each day the offence continues and
- \$500,000 for individuals, with a further \$5,000 for each day the offence continues.

Tier 3 – This Tier applies to lesser procedural and administrative-related offences (for example, knowingly providing false or misleading information in an environmental monitoring or audit report). The maximum penalties are:

- \$1 million for corporations, with a further \$10,000 for each day the offence continues; and
- \$250,000 for individuals, with a further \$2,500 for each day the offence continues.

8.1 Environmental Planning and Assessment Act - Amendments

The new maximum penalties for offences under the Act commenced on 31 July 2015 and apply to offences committed on or after this date.

Increased Investigation Powers for Council Officers

Previously, there have been differences between the investigational powers for a local Council investigation officer and those for Compliance and Investigation Officers with the Department of Planning and Environment. The powers of the Department Officers are now available to Council staff through this legislative change.

These include the powers to:

- enter non-residential premises without first giving written notice to the owner or occupier
- require information or records for the purposes of an investigation, whether or not the officer is also entering premises and
- seize items that an investigation officer suspects are connected with an offence.

Under these new powers, Council investigation officers may also enter residential premises with written notice to the owner or occupier. Council officers may apply the new investigative powers to all existing and new investigations from 31 July 2015.

Extension to Prosecution Time Frames

The Amendment Act will provide the ability for Councils to be able to prosecute offences within two years of an offence coming to a Council investigation officer's attention, rather than within two years of the date the offence was actually committed. This extension to prosecution timeframes commenced on 31 July 2015.

Alternative Sentencing Solutions

The Land and Environment Court will have a range of alternative sentencing options available to apply to guilty criminal offenders whose sentences have not yet been determined.

These new alternate sentencing solutions are consistent with those that already exist in the *Protection of the Environment Operations Act 1997* and the Court will be able to impose various orders in addition to, or as an alternative to, a monetary penalty for planning offences. These will include orders:

- to prevent, control, abate or mitigate any harm to the environment caused by the commission of the offence, including orders to reverse or rectify any unlawful development or activity related to the commission of the offence
- enabling a public authority to recover certain costs and expenses it has incurred as a result of the commission of the offence
- requiring the offender to pay back any monetary benefits gained by committing the offence

8.1 Environmental Planning and Assessment Act - Amendments

- requiring the offender to give public notice of the offence, for example in local or regional newspapers
- requiring the offender to carry out public environmental projects or social or community activities for the benefit of affected communities and
- requiring the offender to attend training or other courses.

A Court Order to carry out an environmental restoration or enhancement work or program can also be supported by requiring financial assurances from the offender for the work or program.

Previously to achieve this outcome, Council would need to commence two distinct sets of legal action, with Class 5 (Criminal) Proceedings and Class 4 (Civil) Proceedings to achieve a monetary penalty as well as restoration orders and cost recovery.

These alternate sentencing solutions commenced on 31 July 2015.

Utilities Orders

A Utilities Order directs water, electricity or gas providers to cease servicing the premises.

The Act currently enables the Local Court and the Land and Environment Court to issue utilities orders to illegal brothels where the owner or operator has failed to comply with a brothel closure order.

Whilst these powers have been in existence for a number of years, it is pleasing to note that this Council has not had to access these sections of the Act previously.

The changes made by the Amendment Act expand the power of the Land and Environment Court to issue Utilities Orders against people who fail to comply with orders to cease the use of premises as backpackers' or boarding house accommodation.

These amendments commenced on 31 July 2015.

False and Misleading Information and Public Disclosures

The Amendment Act creates a new offence under the Act of providing information in connection with a planning matter that the person knows, or ought reasonably to know, is materially false or misleading and clarifies that a person who provides information in connection with a planning matter may include:

- an applicant for a consent, approval or certificate under the Act
- a consultant engaged by an applicant
- a proponent of proposed development who provides information in connection with a formal request to a planning authority for the making of an environmental planning instrument in relation to the proposed development and
- a person who provides information required because of a condition of development consent, a transitional Part 3A project approval or a State significant infrastructure approval (other than a monitoring or audit report required under section 122C).

8.1 Environmental Planning and Assessment Act - Amendments

These provisions come into effect for matters on or after 30 September 2015.

The Public Disclosure amendments seek to clarify the definition “persons associated with each other” to include directors of related companies, as well as related companies.

The new definition of “persons associated with each other” applies to all disclosures of reportable political donations and gifts made on and from 30 September 2015, whether the relevant planning application or public submission was made before or after 30 September 2015.

Sustainability Considerations

- **Environment**
Prosecutions may relate to environmental, social and economic outcomes.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

These legislative changes will not impact on or require changes to the current processes and procedures that Council utilises when investigating unauthorised and non-compliant land uses.

The doubling of penalty notices that can be issued by Council staff from \$3,000 to \$6,000 for a corporation and \$1,500 to \$3,000 for an individual may result in more penalty notice appeals.

Council currently has a contractual agreement with the State Debt Recovery Office who process Council's penalty notices.

Currently, when a land use matter has been investigated and a penalty notice has been issued, there are a number of options available to the recipient.

Should the recipient elect to have the matter heard in the local Court, Council's contractual agreement with the State Debt Recovery Office provides that Council is represented by the NSW Police Prosecutors for the first mention, for all guilty pleas and for hearing matters for traffic and parking offences, at no additional cost to Council.

There is no proposed change to this agreement.

If a recipient of a penalty notice for a land use or non-traffic matter enters a plea of not guilty, the matter is set down for hearing and at that time Council would need to instruct solicitors from the Legal Panel.

8.1 Environmental Planning and Assessment Act - Amendments

Council has been very successful in prosecuting not guilty pleas on penalty notices and has been able to recoup around 90% of the professional legal costs associated with these types of prosecutions.

Consultation

The Department has consulted widely across the State in relation to these changes. Council did lodge a submission suggesting and endorsing a number of these changes, which are the subject of this report.

Options

This report is for noting only.

RECOMMENDATION

That Council notes the contents of this report regarding amendments to the Environmental Planning and Assessment Act.

Attachment(s)

Nil

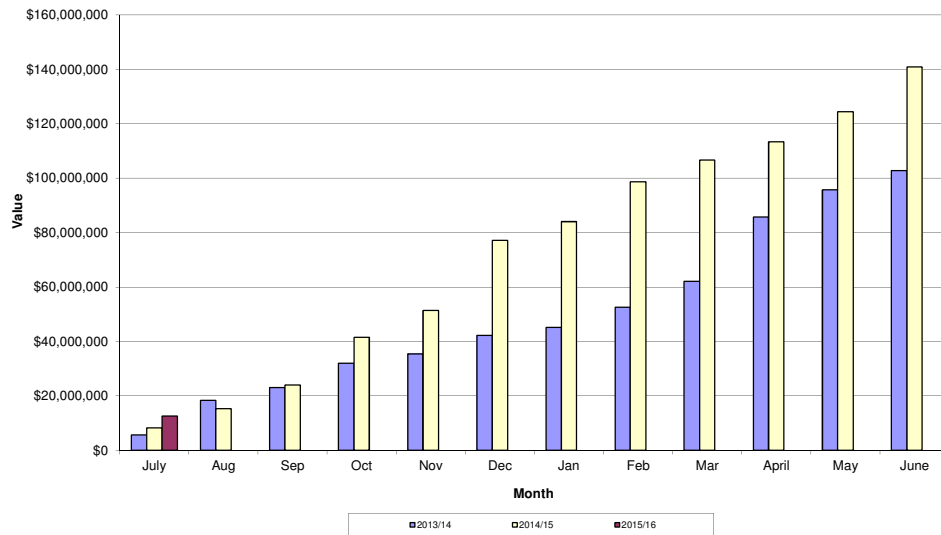
8.2 Development Consent and Public Infrastructure Approvals - July 2015

8.2 Development Consent and Public Infrastructure Approvals - July 2015

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

Number of Applications	Value of Work
36 Other Building Related	\$ 1,929,000
17 Dwelling/Duplexes/Residential Flat Buildings	\$ 10,627,600
5 General Developments	\$ 5,000
Total Value	\$ 12,561,600

The following chart details the cumulative consent figures for 2015/16 as compared to 2014/15 and 2013/14.



During the period of 1 July 2015 to 31 July 2015 the Development and Environmental Health Group issued Public Infrastructure / Civil Construction Works comprising of:

Number of Applications	Value of Work
0 Public Infrastructure / Civil Construction	\$0
Total Value	\$0

8.2 Development Consent and Public Infrastructure Approvals - July 2015

RECOMMENDATION

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 July 2015 to 31 July 2015.

Attachment(s)

Nil

8.3 Development Applications - Works in Progress - August 2015

8.3 Development Applications - Works in Progress - August 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
2015/34	30/01/2015	Northern Rivers Surveying Pty Ltd	Two Lot Subdivision to create 1 x 40.9 and 1 x 48.55 hectare allotments - 145 Brooklet Road, Newrybar	Awaiting Additional Information
2015/138	26/3/2015	Civiltech Consulting Engineers	To undertake coastal protection works along the eastern boundary of the subject allotments comprising a dry rock retaining wall, removal of vegetation and filling of land – 2 Skinner Street, Ballina	Awaiting Additional Information
2015/150	31/3/2015	Ardill Payne & Partners	To undertake the establishment of a Bed and Breakfast Facility – 341 South Ballina Beach Road, South Ballina	Awaiting additional information.
2015/211	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
2015/259	19/05/2015	Newton Denny	Change of Use – Education	Being Assessed

8.3 Development Applications - Works in Progress - August 2015

		Chapelle	Establishment to Offices – 78B Main Street, Alstonville	
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	Being Assessed
2015/297	12/06/2015	Civiltech Consulting Engineers	Boundary adjustment subdivision to create one x 10.3ha and one x 4.2ha allotments – 1071 Tamarind Drive, Tintenbar	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)	Determination Pending
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 – 1 Johnston Road, Newrybar	Awaiting Additional Information
2015/301	15/6/2015	Ardill Payne & Partners	Two lot boundary adjustment subdivision – 300 Old Byron Bay Road & 76	Determination Pending

8.3 Development Applications - Works in Progress - August 2015

			Phillips Road, Newrybar	
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	Awaiting Additional Information
2015/305	15/06/2015	Ron Johnson	Establishment of a Bed and Breakfast Facility – 412 Friday Hut Road, Brooklet	Referred to Government 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 - 175 Tamar St, Ballina.	Awaiting Additional Information
2015/318	23/06/2015	NSW Public Works	Installation of Electricity Supply Industry Teaching Infrastructure – 61 Sneaths Road, Wollongbar	Referred to Government Departments
2015/328	30/06/2015	Newton Denny Chapelle	Change of Use – Office to Medical Centre (Ophthamology Clinic) - 7/31-	Being Assessed.

8.3 Development Applications - Works in Progress - August 2015

			35 Cherry Street, Ballina	
2015/344	08/7/2015	M G Hajjar	Two Lot Industrial Subdivision – 7 North Creek Road, Ballina	Determination Pending
2015/345	08/7/2015	Edgley Attractions Moscow Circus	To conduct The Great Moscow Circus from 16 November 2015 to 29 November 2015 with associated temporary structures and on-site carparking – 27-37 Kalinga Street, Ballina	Referred to Government Departments
2015/351	15/7/2015	Newton Denny Chapelle	To undertake a residential subdivision comprising 22 residential lots and associated infrastructure works, earthworks and vegetation clearing - Plateau Drive & 93 Rifle Range Road, Wollongbar	On Exhibition
2015/359	21/7/2015	J Piercy-Ballina Rego & Mechanical Centre	Change of Use to a Vehicle Repair Station – 4-8 Hogan Street, Ballina	Determination Pending
2015/364	23/7/2015	Ballina Shire Council	Alterations & Additions to Existing Resource Recovery Centre – 167 Southern Cross Drive, Ballina	Being Assessed
2015/373	27/7/2015	MJ Lacey	Strata Title Subdivision of an Approved Dual Occupancy – 18 Chilcott Circuit,	Referred to Government Departments

8.3 Development Applications - Works in Progress - August 2015

			Cumbalum	
2015/377	28/7/2015	Complex Field Pty Ltd	Subdivision of Two Lots into Four Residential Lots – 51 & 53 Blue Seas Parade, Lennox Head	On Exhibition
2015/387	31/7/2015	Milestone (Aust) Pty Ltd	Installation of New Business Identification Signage (Dan Murphy) - 89-93 Kalinga Street, West Ballina	Being Assessed
2015/393	4/8/2015	Ardill Payne & Partners	Alterations and Additions to the Ballina RSL Club – First Floor Renovations - 238-240 River Street, Ballina	Referred to Government Departments
2015/398	5/8/2015	D Kilpin	Erection of a 2 nd Tourist and Visitor Accommodation Unit – 320 Picadilly Hill Road, Newrybar	Awaiting Additional Information
2015/401	7/8/2015	Y Alizadeh	Vegetation Management Works comprising the Removal of One x Silky Oak Tree - 38 Sandstone Crescent, Lennox Head	Determination Pending
2015/403	7/8/2015	Newton Denny Chapelle	Shopping Centre including Woolworths Supermarket and Specialty Shops, Ballina Heights – Ballina Heights Drive & Euroka Street, Cumbalum	On Exhibition

8.3 Development Applications - Works in Progress - August 2015

2015/409	11/08/2015	Ardill Payne & Partners	Alterations & Additions to Existing Residential Aged Care Facility (Crowley Village) -	On Exhibition and Referred to Government Departments
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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	JRPP Determination Meeting held 21/8/2015
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
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

8.3 Development Applications - Works in Progress - August 2015

Major Development (Determined by Minister)

Major Project No./DA No.	Date Rec'd	Applicant	Proposal	Status
SSD-6422	8/12/2014	Holcim (Australia) Pty Ltd	Expansion of Existing Quarry involving the extraction and processing of up to 500,000 tonnes per annum of hard rock for 30 years and recycling and processing up to 10,000 tonnes per annum of concrete - Stokers Lane, Teven	Approved by Dept of Planning & Environment 15 July 2015

RECOMMENDATION

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

Attachment(s)

Nil

9.1 Ballina Shire Development Control Plan - Amendment No 6

9. Strategic and Community Facilities Group Reports

9.1 Ballina Shire Development Control Plan - Amendment No 6

Delivery Program Strategic Planning

Objective To advise the Council in relation to the annual review of the Ballina Shire Development Control Plan 2012 and to seek direction in relation to the public exhibition of proposed amendments.

Background

At its Ordinary Meeting held on 20 December 2012, the Council resolved to adopt the Ballina Shire Development Control Plan 2012 (DCP) (Minute No. 201212/13). The DCP commenced operation in conjunction with the *Ballina Local Environmental Plan 2012* (LEP) on 4 February 2013.

Since the initial adoption of the DCP five amendments have been approved by the Council including two general amendments resulting from an annual review process. The most recent amendment of the DCP was approved by the Council at its Ordinary Meeting held on 28 May 2015 and resulted in the incorporation of new flood plain management provisions within DCP Chapter 2b - Flood Plain Management.

The DCP is reviewed at least on an annual basis and identified issues are researched and addressed through this review process. This ensures that the DCP is able to remain a contemporary and evolving document which is responsive to development issues and changing Council policy in an optimal manner.

Issues addressed within this report include:

- Review of stormwater management provisions contained within Chapter 2 - General and Environmental Considerations,
- Initial review of Chapter 2b Floodplain Management to correct minor errors and anomalies and commence the process of document simplification as resolved by the Council,
- Initial review of Precinct D controls contained within Chapter 6c Commercial Development Lennox Head,
- Consolidation of car parking and access requirements within Chapter 2 - General and Environmental Considerations, and
- Correction of a number of minor errors and anomalies in various DCP chapters.

Key Issues

- Review of applicable development controls/guidelines.
- Public exhibition of Draft Amendment No. 6 to the *Ballina Shire Development Control Plan 2012*.

Information

Details of proposed amendments to be included in Draft Amendment No.6 are contained within Attachment One to this report. Proposed amendments of more significance are discussed below:

Chapter 2 - General and Environmental Considerations 3.9 Stormwater Management

The existing provisions have been found to be overly prescriptive and to lack sufficient flexibility to enable consideration of alternatives that may otherwise meet the objectives of specific controls. The approach taken has been to redraft controls based on performance criteria.

The majority of specific controls would be contained within a document separate from the DCP known as the *Ballina Shire Council Stormwater Management Standards for Development* which is intended to become the primary reference standard. The preparation of this document is now nearing completion and, when finalized, will replace the *Northern Rivers Local Government Development and Design Manual* which would become a secondary reference standard.

The main advantage associated with the above approach is that stormwater-related technical documentation is then able to be updated and amended more frequently as required.

Existing exception provisions relating to on-site detention, which apply to dwelling houses and secondary dwellings, are proposed to be maintained and also extended to incorporate certain dual occupancy development proposals.

As stated above, the aim of these changes is to increase flexibility for proponents to enable alternative solutions to achieve the stormwater management outcomes sought.

Chapter 2 - General and Environmental Considerations 3.19 Car Parking Requirements

Car parking and access requirements are currently not consolidated in the one location within the DCP. Whilst Chapter 2 contains the majority of more general provisions, additional location-specific provisions are contained in DCP chapters 4, 5, 6a, 6b, 6c, 6d, 7 and 8. It is proposed that all car parking and access requirements contained elsewhere in the DCP be consolidated within Chapter 2. Individual DCP chapters will continue to reference location-specific car parking and access requirements for completeness.

This amendment is designed to remove confusion and provide greater clarity over applicable car parking rates and access requirements.

Chapter 2 - General and Environmental Considerations 3.19 Car Parking Requirements - Clause 3.19.3 iv

This clause contains a requirement that new commercial and industrial development or tourist and visitor accommodation, that has an aggregate floor area of greater than 500m², makes provision for parking for people with disabilities to be covered by a waterproof roof or awning structure. It is proposed to extend these provisions to incorporate new public car parks containing 20 or more spaces where the need for designated disabled parking spaces is triggered.

The application of the covered car parking requirement brings a degree of uniformity to provisions applicable to both the private and public sectors. It is noted that car parking constructed by or on behalf of a public authority is in many cases exempt development under the provisions of the Infrastructure State Environmental Planning Policy. Therefore the proposed DCP provision may have limited impact.

Chapter 2b - Floodplain Management

The Council, at its Ordinary Meeting held on 28 May 2015 [Minute No 280515/1] adopted the revised Ballina Shire 2012 DCP Chapter 2b - Floodplain Management. This was subject to the document being amended to retain the *minimum* fill levels as per the then existing provisions for land where the year 2050 climate change conditions were proposed to be applied. Chapter 2b was subsequently amended and came into effect on 1 July 2015.

Retention of the previous minimum fill levels, instead of levels based on the most recent flood modelling for the 1 in 100 year flood, where 2050 climate change conditions applied, resulted in a difference of approximately 100mm for many parts of Ballina Island. That is, minimum fill levels were set 100mm lower than levels that would otherwise be required. The applicable design floor level is, however, required to meet the new 2050 1 in 100 year flood level plus 500mm freeboard.

The setting of a minimum fill level may not result in the outcomes intended by the Council when retaining existing fill level provisions. Minimum fill levels may be exceeded voluntarily by individual property owners/developers, as was the case under previous controls. Sites were routinely filled to incorporate part of the freeboard requirement, above the minimum level, as this facilitated slab on fill construction. This then exacerbated level differences between adjoining sites.

To overcome the potential for the minimum fill level to be exceeded it is proposed to delete the reference to a minimum fill level for infill sites and rename this as a *required* fill level. The *required* fill level would act as both a minimum and maximum level. It is envisaged that this may result in a move away from slab on ground construction to construction types incorporating piers and raised timber floors.

Whilst the above change will go some way towards encouraging more resilient housing designs (designs able to adapt to potential climate change induced sea level rise), it will nevertheless result in more expensive construction. This is because many sites will still require significant filling, including associated retaining walls, to achieve the *required* fill level.

Sustainability Considerations

- **Environment**

The DCP establishes local planning policy in relation to a variety of environmental, social and economic considerations. Specifically, it establishes direction for development outcomes within the shire. As such, the DCP provides an opportunity for Council to address a wide range of sustainability considerations in relation to development. The implementation of Draft Amendment No. 6 to the DCP will improve the application of these sustainability considerations.

- **Social**

As above.

- **Economic**

As Above.

Legal / Resource / Financial Implications

The preparation of Draft Amendment No. 6 to the Ballina Shire Development Control Plan 2012 will be undertaken in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act) and its associated Regulation. The amendment can be completed within existing available staff and financial resources.

Consultation

A number of the proposed amendments have resulted from direct feedback from both internal and external sources following the commencement and operation of the DCP.

If the public exhibition of the Draft Amendment No. 6 to the DCP is endorsed by the Council, a public exhibition over a period of at least 28 days duration will be undertaken in accordance with the requirements of the EP&A Act and associated Regulation.

Options

1. Endorse Draft Amendment 6 to the Ballina Shire Development Control Plan 2012 for public exhibition.

This approach would involve the public exhibition of Draft Amendment No. 6 to the DCP, either generally as presented in this report to the Council or with any amendment(s) as specified by the Council.

Following public exhibition of Draft Amendment No. 6 to the DCP, a report on submissions received would be presented to the Council to provide a further opportunity for the Council to consider the amendments prior to their finalisation and adoption.

This approach is recommended as it will enable further consideration of the proposed amendments that seek to improve the function, interpretation and operation of the DCP.

9.1 Ballina Shire Development Control Plan - Amendment No 6

2. Cease preparation of Draft Amendment No. 6 to the Ballina Shire Development Control Plan 2012.

It is open to the Council to cease further progress on Draft Amendment No. 6 to the DCP. This option is not recommended as there are substantial advantages in proceeding with the amendments to ensure the optimal function and operation of the DCP in relation to development outcomes for the shire.

3. Defer the endorsement of Draft Amendment No. 6 to the Ballina Shire Development Control Plan 2012 and hold a briefing to enable Councillors to review the components of Draft Amendment No. 6 in greater detail.

This approach is not recommended prior to the endorsement and public exhibition of Draft Amendment No. 6 as there is an imperative to address the identified issues promptly to ensure the optimal function and operation of the DCP.

However, if a Councillor briefing is seen as being desirable, it is suggested that this be scheduled during, or at the conclusion of, the public exhibition of Draft Amendment No. 6.

RECOMMENDATIONS

1. That Council proceed to undertake the public exhibition of Draft Amendment No. 6 to the Ballina Shire Development Control Plan 2012, to achieve the particular planning outcomes identified in the attachment to this report, in accordance with the terms of the *Environmental Planning and Assessment Act* and the associated Regulation.
2. That a further report be submitted to the Council following the public exhibition of Draft Amendment No. 6 to the Ballina Shire Development Control Plan 2012.

Attachment(s)

1. Attachment One - Ballina DCP 2016 - Amendment 6 - Schedule of proposed amendments

9.2 Wardell Planning and Environmental Study - Exhibition

9.2 Wardell Planning and Environmental Study - Exhibition

Delivery Program Strategic Planning

Objective To outline the progress of the Wardell Planning and Environmental Study project and seek direction from the Council concerning further community engagement through a public exhibition process.

Background

The Council's adopted *Community Strategic Plan* has, as one of its priorities [PE3.2] that Council will *facilitate and provide affordable infrastructure, both business and residential*.

The anticipated outcome of this action will be that a greater proportion of shire residents will be able to live closer to where they work, with more affordable housing options.

The Council's endorsed *2014/15 – 2017/18 Delivery Program and Operational Plan* contained an action relating to the research and implementation of appropriate strategies to assist with reducing the cost of residential land. The Council's *2015/16 – 2018/19 Delivery Program and Operational Plan* requires Council to pursue options for the delivery of affordable housing in Wardell.

It is in this context that the *Wardell Planning and Environmental Study* (WPES) is being prepared.

The scope of the WPES was endorsed by the Council at its Ordinary Meeting held on 27 November 2014 [Minute No 271114/20]. The study was subsequently prepared in draft format. It was then subjected to a public review process.

The review process included exhibition of the draft WPES on Council's web site, letters to all landowners within Wardell Village and adjoining rural areas, a web based survey, a briefing for the President and Secretary of the Wardell and District Progress Association and the holding of three public meetings within Wardell Village.

The public meetings were facilitated by Mike Svikis, Planning Consultant and current Chairperson of the Northern NSW Branch of the Planning Institute of Australia (PIA). A brief overview report of the public meeting process, including a schedule of summarised comments, is contained within the WPES which is contained within Attachment One to this report.

Following the completion of the initial public engagement process the draft WPES was further reviewed and then finalised. A draft Wardell Strategic Plan arising from the planning study and engagement process has also been prepared. The strategic plan details the range of actions referred to within the WPES. This document forms Attachment Two to this report.

9.2 Wardell Planning and Environmental Study - Exhibition

Further proposed stages of this project consist of the following four elements:

- The Council's endorsement of the WPES and accompanying draft Wardell Strategic Plan for the purpose of public exhibition, subject to any amendments that the Council may wish to make
- The Council's adoption of the WPES and Wardell Strategic Plan, with or without amendment, following public exhibition
- Incorporation of key actions within Council's delivery program and operational plan
- Completion of actions in accordance with timeframes nominated within the delivery program.

Key Issues

- Strategic planning
- Community engagement and consultation

Information

Overview:

The philosophy adopted when preparing the WPES was to examine a range of factors impacting on Wardell Village residents, provide relevant data and then draw conclusions based on the data provided. The WPES was also used as means of proposing a variety of change ideas, many of which were subsequently discussed by community members at the public meetings.

The WPES and accompanying draft Wardell Strategic Plan, when finalized, are proposed to form the basis for Wardell Village strategic planning decision making in the 20 year period to 2035. Regular review of these documents will be required to ensure that they remain contemporary and adequately address issues as they arise.

A community vision for the future of Wardell Village has also been developed using comments made at the public meetings and within survey responses. Elements of the vision include the creation of a beautiful and vibrant riverside village, encouraging tourism based on arts and crafts themes, making the village more accessible and better connected, village enhancements through entry treatments, landscaping and building maintenance and ensuring new development is staged, progressive and affordable.

The community's vision for Wardell Village is proposed to be achieved through the mechanism of the strategic plan.

Significant Findings and Conclusions:

More significant findings and conclusions drawn from data contained within the WPES include the following:

9.2 Wardell Planning and Environmental Study - Exhibition

- Housing is more affordable, based on median sale price data, within Wardell Village than within other centres located in Ballina Shire. Mortgage and rent repayments are below shire medians. Housing affordability when measured as a percentage of income devoted to rent or mortgage repayments was found to be less affordable for Wardell Village residents when compared to shire-wide averages. This may be due to Wardell's younger age demographics than shire averages.
- Development of raw land within Strategic Urban Growth Areas (SUGAs) for residential purposes was not found to be viable, with land purchase and development costs being approximately the same as potential land sale prices as at December 2014. Upfront professional costs associated with the land rezoning process, and uncertainty related to the nature and extent of Council contributions and requirements, added levels of risk which to date have resulted in the rezoning of SUGA areas not being pursued.
- Potential residential lots within SUGA areas are subject to land constraints such as bush fire risk and, in some cases, flooding. These constraints would result in additional development and building costs being incurred. The realisation of "affordable" housing lots is not considered to be achievable within Wardell Village and adjoining SUGA areas using traditional policy approaches.
- It has been suggested Wardell Village has potential to function as a tourist destination venue based on development of an arts and crafts theme and utilising the drawing power of a renovated hotel. Council's role in this regard could include the provision of additional appropriately zoned land which would permit commercial uses.
- The provision of additional employment opportunities within Wardell Village could impact median home sale prices. It may also be the basis by which the significant decline in enrolments at the Wardell Public School may be stemmed. Increases in median sale prices for developed lots, when flowing onto vacant land, may then make land development more viable than at present. It is unlikely that "affordable" housing would result.
- The relocation of the Pacific Highway as currently proposed has overall likely positive impacts on Wardell Village with reductions in noise and air pollution levels as well as increased safety for road users anticipated. No significant adverse impacts on Wardell businesses were envisaged by the majority of business proprietors.

The most significant issue raised at the public meetings related to improving connectivity within Wardell Village (east and west side of the Pacific Highway). The current Bridge Drive access and Pacific Highway underpass were viewed as dangerous and unsuitable for the disabled, the elderly and children.

The Wardell and District Progress Association proposed the building of a boardwalk, over the Richmond River adjoining the town wharf, as a means of improving access.

9.2 Wardell Planning and Environmental Study - Exhibition

Significant Proposed Actions Contained in the Draft Wardell Strategic Plan:

The following are the more significant actions contained within the draft Wardell Strategic Plan. Brief reasons relating to why these actions have been proposed are also set out below. The Council may at this stage of the process reject or amend nominated actions or add additional proposed actions.

The document which results will then be the subject of a community consultation process and then be presented to the Council again for further consideration and adoption.

Strategic Action – Initiation of Planning Proposals for Land Rezonings.

The WPES discusses the potential to rezone various areas within and adjoining Wardell Village as a means of assisting employment and population growth within the village. The plan suggests that Council take the lead role in relation to the initiation of rezoning proposals as a means of reducing risk and uncertainty as well as costs for individual property owners. The following rezonings have been suggested:

- Extension of the B1 Neighbourhood Centre zone in Richmond Street from the Pacific Highway to Swamp Street including the properties with frontage to Bridge Drive. Reason: Encourages economic activity and reinstates opportunities previously available under the 1987 LEP 2(b) Village zone. At present, eight properties are zoned B1 in Wardell Village and consist of the hotel, the adjoining villa units and properties located diagonally opposite in Richmond Street.
- Rezoning of the SUGA areas located within and in close proximity to Wardell Village. Rezoning of these properties would provide a pool of raw land available for residential subdivision when market conditions make land development viable. A staged approach to rezoning is proposed, with properties located within and adjacent to Wardell Village comprising the first stage and those located further outside the village boundaries forming a subsequent stage. The Council's consideration of a funding strategy is also required.

Strategic Action – Establishment of Biodiversity offset areas within and adjoining Wardell Village

The Wardell locality has recognised high biodiversity and habitat value. Much of the Crown land located within Wardell Village contains vegetation communities of State or Regional significance. The development of SUGA areas may trigger a need for the offsetting of biodiversity impacts.

An opportunity exists to initiate discussions with the Crown regarding the designation of some of its land for biodiversity offsetting purposes. Similarly, Council land holdings could also be examined for biodiversity offsetting suitability.

Strategic Action – Investigation of appropriateness of current Wardell Village capital works funding mechanism.

Significant dissatisfaction was expressed by local community members concerning a perceived lack of funding for what they consider as high priority capital works.

9.2 Wardell Planning and Environmental Study - Exhibition

The Richmond River boardwalk appears to have the highest priority, followed by footpath and landscaping works based on public meeting feedback.

A review of how Wardell Village capital projects are currently funded may be appropriate.

In total the draft Wardell Strategic Plan contains 28 proposed actions related to the achievement of the five locality objectives derived from the Wardell Vision Statement.

Sustainability Considerations

- **Environment**

The implementation phase following the adoption of strategic plans for Wardell Village is envisaged to have significant environmental benefits.

If suitable biodiversity offset areas can be designated it may assist in facilitating the development of SUGA areas. In addition, landscape and village beautification works will enhance the visual appearance of the village environment.

- **Social**

The implementation of strategies supported by the local community and aimed at stimulating economic activity, providing land for housing and improvements to village accessibility and landscaping are all considered to have net social benefits.

- **Economic**

The rationale behind many of the suggested strategies relate to the stimulation of economic activity within Wardell Village.

As such, what is proposed is considered to have net economic benefits.

Legal / Resource / Financial Implications

The next stage of the Wardell Village strategic planning process involves the public exhibition of the documentation.

This phase of the project does not give rise to any significant legal, resource or financial implications for Council.

Should the Council subsequently support taking a lead role in the rezoning of SUGA areas, as part of a subsequent stage of this project, then further consideration of how the process will be undertaken will be necessary.

One simple mechanism could be for Council to engage with landholders and prepare rezoning documentation under a shared cost arrangement. Specialist studies required for particular land parcels could be met by individual landholders.

9.2 Wardell Planning and Environmental Study - Exhibition

A clear rationale for the above will need to be further developed to recognise the particular objectives and public interest outcomes in the circumstances given that it is not usual practice for Council to engage in the rezoning of private land in the way suggested.

Consultation

It is proposed that the Wardell Planning and Environmental Study and the draft Wardell Strategic Plan be placed on public exhibition for a minimum period of 28 days.

No additional public meetings are proposed as part of this process.

Options

1. That Council places the Wardell Planning and Environmental Study and the draft Wardell Strategic Plan on public exhibition.

This is the preferred option, subject to the Council making any amendments that it considers appropriate prior to public exhibition. The subject Wardell Village strategic planning documents have already been developed with a degree of community involvement and would now further benefit from a formal public exhibition process.

Following public exhibition, the Council will have an additional opportunity to give consideration to the proposed strategic actions, particularly in the context of resource and associated financial implications.

2. That the Council defers further consideration of the Wardell Planning and Environmental Study and the draft Strategic Plan or places this project on hold.

Should the Council require additional information then this report could be deferred for a briefing or workshop. There are no timing imperatives related to this project. It may however, be more convenient to hold a briefing or workshop following the public exhibition process. This is however, a matter for the Council to determine.

Placing the project on hold is not recommended as many potential initiatives have been identified which may be of benefit to the residents of Wardell Village and the broader shire. Justification for placing this project on hold exists, however, in that context, the investigation of affordable housing options for Wardell, as nominated in the *2015/16 – 2018/19 Ballina Shire Delivery Program and Operational Plan*, has been undertaken without any suitable options being identified.

RECOMMENDATIONS

1. That Council endorses the Wardell Planning and Environmental Study and the draft Wardell Strategic Plan for public exhibition for a minimum period of four weeks.
2. That Council provide further consideration to the draft Wardell Strategic Plan following the completion of the public exhibition process.

Attachment(s)

1. Attachment One - Wardell Planning and Environmental Study
2. Attachment Two - Draft Wardell Strategic Plan 2015 - 2035

9.3 Koala Plan of Management

9.3 Koala Plan of Management

Delivery Program Strategic Planning

Objective To outline a revised Ballina Shire Comprehensive Koala Plan of Management and seek direction from the Council regarding the public exhibition of the draft plan.

Background

The Council considered a draft Comprehensive Koala Plan of Management for Ballina Shire at its January 2015 Ordinary Meeting. At that meeting, the Council resolved as follows [Minute No. 220115/7]:

1. *That Council notes the information contained within this report in relation to the progress of the Ballina Shire Comprehensive Koala Plan of Management.*
2. *That Council endorses the draft Ballina Shire Comprehensive Koala Plan of Management (as attached to this report) for public exhibition for a minimum period of four weeks, subject to point four below.*
3. *That Council forward a copy of the draft Ballina Shire Comprehensive Koala Plan of Management to relevant NSW Government agencies and local members and candidates to seek feedback during the public exhibition period.*
4. *That the objectives of the plan firstly be better defined with specific emphasis on outcomes such as population densities, population growth, disease and other mortality rates and any other relevant criteria, with the changes made within the limitations of the existing funding.*

The draft plan of management did not progress to public exhibition for the reasons outlined in this report.

This report outlines a revised draft Comprehensive Koala Plan of Management (under separate cover) for the Council's consideration. The draft Plan has been revised on notification from the NSW Department of Planning and Environment that there are some technical issues with the implementation of State Environment Planning Policy No. 44 – Koala Habitat Protection (SEPP 44), which is the NSW legislation which supports the development and implementation of Comprehensive Koala Plans of Management. In particular, there are differing views now evident about the interpretation of SEPP 44 and the application of comprehensive plans of management made under that instrument.

Given these uncertainties, the draft Plan has been rewritten in such a way that it focusses on definition of core koala habitat in the shire and actions that Council proposes to undertake or promote to support koala management in the shire. It also seeks to apply the objectives of the draft Plan more directly through Council's local planning framework.

9.3 Koala Plan of Management

From a regulatory perspective, the draft plan now focuses on implementation through Council's LEP and DCP, although SEPP 44 will continue to apply. The draft Plan will still be forwarded to the State Government for endorsement as a plan under the SEPP 44, but the local planning controls will be able to be established and applied on Council's endorsement of the final plan after public exhibition with or without State Government approval of the plan of management.

The CKPOM process has been supported using grant funding supplied by the NSW Office of Environment and Heritage. The plan has been prepared using staff resources with expert advice from Dr Steve Phillips from Biolink Ecological Consultants. Dr Phillips has also provided expert advice to NSW Roads and Maritime Services with regard to koala management and modelling for Section 10 of the Woolgoolga to Ballina Pacific Highway Upgrade.

This report seeks Council's endorsement for the public exhibition of the revised draft plan of management document.

Key Issues

- Establishment of a framework for the management of the Ballina Shire koala population
- Regulatory and voluntary measures relating to koala habitat
- Public exhibition and community feedback opportunity

Information

Draft CKPOM

In purely regulatory terms the purpose of the CKPOM is to increase the effectiveness of the legal framework in place to protect koala habitat (and therefore koalas) for the future. This has not changed in the revised draft CKPOM.

Areas defined as core koala habitat are afforded particular protection under SEPP 44.

The draft CKPOM has been prepared based on the findings of the *Koala Habitat and Population Assessment: Ballina Shire Council LGA* prepared by Biolink Ecological Consultants, with particular regard for the presence of an important population of koalas (as defined under the Commonwealth Environment Protection and Biodiversity Conservation Act), the relationship between koalas and planted windbreaks on the Alstonville Plateau and the relationship between koalas and the broader vegetated landscape (beyond koala feed trees).

The CKPOM is also designed to identify actions that Council will take or promote outside the regulatory planning process to support the retention of a self-sustaining koala population in Ballina Shire in the long term.

The draft plan is based on a core vision and a series of aims and objectives, with the vision being a self-sustaining long-term koala population in Ballina Shire.

9.3 Koala Plan of Management

Fundamentally, the draft CKPOM has three key elements, being habitat mapping, an action list and a framework for inclusion of koala-focused provisions into Council's local environmental plan and development control plan.

Measuring the success of the CKPOM

The Council resolved in January 2015 that the objectives of the draft plan be better defined. As part of the revision of the draft plan, the objectives have not been substantially modified, but a series of criteria to assist in measuring the success of the plan have been identified. These criteria are contained in Table 1 in the draft CKPOM.

At this time, measurable outcomes are most relevant to koalas resident within the Important Population boundary as this population has had detailed information collected about numbers, habitat, distribution and extent of occupancy. It should also be noted that as better information becomes available about the local koala population, targets may need revision. However, the criteria identified in the draft plan provide a sound starting point for measuring progress.

Area the CKPOM applies to

The draft plan applies to an area known as the Koala Planning Area (KPA). This area has been defined based on the outcomes of the koala habitat study and focusses on key areas in which koalas are presently found.

The KPA does not cover the entire local government area.

The planning framework in the plan is based on habitat mapping prepared by Biolink Ecological Consultants and three Koala Management Precincts (KMPs) within the Ballina Koala Planning Area. These precincts are:

- Southern KMP – Wardell, Meerschaum Vale, Bagotville, Blackwall Range, Lynwood, Uralba.
- Plateau KMP – adjoins the Southern KMP, and includes the Alstonville Plateau.
- East Ballina KMP – encompassing native vegetation in the East Ballina area.

The Southern KMP is based on the area that encompasses the important koala population (a population of national significance) for the purposes of the Federal Government's *Environment Protection and Biodiversity Conservation Act*.

The koala population in this area is defined under the koala habitat study as an Important Population because it is a key source population for breeding and/or dispersal and it is likely to be an ancestral source population necessary for maintaining genetic diversity.

A key objective of the draft CKPOM in this area is to identify core koala habitat to support the retention of these areas for the local koala population. Under the draft CKPOM, the recognition of core koala habitat would be supported by local planning provisions that will address the assessment of koala habitat and potential impacts of proposed development.

9.3 Koala Plan of Management

The identification of core koala habitat places limitations on clearing activity and specifically limits private native forestry in areas so defined.

The Plateau KMP generally encompasses agricultural areas and remnant vegetation adjoining the Southern KMA and on and adjoining the Alstonville Plateau. This KMP incorporates eucalypt windbreaks and recognises both the presence of koalas in the area as well as the agricultural pursuits that occur on the land. The draft CKPOM requires consideration of koala habitat in these areas when seeking to undertake development for which consent is required and allows for clearing in certain circumstances.

Importantly, the draft CKPOM does not seek to stop landholders removing windbreaks although it does propose initiatives to work with landholders to look at ways to retain and provide windbreak vegetation to the benefit of koalas.

The East Ballina KMP relates to vegetated land at East Ballina which contains a small population of koalas. The viability of this population is unknown. As such, the draft CKPOM focusses on monitoring and minimising threats to koalas in this area. However, there is opportunity for public engagement concerning koalas, with regard to these monitoring and threat minimization activities.

The precinct areas are illustrated in the draft CKPOM.

Management Actions

The draft Plan includes a series of management actions. Some of these actions seek to support and implement the regulatory provisions of the Plan whilst a number of others relate to voluntary or planned actions designed to achieve the vision, aims and objectives of the Plan.

These actions relate to several areas including implementation and monitoring, habitat conservation, restoration and management, communication and education, road and traffic management, dog management, koala health and welfare, bushfire management, tourism and economic development. The management actions are set out in Part 4 of the draft Plan.

Koala Habitat Study Recommendations

Eight recommendations were made by Biolink as part of the koala habitat study. The CKPOM is intended to address a number of these recommendations. The table below outlines how the CKPOM relates to the recommendations.

Recommendation	Action Taken by Council
All areas of Preferred Koala Habitat be regarded as core koala habitat for the purposes of SEPP 44 and the Native Vegetation Act 2003.	Development of CKPOM has further refined mapping and parameters for defining core koala habitat and implications for development proposals. The impact of this will be to identify the Southern KMP as core koala habitat.

9.3 Koala Plan of Management

Recommendation	Action Taken by Council
Identification of the Southern KMP area as containing an Important Population for the purposes of the EPBC Act Significant Impact Guidelines.	Draft CKPOM is based on the recognition and management of the area containing the important koala population.
Preparation of a map detailing the areas of Preferred Koala Habitat as part of preparation of CKPOM.	Biolink Ecological Consultants has prepared preferred koala habitat mapping to support the CKPOM.
Council to collaborate with RMS to pursue the need for rigorous evaluation for ameliorative options for koalas along future highway upgrades within the Ballina KPA.	RMS has been a participant in Council's PRG for the habitat study and CKPOM projects. Further liaison with the RMS is anticipated in relation to the draft CKPOM and the Pacific Highway Upgrade works.
Develop and install measures that will work effectively to minimise road-strike at known koala blackspots.	Included as a management action in the draft CKPOM.
Design and adopt development control measures to implement 'best-practice' koala-friendly planning measures.	Development control measures included in the draft CKPOM.
Consider ways to work with landholders to establish a long-term management strategy for windbreaks and barrier plantings.	Addressed in management actions contained in draft CKPOM.
'Minimum data set' assessment standards for development proposals.	Assessment standards incorporated into draft CKPOM.

Overall, the draft CKPOM advances the recommendations contained in the koala habitat study.

Sustainability Considerations

- **Environment**
The draft CKPOM has been prepared with a view to achieving a sustainable free ranging koala population in the shire in the long term having regard for economic, social and environmental factors.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

The draft Plan has been prepared based on the requirements of State Environmental Planning Policy No.44 and associated guidelines, including supplemental information arising from discussions with the Department of Planning and Environment.

9.3 Koala Plan of Management

There are no significant legal or financial implications associated with the public exhibition of the draft Plan. However, should the Plan progress to implementation, funding is required to complete a number of the identified actions. It is anticipated that potential funding sources will be canvassed in further detail as part of reporting on the outcomes of the public exhibition of the draft Plan, in association with any refinement or adjustment to the proposed Plan actions.

As a guide, the draft Plan requires \$70,000 to \$80,000 in funding over its first four years for implementation (excluding already funded actions and aspirational actions that are identified in Part 4 of the Plan).

Council is able to undertake the public exhibition of the draft CKPOM and associated reporting within the existing work program and available resources.

Consultation

Consultation to date was fully described in the report to the Council at its Ordinary Meeting held on 22 January 2015 with regard to Council's Koala Project Reference Group (PRG), a targeted rural industry workshop, a Councillor briefing and the inclusion of comments from NSW Government agencies both in the PRG process and separately by referral of the draft Plan to relevant agencies (such as Department of Planning and Environment and the Office of Environment and Heritage).

A meeting was convened in May by the Department of Planning and Environment for attendance by all councils from Port Macquarie to the Tweed with regard to the provisions that would be supported within a Comprehensive Koala Plan of Management prepared under State Environmental Planning Policy No. 44. Although the Department's advice has not been clear and in some cases is ambiguous, the draft Plan has been rewritten based on the staff understanding of the Department's position in order to continue to advance this project to completion.

The recommendation of this report is to now progress the revised Draft CKPOM to public exhibition and seek broad community feedback. The outcomes of the exhibition process can be used to assist the Council in further refining the draft Plan prior to its submission to the State Government for endorsement.

The proposed exhibition of the draft CKPOM includes writing to all landholders within the Southern Koala Management Precinct to advise of the status of their vegetation according to the Vegetation Mapping accompanying the draft CKPOM.

If Council endorses the draft CKPOM for exhibition, Council is also required to consult specifically with the Office of Environment and Heritage to seek feedback on the draft Plan.

Options

The options available to the Council are to place the draft CKPOM on public exhibition (with or without amendments), defer consideration of the matter, or cease further consideration of the CKPOM.

9.3 Koala Plan of Management

1. As outlined above, the draft CKPOM has been prepared in response to the outcomes of the koala habitat study for the shire. Significantly, the study identified a nationally significant koala population in the southern part of the shire. Councillors will be aware that Section 10 of the Pacific Highway Upgrade has also been routed through this area. Significant work is being undertaken in an attempt to support a viable koala population alongside the new Section 10. The draft CKPOM complements these mitigating measures with management and regulatory actions for private lands, public lands and roads in the Southern KMP.

The draft CKPOM has also been developed with input from State Government agencies and stakeholder groups, including the Department of Planning and Environment and Roads and Maritime Services, through the PRG process. Given this, it is recommended that the draft CKPOM be publicly exhibited for a period of four weeks (subject to any required minor formatting, typographic and presentation adjustments).

2. Alternatively, the Council could defer the matter to seek further information, or clarification from the Department of Planning and Environment or Roads and Maritime Services with regard to their intended courses of action in their respective areas of responsibility. This could be via further reporting or a Councillor briefing.

This approach is not recommended given the process undertaken to date to develop the draft CKPOM.

Both the Department of Planning and Environment and Roads and Maritime Services provided ongoing representation to the PRG during the development phase of the CKPOM. Further representation was made by staff from the Pacific Highway Upgrade Team from RMS, and as mentioned above, the Department of Planning and Environment has provided further advice to Council staff.

3. Aside from the above, the Council could discontinue further consideration of the CKPOM. For the reasons outlined above (including the significance of the local koala population) and noting that the preparation of the CKPOM has been externally funded in full by, and has the agreement of the Office of Environment and Heritage, this approach is also not recommended.

RECOMMENDATION

1. That Council authorises the revised draft Ballina Shire Comprehensive Koala Plan of Management (as attached to this report) for the purpose public exhibition for a minimum period of four weeks.
2. That Council forward a copy of the revised draft Ballina Shire Comprehensive Koala Plan of Management to relevant NSW Government agencies to seek feedback during the public exhibition period.

Attachment(s)

1. Draft Ballina Shire Comprehensive Koala Plan of Management (August 2015) (Under separate cover)

9.4 Alstonville Farmers' Market and Ballina Twilight Market.

9.4 Alstonville Farmers' Market and Ballina Twilight Market.

Delivery Program Community Facilities and Services

Objective To provide the Council with an update on the new location of the Alstonville Farmers' Market and seek direction on the operation of the Ballina Twilight Market for the 2015/16 market period.

Background

This report provides the Council with an update on the status of the Alstonville Farmers' Market and the Ballina Twilight Market.

The Council considered the Alstonville Farmers' Market at its September 2014 Ordinary Meeting and resolved as follows [Minute No. 250914/2]:

1. *That Council endorses the ongoing operation of a farmers' market on the Bugden Lane car park in Alstonville.*
2. *That Council authorises the appointment of Mr Steve Cooke to continue the operation of the Alstonville Farmers' Market as manager for a period of three years following the conclusion of the 12 month market trial period on 4 October 2014.*
3. *That Council applies a fee for the operation of the Alstonville Farmers' Market on the Bugden Lane car park in the amount of \$500 (ex GST) per annum, with the first year exempt.*

Council staff has recently received advice from the operator of this market, Mr Steve Cooke, that the venue for this market has now changed. This report provides an overview regarding this change of location.

Council previously issued development consent for the Ballina Twilight Market on 7 December 2011. This consent allows the market to operate from 4pm to 8 pm in Fawcett Park, Ballina annually during the daylight saving period. A modification to this consent was provided by way of a Section 96 application in June 2012 to extend the period of operation from the beginning of the September/October school holiday period until the end of daylight saving.

At its March 2013 Ordinary meeting Council resolved as follows [Minute No.220312/12]:

1. *That Council seek development consent for the extension of the Ballina Twilight Market to occur on an annual basis for the period commencing in conjunction with the September/October school holidays and ending with the end of the daylight saving period.*
2. *That Council seek expressions of interest for the market operator under the terms of the new approval (should such approval be granted).*

Since this time the market has operated yearly, most recently under the management of Mr Steve Cooke for a seven week period between December 2014 and January 2015.

Mr Cooke (the manager of the Alstonville Farmers' Market) was approached by Council to operate the market when the original operator withdrew due to difficulties in attracting and maintaining stallholders. Mr Cooke has recently approached Council with regard to the operation of the Ballina Twilight Market this year in response to customer enquiries.

This report provides details regarding Mr Cooke's enquiry.

Key Issues

- Economic development
- Use of public land

Information

Alstonville Farmers' Market

Advice has recently been received from the market operator of the Alstonville Farmers' Market, Mr Steve Cooke, that this market has been relocated to the nearby Alstonville Showground as of 11 July 2015.

This arrangement means the market will no longer be operating out of the Council-owned Bugden Lane car park in Alstonville. An approval for a market at this location does however remain current should another proposal to use the Bugden Lane carpark for a market be put forward. In such an instance, Council would need to consider the implications of two markets operating in close proximity.

There is no further action required in relation to the use of Bugden Lane carpark for market activity at this time as there is no current proposal for such use on this land.

Ballina Twilight Market

Council staff has recently been approached regarding the operational arrangements for the Ballina Twilight Market. Mr Steve Cooke has expressed interest in running the market again should Council invite him to do so. If Council is open to this arrangement, Mr Cooke has indicated that the market would operate in a similar way to the last Ballina Twilight Market but perhaps over a longer period than the previous seven weeks.

Mr Cooke has stated that although he is interested in running the market he is not willing to pay Council a rental for the commercial use of Council land. The presumption also is that Mr Cooke will retain any income generated. It is assumed that Mr Cooke would also ask that Council provide the assistance offered for the last market including:

- assistance in marketing and promotion of the market leading up to and during the market period through Council's media
- the provision of banners and other permissible signage
- free access to water and power on the site and operational staff assistance to set this up when required and

9.4 Alstonville Farmers' Market and Ballina Twilight Market.

- allowing the market operator to determine what products should be sold at the markets.

This market can deliver wider community benefits such as increasing the vibrancy of the Ballina CBD, attracting visitors to the town and stimulating the local economy by increasing employment and encouraging consumers to support local business. However, Council is invited to consider whether these benefits outweigh the potential adverse impacts associated with the operation of the market (on neighbourhood amenity, parking, access etc) and costs including the provision of promotional support and the waiving of a site rental fee.

It is open to the Council to actively seek additional or alternative proposals through an EOI process, however this is not recommended given the limited success of this process previously, the limited timeframe to prepare for the operation of the market and the possibility that any proposals received may also request a waiver of site rental and other financial support.

Given the wider potential community benefits of the market and the limited interest in operating the market to date it is recommended that Council invite Mr Cooke to run the market again this summer and that the application of a commercial based site rental is waived in this instance.

Sustainability Considerations

- **Environment**
The success of local markets including food and produce markets contributes to local sustainability through the reduction of 'food miles' associated with the transport of food.
- **Social**
Local markets provide opportunities for social interaction and community cohesion.
- **Economic**
Local markets support the local economy by retaining income within the region. Markets located in proximity to existing commercial areas can also contribute to the business activity of commercial areas.

Legal / Resource / Financial Implications

Should Council choose to support the Ballina Twilight Market operating this coming season, some staff time will be allocated to the preparation of an appropriate licence and ensuring the conditions of the development consent are complied with.

Additional staff time and funds may also be required in supporting the promotion of the market and for operational staff assistance in setting up the market when required. Given a market licence was prepared for last year's operation and reusable posters and banners were printed for the last market, these costs are expected to be minimal. Although minimal, it is important to recognise that there is no allocated budget for this expenditure, with the costs to be absorbed into existing program budgets.

Consultation

No consultation with the community has been undertaken in regard to the issues raised in this report.

Options

Regarding the Alstonville Farmers' Market, Council is open to seek EOIs for a market on the Bugden Lane car park. However this option is not recommended as the new venue for the farmers' market at the Alstonville Showground is in close proximity to the carpark. As such, it is unlikely that Alstonville could support two markets operating on the same day and at the same time at present. Accordingly, it is recommended that the Council receive and note information regarding the relocation of the Alstonville Farmers' Market.

Regarding the Ballina Twilight market, there are a number of options the Council could consider, as follows:

1. The Council could elect not to proceed with the Ballina Twilight Market this year.

This option is not recommended due to the wider potential benefits this market can provide to the local community and the community's expectation regarding the running of this event.

2. The Council could proceed to an Expression of Interest (EOI) process to gauge interest from potential market managers to operate the market.

The benefit of this option is that additional market proposals for this site may also nominate a site rental fee. In light of only one EOI being received when this process was undertaken previously, it is unlikely that running this process again would secure another market operator. Given the limited interest in managing markets generally in the shire, it is also unlikely that this process would be successful in securing a market manager that was also willing to pay a fee to Council for the use of the site.

For the above reasons, along with the short timeframe to prepare for the operation of the market and wider community benefits provided by markets as outlined in Option One, this option is not recommended.

3. The Council could proceed to invite Mr Steve Cooke to operate the market.

Based on the wider benefits this market could deliver to the community and the willingness of Mr Cooke to operate the market this year, this option is recommended.

A development consent is in place for the operation of the market at this site. Therefore, should the Council decide to invite Mr Cooke to operate the market, staff would proceed by renewing the current market licence. This will involve the negotiation of a licence agreement between Council and the market operator and confirmation of dates for the operation of the market over the daylight saving period.

9.4 Alstonville Farmers' Market and Ballina Twilight Market.

As in previous years, the market operator would be responsible for all obligations under the Ballina Shire Council's Market Policy and requirements of the development consent and associated amendment.

Council would support the market in relation to staff time and financial resources as outlined in this report.

RECOMMENDATIONS

1. That Council notes the information contained within this report regarding the relocation of the Alstonville Farmers' Market to the Alstonville Showground.
2. That Council invite Mr Steve Cooke to operate the 2015/16 Ballina Twilight Market.
3. That Council not apply a site rental fee for the use of Fawcett Park for the 2015/16 Ballina Twilight Market, with other assistance such as marketing to be provided, as determined by the General Manager.

Attachment(s)

Nil

9.5 Ballina Naval and Maritime Museum - Timber Vessels

9.5 Ballina Naval and Maritime Museum - Timber Vessels

Delivery Program Community Facilities and Services

Objective To provide an update on the management of the MV Florrie.

Background

In recent years the Council has considered a number of reports concerning the three timber vessels which it owns and which are located within or alongside the Ballina Naval and Maritime Museum. The three vessels are MV Florrie, PV Richmond Pilot Boat and the Las Balsas raft.

On 9 October 2014 the Council's Facilities Committee considered a report relating to the Florrie. More particularly, the Committee reviewed the future management options for the vessel, mindful of its deteriorated state and that it comprises an item of environmental heritage under the Council's Ballina Local Environmental Plan 2012.

Following its deliberations, the Committee recommended as follows, with the recommendation being adopted by the Council at its Ordinary Meeting held on 23 October 2014:

1. *That Council notes the contents of this report concerning management options for the M V Florrie and the proposed enclosure of the western and north-western sections of the Ballina Naval and Maritime Museum building.*
2. *That Council approves, in principle, the proposed building enclosure and the preferred management option for the vessel, being its dismantling and removal of its midsections and retention, restoration and display of the vessel's bow and stern sections, placement of interpretive material and the fabrication and display of scale models of the Florrie.*
3. *That the management executive of the Ballina Naval and Maritime Museum be acknowledged for its custodianship of Council's vessels, and its willingness to coordinate and undertake the management option outlined in item 2 above.*
4. *That the General Manager is authorised to review the Council's endorsed budgets with a view to committing \$10,000 toward the cost of the enclosure of the Museum building.*
5. *That the General Manager is authorised to endorse the lodgement of a development application to obtain consent for the works outlined in item 2 above. Further, that the fees associated with the lodgement of the development application be sourced from the Council's community donations budget.*

The following report outlines the actions taken to date to implement the decision of the Council.

Key Issues

- Conservation and management of community assets
- Efficient use of resources

Information

Given Florrie's heritage status under the Council's local environmental plan, a development application was prepared by staff for submission to Council's Development and Environmental Health Group. The application described the proposal to dismantle the vessel in the manner authorised by the Council and the method of retaining sections of Florrie for display, supported by other interpretive material. The development application was accompanied by a Statement of Heritage Impact prepared by Dr Kate Gahan.

Following its assessment of the development application and the accompanying material, Council's Development and Environmental Health Group granted development consent No. 2015/4 on 9 February 2015.

Among other things, the development consent requires at condition 6 that a conservation management plan (CMP) for the vessel must be prepared and peer reviewed. Dr Gahan's services were retained to prepare the CMP in close liaison with executive members of the Ballina Naval and Maritime Museum. This was important, as the Museum members, who have been custodians of Florrie for a number of years, have volunteered to undertake the dismantling of the vessel and to prepare the interpretive material which will comprise part of the future display.

The resultant draft CMP, a copy of which forms an attachment to this report, was presented to a Councillor workshop convened on 3 August. The CMP has also been peer reviewed by Mr David Payne, Curator Australian Register of Historic Vessels, Australian National Maritime Museum.

The CMP describes the sequence and extent of the heritage management actions to be undertaken to present the retained sections of the vessel and the interpretive material. Together, the displayed material will tell the story of Florrie, including her particular method of construction as well as her working life, spanning almost 100 years, operating predominantly on the Richmond.

Development Consent No. 2015/14 also requires at condition 7 that a three dimensional laser scan of Florrie is undertaken to record the vessel's dimensions and features. This information will be archived, but it is hoped that it will also be available as part of a "package" of interpretive material within the Museum and/or on its website. The laser scanning is being undertaken with the benefit of a grant which members of the Museum have obtained.

From staff's perspective, it is particularly pleasing to see future management options for the Florrie being resolved. To some extent she has been "out of sight – out of mind". The approach now being taken is financially responsible and will ensure that the important historic record of Florrie will be preserved.

The other matter which should be acknowledged is the extent to which the Museum members have "bought in" to the project. Their willingness to participate on a voluntary basis and contribute to the preparation of the CMP has been appreciated.

They have gained greater knowledge of the vessel and this will be very beneficial, not only in undertaking the conservation work but in how they will value and continue to promote Florrie as an important component of the Museum's exhibition.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Florrie's story is important as she operated as a key item of river transport infrastructure in the formative years of Ballina's growth and development. Retention of parts of the vessel and the display of the associated interpretive material will contribute to the town and region's historic record.
- **Economic**
The Council has previously considered a number of options concerning management measures for Florrie. These were comprehensively assessed as part of the Staples Report. The option which the Council has endorsed, and which has now been authorized through the grant of development consent No 2015/14, is considered to be appropriate in terms of the Council's operating budget.

Legal / Resource / Financial Implications

The preparation of the development application and the conservation management plan, together with the implementation of the approved work on the vessel is being done within Council's authorised budgets. Staff will however be actively looking to offset these costs wherever possible through accessing grant funds. As stated above, the effort of the Museum members to seek out and obtain grant funds for the laser scanning of Florrie has been appreciated, and demonstrates the collaborative approach that is being taken with this project.

Council is however reminded that funding will need to be secured within the reasonably near future to facilitate the enclosure of the western and north-western sections of the Museum building. The Florrie exhibition will not be able to be fully commissioned without the building enclosure being completed.

Consultation

The development application, which proposed modifications to the Florrie, was previously exhibited for public comment. More recently, the draft conservation management plan which was prepared (a copy of which is annexed to this report) was peer reviewed and endorsed by a senior representative of the Australian National Maritime Museum.

Options

This report has largely been presented to outline for the Council the actions which have been taken to implement one of its earlier decisions.

The dismantling of the Florrie, retaining some of its key components, undertaking the laser scanning and the placement of appropriate interpretive material has been identified by the Council as the preferred and most practical means of managing this community-owned heritage item. The National Maritime Museum has endorsed this management option. As indicated in the CMP, the work to achieve the completed exhibition will be undertaken over the next couple of years, as funding and other resources are available.

RECOMMENDATIONS

1. That Council notes the contents of this report relating to the future management of the MV Florrie.
2. That Council endorses the Conservation Management Plan for MV Florrie, as prepared by Dr Kate Gahan.
3. That the General Manager forward a letter to the Ballina Naval and Maritime Museum conveying the Council's appreciation for the Museum members' commitment to substantially contributing to the implementation of the MV Florrie Conservation Management Plan.

Attachment(s)

1. Conservation Management Plan - MV Florrie - August 2015

9.6 Policies on Use of Public Land - Style and Content Review

9.6 Policies on Use of Public Land - Style and Content Review

Delivery Program Governance and Finance

Objective To advise the Council of the outcomes of a pilot program to establish a handbook to guide the use of public land and seek direction in relation to proposed changes to various Council policies arising from the project.

Background

Council's Strategic and Community Facilities Group has undertaken a pilot project involving the compilation of Council policies for the use of public land into a community or user friendly handbook. This has involved a basic review of 13 existing policies that deal with public land, with the aim of improving their consistency, to make them easier to read and understand and to reflect recent changes in Council's LEP definitions.

This review aligns with the objective in Council's Delivery Program relating to the periodic review of Council policies to ensure they reflect contemporary community standards and principles of improving community access to documentation and facilitating positive community outcomes.

The handbook that has been prepared presents public land policies in a more community friendly format, while still providing the essential information that users of public land need to know. Where possible, pictures and diagrams have been used in the handbook as a means of illustrating what Council is trying to achieve.

The overall purpose of the pilot program has been to evaluate the benefits of a collective review of policy that relates to the use of public land and the associated publication of a community and user focussed handbook. The pilot program did not extend to a comprehensive review of the policies considered nor does it address all policies that relate to public land.

The purpose of this report is to highlight the outcomes of the pilot program and seek direction on proposed adjustments to the policies arising from the project.

Fundamentally, this review has been undertaken with the premise that public land, in its various forms, is an important community asset. The principal focus is to encourage and promote public spaces to be used by the community, rather than sending a message that usage should be restricted or unreasonably regulated, albeit with a recognition that there must be appropriate risk management and legislative compliance measures in place.

Key Issues

- Review of format and structure of public land related policies
- Modify some policies to incorporate the new definition for "special events" under the Ballina LEP 2012

9.6 Policies on Use of Public Land - Style and Content Review

- Modify some policies to incorporate legislation changes, create consistency between policies, correct minor errors, remove repetition, insert new definitions and make them easier to implement
- Insert “hot links” into the policies to cross-reference other documents and key definitions
- Produce an easy-to-read “*Use of Public Land Handbook*” that can be accessed on Council’s web site or printed (in part or whole) and distributed to interested persons.

Information

The 13 policies that have been reviewed in terms of format and structure are as follows (Attachment One):

AO2 – Alcohol Regulation on Public Land
BO1 – Busking
BO2 – Banner Poles
C10 – Commercial Activities on Public Land
C17 – Community Event Signage
EO5 – Events on Public Land
FO4 – Filming on Public Land
FO5 – Festivals and Events –Council Support
FO7 – Commercial Use of Footpaths
MO1 – Markets on Public Land
MO2 – Monuments and Memorials on Public Land
PO3 – Public Art
WO3 – Weddings on Public Land

Of the 13 policies that were reviewed, minor changes are proposed to be made to the following seven policies:

BO1 – Busking
C10 – Commercial Activities on Public Land
C17 – Community Event Signage
EO5 – Events on Public Land
FO5 – Festivals and Events – Council Support
FO7 – Commercial Use of Footpaths
MO1 – Markets on Public Land

The following section details the more significant matters that have been reviewed and where policy changes are proposed.

It also describes the *Use of Public Land Handbook*.

The re-establishment of Alcohol Free Zones in Ballina and Wardell is to be reported elsewhere in this agenda for the Council’s consideration.

There do not appear to be any conflicts between the Alcohol Regulation on Public Land Policy, as attached to this report, and the re-establishment of Alcohol Free Zones, as proposed in Ballina and Wardell.

An opportunity is, however, available for the Council to consider amendments to the policy prior to placing it on public exhibition should issues arise from the consideration of matters contained within the Alcohol Free Zones report.

9.6 Policies on Use of Public Land - Style and Content Review

B01 – Busking

It is proposed that prescribed fees be waived for persons under the age of 18 who are attending school. The current policy only provides a fee waiver for school aged children in the period 1 November to 25 December.

During 2014 only one application was made by a school aged child within the period where a fee waiver applied. A further four applications were made by school aged children outside of the waiver period. Fees totalling \$130 were paid during 2014 for applications relating to school aged buskers.

It is considered that there is merit in waiving fees for school aged buskers as it may encourage more children to gain experience and confidence in performing whilst also providing a modest source of income for them.

A further proposed change to this policy relates to busking during special events. Council's current policy restricts busking during special events. It is proposed that this be changed so as to allow busking where agreed to by event organisers. The suitability of busking undertaken as part of special events on public land can be considered in the overall approval process for the event, where applicable.

C10 – Commercial Activities on Public Land

As part of the process of seeking to better align the policies, the definition of Public Land has been modified to "Land under the ownership or care and control of Council". This has also been applied to other policies for consistency.

With the majority of Council's policies the "Scope of Policy" section nominates "who" the policy applies to, eg community, Council, etc, rather than "where" it applies. This policy has been changed to be consistent with the others and it now applies to "Council employees, Councillors, Council-owned businesses, community members, and applicants". With respect to "where" the policy applies, it applies to "public land", which is a defined term.

General amendments have also been made to terminology including "approvals" instead of "consent", and "operator" instead of "instructor" (in some cases).

C17 – Community Event Signage

Reference to Ballina LEP 2012 provisions in the "General Policy" section has been deleted. Instead, in the "Background" section of the policy, reference has been made to Ballina LEP 2012, SEPP 64 (Advertising and Signage) and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – Advertising and Signage Exempt Development Codes.

Definitions for the following have been added to assist with the interpretation of the policy:

Authorised Officer: An officer of Ballina Shire Council authorised in the administration and/or enforcement of this policy.

Commercial event: An event run by an entity or organisation or business for a profit or private financial gain.

9.6 Policies on Use of Public Land - Style and Content Review

Community event:	An event run by an entity or organisation that is a not-for-profit incorporated association and where the event proceeds are returned directly to the community.
Council:	Ballina Shire Council
Event:	A function or event open to the public or a section of the public and includes a ceremony, concert, cultural celebration, dance, exhibition, fair, festival, fete, gathering, market, open air theatre, parade, sporting event or street parade.
Private land:	Any land that is not public land.
Public land:	Land under the ownership or care and control of Council.

The list of individuals/organisations that are not eligible to apply to use community event signage has been changed from:

*Organisations/individuals that are **not eligible** to make an application under this policy are:*

- *Commercial venues (ie pubs or licensed venues)*
- *Business operations*
- *Real estate agents*
- *Weekly sporting competitions*
- *Garage sales*
- *Events that are entirely of a commercial nature, with no perceived community benefit, as determined by the General Manager.*

to:

*Events that are **not eligible** to make an application under this policy are:*

- i) Weekly sporting competitions*
- ii) Garage sales*
- iii) Events that are entirely of a commercial nature, with no perceived community benefit, as determined by the General Manager.*

This simplification acknowledges the involvement of sponsors and businesses in running community events (and paying for them), but still makes it clear that community event signage is not aimed at supporting business events of a purely commercial nature.

A reference to the *Use of Public Land Handbook* has been included to view maps showing the community event signage locations. If the signage locations change, Council can alter the maps in the handbook rather than alter the policy.

EO5 – Events on Public Land

A new definition was recently included in Ballina LEP 2012 as follows:

“**special event** means a function or event open to the public or a section of the public and includes a ceremony, concert, cultural celebration, dance, exhibition, fair, festival, fete, gathering, market, open air theatre, parade, sporting event or street parade.”

9.6 Policies on Use of Public Land - Style and Content Review

It makes sense that the various policies which refer to events should have a definition that is consistent with the LEP version. The definition of event has been modified as follows:

Event: A function or event open to the public or a section of the public and includes a ceremony, concert, cultural celebration, dance, exhibition, fair, festival, fete, gathering, market, open air theatre, parade, sporting event or street parade.

The “Assessment” section of this policy has been modified to include risk assessment and bush fire assessment consistent with these issues requiring consideration under the provisions of Council’s Event Guideline document.

The relationship with the Festivals and Events – Council Support policy has been clarified.

FO5 – Festivals and Events – Council Support

The reference to the word “program” within the document has been changed to “policy” so as to better reflect the basis on which funding is allocated.

The following definition has been modified to make it consistent with the definition of Special Event in Ballina LEP 2012:

Festival or event: A function or event open to the public or a section of the public and includes a ceremony, concert, cultural celebration, dance, exhibition, fair, festival, fete, gathering, market, open air theatre, parade, sporting event or street parade. Usually and ordinarily staged by a local community group, and centres on and celebrates some unique aspect of the local community.

The process of applying for Council support through the Operational Plan process has been clarified.

FO7 – Commercial Use of Footpaths

A reference to diagrams in the *Use of Public Land Handbook* has been included to explain the policy provisions visually.

The requirement for the land owner as well as the shop owner or operator to sign an application for footpath dining or merchandise display has been deleted. Land owners can be absent or difficult to contact. The shop owner or operator is considered to be adequate for the protection of Council’s interests.

The relationship between this policy and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, which also applies to footway dining, has been clarified.

The *Use of Public Land Handbook* also incorporates advice that Council regularly monitors approvals granted to ensure compliance with conditions and on the spot fines may result in cases where non-compliances are detected.

9.6 Policies on Use of Public Land - Style and Content Review

MO1 – Markets on Public Land

The “Policy Aims” have been deleted because the “Objectives” already cover the matters raised in the aims.

The application of the policy has been limited to public land only. The thirteen policies are meant to apply to public land and this was the only policy that applied to private land as well.

Applications for markets on private land are subject to the provisions of Ballina LEP 2012 and Ballina Shire DCP 2012. Council officers can still use the appendices to the policy as advisory information for applicants on private land, if appropriate.

An appendix to the policy contained a list of undesirable plant species that should not be sold at a market on public land. The Bushland Friendly Nursery Scheme provides a regularly updated list that Council can refer to in the policy, and it is available on Council's web site.

This removes detail from the policy while still linking to an up-to-date source of information about noxious plants.

The definition of Not-For-Profit Group has been moved from the text of the policy to the “Definition” section.

The definition of Market has been altered to delete reference to the timing of markets, which is covered in the text, and to delete reference to fetes (which are not covered by the Market definition and are typically on school land).

General amendments have also been made to terminology including “approvals” instead of “consent”, and “organiser” instead of “operator” (to ensure consistency throughout the policy).

Use of Public Land Handbook

A key outcome of the style and content review is a new publication called the *Use of Public Land Handbook* (Attachment Two). This publication, intended to be accessed primarily through Council's web page, contains plain English versions of each policy set out in a colourful and illustrated document. Parts of the handbook could be printed as brochures that inform interested persons how the various policies affect what they might wish to do on public land.

The Weddings on Public Land Policy is a good example of a section that might be available as a brochure for general enquiries. The handbook is also a repository for maps and diagrams that help explain the locations where certain policies apply or how to interpret them.

If Council changes a map (for example, via the General Manager using delegation) then a map can be changed in the *Use of Public Land Handbook*, without requiring the policy to be amended by Council.

This should streamline minor changes to maps and diagrams.

The *Use of Public Land Handbook* does not replace the policies.

Sustainability Considerations

- **Environment**
Council policies for public land assist in protecting the environmental characteristics of these important areas. Keeping them current and relevant is essential.
- **Social**
Making public land policies easier to understand with a handbook should increase awareness and acceptance of the policies, and assist in the management of public land.
- **Economic**
Modifications that reduce confusion in Council policies will generally have beneficial (or neutral) economic outcomes.

Legal / Resource / Financial Implications

This project can be completed within existing available staff and financial resources.

It is intended that the administration of the individual policies will remain the responsibility of the current section of Council that manages each policy, with a requirement that policy reviews integrate with the handbook approach in future.

Consultation

Subject to the Council endorsing the suite of redrafted public land policies, a public exhibition period of 28 days duration is proposed.

Options

1. Endorse the suite of redrafted public land policies (and *Use of Public Land Handbook*) for public exhibition.

This approach would involve the public exhibition of the policies, either generally as presented in this report to the Council or with any amendment(s) as specified by the Council. The *Use of Public Land Handbook* would also undergo final formatting for publication.

Following public exhibition of the documents, a report on submissions received would be presented to the Council to provide a further opportunity for the Council to consider the amendments prior to their finalisation and adoption.

This approach is recommended because it will provide an opportunity for further consideration of the proposed amendments that seek to improve the function, interpretation and operation of Council policies.

9.6 Policies on Use of Public Land - Style and Content Review

2. Not proceed with any changes to the public land policies in this report.

This option is not recommended as there are substantial advantages in proceeding with the amendments to ensure the optimal function and operation of the Council policies in relation to the management of public land in the shire.

3. Defer endorsement of the redrafted public land policies (and *Use of Public Land Handbook*) and hold a briefing to enable Councillors to review the policies in greater detail.

This approach is not recommended prior to endorsement and public exhibition because the changes are not major and such a workshop could be held after public consultation, if required.

RECOMMENDATIONS

1. That Council adopts the amended public land policies and *Use of Public Land Handbook*, as attached to this report for the purpose of public exhibition.
2. That Council place the policies and handbook on exhibition for public comment, with any submissions received to be reported back to the Council. If no submissions are received then no further action is required.

Attachment(s)

1. Attachment One - Consolidated Draft Public Land Policies (Under separate cover)
2. Attachment Two - Draft Use of Public Land Handbook (Under separate cover)

10.1 Use of Council Seal

10. General Manager's Group Reports

10.1 Use of Council Seal

RECOMMENDATIONS

That Council attach the Common Seal to the following documents.

US 15/10	<p>The Alstonville Plateau Historical Society (APHS) – Lease for “Crawford House”, located at 10 Wardell Road, Alstonville – Peppercorn rent – Term of three years.</p> <p>Explanation: The Alstonville Plateau Historical Society (APHS) has requested a tenure renewal for the group’s occupation of “Crawford House”, located at 10 Wardell Road, Alstonville.</p> <p>The property is operational land for the purposes of the Local Government Act 1993 and has been owned by Council since 1982. It was used for commercial purposes from that time until the APHS was granted tenure in 2001.</p> <p>Since that time, APHS has restored the property and turned it into a museum, providing a history of the Crawford Family and the history of Alstonville and the surrounding area. They have also constructed additional facilities on the land which are used as a research centre, library and refreshment room.</p> <p>The previous lease has now expired and APHS has occupied the premises under the provisions of the holding over clause since that time.</p> <p>The group has requested a 20 year lease on terms and conditions similar to their prior tenure, including peppercorn rental.</p> <p>The difficulty with granting a 20 year lease is that a lease for a period greater than three years must be registered on title in accordance with s53 of the Real Property Act. In the current circumstances, to enable registration to occur, a subdivision for leasing purposes will be required as the parcel of land which Crawford House is located on also includes a portion of Elizabeth Ann Brown Park. The cost of preparing a subdivision for leasing purposes is approximately \$1,500 and there will be approximately \$500 in legal fees and registrations. There is no current Council budget for these costs.</p> <p>In normal circumstances, the lessee would pay these costs, however, as the APHS is registered as a not for profit group, it is unlikely the Society will have funds to pay these costs.</p> <p>On the basis of the above, it is recommended that a three year lease be offered to APHS.</p>
US15/11	Northern Rivers Dirty Wheels Mountain Bike Club – Bruxner Highway, Alstonville

10.1 Use of Council Seal

	<p>Explanation:</p> <p>Northern Rivers Dirty Wheels Mountain Bike Club have requested a 3 year licence in accordance with the conditions of consent 2014/512 at peppercorn rental for use of the site to construct mountain bike riding trails.</p>
US15/12	<p>Essential Energy - Creation of Easement for multi purpose electrical installation – Lot 2, DP 1168781, Wollongbar Sporting Fields – access via Ramses Street, Wollongbar.</p>

Attachment(s)

Nil

10.2 Investment Summary - July 2015

10.2 Investment Summary - July 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 July 2015.

Key Issues

- Compliance with Investments Policy and the return on investments.

Information

Council's investments are all in accordance with the Local Government Act, the Regulations and Council's Investments Policy. The balance of investments as at 31 July was \$66,286,000. This represents an increase from June of \$3,000,000. Council's investments as at 31 July are at an average (weighted) rate of 3.12%, which is 0.97% above the 90 Day Bank Bill Index of 2.15%. The balance of the cheque account at the Commonwealth Bank, Ballina as at 31 July 2015 was \$812,518.

In respect to the current state of the investment market the monthly commentary from the NSW Treasury (T-Corp) is included as an attachment to this report. The majority of Council's investment portfolio is restricted by legislation (external) and Council (internal) uses for the following purposes:

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

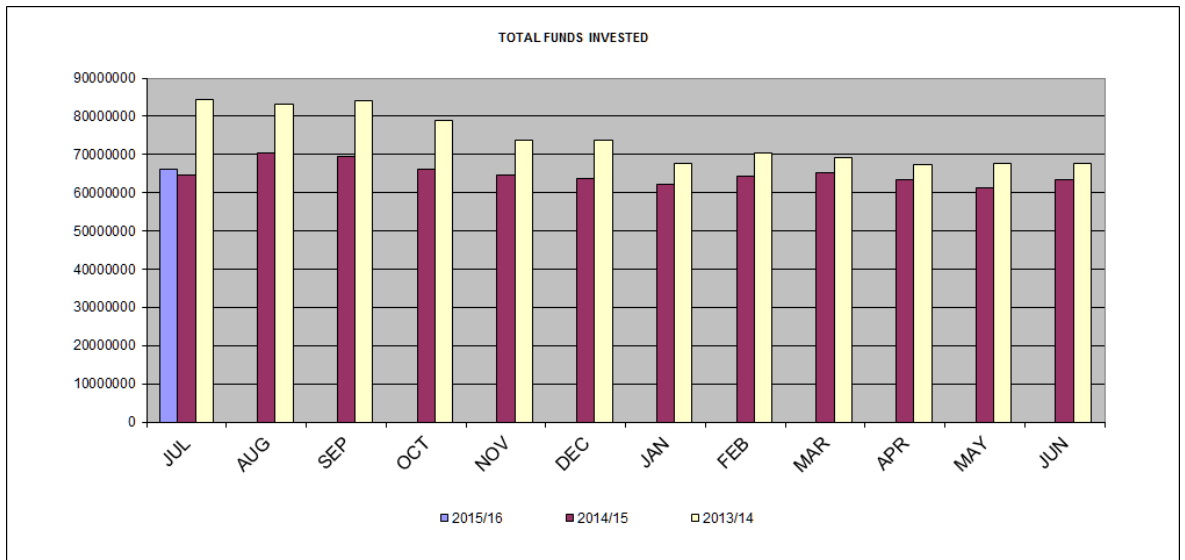
* Based on reserves held as at 30 June 2014

10.2 Investment Summary - July 2015

A. Summary of Investments by Institution

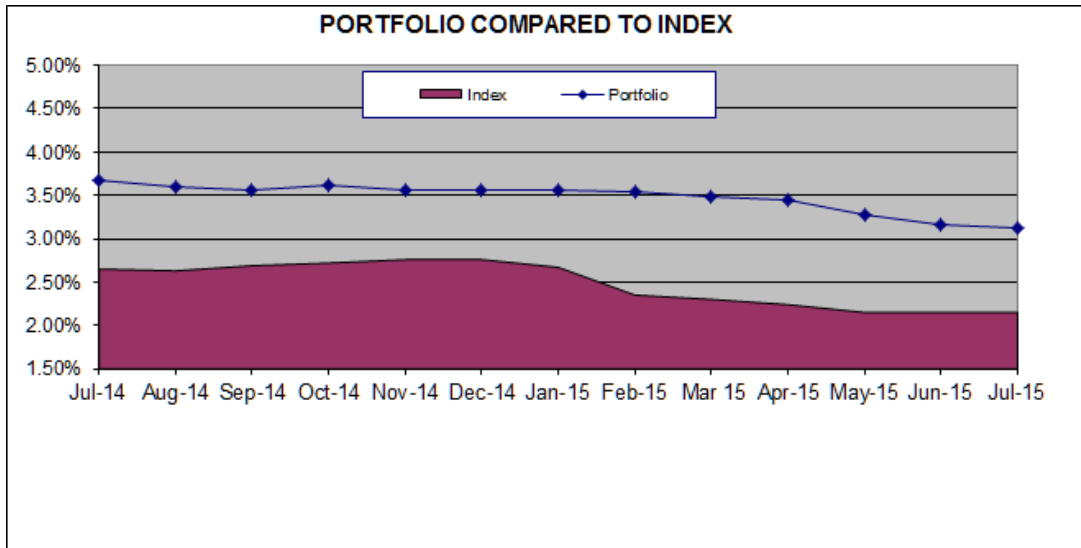
Funds Invested With	ADI Rating	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
Grandfathered Investments						
Goldman Sachs	A	1,000	1,000	0	1.5%	
National Australia Bank	BBB	1,788	1,788	0	2.7%	
National Wealth M'ment Holdings	A-	2,000	2,000	0	3.0%	7%
Rated Institutions						
AMP Bank	A+	6,000	6,000	20%	9.1%	
Bank of Queensland	A-	4,000	4,000	10%	6.0%	
Bank of Western Aust	AA-	11,000	11,000	20%	16.6%	
Bendigo & Adelaide Bank	A-	0	2,000	10%	3.0%	
Commonwealth Bank of Australia	AA-	2,498	2,498	20%	3.8%	
Defence Bank Ltd	BBB+	3,000	3,000	10%	4.5%	
Greater Building Society	BBB	2,000	2,000	10%	3.0%	
ING Bank Ltd	A-	3,000	3,000	10%	4.5%	
Members Equity Bank	BBB+	4,000	4,000	10%	6.0%	
National Australia Bank	AA-	8,000	9,000	20%	13.6%	
Newcastle Perm Bld Society	BBB+	1,000	1,000	10%	1.5%	
Suncorp-Metway Bank	A+	11,000	11,000	20%	16.6%	
Westpac Banking Corporation	AA-	3,000	3,000	20%	4.5%	93%
Unrated ADI's				\$1m	0.0%	0%
Total		63,286	66,286		100%	

B. Monthly Comparison of Total Funds Invested

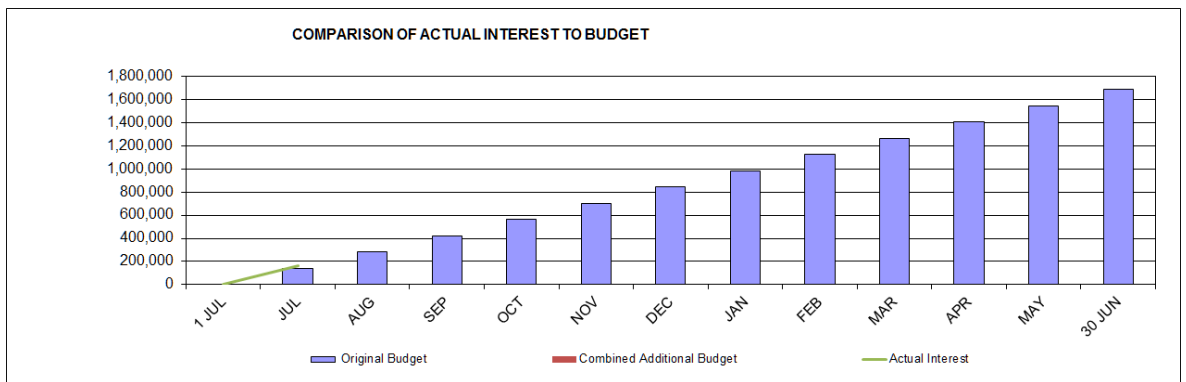


10.2 Investment Summary - July 2015

C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



10.2 Investment Summary - July 2015

E. Investments held as at 31 July 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	1,314
12/04/06	Goldman Sachs	FRN	2.66%	12/04/16	1,000	1,000
16/06/06	National Wealth M'ment Holdings	FRN	2.78%	16/06/26	2,000	1,985
24/01/12	ING Bank Ltd	FRTD	4.09%	24/01/17	1,000	1,000
06/02/12	Westpac Bank	FRN	3.80%	06/02/17	1,000	1,019
25/01/13	Commonwealth Bank Of Australia	TD	4.25%	25/01/18	1,994	2,079
07/06/13	Greater Bld Society	FRN	3.59%	07/06/16	2,000	2,018
25/02/14	Westpac Bank	FRN	3.07%	25/05/19	2,000	2,035
22/09/14	Members Equity Bank	TD	3.65%	22/09/15	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
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
06/07/15	Suncorp-Metway Bank	TD	2.95%	05/01/16	2,000	2,000
13/07/15	Suncorp-Metway Bank	TD	2.90%	11/01/16	1,000	1,000
23/07/15	AMP Bank	TD	2.90%	25/01/16	2,000	2,000
27/07/15	AMP Bank	TD	2.90%	28/01/16	1,000	1,000
29/07/15	BankWest	TD	2.90%	01/02/16	1,000	1,000
29/07/15	National Australia Bank	TD	2.95%	04/02/16	1,000	1,000
30/07/15	Newcastle Permanent Bld Society	TD	2.80%	27/01/16	1,000	1,000
30/07/15	BankWest	TD	2.90%	10/02/16	1,000	1,000
31/07/15	Bendigo & Adelaide Bank	TD	3.00%	01/08/16	2,000	2,000
Totals					66,286	65,954
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 July 2015.

Attachment(s)

1. TCorp Local Government Economic Commentary - July 2015

10.3 Rates and Charges Write Offs - 2014/15

10.3 Rates and Charges Write Offs - 2014/15

Delivery Program Financial Management

Objective To provide Council with details of the rates and charges written off during the 2014/15 rating year.

Background

Clause 131 of the Local Government (General) Regulation 2005 (LGGR) and section 607 of the Local Government Act 1993 (LGA), outline procedures that councils must follow to write off certain rates, charges, and interest.

Essentially, write offs not covered by specific sections of the LGA must be approved by Council resolution, unless the General Manager has been provided with delegated authority by the Council.

The existing Council delegated authority for the General Manager provides authority to write off general debts to a maximum of \$1,000 per debt.

The General Manager has also provided the Rating Coordinator delegated authority to write off interest amounts, pursuant to section 567 of the LGA, up to the value of \$100 per assessment.

Sub clause (6) of clause 131 also requires the General Manager to inform the Council of any amounts written off under delegated authority. This report complies with that clause.

Key Issues

- Compliance with clause 131 (6) of the LGGR.

Information

In accordance with clause 131 of the LGGR, details of the 2014/15 rates, charges, and interest, written off under delegated authority, are provided in table one. Detailed information regarding individual assessments is recorded in Council's rating files.

Although not required under clause 131 of the LGGR, further tables detailing amounts written off during 2014/15 have also been provided for information purposes.

All rates, charges and interest written off during the period 1 July 2014 to 30 June 2015, totalling **\$2,573.12**, are required to be included in Council's annual report (clause 132 LGGA).

In respect to the postponed rates Council is required to write rates off where the property meets certain criteria (refer to notes in table three).

10.3 Rates and Charges Write Offs - 2014/15

Table One - Write-offs - Under General Manager's Delegated Authority

Assessment/Date	Amount	Description
2014/15	\$0.00	There were no amounts written off during 2014/15 under the General Manager's delegated authority.
Total:	\$0.00	

Table Two - Write-offs – Approved by Council during 2014/15

Assessment	Amount	Description
Assessment 205082	\$250.00	Part of excessive water consumption charges between the billing period March and June 2014 written off on compassionate grounds. Approved by Council in 28/08/2014 ordinary meeting (resolution 280814/19). 37 Byron Street LENNOX HEAD
Total:	\$250.00	

Table Three - Write-offs – Postponed Rates - Required by LGA Legislation

Assessment	Amount	Description
6 Assessments	\$2,323.12	Year six write off of postponed ordinary rate and interest charges - Section 595 LGA - Postponements typically relate to a single dwelling house that is zoned for multiple occupancy - The Valuer General supplies a land value for the highest potential use of the land. Upon application for postponement the Valuer General supplies an attributable value (i.e. extra value due to subdivision or higher use potential) and Council levies but postpones the attributable component. Interest is also charged - After five years the postponed amount and interest is written off. If the entitlement to postponement ceases at any time, any amounts not written off become due.
Total:	\$2,323.12	

Table Four – Historical Write-off Comparative Information

Write Off Type	2013/14		2014/15	
	Count	Amount	Count	Amount
Sundry Write Offs	0	0.00	1	250.00
Concealed Water Leaks (1)	34	23,119.41	0	0.00
Small Balances (2)	282	150.20	0	0.00
Postponed Rates	6	2,248.67	6	2,323.12
Total Write Offs	322	25,518.28	7	2,573.12

- (1) Council's Concealed Water Leaks policy was rescinded on 22 May 2014.
- (2) The usual non-mandatory end of year write-off of small balances (less than \$1.00) was not processed during 2014/15.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
There may be socio-economic reasons that support writing off a person's account.
- **Economic**
There is a loss of income in any write-off, albeit that the percentage written off is extremely small as compared to the total rates and charges levied.

Legal / Resource / Financial Implications

Revenue to the value of \$2,573.12 has been foregone.

Consultation

This information is included in Council's annual report.

Options

This report is provided for information purposes only.

RECOMMENDATION

That Council notes that no rates, charges, or interest were written off under delegation of the General Manager for the 2014/15 rating year, pursuant to clause 131 of the Local Government (General) Regulation 2005.

Attachment(s)

Nil

10.4 Ferry - Bicycle Fees

10.4 Ferry - Bicycle Fees

Delivery Program Governance and Finance

Objective To provide an update on the introduction of bicycle fees for the ferry.

Background

Council adopted the 2015/16 Operational Plan at the June 2015 Ordinary meeting, which included all the fees and charges for 2015/16.

In respect to the operation of the Burns Point Ferry, Council debated a number of changes to the exhibited fees and subsequently resolved to introduce a \$1 charge for bicycles using the ferry.

As Council had not exhibited the fee as part of the draft Operational Plan, a staff decision was made to provide public notice on the introduction of the fee prior to its commencement. The fee was subsequently introduced on Monday 10 August 2015 and in response Council has received complaints, both written and verbal, about this new fee.

As the fee was adopted by Council at the June 2015 Ordinary meeting, without any public exhibition and without any consideration of submissions on the proposal, it was thought appropriate for Council to receive a report on the fee, along with including the submissions received to date. This then provides the people objecting to the fee an opportunity for their concerns to be heard.

Key Issues

- Process followed in adopting the fee
- Submissions

Information

Section 610F of the Local Government Act states as follows:

610F Public notice of fees

1. *A council must not determine the amount of a fee until it has given public notice of the fee in accordance with this section and has considered any submissions duly made to it during the period of public notice.*
2. *Public notice of the amount of a proposed fee must be given (in accordance with section 405) in the draft operational plan for the year in which the fee is to be made.*
3. *However, if, after the date on which the operational plan commences:*
 - (a) a new service is provided, or the nature or extent of an existing service is changed, or*
 - (b) the regulations in accordance with which the fee is determined are amended,**the council must give public notice (in accordance with section 705) for at least 28 days of the fee proposed for the new or changed service or the fee determined in accordance with the amended regulations.*
4. *This section does not apply to a fee determined by a council for an application made in a filming proposal, if that fee is consistent with a scale or structure of fees set out in an applicable filming protocol.*

10.4 Ferry - Bicycle Fees

Section 405 of the Local Government Act, as referenced in Section 610F states as follows:

405 Operational plan

- (1) *A council must have a plan (its "operational plan") that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year.*
- (2) *An operational plan must include a statement of the council's revenue policy for the year covered by the operational plan. The statement of revenue policy must include the statements and particulars required by the regulations.*
- (3) *A council must prepare a draft operational plan and give public notice of the draft indicating that submissions may be made to the council at any time during the period (not less than 28 days) that the draft is to be on public exhibition. The council must publicly exhibit the draft operational plan in accordance with the notice.*
- (4) *During the period of public exhibition, the council must have for inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies.*
- (5) *In deciding on the final operational plan to be adopted, a council must consider any submissions that have been made concerning the draft plan.*
- (6) *The council must post a copy of its operational plan on the council's website within 28 days after the plan is adopted.*

One issue that has always been somewhat inconsistent with Section 405 and Section 610F is that councils often change some of the draft fees that were exhibited as part of the draft Operational Plan, largely in response to submissions received during the exhibition period.

A straight literal interpretation of Section 610F clauses (1) and (2) would mean that any fees changed would need to be re-exhibited before adoption. With the annual Operational Plan this would be impractical as the fees and charges have to typically be levied or charged not long after they are adopted, which often occurs at a June Council meeting.

The advice that has been received from the Office of Local Government in respect to changes made to the Operational Plan (including draft budget and fees and charges) as part of the adoption of the document, is essentially that virtually any changes can be made as the Local Government Act is not specific in relation to this issue and councils are entitled to make changes based on matters raised during the exhibition process.

Council resolved to introduce the \$1 bicycle fee, despite it not being exhibited, in response to various submissions to the draft Operational Plan, largely from South Ballina residents. The reasoning being that the non-payment of fees by bicycles was inequitable and there was the potential to raise around \$15,000 per annum based on current bicycle numbers using the ferry.

Following the June 2015 resolution to introduce the fee, it was decided that the fairest way to introduce this new fee, which had not been publically exhibited, was to apply Section 610F clause (3) and provide at least 28 days' notice.

This notice was provided in the Ballina Shire Advocate with the advice that the fee would commence on Monday 10 August.

10.4 Ferry - Bicycle Fees

Council has now received submissions in respect to this fee and copies of the documents received to date are attached to this report.

The submissions highlight concerns in respect to the charge possibly discouraging cycling, which is a healthy activity, the inconsistency in that Council does not charge pedestrians, along with the need for some form of season ticket for high users of the ferry.

This last point is important in that it has been highlighted that there is at least one person who rides their bike to work from South Ballina and based on two trips per day, for say 200 days of the year, they would be paying \$400, which is well above the car season ticket at \$295. This person already pays for two motor vehicles.

Council could consider introducing a season ticket for bicycles, however this would be difficult to manage in that tickets could easily be swapped between bicycles and riders, as bicycles do not have their own individualized registrations, as do motor vehicles.

A second option could be to provide bulk purchase options for bicycles (i.e. purchase book of 100 tickets for say \$50). This will involve increased administration and associated costs, however to be fair some form of bulk purchase is needed if we wish to make high levels of bicycle use equitable with high levels of motor vehicle use.

Sustainability Considerations

- **Environment**
Bicycles have less impact on the environment than motor vehicles.
- **Social**
Bicycles provide social and health benefits for riders.
- **Economic**
The objective of introducing the \$1 charge was to raise additional revenue for the ferry.

Legal / Resource / Financial Implications

The feedback from the ferry drivers is that the introduction of the \$1 charge has worked reasonably well with around 90% of riders paying the charge. Other riders have either not had the funds, with some refusing to pay. These types of incidents should reduce over time.

Revenue as at the end of July, for the last four years for the ferry, is as follows:

Income	2015	2014	2013	2012
Toll Fees	24,600	27,800	22,500	22,000
Season Tickets	59,200	49,800	52,500	48,900
Total	83,800	77,600,	75,000	70,900
Percentage Increase	8%	3%	6%	

This excludes any bicycle revenue as that charge only commenced on 10 August 2015.

10.4 Ferry - Bicycle Fees

Council increased the season ticket for motor vehicles by 18% from \$250 to \$295 for 2015/16. Income from season tickets is up 19% at the end of July, which infers that there has been no reduction in demand for tickets, at this point in time.

Income from toll fees can vary significantly from month to month, based on factors such as weather conditions, public holidays and the number of weekends in a particular month. Even though the toll fees are down 11% on the 2014 figures, it is too early in the year to determine a long term trend for this income.

Importantly overall income is up 8% on the previous financial year, at this same point in time.

Consultation

The introduction of the \$1 fee was public exhibited during July and submissions were sought as part of that exhibition process.

Options

The purpose of this report has been to highlight the submissions received in respect to this new fee. The report also provides people making submissions to the fee an opportunity to be heard by Council.

There are also concerns that the public notification and introduction of this fee has been somewhat different to the normal fee process in that an entirely new fee was introduced at the June meeting, therefore the recommendation to this report is seeking Council acknowledgment of the submissions received, along with seeking formal adoption of the fee again.

In respect to other options it would be open to Council not to proceed with the fee, or change the amount.

There is considered to be an inequity in that currently there is no season ticket for bicycles, and ideally there should be an option to purchase a season ticket or a bulk purchase of tickets.

Even though there are concerns in respect to the management of season tickets it is still thought appropriate to introduce that option.

A season ticket allows high users of a facility to maximise their use and with season tickets available for motor vehicles, and for other Council facilities such as the swimming pools, it is considered equitable to provide the option for bicycle riders.

The motor vehicle season ticket is \$295, with the standard one way charge being \$2.70. This means the season ticket charge equates to approximately 109 trips. Using a similar ratio for bicycles would result in a season ticket of say, \$100 (100 trips).

10.4 Ferry - Bicycle Fees

Another way of looking at this would be the space a bicycle occupies on the ferry. As a rough guide it is possible to locate, at least, around 10 bicycles in a car space on the ferry, which would result in a season ticket charge of one tenth of motor vehicles (i.e. \$30).

On balance, a reasonable season ticket fee for bicycles is considered to be \$50 (a middle ground). This should encourage compliance by bicycle riders and result in additional revenue for Council.

Quarterly tickets would also be available based on the same principle as the motor vehicles (i.e. 25% of annual ticket plus the \$7 administration charge).

The \$7 administration is only applied once if someone is buying two or three quarters (i.e. bicycle purchase in October for nine months would be \$37.50 (\$12.50 times 3) plus the \$7 administration charge.

Motor vehicles are provided with a sticker that includes the vehicle registration, to place on their windscreen. For bicycles we will need to provide some form of identifier such as a card or sticker that can be displayed when riders are on the ferry. The exact form of identification will be determined if Council decides it wishes to proceed with bicycle season tickets.

If Council supports the season ticket, it is preferred to not proceed with books of bulk tickets at this point in time, and allow an assessment of how people react to the season ticket option. Bulk tickets can be introduced, at any time, if Council feels there is a need to also provide that service.

Finally from a staff perspective the \$1 fee for bicycles has typically not been recommended as the amount of revenue derived, which still remains uncertain, is not considered to offset the social and health benefits generated from riding. Similarly if the fee is charged for bicycles, there is an argument that it should also be charged for pedestrians, who also walk onto the ferry, as do bicycle riders.

Nevertheless the feedback from the ferry operators is that the charge is being reasonably well accepted and the recommendation confirms the \$1 charge, along with the introduction of season tickets for bicycles.

RECOMMENDATIONS

1. That Council confirms that it has publically exhibited the \$1 fee for bicycle riders for the ferry, considered the submissions received and subsequently adopted and endorsed the introduction of the fee (noting that it commenced operation on Monday 10 August 2015)
2. That Council also authorises the General Manager to introduce a season ticket of \$50 per annum for bicycle riders, along with quarterly tickets at \$12.50 (25%) plus the \$7 administration charge (with the administration charge only applied once per purchase).

Attachment(s)

1. Submissions

10.5 Budgets Carried Forward and Reserve Movements

10.5 Budgets Carried Forward and Reserve Movements

Delivery Program Financial Management

Objective To provide a preliminary overview of the 2014/15 end year outcomes and to advise Council of any budgets carried forward to 2015/16, along with the transfers to reserves included in the finalisation of the 2014/15 results.

Background

The purpose of this report is to provide a brief overview of the 2014/15 financial results.

The report also seeks Council approval to carry funds forward from 2014/15 to 2015/16 regarding ongoing or incomplete projects and to advise of fund transfers to reserve for future use.

The figures presented in this report are preliminary and may vary following end year adjustments.

Key Issues

- Financial performance
- Approval for the works and services carried forward
- Approval for the reserve transfers

Information

Overview of Outcomes

This section of the report provides a brief overview of the results for the different funds and for the waste management operations

The results are subject to change due to end year accounting adjustments however they provide a good indication of financial performance for the year.

General Fund Working Capital

The March review forecast a reduction to working capital of \$107,000 and the end year movement, prior to finalisation of end year adjustments, is an increase of \$20,000.

Whilst these figures show a positive improvement they do not fully reflect what were particularly good outcomes achieved in most areas of the organisation. This is because most of the positive outcomes result in transfers to reserve that set funds aside for future purposes, hence they do not reflect in the working capital movement (i.e. they are reflected in increased internal reserves).

The larger variations for actual income or expenditure in comparison to budget are as follows.

10.5 Budgets Carried Forward and Reserve Movements

- Council paid salaries of approximately \$19.5 million in 2014/15 and the total cost was \$270,000 less than budget.

This saving is a combination of staff taking higher leave than forecast and delays in replacing certain staff positions that left the organisation.

Total employee leave expenditure amounted to \$2.9 million, which was \$140,000 less than budget. The employee leave budgets were increased over the course of the year to meet rising costs and ultimately \$140,000 was not required.

The workers compensation premium was \$480,000, which is \$110,000 less than forecast. The forecast assumed an increased premium due to one particular case and as at year end the case has not been completed, so the premium did not rise.

Based on savings across the organisation it is proposed to have a net transfer to the employee leave entitlements reserve of \$540,000, which will strengthen the reserve to meet budget variations. Issues such as the workers compensation premium and retirements to long serving staff members, can very quickly have a large impact on actual expenditures.

For example, during 2014/15 the General Fund leave budget was increased from the original estimate of \$2.5m to over \$3m, with approximately \$200,000 of that increase offset by a transfer from the leave entitlements reserve.

The leave budget for 2015/16 is \$2.6m and with some long standing employees indicating that they may be retiring during 2015/16, it is essential that there are sufficient funds in the leave entitlements reserve to offset any large payments.

The leave entitlements reserve represents approximately 35% of the total leave liability. Further information on this reserve is provided later in this report.

- Building Services income continued to exceed expectations and was \$90,000 more than the March forecast. The budget was increased substantially throughout the course of the year and the trend accelerated as the year closed.

Total income was \$1,179,000 which compares very favourably with recent years (2012/13 \$598,000 and 2013/14 \$893,000).

- Development Services legal expense amounted to \$103,000, which was \$47,000 less than forecast.
- Fines relating to car parking and companion animals totalled \$246,000, which exceeded budget by \$37,000. In respect to animal registrations, Council has been proactive in chasing up animals not registered and anticipated income was exceeded by \$28,000.

10.5 Budgets Carried Forward and Reserve Movements

- Swimming pool expenditure was \$87,000 less than budget, which is primarily due to an adjustment in wastewater usage charges at the Ballina pool.

Water use has been increasing substantially over recent years as large quantities of water have been required to keep the pools operational. This has resulted in large bills for both water and wastewater usage. Investigations concluded that the majority of this water was not being returned to the wastewater system at Ballina, and accordingly these accounts, for a few years, were reduced.

- Income from engineer supervision of grant funded road works was \$104,000, which was \$84,000 more than forecast. A calculation is completed late in the financial year to determine the amount of time that can be extracted from grants and the outcome was better than anticipated.
- Revenue from inspection fees for engineers to approve new infrastructure works was \$241,000, which exceeded budget by \$17,000. This is another example where income has increased dramatically due to development activity. By way of comparison in 2012/13 income was \$103,000 and in 2013/14 \$135,000.
- Expenditure associated with Open Spaces and Reserves was significantly under budget. The budget allowed for operating expenditure of \$2.6 million and actual costs were some \$260,000 less.

The savings to budget are due to some project related work not being completed, such as the Ballina Entrance Trees and the RSL land swap, however the bulk of the saving relates to efficiency gains, along with some delays in replacing staff that left our employment.

This has been an excellent outcome for the Manager and in recognition of this it is proposed that a large portion of the savings be transferred to an Open Spaces internal reserve, to have in place a contingency for capital works, such as the Ballina Netball lights, and other new capital projects (see the works carried forward table later in this report).

- Councillor delegate expenses associated with travelling and attendance at functions could be described as frugal, with total costs amounting to \$8,500, which is \$22,500 less than forecast.
- Administration costs relating to phones, advertising, postage and conference attendance were all less than forecast and resulted in savings compared to budget of \$44,000.
- General revenue share of interest income from funds invested amounted to \$100,000 more than forecast. This budget was increased in March as it became evident that the works program would not be completed, revenue in various areas was more than expected and the portfolio continued to be protected from the most recent interest rate reductions due to some of the longer term investments.

10.5 Budgets Carried Forward and Reserve Movements

- Information Services completed the year with a net saving to budget of \$40,000. The main savings related to hardware licence costs and the capital expenditure budget for miscellaneous projects was underspent. It is proposed to transfer these funds to an internal reserve for future projects, such as an upgrade to the current mapping system.
- Expenditure relating to miscellaneous properties was \$44,000 less than budget. This includes \$20,000 for property evaluations that was not required.
- The net outcome for the Gallery was \$16,000 worse than anticipated with income being less than budget (mainly consignment sales) and expenses marginally up on forecast (salaries).
- Expenditure in the Procurement and Building Management program exceeded budget by some \$40,000.

Whilst maintenance was up in comparison to budget in various building categories, public toilets maintenance and vandalism was the main issue.

Public toilets is always a difficult budget to manage due to on-going maintenance and vandalism related works.

- The March forecast for the Airport predicted a net increase to the internal loan of \$9,000 and the latest figures show an increase to the loan of \$132,000. Forecast income was the main issue as it was \$121,000 less than budget.

The Airport figures have improved from initial information as it was discovered that there had been an internal over charge by the Plant Fund in respect to the mower slasher, used exclusively by the Airport.

In addition to the transfers to reserve mentioned in the comments above it is proposed to transfer funds to reserve for the following purposes:

- Election - \$100,000 extra to prepare for the election in the 2016/17 financial year. This will help to take pressure off the recurrent budget for that year
- Community Buildings - \$50,000 to enable various improvement works to halls and other facilities
- Wardell Boardwalk - \$100,000 to improve the likelihood of this project commencing (see comment in 'Other Matters' section of this report).

In summary the end year 'General Revenue' outcomes represent a combination of increased revenues and strong expenditure controls during year.

The additional revenues are largely a product of the economy and building activity. Looking at Building Services income for example, 2014/15 income exceeded 2012/13 income by some \$580,000.

This is a massive benefit to General Fund.

10.5 Budgets Carried Forward and Reserve Movements

In respect to expenditure, whilst there are always exceptions, it would be fair to say as a general observation that the systems in place to monitor expense in relation to budget are sound and staff have been very diligent in trying to manage their budget.

Landfill and Resource Management

The preliminary result for Landfill and Resource Management (LRM) is shown in Table One, with a comparison to the March forecast.

Table One - LRM Financial Result (\$)

Item	March Estimate	June Actual
Operating Revenues	7,300,000	7,252,000
Operating Expenses	6,658,000	6,010,000
Operating Surplus	642,000	1,242,000
Eliminate Depreciation	1,400,000	1,400,000
Surplus Excluding Depn	2,042,000	2,642,000
Capital Income	0	0
Dividend to General Fund	180,000	180,000
Capital Expenditure including Loan Principal	1,630,000	1,230,000
Net Cash Movement	232,000	1,232,000

An operating surplus of \$1.24 million was achieved inclusive of depreciation, which is a sound performance, particularly when the loan principal repayments are currently around \$1.1 million per annum.

In a cash sense the LRM reserves will increase by \$1.23 million and again this is a pleasing result and substantially better than forecast.

To some extent this improvement is attributable to the new waste operations annual charge (generated \$1.2 million) that was introduced in tandem with reductions to the Domestic Waste annual charge.

The intent was to improve the profitability of LRM at the expense of Domestic Waste Management and this has been achieved.

Income does include a contribution of \$125,000 from the State Government associated with the waste minimisation levy.

These funds have been placed into a restricted reserve and they can only be used for agreed purposes.

Operating expense was substantially less than budget and there were savings across most sections of the budget.

Some of the larger savings in comparison to budget related to:

- transport expenses \$100,000
- State Government levy \$100,000
- pre-loading activities at the transfer station \$110,000
- investigations and pre-treatment systems \$50,000
- re-use treatments (eg; concrete crushing, road maintenance) \$70,000
- solid waste treatment (leachate control, baling, litter) \$60,000

10.5 Budgets Carried Forward and Reserve Movements

In 2013/14 operating expense, excluding depreciation, was approximately \$5.3 million. In 2014/15 operating expense was approximately \$4.6 million (excluding depreciation).

This is a massive improvement and is due to changes in operating processes, some annual activities such as concrete crushing and road maintenance did not occur, staff departures were either not replaced or delayed and some maintenance works did not occur.

It is anticipated that 2015/16 operating expenses will be closer to 2013/14 levels once some of the backlog works are undertaken and the staff replacement has been finalised.

Capital expenditure is dominated by a loan repayment of \$1,135,000 with the remaining expenditure primarily relating to the biochar project - \$87,000. A dividend of \$180,000 was paid to the General Fund to finance improvement works on Southern Cross Drive.

Total LRM reserves are anticipated to be in the order of \$3.5 million at the end of 2014/15, of which approximately \$900,000 is restricted.

The major loan being repaid by the business will be completed in 2016/17 after which annual operational cash surpluses in excess of \$2 million are anticipated.

The allocation of these monies will depend on the future strategy for waste management.

Domestic Waste Management

The preliminary result for Domestic Waste Management (DWM) is shown in Table Two, with a comparison to the March forecast.

Table Two - DWM Financial Result (\$)

Item	March Estimate	June Actual
Operating Revenues	6,428,000	6,396,000
Operating Expenses	6,414,000	6,396,000
Operating Surplus	14,000	0
Eliminate Depreciation	177,000	177,000
Surplus Excluding Depn	191,000	177,000
Capital Expenditure including Loan Principal	503,000	153,000
Net Cash Movement	(312,000)	24,000

DWM performed quite close to forecast with a break even result and a cash surplus of \$177,000, excluding depreciation.

The budget assumed the purchase of one new collection truck however this did not eventuate. The actual capital expenditure relates to the capital portion of a loan repayment.

The increase to reserves of \$24,000 compares to \$690,000 in 2013/14. As mentioned earlier the strategy was to shift the DWM surplus to LRM and this has been achieved.

10.5 Budgets Carried Forward and Reserve Movements

DWM has reserves in place of approximately \$1.6 million. Modelling predicts that \$1.7 million will be required for vehicle replacements in 2017/18 so the service remains on track to meet these commitments.

Water Operations

The preliminary result for Water Operations is shown in Table Three, with a comparison to the March forecast.

Table Three - Water Operations Financial Result (\$)

Item	March Estimate	June Actual
Operating Revenues	10,737,000	10,887,000
Operating Expenses	11,081,000	10,975,000
Operating Loss	(344,000)	(88,000)
Eliminate Depreciation	1,479,000	1,479,000
Surplus Excluding Depn	1,135,000	1,391,000
Capital Income	936,000	791,000
Capital Expenditure	3,440,000	2,617,000
Net Cash Movement	(1,369,000)	(435,000)

The operating result is quite close to a break even position (negative \$88,000) which is a good result. Council has been working towards a break even outcome for some years and given the size of the operation we have largely achieved that goal.

The result is \$256,000 better than forecast as increased income was received in respect to interest on investments, meter connection fees and water consumption charges.

Operating expense was \$106,000 less than forecast with most sections of the budget being close to forecast. A budget of \$41,000 for data management was not required and expenses to maintain and operate plant were less than forecast.

A number of capital projects were not completed with actual expenditure being some \$800,000 less than budget. Funding for the majority of these works will be carried forward to 2015/16.

Wastewater

The preliminary result for Wastewater Operations is shown in Table Four, with a comparison to the March forecast.

Table Four - Wastewater Operations Financial Result (\$)

Item	March Estimate	June Actual
Operating Revenues	15,354,000	15,339,000
Operating Expenses	16,416,000	16,100,000
Operating Loss	(1,062,000)	(761,000)
Eliminate Depreciation	2,314,000	2,314,000
Surplus Excluding Depn	1,252,000	1,553,000
Capital Income	1,197,000	1,386,000
Capital Expenditure including Loan Principal	7,003,000	6,028,000
Net Cash Movement	(4,554,000)	(3,089,000)

10.5 Budgets Carried Forward and Reserve Movements

The forecast deficit at March of \$1,062,000 reduced to \$656,000 primarily due to expenditure being less than forecast.

Whilst some sections of the budget exceeded forecast there were savings compared to budget across most of the operations and maintenance areas.

Capital income relates to developer contributions, which amounted to almost \$1.4 million. This represents a particularly strong return for the year.

The 2014/15 capital works program was not completed in full and unexpended funds will generally be carried forward to the next financial year.

Employee Leave Entitlements (ELE) Reserve - General Fund

Staff have been encouraged to take leave entitlements in recent years to reduce or at least level the overall leave liability. This has contributed to more wages being charged to the leave entitlements expense and less to the operational areas than has typically been the case.

Table Five provides a summary of the actual cash cost of leave payments in recent years and it can be seen that expenditure has risen exponentially.

Table Five - General Fund Leave Payments (\$)

Item	2011/12	2012/13	2013/14	2014/15
Leave Expense	2,053,000	2,377,000	2,783,000	2,910,000

The actual cash cost for leave taken in 2014/15 was approximately \$2.9 million and the estimated leave liability will be \$7.2 million, which is a reduction in comparison to last year of approximately \$100,000 (i.e. \$7.3 million).

The anticipated balance of the cash reserve to fund the leave liability is \$2.5 million, which means the liability will be approximately 35% funded. This is a big improvement in comparison to last financial year when the liability was 27% funded. The improvement is because of the large transfer to reserve as outlined earlier in this report.

The benchmark as to what is an acceptable funding level varies depending on the age profile of staff. The older the staff age profile then the higher the benchmark.

In Ballina's case the benchmark is indicating that the reserve should be funding approximately 33% of the liability so the current outlook is satisfactory.

Works Carried Forward

It is important for budgeting and monitoring purposes that any incomplete actions, that are still on-going, and the matching funding are carried forward to the next year. This ensures that the budget reflects the totality of the works and services program.

Tables six and seven provide that information with table six showing operating expense items and table seven showing capital.

10.5 Budgets Carried Forward and Reserve Movements

Typically these items have previously been approved by Council and the designated funding source will also be carried forward, however there are some items where savings have been transferred to other projects (i.e. savings in open spaces operations to capital).

Table Six - Summary of Items Carried Forward – Operating Expenses

Description	Dollars	Comment
Group - Strategic and Community Facilities		
Strategic Services		
Section 94 Plans Review	38,500	Reviews in progress
Tracking Grant	2,000	Grant funded project in progress
Regional Planning Grant	20,600	Grant funded project in progress
20 Million Trees Grant	53,200	Grant funded project in progress
Pop Denison Master Plan	11,000	Project in progress
Koala Study and Plan	7,600	Grant funded project in progress
Planning Studies – Various	106,200	LEP reviews in progress
Community Facilities and Customer Service		
Northern Rivers Car Pool Project	7,100	On-going project
Library		
Special Projects Grant – Various Projects	54,800	Grant funded projects in progress
Community Art Gallery		
Gallery Projects	17,300	Project in progress
Tourism		
Visitor Information Centre Reserve	61,000	Ongoing promotional activities
Group Total	379,300	
Development and Environmental Health		
Public and Environmental Health		
Environmental Health Salaries - Reserve	27,000	Fund part year of new OSSMS officer
Shaws Bay Management Plan	17,000	On-going works
Lake Ainsworth Management Plan	15,000	On-going works
Group Total	59,000	
Civil Services Group		
Stormwater and Environmental Protection		
Management Plan Chickiba / North Lakes	30,000	Works not yet commenced
Ballina Flood Risk Plan	82,200	On-going works
Gallens Road / Drainage Union etc	22,100	On-going works
Coastal Hazard Study Stage Three	123,100	On-going works
Canal Dredging	32,200	Project in progress
Flood Third Party Modelling	22,300	Project in progress
Ferry, Wharves and Jetties		
Martin Street Harbour	23,200	Project in progress
Ballina Trawler Harbour	40,000	Project not commenced
Roads and Maritime Services		
RMS Maintenance	146,900	Works in progress
Open Spaces and Reserves		
Four Wheel Drive Permits Automatic Machine	20,000	Funded from open spaces operations
Nursery Operations	10,000	Improvements to entry road
Anzac Grant	8,100	Project in progress
Ballina Entry Statement Treatment	50,700	Project in progress
Vegetation Management		
Grant Projects – Various	159,600	Works in progress
Pine Avenue	11,400	Vegetation management
Coast Road – Landslip	7,000	Vegetation management
Rural Fire Service		
Fire Hazard Removal	31,000	Annual program
Civil Services Group Total	819,800	
General Manager's Group		
Governance		
Donations Reserve	18,700	Incomplete donations
Information Services		
Information Systems Reserve	40,000	Funds for mapping system
General Manager's Group Total	58,700	

10.5 Budgets Carried Forward and Reserve Movements

Description	Dollars	Comment
Commercial Services Unit		
Commercial Property		
Wigmore Arcade - Operations	5,000	On-going negotiations
Commercial Services Unit Total	5,000	
Totals	1,321,800	

Table Seven - Summary of Items Carried Forward – Capital.

Description	Dollars	Comment
Group - Strategic and Community Facilities		
Community Facilities and Customer Service		
Alstonville Preschool – Council Contribution	44,000	Project in progress
Regional Sport Centre – Design and Approval	22,600	Project in progress
Wardell Hall Improvements	13,200	Hall improvements in progress
Lenox Head Community Centre - Grant	170,200	Grant funded project in progress
Library		
Special Projects Grant - Library Expansion	65,300	Grant funded project in progress
Community Art Gallery		
Public Art	10,000	Carry forward to allow larger project
Swimming Pools		
Stormwater - Transfer to Alstonville Preschool	35,000	Funding transfer to project in progress
Ballina and Alstonville Upgrade	166,400	Project in progress
Group Total	526,700	
Civil Services Group		
Administration Centre and Depot Facilities		
Procurement Software	12,300	Project in progress
Depot Upgrade	163,000	Project in progress
Administration Centre Lights Upgrade	15,200	Project in progress
Procurement and Building Management		
Ballina Surf Club	744,800	Project in progress
Lake Ainsworth / Surf Club works	338,600	Project in progress
Ballina Library Expansion	20,600	Project in progress
Marine Rescue Tower	389,300	Project in progress
Stormwater and Environmental Protection		
Green Street Drainage	10,000	Works not commenced
Cherry Street Drainage	25,000	Works not commenced
Skinner Street Drainage	70,000	Works not commenced
Drainage Survey Control Equipment	69,000	Drainage monies reallocated
Grant Street Drainage	17,400	Works not commenced
Roads and Bridges		
Ross Lane / Coast Road Intersection	24,300	Works in progress
Ballina Heights Drive	330,800	Works in progress
Rural Road Reseals	56,800	Works in progress
Rifle Range Road Rehabilitation	3,500	Works in progress
Coast Road - Tobin Place	6,800	Works in progress
Roundabout River / Moon Streets	119,300	Works in progress
Ridgeway Drive	10,000	Works in progress
Maguires Creek Bridge	75,000	Works not commenced
Southern Cross Drive	171,500	Works in progress
Shared Path Stage 3 (North Creek Road)	60,000	Transfer to match additional grant
Ancillary Transport Services		
Tactile Markers	12,000	Works not commenced
Footpath - Main Street, Alstonville	33,000	Works not commenced
Footpath - Ballina Street, Lennox Head	11,000	Works in progress
Footpath - Commercial Road, Alstonville	20,000	Works not commenced
Footpath - Quays Drive, Ballina	10,000	Works not commenced
Footpath - Kerr Street, Ballina	22,400	Works in progress
Pedestrian Refuge - Brunswick Street	6,600	Works in progress
Coastal Shared Path	198,000	Works in progress
Shared Path Stage 3 (North Creek Road)	396,900	Works in progress
Cultural Ways Signage	46,300	Works in progress
Ferry, Wharves and Jetties		
Keith Hall Boat Ramp	27,800	Project in progress

10.5 Budgets Carried Forward and Reserve Movements

Description	Dollars	Comment
Open Spaces and Reserves		
Sports Fields Management	80,000	Funding for improvements to fields
Killen Falls Improvements	66,400	Works in progress
Playground Improvements	164,400	Works in progress
Sporting Fields		
Netball Court Lights	25,000	Project not commenced
Wollongbar Sports Fields	5,032,300	Project in progress
Civil Services Group Total	8,885,300	
Commercial Services Unit		
Commercial Property		
Wigmore Arcade – Refurbishment	120,000	Works in progress
Wigmore Arcade – Fit Outs	7,000	On-going fit outs
89 Tamar Street – Air Conditioning	15,000	Works needed to finish project
Commercial Services Unit Total	142,000	
Water Services		
Water Pipeline Study	10,000	Works in progress
Ross Lane Under Bore	60,000	Works in progress
Recycled Water Distribution and Storage	190,000	Works in progress
Pressure Management Zone Lumley's Lane	54,000	Works in progress
Pumping Station Basalt Court	12,000	Works in progress
Ballina Heights booster	46,000	Works in progress
Water Total	372,000	
Wastewater		
Gravity Sewer Pipeline Study	3,000	Works in progress
Pumping Station Byron Street	1,000	Works in progress
Wastewater Recycled Distribution and Storage	100,000	Works in progress
Water Reuse Communications	33,000	Works in progress
Kings Court Reservoir	180,000	Works in progress
Ballina Heights Booster	40,000	Works in progress
Reverse Osmosis	100,000	Works in progress
Ballina Treatment Plant Upgrade	8,000	Works in progress
Lennox Treatment Plant Upgrade	100,000	Works in progress
Wastewater Total	565,000	
Totals	10,349,000	

Funds Transferred to Reserve

This next section of the report details transfers to reserves, with Table Eight providing a summary of those transfers. The figures relating to business operations such as Quarries, Plant, Airport, Cemeteries etc is the net movement in the reserve, with net transfers from reserve shown as a negative (i.e. in brackets).

The comment column provides a brief explanation of the transfer.

Table Eight - Summary of Transfers to Reserve

Description	Amount \$	Comment
Strategic and Community Facilities		
Strategic Services		
Strategic Projects	39,400	Ongoing Strategic Planning projects
Energy Credits	14,500	Used for sustainability projects
Section 94 Contributions and Interest	3,099,200	Actual contributions plus interest
Community Facilities and Customer Service		
Crown Rental Reserve	13,500	Funds to meet rental commitments
Property Reserve - LHCCC Legal	11,000	Budget for legal costs not expended
Kingsford Smith Hockey	20,000	Rental payments by Hockey Club
Halls and Community Buildings	50,000	Funds for building refurbishments
Community Gallery		
Crown Rent Reserve Gallery	13,100	Funds to meet rental commitments
Group Total	3,260,700	

10.5 Budgets Carried Forward and Reserve Movements

Description	Amount \$	Comment
Civil Services		
Asset Management		
Section 94 Plans	27,700	Reserve to fund the review of plans
Asset Condition	5,000	Reserve to fund condition assessments
Administration Centre and Depot Facilities		
Administration Building Refurbishment	10,000	Reserve to fund building refurbishment
Ancillary Transport Services		
Coastal Shared Path Funding	1,181,000	Works not commenced
Procurement and Building Management		
Reimbursement of Legal Expenses	600,000	Property matter
Stormwater and Environmental Protection		
Ballina Flood Risk Reserve	68,000	Flood investigations
Coastal Hazard Study Reserve	26,000	Coastal Hazard investigations
Roads and Bridges		
Teven Bridges Vegetation Regeneration	50,000	Enable annual vegetation works
Alstonville Bypass	28,600	Interest on reserve balance
Alstonville Bypass	147,900	Unexpended budget from 2014/15
Ballina Bypass	65,000	Interest on reserve balance
Ballina Bypass	436,900	Unexpended budget from 2014/15
Ancillary Transport Services		
Wardell Town Centre	14,800	Interest on reserve balance
Skennars Car Park	21,900	Funds to meet rental commitments
Wardell Town Centre - Boardwalk	100,000	Extra funding for Wardell boardwalk sourced from end of year savings
Ferry, Wharves and Jetties		
Marine Infrastructure Reserve	3,100	Reserve for future projects
Open Spaces and Reserves		
Operational savings	100,000	Reserve for future projects
Cemeteries	78,100	Operating surplus of \$128,100. The business paid a dividend of \$50,000 to General Fund so a net increase to reserve of \$78,100.
Sports Fields	5,700	Reserve for future projects
Business Activities		
Quarries Reserve	(133,700)	Operating surplus for the year of \$76,300. The business paid a dividend of \$210,000 to General Fund so a net decrease to reserve of \$133,700.
Plant Operations	43,600	Operating surplus of \$1,192,700. Funds totalling \$1,149,100 transferred from reserve for plant purchases resulting in a net increase to reserve of \$43,600.
Domestic Waste Management	23,800	Operating surplus of 176,300. Funds totalling \$152,500 transferred from reserve for loan repayments resulting in a net increase to reserve of \$23,800.
Landfill and Resource Recovery	1,231,700	Operating surplus for the year of \$2,642,200. Funds totalling \$1,230,500 transferred from reserve for loan repayments and capital works. A further \$180,000 provided to General Fund as a dividend resulting in a net increase to reserve of \$1,231,700.
Group Total	4,135,100	
General Manager's Group		
Governance		
Elections Reserve	160,000	Part fund the next election
Administration		
Records Projects	5,000	Enable projects such as back scanning
Finance		
Asset Revaluation Reserve	8,500	Funds to meet accounting standards
Human Resources and Risk Management		
Employees Leave Entitlement Reserve	540,000	Fund employee leave liabilities
Group Total	713,500	

10.5 Budgets Carried Forward and Reserve Movements

Description	Amount \$	Comment
Commercial Services Unit		
Commercial Property		
Crown Reserves (Property Rents)	81,300	Funds to meet rental commitments
Property Reserves	190,200	Interest on funds invested
Property Reserves	339,600	ARC rent
Property Reserves	143,000	Norfolk Homes rent
Property Reserves	57,100	Fawcett Café rent
Property Reserves	641,900	Tamar Street rent
Property Reserves	729,800	Recoupments from section 94 reserves
Land Development		
Property Reserves	195,300	Land sale - Alstonville Plaza
Property Reserves	261,800	Land sales - Southern Cross Estate
Property Reserves	33,600	Land sale - Ballina High school
Property Reserves	2,250,000	Land sales - Wollongbar
Property Reserves	(4,388,000)	Transfers from property reserves for various projects including Wigmore Arcade upgrade, Wollongbar sports fields and dividend to General Fund
Property Management		
BBRC property donations reserve	500,000	Ballina Heights Drive- section 94 recoupments regarding the building stimulus grant
BBRC property donations reserve	305,100	Wollongbar Sports Fields- section 94 recoupments regarding the building stimulus grant
Business Activities		
Flat Rock Reserve	172,800	Operating cash surplus for the year
Airport Reserve	(131,700)	Operating surplus of \$1,117,500 with capital expenditure of \$1,974,200 and capital income of \$725,000. Net decrease to reserves of \$131,700.
Total	1,381,800	
Water Supply		
Water Section 64 reserve (net change)	(435,000)	Operating surplus of \$1,390,000 (excludes depreciation) with capital expenditure of \$2,616,000 and capital income of \$791,000. Net decrease to reserves of \$435,000.
Wastewater Services		
Wastewater sect 64 reserve (net change)	(3,089,000)	Operating surplus of \$1,553,000 (excludes depreciation) with capital expenditure of \$6,028,000 and capital income of \$1,386,000. Net decrease to reserves of \$3,089,000..
NEWLOG		
NEWLOG	29,400	Operating cash surplus for the year.

Other Matters

Wardell Boardwalk

A resolution from the June 2015 Ordinary meeting asked for a report in respect to options to fund the Wardell boardwalk.

The estimated cost to complete the works is \$540,000 and the Wardell Town Centre Reserve had funds of \$421,000 committed to this project. Council has been trying to secure the additional funds from grants however over an extended period of time no grant application has been successful.

10.5 Budgets Carried Forward and Reserve Movements

Also at the June 2015 Ordinary meeting it was resolved to withdraw \$120,000 from the Wardell Town Centre reserve to fund footpath works at Byron and Carlisle Streets, Wardell. This means that the balance in the Wardell Town Centre reserve is now \$301,000.

Assuming Council agrees to transfer \$100,000 to this reserve as part of the end of year adjustments, as outlined earlier in this report (Table Eight) the balance available for the boardwalk is \$401,000.

In addition to these funds it has been identified that \$45,000 could be sourced from the Wardell Section 94 Community Facilities monies for the boardwalk and a further \$15,000 has been attributed to the reserve as 2014/15 interest.

This means there is available funding of \$461,000 and we have a shortfall of \$79,000.

Table Nine summarises this information.

Table Nine - Wardell Boardwalk Funding

Item	Amount (\$)
Preliminary reserve balance as at 30 June 2015	421,000
Less Wardell footpath monies allocated in 2015/16 budget	(120,000)
Add additional year end transfer to reserve	100,000
Add Available Section 94 Funds	45,000
Add Interest Accrued on Reserve for 2014/15	15,000
Available Reserve Funds	461,000

Council applied in July 2015 for a Community Building Partnership grant for \$100,000 which, if successful, will enable the boardwalk to be constructed with \$21,000 as a contingency. However if the application is not successful the project remains in limbo unless Council resolves to alter priorities in respect to the footpaths.

The Community Building Partnership funding, which is financed by the State Government, provides for \$300,000 for the Ballina Electorate. Based on preliminary discussions with the local member, it is highly unlikely that funding will be approved for this project.

One option to guarantee the delivery of the project would be to transfer \$79,000 from the Byron/Carlisle Streets footpath projects to enable the boardwalk to be completed.

This would then leave \$41,000 for Wardell related footpath works. If the grant is successful then these works could be reinstated as per the original estimates.

The Wardell Progress Association has discussed this proposal and support this approach.

Sustainability Considerations

- **Environment**

Many of the projects have environmental, social or economic outcomes.

10.5 Budgets Carried Forward and Reserve Movements

- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

There are no net financial implications from this report as the report details movements between years and surplus funds going into reserves.

Consultation

Provided for public information.

Options

This report is designed to ensure Councillors are informed on the works and services carried forward and the transfers to reserves. The options are to approve or not approve the adjustments.

The recommendation also includes funding of the Wardell Boardwalk. The monies for the Wardell Town Centre upgrade have been in place for a number of years and with an option to fund this project, along with the project being identified as the highest priority project in the Wardell Planning and Environmental Study report, as outlined earlier in this business paper, it seems timely to now approve the construction of the project.

RECOMMENDATIONS

1. That Council approves the works and services carried forward and reserve movements as outlined in tables six, seven and eight of this report, for inclusion in Council's Long Term Financial Plan.
2. That Council reduce the \$120,000 in the 2015/16 budget for footpath construction at Byron and Carlisle Streets, Wardell by \$79,000 and transfer these funds to the Wardell Town Centre – Boardwalk project, which will enable the boardwalk project to proceed. The remaining \$41,000 for Wardell footpaths shall be allocated by the General Manager in consultation with the local community.

Attachment(s)

Nil

10.6 Councillor Expenses - Claim

10.6 Councillor Expenses - Claim

Delivery Program Governance

Objective To seek Council support for the payment of expenses for Councillors.

Background

The Councillor Expenses and Facilities Policy clarifies the reimbursement of expenses to Councillors.

Clause 2.1.1 of the Councillor Expenses & Facilities Policy states in part, as follows:

“To ensure claims are submitted promptly and accurately any claims submitted in excess of three months of the time of expenditure will not be approved”.

This report deals with a claim received after the three months.

Key Issues

- Compliance with Expenses Policy
- Fair reimbursement of expenses

Information

Cr Johnson has submitted a claim for expenses for February, March and April 2015 (Travel \$273.60, Telephone \$240.00).

Cr Johnson has asked for this matter to be reported to Council to seek Council determination on this issue. Council has followed a similar process with late claims from Crs Cadwallader, Hordern and Jeff Johnson, all of which have been approved.

Sustainability Considerations

- **Environment**
Nil
- **Social**
- **Economic**

Legal / Resource / Financial Implications

Funds are available within the Council's professional development budget to finance these expenses.

10.6 Councillor Expenses - Claim

Consultation

The Councillor expenses policy is exhibited each year for public comment.

Options

Approve or not approve the payment of the claim in excess of the three month timeframe from Cr Jeff Johnson. The recommendation is for approval as Council has previously approved late claims for Crs Cadwallader, Hordern and Jeff Johnson.

RECOMMENDATION

That Council authorises the claim for expenses from Cr Jeff Johnson in excess of the three month timeframe as per the contents of this report.

Attachment(s)

Nil

10.7 Policy (Review) - Councillor Expenses and Facilities

10.7 Policy (Review) - Councillor Expenses and Facilities

Delivery Program Governance and Finance

Objective To review the Council Expenses and Facilities Policy to comply with the Local Government Act.

Background

Section 252(1) of the Local Government Act requires that within five months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.

The last review of the policy was undertaken in September 2014, with only minor changes undertaken to reflect latest Taxation Office figures for travel and accommodation.

This report provides the 2015 review of this policy to comply with Section 252(1). A copy of the policy is included as an attachment to this report.

Key Issues

- Cost and benefit of facilities provided
- Ensuring the service remains contemporary

Information

Council has undertaken a number of reviews for this policy and no further major changes are recommended. The only change identified is to update the accommodation and meal expenses in Clause 2.1.2 to reflect the latest Australian Taxation Office figures.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The Expenses and Facilities Policy is designed to assist Councillors in undertaking their role as an elected member of the community.
- **Economic**
Budgets are provided for Councillor equipment and travel.

Legal / Resource / Financial Implications

Council is legally required to review this policy within five months of the end of the financial year.

10.7 Policy (Review) - Councillor Expenses and Facilities

Consultation

The Local Government Act requires changes to the Expenses Policy to be exhibited for public comment, excluding minor amendments. The change in accommodation and meal expenses to reflect the latest Australian Taxation Office figures is considered minor.

Options

No other changes are recommended therefore the options are to endorse the policy as it currently stands, or amend. The preferred option is to adopt the existing policy as it is considered to be contemporary and no major need for change has been identified. Largely the policy also reflects the Office of Local Government template for this document.

RECOMMENDATION

That Council adopts the existing Councillor Expenses and Facilities Policy, as attached to this report.

Attachment(s)

1. Draft Policy - Councillor Expenses & Facilities

11.1 Shark Mitigation Strategy

11. Civil Services Group Reports

11.1 Shark Mitigation Strategy

Delivery Program Open Spaces and Reserves

Objective To provide information regarding the Council's response to the recent shark attack incidents.

Background

The recent incidents involving sharks have resulted in significant concerns within the community for the safety of surfers and swimmers. The extent of the interest in these incidents has resulted in reports of economic impacts to the Shire.

While there has been extensive media reporting of Council's response to this issue, the purpose of the following report is to more formally record our current position.

Key Issues

- The safety of humans using our oceans and beaches
- Supporting the ocean environment
- Protecting local business interests

Information

The Council's response can be summarised into three areas and these are discussed below.

1. Emergency Management and Response

In collaboration with the NSW Police and NSW Surf Rescue we have established a standard operating procedure to manage the response to reported shark sightings.

This SOP contains several threat levels which trigger different response actions. These have been developed mindful of the need to find the appropriate balance between reasonable risk management and supporting the continued use (and promotion) of the local beaches.

From the perspective of the NSW Police and Surf Rescue, the SOP is considered to be very successful and has saved lives.

The SOP has been deployed (at the time of writing this report) 22 times. On most of these occasions, Council resources have been required to assist with temporary beach closures.

11.1 Shark Mitigation Strategy

The effectiveness of the SOP has been made possible through the support of Air T & G and we are very grateful for their cooperation and contribution to our response to this issue.

The surveillance by Air T & G has been provided by incorporating the surveillance into their other flying activities.

Typically there is limited flying on Sundays which are often popular times for surfing. To assist with the protection of the public, Council has an arrangement with Air T & G to provide some limited services to fill the gap in surveillance and generally this involves a dedicated service to Council on Sundays.

The cost to Council for this work is estimated to be \$2,300 for August and this engagement expires at the end of the month. These expenses are charged to the existing Open Spaces and Reserves budget areas.

Subject to the concurrence of Council, staff propose to continue to assess the risk level, cost and available budget on an ongoing basis for future extensions of the engagement.

While the protection of surfers is an important community issue and thereby has the strong interest of Council, the waters are not within Council's jurisdiction and therefore staff is mindful of whether or not the expenditure of Council funds on this activity is preferred.

To date our requests to the NSW Government to fund the surveillance (and increase the level of surveillance) have been unsuccessful, even on a temporary basis.

2. Short Term Mitigation and Impact Support Measures

As well as the risk to human safety, we have been advocating to Government the number of incidents that have been recorded here are a unique and significant impact on the economic and social welfare of the community.

In response to this we were pleased to see the Government's announcement of a program to investigate the local needs and determine what actions are required. A copy of the announcement is attached.

While the announcement was welcome, we are still uncertain as to what will be delivered.

The Mayor and staff have met with the DPI's Director of Fisheries Research who is tasked with investigating the current shark activity.

At the time of writing this report, it is clear that it is going to take DPI staff several days to understand what resources can be applied to this investigation task and what it can possibly entail.

We are hopeful, and it is likely, the work will include attempts to identify and tag sharks for the purposes of understanding whether or not the current sightings are the same animals frequenting the area or a wider population entering local waters.

11.1 Shark Mitigation Strategy

DPI has also commenced consulting with other agencies to determine what non-scientific actions are required such as community education, risk management and support to business. Further reporting is anticipated on the outcomes of this investigation process once the details are available.

3. Long Term Mitigation Strategy

Following the fatal incident in February, we joined with other interested groups to seek some action from Government in respect of long term shark mitigation measures.

The Government has responded by announcing it will conduct a Shark Summit which will have the purpose of gathering industry experts to discuss recent scientific research and technological improvements.

It is planned that the outcomes of the summit will inform the development of a government program that can provide the required mitigation needs.

We understand we will be invited to participate in the summit which will be held in September or October. We also understand a supplementary summit will be conducted in Ballina.

The Council has received numerous contacts from researchers and commercial entities offering support and products to be trialed in Ballina.

At this point in time we continue to collect this information and contacts.

While responding to these contacts has consumed significant resources, monitoring these offers has been helpful to respond to requests for information from the public and in terms of informing our preparation for the Shark Summit. No proposals have been considered for acceptance by Council.

It is proposed our participation in the Shark Summit will enable Council to be able to determine its preference for a long term mitigation strategy.

In this regard, Council has received communications from individuals and groups supporting or opposing the implementation of a shark culling program.

Our response to this has been to advise that Council has not formally considered the question of a shark culling program, however we intend to participate in the Shark Summit and examine all of the options to ensure a preferred strategy is developed that provides the required protection of both humans and the environment.

Council has also facilitated the establishment of a local Shark Mitigation Strategy Committee.

This Committee comprises representatives from the NSW Police, NSW Surf Rescue, NSW Government (DPI), Southern Cross University, the local members of Parliament, and Council.

11.1 Shark Mitigation Strategy

Sustainability Considerations

- **Environment**
The protection of the environment is a key consideration in respect of the long term strategy.
- **Social**
Safe access to local ocean waters is very important for enhancing the social amenity of the Shire.
- **Economic**
Reports have been made of businesses being impacted by the beach closures.

Legal / Resource / Financial Implications

This report provides information regarding the financial costs to Council to procure some aerial surveillance of the beaches. These costs are currently being allocated to existing budgets.

Consultation

Council has been consulting with Government and key local stakeholders. A formal process for this consultation is now in place with the creation of a local committee.

Further to this, the Council has provided ongoing responses to the extensive media interest in this matter. Furthermore, Council has also responded to many communications from residents, political groups, commercial interests, researchers and others interested in this issue.

Options

This report is for the information.

RECOMMENDATIONS

1. That Council notes the contents of this report regarding the shark mitigation strategy.
2. That Council write to Air T & G, the NSW Police and NSW Surf Rescue and thank them for the service, cooperation and support in developing the response to the current shark related incidents and risks.

Attachment(s)

1. Announcement Regarding Shark Attacks

11.2 Permit Parking - 12 Shelly Beach Road

11.2 Permit Parking - 12 Shelly Beach Road

Delivery Program Engineering Works

Objective To assess the feasibility of resident permit parking in the vicinity of 12 Shelly Beach Road and installation of bike racks.

Background

This report has been prepared in response to items 6 and 7 of Council resolution 280515/3 in relation to development application 2015/27, Change of Use from part General Store to Café.

This development application was for the café business known as Belle General.

The Council's resolution is as follows.

That Council advise the applicants that it will issue development consent to the application on the basis that the development is suitable for the site subject to the application being amended in the following ways:

1. *That the opening time be amended from 7am to 7.30am*
2. *That the total number of seats be reduced by 8 to make a total of 49 seats by removing 1 internal table of 4 and 4 seats from the footpath area*
3. *That the disabled toilet be redesigned to provide for internal access and to remove the need for an access ramp to be constructed in the driveway*
4. *That the waste facility be relocated to the rear of the building*
5. *That the applicant work with the Council to take all reasonable steps to direct customers of the business to utilize the 94 public car parks available within 100 metres of the business which do not have residential frontage*
6. *That Council investigate the possible introduction of resident only parking restrictions/loading zone*
7. *That Council investigate a suitable site on the opposite side of the road to Belle General with a view to installing a bicycle rack.*

The reason for item 6 was in response to resident concerns in relation to the availability of onstreet parking due to the use of this parking by café patrons in the area.

The reason for item 7 was to address concerns associated with café patrons leaning their bikes against neighbouring boundary fences.

Key Issues

- Access to parking for residents
- Provision of bike parking.

11.2 Permit Parking - 12 Shelly Beach Road

Information

Item 6 – Resident Only Parking Permit

The relevant technical document is the NSW Roads & Maritime Services (RMS) Permit Parking Guidelines which notes the following.

Permit Parking Schemes (PPS)

Prior to a permit parking scheme being approved the following planning processes are required:

1. A parking study must be carried out for any new permit parking proposal to establish the:
 - *supply and demand situation applying in the area concerned;*
 - *type of parkers e.g. residents, visitors, commuters and business persons*
 - *enforcement levels and difficulties*
 - *number of spaces that can be provided*
 - *appropriate time restrictions and*
 - *fees for various types of permits.*

Community consultation following the Parking study also helps to assure the community that the proposal is justified. The Parking study also needs to place the proposal in the context of transport management objectives for the area to establish that it supports those objectives rather than being in conflict with them.

2. Once the study is completed, Council must discuss the PPS proposal with its Local Traffic Committee and consider the Local Traffic Committee's views before its introduction.

The types of "permit parking schemes" that may be relevant in the vicinity of the Belle General Cafe at 12 Shelly Beach Road are a Residents' Parking Scheme (RPS) and a Residents Visitor's Parking Scheme (RVPS).

Residents Parking Scheme (RPS)

Below is the relevant extracts from the RMS guideline. The chief eligibility for a "Resident parking permit" within a RPS are:

- *resident has no on-site parking or limited on-site parking and also has no unrestricted on-street parking available near their residence*
- *place of residence could not be reasonably modified to provide on-site parking space(s)*
- *vehicle is not a truck, bus, tram, trailer (boats and caravans) or tractor*
- *applicant establishes residential status within the RPS to the satisfaction of the council, e.g. entry on the electoral roll*
- *vehicle is registered in NSW. For exceptions, see Section 12, 'Interstate registered vehicles'*

All the dwellings within the immediate vicinity of 12 Shelly Beach Road have on-site parking and there is no restricted on-street parking in the area.

11.2 Permit Parking - 12 Shelly Beach Road

The engineering assessment for the development application noted there are 94 unrestricted car parks within 100m of 12 Shelly Beach Road. Therefore the proposal for a RPS at this location does not meet the guidelines.

Residents Visitor's Parking Scheme (RVPS)

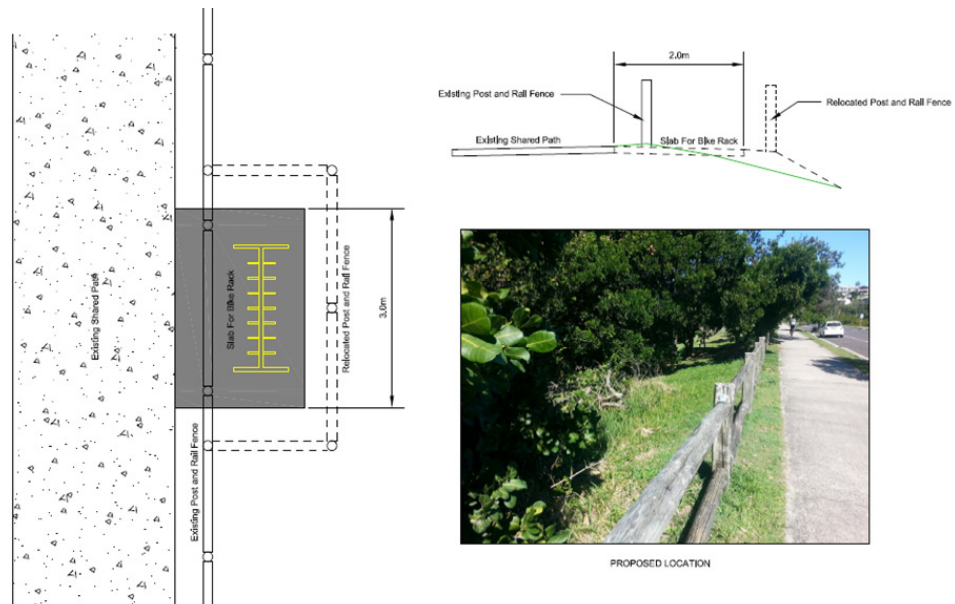
In regard to Residents Visitor Parking Permit, eligible residents can obtain permit(s) from the parking authority unless the resident has:

- *on-site parking for the visitors' vehicle(s).*
- *unrestricted on-street parking spaces in front of their residence or along their kerbside.*

As for the RPS, this location does not meet the guidelines for a RVPS.

Item 7 – Bike Rack

A site investigation was undertaken to determine the most suitable location for the requested bike rack. A bike rack and pad design was subsequently completed as illustrated below.



PROPOSED BIKE RACK
SHELLEY BEACH ROAD

A cost estimate for the bike rack installation is \$3,650. The options section of this report examines whether or not Council should proceed.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The residents are concerned about the impacts on the social amenity of the neighbourhood from this development application.

11.2 Permit Parking - 12 Shelly Beach Road

- **Economic**
The Café is supporting the local business environment.

Legal / Resource / Financial Implications

Item 6 – Resident Only Parking Permit

The RMS Permit Parking Guidelines requires the completion of a Permit Parking Study to establish if the area passes the eligibility criteria for Permit Parking Scheme. The parking study would need to be prepared or funded by Council. If a Permit Parking Scheme was established the scheme would require enforcement by Council Rangers and therefore Council resourcing and ongoing funding. Council is able to levy appropriate permit fees.

Item 7 – Bike Rack

The recommendation to this report invites Council to consider whether or not it should be funding a bike rack in this area. The proposed bike rack does not currently form part of Council's budget and would need to be funded from road maintenance activities.

Consultation

Item 6 – Resident Only Parking Permit

The RMS PPS guide requires community consultation after the parking study has been completed to assure the community that the scheme is justified. Once the study is completed, Council must also discuss the PPS proposal with its Local Traffic Committee and consider the Local Traffic Committee's views before its introduction.

Options

Item 6 – Resident Only Parking Permit

1. Complete a parking study with a view to implementing a permit parking scheme. Having regard to the RMS eligibility criteria and the local circumstances, a parking study would not support a RPS in the vicinity of 12 Shelly Beach Road.

Therefore it would seem impractical to resource the study. However it is open to Council to test the process by funding and briefing a parking study for this locality.

2. Take no further action in regards to the permit parking scheme.

11.2 Permit Parking - 12 Shelly Beach Road

Item 7 – Bike Rack

If the Council remains satisfied that there is a demand for a bike rack at this location, the Council then needs to determine if it is appropriate for public money to be spent on the installation and whether the works are a current priority for Council.

In relation to the expenditure of public money, the Council should consider whether there is sufficient public utility in the bike rack, noting that the demand at this location is generated from the Café.

While the path at this location is popular for cyclists, is unlikely that there is a wider public interest in the bike rack because that point is not a destination (other than the Café). Arguably it would be preferred for Council funds to be allocated to more bike racks at locations such as the adjacent Shelly Beach Surf Club and Lighthouse lookout, which are destination points for cyclists.

The options below include the Council inviting Belle Café to consider the installation of the bike rack.

Having regard to the above information, the following options are available to Council.

1. Council approves funding for the installation of the bike rack with the source of funds to be from the roads and footpath maintenance budgets
2. Council makes a request to the Belle General Café for the business to meet the costs of the installation of the bike rack
3. Council takes no further action at this point in time

RECOMMENDATIONS

1. That based on the contents of this report that Council take no further action in regard to the request for a Residents Parking Permit Scheme for the vicinity of 12 Shelly Beach Road, as it would appear not to meet the RMS guidelines for such a scheme.
2. That Council write to the Belle General Café inviting the business to meet the costs of the installation of a bike rack to service the demands generated by the business.

Attachment(s)

Nil

11.3 Alcohol Free Zones - Ballina and Wardell

11.3 Alcohol Free Zones - Ballina and Wardell

Delivery Program Open Spaces and Reserves

Objective To seek endorsement for the re-establishment of the Alcohol Free Zone that applies to Ballina and Wardell.

Background

Council resolved at the meeting held August 2007 to establish an Alcohol Free Zone (AFZ) for Ballina to manage anti-social behavior and reduce alcohol related crime. Following the successful implementation, Council resolved in October 2010 to re-establish an AFZ for Ballina and establish an additional AFZ in Wardell. These resolutions were undertaken in compliance with the Ministerial Guidelines for Alcohol Free Zones.

The AFZs in both Ballina and Wardell have now expired.

NSW Police support the re-establishment of the AFZ's for Ballina and Wardell, with no changes proposed to the existing locations (map attached).

Under the requirements of the Local Government Act and the Ministerial Guidelines on Alcohol Free Zones, Council is required to undertake specific public consultation to re-establish AFZ's.

This consultation commenced in December 2014 with notice provided to Councillors through the Councillor Bulletin.

The public consultation consisted of:

- Consultation with the NSW Police to re-establish the AFZ's
- A published notice of the proposal inviting submissions
- The proposal being sent to the local NSW Police inviting submissions
- The proposal sent to local liquor licenses and registered clubs inviting submission
- The proposal sent to the NSW Anti-Discrimination Board inviting submissions
- The proposal sent to all known local Aboriginal or ethnic group organisations

Following the consultation two submissions were received and copy of each is attached to this report.

The submissions were:

- A submission from the Anti-Discrimination Board of New South Wales
- A recent supportive submission from the NSW Police.

Key Issues

- Re-establishment of the Alcohol Free Zones in Ballina and Wardell.

11.3 Alcohol Free Zones - Ballina and Wardell

Information

An AFZ prohibits the drinking of alcohol in public places that are public roads, footpaths or public car parks. AFZ's promote the use of these roads, footpaths and carparks in safety and without interference from anti-social behavior.

The declaration of an AFZ provides the NSW Police with the power to seize and dispose of alcohol without the need to issue a warning. A Police Officer may use their discretion to issue a warning to a person who is consuming alcohol in an AFZ.

Where cooperation with the Police Officer does not occur they may be charged with an offence under Section 660 of the Local Government Act 1993.

The NSW Police submission highlights the success of the implementation of the AFZ's including a dramatic decrease in anti-social behaviour and crime in these areas.

On this basis, it is proposed that Council re-establish the AFZ's at Ballina and Wardell, with an expiration date of 31 January 2018, being the period included in the consultation.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Alcohol Free Zones are used to promote public safety and amenity.
- **Economic**
Management of anti-social behavior has a both a direct and indirect cost to the community.

Legal / Resource / Financial Implications

The Local Government Act sets out the statutory framework for the creation of an AFZ. The statute is supported by Ministerial Guidelines for Alcohol Free Zones.

The latest version of the guidelines was issued in 2009.

The financial implications to update and maintain signage can be accommodated in existing budget allocations.

Consultation

The Ministerial Guidelines specify consultation arrangements.

Consultation is required with the police, the licensed premises around which the zones will be prepared, Aboriginal and ethnic groups, surrounding businesses and the general community.

11.3 Alcohol Free Zones - Ballina and Wardell

The details of the consultation undertaken are discussed in this report.

Options

Council may decline or support the re-establishment of the AFZ.

The recommendation is to support due to the benefit that can be achieved through Alcohol Free Zones as outlined in the report.

RECOMMENDATIONS

1. That In accordance with the Ministerial Guidelines for Alcohol Free Zones, Council approves the re-establishment of the Alcohol Free Zone in Ballina, as per the attached map and as per the consulted time from 1 February 2015 to 31 January 2018.
2. In accordance with the Ministerial Guidelines for Alcohol Free Zones, Council approves the re-establishment of the Alcohol Free Zone in Wardell, as per the attached map and as per the consulted time from 1 February 2015 to 31 January 2018.

Attachment(s)

1. Ballina Alcohol Free Zone Map
2. Wardell Alcohol Free Zone Map
3. NSW Anti-Discrimination Board Submission on Ballina and Wardell Alcohol Free Zones
4. NSW Police Submission on Ballina and Wardell Alcohol Free Zones

11.4 Ballina Heights Drive - Contract Variation Claim

11.4 Ballina Heights Drive - Contract Variation Claim

Delivery Program Engineering Works

Objective To provide information regarding a variation claim to the contract amount for the Ballina Heights Drive Project.

Background

In May 2013 Council awarded a contract to Gary Deane Constructions (GDC) for the construction of Ballina Heights Drive.

The original contract sum was \$7,308,824. The final contract sum, following sixty eight approved variations was \$7,474,112.

In previous updates Council was advised that GDC had made significant variation claims that had been rejected wholly or in part by Council's officers.

A report to the March 2015 Ordinary meeting of Council discussed the amount claimed and the basis of the claims. The report also discussed the findings of an independent assessment of the claims. The Council noted that staff are involved in further negotiations to resolve this matter.

The confidential section of this business paper provides a further update for Council regarding this matter. As the matter is unresolved and involves legal and commercial claims against the Council, the reporting is confidential.

Key Issues

- Dispute resolution.

Information

No further information is available for public reporting at this time.

Sustainability Considerations

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

11.4 Ballina Heights Drive - Contract Variation Claim

Legal / Resource / Financial Implications

There are significant financial implications to the project if the claim is successful in full or in part. The extent of this is explained in the confidential report.

Substantial staff time has been required to respond to this matter. Council is incurring additional project management fees and legal costs to defend its position.

Consultation

Not applicable.

Options

This report is for information only.

RECOMMENDATION

That Council notes the contents of this report on the contract variation claim for the Ballina Heights Drive project.

Attachment(s)

Nil

11.5 Tender - Cabbage Tree Island - Pump Station Augmentation

11.5 Tender - Cabbage Tree Island - Pump Station Augmentation

Delivery Program Water and Wastewater

Objective To determine a tender assessment for the Cabbage Tree Island Pum Station Augmentation

Background

In April 2014, NSW Office of Water approved calling of quotations for the Investigation, Concept and Detailed Design of existing pump stations at Cabbage Tree Island. Quotations were invited through Local Government Procurement with Ardill Payne and Partners (APP) awarded the engagement in May 2014.

Concept and Detailed Designs were completed and the design consultant's estimate for construction works was \$150,000 (gst exclusive).

Upon completion of the design engagement, NSW Office of Water approved the calling of construction tenders (open tender) in April 2015. Council called tenders, and two were received.

The prices of both tenders were well over the estimated construction cost and, after consultation with NSW Office of Water, Council undertook a review of the original construction estimate.

That review and subsequent comparison with Council's estimate highlighted:

1. The original construction estimate by APP was incorrect and significantly underestimated
2. The tender prices received appear to be quite high.

Council, in consultation with NSW Office of Water and Jali Local Aboriginal Land Council, must now determine the most appropriate way forward.

Key Issues

- Value for money
- Endorsement/approval from NSW Office of Water and Jali Local Aboriginal Land Council representatives
- Improve operational issues and public health and safety

Information

Following the review of the project estimate, the comparison of estimates and tenders is as follows (gst exclusive figures):

- Original Construction Estimate (APP) - \$150,000
- Revised Construction Estimate (Council) - \$276,000
- Tenderer 1 - \$390,000.00
- Tenderer 2 - \$464,138.21

11.5 Tender - Cabbage Tree Island - Pump Station Augmentation

The following two points are also important regarding the pricing of the tenders:

- a) Tenderer 1 had a number of qualifications that have not been assessed; - the qualifications will only increase the tendered price
- b) The revised estimate was a detailed estimate compiled by Council construction staff.

Discussions between the Council staff involved in pricing, NSW Office of Water representatives, and the tender evaluation panel identified that the best value for money option would be for Council to undertake those works in-house.

This approach will have the added benefit of building on the current working relationship between the Cabbage Tree Island community and Council, and is also supported by the Jali Local Aboriginal Land Council representative.

This approach is also permitted under the Local Government Regulation [CI 178 (3) (f)], whereby Council may refuse to accept all tenders and undertake the works itself.

Sustainability Considerations

- **Environment**
Augmentation works will improve environmental aspects of the site.
- **Social**
Public safety improvements
- **Economic**
Augmentation works will reduce ongoing operational and maintenance costs.

Legal / Resource / Financial Implications

Augmentation works will reduce site risk factors.

NSW Office of Water is the funding body for the planned works, and has confirmed support for Council to undertake the works. Final funding approval would occur once Council resolves how to progress the works.

Key Council construction staff have confirmed that sufficient resources are available if Council resolves to undertake the works.

This approach is permitted under the Local Government Regulation [CI 178 (3) (f)].

Consultation

The following consultation has occurred:

- 1) Ongoing consultation with NSW Office of Water representatives

11.5 Tender - Cabbage Tree Island - Pump Station Augmentation

- 2) Jali Local Aboriginal Land Council representative formed part of the tender evaluation panel
- 3) Public tender process

Options

Council may resolve to:

- 1) Further assess the tenders and, if conforming, recommend the most advantageous tenderer to NSW Office of Water for their funding approval. If approved, submit report to Council for resolution. This option does not appear to provide best value to the community or best utilisation of the State Government funding.
- 2) Reject all tenders and recall open tenders. This would delay the project and the environmental and health benefits associated with it. While lower priced tenders may be received, there is also a risk that another poor response with low tender numbers may result in equivalently priced offers.
- 3) Reject all tenders and undertake the works itself, in accordance with Local Government Regulation 178 (3) (f), subject to NSW Office of Water formal funding approval. This option appears to provide best value to the community, and is likely to continue to build the good working relationship between the Cabbage Tree Island community and Council.

Option 3 is recommended as it is assessed as the most efficient way forward at this point in time.

RECOMMENDATION

That Council rejects all tenders and undertake the works itself, in accordance with Local Government Regulation 178 (3) (f), subject to NSW Office of Water formal funding approval, for the Cabbage Tree Island Pump Station Augmentation.

Attachment(s)

Nil

11.6 Tender - Supply and Delivery of Pre-Mixed Concrete

11.6 Tender - Supply and Delivery of Pre-Mixed Concrete

Delivery Program Engineering Works

Objective To provide Council with the results of Tender RFT811
- Supply and Delivery of Pre-Mixed Concrete.

Background

Tenders were invited for Tender RFT811 - Supply and Delivery of Pre-Mixed Concrete, closing on the 04 August 2015. The tender is initially for a two year period until 30 June 2017, with provision for extension of a further one year period up until 30 June 2018, subject to approval from the General Manager or delegate.

The following tenders were received:

- Holcim (Australia) P/L
- Nucon Concrete P/L

This report provides details on the outcome of the tender evaluation process.

Key Issues

- Assessment of tenders in accordance with the Local Government (General) Regulations 2005.

Information

Council recently called tenders for the Supply and Delivery of Pre-Mixed Concrete. The term of the supply arrangement is initially for a two year period until 30 June 2017, with the option of extension of a further one year period up until 30 June 2018, subject to approval from the General Manager or delegate.

Calling for tenders now meant the extension of the current contract was not evoked. There were two reasons for this decision. Firstly, one local supplier was not awarded a contract in the previous tender and this business has retained an interest in conducting business with Council. Therefore retendering was an opportunity for this local company to provide services and thereby increase competition. Secondly, while the contract has been awarded, on many occasions staff have sought job specific pricing outside of the contract and this pricing has been a better result for Council than the tender. Therefore, staff were hopeful that the market would respond with improved pricing in the tender.

11.6 Tender - Supply and Delivery of Pre-Mixed Concrete

Two tenders were received from Holcim Australia Pty Ltd and Nucon Concrete Pty Ltd and both companies have supplied pre-mixed concrete to Council over recent years. Two companies that have previously supplied Council with pre-mixed concrete, Boral Country Concrete and Quarries and Hanson Construction Materials, did not submit tenders. Therefore the advantages anticipated from retendering in terms of encouraging a wider market have not been achieved.

A summary of the tender pricing is provided in a separate confidential report.

The assessment sheet in the confidential report was developed based on a lowest price comparison that included both product cost ex plant and haulage cost to different locations.

In accordance with current practice, it is intended that rates will be checked at the time of construction works at a particular site to ensure that Council utilises the supplier who is available to meet program requirements and achieves the lowest overall supply and deliver cost to Council.

The tender still allows for Council to seek pricing outside of the tender on occasions. Typically this is done when the quantity required means there is likely better value for money for Council to seek a job specific quotation.

Non-Conforming Tenders

Nucon Concrete P/L has submitted two alternative non-conforming tenders in addition to their conforming tender. The alternative proposals differ slightly, however both propose to supply concrete that meets the relevant Australian Standards but fail to meet the RMS specifications for Alkali-Aggregate Reaction (AAR), which is referenced in the tender documents.

The alternative proposals do offer cost savings in the range of 3% (ex. plant) however aggregates that do not meet the AAR requirements may result in concrete that fails before its intended design life. Concrete that is exposed to weather and close to the coastline or saline estuaries is at higher risk.

Due to not meeting RMS specifications and the potential problems caused by AAR, the alternative concrete proposed is not likely to be preferred from most of our uses and it is not proposed to accept the non-conforming tenders.

This does not prohibit Council from procuring this product where risk and price considerations make it the preferred choice on any particular task.

Sustainability Considerations

- **Environment**
All plants are required to operate in accordance with an environmental management plan.

- **Social**
This tender will assist in the maintenance and construction of the road network and associated infrastructure and thereby support the community's transport needs.

11.6 Tender - Supply and Delivery of Pre-Mixed Concrete

- **Economic**

This tender will provide competitive prices for materials used in the maintenance and construction of the road network and associated infrastructure, an essential asset for economic development.

Legal / Resource / Financial Implications

This report aims to assist Council to meet its statutory and other legal obligations.

Purchases made utilising this tender will be costed against applicable project and program budgets. The price under this contract for 25MPa Concrete and Kerb Mix has not increased significantly since the 2010/13 tenders.

The number of tenderers has reduced from three to two. The reduction in the number of tenderers and the resulting reduction in availability may impact Council works, which will demand close liaison with suppliers.

Consultation

A public tender process was conducted.

Options

Under the Local Government (General) Regulations 2005 Council must either accept the tender that “appears to be the most advantageous” or decline to accept any of the tenders.

1. Council may determine not to accept any of the tenders received and invite fresh tenders.
2. Council may accept all suitable conforming tenders and adopt a list of preferred suppliers.
3. Council may accept all conforming tenders and non-conforming tenders and adopt a list of preferred suppliers.

Having regard to the previous tender results, it is possible that Option One could result in an increased number of tenders. However, as Council has the option to purchase outside of the contract, retendering is not preferred at this point in time.

It is possible that our increase in seeking project specific quotes has contributed to the lower market response.

The recommendation to this report suggests the operation of the tender be monitored and market conditions be reviewed after the first year. Under this recommendation, the offer of acceptance of tenders will be revised to a 12 month period with provision for extension.

Option Two is therefore recommended as the preferred option as the tender assessment indicates that a market has been established and the assessment by the evaluation has determined the preferred suppliers.

11.6 Tender - Supply and Delivery of Pre-Mixed Concrete

On previous occasions, Council has accepted all suitable tenders and adopted a list of preferred suppliers.

This allows Council the opportunity to use the contractor most advantageous to program requirements applying at the time.

Option Three is not recommended as the non-conforming tenders are for concrete products that are not considered suitable for use in our public infrastructure.

RECOMMENDATIONS

1. That Council accepts the tenders of Nucon Concrete P/L and Holcim (Australia) P/L as preferred contractors for the supply of pre-mixed concrete for the revised period from 1 July 2015 to 30 June 2016, with the preferred supplier for each order determined by an assessment undertaken by staff having regard to cost and program requirements applicable at the time of the order.
2. That the contractor performance and market conditions be reviewed after the first year and a call for fresh tenders be made if this is determined to favourable to Council.
3. In the event point two above is not preferred, then in accordance with the revised terms of the Contract, the General Manager is authorised to extend the contract period to 30 June 2017, if that arrangement is to the best advantage of Council.
4. That Council authorises the Council seal to be attached to the contract documents.
5. That Council advise Nucon Pty. Ltd. that it was not prepared to accept their non-conforming tenders.

Attachment(s)

Nil

11.7 Tender - Provision for Sprayed Bituminous Surfacing

11.7 Tender - Provision for Sprayed Bituminous Surfacing

Delivery Program Asset Management

Objective To provide Council with the results of Tender RFT798
- Provision of Sprayed Bituminous Surfacing

Background

Tenders were invited for Tender RFT638 – Provision for Sprayed Bituminous Surfacing which closed on Tuesday 14 July 2015. The tender was initially for the period until 30 June 2016, with provision for annual extensions to 30 June 2018 subject to approval from the General Manager or delegate.

The following tenders were received:

- Boral Asphalt
- NSW Spray Seal
- State Asphalt Services
- Fulton Hogan
- SRS Road

This report provides details on the outcome of the tender evaluation process.

Key Issues

- Assessment of tenders in accordance with the Local Government (General) Regulations 2005.

Information

The term of this contract is initially to June 2016 with the option of two one year extensions subject to approval from the General Manager or delegate.

The scope of work and other tender requirements remains similar to previous versions of this contract, which provides for full subcontract bituminous surfacing services.

The tender called for 58 unit rates for various material and activities involved in undertaking bitumen resealing projects.

Each separate resealing project contracted by Council will involve differing item combinations and quantities of the 58 unit rates. To determine the most cost effective tender, a price comparison was made based on typical material quantities and items used for resealing projects. These typical material quantities were derived from actual resealing projects that have been previously undertaken.

A confidential report is included later in this business paper outlining the summary of tender results for the information of Council.

11.7 Tender - Provision for Sprayed Bituminous Surfacing

The table in the confidential report provides an estimated cost comparison for typical projects, being items one to five, as well as an estimate of an annual program, being item six (and based on 2014/2015). The cost estimates are indicative only and will vary subject to the actual works program. Boral and NSW Spray Seal have the lowest prices for these comparisons. Both of these companies are local/regional compared to the other tenderers.

Out of the five typical resealing projects listed, NSW Spray Seal shows lower pricing for two projects and Boral shows lower pricing for three projects. An estimated total program cost shows Boral marginally ahead of NSW Spray Seal. Both companies have previously carried out this type of work for Council. NSW Spray Seal has satisfactorily undertaken Council's contract for Sprayed Bituminous Surfacing during 2012-2015.

Interestingly, the unit rate prices received for the supply and spray of bitumen under this tender have decreased by 6% to 10% over the previous tender and five companies tendered in 2015 compared to two in 2012. Reduced costs will provide some opportunity for Council to extend its maintenance and renewal program.

The tendering companies are based in:

- NSW Spray Seal in Chinderah, NSW
- Boral is based in Lismore, NSW
- State Asphalt Services in Prestons ,NSW
- Fulton Hogan in Tamworth ,NSW
- SRS in Northgate ,QLD

Sustainability Considerations

- **Environment**

The contract requires the contractor to establish and operate in accordance with an Environmental Management Plan.

- **Social**

This tender will assist in the maintenance of the road network and thereby support the community's transportation needs.

- **Economic**

This tender will assist to maintain the road network, an essential asset for economic development.

Legal / Resource / Financial Implications

Council's road resealing program is funded from within the Engineering Works Section roads budget. The tender results do not directly impact the budget as the budget is managed by limiting the extent of resealing 'to fit' the budget allocated. The reduced costs offered by this round of tendering allows for a slightly increased resealing program.

Consultation

A public tender process was conducted.

11.7 Tender - Provision for Sprayed Bituminous Surfacing

Options

Under the Local Government (General) Regulations 2005 Council must either accept the tender that “appears to be the most advantageous” or decline to accept any of the tenders.

1. Council may determine not to accept any of the tenders received and invite fresh tenders.
2. Council may accept all suitable conforming tenders and adopt a list of preferred suppliers.
3. Council may accept all conforming tenders and non-conforming tenders and adopt a list of preferred suppliers.

Council on previous occasions has selected or nominated a preferred tenderer, but has also accepted the documentation from the other contractors. This allows Council the opportunity to use other contractors under a panel arrangement to meet the program requirements.

Given the lowest pricing for various seal projects is shared between Boral and NSW Spray Seals, both companies would be preferred and the first considered. However, a reference check for Boral's past services for another local Council identified concerns in respect of their capacity to provide the necessary services to complete the annual resealing program.

If our program extends the demand on the company for services then it is possible Boral may not be able to meet our requirements when large construction projects are being undertaken in the area. This has been Council's own experience with the organisation, albeit in other business units such as quarries. NSW Spray Seals in the past have successfully completed a major proportion of Council's maintenance and construction spray sealing demands.

Based on the outcomes of the tender, it is likely a mix of invitations to supply services will be offered to NSW Spray Seal and Boral. However it is recommended that Council again accepts all tenders. Council is able to use the contract rates offered in the tender, or if it is preferred, Council can seek quoted pricing for individual projects.

RECOMMENDATIONS

1. That Council accepts the tender from NSW Spray Sealing Pty Ltd, Boral, State Asphalt Services, Fulton Hogan and SRS for the Supply and Application of Bituminous Products for the period 1 October 2015 to 30 June 2018.
2. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

Nil

12. Public Question Time

12. Public Question Time

13.1 Notice of Motion - Youth Outreach Programs

13. Notices of Motion

13.1 Notice of Motion - Youth Outreach Programs

Councillor Cr Meehan

I move

1. That Council write a letter of support to Richmond LAC (Police) regarding making a case for the services of Fr Chris Riley 'Youth Outreach Programs' to be established in the Lismore / Ballina area.
2. That Council also write to our local member, Kevin Hogan, to engage his understanding and support.

Councillor Comment

Recently I attended a Youth Forum along with some thirty youth support representatives at Lismore Police Station to examine youth crime and associated issues. It is apparent that we do have a problem of significance in our area exacerbated by local problems of low SES and lack of public transport.

A presentation was given by Mr Chad Ritchie of Fr Riley 'Youth Outreach Programs' with a view to the establishment of an outreach program in our region. These programs have been operating successfully in various areas of Sydney and around the State and also Logan Qld. They are funded on a needs basis by philanthropy, grants and the Federal Government. Each centre responds to need according to the youth involved, offering things like food on the street, sports, education, camping. They work closely with other service providers and PCYC.

COUNCILLOR RECOMMENDATIONS

1. That Council write a letter of support to Richmond LAC (Police) regarding making a case for the services of Fr Chris Riley 'Youth Outreach Programs' to be established in the Lismore / Ballina area.
2. That Council also write to our local member, Kevin Hogan, to engage his understanding and support.

Attachment(s)

Nil

13.2 Notice of Motion - A Community Poll on Fluoride

13.2 Notice of Motion - A Community Poll on Fluoride

Councillor

Cr Jeff Johnson

I move

That at the next Local Government election (2016) Ballina conduct a community poll to determine whether the majority of residents want the water supply fluoridated.

Councillor Comment

Ballina Council's drinking water has recently, or is about to have fluoride added to the drinking water supply. This is despite less than 1% of that water actually being used for drinking. A poll of local residents should have been conducted before any decision to change the status quo was made.

Before the poll takes place, a number of community meetings (Ballina, Lennox, Alstonville) shall be organised so that residents can have the opportunity to hear all the relevant information from both sides of the debate before casting a vote on the matter.

If the outcome of the poll is that the majority of residents don't want fluoride added to the water supply, then the next Council should take all necessary actions to remove it.

The cost of such a poll would be between \$15,000 - \$20,000. Council could also ask additional questions for only a small increase to this amount.

Fluoridation of the water supply in Ballina will cost the rate-payers more than \$100,000 per year. This money would be much better spent on an educational program in conjunction with local schools and/or subsidising fluoride tablets.

While I'm personally against the fluoridation of Ballina's water supply for a number of reasons I feel that for controversial issues such as this, it is important that the residents have an opportunity to decide whether they want fluoride added to the drinking water.

A comprehensive study conducted in the US showed only a minute difference in tooth decay between people who had lived all their lives in fluoridated areas when compared to non-fluoridated communities. The difference was not clinically or statistically significant.

Further studies in the US have found that the worst tooth decay rates actually occur in areas that have been fluoridated for decades. These and many other studies highlight that the main causes of tooth decay relate to diet and behaviour, and not the level of fluoride in the drinking water.

Furthermore, communities in Germany, Canada, etc who have stopped adding fluoride to their drinking water have found that tooth decay did not go up but continued to go down when the focus shifted to diet and behaviour.

COUNCILLOR RECOMMENDATION

That at the next Local Government election (2016) Ballina conduct a community poll to determine whether the majority of residents want the water supply fluoridated.

Attachment(s)

Nil

14. Advisory Committee Minutes

14. Advisory Committee Minutes

Nil Items

15.1 Mayoral Meetings

15. Reports from Councillors on Attendance on Council's behalf

15.1 Mayoral Meetings

Councillor David Wright

Activities since the July 2015 Ordinary meeting:

<u>Date</u>	<u>Function</u>
28/7/15	Meeting with Noel Warr – Community Updates
29/7/15	Meeting Jim Willis – Internet Filtering
29/7/15	Filming with 'Tracks' Magazine
31/7/15	Shark Advisory Group Meeting
1/8/15	Discussions with Air T & G
1/8/15	Home and Lifestyle Expo
1/8/15	Crawford House Dance Party
3/8/15	Shark Procedure Meeting
3/8/15	Briefing on the Florrie
3/8/15	Skate park Meeting
4/8/15	Alstonville/Wollongbar Chamber AGM
4/8/15	Meeting – Nikki Carter Proposal for Prawn Festival
4/8/15	Access Reference Group Meeting
4/8/15	150 th Alstonville Celebration Meeting
5/8/15	Bob Higgins – Wardell
7/8/15	Meeting – Daily Telegraph
7/8/15	NOROC
7/8/15	Meeting Tamara Smith – Marine Rescue Tower
7/8/15	Meeting Sharks – Lennox Head
8/8/15	Pop Denison Drop in – Wigmore Arcade
8/8/15	AWCC Business/Community Awards
9/8/15	Alstonville Markets
9/8/15	Lennox Head Markets
9/8/15	Anglican Church Ballina – New Rector Service
10/8/15	Public Meeting – Lennox Head - Sharks
11/8/15	Public Citizenship
11/8/15	150 th – Celebration - Federal Hotel - Thank you
12/8/15	ABC Interview - Shark Measures
12/8/15	Traffic Committee
12/8/15	Wollongbar Progress Association Meeting
12/8/15	Lennox Head Chamber of Commerce Awards
13/8/15	Aboriginal Community Committee Meeting
14/8/15	Meeting – Shark warning system
14/8/15	Meeting – Wigmore Arcade Lease
14/8/15	Meeting – London Times
14/8/15	Matt Lee Support Day
16/8/15	Scope Changeover
17/8/15	Morning Tea – Wollongbar Pre-school
17/8/15	Shark Meeting – Paul Butcher DPI
17/8/15	Pop Denison Master Plan
18/8/15	Meeting - Rodrigues – Sharks
18/8/15	VP Day Wreath Laying – Ballina RSL

15.1 Mayoral Meetings

18/8/15	150 th – Celebration - Meeting
19/8/15	Volunteers Thank You Function – RSL Lifecare
19/8/15	Meeting – Current – Wardell
19/8/15	Meeting – Ryan Dein – Film Maker
19/8/15	Meeting Will Reid – SBS Films
19/8/15	Meeting with staff and Mr Curran
19/8/15	Ballina Shire Band Annual Meeting
19/8/15	Briefing Martin Street
19/8/15	Briefing – North Creek Dredging
20/8/15	Meeting – South Ballina Caravan Park
21/8/15	JRPP Quarry
21/8/15	CSPC Meeting - Lismore
22/8/15	Ballina Business Excellence Awards
23/8/15	Rainbow Regions Dragon Boat Club
24/8/15	Shark Meeting
27/8/15	Council Meeting
29/30/8/15	Quota Craft Fair
30/8/15	Wreath Laying – Legacy
30/8/15	Lennox Head Markets
30/8/15	Alstonville Markets
30/8/15	Refugees on World Day for Migrants
31/8/15	RRCC
31/8/15	RRCC GM Performance Review

RECOMMENDATION

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

Attachment(s)

Nil

16. Questions Without Notice

16. Questions Without Notice

17. Confidential Session

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

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

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

17.1 Ballina Heights Drive - Contract Variation Claim - Financial Details

Refer to Item 11.4 of this agenda.

17.2 Tender - Supply and Delivery of Pre-Mixed Concrete - Pricing

Refer to Item 11.6 of this agenda.

17.3 Tender - Provision of Sprayed Bituminous Surfacing - Pricing

Refer to Item 11.7 of this agenda.

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 Ballina Heights Drive - Contract Variation Claim - Financial Details

Reason for Confidentiality

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

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 this matter involves legal claims against the Council.

17.2 Tender - Supply and Delivery of Pre-Mixed Concrete - Pricing

Reason for Confidentiality

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

- d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest because the information is commercial in confidence for the companies that have provided it.

17.3 Tender - Provision of Sprayed Bituminous Surfacing - Pricing

Reason for Confidentiality

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

- d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest because the information is commercial in confidence for the companies that have provided it.