



Notice of Ordinary Meeting

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 26 November 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 any position in the public gallery.

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1. Australian National Anthem
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1. Australian National Anthem

The National Anthem will be performed by Cabbage Tree Island Public School.

2. Acknowledgement of Country

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

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

3. Apologies

4. Confirmation of Minutes

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

RECOMMENDATION

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

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 Shaws Bay - Coastal Zone Management Plan - Final Review

8. Development and Environmental Health Group Reports

8.1 Shaws Bay - Coastal Zone Management Plan - Final Review

Delivery Program Environmental and Public Health

Objective Review Shaws Bay CZMP prior to submission to Minister for Approval

Council resolved at the August 2014 Ordinary meeting to place the Shaws Bay Coastal Zone Management Plan (CZMP) on public exhibition. At the expiry of the exhibition period there were three submissions received and reported in a Submission Report by consultants Hydrosphere Consulting and provided to Councillors in a Councillor Bulletin. A copy of the Submission Report is provided as an attachment to this report.

Council wrote to the Office of Environment and Heritage (OEH) and key stakeholders being Department of Primary Industries – Lands and Fisheries back in December 2014 requesting their review of CZMP and support for the CZMP.

Unfortunately there were significant delays from these departments in providing feedback and the letters of support have only recently been received by Council. A copy of the responses from the Department of Primary Industries dated 14 May and 24 September 2015 are attached to this report.

As required under Section 55C of The Coastal Protection Act 1979 the letters of support and reviews are required prior to submission of the Draft Plan to the Minister for certification.

This report now seeks Council approval to send the CZMP to the Minister for review and approval.

A copy of the CZMP is attached to this report in two Volumes.

Key Issues

- Contents of the Plan
- Provision and support of existing and new community infrastructure
- Submission of Plan to Minister

Information

The CZMP comprising Volume 1 (CZMP) and Volume 2 (Supporting Information) presents a contemporary and well executed investigation into issues relating to coastal hazards risk, ecosystem health, and community uses relevant to Shaws Bay. Various potential management options aimed at addressing the identified issues are investigated and the Plan then refines these options into a suite of practical management actions.

8.1 Shaws Bay - Coastal Zone Management Plan - Final Review

Some of the nominated actions will require consent or approvals from State agencies to proceed and such will be applied for as required.

The comments received from the Office of Environment and Heritage (OEH) include the following;

“I offer the following comments for Council’s consideration. These comments are mostly relatively insignificant thus reflecting the quality of the draft document, however, aim to improve both the content and format of the draft CZMP to give it the best chance of certification as based on our more recent experience in the process. Please understand that I have attempted to review the draft CZMP against the requirements of the Minister’s “Guidelines for Preparing Coastal Zone Management Plans” and consider that there are no glaring omissions.

However, this is not to say that the CZMP is fit for certification. Only through the formal certification assessment process will this be determined by the Minister (assuming Council submits the plan for certification).”

Therefore the review of the CZMP following public exhibition and advice from government agencies has resulted in the majority of changes being housekeeping with timelines updated following the unexpected delay in finalising the document. Additionally there have been some changes to style/layout and formatting of the Plan.

Section 5 ‘Management Options’ included in Volume 1 has now been included as an Appendix to the CZMP allowing for the main report body to present only succinct information on how Shaws Bay will be managed into the future. Advice from OEH has indicated that the Minister may refer the Draft CZMP to the NSW Coastal Panel for advice prior to considering certification of the Plan.

Recent experience has shown that the NSW Coastal Panel, in their advice to the Minister, is advocating that CZMP’s that are submitted for certification assessment need to be succinct and not too voluminous and therefore background technical and descriptive analysis information should be included in Appendices of CZMP’s.

Under the Estuary Management Program two grants were applied for in March of this year requesting financial assistance for Action 1 of the CZMP “Control of East Arm Bank Erosion and Creation of Sandy Beach” and Action 2 “Dredging of Main Section of Shaws Bay”.

OEH have not released information as to successful applicants to date but it is anticipated that successful grants will be announced by the Minister by the end of the year.

At the last Council meeting the draft Pop Denison Park Master Plan was placed on public exhibition. This Masterplan is nominated as Action 5 under the CZMP “Expansion of Pop Denison Park and improvement of access to the eastern foreshore”.

Funding for this action will be primarily sought from Section 94 contributions allocating \$1.5 million to major park upgrade works over a 20 year period.

8.1 Shaws Bay - Coastal Zone Management Plan - Final Review

The Pop Denison Park Masterplan will need to further consider suitable access and associated improvements to the creation of a sandy shoreline between the existing beach at Pop Denison Park and the southern boundary of Ballina Lakeside Holiday Park, as nominated in the CZMP.

In the report to Council in August 2014 it was outlined that Action 6 "Development of Fenwick Foreshore Area" would need to be considered along with the Pop Denison Park upgrading to allow use of Section 94 funds, as per Action 5.

It is proposed that Council review the Section 94 Contribution Plan for the Shaws Bay area and the nominated Pop Denison Park and consider expanding the existing plan to incorporate other open space and reserve areas adjacent to Shaws Bay.

An increase in residents and visitors is expected to occur in the Shire and will generate an increase in the demand for public services and amenities, including those at Shaws Bay.

It is recommended that the Pop Denison Park Masterplan consider Actions 4 "Western Foreshore Improvements", 5 "Expansion of Pop Denison Park and Improvement of Access to the Eastern Foreshore" and 6 "Development of Fenwick Drive Foreshore Area" from the CZMP to achieve a suitable outcome for the open space and reserves adjacent Shaws Bay and provide an integrated approach to improvements to the area to meet community needs and expectations.

Discussions with Council's Open Spaces and Reserve's Section has highlighted the importance of considering an integrated approach to all reserve areas adjacent to Shaws Bay for the provision of infrastructure improvements and the upgrade and beautification of existing infrastructure.

Given the recent concerns and incidents at the ocean beach sites in the Shire there has been a significant increase from the public utilising Shaws Bay, as well as an increased use from Surf Life Saving clubs as a protected waterway to undertake water based sporting activities in a safer environment.

Sustainability Considerations

- **Environment**

The CZMP protects and enhances the environment whilst noting constraints on natural processes created by man-made features including rock walls and other infrastructure.

- **Social**

Shaws Bay is a popular recreational area of significance to locals and visitors to the Shire. The CZMP recognises the aesthetic, recreational and environmental values of Shaws Bay along with the anticipated Shire's growth and development.

- **Economic**

Shaws Bay is a prominent tourist attraction for passive and active recreation as well as its important environmental values and therefore creates important linkages to businesses in the Shire and contributes to economic benefits to Ballina and the broader Shire.

8.1 Shaws Bay - Coastal Zone Management Plan - Final Review

Legal / Resource / Financial Implications

The proposed 10 year costs for the implementation of the CZMP for Council is in the order of \$1,566,000. The funding is to be allocated similar to that outlined in the Council Report to the August 2014 Council Meeting, as detailed in Table One below.

Table One – Proposed Funding Plan for the CZMP

Action / Year	Lead	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25
Action 1: Arm bank erosion	Council	25	175	0	0	0	0	0	0	0	0
Action 2: Dredging	Council	27	25	350	0	0	0	0	0	0	0
Action 3: Stormwater	Council	0	0	0	25	0	0	0	0	0	0
Action 4: Western foreshore	Council	20	100	80	0	0	0	0	0	0	0
Action 5: Pop Denison Park	Council	0	30	120	100	100	0	0	0	0	0
Action 6: Fenwick Drive	Council	0	0	20	50	50	0	0	0	0	0
Action 7: Breakwall steps	Crown	0	0	0	0	20	130	0	0	0	0
Action 8: Mangroves	Council	0	0	0	0	0	0	0	0	0	0
Action 9: Weed management	Council	10	5	2	2	2	1	0	0	0	0
Action 10: Education – health	Council	3	0	0	0	0	0	0	0	0	0
Action 11: Education – veget	Council	0	0	0	0	0	0	0	0	0	0
Action 12: Education – fishing	Fisheries	0	0	0	0	0	0	0	0	0	0
Action 13: Education – irritants	Council	3	0	0	0	0	0	0	0	0	0
Action 14: Foreshore signage	Council	5	0	0	0	0	0	0	0	0	0
Action 15: Beachwatch	Council	1	1	1	1	1	1	1	1	1	1
Action 16: Monitoring	Council	0	6	0	0	6	0	0	6	0	0
Action 17: Hydrographic survey	Council	0	0	5	0	0	0	0	5	0	0
Action 18: Inundation risk	Council	0	0	0	0	0	0	0	0	0	0
Action 19: Review of CZMP	Council	0	0	0	0	0	0	0	0	0	0
Action 20: 10 year review	Council	0	0	0	0	0	0	0	0	0	50
Total Expenditure		94	342	578	178	179	132	1	12	1	51
Funding Strategy											
OEH (50%)											
Action 1		13	88	0	0	0	0	0	0	0	0
Action 2		27	16	175							
Action 5		0	15	60	50	50	0	0	0	0	0
Action 11		0	0	0	0	0	0	0	0	0	0
Action 16		0	3	0	0	3	0	3	0	0	0
Action 18		0	0	0	0	0	0	0	0	0	0
Action 20		0	0	0	0	0	0	0	0	0	25
Sub Total		40	119	235	50	53	0	0	3	0	25
Crown Lands											
Action 2 (50%)		0	16	175	0	0	0	0	0	0	0
Action 7 (100%)		0	0	0	0	20	130	0	0	0	0
Sub Total		0	16	175	0	20	130	0	0	0	0
Council											
Action 5 - Sec 94 (50%)		0	15	60	50	50	0	0	0	0	0
Action 6 - Sec 94		0	0	20	50	50	0	0	0	0	0
Action 9 - Open Spaces Budget		10	5	2	2	2	1	0	0	0	0
Action 10 - Env Health Budget		3	0	0	0	0	0	0	0	0	0
Action 14 - Signage Budgets		5	0	0	0	0	0	0	0	0	0
Action 15 - Env Health Budget		1	1	1	1	1	1	1	1	1	1
Existing Recurrent Funding		70	50	52	53	55	57	58	60	62	64
Sub Total		89	71	135	156	158	59	59	61	63	65
Total Funding		114	189	370	206	231	189	59	64	63	90
Net Surplus / (Deficit)		22	(153)	(208)	28	52	57	58	52	62	39
Transfer from Property Reserve			(77)	(104)							
Transfer from Quarry Reserve			(77)	(104)							
Surplus for Lake Ainsworth		22	0	0	28	52	57	58	52	62	39

This program is a guide only and Council staff have already applied for grant funding from the Office of Environment and Heritage – Estuary Management Program for the approval processes for implementation of the CZMP’s top two Priorities being Action 1 “Control of East Arm Bank Erosion and Creation of Sandy Beach” and Action 2 “Dredging of Main Section of Shaws Bay”.

8.1 Shaws Bay - Coastal Zone Management Plan - Final Review

The grant funding application is for financial assistance in 2015/16 and a timeline to be notified as to whether Council has been successful has not been provided by the OEH. We are hopeful that successful applicants will be notified by the end of the year.

Whilst there is no guarantee that the Estuary Management or Coastal Management Program will provide funds for any of the management actions, these funding sources do however remain a possibility for relevant actions

Consultation

The CZMP has been developed following extensive consultation within Council, the community, and various Government Departments.

The specific consultation undertaken during the preparation of the CZMP is outlined in Volume 2 Section 4 "Community and Stakeholder Consultation".

Conclusion

The CZMP has been prepared to submit to the Minister for certification and should be referred as soon as possible to enable the formal approval process to commence. The CZMP sets clear actions for Council to commence investigations, monitoring and improvements to Shaws Bay and the surrounding area.

Options

1. That Council approves the CZMP and proceeds with submission to the Minister for approval and certification.
2. That Council not approve the CZMP as attached.

A comprehensive process has been completed and option one is recommended.

RECOMMENDATIONS

1. That Council approves the CZMP as attached to this report.
2. That Council submits the CZMP to the Minister for approval and certification as required under the Coastal Protection Act 1979.
3. That Council give consideration to amending the Section 94 Contribution Plan to incorporate all open space and reserves adjacent Shaws Bay and that these areas be integrated and include Pop Denison Park.

Attachment(s)

1. Submissions Report
2. Response from DPI dated 14/5/15
3. Response from DPI dated 24/9/15
4. Draft CZMP - Volume 1 (Under separate cover)
5. Draft CZMP - Volume 2 (Under separate cover)

8.2 Exemption - Approval for a Domestic Oil or Solid Fuel Heating Appliance

8.2 Exemption - Approval for a Domestic Oil or Solid Fuel Heating Appliance

Delivery Program Building Services

Objective To seek Council approval to streamline an approval process

Background

Councillors will recall dealing with a report at the July 2015 Ordinary meeting regarding the installation of wood heaters and the regulatory framework under the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

At that meeting, Council resolved to not nominate Ballina Shire Council to be listed in Part Two of the new Schedule under the *Regulation*, where community members would not need to apply for an approval to install a wood heater.

Section 68 of the *Local Government Act 1993 (the Act)* requires certain activities or projects to seek approval from the relevant local authorities, including the installation of domestic oil or solid fuel heating appliances, other than portable appliances.

The purpose of this report is to introduce a consistent streamlined approval process for these types of devices, by adopting the exemption provisions contained within the *Local Government Act*.

Key Issues

- Streamline approval process
- Community consultation
- Director General concurrence
- Compliance with legislation

Information

Although Council does not receive many enquiries for the installation of domestic oil or solid fuel heating appliances, Section 68 of the *Local Government Act 1993* does require these types of installations to obtain the prior approval of local authorities.

Home owners are often not aware that they require an approval under the *Local Government Act*, as most approval requirements are contained within the *Environmental Planning and Assessment Act*, including the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, which is silent on these devices.

Usually these systems are purchased and installed on site or constructed in-situ, being built in accordance with the relevant manufacturer's details, Australian Standards and Building Code of Australia (BCA). The installation procedure for these devices is generally straightforward, providing the installer is suitably qualified and competent in understanding building specifications and other regulatory requirements.

8.2 Exemption - Approval for a Domestic Oil or Solid Fuel Heating Appliance

Section 158 of the *Act* enables councils to formulate a Local Approvals Policy and eliminate the need for an approval under Section 68, particularly where the activity is deemed minor in nature. Prior to a council deciding to exempt an activity from any approval, the consent from the Director General NSW Office of Local Government is required.

Councils are also required to publicly exhibit any draft Local Approvals Policy, or part thereof. The period of exhibition is 28 days and any submissions are to be made within 42 days of the commencement of the exhibition.

It is proposed to firstly publicly notify a draft policy exemption for the installation of domestic oil or solid fuel heaters in accordance with the *Act*. Any submissions received are then to be considered prior to the draft exemption being reported to the Director General, seeking consent to exempt the need for the obtaining of an approval to install such heating appliances in Ballina Shire.

Should the Director General consent to the exemption, the matter is then intended to be reported back to Council for finalisation.

Should Council eventually determine to proceed with the adoption of the exemption, it is recommended such approval concession be granted subject to the following advice to owners/installers:

- The device is to be installed by a licensed builder
- The device is to be installed in accordance with AS/NZS 2918 and the Building Code of Australia (BCA)

Sustainability Considerations

- **Environment/Social**
Domestic oil or solid fuel heating appliances are to be installed by competent persons in accordance with the regulations, minimizing the risk of air pollution and complaints.
- **Economic**
Costs savings will be achieved for the community through the exemption of any formal approval process

Legal / Resource / Financial Implications

Resourcing cost savings for Council should the exemption be granted to the approval process for the installation of these devices.

Consultation

Consultation with the community required as part of the public notification process. Consent required from the Director General NSW Office of Local Government on completion of the exhibition period.

Options

1. Council proceed with the proposal to exempt domestic oil and solid fuel heaters from the need for approval for their installation as outlined in the report;

8.2 Exemption - Approval for a Domestic Oil or Solid Fuel Heating Appliance

2. Council not exempt the need for approval to install a domestic oil or solid fuel heating device and approval continue to be required under Section 68 of the *Local Government Act*.

It is concluded that the Council should proceed with Option One for the reasons outlined in the report.

RECOMMENDATION

That Council proceed with the proposal to exempt domestic oil and solid fuel heaters from the need for approval under the provisions of Section 68 of The Local Government Act to assist in streamlining the approval process and reducing what is currently considered unnecessary bureaucracy.

Attachment(s)

Nil

8.3 Development Consent and Infrastructure Approvals - October 2015

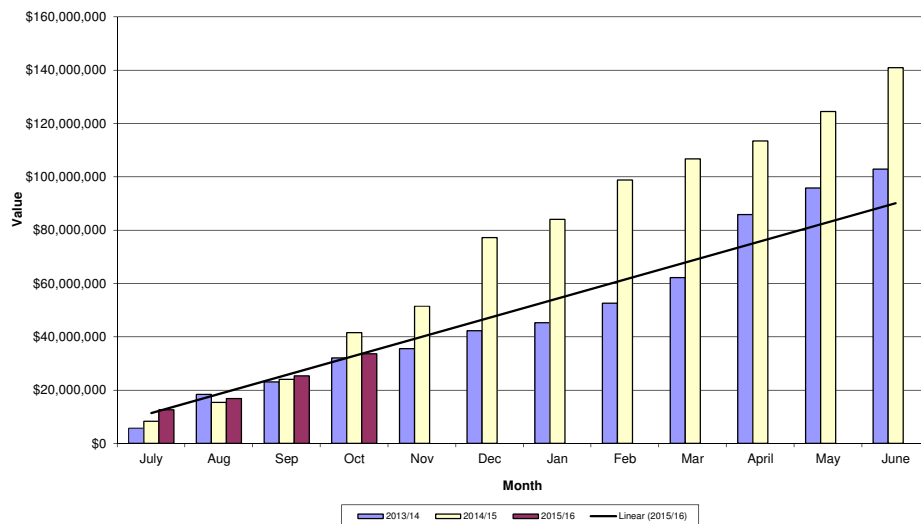
8.3 Development Consent and Infrastructure Approvals - October 2015

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

Number of Applications	Value of Work
42 Other Building Related	\$ 2,470,000
19 Dwelling/Duplexes/Residential Flat Buildings	\$ 5,826,500
4 General Developments	\$ 4,000
Total Value	\$ 8,300,500

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

Cumulative Development Approval Values



There have been no Public Infrastructure / Civil Construction Works applications received for the 2015/16 year.

RECOMMENDATION

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

Attachment(s)

Nil

8.4 Development Applications - Works in Progress - November 2015

8.4 Development Applications - Works in Progress - November 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	Being Assessed
2015/211	27/4/2015	Northern Rivers Surveying Pty Ltd	Subdivision of land to create four rural lots comprising two x 20ha, 1 x 18.8 ha and 1 x 41ha allotments - 94 Rishworths Lane Brooklet	Referred to Government Department
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
2015/351	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	Awaiting Additional Information
2015/398	5/8/2015	D Kilpin	Erection of a 2 nd	Awaiting

8.4 Development Applications - Works in Progress - November 2015

			Tourist and Visitor Accommodation Unit – 320 Picadilly Hill Road, Newrybar	Additional Information
2015/403	7/8/2015	Newton Denny Chapelle	Shopping Centre including Woolworths Supermarket and Specialty Shops, Ballina Heights – Ballina Heights Drive & Euroka Street, Cumbalum	Awaiting Additional Information
2015/409	11/08/2015	Ardill Payne & Partners	Alterations & Additions to Existing Residential Aged Care Facility (Crowley Village) -	Being assessed
2015/434	21/8/2015	Ardill Payne & Partners	Boundary Adjustment Subdivision to Create Two x 27ha allotments - 572 & 530, Uralba Road, Lynwood	Determination pending
2015/461	31/8/2015	Newton Denny Chapelle	Boundary Adjustment subdivision to create one x 5.7ha and one x 60.86ha allotments and associated works - 400 Houghlahans Rd & Majors Lane, Fernleigh	Awaiting additional information
2010/458	5/11/2015	Geolink (Duraplas)	Boundary adjustment subdivision and consolidation of four lots into three lots and the use of Proposed Lot 1	On Exhibition

8.4 Development Applications - Works in Progress - November 2015

			for the storage of tanks, internal access, carparking and office area – 9 Robb Street, Alstonville	
2015/468	2/9/2015	Ardill Payne & Partners	Residential Subdivision to create 179 residential lots and two residue lots and associated infrastructure works – Lot 389 DP 1199596 & Lot 409 DP 1202454, Unara Parkway & Deadmans Creek Road, Cumbalum	Being Assessed
2015/493	10/09/2015	Chris Abbott Surveying	Boundary Adjustment Subdivision to Create one x 9.8ha and one x 10.7 ha allotments – 42 & 66 Fishery Creek Road, Ballina	Referred to Government Departments
2015/567	12/10/2015	Peter Turner & Associates	Alterations and Additions to St. Andrews Village Nursing Home - 59 Bentinck Street, Ballina	Awaiting Additional Information
2015/594	22/10/2015	Astworth Pty Ltd	Erection of Industrial Building - 27 Cessna Crescent, Ballina	Being Assessed
2015/599	26/10/2015	CivilTech Consulting Engineers	Eight Lot Industrial Subdivision, Vegetation Clearing and Associated Works - 54 North Creek Road, Ballina	Being Assessed

8.4 Development Applications - Works in Progress - November 2015

2015/605	27/10/2015	Mr V R Holmes	Alfresco Dining- 38-44 Links Avenue, East Ballina	Awaiting Additional Information
2015/608	30/10/2015	CivilTech Consulting Engineers	To undertake a boundary adjustment subdivision to create 1 x 1804m ² (proposed Lot 181) and 1 x 5.316ha (proposed Lot 182) - 25 Spring Creek PI & Bolwarra Cct, Wollongbar	On Exhibition

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
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	Awaiting Additional Information

Major Development (Determined by Minister)

Major Project No./DA No.	Date Rec'd	Applicant	Proposal	Status
Nil				

RECOMMENDATION

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

Attachment(s)

Nil

9. Strategic and Community Facilities Group Reports

9. Strategic and Community Facilities Group Reports

Nil Items

10.1 Use of Council Seal

10. General Manager's Group Reports

10.1 Use of Council Seal

RECOMMENDATION

That Council affix the Common Seal to the following document.

US15/16	Community Group lease renewal between Council and the Lennox Head Soccer Club Inc for occupation of the clubhouse and a portion of the storage shed at 54 Skennars Head Road, Skennars Head for a three year period.
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Attachment(s)

Nil

10.2 Investment Summary - October 2015

10.2 Investment Summary - October 2015

Delivery Program Governance and Finance

Objective To provide details of Council's cash and investments portfolio breakup and performance.

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 October 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 October was \$69,289,000. This represents a decrease from September of \$2,999,000. Council's investments as at 31 October are at an average (weighted) rate of 3.01%, which is 0.86% above the 90 Day Bank Bill Index of 2.15%.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 31 October 2015 was \$1,122,283.

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	22
Section 94 Developer Contributions	External	7
Bonds and Deposits	External	2
Other External Restrictions	External	13
Land Development	Internal	5
Employee Leave Entitlements	Internal	4
Carry Forward Works	Internal	13
Miscellaneous Internal Reserves	Internal	12
Unrestricted		7
Total		100%

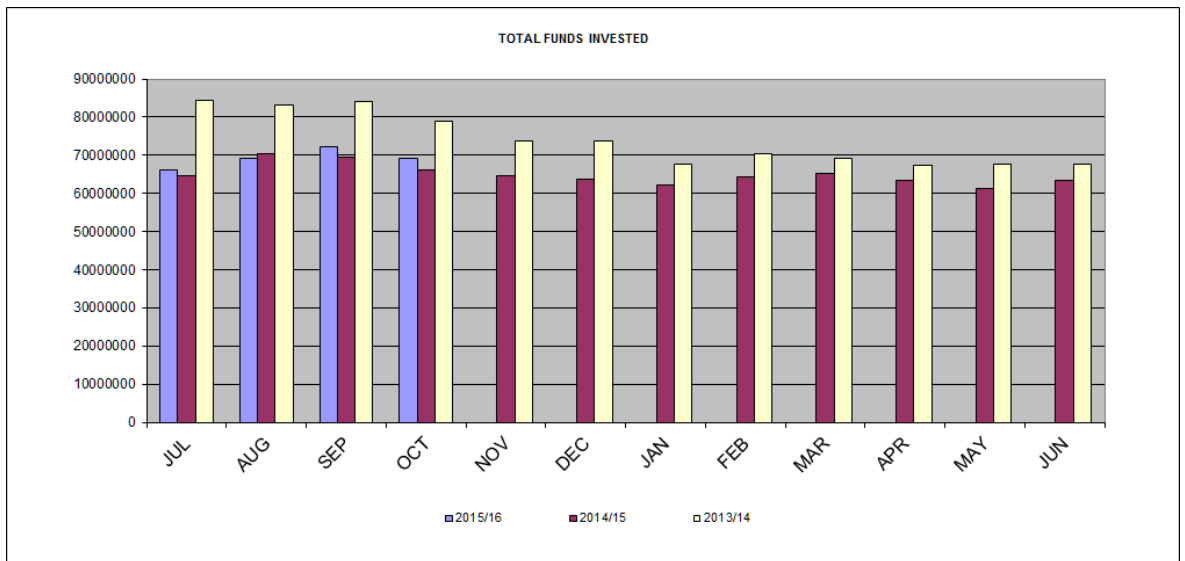
* Based on reserves held as at 30 June 2015

10.2 Investment Summary - October 2015

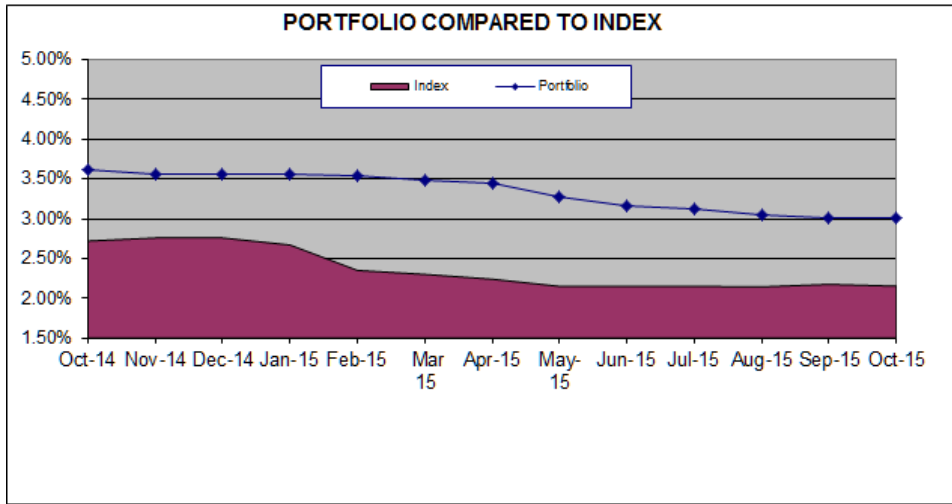
A. Summary of Investments by Institution

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	1.4%	
National Australia Bank	BBB	1,788	1,788	0	2.6%	
National Wealth M'ment Holdings	A-	2,000	2,000	0	2.9%	7%
Rated Institutions						
AMP Bank	A+	6,000	6,000	20%	8.7%	
Bank of Queensland	A-	5,000	4,000	10%	5.8%	
Bank of Western Aust	AA-	12,000	10,000	20%	14.4%	
Bendigo & Adelaide Bank	A-	4,000	4,000	10%	5.8%	
Commonwealth Bank of Australia	AA-	6,500	6,501	20%	9.4%	
Defence Bank Ltd	BBB+	3,000	3,000	10%	4.3%	
Greater Building Society	BBB	2,000	2,000	10%	2.9%	
ING Bank Ltd	A-	1,000	1,000	10%	1.4%	
Members Equity Bank	BBB+	2,000	2,000	10%	2.9%	
National Australia Bank	AA-	10,000	10,000	20%	14.4%	
Newcastle Perm Bld Society	BBB+	1,000	1,000	10%	1.4%	
Suncorp-Metway Bank	A+	12,000	12,000	20%	17.3%	
Westpac Banking Corporation	AA-	3,000	3,000	20%	4.3%	93%
Unrated ADI's				\$1m	0.0%	0%
Total		72,288	69,289		100%	

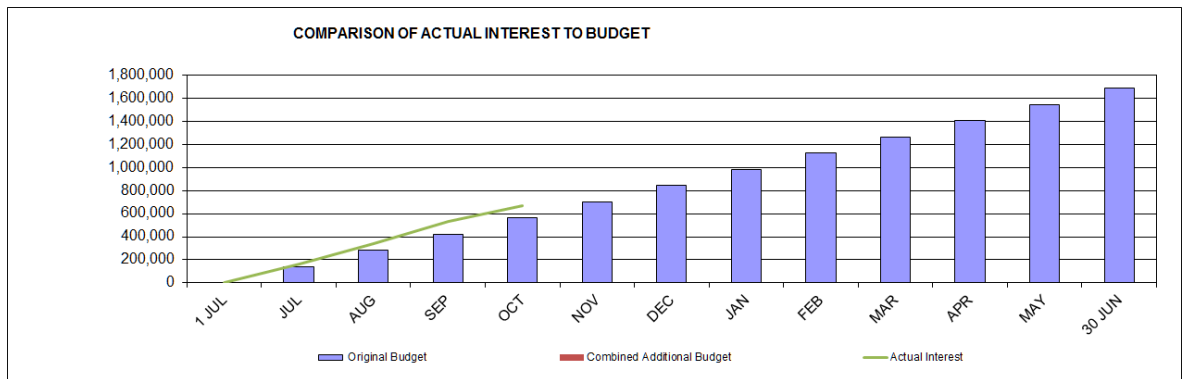
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



10.2 Investment Summary - October 2015

E. Investments held as at 31 October 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	507	507
20/09/04	National Australia Bank (ASX Listed)	FRN	3.39%	Perpetual	1,788	1,224
12/04/06	Goldman Sachs	FRN	2.70%	12/04/16	1,000	999
16/06/06	National Wealth M'ment Holdings	FRN	2.81%	16/06/26	2,000	1,986
24/01/12	ING Bank Ltd	FRTD	4.10%	24/01/17	1,000	1,000
06/02/12	Westpac Bank	FRN	3.80%	06/02/17	1,000	1,015
25/01/13	Commonwealth Bank Of Australia	TD	4.25%	25/01/18	1,994	2,096
07/06/13	Greater Bld Society	FRN	3.61%	07/06/16	2,000	2,015
25/02/14	Westpac Bank	FRN	3.06%	25/05/19	2,000	2,011
04/05/15	National Australia Bank	TD	2.97%	03/11/15	2,000	2,000
11/05/15	Bank of Queensland	TD	2.95%	11/11/15	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
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
04/08/15	AMP Bank	TD	2.90%	09/02/16	2,000	2,000
05/08/15	AMP Bank	TD	2.90%	11/02/16	1,000	1,000
17/08/15	Bendigo & Adelaide Bank	TD	2.95%	16/08/16	2,000	2,000
17/08/15	Members Equity Bank	TD	2.85%	19/02/16	2,000	2,000
18/08/15	Bank of Queensland	TD	2.90%	01/03/16	1,000	1,000
25/08/15	National Australia Bank	TD	2.90%	25/02/16	1,000	1,000
28/08/15	National Australia Bank	TD	2.90%	02/03/16	1,000	1,000
31/08/15	Suncorp-Metway Bank	TD	2.85%	03/03/16	2,000	2,000
31/08/15	Suncorp-Metway Bank	TD	2.85%	29/02/16	1,000	1,000
01/09/15	BankWest	TD	2.80%	08/12/16	1,000	1,000
03/09/15	Commonwealth Bank Of Australia	TD	2.84%	07/01/16	1,000	1,000
04/09/15	Commonwealth Bank Of Australia	TD	2.84%	10/02/16	1,000	1,000
08/09/15	Commonwealth Bank Of Australia	TD	2.88%	09/02/16	1,000	1,000
23/09/15	Commonwealth Bank Of Australia	TD	2.90%	23/02/16	1,000	1,000
29/09/15	BankWest	TD	2.90%	28/01/16	2,000	2,000
06/10/15	BankWest	TD	2.85%	12/01/16	1,000	2,000
08/10/15	BankWest	TD	2.85%	15/01/16	2,000	2,000
13/10/15	Suncorp-Metway Bank	TD	2.90%	11/04/16	3,000	3,000
Totals					69,289	69,853
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 October 2015.

Attachment(s)

1. TCorp Local Government Economic Commentary - October 2015

10.3 Community Donations - Financial Assistance

10.3 Community Donations - Financial Assistance

Delivery Program Community Facilities and Services

Objective To invite the Council's consideration of requests for financial assistance from community organisations.

Background

The Council, at its Ordinary Meeting held on 23 July 2015 resolved to allocate donations under its 2015/16 Community Financial Assistance Program. The entire Donations (General) budget contained within the Council's Operational Plan was utilised in these allocations.

Part of the Council's decision at that time was as follows (Minute No 230715/14):

8. That the General Manager advise any applicants requesting donations for the remainder of the 2015/16 financial year that the donations budget has been exhausted, and that they will need to apply again in the following financial year, if the donation is still relevant that year.

9. Council notes that the only exception to point eight will be applications in respect to assistance provided for Council's fees and charges, as per the "Assistance with Council Fees for Community Groups" Policy. Council also notes that this resolution does not stop any Councillor from submitting a notice of motion to support a donation request.

The following report outlines requests for financial assistance in relation to Council's adopted fees for the casual hire of the Richmond Room and our waste charges. Therefore they could be interpreted to comply with the Donations - Assistance with Council Fees for Community Groups Policy, a copy of which is included as the first attachment to this report.

Key Issues

- Potential revenues foregone
- Support for local community-based organisations

Information

Rotary Club of Ballina-on-Richmond

The Rotary Club has identified a need to operate a meal service for those within our community who are homeless. A copy of the Club's letter, outlining its proposal and a request for Council support, is included as attachment two to this report.

10.3 Community Donations - Financial Assistance

The Club is seeking to provide a new evening meal service to complement existing daytime local meal services delivered by other organisations. The proposal would see the Club members sourcing and serving food by using the Richmond Room kitchen and part of the auditorium between the hours of 6.00pm and 8.00pm each second Wednesday.

The Council is invited to demonstrate its support for the Club's initiative by waiving the Richmond Room hire fee for the proposed periods of occupation.

The Club really has no way of currently knowing what the level of response might be, so the service will be undertaken on a trial basis to assess demand. Accordingly, any support the Council wishes to provide would be for an initial twelve month period, to be reviewed at that time.

Under the Council's adopted fees and charges for the 2015/16 financial year, the casual hire fee for community groups using the Richmond Room is \$45 per hour. Accordingly, the extent of revenue potentially foregone, if the Council supports the Club's request to waive the fee, would be \$2,340.

The key focus of the Donations – Assistance with Council Fees for Community Groups Policy is to provide opportunities for the Council to support community organisations which are undertaking capital works or major fund raising events.

In the current circumstances, it could be argued that the Club is not proposing to do either as the support would be to offset a direct cost of service delivery. However, what is proposed is an important service to the community and it could be argued that this is helping Rotary with their fund raising activities (maybe)!

The proposal by the Club to respond to an identified need to provide a service to those in our community experiencing hardship and disadvantage is commendable. The amount of income which would be foregone by Council is modest for the initial period, and it is suggested that support is warranted.

The Rotary Club of Ballina-on-Richmond presently provides another important service by setting up and packing down of furniture in the Richmond Room to cater for the activities of the Ballina Lighthouse RSL/Day Club, which meets in the Richmond Room each Thursday morning.

The Rotary Club is compensated by Council to provide this service.

Approval by the Council to enable the Club to provide its meal service on Wednesday evenings may work well for members in terms of that other engagement.

Ballina Bears Cricket Club Inc.

The Ballina Bears Cricket Club is holding the Under 13 Ballina District Cricket Junior Cricket Association event at Fripp Oval from Monday 4 January to Friday 8 January 2016.

The event generates a large amount of rubbish and they are asking if Council would waive the fees to empty the garbage bins each day in order to keep the area clean and tidy. The estimated cost to do this is \$239.

10.3 Community Donations - Financial Assistance

This event is a long standing carnival in Ballina and does bring economic benefits with a large number of visiting teams.

The Club also generates funds from kiosk sales etc.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Support by Council for the Rotary Club to provide its meal service will potentially provide distinct benefits for disadvantaged members of our community. The cricket carnival also supports the social fabric of our community.
- **Economic**
The cricket carnival brings a number of visitors to the Shire.

Legal / Resource / Financial Implications

The current state of the donations budget is as follows:

Items	Budget	Allocated	Balance
Donations (General)	50,000	49,894	106
Donations (Public Halls - Capital)	41,000	31,454	9,546
Halls Maintenance Budget (1)	N/A	N/A	(9,546)
Donations (Planning and other Fees)	4,000	4,000	4,000
Net Amount Available			4,106

(1) At the July 2015 meeting Council resolved to approve the reallocation of the unallocated balance of Donations (Public Halls – Capital) budget to the Halls Maintenance budget.

Consultation

The requests have not involved any community consultation, albeit that the original donations process was advertised extensively.

In accordance with the July 2015 resolution, a number of requests for general donations assistance from Council since July 2015 have been advised that the funds have been fully allocated.

Options

The options available to the Council are to either support or decline the requests.

The Rotary Club's proposal (with or without the Council's support) will help to achieve some of the identified priorities contained within the Council's endorsed Community Strategic Plan, including the following:

- Encourage community interaction and volunteering
- Assist disadvantaged groups within our community

10.3 Community Donations - Financial Assistance

- Provide equitable access to a range of community services and facilities.

On the basis of the above, support for the Club's request is recommended.

The cricket club carnival has been provided waste assistance for many years and as an important junior carnival it is also recommended for support.

RECOMMENDATIONS

1. That the request from the Rotary Club of Ballina-on-Richmond for the waiving of Council fees associated with the Club's hire of the Richmond Room for two hours per fortnight for the purpose of conducting an evening meal service for homeless persons is noted.
2. That such request is approved for an initial period of up to twelve months from the date of the initial service, with the Council to review its support for the initiative at the expiry of that period.
3. That Council supports the donation of the waste fees for the Under 13 Junior Cricket Carnival as per the request from the Ballina Bears Cricket Club.

Attachment(s)

1. Donations - Assistance with Council Fees for Community Groups Policy
2. Letter from Rotary Club of Ballina-on-Richmond
3. Letter from Ballina Bears Cricket Club

10.4 Festival and Event Support Program - 2016/17

10.4 Festival and Event Support Program - 2016/17

Delivery Program Tourism

Objective To allocate the Festival and Event Support Program funding for the financial year 2016/17

Background

The Festival and Event Support Program was established in 2010 and provides funding to eligible community groups who coordinate events and festivals in the Ballina Shire. In February 2015 Council resolved to conduct an expression of interest process for the allocation of the Festival and Event Support Program funding. For the past three years, Councillors have avoided this process through notices of motion prior to commencing an expression of interest. To comply with the February resolution, staff conducted an expression of interest process. This report details the outcomes of this process.

Key Issues

- Equitable and transparent process to allocate public funds

Information

The Festival and Event Support Program opened for five weeks from the end of September to the end of October 2015 and applications were received from 11 organisations. The closing date was 30 October 2015 and the Ballina and District Ministers Association Riverside Carol's application was received after the due date on Monday 2 November, however they have not been excluded.

Name of organisation	Name of event	Request (\$)	Eligible
Rotary Club of Ballina on Richmond	Ballina Fine Wine and Food Festival 2016	10,000	Yes
Quota International of Alstonville/Wollongbar	Quota Club of Alstonville Craft and Garden Fair	5,000	Yes
Rotary Club of Ballina	Ballina Coastal Country Music Festival 2017	25,000	Yes
VIEW Club	International Woman's Day Breakfast 2017	1,200	No
Alstonville Agricultural Society Inc	New Year's Eve Family Event	20,000	Yes
Lennox Head Chamber of Commerce	Love Lennox Festival 2017	10,000	Yes
Le-Ba Boardriders	Skullcandy Oz Grom Open 2016	25,000	Yes
Alstonville Baptist Church	Alstonville Christmas in the Park 2016	2,000	No
Australasian Society for Lifestyle Medicine	Bust ya Gut Ballina	33,000	No
Ballina Chamber of Commerce	The Ballina Prawn Festival 2016	35,000	Yes
Ballina and District Ministers Association	Riverside Carols 2016	14,000	Yes
Total		180,200	

10.4 Festival and Event Support Program - 2016/17

There were three events that were deemed ineligible for funding, due to non-compliance with the Festival and Event Support Program Policy. Two of these applicants were not able to demonstrate the event budget was over \$20,000, they include the Alstonville Baptist Church and the VIEW Club. More detailed information on their respective budgets can be found in their applications, which have been provided to Councillors separately. An extract of the Policy is below.

To be eligible for support the total cost of the festival / event must be estimated at over \$20,000, with a minimum of \$15,000 allocated towards cash expenses, excluding the Council contribution.

The application from the Australasian Society for Lifestyle Medicine did not comply with the Festival and Event Policy, as they intend to employ a festival director for \$30,000 with Council funds. The policy states that *wages for community event organisers* will not be funded.

Two applications, the Ballina Fine Wine and Food Festival and the Quota Club of Alstonville Craft and Garden Fair, meet the criteria in the Policy however they both refer to providing donations to charities from the profits they make from their respective events. This contradicts the Policy which states funding will not be provided for *contributions to charities*. It is acknowledged that these contributions are an indirect result of running a successful event, so they have been deemed eligible.

As requested at the Councillor briefing session held on 11 November 2015, Council staff have loaded all applications and previous applicant's acquittal documentation to the Councillor's iPads for review.

Sustainability Considerations

- **Environment**
Events are managed to limit adverse environmental impacts.
- **Social**
Events provide social benefits to the broader community.
- **Economic**
Events make a positive contribution to the local economy.

Legal / Resource / Financial Implications

The Festival and Event Support Program is identified in Council's Delivery Program 2015/16 – 2018/19, with a \$120,000 budget forecast for 2016/17.

The funds allocated are outside of the standard timeline for the budgetary process. Given the nature of festivals and events, and the need for organisers to be aware of their overall budget prior to commencing their planning phase, this timeline is appropriate.

In addition to the cash allocations provided by Council, significant staff resources support the operation of the events.

For instance, with the recently completed Prawn Festival, which appears to be the largest event in respect to attendance numbers, examples of the in-kind

10.4 Festival and Event Support Program - 2016/17

works provided by Council (in kind meaning it was resourced from other Council budgets, including staff time) include:

- Assessment of Amusement Device applications
- Assessment of Community Event Signage applications
- Provide event and Council related advice consistently
- Resolved issues relating to the approved Traffic Management Plan
- Temporary removal of a portion of fencing at Seagulls car park area to allow for pedestrian flow
- Provision for additional entry/exit to the Football Fields for car parking
- Pruning of the garden beds. Food vendors set up next to the garden beds with cooking equipment so it is crucial garden beds are trimmed back.
- Pruning of the trees along the entry way
- Gazebos – pressure cleaning of the concrete in and around the gazebos (especially the barbeques) a week or two out from the event
- Gazebos – painting of the posts and picnic furniture. This has been done for the past two years and lifts the aesthetics of the site
- Repairs to fencing
- Repairs to toilets and stage area a week or two out from the event
- Removal of sand build up in the southern car park a week out from the event
- Filling of potholes throughout the site.

Some of these items relate to normal maintenance works but they do highlight the coordinated actions needed to support events.

Consultation

The Festival and Event Support Program was opened for five weeks from September to October 2015. It was promoted through a number of channels including:

- Advertised in the Ballina Shire Advocate
- Article in the tourism e-newsletter
- Distributed media release to outlets
- Letters to previous funding recipients
- Information on Council's website

Options

The Festival and Event Funding Program for 2016/17 is overprescribed, with the budget allocated as part of the Delivery Program being \$120,000.

There are a number of options available to the Council including:

1. Allocate funds to only those applicants that have met the eligibility criteria. This option would require a budget of \$144,000 for 2016/17, \$24,000 more than the budget allocation. The eligible events are tabled below.

10.4 Festival and Event Support Program - 2016/17

Name of organisation	Name of event	Request (\$)	Option One	Eligible
Rotary Club of Ballina on Richmond	Ballina Fine Wine and Food Festival 2016	10,000	10,000	Yes
Quota International of Alstonville/Wollongbar	Quota Club of Alstonville Craft and Garden Fair	5,000	5,000	Yes
Rotary Club of Ballina	Ballina Coastal Country Music Festival 2017	25,000	25,000	Yes
VIEW Club	International Woman's Day Breakfast 2017	1,200	0	No
Alstonville Agricultural Society Inc	New Year's Eve Family Event	20,000	20,000	Yes
Lennox Head Chamber of Commerce	Love Lennox Festival 2017	10,000	10,000	Yes
Le-Ba Boardriders	Skullcandy Oz Grom Open 2016	25,000	25,000	Yes
Alstonville Baptist Church	Alstonville Christmas in the Park 2016	2,000	0	No
Australasian Society for Lifestyle Medicine	Bust ya Gut Ballina	33,000	0	No
Ballina Chamber of Commerce	The Ballina Prawn Festival 2016	35,000	35,000	Yes
Ballina and District Ministers Association	Riverside Carols 2016	14,000	14,000	Yes
Totals		180,200	144,000	

- Allocate funding to all applicants. This option would require additional funds of \$60,200 for the Festival and Event Support Program. For this reason, this option is not recommended.
- Allocate funds to applicants that have met the eligibility criteria and within the current budget allocation of \$120,000. An equitable method to do this is to reduce each request by 16%. The eligible events are tabled below.

Name of organisation	Name of event	Request (\$)	Option Three	Eligible
Rotary Club of Ballina on Richmond	Ballina Fine Wine and Food Festival 2016	10,000	8,400	Yes
Quota International of Alstonville/Wollongbar	Quota Club of Alstonville Craft and Garden Fair	5,000	4,200	Yes
Rotary Club of Ballina	Ballina Coastal Country Music Festival 2017	25,000	21,000	Yes
VIEW Club	International Woman's Day Breakfast 2017	1,200	0	No
Alstonville Agricultural Society Inc	New Year's Eve Family Event	20,000	16,800	Yes
Lennox Head Chamber of Commerce	Love Lennox Festival 2017	10,000	8,400	Yes
Le-Ba Boardriders	Skullcandy Oz Grom Open 2016	25,000	21,000	Yes

10.4 Festival and Event Support Program - 2016/17

Name of organisation	Name of event	Request (\$)	Option Three	Eligible
Alstonville Baptist Church	Alstonville Christmas in the Park 2016	2,000	0	No
Australasian Society for Lifestyle Medicine	Bust ya Gut Ballina	33,000	0	No
Ballina Chamber of Commerce	The Ballina Prawn Festival 2016	35,000	29,400	Yes
Ballina and District Ministers Association	Riverside Carols 2016	14,000	11,760	Yes
Totals		180,200	120,960	

4. Allocate funds to applicants that have met the eligibility criteria and within the current budget allocation of \$120,000, based on the amounts allocated in previous years.

Name of organisation	Name of event	Request (\$)	Option Four	Eligible
Rotary Club of Ballina on Richmond	Ballina Fine Wine and Food Festival 2016	10,000	10,000	Yes
Quota International of Alstonville/Wollongbar	Quota Club of Alstonville Craft and Garden Fair	5,000	5,000	Yes
Rotary Club of Ballina	Ballina Coastal Country Music Festival 2017	25,000	25,000	Yes
VIEW Club	International Woman's Day Breakfast 2017	1,200	0	No
Alstonville Agricultural Society Inc	New Year's Eve Family Event	20,000	15,000	Yes
Lennox Head Chamber of Commerce	Love Lennox Festival 2017	10,000	5,000	Yes
Le-Ba Boardriders	Skullcandy Oz Grom Open 2016	25,000	20,000	Yes
Alstonville Baptist Church	Alstonville Christmas in the Park 2016	2,000	0	No
Australasian Society for Lifestyle Medicine	Bust ya Gut Ballina	33,000	0	No
Ballina Chamber of Commerce	The Ballina Prawn Festival 2016	35,000	35,000	Yes
Ballina and District Ministers Association	Riverside Carols 2016	14,000	5,000	Yes
Totals		180,200	120,000	

The only exception in this table is the inclusion of Quota which is a new event that meets the policy criteria.

In recommending a preferred option, options three and four meet the allocated budget.

10.4 Festival and Event Support Program - 2016/17

The one problem with option three is that it rewards larger requests without consideration of the actual event, whereas option four is more consistent with past decisions by Council.

On balance option four is considered to be the preferred option as Council has debated previous allocations extensively and this option supports those earlier discussions and decisions.

RECOMMENDATION

That the Council allocates funds for the Festival and Event Support Program to applicants that have met the eligibility criteria and within the current forecast budget allocation of \$120,000, as per option four of this report: i.e.

Name of organisation	Name of event	Request (\$)	Option Four	Eligible
Rotary Club of Ballina on Richmond	Ballina Fine Wine and Food Festival 2016	10,000	10,000	Yes
Quota International of Alstonville/Wollongbar	Quota Club of Alstonville Craft and Garden Fair	5,000	5,000	Yes
Rotary Club of Ballina	Ballina Coastal Country Music Festival 2017	25,000	25,000	Yes
VIEW Club	International Woman's Day Breakfast 2017	1,200	0	No
Alstonville Agricultural Society Inc	New Year's Eve Family Event	20,000	15,000	Yes
Lennox Head Chamber of Commerce	Love Lennox Festival 2017	10,000	5,000	Yes
Le-Ba Boardriders	Skullcandy Oz Grom Open 2016	25,000	20,000	Yes
Alstonville Baptist Church	Alstonville Christmas in the Park 2016	2,000	0	No
Australasian Society for Lifestyle Medicine	Bust ya Gut Ballina	33,000	0	No
Ballina Chamber of Commerce	The Ballina Prawn Festival 2016	35,000	35,000	Yes
Ballina and District Ministers Association	Riverside Carols 2016	14,000	5,000	Yes
Totals		180,200	120,000	

Attachment(s)

Nil

10.5 Ballina Cup - Holiday Arrangements

10.5 Ballina Cup - Holiday Arrangements

Delivery Program Governance and Finance

Objective To determine the application Council wishes to make to the NSW State Government in respect to holiday arrangements for the Ballina Cup.

Background

The NSW Treasury has advised Council of amended Guidelines for Local Public Holiday and Local Event Day Applications.

The Guidelines have been amended to provide for the making of biennial public holiday applications. This amendment enables councils to make applications for the declaration of full or part-day public holidays and local event days for two consecutive years to reduce the administrative burden on councils regarding the process for the making of annual applications under the Act. Under the amended guidelines, councils may still elect to make application on an annual basis if more convenient.

A copy of the latest correspondence from NSW Treasury outlining this process is included as an attachment to this report.

Each year Council, following an approach by the Ballina Jockey Club, has traditionally applied to the NSW Treasury for a half-day public holiday and more recently in 2014 and 2015 for a part day holiday between 12 noon and 6 pm, for the Ballina Cup.

NSW Treasury has advised that the deadline for receipt of applications is 4 December 2015.

The Ballina Jockey Club has requested that Council apply for a part day public holiday for Thursday 8 September 2016 and Thursday 14 September 2017.

A copy of their correspondence is attached.

Key Issues

- Options available and impact on local economy

Information

The 2016 Ballina Cup is scheduled for Thursday 8 September 2016 and the 2017 Cup scheduled for Thursday 14 September 2017.

There are two main options available to Council in respect to this proposal.

Local Part Day Public Holiday (half / quarter or other timeframe)

- Banks required to close unless they hold a special approval to open
- Shops are free to open without restriction
- All employees are entitled to be absent from work
- Employees who work are entitled to penalty rates

10.5 Ballina Cup - Holiday Arrangements

Local Half Day Event Day

- Does not preclude banks or shops from opening
- Does not automatically mean employers are compelled to treat the day as a public holiday
- Entitlements to paid time off work or penalty rates will only apply where they have been agreed at the workplace, usually in the form of an enterprise agreement.

A quarter day public holiday was granted for 2014 and 2015 between the hours of 12 noon and 6.00 pm. Previous to this a half day public holiday from 12 noon to 12 midnight was granted.

The 2014 Cup was held on a Thursday and the Jockey Club requested a change for the 2015 Cup to a Friday.

Sustainability Considerations

- **Environment**
Not applicable
- **Social**
The Ballina Cup is a major part of the social calendar for the Ballina Shire. There is also a social impact by schools having to close for the half day.
- **Economic**
There are economics benefits gained from the staging of an event such as the Ballina Cup through promotional activities and increased visitors. There is also a significant cost to businesses in closing for the afternoon.

Legal / Resource / Financial Implications

NSW Treasury invites councils to apply for approval to meet their legislative responsibilities. Council's response is due back by Friday 4 December 2015 to allow all the State wide holidays to be published by the Government.

Consultation

Council is required to consult with relevant stakeholders and various organisations such as schools, local banks, major employers and the Chambers of Commerce to make a decision in respect to the preferred option.

Once a decision is made by Council, public consultation will occur with correspondence to be forwarded to all the schools, pre-schools and child care centres in the Shire and the three Chambers of Commerce as part of this process.

Advertisements will also be placed in the Advocate and on Council's website.

This provides limited time but there is little alternative based on the State Government deadline and the timing of the Ballina Cup.

10.5 Ballina Cup - Holiday Arrangements

Options

The options available to Council are to apply for both dates for a:

- Half day Public Holiday (12 noon to 12 midnight)
- Part day Public Holiday (12 noon to 6 pm)
- Part day Public Holiday (for any other period of time)
- Local Event Day

Or alternatively not apply at all.

As the most recent decision of Council is to support a part day public holiday the recommendation that follows is consistent with that decision.

Even if Council supports an application for a public holiday, the State Government still needs to approve such an application and that approval will consider the submissions received.

RECOMMENDATION

That Council confirms its support for the declaration of a quarter day public holiday between the hours of noon and 6 pm throughout the Ballina Shire for Thursday 8 September 2016 and Thursday 14 September 2017 for the Ballina Cup, with the General Manager authorised to make an application to the NSW State Government for these holidays.

Attachment(s)

1. NSW Treasury Guidelines for Local Public Holiday and Local Event Day Applications
2. Correspondence from Ballina Jockey Club

10.6 Policy (Review) - Financial Assistance - Rates, Annual Charges and Fees

10.6 Policy (Review) - Financial Assistance - Rates, Annual Charges and Fees

Delivery Program Governance and Finance

Objective To review the Financial Assistance - Rates, Annual Charges and Fees policy

Background

All of Council's existing policies are progressively being reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Financial Assistance – Rates, Annual Charges and Fees policy.

Council first adopted this policy on 26 August 2002. The policy initially included financial assistance provisions for rates and annual charges only. The policy was developed due to extreme land valuation fluctuations received from the Valuer General, which resulted in some ratepayers experiencing significant ordinary rate increases.

On 23 March 2011, a provision was included for ranger associated fees and charges.

Key Issues

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

Information

Since the policy was introduced in 2002, Council has not received any formal applications for financial hardship relief under the “deferral of general rate when new land values are used” or “deferral of general rate against the estate” provisions. Even though Council has not received any formal applications, it is considered good practice to have a financial hardship policy for rates and annual charges. As a result, this review will recommend that these provisions are retained.

All other provisions within the policy need not change as they are utilised on a regular basis, and comply with current legislation and practices.

The recent review of this policy identified only one minor change as follows:

- The inclusion of a reference to section 564 of the Local Government Act 1993 within the provision “Other Ratepayer Assistance”, being the relevant legislation that allows Council to offer this financial assistance (i.e. periodical payment plans to repay debts over a period of time).

10.6 Policy (Review) - Financial Assistance - Rates, Annual Charges and Fees

Otherwise the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended. A copy of the amended policy is attached to the report, with the change highlighted in yellow.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Rates - This policy provides support for ratepayers experiencing genuine financial hardship.

Ranger – This policy allows the Ranger discretion to act immediately if there are concerns for animal welfare and/or an obvious benefit to the community.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Rates: Council regularly manages periodical payment agreements from ratepayers that are unable to pay rates and charges on time. Council does not lose any income and interest is charged on overdue amounts.

Ranger: Around \$1,000 in animal surrender fees are waived per annum.

Consultation

The document will be exhibited for public comment.

Options

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

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

RECOMMENDATIONS

1. That Council place the amended Financial Assistance – Rates, Annual Charges and Fees Policy, as attached to this report, on public exhibition.
2. If no responses are received to the public exhibition, the policy will be considered to be adopted by Council. Any responses received will however be the subject of a further report to Council.

Attachment(s)

1. Policy (Review) - Financial Assistance - Rates, Annual Charges & Fees

10.7 Financial Statements - 2014/15

10.7 Financial Statements - 2014/15

Delivery Program Financial Management

Objective Section 419 of the Local Government Act requires that the audited financial statements be formally presented to the public. The report that follows looks to satisfy this requirement.

Background

Council considered the annual financial statements for the financial year ended 30 June 2015 at the October Ordinary meeting. The principal auditor, Mr Kevin Franey of Thomas Noble and Russell, also addressed Council at that meeting.

The audit opinion was that Council's accounting records had been kept in accordance with the requirements of the Local Government Act and Australian accounting standards. The records fairly presented the Council's financial position and the results of operations. The audit was unqualified. Council subsequently endorsed the reports.

In accordance with Section 418 of the Local Government Act the Council must then formally present the financial reports to the public. This public presentation must be advertised. The advertising process has now been completed and this report complies with that section of the Local Government Act.

Key Issues

- Compliance with the Local Government Act
- Content of the financial reports
- Submissions to the advertised reports

Information

In accordance with the Local Government Act and Council's resolution the reports were advertised for public comment. No submissions were received.

Councillors may wish to bring their copy of the annual financial reports, as distributed at the October meeting, in case there is any further discussion on the matter.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
The Financial Statements summarise the financial position of Council.

Legal / Resource / Financial Implications

The annual financial statements detail the financial position of Council.

Consultation

Notice of the reports was advertised in the local paper, on Council's website and at community access points.

Options

Council may adopt the annual financial reports for presentation to the public or choose not to adopt the reports. The recommendation is to adopt the reports.

RECOMMENDATION

That Council adopts the annual financial reports and auditor's reports for the financial year ended 30 June 2015, as publicly exhibited.

Attachment(s)

Nil

10.8 Financial Review - 30 September 2015

10.8 Financial Review - 30 September 2015

Delivery Program Governance and Finance

Objective To provide a review of the 2015/16 financial year budget based on the known results to 30 September 2015.

Background

In accordance with the Local Government Act the responsible accounting officer of a council must, not later than two months after the end of each quarter, prepare and submit to the council a budget review statement that shows a revised estimate of the income and expenditure for that year. The report that follows provides this review for the first quarter of 2015/16.

Key Issues

- Variations to the budget and financial performance of Council

Information

The purpose of this report is to provide information on known budget variances as at 30 September 2015. The format of the report complies with the Quarterly Budget Review Statement Guidelines set down by the Office of Local Government (OLG).

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

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

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

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

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

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

10.8 Financial Review - 30 September 2015

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

Section 1 – Operating Income and Expense

General Fund – Operating Revenues and Expenses

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

Operating Income	Original Budget 000's	Approved Changes 000's	Revised Budget 000's	Changes for Approval 000's	September Budget 000's	Actual to September 000's
Strategic and Community Facilities Group						
Strategic Planning	146		146	38	184	13
Community Centres and Halls	382		382	23	405	168
Cultural and Community Services	114		114	0	114	27
Library Services	117		117	0	117	0
Swimming Pools	346		346	0	346	103
Tourism and Communications	34		34	0	34	24
Sub Total	1,139	0	1,139	61	1,200	335
Development and Environmental Health Group						
Development Services	381		381	80	461	165
Building Services	1,010		1,010	90	1,100	424
Environment and Public Health	266		266	0	266	233
Admin and Public Order	229		229	6	235	93
Sub Total	1,886	0	1,886	176	2,062	915
Civil Services Group						
Engineering Management	367		367	0	367	86
Procurement and Building Mgmt	0		0	0	0	
Stormwater and Env Prot	342		342	26	368	368
Roads and Bridges	62		62	0	62	0
Ancillary Transport Services	797	23	820	50	870	150
Roads and Maritime Services	885		885	0	885	219
Open Space and Reserves	735		735	51	786	247
Fleet Mgmt and Workshop	252		252	0	252	63
Rural Fire Service	221		221	0	221	0
Quarries and Sandpit	281		281	0	281	112
Landfill and Resource Management	4,028		4,028	(69)	3,959	2,366
Domestic Waste Management	5,978		5,978	48	6,026	6,004
Sub Total	13,948	23	13,971	106	14,077	9,615
General Manager's Group						
Governance	0		0	5	5	0
Administrative Services	28		28	15	43	30
Financial Services	23,362		23,362	41	23,403	21,420
Financial Services-General Purpose Revenue	182		182	10	192	49
Information Services	11		11	0	11	1
Human Resources and Risk Mgmt	125		125	0	125	20
Property Management	3,186	(83)	3,103	7	3,110	925
Ballina Byron Airport	5,155	(40)	5,115	0	5,115	1,207
Sub Total	32,049	(123)	31,926	78	32,004	23,652
Total Operating Income	49,022	(100)	48,922	421	49,343	34,517

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

Operating Expenses (excluding depreciation)	Original Budget	Approved Changes	Revised Budget	Changes for Approval	September Budget	Actual to September
Strategic and Community Facilities Group						
Strategic Planning	1,052	251	1,303	47	1,350	353
Community Centres and Halls	790	0	790	0	790	260
Cultural and Community Services	897	10	907	0	907	250
Library Services	1,439	55	1,494	0	1,494	678
Swimming Pools	995		995	0	995	154
Tourism and Communications	835	61	896	(144)	752	179
Sub Total	6,008	377	6,385	(97)	6,288	1,874
Development and Environmental Health Group						
Development Services	1,247		1,247	0	1,247	260
Building Services	822		822	20	842	203
Environment and Public Health	794	32	826	40	866	198
Admin and Public Order	1,225		1,225	4	1,229	300
Sub Total	4,088	32	4,120	64	4,184	961
Civil Services Group						
Engineering Management	2,462		2,462	8	2,470	663
Procurement and Building Mgmt	1,990	12	2,002	0	2,002	638
Stormwater and Env Prot	764	305	1,069	0	1,069	266
Roads and Bridges	3,338		3,338	0	3,338	893
Ancillary Transport Services	1,725	156	1,881	(7)	1,874	435
Roads and Maritime Services	885	147	1,032	(8)	1,024	359
Open Space and Reserves	3,385	267	3,652	104	3,756	845
Fleet Mgmt and Workshop	(883)		(883)	0	(883)	68
Rural Fire Service	436	31	467	0	467	105
Quarries and Sandpit	71	323	394	0	394	37
Landfill and Resource Management	1,903		1,903	(159)	1,744	1,048
Domestic Waste Management	5,652		5,652	0	5,652	1,384
Sub Total	21,728	1,241	22,969	(62)	22,907	6,741
General Manager's Group						
Governance	1,065	19	1,084	144	1,228	373
Administrative Services	582		582	7	589	148
Financial Services	0		0	0	0	0
Financial Services-General Purpose Revenues	(4,085)		(4,085)	10	(4,075)	(1,377)
Information Services	1,726		1,726	0	1,726	883
Human Resources and Risk Mgmt	1,071		1,071	100	1,171	717
Property Management	3,096	50	3,146	(2)	3,144	991
Ballina Byron Airport	3,860	(85)	3,775	0	3,775	1,100
Sub Total	7,315	(16)	7,299	259	7,558	2,835
Total Operating Expenses	39,139	1,634	40,773	164	40,937	12,411
Net Operating Result Before Depreciation	9,883	(1,734)	8,149	257	8,406	22,106
Depreciation Expense	13,109		13,109		13,109	3,277
Net Operating Result Continuing Operations	(3,226)	(1,734)	(4,960)	257	(4,703)	18,829

General Fund Working Capital Forecast

Item	Original Budget	Approved Changes	Revised Budget	Changes for Approval	September Budget	Actual to September
Working Capital	(98)		(98)	53	(45)	

Comments - General Fund

The **forecast operating result** is a loss of \$4.7 million, which is an increase from the original forecast of \$3.2 million

The primary reason for the increase is because numerous new expenditure items have been added to the budget financed from reserves. This represents incomplete projects from the previous year. These amendments increase operating expenses and because the funding is sourced from reserves, the revenue component is not included in the operating result.

Council approved these budget variations at the August 2015 Ordinary meeting.

The estimated **unrestricted working capital** has improved from an anticipated deficit of \$98,000 to \$45,000. There have been numerous adjustments and where possible negative adjustments have been offset by positives.

The larger adjustments (excludes water, wastewater and waste) include increases to forecast revenue from Development and Building Services (\$170,000), the federal assistance grant (\$100,000) and a decrease to income from the ordinary rates (\$70,000).

In respect to operating expenditure the largest adjustment relates to staff leave where it is recommended that an additional \$80,000 be added to the budget.

Details of the larger budget variations are as follows.

The adjustments shown in the tables are inclusive of all amendments and the comments do not account for minor budget changes.

General Fund - Operating Revenues

Strategic and Community Facilities Group

Strategic Planning

Grants/Contributions Income: The increase to forecast income relates to private contributions for rezoning projects of \$38,000.

Community Centres and Halls

Reimbursement: A reimbursement of \$23,000 was received from Crown Lands in respect to the Crown Reserves Management Plan. The funds have been used to increase the budget available for the Ballina Surf Club.

Development and Environmental Health Group

Development Services

Development Fees: income received to the end of the first quarter is trending well above forecast and the budget has been increased by \$80,000. The majority of the adjustment (\$60,000) relates to the fee for the compliance levy. This fee was increased considerably from the start of this financial year and the budget has already been exceeded. The fee increase was based on benchmarking with other councils and the cost to provide the service.

Building Services

Building Fees: Forecast income has been increased by \$90,000 based on current trends and once again the compliance fee (building) has exceeded the original budget.

Civil Services Group

Stormwater

Annual Levy: Income from the annual levy has exceeded forecast by \$26,000. The extra revenue has been used to increase the stormwater capital expenditure budget.

Ancillary Transport Services

Private Works: Budgets for both income and expense have been increased by \$50,000 as there are a number of small jobs in progress.

Open Spaces and Reserves

Vegetation Management: New grant funds received of \$52,000 for a vegetation management project associated with Chickiba Wetlands.

Landfill and Resource Management (LRM)

Waste Disposal Fees: Based on current trends it is evident that LRM's largest external customer has changed routes such that the tonnage being deposited at Ballina has reduced considerably in comparison to previous years. This potentially means a reduction to forecast income of up to \$450,000.

A staged approach has been adopted and forecast disposal income has been reduced by \$300,000 with a reasonable likelihood that further reductions will be required as the year progresses.

Waste Management Operations Annual Charge: This charge resulted in income of \$1,229,000 which is \$16,000 more than anticipated.

Waste Levy Reimbursement: Income to \$125,000 has been received and the original forecast was \$20,000, resulting in an increase to the estimate of \$105,000. These funds must be applied to approved projects.

10.8 Financial Review - 30 September 2015

Contributions: A contribution of \$110,000 was received from the North East Waste Forum to assist with the costs associated with the material recovery facility.

The reduced waste tonnage entering the site will engender savings in operating expenses and, for this first quarter adjustment at least, the decrease to forecast income has been offset by reductions to forecast expense.

Domestic Waste Management

Annual Charge: Adjustments to forecasts following the annual levy have resulted in income being increased by \$49,000.

General Manager's Group

Administrative Services

Copyright: Council has received a payment of \$22,000 from the Copyright Agency in respect to copyright (NB the budget was only increased by \$15,000 as based on trend this is the appropriate adjustment). The payment is attributable to the use of Deposited Plans by external parties and relates to the period 2003 to 2012. Staff were not aware that this money was payable.

It would seem that the Copyright Agency has had a change of tact over recent times because Council has also received a penalty for the use of APN material without a licence (\$3,000).

The Copyright Agency has advised that going forward Council will need to pay a licence fee in the order of \$4,000 p.a. to avoid penalties in the future.

Many councils are receiving similar letters to those received by Ballina and staff are currently awaiting the outcome of discussions between the Shires Association and the Copyright Agency in respect to the penalty notice and the annual licence fees.

Financial Services

Financial Assistance Grant: This grant is \$111,000 more than forecast, which is a welcome outcome.

Despite the fact that the Federal Government has decided not to index the grant for three years from 2014/15, the complexities of the calculation to distribute the grant funds across NSW have worked in our favour this year.

In particular we introduced new land values and the gross value went down which reflects favourably in the grant calculation.

Ordinary Rates: Forecasts have been reduced following the actual levy by \$70,000. Adjustments to property values and allowance for growth have impacted the outcome in comparison to the forecast calculation.

Legal Costs Recovered: This budget represents the raising of income payable by property owners where legal action has been instigated. The budget has been increased by \$10,000.

General Fund - Operating Expenses

Strategic and Community Facilities

Strategic Planning

Projects: A new budget has been raised to \$27,000 for work on the Southern Cross precinct which is funded by Council's Commercial Services section.

Budget Relocations: Budgets associated with Community Property (\$15,000) and Volunteer Groups assistance (\$5,000) have been relocated to Strategic from Commercial Property and Visitor Information Centre. The adjustment follows the relocation of staff responsible for the duties.

Tourism and Communications

Budget Relocation: Two staff previously located in Tourism and Communications have been relocated to Governance and the budget of \$139,000 has been transferred to accommodate the change.

Also a budget to \$5,000 for Volunteer Groups assistance was shifted to Strategic Services.

Development and Environmental Health Services

Building Services

Legal Costs: The budget has been increased by \$20,000 to \$25,000 due to ongoing legal matters largely related to caravan park compliance and consent conditions.

Environment and Public Health Services

Legal Costs: The budget has been increased by \$40,000 to \$45,000 due to an ongoing legal matter. It is the same case that is being apportioned across the Building and Health sections of the budget.

Civil Services

Procurement and Building Management

State Emergency Service: The annual contribution is \$8,000 more than anticipated.

Ancillary Transport

Private Works: Budgets for both income and expense have been increased by \$50,000 as there are a number of small jobs in progress.

Open Space and Reserves

Coastal Reserves: A new project has been raised to \$104,000 in respect to Chickiaba Wetlands which is 50% funded from grant and 50% general revenue (transfer from stormwater capital budget).

Landfill and Resource Management (LRM)

Operating Expenses: Current trends for a number of operational expenses are well down on forecast which is partly due to the reduced tonnage being deposited at the Waste Centre (see comment in income section of report).

Budgets to empty transfer bins (\$30,000), transport expenses (\$75,000), preparation and loading (\$64,000) and dust and vermin control (\$10,000) have all been reduced.

A new budget of \$20,000 has been raised relating to rehabilitation of the former Wardell tip site based on a previously prepared management plan. This expenditure relates mainly to vegetation management.

General Manager's Group

Governance

Budget Relocation: Two staff members have been shifted from Community Facilities to Governance and a budget of \$139,000 has been relocated to accommodate the movement.

Donations: The donations budget has been increased by \$5,000 regarding the Lennox Head Playgroup soft fall upgrade.

Council has a budget of \$5,000 available for the works and the Playgroup have paid their \$5,000 (50:50 funding arrangement) to Council. The works will now be organised by staff to \$10,000.

Financial Services

Legal Costs: The budget to recover outstanding rates has been increased by \$10,000. An equivalent income budget has been raised as the costs are transferred to the ratepayer's assessment.

Human Resources

Employee Entitlements: A further \$80,000 has been added to the leave budgets as staff are encouraged to manage leave balances.

The budget for Managers Reimbursements has been increased by \$20,000 to accommodate entitlements under the contract agreements.

These costs associated with items such as telephones and computers previously were allocated to Information Services.

Water Operations

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

There has been a minor adjustment to the forecast operating result but generally the outlook remains similar to the beginning of the year.

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

Item	Original Budget	Approved Changes	Revised Budget	Changes for Approval	September Budget	Actual to September
Operating Income	10,996		10,996	66	11,062	4,637
Operating Exps (excl. dep)	9,491		9,491	0	9,491	2,924
Net Operating Result Before Depreciation						
Depreciation	1,505	0	1,505	66	1,571	1,713
Depreciation Expense	1,400		1,400		1,400	350
Net Operating Result from Continuing Operations	105	0	105	66	171	1,363

The original budget predicted an operating surplus of \$105,000 and the revised forecast is a surplus of \$171,000.

The improved outlook is due to additional revenue being received to \$65,000 and the majority of this adjustment relates to a one off payment by Rous Water of \$50,000 to use Council's bulk water filling stations.

Wastewater Operations

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

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

Item	Original Budget	Approved Changes	Revised Budget	Changes for Approval	September Budget	Actual to September
Operating Income	16,281		16,281	112	16,393	13,397
Operating Exps (excl. dep)	13,740		13,740	(145)	13,595	3,438
Net Operating Result Before Depreciation						
Depreciation	2,541	0	2,541	257	2,798	9,959
Depreciation/loan unwind Expense	2,900		2,900	(300)	2,900	725
Net Operating Result from Continuing Operations	(359)	0	(359)	(43)	(102)	9,234

The original budget predicted an operating loss of \$359,000 and the revised forecast is an operating loss of \$102,000.

Forecast income has increased by \$112,000 which is due to more income being received from the annual charge than was originally budgeted and an increase to budgeted revenue from house drainage plans.

Operating expense has decreased by \$145,000 and larger adjustments to budget include:

- removal of the budget for pipe camera work (\$170,000).
- reduction to anticipated energy costs associated with installation of solar (\$200,000).
- increase to treatment plant operations (\$200,000)

Section Two – Capital Budget

This next section of the report looks at capital expenditure and examines proposed changes to the program. The majority of the increased funding from the Original to the September forecast relates to works carried forward from the previous year.

Also during the first quarter various reports have been considered by Council, including the Quarterly Capital Works Review (October meeting), whereby Council has approved changes to the capital program. Therefore the majority of capital adjustments have already been approved by Council.

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

General Fund Capital works	Original Budget 2015/16 \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for Approval \$'000	September Budget \$'000	Actual to September \$'000
General Fund Capital Funding						
General revenue	4,781	78	4,859			
Reserves	11,437	8,779	20,216			
Loans	4,000		4,000			
Section 94 contributions	49		49			
Grants and contributions	4,173	512	4,685			
Total Funding	24,440	9,369	33,809	113	0	0
General Fund Capital Expense						
<i>Strategic and Community Facilities Group</i>						
Cultural and Community Services	271	295	566	0	566	106
Swimming Pools	4,000	166	4,166	0	4,166	11
Libraries	0	65	65	(32)	33	23
<i>General Manager's Group</i>						
Administration & Information Services	25	40	65	0	65	
Property Management	4,100	(1,174)	2,926	0	2,926	120
Camping Ground	10		10	0	10	0
Ballina Airport	90		90	0	90	58
<i>Development & Environ Health Group</i>	45		45	4	49	
					0	
<i>Civil Services Group</i>						
Procurement & Building Management	3,922	1,398	5,320	(1,442)	3,878	155
Stormwater	421	152	573	(26)	547	88
Roads and Bridges	4,804	1,416	6,220	2,977	9,197	1,354
Ancillary Transport Services	3,323	1,393	4,716	(1,524)	3,192	394
Water Transport and Wharves	675	58	733	0	733	0
Open Space -Parks and Reserves	544	233	777	0	777	1
Open Space - Sporting Fields	156	5,137	5,293	0	5,293	186
Cemeteries			0	0		
Fleet and Plant	1,954		1,954	0	1,954	85
Waste Management	100	190	290	156	446	14
Total Capital expense	24,440	9,369	33,809	113	33,922	2,455

General Fund

Strategic and Community Facilities Group

Library Services

Capital works at the Library have been essentially completed under budget and available budget has been transferred to the Ballina Surf Club \$25,000 and Civic Administration building energy efficient lighting \$7,000.

Civil Services Group

Procurement and Building Management

Ballina Surf Club budget has been increased by \$25,000 sourced from unexpended Library budget.

The Lake Ainsworth budget was increased by \$23,000 to \$1,449,000 following the receipt of a reimbursement from the Crown associated with a plan of management project. It was then determined to relocate the budget of \$1,151,000 from Procurement to the Roads section of the budget.

The original budget for the Marine Rescue Tower assumed grant funding to \$1 million, albeit this amount of grant funding was not guaranteed. This position has been revised following confirmed pledges to the project. The net result is a reduction to the original budget of \$339,000 providing a revised budget of \$1,876,000. The revised budget excludes expenditure incurred in previous years and it also includes \$200,000 which is not available until 2016/17.

Stormwater

The budget for the Grant Street upgrade was increased by \$26,000 as more income was received from the annual charge than forecast and \$52,000 has been relocated to the Open Spaces and Reserves in respect to Chickiba Lake.

Roads and Bridges

New capital income budgets have been raised to \$2,168,000, funded by the Roads and Maritime Services, for the following works;

Description of Works	Amount (\$)
River Street	200,000
Maguires Creek Bridge	75,000
Teven Road	889,000
Angels Beach Drive	1,004,000
Total	2,168,000

The majority of these projects relate to Black Sport funding grants and the excellent work of Council's engineering staff in submitting comprehensive applications for the projects to then receive the grants should be acknowledged.

10.8 Financial Review - 30 September 2015

The program has also been adjusted to remove Uralba (\$295,000) and Pimlico (\$297,000) roads from the program as they were completed last financial year thanks to an advance payment of Roads to Recovery funds.

These budgets have been partially applied to expenditures on the River/Moon streets roundabout (\$220,000) and Wardell road (\$30,000). The remaining balance of \$342,000 has been transferred to a Civil reserve.

New budgets have been raised for Ross Street \$286,000 and Lake Ainsworth Eastern road closure \$865,000 funded by a transfer of budget from Procurement.

Ancillary Transport Services

The budget for the Coastal Path from Skennars Head Road to Pat Morton of \$1,700,000 has been deleted from the budget as it is now evident that the anticipated grant funding that was included in the original budget to \$850,000 will not be forthcoming this financial year. The Council contribution of \$850,000 has been transferred to reserve.

The RMS has advised they will provide some preliminary grant monies to finalise the detailed designs this year and staff remain hopeful that the matching funding will be approved for 2016/17.

The Roads and Maritime Services has finalised their share of the Coastal Path Section 3 and a further \$296,000 has been received.

The budget to complete the project has been increased by \$176,000 to \$633,000 with remaining funds transferred to the coastal shared path reserve.

Waste Management

New budgets have been raised for the upgrade of internal roads to \$130,000 and to redevelop the Resource Recovery facility \$130,000.

Also a budget to \$100,000 was in place for the Biochar project, which is no longer occurring, and this budget has been relocated to the Resource Recovery facility project.

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

General Fund Capital works	Original Budget 2015/16 \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for Approval \$'000	September Budget \$'000	Actual to September \$'000
Water Capital Funding						
Reserves	1,622	372	1,994	(27)	1,967	
Section 64 contributions	2,262	20	2,282	212	2,494	
Grants & Contributions			0	0		
Total Funding	3,884	392	4,276	185	4,461	0
Water Capital Expense						
Main Renewal	1,006	190	1,196	70	1,266	244
Reservoirs	535	190	725	0	725	5
Pressure Management	0	54	54	30	84	13
Water pump and bores	462	58	520	85	605	63
Trunk mains	1,300	(100)	1,200	0	1,200	0
Treatment Plant	271		271	0	271	0
Plant/connections	305		305	0	305	0
Other	5		5	0	5	52
Total Capital expense	3,884	392	4,276	185	4,461	377

The capital expenditure budget has been increased by \$185,000 which relates to Smith Drive main renewal \$70,000 Lumleys Lane pressure zone \$30,000 and Ballina Heights booster pumps \$85,000.

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

General Fund Capital works	Original Budget 2015/16 \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for Approval \$'000	September Budget \$'000	Actual to September \$'000
Wastewater Capital Funding						
Reserves	5,222	(658)	4,564	20	4,584	
Section 64 contributions	524		524	0	524	
Loans			0	0		
Total Funding	5,746	(658)	5,088	20	5,108	0
Wastewater Capital Expense						
Pumping stations	2,690	1	2,691	0	2,691	105
Treatment Plants	516	435	951	20	971	60
Trunk Mains	210	185	395	0	395	3
Mains renewals	473	(83)	390	0	390	0
Plant/other	1,702	(1,514)	188	0	188	2
Reuse program	155	318	473	0	473	69
Total Capital expense	5,746	(658)	5,088	20	5,108	239

The capital program is proposed to be increased by \$20,000 which relates to solar power at the Ballina Treatment Plant.

Section Three – Cash and Investment Statement

The next table shows details of the projected cash and investments.

10.8 Financial Review - 30 September 2015

	Original Budget 2015/16 \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for approval Sept \$'000	Revised Budget Sept \$'000
Unrestricted	3,780	0	3,780	0	3,780
Externally Restricted					
- Section 94	6,048	432	6,480	0	6,480
- Domestic Waste M'tment	1,414	173	1,587	211	1,798
- Section 64 Water	4,753		4,753	(132)	4,621
- Water	2,796		2,796	561	3,357
- Section 64 Sewer	4,427		4,427	226	4,653
- Sewer	4,898		4,898	1,281	6,179
Total Externally Restricted	24,336	605	24,941	2,147	27,088
Internally Restricted					
- Strategic and Community Services	274	136	410	21	431
- Employee Leave Entitlements	1,809	700	2,509	0	2,509
- Plant Replacement	(578)	724	146	0	146
- Quarries	948		948	2	950
- Property Reserves	1,295	(806)	489	(1)	488
- Open Spaces and Reserves	341	31	372	0	372
- Landfill Management	3,384	809	4,193	(66)	4,127
- Civil Works	2,766	652	3,418	1,312	4,730
- Other	903	1,024	1,927	0	1,927
Total Internally Restricted	11,142	3,270	14,412	1,268	15,680
Total Restricted	35,478	3,875	39,353	3,415	42,768
Total Cash and Investments	39,258	3,875	43,133	3,415	46,548

The unrestricted cash figure is not inclusive of transactions that would normally be included when calculating working capital; i.e. it is exclusive of movements in items such as debtors and creditors. The available cash figure is taken from note six of the financial statements as at 30 June 2015. Council does not track movements in available cash on a quarterly basis.

Statements

1. Council's investments are all in accordance with the Local Government Act, the regulations and Council's investment policy.
2. As per the investments summary for September 2015, funds invested amounted to \$72,288,000. All restricted monies are included in these investments.
3. Cash has been reconciled to the bank statement as at 30 September 2015 to the amount of \$2,370,470.

10.8 Financial Review - 30 September 2015

4. Actual year to date cash and investments amounted to \$74,658,470 as at 30 September 2015. This amount includes cash at bank of \$2,370,470 and funds invested of \$72,288,000, which has been reconciled to bank statements and investment reports.

Bank Reconciliation Summary as at 30 September 2015

Balance as per Bank Statement	2,656,028
Less Unpresented Cheques	20,438
Sub Total	2,635,590
Plus Outstanding not Credited	185,599
Sub Total	2,821,189
Less Amounts Deposited at end of month not in ledger	450,719
Balance as per Ledger	2,370,470

Comment on Cash and Investment Position

The forecast reserves position has decreased from \$38.4 million to \$24.6 million. Reserves have decreased primarily due to the introduction of works carried forward from the previous year. These works are funded from reserves which obviously has a large impact on the balances.

It is also the case that the original reserves estimate was prepared prior to the finalisation of end year actual results. Hence there have been changes between the estimated start position of the original estimates and the actual start position.

Details of the major changes for approval are summarised below.

Domestic Waste Management (DWM)

There is a net increase to the reserve forecast of \$212,000 following adjustments to forecast operating budgets.

Water Reserves

Net reserves are predicted to increase by \$429,000 which is a combination of an improved operating result, adjustments to the capital program and the fact that the actual reserves on hand at 30/6/15 varied from what was assumed at the time of the original forecast to 30/6/16.

Wastewater Reserves

Net reserves are predicted to increase by \$1.5 million which is a combination of an improved operating result, adjustments to the capital program and the fact that the actual reserves on hand at 30/6/15 varied from what was assumed at the time of the original forecast to 30/6/16.

Strategic and Community Facilities

The reserve for Public Art has increased as contributions have been provided to the reserve as part of the Wigmore Arcade upgrade and the Bentinck street Roundabout project.

Civil Works

The forecast reserve increased primarily due to the removal from the budget of the coastal path project given that grant funding was not forthcoming. The portion of the budget funded by Council has been transferred in to reserve. There was also a transfer to the roads reserve of \$342,000 associated with the fact that Pimlico and Uralba roads were funded last financial year.

Landfill Resource Management

Forecast decrease to the reserve is a combination of adjustments to the budgeted operating result and capital expenditure.

Section Four - Key Performance Indicators

The next section of the report takes selected financial benchmarks and compares the 30 June 2014 and 2015 ratios with the forecast at September to 30 June 2016.

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

Key Performance Indicators - Description

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

Measured: as a ratio

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

Indicator type: Financial Position

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

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

Measured: as a ratio

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

Indicator type: Financial Performance

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

10.8 Financial Review - 30 September 2015

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

Measured: as a ratio

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

Indicator type: Financial Position

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

Benchmark Indicators – General Fund

1. Unrestricted Current Ratio – General Fund

Benchmark: >1.5:1

2013/14	2014/15	2015/16 September
Actual	Actual	Estimate
1.97:1	3.26:1	1.65
Pass	Pass	Pass

Comment

The ratio is predicted to fall in 2015/16 as the current forecast is for reserves to decrease (actual 2014/15 reserve balance compared to current 2015/16 forecast to June) and liabilities will increase.

However there are significant variables that will affect the forecast including the fact that invariably the total works program will not be completed so the reserve balance will be higher than current predictions. Also the forecast assumes loans will be taken up in 2015/16 in relation to the pools upgrade and it may be that this loan will occur quite late this financial year.

Whilst the forecast remains a pass in comparison to the benchmark the trend is negative. This serves as a warning that any new borrowings need to have a ready funding source and to keep a close eye on cash reserves.

2. Operating Performance Ratio – General Fund

Benchmark: >0

2013/14	2014/15	2015/16 September
Actual	Actual	Estimate
-19.1%	-5.3%	-9.5%
Fail	Fail	Fail

Comment

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

The ratio is affected by many variables. A strategy to improve this ratio is to continue to closely monitor, maintain and even reduce operating expenses and increase income.

The current forecast for future years indicates that this ratio will reach a breakeven point in 2016/17 and will have a positive 3 year average in the 2018/19 year. The 3 year average is an important ratio used as part of the Fit for the Future assessments.

These current forecasts are based on additional rate rises (in excess of the rate peg) of 2.90% for the 2017/18, 2018/19 and 2019/20 years.

Other factors to be considered further include:

- Identifying opportunities for new income sources such as entrepreneurial activities, taking a dividend from Water and Wastewater funds and analysing the schedule of fees and charges for opportunities. In respect to the dividends it is permissible to take a non-compulsory dividend in the order of \$400,000 per fund.
- Fine tuning asset management calculations to ensure that depreciation expense reflects the real cost of the deteriorating asset.

The next table provides the forecast results for the next few years for the General Fund.

Item	2015/16	2016/17	2017/18	2018/19	2019/20
Operating Balance(\$'000)	(4,703)	340	0	1,022	1,459
Ratio	-9.5%	0.7%	0.0%	1.9%	2.6%

3. Debt Service Cover Ratio – General Fund

Benchmark: > 2

2013/14	2014/15	2015/16 September
Actual	Actual	Estimate
1.82	2.94	1.76
Fail	Pass	Fail

Comment

This ratio is sourced, in part, from the operating result.

With Council having operating deficits to date, Council has struggled to meet the benchmark.

The decline in the forecast 2015/16 ratio compared to the previous year is due to increased repayments in 2015/16 relating to the swimming pool loans.

10.8 Financial Review - 30 September 2015

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

The trend moving forward is positive, as per the following table, with Council needing to be careful to ensure that any new borrowings are fully funded.

Item	2015/16	2016/17	2017/18	2018/19	2019/20
Ratio	1.76%	2.65%	3.20%	3.74%	3.75%

Benchmark Indicators - Water

1. Unrestricted current ratio - Water

Benchmark: >1.5:1

2013/14	2014/15	2015/16 September
Actual	Actual	Estimate
42.34:1	38.31:1	35.69:1
Pass	Pass	Pass

Comments

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

2. Operating Performance Ratio - Water

Benchmark: > 0

2013/14	2014/15	2015/16 September
Actual	Actual	Estimate
-2.0%	1.2%	1.5%
Fail	Pass	Pass

Comments

The Water Fund has achieved a positive operating performance ratio and this trend is expected to continue for future years, as per the following table.

Item	2015/16	2016/17	2017/18	2018/19	2019/20
Ratio	-1.5%	3.4%	4.1%	4.3%	7.6%

3. Debt Service Cover Ratio - Water

Benchmark: >2

2013/14	2014/15	2015/16 September
Actual	Actual	Estimate
0.0	0.0	0.0
N/A	N/A	N/A

Comments

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

Benchmark Indicators - Wastewater

1. Unrestricted current ratio - Wastewater

Benchmark: >1.5:1

2013/14	2014/15	2015/16 September
Actual	Actual	Estimate
5.44:1	3.09:1	1.37:1
Pass	Pass	Fail

Comments

The ratio is forecast to fall in comparison to 2014/15. The reason for the decline is due to the use of cash reserves to fund the capital works program and to finance loan repayments.

2. Operating Performance Ratio - Wastewater

Benchmark: >0

2013/14	2014/15	2015/16 September
Actual	Actual	Estimate
-18.0%	-7.7%	-0.6%
Fail	Fail	Fail

Comments

The ratio is forecast to reach close to breakeven in 2015/16. Going forward the strategy is to continue to increase annual charges by amounts in excess of CPI and carefully manage expenses. A positive result is expected within the next few years, as per the following table, due to proposed increases in wastewater charges.

Item	2015/16	2016/17	2017/18	2018/19	2019/20
Ratio	-0.6%	6.6%	11.8%	18.0%	22.3%

3. Debt Service Cover Ratio - Wastewater

Benchmark: > 2

2013/14	2014/15	2015/16 September
Actual	Actual	Estimate
0.69	0.85	0.96
Fail	Fail	Fail

Comments

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

Section Five – Contractors/Consultants/Legal Expenses

New contracts entered into during the quarter that meet the definition or possibly meet the definition. The contracts in respect to bitumen and concrete are based on schedules of rates and the total value of expenditure may or may not exceed \$50,000.

Contractor Name	Purpose	Amount (\$'000)	Start Date	Duration of Contract	Incl in Budget Y/N
Boral Asphalt	Provide bitumen	Variable	01/7/15	12 months	Y
Fulton Hogan p/l	Provide bitumen	Variable	01/7/15	12 months	Y
RPQ Asphalt	Provide bitumen	Variable	01/7/15	12 months	Y
SRS Roads p/l	Provide bitumen	Variable	01/7/15	12 months	Y
State Asphalt	Provide bitumen	Variable	01/7/15	12 months	Y
Novaskill	Trainee services	Variable	01/7/15	12 months	Y
Holcim p/l	Provide concrete	Variable	01/7/15	12 months	Y
Nucon p/l	Provide concrete	Variable	01/7/15	12 months	Y
Cardno p/l	Maguires creek bridge	\$95,700	1/9/15	3 months	Y

Consultants

There were no consultant expenses identified that meet the definition.

Item	Expenditure YTD	Included in Budget Y/N?
Consultancies	\$20,400	Y

Legal Expenses

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

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

Item	Expenditure YTD	Included in Budget Y/N?
Legal Fees	\$47,500	Y

Certification

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

It is my opinion that the Quarterly Budget Review Statement for Ballina Shire Council for the quarter ended 30 September 2015 indicates that Council's projected financial position at 30 June 2016 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

The satisfactory position is based on the short term (twelve month) outlook.



Signed Peter Morgan, Responsible Accounting Officer

Sustainability Considerations

- **Environment**

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

- **Social**

As above

- **Economic**

As above

Legal / Resource / Financial Implications

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

Consultation

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

Options

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

RECOMMENDATIONS

That Council notes the contents of the September 2015 Quarterly Budget Review and approves the changes identified within this report.

Attachment(s)

Nil

11.1 Landfill Resource Management - Long Term Options Assessment

11. Civil Services Group Reports

11.1 Landfill Resource Management - Long Term Options Assessment

Delivery Program Waste Management

Objective To provide Council with information on current and future landfilling options.

Background

The aim of this report is to provide Council with information on strategic directions for the disposal of waste received at the Southern Cross Drive Landfill from domestic and commercial operators.

In 2006, Ballina Shire Council commenced the development of the Southern Extension Landfill at the Southern Cross Drive Waste Facility. Council constructed 3 of 6 approved cells at a cost of \$7.9m. The development of the southern landfill is for the disposal of municipal solid waste and commercial and industrial waste from kerbside collections and self-haul operators.

The three cells provided Council with an estimated 12-16 years in landfill life (dependent on incoming waste and resource recovery operations) and were due to be filled by the earliest of 2018. Please note that these cells are referred to as cells 4, 5 and 6 in the site plan for the landfill (copy attached). The cells still to be completed are referred to as cells 1, 2 and 3.

The constructed cells cannot accept construction and demolition, bulky inert materials etc due to the inability to compact the materials before they enter the landfill. Since the closure of the old northern landfill in 2006, these materials have been transported to the Veolia Wattle Glen Waste Facility in South East Queensland (SEQ).

In July 2013, Council closed the new cells and commenced the transportation of the municipal solid waste and the commercial and industrial waste stream to the Veolia Ti-Tree landfill in SEQ. This disposal methodology was chosen due to cost benefits offered by the Queensland landfill, which currently does not have a levy requirement in place on the disposal of waste.

The interstate disposal practice has extended the working life of the landfill by the number of years we continue to transport the waste off site. A worst case scenario is now that the end life of the landfill is estimated at 2020 (assuming we resume landfilling tomorrow).

Currently Council exports all materials off site for disposal, recycling or processing.

While the expected life of the current landfill is five years and beyond, due to the long lead time in development and the ever changing legislative environment, it is timely for Council to review its strategic direction.

11.1 Landfill Resource Management - Long Term Options Assessment

Key Issues

- Landfill airspace
- Increasing costs and legislative requirements for future development
- Regional solution for landfilling and waste management

Information

All waste received at the landfill is identified by three main key waste streams:

1. municipal solid waste
2. commercial and industrial waste
3. construction and demolition waste

These waste streams cover the broad spectrum of materials received and assists Council in establishing programs that complement the diversion of waste from landfill.

The introduction of the three bin system to all urban residents is an example of one of these programs. It increases the recovery of materials from the waste stream and returns them to the productive economy.

In 2013 the NSW Government introduced the Waste Avoidance and Resource Recovery Strategy 2013-21, (in line with the *Waste Avoidance and Resource Recovery Act 2001*) which outlines key result areas in overall recycling rates of all of the waste streams identified above.

The strategy sets the following recycling targets by 2021/22

- municipal solid waste 70%
- commercial and industrial waste 70%
- construction and demolition waste 80%

These targets guide our making process for the development of waste diversion programs or infrastructure investments that promote or enhance resource recovery operations conducted by Council.

Council must comply with the targets as set out in the strategy to ensure compliance to the Act (WARR Act 2001 Part 3 Sec 14).

Key Performance Indicators by Waste Stream

Municipal Solid Waste

The municipal waste stream is the largest waste stream managed by Council.

The municipal solid waste is bulked up and loaded by Council's excavator into contractors 60m³ tipping trailers and hauled to Veolia's Ti-Tree Bio reactor in South East Queensland.

11.1 Landfill Resource Management - Long Term Options Assessment

This method of disposal is efficient, cost effective and preserves our landfill airspace, however if current legislation was to change or the Queensland Government introduced a levy for waste disposal in line with other States, then the economic incentive to transport waste interstate will be lost and landfilling will need to recommence at the Waste Facility.

This will mean that the current landfill's capacity will diminish over time and an increase in costs would be expected.

When considering the strategy targets, Council is on track to reach the 70% diversion rate by 2021. The first quarter of 2015 results are provided below

Table One: Municipal Waste

Stream	Tonnes Collected	Tonnes Landfilled	Diversion Rate
Municipal solid waste	4,956	2,006	59.76%

Actions such as continued education and promotion on the three waste streams, continued investigation into the feasibility of rolling out organics service to rural residents and continual encouragement of upgrading from 240L to 360L recycling bins will all help to improve this result.

Commercial and Industrial Waste

The commercial and industrial waste stream (C&I) is the smallest stream. By composition it is similar to that of the municipal waste stream with the place of generation being the significant identifying factor.

The C&I waste is sent to the Ti Tree Bio Reactor landfill, as per the municipal waste, and loaded at the same time by the excavator as a mixed load.

Council offers commercial customers the opportunity to implement kerbside recycling and currently 508 business recycling bins are in service. The collection of food and organic waste is not offered to the commercial sector.

Council does not undertake any resource recovery operations onsite for the C&I waste stream and is only able to recover sorted materials transported to the facility by commercial customers.

When considering the strategy targets, Council is marginally on target to reach the 70% diversion rate by 2021 and further investment is required to ensure a continued progression to the strategy targets.

The first quarter of 2015 results are provided below.

Table Two: Commercial & Industrial Waste

Stream	Tonnes Collected	Tonnes Landfilled	Diversion Rate
Commercial & Industrial	1,123	517	53.8%

11.1 Landfill Resource Management - Long Term Options Assessment

Construction and Demolition Waste

The construction and demolition waste stream (C&D) is predominately made up of concrete, soils and bricks and by density is the heaviest of the three waste streams.

Council recovers most of these materials for further processing and reuse at the landfill. Some processed materials are also purchased by commercial contractors.

There is a market for quality recovered and processed concrete, brick and tiles however, Council does not have the infrastructure available to value add to the materials.

When considering the strategy targets, Council is on track to reach the 80% diversion rate by 2021. The first quarter of 2015 results are provided below.

Table Three: Construction & Demolition Waste

Stream	Tonnes Collected	Tonnes Landfilled	Diversion Rate
Construction & Demolition	3,930	1,040	74%

Council's Waste Disposal Vision

In 2010, an Integrated Waste Strategy Report prepared by Aurecon outlined Council's strategic vision for waste management over the next eight to ten years. It identified that one of the key issues to be considered is landfill system capacity.

The main limiting factor with regard to the question of the system capacity is the remaining landfill volume and the rate of airspace depletion.

The existing system capacity is estimated at three to four years based on current compaction rates and volumes received at the landfill.

Council still has in place approvals to construct the remaining three cells at the Ballina waste facility with an approximated construction cost of \$17m.

This estimated cost to construct the cells is a critically important cost when placed into prospective with the cost to construct similar sized cells in 2006 (\$7.9m). It highlights the increasing costs to develop landfills and potentially means that if Council did defer the construction of another three cells then the cost could potentially increase to \$27m by 2025. (\$1m annually)

There is no current technology available for the processing of residual waste that could make any of the proposed developed cells redundant, however the waste industry is advancing technologies and consideration must be made on not "if" but "when" a cost effective option will be available for the processing of residual waste.

This assumption identifies a plausible risk on investment (time value of invested monies) when considering at present there are no disposal activities occurring at the landfill. Utilising survey data and calculated additional airspace, the cell filling scenario estimates a cumulative capacity of 30 years if an additional three cells were constructed.

11.1 Landfill Resource Management - Long Term Options Assessment

When Council originally assessed options of landfill development it was considered that a regional landfill would be available by the time the current three cells airspace had diminished and that no further landfill development at the site would be required. This regional development would have then mitigated Councils risk to economic loss from lack of disposal options.

A Regional Waste Management Strategy prepared for North East Waste in 2014, identified Ballina as having landfill capacity of 3-4 years.

When analysing landfill capacity regionally, the six neighbouring landfills have a combined average life of 38 years either available or to be developed.

This extended landfill capacity removes the key drivers for collaboration for a regional waste disposal facility and as yet there is no evidence to suggest that other neighbouring Councils are currently considering the development and construction as a priority.

An option would exist to use the landfill space owned by another Council if no regional facility was established.

The risk associated with this option is that Council would have limited influence on the pricing structure due to lack of alternative market options.

When considering the loss of economic incentives to export waste interstate and current landfill capacity, it is estimated that a total of 16,154 tonnes of materials will be landfilled each year if no further recovery infrastructure was constructed at the landfill.

This would provide Council with a four year window to react to any unforeseen loss of exporting opportunities.

Transport versus Landfilling Considerations

In July 2009, NSW State Government extended the requirement to pay a “waste levy” for every tonne of materials (waste or recycling) entering the regional landfills in the regulated areas of NSW.

This levy liability is only extinguished once it leaves the site. The levy was increased by \$10 per year plus CPI until 1 July 2015 then increased by CPI annually.

The current levy liability on materials entering the facility is \$76.70 per tonne.

The cost assumptions considered for the transporting waste off site or returning to landfilling are as per the following table.

Table Four: Operating Expense Comparison

Operating Expense for Mixed Waste	
Option	Amount (\$000)
Transport off site (baseline)	
Transport/disposal costs	1,200
Onsite preparation/load	290
Total Costs	1,490

11.1 Landfill Resource Management - Long Term Options Assessment

Return to Landfilling	
NSW Levy	1,239
Onsite preparation/bale/disposal	1,100
Total Costs	2,339

By means of the above scenario it is projected that Council would have a net loss of approximately \$849,000 per annum by returning to landfilling compared to transporting offsite.

Summarising the above information, the transporting of the mixed waste off site continues to provide significant economic and operational benefits.

Landfill Development Costs

In 2014 Council engaged Tonkin Consultants to provide landfill cell construction modelling for the development costs of the approved landfill cells. The following scenarios were considered:

1. Baseline Scenario – Transport off site
2. Return to Landfilling with no further development
3. Build cells 1-3, operate cells 1-6
4. Build cell 3 only, operate cells 3-6

1. Baseline

The baseline scenario represents the “status quo”.

2. Return to Landfilling

The landfill space will continue to be diminished with the current operating life of the developed cell estimated at three to four years. No other disposal option will be available other than to transport off site once cells airspace has been extinguished.

3. Develop Cells 1, 2 & 3

Develop three cells. This will complete the approved landfill southern extension development (6 cells). Due to poor subgrade on the landfill footprint an upfront capital cost to improve the subgrade is estimated at \$2,557,565. This is prior to the cell construction costs which are currently estimated at \$17m

4. Develop Cell 3

Develop one cell. Cell 3 adjoins existing cells 4, 5 and 6. Subgrade improvement works are reduced however this option incurs a higher per tonne cost which is related to the extent of capping to be constructed relative to the airspace gained.

Subgrade improvements have been estimated at \$687,260, along with an estimated construction cost of \$6.2m. The development of cell 3 provides an added benefit as it will unlock potential airspace from existing cells due to their adjoining footprint with cell 3.

11.1 Landfill Resource Management - Long Term Options Assessment

The following table provides a summary of the cell development costs.

Table Five: Cell Development Costs

Option	Landfill Expiry Date	Cost P/T (\$) *	Cost to Create (\$000)	Practical Airspace created (m3)
Option A – Develop cells 1 to 3	2050	117.37	16,825	638,527
Option B – Develop cell 3	2026	122.46	6,221	254,835

*Cost per tonne calculates the costs to include subgrade improvements, construction costs and operational costs.

Any further development of landfill cells will require financial assurance for the closure and remediation of the constructed cells. A post closure care plan will be required to provide a mechanism to accumulate requisite funding during the life of the landfill.

To better understand these costs and for comparative purposes, the current landfill requires a \$2.6m financial assurance for post closure remediation.

Summary

The current operating environment is considered to be the best value for Council however, if the economic incentives for the transporting of waste diminish due to changes in legislation or any other unperceived impact, then Council has, at best case, four years to prepare and complete the construction of additional landfill cells.

LRM is rapidly becoming very profitable with a cash surplus of \$919,000 predicted in 2015/16 (exclusive of capital works/purchases) rising to approximately \$2.5 million in 2018/19. The current LRM debt will be completely repaid in 2017/18.

There are still significant challenges in the recovery of materials from the three waste streams. Council must remain proactive in the implementation of project or programs that provide a clear path to strategy targets.

Unless additional recovery projects are implemented then there is the potential that Council will not reach the strategy targets by 2021.

To date there has been no firm agreement from neighbouring councils for the development of a regional landfill alternative that could effectively accept our waste.

Best practice waste management is under pinned by methodologies that represent diversion of waste from landfill.

The development of additional cells at the site may provide redundancy for mixed waste disposal however cell development has the potential to diminish Council's focus on resource recovery operations.

The yearly cost to construct landfill cells is increasing annually by approximately \$1m.

11.1 Landfill Resource Management - Long Term Options Assessment

The costs to create the airspace in 2025 may be in the order of \$27m based on historic increases.

The development of cell 3 has a higher per tonne rate for construction however it has the potential to unlock airspace from the already completed number 4, 5 & 6 cells.

Finally, Council has also resolved to receive a report regarding the options for the management of its organic waste now that the biochar project is not proceeding. The preparation of this report remains an outstanding action to be addressed in the New Year.

Sustainability Considerations

- **Environment**
Best practice waste disposal aims to protect the environment to the maximum extent possible through proper management and after care planning.
- **Social**
The provision of waste management is a service to the community and assists in preserving public health and household amenity.
- **Economic**
An efficient and effective waste management operation contributes to economic development long term and increases the amount of materials that is recycled within the productive economy

Legal / Resource / Financial Implications

As part of this report it is important to acknowledge that the waste revenue stream was identified as an important funding source to ensure that Council is Fit for the Future.

The Long Term Financial Plan submitted to IPART identified that dividends would be sourced from the waste operations from 2019/20, as per the following table.

Table Six - Forecast Waste Dividends (\$'000) – Fit for the Future

Item	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Waste Dividend Amount	2,600	2,700	3,304	3,433	3,567	3,705
Allocated to:						
Road Capital	1,500	1,560	2,122	2,207	2,295	2,387
Open Spaces Capital	500	520	541	563	586	609
Community Building Capital	500	520	541	563	586	609
Dividend to Operations	100	100	100	100	100	100
Closing Reserve Balance	7,946	7,697	6,864	5,913	4,835	3,646

This investment in capital expenditure is needed to ensure that Council is adequately funding the renewal of existing assets, with the benchmark being 100%; i.e. we need to spend, on average, an amount equivalent to the annual depreciation expense, on the renewal of infrastructure, each year.

11.1 Landfill Resource Management - Long Term Options Assessment

If Council's preference is to allocate the waste reserve to dedicated waste activities we may need to pursue other funding sources for the infrastructure renewal. As an indicator the amount sourced as a dividend in Table Six is equivalent to a one-off rate increase of around 11%. With the reserve being steadily depleted in Table Six, unless the forecast revenues improve, we may still need to look at other asset funding strategies to avoid a total depletion of the reserve.

Consultation

Council engaged Tonkin Consultants to develop and construct modelling of three potential development options and then estimate the likely costs to realise this airspace.

Options

It is recommended that Council continue its current practices in regards to waste management, including the continued use of interstate transport while ever the current economic and legislative environment is in place.

Furthermore, on the basis of emerging technology and changing statutory environment, investment in the preparation of more landfill capacity is not recommended at this point in time.

The reasons for this are:

- a) the significant development cost which may become redundant in time
- b) reasonable lead time is available to Council from the existing cells and
- c) the capacity at other councils should we need to initiate an immediate return to local landfilling.

The options for the staged development of the three approved cells, or early preparation of their subgrades, were canvassed in this report, however for the reasons outlined they are not recommended at this point in time.

If the recommended position above is accepted by Council, it is also recommended that the Council receive a further report which updates the long term financial plan for this business based on the strategic direction arising out of this review.

This is considered timely due to the retirement of significant debt which represents an opportunity to strategically plan for further landfill management investment, rehabilitation of the existing infrastructure and whether a recurrent dividend can be applied from this business to support other Council operations.

RECOMMENDATIONS

1. That Council continue its landfill operations as per the current arrangements and defers, for the immediate foreseeable future, any further investment in investigations or works to create additional landfill capacity within Ballina Shire. In doing so the Council notes the need to be mindful that technology and statutory changes may result in the need for Council to quickly respond and adjust its strategic direction.
2. In response to the strategic direction determined by this report and point two, Council receive a further report updating the long term financial plan for Landfill Resource Management including consideration of future site development and rehabilitation needs and whether a recurrent dividend is a sustainable option to support other Council activities.

Attachment(s)

1. Waste Cells Configuration

11.2 Resource Recovery Operations

11.2 Resource Recovery Operations

Delivery Program Waste Management

Objective To provide Council with information on options available for the provision of an effective and efficient recycling storage and transport operation.

Background

Since the closure of the Materials Recovery Facility (MRF) in 2006, Council has used external contractors for the processing and recovery of Council's kerbside and self-hauled co-mingled recycling.

With the closure, Council built a concrete storage bay close to the current baling shed to store the collected recycling and provide an appropriate load out structure, with the material bulked up and transferred to the Visy MRF in South East Queensland. This material is now taken to the Lismore MRF.

The current arrangement is not considered optimal and a review has been undertaken to examine our options to improve efficiency. This report provides information in response to this review.

Key Issues

- Current load out method is creating windblown litter issues and is inefficient and could breach licence conditions
- Load out area is exposed to wind and rain
- Load out structure is in bad repair and is unable to cope during peak periods
- Contamination of recycling caused by pushing up of stockpile is increasing disposal costs

Information

Following the closure of Council's MRF, the Council constructed a load out bay to support the transport operations for our collected recyclables. The reasoning at the time for the temporary nature of the structure was so Council could develop a more efficient and economical storage and loading configuration once funding was available.

Currently the stored recycling is loaded into a contractor's tri-axle trailer by an excavator. During this process, a front end loader pushes up the recycling closer to the excavator so it can reach the materials.

This method of loading is problematic due to the requirement of the site excavator to walk to and from the landfill which impacts the useful life of the excavator and elevates hire rates of the machine due to increased maintenance and wear on tracks. When considering the walking time and the loading time the method of loading utilising both a loader and the excavator, the methodology is inefficient.

11.2 Resource Recovery Operations

The load out is conducted every day during recycle collection week due to limited storage capacity. Recycling is currently undertaken every second week regardless of weather events, as no alternative load option is available. This results in the quality of material being significantly degraded due to rain.

There is also a severe impact on the site from windblown litter, with the amenity of both the airport and waste centre affected by materials which are dropped by the excavator during its rotation. This poses a risk to licence conditions for the waste centre imposed by the Environment Protection Authority.

Council transports approximately 5,000 tonnes of co-mingled recycling to the Lismore MRF annually. In the last six months a total of 76 tonnes of recycling has been lost to landfill due to contamination from loading and weather impacts. This loss of a resource to landfill is undermining the hard self-separation efforts conducted by residents' kerbside recycling. This also reduces Council's potential to achieve the diversion targets established by the NSW Government Waste and the Resource Recovery Act.

These issues also serve to increase disposal and site operational costs.

Wastech Engineering was engaged by Council to help develop and prepare options to improve operations of the Waste Management Facility including resource recovery, loading, storage and transportation operations of wastes and recyclables.

The review aimed to highlight the need to improve efficiencies, reduce costs and plan for future projects such as the potential pyrolysis facility.

The engagement was also initiated in response to legislative drivers within the Government's Waste and Resource Recovery Strategy 2014-21.

Wastech identified that for Council to effectively manage its incoming waste, the installation of a processing facility was required to ensure waste recovery rates would be in-line with legislative benchmarks for the increasing of recycling rates to strategy targets.

One of the project priorities was for an engineered co-mingled unloading and loading solution for the kerbside recyclables. This would involve consideration to be given in the design phase to loading issues, odour control, windblown litter and contamination issues.

Currently operating costs per annum to load out the recyclates are:

- Load contractor bins and maintain area - \$77,000
- Contractor Transport Costs - \$127,000
- Unmapped excavator maintenance costs associated with wear and tear

Government Funding

To date Council has been successful in securing in excess of \$400,000 for various waste and sustainability projects. This money is currently held in waste reserves.

11.2 Resource Recovery Operations

Council still has access to funding of \$65,000 via the old Waste and Sustainability Improvement Program and these funds must be acquitted in the 2015/16 year or be returned to the program.

The program of works needs to be approved by the EPA and must relate to waste and sustainability activities.

The funding is for the development of a multi-purpose storage and loading infrastructure to assist in the loading and management of the collected co-mingled recycling. These works have been delayed due to the proposed Bio-char development which was granted priority of the recycling load out area.

The options discussed within the report require capital expenditure of approximately \$205,000 to \$530,000, and will need to be invested at the front of the project.

Any expenditure proposed is to be funded from within the waste reserve.

There are three options available to Council that provide a solution to the storage and loading of the co-mingled recycling.

Option One – Relocate Current Operations

Current operations are cost effective, however due to the temporary nature there is a risk that current load out infrastructure could fail in the short term. To continue to utilise the current configuration of operations considerable upgrades are required.

Option one would see the relocation of the load out bay to the southern end of the baling shed and the development of an elevated under covered tipping platform. Any residual recycling can be pushed directly into the awaiting trailer bins.

Large trailers, usually 100m³, are necessary to get a good payload because the waste is not compacted and very is light. This is a simple technology that does not rely on sophisticated equipment such as a compactor or baler. Table one summarises the capital costs.

Table One: Capital Costs Option One – Relocate Current Operations

Item	Description	Estimate (\$)
Site Upgrades	Earthworks & unloading platform development	55,000
	Roof Over provision	150,000
	Capital Expenditure	205,000

Table two shows the yearly operating costs and the amortised capital cost to identify annual costs of the option.

Table Two: Operating Expenses Option One

Item	Description	Estimate (\$)
Staff Cost	Driver for loader/excavator	15,000
Plant Cost	Loader/excavator to push/load recyclables	26,000
Transport Cost	Contractor to remove recyclables	127,000
	Operating Expenses	168,000

11.2 Resource Recovery Operations

Option Two – Conveyor

The concept design provided by Wastech Engineering identified that to correctly store, load and transport the commingled recyclables, Council would need to invest a total of \$140,000 for the installation of a single belt load out conveyor system. This system would require additional infrastructure spending of approximately \$150,000 for an undercover area and associated development costs.

The infrastructure costs would not see the acquittal of the yearly transport costs (\$127,000) as this would still be required and is considered to be a low order design configuration. This type of loading is not compacted so consideration should be made to the loss of an economic advantage from the diminished economies of scale.

This option has the additional benefits of providing a shared loading opportunity for the residual waste stream which is currently being loaded out on top of the landfill costing Council \$179,000 annually to have the materials placed into load out bins and sent interstate.

Table Three: Capital Costs Option Two – Conveyor and Undercover Area

Item	Description	Estimate (\$)
Equipment	Load out Conveyor	140,000
Infrastructure	Roof over provision	150,000
Site Upgrades	Earthworks and slab	25,000
	Capital Expenditure	315,000

Table Four: Operating Expenses Option Two

Item	Description	Estimate (\$)
Staff Cost	Driver for loader	13,000
Plant Cost	Loader to push recyclables	10,000
Transport Cost	Contractor to remove recyclables	127,000
Ongoing Costs	Cost to run and maintain conveyor (estimated)	6,000
	Operating Expenses	156,000

Option Three – Direct Haul

Option three considers the direct haulage by the collection fleet to the Lismore MRF. This option is not new to Council with the introduction of the direct haulage of the food and organics wastes (FOGO) in 2014 following a cost analysis. This arrangement has been successful and has saved Council considerable infrastructure costs.

The acceptance of this method would require the purchase of one additional kerbside collection vehicle at a cost of \$325,000.

Based on assumptions the costs per tonne of recycling to direct haul is \$58 however there are hidden costs due to the wear and tear on the vehicles travelling the extra kilometres to empty.

It is plausible to say that the turnover of the collection vehicles would be reduced to every five years instead of the current six.

11.2 Resource Recovery Operations

This option has significant impacts on Landfill Resource Management (LRM) operating revenues due to loss of gate fees from the incoming recycling.

Table Five: Operating Expenses Option Three – Direct Haul

Item	Description	Estimate (\$)
Staff Cost	Driver for collection vehicle	76,000
Plant Cost	Plant (includes amortization of vehicle)	134,000
Transport Cost	Contractor to remove residual recyclables	10,000
	Operating Expenses	220,000

The chart below identifies that for direct haul to be economically viable the round trip kilometres would need to be less than 33 kilometres.

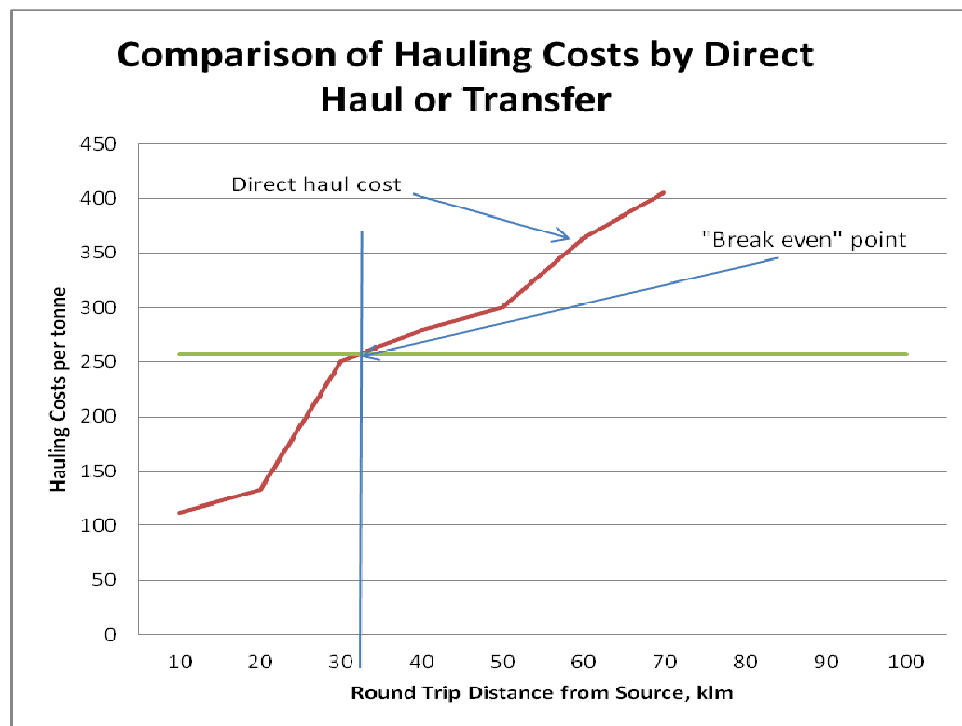


Table Six summarises the advantages and disadvantages of each reported option with Table Seven providing a summary of annual cost per tonne.

Table Six: Advantages and Disadvantages

Option	Advantages	Disadvantages
1	<ul style="list-style-type: none"> • Simple technology with little potential for equipment breakdown • Low capital cost • Small building footprint • Accommodates kerbside and self-haul materials • Depreciation is borne by contractor • Fixed price transport 	<ul style="list-style-type: none"> • No short term storage options during peak periods (surge capacity) • Fall hazard • Trailer damage due to dropping of heavy materials • Cannot accept waste unless a bin is in position • Increased risk of litigation
2	<ul style="list-style-type: none"> • Potentially less house - keeping, no tipping floor or pit or compaction equipment to clean and maintain • Accommodates kerbside and self-haul 	<ul style="list-style-type: none"> • Significant capital outlay • Depreciating asset • Regular maintenance required • Loss of compaction or economies

11.2 Resource Recovery Operations

Option	Advantages	Disadvantages
	<ul style="list-style-type: none"> materials Has surge capacity Reduces litter Can be used for the recycling and residual waste stream. 	<ul style="list-style-type: none"> of scale from loose loading
3	<ul style="list-style-type: none"> Less house - keeping, no tipping floor or pit or compaction equipment to clean and maintain Short term storage options during peak periods (surge capacity) not required 	<ul style="list-style-type: none"> Does not accommodate self - hauled waste Capital purchase of additional collection vehicle Rostering of waste staff problematic Impacts LRM revenue significantly

Table Seven: Summary of Estimated Annual Costs

	Option 1 (\$)	Option 2 (\$)	Option 3 (\$)
Yearly Capital	20,500	31,500	5,000
Yearly Operating	167,600	156,000	221,000
Total	188,100	187,500	226,000
<i>Cost per tonne</i>	37.61	37.50	45.20

The report has highlighted the options available to develop the load out area to generate efficiencies. The report also identifies:

- Strategic planning of infrastructure or machinery is a critical component in successful waste management
- Delaying improvements in order to save costs has the potential to lead to asset deterioration and ultimately asset failure
- Any load out improvements would be used in the current and long term operational environments due to there being no end date to the relief of constraints on the exportation of materials off site
- The construction of a conveyor type system (option 2) can be used for both the recycling and residual waste streams creating better operational and cost efficiencies.
- No action results in increased risks of litigation due to windblown litter and requests by the NSW EPA to ensure that the materials are maintained within a designated the area.

LRM is rapidly becoming very profitable with a cash surplus of \$919,000 predicted in 2015/16 (exclusive of capital works/purchases) rising to approximately \$2.5 million in 2018/19.

The current LRM debt will be completely repaid in 2017/18.

Sustainability Considerations

- **Environment**
Efficient waste management practices protects the local environment to the maximum extent possible

11.2 Resource Recovery Operations

- **Social**

Solutions to waste management problems are Council's service to the community which ensures the protection of public health whilst maintaining the local amenity.

- **Economic**

An efficient and effective solution contributes to economic development long term. Considerable savings can be achieved by sharing infrastructure.

Legal / Resource / Financial Implications

Any upgrades to the load out infrastructure would be funded by the Landfill and Resource Management (LRM) reserve excluding the allocated \$65,000 from the waste levy.

The Council's Long Term Financial Plan reports as at 30 June 2015 the LRM reserve balance is \$3.6 million which includes external funds of approximately \$900,000 (Waste Levy \$685,000 and Biochar Grant \$212,500).

Consultation

Council engaged Wastech Engineering to develop a concept design to assist Council in the decision making process. Internal and external stakeholders have also provided feedback on future developments at the facility.

Options

1. Prioritise the upgrade of the existing load out area or its relocation with \$205,000 being funded from the LRM reserve. Engage a suitable qualified contractor or person for the transport of materials to a suitable disposal facility.
2. Install a conveyor system and roof over area at a cost of \$315,000. Funding of \$65,000 is available from grants with the residual \$250,000 to be funded from the LRM reserve. Engage a suitable qualified contractor or person for the transport of materials to a suitable disposal facility.
3. Purchase an additional kerbside collection truck and direct haul recyclables to Lismore. This option does not consider 323 tonnes of self-hauled recycling received at the facility. LRM to fund the estimated \$325,000 for the purchase of a collection truck.

Option two represents the best value for money comparatively, and presents additional benefits to Council by ensuring licence compliance through windblown litter reduction, increased efficiencies in general operating costs and increased surge capacity.

On this basis it is the recommended option as there are adequate funds in the reserve. Essentially there is minimal change in operating expenses and Council is in a much better position to manage its resource recovery operations through this option.

11.2 Resource Recovery Operations

Due to the varying technologies and options available Council may prefer a workshop to review the recommendation or possibly a site inspection could be convened to provide greater clarity, if needed.

RECOMMENDATIONS

1. That option two, as outlined in this report, is endorsed as the Council's preferred direction to achieve improvements in the management of Council's Resource Recovery Operations; i.e.
 - Engage a suitable qualified company or person to install a conveyor system and roof over area at a cost of \$315,000. Funding of \$65,000 is available from the State Government Grants with the residual \$250,000 to be funded from the waste reserve (LRM).
 - Engage a suitable qualified contractor or person for the transport of materials to a suitable disposal facility.
2. The General Manager is authorised to take the required system design and procurement tasks to implement point one.

Attachment(s)

Nil

11.3 Megan Crescent Sports Fields - Request for Funding

11.3 Megan Crescent Sports Fields - Request for Funding

Delivery Program Open Spaces and Reserves

Objective To report to Council a request for funding of an upgrade to the amenities at Megan Crescent Sports Field.

Background

Earlier this year Council invited applications from community groups seeking financial support from Council under our donations program. An application was received from the Lennox Head Cricket Club (LHCC) seeking assistance with their proposed project to upgrade the amenities building at the Megan Crescent Sporting Field.

The amount requested was \$75,000 and Council decided that the donations program was not a suitable source of potential funding support from Council. LHCC has now made a renewed request to Council for financial assistance towards this project. Further information regarding the proposal for this project is presented below in the following report.

A grant from the NSW Office of Sport for \$25,000 has been made available to the LHCC, however this grant is conditional on a completion date of September 2016. LHCC are concerned that this grant will need to be returned if the project does not proceed in a timely manner. Following discussions regarding this matter at the last B Ward meeting, Council's Mayor and Group Manager Civil Services met with LHCC representatives to discuss a way forward.

It is preferred that these types of matters be considered during the preparation of the next budget. However in light of the time constraints, to assist with their decision making LHCC, have requested Council determine its position in response to their submission now rather than deferral to the preparation of the draft budget. In response to this, it was agreed that this report to Council would be prepared to enable Council to consider its options.

Key Issues

- Funding of proposed infrastructure upgrade.

Information

Attached to this report is a copy of a letter from the LHCC. This letter notes the budget for the project is now currently \$90,000. The project comprises the following;

- Renovation and additions to the toilet facility and the provision of change rooms
- Construction of a storage shed to replace an existing shipping container
- Reconstruction of the roof
- Addition of a shade awning

11.3 Megan Crescent Sports Fields - Request for Funding

A NSW Office of Sport grant for \$25,000 is available to the LHCC, this being conditional on a completion date of September 2016. The letter from LHCC notes that the club has raised \$15,000 for this project and expects the available funds from their sources and the grant to total \$45,000 by February 2016. This means the budget shortfall is \$45,000.

A development application is being prepared.

Sustainability Considerations

- **Environment**
The project will be subject to environmental planning assessment.
- **Social**
The project will support the needs of a local cricket club.
- **Economic**
Local sport activities are a source of economic development as they encourage visitors to Ballina.

Legal / Resource / Financial Implications

The purpose of this report is review a funding request for \$45,000. No funds have been allocated in the current Delivery Program for this project.

If the Council is inclined to support to the proposal, a potential source of funding is to allocate funds from the Open Spaces and Reserves operating expenses. As previously reported last year, the budget outcome for this program area last year was a saving of \$167,000. If this level of savings could be sustained going forward, it was proposed that the funds could be redirected to capital works programs in the Open Spaces program area.

As at 31 October 2015 we are again forecasting a significant saving in the open spaces operations, however the result in sporting field expenses, at this point in time, has largely offset these savings and the forecast is for \$26,000 in savings.

This forecast is expected to change as the sporting field expenses has trended high in the first quarter due to staff completing non routine program requirements. While every effort will continue in regards to pursuing a savings result, until services are provided in response to the busy summer period and associated growing season, it is not preferred to rely on the potential savings until they are confirmed.

If a recurrent capital program could be funded on an ongoing basis then it would be preferred to consider all of the potential candidate projects and determine a priority ranking to guide the development of a long term plan.

Consultation

The Council has not undertaken any public consultation in regards to the merits of this project and the future use of this reserve.

11.3 Megan Crescent Sports Fields - Request for Funding

Options

The options available to Council are;

1. Decline the request.

Council could decline the request on the basis that no funds have been identified within the current budget nor has the Council identified these works as a specific priority amongst the many other project requests for improvements to our sports fields and open spaces.

2. Defer the request to the draft Delivery Program 2016/17 process.

This would enable the request to be considered at a time when the final result for the open spaces program can more reliably be predicted and the project can be assessed for priority. The disadvantage of this option, from the perspective of LHCC, is it may result in difficulties managing the available grant. While project management and coordination is a matter for the LHCC, it is noted that three months (July to September) is a period where substantial works for a project of this scale could be achieved if preconstruction activities are completed prior to the end of June.

3. Defer the request to the February Meeting of Council.

As for option two, this enables the end of year result for open spaces to be predicted. However, compared to option two, this option increases the available building time for LHCC if the request was supported. The option doesn't allow the broader assessment of Shire wide priorities which can be undertaken in the Delivery Program process.

4. Approve the request now.

The Council may consider the benefits of the project and the grant opportunity is sufficient justification to support the proposal at this point in time. The preferred funding mix under this option would be to allocate the estimated saving in operating expenses of \$26,000 to the project. This would then leave a \$19,000 shortfall. This could potentially be funded from working capital, as the Quarterly Review report earlier in this agenda has identified an improvement in our forecast operating deficit.

Option three is recommended as it provides an overall balance, in the circumstances, between managing our budget carefully, supporting the interests of LHCC to the extent we can at this point in time, and enables the Council to be mindful of other requests and priorities in this program area. Option two would still be available to Council if the Council again declines funding the project in February 2016.

RECOMMENDATIONS

1. At the February 2016 Council meeting, Council reconsider the request from the Lennox Head Cricket Club for funding assistance towards the Megan Crescent Sporting Fields Amenities Upgrade.
2. Further to point one above, the General Manager is requested to submit a report to the February 2016 Council meeting reviewing the financial position of the Open Spaces and Reserves operating expense budget.

Attachment(s)

1. Lennox Head Cricket Club letter

11.4 Asbestos Removal - Pine Avenue and Brighton Street, East Ballina

11.4 Asbestos Removal - Pine Avenue and Brighton Street, East Ballina

Delivery Program Open Spaces and Reserves

Objective To consider the allocation of funds for asbestos removal and site rehabilitation in the road reserve at the corner of Pine Avenue and Brighton Street, East Ballina.

Background

The purpose of this report is to consider whether or not the Council should allocate funds to facilitate the removal of asbestos from the public road reserve at the corner of Pine Avenue and Brighton Street, East Ballina, including rehabilitation of the site.

The origin of the asbestos contamination is unknown. Council undertook a minor clean-up of asbestos at the site around three years ago. However, further exposure of asbestos has since occurred. The site is intersected by Telstra and Council water and stormwater services and the continued presence of asbestos poses a risk both to the public and Council maintenance staff. The site has now been fenced off and asbestos signage posted while a permanent solution is sought. The site is considered to be safe while fenced and is monitored by Council staff.

Key Issues

- Public health and safety
- Safe maintenance access to Council water and stormwater services
- Residential amenity
- Cost of asbestos removal and site rehabilitation

Information

Asbestos poses a risk to human health when elevated levels of asbestos fibres are breathed in. The likelihood of exposure occurring depends upon the potential for the asbestos material to release fibres, whether the asbestos material is contained or covered, and any operational control measures or personal protective equipment which have been applied to limit the generation and/or inhalation of airborne fibres. Non-friable asbestos, also referred to as 'bonded asbestos', in sound condition represents a low human health risk. However, friable asbestos materials or damaged, crumbling bonded asbestos, have the potential to generate, or be associated with, free asbestos fibres and therefore must be carefully managed to minimise the release of asbestos fibres into the air.

All the asbestos so far found at the subject site is identified as 'bonded asbestos' and in poor condition, and as such is rated as a 'high' risk.

11.4 Asbestos Removal - Pine Avenue and Brighton Street, East Ballina

The works will likely involve the removal of several mature Coastal Cyprus Pines (*Callitris columellaris*) which form part of an Endangered Ecological Community (EEC) under the Threatened Species Conservation Act 1995 hence compensatory planting will be required along with other bank stabilisation works following the removal of asbestos and any affected trees.

Sustainability Considerations

- **Environment**
Protect the health and safety of Council staff and the public and improve the local amenity.
- **Social**
Not applicable.
- **Economic**
An effective long-term solution that contributes to economic development.

Legal / Resource / Financial Implications

The proposed works are permitted without consent under Clauses 111(1), 111(2)(c), 125(1) and 125(5)(k) of the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP). Clauses 111(1) and 125(1) state that development for the purpose of stormwater management and water reticulation systems may be carried out by or on behalf of a public authority without consent. Clauses 111(2)(c) and 125(5)(k) state that such development may include environmental management works.

The works shall comply with a range of stringent legislation and codes of practice that govern the handling and disposal of asbestos.

The works shall require a review of environmental factors (REF) under Part V of the Environmental Planning and Assessment Act 1979.

A health-based risk assessment by a licensed asbestos assessor has found the asbestos to be in poor condition. Consequently, a 'high' risk rating is assigned to the site. Immediate removal of the asbestos-containing material has been recommended by the asbestos assessor.

Based on initial estimates, the following costs are identified:

- \$25,000-\$30,000 for asbestos removal.
- \$50,000 for site rehabilitation.

The final cost of the works may vary above or below the above estimates depending on the full extent of asbestos discovered on or beneath the surface once works have commenced.

The costs reflect the challenging nature of this site. In addition to the asbestos removal, the site has a steep grade which will require progressive stabilization during rehabilitation. Due to the complexity of the work, quotations and advice have been sourced from contractors and Council staff to prepare the estimate reported above.

11.4 Asbestos Removal - Pine Avenue and Brighton Street, East Ballina

Consultation

Initial consultations with consultants/contractors were undertaken to establish the above cost estimates for the works. This included a site assessment by a licensed asbestos assessor, and quotations from a licensed asbestos removalist and a civil works (retaining wall) construction company. Further stakeholder/community consultations are likely during the preparation of the REF and carrying out of the works.

Options

There is currently no funding allocated to undertake the proposed works to manage asbestos contamination within the road reserve at the corner of Pine Avenue and Brighton Street, East Ballina. Whilst the presence of construction fencing is unsightly, the issues are historic and the site has been made safe to the public. The options available to Council are:

Option One

Defer consideration of a funding allocation to the draft Delivery Program 2016/17 process for the removal of asbestos material from the subject site on the basis that there is no immediate risk to the public.

Option Two

Allocate \$80,000 from existing budgets to undertake the removal of asbestos and rehabilitate the subject site. Arrange for the immediate tendering and commencement of the works. This is a significant amount of money and to generate this level of saving from existing budgets is largely impractical. Therefore if Council wanted to proceed the only other option would be to source the funds from reserve. The only reserve with a nexus to this project would be the Waste Reserve (Landfill and Resource Management), which has adequate funds to finance this expenditure, albeit that Council is still reviewing its long term waste strategies and significant expenditure is recommended elsewhere in this business paper. The other option would be Civil Works reserves related to road works.

While it is preferred to complete the works as soon as possible, as a funding source has not been allocated within the existing budget, option one is recommended, with Council to consider this work as part of the 2016/17 Delivery Program.

RECOMMENDATIONS

1. That Council notes the information regarding the need to remove asbestos from the public road reserve at the corner of Pine Avenue and Brighton Street, East Ballina, including rehabilitation of the site.
2. On the basis that there is no immediate risk to the public and no funds are currently available for the work, further reporting regarding possible funding options is to be undertaken as part of the process to prepare the draft 2016/17 Delivery Program.

Attachment(s)

Nil

11.5 Tree Removal

11.5 Tree Removal

Delivery Program Open Spaces and Reserves

Objective To inform Council of a proposed tree removal.

Background

Council is proposing to undertake the removal of two street trees, a *Ficus benjamina* (Weeping Fig) located at Killarney Crescent, Skennars Head and a *Dysoxylum muelleri* (Red Bean) located at William Street, Alstonville. Council has previously undertaken management on both trees, however further intervention is not possible and removal is required.

Whilst Council undertakes tree removal where operationally required, as both trees contribute significantly to the streetscape, a report has been prepared for consideration.

Key Issues

- Street tree management
- Risk management

Information

Killarney Crescent - *Ficus benjamina*

The Weeping Fig has caused damage to nearby property and electrical services through root damage. Fig trees generally have particularly invasive roots systems. Whilst root pruning has previously been undertaken it has not addressed the issues and further damage has occurred. Due to the proximity of services, root barrier is not seen as a viable option. An independent tree report has been undertaken on the tree. A copy of this report is attached.

Consultation with the nearby property owner has been undertaken and following removal it is proposed that replacement planting of *Waterhousia floribunda* (Weeping lily pilly) be undertaken, a suitable species chosen with consideration to nearby services.

William Street - *Dysoxylum muelleri*

The Red Bean has caused damage to nearby property through root damage. Previous works undertaken on the tree include root and crown pruning. Professional advice is that further root pruning is unable to be undertaken due to the impact on the structural root zone. An independent tree report has been undertaken on the tree. A copy of this report is attached.

Consultation with the nearby property owner has been undertaken. Due to site constraints, it is not possible to undertake replacement planting in the same location; however a nearby location has been identified to offset the tree removal.

Delegation

As discussed at recent workshop, at times it is difficult for staff to be clear on the level of authority or delegation in regards to decisions to remove trees. Operationally these decisions are taken on a day to day basis, and even for some of the major tree removal tasks there are differing amounts of community interest. Therefore from the perspective of staff it would assist if the delegation was clarified.

Generally the following procedure is followed. Trees are only removed as a last resort if no other tree management options are available or the tree presents a significant hazard or risk to life or property. Professional advice regarding these matters is provided by an AQF qualified arborist and replacement trees are proposed if site constraints permit. If the proposed removal is not an emergency, letterbox drops are also undertaken to inform nearby residents of the work.

The recommendation to this report seeks Council to support full delegation to staff, subject to the process above being followed. This of course does not prevent a Councillor requesting formal reporting if community concerns are being raised and these can't be dealt with satisfactorily. Similarly, in the event further direction from the Council is needed, staff are able to refer a matter to Councillors through a bulletin item or formal reporting.

Staff would also propose to use the Councillor Bulletin for updates generally in regards to the removal of significant trees so that monitoring of the above by Council is available.

Sustainability Considerations

- **Environment**
Trees are an intrinsically valuable part of the environment, in particular the built environment.
- **Social**
Trees add value to the social amenity of the urban environment.
- **Economic**
The presentation of urban area enhances economic development by ensuring Ballina Shire is a place of interest to live, visit or invest.

Legal / Resource / Financial Implications

The proposed tree removal and replacement is funded from existing open spaces tree management budget.

The Council has a legal obligation to respond when a tree on Council property is causing damage to a neighbouring property.

Consultation

Consultation has been ongoing with both property owners regarding tree issues. Due to the significance that both trees have on the streetscape it is proposed that a letter box drop to residents in the immediate vicinity be undertaken to inform residents of the decision to remove the trees.

Options

1. Council note the information provided and proceed with the proposed tree removal works at Killarney Crescent and William Street.
2. Council notes the information provided and determine not to undertake the proposed tree removal works.

Based on the independent advice of the arborist, option one is the recommendation to this report. As noted above, it is the opinion of staff that all reasonable steps have been taken to avoid this decision, however these actions have not achieved an acceptable outcome.

RECOMMENDATIONS

1. That Council notes the information provided and authorises the General Manager to proceed with the proposed tree removal works at Killarney Crescent, Skennars Head and William Street, Alstonville.
2. That Council receive a report on the implementation of a policy to assist with the decision making process for the removal of trees. This policy is to give consideration to recognising the balance between decisions being made at an operational level and the occasional situation where a tree removal may need to be reported to Council due to community or other concerns.

Attachment(s)

1. Tree Report - Killarney Crescent, Skennars Head
2. Tree Report - William Street, Alstonville

11.6 **BMX Track Project - Lennox Head**

11.6 **BMX Track Project - Lennox Head**

Delivery Program Open Spaces and Reserves

Objective To provide information regarding preliminary site investigations for the BMX track project.

Background

At the September 2015 meeting of Council, in response to a notice of motion the following resolution was made.

1. *That Council provide in principle support to a proposal to establish a BMX cycling facility in Lennox Head.*
2. *That in respect of point one, the General Manager investigate potential site options, cost estimates and grant opportunities and prepare a report to Council advising on the outcomes of this investigation.*

Staff have now had an opportunity to undertake some preliminary investigations in response to this resolution and the following report has been prepared to seek some further direction from Council regarding this proposal.

Key Issues

- Site selection
- Funding
- Community Consultation

Information

Williams Reserve Site Option

During the discussion in response to the notice of motion, having regard to the scale and type of track proposed, it was noted that there is potentially a wide range of site options for this project and the inception of this project should include an analysis comparing the site options. However, staff also understood the primary site of interest in the discussion was Williams Reserve on the basis of its proximity to the skatepark, the school, the CBD and the open space facilities of the reserve. In response the following preliminary assessment of Williams Reserve is provided for review.

The key issue to consider in respect of Williams Reserve is the environmental considerations. The track is proposed within the eastern section of the stand of *Callitris columellaris*. This vegetation is Endangered Ecological Community (EEC) and therefore a robust environmental assessment and approval is required for works in this area.

A potential site within the vegetation area has been identified. This site is on north eastern corner and this is preferred as the eastern edge of the vegetation is the lowest quality due to the effects from salt laden winds.

11.6 BMX Track Project - Lennox Head

The track envisaged by staff could potentially be constructed without removing any vegetation. However Council's technical officers have identified the placement of any depth of soil above the tree roots is not preferred as the depth of cover to the roots is important for retaining moisture infiltration and other factors at the optimum natural level. If approved, it is likely the project would require quite significant compensatory planting or ecological improvements to offset the risks associated with the deposition of soil in the EEC over the tree roots.

It is possible that an option could be developed for the compensatory work to be implemented within the EEC site, subject to the extent of work required and the area needed.

This option is considered beneficial as not only does it provide a direct nexus between the risk and the compensation, Council and the local land care interests have for a long time identified the need to undertake rehabilitation works in the EEC however these have not been able to be continued without funding. Previous works by landcare were largely thwarted by vandalism at the time.

To advance this option, an ecologist is required to formally inspect the site, draft a review of environmental factors, examine proposals for any compensatory works, and prepare any other application documentation. A budget of \$5,000 to \$10,000 would be required to facilitate this engagement.

In the event compensatory works are required it is likely these works will require a significant budget. In addition to planting and implementation, typical approval conditions require ongoing maintenance for a five year period. It is however difficult to estimate this cost at this point in time until the extent of works required is further understood.

The Council has indicated its in principle support to this project, however the Council has not considered whether or not the project is a priority at this stage when compared to the other unfunded requests to Council. The options section of this report examines this issue further.

Ocean Breeze Reserve Site Option

The notice of motion was an initiative of Cr Jeff Johnson. Cr Johnson has indicated to staff there is interest in examining Ocean Breeze Reserve in the event the Williams Reserve site is considered problematic. This land is located adjacent to the unformed section of Hutley Drive (immediately to the north east of the intersection with Silkwood Drive). Access is also available from Ocean Breeze Drive.

This land is public reserve and is classified community land. Therefore Council would need to be satisfied that the use of the reserve for this purpose is consistent with the generic Shire Plan of Management for community land, and this use is compatible with the Council's position regarding the future development or purpose of this specific reserve.

The site is not as centrally located as the Williams Reserve site, however it is located within a residential estate area with proximity to planned further development.

11.6 BMX Track Project - Lennox Head

The key issue for this site is whether or not the proposal is supported by adjoining landowners.

If Council is interested in this site, it is recommended the adjoining landowners be consulted before any further decisions are made.

Subject to the feedback from the adjoining landholders, this site does not appear to have any major impediments to developing the track.

Cr Johnson reports local contractors are interested in assisting by providing and placing fill material to construct the track.

Other Sites

It was preferred to invite Council's feedback on these potential standout sites before committing resources to further site analysis. However, it may be the case that in light of the above issues, Council would prefer to complete a comprehensive site options analysis before settling on a preferred site.

As this proposal was generated by students in our community, it is understood that Council would prefer to respond as soon as possible. In the event the Council prefers to see a site analysis completed, the timing of the delivery of the preparation of an options report needs to be considered within the context of the overall program and the limitations in respect of available internal resources to complete this additional task urgently.

Sustainability Considerations

- **Environment**
Careful consideration needs to be provided in regards to the environmental sustainability of the use of the Williams Reserve area for the proposed purpose.
- **Social**
The objective of this project is to provide an opportunity to improve the social amenity of the Lennox Head area for children.
- **Economic**
Improved facilities can generate economic benefits.

Legal / Resource / Financial Implications

The Williams Reserve site requires formal environmental planning approval. Financial resources are required to assess the environmental issues and prepare the required assessment documentation.

No funds are currently allocated for this project. The estimate for the environmental assessment is \$5,000 - \$10,000.

As reported in the Quarterly Financial Review elsewhere in this agenda, it is possible the Open Spaces and Reserve budget will see some savings this year, however this cannot be predicted with certainty at this point in time.

Furthermore, the Council will need to determine if this project is a priority for any available funds.

Consultation

No consultation has been undertaken in the preparation of this report. If the Council elects to proceed with the Williams Reserve site consultation will be required in respect of the assessment of the environmental planning documentation as the proposal is located in an EEC. Before any further actions are undertaken for the Ocean Breeze Reserve site it is recommended consultation with adjoining landowners be completed.

A copy of this report has been sent to the students who made the presentation to Council regarding this proposal for their feedback.

Options

The options available for the Council include;

1. Complete an environmental assessment of the Williams Reserve site.

This option recognises the preferred status of this site, subject to the outcomes of an ecological assessment which is likely to cost around \$10,000. To support this option now the Council needs to be satisfied that the project is justified having regard to the potential ecological impacts and the project represents a priority for funding at this point in time.

2. Seek feedback from the adjoining properties owner at the Ocean Breeze Reserve.

The advantage of this option is that funds are not required for a formal environmental assessment process.

3. Undertake comprehensive site options review.

The advantage of this option is that it enables the Council to assess the attributes of a wider range of potential sites and select the preferred option. The disadvantage of this option is the time required to complete the assessment by staff, and the two sites above already appear suitable, subject to the outcomes of the next level of investigation.

Option 2 is the recommended option for the following reasons;

- Options 1 and 3 will remain available later to the Council if the Ocean Breeze Reserve site does not proceed.
- No direct financial costs are required to undertake further investigation. From the perspective of staff this is important as notwithstanding the interest of the students presenting to Council, the demand for the project and its preferred location has not been assessed through feedback from the wider community.
- The consultation with adjoining landholders can be undertaken over the next few weeks and, if supported, subject to the availability of community design and construction resources, the project could be implemented in a short period of time.

RECOMMENDATIONS

1. That Council seek feedback from adjoining landowners in regards to the proposal to construct a BMX track on the Ocean Breeze Public Reserve.
2. If no objections are raised from adjoining landowners, the Ocean Breeze Public Reserve site is confirmed as the preferred site. If objections are received, a further report is to be presented to Council for assessment of the feedback.
3. If the Ocean Breeze Public Reserve site is confirmed as the preferred site following point two above, the General Manager is authorised to facilitate the construction of the BMX track, subject to the establishment of suitable design and construction arrangements by community volunteers and any required approvals from an environmental planning and open space management perspective are achieved.

Attachment(s)

Nil

11.7 River Street Ballina - 2015/16 Black Spot Program

11.7 River Street Ballina - 2015/16 Black Spot Program

Delivery Program Engineering Works

Objective To review business concerns in relation to the River Street Blackspot Program project.

Background

River Street Ballina, west of the Kerr Street signalised intersection, is the major arterial road feeding into the Ballina CBD from the south and west. Progressive upgrades are planned for River Street to improve its safety and carrying capacity. These upgrades include formalising cross intersections, providing continuous four lanes for through traffic and median separation of opposing traffic streams.

Council was successful in obtaining funding from the 2015/16 Safer Roads (Black Spot) Program for road safety works in River Street Ballina in the vicinity of Tweed and Brunswick Streets which will enable staged commencement of the of the River Street upgrade. These works include westward extension of the four 4 lane section to west of Tweed Street, extension of the central raised median to just short of Henry Philp Avenue, cessation of cross intersection movements at Tweed Street, upgrading Brunswick Street intersection to include provision of protected right turn lanes and Stop sign control of entry at Brunswick Street.

The westward extension of the concrete median strip will prevent cross intersection movements at Tweed Street and mid block right turns from westbound traffic to businesses located on the north side of River Street. This restriction of movements at Tweed Street and mid block right turns is a concern for a number of affected businesses.

The purpose of this report is to determine Council's response to those concerns.

Key Issues

- Provision of safer roads and Impact of works on adjacent businesses.

Information

1. Role of River Street in Arterial Road Network

River Street is the sole arterial road feeding traffic to/from areas to the south and west of town into Ballina Island and the CBD. River Street at this location currently carries around 24,000 vehicles per day (vpd). Up until November 2011 this section of River Street was also the Pacific Highway and carried volumes of around 30,000 vpd. Completion of the Ballina Bypass has removed through traffic, however local traffic continues to grow and is predicted to again reach 30,000 vpd in the next 20 years. Austroads standards for urban arterial roads indicate that upgrading from two to four lanes is preferred when daily traffic exceeds around 18,000 vpd. Accordingly, Council's Roads Contribution Plan adopted in 2010 and

11.7 River Street Ballina - 2015/16 Black Spot Program

updated in 2015 provides for the continuous four laning of River Street from Kerr Street to the Highway interchange.

2. Crash History and Black Spot Funding

Council was successful in obtaining funding from the 2015/16 Safer Roads (Black Spot) Program for road safety works in River Street in the vicinity of Tweed and Brunswick Streets. The funding application was based on the accident record in the NSW CrashLink database for the five year period 1 July 2008 to 30 June 2013. In this period there were 13 crashes recorded at this location. CrashLink data is now available for the next 18 months up to 31 December 2014 during which there were another five recorded crashes. The attached crash diagram indicates the type and location of these crashes.

The Black Spot analysis identified the westbound merge of River Street from two lanes to one lane and intersection/turn related conflicts as the major causes of crashes. There is a significant number of rear end crashes, which can attributed to leading vehicles slowing down for turning or merge manoeuvres.

The River Street works includes:

- Extension of the four lane section of River Street westward to midblock between Tweed Street and River Street
- Extension of the central raised median westward to just short of Henry Philp Avenue
- Cessation of cross intersection movements at Tweed Street
- Provision of a midblock pedestrian refuge and kerb extensions for safer pedestrian crossing of River Street
- Upgrading Brunswick Street intersection to include:
 - Provision of channelised protected right turn lanes in River Street for both eastbound and westbound traffic
 - Stop sign control of entry to River Street
 - Provision of configuration compatible with future signal controls

The approved capital cost of the works is \$400,000.

The works will reduce the probability of crashes by:

- Providing geometry that minimises conflicting traffic movements at Tweed Street and Brunswick Street intersections
- Providing protected right turn lanes at Brunswick Street enabling vehicles to wait until there are safe gaps in the opposing traffic stream
- Westward extension of the four to two lane merge/demerge section of River Street to a safer mid block location
- Minimising unexpected vehicle stopping/slowing actions that induce rear end crashes
- Separation of opposing streams of traffic and prevention of midblock right turns and U-turns
- Requiring vehicles in Brunswick to stop before entering River Street
- Providing a safer pedestrian crossing facility

11.7 River Street Ballina - 2015/16 Black Spot Program

A copy of the plan view from the engineering design is provided in the attachments.

The 2015/16 Safer Roads (Black Spot) funded works will form an early stage of the comprehensive River Street four laning upgrade works to be funded from the Roads Contribution Plan.

3. Access Concerns

3.1 Modification of Tweed Street Intersection

The Black Spot analysis identified a large number of intersection accidents at both Tweed Street and Brunswick Street intersections. Options considered to minimise these intersection crashes included upgrading both intersections or eliminating one cross intersection and concentrating safety measures on the remaining intersection.

Factors which favored the adopted option, to eliminate intersection cross movements at Tweed Street and providing a fully equipped intersection at Brunswick Street, included:

- There is a dominant traffic flow southbound in Kerr Street, turning right into River Street which then merges from two to one westbound through lane.
 - This movement is made safer by extending the merge westwards of Tweed Street and eliminating the complications of intersection cross traffic and right turn movements at the same point where the merge lane will operate.
 - There is insufficient space to safely develop a protected right turn lane for this traffic stream at Tweed Street.
- The relative close proximity of Tweed Street to Kerr Street can result in red light, end of queue slow down issues for eastbound traffic in the vicinity of Tweed Street.
- Brunswick Street is more centrally located to catchments either side of River Street (than Tweed Street) for the provision of a major intersection between Kerr Street and the Fishery Creek Bridge.
- Finding safe gaps for right turns from both Tweed Street and Brunswick Street to River Street is becoming increasingly difficult as traffic volumes increase. In the longer term signals will be required to enable safe right turn access onto River Street. It would not be feasible to have adjacent signals at both Tweed and Brunswick Street. The proposed intersection works at Brunswick Street are designed to be compatible with the fitting of traffic signals.
- Tweed Street can still operate safely as a left in/left out facility on both sides of River Street.

The elimination of intersection cross movements and right turns out of River Street at Tweed Street will have some negative impacts on local residents and businesses.

Less convenient and more indirect routes will need to be selected by affected vehicles.

11.7 River Street Ballina - 2015/16 Black Spot Program

However it is not considered possible to safely retain these movements at Tweed Street, given the high volumes and relatively complex movements of traffic travelling in this particular section of River Street.

3.2 Median Preventing Mid-Block Right Turns to Businesses on the North Side of River Street

There is currently a raised concrete central median in River Street from Kerr Street to Tweed Street. The Safer Road (Black Spot) works provide for westward extension of this central median to just east of Henry Philp Avenue (with an intersection gap at Brunswick Street).

Central medians provide for safe separation of opposing streams of traffic in heavily trafficked arterial roads like River Street. However the primary safety function of the first section of westward median extension at Tweed Street is the prevention of cross intersection movements and right turns from River Street. Between Tweed Street and Brunswick Street, the primary safety function of the central median is to provide raised channelisation to guide the merge/demerge from four to two lanes and then to develop the S shaped departure lane to the westbound protected right turn lane at Brunswick Street intersection. West of Brunswick Street, the primary safety function of the central median is to provide raised channelisation to develop the S shaped departure lane to the eastbound protected right turn lane at Brunswick Street intersection.

The presence of this median/channelisation will prevent mid block right turns by westbound traffic wishing to access business on the north side of River Street. In regard to this movement, mid block right turns on heavily trafficked, multi lane roads are inherently unsafe. Firstly there is a risk of rear end crashes as a leading vehicle unexpectedly slows down and stops to wait for a safe turning gap in the opposing stream of traffic. Secondly there is the risk of vehicles unsafely turning through scarce gaps in the opposing stream of traffic.

The Program works will require right turns for westbound traffic in River Street to be made at the upgraded Brunswick Street intersection. Those westbound vehicles that previously accessed businesses on the north side of River Street by mid block right turns would need to turn via the new protected right turn lane at Brunswick Street and may subsequently need to travel around the block or make a U-turn in Brunswick Street to reach their destination.

The westward extension of the raised median in River Street performs multiple safety functions.

The safety of vehicles travelling on this busy street will be seriously compromised if the median and its dependant protected right turn and merge/demerge facilities are not provided.

Sustainability Considerations

- **Environment**
Not Applicable

11.7 River Street Ballina - 2015/16 Black Spot Program

- **Social**

Proposed Safer Roads (Black Spot) Program works will provide for a safer road environment and minimise the risk of vehicle crashes and associated injury and trauma.

- **Economic**

Proposed Safer Roads (Black Spot) Program works will provide for a safer road environment and minimise the risk of vehicle crashes and associated economic losses.

The works will restrict a number of traffic movements and affected vehicles will need to travel by less convenient and more indirect routes thereby negatively impacting on some local residents and businesses.

Legal / Resource / Financial Implications

Council was successful in obtaining funding for a total of \$3,093,329 from the combined Black Spot and Safer Road Program applications for 2015/16. The River Street item, total cost \$400,000 was 50/50 funded (\$200,000). This funding would be forfeited if the project does not proceed as approved.

Given the crash record of this section of River Street and the Black Spot application process that has identified systemic causes, failure to address the identified safety issues could have future liability implications.

Consultation

A letter box drop was made to residents and businesses along River Street during the week commencing 26 October 2015 which was followed-up with personal visits to eight businesses to further explain the works. A newspaper notice advising of proposed construction was also made.

A number of comments and submissions have been received from the business owners identifying concerns with the restriction of movements caused by the works and subsequent negative impacts on businesses.

Five of the businesses on the north side commented on the inability of westbound traffic to directly turn into their driveways from the centre of River Street due to the extension of the median. (Three of the businesses are motels and two of the businesses are car maintenance.)

Two businesses (north and south) were concerned with the new pedestrian refuge near their property and parking, and one further business was particularly concerned with disruption and parking during construction.

The businesses along the north side of River Street have "rear lane" access along Winton Lane and the ability to make a safe turn at Brunswick Street also allows the option to use Winton Lane for access. One business has suggested improving the road access to Winton Lane from Brunswick Street and this has been agreed.

11.7 River Street Ballina - 2015/16 Black Spot Program

The issue of permanent signage has been raised to advise of new and changed access to businesses. This is not possible under Council's signs policy, however, temporary short term signage will be investigated during and immediately after construction.

The location of the pedestrian refuge has been further investigated, and minor modifications have been made to the layout where possible.

Also, the traffic management plans to be established during construction will continue to allow parking where possible and together with signage will not prohibit access to businesses.

A copy of the emails submitted to Council setting out the concerns of the business owners is provided in the attachments to this report. These business owners have been advised that their request for this project to be reviewed has been referred to the elected Council.

Options

Option One - Proceed with construction of the 2015/16 Safer Roads Program works in River Street, Ballina.

Option Two - Do not proceed with construction of the 2015/16 Safer Roads Program works in River Street, Ballina.

Option One is recommended because:

- It will enable works to be completed in River Street that will reduce the risk of crashes on this section of road which has a poor crash record and identified, unsafe intersection and configuration geometry.
- The works will form part of a longer term, 2 lane to 4 lane upgrading of River Street to provide carrying capacity for existing and future traffic growth.
- Whilst there are identified negative impacts for some local residents and business, these impacts are not considered sufficient to warrant abandonment of the project.

RECOMMENDATIONS

1. That in respect to the 2015/16 Safer Roads Program works in River Street. Ballina, Council notes and accepts the concerns from the businesses impacted by this work, as outlined in this report however the safety benefits generated to the broader community justify the works and therefore the works are authorised to proceed as per the engineering plan attached to this report.
2. That Council also notes the modifications made to the design and other actions taken to reduce the impact on the businesses, as outlined in this report.

Attachment(s)

1. 2015/16 River Street Safer Roads Program Works
2. River Street - Crash Diagram
3. Email from Beaumont Tiles
4. Email from Comfort Inn
5. Email from Singhs Tyre and Mechanical

11.8 Drainage - Ballina Nature Reserve and Adjacent Land

11.8 Drainage - Ballina Nature Reserve and Adjacent Land

Delivery Program Engineering Works

Objective To report on a review of issues associated with the performance of the drainage within and adjacent to the Ballina Nature Reserve.

Background

At the February 2015 meeting a report was considered by Council in relation to the public exhibition of the Cumbalum Precinct A (CURA) Development Control Plan (DCP) and Contributions Plan. One of the issues assessed in the report was in response to submissions concerned with the performance of the drainage within and adjacent to the Ballina Nature Reserve (BNR).

As discussed below, the Council made certain amendments to the DCP in relation to stormwater management. Subsequently the CURA developers (Intrapac) have raised their concerns in regards to the amendments. Rather than seek Council's immediate review of its decision, Intrapac, Council staff and landowners adjacent to the BNR have undertaken an investigation and consultation process to identify a preferred way forward. The purpose of this report is to discuss the outcomes of this process.

Key Issues

- Stormwater management options and performance

Information

The following is an extract from the report presented to Council in February.

Stormwater Management

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

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

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

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

11.8 Drainage - Ballina Nature Reserve and Adjacent Land

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

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

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

Further in the report a table listing proposed amendments to the DCP was presented to Council. The stormwater section of the table is reproduced below.

Amend Stormwater sub-clause xvii to read as follows:

"Development proposals are to demonstrate that development will not significantly adversely impact on the downstream natural environment or on adjacent private property due to increased stormwater volume". [Additional word underlined].

Amend Stormwater sub-clause xx to read as follows:

"Stormwater detention areas are to achieve flood immunity for the Q100 flood event and are to be designed and located so as to be free-draining".

Amend Stormwater sub-clause xxi to read as follows:

"Stormwater treatment and disposal are not to rely solely on end of line facilities. A treatment train is to be provided that incorporates a range of facilities, inclusive of measures, where appropriate, within the subdivision. To limit the impact of the increased volume of surface run-off from urbanisation on downstream hydrology, consideration is to be given to the infiltration of runoff from minor storms in the design of the stormwater management system."

The Council resolved to accept these recommended amendments. However the Council also made the following resolution.

That Council adopts Amendment No.4 to the Ballina Development Control Plan 2012 (Cumbalum Precinct A), with amendments as outlined in this report and with a change to Chapter 3 – Precinct-Specific Controls – Cumbalum Views Stormwater sub-clause xvii to remove the word "significantly".

It is the removal of the word significantly that has caused the concern for the developer. The general interpretation by the developer and staff is that by removing the word significant the policy position of Council of no adverse impact is to be read in the strict literal meaning.

11.8 Drainage - Ballina Nature Reserve and Adjacent Land

It is arguable that this is in effect impossible to achieve and inconsistent with other development controls in the Shire. The stormwater management controls within the DCP generally have the objective of ensuring the post developed drainage flows are equivalent to the existing situation.

This issue is best illustrated by a comparative example. For a development on Ballina Island, typically a development will have access to a drainage system with conveyance to the Richmond River or other point where the water is discharged. This means the attenuation of post developed flows to equivalent predevelopment flow is always achievable as the system is immediately able to accommodate a second rainfall event.

The BNR however does not drain like this as its low level means water can be retained in the reserve for a long period of time. This means flows from a second event from CURA, notwithstanding compliance with the stormwater management principles, could arrive in the BNR and adds to previous discharge still retained in the reserve.

From the perspective of the developer, the DCP conditions in relation to stormwater management are not in contention. The discharge from the development area represents only a small proportion of all the land draining to the BNR.

However, arguably it is not possible to meet the standard within the Council's resolution and this requirement, by effect, does not enable development to be approved as envisaged by the strategic and statutory planning that has been completed to date.

Previous Information Assessing the Drainage Issues in the BNR

The Council has previously held concerns in relation to the maintenance and operations of the drains in the BNR. In response to the exhibition of the planning proposal for CURA, amongst other decisions, the Council resolved as follows in 2012:

That Council pursue the relevant State Government agency regarding the renewal of the maintenance regime of the drainage system within the Ballina Nature Reserve.

A response to this resolution was reported to a meeting of the Environment Committee held 12 December 2012. This response is reproduced below.

Drain Maintenance

In relation to the Council's resolution (point 3) regarding maintenance of the drainage system within the Ballina Nature Reserve, Council wrote to the NSW Office of Environment and Heritage, National Parks & Wildlife Service (NPWS) (as Landowner) and Richmond River Country Council (RRCC) (responsible for drainage maintenance within the reserve). The advice received from these agencies is provided as Attachments 4 and 5 to this report. Further, Council staff met with officers of the NPWS and OEHL to solicit further advice regarding this matter on 31 October 2012. Additionally, Council also received advice on this matter, in correspondence from the Minister for the Environment in response to inquires made by Mr Don Page MP dated, 11 November 2012, which is provided as Attachment 6 to this report.

11.8 Drainage - Ballina Nature Reserve and Adjacent Land

The basis of the advice provided, verbally and in writing, is as follows:

- *The only legal drains within the reserve ('Drain Line "C"' and 'The Union Drain') are located in the northern portion of the nature reserve near Ross Lane. Consequently these drains are not thought to significantly effect drainage in the southern portion of the nature reserve;*
- *A number of other drains constructed without authorisation, prior to the gazettal of the nature reserve, have been closed and rehabilitated;*
- *Many of the issues with drainage within and adjacent to the reserve appear to be associated with the low elevation of the land, being in some cases below mean sea-level. As a consequence, further drainage works may be ineffective in facilitating improved drainage;*
- *The potential for dredging natural watercourses within the reserve, proposed by one landholder within the vicinity, is severely restricted by practicality, legislative protections for national parks, wetlands and the environment generally, and by having questionable (possibly negative) impacts with respect to facilitating drainage of the reserve.*

It is further noted that the Ballina Nature Reserve Plan of Management (2003) states, in relation to this matter:

"The network of drains was constructed through the Reserve to allow for agricultural production on wetlands and low-lying lands. During periods of heavy rain, floodwaters may cover low-lying farmlands for extended periods. Some nearby landholders would like to re-excavate the drains to promote quicker removal of floodwaters. Of concern, however, is the effect excavation may have on the release of acid-sulphate waters into North Creek and the potential impacts such works may have on the hydrology and, in turn, the ecology of the Reserve wetlands. "Improved" drainage could significantly threaten the natural values of the Reserve and North Creek".

It is also noted that both agencies advised Council staff that, from an ecological perspective, additional water retained within the reserve could have beneficial impacts for the reserve via the amelioration of acid sulphate soils.

A Way Forward

An investigation has been undertaken to examine the options to address this issue.

Attached to this report is a copy of a report prepared by Stephen N Webb and Associates, a specialist hydrology and drainage consultancy engaged by Intrapac.

This report is the culmination of investigation and consultation with Messer's Beddoes and Thomson, Council staff, National Parks and Wildlife Service (NPWS) and the Richmond River County Council (RRCC). NPWS are the land manager for the NPWS and RRCC has responsibility for the drainage assets within the BNR and adjacent land. Council's floodplain consultant WBM BMT has also provided assistance.

11.8 Drainage - Ballina Nature Reserve and Adjacent Land

In summary, there are two key points that can be made in relation to the Webb report.

Firstly, it is likely that there is a hydraulic connection between the northern and southern areas and attending to either maintenance or improvements significant beneficial outcomes could be achieved for the property owners to the south adjacent to the BNR.

Furthermore it is noted that in the opinion of the landowners and others involved in this investigation, there are significant ecological issues associated with elevated water levels in the BNR. However no formal ecological assessment has been completed at this point in time.

Secondly, the recommendations in the report dealing with a short term response do not create additional risks associated with acid sulphate soils as it is proposed to lower the water levels through weir removal and without excavation of the drains. The reduction in weir levels can be implemented in staged manner if this presented a preferred ecological adjustment for the local habitat.

The Webb report suggests that by implementing the short term recommendations it is reasonable to expect the condition of the BNR in respect of drainage would return to its position of around 10 – 15 years ago as, in effect, the recommendations would be removing works that have been undertaken in that period.

From the perspective of staff and the landowners this would represent a significant outcome in terms of restoring affected property and furthermore this would provide the time to then work through the processes to investigate further the long term options for further improvements with the objective of potentially returning the BNR to a defined benchmark which could potentially closely represent its original or natural condition.

Two stakeholder meetings have been held with the abovementioned organisations and landholders. To date there is no reported or recorded points of difference from the meeting participants in regards to the findings within the Webb report.

Council staff have expressed the view that NPWS and RRCC should now coordinate and deliver a project that determines the extent of any further ecological or hydraulic assessment that may be required to implement the short term recommendations. However, NPWS as the land manager have formed a view that responding to this issue is not their responsibility as drainage is not within their jurisdiction.

RRCC has expressed concerns in regards to funding, however it is pleasing that RRCC is now prepared to proactively engage in a process to resolve this issue.

The environmental assessment and the works are not expected to be expensive, and NPWS (or Government) has a duty and jurisdiction to act for two reasons.

11.8 Drainage - Ballina Nature Reserve and Adjacent Land

Firstly, the current arrangements, prima facie, are detrimental to the ecology of the BNR and this is a direct responsibility of NPWS as a service and land manager.

Secondly, there is a responsibility to mitigate the impacts on adjacent landholders from works installed within the BNR by agencies as recent as within the last decade.

The recommendation to this report follows the above opinion and seeks a further response to this issue from the NSW Government.

Arrangements are being made for Council's Group Manager Civil Services and the RRCC General Manager to meet with NPWS senior management to review their position on this issue.

Sustainability Considerations

- **Environment**

This report proposes options to improve the environment within the BNR.

- **Social**

The BNR is an important natural asset, located in close proximity to Ballina and surrounds and its preservation is therefore important in regards to the social amenity

- **Economic**

This report discusses potential issues in respect of the ability of a major urban release area to meet Council's planning control.

Legal / Resource / Financial Implications

There are no legal, resource or financial implications with the recommendations to this report.

Consultation

The above report outlines a consultation process that has been ongoing in respect of the subject matter.

Options

In respect of improving the drainage in the BNR, it is recommended that Council endorse the action requesting NPWS and RRCC to advance the next stage of review of the recommendations in the Webb report. It is proposed to make representations to the local State Member, Ms Tamara Smith MP if a reasonable response is not forthcoming from NPWS.

In respect of the DCP issue, it is recommended that Council rescind the resolution to remove the word significantly from sub clause xvii and amend the clause by re-establishing the clause originally recommended in response to the submissions received through the public exhibition of amendment no.4.

11.8 Drainage - Ballina Nature Reserve and Adjacent Land

If the Council is inclined to support this recommendation, this does not relieve the developer from meeting the statutory and other planning provisions in relation to stormwater management. This will be assessed in the normal manner within the development application process.

The DCP cannot be changed without a formal amendment because the change that adopted stormwater sub-clause xvii has been adopted and notified in accordance with the *Environmental Planning and Assessment Act*.

The recommendations to this report include an authority to enable the amendment to be initiated.

DCP amendments require a level of resourcing not normally applied for an individual change of this nature. This means we will need to prepare exhibition documentation, advertise and exhibit the plan amendment, report to Council and then notify the change. This is estimated to have a timeline of 12 – 14 weeks.

The individual change, while not generally preferred, is considered appropriate in the circumstances having regard to the impending lodgement of a major development application.

If the Council does not support the recommendation, it is preferred the Council record a resolution noting the information in this report and advising the developer that the Council's policy position remains unchanged and the assessment of any development application will be completed having regard to this policy.

RECOMMENDATIONS

1. That Council continue to request the National Parks and Wildlife Service and Richmond River County Council to coordinate and advance the next stage of review of the recommendations in the attachment to the above report prepared by Stephen N Webb and Associates, including making representations to the local State Member, Ms Tamara Smith MP if a reasonable response is not forthcoming from NPWS.

2. That Council amend the following resolution made at the February 2015 Council meeting;

That Council adopts Amendment No.4 to the Ballina Development Control Plan 2012 (Cumbalum Precinct A), with amendments as outlined in this report and with a change to Chapter 3 – Precinct-Specific Controls – Cumbalum Views Stormwater sub-clause xvii to remove the word “significantly”.

by reinstating the word significantly into the sub-clause.

3. That Council endorses the preparation and exhibition of an amendment to the Ballina Shire Development Control Plan 2012 to give effect to the outcome identified in point 2, in accordance with the terms of the Environmental Planning and Assessment Act and the associated Regulation.

Attachment(s)

1. Investigation Report - Stephen Webb and Associates

11.9 Shark Mitigation Strategy

11.9 Shark Mitigation Strategy

Delivery Program Open Spaces and Reserves

Objective To update Council regarding the development of a Shark Mitigation Strategy.

Background

Council received a report in August 2015 advising of the work being undertaken in response to the need to develop a shark mitigation strategy. The report discussed three elements of the strategy being:

- The emergency management standard operating procedure.
- An increase in NSW Government research activities on the north coast and community education campaign.
- A NSW Government project to determine long term shark mitigation strategies.

The following report provides a further update regarding these matters.

Further to the above, at the last Council meeting, in response to a Notice of Motion, the resolution was made.

1. *That Council provide in principle support to the introduction of a roving jet ski patrol based on the proposal from Mr Neil Kennedy, Club Captain, Lennox Head Surf Club.*
2. *The principles of this proposal are as follows:*
 - *Two shifts – first from 9am to 12 midday, second from 12:30pm to 3:30pm*
 - *Each shift would rove from north from Seven Mile Beach to South Wall Ballina and back, as a minimum*
 - *Constant communication should be kept between the ski, surf clubs, life guards on duty and any helicopters or fixed wing aircraft supporting from above*
3. *This service is to continue until the end of the 2016 Easter School Holidays, however it may terminate earlier if the State Government introduces other shark deterrents.*
4. *The actual introduction of this service is to be subject to a further report to Council (i.e. the November Ordinary meeting prior to school holidays) confirming the viability and effectiveness of the service, estimated cost and funding options.*

The report also responds to this resolution.

Further to the above, Council has also received a request from the Far North Coast Branch of Surf Lifesaving NSW (FNC SLS) in regards to extra life guard patrols at Shelly Beach. This request is also reviewed.

Key Issues

Reducing the risk of harmful interactions between sharks and humans

Information

The first section of this report provides the update regarding the strategy. The second section deals with the resolution and the FNC SLS request.

1. Strategy Update

As there has been substantial media reporting the following information is a brief summary only.

It has been agreed to continue the emergency management standard operating procedure. As previously reported, the unique nature of this procedure means there can be some operational issues, particularly around communications and resources. Overall however we are pleased with the results from the procedure and its ability to assist in the protection of the public. To support the procedure, Council continues to engage aerial surveillance on Sundays.

The Department of Primary Industry (DPI) continues to provide updates to Council in regard to their ongoing research efforts. It is pleasing to see resources continue to regularly return to Ballina for shark tagging work. Tracking tagged sharks is available for the community on the DPI website.

The NSW Government completed its commitment to conduct a shark summit. The purpose of the summit was to review emerging technology and the practices of other jurisdictions around the world.

The conclusion of the summit identified a number of new technologies which have the potential to be implemented in NSW, however these need to be trialed as their effectiveness is not yet able to be fully confirmed for the purposes of inclusion in a broad program.

A key point from the summit was that an integrated approach was required as one component in isolation will not be effective.

Following a request from Council, the NSW Government also held a community information meeting in Lennox Head. This event was hosted by the Minister for Primary Industries, who has also maintained continued contact with the Mayor regarding this issue. The meeting was attended by approximately 300 people.

Following the summit and community meeting, the Minister assessed the feedback and has announced a range of measures to be implemented as soon as possible. A copy of the press release for this announcement is attached to this report.

The media report refers to two trials of shark barriers on the North Coast. At the time of writing this report we expect that one of the trials, and possibly the second will be implemented in Ballina Shire. The primary site is Lighthouse Beach.

This is preferred for the following reasons:

11.9 Shark Mitigation Strategy

- This site has the potential for full beach enclosure (from the North Wall to the Headland) and thereby offer protection to swimmers and surfers.
- The beach is patrolled
- The proximity to the Richmond River increases the risk of shark activity as demonstrated by the frequency of incidents at this location relative to other places.

In the event two sites are possible, the proposed second site is for an area that covers the patrolled section of Seven Mile Beach.

It is also proposed for two underwater listening stations to be installed in Ballina Shire. We have suggested these be located at Lennox Point and at Sharpes Beach being two other popular surf areas.

The announcement regarding an increase in aerial surveillance is welcome, however the program is only to operate during school holidays.

The Mayor has advocated to the Minister that this needs to be extended for the summer season and we understand the Minister is supportive of this and has asked the Department to review the funding options.

There has been some discussion in the community and at the last Council meeting regarding the implementation of drum lines as a strategy.

The NSW Government has a policy not to use drum lines as deployed in Queensland due to the environmental impact to the sharks and other species.

There is interest in reviewing the use of smart drum lines as these allow the capture and release of sharks. However these are unlikely to be deployed in Ballina as the condition of the Richmond River bar restricts access for the boats that would be responsible for the release process.

The Government has also announced a Parliamentary Inquiry into the Management of Sharks. A submission was made on behalf of Council.

The Mayor and Group Manager Civil Services have been invited to make a presentation to the Inquiry and this will occur immediately after the close of the Council meeting.

In a subsequent media release, the Minister has announced funding for an observation tower to be located at Lighthouse Beach. Staff intend on suggesting Sharpes Beach would be preferred as observations can be made from the Lighthouse Beach headland and the surf club facilities support life guard patrols.

As there are no facilities at Sharpes Beach, a tower could also provide general benefits in terms of shelter for the patrol.

It is pleasing to see the active involvement by the Minister, the regular and ongoing commitment by DPI to consult with Council and funding being made available to the program.

11.9 Shark Mitigation Strategy

2. Shark Alarm Warning System

Council is also interested in the implementation of a shark alarm warning system. As noted, an integrated approach is required and an alarm system is considered to be a valuable support to other programs.

The Shark Alarms are a siren which can repeat a recorded voice message for evacuation or can be used by an operator to make an announcement. They can be triggered by responsible officers from NSW Police, Council or NSW Surf from remote locations in response to 000 calls or other shark sightings that place humans at risk.

The public can also use an onsite intercom to report a risk – the intercom would be monitored by our 24 hour security service.

This way information can be relayed by this service to responsible officers who can attend the site and sound the alarm or, as per above, initiate a call remotely if they are satisfied with the reported information.

The alarms can also be activated by the surf clubs.

We have indicative pricing of around \$100,000 to install a system that will cover all of our beaches.

It would be preferred to have a long term maintenance agreement with the supplier and our security service for monitoring. Alternatively for around \$25,000 per annum the contractor is able to install and monitor the system.

It is our experience that evacuation is currently difficult to communicate, particularly at unpatrolled beaches and at surf breaks such as Lennox Point where there is no beach.

The Shark Alarm would address this and could be used by life savers for other purposes and by the SES for Tsunami warnings.

Richmond Valley Council has installed one alarm.

As the coverage required in Ballina Shire is extensive, and this program can be considered beyond the jurisdiction of Council, to date it has been the position of staff that we should advocate for State funding to install the proposed system.

We have made direct representations to the Minister in this regard and we understand he is interested in also funding this proposal or part thereof.

The Council may however wish to further consider funding this proposal, either now or during the draft budget preparation due early next year.

3. Council Resolution – Jet Ski Patrol

Patrolling of the beaches is undertaken by volunteers through the Lennox Head and Ballina Surf Life Saving Clubs. The Council funds life guard services and this is achieved by contracting professional life guards.

11.9 Shark Mitigation Strategy

The current contractor is the Australian Lifeguard Service (NSW) which is a business unit of Surf Life Saving NSW that provides professional lifeguard services to local government, private corporations, sporting organisations and community groups.

The proposal for a Jet Ski Patrol has been referred to the ALS for advice, pricing and whether they are in a position to even agree to provide such a service. A copy of the response from ALS is attached to this report.

As noted in the response from ALS, the proposal is not supported due to a number of reasons. The proposal is not considered cost effective having regard to the utilisation of the jet ski. Furthermore, the proposal diverts resources from the primary purpose of protecting swimmers from drowning.

The Council annually receives a report from ALS regarding the service provided each year and a regular risk audit reviews the preferred resource levels for our Shire.

Typically each year there is a request for additional resources to improve the lifeguard services, and manage work, health and safety issues for the lifeguards however Council has not been able to continuously increase the funds available for this service.

Therefore it is preferred that any consideration of allocating funds to the proposal in the resolution be deferred until the report for this season's service is received and the range of unfunded actions can be considered for priority ranking based on a risk assessment.

4. FNC SLS Request

A copy of the request from FNC SLS is attached. The request seeks additional lifeguard services at Shelly Beach.

As for item 3, a response from ALS has been requested. A copy of this response is attached. Also as per item 3, it is recommended that any further consideration of this request be deferred to the annual review process of the ALS service.

Sustainability Considerations

- **Environment**
Environmental sustainability is a key consideration in the development of the shark mitigation strategy.
- **Social**
The impacts of recent incidents on the social amenity of the community are concerning and this has led to the comprehensive efforts by Council, in collaboration with the NSW Government, to develop a strong response to this issue.
- **Economic**
The possible impacts on our tourism and other industries is a concern. In response Council has consulted with the Chamber of Commerce and has made representations to Government about the economic impacts associated with this issue.

Legal / Resource / Financial Implications

There are no financial implications associated with the recommendations to this report, however the report discusses a request that if implemented would require a funding allocation.

Consultation

This issue has involved extensive media coverage. The issue has also resulted in numerous phone calls, letters and submissions to Council.

The Council is a key member of the Shark Mitigation Advisory Group which was established to assist the collaboration between local stakeholders with an interest in this issue.

ALS has been consulted in the preparation of this report.

Options

In regards to the overall strategy (refer to section one), the report is for information. However if the Council prefers a different direction is taken, a resolution to that effect can be referred to the NSW Government.

For the Shark Warning Alarm System (refer to section two), it is preferred to wait for a response from the NSW Government to our request for funds for this initiative. The Council may prefer to fund an alarm system, however at this point in time, a funding source has not been identified.

In regards to the proposal for a Jet Ski patrol, (section three) based on the advice from ALS, the recommendation to this report is that no further action be taken at this point in time. The proposal can be examined in the future once further information is understood in regards to the Government program and whether any changes in the current environmental circumstances occur. The annual review and report from ALS would be the preferred time to again examine this option. The Council may however wish to consider funding the proposal in the resolution and identifying a delivery partner, such as the Lennox Head Surf Club, if ALS is unable or unwilling to provide the service.

Section four is a request from FNC SLS for additional lifeguards. As per the above, it is preferred to defer consideration of additional resources to the annual review process described above. It is however open to the Council to adjust its current program if that is preferred.

RECOMMENDATIONS

1. That Council notes the contents of this report regarding the Shark Mitigation Strategy.
2. That Council continue to advocate to the State Government to provide funds in relation to the Shark Alarm Warning System and other technologies.
3. That Council take no further action at this point in time regarding the proposal for Council to fund a Jet Ski Patrol for shark mitigation purposes.
4. That in relation to the request for more life guards at Shelly Beach, consideration of this request is deferred to the annual review process which monitors the outcomes of the patrol season. The purpose of this deferral is to ensure the allocation of resources, based on risk, is considered on a holistic priority basis for all of the beaches in the Shire.

Attachment(s)

1. Minister Media Release
2. Response - Far North Coast Surf Lifesaving
3. Response - Australian Lifeguard Service

11.10 Policy (Review) - Monuments and Memorials on Public Land

11.10 Policy (Review) - Monuments and Memorials on Public Land

Delivery Program Open Spaces and Reserves

Objective To review the Monuments & Memorials on Public Land Policy.

Background

All of Council's existing policies are progressively being reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Monuments and Memorials on Public Land policy.

Council first adopted this policy in July 2007 and was renewed in September 2011.

From the perspective of staff the policy has been working well and there remains community interest in these types of memorials. Only minor changes to the policy are suggested in the information section below.

Key Issues

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

Information

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

- The template for Council policies has changed since this policy was adopted and the new template includes information on definitions, policy history etc.
- Clarification has been made to the approval delegation and introduced an appeal process
- Clarification has been made regarding ongoing damage and vandalism to plaques

The changes have been marked in yellow.

Otherwise the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended. A copy of the amended policy is attached to the report.

Sustainability Considerations

- **Environment**
Ensure unnecessary and unauthorised disturbance within reserves.

11.10 Policy (Review) - Monuments and Memorials on Public Land

- **Social**
Regulation will assist in ensuring the value and amenity of public open spaces is preserved.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

There are no specific legal, resource or financial implications associated with this report.

Consultation

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

Options

Council may accept or amend the proposed changes to the policy. The changes included are largely house keeping therefore it is recommended that the policy be placed on exhibition for public comment.

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

RECOMMENDATIONS

1. That Council place the amended Monuments and Memorials on Public Land Policy, as attached to this report, on public exhibition.
2. If no responses are received to the public exhibition, the policy will be considered to be adopted by Council. Any responses received will however be the subject of a further report to Council.

Attachment(s)

1. Policy (Review) - Monuments and Memorials On Public Land

11.11 Tender - Wigmore Arcade - Roof and Awning Replacement

11.11 Tender - Wigmore Arcade - Roof and Awning Replacement

Delivery Program Building Services

Objective To complete the tender assessment for the Wigmore Arcade Roof Replacement Contract.

Background

Council resolved in September 2015 to call tenders for the replacement of the roof and repairs to the awning on the Wigmore Arcade. The purpose of this report is to determine the assessment of the tenders.

Key Issues

- Comply with the Local Government (General) Regulation 2005.
- Achieve best value for money.

Information

Tenders were advertised at the beginning of November in the Northern Star, Ballina Advocate and the Daily Telegraph. A compulsory pre-tender meeting was held 11 November 2015. As this was a compulsory meeting, non-attendance precludes contractors from lodging a tender.

No contractors attended the pretender meeting and therefore no contractor will be eligible to lodge a submission when tenders close on 25 November 2015.

The options available to Council in this situation are discussed below.

Sustainability Considerations

- **Environment**
Relevant approvals are in place for this project.
- **Social**
The Wigmore Arcade is an important social hub for the community.
- **Economic**
This project is considered to be important to the ongoing economic development efforts by Council within the Ballina CBD.

Legal / Resource / Financial Implications

Compliance with Part 7 Tendering of the Local Government (General) Regulation 2005 is required.

11.11 Tender - Wigmore Arcade - Roof and Awning Replacement

Consultation

A public tender process was conducted.

Options

In accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, a council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:

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

Option (a) is not proposed as the works are considered essential.

In addition to no attendances being recorded at the pre - tender meeting, our records show only one contractor had downloaded the tender documentation for inspection. On this basis options (b) and (c) are not recommended as Council has undertaken a public tender process, received no interest and it is unlikely that a reliable, broad market test will be achieved.

Option (f) is not recommended as Council does not have suitable resources to undertake these works.

Options (d) and (e) are a reasonable direction. Staff have previously held discussions with local contractors to assess the current roof condition and to determine the scope of works that should be undertaken to replace the roof and repair the awning.

Due to the current circumstances, staff have held preliminary discussions with Sidney and Richardson Plumbing and Goldsmith Building Services with a view to obtain pricing to complete the works as specified. Both companies have indicated a willingness to jointly contract with Ballina Shire Council and are currently preparing a submission for Council's consideration. Although only one price will be obtained for these works, previous quotations and other benchmarks will be used to assess the value for money provided by Sidney and Richardson Plumbing and Goldsmith Building Services.

Both Sidney and Richardson Plumbing and Goldsmith Building Services have undertaken numerous works for Council and have delivered high quality results.

11.11 Tender - Wigmore Arcade - Roof and Awning Replacement

RECOMMENDATIONS

1. That in accordance with the provisions contained in Clause 178 of the Local Government (General) Regulations 2005, as no complying tenders were received for the Wigmore Arcade – Roof & Awning Replacement, Council resolves, to enter into direct negotiations with Sidney and Richardson Plumbing and Goldsmith Building Services in relation to a proposed contract.
2. Subject to a satisfactory outcome being achieved through the negotiation process in point one above, and the cost estimate remaining within the available budget, Council authorises the General Manager to execute a contract with Sidney and Richardson Plumbing and Goldsmith Building Services to undertake the replacement of the roof and repairs to the awning of the Wigmore Arcade, along with attaching the Council seal.

Attachment(s)

Nil

12. Public Question Time

12. Public Question Time

13.1 Notice of Motion - Divestment from Fossil Fuel Aligned Financial Institutions

13. Notices of Motion

13.1 Notice of Motion - Divestment from Fossil Fuel Aligned Financial Institutions

Councillor Cr Jeff Johnson

I move that Council

1. Divest its term investment portfolio from all fossil fuel aligned financial institutions.
2. That as Council's current term investments expire with fossil fuel aligned financial institutions that these funds are re-invested only with non-fossil fuel aligned financial institutions with the following conditions.
 - a) the investment is compliant with Council's investment policy
 - b) the investment rate of interest is comparable or better than those offered by Fossil Fuel aligned financial institutions
2. Provide a 6 monthly report to Council on the state of its divestment from fossil fuel aligned financial institutions.

Councillor Comments

This month the worlds leaders are meeting in Paris to discuss the growing threat of climate change and global warming. The science is well and truly in on this topic and there isn't a single national government that disputes that burning fossil fuels is creating global warming and as a result, rising sea levels and more extreme and unpredictable weather events.

Ballina Council currently has over \$70 million invested in term deposits with various financial institutions and is therefore in a strong position to join a growing list of institutions that have already divested their funds from those banks and institutions that fund fossil fuel companies and their activities.

This motion seeks to divest Council funds from these institutions while at the same time achieve a comparable interest rate for our investments. This motion is solely concerned with invested funds (term deposits) and not everyday banking accounts.

There is also growing consensus that all Governments need to do more to reduce greenhouse gas emissions in order to stay below the critical limit of 2 degrees warming.

13.1 Notice of Motion - Divestment from Fossil Fuel Aligned Financial Institutions

It is highly appropriate for Ballina Council to take a leadership role in this matter due to our location in a low lying coastal floodplain. Sea level rise and global warming are expected to have a devastating impact on our community unless greenhouse gas emissions are dramatically reduced over the next 10-20 years. By divesting our investments from institutions that fund the activities that are likely to exacerbate global warming, Ballina Council will not only be taking a positive leadership role but in doing so would be encouraging other Council's and institutions to also follow suit

<http://www.marketforces.org.au/banks/compare> is a website that provides a list of financial institutions that don't finance fossil fuel companies.

Australian Companies or Organisations that have already made Divestment Commitments

Councils & Governments

City of Moreland
City of Fremantle
Marrickville
Shire of Goomalling
Leichardt
Lismore
ACT Government
Newcastle City Council
Gloucester Shire Council
Byron Shire Council
City of Melbourne

Super Funds - Fully Divested from Fossil Fuels
Future Super

Partially Divested from Fossil Fuels

Australian Ethical
UniSuper
Local Government Super
First State Super

Universities

Australian National University – partial divestment.
University of Sydney – partial divestment.

Churches

Uniting Church, NSW & ACT
Melbourne Unitarian Church
Anglican Diocese of Perth
Anglican Diocese of Melbourne
Anglican National Super
Uniting Church in Australia National Assembly
Quakers Religious Society of Friends
Earthsong
Presentation Sisters

13.1 Notice of Motion - Divestment from Fossil Fuel Aligned Financial Institutions

Foundations and Other Organisations

Australian Academy of Science, National Tertiary Education Union

Royal Australasian College of Physicians, Doctors for the Environment

Australia Screen Composers Guild of Australia, Ross Knowles

Foundation, Madden Sainsbury Foundation, Earth Welfare

Foundation, McKinnon Family Foundation, The Hunt Foundation, Pace

Foundation, Mullum Trust, Madirryny Foundation, Water Dragon Foundation

COUNCILLOR RECOMMENDATIONS

That Council

1. Divest its term investment portfolio from all fossil fuel aligned financial institutions.
2. That as Council's current term investments expire with fossil fuel aligned financial institutions that these funds are re-invested only with non-fossil fuel aligned financial institutions with the following conditions.
 - a) the investment is compliant with Council's investment policy
 - b) the investment rate of interest is comparable or better than those offered by Fossil Fuel aligned financial institutions
3. Provide a 6 monthly report to Council on the state of its divestment from fossil fuel aligned financial institutions.

Attachment(s)

1. Brochure - Aligning Council Money with Council Values

13.2 Notice of Motion - Establishing a Disc Golf Course at Bicentennial Gardens

13.2 Notice of Motion - Establishing a Disc Golf Course at Bicentennial Gardens

Councillor

Cr Jeff Johnson

I move

That Council investigate establishing a Disc Golf Course at Bicentennial Gardens.

Councillor Comment

Disc Golf, while not very established in Australia, is a popular international sport. A Disc Golf course could be established at Bicentennial Park at very little cost and would be a great use of what is otherwise an under-utilised park.

It would also discourage anti-social behaviour that is a problem in that area.

A few nets could also be established at Pop Denison Park as part of the proposed Master Plan.

COUNCILLOR RECOMMENDATION

That Council investigate establishing a Disc Golf Course at Bicentennial Gardens.

Attachment(s)

1. Information on Disc Golf

13.3 Notice of Motion - Apex Park Playground Equipment

13.3 Notice of Motion - Apex Park Playground Equipment

Councillor

Cr Smith

I move

That Council modify the Playground Upgrade Plan to remove Apex Park, Alstonville from the playground removal list.

Councillor Comment

The recently adopted Playground Upgrade Plan has Apex Park, Alstonville listed for playground removal. Local residents within the community have expressed great angst with regards to this.

There had been a perception that playground removal meant removal of the park all together (not simply removing equipment). Many local residents have expressed how important the park is to them, their children and grandchildren and wish to see the park removed from the playground removal list.

It has been clarified that in relation to Apex Park, that equipment had only been recently installed and replacement (or removal as currently in the plan) wouldn't occur until 2028/29, dependent on the maintenance of the equipment.

On this basis, as plans are reviewed over time anyway, it makes sense to modify the Playground Upgrade Plan to provide clarity to residents and surety that there will be no changes to Apex Park for the foreseeable future.

Staff Comment

The current intention regarding Apex Park is set out in the Playground Upgrade Plan. The plan aims to balance a number of issues including expected usage, equity of access, capital costs and maintenance costs. One of the factors used to guide the planning and the allocation of our financial resources is to identify the size of a catchment, or population area, which typically generates the amount of demand in an area for playground equipment.

Apex Park is within an area that is currently oversupplied (in terms of the criteria in the plan) and therefore it is proposed to remove the equipment when it reaches the end of its economic life. This may occur as late as 2029 or it could be earlier.

The plan notes the availability of the nearby equipment at EA Brown Park and Geoff Watt Oval. This means we will continue to maintain the equipment in Apex Park, ensuring it is safe and suitable for use into the future, however there will come a time where the availability of spare parts for the current equipment will be an issue and the maintenance costs will be unreasonable compared to maintaining a renewed asset.

13.3 Notice of Motion - Apex Park Playground Equipment

This is the point in time we would propose remove the equipment and this is not expected to occur at Apex Park for a number of years.

This has previously been communicated to residents who have expressed their concern. While it is preferred to retain the program as adopted, the point in the Councillor comment is acknowledged in regards to the current equipment is in a new condition and it can be expected further reviews of the program will be undertaken prior to the equipment becoming economically redundant.

On this basis, if it is preferred to respond to the community concern by adopting the recommendation then this is a reasonable position for the Council.

COUNCILLOR RECOMMENDATION

That Council modify the Playground Upgrade Plan to remove Apex Park, Alstonville from the playground removal list.

Attachment(s)

Nil

13.4 Notice of Motion - Alstonville Pre-school – Additional Funding

13.4 Notice of Motion - Alstonville Pre-school – Additional Funding

Councillor

Cr Smith

That in respect to the correspondence from the Alstonville Pre-school dated 11 November 2015, the General Manager conduct a review of this request to confirm the exact nature of the additional costs incurred, along with opportunities to finance that cost, with this information to be reported back to the December 2015 Ordinary meeting.

Councillor Comment

It is accepted that the Pre-school has approached Council a number of times in respect to this project, however it is important to acknowledge that a community based group is in the process of delivering a substantial community asset on Council owned land that will always be available to the community.

Even though I would support providing assistance at this meeting, or possibly part thereof (i.e. 50%), it may be preferable for additional information to be provided prior to making that decision.

This notice of motion allows Councillors to provide an indication that they will, or may, support this request, prior to staff having to prepare a report for the December meeting.

Staff Comment

The overall funding status of this project is that in early 2014 Council resolved to allocate \$120,000 towards the cost of the building and then in July 2015 Council resolved to allocate another \$44,000. Developer contributions and other planning fees were also waived in February 2015.

COUNCILLOR RECOMMENDATION

That the General Manager in respect to the correspondence from the Alstonville Pre-school dated 11 November 2015 conduct a review of this request to confirm the exact nature of the additional costs incurred, along with opportunities to finance that cost, with this information to be reported back to the December 2015 Ordinary meeting.

Attachment(s)

1. Request from Alstonville Community Preschool

14.1 Commercial Services Committee Minutes - 17 November 2015

14. Advisory Committee Minutes

14.1 Commercial Services Committee Minutes - 17 November 2015

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson, Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth and Ben Smith.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Rod Willis (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Paul Tsikleas (Commercial Services Manager) and Sandra Bailey (Secretary) were in attendance.

There were three people in the gallery at this time.

1. Apologies

Apologies were received from Crs Sharon Cadwallader and Robyn Hordern.

Absent – Cr Keith Williams

RECOMMENDATION

(Cr Ben Smith/Cr Keith Johnson)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

2. Declarations of Interest

Cr Paul Worth – later in the meeting declared an interest in Item 4.7 – Wollongbar Residential Estate Stage Two – Feasibility and Pricing. (Nature of Interest: non pecuniary – he is the landowner of two lots near this land). He will be remaining in the meeting while the matter is discussed and voting on the matter.

3. Deputations

- **Neville Smith from Richmond Christian College** – spoke in favour of Item 4.2 - Richmond Christian College Association – Cycleway.
- **Pip Carter, Club Lennox** – spoke in relation to Item 4.1 – Lennox Head Community Sports and Recreation Club – Lease Rental.

4. Committee Reports

4.1 Lennox Head Community Sports and Recreation Club - Lease Rental

RECOMMENDATION

(Cr Ben Smith/Cr Paul Worth)

That Council not agree to the Lennox Head Community Sports Club's request that the rental payable be reduced to 20% of the scheduled rent for the remaining term of the five year rental discount agreement expiring on 31 December 2018, as the 50% proposed from Year 3 onwards is already a significant reduction and is similar to the community service recognition provided by Council for other fees and charges for community groups.

FOR VOTE - Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr David Wright and Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

4.2 Richmond Christian College Association - Cycleway

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

That based on the contents of this report Council grants permission to Ballina Christian Education Association to construct a cycleway link across Council operational land located at Lot 386 DP 414615 and Part Lot 114 DP 755684 (the Gallens Road Site) Gallans Road, Ballina as per the plan attached to this report prepared by Granatelli & Stone.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

4.3 Bitupave Boral Asphalt Plant - Tuckombil Quarry, Alstonville

RECOMMENDATION

(Cr Ben Smith/Cr Paul Worth)

That Council grants landowner's consent for the lodgement of a Section 96 Application to amend DA 1995/127 to enable Bitupave to source materials for production from quarries other than the Tuckombil Quarry located at Gap Road, Alstonville.

FOR VOTE - Cr David Wright, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

4.4 Old Bagotville Quarry - RMS Acquisition

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

1. That Council authorises the General Manager to finalise negotiations for the sale of Lot 5 DP 843369 to the RMS as detailed within this report.
2. That Council authorises the Council seal to be attached to the contract for sale and any other related documents including sale transfers and licence agreements for access.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

4.5 Wollongbar Urban Expansion Area - Pump Station Compensation

RECOMMENDATION

(Cr Ben Smith/Cr Susan Meehan)

1. That Council resolves to pay compensation of \$80,000 plus GST and disturbance costs (reasonable valuation and legal fees) to the owners of Lot 75 DP 1213425 (CR Brown, BRS Brown, RL Brown and Two Minus Two Pty Ltd) for the creation of easements for a sewer pump station and associated services.
2. Council authorises the General Manager to finalise negotiations with the owners of Lot 75 DP 1213425 (CR Brown, BRS Brown, RL Brown and Two Minus Two Pty Ltd) for the creation of easements for a sewer pump station and associated services, execute all relevant plans and documentation and affix the Council seal to same.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

4.6 54 North Creek Road Ballina - Marketing

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

1. That Council authorises the General Manager to place the six industrial lots proposed for Part Lot 98 DP 1194043 on the market for sale "off the plan" at the asking prices noted in this report.
2. That Council authorises the Council seal to be attached to the contracts for sale and any other related documents.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

Cr Paul Worth declared an interest in Item 4.7 (Nature of Interest: non pecuniary – he is the landowner of two lots near this land). He will be remaining in the meeting while the matter is discussed and voting on the matter.

4.7 Wollongbar Residential Estate Stage Two - Feasibility and Pricing

RECOMMENDATION

(Cr Ben Smith/Cr Keith Johnson)

1. That, subject to gaining development consent, Council approves the development of Stage 2 of Council's Residential Estate, as outlined in this report, comprising 18 serviced residential lots.
2. That Council approves the sale "off the plan", by private treaty, of the 18 lots identified in Stage 2 of Wollongbar Residential Estate", as per the asking prices provided in HTW's letter included as an attachment to this report.
3. The General Manager is authorised to execute general agency agreements with any local agent seeking a listing to sell the lots pertaining to Stage 2 at a commission rate of 3.00% + GST payable upon settlement of contracts.
4. The Council seal is authorised to be attached to the sale contracts and any associated documents, including the deed of agreement with the Brown family as per point five below.
5. The General Manager is authorised to finalise negotiations with the Brown family, execute a deed of agreement, execute all easements, plans of subdivision etc. and all other relevant documentation required to satisfy the deed of agreement between Council and the Brown family.
6. Any land acquired by Council by way of boundary adjustments, drainage reserves or road reserves is to be classified as operational land under the provisions of the NSW Local Government Act 1993.

14.1 Commercial Services Committee Minutes - 17 November 2015

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

4.8 Fishheads @ Shellys - Update

RECOMMENDATION

(Cr Ben Smith/Cr Paul Worth)

That Council notes the contents of this report regarding the update on the status of the Shelly Beach café site redevelopment.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

MEETING CLOSURE

5.02 pm

RECOMMENDATION

That Council confirms the minutes of the Commercial Services Committee meeting held 17 November 2015 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

14.2 Facilities Committee Minutes - 23 November 2015

14.2 Facilities Committee Minutes - 23 November 2015

These minutes will be distributed prior to the meeting.

RECOMMENDATIONS

That Council confirms the minutes of the Facilities Committee meeting held 23 November 2015 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

15.1 Mayoral Meetings

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

15.1 Mayoral Meetings

Councillor David Wright

Activities since the October 2015 Ordinary meeting:

<u>Date</u>	<u>Function</u>
23/10/15	Marine Rescue Tower Celebrations
25/10/15	Meeting – Shark Announcement
29/10/15	Meeting with Justine Elliott
29/10/15	On-Site Memorial Planning
29/10/15	Gallery Opening – ‘Coast’
30/10/15	Meeting with Trev and staff
30/10/15	BACCI Art Exhibition – Richmond Room
31/10/15	Alstonville Show
31/11/15	Relay for Life
31/10/15	Inspection – Wollongbar Estate
1/11/15	Coin Toss Regional Bash Fripp Oval
1/11/15	Marine Rescue – Raffle Draw
2/11/15	Meeting – Pines on the Plateau
2/11/15	Emmanuel College Lego League Presentation
5/11/15	Ballina Men’s Shed – Dinner – Richmond Room
6/11/15	NOROC
6/11/15	Novaskill Awards – Lighthouse Café
6/11/15	Launch – Ballina Prawn Festival
7/11/15	Palm Lake Country Club
8/11/15	Alstonville Markets
8/11/15	Lennox Head Markets
8/11/15	Music in the Garden – Wollongbar
8/11/15	Tintenbar Oval Fun Day
9/11/15	Daisi - Inclusive Communities
9/11/15	Youth Frontier Program
9/11/15	Shark Advisory Meeting with DPI
9/11/15	Briefing State Wide Mutual
10/11/15	Alpine Nurseries
10/11/15	‘A’ Ward Meeting
10/11/15	Launch of Motorcycle Guide – Gallery
10/11/15	Meeting DPI and Life Guards
11/11/15	Remembrance Day – Ballina
11/11/15	Meeting Shark Strategy
11/11/15	Alstonville Preschool Visit
11/11/15	B – Space Youth Centre
11/11/15	Reserve Trust Meeting
11/11/15	Briefing Festival and Event Support Funding
11/11/15	Wollongbar Progress Association
12/11/15	‘C’ Ward Meeting
13/11/15	Meeting Shark Net Location - Eco Shark Barrier
13/11/15	Meeting Today Show
13/11/15	Photographic Competition – Kentwell Centre

15.1 Mayoral Meetings

13/11/15	Ballina Players
14/11/15	Prawn Festival
16/11/15	'B' Ward Meeting
16/11/15	RRCC Meeting
17/11/15	TAFE Yamaha Tech Developments
17/11/15	Jim Willis – Protecting the Innocent and Vulnerable
17/11/15	Meeting – Surveillance Options – Surf Club
17/11/15	Commercial Services Committee
17/11/15	Briefing Epiq Development
18/11/15	Community Energy Workshop – Byron Bay
18/11/15	Great Moscow Circus
20/11/15	CSPC Meeting – Lismore
20/11/15	Sunrise Arts Exhibition 20 Blue Seas Parade –
20/11/15	Freedom Stories – Lennox Cultural and Community Centre
20/11/15	Creative Artisans Gallery
21/11/15	All Ships' Reunion RSL
23/11/15	Meeting with Police
23/11/15	Facilities Committee
23/11/15	Scope Quiet Achiever's Award
24/11/15	Briefing RDA – Regional Development - Australia
24/11/15	Briefing – Lake Ainsworth Eastern Road
24/11/15	RLA Building Design - Alstonville
25/11/15	Ballina White Ribbon Day
25/11/15	Umwelt – Dredging of Ballina Bar
25/11/15	RRCC Special Meeting
26/11/15	Council Meeting
26/11/15	Economic Impact of Sharks
27/11/15	Meeting With Bob Higgins – RMS
28/11/15	Northern Rivers Community Gallery Volunteer Thank you function
29/11/15	Lennox Head Markets
29/11/15	100 th Birthday Elsie Johnston – Maranoa sheet
29/11/15	Ballina Shire Concert Band – Richmond Room
30/11/15	Meeting NSW Jewish Board of Deputies
30/11/15	Briefing – Management of Private Structures on Public Land

RECOMMENDATION

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

Attachment(s)

Nil

16. Questions Without Notice

16. Questions Without Notice

17. Confidential Session

17. Confidential Session

Nil Items