



Notice of Ordinary Meeting

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 26 May 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
 2. Acknowledgement of Country
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 5. Declarations of Interest & Reportable Political Donations
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1. Australian National Anthem

The National Anthem will be performed by Isabel Perdriau.

2. Acknowledgement of Country

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

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

3. Apologies

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 April 2016 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 April 2016.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7.1 Mayoral Minute - Lennox Head Markets

7. Mayoral Minutes

7.1 Mayoral Minute - Lennox Head Markets

Councillor David Wright

In regards to the Lake Ainsworth South Eastern Precinct Upgrade plan, I move the following:

On completion of all works associated with the foreshore upgrade plan, (including the southern precinct) that the operators of the Lennox Head Markets be given approval for a 12 month trial to operate the monthly markets back on the eastern side of Lake Ainsworth.

Mayoral Comment

The return of the markets to the eastern foreshore of the lake will allow the community to access this area without traffic conflict. The monthly markets in the improved area will allow for the return of a more people friendly experience and as a result, the quality of the markets will improve.

RECOMMENDATION

On completion of all works associated with the foreshore upgrade plan, (including the southern precinct) that the operators of the Lennox Head Markets be given approval for a 12 month trial to operate the monthly markets back on the eastern side of Lake Ainsworth.

Attachment(s)

Nil

8.1 Part 5 Project - Re-alignment of Coastal Recreational Path

8. Development and Environmental Health Group Reports

8.1 Part 5 Project - Re-alignment of Coastal Recreational Path

Applicant	Ballina Shire Council (in consultation with NSW Public Works)
Property	Lot 59 DP 827785 (owned by Council), and Crown Reserves Lot 7023 DP 1064275 and Lot 7032 DP 1063896
Proposal	To obtain approval to allow the construction of a section of the approved Ballina to Lennox Head Coastal Recreation Path on an alternative alignment for a 500 metre length between Chainages 1240 and 1670 (approximately) immediately around the Flat Rock Tent Park
Effect of Planning Instrument	<p>The lands are identified as being part of a “Deferred Matter” under the provisions of the Ballina LEP 2012. Consequently, the BLEP 2012 does not apply and the provisions of the Ballina LEP 1987 continue to apply, pending the outcomes of the current review.</p> <p>Under the Ballina LEP 1987 all of the lands through which the proposed path alignment would pass are zoned 7(f) Environmental Protection – Coastal Lands.</p>
Locality Plan	The subject lands are depicted on the locality plan <u>attached</u>

Introduction

The original Coastal Recreational Path (CRP) was considered and approved by Council in June 2014 under Part 5 of the Environmental Planning and Assessment Act 1979.

Since the determination of the original CRP, Council at its Ordinary Meeting of 28 August 2014 resolved to consider alternatives to the approved CRP which follows the eastern boundary of the Flat Rock Tent Park (“the Park”) to identify an alignment that would provide improved separation between pathway users and camp sites within the Park.

As a result of further investigations, a Part 5 project application was submitted by Council’s Civil Services Group in late September 2015.

It is only this proposed alternative alignment of the 500 metre section of the CRP between Chainages 1250 and 1670 (approximately) immediately around the Park that forms part of this assessment.

8.1 Part 5 Project - Re-alignment of Coastal Recreational Path

Councillors would be familiar with the previously submitted report and approved plans which addressed the currently approved route alignment along the eastern edge of the Park.

It is important to note that in this report Councillors are only considering the proposed alternative alignment of a 500 metre length, 2.5 metre wide asphalt surfaced section of the CRP (i.e. the identified alternative route which traverses from the existing track immediately south of the Park, further east of the Park, closer to the coastline, and then north to the Flat Rock carpark).

The alternative alignment route length of approximately 500 metres as compared to the currently approved CRP route of approximately 450 metres in this locality is illustrated in the attached plans.

Part of the proposed route is to follow an existing informal bushland maintenance trail, whilst the remainder would traverse through vegetated and non-vegetated dune and hind dune systems closer to the coastline. The proposed route alignment has been selected to minimise vegetation removal.

Similar to the original and approved CRP alignment, Council must also consider the proposal separately in its role as Reserve Trust Manager and as a Determining Authority (due to the modified route partly traversing within Coastal Reserve R1010068).

The subject project, if approved, would provide an alternative to the current approved pathway should Council prefer to construct this route. This proposal is in addition to the already approved path; it does not revoke it.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The alternative section of the CRP was placed on public exhibition from 21 October 2015 to 18 November 2015.

Council received 56 letters/electronic mails supportive of the proposed CRP generally due to the greater separation and lesser impact on camp sites/campers located within the Park. The majority of these submissions were from campers who have stayed at the Park.

Council also received eight letters of objection (one of which is confidential from a Registered Aboriginal Party) from local individuals and community groups. The issues raised in the objections primarily relate to cultural heritage and environmental (ecological) impacts.

A submission was also received from the NSW Police Crime Prevention Officer giving preference to the approved CRP route that is directly adjacent to the Flat Rock Tent Park due to greater passive surveillance opportunities.

This report will focus on the three main issues relating to the proposed CRP route, being: ecological, cultural heritage impacts, and crime prevention.

Copies of the submissions are attached to this report and the confidential submission will be provided separately to Councillors.

Applicable Planning Instruments

State Environmental Planning Policy (Infrastructure) 2007 allows the proposed works to be undertaken as “development without consent” and therefore the proposed CRP alignment is a Part 5 project under the Act.

It is not a Development Application for the purposes of Part 4 of the Act.

Notwithstanding this, Section 111 of the Act requires that the determining authority (i.e. Council in this case) take into account to the fullest extent possible, all matters likely to impact on the environment due to the proposal.

Any inconsistency between Council's local policies and State Government policy will mean that the State policy will prevail.

This report will have regard for relevant factors under Clause 228 of the Environmental Planning and Assessment Regulation 2000 to assess the significance of the proposed route. Councillors will need to be satisfied that any adverse environmental impact of the route of the CRP is not significant and can be reasonably approved as an optional project, particularly when there is an existing approved route in this locality.

Report

As stated previously, due to the nature of the proposed route and previous assessment under Part 5 of the Act for the entire approved CRP, only relevant matters of particular significance to the proposed modified route alignment and/or those issues raised in submissions will be outlined in this report.

A copy of the proposal, including the submitted Review of Environmental Factors (REF) which is essentially an addendum to the originally submitted NSW Public Works, May 2013 report, and other associated assessments, can be examined by contacting the Development and Environmental Health Group prior to determination if required or accessed on Council's website.

The purpose of this report is to focus on and assess the potential impacts that may arise due to the newly identified route alignment of a short 500 metre section of the CRP alignment.

The other statutory considerations were considered under the original CRP assessment and remain relevant to the proposed route.

These are not assessed or reiterated within this report.

Having regard for the proposed route impacts (outlined below), it has been assessed that, although the ecological impacts are greater than the currently approved route for this section of the CRP, the Part 5 project can still be supported subject to the additional environmental management and cultural heritage mitigative/ameliorative measures proposed (including compensatory plantings) by Council's consultants.

8.1 Part 5 Project - Re-alignment of Coastal Recreational Path

Importantly, it is also contingent upon the Office of Environment and Heritage (OEH) issuing an amended or staged Aboriginal Heritage Impact Permit (AHIP) for the subject section of the proposed route.

Relevant Impact Assessment

Aboriginal Cultural Heritage

Converge Heritage and Community previously conducted a Cultural Heritage Assessment which formed part of the original CRP approval.

Since the approval of the CRP, further consultation with the Aboriginal community has been on-going. An additional Aboriginal Archaeological Impact Assessment and a Cultural Heritage Assessment by Mr Ian Fox and Associates (formerly of Converge) and Ms Vanessa Hardy of Cultural Heritage Connections were carried out directly in relation to the subject alternative proposed route in 2015.

Similar to the approved CRP, the proposed route traverses the declared area known as “East Ballina Aboriginal Place” which is regarded by Traditional Custodians as being culturally significant. Although the area is known to contain a number of large midden sites, the further site assessments and consultations with Registered Aboriginal Parties have not identified any additional Aboriginal sites within the route’s alignment.

Further, a substantial length of the alignment has been found to have been disturbed by previously conducted sand mining in the 1950’s to 1970’s and noted as having little or no archaeological potential. Consequently, the level of impact was considered to be minor as the proposed path alignment would be formalising an existing network of utilised tracks with further separation from known sites.

In addition to archaeological impact, regard has been given to potential anthropological impacts associated with Dreaming sites and this significant mythological landscape. The applicant has clearly noted that, “...Flat Rock, and other connecting beach alignments are each elements of a connected story that underlies a system of belief that is recognised and interpreted by Aboriginal people through to the present day...”.

There will be an impact on the aesthetic values within the “East Ballina Aboriginal Place” and associated Dreaming sites. The Council’s cultural heritage consultants have assessed that the impact to the cultural values of the place will be minor as the proposed route formalises an existing network of tracks and therefore the impact is considered acceptable.

As part of the current Part 5 assessment, similar to the original CRP, Council’s Environmental Health Group has also directly notified the proposed CRP route to local Aboriginal Groups.

A strong objection was received from one of the Registered Aboriginal Parties (which has been deemed to be confidential due to its personal critical nature).

From this submission it appears that support for the proposed route by this Registered Aboriginal Party has been withdrawn.

8.1 Part 5 Project - Re-alignment of Coastal Recreational Path

Specifically, in relation to cultural heritage, the issues raised by the proposed route are summarised as follows (inclusive of those originally raised by OEH):

- What qualifications does Council's consultant have to carry out consultation and when discussing traditional custodianship? The consultant has not carried out consultations properly due to lack of local indigenous community knowledge.
- This area is of high historical cultural significance and both indigenous and non-indigenous elders have worked to preserve this unique area. The proposal will destroy the area.
- There are suitable alternative routes.
- The proposal needs to be considered by a formal meeting and vote of the Jali Local Aboriginal Land Council. This issue is too important to local indigenous people and this would be reflected in the decision.
- A variation to the current AHIP or a new AHIP is required if the proposed harm is consistent with what is currently permitted and has the support of the registered Aboriginal parties to the AHIP.

The criticised consultancy was requested to respond to these issues and the submissions generally. Further comment by way of letter dated 1 March 2016 (also accompanied by further comments from Mr Ian Fox) was provided and is attached. This addresses the objections raised.

The response is considered to be self-explanatory and satisfactory in relation to cultural heritage matters. It was forwarded to OEH for further consideration. OEH has advised that the cultural heritage management is to occur during the proposed works and that the required AHIP application must provide evidence of support from Registered Aboriginal Parties. Although unanimous support is desirable it is not a requirement of the AHIP consultation process (refer to attached letter dated 20 April 2016).

Consequently, it appears that if the proposed route is approved, Council in its role as applicant may proceed to submit the AHIP application under Section 90 of the National Parks and Wildlife Act 1974. There is, however, no certainty regarding the issue of the AHIP, whilst a Registered Aboriginal Party remains unsupportive during OEH's consultation process.

Ecological

A further Ecological Assessment for the proposed route was conducted by Blackwood Ecological Services in December 2014 (i.e. the same consultants who completed reports for the approved CRP and Shared Paths).

It was estimated that the proposed route requires the removal of up to 145 individual native trees, the majority of which are smaller saplings.

The majority of objections received specifically related to the additional ecological impact this proposed route would have on dune vegetation communities.

Additionally, OEH raised a number of ecological issues that they requested to be satisfactorily addressed prior to determination.

The submissions made by OEH and by local objectors addressing ecological impacts about the alternative route can be summarised as follows:

8.1 Part 5 Project - Re-alignment of Coastal Recreational Path

- It threatens the existence of the vegetation and will expose the vegetation to wind, sand and salt erosion, light intrusion edge effects and will lead to dune blowouts and instability.
- Impacts dune restoration work undertaken by DuneCare and CoastCare and Blackwood's or the applicant have not consulted with these groups'.
- The proposed path will not follow the existing trail and more trees/shrubs will be destroyed than that stated. The ecological value is in the Endangered Ecological Communities (EEC), not only the trees.
- It is not necessary.
- It is ecologically unsound and impacts vegetation of high ecological value (including weed invasion) and 2000 Green Olympics site.
- The most recently submitted Blackwood report is flawed and is inconsistent with their previous reports/findings. The assessment methodology does not account for other loss/damage from the 5 metre disturbance corridor.
- Ministerial approval under the Coastal Protection Act is required as the proposal adversely affects any beach or dune.
- Council's proposed works are in direct conflict with the recommendations of Blackwood.
- The presence of EEC's that may be directly or indirectly impacted should be clarified and the assessment of significance re-applied accordingly in the REF.
- The biodiversity impacts and gains should be quantified to ensure that a suitable offset can be provided.
- The cumulative impacts, including both construction and operational impacts, needs to be outlined.

Similar to cultural heritage matters, the applicant was requested to provide specific responses to the issues raised by OEH and submitters. Further comment by way of letter dated 27 April 2016 (also accompanied by specific comments from the Council's ecological consultant Mr Mark Free of Blackwood Ecological Services) address each of the issues raised in submissions. This advice is also attached.

The response reiterates that the proposed route "...is unlikely to result in a significant impact on any Threatened (TSC Act 1995) species, populations or ecological community and is unlikely to result in a significant impact on any matters of National Environmental Significance as defined under the Commonwealth EPBC Act 1999..." and accordingly is satisfactory in relation to ecological matters.

This is primarily based on a proposed series of mitigation measures to manage identified impacts and offset strategies for the CRP and the other Shared Path projects as a whole (in accordance with OEH offsetting principles).

The applicant's response was also forwarded to OEH. On the 6 May 2016 OEH requested that the proposed compensatory rehabilitation works outlined within the Vegetation Management Plan be subject to a longer management regime (beyond five years), to ensure the offsets are viable in the long term.

8.1 Part 5 Project - Re-alignment of Coastal Recreational Path

OEH also requested that prior to determining the proposal, that Council be satisfied that the quantum and type of vegetation offset and the mechanism for securing the offset accord with the OEH offset principles.

Council's Development and Environmental Health Group are generally satisfied that Blackwood's revised assessment and responses to requests for further information have adequately identified and quantified the direct and indirect impacts of the proposed route.

If the proposed route is approved the identified compensatory requirements can readily form part of the required mitigation measures to ensure that the environmental impact is not significant. These would complement the original CRP mitigation measures and compensatory works and those nominated by the applicant as part of the current REF that forms part of this report.

NSW Police Service (Crime Prevention)

The proposed route was forwarded to the NSW Police Crime Prevention Officer who raised a number of issues regarding the proposal, particularly when compared to the currently approved route in this location (refer to attached letter).

Although the NSW Police prefer to maintain the currently approved CRP route alignment in this locality due to its casual surveillance opportunities to/from the Park and to/from the Flat Rock carpark, (i.e. considered to be a safer route for users), NSW Police consider that the proposed route is not dissimilar to a number of sections of the approved CRP route and can be supported.

Cumulative Impact

The approved CRP route in this locality is approximately 450 metres in length. The proposed route is longer at approximately 500 metres and traverses through a more vegetated, sensitive area closer to the coastline resulting in a greater number of native tree and shrub removal. This vegetation loss is in the order of 20 additional trees to the approved route in this locality.

Therefore the proposed route has a greater cumulative ecological impact than the approved route in this locality, however when compared to the entire approved CRP route (or even the approved route in this locality which may no longer be required) this impact is relatively minor.

In relation to cultural heritage the cumulative impact is relatively constant as both the proposed route and the approved route traverse through the East Ballina Aboriginal Place.

No other additional impacts have been identified in this assessment over and above those previously considered in the originally approved CRP assessment. Due to the greater separation distance of the proposed route to the Park, the alternative would benefit the users/operators of the Park.

Conclusions

This proposed route will provide a better scenic alternative to the approved CRP route in this locality. There will be an identified marginal additional loss of native vegetation if the proposed route is approved and the potential to affect items/areas of Aboriginal cultural heritage significance still remains, however the proposed route is primarily utilising existing informal tracks/trails to minimise these impacts.

It is considered that the proposed route can be supported on the basis that the environmental impact is considered reasonable having regard for the implementation of the environmental management and mitigation measures proposed in the REF and those specifically outlined by OEH.

If approved, the mitigation measures applied to the proposed route will be similar to those applied to the approved CRP along with those specifically recommended by Council's cultural heritage and ecological consultants'.

Therefore, having regard to the EP&A Act and Regulations there would not be a significant adverse environmental impact created by the proposed route in this locality and the project may be approved subject to recommended mitigation measures.

To comply with the various provisions of the Crown Lands Act it is also recommended that the Council meet as the Reserve Trust to also endorse the optional re-alignment as per this report.

RECOMMENDATIONS

1. That Part 5 Project, No. 2015/0001, for the alternative alignment of the Coastal Recreational Pathway in the vicinity of the Flat Rock Tent Park extending approximately 500 metres from Chainages 1240 and 1670 (approximately) be **APPROVED** subject to the mitigation/ameliorative measures.
2. That Council meet in its role as Reserve Trust Manager of the Ballina Coastal Reserve (1010068) and endorse the optional approved route.

Attachment(s)

1. Locality Plan
2. Plans Indicating Proposed Route in Vicinity of Flat Rock Tent Park (approved Route also shown dotted)
3. Submissions of Support
4. Submissions of Objection
5. Applicants & Government Agency Responses in relation to Cultural Heritage
6. Applicants & Government Agency Responses to Ecological Matters
7. Crime Prevention Officers response
8. Confidential Submission (Under separate cover)

8.2 DA 2016/93 - Highway Service Centre, Ballina - Amendments

8.2 DA 2016/93 - Highway Service Centre, Ballina - Amendments

Applicant	Planners North
Property	Lot 11 DP 1011575, 565-589 River Street West Ballina
Proposal	To change the layout and built form of the approved Highway Service Centre (DA 2010/962) and associated civil infrastructure.
Effect of Planning Instrument	The land is zoned RU2 Rural Landscape under the provisions of the Ballina LEP 2012.
Locality Plan	The subject land is depicted on the locality plan in Attachment 1.

Introduction

Council is in receipt of Development Application 2016/93 to update the architecture and civil works associated with the development of the Ballina Highway Service Centre. The land to which this application applies is described as approved Lot 101 in the subdivision of Lot 11 DP 1011575 (DA approval 2012/291).

The purpose of this report is to seek Council's determination of the subject application.

Details of Proposal

The original consent for DA 2010/962 granted approval for the construction of a Highway Service Centre comprising service station, associated fast food restaurants, auto repair centre, associated vehicular accesses (including a round-about intersection on the existing Pacific Highway alignment), car and truck parking, infrastructure works, filling, landscaping, earthworks and advertising structures upon Lot 11 DP 1011575, Pacific Highway (now known as No. 565-589 River Street, West Ballina) and a Two Lot Subdivision (Lot 1 – Highway Service Centre & Lot 2 – Agricultural Residue).

The application that is currently before Council for determination applies only to the commercial component of the approved Highway Service Centre (DA 2010/962). The application seeks Council approval to change the architecture and site layout of the approved Highway Service Centre (HSC) buildings, future development pads and update the associated civil infrastructure.

The changes to the internal layout of the buildings are as follows:

- Building A provides for motor vehicle refuelling and amenities for the travelling public, including five refreshments tenancies; food court; internal playground; obligation-free picnic area and associated parking. Adjacent to Building A is a dedicated truck refuelling facility. The proposed building also provides for a "truckers lounge", to meet the needs of that segment of the travelling public.
- Building B is a standalone restaurant facility.

8.2 DA 2016/93 - Highway Service Centre, Ballina - Amendments

The application also includes the creation of five individual pad sites that will be the subject of future development applications for buildings such as McDonalds and other landuses/buildings that are ancillary to the Highway Service Centre, and two bio-retention basins.

This application does not seek to change any of the approved works under DA 2010/962 in relation to flood proofing the land (filling); development of a floodway through the property; development of stormwater structures under River Street; construction of a slip lane from the Pacific Highway; and the implementation of a roundabout intersection at River Street.

The proponents have been methodically working through the consent requirements in order to determine the viability of the project and a timing sequence for commencement of works on the subject lands.

The current development application was originally lodged as a Section 96 Modification, however based on legal advice it was considered that the proposed modification was not substantially the same application and hence the proponent has lodged a fresh development application that applies to only the proposed built form incorporating the buildings and associated infrastructure.

A copy of the proposed development plans are provided in Attachment 2

Table 1 - Assessment of the proposed changes compared with the existing approved development

Element	Approved Scheme	Proposed Scheme	Comments
Building Area <i>Total Building Area</i>	(m ²) 3447	(m ²) 2237	The building as proposed by this DA will be 1210m ² less in area than the building as currently approved.
Building height (measured to ridge)	Single storey	Single storey	The proposal will decrease the height of the buildings by about 1.6m. The external building envelope is similar to the original approval.
Number of car parking spaces	384 spaces	139 spaces	The reduction in the number of spaces reflects reduction in floor area by approximately 1210 m ² of floor space.
Hours of operation	24 hours	24 hours	No change proposed.
Materials	Pre-cast concrete, glazed wall, aluminium framing, lightweight cladding	Pre-cast concrete or similar, glazed wall, aluminium framing, lightweight cladding	No change proposed.
Roof form	Skillion	Skillion	No change proposed.
Construction method	On-site construction (Slab on ground)	On-site construction (Slab on ground) with screw piles	No change proposed.
Presentation to street	Landscaped frontage to the southern and western boundaries.	Landscaped frontage to the southern and western boundaries.	No change proposed.
Vehicular entry & circulation	Direct highway access from the west and roundabout access from River Street in the south.	Direct highway access from the west and roundabout access from River Street in the south.	No change proposed.
Signage	Two pylon signs are proposed with standard building business name signage as illustrated in the plans.	Standard building business name signage as illustrated in the plans. The pylon signs are proposed to remain part of DA Approval 2010/962.	No change proposed.
Vegetation	Site vegetation removed to facilitate filling and construction.	Site vegetation removed to facilitate filling and construction.	No change proposed.
Stormwater	Stormwater treatment includes on-site bio-retention area.	Stormwater treatment includes on-site bio-retention area.	No change proposed.

8.2 DA 2016/93 - Highway Service Centre, Ballina - Amendments

As can be seen from the table, the building area of the HSC has been significantly reduced, whilst retaining the overall development pad as approved.

Description of the Subject Site

The subject site is located on the south western outskirts of Ballina, adjacent to the existing Pacific Highway, approximately 6km west of the Ballina Town Centre.

The site is relatively flat, lying within an identified floodplain of the Richmond River. The subject site is adjoined to the;

- east by "Riverbend", a developed housing project aimed primarily at persons over 50 years of age;
- to the north by land used for agricultural purposes; and
- to the west by RMS construction work associated with the proposed Pacific Highway Bypass. The existing Pacific Highway adjoins the site to the south.

Access to the site is proposed as follows:

- left into the site from the southbound off ramp of the Pacific Highway Bypass interchange (north west corner of the site); and
- two lane round-about as an entry/exit to the existing Pacific Highway (south-centre of the site), which facilitates a variety of traffic movements.

The entrance to the proposed Highway Service Centre (HSC) from the Ballina Highway Bypass includes two lanes which will provide for the separation of light and heavy vehicles, with heavy vehicle fuel and parking services located in the north.

The proponent has indicated that the proposed highway entry signs are part of the approval associated with DA 2010/962.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The proposed development was placed on public exhibition from 16 March to 7 April 2016, and adjoining owners, including the Roads & Maritime Services were notified of the proposal. At the close of the exhibition period one submission had been received from an adjoining owner and one submission from Roads & Maritime Services had been received.

A copy of the submissions is provided in Attachment 3.

Issues Raised from Adjoining Private Land Owner

- Impact of stormwater run-off on to the adjoining property (to the north) being Lot 10 DP 1208600
- Access to his land via the Highway Service Centre

COMMENT: Council received the same letter of objection to DA 2010/962.14 Modification No. 13. Council's Manager Infrastructure Planning responded to this letter on 14 December 2015, and has further responded to this submission. This response addressed the matters raised within this submission generally as follows:

Impact of Stormwater Run-off

DA 2010/962 adequately conditions the development of the HSC in relation to drainage and runoff from the site being directed into Council approved drainage systems (including the provision of a floodway) and not onto adjoining properties.

Future Farm Access

The issue in relation to access to Lot 226 DP 1121079 (Mr Ellis's land), Council has imposed a condition of consent requiring the establishment of a Right of Way over the HSC land in favour of Lot 226 DP 1121079 to ensure that access is maintained to Mr Ellis's land.

As has been mentioned, the conditions imposed under DA 2010/962 remain current, as this application only addresses conditions that relate to the architectural built form of the development.

Response from Roads & Maritime Services (RMS).

The RMS has responded as an adjoining owner of land and also as required under Clause 104 of the Infrastructure SEPP.

The following matters have been raised by RMS.

- The architectural drawings for the current modification show a physical obstruction between the car and truck fuelling areas. There needs to be the opportunity for vehicles that take the wrong entry to correct their mistake without circulating through the site. A gap is required in the barrier separating the fuelling areas
- Signage in the median area separating the light and heavy vehicle accesses is needed to reinforce the correct entry for vehicles
- Signage is required on the entry from River Street prior to pad site 2 to ensure that heavy vehicles accessing from River Street are guided to the correct fuelling area
- It is noted that the swept paths for the heavy vehicle fuelling and parking area appears congested. It may be necessary to use part of the land identified for pad sites 2 and 3 to provide more manoeuvrability for heavy vehicles
- It is suggested that the obligation free outdoor picnic area just west of pad site 2 be provided with shade structures to encourage use

8.2 DA 2016/93 - Highway Service Centre, Ballina - Amendments

- The drive through layout for building B conflicts with pedestrian desire lines from the adjacent carpark. Ideally the drive through should be designed to be free of pedestrian conflict or have as little conflict as possible
- Construction of the access to the site from the southbound Pacific Highway off ramp will impact on the existing access to the property immediately north of the service centre site. Access must be maintained to this property to the north and a right of way through the service centre site will be required
- As construction of the ramp to the site from Pacific Highway will involve works on the freeway the developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime prior to the issue a Construction Certificate and a pre-qualified contractor will be required to complete all roads works under the WAD to practical completion prior to the issue of any Occupation Certificate (interim or final) for the development.

COMMENT: The above matters have been addressed as conditions of consent.

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.

The subject site being proposed Lot 101 (Subdivision Certificate No.38/2013) is zoned RU2 Rural Landscape under Ballina LEP 2012 (BLEP 2012).

Ballina Local Environmental Plan 2012

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

highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

The establishment of a Highway Service Centre (HSC) is permissible within the zone under the provisions specified in Clause 2.5 as an additional permitted landuse Schedule 1 (item 3 – area C) of BLEP 2012.

8.2 DA 2016/93 - Highway Service Centre, Ballina - Amendments

This application seeks Council approval to change the architecture and site layout of the approved Highway Service Centre (HSC) buildings, future development pads and update the associated civil infrastructure.

The proponent has indicated that further to the implementation of filling of the land and the provision of civil construction works such as intersections, culverts, a flood drainage channel and associated drainage works permitted pursuant to DA 2010/962 (as modified), development consent is sought for the change in architecture of the HSC buildings and update the associated civil infrastructure.

The proposed changes are as follows:

- Building A provides for motor vehicle refueling and amenities for the travelling public, including refreshment tenancies; food court; internal playground; obligation-free picnic areas and associated parking;
- Adjacent to Building A is a dedicated truck refueling facility. Further, a specific “truckers lounge”, to meet the needs of that segment of the travelling public, is provided within building A. This building has also been architecturally treated in a way that breaks up the roof form and highlights the contemporary coastal design of the buildings; and
- Building B is a standalone restaurant facility. This building also adopts a contemporary coastal architectural character.

In addition to the abovementioned built features, the overall design integrates in a way that allows for the inclusion of five “pad sites” that will be developed for further Highway Service Centre-related land uses that will be subject to the lodgment of further development applications.

Compliance with the relevant clauses within BLEP 2012

Clause 4.3 Heights of Buildings, 4.3A Exceptions to Height of Buildings, Clause 5.6 Architectural Roof Features

The proponent has indicated that the height of proposed Building A exceeds the 8.5m maximum height limit. To establish the base for measurement of building height, Clause 4.3A applies. Clause 4.3A identifies the minimum level AHD datum on the Building Height Allowance Map for the subject land as RL 2.1 AHD. Hence, the prescribed height of a building at the site is RL 10.6 AHD (i.e. RL 2.1 plus 8.5m from the Height of Buildings Map).

The overall height of Building A is RL 13.00m. It is the roof component of Building A above the top plate that exceeds the maximum height limit. Consequently, the applicant is relying on Clause 5.6 Architectural Roof Features to justify the height exceedance of Building A.

In accordance with Clause 5.6 of BLEP 2012, Council is empowered to approve the architectural roof features above the conforming top plate level because the Building A roof form:

- is a deliberate architecture roof feature
- comprise decorative elements on the upper portion of the building
- is not advertising structures

8.2 DA 2016/93 - Highway Service Centre, Ballina - Amendments

- does not contain floor space which is reasonably capable of modification to include additional floor space
- will not cause overshadowing impacts on adjoining property owners or adversely affect amenity
- signage, plant and equipment is fully integrated into the Building A roof feature.

Further, the overall height of Building A is significantly less than the overall height of the currently approved Highway Service Centre buildings at the site.

In consideration of Clause 5.6 of BLEP 2012, the architectural roof feature which projects above the maximum height control is supported.

Building B is compliant with the provision of Clauses 4.3 and 4.3A.

Clause 5.5 Development within the coastal zone

The subject site is within the Coastal Zone however it is well removed from the coast, accordingly the proposed development has no impact in terms of the preservation of natural, cultural or recreation considerations nor does it have any impact upon pedestrian access to the coastal foreshore.

Clause 7.7 Essential Services

Council's Civil Services Group have indicated that all relevant utility services are available to meet the needs of the development.

Ballina Shire Development Control Plan 2012

A number of chapters within the Ballina Shire Development Control Plan 2012 (BSDCP 2012) have specific relevance to the proposed development.

Chapter 2 – General and Environmental Considerations

3.7 Waste Management

Council's Environmental Officer has commented on the proposal and raises no objection subject to the imposition of a number of conditions of consent.

3.9 Stormwater Management

The proposal has been designed to ensure that all drainage from the site is directed to Council approved system.

3.11 Provision of Services

All utility services can be satisfactorily provided for the proposed development.

3.16 Crime prevention through Environmental design (CPTED)

The designs of the proposed buildings have addressed all relevant requirement of CPTED.

3.19 Car Parking & Access

The proposed carparking area identified within the HSC development complies with Council's DCP, requiring the provision of 139 spaces on-site.

8.2 DA 2016/93 - Highway Service Centre, Ballina - Amendments

The applicant is proposing 205 car parks for the site consisting of the following:

Light vehicles	176
Heavy vehicles	29
Total	205

The proposal includes the provision of 10 disabled car parks. This number of car parks is acceptable. The applicant has not specified whether these car parks are to be covered. It is recommended that it be conditioned that these car parks are covered.

Council's Civil Services Group has assessed the proposed parking requirements and is satisfied that the application can be supported subject to the imposition of a number of conditions of consent.

Chapter 6 Part 3.1.3

A Element - Building Height

As discussed previously within the body of this report, the proponent has requested Council support the minor height increase as a result of the architectural roof features above the compliant top plate level, in accordance with the requirements of Clause 5.6 of BLEP 2012.

Building B is fully compliant.

C. Element – Roof Form

Council is satisfied that the architectural roof form of each of the two buildings adopts the requirements set out in this element.

D. Element – Building Setbacks

The proposed development complies with Council's requirements.

F. Element – Awnings

The proposed layout provides for awnings adjacent to Buildings A and B consistent with the controls referred to in Element F.

G. Element – Landscaping

Council raises no objection to the proposed landscape scheme.

H. Element – Gateways and Landmark Sites

The proponent has indicated that the HSC proposal is a "gateway" project. However, the design is reflective of its out-of-centre location. Accordingly, only certain of the controls referred to in Element H are particularly relevant. In this regard the proposal complies with the relevant controls; hence Council raises no objection to the proposal.

I. Element – Vehicular Access and Parking

Council's parking requirements are described in Ballina Shire Development Control Plan 2012 Chapter 2 – General & Environmental Considerations Urban Land, Policy Statement No 2, Car Parking and Access (DCP).

The proposed carparking area identified within the proposed revised HSC development complies with Council's DCP, requiring the provision of 139 spaces on-site.

The applicant is proposing 205 car parks for the site.

The applicant is proposing 10 disabled car parks. This number of car parks is acceptable. The applicant has not specified whether these car parks are to be covered. It is recommended that it be conditioned that these car parks are covered.

Council's Civil Services Group has assessed the proposed parking requirements and is satisfied that the application can be supported subject to the imposition of a number of conditions of consent.

J. Element – Waste Storage Facilities

Waste storage facilities are physically and visually integrated to the design as well as being located well behind the building line. The waste facilities have been designed to be easily accessible for proposed and future tenancies.

K. Element – Pedestrian Entries and Access

Pedestrian access suitable for use by walkers, strollers, scooters, wheelchairs and the like is an integral part of the updated architectural proposal.

L. Element – Energy Efficiency

Council has no objections in relation to the energy efficiency of the design.

M. Element – Water Efficiency

The proponent has indicated that the proposed development will provide for the use of taps and appliances of “AAA” rating as well as low flush toilets and urinals. No objection is raised by Council.

SEPP 71 – Coastal Protection

The development will not contravene any aims of SEPP 71, as the proposed HSC is not located within close proximity to the coastal foreshore. However while it is located in close proximity to the Emigrant Creek, it is unlikely to have an adverse impact upon the creek system.

The development will not adversely affect any significant scenic qualities of the existing coastline.

The building footprints do not contain any known threatened species and will not have any significant adverse impacts on any known existing wildlife corridors.

The development will not create any conflict between land based and water-based coastal activities.

The development will not have any identifiable impact to water quality of existing coastal water bodies, particularly Emigrant Creek.

Consequently, no significant cumulative impacts on the environment can be identified.

Roads & Traffic (RMS)

Council's Civil Services Group and the RMS have commented on the proposal and raise no objection to the development subject to the imposition of a number of conditions of consent.

Pedestrian Movement & Connection

Pedestrian access is provided within the proposed carpark with safe controlled access to all the facilities. Council raises no objection to the proposed pedestrian movement system.

In relation to external pedestrian and cyclist movements, DA 2010/962 has separate requirements for the provision of footpath networks to cater for the development. This application that is currently before Council will operate in conjunction with this approval.

Site access, internal driveways and parking design

The site can be accessed from two locations. The first is a dedicated slip lane off the Ballina Bypass and the second is via a new four way intersection at the Pacific Highway boat ramp. These access arrangements are part of the conditional approval for DA 2010/962.

Provision for Service and Delivery Vehicles

Included in the proposed HSC development is adequate service and delivery areas to cater for the proposed uses of the site.

It is also proposed to provide waste receptacle areas for each of the buildings. The design of these areas adequately caters for access to the relevant areas via a large rigid vehicle.

Conclusion

The application before Council for determination is one which has a significant history both in relation to the existing approved development (DA 2010/962) and the previous modification application submitted to Council that was subsequently withdrawn prior to determination.

This application, whilst it stands alone as a separate consent, is reliant on the commencement of DA 2010/962 and the subsequent completion of numerous conditions of consent relating to the establishment of the HSC building pad (earthworks), ancillary on-site and off-site road works, drainage works and flood mitigation works.

The approval of this application will include a condition of consent that will modify DA 2010/962 in accordance with Section 80A(1)(b) of the Environmental Planning Assessment Act 1979 by deleting conditions from DA 2010/962 (as amended) that relate to the original building layout, design, architecture and Section 94 & 64 levies.

The changes to the original approval will enable both consents to stand on their own in relation to the development of the land, whilst achieving the overall development of the land for the purpose of a Highway Service Centre. In all other matters the original consent will remain in force (subject to commencement of DA 2010/962).

8.2 DA 2016/93 - Highway Service Centre, Ballina - Amendments

This current proposal before Council is reliant on the original consent (DA 2010/962) being physically commenced prior to the relevant lapse date. The proponent has indicated that upon receipt of this approval they will be able to secure tenants for the HSC thus enabling them to initiate development works to establishment the commencement of the original consent. The proponent advises that this redesign is a crucial phase in the development of the land and will enable the project to proceed with the surety that they can finalize commercial agreements with the major tenants.

A copy of the draft conditions of consent were forwarded to the proponent for comment due to the complexity and size of the proposed development.

Following this consultation with the proponent the draft conditions were reviewed (including changes as requested by the proponent) and the conditions of consent finalised as recommended.

The current application addresses all statutory and policy requirements and warrants the support of the Council.

RECOMMENDATIONS

That DA 2016/93 to change the layout and built form of the approved Highway Service Centre (DA 2010/962) and associated civil infrastructure at Lot 11 DP 1011575, 565-589 River Street West Ballina be granted **APPROVAL** subject to the conditions in Attachment 4 and other building, planning, environmental and engineering conditions applicable for this type of development.

Attachment(s)

1. Locality Plan
2. Development Plans
3. Submissions
4. Schedule of Conditions

8.3 Entry onto Private Property for the Purposes of Clean Up Action

8.3 Entry onto Private Property for the Purposes of Clean Up Action

Delivery Program Development Services

Objective To seek Council's endorsement for the actions proposed in the report.

Background

This matter relates to the importation of waste building materials from the demolition of the Rous Hotel and depositing those materials at premises known as Lot 2, DP 578543, being Nos 883-891 Pimlico Road, Wardell ("the subject premises"), which occurred in 2007.

Key Issues

- Ongoing non-compliance with formal Notices as served by Council
- Evidence of commission of similar environmental offences being committed over an extended period of time by the owner / occupant
- Deterrent for ongoing offences being committed by owner / occupant
- General deterrent to the local community
- Ongoing delays in completing works in line with Council resolution

Information

Council has served formal Notices and Orders on Mrs Wall to remove these materials and when compliance was not forthcoming, Council adopted the following resolution at the July 2010 Ordinary Meeting:

Legal Action – Pimlico Road, Pimlico

That Council having given due consideration to all the facts outlined in the report, approves the following actions:

1. *Option 2 (Declaration of Potential Contaminated Land) is implemented as a matter of urgency; AND*
2. *Option 5 (Carrying out of works) is endorsed to enter onto the subject premises and the carrying out of works to give effect to the Orders as served.*

Following this resolution and Council's attempts to enter onto the subject land to remove the waste, Mrs Wall engaged Woolf and Associates, Solicitors, who objected on Mrs Wall's behalf to Council entering onto her land.

Subsequently, Woolf and Associates, with Council officers and Council's solicitors undertook an inspection of the land with a view to establishing exactly the work required by Council and, who thereafter by agreement submitted a Plan prepared by Ardill Payne and Partners to Council to utilise some materials on site for stabilisation works and to remove the remaining surplus materials and this plan was to be reviewed and reported to Council for consideration.

8.3 Entry onto Private Property for the Purposes of Clean Up Action

In an effort to minimise delays and additional costs this matter was reported to Council in May 2014, noting that there were amendments needed to the Plan to correct identified deficiencies, to seek Council's direction as to the continuing course of action in relation to this matter.

At the May 2014 Ordinary Council meeting, the following options were considered:

1. *Agree to pursue the proposal as submitted by Ardill Payne for the use of some of the waste materials within the subject premises and the disposal of all surplus to an approved waste facility;*
2. *Reject the proposal and resolve to continue with efforts to enter onto the subject premises to undertake the clean-up works.*

Following detailed discussions, Council subsequently resolved at the May 2014 Meeting:

"That based on the contents of this report Council endorses option two to continue with action to require the removal of the waste materials from 883-891 Pimlico Road, Pimlico, in line with Council's existing Order as soon as possible".

This resolution was conveyed to both Council's and Mrs Wall's legal representatives with a view to progressing this matter to conclusion.

Council's solicitor subsequently advised Council that the resolution was contrary to the agreement between the parties for the submission of the Plan, in that the proponents, Woolf and Associates and Ardill Payne and Partners should have been provided with the opportunity to remedy the deficiencies prior to Council considering this matter at the May 2014 Meeting.

In following the advice of Council's solicitor, Woolf and Associates and Ardill Payne and Partners were further consulted and these deficiencies in the plan have now been addressed. Attached is the revised plan titled Remediation Action Plan dated May 2015. The matter is reported back to Council in line with Council's legal advice for review and determination.

Sustainability Considerations

- **Environment**
Unauthorised waste dumping within the Ballina Shire, if left unchecked will have a major impact on the local environment.
- **Social**
Not Applicable
- **Economic**
Not applicable

Legal / Resource / Financial Implications

Legal proceedings generally are costly and to minimise costs and to achieve an outcome to give effect to the Orders as served, Council has options as outlined within this report.

8.3 Entry onto Private Property for the Purposes of Clean Up Action

Consultation

Council has continued to consult with its solicitor in relation to this matter and follow the advice provided.

Options

Council has a number of options as to what form of action, if any, is contemplated for removal of the unauthorised waste within the subject premises.

These options are more fully outlined in the *Ballina Shire Council Enforcement Policy*.

In considering its options, Council should refer to the report presented to the May 2014 Ordinary Meeting, a copy of which is attached.

Having given due consideration to the considerations for legal action as outlined in Part 3 of the Enforcement Policy and the need for a general deterrent and the impact on the private activities of a resident and ratepayer, the clean-up action is considered justifiable.

Having regard to the circumstances and the Enforcement Policy, it is considered Council has two options available in relation to this unauthorised land use.

These are:

Option One

Advise Mrs Wall that provided the proposal of Ardill Payne and Partners as submitted in the Remediation Action Plan is put into effect strictly in accordance with the time limits contained within it, then Council will not enter onto the premises to undertake the clean-up works and that the existing order will be amended to that effect.

Further, advise Mrs Wall that in the event of any delay beyond the time limits proposed by Ardill Payne and Partners, Council will enter onto the premises to undertake the clean-up works in accordance with the notice.

Comment

Council has issued a formal Order under the provisions of Section 121B, *Environmental Planning and Assessment Act 1979* (NSW) requiring that the material is to be removed from the subject premises.

Any action taken to utilise material within the site for erosion protection works would be in contravention of the Order

However, Option 1 would necessarily predicate that Council simply amends its existing Order to permit these works in accordance with the Remediation Action Plan and timeframes being remediation completed within six weeks of issue of amended Order, so that if there is non-compliance the Order is already in place and upon giving reasonable notice, Council could enter onto the land to complete the works (as already set out in the notice).

8.3 Entry onto Private Property for the Purposes of Clean Up Action

The required amendments have now been made to the Ardill Payne and Partners Remediation Action Plan and Council's technical staff have indicated that the previously identified deficiencies as outlined in the May 2014 Council Report have been adequately addressed.

Option 2:

Reject the proposal and resolve to enter onto the subject premises to undertake the clean-up works.

Comment

It is open to Council to reject Mrs Wall's submission even though the submission is considered to be satisfactory to Council and to require that all the waste material is lawfully disposed of at an approved waste transfer facility in line with Council's existing Order.

When this matter first came to the attention of Council in 2008, Mrs Wall was previously given the opportunity to complete the works she now seeks to undertake.

Council served Mrs Wall with a Notice of Proposed Order and was required to carry out scour protection works and rectification works.

On 18 June 2008, Mrs Wall wrote to Council requesting additional time to comply with the Notice of Proposed Order dated 13 June 2008, citing a need to employ a contractor to carry out the works as required by the Proposed Order. On 26 June 2008, Council agreed to this request for additional time to comply with the terms of the Proposed Order.

On 18 July 2008, Mrs Wall again contacted Council through her (then) employed solicitor seeking further time to comply as she claimed there was a problem with truck access to the property to remove the waste building materials.

It was subsequently ascertained in June 2009, some 11 months later, Mrs Wall had failed to undertake the works as provided for by the Notice of Proposed Order.

It was at this time that these present proceedings were commenced to have all waste material removed from the subject premises.

Should Council favour this Option, Council staff will be required to remove the waste from the premises. This would involve the coordination of outdoor staff as well as the potential for contractors to be utilised to assist in the waste removal, the provision of traffic control to ensure a safe workplace for Council staff as well as the transportation of the waste materials to an appropriate waste facility.

Council staff have prepared the appropriate plans and Safe Work Method Statements, however these plans would need to be reviewed to ensure that they are current.

Mrs Wall, Woolf and Associates, Ardill Payne and Partners and the Local Police would also be advised of Council's actions at least 28 days prior to the works being undertaken.

8.3 Entry onto Private Property for the Purposes of Clean Up Action

It is expected that the remediation works would take approximately four days. These costs would be recouped from Mrs Wall.

Conclusion

Although Council has attempted to have Mrs Wall satisfactorily address the remediation of the site over a long period of time, on balance Option 1 is the preferred approach. This is on the basis that Mrs Wall and her legal representatives and experts met on site and agreed to prepare a detailed alternate outcome and that this outcome detailed in the Remediation Action Plan by Ardill Payne and Partners has been submitted to Council by Mrs Wall and assessed by Council officers as being satisfactory.

Should the works not be satisfactorily completed within the timeframes outlined in the report, being six weeks from the issue of the amended Order, then Council could enter onto the land to complete the works.

RECOMMENDATIONS

1. That Council advise Mrs Wall that provided the proposal of Ardill Payne and Partners, as submitted is put into effect strictly in accordance with the time limits contained within it, then Council will not enter onto the premises to undertake the clean-up works and that the existing order will be amended to that effect.
2. That Council also advise Mrs Wall that in the event of any delay beyond the time limits proposed by Ardill Payne and Partners, Council will enter onto the premises to undertake the clean-up works in accordance with the notice.

Attachment(s)

1. Revised Remediation Report
2. May 2014 Council Report

8.4 Policy (Review) - Liquor Licensing Policy

8.4 Policy (Review) - Liquor Licensing Policy

Delivery Program Development Services

Objective To provide an updated Policy to meet the current legislative requirements

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 Liquor Licensing Policy. Council adopted this policy on 26 July 2012.

Key Issues

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

Information

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

- change and update of Group Names and Policies as adopted by Council
- clearer definitions of liquor licences and the required standards for Sporting Clubs on Council and Public Reserves
- addition of different licence types as a definition
- ensuring consistency on definitions and legislative references throughout the Policy etc.

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.

The changes have been marked in yellow.

Sustainability Considerations

- **Environment**
Promote compliance with liquor licensing regulations.
- **Social**
Appropriate licensing and enforcement action supports a cohesive society.
- **Economic**
Application of this Policy can assist the community in their liquor licensing applications.

Legal / Resource / Financial Implications

Nil

Consultation

As the changes are only minor it is recommended that Council adopt the policy as presented, however the document will be exhibited for public comment. If any submissions by way of objection are received, the Draft Policy will be reported back to Council however there will not be a need for any further report if there is no adverse 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 by way of objections to the proposed changes are received from the exhibition process, the policy be adopted with no further actions required.

RECOMMENDATIONS

1. That Council adopts the amended Liquor Licensing 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. Liquor Licensing Policy

8.5 Development Consent and Public Infrastructure Approvals - April 2016

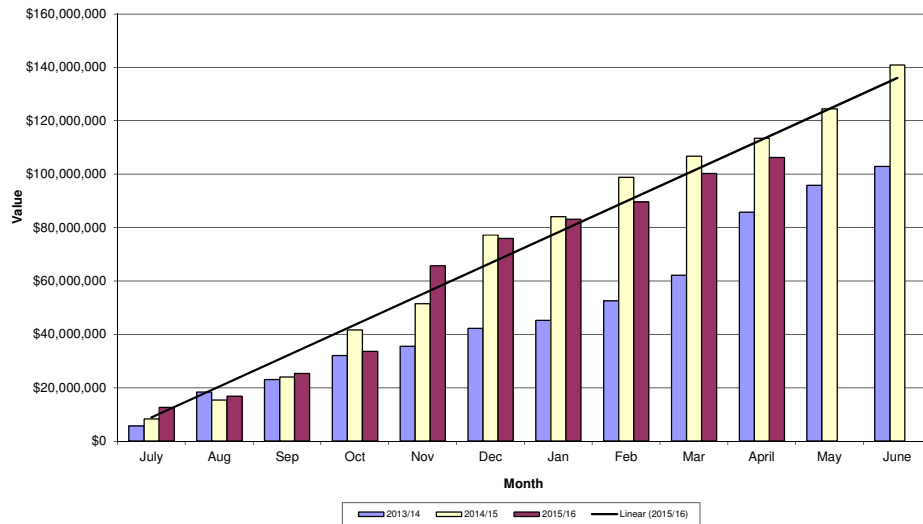
8.5 Development Consent and Public Infrastructure Approvals - April 2016

During the period of 1 April 2016 to 30 April 2016 the Development and Environmental Health Group issued Development Consents comprising of:

Number of Applications	Value of Work
28 Other Building Related	\$ 1,368,690
12 Dwelling/Duplexes/Residential Flat Buildings	\$ 4,626,650
4 General Developments	\$ 750
Total Value	\$ 5,996,090

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

Cumulative Development Approval Values



During the period of 1 April 2016 to 30 April 2016 there were no applications received for Public Infrastructure / Civil Construction Works.

RECOMMENDATION

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 April 2016 to 30 April 2016.

Attachment(s)

Nil

8.6 Development Applications - Works in Progress - May 2016

8.6 Development Applications - Works in Progress - May 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
2015/403	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
2015/468	2/9/2015	Ardill Payne & Partners	Residential Subdivision to create 179 residential lots and two residue lots and associated infrastructure works – Lot 389 DP 1199596 & Lot 409 DP 1202454, Unara Parkway & Deadmans Creek Road, Cumbalum	Determination Pending
2015/599	26/10/2015	CivilTech Consulting Engineers	Eight Lot Industrial Subdivision, Vegetation Clearing and Associated Works - 54 North Creek Road, Ballina	Being Assessed
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

8.6 Development Applications - Works in Progress - May 2016

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/25	25/01/2016	Retail Fuel Developments	Demolition of Existing Buildings and construction of Service Station and Ancillary Kiosk – 323 River Street, Ballina	Being Assessed
2016/36	02/02/2016	Ardill Payne & Partners	Place of Assembly – Wedding Ceremonies – 442 Hinterland Way, Knockrow	Referred to Government Departments
2016/45	8/02/2016	AGS Commercial Pty Ltd	To undertake the erection of an industrial building containing two units – 29 Piper Drive, Ballina	Being Assessed
2016/117	16/03/2016	Boral Resources (Country) P/L	Demolition of Concrete Batching Plant - 2-4 Northcott Crescent, Alstonville	Being Assessed
2016/122	17/03/2016	Newton Denny Chapelle	Proposed Rural Industry - 226 Hinterland Way, Knockrow	Being Assessed
2016/123	17/03/2016	B & P Surveys	Boundary adjustment subdivision of three existing lots to create 1 x 48ha, 1 x 33ha and 1 x 18 ha allotments – Lot 265 DP 1212348, Lot 1 DP 1184436 & Lot 1 DP 184117, The Coast Road, Lennox Head	Awaiting Additional Information
2016/124	18/03/2016	Anstey Homes P/L	Demolition of Existing Buildings and the Erection and	Awaiting Additional Information

8.6 Development Applications - Works in Progress - May 2016

			Strata Title Subdivision of a Multi Dwelling Housing Development Comprising Three x Two Storey Dwellings and Associated Works – 71 Stewart Street, Lennox Head	
2016/140	30/03/2016	GM Project Development & Management	Erection of New Dwelling House and Conversion of Existing Residence to Farm Stay Accommodation and Associated Works – 47 Ellis Road, Alstonville	Awaiting Additional Information
2016/147	01/04/2016	Planners North	To establish a tourist and visitor accommodation facility comprising a single one bedroom cabin – 21 Boormans Road, Newrybar	Awaiting Additional Information
2016/148	1/4/2016	Planners North	Mixed Use Development Comprising the Erection and Strata Title Subdivision of a Two Storey Commercial Premises and Three x Two Storey Dwellings and Associated Works – 61 Ballina Street, Lennox Head	Awaiting Additional Information
2016/157	6/4/2016	Lois Bucket Real Estate	Vegetation management works comprising the removal of eight	Awaiting Additional Information

8.6 Development Applications - Works in Progress - May 2016

			trees – 51 Greenfield Road, Lennox Head	
2016/161	8/4/2016	Ardill Payne & Partners	To establish a tourist and visitor accommodation facility comprising five tourist cabins, laundry room and associated works. – 14 Boormans Road, Newrybar	Awaiting Additional Information
2016/166	8/4/2016	Planners North	Twenty-six lot Torrens Title subdivision including road construction, earthworks, and associated subdivision works – Lot 7 DP 1216761, Henderson Drive, Lennox Head	On Exhibition
2016/171	11/4/2016	Peter Turner & Associates	Two staged development involving construction of two new dwellings to create a multi dwelling housing comprising three dwellings and strata subdivision – 10 Byron Street, Lennox Head	Being Assessed
2016/179	14/4/2016	Mr S Stephens	Vegetation management works comprising the removal of thirteen trees and pruning of thirteen trees - 22-40 Commercial Road, Alstonville	Being Assessed

8.6 Development Applications - Works in Progress - May 2016

2016/187	15/4/2016	AGS Commercial Pty Ltd	Erection of industrial building comprising two units and construction of associated car parking - 19 Cessna Crescent, Ballina	Awaiting Additional Information
2016/190	18/4/2016	Mr J Clarke	Vegetation management works comprising the pruning of a tree - 7 Dalmacia Drive, Wollongbar	Being Assessed
2016/194	18/4/2016	Ms M Feain	Change of Use to a Recreation Facility (Indoor - Dance Studio) - 58-62 Simpson Avenue, Wollongbar	Being Assessed
2016/206	26/04/2016	Peter Turner & Associates	Senior Housing Comprising 15 Single Storey Self Care Units and Associated Works - 127-129 Cherry Street, Ballina	On Exhibition
2016/207	27/4/2016	Planners North	Change of Use of an 'Approved Office' on First Floor (DA 2014/609) to a Medical Centre - 45-49 Ballina Street, Lennox Head	Being Assessed
2016/219	03/05/2016	Ardill Payne & Partners	Establishment of a Multi Dwelling Housing Development Comprising the Erection of Two x Two Storey Detached Dwellings, Retention of Existing Dwelling House,	On Exhibition

8.6 Development Applications - Works in Progress - May 2016

			Demolition of Existing Carport and Shed, Vegetation Removal and Associated Works and the Subsequent Strata Title Subdivision – 175 Tamar Street, Ballina	
2016/229	05/05/2016	Ballina Shire Council	Vegetation Management works comprising the removal of 19 Trees – 81-95 Southern Cross Drive, Ballina	Being Assessed
2016/230	05/05/2016	J Casey	Alterations to Existing Multi Unit Development and Five Lot Staged Strata Subdivision – 12 Skinner Street, Ballina	Being Assessed
2016/234	06/05/2016	Newton Denny Chapelle	Vegetation management Works Comprising the Removal of Two Fig Trees – 270 North Creek Road, Skennars Head	Being Assessed
2016/236	06/05/2016	Newton Denny Chapelle	Erection of Industrial Building for the Purposes of General Industry (Brewery) and Associated Works – 2/188-202 Southern Cross Drive, Ballina	Awaiting Additional Information

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
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

8.6 Development Applications - Works in Progress - May 2016

2016/184	15/4/2016	Planners North	To undertake urban subdivision of the new Cumbalum Urban Release Area – Precinct A comprising a total of 633 residential allotments, road construction, earthworks, stormwater management, infrastructure works, vegetation removal and other associated subdivision works - Sandy Flat Road, 88 Sandy Flat Road, 52 Albert Sheather Lane, Tamarind Drive and 658 Tamarind Drive, Cumbalum	On Exhibition and Referred to Government Departments
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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 May 2016.

Attachment(s)

Nil

9.1 Planning Proposal BSCPP 14/001 - Teven Road, West Ballina

9. Strategic and Community Facilities Group Reports

9.1 Planning Proposal BSCPP 14/001 - Teven Road, West Ballina

Delivery Program Strategic Planning

Objective To inform the Council of the outcomes of the public exhibition of Planning Proposal BSCPP 14/001 Teven Road, West Ballina, Road Transport and Logistics Precinct, and the associated draft Voluntary Planning Agreement, and to seek direction from the Council on the finalisation of the matter.

Background

At its Ordinary Meeting held on 25 February 2016, the Council considered a planning proposal (BSCPP 14/001) which sought to permit, with development consent, *freight transport facilities* and *warehouse or distribution centre* as additional permitted uses on certain land having frontage to Teven Road in West Ballina. The planning proposal did not seek to change the underlying zoning of the land.

The proposal is based on the use of the additional permitted uses schedule in the Ballina LEP 2012 (Schedule 1) to permit the proposed uses, with development consent, within the RU2 Rural Landscape zone that is currently applicable to the land.

The diagram below illustrates by red outline the location of the land the subject of the planning proposal.

Diagram 1 – Proposed Teven Road Transport and Logistics Precinct



9.1 Planning Proposal BSCPP 14/001 - Teven Road, West Ballina

Following its deliberations at that meeting, the Council resolved as follows (Minute No. 250216/11):

- 1. That the planning proposal (BSCPP 14/001) and the associated draft voluntary planning agreement, as attached to this report, be placed on public exhibition for a minimum period of 28 days.*
- 2. That the matter be reported for further consideration by Council following the mandatory public exhibition period.*

Attachment One to this report is a copy of the planning proposal as exhibited.

Following the above resolution the planning proposal and associated draft Voluntary Planning Agreement (VPA) were placed on exhibition for community feedback from 9 March 2016 until 8 April 2016.

The draft VPA was subsequently re-exhibited from 20 April 2016 until 20 May 2016. This re-exhibition was arranged to incorporate an Explanatory Note, which is a legislative requirement. At the time of finalising this report no submissions in respect to the VPA have been received. Should submissions be received, these will be tabled at the Council Meeting.

Attachment Two to this report is a copy of the draft VPA and Explanatory Note as exhibited.

The purpose of this report is to outline for the Council outcomes of the public exhibition process and to seek direction with respect to the progression of the planning proposal and the VPA.

Key Issues

- Consideration of the outcomes of the public exhibition process.
- Consideration of acceptance of delegation from the Department of Planning and Environment to finalise the planning proposal.
- Consideration of the acceptance of the draft VPA.

Information

The subject site has an approximate area of 17 hectares. Excluding land required for floodway and car parking purposes, the planning proposal will facilitate the erection of buildings and other improvements on approximately 8.5 hectares of land for road transport and logistics related uses, provided of course that development consent is issued for such work. The remainder of the site will be required to be utilised for floodway and flood storage purposes as a consequence of flood modelling undertaken to assess the impact of this planning proposal on the floodplain.

9.1 Planning Proposal BSCPP 14/001 - Teven Road, West Ballina

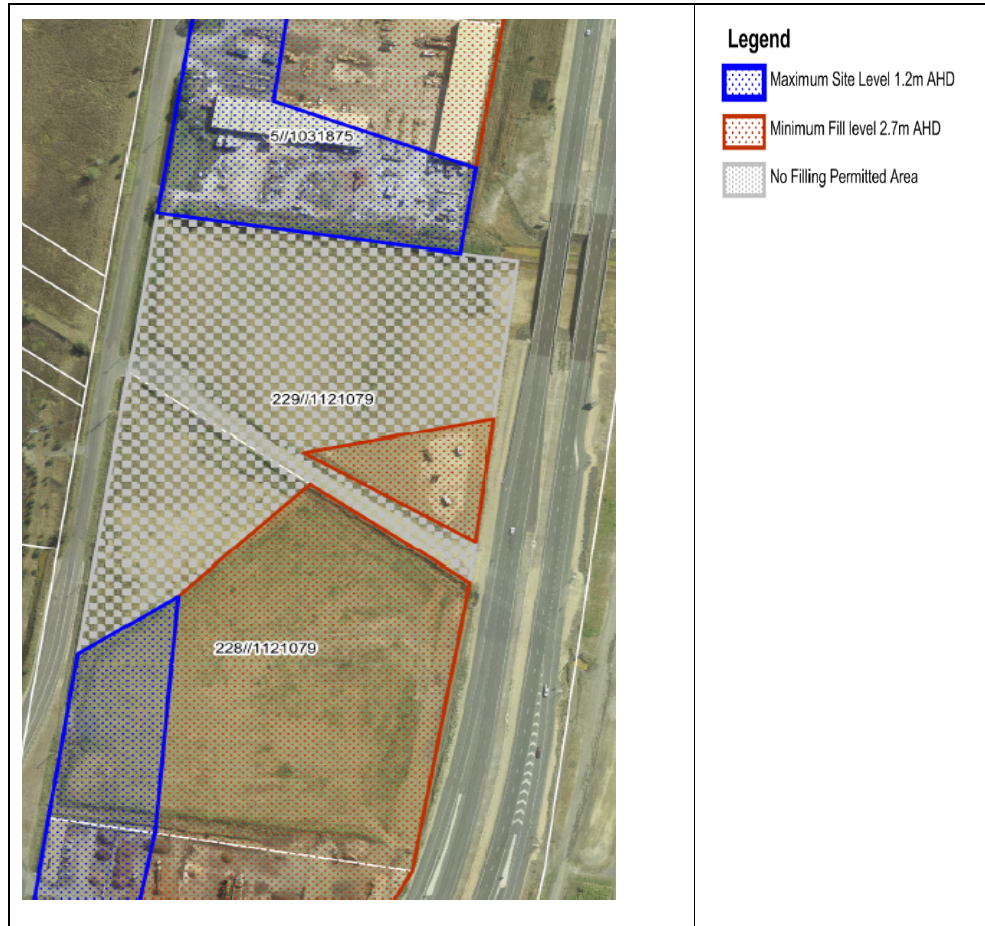
In order to limit increases to flood levels elsewhere within the floodplain to predetermined modelled maximum levels, the flood modelling made certain assumptions. The impacts associated with modelling (Scenario 4) were accepted by the Council following consideration of advice provided by BMT WBM in May 2015 [Minute No. 280515/7]. The flood modelling relied upon the West Ballina Flood Relief Structure (WBFRS) under River Street being in place and only minor filling of parts of Lots 228 and 229 DP 1121079 to ensure that the Ballina Bypass flood relief bridge is not obstructed.

Scenario 4 also required that 40% of areas designated as suitable for development (excluding floodway area) be filled no higher than the 1 in 5 year ARI flood event level (RL 1.2m AHD) and the remaining 60% be filled to the 1 in 100 year ARI flood event level (RL 2.7m AHD). The 8.5ha development site estimate relates to that part of the site proposed to be filled to the 1 in 100 year ARI flood event level. This issue, and associated flood modelling results were the subject of the report to the Council's Ordinary Meeting held on 28 May 2015.

The VPA, when finalized, provides the mechanism through which the future filling and land form modifications, upon which flood modelling is based, are achieved in a coordinated manner. It also provides for the protection of the floodway area through a Restriction as to User being registered on the title of impacted lots, under s88E of the Conveyancing Act 1919, within six months of the VPA becoming operative. Finally, the VPA provides that no development of the site shall occur, other than for defined *minor development*, until after the WBFRS has been constructed.

Diagram 2 is an extract from the map which forms a part of the draft VPA. It shows the extent of the area located within Lots 228 and 229 DP 1121079 which is proposed to be subject to a no filling restriction. It is this area that is also proposed to be protected for floodway purposes through an s88E Restriction as to User.

Diagram 2 – Extract from draft VPA Map



Minor development is defined in the draft VPA as:

Minor Development means development that is exempt development under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, changes of use, demolition, interior or exterior building alterations, building extensions and rebuilding proposals which do not increase the gross floor area by more than 10% of the gross floor area of a building as it existed as at the date of this Deed, site filling approved by the Council which does not extend the filled area on any lot by more than 10% of the area filled on that lot as at the date of this Deed, and any other development approved by the Council which, in the Council's opinion, does not compromise flood levels within the flood plain.

The minor development definition has been negotiated on the basis that it will permit existing buildings to be utilised for road transport and logistics related purposes without triggering site filling and landform adjustment requirements and prior to the WFRS being constructed.

9.1 Planning Proposal BSCPP 14/001 - Teven Road, West Ballina

The original 2014 Gateway determination found that the planning proposal was inconsistent with *Section 117 Direction 4.3 Flood Prone Land*. The nature of the inconsistency related to the view of the Department of Planning and Environment that the planning proposal would permit a significant increase in the development of the land. The Department provided advice that the Secretary's Agreement to the inconsistency may be required prior to the plan being made.

Advice has been received from the Department of Planning and Environment in April 2016 (Refer Attachment Three) that the delegate of the Secretary has agreed the inconsistency with Section 117 Direction 4.3 is justified. The Secretary's agreement permits Council to finalise the LEP amendment under delegated authority, should it resolve to do so.

Under the Department of Planning and Environment's Gateway determination provisions, Council has been delegated the authority to finalise this planning proposal. In this particular instance, given the nature of the planning proposal and the limited number, and generally supportive nature of submissions received, it is considered reasonable and appropriate to exercise the delegation. Under this approach, Council staff would complete the LEP amendment directly in liaison with Parliamentary Counsel. The amendment would, however, not be finalised until the VPA has been registered on the title of the properties the subject of the planning proposal.

Sustainability Considerations

- **Environment**

The future development of the proposed road transport precinct will result in the substantial removal of existing site vegetation as a consequence of site filling and reshaping requirements. An ecological assessment has been undertaken which has found that vegetation communities on the site are of low to moderate conservation significance and widespread in the wider study area.

Retention of some vegetation and the creation of suitable buffer areas has, however, been recommended by the proponent's ecological consultant. The retention of this vegetation is considered to be feasible without compromising future development options for the site, given its location adjoining site boundaries. This issue can be further considered at a future development application stage.

The submitted ecological assessment indicates that no threatened or significant flora species were recorded during site surveys, nor are these considered likely to occur on the subject site. In addition, no threatened fauna species were recorded during the site assessment and the site provides limited value as fauna habitat.

Ecological factors relating to floodplain impacts must be considered under the provisions of the NSW Flood Prone Land Policy. The submitted ecological assessment has confirmed that the alterations to offsite hydrological conditions (increased flood levels and duration) are considered to be inconsequential and within the range of hydrological variations already experienced by impacted vegetation communities.

- **Social**

The planning proposal is not considered to give rise to any immediate social factors of significance. In the longer term, and assuming that the proposed road transport precinct is developed, it is anticipated that net positive social impacts will result through employment opportunities and the diversion of associated heavy traffic outside of the Ballina township area.

Social factors are required to be considered under the NSW Flood Prone Land Policy. Social impact issues include the physical and mental impacts on residents whose households are flooded and impacts associated with social disruption. The modelled increase in flood levels potentially attributable to future development of part of this land are at the very minor level and are considered unlikely to result in any adverse social issues of significance.

- **Economic**

The planning proposal, in the longer term, provides a potential to generate net economic benefits related to the establishment within Ballina Shire of a road transport hub near the junction of the Bruxner and Pacific Highways.

Economic consequences are required to be considered under the NSW Flood Prone Land Policy. As indicated above, the potential for development of this proposed road transport precinct is considered to generate net economic benefits for the Shire.

Legal / Resource / Financial Implications

There is no significant resourcing or financial implication associated with the proposed LEP amendment. The processing of the amendment has been accommodated within the work program of the Strategic and Community Facilities Group.

The processing of the amendment does not involve specific legal implications beyond compliance with the *Environmental Planning and Assessment Act*. It is noted here that as part of the Gateway determination, the then Deputy Director General of the Department of Planning and Environment issued an authorisation for Council to exercise delegation to make the plan. Council has not yet accepted this delegation for this specific planning proposal.

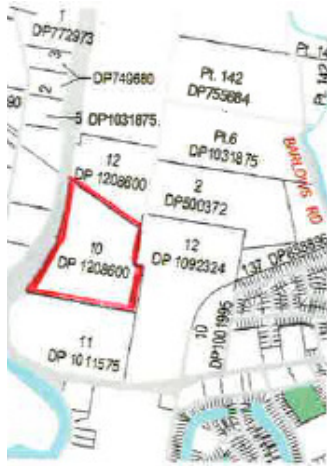
Given that the agreement of the Department Secretary has been obtained for the planning proposal's inconsistency with Section 117 Direction 4.3 Flood Prone Land, and also having regard to the nature of submissions received in response to the public exhibition of the planning proposal, it is considered that Council should now process the planning proposal to finalization under the delegation of authority provided.

Consultation

As indicated above, the planning proposal was placed on exhibition for public comment from 9 March to 8 April 2016. During this period three submissions were received, as summarised in the table below.

9.1 Planning Proposal BSCPP 14/001 - Teven Road, West Ballina

Copies of all submissions received are contained within Attachment Four.

Organisation / Person	Summary of Comments / Issues Raised	Planning Comments
Roads and Maritime Services (RMS)	Indicate that it now has no concerns with the proposal proceeding. Agree with Council's Traffic Engineer that a two lane roundabout will be needed to support the transport precinct at the intersection of Teven Road and the Bruxner Highway.	Noted. The RMS previously did not support the planning proposal and recommended that more detailed traffic analysis be carried out. Council's Traffic Engineer carried out additional traffic analysis which confirmed that the level of service provided by the subject intersection would continue to deteriorate over time, with increased traffic flow, and as a consequence of the development of the transport precinct. The future construction of a two lane roundabout was identified as an option to restore appropriate service levels at this intersection.
Mr J Budden	Strongly supports proposal.	Noted.
Mr T Ellis	<p>Seeks to have the planning proposal extended to incorporate his property which adjoins the Riverbend manufactured home estate. Advises that he is having major difficulties with farming activities on his land due to the encroachment of urban development.</p> <p>Mr Ellis is the owner of Lot 10 DP1208600 which is shown by the red outline on the plan below.</p> 	<p>Mr Ellis is the owner of Lot 10 DP 1208600 which has an area of 18.13 ha and is zoned RU2 Rural Landscape under the Council's LEP. This lot is located to the north-west of the Riverbend development and immediately to the north of the approved (but unconstructed) Ballina Waterways Highway Service Centre site. Land associated with the Pacific Highway forms the western boundary of Lot 10 and RMS owned land is located immediately to the north of Lot 10.</p> <p>It is not feasible to incorporate Lot 10 within the current planning proposal. This is because land constraints impacting upon Lot 10 such as flooding have not been examined. Until such time as land constraints have been investigated, including associated traffic impacts, it is not possible to provide an indication as to the merits of what is sought.</p> <p>Mr Ellis' concerns that the continued viability of Lot 10 for agricultural purposes appears to be limited are noted. It is however a matter for the property owner to initiate an LEP amendment, should he wish to do so, and support it with appropriate technical documentation, as has been the case with the subject planning proposal. Issues required to be examined will include flooding impacts, geotechnical characteristics and acid sulfate soil issues. Biodiversity and Aboriginal cultural heritage matters may not be so critical, given the disturbed nature of the land. A clear proposal for the future uses envisaged would also be required, including how these will "fit" with Council's planning for this area.</p> <p>It is open to Mr Ellis to pursue his own planning proposal to permit additional permitted uses on Lot 10 or to rezone the lot, should he wish to do so. A concept planning proposal application would need to be submitted in the first instance, together with the initial fee. Once such an application is submitted it will trigger a detailed evaluation of the merits of the proposal which will then be reported to the Council.</p>

Options

1. Finalise the Planning Proposal and Planning Agreement

Finalising the planning proposal as exhibited will result in changes being made to Schedule 1 of Ballina LEP 2012 to permit, with development consent, *freight transport facilities* and *warehouse or distribution centre* as additional permitted uses on the land the subject of the planning proposal. The land will still retain its RU2 Rural Landscape zoning as well as the range of uses currently permitted.

Finalising the VPA will entail it being executed by all relevant parties (landowners and Council) and then being registered on the title of the land the subject of the planning proposal. The registration of the VPA on title will be required to be undertaken before, or concurrently with, the planning proposal's finalisation. This may ultimately delay the gazettal of the LEP amendment by several months. The LEP amendment is required to be completed by 7 February 2017 under the terms of the Gateway determination.

This is the recommended option.

2. Discontinue the Planning Proposal

The option to discontinue the proposal is open to the Council. This option would also result in the VPA not being executed.

This option is not recommended. The planning proposal has generated significant investigation into site constraints. Constraints which have been investigated have included flooding impacts, land contamination, heritage, acid sulfate soil and site ecology. The assessment of these matters has not identified issues that are a barrier to the finalisation of the planning proposal.

In respect to the VPA, this will result in material public benefits being realised through the creation of a floodway over part of the land via the registration on title of a *Restriction as to User*.

3. Defer the Planning Proposal

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

RECOMMENDATIONS

1. That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to incorporate *freight transport facilities* and *warehouse or distribution centre* as additional permitted uses for certain land having frontage to Teven Road, West Ballina, as detailed in Planning Proposal BSCPP 14/001. Finalization of the planning proposal is contingent upon the execution of the associated Voluntary Planning Agreement by relevant parties and its registration on the titles of the properties referenced in the agreement.
2. That Council authorises the use of the Common Seal to execute the Voluntary Planning Agreement associated with Planning Proposal BSCPP 14/001.

Attachment(s)

1. Attachment One - Planning Proposal as Exhibited
2. Attachment Two - Draft VPA and Explanatory Note
3. Attachment Three - DPE Secretary's Agreement (s117 Direction Inconsistency)
4. Attachment Four - Submissions

9.2 Planning Proposal BSCPP 16/001 - General Mapping Amendments

9.2 Planning Proposal BSCPP 16/001 - General Mapping Amendments

Delivery Program Strategic Planning

Objective To seek the Council's direction on a proposal to change the minimum lot size for subdivision applying to properties located in Blue Seas Parade at Lennox Head.

Background

Council considered the progress of Planning Proposal BSCPP 16/001 at its Ordinary Meeting held on 28 April 2016. The planning proposal was initiated by Council to enable a number of mapping amendments under the Ballina Local Environmental Plan 2012.

In considering the planning proposal, Council resolved as follows [Minute No. 280416/4]:

1. *That Item 3 be omitted from the BSCPP 16/001 and that the landholders be invited to submit a separate planning proposal request.*
2. *That planning proposal BSCPP 16/001 be amended to apply an 8.5m building height standard on the Building Height Map in relation to Item 11.*
3. *That Council forward Planning Proposal BSCPP 16/001 to the Department of Planning and Infrastructure requesting that the amendment be finalised.*
4. *That Council write to the Roads and Maritime Service inviting the submission of digital mapping data to enable the consideration of a separate planning proposal involving the zoning of state road infrastructure SP2 Special Uses zone under the terms of the Ballina Local Environmental Plan 2012.*
5. *That Item 6 (Blue Seas Parade, Lennox Head) be deferred to a confidential Councillor briefing.*

Staff have not yet forwarded the planning proposal to the Department of Planning and Environment for finalisation pending Council's decision in relation to Item 6 of the planning proposal. Item 6 in the planning proposal relates to land at Blue Seas Parade. Further details regarding Item 6 are set out in the Information section of this report and Attachment 1. A full copy of the planning proposal associated with this matter was distributed to Councillors as part of the April 2016 business agenda.

In response to part 5 of Council's resolution, a confidential Councillor briefing addressing the Blue Seas Parade matter was held on 17 May 2016.

The purpose of this report is to seek direction from the Council on whether to proceed with the proposed LEP amendments for the land at Blue Seas Parade.

Key Issues

- Subdivision standard application to land at Blue Seas Parade Lennox Head

Information

The proposed amendment relating to Lots 26 - 33 Blue Seas Parade, Lennox Head (being Item 6 in the planning proposal) has a primary purpose of applying a minimum lot size standard for subdivision to reflect the approved subdivision pattern and prevent further subdivision of the eight allotments. Other associated administrative amendments are also proposed as outlined in Table 1. An extract from the publicly exhibited planning proposal addressing Item 6, including mapping, is contained in Attachment 1.

Table1: Summary of Changes – Item 6 Blue Seas Parade Lennox Head

No.	Location	Affects	Details
Item 6	Blue Seas Parade, Lennox Head Lots 26 – 33. Street Numbers 51, 53, 55, 57, 59, 61, 63 and 65.	Lot Size Map, Land Zoning Map and Land Application Map.	Apply 1,200m ² minimum lot size standard (currently 600m ²) to eight lots, to reflect and maintain the intent of original subdivision plan. Apply R2 zone to the road reserve of Blue Seas Parade. Adjust the land application map accordingly. This amendment gives to effect to Council resolution 221015/4 made in relation to the refusal of DA 2015/377.

With respect to the above matter, Council is currently engaged in a Land and Environment Court action relating to 51 and 53 Blue Seas Parade. The owner of this land has appealed against Council's refusal to grant consent for subdivision of these two parcels of land into four lots (DA 2015/377). The proposed LEP amendment is designed to reflect this decision of the Council.

In considering the approach to the amendment, it is important to recognise that if the Court grants development consent to the subdivision of 51 and 53 Blue Seas Parade, the proposed LEP amendment will not impact this decision. That is, the change to the LEP would only affect the subdivision potential of the remaining six lots (once the change is in place). Notwithstanding this, the Court may take the Council's decision on the LEP amendment into account prior to making its decision. This is why a direction is sought this month as the Court will address the appeal in early June.

If the Court upholds Council's refusal of the subdivision application, the LEP amendment would act to prevent subdivision of all eight of the land parcels in their current configuration once the change is in place.

Sustainability Considerations

- **Environment**

Implementation of the LEP amendment seeks to reflect the approved subdivision plan for the Coastal Grove Estate thereby reflecting the environmental characteristics of the land (such as visual amenity attributes, slope and geotechnical conditions).

- **Social**

Not applicable.

9.2 Planning Proposal BSCPP 16/001 - General Mapping Amendments

Economic

Implementation of the LEP amendment to change the minimum lot size standard may have an economic impact on property owners as the potential for subdivision of land would be removed.

Legal / Resource / Financial Implications

The potential implications of proceeding with the amendment in relation to the current Land and Environment Court matter are outlined above.

The completion of the LEP amendment can be attended to within the existing resources of the Strategic and Community facilities Group.

Consultation

The planning proposal, inclusive of the Blue Seas Parade matter, was publicly exhibited between 2 March 2016 and 17 March 2016. Landholders of affected properties were notified of the public exhibition by letter.

As outlined in the report to Council's April Ordinary Meeting on this matter, Council received two objections to the change in the minimum lot size standard at Blue Seas Parade from landholders. A third submission objecting to the proposed change was received from an affected landholder after the reporting was completed. Subsequent associated submissions from this landholder then raised concerns about more intensive development of the land.

Options

The following options relate only to the address of Item 6, being the Blue Seas Parade matter, within Planning Proposal BSCPP 16/001.

1. That Council discontinues the consideration of the changes proposed at Blue Seas Parade.

This option would involve the discontinuation of the Blue Seas Parade component of the overall amendment under BSCPP 16/001. The remainder of the amendment would proceed as per Council's April resolution.

Given that the purpose of the proposed change to the minimum lot size standard for subdivision is to reflect Council's decision relating to DA 2015/377 and the approved subdivision pattern for the area, this approach is not recommended.

2. That Council proceeds to forward the proposed changes to at Blue Seas Parade to the Department of Planning and Infrastructure for implementation.

This option is the recommended course of action as it reflects Council's approach to DA 2015/377 and the approved subdivision pattern at Coastal Grove.

9.2 Planning Proposal BSCPP 16/001 - General Mapping Amendments

This option would involve forwarding the planning proposal (BSCPP 16/001) inclusive of Item 6 (Blue Seas Parade) to the Department of Planning and Infrastructure for finalisation.

It is important to note that it is anticipated that the Department would hold the matter until after the determination by the Court against the refusal of DA2015/377. Notwithstanding this, Council's position on the LEP amendment may be taken into account by the Court in making its decision.

3. That Council defers the matter.

Council may defer the matter to seek further information. Given Councillors have received a briefing on this matter and that a Council decision on the progress of the matter can be considered by the Court in making its decision on DA 2015/377 (due in early June), this approach is not recommended.

RECOMMENDATIONS

1. That Council endorses the application of a 1,200m² minimum lot size standard and the associated changes to land in Blue Seas Parade, Lennox Head as set out in the exhibited Planning Proposal BSCPP 16/001.
2. That Council forward Planning Proposal BSCPP 16/001, inclusive of Item 6 (Blue Seas Parade), to the Department of Planning and Environment requesting finalisation of the LEP amendment.

Attachment(s)

1. Extract of Planning Proposal BSCPP 16/001 - Item 6 Blue Seas Parade

9.3 Ballina Shire Cultural Plan - Implementation Update

9.3 Ballina Shire Cultural Plan - Implementation Update

Delivery Program Community Facilities and Services

Objective To provide an update on progress towards achievement of the objectives of the Our Community: Our Culture - Ballina Shire Council Cultural Plan 2014 - 2020.

Background

Council resolved to adopt the *Our Community: Our Culture Ballina Shire Cultural Plan 2014 -2020* at its Ordinary Meeting held in June 2014 [Minute No. 260614/28]. The purpose of this report is to provide Council with an update on the progress of the implementation of the Cultural Plan for information purposes.

Key Issues

- Cultural initiatives undertaken
- Progress of plan implementation

Information

The cultural plan identifies the cultural activity the community values most, how this activity can be fostered and how community cultural goals can be achieved. It is underpinned by understanding the cultural activity that takes place in the community and the type of cultural activity that can be fostered to meet future needs and expectations.

The cultural plan seeks to match the cultural needs and wishes of the community with cultural assets and resources (cultural assets being the places, features, buildings and people that support cultural activity taking place).

The overarching intent of the *Our Community: Our Culture Ballina Shire Cultural Plan 2014 -2020* is to identify the community's cultural strengths and priorities, as well identify 'opportunities' and 'potential projects' to support and enhance cultural activity in the shire. The plan is structured around six themes and objectives, being:

Sense of Place:	Foster cultural activity that promotes the heritage, stories and unique features that are the Ballina Shire.
Aboriginal Culture:	With the shire's Aboriginal community, promote understanding of local Aboriginal identity, culture and heritage.
Great Outdoors:	Care for, or enhance, our natural and other outdoor environments which underpin our special lifestyle.
Art Smart:	Encourage and support our creative industries to be sustainable and accessible.
Cultural Spaces:	Better utilise our existing cultural infrastructure, as well as respond to changing needs, to hold and encourage cultural activity.
Family Fun:	Shape our cultural image and infrastructure to reflect a family friendly place for all of us to live and others to visit.

The information provided in Attachment 1 provides an overview of the variety of cultural activities and projects Council has undertaken that contribute to the delivery of the objectives of the plan. Some of the programs and activities address the potential projects listed in the plan directly, whilst others have been undertaken as new ideas or as part of other initiatives.

This is an important point in that the Cultural Plan was not prepared as a document with a specific and finite number of actions, but rather as a guiding framework to support creativity and ideas.

Sustainability Considerations

- **Environment**

The environmental benefits of fostering cultural activity can include improved public spaces through infrastructure and recognition of natural areas that support cultural activity.

- **Social**

Council's overarching community plan *Our Community: Our Future Community Strategic Plan 2013 - 2023* identifies 'connected community' as one of its four key planning directions. Fostering cultural activity contributes to achieving this and other broader community planning goals.

Cultural activity can be fostered through Council's own cultural activity program, promoting community partnerships or assisting community groups. Council also has an interest in cultural planning as a key provider, or manager, of community spaces and facilities on, or in, which cultural activity takes place.

- **Economic**

The Cultural Plan recognises the significant contribution cultural activities, including the arts and recreation, make to the shire's economy. The plan seeks to increase participation in, and access to, cultural activity and, in so doing, encourage increased local opportunities and employment for community residents working in cultural and creative industries.

Legal / Resource / Financial Implications

As this plan is a strategic level document for the purposes of cultural planning in the shire, there are no direct legal implications associated with its implementation.

Resourcing of initiatives that relate to the cultural plan is an ongoing consideration. Actions and programs are typically undertaken within existing financial and staff resources or opportunistically through grant funds or where savings within other programs are identified. As outlined above, the plan is designed as a framework to guide decision making rather than as a direct action type document with a list of tasks.

Key opportunities or projects identified for progression outside existing programs will typically be considered as part of Council's annual delivery program and operational plan processes.

9.3 Ballina Shire Cultural Plan - Implementation Update

Consultation

Not applicable as this report provides an update on the implementation of the plan.

Options

This report is provided as an update to the Council in relation to the projects and activities related to the *Our Community: Our Culture - Ballina Shire Cultural Plan 2014 -2020* for information.

RECOMMENDATION

That Council notes the contents of this report in relation to the progress made towards the objectives outlined in the *Our Community: Our Culture - Ballina Shire Cultural Plan 2014 -2020*.

Attachment(s)

1. Ballina Shire Council Cultural Plan Actions 2014 - 16

9.4 Policy (New) - Community Property Leasing and Licensing

9.4 Policy (New) - Community Property Leasing and Licensing

Delivery Program Community Facilities and Services

Objective To seek the Council's direction in relation to the public exhibition of a draft policy addressing the leasing and licensing of Council owned and managed community properties.

Background

The Community Property Leasing and Licensing Policy contained in Attachment 1 is a proposed new policy to assist the governance of Council's community property portfolio.

This policy relates primarily to the way in which Council enables occupation of community buildings, as opposed to sporting fields and other open space. The policy does not apply to Council's commercial property portfolio.

This draft policy has been prepared to support a clear and transparent process for the allocation of community facilities to various groups. The desire to have an adopted policy in place for these purposes also arises due to increasing demand for community property facilities.

The purpose of this report is to seek Council's direction on the public exhibition of the draft policy.

Key Issues

- Document consistent guidelines addressing the eligibility and allocation of community buildings to user groups
- Document Council's requirements for the use of community properties.

Information

Historically, there has been a variable approach to how assistance to community groups has been provided in relation to Council's community property assets. This is partly due to the absence of a clear and consolidated set of requirements for the leasing and licensing of community properties.

For the most part Council has had a practice of relinquishing the opportunity to charge rental for properties. Council also provides donations for rates and charges, undertakes maintenance and repairs and provides other grants at times in relation to non-commercial properties in Council's portfolio.

At present, few of these expenses are recorded in a systematic manner which reflects the true extent of Council's assistance to the various groups within the Shire. The allocation of the properties and reporting by user groups has also historically been ad hoc.

9.4 Policy (New) - Community Property Leasing and Licensing

The attached draft policy aims to consolidate Council's approach and requirements for the occupation of community properties and set clear and consistent parameters.

It also aims to assist Council in quantifying the annual value of support provided to the various user groups, and also to link that assistance to the user groups in turn being able to provide assistance to residents of the Ballina Shire.

That is, the policy seeks to draw out the level of assistance Council provides as well as the nature of the services that occupying groups provide, and the associated community benefits. Importantly also, capturing and publicly reporting this information provides a greater level of transparency in terms of the allocation and use of the community's resources.

Another matter which is addressed under the draft policy is how maintenance obligations and repairs are assigned between the lessee and Council as land owner. This is in the context of there being minimal routine or preventative maintenance, and no specific asset renewal budgets or programs in relation to community properties.

It is anticipated that if this policy is adopted, new reporting obligations applicable to the lessees will be a first step to establish an improved asset maintenance system and preventative maintenance program.

Due to the objectives of the policy, the "commercial in confidence" nature of many commercial transactions, as well as the differences in legislative requirements between community and operational land, this policy has not been prepared to apply to Council's commercial property portfolio.

In summary, the key components of the draft policy are:

- Classification of user groups with associated nomination of rent charges and levels of maintenance responsibility
- Identification of tenure renewal process criteria and criteria for the granting of tenure
- Identification of user group reporting requirements
- Identification of lease and licence term parameters
- Identification of insurance requirements.

The policy also includes a list of community properties managed by Council under its community property portfolio (Attachment 1 in the policy).

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
There are significant social benefits provided to the community by the occupants of Council community properties. It is important to ensure that these groups are able to operate affordably and sustainably.

9.4 Policy (New) - Community Property Leasing and Licensing

- **Economic**

The foregoing of commercial rent represents an economic loss to Council. However, that loss can be offset to some extent by the broader social and recreational benefits which are provided by community groups.

As outlined below, if the policy is implemented there may be potential to increase the revenue available to Council by approximately \$4,000 to \$5,000 per annum.

Legal / Resource / Financial Implications

There are no legal implications which will directly result from either adopting or not adopting the policy.

In terms of staff resources, the introduction of the proposed user group reporting requirements will create an additional workload for the community property portfolio. It is, however, expected that over time there will be a benefit to the organisation in terms of resource expenditure on property maintenance and user group liaison. It is expected that the required work can be accommodated within the existing resources of the community property portfolio, at least for the time being.

With respect to financial implications, the proposed categorisation of user groups will result in some groups which are currently subject to a no charge arrangement having an annual rental charge applied to future tenure arrangements. This is particularly the case for sporting groups in relation to their occupation of clubhouse facilities. This issue arises in the context of some groups paying statutory minimum rental for the occupation of Crown Land (currently in the order of \$500 per annum) but paying no rental for equivalent occupation of Council-owned land.

Under the proposed categorisation of user groups, staff estimate additional revenue in the order of \$4,000 to \$5,000 per annum if the recommended approach of applying a rental equivalent to Crown Land statutory minimum rental is applied to category B groups occupying Council owned land (with examples of category B groups being sporting groups and clubs, non-government organisations, and corporate service providers). This revenue could be applied by Council to support ongoing maintenance obligations for community properties.

The benefit of the policy is to provide transparency, a framework and consistency in relation to leasing of community assets.

Consultation

Internal consultation has been conducted with staff involved with the community property portfolio. It is proposed to publicly exhibit the draft policy as well as writing to current occupants of community buildings to seek further feedback on the draft policy. The proposal to charge the minimum fee may well result in some negative feedback from the category B groups.

9.4 Policy (New) - Community Property Leasing and Licensing

Options

1. Proceed to publicly exhibit the draft policy (with or without modification);
2. Defer consideration of the policy and/or seek additional information.
3. Discontinue preparation of the policy.

Option 1 is recommended to enable consultation with the community and user groups to elicit feedback on the proposed policy approach.

RECOMMENDATIONS

1. That Council approves the exhibition of the draft Community Property Leasing and Licensing Policy, as attached to this report.
2. That Council receives a further report on the policy and any associated submissions received following the public exhibition period.

Attachment(s)

1. Draft Policy - Leasing and Licensing Community Land

9.5 Lennox Head Community Preschool

9.5 Lennox Head Community Preschool

Delivery Program Community Facilities and Services

Objective To invite the Council to consider provision of support for the establishment of a new preschool facility in Lennox Head.

Background

The Lennox Head Community Preschool has been operating in Lennox Head since approximately 1983. This facility is the only preschool facility operating in Lennox Head and, according to preschool management, has a considerable waiting list.

The preschool has indicated an intention to seek grant funding from the NSW State Government to establish a second preschool to service the Lennox Head area. To support the grant application, the preschool is seeking support from Council in the form of land availability for the building of the new preschool. The intentions of the preschool, the request for use of Council land and some background information in support of the request of Council is outlined in the letter from the preschool contained in Attachment 1.

The purpose of this report is to inform Council of the preschool's interest in investigating the establishment of a new preschool facility to service the Lennox Head community and to seek direction from the Council about the extent to which resources (principally in the form of land) might be made available to support the efforts of the preschool in this endeavour.

Key Issues

- Need for additional preschool services
- The level to which Council's assets or resources should be considered
- Use of community land

Information

Attachment 1 to this report is a letter from the preschool outlining the intention to establish a new (and second) preschool in the Lennox Head area. This letter is in response to a Council staff request for further information to support an initial, less formal request for assistance made by the preschool in April 2016.

Attachment 2 to this report is a copy of a grants program information sheet which contains information regarding State Government funding to create up to 500 new preschool places in New South Wales.

The existing preschool operates on land at the end of Mackney Lane in Lennox Head. The building is located on Council owned community land, which was excised from Williams Reserve in 1975 and vested in Ballina Shire Council. The building occupied by the preschool was relocated to the site at a cost reportedly met by the community and the preschool committee in around 1982/83.

9.5 Lennox Head Community Preschool

As the preschool grew, and the building expanded, the preschool “footprint” extended into Williams Reserve after a further part of Williams Reserve was leased to the preschool (by Council as the Reserve Trust Manager) for their play area.

There is not considered to be sufficient room to expand the building any further within the existing preschool site (the existing leased area).

An option to expand over adjacent or other areas of Williams Reserve via building of a second preschool facility could be envisaged, though this would require very careful consideration in view of the range of likely community interests in regard to that area.

As set out in Attachment 1, the preschool has advised that if it were successful in obtaining the State Government grant funding, it has access to sufficient resources to ensure completion of a new facility at no cost to Council, provided it is able to secure a long term lease over Council-owned land for the construction.

If the Council is inclined to support the preschool’s request, further site investigations and consideration of available Council-owned properties would need to be undertaken. Detailed analysis has not been undertaken to date due to the short timeframe associated with the request for Council support.

However, very preliminary analysis indicates that there may be sites (additional to Williams Reserve) across the Lennox Head and Skennars Head locality that could be suitable in terms of size and location. Any site though within established urban areas has potential to be controversial for a preschool use due to concerns regarding impacts such as those associated with noise and traffic, as well as loss of general amenity.

A further consideration in relation to the availability of a site is that Council’s current Section 94 Developer Contributions Plan for community facilities recognises expected need for additional preschool places in the shire as a result of population growth over the forthcoming period to 2023.

The contributions plan provides a generic estimate for land acquisition and construction of a new facility based on a forecast demand for 40 spaces across the entire shire over the life of the plan. The plan does not specifically identify a need for a new preschool facility in Lennox Head albeit that this may provide a limited income stream that could possibly reimburse Council, over time, for any contributions to this proposal.

However in saying this the current plan is currently under review and the difficulties in fully funding these types of facilities, including land acquisition, from developer contributions is a matter being re-assessed and there may well be a recommendation to remove this work from the plan to ensure that the overall contributions payable to Council remain within the \$20,000 cap. This review should be reported to Council within the next few months.

Sustainability Considerations

- **Environment**

Any environmental considerations of a new preschool facility would be considered by a Development Application.

- **Social**

As noted in Attachment 1, there is a difference between a long daycare facility and a dedicated community based preschool. Lennox Head has only one preschool, with preschool management reporting a significant waiting list. Given the expected growth for Lennox Head with future land releases, and the likely demographic profile of incoming residents, it is reasonable to conclude that waiting lists for preschool places will increase.

The benefits to children of receiving preschool education before commencing school are well documented. If a second preschool was available in Lennox Head, there would likely be sustainable benefits to the community and associated increase of community connectedness, in addition to the other principal function of providing early childhood education and socialisation.

- **Economic**

Provision of quality preschool services help to support the economic base of a local community. From a cost perspective, no direct funding is being sought from Council at this time to support the preschool's request.

Legal / Resource / Financial Implications

The purpose of this report is to invite the Council to express its view about supporting the preschool to investigate the possibility of opening and operating an additional preschool. Further engagement would enable the resource and/or financial implications for the Council to be better understood. The preschool has clearly articulated it would not require any cash contribution from Council for the construction of the facility should grant funding be secured.

Consultation

No consultation has been undertaken to date, as this project has not been formally considered and endorsed by the Council. Should the Council endorse this request from the preschool, community consultation and public exhibition would be required in relation to any proposal to provide and lease land. The location of a preschool is always very problematic if Council identifies a site within an existing residential area, which is highly likely in the Lennox Head / Skennars Head locality.

Options

Council has no obligation to take any action in relation to this matter. However, it is suggested that endorsement of this request would be consistent with outcomes of Council's current Community Strategic Plan and Social Plan in relation to supporting the provision of children's services. It is also consistent with Council's recent decisions to support the provision of preschool places in Alstonville and Wollongbar.

RECOMMENDATIONS

1. That Council provides, in principle, its support for the investigation of a site for the establishment of a new community preschool facility in the Lennox Head area.
2. That a further report concerning the outcome of these investigations be submitted for Council's consideration upon confirmation of the preschool securing grant funding sufficient to construct a new preschool.

Attachment(s)

1. Letter from Lennox Head Pre-School Funding Grant
2. Information Regarding DEC NSW State Government Grants Program - Preschools

10.1 Investment Summary - April 2016

10. General Manager's Group Reports

10.1 Investment Summary - April 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 April 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 30 April was \$65,295,000. This represents a decrease of \$3,000,000 from March.

Total redemptions of \$8 million offset by new placements of \$5 million resulted in the decrease of \$3 million held.

During April, the Goldman Sachs FRN with a face value of \$1m (Per Table A, a grandfathered investment) reached final maturity. One FRN and two FRTDs, with face value of \$3m were reset and two TDs with face value of \$4m were redeemed on maturity.

The interest rate being achieved on new investments has shown an improvement over that being achieved in the previous month, as can be seen in Table F. Council's investments as at 30 April are at an average (weighted) rate of 3.13% (compared to 3.10% for March), which is 0.87% above the 90 Day Bank Bill Index of 2.25% (as at end of April).

As noted in the March 2015 Investment Summary, an adjustment to budgeted interest has been proposed as part of the March quarterly budget review, separately reported to this meeting. Table E reflects these proposed budget changes.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 30 April 2016 was \$2,149,032 (a reduction from the balance of \$3,254,784 as at 31 March 2016).

10.1 Investment Summary - April 2016

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

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	0	0	0.0%	
National Australia Bank	Yes	BBB	1,788	1,788	0	2.7%	3%
Rated Institutions							
AMP Bank	Yes	A+	4,000	4,000	20%	6.1%	
Bank of Queensland	No	A-	6,000	6,000	10%	9.2%	
Bank of Western Aust	Yes	AA-	4,000	4,000	20%	6.1%	
Bendigo & Adelaide Bank	No	A-	5,000	5,000	10%	7.7%	
Commonwealth Bank of Australia	Yes	AA-	2,507	2,507	20%	3.8%	
Greater Building Society	No	BBB	2,000	2,000	10%	3.1%	
Heritage Bank	No	BBB+	2,000	2,000	10%	3.1%	
ING Bank Ltd	Yes	A-	2,000	2,000	10%	3.1%	
Members Equity Bank	No	BBB+	6,000	6,000	10%	9.2%	
National Australia Bank	Yes	AA-	10,000	10,000	20%	15.3%	
Newcastle Perm Bld Society	No	BBB+	4,000	3,000	10%	4.6%	
Rural Bank Ltd	No	A-	1,000	1,000	10%	1.5%	
Suncorp-Metway Bank	No	A+	12,000	11,000	20%	16.8%	
Westpac Banking Corporation	Yes	AA-	2,000	2,000	20%	3.1%	
My State Bank Ltd	No	BBB	3,000	3,000	10%	4.6%	97%
Unrated ADI's					\$1m	0.0%	0%
Total			68,295	65,295		100%	

B. Summary of Investments Fossil Fuel Aligned

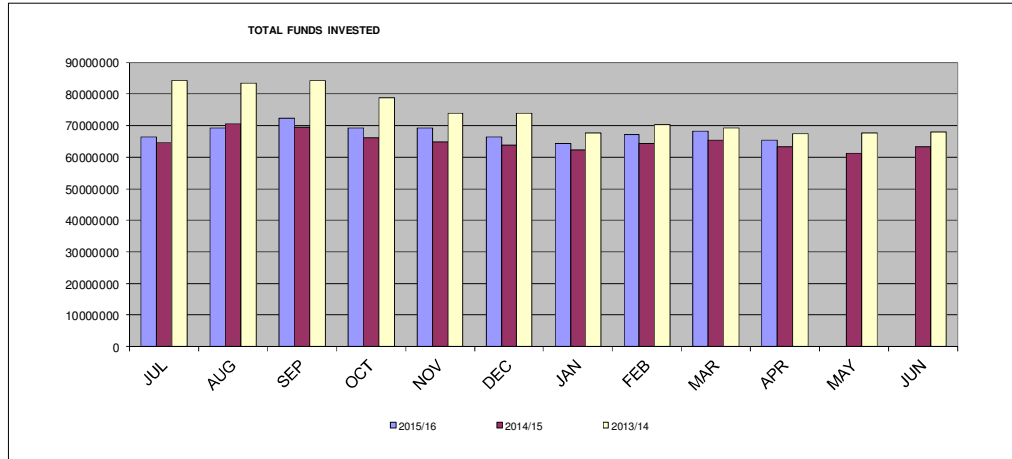
	Previous Month	Current Month
Fossil Fuel Aligned	26,295 39%	26,295 40%
Non-Fossil Fuel Aligned	41,000 60%	39,000 60%
Not Classified	1,000 1%	0 0%
Total	68,295 100%	65,295 100%

10.1 Investment Summary - April 2016

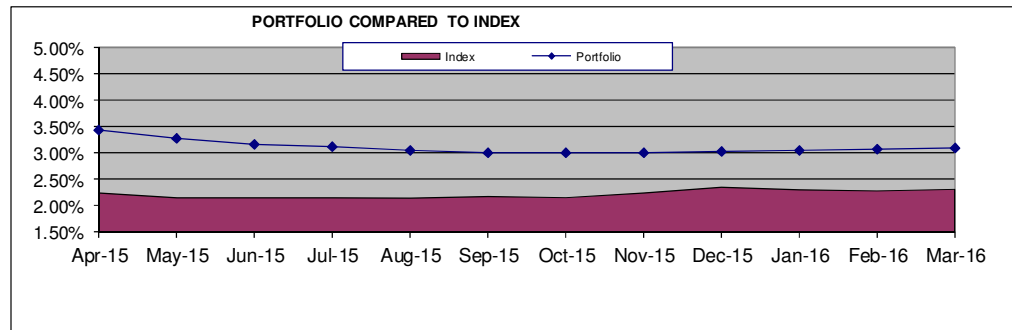
The determination of fossil fuel alignment is based on advice from 'Market Forces' as follows:

- Fossil Fuel Aligned: Noted by Market Forces as funding fossil fuels
- Non-Fossil Fuel Aligned: Noted by 'Market Forces' as having no record of funding fossil fuels and having provided a position statement.
- Not Classified: Not classified as information not available.

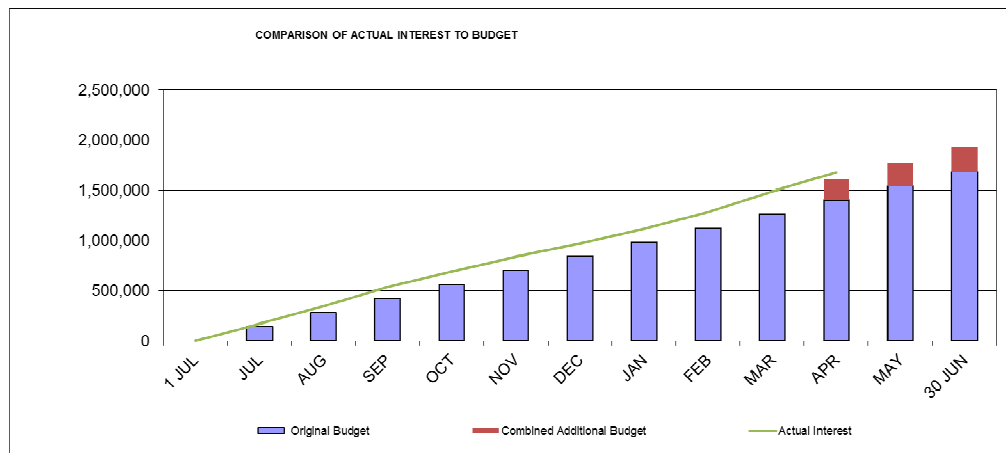
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



10.1 Investment Summary - April 2016

F. Investments held as at 30 April 2016

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
at call	Commonwealth Bank Of Australia	CDA	1.95%	at call	511	511
20/09/04	National Australia Bank (ASX Listed)	FRN	3.53%	Perpetual	1,788	1,157
24/01/12	ING Bank Ltd	FRTD	4.22%	24/01/17	1,000	1,000
25/01/13	Commonwealth Bank Of Australia	TD	4.25%	25/01/18	1,996	2,078
07/06/13	Greater Bld Society	FRN	3.77%	07/06/16	2,000	2,013
25/02/14	Westpac Bank	FRN	3.22%	25/02/19	2,000	2,007
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
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
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
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	1,000
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
22/02/16	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	FRTD	3.05%	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	FRTD	3.08%	25/08/16	1,000	1,000
29/02/16	ING Bank Ltd	TD	3.10%	28/02/17	1,000	1,000
03/03/16	Suncorp-Metway Bank	TD	3.10%	05/09/16	1,000	1,000
07/03/16	Suncorp-Metway Bank	TD	3.12%	08/09/16	1,000	1,000
09/03/16	Bank of Queensland	TD	3.12%	26/09/16	1,000	1,000
09/03/16	National Australia Bank	TD	3.12%	15/09/16	1,000	1,000
16/03/16	Heritage Bank	TD	3.25%	04/10/16	1,000	1,000
16/03/16	Heritage Bank	TD	3.25%	11/10/16	1,000	1,000
31/03/16	Rural Bank Ltd	TD	3.15%	29/11/16	1,000	1,000
11/04/16	Suncorp-Metway Bank	TD	3.10%	11/10/16	2,000	2,000
Totals					65,295	64,766
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 April 2016.

Attachment(s)

1. TCorp Local Government Economic Commentary April 2016

10.2 Donations - Council Fees

10.2 Donations - Council Fees

Delivery Program Governance and Finance

Objective To consider a request for refund of Development Application Fees

Background

The following report outlines a request for financial assistance in relation to development application fees that complies with the Donations - Assistance with Council Fees for Community Groups Policy, a copy of which is included as the first attachment to this report.

Key Issues

- Support for local community-based organisations
- Community benefit and funding available

Information

Kawaihae Outrigger Canoe Club Ballina (DA 2014/114)

The Club is a local not for profit community sports club operating since 2004 from a canoe storage compound on Council owned land at Cawarra Park, Ballina.

The Club received a NSW State Government Community Building Grant to assist in enhancing the capacity of the compound including the construction of a storage shed. The works are now completed and they are seeking a refund of the Council fees paid.

The attached policy identifies that fees that do incur extra costs for Council and developer contributions are typically not reimbursed.

In reviewing the application this deletes the development contributions (paid for the Roads Section 94 Plan) and it could also be argued that the Section 96 application fee, which resulted in additional work for Council staff, could be deleted.

The construction certificate application fee does result in staff inspections, albeit additional costs are not incurred.

On balance the options could be to refund the DA fees (\$585.43) and possibly the construction certificate application fee (\$944.00)

Sustainability Considerations

- **Environment**
Not Applicable

10.2 Donations - Council Fees

- **Social**
Donations can provide significant benefits to community based groups.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The current state of the donations budget is as follows:

Items	Budget	Allocated	Balance
Donations (General)	50,000	51,765	(1,765)
Donations (Public Halls - Capital)	41,000	31,454	9,546
Halls Maintenance Budget (1)	N/A	N/A	(9,546)
Donations (Planning and other Fees)	4,000	4,000	4,000
Net Amount Available			2,235

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

Consultation

No particular consultation has been undertaken in respect to this matter.

Options

The options are to approve or decline the request. The recommendations provide Council the option of donating the development application fees and possibly the construction application fees.

Councillors need to determine what is considered to be a reasonable donation on behalf of the community.

RECOMMENDATIONS

1. That Council approves a refund of the DA fees of \$585.43, as outlined in this report.
2. That Council approves a refund of the Construction Certificate application fee of \$944, as outlined in this report.

Attachment(s)

1. Policy - Assistance with Council Fees for Community Groups
2. Letter of Request - Kawaihae Outrigger Canoe Club Ballina

10.3 LGNSW - Voting for Board of Directors

10.3 LGNSW - Voting for Board of Directors

Delivery Program Governance and Finance

Objective To ascertain Council's voting delegates for the secret postal ballot for positions on the board of the Local Government and Shires Association of NSW.

Background

The Local Government and Shires Association holds elections for its board of directors at their Annual Conference. In 2015 an election was held but because of an error causing a voting irregularity, an Election Inquiry was undertaken. The Federal Court made an order declaring that the election of 13 persons on the Board of Directors of the Association, which was declared on 16 October 2015, was void.

The Fair Work Commission has directed the Australian Electoral Commission to conduct a fresh election for the affected positions. The election will be held by secret postal ballot for the vacant positions of:

- Vice President (Metropolitan/Urban Council)
- Vice President (Regional/Rural Council)
- Five Directors (Metropolitan/Urban Council)
- Six Directors (Regional/Rural Council)

The only candidates eligible for these positions are those who stood in 2015. Council is required to nominate three voting delegates for the secret postal ballot.

A copy of the correspondence from the Associations is attached.

Key Issues

- Due date for nominations of voting delegates

Information

Voting by Ballina delegates will be for the positions of Vice President and Six Directors (Regional/Rural Council).

Sustainability Considerations

- **Environment**
LGNSW considers matters of an environmental, social and economic nature.
- **Social**
As above
- **Economic**
As above

10.3 LGNSW - Voting for Board of Directors

Legal / Resource / Financial Implications

There are no legal or financial implications for Council.

Consultation

No public consultation is required by Council.

Options

Council can nominate three Councillors. The preference is to nominate the Mayor, Deputy Mayor and one other Councillor.

RECOMMENDATION

That Council nominates the Mayor, Deputy Mayor and one other Councillor (to be determined by show of hands) as its voting delegates for the secret postal ballot for the positions on the board of directors of the Local Government and Shires Associations.

Attachment(s)

1. Letter from LGNSW

10.4 Legal Costs - Request for Assistance

10.4 Legal Costs - Request for Assistance

Delivery Program Governance and Finance

Objective To seek Council's views on contributing towards legal costs incurred by Bathurst Regional Council.

Background

Local Government NSW (LGNSW) has requested that Council voluntarily contribute to the legal costs of Bathurst Regional Council in respect to a matter relating to the ability of councils to enter into contracts that include fees for services.

Bathurst Regional Council defended the matter before the NSW Court of Appeal and the Court found against Bathurst Regional Council, identifying that "even when the Local Government Act convers a power in terms upon councils to reach an agreement or arrangement with a landowner, the price it can charge for work performed by it remains subject to Part 10 of Chapter 15. To that extent at least, the 'general power to contract' cannot permit a Council to escape the statutory restrictions upon it".

A copy of the request from LGNSW is attached. The amount requested is \$1,076.62.

Key Issues

- Implications of legal case
- Cost of Council's contribution

Information

As per the attachment from LGNSW, the Board has approved an application for legal assistance by Bathurst Regional Council and is asking Council to make a voluntary contribution to assist in offsetting the costs of the case for Bathurst Regional Council.

This request is a practice used in NSW where councils can assist each other for legal cases that may have State wide ramifications. The practice followed is that the Council incurring the legal costs writes to LGNSW asking for support from member councils.

LGNSW then assess whether the legal matter has State wide ramifications and if it is determined that it has, invoices are sent to all councils in NSW to recoup some of the costs incurred. It is then voluntary as to whether or not a member council agrees to pay the invoice (i.e. as a contribution to the other council's legal costs).

Ballina Shire Council has been the beneficiary of this system in 2010/11 when we were able to recoup approximately \$44,000 out of \$66,000 expended on a stockpiling of fill case at West Ballina.

10.4 Legal Costs - Request for Assistance

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
There is a small cost to Council arising from this report.

Legal / Resource / Financial Implications

Council has a \$2,000 budget for these expenses with no expenditure incurred for the year to date.

Consultation

LGNSW is consulting with all member councils.

Options

The options are to approve or not approve the payment or make a partial contribution. As LGNSW has endorsed this request it is standard practice to approve the contribution.

RECOMMENDATION

That Council approves the request from LGNSW for a contribution towards Bathurst Regional Council's legal costs of \$1,076.62.

Attachment(s)

1. Request from LGNSW

10.5 Financial Review - 31 March 2016

10.5 Financial Review - 31 March 2016

Delivery Program Governance and Finance

Objective To provide a review of the 2015/16 financial year budget based on the known results to 31 March 2016

Background

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

Key Issues

- Variations to the budget and financial performance of Council

Information

The purpose of this report is to provide information on known budget variances as at 31 March 2016. The format of the report complies with the Quarterly Budget Review Statement Guidelines set down by the Office of Local Government (OLG).

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

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

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

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

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

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

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

Other - Sustainability Considerations, Legal/Resource/Financial Implications, Consultation and Options.

10.5 Financial Review - 31 March 2016

Section 1 – Operating Income and Expense

General Fund – Operating Revenues and Expenses

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

Operating Income	Original Budget	September Budget	December Budget	Approved Changes	Revised Budget	Changes for Approval	March Budget	Actual to March
	000's	000's	000's	000's	000's	000's	000's	000's
Strategic and Community Facilities Group								
Strategic Planning	146	184	233	0	233	98	331	131
Community Centres and Halls	382	405	407	0	407	(8)	399	346
Cultural and Community Services	114	114	143	0	143	(9)	134	87
Library Services	117	117	112	0	112	0	112	112
Swimming Pools	346	346	346	0	346	44	390	388
Tourism and Communications	34	34	132	0	132	1	133	116
Sub Total	1,139	1,200	1,373	0	1,373	126	1,499	1,180
Development and Environmental Health Group								
Development Services	381	461	483	0	483	0	483	391
Building Services	1,010	1,100	1,240	0	1,240	100	1,340	1,110
Environment and Public Health	266	266	269	0	269	(8)	261	255
Admin and Public Order	229	235	254	0	254	(7)	247	182
Sub Total	1,886	2,062	2,246	0	2,246	85	2,331	1,938
Civil Services Group								
Engineering Management	367	367	315	0	315	(45)	270	172
Procurement and Building Mgmt	0	0	0	0	0	0	0	0
Stormwater and Env Prot	342	368	368	0	368	5	373	374
Roads and Bridges	62	62	276	0	276	71	347	143
Ancillary Transport Services	797	870	873	0	873	190	1,063	658
Roads and Maritime Services	885	885	885	0	885	(9)	876	657
Open Space and Reserves	735	786	890	0	890	172	1,062	785
Fleet Mgmt and Workshop	252	252	252	0	252	15	267	178
Rural Fire Service	221	221	190	0	190	0	190	131
Quarries and Sandpit	281	281	281	0	281	9	290	237
Landfill and Resource Management	4,028	3,959	3,959	0	3,959	(121)	3,838	3,350
Domestic Waste Management	5,978	6,026	6,054	0	6,054	22	6,076	6,029
Sub Total	13,948	14,077	14,343	0	14,343	309	14,652	12,714
General Manager's Group								
Governance	0	5	5	0	5	0	5	4
Administrative Services	28	43	43	0	43	2	45	40
Financial Services	23,362	23,403	23,391	0	23,391	(17)	23,374	23,081
Financial Services-General Purpose F	182	192	219	0	219	16	235	148
Information Services	11	11	11	0	11	(5)	6	2
Human Resources and Risk Mgmt	125	125	157	0	157	12	169	160
Property Management	3,186	3,110	2,992	0	2,992	(434)	2,558	2,138
Ballina Byron Airport	5,155	5,115	5,145	0	5,145	0	5,145	3,684
Sub Total	32,049	32,004	31,963	0	31,963	(426)	31,537	29,257
Total Operating Income	49,022	49,343	49,925	0	49,925	94	50,019	45,089

10.5 Financial Review - 31 March 2016

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

Operating Expenses (excluding depreciation)	Original Budget	September Budget	December Budget	Approved Changes	Revised Budget	Changes for Approval	March Budget	Actual to March
Strategic and Community Facilities Group								
Strategic Planning	1,052	1,350	1,429	0	1,429	38	1,467	891
Community Centres and Halls	790	790	808	0	808	10	818	592
Cultural and Community Services	897	907	916	0	916	(15)	901	656
Library Services	1,439	1,494	1,494	0	1,494	0	1,494	1,380
Swimming Pools	995	995	715	0	715	19	734	577
Tourism and Communications	835	752	822	0	822	(7)	815	572
Sub Total	6,008	6,288	6,184	0	6,184	45	6,229	4,668
Development and Environmental Health Group								
Development Services	1,247	1,247	1,227	0	1,227	(30)	1,197	790
Building Services	822	842	822	0	822	10	832	616
Environment and Public Health	794	866	846	0	846	(65)	781	578
Admin and Public Order	1,225	1,225	1,225	0	1,225	(20)	1,205	894
Sub Total	4,088	4,184	4,124	0	4,120	(105)	4,015	2,878
Civil Services Group								
Engineering Management	2,462	2,470	2,478	0	2,478	0	2,478	1,877
Procurement and Building Mgmt	1,990	2,002	2,057	1	2,058	27	2,085	1,613
Stormwater and Env Prot	764	1,069	1,069	0	1,069	0	1,069	653
Roads and Bridges	3,338	3,338	3,446	0	3,446	30	3,476	2,778
Ancillary Transport Services	1,725	1,874	1,877	0	1,877	195	2,072	1,644
Roads and Maritime Services	885	1,024	1,033	0	1,033	(30)	1,003	628
Open Space and Reserves	3,385	3,756	3,890	17	3,907	28	3,935	2,727
Fleet Mgmt and Workshop	(883)	(883)	(883)	0	(883)	15	(868)	(798)
Rural Fire Service	436	467	386	0	386	0	386	244
Quarries and Sandpit	71	394	394	0	394	0	394	97
Landfill and Resource Management	1,903	1,744	1,751	0	1,751	13	1,764	821
Domestic Waste Management	5,652	5,652	5,573	0	5,573	22	5,595	4,197
Sub Total	21,728	22,907	23,071	18	23,089	300	23,389	16,481
General Manager's Group								
Governance	1,065	1,228	1,222	0	1,222	(10)	1,212	884
Administrative Services	582	589	592	0	592	0	592	443
Financial Services	0	0	0	0	0	0	0	0
Financial Services-General Purpose F	(4,085)	(4,075)	(4,056)	0	(4,056)	1	(4,055)	(3,036)
Information Services	1,726	1,726	1,745	0	1,745	83	1,828	1,599
Human Resources and Risk Mgmt	1,071	1,171	1,362	0	1,362	20	1,382	1,035
Property Management	3,096	3,144	3,251	0	3,251	(520)	2,731	2,088
Ballina Byron Airport	3,860	3,775	3,805	0	3,805	0	3,805	2,730
Sub Total	7,315	7,558	7,921	0	7,921	(426)	7,495	5,743
Total Operating Expenses	39,139	40,937	41,300	18	41,314	(186)	41,128	29,770
Net Operating Result Before Depreciation	9,883	8,406	8,625	(18)	8,611	280	8,891	15,319
Depreciation Expense	13,109	13,109	13,109	0	13,109	0	13,109	9,832
Net Operating Result Continuing Operations	(3,226)	(4,703)	(4,484)	(18)	(4,498)	280	(4,218)	5,487

General Fund Working Capital Forecast

Item	Original Budget	September Budget	December Budget	Approved Changes	Revised Budget	Changes for Approval	March Budget	Actual to March
Working Capital	(98)	(45)	(47)	(18)	(65)	7	(58)	

Comments - General Fund

The forecast operating result as at March is a loss of \$4.2 million, which is an improvement of \$0.3m from the forecast of \$4.5 million as at 31 December 2015.

The larger adjustments to income include increases to Building Services income of \$100,000 and income from interest on investments \$240,000. The investment portfolio has benefitted from the fact that the proposed capital works program will not be completed as forecast and it is also the case that the declining reserve balance in Wastewater is resulting in a shift of interest revenue to the General Fund. The increased interest income forecast is proposed to be transferred to reserves, primarily externally restricted reserves.

In respect to operating expenditure the larger adjustments relate to Landfill Resource Management (LRM) and Information Services. In respect to LRM detailed advice is contained in the report but in summary expense has increased due to asbestos clean-up operations and decreased due to reduced deposits of recycled material.

In respect to Information Services the budget has increased by \$83,000. Approximately 50% of the increase relates to a new software package that will be installed to improve efficiencies for Building Services staff, with this expense being more than offset by the additional Building income, and the remainder is due to higher than average cost increases and expanding services.

There have also been reductions to salary budgets where trending indicates that there will be savings which have generally been passed on to employee leave entitlements budget.

The estimated movement in **unrestricted working capital** has improved from a deficit of \$65,000 to an anticipated deficit of \$58,000. It is likely that the actual result will be an improvement from this forecast given that there a number of contingency style budgets that will hopefully not be required. Examples include legal expenses and workers compensation.

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

General Fund - Operating Revenues

Strategic and Community Facilities Group

Strategic Planning

Grant Income: Funding has been received in respect to the Major Regional Centre planning project \$20,000 and the 20 Million Trees project \$14,000. Equivalent budget adjustments have been made to the project expenditures.

Section 94 Interest Income: Section 94 reserve balances have remained higher than anticipated and additional interest income to \$65,000 is attributable. These funds will be transferred to reserve.

Community Centres and Halls

Lennox Head Cultural and Community Centre: Income from room hire and kiosk sales is below initial expectations and \$8,000 has been deducted from the budget.

10.5 Financial Review - 31 March 2016

Northern Rivers Community Gallery: Commission from consignment sales is unlikely to reach expectations and the forecast has been reduced by \$9,000.

Swimming Pools

Operating Income: Alstonville Pool is trending close to forecast whilst Ballina Pool has exceeded expectations. Forecast entrance fees have been increased by \$28,000 to \$173,000 and season tickets by \$15,000 to \$54,000.

The 2015/16 revenue for Ballina Pool, compared to the previous year, is almost a 20% increase.

Development and Environmental Health Group

Building Services

Building Services Income: Forecast income has been increased by \$100,000 to a revised forecast of \$1,340,000 compared to the 2014/15 actual of \$1,179,000. The larger areas for adjustment are Package Certificates/Inspections and Plumbing and Drainage inspections. Based on current trend it is likely that actual income for the year will marginally exceed the revised forecast.

Public and Environmental Health

Operating Income: There are a number of small increases to various income streams amounting to \$5,000 and a reduction to forecast grant income of \$13,000 relating to Shaws Bay Environmental works. New grants will be applied for again next year.

Civil Services Group

Engineering Management

Development Engineer Inspection Fee: Whilst the revenue from this source can be variable over the year, it is predicted that the current budget will not be met, which has required a decrease of \$50,000.

This budget was also reduced by \$50,000 in December; hence there is a \$100,000 decrease since the start of the year and it is likely that unless some significant developments are processed the revised budget of \$171,000 will not be achieved.

Roads and Bridges

Interest income of \$71,000 has been applied to the Ballina and Alstonville Bypass reserves. This income will be transferred to the respective reserves for future maintenance works.

Ancillary Services

Private Works: Forecast income from Private Works has been increased by \$200,000 to \$350,000 based on current activity. Expense has also been increased by \$200,000 hence there has been no increase to estimated profit, which is a conservative approach. Profit is currently estimated at \$30,000 and if various projects work to plan the profit may be slightly higher than forecast.

Ferry Income: The budget has been reduced by \$10,000 as based on current trends the forecast will not be achieved. The revised forecast, if achieved, will result in similar income to last year.

Open Space and Reserves

Grant Income: Funds have been received to \$40,000 to upgrade the pavilion at the Tintenbar Sports and Recreation Ground.

Grants to assist the employment expenses of Regional Works/Nursery crews will not be as much as anticipated and forecast income has been reduced by \$15,000. Fortunately income from licences and permits will exceed forecast by the same margin of \$15,000.

Vegetation Management: Grant income of \$33,000 has been raised for the Ballina Fontainea project.

Sporting Fields: Interest income of \$98,000 has been raised in respect to the Wollongbar Sports Fields project. The majority of this amount (\$54,000) relates to interest attributable to grant payments that have not been expended with the remainder relating to General Fund reserves. These funds have been transferred to the Sports Fields Contingency reserve.

Quarries

Income from Leases associated with site rental will be more than anticipated and forecast has been increased by \$9,000.

Fleet Management and Workshop

Budgets for interest income and sale of miscellaneous plant have been increased by \$10,000 and \$6,000 respectively.

Landfill and Resource Management (LRM)

Forecast income from self-haul waste disposal gate fees has been reduced by \$180,000 based on current trends. The revised forecast is now over \$400,000 less than actual income received in 2014/15.

After the adoption of the 2015/16 Operational Plan staff became aware that a major depositor at the Waste Centre had adjusted their operations to minimise deposits to the Ballina facility. Forecast revenue has been reduced at every quarter since that time.

A large amount of the reduced income has been countered by reduced expense although not entirely.

Forecast income has been increased in respect to interest on reserves invested \$50,000 and sundry income \$9,000.

Domestic Waste Management

Adjustments to annual charges and estimated pension rebates have resulted in an increase to revenue of \$7,000 whilst income from reserves invested will be increased by \$15,000.

General Manager's Group

Financial Services

Interest on Overdue Rates: Forecast income has been reduced by \$15,000 to \$75,000 reflecting the gradual downward trend of overdue rates. By way of contrast in 2012/13 income from this source was \$130,000.

Financial Services - General Purpose

Legal Costs Recovered: The budget has been increased by \$15,000 to \$52,000 reflecting the extent of action to recover outstanding rates. An equivalent expense is raised to pay for the recovery actions.

Human Resource Management

Budgets have been increased due to Contributions from other Councils for Long Service Leave accrued \$7,000 and Department of Education and Training \$5,000 regarding trainees.

Property Management

The rebates to home buyers eligible under the Building Better Regional Cities program involves a complex trail of recouping funds from section 94 and section 64 developer contributions to pay the \$25,000 per property rebate.

In the current year Wollongbar has gone extremely well and it is anticipated that all available rebates will be paid out. This means that more funds than anticipated will be required from reserves. In contrast Ballina Heights has been sluggish and fewer funds than budgeted will be required.

The transaction trail includes payments from Water and Wastewater to General Fund. Forecast payments of \$440,000 to General Fund will not be required hence anticipated income has been reduced by this amount.

General Fund - Operating Expenses

Strategic and Community Facilities

Strategic Planning

Grant based projects: There has been some fine tuning of budgets however the primary reason for the increase to expense is an increase to grant funded projects to \$34,000 (see comment in income section of the report).

Community Centres and Halls

LHCC Salaries: The budget has been increased by \$17,000 based on current trends. Salary budgets for Community Services \$7,000 and Visitor Information Centre \$10,000 have been reduced to compensate.

Cultural and Community Services

Insurance Expenses: Minor savings have been identified in comparison to budget across a number of the community buildings that amount to \$15,000 combined.

Swimming Pools

Rates and general operating expenses will exceed forecasts and budgets have been increased at Ballina Pool by \$10,000 and Alstonville Pool by \$9,000.

Tourism and Communications

Salary expenses have been reduced by \$10,000 with these funds being transferred to the Lennox Head Cultural and Community Centre.

Development and Environmental Health Services

Development Services

Salaries: The budget has been reduced by \$30,000.

Legal Costs: The budget has been reduced by \$10,000 to offset increased administration costs. This means that the legal budget is now \$140,000 with expenditure to date of \$23,000, so there is potentially a large saving to budget at year end.

Building Services

Sundry Administration: Additional budget of \$10,000 is required due to a combination of matters including Telstra charges for Ipads that are now used by Building Surveyors.

Environment and Public Health Services

Action Plans: Shaws Bay and Lake Ainsworth action plans will not receive the grant income or incur the expense that has been budgeted in 2015/16. Council funds that are not required this year will be transferred to reserve.

Regulatory Control

Employee Costs: The budget has been reduced by \$20,000.

Civil Services

Procurement and Building Management

Administration Centre and Depot: The building maintenance section of this budget has been increased by \$30,000 to accommodate the replacement of the roof to 71 Tamar Street. Numerous adjustments are proposed to other budgets in this section to reduce the impact of this additional cost leaving a net increase to expense of \$11,000. The capital budget for Depot Improvements has been reduced by \$10,000 to essentially cover the costs of the new roof.

Various Buildings and Structures: Building maintenance expenses are trending high and a net increase to the budget of \$16,000 is proposed. The capital budget for 'Buildings Asset Program' has been reduced by \$14,000 to counter this increase.

Roads and Bridges

Various adjustments are proposed to roads operational budgets with the net result being an increase of \$30,000. See comments in the Ancillary Services section of this report where expenditure on signs and lines has been reduced by \$30,000 to offset this increase.

Roads and Maritime Services (RMS)

Operating Expense: The latest advice from the RMS is that grant income will be \$9,000 less than what we had anticipated and both forecast income and expense has been reduced by this amount. Also \$21,000 has been shifted from operating to capital expense.

Ancillary Services

Private Works: See comment in income section of the report where expense has been increased by \$200,000 based on information to date.

Signs and Lines: Forecast operating expense has been reduced by \$30,000 with this budget being shifted to roads maintenance.

Car Park Rent: Council was not asked to pay rent on the Sharpes Beach car park for a period of time. The unexpended budget was transferred to reserve on the assumption that the funds would be required at a later date. The owners of the land have recently asked for previous period rent and the expense in 2015/16 has been increased by \$25,000 funded from reserve.

Open Space and Reserves

Open Space: The Open Spaces operations budget has been adjusted to assist with financing works at Megan Crescent and Tintenbar Sport and Recreation Reserve, which has resulted in a net decrease to operating budget of \$5,000.

Vegetation Management: Expense of \$33,000 has been raised for the Ballina Fontainea project, funded from grant income.

Plant Operations

Forecast income from internal plant hire is trending below forecast and the budget has been reduced by \$150,000. Budgets for fuel and general repairs have been adjusted down to generally offset the reduction to internal income, however net expenses increase by \$15,000 which matches the increase to forecast income.

Landfill and Resource Management (LRM)

Forecast operating expenses have been adjusted considerably to reflect the latest information which includes an increase of \$400,000 relating to asbestos clean-up. A summary of the changes are as follows;

Adjustments to LRM Operating Expense

Description	December Budget \$000	Proposed Change \$000	March Budget \$000
Administration	1,190	+ 17	1,207
Receival	409	(39)	370
Bailing/Recycling	380	(80)	300
Disposal	2,249	+195	2,444
Inert waste	419	(40)	379
Internal Income	(1,740)	(40)	(1,780)
Total	2,907	+13	2,920

*The table does not reflect total expenditure, only those items that are adjusted.

Administration: The primary adjustment is an increase to forecast expense to purchase recycle bins of \$20,000.

Receival: General operational savings in respect to the weighbridge and transfer station.

Bailing/Recycling: the primary saving relates to the transport of recyclates which is due to a reduction in waste deposited.

Disposal: The more significant changes include an increase to the budget of \$340,000 for asbestos clean-up, reduction to road maintenance \$66,000, reduction to transfer/load out operations \$57,000, reduction to mixed waste transport \$47,000.

In respect to asbestos clean-up it will be noted that there has been a budget increase of \$400,000 regarding the green waste contamination issue and a reduction to the budget for asbestos clean-up at Brighton Street of \$60,000. It is anticipated that the Brighton street work will not be completed in the current financial year and the majority of expense will be incurred next year.

Inert Waste: Savings to budget are envisaged with respect to transport costs and leachate treatment systems.

Internal Income; Income is trending slightly better than forecast in respect to Council paid gate fees (essentially DWM trucks paying gate fees).

10.5 Financial Review - 31 March 2016

This review proposes significant changes to the LRM financial forecasts that include both operating and capital adjustments.

The next table provides a summary of all the changes so that the net impact on the forecast for the entire operation can be assessed.

LRM December and Proposed March Forecasts

Description	December Budget \$000	March Budget \$000
Operating Income	3,959	3,838
Operating Expense	3,057	3,070
Operating Surplus	902	768
Excl Depreciation	1,306	1,306
Cash Operating Surplus	2,208	2,074
Loan capital	1,206	1,206
Capital Expense	467	1,061
Cash Surplus (Loss)	535	(193)

The forecast cash result has shifted from a surplus of \$535,000 to a loss of \$193,000. The primary issue that has caused this change is the asbestos clean-up (green waste contamination) which accounts for additional expense of \$680,000 of which \$400,000 is operating and \$280,000 is capital expense. Add to this the reduction to self-haul operating income of \$200,000 and it has been a difficult quarter.

The budget includes \$1,061,000 in capital expenditure which is considerably more than the LRM would spend in a typical year. Exclude the asbestos clean-up and the capital program is still \$781,000. Over recent years the capital expense is typically closer to \$100,000 and if this were the case this financial year then a cash surplus would still be forecast despite the setbacks of the March quarter.

Domestic Waste Management

There has been a net increase to forecast operational expenses of \$22,000 with reductions to wages and promotions more than offset by increases to kerbside collection costs and weighbridge fees.

General Manager's Group

Governance

Delegate's expenses have been reduced by \$10,000 given that current expense is well below forecast.

Information Services

Internet Connections/Software Support: Budgets have been increased by \$40,000. The increased costs relate to the fact that software licences are increasing by much more than the cost of living (typically budgets are increased by CPI) and we have a greater number and variety of products being required by staff.

10.5 Financial Review - 31 March 2016

Business Process Review: The Building Services Section is undergoing a process review and new software is required to enable a new plan stamping procedure.

The review and software are estimated to cost \$43,000 that was not previously in the budget.

Human Resources

Employee Entitlements: A further \$60,000 has been added to the leave budgets, bringing the total forecast to \$2,699,000.

Oncost Income: Income and expense on Private Works is trending well above forecast and this is reflected in oncost income and this budget has been increased by \$40,000.

Workers Compensation Costs: The budget has not been adjusted in this review and the forecast is currently \$601,000. Subject to the outcome of a matter currently in hand with the insurers, the annual premium for 2015/16 may be around \$100,000 less than budget.

Property Management

Comments in the income section of this report refer to the Building Better Regional Cities rebate program. Following on from these comments anticipated payments in respect to the Wollongbar scheme (\$25,000 paid to eligible buyers) have been increased by \$258,000 to \$650,000 which will complete the program.

Anticipated expenditure in respect to the Ballina Heights scheme has been reduced by \$775,000 down to \$350,000.

Water Operations

This next section of the report deals with Council's Water operations. The table below details the forecast operating result for the Fund.

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

Item	Original Budget	September Budget	December Budget	Approved Changes	Revised Budget	Changes for Approval	March Budget	Actual to March
Operating Income	10,996	11,062	11,141	0	11,141	24	11,165	7,069
Operating Exps (excl. dep)	9,491	9,491	9,576	0	9,576	(161)	9,415	7,320
Net Operating Result Before Depreciation	1,505	1,571	1,565	0	1,565	185	1,750	(251)
Depreciation Expense	1,400	1,400	1,400	0	1,400	0	1,400	1,050
Net Operating Result from Continuing Operations	105	171	165	0	165	185	350	(1,301)

The **forecast operating position** (exclusive of depreciation) has improved by \$185,000 since the December review, to a surplus of \$350,000.

Forecast operating revenues have been increased by \$24,000 which equates to the increase for interest on investments. Other quite minor positive and negative changes are proposed which have a neutral affect.

10.5 Financial Review - 31 March 2016

The trend for residential consumption income is 2% beneath forecast (amounts to \$97,000) however no adjustment is proposed. It is hoped that the dry weather continues and the forecast is achieved.

Forecast operating expenses have been reduced by \$161,000. The largest change in operating expenses was the removal of a budget to \$100,000 to pay for the Building Better Regional Cities scheme followed by a reduction to mains maintenance of \$160,000.

Wastewater Operations

This next section of the report deals with Council's Wastewater operations. The table below details the forecast operating result for the Fund.

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

Item	Original Budget	September Budget	December Budget	Approved Changes	Revised Budget	Changes for Approval	March Budget	Actual to March
Operating Income	16,281	16,393	16,493	0	16,493	(103)	16,390	14,595
Operating Exps (excl. dep)	13,740	13,595	13,765	0	13,765	(340)	13,425	9,743
Net Operating Result Before Depreciation	2,541	2,798	2,728	0	2,728	237	2,965	4,852
Depreciation/loan unwind Expense	2,900	2,900	2,900	0	2,900	0	2,900	2,175
Net Operating Result from Continuing Operations	(359)	(102)	(172)	0	(172)	237	65	2,677

The **forecast operating position** has improved by \$237,000 to change from a forecast deficit to a surplus of \$65,000.

Forecast operating revenues have been decreased by \$103,000, which primarily relates to a decrease to forecast investment interest. The reduction to interest is because Wastewaters' share of the total portfolio invested is declining and therefore a reduced share of the interest return.

Forecast operating expenses have been reduced by \$340,000 as part of this review. Whilst there were various adjustments to the operating budgets there was no net change to the total forecast other than the removal of a budget to pay \$340,000 for Building Better Regional Cities scheme.

Section Two – Capital Budget

This next section of the report looks at capital expenditure and examines proposed changes to the program.

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

General Fund Capital works	Original Budget 2015/16 \$'000	September Budget \$'000	December Budget \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for Approval \$'000	March Budget \$'000	Actual to March \$'000
General Fund Capital Funding								
General revenue	4,781	5,229	5,229		5,229	(620)	4,609	
Reserves	11,437	17,558	17,558		17,558	(947)	16,611	
Loans	4,000	0	0		0	500	500	
Section 94 contributions	49	615	615		615	7,230	7,845	
Grants and contributions	4,173	6,879	6,879		6,879	1,926	8,805	
Total Funding	24,440	33,922	30,281	120	30,401	869	31,270	15,277
General Fund Capital Expense								
<i>Strategic and Community Facilities Group</i>								
Cultural and Community Services	271	566	651		651	(260)	391	361
Swimming Pools	4,000	4,166	166		166	0	166	85
Libraries	0	33	33		33	0	33	39
<i>General Manager's Group</i>								
Administration & Information Services	25	65	65		65	0	65	41
Property Management	4,100	2,926	1,786		1,786	(720)	1,066	373
Camping Ground	10	10	10		10	0	10	0
Ballina Airport	90	90	90		90	2,707	2,797	158
<i>Development & Environ Health Group</i>								
	45	49	49		49	(45)	4	5
<i>Civil Services Group</i>								
Procurement & Building Management	0	3,878	4,058		4,058	(1,221)	2,837	1,090
Stormwater	421	547	495		495	0	495	224
Roads and Bridges	4,804	9,197	9,665	16	9,681	204	9,885	5,152
Ancillary Transport Services	3,323	3,192	3,886	59	3,945	82	4,027	4,096
Water Transport and Wharves	675	733	733		733	(473)	260	0
Open Space -Parks and Reserves	544	777	504	45	549	(45)	504	147
Open Space - Sporting Fields	156	5,293	5,293		5,293	45	5,338	1,607
Fleet and Plant	1,954	1,954	1,954		1,954	0	1,954	1,321
Waste Management	100	446	843		843	595	1,438	578
Total Capital expense	20,518	33,922	30,281	120	30,401	869	31,270	15,277

General Fund

Strategic and Community Facilities Group

Cultural and Community Services

The Regional Sports Centre budget has been reduced by \$260,000. These funds have been transferred to reserve

General Manager's Group

Property Management

The budget of \$736,000 to enable subdivision of land at North Creek road has been reduced by \$720,000. This budget will be transferred to 2016/17.

Ballina Airport

A new budget has been raised to \$2.7 million for the apron and taxiway overlay. The project is funded by loan \$500,000 and grant \$2,207,000.

Development and Environmental Health group

Environmental Health

Proposed actions at Shaws Bay and Lake Ainsworth will not be happening in 2015/16 to the extent proposed and the capital budget has been reduced by \$45,000. The part of this budget funded by Council will be returned to reserve.

Civil Services Group

Procurement and Building Management

Projects have been removed from the 2015/16 budget as detailed in the table below.

Administration Centre Air Conditioning: The project will not be proceeding this financial and the available budget of \$496,000 has been returned to reserve and will added to next year's budget to enable project commencement.

Asset Management Program: Budget of \$24,000 has been transferred from capital to meet operating expenses on buildings and other structures.

Lennox Head Beach Refurbishment: A budget of 51,000 has been transferred to Open Spaces and Reserves for the Pop Denison Park project.

Ballina Surf Club: The second building will not be substantially commenced this financial year and the budget has been reduced from \$745,000 to \$650,000. The budget will be carried forward to 2016/17.

Roads and Bridges

Budgets have been increased by a total of \$204,000. The main changes are as follows

Description of Works	Budget Adjustment (\$)	Comment
RMS funded works	Increase 29,000	Operating to capital expense
Alstonville bypass	Increase 44,000	Funded from bypass reserve
Heavy Patching	Increase 80,000	Funded from S94 reserve
North Cr Rd Deviation	Increase 50,000	Funded from s94 reserve
Total	203,000	

Ancillary Transport Services

Grant funding has been received from the Roads and Maritime Services for various footpath projects and the budgets have been increased for Ballina Street Lennox \$49,500, Kerr Street \$13,700, Fox Street \$5,500 and Martin Street \$12,600.

Water Transport and Wharves

Proposed works associated with pontoons and boat ramps have been adjusted based on current work priorities. The majority of the budgets were supported by grant funds and at this stage no payments have been received. The projects will be carried over in to the next financial year.

Budget Amendments to Water Transport and Wharves

	Budget Change \$	Revised Budget \$
East Wardell Pontoon	(70,000)	30,000
Captain Cook Park Pontoon	(258,000)	42,000
Fishery creek Pontoon	(70,000)	30,000
Faulks reserve Pontoon	(147,000)	28,000
Lennox Head Boat Ramp	40,000	40,000
Bentinck St Boat Ramp	32,000	32,000
Total	(473,000)	202,000

Open Space – Parks and Reserves

The Megan Crescent amenities budget of \$45,000 was transferred from Open Spaces and Reserves to Sports Fields.

Waste Management

New budgets have been raised for asbestos clean-up \$280,000 (relates to Wollongbar sports Fields component) and \$315,000 for the new Recycle Load-out area.

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

Water Supply Capital Works	Original	September	December	Approved	Revised	Changes	March	Actual to
	Budget 2015/16 \$'000	Budget \$'000	Budget \$'000	Changes \$'000	Budget \$'000	for Approval \$'000	Budget \$'000	March \$'000
Water Capital Funding								
Reserves	1,622	1,967	1,967	0	1,967	(519)	1,448	
Section 64 contributions	2,262	2,494	702	0	702	(266)	436	
Grants & Contributions	0	0	0	0	0	0	0	
Total Funding	3,884	4,461	2,669	0	2,669	(785)	1,884	1,293
Water Capital Expense								
Main Renewal	1,006	1,266	1,266	0	1,266	(410)	856	662
Reservoirs	535	725	225	0	225	(18)	207	7
Pressure Management	0	84	84	0	84	0	84	70
Water pump and bores	462	605	413	0	413	(132)	281	210
Trunk mains	1,300	1,200	100	0	100	(100)	0	0
Treatment Plant	271	271	271	0	271	(245)	26	23
Plant/connections	305	305	305	0	305	120	425	321
Other	5	5	5	0	5	0	5	0
Total Capital expense	3,884	4,461	2,669	0	2,669	(785)	1,884	1,293

The capital works program has been reviewed and the proposal is to decrease budgeted works by \$785,000 which relates to the following:

Budget Amendments Water Services

	Budget Change \$	Revised Budget \$
Mains Renewal	(380,000)	126,000
Ross Lane Underbore	(30,000)	30,000
East Ballina Reservoir	(18,000)	2,000
Basalt Court Booster	(132,000)	50,000
East Ballina Booster	(100,000)	0
Treatment Plants	(245,000)	26,000
Plant Purchases	20,000	75,000
Water Meter Connections	100,000	300,000
Total	(785,000)	609,000

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

Wastewater Capital works	Original Budget	September Budget	December Budget	Approved Changes	Revised Budget	Changes for Approval	March Budget	Actual to March
	2015/16 \$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Wastewater Capital Funding								
Reserves	5,222	4,584	3,644	0	3,644	(450)	3,194	
Section 64 contributions	524	524	276	0	276	25	301	
Loans	0	0	0	0	0	0	0	
Total Funding	5,746	5,108	3,920	0	3,920	(425)	3,495	1,637
Wastewater Capital Expense								
Pumping stations	2,690	2,691	1,191	0	1,191	(66)	1,125	557
Treatment Plants	516	971	1,151	0	1,151	(55)	1,096	612
Trunk Mains	210	395	347	0	347	(25)	322	175
Mains renewals	473	390	540	0	540	(287)	253	79
Plant/other	1,702	188	218	0	218	15	233	64
Reuse program	155	473	473	0	473	(7)	466	150
Total Capital expense	5,746	5,108	3,920	0	3,920	(425)	3,495	1,637

The capital works program has been reviewed and the proposal is to decrease budgeted works by \$425,000 which relates to the following:

Budgets Amendments Wastewater Services

	Budget Change \$	Revised Budget \$
Mains General Provision	(242,000)	304,000
Pump Stations	(66,000)	1,125,000
Membrane Ballina WWTP	(125,000)	75,000
Trunk Mains	(25,000)	77,000
Aville recycled water	(32,000)	8,000
Dual Retic-connection audits	25,000	35,000
Relocate Pine Ave Servers	(30,000)	0
Reverse Osmosis	(175,000)	25,000
Ballina WWTP Project Mment	120,000	188,000
Ballina WWTP Manifold	60,000	60,000
WWTP fencing	65,000	65,000
Total	(425,000)	1,962,000

Section Three – Cash and Investment Statement

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

	Original Budget 2015/16 \$'000	September Budget \$'000	December Budget \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for approval Mar \$'000	Revised Budget Mar \$'000
Unrestricted	3,780	3,780	3,780		3,780	0	3,780
Externally Restricted							
- Section 94	6,048	6,480	5,575		5,575	(47)	5,528
- Domestic Waste M'tment	1,414	1,798	1,528		1,528	0	1,528
- Section 64 Water	4,753	4,621	6,413		6,413	522	6,935
- Water	2,796	3,357	3,351		3,351	628	3,979
- Section 64 Sewer	4,427	4,653	4,901		4,901	715	5,616
- Sewer	4,898	6,179	7,048		7,048	347	7,395
Total Externally Restricted	24,336	27,088	28,816	0	28,816	2,165	30,981
Internally Restricted							
- Strategic and Community Services	274	431	834		834	1	835
- Employee Leave Entitlements	1,809	2,509	2,515		2,515	12	2,527
- Plant Replacement	(578)	146	146		146	0	146
- Quarries	948	950	950		950	8	958
- Property Reserves	1,295	488	2,570		2,570	989	3,559
- Open Spaces and Reserves	341	372	379		379	149	528
- Landfill Management	3,384	4,127	4,099		4,099	(729)	3,370
- Civil Works	2,766	4,730	3,936		3,936	562	4,498
- Procurement & Building Management	0	0	626		626	625	1,251
- Other	903	1,927	1,926		1,926	178	2,104
Total Internally Restricted	11,142	15,680	17,981	0	17,981	1,795	19,776
Total Restricted	35,478	42,768	46,797	0	46,797	3,960	50,757
Total Cash and Investments	39,258	46,548	50,577	0	50,577	3,960	54,537

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

Statements

1. Council's investments are all in accordance with the Local Government Act, the regulations and Council's investment policy.
2. As per the investments summary for March 2016, funds invested amounted to \$68,295,000. All restricted monies are included in these investments.
3. Cash has been reconciled to the bank statement as at 31 March 2016 to the amount of \$3,184,295.
4. Actual year to date cash and investments amounted to \$71,479,000 as at 31 March 2016. This amount includes cash at bank of \$3,184,295 and funds invested of \$68,295,000, which has been reconciled to bank statements and investment reports.

Comment on Cash and Investment Position

The forecast reserves position has increased from \$50.6 million as at the December review to \$54.5 million.

Details of the major changes for approval are summarised below.

Section 94 Reserves

The changes to section 94 reserves include:

- A net increase of \$105,000 to forecast Section 94 capital contributions and interest applied.
- A net decrease to the reserve of \$23,000 relating to the Building Better Regional Cities. Wollongbar refunds have gone better than forecast whilst Ballina Heights has not reached expectations.
- Decrease to the reserve to fund \$50,000 for the North Creek Road Lennox Head deviation.
- Decrease to the reserve \$80,000 to fund additional heavy patch works of eligible roads.

Water Reserves

Net reserves are predicted to increase by \$1,150,000, which is the result of a reduced capital works program \$785,000, improved operational outlook \$185,000 and more section 64 capital contributions \$180,000 than anticipated.

Wastewater Reserves

Net reserves are predicted to increase by \$1,062,000, which is the result of a reduced capital works program \$425,000, improved operational outlook \$237,000 and more section 64 capital contributions \$400,000 than anticipated.

Employee Leave Entitlements

Council received payments from other Councils as employees transferred to Ballina and these funds have been placed in to reserve.

Property Reserves

There is a net increase of \$989,000 to the forecast reserves balance with the primary adjustments being deferral of expense on the North Creek Road Ballina subdivision \$720,000 and the regional sports centre \$260,000.

Open Spaces Reserves

Reserves are scheduled to increase by \$149,000 which is due to interest accrued on the Wollongbar Sports fields grant \$54,000 and the Sports field contingency reserve \$44,000 (funded from interest income) and the deferral of the Pop Denison Park project \$51,000.

Landfill Resource Management

Net reserves are predicted to reduce by \$729,000 which is the result of an increased capital works program \$595,000 and a deterioration of the forecast operating result \$134,000.

Civil Works

The forecast reserve balance has increased by \$562,000. This is primarily due to the deferral of the Administration Centre air-conditioning project \$496,000 and \$71,000 transferred to the bypass reserves funded from interest income.

Procurement and Buildings

The Ballina surf Club project has been deferred with \$650,000 transferred to reserve. A budget of \$25,000 has been raised for sand blasting and repair of the existing building.

Other

The balance of 'Other' reserves is predicted to rise by \$178,000. The Building Better Regional Cities program adjustments mean that there will be an increase to the General fund reserve set aside to finance the reimbursements of \$100,000. Also the deferral of works on the Shaws Bay and Lake Ainsworth action plans means that the Regulatory services reserve will increase by \$78,000.

Section Four - Key Performance Indicators

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

The performance indicators that have been selected have a short term focus, which suits the quarterly review which also focuses on the short term. It will be noted that each ratio typically contains numerous variables and the forecast should be viewed as a good indication only.

Key Performance Indicators - Description

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

Measured: as a ratio

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

Indicator type: Financial Position

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

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

Measured: as a ratio

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

Indicator type: Financial Performance

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

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

Measured: as a ratio

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

Indicator type: Financial Position

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

Benchmark Indicators – General Fund

1. **Unrestricted Current Ratio – General Fund**

Benchmark: >1.5:1

2013/14	2014/15	2015/16 March
Actual	Actual	Estimate
1.97:1	3.26:1	2.05:1
Pass	Pass	Pass

Comment

The ratio is predicted to fall in 2015/16 in comparison to the 2014/15 result as the current forecast is for reserves to decrease over the course of the year.

The forecast has been updated to exclude the proposed pool borrowings as the upgrade has been deferred.

10.5 Financial Review - 31 March 2016

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

2. Operating Performance Ratio – General Fund

Benchmark: >0

2013/14	2014/15	2015/16 March
Actual	Actual	Estimate
-19.1%	-5.3%	-8.6%
Fail	Fail	Fail

Comment

The current forecast for the ratio to June 2016 has improved slightly from the forecast as at December 2015 but does remain well below benchmark.

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

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

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

Item	2015/16	2016/17	2017/18	2018/19	2019/20
Operating Balance(\$'000)	(4,224)	141	234	1,706	2,774
Ratio	(8.6%)	0.28%	0.44%	3.14%	4.9%

3. Debt Service Cover Ratio – General Fund

Benchmark: > 2

2013/14	2014/15	2015/16 March
Actual	Actual	Estimate
1.82	2.94	1.95
Fail	Pass	Fail

Comment

This ratio is sourced, in part, from the operating result. With Council having operating deficits to date, Council has struggled to meet the benchmark.

The forecast ratio has improved slightly from the original forecast, as the swimming pool loans have been removed from 2015/16.

10.5 Financial Review - 31 March 2016

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

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

Item	2015/16	2016/17	2017/18	2018/19	2019/20
Ratio	1.95%	2.88%	3.24%	3.86%	4.15%

Benchmark Indicators - Water

1. Unrestricted current ratio - Water

Benchmark: >1.5:1

2013/14	2014/15	2015/16 March
Actual	Actual	Estimate
42.34:1	38.31:1	25.4:1
Pass	Pass	Pass

Comments

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

2. Operating Performance Ratio - Water

Benchmark: > 0

2013/14	2014/15	2015/16 March
Actual	Actual	Estimate
-2.0%	1.2%	3.13%
Fail	Pass	Pass

Comments

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

Item	2015/16	2016/17	2017/18	2018/19	2019/20
Ratio	3.13%	2.82%	5.70%	6.8%	8.45%

The ratio has improved slightly since the December forecast due to an improved forecast operating surplus that will increase unrestricted reserves on hand.

3. Debt Service Cover Ratio - Water

Benchmark: >2

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

Comments

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

Benchmark Indicators - Wastewater

1. Unrestricted current ratio - Wastewater

Benchmark: >1.5:1

2013/14	2014/15	2015/16 March
Actual	Actual	Estimate
5.44:1	3.09:1	1.10:1
Pass	Pass	Fail

Comments

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

The current and future forecast for this ratio is that it will fail the benchmark of 1.5:1 which is due to the significant borrowings that have been taken out over recent years and the steady decline in cash reserves.

The strategy to remedy this situation is to continue to have above cost of living increases on the Wastewater annual charge whilst maintaining a close watch on all expenditures. Over time, primarily due to increased revenue from the annual charge the operating profit will grow and so will unrestricted cash reserves. However it needs to be accepted that this will take a number of years.

2. Operating Performance Ratio - Wastewater

Benchmark: >0

2013/14	2014/15	2015/16 March
Actual	Actual	Estimate
-18.0%	-7.7%	0.39%
Fail	Fail	Pass

Comments

The latest forecast is for a positive result which means a pass in comparison to the benchmark.

Going forward the strategy is to continue to increase annual charges by amounts in excess of CPI and carefully manage expenses. A positive result is expected to continue over the next few years, as per the following table, due to proposed increases in wastewater charges.

Item	2015/16	2016/17	2017/18	2018/19	2019/20
Ratio	0.39%	1.22%	9.10%	16.14%	21.14%

3. Debt Service Cover Ratio - Wastewater

Benchmark: > 2

2013/14	2014/15	2015/16 March
Actual	Actual	Estimate
0.69	0.85	0.95
Fail	Fail	Fail

Comments

This ratio will fail the benchmark for many years although the forecast is that the ratio will gradually improve year on year as the operating surplus continues to grow.

Section Five – Contractors/Consultants/Legal Expenses

New contracts entered into during the quarter that meet the definition or possibly meet the definition are detailed in the table below.

Contractor Name	Purpose	Amount (\$'000)	Start Date	Duration of Contract	Incl in Budget Y/N
Goldsmiths Building Works	Wigmore Arcade roof replacement	629,675	1/4/16	3 months	Y
Bennett Constructions	Amenities Wollongbar sports field	560,465	18/4/16	3 months	Y

Consultants

Total expenditure to date on consultants that appear to meet the definition are detailed below.

Item	Expenditure YTD	Included in Budget Y/N?
Consultancies	\$251,000	Y

Legal Expenses

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

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

Item	Expenditure YTD	Included in Budget Y/N?
Legal Fees	\$104,424	Y

Other Matters

Ballina Airport

An existing Airport loan will come up for renewal in June to \$300,000. This loan was taken out five years ago for \$500,000 at 6.97% based on a total term of ten years. It is anticipated that the new rate will be considerably better than what was on offer five years ago.

It has also been discussed earlier in this report that a new loan is required to finance the runway and taxiway overlays to \$500,000. The financial plan is based on this loan being based on a term of ten years.

The recommendations that form part of this report include authorisation for the new and renewal loans and authority for staff to accept the best quote(s) on the day of placement.

Certification

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

It is my opinion that the Quarterly Budget Review Statement for Ballina Shire Council for the quarter ended 31 March 2016 indicates that Council's projected financial position at 30 June 2016 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

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



Signed Peter Morgan, Responsible Accounting Officer

Sustainability Considerations

- **Environment**

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

- **Social**

As above

- **Economic**

As above

Legal / Resource / Financial Implications

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

Consultation

This report has been prepared to inform the community of budget variations. Relevant staff have been consulted in the preparation of this report.

Options

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

RECOMMENDATIONS

1. That Council notes the contents of the March 2016 Quarterly Budget Review and approves the changes identified within this report.
2. That Council approves the raising of a new loan to \$500,000 to assist with financing the Airport Runway and Taxiway overlays.
3. That Council approves the General Manager to accept the best quote(s) on the day for both an Airport loan renewal of \$300,000 (five year term remaining) and the new Airport loan of \$500,000 (ten year term) in June 2016.

Attachment(s)

Nil

11.1 Northern Rivers Dirty Wheels Mountain Bike Club - Funding

11. Civil Services Group Reports

11.1 Northern Rivers Dirty Wheels Mountain Bike Club - Funding

Delivery Program Engineering Works

Objective To consider a request to fund the construction of a mountain bike facility.

Background

The Northern Rivers Dirty Wheels Mountain Bike Club (the Club) is attempting to develop a project called the Duck Creek Mountain Bike Track. This project has been considered and supported by Council previously including the approval to use Council land at our Stokers Quarry site and the approval of a development application.

The Club is seeking financial assistance for the construction of the road access and car parking for the project. The Club has the capacity to construct the track component of the project.

The Club recently requested a meeting with Councillors. This meeting was held 9 May 2016. An agreed outcome from the meeting was that staff would present a report to Council to enable Council to formally consider the funding request. Attached to this report is a letter from the Club setting out the basis of their request.

Key Issues

- Project funding
- Community infrastructure priorities and equity

Information

The attached letter from the Club explains the background information for the project.

Mountain biking is an excellent family oriented sport with a wide appeal that is rapidly growing. The Club has the potential to grow and develop further and the construction of a local track is considered essential to support this development. The sport is also likely to attract regional and other visitors and can therefore be considered to provide positive economic benefits.

The deputation to the meeting with Councillors advised that the Club had received a quote for the works required under the development consent and that this quote was for \$105,000. The contractor subsequently withdrew their availability for the project.

Another quote was arranged, however this quote was priced at over \$140,000. The original estimate was around \$75,000.

11.1 Northern Rivers Dirty Wheels Mountain Bike Club - Funding

Council's technical staff have reviewed the scope of works and a preliminary estimate has been prepared which indicate the cost of works if the Council delivered the project would be \$83,000.

A portion of the work is to construct an access from the Bruxner Highway.

This requires the contractor that is certified by the RMS and the execution of a Works Authorisation Deed (WAD). A WAD requires a bond equivalent to the estimate value of the works and the Club is not able to provide that security. If Council completed the works a WAD is still required, however as we are a road authority, we are not required to provide the bond.

The Club has been advised of a successful grant application in the amount of \$15,000 from the Federal Government.

Sustainability Considerations

- **Environment**
The project has development consent and therefore an environmental assessment has been completed.
- **Social**
The construction of the track and facility will support social activities for a wide range of members in the community.
- **Economic**
Visitors will be attracted to attend the track and this will support local businesses.

Legal / Resource / Financial Implications

If Council was to complete the required works on behalf of the club it is estimated that the cost of the works would be \$83,000.

The Council has not currently allocated any funds in its current long term financial plan (LTFP) for the project.

Consultation

Not applicable for the purposes of this report.

Options

The options relate to Council approving or not approving the funding requested. If Council is of the opinion that the level of expenditure required is not justified the recommendation should be to decline the request.

If Council is of the opinion that the level of expenditure required is justified based on the potential community benefits derived, the issue is where to source the funding.

11.1 Northern Rivers Dirty Wheels Mountain Bike Club - Funding

The draft 2016/17 budget already has a forecast working capital deficit of \$180,800 for the General Fund and the report on the 2015/16 Quarterly Financial Review to 31 March 2016, as outlined earlier in this agenda, is forecasting a deficit of \$58,000. This means working capital is not a realistic option and the other alternatives are to defer planned projects or access funds held in reserve.

In respect to deferring projects such as roads, drainage etc, as these are core or essential works, that approach is not supported.

This leaves the option of using reserve funds. The three reserves with sufficient balances to finance these works are:

- Quarry Reserve – The forecast reserve balance for 30 June 2016, based on the March 2016 Quarterly Review report is \$957,600. However the LTFP is forecasting this reserve to significantly reduce over the next few years as the existing lease with Lismore City Council terminates and Council still needs to determine how the quarries will be managed into the future. Therefore the use of this reserve cannot be supported.
- Landfill and Resource Management (LRM - Waste) - The forecast reserve balance for 30 June 2016, based on the March 2016 Quarterly Review report is \$3.37m, although once externally restricted monies are deleted the forecast balance is \$2.5m. The LTFP is forecasting this reserve to retain balances of around \$3m, largely as a contingency in case Council has to start operating our own landfill, if the current cross border waste transport arrangements change.

The LTFP is also sourcing significant dividends from this reserve to fund the proposed Ballina Indoor Sports Stadium (dividends of \$5m sourced from reserve for the four year period 2016/17 to 2019/20), along with recurrent dividends from 2019/20 onwards of approximately \$1m to \$3m that are invested into asset renewal, to ensure Council meets the Fit for the Future benchmarks for asset investment.

Based on the magnitude of funds held in this reserve Council could source the \$83,000 from this reserve, without any significant impact, but we do need to be careful that this reserve does not become a constant source of ad hoc funding for projects as it will ultimately impact on the long term sustainability of the waste operations, along with our ability to react to any financial shocks that may occur in respect to waste (remembering the cost of opening new cells for the landfill is in the millions of dollars, with some estimates in the tens of millions of dollars).

- Community Infrastructure Reserve - The forecast reserve balance for 30 June 2016, based on the March 2016 Quarterly Review report is \$890,100.

The LTFP is forecasting this reserve to remain around the \$900,000 mark although the reserve balance is heavily dependent on dividends from land sales generated through the Property Development Reserve and Section 94 recoupments, both of which are highly variable.

11.1 Northern Rivers Dirty Wheels Mountain Bike Club - Funding

This reserve is constantly reviewed to reflect the latest movements in our commercial property dealings and it also provides an important contingency for any cost variations that can occur with our major community infrastructure projects (eg: shared pathway, Marine Rescue Tower, Wollongbar Sports Fields etc).

The movements in the reserve for 2016/17 are highly dependent on \$450,000 in Section 94 contributions being recouped during that year and that funding is extremely variable so there is some risk that level of recoupment may not occur.

Similar to the comments for the LRM reserve, Council could source the \$83,000 from this reserve without any significant impact, but again we do need to be careful that we do not constantly fund ad hoc projects from this reserve that then impacts our ability to fund projects that have been consulted and endorsed as part of our LTFFP.

In respect to the recommendation as the allocation of scarce community resources is a matter for Councillors to determine, the recommendations provide for both options (approve or not approve). The approve option, if preferred, also seeks clarification as to which reserve will fund the works (one or the other or possibly shared).

RECOMMENDATIONS

Option A

That Council does not approve the funding requested by the Northern Rivers Dirty Wheels Mountain Bike Club as the funding requested is currently not identified in our Long Term Financial Plan, other community infrastructure projects have been identified as a higher priority, and the level of funding required cannot be supported based on the estimated community benefits from the work.

Option B

That Council approves the allocation of \$83,000 to support the Northern Rivers Dirty Wheels Mountain Bike Club, as per the attachment to this report, with that funding to be sourced from the Landfill and Resource Management Reserve / Community Infrastructure Reserve (one to be deleted).

Attachment(s)

1. Email from Northern Rivers Dirty Wheels
2. Letter attached to Email

11.2 Infrastructure Planning - CURA B Development Application

11.2 Infrastructure Planning - CURA B Development Application

Delivery Program Asset Management

Objective To refer correspondence provided by CURA B proponents to Council for consideration.

Background

Council has received two development applications relating to the Cumbalum Urban Release Area B (CURA B).

The first application was for the sewer alignment from CURA B to the existing pump station SP2402 in the Ballina Heights Estate. The sewer alignment was proposed through the neighbouring CURA A development area. CURA A had not signed the required land owners' consent for the development application and it was returned to the applicant as it was incomplete.

The second application was for stage one of the CURA B development, containing 191 allotments. Stage one is accessed directly off Ross Lane at the northern end of the development footprint.

During the CURA B rezoning stage a Voluntary Planning Agreement (VPA) was established between Council and CURA B. There was a VPA prepared for CURA A however it was never signed.

Council has recently received two pieces of correspondence from the CURA B proponent. The first is a letter from Planning Resolutions (CURA B's consultant planner) raising sewer and stormwater issues and requesting that these matters be referred to Council for determination. The second is from David Hunter, solicitor for CURA B, formally notifying Council that a dispute exists over the VPA in relation to the sewer easement. Both letters are attached.

Key Issues

- Creation of sewer easements
- Stormwater management
- Legal responsibility
- Level of involvement of Council

Information

Sewer

This issue relates to the creation of an easement on CURA A land. To date the respective landowners have not reached an agreement in respect of the creation of this easement. The Council has conducted a facilitating role in these discussions, however it has been our position that reaching an agreement is a matter between the parties, subject to the agreement meeting Council's future infrastructure needs.

11.2 Infrastructure Planning - CURA B Development Application

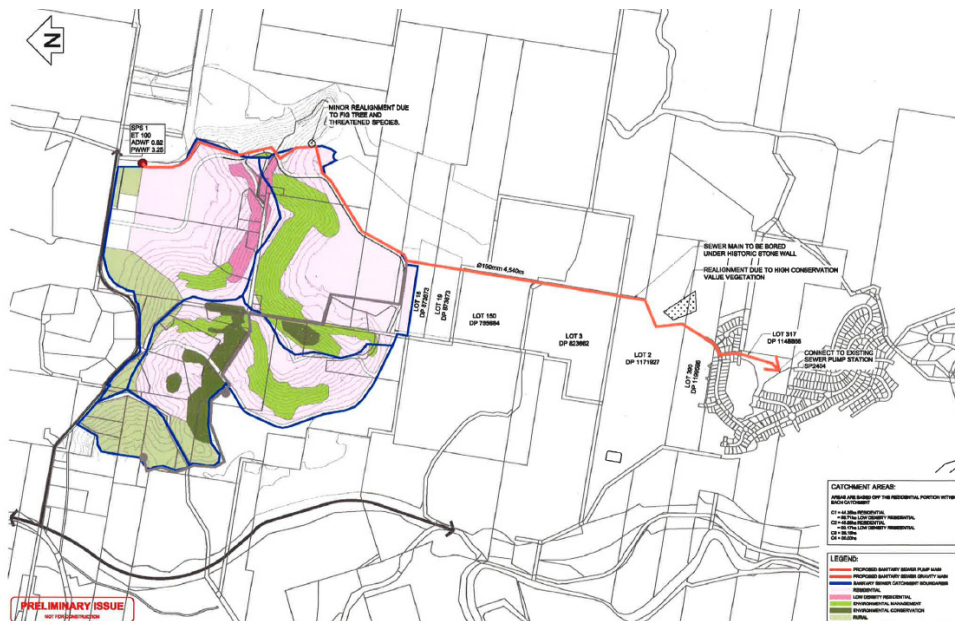
Planning Resolutions has written to Council seeking Council to further intervene in this process. In response to this letter, it was agreed that this report would be prepared for Council to consider the request.

Following our advice that we would prepare this report, Council received a letter from the applicant's solicitor, David Hunter. A copy of this letter is attached for the information of Council.

Also attached is a reply sent to Mr Hunter by Council's legal advisor for this matter, Allens, explaining our position in response.

In summary, it is the position of Council that at this point in time it is not appropriate for Council to intervene, or exercise statutory powers, in circumstances where the parties have not exhausted negotiations.

By way of background, the proposed alignment (below) in the development application submitted by CURA B was not accepted by CURA A due to their concerns in relation to ecological matters.

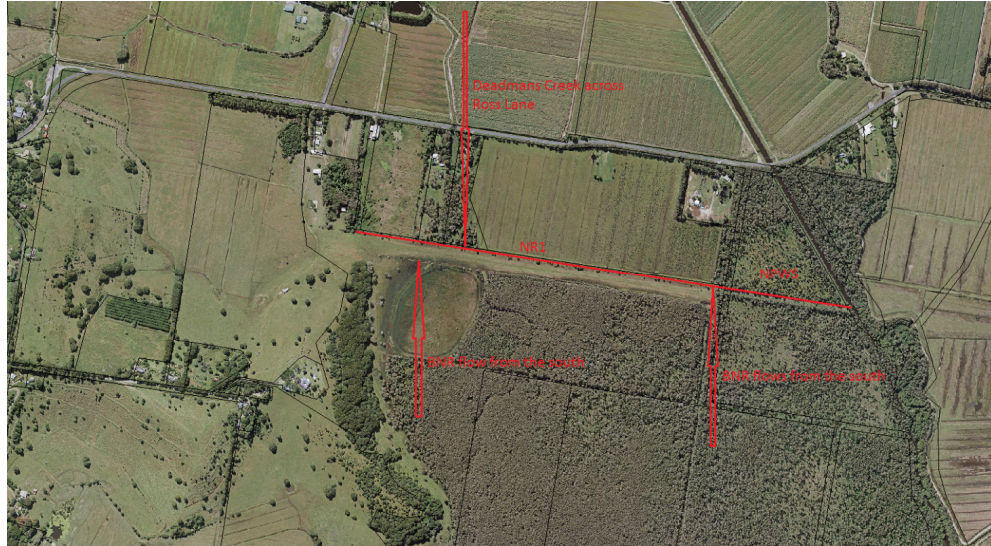


The Group Manager Civil Services has attempted to facilitate an arrangement between the two applicants whereby a single engineering consultant would complete a hydraulic assessment of the combined developments and recommend a preferred technical alignment for the sewerage trunk main (see below). One of the options available is presented as follows.

11.2 Infrastructure Planning - CURA B Development Application

NR1 begins on CURA B land and then flows through the BNR via NPWS land to North Creek. NR1 is under the maintenance control of the Richmond River County Council (RRCC), after the dissolution of the Newrybar Drainage Union, and was originally constructed to help drain farming land to the north of Ross Lane.

NR1 is CURA B's proposed stormwater conveyance system to North Creek from stage one of the development and the following picture identifies the general location of the drainage network.



NR1 is the critical flow path from CURA B's drainage network, is a major flow path from the BNR's to North Creek and can directly affect flooding across Ross Lane and upstream property owners.

NR1 requires sufficient hydraulic modelling to confirm upstream property owners are not adversely affected by the development and that the existing flooding problem on Ross Lane is, at a minimum, no worse.

In the opinion of staff, CURA B's Stormwater Management Plan submitted with the development application did not adequately model the capacity of NR1 or recognise flows from the BNR to the South.

Furthermore the drainage augmentation works, proposed on NR1 appear to increase water levels in Deadman's Creek that currently floods Ross Lane on a regular basis.

A request for further information was sent to CURA B on 4 March 2016 requesting additional modelling on NR1 that includes flows from Deadman's Creek across Ross Lane from the North and a sensitivity analysis for flows from the South.

A meeting was held on 5 April 2016 between RRCC, BSC, CURA A and CURA B to discuss the options to address this issue, including options for joint collaboration between the parties.

The Planning Resolutions letter of the 14 April 2016 requests Council should take a lead role in planning and modelling stormwater infrastructure.

11.2 Infrastructure Planning - CURA B Development Application

CURA A has submitted their development application and stormwater management plan and at this point it is the case that they have no discernable level of discharge or impact on the capacity of NR1.

Council staff consider it is the developer's responsibility to determine the downstream infrastructure needs for the development and in circumstances that falls to CURA B.

Sustainability Considerations

- **Environment**
The objective of the development assessment process is to ensure any environmental impacts from the proposal are appropriately managed.
- **Social**
Good urban design supports social amenity in our developing community.
- **Economic**
Land development, subject to appropriate regulation, is an important economic driver in our community.

Legal / Resource / Financial Implications

Council has sought legal opinion in respect of the sewer matter. This is summarised in the attachment to this report.

For both matters, as they pertain to a development application, the Environmental Planning and Assessment Act is the relevant legislation to consider in respect of Council's obligations and interests.

Consultation

There has been extensive consultation carried out with the CURA B representatives during the rezoning period and during the current development application process.

Options

Sewer

The Planning Resolutions and David Hunter letters are a demand for Council to commence compulsory acquisition of a sewer easement on CURA land to support the development of CURA B land.

The options available to Council are;

1. Council note the information contained in this report, including the contents of the letter sent on Council's behalf by our legal advisors to the applicant and agree that it is not yet appropriate for Council to commence a compulsory acquisition process.
2. Council commence the compulsory acquisition process.

11.2 Infrastructure Planning - CURA B Development Application

Option 2 is not recommended for the following reasons;

- The preferred alignment for the sewer has not been finally determined.
- This option impinges on the rights of the CURA A landholders.
- All reasonable attempts to secure the easement by negotiation have not been undertaken.

Stormwater

Essentially, the Planning Resolutions letter is a request for Council to assess the downstream infrastructure for this subdivision.

The options available to Council are;

1. Continue to require CURA B to model the stormwater network to confirm its capacity and its impacts on the road network and upstream properties as per the current RFI's.
2. Council undertake the above assessment.

The drainage assessment is required in direct response to the development application and therefore the responsibility to complete the investigation lies with the proponent. It is an option for the applicant to respond to the RFI to the extent they consider appropriate and seek a determination of the application based on the submitted information.

RECOMMENDATIONS

1. That Council notes the contents of the letter from its legal advisors, Allens, sent to David Hunter Law, as per the attachments to this report.
2. That Council note the applicant has been invited to respond to a request for information in respect of their storm water management plan prior to Council's determination of the development application.
3. That for the reasons outlined in this report Council decline the requests in the attached Planning Resolutions letter, to take further action in respect of the planning of stormwater and sewer infrastructure in response to the current development application.

Attachment(s)

1. Letter from David Hunter
2. Letter from Planning Resolutions
3. Letter from Allens to David Hunter

11.3 Road Closing - Brighton Street (Bonview Street and The Serpentine)

11.3 Road Closing - Brighton Street (Bonview Street and The Serpentine)

Delivery Program Asset Management

Objective To determine Council's response to the proposed closing of the northern section of Brighton Street (between Bonview Street and The Serpentine) at East Ballina

Background

This report is presented to Council to consider closing a section of public road and the sale of that land to the adjoining land owners. The reason for this request is to formalise an area of land that is used for driveway access and maintained by the adjoining land owners at Brighton Street, East Ballina.

The report was considered at Council's Ordinary meeting on 28 April 2016 when it was resolved to defer the matter until further information is provided. An on-site inspection was undertaken by Councillors on Tuesday 17 May 2016.

Key Issues

- Closing a section of public road
- Sale of that section of road to adjoining landowners

Information

Council has received a request from adjoining landowners to close the unformed northern section of Brighton Street (the "road"), between Bonview Street and The Serpentine at East Ballina. A site plan is included as attachment one.

The adjoining landowners have maintained this section of road for many years and are now seeking to acquire the road. The proposal is to close and purchase the road and then consolidate the land with the adjoining properties.

The road is bounded by private property along its eastern side and by public reserve, Serpentine Park (the "park"), along its western side. The road is in places a few metres higher than the park as a result of quarry operations many years ago. This means direct pedestrian or vehicle access from the road to the park is generally not available.

Council staff have assessed the potential uses of this site if retained as public road. The southern end of the road reserve is partially vegetated and contains existing driveway accesses for Nos. 42 & 44 The Serpentine. Direct vehicle access to these properties from The Serpentine is not provided due to existing road alignment and site conditions.

The property at 46 The Serpentine has direct vehicle access to The Serpentine. The northern end of the road reserve is heavily vegetated and generally not suitable for vehicle access.

11.3 Road Closing - Brighton Street (Bonview Street and The Serpentine)

The current road network servicing these properties is via The Serpentine and the existing shared pathway is located to the west of this road through the adjoining park.

There is no road, footpath or drainage works proposed by Council for this section of road. There is an existing sewer main within this road and an easement benefitting Council would be created if the road is closed and sold. It is considered there are limited uses for this section of road if retained by Council.

Council is the roads authority and the owner of this public road. Any request to close and purchase a section of public road must first be endorsed by Council before lodging a formal road closing application with DPI-Lands.

The road closing application requires the proponent to provide all the necessary information and to meet all costs through this process. Should the road closing proceed, a Registered Valuer will be engaged to prepare a valuation report to be used as the basis of negotiations for the final sale price.

Sustainability Considerations

- **Environment**

The road is currently maintained by the residents and kept in a condition above what Council would be able to provide. The sale and consolidation of the land with adjoining land will enable ongoing maintenance and may result in enhancement of the land.

- **Social**

The road is public land and does provide public access. This road could be closed and consolidated with the adjoining park for future public use.

Alternatively, the road could be closed and consolidated with the adjoining private land and therefore would not be available for public use.

- **Economic**

The recommendation seeks to support efficient land management principles.

Legal / Resource / Financial Implications

The existing driveway is within a public road and provides vehicle access to the adjacent properties. This section of Brighton Street is not listed on Council's roads asset register as a formed road and no maintenance work is done by Council.

Should the Council wish to retain the land there may be financial implications and liability for Council to maintain this area through a weed/tree management program and to clean up any illegal dumping.

At present, the land is maintained by the adjoining residents.

11.3 Road Closing - Brighton Street (Bonview Street and The Serpentine)

Consultation

The residents have initiated this process and consultation has included discussions, correspondence and submissions from some of the adjoining residents.

Their preference is for the road to be closed, the land to be consolidated with the adjoining land, driveway access to remain unchanged and easements created for access and services.

Options

1. That Council supports the request for a road closing application to proceed at Brighton Street (north), East Ballina.

The advantage of this option is that it ensures the Council does not have any future liability attached to this unnecessary section of road. It also allows for the adjoining land owners to proceed with the road closing application and, if approved, consolidate the land into the adjoining property. This may well be the most efficient and best use of the land and therefore be a preferred outcome for the adjoining landowners and the community.

2. That Council opposes the request for a road closing application to proceed at Brighton Street (north), East Ballina.

The benefits associated with retaining this section of road is that it may provide a corridor for future works, infrastructure or use as public land adjoining the existing park.

Option one is preferred as the amenity of the public space is not compromised by this change and it clarifies the arrangements for the future maintenance of the road area.

RECOMMENDATIONS

1. That Council approves the proposal to close the northern section of Council public road known as Brighton Street (between Bonview Street and The Serpentine) at East Ballina, as per the contents of this report.
2. That the Council authorises the Council seal to be attached to the road closing application, associated documents and land dealings to finalise the road closing.

Attachment(s)

1. Locality Plan - Brighton Street

11.4 Captain Cook Park- Proposed One Way Traffic Access

11.4 Captain Cook Park- Proposed One Way Traffic Access

Delivery Program Open Spaces and Reserves

Objective To review the options for the proposed one way traffic access through Captain Cook Park, Ballina

Background

In considering the Master Plan for the Captain Cook Memorial Park, Ballina the Reserve Trust at its meeting 26 January 2016 requested a "report regarding the proposed one-way road from River Street to Moon Street which is currently included in the Master Plan."

This report responds to that request.

Key Issues

- Reconciliation of traffic impacts in the master planning of Captain Cook Memorial Park
- Benefits of the road options

Information

Council, acting as the Richmond River Reserve Trust, adopted the *Captain Cook Memorial Park Landscape Master Plan*, 6 February 2014.

The Master Plan contains a proposal to provide a one way vehicle access from River Street to Moon Street through the park.

The Reserve Trust at its meeting 26 January 2016 requested a "report regarding the proposed one-way road from River Street to Moon Street which is currently included in the Master Plan."

This report addresses this matter and includes advice from the Ballina Local Traffic Committee.

The current layout of the park is shown on an aerial view attachment to this report. The park is a crown reserve managed by Council, however there is a sealed dead end "road" extending from Moon Street that traverses part of the park providing the only vehicular access to a number of retail premises fronting River Street.

The "road" is not a lawful access to these premises, however this informal arrangement has been in place for many decades.

The Master Plan proposes to formalise this "road" by providing a one way access through the park from River Street to Moon Street. The Master Plan also proposes relocation of the existing marked pedestrian crossing, westwards to a location between the proposed access and the access to the adjacent RSL car parking facility.

11.4 Captain Cook Park- Proposed One Way Traffic Access

The following table contains advantages/disadvantages identified in the Master Plan for the new one way eastbound from River Street as opposed to the existing arrangement.

NEW ONE-WAY EASTBOUND FROM RIVER STREET	EXISTING TWO-WAY TRAFFIC MOVEMENT
<i>Advantages</i>	
<ol style="list-style-type: none"> 1. <i>Narrow single lane is space efficient and enables more space for parkland without compromising car parking availability</i> 2. <i>One-way movement creates easier access arrangement and minimises potential conflicts during peak activity periods</i> 3. <i>Replicates traffic and parking arrangements in Fawcett Street east of Moon Street</i> 4. <i>No turning head required;</i> 5. <i>Through access from River Street removes dead end and greatly enhances connectivity and passive surveillance</i> 6. <i>Vehicle access off River Street will increase park recognition from main thoroughfare especially to passing visitors; and</i> 7. <i>Loss of parkland area at River Street entry is offset by gains created by narrower street corridor and lack of turning head.</i> 	<ol style="list-style-type: none"> 1. <i>Retains existing familiar traffic system</i> 2. <i>Moon Street is maintained as the central access point into Captain Cook and Fawcett parks; and</i> 3. <i>Relatively cost effective to upgrade.</i>
<i>Disadvantages</i>	
<ol style="list-style-type: none"> 1. <i>Occupies parkland space near River Street entry</i> 2. <i>Crosses River Street footpath and creates potential new pedestrian conflict point; and</i> 3. <i>Potential greater cost of implementation</i> 	<ol style="list-style-type: none"> 1. <i>Inefficient wide road required to accommodate two passing lanes and a parking lane which will take up an unnecessarily large area of the adjoining parkland;</i> 2. <i>Expansive turning head required for large vehicles such as garbage trucks which may need to be located near front of CWA Hall</i> 3. <i>Lack of through vehicle access minimises passive surveillance and maintains sense of remoteness at dead end; and</i> 4. <i>Potential traffic conflict during periods of high demand and when car park is full.</i>

A significant traffic issue created by the one way proposal occurs at the departure point in River Street. The proposed location is 27m west of the existing midblock, marked pedestrian crossing (see attachments).

This crossing is equipped with landscaped kerb extensions on either side of River Street that minimise the distance pedestrians travel across the street.

11.4 Captain Cook Park- Proposed One Way Traffic Access

The Master Plan proposal to relocate the pedestrian crossing westwards to between the one way park access and the existing RSL parking area entrance would leave insufficient room between these accesses to accommodate kerb extension facilities as well as providing a turning path for westbound vehicles in River Street turning left into the RSL car park.

The area is also constrained by a significant Telstra pit in the River Street footpath immediately east of the proposed one way access which restricts the ability to economically reshape the footpath to accommodate the proposed park access.

The one way access proposal may be feasible if the marked pedestrian crossing is left in its current location, however the kerb extension would need to be reshaped west of the crossing to facilitate the left turn departure movement (to the park access) and a number of associated angle parking spaces would also be lost.

The issue was submitted to the Ballina Local Traffic Committee meeting held 13 April 2016. The Committee Recommended:

"RECOMMENDATION

In regard to the Captain Cook Memorial Park Master Plan proposal for a one way access from River Street to Moon Street the Committee advise that two way access with no connection to River Street is the preferred option."

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Impacts of the proposed one way access from River Street to Moon Street through Captain Cook Memorial Park have been considered
- **Economic**
Impacts of the proposed one way access from River Street to Moon Street through Captain Cook Memorial Park have been considered

Legal / Resource / Financial Implications

As the proposed one way access from River Street to Moon Street through Captain Cook Memorial Park is not supported by the Ballina Local Traffic Committee, its future authorisation would be unlikely.

Consultation

Consultation occurred with the Ballina Traffic Committee.

Options

Option 1 - Amend the Captain Cook Memorial Park Master Plan to delete the proposed one way access from River Street to Moon Street.

Option 2 - Do not amend the Captain Cook Memorial Park Master Plan

11.4 Captain Cook Park- Proposed One Way Traffic Access

Option 1 is the preferred option due to the adverse traffic impacts of the proposed access onto River Street and associated advice from the Ballina Local Traffic Committee.

RECOMMENDATIONS

1. That Council approves an amendment to the Captain Cook Memorial Park Master Plan to delete the proposed one way access from River Street to Moon Street and replace it with a two way access with no connection to River Street as recommended by the Ballina Traffic Committee.
2. That Council, as the Reserve Trust Manager, endorses the actions outlined in point one above.

Attachment(s)

1. Captain Cook Park Aerial View Existing
2. Captain Cook Park Master Plan Traffic Access Options
3. Captain Cook Park Master Plan Proposed Entry and Landscape Details
4. Captain Cook Park Street View of proposed access location off River Street

11.5 Road Naming Proposal - Ian Byrne Lane

11.5 Road Naming Proposal - Ian Byrne Lane

Delivery Program Asset Management

Objective To consider the submissions received for the proposed road naming of an unnamed road as Ian Byrne Lane at East Ballina.

Background

Council has previously resolved to consider a report on naming the unnamed lane between Shelly Beach Road and Pacific Terrace as "Ian Byrne Lane". This report follows up on that resolution.

Key Issues

- To ensure property address and access information is established to provide the delivery of emergency and other services.

Information

Following the Council resolution the road naming process commenced, and after some delays in respect of the processing through NSW Land and Property Information (LPI), the proposed road name was advertised in the Ballina Shire Advocate on 13 January 2016. A site map is provided for reference purposes.

Three submissions were received from residents who live adjacent to or nearby the lane.

A summary of the issues raised are as follows:

- Supportive of the recognition for Ian Byrne, however, would prefer the use of his name be associated with a park, reserve or in the airport precinct.
- Prefer the lane remain unnamed due to the anticipated increase in traffic safety and parking issues.
- If the lane must be named, the use of the name 'Southwell' in recognition of a prominent local resident and historian would be supported. (This suggestion was included in the staff comments attached to the notice of motion).

In response to the submissions:

- It is unlikely that increased traffic and parking issues would result from the lane being named. Any road name signage would include a "No Through Road" sign.
- Name and 'No Through Road' signage would assist with locating the driveway accesses to the properties for emergency, delivery and other services
- The staff comment at the time of the notice of motion also suggested two other names might be considered, being Southwell and Walsh, as suitable names.

11.5 Road Naming Proposal - Ian Byrne Lane

At present, there is no signage to indicate road name, property or beach access or no through road. Until a few years ago there was an old no through road sign and today only the timber post remains. The lane is bitumen sealed and provides vehicle access to properties along with pedestrian access between Pacific Terrace and Shelly Beach Road. Addressing and garbage collection services are provided in Pacific Terrace and Shelly Beach Road and not in the lane.

The use of the lane could be viewed similarly to a rear lane in some residential areas whereby property access is available from the lane, but the lane remains unnamed. In this case, the only vehicle access to the properties is from the lane, while each property is addressed to and has pedestrian access from the adjacent streets.

The real benefit is to provide vehicle access to properties for emergency, delivery and other services

Sustainability Considerations

- **Environment**
The road name can reflect the local community and environment.
- **Social**
The road name can reflect the local area and provide a connection with local residents.
- **Economic**
The naming of a road may bring maintenance obligations for the Council through the provision of signage, drainage and pavement expenses if the road is included in Council's road maintenance program.

Legal / Resource / Financial Implications

The existing lane formation is within a public road and provides vehicle access to the adjacent properties. The lane is not listed on Council's asset register and has not been maintained by Council, except for some minor pavement patching in 2015 following a request from residents. There has been some road upgrade and drainage works at the eastern end of the lane in conjunction with an adjoining development. These assets are located on the public road and would be maintained by Council.

Consultation

The consultation has included discussions, correspondence and submissions from residents in this locality. The general consensus is a preference for the lane to remain unnamed, however, if the lane is named, the submissions from adjoining or nearby residents should be considered.

Options

1. That Council supports the existing resolution to name the unnamed lane as Ian Byrne Lane.

11.5 Road Naming Proposal - Ian Byrne Lane

2. That Council proposes another name.
3. That Council decides to take no further action.

Option one is the recommendation to this report as it is consistent with the previous resolution of Council and there are no impediments to continue to proceed in this direction.

However, it is noted that typically staff decline requests to name unnamed roads to avoid sign installation and maintenance as well as ensuring clarity around the property address system as properties fronting a named and unnamed road are identified by the named road only. Furthermore, it is noted there was only a limited response to the exhibition and the response did raise issues from the perspective of those residents. For these reasons, the Council may prefer option three and decide to take no further action.

RECOMMENDATION

That Council confirms its support to name the unnamed lane that is the subject of this report to be Ian Byrne Lane and the General Manager take the necessary steps to implement this decision.

Attachment(s)

1. Map - Proposed Road Name - Ian Byrne Lane

11.6 Alcohol Free Zones - Lennox Head and Alstonville

11.6 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) to manage anti-social behavior. The AFZ's were re-established by further resolution of Council in 2012 in accordance with the 2009 Ministerial Guidelines for Alcohol Free Zones. The AFZ's have now both expired on 31 March 2016.

In response to a request from the NSW Police supporting the re-establishment of these AFZ's, Council resolved at the March 2016 meeting to publically exhibit a proposal to renew the arrangements.

A map of both the Lennox Head and Alstonville AFZ's is attached. The purpose of the AFZs is to assist the police reduce alcohol related crime and anti-social behavior at these locations.

Compliant with the Local Government Act and the Ministerial Guidelines on Alcohol Free Zones public consultation has been undertaken. The consultation involved:

- A published notice of the proposal inviting submissions (attached).
- The proposal being sent to the local NSW Police, local liquor licenses and registered clubs, to all known local Aboriginal or ethnic group organisations and to the Anti-Discrimination Board of New South Wales inviting submissions (attached).

Following the consultation only two submissions were received. These submissions were from the NSW Police and the Anti-Discrimination Board of New South Wales. A copy of these submissions is attached to this report and the response is discussed below.

Key Issues

- Contents of submissions
- Benefits of AFZs

Information

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

11.6 Alcohol Free Zones - Lennox Head and Alstonville

The declaration of an AFZ provides the NSW Police with the power to seize and dispose of alcohol without the need to issue a warning.

A police officer may use their discretion to issue a warning to a person who is consuming alcohol in an AFZ. Where cooperation with the police officer does not occur they may be charged with an offence under Section 660 of the Local Government Act 1993.

The NSW Police submission highlights the success of the implementation of the AFZ's resulting in a dramatic decrease in anti-social behavior and crime.

The Anti-Discrimination Board reports it has no objection to the proposal.

The proposal to re-establish the AFZ's is for the period 27 May 2016 to 31 January 2018.

The Council can elect to re-establish the AFZ's for both Lennox Head and Alstonville.

Sustainability Considerations

- **Environment**
Reducing antisocial behaviour assists in the management of the build and natural environment.
- **Social**
The purpose of the AFZs is to manage antisocial behavior and ensure community safety.
- **Economic**
Management of anti-social behavior is a cost to community resources, however anti-social behavior can also be an impediment to business growth in a precinct and result in direct costs being incurred by 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, the licensed premises around which the zones will be prepared, Aboriginal and ethnic groups, surrounding businesses and the general community.

Options

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

11.6 Alcohol Free Zones - Lennox Head and Alstonville

Based on the preference of the NSW Police and the history of successful implementation of AFZs in the Shire, the recommendation to this report is consistent with the exhibited preference of Council to continue the AFZs at these locations.

RECOMMENDATIONS

1. That Council notes the information regarding the completion of the public exhibition for the proposal Alcohol Free Zones for Lennox Head and Alstonville in accordance with the Ministerial Guidelines for Alcohol Free Zones and further the Council note the response contained in the submissions from the NSW Police and the NSW Anti-Discrimination Board.
2. That in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council approves the re-establishment of the Alcohol Free Zone in Lennox Head, for the area illustrated in the attachment to this report, for the period 27 May 2016 to 31 January 2018.
3. That in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council approves the re-establishment of the Alcohol Free Zone in Alstonville, for the area illustrated in the attachment to this report, for the period 27 May 2016 to 31 January 2018.

Attachment(s)

1. Map: Alcohol Free Zone (AFZ) Lennox Head
2. Map: Alcohol Free Zone (AFZ) Alstonville
3. Public Notice: Notification of Alcohol Free Zones Lennox Head and Alstonville Northern Star 9 April 2016
4. Letters: Proposal to Establish Alcohol Free Zones at Lennox Head and Alstonville
5. NSW Police Submission: Reinstatement of Alcohol Free Zones in Lennox Head and Alstonville
6. Anti-Discrimination Board of New South Wales Submission: Proposed Alcohol Free Zones Lennox Head and Alstonville

11.7 Ballina Wastewater Treatment Plant Upgrade - Contract Update

11.7 Ballina Wastewater Treatment Plant Upgrade - Contract Update

Delivery Program Water and Wastewater

Objective To report information to Council regarding the status of this project.

Background

At the February 2011 meeting Council resolved to accept the tender of Haslin Constructions Pty Ltd for RFT/Contract Number 0902774 being for the Design and construction of an MBR Waste Water Treatment Plant (WWTP) at Ballina, and a Recycled Water Plant at Lennox Head WWTP for an amount of \$45,437,315 including GST.

The actual construction works were completed sometime ago, however the contract requires certain ongoing operational and commissioning activities to be completed by the contractor. Systems are in place for Council's continued operation of the new plant in this contractual environment.

The project was completed with an excellent result in terms of the relatively small value in approved cost variations. As expected for a project of this size and technical complexity, a range of defects and other performance issues remain under consideration by Council and the contractor. One of these matters, an issue dealing with damage to the membranes has potential financial implications and the purpose of this report is to provide the background information.

Key Issues

- Progress of the works within the Contract.
- Other key project items

Information

Current Status

The new Ballina plant has been constructed in two stages. Firstly the new WWTP component was constructed and placed in service on the 28th February 2013 – then the old plant was decommissioned and demolished so that the remainder of the works could be completed.

The second component included the sludge handling facilities, along with the recycled water reservoir and pump station, the ebb-tide discharge reservoir, remaining road and site civil and electrical works.

This construction was completed in November 2013 however the various issues noted as follows have not allowed the granting of Completion to the Contractor in accordance with the contract provisions.

The construction works on the Lennox Head Recycled Water Plant were completed during January 2014.

Issues

1. MBR Blower Failure

Two of the plants MBR blowers failed in early 2014 and had to be returned to the manufacturer for repair. At the time Council and its contractors put a number of contingencies in place to reduce the immediate risk to ensure the operation of the plant was not compromised, and worked together to ensure a long-term solution was actioned.

The outcome was that Council negotiated with the Contractor to replace all five blowers with a model that had a more conventional drive unit at the Contractors cost. The blowers were procured and installed in April 2015, and are operating appropriately.

2. Drum Screens

Where the sewage enters the WWTP there are two drum screens which screen the sewage of impurities and solid items prior to it entering the membrane tanks. Both drum screens failed in September 2014.

Initial repairs were completed to ensure continued operation, however the bearings for both screens were completely rebuilt as soon as the parts were obtained. Further issues with the screens continued with a number of significant failures occurring.

Council and its contractors worked together at resolving the issues, with the outcome being that Council negotiated with the Contractor to replace them completely at the Contractors cost. The new screens will be an updated version, and are currently in transit from Italy and are due to be installed in June 2016.

The design, manufacture and transport of these units is a six month exercise.

3. Membrane Plate Damage

The membranes have been in operation since February 2013, and there have been a number of operating issues with them. Firstly there was significant "caking" where the sludge would build up excessively between the plates reducing the performance of the plant. This required taking the plates out of the tanks and physically cleaning them, which was an arduous and expensive task.

Following a detailed investigation, a revised chemical cleaning regime has been implemented, and this has reduced the "caking" significantly.

There are thirty six cassettes which hold the membranes in the tanks. The integrity of the membranes can be checked by individually testing samples of water for turbidity taken from each cassette.

11.7 Ballina Wastewater Treatment Plant Upgrade - Contract Update

Council initiated a testing program to check the integrity on a routine basis, and it found that the integrity of the membranes was declining at an unsatisfactorily high rate.

Investigations have found that the membrane plates are being damaged by material/impurities in the membrane tanks that have bypassed the inlet works drum screens. It is believed that the material entered the membrane tanks after issues that occurred with the drum screens.

The damage to the membranes has meant that Council is currently not producing recycled water to the quality that would be required under a section 60 Approval from DPI-Water. Council will not look to apply for the section 60 Approval until the membrane issues have been resolved.

Council has worked with its contractors to estimate the extent of the damaged plates, and has issued a defect notice to the Contractor. The Contractor is working with Council and has placed an order with the supplier for 7,920 membrane plates (50% replacement, valued at approximate \$1M), however has reserved its right to not accept responsibility for the damage.

Council is currently working with its contractors to ascertain whether this is a defect, where the liability lies, and whether this is an insurable event.

This investigation is proving to be a very complex technical process having regard to the wide range of reasons for the performance issue.

The complexity is increased by the different roles and responsibilities Council and the contractor have undertaken at different stages in terms of the design and operation of the plant.

During the construction of the plant, Council took out a contract Works Insurance Policy to cover the materials and constructed works. When Council took over the plant, this insurance policy lapsed, and an Asset based policy replaced the Works Insurance.

Council is working with its Insurer to determine whether a claim can be made to cover the costs of the new plates and the labour cost for the replacement of them.

There may be additional costs to Council depending on the outcomes of the investigations into defect liabilities and insurance coverage of the membrane damage. The scope and extent of any liability associated with this issue is impossible to predict at this point in time.

4. Section 60 Approval from NOW

Council must receive approval from DPI-Water (previously NSW Office of Water) to operate the recycled water schemes through its Section 60 requirements.

Separate approvals must be sought for the Ballina and Lennox Head schemes according to DPI-Water requirements.

11.7 Ballina Wastewater Treatment Plant Upgrade - Contract Update

To achieve approval, the treatment processes at each plant requires validation that it will produce recycled water to the required quality and then must be verified by a testing regime.

An independent auditor has been appointed, and the first stage of verification testing was conducted at each plant in November and December 2013.

The results indicate that the recycled water produced meets all of the stringent requirements; however recycled water cannot be made available to urban dual reticulation until all testing, reporting, audits and approvals have been completed.

The common documents and systems have been compiled, and site specific documents and systems for each scheme have also been compiled.

The Lennox Head scheme underwent its final pre-operations audit on 27-28 April 2016. The auditor's report is expected before the end of May and DPI-Water expects to be able to approve the Lennox Head scheme in June this year.

Preparations are underway for the official turning on of recycled water in Lennox Head in early July 2016.

The Ballina scheme would follow a similar pre-operations audit and approval process once Council applies to DPI-Water. At this stage, this would be expected sometime in 2017.

5. High Salinity in Recycled Water

The sewer network in the low lying areas of Ballina is subject to infiltration of salt water. Council has completed a relining program of much of the network as part of its Asset Management Strategy to ensure longevity of the system. As previously reported the program had three objectives.

Firstly, the relining is a form of asset renewal addressing age and conditions issues. Secondly, was to reduce operating costs by reducing the volume of water pumped and treated from the reduction in infiltration.

The third objective was to reduce the amount of salinity infiltration, and hence reduce the salinity of the recycled water produced.

Unfortunately the salinity has not reduced at the Ballina WWTP to the levels required for the supply of recycled water as adopted by Council under the Urban Water Management Strategy.

In particular, salinity levels could limit the value and acceptance of recycled water for irrigation purposes due to the potential impact on some lawns and plants.

The cost of a small reverse osmosis (RO) plant plant was included in original project scope and budget estimates from October 2009, but was hoped to be avoided if infiltration control works proved successful.

11.7 Ballina Wastewater Treatment Plant Upgrade - Contract Update

As reported in the 28 November 2013 report, Council completed an Options Report (through the WWTP designer – Hydrosience Consulting) on the salinity, to determine a strategy to manage or reduce it.

Options included managing the community to identify and plant salt resistant plants and grass, blending the recycled water with drinking water, link and blend the Lennox Head and Ballina recycled water schemes, and installing a reverse osmosis (or other salt removal equipment) plant to remove the salt to the required level.

Council has now requested quotes for a process specialist consultant to complete a further review of the report's options and to provide a business case for initial and ongoing costs. At this stage a "package" size RO plant as per the original concept design and resolution of Council's meeting of 22 October 2009 is likely to be the most suitable solution.

Following that, it is expected Council would be in a position to begin to implement the preferred solution before the end of the calendar year.

As discussed further below, a report to the recent Finance Committee process to develop the draft Operational and Delivery Plan has included the necessary adjustment to the budget to provide for these works.

If the Council requires further information in regards to the reporting undertaken to review the options to address this issue then it is suggested a Councillor briefing would be the most appropriate way to provide this advice.

Sustainability Considerations

- **Environment**
Timely construction of the contract works will ensure the WWTP's in Ballina and Lennox Head have adequate capacity and the environment is protected from the risk of overflows. The upgrade of the facilities will maximise reuse of effluent which in turn assists in improving discharge qualities and the water quality in the estuaries.
- **Social**
The upgrade of the WWTP's will accommodate growth and provide an alternative source of high grade recycled water which will limit the need to upgrade alternative means of water supply.
- **Economic**
The construction of the WWTPs will allow capacity in the network to further develop the Ballina and Lennox Head areas in a timely manner.

Legal / Resource / Financial Implications

There is currently no allowance in the project budget for costs due to the membrane issues discussed above should Council be required to contribute to a resolution.

11.7 Ballina Wastewater Treatment Plant Upgrade - Contract Update

The installation of an RO plant will have an effect on the overall project budget, although as noted above, this has been previously identified and \$1.5M was included in the recent draft Operational and Delivery Plan.

Consultation

Not applicable.

Options

This report is for information only.

The Council has an upcoming inspection tour of the Lennox Head facility and this will be a further opportunity to explain this information if required.

RECOMMENDATION

That Council notes the contents of this progress report on the upgrade of the Ballina and Lennox Head Waste Water Treatment Plants.

Attachment(s)

Nil

11.8 Tender - Construction of Wardell Boardwalk

11.8 Tender - Construction of Wardell Boardwalk

Delivery Program Engineering Works

Objective To complete the tender assesment for the construction of the Wardell Boardwalk

Background

Open tenders were called for RFT888, Construction of Wardell Boardwalk, Wardell during March and April 2016, with a closing date of 12 April 2016. During the open tender process a compulsory pre-tender meeting was held, and at the time eight tenderers were represented. At the close of the tender period six tenderers made submissions. 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:

- Bell Rock Marine Pty Ltd
- Civil Logic Pty Ltd
- Entracon Civil Pty Ltd
- Hunter Wharf & Barge Pty Ltd
- Roman Contractors Pty Ltd (plus two alternative tenders)
- SMC Marine Pty Ltd

All tenders were assessed for conformity with the tender assessment criteria documented in the specification. This includes an initial assessment of the mandatory criteria, being:

- Demonstrated capability to perform the works as specified
- Work Health and Safety system developed in accordance with AS4801-2001
- Demonstrated performance under quality assurance systems

From this assessment not all tenders were deemed to be conforming.

The specific nature of the work under the contract comprises a maritime structure consisting of timber piles that support a timber boardwalk. Bell Rock Marine, Hunter Wharf & Barge, Roman Contractors and SMC Marine provided evidence of previous work experience in this specific field.

Civil Logic and Entracon did not provide specific evidence of work experience with this type of infrastructure, although being experienced civil contractors.

11.8 Tender - Construction of Wardell Boardwalk

Furthermore, Civil Logic and Roman Contractors did not adequately provide an outline or indicate compliance with WHS or performance under quality assurance systems with their tender submission.

Accordingly, tender assessments were finalised using the nominated tender selection criteria:

Total Price - 85%
Local and Community – 15%

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

Tenderer	Mandatory Criteria			Selection Criteria				Rank
	Experience	WHS	QA	Price (85%)		Local & Community (15%)	Total (100%)	
				Price (\$)	Score			
Bell Rock Marine	Y	Y	Y	325,000	8	4.5	75	1
Civil Logic	N	N	N	632,930	4.5	5	46	
Entracon	N	Y	Y	368,486	7.5	0	64	
Hunter Wharf & Barge	Y	Y	Y	692,115	4	0	34	3
Roman - conforming	Y	N	N	460,003	6.5	0	55	
Roman – Alt 1	Y	N	N	472,149	6	0	51	
Roman – Alt 2	Y	N	N	448,792	7	0	60	
SMC Marine	Y	Y	Y	584,398	5	0	43	2

Bell Rock Marine (BRM) are ranked as the preferred tenderer for the project.

The price offered by BRM is substantially less than other tenderers other than Entracon. The design engineers (Ardill Payne & Partners) estimate for this project, escalated from 2012, is approximately \$420,000 including an allowance for the above design changes. A review of the price shows the main areas of difference as:

Supply and Install of Piles

BRM propose to supply and install piles from land, and not use floating barges or water based equipment. An independent check of supply of piles (ex Grafton) plus the BRM timeline for installation, does not indicate pricing is excessively low given the submission nominates company owned plant and the company principal being the on-site manager.

Supply and Install Substructure and Decking

BRM's rate for this work is the equal lowest of the tenderers, and accordingly does not indicate pricing is excessively low.

Company/Organisation

BRM is a small contractor with limited plant and the principal of the company proposes to be on-site conducting the work. In comparison with other tenderers BRM offers the advantage of minimal overheads.

11.8 Tender - Construction of Wardell Boardwalk

Local and Community

BRM has proposed to use local sub-contractors for concreting works, and has attracted a score for this aspect of the tender assessment.

At the time of completing this assessment report some further design details were being finalised with the design consultant for issue to the preferred contractor for pricing. It is estimated there would likely be extra costs associated with the minor changes to the design, and this allowance has been made in the budget financial assessment below. This has not changed the ranking of the assessment. An inquiry with two recent clients of BRM has also confirmed past satisfactory performance with the projects concerned.

Sustainability Considerations

- **Environment**
The boardwalk will be constructed in accordance with conditions of development consent to manage potential impacts to the environment.
- **Social**
The boardwalk provides important community infrastructure which was identified as part of Wardell's strategic and masterplanning studies, and will enhance health and recreation activities for the community.
- **Economic**
Benefits may be derived from tourism but this also provides the opportunity for safer recreational and /or commuter travel between both sides of the current highway passing through Wardell.

Legal / Resource / Financial Implications

Compliance with Part 7 Tendering of the Local Government (General) Regulation 2005 is required.

The current 2015/2016 budget allocated for this project is made up as follows:

Boardwalk (tender)	\$470, 000
Path (connecting under highway bridge)	\$70, 000
TOTAL	<u>\$540,000</u>

The tender assessment and budget requirements for the project is made up as follows:

RFT888 award to BRM	\$325, 000
Allowance for rock revetment	\$30,000
Electrical relocation	\$25,000
Pre-construction (dilapidation survey/permits)	\$5,000
Design/Issue for construction design changes	\$10,000
Contract/project management	\$30,000
Contingency (10%)	\$40,000
TOTAL	<u>\$465,000</u>

Sufficient financial resources are allocated for the project to proceed.

11.8 Tender - Construction of Wardell Boardwalk

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

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

RECOMMENDATIONS

1. That Council accepts the tender for the construction of a Wardell boardwalk from Bell Rock Marine Pty Ltd.
2. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

Nil

11.9 Policy (Review) - Building Over Council Assets

11.9 Policy (Review) - Building Over Council Assets

Delivery Program Asset Management

Objective To review the Building Over Council Assets Policy

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Building Over Council Assets Policy.

Council first adopted this policy in 2008 and it was reviewed in April 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.
- An additional section has been added to explain fences and retaining wall requirements when building near pipelines. This information is consistent with the policy and has been included to provide clarity for the many enquiries received regarding these structures.

The changes have been marked in yellow.

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

Sustainability Considerations

- **Environment**
Access to and maintenance of Council's assets is important to ensure the protection of the environment.
- **Social**
The development of private property is a right of an individual, subject to compliance with broader community expectations.

11.9 Policy (Review) - Building Over Council Assets

- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The implementation of this policy is to ensure that Council's assets are protected and structures do not obstruct access corridors over these assets.

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 Building Over Council Assets 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 - Building Over Council Assets

11.10 Policy (Review) - Cemetery Management

11.10 Policy (Review) - Cemetery Management

Delivery Program Open Spaces and Reserves

Objective To review the Cemetery Management Policy

Background

Council at the 24 March 2016 Council meeting resolved to place on public exhibition the Cemetery Management Policy.

The draft policy was placed on public exhibition with the closing date of 11 May 2016. One submission was received, a copy of which is attached to this report. This report reviews the submission.

Key Issues

- Content of policy
- Relevance of policy
- Address submissions

Information

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

One submission was received. The issues raised in the submissions suggest that the policy might be improved in respect to the clause stating that "coffins over 2,000mm long, 620mm wide and 400mm attract an oversize coffin fee".

The submission is of the opinion that this clause discriminates against people who are above average in height. An example submitted is that people with mobility difficulties are not charged for the additional cost of installing and operating access ramps or lifts in public buildings.

The oversize coffin fee has been in Council's fees and charges as far back as the 2010/11 financial year. Its purpose is to cover the cost of additional works involved in shoring up oversize excavations for structural and workplace safety reasons. In 2016/17 the fee is \$160.

The sole purpose of its inclusion in the policy is to clarify what constitutes an oversize excavation for the benefit of funeral service providers and the public.

It is noted that community members elect a larger casket for a range of reasons other than the size of the deceased. Typically Council receives around 6 to 10 of these requests each year.

11.10 Policy (Review) - Cemetery Management

Sustainability Considerations

- **Environment**
Not applicable.
- **Social**
The purpose of this report is to consider whether or not amending a fee is equitable.
- **Economic**
Not Applicable.

Legal / Resource / Financial Implications

Council incurs additional expense in providing this service, albeit the demands are not significant in the context of the overall costs to provide cemetery services.

Consultation

The draft policy was placed on public exhibition with the closing date of 11 May 2016.

Options

1. Council can adopt the policy as exhibited.
2. Council can amend the policy by deleting the oversize coffin fee.

The cemetery fees are structured on a user pays principle. On this basis, and for the reasons in the information section of this report, an oversize coffin fee has been preferred. As noted in the report, the size of the deceased is not the only reason for requesting oversized caskets.

The recommendation to this report follows the existing practice and the current policy however option two is also a reasonable position if the Council is prepared to accept the additional costs associated with this service.

RECOMMENDATION

That Council notes the contents of the submission, however based on the fact that there are additional costs incurred with oversized coffins; Council adopts the Cemetery Management Policy, as exhibited.

Attachment(s)

1. Submission
2. Policy - Cemetery Management

12. Public Question Time

12. Public Question Time

13.1 Notice of Motion - Wollongbar Skatepark

13. Notices of Motion

13.1 Notice of Motion - Wollongbar Skatepark

Councillor Cr Williams

I move

1. That Council confirms that its current preferred location for the skate park is Plateau Drive, with the Wollongbar Sports Fields as the second preference.
2. That Council include in the tender specification for the design and construction of the Wollongbar skate park, a requirement for the contractor to assess the design options and limitations for both sites and provide a Skate Park Design Options Report, to allow Council to understand the differences in facilities that could be provided, prior to the adoption of a final design.

Councillor Comment

During the debate of the Rescission Motion at the last Council meeting I sought to foreshadow a compromise motion, which was unable to be considered at that time. I give notice of that motion now.

I remain concerned that the design of the skate park at the Plateau Drive site will be compromised by the need to mitigate noise for nearby houses. However, until we get to the design phase with our preferred contractors, we cannot know the nature or the cost of the mitigation measures deemed necessary.

At this future decision point, it is highly unlikely that the Plateau Drive site without noise mitigation will be a viable option (in a planning sense) and consequently it would be a waste of time and resources to prepare a comparison "no noise limitations" design for that site. A potential site may be available at the nearby sports fields, however this has yet to be confirmed.

This motion therefore proposes that we seek that advice.

COUNCILLOR RECOMMENDATIONS

1. That Council confirms that its current preferred location for the skate park is Plateau Drive, with the Wollongbar Sports Fields as the second preference.
2. That Council include in the tender specification for the design and construction of the Wollongbar skate park, a requirement for the contractor to assess the design options and limitations for both sites and provide a Skate Park Design Options Report, to allow Council to understand the differences in facilities that could be provided, prior to the adoption of a final design.

Attachment(s)

Nil

13.2 Notice of Motion - Southern Road at Lake Ainsworth

13.2 Notice of Motion - Southern Road at Lake Ainsworth

Councillor

Cr Williams

I move

That Council receive a report on closing the road corridor and selling the land within the Lake Ainsworth Holiday Park and using the proceeds of the sale to fund the upgrade of the Southern Road and parking as outlined in the most recently adopted Lake Ainsworth South Eastern Precinct Master Plan.

Councillor Comment

At the recent Lennox Head Residents Association meeting discussing the closure of the Eastern Road at Lake Ainsworth, a number of residents raised their concern that the closure of the Eastern Road would also result in the closure of the Southern Road.

The General Manager indicated that this was not the case and that no funding existed for any re-routing of the Southern Road. Residents responded that the February 2014 resolution of Council which decided to close the Eastern Road was amended to include that the preferred route for the Southern Rd is the road corridor that exists within the Holiday Park. The alternate route could have significant traffic impacts in the adjoining streets.

The current Master Plan would see the Southern Road continue as a through road, with a modified alignment, formalised parking and grassed swale to improve storm water quality. Due to a lack of funding we are currently unable to implement this component of the Lake Ainsworth Master Plan.

I believe a road through the Holiday Park is fundamentally impractical and it should be ruled out as an option. If this road is ruled out, the corridor has no other useful function and the land could be sold. The proceeds could then help fund the remaining Southern Road upgrade works.

COUNCILLOR RECOMMENDATION

That Council receive a report on closing the road corridor and selling the land within the Lake Ainsworth Holiday Park and using the proceeds of the sale to fund the upgrade of the Southern Road and parking as outlined in the most recently adopted Lake Ainsworth South Eastern Precinct Master Plan.

Attachment(s)

Nil

13.3 Notice of Motion - Seagulls Rugby League Club

13.3 Notice of Motion - Seagulls Rugby League Club

Councillor

Cr Meehan

I move

1. That Council include in the 2016/17 Operational Plan a contribution of \$30,100 (EX GST) to finance the cost of the materials required, as per the quotation from Koellner Steel Pty. Ltd, for the refurbishment of the grandstand at the Seagulls Rugby League Club.
2. This funding is to be sourced from the Community Infrastructure Reserve.

Councillor Comments

Council has resolved to ask for a report on funding options for the submission we received from the Ballina Seagulls Rugby League Club as considered at the April 2016 Finance Committee meeting. I have researched this further and spoken to people from the Club and staff from Council and in my opinion this is a project we should support for a number of reasons: i.e.

- a) The Club will provide all the voluntary labour to have the works completed and this means the Council contribution will be significantly leveraged.
- b) Even though this facility is fenced it is used not only for rugby league games but also for a variety of other local events including touch football, relay for cancer, carnivals etc
- c) The facilities are located on crown land which means the facilities are ultimately owned by the public.
- d) The Community Infrastructure Reserve, based on the 31 March 2016 Quarterly Financial Reserve, is forecast to have an estimated closing balance of \$890,100 as at 30 June 2016 and \$821,400 as at 30 June 2017 which means that there is adequate buffer in that reserve to fund these works. I recognise that the 30 June 2017 estimated closing balance is based on potential land sales or Section 94 recoupments during 206/17, however this relatively small level of funding should not significantly impact that reserve.
- e) As a general principle the Ballina Seagulls Rugby League Club is largely self-sufficient with Council mowing the main field weekly (depending on the season), however the balance of the maintenance and operation of the facility is provided by the Club.
- f) This facility does represent the main showcase sporting facility for Ballina.

13.3 Notice of Motion - Seagulls Rugby League Club

- g) On balance Council has provided millions of dollars for other sporting facilities (such as Wollongbar Sports Fields, Ballina Surf Club, Skennars Head land acquisition, Ballina Hockey Club synthetic surface) and as mentioned earlier over many years this Club has been relatively self-sufficient.

Staff Comments

It is important to acknowledge that the Ballina Seagulls Rugby League Club are on a direct lease with the Crown and the works they are seeking are within the footprint of the lease area. This means Council has no direct responsibility for maintenance and repair and any contribution is effectively a donation to the Club, albeit that the facilities are on Crown Land.

The reason for the direct lease between the Club and the Crown is that it is a commercial lease. This type of lease was required as the Ballina Seagulls became a registered club, meaning they generate income from an open liquor licence and poker machines.

If Council does support this request, to assist with potentially reimbursing the Council contribution it is recommended that Council also pass a resolution, as the Reserve Trust, formally seeking a re-direction of the commercial rental to the Crown back to Council. A Public Reserve Management Fund (PRMF) application may have also been more appropriate for this work, albeit applications for that fund have closed for this financial year.

A suggested wording for the Reserve Trust recommendation is as follows:

That Council, as the Reserve Trust Manager, approves an application to the Crown for a re-direction of the commercial rental paid by the Ballina Seagulls Rugby League Club, to assist in offsetting the cost of the planned refurbishment works for the grandstand.

COUNCILLOR RECOMMENDATIONS

1. That Council include in the 2016/17 Operational Plan a contribution of \$30,100 (EX GST) to finance the cost of the materials required, as per the quotation from Koellner Steel Pty. Ltd, for the refurbishment of the grandstand at the Seagulls Rugby League Club.
2. This funding is to be sourced from the Community Infrastructure Reserve.

Attachment(s)

Nil

14. Advisory Committee Minutes

14. Advisory Committee Minutes

Nil Items

15.1 Cr Cadwallader - Australian Coastal Councils Conference

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

15.1 Cr Cadwallader - Australian Coastal Councils Conference

Councillor Sharon Cadwallader

Cr Cadwallader attended the 2016 Australian Coastal Councils Conference from 4 – 6 May 2016 in Rockingham WA.

A copy of the conference report is attached.

RECOMMENDATION

That Council notes the report from Cr Cadwallader on the 2016 Australian Coastal Councils Conference.

Attachment(s)

1. 2016 Australian Coastal Councils Conference Report

15.2 Mayoral Meetings

15.2 Mayoral Meetings

Councillor David Wright

Activities since the April 2016 Ordinary meeting:

<u>Date</u>	<u>Function</u>
30/4/16	Meeting Skennars Head Sporting Fields
1/5/16	Remembrance Wreath Laying – Ballina Naval Association
2/5/16	Meeting with Church Group
3/5/16	‘Love Lennox’ Promotion
3/5/16	Alstonville Wollongbar Chamber Meeting
3/5/16	RMS Information Session – Pimlico Hall
4/5/16	Meeting Alstonville Wollongbar Rugby Club
5/5/16	Launch of ‘Love Lennox’ Festival
5/5/16	Briefing Zip Line Proposal
5/5/16	Meeting Dr Geoff Allan
5/5/16	Meeting Skennars Head Sporting Fields
6/5/16	Meeting Stake Holders NSW Shark Mitigation
6/5/16	RSL Club Renovation Plans
6/5/16	NSW Shark Mitigation Meeting
8/5/16	Mothers’ Day Classic Walk
8/5/16	Missingham Markets
8/5/16	Alstonville Markets
8/5/16	Lennox Head Markets
9/5/16	Police Meeting
9/5/16	Meeting – ‘Dirty Wheels’ Bike Club
10/5/16	Ballina Chamber – Business After Hours - Nortec
10/5/16	‘A’ Ward Committee
10/5/16	RMS at Meerschaum Vale Hall
11/5/16	Internal Audit Committee
11/5/16	Inspection Wollongbar Sporting Fields
12/5/16	‘C’ Ward Committee
12/5/16	Launch Exhibition NRCG
15/5/16	Antiques and Collectables Fair – Alstonville Rotary
15/5/16	RDA Official Open Day
15/5/16	RFSA Volunteers’ Family Day – Showground
16/5/16	‘A’ Ward Committee
16/5/16	Meeting Newrybar Secondary Dwelling
17/5/16	Meeting Mr Singh – Missingham Markets
17/5/16	On-site Inspection – Road Closure Brighton Street
17/5/16	Briefing - Blue Seas Parade
17/5/16	Delivery Plan – Lennox Head
18/5/16	Vice Chancellor Southern Cross University
18/5/16	Delivery Plan – Wardell
19/5/16	Launch Ballina Major Regional Centre Strategy
20/5/16	Sourdough Business Pathways Lunch
21/5/16	Biggest Morning Tea – Tintenbar
21/5/16	Lennox Head Surf Club Presentation
23/5/16	Disability Inclusion Workshop
25/5/16	Meeting Tamara Smith

15.2 Mayoral Meetings

25/5/16	Alpine Nurseries Presentation
25/5/16	Meeting Mr and Mrs Singh and others – Missingham Markets
26/5/16	Council meeting
27/5/16	CSPC Meeting
28/5/16	Opening Stroud Homes
28/5/16	Field Day at Tintenbar
28/5/15	E Zone Meeting – Surf Club
29/5/16	Alstonville Family Festival
31/5/16	Biggest Morning Tea – Wardell
31/5/16	Meeting – Rotary Conference
31/5/16	Southern Cross School Special Needs Visit

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