



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 24 March 2016 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

The National Anthem will be performed by Councillors and staff.

2. Acknowledgement of Country

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

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

3. Apologies

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 February 2016 were distributed with the business paper.

A copy of the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Monday 14 March 2016 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 February 2016.

That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Monday 14 March 2016.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 DA 2015/712 - Newrybar Downs, 1 Johnston Road Newrybar

8. Development and Environmental Health Group Reports

8.1 DA 2015/712 - Newrybar Downs, 1 Johnston Road Newrybar

Applicant	Newton Denny Chapelle (on behalf of Mr G and Mrs P Rooke)
Property	Lot 5 DP 606566, No. 1 Johnston Road Newrybar
Proposal	To undertake the Temporary Use of Land as a Function Centre for the Purpose of Hosting Wedding Ceremonies
Effect of Planning Instrument	The land is zoned RU1 Primary Production under the provisions of the Ballina LEP 2012
Locality Plan	The subject land is depicted on the locality plan attached (Attachment 1)

Introduction

Council is in receipt of Development Application 2015/712 for the temporary use of land as a function centre for the purposes of hosting wedding ceremonies (via Clause 2.8 of the Ballina Local Environmental Plan (BLEP) 2012) at Lot 5 DP 606566, No. 1 Johnston Road, Newrybar. Refer to Attachment 2.

The purpose of this report is to seek Council's determination of the subject application, with particular consideration to the use of Clause 2.8 – Temporary Use of Land to enable a prohibited land use (Function Centre) to operate within the RU1 zone.

Details of Proposal

The application for the Temporary Use of the property as a Function Centre (Wedding Ceremonies) has been lodged pursuant to Clause 2.8 of the BLEP 2012. The applicant has stated that they are seeking approval to operate for a five year period (i.e. a five year limited consent).

The main details of the operation of the proposed function centre (wedding ceremonies) are as follows:

- a maximum of 38 functions in any 12 month period
- wedding ceremonies will range in size from 20 persons to 120 persons, with an average size estimated at 80 persons
- wedding guests are to be on site for two to three hours only, between the hours of 12 noon and 5.30 pm
- there are three phases in which activities will occur on site:

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A. Morning – Set Up:

- wedding planner attends the site
- hair and makeup attend site (if the bride is staying in the approved tourist and visitor accommodation)
- portaloos delivered to the site
- furniture (seats, trestle tables etc.) and decorations associated with ceremony set up in the chosen location. Trestle tables set up for the post ceremony drinks and canapé service. Note: all furniture and decorations (excluding flowers) are the property of Newrybar Downs and do not require delivery to the site
- flowers arrive and set up
- musician/s arrive and set up.

B. Afternoon – Wedding Ceremony:

- Newrybar Downs' representative arrives on site
- caterer (for post ceremony drink and canapé service) arrives at the site and set up
- celebrant arrives at the site
- guests arrive at site via mini-bus. A limited number of private vehicles may accommodate elderly and families with very young children
- guests gather at the chosen ceremony venue and acoustic music may be played
- wedding ceremony occurs – the Celebrant may have a microphone, acoustic music may be played, music for bride walking down the aisle may be played on an iPad or similar
- wedding guests adjourn to the pool area for canapés and a drink whilst photos taken of the bridal party – acoustic music may be played and background singing (amplified) may occur
- wedding guests depart for the reception venue by mini bus no later than 5.30 pm
- bridal party depart for the reception venue
- celebrant departs the site
- Newrybar Downs' representative departs the site
- musician/s departs the site
- caterer departs the site.

C. Late Afternoon – Pack Up:

- all items associated with the Ceremony packed up
 - portaloos removed from the site
 - wedding planner departs the site
 - all pack up completed by not later than 7 pm.
-
- two locations have been proposed for the wedding ceremonies (Location A – at the macadamia tree located on the grassed fairway to the west of the existing dwelling house and Location B – on the grassed area between the circular driveway and the cluster of trees)
 - drinks and canapés service may be provided after the wedding ceremony around the existing swimming pool (Location C)
 - all activities associated with the set up and pack up of the ceremony will occur on the day of the event
 - no wedding receptions will occur on the site (Note: Receptions are to be hosted at approved venues external to the land)

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- the existing dwelling house will be off-limits during the ceremony/function to all persons, other than those staying in the approved tourist and visitor accommodation (e.g. bridal party).

The applicant has stated that the proposed Function Centre (Wedding Ceremonies) will be operated in accordance with an Operational Management Plan (OMP) (to be based on the information provided in the Statement of Environmental Effects, the recommendations of the Noise Impact Assessment and applicable conditions of development consent). The applicant has advised that the following additional requirements will be included in the OMP:

- requiring the engagement of an agreed wedding or function planner to oversee the event and ensure compliance with the OMP
- requiring a representative of Newrybar Downs to be on site throughout the event. Contact details for this representative will be provided to neighbouring property owners
- requiring all guests to arrive by mini bus
- limitations on function times and noise generation in accordance with the terms and conditions of the development consent.

Future clients (typically the bride and groom) will be required to sign contracts linked to compliance with the OMP.

Description of the Subject Site

The subject land is located at the corner of Brooklet Road and Johnston Road, Newrybar, approximately 700 metres from the village of Newrybar.

The property has a total area of 3.87ha and is currently utilised for rural residential purposes.

The property contains a large five bedroom single storey dwelling house with attached double garage, in-ground swimming pool and associated pool house, a large level pad surfaced with astro turf (used previously as a 'bowling green') and a small shed in the south eastern corner.

The property also includes extensive domestic landscaping around the dwelling house.

The surrounding locality is characterised by properties that are either utilised for horticultural and/or grazing purposes (ranging in area from 8ha to 73ha) or smaller rural residential properties (ranging in area from 8,000m² to 4ha).

Background

On 22 October 2015, Council received a report to the October Ordinary Meeting in relation to Development Application 2015/300 for the conversion of an approved dual occupancy development to a dwelling house, the use of the dwelling house for Tourist and Visitor Accommodation and the Temporary Use of Land as a Function Centre (via Clause 2.8 of the Ballina Local Environmental Plan 2012) for the subject site.

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It is noted that the Temporary Use of Land as a Function Centre proposed within DA 2015/300 was to provide both for wedding ceremonies and receptions. The proposal was to cater for a maximum of 13 functions in any 12 month period, with not more than two functions in any four week period (with each function comprising four days of activity – set up, event and pack up). Functions proposed on the site were to primarily comprise weddings, however there was potential for 'corporate events' to occur on the property. Each wedding/function was to have up to 150 people (guests) in attendance.

DA 2015/300 was determined at the October 2015 Ordinary Meeting, by way of a partial consent, being for the conversion of the approved dual occupancy development to a dwelling house and the use of the dwelling house for Tourist and Visitor Accommodation, subject to a range of consent conditions (as was referenced in the report and also standard building, planning, environmental and engineering conditions). The temporary use for a function centre was refused.

It is noted that a Section 138 Approval and Civil Construction Certificate have been issued by Council's Civil Services Group for the driveway etc. works associated with DA 2015/300 in January 2016.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The application was placed on public exhibition from 13 January 2016 to 29 January 2016. A total of 21 submissions in support and seven submissions raising concern and/or objecting to the proposal were received during this period.

It is noted that an additional three submissions in support of the proposal have been received since 29 January 2016.

A copy of all submissions is provided in Attachments 3 and 4.

A summary of the issues raised are provided below.

Support submissions

- the revised application has addressed concerns relating to noise and impacts on amenity, with the current application for wedding ceremonies only
- the proposal will provide for employment for local companies and individuals and provide professional support for the wedding industry in the region
- there will be a greater awareness to the wider public of the attractions of the Northern Rivers region
- the current development is to be operated primarily in daylight hours and should convince Council that community safety will not be compromised

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- the subject application is significantly different from the previous DA. There will be no adverse impacts because of the low key nature of the event.

Objection issues

1. Proposed frequency of functions and duration of consent:
 - a total of 38 functions with 150 people will result in three quarters of all weekends during each year booked with events – this is detrimental to the peace and quiet of the country way of life
 - the number of events should be limited to one a month, with the proposal reviewed in 12 months' time
 - if Council is considering approving this application, then it should only be approved for a maximum of two years.

COMMENT: The applicant has provided the following response to the issues raised regarding frequency of functions and number of attendees.

“The application proposes up to 38 ceremonies per year with up to 120 people in attendance. These numbers represent the maximum number of people and events. Our clients expect a significant proportion of the events hosted at the venue will be relatively small, intimate ceremonies with between 20 to 70 people in attendance. The average number of guests is anticipated to be 80 persons. However, in order to provide flexibility in accommodating event bookings, approval for 38 events have been sought. Our clients advise that they do not wish to amend the application as it relates to frequency or size of events.”

Refer to the BLEP section of this report for further discussion in relation to this issue.

2. The proposal (with 38 events and 120 attendees) will have a greater impact on the social amenity of the neighbourhood compared to the first DA (DA 2015/300).

COMMENT: Refer to the BLEP section of this report for discussion.

3. The approval of the proposal will result in a change to the character and ambience of this unique area, and set a bad precedent.

COMMENT: In relation to the issue raised regarding precedent, in the event that the subject application is approved, it is possible that Council may receive other development applications for similar or other landuses, under the provisions of Clause 2.8, given those uses are prohibited within their respective zones.

Council needs to consider each application on its individual merits, as in some instances those land uses (as prohibited in their respective zones) may have value and be able to achieve the requirements of Clause 2.8. Council will need to be mindful of these matters in their consideration of this application.

Refer to the BLEP section of this report for further discussion with respect to character and amenity.

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4. How can the ongoing operation of an Outdoor Wedding Ceremony Venue be classified as Temporary (via Clause 2.8 of the BLEP)?

COMMENT: Refer to the BLEP section of this report for discussion.

5. Amenities of neighbouring properties will be encroached upon, with several houses within 450m of the proposed marquee.

COMMENT: The Noise Impact Assessment submitted with the application identifies that there are eight sensitive receptors (dwellings) within 475m of Ceremony Location B (on the grassed area between the circular driveway and the cluster of trees – the north-east of the dwelling house).

There is not proposed to be a marquee erected for any of the wedding ceremonies.

In terms of visual amenity, it is not expected that the proposed wedding ceremony locations will be easily viewed from the public street system or the identified “nearby” residences.

Refer to the BLEP 2012 section of this report for further discussion with respect to noise and amenity.

6. The proposal has not considered wet weather and the use of a marquee in that instance – meaning that the number of days for setup/pack up would increase and therefore result in an increase in the number of temporary use days.

COMMENT: The applicant has provided the following response to the issues raised regarding the erection of a marquee for wet weather events.

“The terms and conditions at the time of booking will clearly state that the ceremony venue is ‘open air’ and that no tents or marquees are permitted to be installed. An option will, however, be available for ceremonies to be held in the ‘pool house’ structure in the event of inclement weather. This existing structure is of concrete block construction which will shield the nearest neighbour from adverse noise impacts. Given the limited size of this structure, it is expected that many brides will have a ‘back up’ ceremony venue arranged in the event of bad weather, in most cases this would be arranged with their reception venue.”

There have been no development assessment concerns identified with the use of the pool house structure as a “back up” wet weather venue for the smaller type ceremonies.

7. The timing of setup and pack up for ceremonies, given the proposed 120 guests, is not achievable; given that hire companies do not generally work on weekends.

COMMENT: The applicant has provided the following response to the issues raised regarding pack and set up for wedding ceremonies.

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“Our clients have agreements with “Portaloo” providers who have confirmed that they are able to deliver and pick-up the “Portaloo” on the day of the ceremony. As Newrybar Downs will be providing all the necessary furniture and accessories for the occasion, no party hire or delivery trucks will enter the property.”

Refer to the BLEP 2012 section of this report for further discussion.

8. The location and size of the subject property is unsuited to the operating of an Outdoor Wedding – the property is too small and too close to surrounding dwelling houses.

COMMENT: The subject land has an area of 3.87ha and whilst being a rural residential property, is considered to have a sufficient land area to host the proposed wedding ceremonies. As stated above, there are eight dwellings within 475m of Ceremony Location B (on the grassed area between the circular driveway and the cluster of trees – the north-east of the dwelling house). It is noted that Ceremony Location A and the post ceremony drinks and canapés service around the existing swimming pool have similar distances to these eight sensitive receptors (dwellings). In terms of noise impacts upon surrounding dwellings, refer to the BLEP section of this report for further discussion.

9. Noise:

- questions raised regarding the current acoustics report compared to the acoustics report for previous application (inconsistencies)
- the existing vegetation will not provide a buffer zone for noise to travel
- there will be a disturbance on surrounding properties from wedding ceremony, patrons and music (microphone, amplified singing and 120 guests)
- there will be negative impacts of this large scale business for other small scale tourism (accommodation and recreation) in the area
- there should be a stipulation of a noise limit at the property line
- noise monitoring has not been proposed for the ceremony or for patrons accommodated in the tourist and visitor accommodation.

COMMENT: Refer to the BLEP section this report for discussion.

10. Road Safety and Traffic:

- there has been an increase in traffic and pedestrians as a result of functions held at the property
- concerns regarding road safety due to the proposed number of functions – 38 functions a year, 42 trips per function results in an increase of 1596 car, bus or truck trips on Brooklet Road per year
- there are safety issues with currently with the existing local road network – increased traffic will exacerbate this problem.

COMMENT: Refer to the Ballina DCP section of this report for discussion.

A copy of the applicant’s response to the issues raised during the public exhibition of the proposal has been included in Attachment 5 for the consideration of the Council.

Report

Applicable Planning Instruments

The proposed development has been assessed under the heads of consideration in Section 79 (C) of the Environmental Planning and Assessment Act 1979. The following matters are considered relevant in Council's consideration and determination of the development application.

Ballina Local Environmental Plan 2012

Under the provisions of the Ballina Local Environmental Plan (BLEP) 2012, the proposal is best defined as follows:

"Function Centre" means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

The subject land is zoned RU1 Primary Production under the provisions of the BLEP 2012. It is noted Function Centres are prohibited development within the RU1 Zone.

Clause 2.8 – Temporary Use of Land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.*
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.*
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and*
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and*
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and*
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.**
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.*
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).*

The function centre component of the proposed development has been lodged via the provisions of Clause 2.8 – Temporary Use of Land.

In relation to the objective of this clause, the applicant has stated:

“The proposed temporary use of the land as a Function Centre will not result in any detrimental economic, social, amenity or environmental impacts on the land. In this regard, the proposal involves hosting wedding ceremonies in the existing landscaped grounds on the site. All activities associated with hosting the ceremonies are temporary and low impact. At the conclusion of each event, the site and the grounds will revert to their character as was existing immediately preceding the event.

Effluent disposal will be via the provision of portaloos and accordingly no environmental impacts are expected on site associated with this aspect of the proposal.”

The statements made by the applicant are generally agreed with. In terms of the subject property, it is expected that the proposed function centre use, as proposed within the application, will not compromise its future development or have detrimental economic, social, amenity or environmental effect on such.

Subclause (2) provides that despite any other provision of the BLEP 2012 (even provisions which prohibit certain developments), Council has the ability to grant development consent for development on land in any zone for a temporary use. The subclause then goes on to state that this temporary use must be for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

In this regard, as Function Centres are not permissible (i.e. are prohibited) within the RU1 zone, this clause enables Council to grant development consent to the proposed temporary use of the subject land, subject to the remaining provisions of the clause being satisfied.

Of relevance in considering the provision of this subclause, is whether the proposal can be considered a temporary use. This issue was canvassed in the report to Council's October 2015 meeting regarding the previous Function Centre proposal for the subject property (DA 2015/300). It is noted that the previous Function Centre proposal did comprise a more extensive use of the subject property, in terms of each function – with each function being hosted for a longer time period, involving more preparation and pack up and more elements (due to the functions also including wedding receptions). It is noted that the previous application did have a lower number of functions proposed, given the use of the subject property over a longer time period (total of 13 functions in a 12 month period), in order to comply with the 52 day requirement.

Despite the lodgement of the previous application and past/previous unauthorised wedding ceremony and reception functions, Council must consider the new proposal on its own merits. This is an established view cited in the Land and Environment Court.

Whilst the current proposal may also appear to be an ongoing intermittent (or permanent/part-time) use of the property over a five year period, all activities associated with the proposal will be set up and packed up on the day of the event, rather than stretched out over several days. In terms of the activities involved with the set up and pack up for each wedding ceremony (as outlined previously in this report), it is considered that the nomination of a single day

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per event is achievable, within the hours proposed by the applicant. It is acknowledged that the use of the property for wedding ceremonies is dependent on bookings made and demand for properties of this nature for such events. If the proposal as lodged is granted development consent it will be an ongoing use of the property for five years,

An important consideration for the Council is whether “temporary use” under Clause 2.8 covers ongoing intermittent uses, or does the use of the word “temporary” anticipate that the use will be on a once off basis.

The case law regarding the definition or meaning of ‘temporary use of land’ is relatively undeveloped and rests largely with *Lowe v Sutherland Council* (2005). This case considered an application to use the grounds of a local school for a market every 2nd and 4th Sunday of each month. The use of the site was only permissible as a temporary use of land under Clause 9 of the Sutherland LEP 2000. This Clause 9 allowed for a similar temporary use of land as in Clause 2.8 (2) of the BLEP 2012 but providing for a maximum period of 28 days, whether or not consecutive days, in any period of 12 months.

A question that the Court considered in that case was whether, in light of the words “in any period of 12 months” it was permissible for the Council to grant consent to the development as the development was intended to continue for more than one year. Senior Commissioner Roseth found that:

‘temporary use means a maximum of 28 days in any one year and not just during the year following the consent. If I were wrong, the recipients would have to re-apply every year and the Council would need to re-assess and re-issue consents for all temporary uses every year.’

There has been no case law since *Lowe v Sutherland Council* upholding this decision or considering temporary uses which continue on an ongoing (permanent/part time) basis beyond the initial 12 month period. If the Council was concerned that allowing a temporary use on an ongoing basis over a period of a number of years would lend a sense of permanency to the use, it may consider granting consent for a trial period, and requiring a further application to be made after the temporary use had some time to function, thus giving it an opportunity to re-assess the impacts of the temporary use.

The applicant has requested that a five year approval be granted by Council with respect to the Temporary Use – Function Centre. Advice has been received from the applicant in relation to the requested five year approval, which states:

“Weddings typically involve a relatively long lead time, with many brides choosing their preferred venue up to 18-24 months in advance of the event. This is particularly the case for ‘destination weddings’ where the bridal party and many of the guests are travelling from interstate or overseas. Our clients advise that in order to provide suitable lead time to accommodate both venue marketing and future bookings, a five year consent is required.”

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Whilst the applicant and owners requests are acknowledged, Council will need to carefully consider the overall proposal in context with what a five year approval will mean. A five year approval will enable a maximum of 190 wedding ceremonies to occur over this time. Whilst the contention from the applicant/property owners regarding the booking of wedding ceremonies is acknowledged, Council may choose to grant consent for a shorter time period, if it deems appropriate to do so.

Additionally, Council must also ensure that the temporary use complies with the other requirements of Clause 2.8 (3).

In addressing subclause (3):

- (a) the proposed Temporary Use – Function Centre (Wedding Ceremonies) does not appear to prejudice the subsequent carrying out of development on the subject property in accordance with the BLEP 2012 and any other applicable environmental planning instrument (EPI). The subject property has been previously utilised for rural residential land uses, with its area being such that it does not appear large enough for viable agricultural production (area of 3.87ha)

Given all equipment/furnishings associated with the function centre use are proposed to be removed at the conclusion of the day, there does not appear to be any restriction on the ability to develop the north-western areas of the property (which is the only area of the property with any potential for another use) for any other use permissible in the RU1 zone or other Environmental Planning Instrument.

- (b) in order to satisfy (b), the proposed Temporary Use – Function Centre (Wedding Ceremonies) must demonstrate that it does not adversely impact upon any adjoining land or the amenity of the neighbourhood.

In terms of adjoining land, the subject property is surrounded by both rural residential type allotments and agricultural properties used for grazing and/or horticultural pursuits. In terms of the actual appearance and physical positioning of the wedding ceremonies and placement of portaloos, furniture and decorations on the subject property during its use as a function centre, it is considered that there are no real impacts to be experienced by adjoining properties. For the most part, domestic landscaping will screen the ceremonies from public view. It is noted that these items (portaloos, furniture and decorations) will only be on the site for the day of the ceremony, as outlined previously in this report. The applicant has indicated that all packing up of function related items will be complete (including removal of portaloos) by 7 pm at the latest.

The potential impacts of the submitted proposal on adjoining land and the amenity of the neighbourhood, result primarily from the hosting of the actual function. A range of issues have been raised in the submissions received as part of the notification period, with most submissions focussing on the level of noise generated by the functions (and the resulting impact on the rural character of the locality and amenity of adjoining properties). These issues are intrinsic to the consideration of whether the proposal can meet the requirements of subclause (b).

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The proposal, as lodged, provides for a wedding ceremony to be hosted on the site for between two to three hours, between the hours of 12 noon and 5.30 pm. As provided for in the description of the development, the ceremony (with a microphone and acoustic music/iPad music) will be hosted at two possible locations on the property, with drinks and canapés around the pool area of the dwelling house. All set up and pack up activities are to occur on the day of the wedding ceremony, with all pack up completed no later than 7 pm. It is noted that during the morning hair/makeup activities, delivery of a portalo, flowers, musician/s arriving and furniture set up will occur, all of which are considered to be low noise generating activities.

The proposal also provides for a maximum of 120 persons, with an average expected size of 80 persons.

In relation to noise generation and the proposed function centre, which is the primary amenity concern, noise sources will include vehicle movements, crowd noise, acoustic music, amplification of the celebrant's voice, amplified music (for the bridal walk up the aisle) and set up and pack up activities.

A Noise Impact Assessment (NIA) has been prepared by Tim Fitzroy & Associates, Dated 19 December 2015, to assess the potential impacts of the proposed development. The acoustic report has identified Project Specific Noise Criteria (PSNC) of 42 dBA Day, 37 dBA Evening and 37 dBA Night, which has been determined generally in accordance with the requirements of the Industrial Noise Policy.

One of the submissions received during the exhibition of the development proposal raised concern with the differences between the noise modelling undertaken for the previous application (DA 2015/300) and the current proposal (being DA 2015/712). The applicant has stated that the Addendum report prepared for DA 2015/300 and the current Noise Impact Assessment for DA 2015/712 have not been completed using the same methodologies and noise source locations and therefore it is not possible to directly compare results between the two documents. Council's Public and Environmental Health Section have agreed with the response from the applicant, particularly as the current proposal relates to a day time use only of the subject property and the functions involve wedding ceremonies only.

In relation to the remaining concerns raised in the objection letter regarding the submitted Noise Impact Assessment (NIA) prepared for the current application, the applicant has provided the following comments.

Q. Has the NIA been completed in accordance with the required methodology and by an appropriately qualified and experienced professional?

A. Yes – we note that Council's Environmental Health Officers (being the technical experts at Council regarding noise impacts) have not questioned the methodology or findings of the noise assessments.

Q. Does the NIA take into account all noise generating activities related to the project, including use of microphones and playing of music?

A. Yes

Q. Does the NIA take into account buildings, topography and prevailing weather conditions?

A. Yes

Q. Do the applicable noise standards allow noise associated with the wedding ceremonies to be audible off site?

A. Yes. Noise assessment standards are such that it is permitted for an activity to be audible off site, provided that the sound does not exceed certain limits.

Q. Does the NIA conclude that the proposal will comply with the applicable noise limits?

A. Yes. The modelling confirms that the proposal will comply with the adopted Australian Standards for noise at the nearest affected residence. Noise measurements will also comply at all other residences located further away (noise will diminish, not intensify over distance).

Q. Will there be noise monitoring during events to ensure compliance?

A. Yes.

Council's Public and Environmental Health Section have reviewed the questions raised in the submissions and have agreed with the answers provided by the applicant (as provided above).

The majority of the objection letters received as part of the exhibition of the proposal have raised acoustic impacts as a key reason for their objection. It is noted that the current proposal (via DA 2015/712) has sought to manage the impacts on the amenity of the area by limiting the Function Centre Use of the property to wedding ceremonies only (no receptions to be held on site) and having the ceremonies in day time hours only. The applicant has also stated that the Function Centre use of the property will also involve the implementation of both an Operational Management Plan and Noise Management Plan and onsite supervision by a Newrybar Downs representative.

The NIA has modelled scenarios for both Ceremony Locations A and B and also the post ceremony drinks and canapés location around the existing swimming pool (Location C). All scenarios include 120 patrons and 1 musician at the relevant location. Patron noise was incorporated into the noise model as 120 sources made up with 50% 'relaxed voice', 40% 'normal voice' and 10% 'raised voice' distributed evenly. In addition, a noise model scenario was constructed to consider noise emissions from a delivery truck (for portaloos delivery) travelling along the driveway.

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The NIA also identified that there are 18 potentially sensitive receptors surrounding the venue (modelled on Ceremony Location B), with the closest dwelling located to the south of the existing dwelling house on the subject property. The NIA has nominated the receptor location for each of the sensitive receptors as being 30m away from the respective dwelling, in the direction of the noise source, or at the boundary, if this is less than 30m. In the instance of the closest receptor, the distance has been identified as 95m from Ceremony Location B.

The NIA has concluded that noise levels from each ceremony location, the post ceremony drinks and canapés location and from vehicle movements are predicted to be within the Intrusiveness Criteria of 42dB(A) Leq at all sensitive receptors under all weather conditions, provided that the noise level at the respective location does not exceed the following noise limits:

Location	Noise Limit as measured 3m from source (dB(A))
Ceremony Location A	75
Ceremony Location B	81
Drinks and Canapés Location C	80

It is noted that each location has been modelled separately, given ceremonies should not be held at more than one location simultaneously.

The Acoustic Consultant has stated that the implementation of a Noise Management Plan for venue operations will ensure adequate measures, roles and responsibilities are in place to achieve the Project Specific Noise Criteria (PSNC). The Noise Management Plan should detail the methods that will be implemented for the whole project to minimise operational noise. Information should include:

- Identification of nearby residences and other sensitive landuses;
- Assessment of expected noise impacts;
- Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts;
- Clear and defined acceptable rules of behaviour for patrons;
- Adherence to responsible service of alcohol regulations;
- Strategies to promptly deal with and address noise complaints;
- Details of performance evaluating procedures (for example, noise monitoring or checking work practices and equipment);
- Procedures for notifying nearby residents of forthcoming works that are likely to produce noise impacts; and
- Reference to relevant consent conditions.

Council's Public and Environmental Health Section have reviewed the Noise Impact Assessment and concluded that with appropriate conditions applied to any consent granted, it is reasonable to think that the proposed Function Centre (Wedding Ceremonies) can operate in the manner proposed with minimal impacts on the local amenity.

- (c) In relation to the location of structures (portaloos, tables and chairs), these structures will be able to be removed at the conclusion of each event. It is not considered that the actual structures themselves will adversely impact on the environmental attributes of the land.

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No physical works are required to facilitate the use of the land as proposed – Function Centre (Wedding Ceremonies). In relation to the use of the property for Wedding Ceremonies, people attending or involved with the ceremony will for the most part, be confined to the southern areas of the property (shown as Locations A, B and C in Attachment 2). There may be instances where the western section of the property is traversed (e.g. for photographs etc.), however these areas would be accessed by foot and would have limited disturbance. Therefore, the proposed use will not have an adverse impact on the environmental attributes or features of the land.

In relation to natural hazards, the subject property is located within a bushfire prone area and the development application was referred to the NSW Rural Fire Service for a Bush Fire Safety Authority (under Section 91A of the Environmental Planning and Assessment Act 1979 and Section 100B of the Rural Fires Act 1997), via letter dated 8 January 2016. On 22 February 2016, Council received a response from the NSW Rural Fire Service, including the issue of a Bush Fire Safety Authority (refer to Attachment 6).

- (d) At the end of each of the proposed functions, the subject property will be restored to the condition in which it was prior to the commencement of the function centre use (pack up activities to conclude by 7 pm at the latest, on the day of the wedding ceremony), with the property to be utilised for rural residential and approved tourist and visitor accommodation purposes at all other times.

Subclauses (4) and (5) are not applicable.

Ballina Shire Development Control Plan 2012

Chapter 2 – General and Environmental Considerations

Clause 3.1 – Land Use Conflict

Clause 3.1 does not specify a buffer distance to be achieved from a Function Centre.

The existing dwelling house is located approximately 140m from existing macadamia plantations. The macadamia tree ceremony location (Location A in Attachment 2) is located approximately 60m from horticultural production on an adjoining property. Ceremony Location B has a similar offset to nearby land uses as the existing dwelling house.

In relation to land use conflict and the proposed Function Centre (Wedding Ceremony) use of the property, Council's Environmental Health Officer has provided the following comments:

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“A Land Use Conflict Risk Assessment (LUCRA) has been prepared by the applicant and included in the Statement of Environmental Effects (SEE). The LUCRA has considered the impact of the adjoining intensive plant industry on the Function Centre and the impact of the proposal on the surrounding rural residential dwellings. The proposal is to hold wedding ceremonies (no receptions) between 12.00 noon and 5.30 pm. The ceremonies will be attended by up to 120 people as a temporary use of the land. This use is unlikely to create any significant land use conflict with the surrounding agricultural land or rural dwelling houses.”

Clause 3.19 – Car Parking and Access

Car Parking

In relation to the operation of the proposed Function Centre (Wedding Ceremony) use, the applicant has stated that the bridal party will usually be, but not always, staying in the existing dwelling (approved as Tourist and Visitor Accommodation via DA 2015/300). In this regard, they will arrive at the site via motor vehicle.

Guests will primarily be transported to and from the site via mini-bus, although a small number of private vehicles are proposed to be permitted on site for those guests for whom the mini bus is not a suitable form of transport (such as the elderly or families with very young children).

The applicant has indicated that a total of 14 car parking spaces are required to be provided on site during the course of a typical larger ceremony, as follows:

- six spaces to accommodate the various persons employed on the site during the course of a typical event
- five overflow spaces for function attendees who do not arrive by bus (i.e. elderly or families with very young infants)
- three spaces for house guests, as it is assumed in most instances that the dwelling will be occupied by persons attending the function.

The applicant has stated that the required car parking spaces will be accommodated on the existing paved and gravel surfaces on the site. Refer to Attachment 2.

Access and Traffic Generation

The proposed Function Centre (Wedding Ceremony) is to utilise the revised driveway entrance (as approved via DA 2015/300). Mini-buses delivering function guests to the site will be able to turn around utilising the turning bay to be created for the Rural Fire Service Trucks (which was a requirement of DA 2015/300 for the Tourist and Visitor Accommodation).

The applicant has advised that traffic generation for the largest wedding ceremony proposed on the site (maximum of 120 guests) is 42 trips per wedding ceremony. Refer to table below:

8.1 DA 2015/712 - Newrybar Downs, 1 Johnston Road Newrybar

Description	Vehicles	On-Site During Function	Trips
Portaloo Delivery	1	-	2
Catering (Drinks and Canapés Service)	2	1	4
Wedding Planner	1	1	2
Newrybar Downs' Representative	1	1	2
Hair and Makeup	1	-	2
Florist	1	-	2
Celebrant	1	1	2
Photographer	1	1	2
Musician/s	1	1	2
Overflow Wedding Guest Parking*	5	5	10
House Guests**	3	3	-
Buses***	5	-	10
Portaloo Pick Up	1	-	2
Total	24	14	42
* 10 guests in up to 5 cars			
** These vehicles are associated with the approved Tourist and Visitor Accommodation and are not included within the trip generation for the Temporary Function Centre			
*** Assuming 100 guests arriving by nominal 20 seater bus (120 - 20 = 100). 20 not arriving by mini bus comprising 10 arriving by private vehicle and 10 guests staying in dwelling.			

If the maximum number of ceremonies (i.e. 38) are to be held per year, then it equates to 42 additional trips for three out of the four Saturdays (or Sundays) of each month.

The applicant has advised that the anticipated peak day demand would be based on the function maximising its parking use at 14 vehicles (14 x 2 trips = 28 trips) and some 10 trips by the mini bus, meaning a peak day of nominally 38 trips. In a worst case scenario, where ½ of these trips arrive over an hourly period, this equates to 19 trips per hour. The existing Brooklet Road is known to have in the order of 650 vehicles per day and using the peak hour rate of 15%, this equates to a nominal 100 vehicles per hour peak.

The applicant has provided information that demonstrates the existing Johnston Road/Brooklet Road intersection has sufficient capacity to cope with the proposed Function Centre (Wedding Ceremony) use as proposed within the application.

Council's Civil Services Group have agreed with the conclusions of the information provided in the SEE and have commented that the increase in volume of traffic on local roads of 42 trips per function is not significant in terms of the existing traffic volumes and available capacity of Johnston Road and Brooklet Road.

In response to the issues raised as part of the exhibition of the proposal with respect to traffic impacts and safety, the applicant has provided the following additional information:

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“The 2014 Strategic Modelling Update records 1,177 vehicles per day using Brooklet Road in the vicinity of Boormans Road. This includes a range of heavy vehicles (such as trucks and buses) associated with rural activities in the locality. The inclusion of a small number of additional traffic movements associated with Newrybar Downs will not noticeably increase the noise already generated by this road or impact on the flow of traffic.

In addition, the development application proposes that all but a limited number of ceremony guests will be transported to and from the premises by mini-bus. This requirement will be specified within the contract signed by the bride and groom upon hiring of the premises. For the previous application (DA 2015/300), Council’s Engineers had accepted this as a suitable method of managing traffic movements associated with the event. Furthermore, during the assessment of the previous application, Council had not raised concerns with respect to the capacity of the surrounding road network to accommodate the vehicles associated with hosting the event.

In addition, the hosting of ceremonies in primarily daylight hours (noting relatively shorter days in winter) will assist to ensure traffic and pedestrian safety.”

Council’s Civil Services Group have agreed with the comments above as provided by the applicant.

Conclusions

There are two main issues that need to be considered in relation to the current proposal as submitted and its ability to comply with Clause 2.8 of the BLEP 2012.

1. Does the proposal meet the requirements of Clause 2.8 with respect to a use that is temporary?

The current proposal could be considered as temporary, whilst acknowledging that there is an ongoing intermittent use (38 events to be held each year) of the land for a specified time period. Each event will involve all activities occurring on the same day (including set up, the wedding ceremony and pack up). Over the five year period, as requested by the applicant/owners, this enables a total of 190 separate events.

It may be considered that a time frame of five years may lend a sense of permanency to the use. There are, however, no real construction or establishment works required for the proposed function centre (wedding ceremonies) and whilst the applicants/owners contend that they require the five year period for the “lead time” to accommodate venue marketing and future bookings, it is thought that a shorter time frame would still provide adequate time for bookings, marketing and the required wedding planning.

In order for the proposal to be considered a temporary use in accordance with the intent and objectives of Clause 2.8 of the BLEP 2012 (incorporating a definable end point), the grant of an approval for a three year period is considered by Council’s planners to be appropriate in the circumstances of the proposed development. Council may also consider it preferable to limit the operational life of the consent to three years (as opposed to the proposed five years) in the circumstances of a use that, other than for Clause 2.8 of the BLEP 2012, is prohibited. This would

8.1 DA 2015/712 - Newrybar Downs, 1 Johnston Road Newrybar

enable a review of the performance of the development two years sooner than proposed.

2. Impacts on adjoining properties and amenity of the locality

As discussed previously in this report, Council staff have reviewed the proposal with respect to both noise and traffic impacts, which have been identified by the submitters as part of the public exhibition of the proposal and also comprehensively addressed by the applicant in the SEE, as the primary character and amenity concerns for this locality.

The noise generating activities, as identified by the applicant and their Acoustic Consultant, consist primarily of vehicle movements, crowd noise, (during the ceremony and post drinks/canapés service), acoustic music, amplified celebrants voice, amplified music (bridal walk down the aisle) and set up and pack up activities. Whilst these activities are not typical of this rural location, there are not considered overly intrusive, compared to the other "rural" noises that may occur at the same time from surrounding properties (i.e. machinery noise etc.). It must also be noted that wedding guests will only be on site for two to three hours only, between the hours of 12 noon and 5.30 pm.

The NIA has demonstrated that noise generated by the proposal may be, at times, 'audible', but will not exceed the required Project Specific Noise Criteria (PSNC) of 42 dBA (day), 37 dBA (evening) and 37 dBA (night). The applicant and their Acoustic Consultant have proposed a range of operational measures to ensure compliance with the identified noise limits of:

Location	Noise Limit as measured 3m from source (dB(A))
Ceremony Location A	75
Ceremony Location B	81
Drinks and Canapés Location C	80

and Council's technical officers consider that applying conditions to any consent granted will ensure compliance with the identified limits.

In terms of traffic, Council's Civil Services Group have agreed with the applicant's analysis of the traffic impacts of the proposal in this rural locality. It is acknowledged that the proposal will result in an additional 42 trips per function, however this has not been cited as excessive or that will have a significant impact upon the existing local road network.

Having regard for the outcomes of the assessment undertaken, Council has the following options with regard to determining the subject application:

Option One

That Council approve the development application for the requested five year period, subject to standard conditions of consent for this type of development, including those specifically outlined in this report and a number of additional noise specific conditions for the function centre use (submission and approval of a Noise Management Plan, restricted hours for noise generation associated with set up and pack up activities, and the requirement for noise caused by the use to comply with the Project Specific Noise Criteria (PSNC) of 42 dBA (day), 37 dBA (evening) and 37 dBA (night) when assessed at the boundary of affected properties (or within 30 metres of the dwelling if the dwelling is remote from the boundary). Should Council choose to proceed with this option, it must be satisfied that the proposal operating for a five year period is considered a temporary use (as per Clause 2.8 of the BLEP 2012).

Option Two

That Council approve the development application for a three year period, subject to standard conditions of consent for this type of development, including those specifically outlined in this report and a number of additional noise specific conditions for the function centre use (submission and approval of a Noise Management Plan, restricted hours for noise generation associated with set up and pack up activities, and the requirement for noise caused by the use to comply with the Project Specific Noise Criteria (PSNC) of 42 dBA (day), 37 dBA (evening) and 37 dBA (night) when assessed at the boundary of affected properties (or within 30 metres of the dwelling if the dwelling is remote from the boundary). As previously identified in this report, a period of three years is considered to be an appropriate time frame in the context of the proposed development.

Option Three

That Council refuse the development application. This option could be taken up if the Council is not satisfied that the proposed development satisfactorily addresses relevant environmental planning considerations, in particular Clause 2.8 of the BLEP 2012

Option Two is recommended for the reasons outlined in this report.

RECOMMENDATIONS

That DA 2015/712 for the Temporary Use of Land as a Function Centre for the Purpose of Hosting Wedding Ceremonies at Lot 5 DP 606566, No. 1 Johnston Road, NEWRYBAR, be granted **consent** for a period of **three years**, subject to the imposition of standard development consent conditions (building, planning, environmental and engineering) for this type of development, the conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Service and the following non-standard conditions:

General

1. This consent is for a limited time period that terminates on 24 March 2019. Should it be intended to continue the approved development beyond the nominated date, a new development application shall be lodged with Council. Council will consider the new development application on its merits, having regard to the performance of the development over the initial operating period and the applicable environmental planning instruments and local development plans at the time.
2. No more than 38 wedding ceremony functions may occur at the subject site in a 12 month period, with the first 12 month period commencing at the date of this consent.
3. No more than 120 guests are to attend any wedding ceremony function at the subject site.

Prior to Operation

4. A Noise Management Plan (NMP) shall be submitted to and approved by Council prior to the operation of the approved use. The NMP shall detail but not be limited to the following:
 - Identify noise limits/restrictions at various locations within the property,
 - Notification processes for sensitive receivers of upcoming functions,
 - Identify monitoring locations and practices for compliance assessment,
 - Identify processes for dealing with non-compliances,
 - Identify roles and responsibilities for actions within the NMP, and
 - Complaints handling practices.
5. An Operational Management Plan (OMP) shall be submitted to and approved by Council prior to the operation of the approved use. The OMP shall be based on the information provided in the Statement of Environmental Effects, prepared by Newton Denny Chapelle, Ref. 15/453, Dated December 2015, and recommendations of the Noise Impact Assessment prepared by Tim Fitzroy and Associates, Dated 19 December 2015 and specify the following:
 - Compliance with the conditions of development consent 2015/712;
 - The engagement of an agreed wedding or function planner to oversee the event and ensure compliance with the OMP;
 - Requirement for a representative of Newrybar Downs to be on site

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throughout the event. Contact details for this representative will be provided to neighbouring property owners;

- Requirement for 14 days notice to be provided to all properties noted as a "sensitive receptor" in the Noise Impact Assessment, Dated 19 December 2015, prepared by Tim Fitzroy and Associates, prior to a wedding ceremony being held at the subject site. Details to be included in the notice are the date of the ceremony, hours of the ceremony, number of guests and the function number in that 12 month period (i.e. Function 1 of 38);
- Requirement for all guests to arrive by mini bus; and
- Limitations on function times and noise generation in accordance with the terms and conditions of development consent 2015/712.
- A requirement for all future clients (bride and groom) to sign contracts linked to compliance with the OMP.

During Use

6. Noise generation shall be minimised during the set up and pack down periods to minimise any potential impacts on nearby residential premises. Hours of noise generating set up and pack down activities shall be limited to 7.00 am to 7.00 pm weekdays and 8.00 am to 7.00 pm weekends and public holidays.
7. Noise caused by the approved use, including music and all other noisy activities, must comply with the following criteria:
 - (a) The use must not result in the transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
 - (b) The LAeq noise level emitted from the use must not exceed 42 dBA between the hours of 7.00 am and 6.00 pm (Mondays – Saturdays) or 8.00 am to 6.00 pm (Sundays) when assessed at the boundary of affected properties (or within 30 metres of the dwelling if the dwelling is remote from the boundary).
 - (c) The LAeq noise level emitted from the use must not exceed 37 dBA between the hours of 6.00 pm and 7.00 pm (all days) when assessed at the boundary of affected properties.
 - (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential property between the hours of 7.00 pm and 7.00 am (Mondays to Saturdays) or 8.00 am (Sundays).
8. The use of fireworks and helicopters shall be prohibited.

Attachment(s)

1. Locality Plan
2. Development Plans
3. Submissions - support
4. Submissions - objection
5. Response to submissions - objection
6. NSW Rural Fire Service Bush Fire Safety Authority

8.2 Ballina Uniting Church, Cherry Street, Ballina - Demolition

8.2 Ballina Uniting Church, Cherry Street, Ballina - Demolition

Delivery Program Building Services

Objective To provide an update on the Ballina Uniting Church and to seek a direction from Council on the future of the building.

Background

A report to the February 2016 Ordinary meeting confirmed that the Ballina Uniting Church building has substantial structural failure and has been fenced off to protect the safety of the public. Additionally, the cost of repair work is substantial and beyond the identified capacity of the local church to fund.

As a result of that report Council resolved as follows:

“That Council indicate its preference is for the Church to remain and ask the Church if there are any financial arrangements that can be made, with that matter to be reported back to the Council in one month.”

This report responds to the above resolution.

Key Issues

- The church is a listed heritage item in the Ballina Local Environmental Plan 2012
- It is an attractive and locally important building
- Two structural engineering reports have concluded that the building is in immediate danger of substantial failure
- To date the church organization has not been able to generate sufficient funds to enable the building to be repaired
- Given the immediate risk to public safety, the Council has been obligated to consider issuing a Demolition Order on the church to render the building safe.
- This would entail complete demolition of the building and the recording of the building’s historical significance and the salvage and conservation of items of historic value from it.

Information

This matter was reported to Council at the February 2016 Ordinary meeting, with the recommendation being as follows:

That based on the public safety concerns and the Ballina Uniting Church community not being able to advance the repair and or restoration of the building, Council approves the issue of an Emergency Order to demolish the Ballina Uniting Church (52-54 Cherry Street, Ballina) and mitigate the heritage impacts of demolition in accordance with the Heritage Consultant’s report, as attached to this report.

Copies of the previous report are available on Council’s website (ballina.nsw.gov.au)

8.2 Ballina Uniting Church, Cherry Street, Ballina - Demolition

As a result of the February 2016 resolution a reasonable amount of media was generated (newspapers / online / radio) seeking community support for fund raising to save the building.

Unfortunately it does not appear that any funds of significance have been raised and on that basis the original resolution is now submitted again for Council approval. As per the original report the building represents a safety risk and action needs to be taken urgently to either refurbish or demolish the building.

As no funding has been confirmed the recommendation is to approve the emergency order to demolish the building.

RECOMMENDATION

That based on the public safety concerns and the Ballina Uniting Church community not being able to advance the repair and or restoration of the building, Council approves the issue of an Emergency Order to demolish the Ballina Uniting Church (52-54 Cherry Street, Ballina) and mitigate the heritage impacts of demolition in accordance with the Heritage Consultant's report, as attached to the February 2016 Council report.

Attachment(s)

Nil

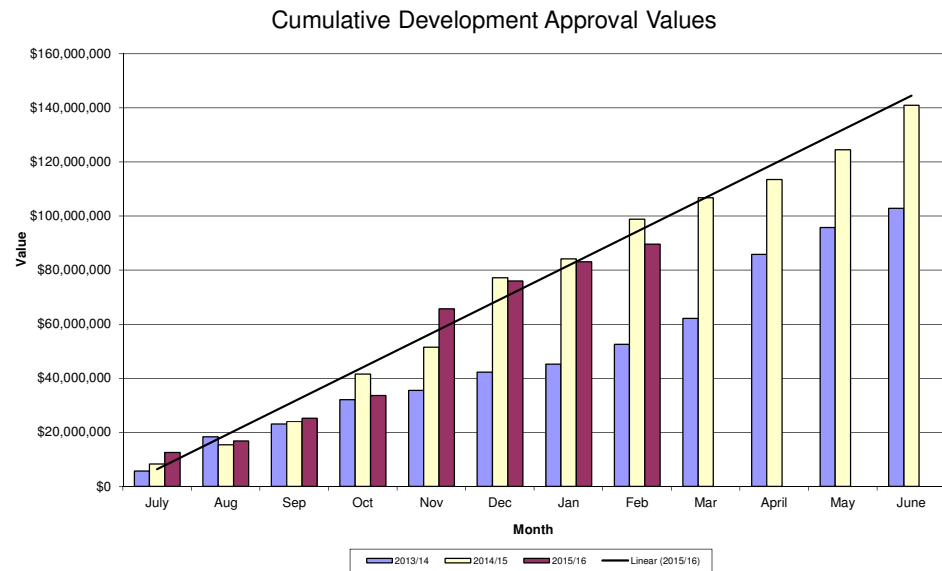
8.3 Development Consent and Infrastructure Approvals - February 2016

8.3 Development Consent and Infrastructure Approvals - February 2016

During the period of 1 February 2016 to 29 February 2016 the Development and Environmental Health Group issued Development Consents comprising of:

Number of Applications	Value of Work
19 Other Building Related	\$ 763,000
20 Dwelling/Duplexes/Residential Flat Buildings	\$ 5,555,000
4 General Developments	\$ 34,000
Total Value	\$ 6,352,000

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



During the period of 1 February 2016 to 29 February 2016 the Development and Environmental Health Group issued Public Infrastructure / Civil Construction Works comprising of:

Number of Applications	Value of Work
3 Public Infrastructure / Civil Construction	\$ 160,000
Total Value	\$ 160,000

8.3 Development Consent and Infrastructure Approvals - February 2016

RECOMMENDATION

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 February 2016 to 29 February 2016.

Attachment(s)

Nil

8.4 Development Applications - Works in Progress - March 2016

8.4 Development Applications - Works in Progress - March 2016

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
2015/351	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	Determination Pending
2015/403	7/8/2015	Newton Denny Chapelle	Shopping Centre including Woolworths Supermarket and Specialty Shops, Ballina Heights – Ballina Heights Drive & Euroka Street, Cumbalum	Awaiting Additional Information
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	Being Assessed
2015/468	2/9/2015	Ardill Payne & Partners	Residential Subdivision to create 179 residential lots and two residue lots and associated	Awaiting Additional Information

8.4 Development Applications - Works in Progress - March 2016

			infrastructure works – Lot 389 DP 1199596 & Lot 409 DP 1202454, Unara Parkway & Deadmans Creek Road, Cumbalum	
2015/599	26/10/2015	CivilTech Consulting Engineers	Eight Lot Industrial Subdivision, Vegetation Clearing and Associated Works - 54 North Creek Road, Ballina	Awaiting Additional Information
2015/625	09/11/2015	Mac Air Aviation Services (Raemon McEwen)	Two storey extension and use as flight training facility - 210 Southern Cross Drive, Ballina	Determination Pending
2015/645	18/11/2015	Ballina Shire Council	Erection of Ballina Lighthouse and Lismore SLSC Storage Building and Associated Uses - Compton Drive, East Ballina	Awaiting Additional Information
2015/652	20/11/2015	Ballina Assembly of God	Business Identification Signage – 12 De-Havilland Crescent, Ballina	Awaiting Additional Information
2015/694	15/12/2015	Ardill Payne & Partners	Extension to Existing Car Park - 105 Smith Drive, West Ballina	Being Assessed
2015/713	24/12/2015	CivilTech Consulting Engineers	Integrated Subdivision Creating Four Lots 1 x 420sqm, 1 x 434sqm, 1 x 438sqm and 1 x 452sqm and Erection of a	Being Assessed

8.4 Development Applications - Works in Progress - March 2016

			Two Storey Dwelling House upon Three of the Proposed Lots and Associated Works Including Demolition - 17-19 Byron Street, Lennox Head	
2016/20	21/01/2016	Newton Denney Chapelle	Change of Use from dwelling to Office Premises with associated building, demolition and civil works – 51 Ballina Street, Lennox Head	Being Assessed
2016/25	25/01/2016	Retail Fuel Developments	Demolition of Existing Buildings and construction of Service Station and Ancillary Kiosk – 323 River Street, Ballina	Awaiting Additional Information
2016/36	02/02/2016	Ardill Payne & Partners	Place of Assembly – Wedding Ceremonies – 442 Hinterland Way, Knockrow	Awaiting Additional Information
2016/45	8/02/2016	AGS Commercial Pty Ltd	To undertake the erection of an industrial building containing two units – 29 Piper Drive, Ballina	Awaiting Additional Information
2016/46	8/02/2016	Victor Holmes Town Planning	Use of existing internal shopping centre pathway for external dining (6 tables and 12 chairs) – 38-44 Links Avenue, East Ballina	Being Assessed
2016/53	11/02/2016	Robert Pidcock	To undertake an extension to an industrial	Being Assessed

8.4 Development Applications - Works in Progress - March 2016

			building - 16 Piper Drive, Ballina	
2016/88	26/02/2016	Ballina Tennis Club	Additions to the Clubhouse – Cnr Burnett & Cherry Streets, Ballina	Being Assessed
2016/93	29/02/2016	Planners North	To change the layout and built form of the approved highway service centre (DA 2010/962) and associated civil infrastructure.- 565-589 River Street, West Ballina	On Exhibition
2016/99	2/03/2016	C Clarson	Change of Use to a Vehicle Repair Station – 15 Clark Street, Ballina	Being Assessed

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2013/286	5/08/2013	Ballina Shire Council	Establishment and Operation of a Biochar and Waste-to-Energy Facility - 167 Southern Cross Drive, Ballina	Withdrawn
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	To be reported for determination to the JRPP Meeting in April

8.4 Development Applications - Works in Progress - March 2016

2016/2	4/01/2016	21 st Century Builders Pty Ltd	To undertake the first stage of the urban subdivision of the new Cumbalum Urban Release Area – Precinct B comprising a total of 191 allotments and including road construction and intersection works at Ross Lane, extensive earthworks, stormwater management, infrastructure works, vegetation removal and other associated subdivision works - 246 Ross Lane, 47 Dufficys Lane & Ross Lane, Tintenbar	Awaiting Additional Information
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8.4 Development Applications - Works in Progress - March 2016

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 March.

Attachment(s)

Nil

9.1 Ballina Major Regional Centre Strategy - Adoption and Implementation

9. Strategic and Community Facilities Group Reports

9.1 Ballina Major Regional Centre Strategy - Adoption and Implementation

Delivery Program Strategic Planning

Objective To outline the outcomes of the public exhibition of the final draft Ballina Major Regional Centre Strategy and seek Council's direction on the adoption and implementation of the strategy.

Background

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

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

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

In context, if and when adopted, the new strategy differs from Council's other principal planning documents, being the Ballina Local Environmental Plans 1987 and 2012 respectively. These planning instruments are, in a sense, the "rules" for the spatial allocation of a range of urban and rural land uses, and which also recognise areas which have been identified as having important environmental values. The new strategy will operate at a different, strategic level, providing guidance toward achieving broad social, economic and environmental outcomes.

A key aspect of the project, and one which aligns it with the State Government's recent planning reform agenda, is an emphasis on up-front community engagement as the basis for the formulation of the strategic plan.

Reflecting this, Council has undertaken a considerable amount of community engagement in the preparation of the draft strategy that is the subject of this report. The final plan is an example of up front community driven strategic planning.

9.1 Ballina Major Regional Centre Strategy - Adoption and Implementation

The first phase of the project involved the sharing of community ideas and identification of core community values and aspirations for Ballina's future, as determined through community consultation.

This first stage of community engagement occurred between May 2014 and September 2015 and culminated in the preparation of a public exhibition package. Council endorsed exhibition of the package at its Ordinary Meeting held on 25 June 2015. The first stage public exhibition material was exhibited for community feedback for a period of six weeks from 29 July 2015 to 11 September 2015. An outline of the engagement activities and responses received during this period is contained in the report to the Environmental & Sustainability Committee of Council presented on 2 December 2015.

The final stage of the project has involved the formulation of ideas, values and aspirations into an action-oriented strategic plan to form the basis for incorporation of deliverables into Council's future operational plans and delivery programs. The draft strategy was prepared based on the input, ideas, values and aspirations shared by the community with Council since May 2014. The draft strategy was reported to the Environmental & Sustainability Committee of Council on 2 December 2015.

The Committee recommended as follows:

- 1. That the Council notes the progress of the Ballina Major Regional Centre Strategy project, the community engagement undertaken and the content of this report.*
- 2. That the Council authorizes the draft Ballina Major Regional Centre Strategy for public exhibition for a period of six weeks.*
- 3. That the Council receive a report on funding options for the Ballina Major Regional Centre Strategy in conjunction with the reporting on the outcomes of the public exhibition undertaken in accordance with item 1.*

The Minutes of the Environmental and Sustainability Committee were adopted by Council at its Ordinary Meeting held on 17 December 2015 [Minute No 171215/22].

The purpose of this report is threefold:

1. To present feedback received regarding the final stage of public exhibition, relating to the draft Ballina2035 Strategy.
2. To present information regarding prioritisation and funding strategy for actions identified in the Ballina2035 Strategy.
3. To seek Council's direction on the finalisation of the Ballina2035 Strategy as a basis for future planning for Ballina as a developing major regional centre.

Key Issues

- Strategic planning
- Community engagement and consultation
- Long term direction and outcomes for Ballina

Information

The draft Ballina2035 Strategy (Ballina Major Regional Centre Strategy) was publicly exhibited for a period of approximately six weeks from 19 December 2015 until 1 February 2016. A copy of the draft strategy, as publicly exhibited, has been provided to Councillors under separate cover.

A summary of the outcomes from the key exhibition feedback mechanisms is provided below.

Facebook

As with earlier stages of this project, Council made a series of 'posts' on a project page set up on the social media platform Facebook during the public exhibition period (<https://www.facebook.com/Ballina2035>). At the time of preparing this report, the project Facebook page had 764 page "likes" meaning Council's posts would appear in those Facebook users' "News Feeds".

Council's posts received 67 'likes' and 41 comments, with the majority of these relating to the following:

- Support for facilitating the use of public areas for exercise and recreation, in particular the provision of exercise stations at key activity nodes
- Support for the provision of indoor sporting facilities
- In relation to the CBD, there was support for encouraging more vibrancy and activity, particularly at night, re-orienting the CBD to the river, and facilitating more housing opportunities and
- Need to respond to potential implications of climate change for the future of Ballina.

Due to the success of the use of Facebook in association with this project, it is recommended that ongoing use of the Ballina2035 Facebook page forms part of the implementation of the project. In particular, the page can be used to communicate strategy related programs and projects to those who have engaged with the project to date.

Written Submissions

Council received nine submissions during the public exhibition of the draft Ballina2035 Strategy. Of these, five submissions were received from NSW Government Departments, including the Department of Planning & Environment (the Department overseeing the project grant from the NSW Government). A copy of the submission from the Department of Planning and Environment is contained in Attachment 1. Other submissions received are contained in Attachment 2. A Council staff summary and response table regarding all submissions received in response to the most recent public exhibition is provided in Attachment 3.

Although a number of comments made in the submissions are appropriate to be further considered in the context of the implementation stage of the strategy, amendments to the strategy document are not proposed in response to the submissions received.

9.1 Ballina Major Regional Centre Strategy - Adoption and Implementation

Industry Peer Review Panel

As outlined in the December 2015 report to the Environmental & Sustainability Committee, Council established an Industry Peer Review Panel to review the proposed strategy approach and actions, with a view to providing critical feedback and additional ideas on the delivery of the strategy objectives from an industry perspective.

The purpose of the panel has been to provide an industry-based testing point for approaches and ideas to support practical and innovative preparation and implementation of the Ballina Major Regional Centre Strategy. Membership of the panel was determined on the basis of local knowledge and relevant industry experience in the fields of planning, property appraisal, environmental management and urban design.

The Industry Peer Review Panel met on the following occasions to provide input into the project, facilitated through an independent facilitator (Dr Elizabeth Baker):

- November 2015 - Prior to reporting the draft strategy to Council, the panel reviewed the draft strategy and provided feedback on its content
- February 2016 - Following the public exhibition of the draft strategy, the panel met to consider the submissions received during the exhibition period and make any final recommendations to Council, prior to reporting the matter to the elected Council for adoption.

The independent reports relating to these two meetings, prepared by Dr Baker, are provided as Attachment 4 to this report. Issues arising from the first meeting of the Panel were considered and incorporated into the draft strategy prior to its public exhibition.

Feedback received from the Industry Peer Review Panel, at the second of the two meetings, is summarised below:

- The panel was satisfied with the content of the strategy as publicly exhibited.
- The panel recommended that the recognition of Aboriginal Cultural Heritage should form a more prominent role in Council projects and elsewhere (Action 3.5), citing the public art erected on the façade of the CBD Woolworths store as a positive contribution in this regard. The panel recognised, however, that the incorporation of Aboriginal cultural heritage elements needs to be done on the basis of meaningful collaboration
- The panel recommended that Actions E1.1, E1.2 and E1.3, which relate to planning for climate change mitigation strategies, should be considered a 'critical priority' for the advancement of Ballina as a major regional centre and
- A number of shorter-term priorities were identified, representing relatively 'low-hanging fruit'. These are summarised in a staff prepared addition to the Industry Peer Review Panel reporting in Attachment 5.

9.1 Ballina Major Regional Centre Strategy - Adoption and Implementation

Funding

Given the aspirational and strategic nature of the Ballina Major Regional Centre Strategy, it is difficult to accurately nominate a cost for implementation of the identified actions. In considering this, it is helpful to view the actions with a 20 year time horizon in mind and on the basis that the strategy aims to direct and prioritise Council's initiatives to aid decision making and resource allocation. Further, many of the initiatives relate to programs already being carried out by Council.

When thinking about the strategy in this light, the majority of actions can be addressed within existing operating budgets provided that tasks are prioritised and coordinated through Council's delivery programs and operational plans over time.

Although existing funding streams are capable of addressing large portions of the strategy outcomes, there are items identified that require substantial investment in planning and construction phases (either because they are large one-off projects or because the scale or timing associated with an action would be supported by additional funds).

Such actions include embellishments to the public domain, provision of co-working spaces for small business, provision of a major events space in Ballina, establishment of a civic precinct or town square, entry treatments and signage, expansion of the community gallery, provision of additional meeting spaces, augmentation of maritime facilities, examining options to address predicted sea level rise and flooding risks and enhancements to natural areas and water quality in the Richmond River.

To advance BMRCS programs based on existing operating budgets and provision of additional one-off project funds, it is recommended that Council specifically considers outcomes under the BMRCS annually during each budget and operational plan cycle to identify suitable projects for progression.

This would be in addition to the embedding of the strategy and its outcomes as part of the broader work program for Council.

The idea under this approach is for actions to be progressed through prioritisation of strategy outcomes as part of operational activities as well as through Council-directed project identification on an annual basis.

To assist in the consideration of funding outside existing operating budgets, it is recommended that Council receive a further report from the General Manager on potential funding streams for consideration in relation to the 2017/18 financial year and beyond. This reporting could include consideration of a special rate variation and/or implementation of an asset recycling program involving the sale of surplus property assets to fund public works nominated as desirable by the community.

These approaches to funding are potentially very sensitive and ultimately may not be pursued by Council. However, further reporting that examines these options and considers how revenue can be applied to deliver outcomes the community has asked for may assist Council in its decision-making.

9.1 Ballina Major Regional Centre Strategy - Adoption and Implementation

Separate to the larger project and capital expenses identified, there is a number of smaller scale projects that could be advanced more promptly with a relatively modest amount of recurrent funding. Such projects include place-making activities, community engagement, investigations into the use of technology, information, education and promotion initiatives. In this regard, it is recommended that the BMRCS project be advanced and promoted through 2016 with some modest place-making initiatives. Such initiatives could also support the launch and progression of the economic development strategy for the shire that is currently in the early stages of preparation.

To achieve this, it is recommended that Council considers the allocation of a \$20,000 recurrent budget to the BMRCS program in the 2016/17 budget cycle. This funding would support ongoing activity in relation to the strategy and seed funding of larger initiatives where opportunities present.

This allocation could be accommodated in the first year within the existing resources of the Strategic and Community Facilities Group. However, beyond the first year, specific funding would need to be identified to provide for recurrent funding of the BMRCS program.

Finally, some actions may be resourced through grant funding or may be better suited to opportunistic funding. These types of actions are typically very aspirational in their nature. The completion of the strategy, however, provides a strong community engagement based platform to support initiatives that seek external funding for project delivery.

Finalisation of the Strategy

With respect to the publishing of the strategy, if adopted, it is proposed that a number of minor amendments be made, prior to finalisation, including:

- Reformatting into a professional publishing format, including use of photographs and other graphics
- Inclusion of a Mayoral introduction
- Inclusion of regional context information
- Inclusion of a statement reinforcing the aspirational nature of the strategy
- Adjustment to the monitoring and review section as outlined below
- Minor (non-significant) text edits as may be required for ease of publication and correction of minor errors.

In order to meet the requirements of the funding agreement between Council and the NSW Department of Planning & Environment (as amended) the strategy must be published by the end of May 2016.

In addition to the publication of the strategy, a final meeting of the project Civic Panel is proposed as well as a strategy launch event (before 31 May 2016). More information will be made available about this in due course.

Monitoring, Review and Communication

It is proposed that the strategy be reviewed at regular intervals based on an annual report on progress and outcomes for the first three years and then one review and outcomes report during each elected Council term thereafter.

It is also recommended that Council routinely promotes the outcomes of the strategy and projects associated with the identified actions to demonstrate to the community that the plan is being implemented. This could include ongoing use of social media through the Ballina2035 Facebook page and linking of projects with the strategy through branding (e.g. signage and information) as well as traditional media, use of Council's website and community connect. It is suggested that the key communication initiatives be identified in a renamed monitoring, review and evaluation section in the strategy.

Further to the above, Council could engage the Civic Panel in ongoing project participation by including the Panel in the annual reporting process for the first three years. This could, for example, be by way of an annual workshop with panel members to outline and explain the projects undertaken.

Further involvement of the Civic Panel would assist with accountability for progressing the actions in the strategy and provide a mechanism for feedback to Council to add to the annual reporting process. The Panel having knowledge of Council's activities may also be beneficial in disseminating information into the wider community. This type of liaison also achieves elements of Council's adopted Community Strategic Plan in terms of leadership and improved governance priorities.

The above approach would also assist in keeping the panel together. This may be advantageous in terms of involving the panel in other Council projects. It is recommended that Council seeks to retain the panel for annual Ballina2035 strategy reporting for the next three years and looks for opportunities to involve the Panel in other programs (such as the Ballina Trawler Harbour Master Plan, for example).

Sustainability Considerations

- **Environment**
Actions of the Ballina Major Regional Centre Strategy (Ballina2035) include measures to protect and enhance the natural and scenic qualities of Ballina.
- **Social**
Actions in the Ballina Major Regional Centre Strategy (Ballina2035) include measures to support and encourage the social wellbeing of Ballina's community.
- **Economic**
Actions in the Ballina Major Regional Centre Strategy (Ballina2035) include measures to support employment growth and stimulate economic development.

Legal / Resource / Financial Implications

Costs associated with the finalisation of the strategy, including publishing, can be met within the existing project budget. It is expected that the project will be completed within the originally set budget.

9.1 Ballina Major Regional Centre Strategy - Adoption and Implementation

Funding suggestions associated with the implementation of the strategy are canvassed in the body of this report.

Consultation

A very significant amount of consultation with our community, Council staff, Government agencies and industry has been undertaken in association with the preparation of the strategy, the subject of this report.

Outcomes associated with the recent public exhibition of the final draft Strategy are discussed in the Information section of this report.

Details regarding the overall consultation program leading up to the exhibition of the final draft document are contained in the report presented to the Environmental & Sustainability Committee of Council on 2 December 2015.

Options

The following options are available to Council in relation to this matter.

1. Council could receive and note the contents of this report. This option would involve Council noting the contents of this report but not adopting the strategy. This option is not recommended on several grounds. Firstly, a significant amount of resources have been applied to the preparation of the strategy. Secondly, discontinuing the project at this stage would be contrary to the funding agreement with the NSW Government. And finally, the extensive community, staff and Government agency consultations undertaken in association with the project should give Council confidence that the strategy fairly and accurately reflects the aspirations and priorities of Ballina's community.
2. Council could defer the consideration of this matter to a workshop with Councillors. This option would involve deferring further consideration of this matter until a workshop is held. This option is not recommended as Council received a briefing regarding this matter through its December 2015 Environmental & Sustainability Committee.
3. Council could adopt the Ballina Major Regional Centre Strategy (Ballina2035) as publicly exhibited, subject to formatting and minor amendments.

Under this approach, the following amendments are recommended:

- Reformatting into a professional publishing format, including use of photographs and other graphics.
- Inclusion of a Mayoral introduction.
- Inclusion of regional context information.
- Adjustment to the monitoring and review section as outlined in this report.
- Minor (non-significant) text edits as required for ease of publication and correction of minor errors.

9.1 Ballina Major Regional Centre Strategy - Adoption and Implementation

Also, as outlined in the body of this report, should Council pursue this option, it is further recommended that Council receive a further report on potential funding streams for consideration in relation to the 2017/18 financial year and beyond.

Further, it is recommended that Council provide for allocation of a \$20,000 recurrent budget to the BMRCS program in the 2016/17 budget cycle to be reviewed at the first four yearly review cycle for the plan.

This option is recommended as the strategy has been developed on the basis of extensive community, staff and Government agency consultations. This suggests that Council can have confidence that the strategy fairly and accurately reflects the community's aspirations and priorities for Ballina as it transitions into a major regional centre over the forthcoming 20 year period.

RECOMMENDATIONS

1. That Council adopts the Ballina Major Regional Centre Strategy (Ballina2035) as publicly exhibited, with the following inclusions and changes:
 - Reformatting into a professional publishing format, including use of photographs and other graphics.
 - Inclusion of a Mayoral introduction.
 - Inclusion of regional context information.
 - Adjustment to the monitoring and review section as outlined in this report.
 - Minor (non-significant) text edits as required for ease of publication and correction of minor errors.
2. That Council receive a further report on potential funding streams for 2017/18 financial year onwards for the implementation of BMRCS program works, including open space and public domain embellishments, with options to be considered including a special rate variation and/or implementation of an asset recycling program involving the sale of surplus property assets to fund public works nominated as desirable by the community.
3. That Council allocates \$20,000 in recurrent funding to the delivery of the Ballina Major Regional Centre Strategy (Ballina 2035) commencing in the 2016/17 financial year. This funding is to be reviewed at the first four yearly review of the strategy.
4. That Council invites the members of the project's Civic Panel to remain together for a further period of three years to undertake an annual review of the progress of the strategy outcomes. Further, that the Council considers opportunities for the involvement of the panel as a "sounding board" for other key Council projects.

9.1 Ballina Major Regional Centre Strategy - Adoption and Implementation

5. That Council writes to the Department of Planning and Environment to advise of the outcomes of the project and thank the Department for the funding support provided.

Attachment(s)

1. Letter from Department of Planning and Environment
2. Submissions Received in Response to Public Exhibition of Final Draft Ballina Major Regional Centre Strategy
3. Submissions Summary and Evaluation
4. Industry Peer Review Panel Meeting Reports
5. Industry Peer Review Panel - Summary of Suggested Priorities
6. Draft Ballina Major Regional Centre Strategy as Exhibited (Under separate cover)

9.2 Ballina Shire Koala Management Strategy - Adoption and Implementation

9.2 Ballina Shire Koala Management Strategy - Adoption and Implementation

Delivery Program Strategic Planning

Objective To provide the Council with an overview of the outcomes of the public exhibition of the draft Ballina Shire Comprehensive Koala Plan of Management and seek direction on the adoption of the document.

Background

The preparation of the draft Ballina Shire Koala Management Strategy has been in process since 2013. This work has involved the preparation of a koala habitat study, koala habitat mapping and the strategy document (which has up until now been referred to as the Ballina Shire Comprehensive Koala Plan of Management).

The change to call Council's plan the Ballina Shire Koala Management Strategy has arisen in response to information from the Department of Planning and Environment regarding the interpretation and application of State Environmental Planning Policy No.44 – Koala Habitat Protection.

The koala habitat study found that the southern part of Ballina Shire, extending from Bagotville to the Bruxner Highway, supports an 'Important' koala population for the purposes of the Commonwealth *Environment Protection and Biodiversity Conservation Act*. This, along with other key findings of the habitat study, has underpinned the preparation of the Koala Management Strategy for the shire.

The approach taken to the preparation of the strategy is summarised in the chart contained in Part 1 of the revised strategy (provided to Councillors under separate cover).

Council considered the then draft Ballina Shire Comprehensive Koala Plan of Management at its August 2015 Ordinary Meeting and resolved as follows:

1. *That Council authorises the revised draft Ballina Shire Comprehensive Koala Plan of Management (as attached to this report) for the purpose public exhibition for a minimum period of four weeks.*
2. *That Council forward a copy of the revised draft Ballina Shire Comprehensive Koala Plan of Management to relevant NSW Government agencies to seek feedback during the public exhibition period.*
3. *That Recommendation No. 43 be removed from the Plan and made part of Council's annual community donation considerations.*

In response to the above, the draft plan was exhibited for public comment during November and December 2015. This included engagement with Government agencies as well as land owners of properties identified as containing core koala habitat (further detail regarding the community engagement undertaken is set out below).

Action 43 was also removed from the document.

9.2 Ballina Shire Koala Management Strategy - Adoption and Implementation

Councillors received a briefing on the exhibition outcomes on 14 March 2016.

This report provides feedback to the elected Council with regard to submissions received and the associated outcomes of the public exhibition of the draft strategy.

This report also seeks direction on the adoption of the strategy and its implementation.

Key Issues

- Biodiversity management in Ballina Shire in relation to koalas.
- Application of State Environmental Planning Policy No.44 and local planning provisions with respect to koala management in Ballina Shire.
- Certification of strategy provisions under State Environmental Planning Policy No.44 through the Department of Planning and Environment.

Information

Ballina Shire Koala Management Strategy Overview

A copy of the revised Ballina Shire Koala Management Strategy has been provided to Councillors under separate cover. This version of the strategy incorporates the changes recommended by staff, including those in response to the submissions received.

The strategy has been significantly restructured relative to the version that was publicly exhibited primarily in response to submissions received, internal feedback about the application of the regulatory planning elements of the plan and a revised approach to plan structure derived from views expressed by the Department of Planning and Environment.

Fundamentally, the change in structure relates to advice from the Department of Planning and Environment that the primary interest of the Secretary in relation to certification under SEPP 44 are the elements of the strategy that relate to core koala habitat (certification is discussed further below).

The changes have been made to improve structure and clarity, better support the application of the planning provisions and remove duplication and unnecessary text.

The revised plan structure is summarised in Table 1.

Table 1: Ballina Shire Koala Management Strategy Structure

Strategy Part	Part Summary
Part 1 Introduction	Sets out the background, purpose, objectives and legislative context of the strategy.
Part 2 Strategy Operation and Application	Establishes the land to which the strategy applies, the relationship with other koala plans and a timeframe for operation of the strategy.
Part 3 Koala Management Framework	Identifies koala management precincts as the basis for planning actions under the strategy.

9.2 Ballina Shire Koala Management Strategy - Adoption and Implementation

Strategy Part	Part Summary
Part 4 Preferred Koala Habitat	Identifies areas of preferred koala habitat and the way the strategy applies to these areas.
Part 5 Core Koala Habitat	Identifies areas of core koala habitat and the associated development assessment framework under SEPP 44 that applies to such areas.
Part 6 Management Actions	Identifies actions proposed by Council to support the achievement of the objectives of the strategy.

The strategy applies to the koala planning area which generally encompasses the southern part of the shire west of the Richmond River, the Alstonville Plateau and the rural north of the shire, primarily west of the Pacific Highway, and part of East Ballina.

The koala planning area is illustrated in Part 2 of the attached strategy.

There are three koala management precincts, being the Southern KMP, the Plateau KMP and the East Ballina KMP. These precincts are shown in the mapping contained in Part 3 of the attached strategy. Each area has a different management focus.

Significantly, the Southern KMP relates to the area containing the 'Important' koala population. The strategy is focused on habitat retention and enhancement in this area and identifies associated regulatory measures in relation to core koala habitat.

The approach to the Southern KMP also has implications for private native forestry which are discussed further below.

The strategy also establishes the planning approach for areas identified as preferred koala habitat and core koala habitat. For areas of preferred koala habitat, it is proposed that Council will apply development control plan and/or local environmental plan based provisions.

The plan suggests enhancing existing provisions in these plans to address koala management outcomes specifically. However, in the meantime, Council has existing provisions to address ecological matters which provide for the consideration of koalas and koala habitat in relation to development.

In relation to core koala habitat, the strategy identifies requirements for the consideration of direct and indirect impacts on core koala habitat in relation to development. It also sets out methods for habitat assessment and reporting.

A habitat compensation policy associated with these planning provisions is also contained in the strategy.

The rationale for the identification of core koala habitat is set out in Part 5 of the strategy.

Importantly, the regulatory provisions of the strategy, being the development control plan and the local environmental plan, will only apply to proposed development that requires consent.

9.2 Ballina Shire Koala Management Strategy - Adoption and Implementation

The final section of the strategy identifies measures that Council would undertake to support the achievement of the vision, aims and objectives of the strategy. This includes monitoring, planning, conservation, education, threat management, economic and research actions.

Primary Changes

Extent of Southern Koala Management Precinct

Prior to the public exhibition of the draft strategy, Council's ecological consultant for the project (Biolink) advised that there was reason to adjust the boundaries of the Southern KMP, primarily to incorporate an area of land north of the Bruxner Highway. The primary consequence of such a change relates to the inclusion of additional vegetation within the area of core koala habitat under the strategy.

In response to this, Council wrote to landowners in this new area as part of the public exhibition to seek feedback on the potential for inclusion of the area within the Southern KMP. No objections to this change were received.

It is recommended that Council adjusts the boundaries of the Southern KMP as shown in the attached strategy to include land north of the Bruxner Highway and make other minor adjustments to the boundaries.

Creation of a Specific Section Addressing Core Koala Habitat

The version of the strategy attached to this report incorporates a specific section addressing core koala habitat.

This section has been newly created in response to feedback from the Department of Planning and Environment, internal staff feedback and the submissions.

The primary reasons for the change are to respond to the Department's preference for the separation of core koala habitat related matters from other aspects of the strategy and improvement in the clarity of the strategy in relation to the planning provisions that it contains.

The section also incorporates heads of consideration as the basis for assessment of impact in relation to development proposals that require consent.

These heads of consideration were not part of the exhibited document but have been added to improve the clarity for both strategy users and assessment officers in terms of what the strategy requires of developers and the key considerations for decision making.

This is in response to feedback received on the draft strategy.

9.2 Ballina Shire Koala Management Strategy - Adoption and Implementation

These changes effectively bring the planning considerations for areas of core koala habitat into the body of the strategy (and Part 5 in particular). This provides improved clarity, certainty and regulatory strength in relation to the address of core koala habitat under the plan.

Importantly, the strategy is primarily based on a merit based assessment process specifically targeted at koalas and the achievement of the vision, aims and objectives of the strategy (note that circumstances for private native forestry are different). It is recommended that Council adopts these changes as contained in the attached strategy document.

Public Exhibition and Submissions

Council undertook the public exhibition of the then draft Ballina Shire Comprehensive Koala Plan of Management (now the Ballina Shire Koala Management Strategy) between 5 November 2015 and 3 December 2015. Council received submissions until mid January 2016.

In response to the public exhibition, Council received 14 submissions. Six of these submissions were from individuals, five were from organisations and three were from Government agencies. A copy of each submission received has been provided to Councillors under separate cover.

The submissions varied from positions of objection to positions of support and include various suggestions for changes to the exhibited strategy.

The submissions received (with the exception of that from the Friends of the Koala and the Department of Planning and Environment) were reviewed by Biolink.

Biolink's assessment of the submissions and its recommendations have been provided to Councillors under separate cover. Council staff concur with the recommendations made by Biolink with the following exceptions:

- Item 1B: The application of the core koala habitat elements of the strategy to existing private native forestry approvals is a matter to be determined by the Environment Protection Authority. Discussion with the EPA has suggested that the identification of core koala habitat through the strategy may apply to existing PNF approvals.
- Item 5K: It is not considered to be the role of Council to engage in direct research associated with the effects of climate change on the koala population.

Council may support such research but this is more appropriately the role of the State and Federal Government as the administrators of threatened species legislation and broader conservation outcomes for NSW.

- Items 10B and 10C: It is recommended that additional measures to those suggested by Biolink to provide extra clarity in the strategy.

This includes the insertion of heads of consideration for development that requires prior consent in Part 5 of the strategy.

- Item 11F: The submitter was offered access to mapping information relating to the property the subject of the submission at no cost. This was declined by the submitter.

9.2 Ballina Shire Koala Management Strategy - Adoption and Implementation

The changes to the strategy recommended by Biolink (excepting the items listed above) have been adopted by staff in the attached version of the strategy except where the changes were no longer necessary or consistent with the envisaged outcomes of the document due to other changes recommended by staff (and now embodied in the attached strategy).

Aside from adjustments in terminology used, no changes are recommended in response to the Friends of the Koala submission.

With respect to the Department of Planning and Environment's submission, adjustments have been made in the attached strategy in response to the submission, including the restructuring of the document.

Private Native Forestry

The identification of core koala habitat has implications for private native forestry. Under the Private Native Forestry Code of Practice for Northern NSW, clearing of core koala habitat as defined under SEPP 44 is not permitted.

In this regard, the Code states that "forest operations are not permitted within any area identified as 'core koala habitat' within the meaning of State Environmental Planning Policy No. 44 – Koala Habitat Protection".

It is important to point out that the core koala habitat identified as part of Council's strategy has the characteristics of core koala habitat regardless of the mapping process Council has undertaken.

Council's strategy mapping makes it clear where the areas of core koala habitat are located and effectively switches on an existing provision of the Code of Practice that should otherwise be applied in any case.

Council's understanding of the private native forestry approval process is that, unfortunately, core koala habitat is not a typical part of the assessment of a private native forestry application by the Environment Protection Authority, unless there is a map produced under SEPP 44.

Therefore, it can be argued that Council is assisting the EPA in carrying out its duties by providing up to date core koala habitat mapping.

Pacific Highway Upgrade

Council's Koala Management Strategy has been prepared having regard for the proposed Pacific Highway Upgrade west of Wardell as well as the associated ecological assessment being undertaken by the NSW Roads and Maritime Services.

However, the strategy has been prepared to work alongside the management planning approach taken by the RMS and is focused on local actions as opposed to influencing outcomes associated with the highway upgrade.

9.2 Ballina Shire Koala Management Strategy - Adoption and Implementation

Certification (Core Koala Habitat)

For the core koala habitat component of the Strategy to have effect under SEPP 44, the sections of the plan relating to core koala habitat must be certified by the Secretary of the Department of Planning and Environment.

It is recommended that Council seeks this certification upon adoption of the strategy as this strengthens the value and application of the core koala habitat mapping and the associated planning provisions in Part 5 of the strategy.

Environmental Protection Zoning

The mapping undertaken for the strategy provides a source of information that could be used to identify environmental protection zones in Council's local environmental plan.

Application of an environmental protection zone to areas of koala habitat is identified as an action in Part 6 of the strategy. However, it is important to recognise that such zoning will be subject to a separate process and the implementation of the State Government's requirements arising from its E zone review.

Council Operations

As part of the management actions, it is proposed that the assessment approach set out in Part 5 of the plan for core koala habitat should be applied by Council in relation to rezoning processes and applications for development or other activities where Council is the proponent under Part 5 of the *Environmental Planning and Assessment Act*.

These actions are proposed so that the principles of the strategy are applied across the different planning responsibilities of Council and to Council as a proponent of development.

Sustainability Considerations

- **Environment**

The strategy has been prepared with a view to achieving a sustainable free ranging koala population in the shire in the long term having regard for economic, social and environmental factors.

- **Social**

As above.

- **Economic**

As above.

9.2 Ballina Shire Koala Management Strategy - Adoption and Implementation

Legal / Resource / Financial Implications

The strategy has been prepared based on the requirements of State Environmental Planning Policy No.44 and associated guidelines, including supplemental information arising from discussions with the Department of Planning and Environment. The primary legal implications arising from the adoption of the strategy relate to the establishment and implementation of regulatory planning provisions for application to development proposals (that require consent).

The mapping of core koala habitat also impacts the opportunity for private native forestry in these habitat areas.

Should the strategy be adopted by Council, funding is required for its implementation. Although some actions can be managed within existing resources and via grant funds, additional funding is required to fully implement all the actions in the strategy.

In reviewing the strategy actions listed in “Table Six – Schedule of Management Actions” in the document the following items are considered to have direct financial impacts on Council.

Summary of Table Six – Actions with Financial Impacts

ID	Management Action	Target for Implementation	Interval	Estimate (\$)
3	Establish a regular monitoring program to assess the status of the koala population.	2019	Four yearly	10,000 - 20,000
14	Undertake an assessment of the economic value of preferred koala habitat and the koala population in Ballina Shire.	Where resources become available	N/A	25,000+
19	Identify public lands (such as, parks and other public lands) and areas of possible koala habitat in Council and public ownership potentially suitable for revegetation and restoration projects in partnership with rural landholders.	Within two years of adoption of the Strategy	N/A	15,000
20	Prepare a priority koala habitat restoration program (including map) to prioritise restoration and revegetation of strategic areas within the koala planning area.	Within three years of adoption of the Strategy	N/A	5,000
22	Implement restoration works identified under the restoration program.	After action 20 and where resources become available	Ongoing	Dependent on works – say \$40,000
24	Implement a pilot windbreak replacement program for farmers and koalas utilising mutually beneficial species (including consideration of use of alternative eucalypt species for windbreaks). Note that this initiative is underway – 85% funded by a Federal Government grant	Within one year of adoption of the Strategy	N/A	15,000
25	Undertake the active restoration of a pilot site to restore or enhance koala habitat. Note that this initiative is underway – 85% funded by a Federal Government grant	Within four years of adoption of the Strategy	N/A	85,000
31	Develop, in partnership with rural industries on the Plateau, development of a Voluntary Code of Practice for managing koalas on agricultural land.	Where resources become available	N/A	5,000
33	Apply the following for roads within the <i>koala planning area</i> - audit existing koala road safety measures - develop an integrated program of works for the implementation of a 'toolbox' for koala road safety measures to target vehicle strike black spots on Council managed roads - Utilise 'toolbox' in design and construction of roads within the Ballina Koala Planning Area.	Within one year of adoption of the Strategy	N/A	15,000 (audit and plan)

9.2 Ballina Shire Koala Management Strategy - Adoption and Implementation

ID	Management Action	Target for Implementation	Interval	Estimate (\$)
35	Implement an advisory signage program in key koala habitat areas.	Within one year of adoption	N/A	15,000
38	Support a genetic study of koala populations in the Ballina, Lismore and Byron areas to establish the relationships between.	Within one year of adoption	N/A	Unknown (say \$30,000)
44	Investigate feasibility of koala-based ecotourism opportunities within the shire.	As resources become available	N/A	15,000+
45	Establish a brand, in conjunction with Lismore City Council, for 'Koala Country' to enhance opportunities for accommodation and other tourism providers to leverage interest.	Within five years of adoption of the Strategy	Ongoing	5,000
46	Establish an information display at appropriate locations to share information about the Important Koala Population in the shire.	Within two years of adoption of the Strategy	N/A	10,000
47	Research the East Ballina population including movement of koalas, fertility, management options and long term outlook for individuals and population.	Leverage existing funds/programs to maximise grant opportunities	Ongoing	10,000

Items with no financial impact or that could be covered from within existing budgets have been removed from this summary.

Also very general estimates been provided for items 22 and 38 as no firm estimates are identified in the strategy.

If we then transfer these items into future financial years, it results in the following financial summary.

Actions with Financial Impacts – By Year

Year	16/17	17/18	18/19	19/20	20/21	21/22
Item	0	19, 24, 33, 35, 38	20, 31, 46	3, 25	14, 22, 47	44, 45,
Estimate (\$)	0	15,000, 15,000 15,000, 15,000, 30,000	5,000, 5,000, 10,000	20,000, 85,000	25,000, 40,000, 10,000,	15,000, 5,000
Totals (\$)	0	90,000	20,000	105,000	75,000	20,000

With Council having no recurrent funding in our existing long term financial plan this does raise concerns as to whether or not the strategy is achievable.

One option could to be to confirm in the strategy that the bigger ticket items, such as 22 (\$40,000), 25 (\$85,000) and 38 (\$30,000) are dependent entirely on significant grant funding being obtained for the work.

If these items were then removed from the financial impacts summary (i.e. it is assumed that they are 100% grant funded) then the revised financial impacts summary would be as follows.

Revised Actions with Financial Impacts – By Year

Year	16/17	17/18	18/19	19/20	20/21	21/22
Item	0	19, 24, 33, 35	20, 31, 46	3	14, 47	44, 45,
Estimate (\$)	0	15,000, 15,000 15,000, 15,000	5,000, 5,000, 10,000	20,000	25,000, 10,000,	15,000, 5,000
Totals (\$)	0	60,000	20,000	20,000	35,000	20,000

This then equates to an average expenditure for the six year's listed of \$25,800, or \$26,000 rounded.

9.2 Ballina Shire Koala Management Strategy - Adoption and Implementation

This still impacts on Council's recurrent budget, however it is a realistic allocation that Council be included in the Long Term Financial Plan.

Therefore a from a financial management perspective, if Council wishes to adopt a strategy that is realistic it is recommended that actions 22,25 and 38 be identified as grant funded programs and that a recurrent budget allocation of \$26,000 for implementation of the strategy be included in Council's Long Term Financial Plan from 2016/17 onwards.

Consultation

As outlined above, the draft strategy was publicly exhibited during November and December 2015. As part of the exhibition, Council wrote to relevant Government agencies as well as each land holder for properties identified as having core koala habitat on the land. Council also wrote to all landholders within the area proposed for inclusion within the southern koala management precinct (further details about this item are set out in the 'Information' section of this report). With respect to private native forestry, Council also wrote directly to the Environment Protection Authority as the agency responsible for the administration of private native forestry practices in NSW.

The exhibition included formal exhibition material with hard copies and supporting material available at libraries and the Customer Service Centre. The draft strategy was also available on Council's website and online surveys in the form of a short and long survey were available as a means of providing feedback. The exhibition was reported through local television and newspaper media as well as via Council's normal advertising.

The exhibition process was designed as an opportunity for landholders, the general community and other stakeholders to consider the draft strategy and provide feedback on its content for further Council consideration.

In addition to the above, the preparation of the strategy has been underpinned by a project reference group (membership is listed in the acknowledgements section of the attached strategy). Council also held a workshop during the initial drafting of the strategy for peak bodies involved in rural industry.

Further, Council has undertaken ongoing liaison with the Department of Planning and Environment and the Office of Environment and Heritage. Staff also met with Government agency representatives and industry stakeholder groups with an interest in private native forestry in relation to the draft strategy.

Previous engagement has also occurred with landholders in the shire, during the development of the koala habitat study. During the preparation of the habitat study, Council wrote directly to a selection of around 100 landholders in the project study area introducing the project and seeking agreement to access property for habitat assessment to inform the study. This was repeated in early 2015 with landholders who had not objected to the provision of access to their land.

Options

1. Defer adoption of the Ballina Koala Management Strategy.

9.2 Ballina Shire Koala Management Strategy - Adoption and Implementation

Council may wish to defer the adoption of the strategy to seek further information. This could be through further briefings, re-exhibition or examining other information sources such as the investigations being undertaken by the RMS.

This approach is not recommended on the basis of the outcomes of the community engagement, that Councillors received a briefing on this project on 14 March 2016 and that Council has recently been provided with a briefing by the RMS on the findings of its research to date. The outcomes of the RMS research are generally consistent with the approach taken by Council in the strategy.

2. Decline adoption of the Ballina Koala Management Strategy.

Council may prefer to decline the adoption and implementation of the strategy. This would mean that development proposals the subject of the strategy would be required to undertake individual koala plans of management. Further, it is considered advantageous for Council to have a clear policy position on koala management which can be achieved through the adoption and implementation of the strategy. In addition, the absence of core koala habitat mapping means that core koala habitat is unlikely to be considered fully in relation to private native forestry activity in Ballina Shire.

This option is not recommended.

3. Adopt the Ballina Shire Koala Management Strategy.

This approach would involve adoption of the strategy as attached to this report (inclusive of amendments to improve structure and clarity as well as the major changes identified above). Alternatively, Council may adopt the strategy with amendments as it sees fit.

It is recommended that Council adopts the Ballina Shire Koala Management Strategy as attached to this report inclusive of the recommended changes. The rationale for the changes is outlined in this report.

This approach is recommended on the basis that the strategy will provide a clear management framework for Council in relation to koalas in Ballina Shire. It will also assist Council as a planning authority in its administration of the provisions of SEPP 44 – Koala Habitat Protection.

If Council adopts the strategy, it is also recommended that it be referred to the Department of Planning and Environment for certification under SEPP 44.

In finalising the strategy, Council staff would undertake minor amendments to correct any errors and enable final publication of the document.

Also, as per the financial comments in the report, in the event that Council identifies the implementation of the strategy as a priority, it is recommended that the Council includes the following point in its resolution to ensure that the strategy actions reflect the reality of Council's financial position:

9.2 Ballina Shire Koala Management Strategy - Adoption and Implementation

In adopting the strategy, to ensure the implementation of the actions recognise the overall financial limitations of Council, actions 22, 25 and 38 in Table Six are to be identified as grant funded programs. In addition to this, a recurrent budget allocation of \$26,000 is to be included in Council's Long Term Financial Plan from 2016/17 onwards for the implementation of the strategy actions that have direct financial impacts on Council beyond our existing recurrent budget allocations.

If Council is unable to provide specific funding to the implementation of the strategy, staff will seek to advance actions where existing resources or opportunistic funding becomes available.

Finally, it is also suggested that Council write to the Office of Environment and Heritage to thank the agency for its funding of the koala habitat study and the Ballina Shire Koala Management Strategy.

This is the recommended option.

RECOMMENDATIONS

1. That Council adopts the Ballina Shire Koala Management Strategy as attached to this report.
2. In adopting the strategy, to ensure the implementation of the actions identified in the strategy recognise the overall financial limitations of Council, actions 22, 25 and 38 in Table Six are to be identified as grant funded programs. In addition to this, a recurrent budget allocation of \$26,000 is to be included in Council's Long Term Financial Plan from 2016/17 onwards for the implementation of the strategy actions that have direct financial impacts on Council beyond our existing recurrent budget allocations.
3. That Council refers the adopted Ballina Shire Koala Management Plan to the Department of Planning and Environment to seek certification under State Environmental Planning Policy No.44 – Koala Habitat Protection.
4. That Council writes to the NSW Office of Environment and Heritage to advise it of the outcomes of the project and thank the agency for its funding support.

Attachment(s)

1. Ballina Shire Koala Management Strategy (Revised) 2016 (Under separate cover)
2. Submissions to Public Exhibition (Under separate cover)
3. Biolink Review of Submissions (Under separate cover)

9.3 Developer Contributions Policy - Secondary Dwellings

9.3 Developer Contributions Policy - Secondary Dwellings

Delivery Program Strategic Planning

Objective To give further consideration to Council's policy position in respect to its secondary dwelling contributions waiver policy.

Background

Council, at its Ordinary Meeting held on 25 February 2016 considered a report (Item 9.4) dealing with the Council's secondary dwellings contributions waiver policy. Following consideration of this report Council resolved as follows [Minute No. 250216/19]:

That this matter be discussed at a Councillor briefing, with the existing arrangements to remain in place until this matter is reported back to Council.

Councillors were briefed and provided with additional information on 14 March 2016. Attachment One to this report contains a copy of the presentation considered at the briefing, excluding the garage conversion proposal example.

Attachment Two to this report contains a copy of the report considered by Council at its meeting on 25 February 2016 related to this matter.

Key Issues

- Affordable housing / variety in housing stock
- Infrastructure delivery
- Developer contribution levies and charges

Information

Following further analysis of secondary dwelling approvals, issued in the period 1 April 2014 to 31 December 2015, it is advised that 51 approvals are still current. Two DAs previously approved have been surrendered and two additional DAs, whilst comprising secondary dwellings, did not meet the criteria for waiving of contributions.

Additional information relating to the Ballina rental market, relevant census data relating to one and two bedroom units and one and two person households, as well as annual charges paid to Council by property owners, is contained within Attachment One.

Sustainability Considerations

- **Environment**

Adopting policy initiatives which facilitate people building secondary dwellings may have a range of positive environmental benefits. It uses fewer resources in the building of new homes and creates new smaller homes which use less energy. It also frees up larger dwellings for use by larger families, and assists in matching housing stock with occupancy. Alternatively, it supports the conversion of existing large dwellings into a house and secondary dwelling (flat) which again has overall positive environmental benefits.

- **Social**

The ability to live with family and friends in a self-contained living space has positive social benefits. It supports relatives staying connected and part of the family unit. In the case of affordable rental accommodation, secondary dwellings assist people to stay within an area they may otherwise be forced to leave, or provides access to housing choice for existing residents.

- **Economic**

Continuation of a policy initiative which encourages secondary dwellings may also stimulate housing construction activities around this type of dwelling.

Legal / Resource / Financial Implications

The approach recommended in this report is consistent with Council's legal responsibilities as a local planning authority. The matters arising from this report can be attended to within existing resources.

Consultation

A Councillor briefing was held following the February 2016 Ordinary meeting.

Options

Options contained within the presentation to Councillors on 14 March 2016 were as follows:

1. Maintain waiver policy as proposed for an additional 2 years.

This is the preferred option. There appears to be a significant shortage of one and two bedroom affordable accommodation within Ballina Shire. Council's fee waiver policy has had some success providing additional one and two bedroom dwellings which appears to be more affordable than other larger accommodation on offer in the market place.

An additional two year period is sufficiently long for the 2016 census data and Council's water usage data to be further analysed so as to inform the Council's decision-making at that time.

2. Phase out contribution waiver over next 2 years – 100% until 30 September 2016; 75% until 31 March 2017; 50% until 30 September 2017; 25% until 31 March 2018. No waiver would apply after March 2018.

9.3 Developer Contributions Policy - Secondary Dwellings

This option is not supported. The number of secondary dwellings approved, in response to the fee waiver policy, is considered to be relatively modest (51) and is not considered to be such as to warrant a change of policy position at this stage.

3. Extend the waiver policy to one bedroom home units and smaller dual occupancies or consider other initiatives.

This option is not supported at this stage but is one that warrants further research and investigation. Given the rise in one and two person households (+500 approx. between 2006 and 2011), and the decline in one and two bedroom dwellings (-10 between 2006 and 2011), additional policy responses may be required so as to encourage the construction of smaller dwellings. It is proposed that this issue be further investigated as part of Council's annual DCP review process with a view to developing a package of controls which might encourage the construction of one and two bedroom dwellings as opposed to larger dwellings.

4. Discontinue Current Waiver Policy after 31 March 2016.

This option is not supported as it would remove a policy initiative which appears to have had positive results in terms of producing affordable housing options within the urban areas of Ballina Shire.

RECOMMENDATIONS

1. That Council waive developer contributions for secondary dwellings for an additional two years until 31 March 2018 where:
 - The total floor area of the secondary dwelling (excluding any area used for car parking) is restricted to a maximum of 60m².
 - The floor space ratio of the principal and secondary dwelling does not exceed 0.5:1.
 - A maximum of two bedrooms are contained within the secondary dwelling and five bedrooms, three water closets and two laundries on the total site.
 - Compliance is achieved with all other requirements relating to secondary dwellings contained within the Affordable Rental Housing SEPP.
2. That the waiving of developer contributions and charges for secondary dwellings apply in relation to contributions and charges contained within applicable Ballina Shire Council contribution plans (s94) and development servicing plans (s64).
3. The assessment criteria agreed with Rous Water for the calculation of equivalent tenements applicable to secondary dwellings be implemented for charges applicable under the Rous Water Development Servicing Plan – Bulk Supply Services.
4. That public notice be given of this policy extension.

Attachment(s)

1. Attachment One - Presentation to Councillors 14 March 2016
2. Attachment Two - Report to Council 25 February 2015

9.4 BSCPP 15/001 - Reclassification of Land - Finalisation

9.4 BSCPP 15/001 - Reclassification of Land - Finalisation

Delivery Program Strategic Planning

Objective To inform the Council of the outcomes of the public exhibition of BSCPP 15/001 and seek direction on the finalisation of the reclassification of land and other associated LEP amendments.

Background

Council considered a report relating to a planning proposal for the proposed reclassification of a number of land parcels over 17 sites in the shire at its Ordinary Meeting held on 23 July 2015 (see planning proposal distributed under separate cover for site location details). The planning proposal also identified a number of proposed amendments to land use zoning and associated provisions under the terms of Council's local environmental plan.

In considering the planning proposal in July 2015, Council resolved as follows [Minute No. 230715/11]:

1. *That Council submits the planning proposal involving the reclassification of various land parcels from community land to operational land and adjustments to the zoning and associated planning controls to the Department of Planning and Environment for review and Gateway determination.*
2. *That Council advises the Department that it does not wish to seek or exercise delegation in relation to the completion of this planning proposal.*
3. *That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal, including public exhibition and the holding of a public hearing, be undertaken.*
4. *That a further report be presented to the Council in relation to this matter following the mandatory community consultation.*

Council received a Gateway determination from the Department of Planning and Environment enabling the matter to progress to public exhibition on 23 September 2015. The planning proposal was publicly exhibited between 16 December 2015 and 29 January 2016. Subsequently, a public hearing in accordance with the requirements of the Local Government Act 1993 was held on 1 March 2016.

The purpose of this report is to outline the outcomes of the public exhibition and public hearing and seek direction on the finalisation of the planning proposal.

Key Issues

- Reclassification of public land from operational land to community land under the terms of the Local Government Act.
- Changes to land use planning provisions.

Information

Public Exhibition, Public Hearing and Submissions

As outlined above, Council proceeded with the public exhibition of Ballina Shire Council Planning Proposal (BSCPP) 15/001 during December 2015 and January 2016. In response to the public exhibition, Council received ten written submissions from members of the public (Attachment 1). Submissions were received in relation to four of the sites the subject of the planning proposal, being Site 1 (Pine Avenue East Ballina), Site 8 (in the vicinity of Westland Drive West Ballina), Site 13 (Karalauren Court Lennox Head) and Site 16 (Dress Circle Drive Lennox Head).

Council also received a response from the NSW Rural Fire Service which raised no objection with the content of the planning proposal.

A summary of the submissions received and the associated staff analysis is contained in Attachment 2. As outlined in Attachment 2, no changes are recommended to the planning proposal by staff in response to the submissions received.

In accordance with the requirements for the reclassification of public land, a public hearing, chaired by an independent third party, was held on 1 March 2016. Mr Mike Svikis of Mike Svikis Planning was the presiding officer for the hearing and his report is contained in Attachment 3. The hearing was attended by one member of the public who also spoke at the hearing.

The report prepared by Mr Svikis does not recommend any changes to the planning proposal. However, the report notes the location of public stairs located off Compton Drive at East Ballina as being within the area of Site 14. The matter of the stairs is addressed in further detail below.

Coogee Street Stairs

A publicly accessible set of stairs is located between Compton Drive and Pine Avenue, primarily within the unformed Coogee Street road reserve. These stairs are a popular local recreation and public access asset in East Ballina, linking the top and bottom of the escarpment in this location. Since the Council's decision to progress the planning proposal in July 2015, it has been identified that a small portion of the lower section of the stairs is located with the bounds of Site 13 (being Lot 1 DP 781542 adjacent to the former Shaws Bay restaurant site). A site survey plan showing the location of the stairs is contained in Attachment 4.

The presence of the stairs on the land does not in itself mean that the land should not proceed to be classified for operational purposes. However, as a significant public asset, it is recommended that the stairs be retained in public ownership and that public access is maintained should Council seek to lease or dispose of Lot 1 DP 781542 if classified as operational land. This could be achieved in several ways such as through lease conditions or subdivision of the land in the future.

Site 2 – Richmond Hill Reservoir East Ballina

The planning proposal includes a proposal to integrate the Richmond Hill Reservoir (Suvla Street, East Ballina) into the Ballina Local Environmental Plan 2012 through the application of an RE1 Public Recreation zone over the land. This would replace a 6(a) Open Space zone that presently applies under the Ballina Local Environmental Plan 1987.

On further review, the land is primarily used for the purposes of water supply infrastructure and as such, it would be better suited to the application of an SP2 Infrastructure zone. This would be consistent with the zoning being applied to the Pine Avenue and Basalt Court reservoirs under this planning proposal.

Therefore, it is recommended that in finalising the planning proposal, that an SP2 zone is applied to Site 2 – Richmond Hill Reservoir, being Lot 1 DP 632176.

Final Planning Proposal

A final planning proposal that incorporates the outcomes of the public exhibition and consultation undertaken, as well as the recommended change to the zoning to be applied to the Richmond Hill Reservoir site, has been prepared. A copy of the planning proposal has been distributed to Councillors under separate cover.

Sustainability Considerations

- **Environment**
The proposed land reclassification and associated zoning and planning control changes are not expected to result in any direct or immediate environmental consequences.
- **Social**
The proposed land reclassification and associated zoning and planning control changes are not expected to result in any specific social impacts. The proposal will enable Council to better manage the land and the infrastructure and facilities on the subject sites in the best interests of the community.
- **Economic**
The proposed land reclassification and associated zoning and planning control changes are intended to enable Council to more efficiently manage its land holdings.

Legal / Resource / Financial Implications

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

The responsibilities arising from this report can be attended to within existing resources.

Council's Commercial Services Section has indicated that it may be beneficial to consider the sale of Lot 1 DP 850774 (currently occupied by the Seeds Child Care Centre in West Ballina) and Lot 104 DP 871675 (currently occupied by the Good Start Child Care Centre in East Ballina) should the operational land classification for these land parcels proceed.

This is on the basis that the land is presently occupied by the child care centres and more so, is fully integrated into the operations of the respective centres. Alternatively, Council may pursue lease arrangements.

In addition, the operational land classification will enable the Council to consider the sale or lease of other land parcels the subject of the planning proposal. These, however, would need to be evaluated on a case by case basis.

Consultation

The planning proposal was publicly exhibited between 16 December 2015 and 29 January 2016. Subsequently, a public hearing was held in accordance with the requirements of the Local Government Act 1993 on 1 March 2016.

The outcomes of the consultation undertaken are addressed in the Information section of this report.

Options

1. Endorse the attached planning proposal for submission to the Department of Planning and Environment for finalisation.

This approach enables the implementation of the reclassifications from community land to operational land and the associated changes to land use zones and planning provisions.

It is recommended that Council adopts one amendment to the publicly exhibited planning proposal, being the application of a SP2 Infrastructure zone to the Richmond Hill Reservoir site in East Ballina.

Further, it is recommended that Council give additional consideration to the Coogee Street stairs in relation to Lot 1 DP 781542 adjacent to the Compton Drive at East Ballina, to ensure that public access is maintained. Point 4 in the recommendations below addresses this matter.

As part of the submission of the planning proposal to the Department of Planning and Environment for finalization, staff would make any necessary minor corrections and updates to the planning proposal.

This is the recommended approach having regard for the rationale for each of the proposed amendments, the outcomes of the public exhibition process and the findings of the public hearing.

Council has not been delegated plan making functions in this instance so the matter would be finalised by Department of Planning and Environment staff. This is considered to be appropriate in the circumstances given that Council itself is the land owner of the parcels the subject of the proposed changes.

9.4 BSCPP 15/001 - Reclassification of Land - Finalisation

2. Decline to progress the proposed reclassifications and associated changes to planning provisions further.

This option will result in Council seeking agreement from the Department of Planning and Environment that the matter should be discontinued and no further action be taken. This option is not recommended as the reclassifications and changes to planning provisions proposed are consistent with the existing and planned uses of the subject lands.

3. Amend the planning proposal to defer or remove some of the identified parcels proposed for reclassification.

The land parcels recommended for reclassification and adjustments to zoning and associated planning controls are based on previous Council resolutions and on the results of an audit of Council's land holdings. Given this and that the reclassifications and changes to planning provisions proposed are consistent with the existing and planned uses of the subject lands, this option is not recommended.

4. Defer endorsement of the planning proposal and request a further briefing or additional information.

This option is not recommended for the same reasons outlined in relation to options 2 and 3.

RECOMMENDATIONS

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to reclassify land from community land to operational land for the purpose of the Local Government Act 1993 and undertake a variety of amendments to land use zoning and associated planning provisions as documented in Planning Proposal BSCPP 15/001, inclusive of the amendment to the planning proposal set out in point 2.
2. That Council endorses the application of a SP2 Infrastructure zone under the Ballina Local Environmental Plan 2012 to the Richmond Hill Reservoir site in East Ballina, being Lot 1 DP 632176.
3. That the necessary documentation be compiled and forwarded to the NSW Department of Planning and Environment to enable the Minister for Planning to finalise Planning Proposal BSCPP 15/001.
4. That prior to any future leasing or disposal of Lot 1 DP 781542 Compton Drive, East Ballina, the General Manager takes appropriate action to ensure that the Coogee Street stairs remain in public ownership and accessible to the community.

Attachment(s)

1. BSCPP 15/001 - Submissions
2. BSCPP 15/001 - Submissions Summary and Assessment
3. BSCPP 15/001 - Public Hearing Report - Mike Svikis Planning
4. BSCPP 15/001 - Coogee Street Stairs - Survey
5. BSCPP 15/001 - Planning Proposal - Reclassification of Land (Various Parcels) - Final Version March 2016 (Under separate cover)

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.

US16/03	Community Group licence agreement between Council and the Alstonville Croquet Club Inc for the use of part Lot 4 in DP1130300 (being a portion of Council's 'Gap Road site') at Gap Road, Alstonville for a three year period.
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Attachment(s)

Nil

10.2 Investment Summary - February 2016

10.2 Investment Summary - February 2016

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 February 2016.

Key Issues

- Compliance with Investment 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 29 February was \$67,294,000. This represents an increase of \$3,001,000 from January. Council's investments as at 29 February are at an average (weighted) rate of 3.08%, which is 0.80% above the 90 Day Bank Bill Index of 2.28%.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 29 February 2016 was \$7,103,942. This balance is necessarily high due to large expected cash outflows in March, particularly \$2m for loan repayments and other large creditors in March (anticipated payments in relation to Wollongbar sports field, plant purchases and the Ballina Marine Rescue Tower).

During the last month, Council has traded two floating rate notes, so it is considered timely and appropriate to provide discussion in this regard.

Previous reports to Council have noted the holding of a National Wealth Management security, with a final maturity date of 16/6/26 and a call date of 16/6/16. This security was purchased by Council ten years ago on 16/6/06 for \$2,000,000. This security remained in the portfolio under grandfathering provisions as it does not comply with the current Ministers Order.

The bank has an option to 'call' this security on 16/6/16. Advice provided to Council in March 2015 was that if this security is not called in 2016 the trading value will fall. It may mean that it is not economic to sell and must therefore be held a further ten years until 16/6/26. A further risk was that the security is not backed directly by a major bank, but by a subsidiary of NAB and there was some concern in the market that it may be sold off. The indicative sale price of this security at that time, in March 2015, was \$1,955,000, being a \$45,000 deficit in comparison to the purchase price.

10.2 Investment Summary - February 2016

Staff have maintained a 'watch' brief on this security and based on recent indicative prices showing an improved sell price, and in view of the call date approaching, it was considered prudent to sell. The security was sold on 17 February 2016 for a capital price of \$1,990,000. This represents a capital loss of \$10,000 which is a marked improvement from 12 months ago.

Another note held and previously reported was the Westpac Bank covered bond, with a maturity date of 6/2/17. This security was purchased by Council four years ago on 6/2/12 for \$1,000,000.

In early March 2016, Council staff received notification from Westpac Bank of proposed changes to be made to the maturity type of this 'covered bond'. The proposed changes are to convert the existing bond from a 'hard' covered bond to a 'soft' covered bond. The change is subject to voting which is to take place 1 April 2016 by holders of the security.

This change has potential implications on the value of the bond, final maturity date of the bond (which has potential of being extended out) as well as on the bank's liquidity requirements. Given the uncertainties around this proposed change and the potential pricing impacts on the bond value, it was considered prudent to sell. The security was sold on 3 March 2016 for a capital price of \$1,010,000. This represents a capital gain of \$10,000 on the face value.

Hence net outcome of the two sales is a break-even in terms of face values in comparison to sale prices. However Council has removed from the portfolio two securities that had a level of uncertainty.

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 - February 2016

A. Summary of Investments by Institution

Funds Invested With	Fossil Fuel Aligned	ADI Rating *	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
Grandfathered Investments							
Goldman Sachs	N/A	A	1,000	1,000	0	1.5%	
National Australia Bank	Yes	BBB	1,788	1,788	0	2.7%	
National Wealth M'ment Holdings	Yes	A-	2,000	0	0	0.0%	4%
Rated Institutions							
AMP Bank	Yes	A+	3,000	4,000	20%	5.9%	
Bank of Queensland	No	A-	6,000	6,000	10%	8.9%	
Bank of Western Aust	Yes	AA-	4,000	4,000	20%	5.9%	
Bendigo & Adelaide Bank	No	A-	4,000	5,000	10%	7.4%	
Commonwealth Bank of Australia	Yes	AA-	6,505	3,506	20%	5.2%	
Defence Bank Ltd	No	BBB+	3,000	0	10%	0.0%	
Greater Building Society	No	BBB	2,000	2,000	10%	3.0%	
ING Bank Ltd	Yes	A-	1,000	2,000	10%	3.0%	
Members Equity Bank	No	BBB+	6,000	6,000	10%	8.9%	
National Australia Bank	Yes	AA-	7,000	10,000	20%	14.9%	
Newcastle Perm Bld Society	No	BBB+	1,000	4,000	10%	5.9%	
Suncorp-Metway Bank	No	A+	10,000	12,000	20%	17.8%	
Westpac Banking Corporation	Yes	AA-	3,000	3,000	20%	4.5%	
My State Bank Ltd	No	BBB	3,000	3,000	10%	4.5%	96%
Unrated ADI's					\$1m	0.0%	0%
Total			64,293	67,294		100%	

B. Summary of Investments Fossil Fuel Aligned

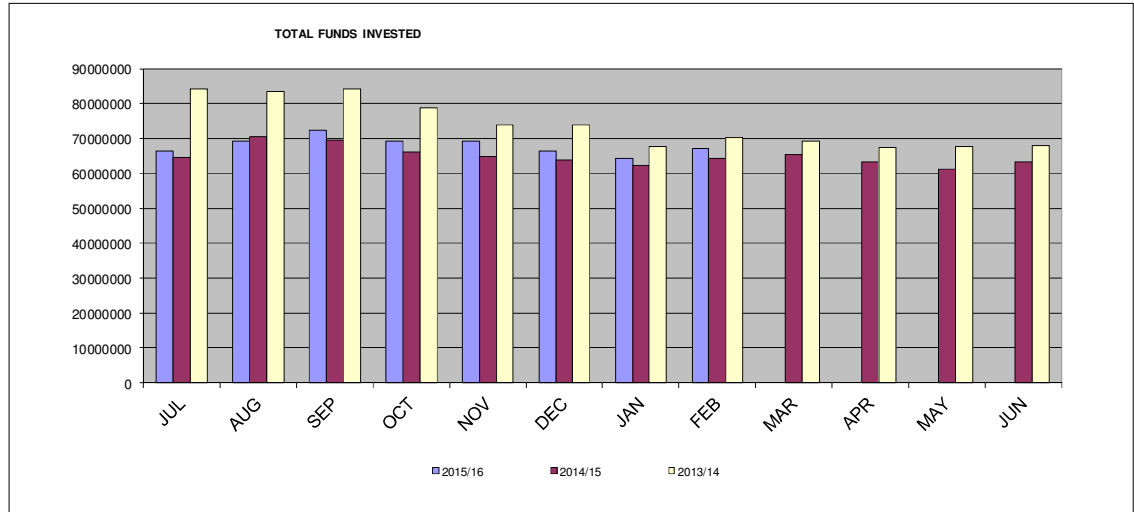
	Previous Month	Current Month
Fossil Fuel Aligned	28,293	28,294
	44%	42%
Non-Fossil Fuel Aligned	35,000	38,000
	54%	57%
Not Classified	1,000	1,000
	2%	1%
Total	64,293	67,294
	100%	100%

The determination of fossil fuel alignment is based on advice from Market Forces as follows:

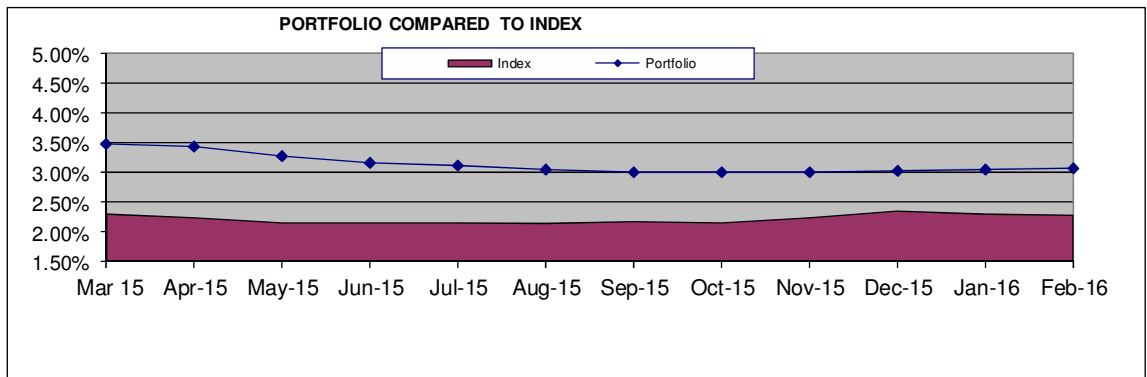
- Yes: Noted by Market Forces as funding fossil fuels
- No: Noted by Market Forces has having no record of fossil fuels and having provided a position statement.
- N/A: Not classified as information not available.

10.2 Investment Summary - February 2016

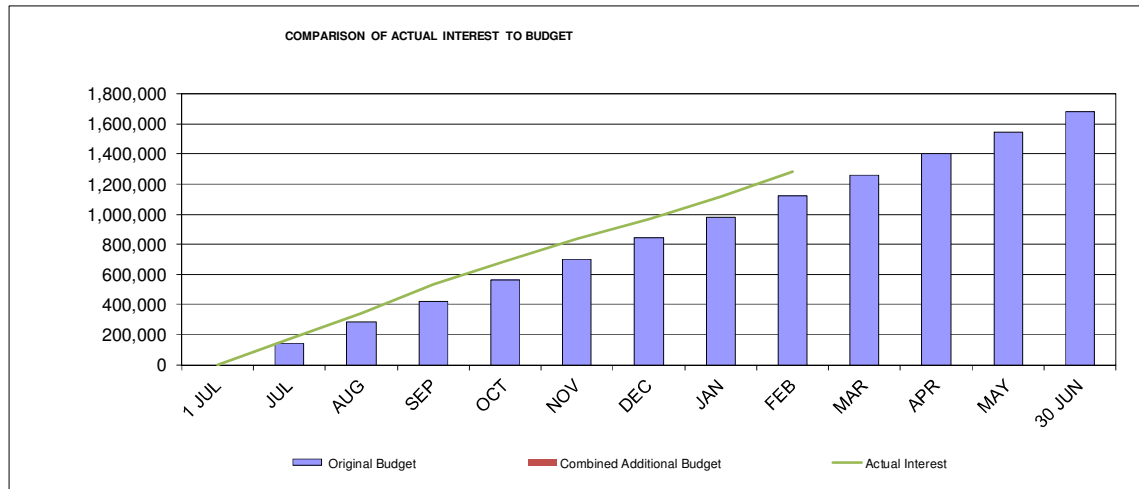
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



10.2 Investment Summary - February 2016

F. Investments held as at 29 February 2016

PURCHASE DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	PURCHASE VALUE \$'000	FAIR VALUE \$'000
at call	Commonwealth Bank Of Australia	CDA	1.95%	at call	510	510
20/09/04	National Australia Bank (ASX Listed)	FRN	3.53%	Perpetual	1,788	1,148
12/04/06	Goldman Sachs	FRN	2.83%	12/04/16	1,000	1,000
24/01/12	ING Bank Ltd	FRTD	4.22%	24/01/17	1,000	1,000
06/02/12	Westpac Bank	FRN	3.93%	06/02/17	1,000	1,011
25/01/13	Commonwealth Bank Of Australia	TD	4.25%	25/01/18	1,996	2,065
07/06/13	Greater Bld Society	FRN	3.76%	07/06/16	2,000	2,008
25/02/14	Westpac Bank	FRN	3.22%	25/05/19	2,000	1,999
31/07/15	Bendigo & Adelaide Bank	TD	3.00%	01/08/16	2,000	2,000
17/08/15	Bendigo & Adelaide Bank	TD	2.95%	16/08/16	2,000	2,000
18/08/16	Bank of Queensland	TD	2.90%	01/03/16	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
13/10/15	Suncorp-Metway Bank	TD	2.90%	11/04/16	3,000	3,000
03/11/15	National Australia Bank	TD	2.85%	03/05/16	1,000	1,000
11/11/15	Bank of Queensland	TD	2.95%	12/05/16	1,000	1,000
18/05/15	Bank of Queensland	TD	3.00%	24/05/16	1,000	1,000
18/11/15	Commonwealth Bank Of Australia	TD	2.95%	16/03/16	1,000	1,000
26/11/15	My State Bank	TD	3.01%	31/05/16	1,000	1,000
01/12/15	Suncorp-Metway Bank	TD	3.05%	31/05/16	1,000	1,000
21/12/15	Members Equity Bank	TD	3.10%	17/08/16	2,000	2,000
05/01/16	Suncorp-Metway Bank	TD	3.02%	04/07/16	2,000	2,000
06/01/16	Bank of Queensland	TD	3.10%	06/07/16	1,000	1,000
07/01/16	Bank of Queensland	TD	3.10%	11/07/16	1,000	1,000
11/01/16	Suncorp-Metway Bank	TD	3.00%	12/07/16	1,000	1,000
12/01/16	Bank of Queensland	TD	3.10%	13/07/16	1,000	1,000
12/01/16	National Australia Bank	TD	3.10%	11/05/16	2,000	2,000
15/01/16	BankWest	TD	3.00%	16/05/16	2,000	2,000
25/01/16	Members Equity Bank	TD	3.10%	26/07/16	2,000	2,000
27/01/16	Newcastle Permanent Bld Society	TD	3.00%	27/04/16	1,000	1,000
28/01/16	My State Bank	TD	3.05%	20/07/16	2,000	2,000
02/02/16	National Australia Bank	TD	3.02%	09/08/16	1,000	1,000
04/02/16	National Australia Bank	TD	3.03%	15/08/16	1,000	1,000
09/02/16	AMP Bank	TD	3.00%	08/08/16	2,000	2,000
09/02/16	AMP Bank	TD	3.00%	12/08/16	1,000	2,000
10/02/16	Suncorp-Metway Bank	TD	3.05%	23/08/16	2,000	2,000
10/02/16	Newcastle Permanent Bld Society	TD	3.00%	19/05/16	1,000	1,000
11/02/16	AMP Bank	TD	3.00%	18/08/16	1,000	1,000
16/02/16	Newcastle Permanent Bld Society	TD	3.00%	18/05/16	1,000	1,000
17/02/16	Newcastle Permanent Bld Society	TD	3.00%	25/05/16	1,000	1,000
17/02/16	Bendigo & Adelaide Bank	TD	3.00%	16/11/16	1,000	1,000
19/02/16	Members Equity Bank	TD	3.00%	17/08/16	1,000	1,000
19/02/16	Members Equity Bank	TD	3.10%	14/02/17	1,000	1,000
22/02/16	BankWest	TD	3.00%	07/06/16	1,000	1,000
28/06/16	National Australia Bank	TD	3.03%	28/06/16	1,000	1,000
23/02/16	Suncorp-Metway Bank	TD	3.05%	25/08/16	1,000	1,000
23/02/16	National Australia Bank	TD	3.03%	29/08/16	1,000	1,000
23/02/16	National Australia Bank	FRN	3.08%	24/08/16	1,000	1,000
24/02/16	BankWest	TD	3.00%	01/06/16	1,000	1,000
25/02/16	National Australia Bank	FRN	3.11%	25/08/16	1,000	1,000
29/02/16	ING Bank Ltd	TD	3.10%	28/02/17	1,000	1,000
Totals					67,294	67,741
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 February 2016.

Attachment(s)

1. TCorp Local Government Economic Commentary February 2016

10.3 Local Public Holiday - Review

10.3 Local Public Holiday - Review

Delivery Program Governance and Finance

Objective To respond to an outstanding resolution item that Council investigate alternative opportunities for a public holiday for the Ballina Shire.

Background

This report has been prepared in response to a resolution at the November 2015 Ordinary Meeting, which is to investigate alternative opportunities for a public holiday for the Ballina Shire. The Council resolved at that meeting to apply to the NSW Government for a local event day for the Ballina Cup for Thursday 8 September 2016 and Thursday 14 September 2017 and not a public holiday.

This report will examine alternative opportunities for a public holiday.

Key Issues

- Options available
- Impacts of a local public holiday

Information

In researching opportunities for a local public holiday in the Ballina Shire, input was obtained from the Ballina, Lennox Head and Alstonville Chambers of Commerce.

The following table provides a summary of their feedback.

Alstonville/Wollongbar Chamber of Commerce	Lennox Head Chamber of Commerce	Ballina Chamber of Commerce
Suggested that the Alstonville Show has now been running for almost 130 years & is the only Agricultural Show in the Shire, while we have not approached the Agricultural Society to see if this would be a good idea to support the show, it would be of interest to the AWCC to investigate this.	The Chamber does not feel that the Love Lennox Festival would benefit from a public holiday; rather we changed the date to the first weekend in 2016 to avoid the Queen's Birthday Long Weekend based on feedback from the businesses. We have also not received any other suggestions for an alternative.	The board was generally supportive of an event holiday for Ballina. There was some discussion about the Prawn Festival weekend and it was agreed that this would be suitable in the context of the longer term objective of a multi-day festival and goal of increased overnight visitation.

What Council is referring to in respect to a public holiday is what is referred to by the NSW Department of Industrial Relations as a local public holiday.

The difference between a local public holiday and a local event day is defined as follows.

10.3 Local Public Holiday - Review

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

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.

The following local public holidays were approved by the NSW State Government in 2015.

Date	Locality	Event
Friday, 5 February 2015 Part-day from 12 midday to 6.00 pm	Walcha Council area	Walcha Cup
Friday, 13 February 2015 Part-day from 9.00 am to 5.00 pm	That part of the County of Camden, the Parish of Cambewarra and those portions of the Parishes of Burrawang, Bugong, Yarrawa and Wallawa, situated within the Shoalhaven City Council area	Kangaroo Valley Show
Friday, 27 March 2015 Half-day from 12 midday	Albury City Council area	Albury Gold Cup
Wednesday, 22 April 2015 Part-day from 12 midday to 5.00 pm	Police Patrol Districts of Maclean, Yamba and Iluka within the Clarence Valley Council area	Maclean Show
Tuesday, 5 May 2015 Part-day from 8.30 am to 7.00 pm	That part of the township of Yeoval that is situated within the Cabonne Council area	Yeoval Show
Monday, 11 May 2015 Half-day from 12 midday	Bogan Shire Council area	Nyngan Show
Wednesday, 13 May 2015	Gilgandra Shire Council area	Gilgandra Show
Friday, 15 May 2015 Half-day from 12 midday	Towns of Aberdeen, Blandford, Bunnan, Ellerston, Gundy, Moonan Brook, Moonan Flat, Murrurundi, Parkville, Scone, Rouchel, Timor and Wingen within the Upper Hunter Shire Council area.	Scone Cup
Wednesday, 20 May 2015	Coonamble Shire Council area	Coonamble Annual Show
Wednesday, 8 July 2015 Part-day from 1.00 pm to 5.00 pm	Grafton City within the Clarence Valley Council area	Ramornie Race Day
Thursday, 9 July 2015 Part-day from 1.00 pm to 5.00 pm	Grafton City within the Clarence Valley Council area	Grafton Cup Day
Thursday, 6 August 2015 Part-day from 12 midday to 5.30 pm	Coffs Harbour City Council area	Coffs Harbour Gold Cup
Wednesday, 19 August 2015 Part-day from 9.00 am to 5.00 pm	Trundle, Bogan Gate and Bruie Plains (suburbs), as shown on the map marked "Proposed Trundle Show Holiday Boundaries 2015" deposited in the office of Parkes Shire Council.	Trundle Show

10.3 Local Public Holiday - Review

Date	Locality	Event
Wednesday, 26 August 2015 Part-day from 9.00 am to 5.00 pm	Peak Hill (suburb), as shown on the map marked "Proposed Peak Hill Show Holiday Boundaries 2015" deposited in the office of Parkes Shire Council.	Peak Hill Show
Tuesday, 1 September 2015 Part-day from 12 midday to 5.00 pm	Parkes, Tichborne, Nelungaloo, Gunningbland, Cooks Myall, Goonumbla, Alectown, part of Mandagery and part of Cookamidgera (suburbs), as shown on the map marked "Proposed Parkes Show Holiday Boundaries 2015" deposited in the office of Parkes Shire Council.	Parkes Show
Wednesday, 2 September 2015 Part-day from 12 midday to 6.00 pm	Town Improvement districts of West Wyalong, Wyalong and Tallimba within the Bland Shire Council area	West Wyalong Show
Thursday, 10 September 2015 Part-day from 12 midday to 6.00 pm	Ballina Shire Council area	Ballina Race Cup Day
Thursday, 24 September 2015 Part-day from 12 midday to 6.00 pm	Lismore City Council area	Lismore Cup Day
Tuesday, 3 November 2015 Part-day from 12 midday to 6.00 pm	Muswellbrook Shire Council area	Muswellbrook Cup
Thursday, 5 November 2015 Part-day from 1.00 pm to 5.00 pm	Grafton City within the Clarence Valley Council area	Jacaranda Thursday

As per this summary, almost every local public holiday was based on a race day or a local show, with the only exception being Grafton, which has the Jacaranda Thursday. Interestingly Grafton City has three local public holidays.

With Council not supporting the Ballina Race Day public holiday one option would be to support the Alstonville Show Day, however that would not be recommended as it does not have broad enough appeal to justify a local public holiday for the entire shire.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The events are part of the social calendar for the Ballina Shire. The public holiday declaration has social impact by schools having to close for the half day.
- **Economic**
There are economics benefits gained from the staging of an event through promotional activities and increased visitors. There is also a significant cost to businesses in closing.

10.3 Local Public Holiday - Review

Legal / Resource / Financial Implications

Should the Council endorse a local public holiday, there are significant resource and financial implications to all members of the community.

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.

Options

Council would need to confirm an event that has major local significance to justify a shire wide public holiday. There may be options at some point in the future to consider a part day holiday for events such as the Prawn Festival or the Food and Wine Festival however based on our current events, including the Ballina Cup Race Day and Alstonville Show Day there is not considered to be any event of such significance to justify a part or full public holiday.

Therefore the recommendation that follows is to note the contents of this report.

RECOMMENDATION

That Council notes the contents of this report in respect to local public holidays for the Ballina Shire.

Attachment(s)

Nil

10.4 Policy (Review) - Social Media

10.4 Policy (Review) - Social Media

Delivery Program Information Services

Objective To review Social Media 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 Social Media policy.

Council first adopted this policy in 22 March 2012.

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.

The changes have been marked in yellow.

Otherwise the policy is still considered to be contemporary and reflects current legislation and practices therefore no further changes are recommended. A copy of the amended policy is attached to the report.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Social media is seen as an important tool for Council to engage with sections of the community where traditional methods of media don't reach. We want our community to be satisfied with the level of communication from Council. The higher the satisfaction the more informed our community is.
- **Economic**
Nil.

10.4 Policy (Review) - Social Media

Legal / Resource / Financial Implications

There are no direct legal, resource or financial implications arising from this report.

Consultation

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

Options

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

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

RECOMMENDATIONS

1. That Council adopts the amended Social Media Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

Attachment(s)

1. Policy (Review) - Social Media

10.5 Policy (Review) - Fraud and Corruption Control Policy

10.5 Policy (Review) - Fraud and Corruption Control Policy

Delivery Program Governance and Finance

Objective To review the Corruption Prevention and Fraud Control 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 Corruption Prevention and Fraud Control policy.

Council first adopted this policy in 2002.

Key Issues

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

Information

This policy was reviewed in conjunction with Council's internal auditors, Grant Thornton Pty. Ltd. Based on this review a number of changes were recommended with the rationale for the changes as follows:

- To describe the policy and the provisions within the policy consistent with the Australian Standard on Fraud and Corruption Control AS 8001:2008 (The Standard)
- To replace the word "prevention" with "management" as described in the Standard
- To replace the word "system" with "framework" as described in the Standard
- To define Fraud and Corruption in accordance with the Standard; and
- To reflect changes in various policies and procedures since the last update in 2012.

A copy of the amended policy is attached, with the policy now titled the Fraud and Corruption Control Policy.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The policy supports appropriate conduct by Council staff, Councillors and other parties dealing with Council.
- **Economic**
Not Applicable

10.5 Policy (Review) - Fraud and Corruption Control Policy

Legal / Resource / Financial Implications

The policy looks to provide a framework of controls to prevent financial loss and corrupt behaviour.

Consultation

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

Options

Council may adopt or change the Fraud and Corruption Control Policy. It is recommended that the policy be adopted as presented.

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

RECOMMENDATIONS

1. That Council adopts the amended Fraud and Corruption Control Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

Attachment(s)

1. Policy - (Review) Corruption Prevention and Fraud Control

10.6 Policy (Review) - Risk Management

10.6 Policy (Review) - Risk Management

Delivery Program Human Resources and Risk Management

Objective Review of Risk Management 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 Risk Management policy.

Council first adopted this policy in 2007 with amendments made and adopted in 2011.

Key Issues

To ensure the policy meets the Council's risk management and legislative requirements.

Information

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

- The full title of the applicable risk management standard be referenced AS/NZS ISO 31000:2009 Risk Management – Principals and guidelines
- The addition of a further requirement under Policy Part 1, section 1.6 Monitor and review, that a breach or failure of a risk treatment will result in a review of the risk treatment and the requirement to ensure that all risk treatments be continually monitored to ensure ongoing effectiveness
- Minor changes to terminology and wording used throughout the policy

The changes have been marked in yellow.

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

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Risk Management is an integral part of our systems and processes required to manage the risks involved in Council's activities.

10.6 Policy (Review) - Risk Management

- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Managing risk is a legal requirement for Council which requires appropriate level of resources to manage. Failure to have adequate risk management will lead to financial implications to Council such as increased insurance premiums and costs.

Consultation

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

Options

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

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

RECOMMENDATIONS

1. That Council adopts the amended Risk Management Policy as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

Attachment(s)

1. Policy (Review) - Risk Management

11.1 Lake Ainsworth South Eastern Precinct Upgrade - Concept Plan

11. Civil Services Group Reports

11.1 Lake Ainsworth South Eastern Precinct Upgrade - Concept Plan

Delivery Program Engineering Works

Objective To consider a concept design plan for the Lake Ainsworth South East Precinct Upgrade.

Background

During 2015, following the master planning of options and negotiations with the NSW Government, Council determined its future direction in respect of the proposed Lake Ainsworth South Eastern Precinct Upgrade. Following this decision staff have been completing the next task which is to prepare a concept design. To inform this process, two Councilor briefings have been held.

The outcome of the investigation and feedback completed thus far has been captured in a draft concept plan and a copy of this plan is attached to this report. The purpose of this report is for Council to endorse the plan. The next step is to proceed to detail design and seek regulatory approval. The concept plan has been developed by Council's professional engineering staff and an external landscape architect.

A copy of the concept plan is attached.

Key Issues

- Consideration of concept design
- Elements within the design

Information

The key points to consider in respect of the concept design are discussed below.

Dog Walking

The concept design currently maintains beach access along the eastern foreshore and pathways. This maintains flexibility in how dog walking can be managed and adapted to suit the changing open space into the future. There has been a range of views expressed about options to change the management of dogs at this location. It is important for Council's Environmental Health Section to prepare information for Council's consideration in this regard. This information was not able to be presented with this report, however as per the above, the concept plan does not limit future decisions of the Council for this issue.

The status quo means that people will be able to walk dogs, on-leash, along the eastern precinct as per current practice. If Council wishes to amend this,

11.1 Lake Ainsworth South Eastern Precinct Upgrade - Concept Plan

the preference is for a separate report as consideration needs to be given to the access point to the beach for dogs and the extent of any off-leash area. The recommendations to this report ask for a separate report on this issue.

Engineering Design for Vehicles

The existing eastern road provides a turn facility whereby vehicles are able to conduct a legal U-Turn without proceeding into the Sport and Recreation facility (currently located in front of the existing toilet block). Closure of the eastern road requires relocation of a vehicle turn facility.

The recommended option for provision of a turn facility is a 'mountable roundabout' located at where the existing 3-way intersection between the Eastern Road/Southern Road/and Pacific Parade. The alternative considered in the concept design was for a cul de sac turn head, however the roundabout is preferred because:

- The roundabout option occupies a smaller footprint – A cul de sac would encroach into public recreation space
- The roundabout option terminates the Eastern Road at the existing intersection which activates a common 'green space' between the lake and 7 Mile beach which is currently dissected by the Eastern road. This benefit could not be achieved with a cul de sac option.
- The roundabout option identifies clear "give-way" delineation, and can incorporate pedestrian refuges and "traffic calming" principles in design that cannot necessarily be employed with a cul-de-sac.

The main factors considered in the concept design of the intersection are:

- Provision for legal U-Turn for cars. This is to minimize traffic congestion along the Southern Access Road.
- Provision for left turn/right turn sweep paths for Buses and Waste Recovery Trucks accessing Sport and Recreation Grounds via the Southern Access Road. The footprint shown in the concept plan is for a "mountable" arrangement with basic line marking only. This reduces the footprint requirement for this infrastructure. A conventional roundabout incorporating medians and blisters providing for bus sweep paths would require a substantially larger footprint and would encroach in recreational space.
- A raised distinguished pavement surface. This aims to provide traffic calming around the area of high pedestrian activity and makes for a distinguished entry statement for the lake.

Engineering Design for Path along Eastern Shore

Closure of the eastern road requires rehabilitation of the existing road pavement and construction of a 3m pedestrian path. 3m width was selected to allow for 2 way stream of flow pedestrians based on the Austroads (2012) standard for the expected volumes along the eastern shore.

11.1 Lake Ainsworth South Eastern Precinct Upgrade - Concept Plan

The pedestrian pathway along the eastern shore will be closed to public vehicles; however provisions are made to allow for emergency vehicles and Council service vehicles to access the pathway corridor. As such the structural pavement is required to withstand heavy vehicle loads. Reinforced concrete is selected as the recommended structural pavement for the pathway to the eastern road based on:

- Concrete requires importing minimal materials (apart from the in-situ concrete) and is well bound in that it does not readily decompose or erode.
- Concrete is flood compatible – The existing eastern road is subject to flooding. Porous paving will most likely clog when inundated. The maintenance required to reinstate porous paving after flooding would be a considerable expense. Although it is proposed to set the path way level higher than the existing road, the new path will be subject to periodic inundation during high lake levels such as the 1998 event.
- Segmental paving and porous paving requires importing pavement aggregate underlay to achieve structural support of the pavement segments.
- Concrete pavement generally has a longer expected life, and is considered to be the most cost effective option for the proposed usage.

The alignment of the path has been selected to move as far to the east as site constraints allow to maximize the open space and vegetation corridor along the eastern shore of the lake.

Undergrounding of the high voltage electricity is cost prohibitive and as such the path alignment generally follows alignment of the existing overhead cables with a “service corridor” such that the clearance zones required for maintenance of services (water and sewerage to sport and rec), bush firefighting trail (including passing bays), emergency access and electricity can be achieved in a single common corridor to maximize the opportunity for improved amenity.

The attached landscape plan provides two options to enable the use of concrete in the path in an aesthetically sensitive manner. If these options are not preferred, an alternate natural look can be achieved from creating a surface from crushed gravels that are held together with a cementitious binder.

A recommendation on the preferred option has not been made. If the Council endorses the plan, detail design will confirm the costing, construction method and preferred option. This decision can be made by Council if that is preferred.

Stormwater Management

The concept design of the foreshore works has been designed incorporating Water Sensitive Urban Design (WSUD) principles to reduce the pollutants generated by impervious surfaces through the use of:

- Rain garden (bioretention) to capture and treat runoff primarily from asphalt and concrete surface. Bioretention is the process of improving stormwater runoff quality by filtration through biologically influenced media.
- Reinforced turf in car parking bays to infiltrate rainfall and reduce the impervious footprint of the hard works and reduce pollutant generation to surface water. and

11.1 Lake Ainsworth South Eastern Precinct Upgrade - Concept Plan

- Infiltration measures – to maintain a natural water balance and reduce the volume of surface runoff

Two treatment options were investigated for storm water management of the pathway along the eastern foreshore:

1. Porous paving – Hard segmental paving that allows infiltration through the pavement profile. Preliminary water quality modelling shows that it provides a reduction in surface runoff, however this exceeds Council's adopted controls on Nitrogen removal.
2. Concrete path with raingarden – Runoff from the path is captured in a adjacent rain garden swale which is captured and infiltrates through bioretention media. Preliminary modelling shows this option is capable of meeting all of Council's criteria for stormwater pollutant removal. This is the stormwater management option incorporated into the concept design.

Further detailed water quality modelling will be undertaken in conjunction with the detailed design phase of the project to inform the design as to the performance of stormwater treatment devices used to treat stormwater runoff from the Lake foreshore works.

Sustainability Considerations

- **Environment**

Managing environmental issues has been a key consideration in the preparation of this design. In particular this report notes the preferred option for maximizing the performance of the stormwater quality management system and the construction process for the access road pavement which presents the least risk to the health of the lake environment.

- **Social**

The objective of this project is to provide an enhanced public open space.

- **Economic**

This area is an important destination for tourists and therefore has a significant contribution to our economic development.

Legal / Resource / Financial Implications

Staff have not yet had an opportunity to prepare formal cost estimates for the works proposed in the Masterplan, although cost has been considered in terms of developing the preferred options. If the plan is endorsed, cost estimates will be prepared during the detail design phase and changes in scope or design due to budget issues can be reported to Council at that time.

11.1 Lake Ainsworth South Eastern Precinct Upgrade - Concept Plan

Consultation

No public consultation has been undertaken by Council in the preparation of this report. It is open to the Council as whether it would like to place this plan on public exhibition. A public exhibition is an opportunity to seek feedback on this plan, not the merits of the previous decisions of Council. However an exhibition will provide a delay to the project and the Council may be satisfied that the concept plan reflects the community preference based on the feedback we have received during the early phases of this project.

Options

1. Adopt the concept plan
2. Amend the concept plan
3. Not endorse the concept plan.

The plan is considered consistent with feedback received to date, subject to engineering and other constraints. The plan is therefore recommended for adoption.

RECOMMENDATIONS

1. That the concept plan, as attached to this report, for the Lake Ainsworth South Eastern Precinct Upgrade Project be adopted for implementation.
2. That Council receive a further report in relation to the management of dogs in the Lake Ainsworth area for implementation further to the construction of the upgrade project.

Attachment(s)

1. Lake Ainsworth Southern Precinct - Concept Plan (Under separate cover)

11.2 Alcohol Free Zones - Lennox Head and Alstonville

11.2 Alcohol Free Zones - Lennox Head and Alstonville

Delivery Program Open Spaces and Reserves

Objective To seek endorsement for the re-establishment of the Alcohol Free Zone that applies to Lennox Head and Alstonville.

Background

Council resolved at the Ordinary meeting in December 2008 to implement Alcohol Free Zones (AFZ's) in the Lennox Head and Alstonville Central Business Districts (CBD). The AFZs were then re-established by further resolution of Council in 2012 in accordance with the 2009 Ministerial Guidelines for Alcohol Free Zones. Maps of the current AFZ's for Lennox Head and Alstonville are attached (Attachments One and Two).

The current AFZ's at Lennox Head and Alstonville are due to expire on 31 March 2016. Council has received a request from the New South Wales (NSW) Police (attachment three) to reinstate the AFZs to continue managing crime reduction and anti-social behavior.

Key Issues

- Re-establishment of the AFZ in the Lennox Head CBD
- Re-establishment of the AFZ in the Alstonville CBD

Information

An AFZ prohibits the drinking of alcohol in public places that are public roads, footpaths or public car parks. The declaration of an AFZ provides the NSW Police with the power to seize and dispose of alcohol without the need to issue a warning. In circumstances where a person does not cooperate with a Police Officer they can be charged with obstruction under Section 660 of the *Local Government Act 1993* which carries maximum penalty of \$2,200.

The declaration of AFZs in Lennox Head and Alstonville was made in response to situations where people were drinking in the street and this was resulting in anti-social behavior.

The AFZ is described in the Ministerial Guidelines as:

"...a short term control measure and in many instances a zone will achieve the desired objectives within its operational period."

The NSW Police have identified the importance of the AFZ in managing anti-social behavior and crime. The AFZs cannot be re-established without advertising and consultation on the proposal as per the 'Ministerial Guidelines on Alcohol Free Zones 2009' that apply under Section 646 Local Government Act 1993.

11.2 Alcohol Free Zones - Lennox Head and Alstonville

The Ministerial Guidelines identify that AFZs may be established for a maximum period of three years. Council recently re-established AFZs at Ballina and Wardell, which are due expire on the 31 January 2018. To improve the efficiency and management of all AFZ's there is benefit in aligning the Lennox Head and Alstonville AFZ's with the Ballina and Wardell expiry dates. It is proposed to re-establish the AFZs at Lennox Head and Alstonville for a declaration period from 27 May 2016 to 31 January 2018.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The key message of this report is to consider a social issue.
- **Economic**
Management of anti-social behaviour draws on community resources however anti-social behaviour can also be an impediment to business and a direct cost to the community.

Legal / Resource / Financial Implications

The Local Government Act sets out the statutory framework for the creation of an AFZ. The statute is supported by Ministerial Guidelines for Alcohol Free Zones. The latest version of the guidelines was issued in 2009.

The costs to Council relate to signage implementation and maintenance. These costs can be accommodated in existing budget allocations.

Consultation

The Ministerial Guidelines specify consultation arrangements. Consultation is required with the Police, licensed premises around which the zones will be prepared, Aboriginal and ethnic groups, surrounding businesses and the general community.

Options

Council may decline the request from the NSW Police to re-establish the AFZs in the Lennox Head and Alstonville CBDs past their expiry date 31 March 2016 or Council can resolve to support the request from the NSW Police to re-establish the zones.

Given the advice of NSW Police, it is recommended that Council initiate the consultation process to allow the appropriate assessment of this proposal.

RECOMMENDATIONS

1. That in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council initiates a consultation program to consider a proposal to re-establish an Alcohol Free Zone in the Lennox Head CBD.
2. That in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council initiates a consultation program to consider a proposal to re-establish an Alcohol Free Zone in the Alstonville CBD.

Attachment(s)

1. Alcohol Free Zone Map - Lennox Head
2. Alcohol Free Zone Map - Alstonville
3. NSW Police Force Submission for the reinstatement of Alcohol Free Zones in Lennox Head and Alstonville

11.3 Naming of Roads, Bridges and Public Places - Proposed Name Bank

11.3 Naming of Roads, Bridges and Public Places - Proposed Name Bank

Delivery Program Asset Management

Objective To determine Council's response to a proposed 'Name Bank' to be used with the Naming of Roads, Bridges and Public Places Policy

Background

The policy for the Naming of Roads, Bridges and Public Places has recently been reviewed at the meeting of 25 February 2016 and is currently on public exhibition. The policy refers to the use of a Name Bank of pre-approved names to assist with naming. In accordance with the Policy, the Name Bank needs to be adopted by Council and amended from time to time as new names are added and allocated names are removed (attachment one).

Although the policy has been in place since 2009, the Name Bank has not been presented to or adopted by Council. The preparation of the Name Bank has required the use of staff resources to ensure each name is consistent with the naming policies adopted by the Geographical Names Board.

A copy of a draft Name Bank for consideration is attached to this report.

Key Issues

- Adoption of the Name Bank to facilitate naming of roads, bridges and public places

Information

The naming policy allows for names to be selected from the Name Bank or be proposed by a developer or members of the community. By having access to a Name Bank, the name selection process is assisted as the names have already been assessed against the requirements within the naming policies.

The Name Bank has been developed to provide a variety of names which reflect local themes, environment, culture and history. The list is not exhaustive and community suggestions will continue to be assessed and, if appropriate, be presented to Council for inclusion into the Name Bank.

Sustainability Considerations

- **Environment**
The Name Bank list provides names that reflect the local community and environment.
- **Social**
This Name Bank is developed to reflect the local area and provides a connection of place with local residents.

11.3 Naming of Roads, Bridges and Public Places - Proposed Name Bank

- **Economic**

The establishment of the Name Bank has taken some staff resources, however the use of the Name Bank will facilitate and expedite the naming process with benefits to both Council and the community.

Legal / Resource / Financial Implications

The Name Bank will require amendment from time to time which will be undertaken by staff and referred to Council for endorsement. As a naming authority, this is considered part of normal business and will not create a financial liability for Council.

Consultation

The Council could place the Name Bank on exhibition prior to adoption, however this is not recommended. The reasons for this recommendation include:

- The Name Bank does not affect directly any specific individual or section of the community.
- The Name Bank will continue to develop over time.
- An opportunity exists in the policy for developers or others to still propose a name if the options in the Name Bank are not preferred.

Options

1. That the Council endorses the Name Bank.
2. That the Council opposes the use of the Name Bank. If this is the case, the Naming of Roads, Bridges and Public Places policy needs to be amended to exclude the Name Bank.

Based on the previous position of Council, option one is recommended.

The recommendation to this report also refers to delegated authority. If the Name Bank is endorsed it is preferred for the General Manager to approve the use of names from the bank without further referral to the Council.

RECOMMENDATIONS

1. That Council adopts the Name Bank, as attached to this report.
2. That Council notes the Name Bank will require amendment from time to time and this will require further reporting to Council.
3. That the General Manager be delegated authority to approve the use of names from Name Bank in response to requests to name public roads, bridges and public places.

Attachment(s)

1. Name Bank

11.4 Tender - Relocation of Electricity - Byron Street Sewerage Pump Station

11.4 Tender - Relocation of Electricity - Byron Street Sewerage Pump Station

Delivery Program Water and Wastewater

Objective To award tender RFT869 for the relocation of the existing HV electrical supply to facilitate construction of a sewer pump station in Byron Street, Lennox Head

Background

Council issued an RFT869 to engage a suitably qualified Level 1 Electrical contractor to undertake the relocation of the high voltage electricity supply required as part of the Byron Street Sewerage Pump Station Replacement. The purpose of this report is to assess the tender response.

Key Issues

- Comply with the Local Government (General) Regulation 2005
- Achieving best value for money

Information

The construction works need to be undertaken by a suitably qualified Level 1 Electrical contractor accredited with Essential Energy to undertake High Voltage Works. The relocation works have been designed by Clarence Consulting and have received formal sign off from Essential Energy.

In response to this tenders were called via an open tender process and two Contractors attended the compulsory pre-tender site meeting held onsite on 20 January 2016, these contractors were:

- NJ Construction Pty Ltd
- Britannia Cable Solutions

Of the two contractors who attended the site meeting, only one tender submission was received by Council. The submission was received from NJ Construction Pty Ltd - \$177,562 (incl GST)

NJ Constructions have a local presence within Ballina Shire Council and will service the works from their depot located in Alstonville.

Sustainability Considerations

- **Environment**
The works are essential to enable the upgrade of the existing Byron Street Sewer Pump Station and to continue to ensure reliable operation of Council's sewerage system to protect the environment.
- **Social**
The works are essential to ensure ongoing levels of sewer servicing and protection of human health.
- **Economic**
Not Applicable

11.4 Tender - Relocation of Electricity - Byron Street Sewerage Pump Station

Legal / Resource / Financial Implications

NJ Constructions tender is within the estimated project budget provided by Clarence Consulting who prepared the detailed design drawings for the relocation works, and provided Council an estimated construction cost of \$180,000 (excl GST). The tender received from NJ Constructions was within the proposed estimated cost range.

The tender was assessed against the Project Tender Evaluation Plan (TEP) by using the TEP assessment criteria and weightings and was deemed to be conforming.

All works are subject to Essential Energy requirements with the Level 1 Electrical Contractor being formally approved to undertake the necessary works on behalf of Essential Energy. Works Sign Off will be by Essential Energy.

Consultation

A public tender process was undertaken.

Consultation is required between the Contractor and the adjoining neighbour (Shell Service Station) to ensure works do not impact on Service Station access and operation. These works may include provision of temporary power supply to the station during HV cut-over as per Essential Energy requirements.

Options

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

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

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

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

Accordingly,

11.4 Tender - Relocation of Electricity - Byron Street Sewerage Pump Station

1. Council may award the contract to NJ Constructions to undertake the the relocation of the high voltage electricity supply, or
2. Council may determine not to accept any of the tenders received and invite fresh tenders or alternatively enter into negotiations directly with one or more service providers.

While it is the case only one tender submission was received, acceptance of the tender is recommended. The reason for this recommendation is that it is acknowledged the available market of qualified contractors for this work is very limited and the price received is consistent with the pre tender estimate. Furthermore NJ Constructions have undertaken numerous similar power relocations within the region and have a previous track record of successfully working for Ballina Shire Council.

RECOMMENDATIONS

1. That in relation to RFT869 Council accepts the tender for the relocation of electricity for the Byron Street Sewerage Pump Station from NJ Consulting for the amount of \$161,420 + GST.
2. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

Nil

11.5 Tender - Teven Road Asphalt Works

11.5 Tender - Teven Road Asphalt Works

Delivery Program Engineering Works

Objective To provide the tender results for Teven Road Asphalt works (RMS Blackspot funded project)

Background

Tenders were invited for Tender RFT877 for the *Provision for Asphalt Works* (Teven Road, Shaws Lane to Eltham Road Tintenbar). The works include pavement repairs, asphalt curve correction, spray sealing and a high friction asphalt overlay.

The works are 100% RMS Black Spot funded and are scheduled for delivery in the 2015/16 financial year. The project has a total funding allocation of \$890,000 (GST free) and the pre-tender estimate for the asphalt component of the project was \$738,480 (ex GST).

Key Issues

- Comply with the Local Government (General) Regulation 2005
- Achieving best value for money

Information

The following tenders were received:

- Bitupave Ltd T/A Boral Asphalt \$776,693 (ex GST)
- Fulton Hogan Industries Pty Ltd \$1,109,386 (ex GST)
- Stateline Asphalt Pty Ltd \$1,529,000 (ex GST)

All tenders were initially assessed for conformity with the tender specification. From this assessment all tenders were deemed to be conforming. The tenders were then assessed against the weighted evaluation criteria. The table below provides a summary of the evaluation and rankings of the three tender submissions.

Item	Weighting	Bitupave Ltd T/A Boral Asphalt	Fulton Hogan Industries Pty Ltd	Stateline Asphalt Pty Ltd
Mandatory Criteria				
Demonstrated capability to perform the works as specified		✓	✓	✓
Satisfactory performance history		✓	✓	✓
Work Health & Safety System developed in accordance with AS4801-2001		✓	✓	✓
Weighted Criteria				
Total Price	60%	57.6%	32.1%	0.0%
Capability, Experience & Performance History	15%	12.5%	12.5%	10.0%
Quality, Safety & Works Program	10%	7.5%	8.5%	9.5%
Local and Community	15%	10.0%	5.0%	0.0%
Total	100.0%	88.0%	58.0%	20%
Ranking		1	2	3

11.5 Tender - Teven Road Asphalt Works

When the price and non-price criteria are combined the Bitupave Pty Ltd T/A Boral Asphalt tender submission is the highest ranked tender. Their tender submission is above the pre tender estimate; however the tender price can be accommodated by using some of the project contingency allowance in the budget.

Further to this the tender is a schedule of rates contract and there is an opportunity during construction to modify the scope of works in order to meet the allocated budget for the works.

Bitupave Pty Ltd T/A Boral Asphalt also submitted an alternative Tender of \$694,538 (ex GST). To produce this price the proposal has involved modifications to the quantities in the schedule of rates and the works methodology.

The modifications proposed to the schedule take the quantities of work below the design quantities required to execute the work. As such when more reasonable quantities are inserted into the schedule of rates the total price of the alternative proposal is \$759,495 (ex GST) which is a saving of \$17,198 (ex GST) over the conforming tender.

The alternative tender offers Council approximately a 2% saving over the conforming tender however does involve Council accepting a construction method that is not in full conformance with the specifications. In this case the potential savings proposed are not considered to justify the deviation from the specifications and are not recommended for further consideration.

Sustainability Considerations

- **Environment**
All plants are required to operate in accordance with an environmental management plan.
- **Social**
This tender will allow the improvement of a known blackspot in our road network and thereby will support the community's transport needs and improve the community's transport safety.
- **Economic**
This tender is 100% RMS funded and will improve the safety of our transport infrastructure. These improvements to our infrastructure will enhance an essential asset for economic development.

Legal / Resource / Financial Implications

Council has funding allocated from the Blackspot Grant program for these works.

Consultation

A public tender process was conducted.

Options

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

11.5 Tender - Teven Road Asphalt Works

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

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

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

Accordingly,

1. Council may award the contract to Bitupave Ltd T/A Boral Asphalt to undertake the asphalt works to Teven Road; or
2. Council may determine not to accept any of the tenders received and invite fresh tenders or alternatively enter into negotiations directly with one or more service providers.

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

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

RECOMMENDATIONS

1. That in relation to RFT877 Council accepts the tender for the Teven Road Asphalt works from Bitupave Ltd T/A Boral Asphalt for the amount of \$776,693 (excl GST).
2. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

Nil

11.6 Tender - Asphalt Overlay to the RPT Apron and Taxiway

11.6 Tender - Asphalt Overlay to the RPT Apron and Taxiway

Delivery Program Commercial Services

Objective To award the tender for the asphalt overlay on the RPT Apron and Taxiway Alpha at the Ballina Byron Gateway Airport.

Background

The asphalt overlay to the RPT Apron and Taxiway Alpha was identified for completion in 2013 with the Runway Overlay Project but was deferred due to funding concerns at the time.

This project will provide a number of benefits to the airport including the following:

- Simultaneous parking for three jet aircraft (B737/A320);
- No restriction on airline use of the Apron parking areas;
- Additional airline services;
- Improved on-time performance; and
- Asset management and asset improvements

Tenders were advertised in January 2016 for contractors to undertake the construction of an asphalt overlay and pavement strengthening works to the RPT Apron and Taxiway Alpha at the Ballina Byron Gateway Airport. At the close of the tender period on 9 February 2016, three submissions were received, this report provides the outcomes from the tender evaluation process.

Key Issues

- Comply with the Local Government (General) Regulation 2005
- Achieve best value for money

Information

Tender submissions were received from:

- | | |
|-----------------------------------|----------------------|
| • CivilTeam Engineering Pty Ltd | \$4,143,239 (ex GST) |
| • Fulton Hogan Industries Pty Ltd | \$3,876,685 (ex GST) |
| • RPA Asphalt Pty Ltd | \$3,538,217 (ex GST) |

All tenders were initially assessed for conformity with the tender specification. From this assessment all tenders were deemed to be conforming. The tender documentation defined two areas, by which each tender would be assessed:

- Mandatory Criteria
 - Quality System Accreditation to AS9001;
 - Previous airport experience.
- Weighted Criteria
 - Total Price – 40%
 - Capability, Experience & Performance History – 40%

11.6 Tender - Asphalt Overlay to the RPT Apron and Taxiway

- Safety & Works Program – 20%

The table below provides a summary of the evaluation and rankings of the three tender submissions.

Item	CivilTeam Engineering Pty Ltd	Fulton Hogan Industries Pty Ltd	RPA Pty Ltd	Asphalt
Mandatory Criteria				
Quality System Accreditation to AS9001	✓	✓	✓	✓
Previous airport experience	✓	✓	✓	✓
Weighted Criteria				
Total Price	40%	33.2%	40.0%	36.2%
Capability, Experience & Performance History	40%	36.0%	36.0%	36.0%
Safety & Works Program	20%	17.7%	18.0%	18.0%
Total	100.0%	87.3%	94.0%	90.2%
Ranking	3	1	2	

When the non-priced and priced evaluation criteria are combined, Fulton Hogan Industries Pty Ltd is the highest ranked tender.

The current budget for the project is \$2,707,360.00 (ex GST). As the tendered price from Fulton Hogan Industries Pty Ltd is in excess of the budget Council requested the gravel sub-base and base course to the taxiway widening be replaced with deep fill asphalt. This lowered the total price by \$161,287.

The schedule of prices in the tender included, \$820,231 in provisional sum items. The majority of these items related to the gravel sub-base and base course to the taxiway widening and accounted for \$767,676 of the provisional sum. When these are excluded from the tender the revised tendered price is \$2,717,986.

Discussions were held with Fulton Hogan Industries Pty Ltd to clarify certain works included in the tender. The deletion of a number other provisional items including placement of topsoil to the taxiway edges, grassing of affected areas, the replacement of unsuitable material and the provision of security guards. Works such as the placement of topsoil and grassing will be undertaken by airport staff as part of their daily duties and funded from the existing recurrent operating budgets over time.

Based on the discussions, the revised tender price from Fulton Hogan Industries Pty Ltd is \$2,525,200 (excl GST), which is within the current budget. The balance of the budget \$182,160 will fund the project management costs, works safety and security guards, design costs and electrical lighting to the RPT Apron and Taxiway Alpha.

The deletion of provisional sums has cut the project costs to an absolute minimum and there is minimum allowance for any unforeseen issues. The project is predominantly an asphalt overlay of the existing RPT Apron and Taxiway and as such it is not expected to incur additional costs.

Fulton Hogan has extensive Airport experience with projects of similar scope and size to the proposed overlay and can easily undertake the work involved.

They are currently completing a similar project at Kingsford Smith Airport in Sydney.

11.6 Tender - Asphalt Overlay to the RPT Apron and Taxiway

Fulton Hogan completed the runaway overlay at BBGA in 2013 and performed to a very high professional standard.

Sustainability Considerations

- **Environment**

The Apron and Taxiway Overlay has been designed by our Aviation Consultants, The Aurecon Group, who are experienced aviation consultants. A review of the Environmental Factors (REF) has been undertaken. Council approval has been received for this REF based on the design and consideration of all environmental issues.

- **Social**

The improved RPT Apron and Taxiway will provide an increase in operational benefits (including additional airline services) and a range of social benefits including local employment, tourism, local business and community benefits.

- **Economic**

The project will allow for additional growth in airline services, destinations and passenger numbers. This growth will also lead to additional revenue for airport operators, tenants and airport stakeholders.

These works are considered an essential component of the Airport Maintenance Program.

Legal / Resource / Financial Implications

Council has allowed funding of \$2,707,000.00 in the 2015/16 budget for this project.

The majority of this funding has been provided by way of a Regional Tourism Infrastructure Fund grant of \$2,207,000.00.

Consultation

A public tender process was undertaken.

Options

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

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

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

- (a) postpone or cancel the proposal for the contract;*

11.6 Tender - Asphalt Overlay to the RPT Apron and Taxiway

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

Accordingly,

1. Council may award the contract to Fulton Hogan Industries Pty Ltd to undertake the asphalt overlay to the RPT Apron and Taxiway Alpha; or
2. Council may determine not to accept any of the tenders received and invite fresh tenders or alternatively enter into negotiations directly with one or more service providers.

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

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

Fulton Hogan Industries Pty Ltd has provided the lowest priced tender and has extensive Airport experience.

RECOMMENDATIONS

1. That Council accepts the tender for the asphalt overlay to the RPT Apron and Taxiway Alpha from Fulton Hogan Industries Pty Ltd for the amount of \$2,525,200 (excl GST).
2. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

Nil

11.7 Policy (Review) - Fire Asset Protection Zones

11.7 Policy (Review) - Fire Asset Protection Zones

Delivery Program Open Spaces and Reserves

Objective To review the Fire Asset Protection Zones - Private Use of 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 Fire Asset Protection Zones - Private Use of Public Land policy.

Council first adopted this policy in April 2007 and reviewed in September 2011.

Key Issues

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

Information

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

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

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 that public land is not constrained by private uses
- **Social**
Not Applicable
- **Economic**
Not Applicable

11.7 Policy (Review) - Fire Asset Protection Zones

Legal / Resource / Financial Implications

The NSW Rural Fire Service has requirements for asset protection zones around developments of identified bushfire prone land.

Consultation

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

Options

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

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

RECOMMENDATIONS

1. That Council adopts the amended Fire Asset Protection Zones - Private Use of Public Land Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

Attachment(s)

1. Policy - Fire Asset Protection Zones - Private Use of Public Land

11.8 Policy (Review) - Weddings on Public Land

11.8 Policy (Review) - Weddings on Public Land

Delivery Program Open Spaces and Reserves

Objective To review the Weddings 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 Weddings on Public Land policy.

Council first adopted this policy in December 2007 and reviewed in September 2011.

Key Issues

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

Information

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

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

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**
Appropriate policy and management practice for public land supports the local environment.
- **Social**
The provision of guidelines for conducting weddings on public land will assist in ensuring the value and amenity of public spaces is preserved.
- **Economic**
Public weddings can provide economic benefits to the Shire.

11.8 Policy (Review) - Weddings on Public Land

Legal / Resource / Financial Implications

There are no specific legal, resource or financial implications associated with this report.

Consultation

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

Options

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

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

RECOMMENDATIONS

1. That Council adopts the amended Weddings on Public Land Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

Attachment(s)

1. Policy (Review) - Weddings on Public Land

11.9 Policy (Review) - Cemetery Management

11.9 Policy (Review) - Cemetery Management

Delivery Program Open Spaces and Reserves

Objective To review the Cemetery Management 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 Cemetery Management policy.

Council first adopted this policy in March 2011.

Key Issues

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

Information

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

- The template for Council policies has changed since this policy was adopted and the new template includes information on definitions, policy history etc.
- Clarification and embellishment has been made to minor operational and administration points to assist interpretation.
- Removal of duplication, with reference to specific plaque design standards.
- Removal of the provision of commemorative seats in cemeteries due to nil uptake since it's inception.

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**
Properly maintenance and policy assists in protecting the environment surrounding cemeteries
- **Social**
Cemeteries are an essential community service.

11.9 Policy (Review) - Cemetery Management

- **Economic**
Not Applicable

Legal / Resource / Financial Implications

There is no resource or financial implications associated with this policy. The policy however provides legal information associated with the management of the cemeteries in relation to the requirements of relevant Acts.

Consultation

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

Options

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

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

RECOMMENDATIONS

1. That Council adopts the amended Cemetery Management Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

Attachment(s)

1. Policy (Review) - Cemetery Management

12. Public Question Time

12. Public Question Time

13.1 Rescission Motion - Bicycle Track Project - Lennox Head

13. Notices of Motion

13.1 Rescission Motion - Bicycle Track Project - Lennox Head

Councillor Cr Meehan
Cr Wright
Cr Keith Johnson

We move

That Resolution 250216/26, as follows, be rescinded:

That Council confirms Ocean Breeze Reserve as the selected site for the proposed Lennox Head cycle track and proceed to invite volunteers to complete the detail design.

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

That Council include in the draft 2016/17 Delivery Program and Operational Plan an action to assess the options for the provision of a small scale, low impact, children's bicycle circuit in Lennox Head. This assessment is to include an assessment of the need for this facility, along with a comprehensive consultation process with the community that clearly outlines the type of facility to be provided, if the needs' assessment supports the provision of a facility.

Councillor Comment

There are concerns that the recent decision to provide a children's bicycle track at Ocean Breeze Park, Lennox Head was made on an ad hoc basis by Council following a Councillor notice of motion and a one off request from a small number of residents. The preference is for Council to take a more strategic approach to this proposal and by including the item in our 2016/17 Operational Plan it will give staff time to properly assess the need, the type of a facility and the appropriate consultation process to undertake.

COUNCILLOR RECOMMENDATIONS

That Resolution 250216/26, as follows, be rescinded:

That Council confirms Ocean Breeze Reserve as the selected site for the proposed Lennox Head cycle track and proceed to invite volunteers to complete the detail design.

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

That Council include in the draft 2016/17 Delivery Program and Operational Plan an action to assess the options for the provision of a small scale, low impact, children's bicycle circuit in Lennox Head. This assessment is to include an assessment of the need for this facility, along with a comprehensive consultation process with the community that clearly outlines the type of facility to be provided, if the needs' assessment supports the provision of a facility.

13.2 Notice of Motion - Shark Spotters

13.2 Notice of Motion - Shark Spotters

Councillor Cr Williams

I move

That Council, following consultation with the NSW Department of Primary Industries and local Surf Lifesaving Clubs, receive a report investigating the establishment of a local shark spotting program, as an addition to the existing shark mitigation measures.

Councillor Comment

Community based shark spotting activities have been underway in South Africa for more than a decade. Ballina has recently hosted a visit from two staff of Shark Spotters SA, assessing local beaches and headlands for their suitability for shore-based shark observation. They will provide a report on their assessment of the potential location of suitable observation sites within the Shire. Council is in a position to offer practical support to the establishment of a local program, including the following.

1. Providing the leadership such that that shark spotting is recognised as an appropriate activity to be accommodated within coastal reserves under its management
2. Assistance with site selection and access arrangements for the establishment of observation posts
3. Assistance with vegetation management that may be required to establish observation posts
4. Financial support, subject to budget considerations.
5. Liaison with State Authorities.

The selection of observation sites is based not only on elevation, but also includes factors such as, water depth, substrate, visibility conditions and usage.

The motion does not pre-suppose any particular organisation or organisational structure that may eventually undertake these duties. It is limited to seeking further information on the practical assistance Council can offer to enable the physical activity to commence.

COUNCILLOR RECOMMENDATIONS

That Council, following consultation with the NSW Department of Primary Industries and local Surf Lifesaving Clubs, receive a report investigating the establishment of a local shark spotting program, as an addition to the existing shark mitigation measures.

Attachment(s)

Nil

13.3 Notice of Motion - Weed Control

13.3 Notice of Motion - Weed Control

Councillor

Cr Jeff Johnson

I move

1. That Council acknowledges the growing concern about the use of glyphosate (round up), particularly around waterways, schools and playground areas.
2. That Council receives a report that looks at the effectiveness of non-chemical based weed removal and the potential to begin a trial of this method of weed control in the Ballina Shire.

Councillor Comment

There are growing concerns about the potential negative impacts of the widespread use of Glyphosate (Round Up) as a form of weed control.

Recently the World Health Organisation (WHO) upgraded its assessment of the common herbicide from "possibly" to "probably carcinogenic to humans." Furthermore, a number of countries have banned its use such as France, Netherlands, Russia, Mexico and Sri Lanka.

Of particular concern is its use around waterways and areas where children could come into contact with it ie children's playgrounds, parks, etc.

There are a number of companies that sell non chemical weed eradication equipment that have proven to be successful and I believe that it's time for Ballina Council to trial the use of non-chemical weed removal near waterways and areas where children are likely to come into contact with it.

This issue is also a concern for Council workers who come into contact with this chemical.

New South Wales council insurer State Cover has warned its members to use glyphosate cautiously, investigate alternatives, and identify workers most at risk due to their exposure.

This motion calls for a report to look at the costs/benefits of conducting a trial in the Ballina Shire.

COUNCILLOR RECOMMENDATIONS

1. That Council acknowledges the growing concern about the use of glyphosate (round up), particularly around waterways, schools and playground areas.
2. That Council receives a report that looks at the effectiveness of non-chemical based weed removal and the potential to begin a trial of this method of weed control in the Ballina Shire

13.4 Notice of Motion - Organics Collection for CBD Commercial Premises

13.4 Notice of Motion - Organics Collection for CBD Commercial Premises

Councillor

Cr Johnson

I move

That Council receives a report that looks at the costs/benefits of offering an organics collection service to the Ballina Shire CBD areas.

Councillor Comment

Currently Council doesn't offer an organics collection for commercial properties. Many businesses (hotels, restaurants, cafes, etc) have a large proportion of organic waste. Currently this 'resource' is ending up in land fill which, when buried is converted to methane gas.

Furthermore, Ballina Council has a limited amount of capacity in our existing landfill cells and should be doing all we can to ensure that recyclables (including organics) are diverted away from landfill.

I have spoken to a number of restaurants and hotels that would like to divert this material from landfill but are currently unable to do so because neither Ballina Council nor Richmond Waste offer this service.

In order for this service to be effective it would have to be offered as a multi pick up service per week (ie up to three times a week)

COUNCILLOR RECOMMENDATION

That Council receives a report that looks at the costs/benefits of offering an organics collection service to the Ballina Shire CBD areas.

Attachment(s)

Nil

14.1 Finance Committee Minutes - 15 March 2016

14. Advisory Committee Minutes

14.1 Finance Committee Minutes - 15 March 2016

Attendance

Cr David Wright (Mayor - in the chair), Sharon Cadwallader, Keith Johnson, 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), Peter Morgan (Manager Finance and Governance) and Sandra Bailey (Secretary) were in attendance.

There were three people in the gallery at this time.

1. Apologies

Apologies were received from Cr Jeff Johnson, Cr Keith Williams, Cr Susan Meehan and Cr Robyn Hordern.

RECOMMENDATION

(Cr Paul Worth/Cr Sharon Cadwallader)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

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

2. Declarations of Interest

Nil

3. Deputations

- **Ron Birch, Wollongbar Community Preschool** – spoke in favour of Item 4.5 – Wollongbar Community Preschool – Improvements.
- **David Fuller** – spoke in opposition to Item 4.11 – Community Infrastructure – Non-recurrent Projects and Funding – and particularly in relation to the Coastal Shared Path/Walk.

4. Committee Reports

4.5 Wollongbar Community Preschool – Improvements

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of this report regarding the grant funds available to the Wollongbar Community Preschool and the need to implement car parking and traffic and pedestrian management improvements for Hall Court in Wollongbar, as illustrated in the plan attached to this report, at an estimated cost of \$45,000.
2. That Council approves an allocation of \$38,000 from the car parking reserve and \$7,000 from the community halls reserve to finance this expenditure.

FOR VOTE - All Councillors voted unanimously.

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

4.11 Community Infrastructure - Non-recurrent Projects and Funding

A **Motion** was moved by Cr Ben Smith -

1. That Council receive a report on options to construct segments of the coastal walk (from Sharpes Beach to Pat Morton) to improve accessibility along the existing walking track.
2. That Council include the reconstruction of the Moon Street to Grant Street segment of the River Street beautification program in 2018/19 in the Long Term Financial Plan, funded from loans, as existing loan repayments for the River Street beautification works decrease at that time.
3. That Council confirms the Ballina Marine Rescue Centre contingency funds, currently set aside in an internal reserve, are allocated firstly as a priority for any contingency for the Rescue Centre and secondly to allow the Wollongbar Sports Fields to be finalised.
4. That Council include \$350,000 for the implementation of the Pop Denison master plan in the draft 2016/17 Delivery Program and Operational Plan with those works 100% funded from developer contributions.
5. That for the Section 94 Roads Contribution Plan, Council include in the Long Term Financial Plan loan funding for Council's contribution to the four laning of River Street and Tamarind Drive. The balance of the works program is to be funded from developer contributions.
6. That Council endorses the allocation of the Landfill and Resource Management Reserve funds, to the proposed Ballina Indoor Sports Stadium, as per Table 10 of this report, along with recognising the contribution required for the Administration Centre Air-conditioning and Roof replacement.

14.1 Finance Committee Minutes - 15 March 2016

7. That Council endorses the inclusion of the program of works identified and funding sources for the Community Infrastructure Reserve, as per Table 14 of this report, for inclusion in the Long Term Financial Plan. In addition to this, if the estimated Section 94 recoupment monies are in excess of that forecast in Table 14, those monies are to be set aside to assist with financing the proposed one way lane and car park works as per the Captain Cook Master Plan.
8. That Council notes that no Council funds have been specifically allocated to the Lake Ainsworth southern foreshore works within this report.
9. That Council confirms that the expansion of the Skennars Head Sports Fields is a project that is to be pursued as one of the priority projects for funding from the candidates for the Federal seat of Richmond.
10. That Council approves the re-letting of 9 Commercial Road, Alstonville with the \$46,000 in funding required for the refurbishment of the property to be financed from the Property Development Reserve.
11. That Council endorses grant applications to be submitted to the 2016/17 Public Reserve Management Fund as per Table 16 of this report, with the grant amounts listed in that table being indicative figures and subject to further refinement.

The **Motion LAPSED.**

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

That Council include the reconstruction of the Moon Street to Grant Street segment of the River Street beautification program in 2018/19 in the Long Term Financial Plan, funded from loans, as existing loan repayments for the River Street beautification works decrease at that time.

FOR VOTE - All Councillors voted unanimously.

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

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

That Council confirms the Ballina Marine Rescue Centre contingency funds, currently set aside in an internal reserve, are allocated firstly as a priority for any contingency for the Rescue Centre and secondly to allow the Wollongbar Sports Fields to be finalised.

FOR VOTE - All Councillors voted unanimously.

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

RECOMMENDATION

(Cr Paul Worth/Cr Sharon Cadwallader)

That Council include \$350,000 for the implementation of the Pop Denison master plan in the draft 2016/17 Delivery Program and Operational Plan with those works 100% funded from developer contributions.

FOR VOTE - All Councillors voted unanimously.

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

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That for the Section 94 Roads Contribution Plan, Council include in the Long Term Financial Plan loan funding for Council's contribution to the four laning of River Street and Tamarind Drive. The balance of the works program is to be funded from developer contributions.

FOR VOTE - All Councillors voted unanimously.

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

RECOMMENDATION

(Cr Ben Smith/Cr Paul Worth)

That Council endorses the allocation of the Landfill and Resource Management Reserve funds, to the proposed Ballina Indoor Sports Stadium, as per Table 10 of this report, along with recognising the contribution required for the Administration Centre Air-conditioning and Roof replacement.

FOR VOTE - All Councillors voted unanimously.

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

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

That Council endorses the inclusion of the program of works identified and funding sources for the Community Infrastructure Reserve, as per Table 14 of this report, for inclusion in the Long Term Financial Plan. In addition to this, if the estimated Section 94 recoupment monies are in excess of that forecast in Table 14, those monies are to be set aside to assist with financing the proposed one way lane and car park works as per the Captain Cook Master Plan.

FOR VOTE - All Councillors voted unanimously.

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

RECOMMENDATION

(Cr Ben Smith/Cr Paul Worth)

That Council notes that no Council funds have been specifically allocated to the Lake Ainsworth southern foreshore works within this report.

FOR VOTE - All Councillors voted unanimously.

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

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms that the expansion of the Skennars Head Sports Fields is a project that is to be pursued as one of the priority projects for funding from the candidates for the Federal seat of Richmond.

FOR VOTE - All Councillors voted unanimously.

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

RECOMMENDATION

(Cr Paul Worth/Cr Keith Johnson)

That Council seek expressions of interest for the sale and removal of the house at 9 Commercial Road, Alstonville.

FOR VOTE - All Councillors voted unanimously.

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

RECOMMENDATION

(Cr Ben Smith/Cr Paul Worth)

That Council reallocate the \$850,000 from the Coastal Shared Path project to the Coastal Recreational Walk project and that Council apply for matching funding from the Public Reserve Management Fund, with the priority sequence being Section B, C and D as referenced in this report.

FOR VOTE - All Councillors voted unanimously.

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

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ken Johnston)

That Council also apply for funding from the Public Reserve Management Fund for the following projects:

Title	Application Estimate	Description
Capital Projects		
Angels Beach Viewing Platforms	50,000	Platforms in this location are requiring replacement
Shaws Bay CZMP – Sediment Erosion Control – South Arm	95,000	This reflects a priority in the CZMP. Council has funding of our own to help supplement any grant funds.
Shaws Bay CZMP – Dredging	95,000	As per the above item.
Pop Denison Master Plan	95,000	As per this report Council has funding of our own for this project to support any grant application. Any funds received can help to leverage Council's funding.
Captain Cook Master Plan	95,000	As above.
Lake Ainsworth – South Eastern Precinct	95,000	As above
Operational Projects		
Ballina Coastal Reserve – Bush regeneration	65,000	Projects of this nature are often supported through the PRMF.
Lake Ainsworth – Water Quality	10,000	This funding would supplement Council's existing testing.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Ken Johnston and Cr Paul Worth

AGAINST VOTE - Cr Ben Smith

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

4.1 Wastewater Operations - Long Term Financial Plan

RECOMMENDATION

(Cr Keith Johnson/Cr Paul Worth)

That this matter be referred to a Councillor briefing.

FOR VOTE - All Councillors voted unanimously.

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

4.2 **Water Operations - Long Term Financial Plan**

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

1. That Council notes the contents of this report in respect to the modeling undertaken in respect to the long term financial plan for Council's Water Operations.
2. That Council endorses the annual charges, as per the following table, for exhibition in the draft 2016/17 Operational Plan, as well as the long term financial plan included, as per the attachments to this report.

Charge Type	2015/16	2016/17	% Increase
Water Access Charge 20mm meter (1)	195	200	2.6
Water Consumption under 350kl	2.08	2.14	2.9
Water Consumption over 350kl	3.13	3.22	2.9
Vacant Land Charge	195	200	2.6

FOR VOTE - All Councillors voted unanimously.

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

4.3 **Water Operations - Pricing Structure Review**

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

That Council, approve in principle amending the water charging structure as follows:

- a) Replace the inclining step tariff rate with a single rate per kilolitre for water consumption charges.
- b) Graduate the pricing structure such that 70% of income raised from annual charges is derived from the consumption charge.
- c) The proposed charging structure to be advertised in October 2016 with the outcomes of the exhibition reported to Council.

The **Motion LAPSED**.

RECOMMENDATION

(Cr Ben Smith/Cr Paul Worth)

1. That Council, approve in principle amending the water charging structure as follows:
 - a) Levy a water access charge on each self-contained residential occupancy situated on a rateable property/assessment based on a 20mm water access charge.

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- b) Graduate the pricing structure such that 70% of income raised from annual charges is derived from the consumption charge.
 - c) The proposed charging structure to be advertised in October 2016 with the outcomes of the exhibition reported to Council.
2. That Council receive a report on not applying the Step 2 charge for concealed water leaks.

FOR VOTE - Cr David Wright, Cr Paul Worth and Cr Ben Smith and the casting vote of the Mayor

AGAINST VOTE - Cr Sharon Cadwallader, Cr Keith Johnson and Cr Ken Johnston

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

4.4 Waste Operations - Long Term Financial Plan

RECOMMENDATION

(Cr Ben Smith/Cr Paul Worth)

That Council endorses the inclusion of the LRM and DWM long term financial plans, as attached to this report, and the following waste charging structure, in the draft 2016/17 Delivery Program and Operational Plan for public exhibition:

LRM Waste Charges

Charge Type	2015/16 (\$)	2016/17 (\$)	% Change
Kerbside Non Domestic Mixed Waste (Annual)	369	342	(7.3)
Kerbside Non Domestic Recycling (Annual)	182	169	(7.3)
Kerbside Non Domestic Green Waste (Annual)	322	299	(7.3)
DWM Gate Fee Mixed Waste	256/tonne	261/tonne	2
Self-Haul Mixed Waste Under 300kg	221/tonne	225/tonne	1.8
Over 300kg	256/tonne	261/tonne	2
DWM Gate Fee Recyclates	215/tonne	219/tonne	1.9
Self-Haul Recyclates	88/tonne	90/tonne	2.3
Self-Haul Green Waste	70/tonne	71/tonne	1.4
Remaining Gate Fees	Various up to 5%	Various up to 5%	Up to 5%
Waste Operations Annual charge	72	73	1.4

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Domestic Waste Charges

Charge Type	2015/16 Charge \$	2016/17 Charge \$	% Increase
DWM - Rural (excludes green)	314	320	1.9
DWM – Urban (all three collections)	360	367	1.9
Additional Extra Mixed Waste Urban – Fortnight	108	110	1.9
Additional Mixed Waste Rural – Weekly	215	219	1.9
Additional Domestic Recycling	108	110	1.9
Additional Green Waste Collection - Urban Only	215	219	1.9
DWM – Vacant Land	39	40	2.6

FOR VOTE - All Councillors voted unanimously.

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

4.6 Flood Mitigation Options - Burns Point Ferry Road

RECOMMENDATION

(Cr Paul Worth/Cr Sharon Cadwallader)

1. That Council notes the contents of this report regarding the possible options to address tidal inundation issues in Burns Point Ferry Road.
2. That option one, as outlined in this report, to construct a road hump and levee to prevent tidal waters overtopping the old ferry road, construct storm water pits over existing drainage lines and fit flood gates to prevent backflow, is endorsed as the preferred solution with an estimated project cost of \$50,000.
3. That Council notes that the recommended stormwater program for 2016/17 will include this work, as per the report presented elsewhere in this agenda dealing with the recurrent capital works program.

FOR VOTE - All Councillors voted unanimously.

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

4.7 Richmond Tweed Regional Library - Contribution

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes that the forecast increase for the Richmond Tweed Regional Library contribution for 2016/17 is 5.62%, resulting in a total annual contribution of \$1,369,600.
2. That Council authorises the approval of this contribution in our draft 2016/17 Operational Plan.

FOR VOTE - All Councillors voted unanimously.

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

4.8 Accessible Toilets - Provision

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of this report in respect to the review of accessible toilets in Ballina Shire.
2. That Council notes the draft 2016/17 to 2019/20 Delivery Program does not include a funding allocation to enable a program to be delivered in response to the identified opportunities to improve the availability of accessible toilets.
3. That consideration is given to the development of an improvement program for accessible toilets in the Long Term Financial Plan by including a schedule of works under the recurrent Public Amenities Improvement Program.

FOR VOTE - All Councillors voted unanimously.

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

4.9 **Administrative Centre Air Conditioning and Roof - Update**

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

1. The Council confirms the following funding mix for replacement of the Administrative Centre air-conditioning and roof, with this information to be included in the draft 2016/17 Delivery Program and Operational Plan.

Year	2016/17	2017/18	Totals
Stages	1 and 2	3 and 4	
Cost	1,040,000	590,000	1,630,000
Funds Currently Available	482,500	13,500	496,000
Water Operations	76,000	83,000	159,000
Wastewater Operations	114,000	124,000	238,000
Waste Operations	33,000	35,000	68,000
Community Infrastructure Recurrent Funding (depot and community buildings)	50,000	50,000	100,000
Community Infrastructure Reserve	84,500	84,500	169,000
Landfill and Resource Management Reserve	200,000	200,000	400,000

2. This allocation is based on the assumption that the works will be completed as per the following program.

Stage	Available Time Period	Calendar Year	Financial Year
One	September – October	2017	2016/17
Two	March – April	2018	2016/17
Three	September – October	2018	2017/18
Four	March - April	2019	2017/18

FOR VOTE - All Councillors voted unanimously.

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

4.10 Community Infrastructure - Recurrent Projects and Funding

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Johnson)

1. That Council endorses the community infrastructure priorities identified in this report for inclusion in the draft 2016/17 Delivery Program and Operational Plan for exhibition; i.e.
 - Stormwater
 - Street Lighting
 - Footpaths
 - Roads and Bridges
 - Playground Equipment
 - Sports Fields
 - Community Buildings
 - Depot

2. That Council receive a report on the option of having a Donations – Community Sporting Groups Capital Works Assistance Policy to assist with managing requests for financial assistance from sporting clubs. The report is also to examine funding options for this policy.

FOR VOTE - All Councillors voted unanimously.

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

MEETING CLOSURE

5.56 pm

RECOMMENDATION

That Council confirms the minutes of the Finance Committee meeting held 15 March 2016 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 February 2016 Ordinary meeting:

<u>Date</u>	<u>Function</u>
26/2/16	Meeting with Wollongbar Progress Association Committee
1/3/16	Alstonville Wollongbar Chamber of Commerce
1/3/16	Meeting Ocean Breeze Estate
1/3/16	Ross Lane Tie-In meeting
3/3/16	Meeting – Church Group
3/3/16	Meeting – Lennox Head Cultural and Community Centre
11/3/16	Launch Park Lane Theatre – Lennox Head
13/3/16	Scope Breakfast - SES
13/3/16	Lennox Head Markets
13/3/16	Alstonville Markets
14/3/16	Extraordinary Meeting
14/3/16	Cr Briefing – Draft Koala Policy
14/3/16	Cr Briefing – Secondary Dwellings
15/3/16	Finance Committee
16/3/16	Meeting with DPI
16/3/16	Shark Strategy Meeting
17/3/16	Ballina High SRC
17/3/16	Gallery Opening
17/3/16	Meeting with Shark Spotters
17/3/16	Public Meeting Shark Spotters
19/3/16	Quota High Tea at Summerland House
20/3/16	Welcome Refugees
20/3/16	Crawford House 'Weddings'
21/3/16	B Ward Committee
23/3/16	Briefing – DEC Indoor Sporting Facility
24/3/16	Council Meeting
30/3/16	Meeting Tamara Smith
31/3/16	Port Ballina Taskforce

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