



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 25 August 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.

Table of Contents

1.	Australian National Anthem	1
2.	Acknowledgement of Country	1
3.	Apologies.....	1
4.	Confirmation of Minutes.....	1
5.	Declarations of Interest and Reportable Political Donations.....	1
6.	Deputations	1
7.	Mayoral Minutes	1
8.	Development and Environmental Health Group Reports.....	2
8.1	DA 2016/25 - Service Station, River Street, Ballina	2
8.2	DA 2011/506 - Section 96 South Ballina Beach Caravan Park	17
8.3	Development Applications – Development Standard Variations	28
8.4	Development Consent and Infrastructure Approvals - July 2016	29
8.5	Development Applications - Works in Progress - August 2016	31
9.	Strategic and Community Facilities Group Reports.....	41
9.1	Open Space and Community Facilities Contributions Plan (Draft)	41
10.	General Manager's Group Reports	45
10.1	Investment Summary - July 2016	45
10.2	Rates and Charges Write Offs - 2015/16	50
10.3	Legal Costs - Request for Assistance	53
10.4	Council Induction Program (Draft)	55
10.5	Shellys on the Beach - Site Works	59
10.6	Leasing Proposal - 60 Crane Street, Ballina	65
10.7	Policy (Review) - Voluntary Planning Agreements	67
10.8	Councillor Expenses and Facilities Policy (Review)	69
10.9	Budgets Carried Forward and Reserve Movements	71
10.10	Community Strategic Plan - Reporting	86
11.	Civil Services Group Reports.....	90
11.1	Coastal Recreational Path Project	90
11.2	Martin Street Boat Harbour Precinct - Master Plan	100
11.3	Sharpes Beach - Access from Car Park	104
11.4	Commercial Activities on Public Land - Surf School Licences	107
11.5	Road Widening Subdivision - Coast Road and Skennars Head Road	110
11.6	North Creek Dredging - Planning and Approvals Funding	112
11.7	Policy (Review) - Naming of Roads, Bridges and Places	115
11.8	Policy (Review) - Events on Public Land	117
12.	Public Question Time.....	119
13.	Notices of Motion.....	120
13.1	Rescission Motion - Ballina Ocean Pool	120
13.2	Notice of Motion - Delegates to Rous County Council	121
13.3	Notice of Motion - Economic Development Officer	122

14.	Advisory Committee Minutes	123
15.	Reports from Councillors on Attendance on Council's behalf	124
	15.1 Mayoral Meetings	124
16.	Questions Without Notice	126
17.	Confidential Session	127
	17.1 Leasing Proposal - 60 Crane Street, Ballina (Respondents)	127

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 2. Acknowledgement of Country
 3. Apologies
 4. Confirmation of Minutes
 5. Declarations of Interest & Reportable Political Donations
 6. Deputations
 7. Mayoral Minutes
-

1. Australian National Anthem

The National Anthem will be performed by Councillors and staff.

2. Acknowledgement of Country

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

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

3. Apologies

4. Confirmation of Minutes

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

A copy of the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Wednesday 10 August 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 July 2016.

That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Wednesday 10 August 2016.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8. **Development and Environmental Health Group Reports**

8.1 **DA 2016/25 - Service Station, River Street, Ballina**

Applicant	Retail Fuel Developments Pty Limited
Property	Lot 12 DP 1086670, No. 323 River Street, Ballina
Proposal	To undertake the demolition of the existing buildings for the construction of a Service Station, Ancillary Kiosk and associated works
Effect of Planning Instrument	The land is zoned B4 Mixed Use under the provisions of the Ballina LEP 2012
Locality Plan	The subject land is depicted on the locality plan attached

Introduction

Council considered the following report at its Ordinary meeting on 28 July 2016 when it was resolved to defer this matter to a Councillor briefing for further consideration of traffic management issues.

The Councillor briefing was held on Tuesday 16 August 2016, at which time the traffic assessments were discussed and clarified with attending Councillors.

The Development Application is classified as a controversial application under the provision of the State Government's caretaker provisions for councils involved in the September 2016 Local Government Elections.

Section 393B of the Local Government (General) Regulation 2005, states that a development application is controversial, where at least 25 persons have made a submission. This application has a lengthy petition objecting to the proposal.

Controversial development applications should not be considered by councils during the caretaker period, which commences four weeks before the election (caretaker period commenced Friday 12 August 2016).

However Section 393B (1) (b) allows a council to consider a controversial development application where a failure to make a determination would give rise to a deemed refusal under Section 92 of the Environmental Planning & Assessment Act or such a deemed refusal arose before the commencement of the caretaker period. (*Secs 393 (B) (1) (b) (i) and (ii)*).

This Development Application has been before Council for in excess of 40 days and has reached the "deemed refusal" time for the purposes of the Environmental Planning & Assessment Act.

Consequently this Development Application is resubmitted for Council's determination. Council could still defer this matter to the next Council, albeit that that does increase the deemed refusal period and could potentially result in the applicant seeking a consent through the Courts.

The report that now follows is largely the same as that submitted to the July 2016 Ordinary meeting.

The subject site is located along the northern side of River Street on the corner of River and Brunswick Streets, approximately 470 metres west of the Kerr Street/River Street intersection. It is approximately 1,641m² in area, rectangular in shape and is within the B4 Mixed Use zone.

The site has been utilised for a range of uses, including "Ireland Honda" motor showroom and vehicle repair station with associated sealed forecourt for vehicle display. Vehicular access to the site is currently available from the Brunswick Street frontage only.

Development Application 2016/25 seeks consent from Council for the demolition of the motor showroom building, vehicle repair station and ancillary bitumen pavement (all currently vacant) and the removal of two Canary Island Date Palm trees to enable the construction of a 24 hour / 7 day a week service station and ancillary kiosk (originally submitted for use by Coles Express but then revised for Freedom Fuel) and associated works.

Vehicular access to the development is proposed from both frontages to River and Brunswick Streets.

Refer to Attachments 2 and 3 for further details of the proposal.

Reportable Political Donations

Details of known reportable political donations are as follows:

Nil

Public Exhibition

In accordance with the advertising and notification requirements of Council, the development application was placed on public exhibition.

Council received 12 submissions objecting to the proposal, including representations from State member Tamara Smith and Federal member Justine Elliot (also attaching two petitions containing a total of approximately 650 names).

A copy of each submission (and the petitions) is provided in Attachment 8. Below is a summary of the key issues raised in the submissions.

Key Issues

- Noise/amenity (including privacy and vibration) impacts

Comment: Refer to the Noise section of this report.

- Lack of consultation and timeframe for submissions to be made

Comment: The public exhibition of the development application was carried out in accordance with established Council practice and policy (as contained within Chapter 1 of the Ballina Shire Development Control Plan 2012).

- Traffic management

Comment: The site is on a classified road and was referred to the NSW Roads and Maritime Service (RMS), who have responded by letters dated 17 March 2016 and 3 June 2016 (refer to Attachment 7). The application was also referred to the Local Traffic Development Committee on 13 April 2016. The matters raised by the RMS and the Committee are addressed in the Traffic section of this report.

- Dilapidation impacts from demolition

Comment: Suitable conditions are able to be imposed on any consent granted to address this issue.

- Lighting overspill impacts

Comment: Suitable conditions are able to be imposed on any consent granted to address this issue.

- Out of character and scale

Comment: The proposed service station is of a similar size and scale to other service stations in the locality. As the site is within a mixed-use business zone, the proposal is not considered to be out of character or scale. The scale of the proposal is responsive to the site and relevant development standards required.

- Anti-social behaviour/crime

Comment: The application was referred to the Crime Management Unit of the NSW Police who provided recommendations, namely the provision of closed circuit television surveillance cameras (CCTV). A copy of the response is provided in Attachment 6. Suitable conditions are able to be imposed on any consent granted and the applicant has outlined that security cameras will be installed throughout the site.

- Not in the public interest

Comment: As outlined throughout this report, the proposal is considered to meet relevant planning merit considerations under Section 79C of the Environmental Planning & Assessment Act 1979 and is considered to be in the public interest. It is considered that the potential impacts can be reasonably conditioned within any consent granted.

- Stormwater/flood management

Comment: The current state of the subject site is such that it is almost fully impervious and has no stormwater treatment or detention. The proposed bio-retention garden, sized at 1.6% of the site area, is considered reasonable as the proposed development does not increase the impervious area of the site.

The proposed landscaped batter on the western boundary needs to be retained along the western edge, provided with a flat cross section and drained to prevent runoff into adjacent land.

If consent is granted to the proposed development, conditions can be imposed requiring detailed engineering plans for the shoulder, kerb, footpath, blister and stormwater works to provide a satisfactory access grade from River Street, as outlined in the traffic assessment.

The building floor level and forecourt levels are both proposed above Council's current minimum flood planning levels and are considered acceptable.

All developable land in the Ballina flood plain has been modelled by WBM BMT on behalf of Council and the impacts assessed. The subject lot is not required to complete an individual flood study, as it has been included in Council's flood modelling.

Council's Civil Services Group have assessed the proposal and have raised no issues in relation to stormwater/flood impacts.

- Odour impacts

Comment: The operation of a service station can generate odours during tank filling, fuel dispensing, LPG gas refilling and dispensing and due to motor vehicle exhausts. These can be managed with good design and management to minimise any impacts on nearby properties. It is acknowledged that residential receivers are particularly sensitive to impacts from odours.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development requires a risk assessment to be undertaken to ensure the risk presented is acceptable and to ensure appropriate controls are put in place.

The recommendations of the hazard risk assessment provided with the development application have been included as conditions of consent, if the subject application is approved. In this regard, the risk of odour impacts to nearby properties is considered acceptable, subject to compliance with the proposed conditions of consent.

- Economic impact on other Service Stations

Comment: Although any additional service station within Ballina will impact on other existing competitors, this is not a relevant matter with regard to the economic impacts considered under Section 79C of the EP&A Act 1979. It is acknowledged that there are a number of other automotive services/businesses (including service stations) in this locality.

- Devaluing of residential properties

Comment: The subject site has been zoned for business uses under both the previous BLEP 1987 and the current BLEP 2012 (i.e. for almost 30 years).

The site has an extensive commercial development history and the service station is another similar commercial land use permissible within the zone.

- Impact of removing the mature Canary Island Date Palm Trees

Comment: The two substantial/mature Canary Island Date Palms located along the River Street frontage have been nominated for removal as part of the proposal.

Whilst it would be preferable if such mature trees could be incorporated into the site landscape design, the applicant has noted that the internal design and vehicular access requirements does not allow this. The trees are not listed under any of Council's plans or policies as having particular significance.

Report

The following comments are made in relation to the corresponding heads of consideration contained in Section 79C of the Environmental Planning and Assessment Act 1979 (as amended).

The following matters are considered to be pertinent in Council's determination of the application.

Applicable Planning Instruments

State Environmental Planning Policy No. 71 - Coastal Protection

The site is located within 1km of the NSW Coast and the Coastal Protection SEPP is applicable. The proposal is considered to be generally in accordance with the aims and objectives of the SEPP and matters of consideration under clause 8 of the plan, particularly as the proposed development is physically removed from waterbodies.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed signage details are provided in Attachment 5 and are considered to be of a similar design, scale, height and bulk of other similar land uses in the locality. In this regard, the proposed signage is considered

consistent with the amenity, visual character and other relevant assessment criteria of Schedule 1 within SEPP No. 64.

State Environmental Planning Policy No. 55 – Remediation of Land

A Preliminary Site Investigation Report was submitted with the development application, which has been prepared generally in accordance with the requirements of the NSW EPA – Guidelines for Consultants Reporting on Contaminated Sites.

The consultants carried out a Stage 1 Investigation in accordance with the requirements of the Managing Land Contamination Planning Guidelines (DUAP and EPA, 1998). This involved establishing the site history and undertaking a site inspection.

The investigation revealed that there is a low risk that current and past on the site and surrounding land uses may have resulted in land contamination at the subject site. The report identified the contaminants of concern, given the site history.

In this regard, the report recommended that:

- a Detailed Site Investigation (DSI) be undertaken prior to the issue of a Construction Certificate to assess the nature and extent of any contamination present, and
- a Hazardous Building Materials Survey be undertaken at the site, prior to any demolition works occurring.

These matters can be suitably conditioned, if the application is granted consent.

State Environmental Planning Policy No. 33 Hazardous and Offensive Development

A Preliminary Hazard Analysis Report was submitted with the development application, which has generally been prepared in accordance with the requirements of the NSW Department of Planning (DoP) *Hazardous and Offensive Development Application Guidelines: Applying SEPP 33*, as well as related supporting documents.

The investigation involved a desk top assessment as well as a site inspection.

The Preliminary Hazard Analysis identified that SEPP No. 33 does apply to the proposed development, which can be classified as potentially hazardous. It was determined that a Level 2 Risk Assessment was required and this was completed within the Preliminary Hazard Analysis.

The report concluded that, based on the Preliminary Hazard Analysis, the proposed development was found to pose acceptable levels of risk given the proposed on-site controls and standards. The report recommended:

- construction and operation of the site comply with all relevant standards and guidelines including AS 1940:2004 'The Storage and Handling of Flammable and Combustible Liquids' and AS 4897:2008 'The design, installation and operation of underground petroleum storage systems', and
- the development should be subject to a Hazard and Operability Study (HAZOP) prior to construction.

If the subject application is granted consent, the applicant will be required to submit a Hazard and Operability Study (HAZOP), prepared by a suitably qualified person, prior to the issue of the Construction Certificate as specified in the Preliminary Hazard Analysis Report.

Ballina Local Environmental Plan 2012 (BLEP 2012)

The subject land, along with other allotments on the northern side of River Street (from Kerr Street west to Bagot Street), are zoned B4 – Mixed Use under the BLEP 2012.

The objectives of the B4 Mixed Use zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To maintain a distinct retail hierarchy as identified in Council's strategic planning framework.*
- *To enable residential and tourist development that is compatible with the commercial nature of activities in the zone.*
- *To ensure a safe and accessible built environment.*
- *To encourage development that recognises natural, cultural and built heritage.*
- *To encourage development that achieves the efficient use of resources such as energy and water.*

The proposed development is defined as a "service station" meaning:

"...a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles*
- (b) the cleaning of motor vehicles*
- (c) installation of accessories*
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration)*
- (e) the ancillary retail selling or hiring of general merchandise or services or both."*

A “service station” is generally consistent with the objectives of the B4 zone, in that, if approved, it will provide additional mixed business/commercial uses within the subject zoned lands.

As outlined in the following sections of this report, this is only on the basis that noise and traffic constraint conditions are imposed to minimise any adverse amenity impact on surrounding residential land uses and the surrounding road system.

Due to the close proximity to residential land uses, the proposed development needs to be carefully considered, notwithstanding a number of automotive type land uses have been on the site and/or within the immediate locality, along the northern side of River Street, for a substantial number of years.

It is considered that the design and layout of the proposed service station is generally acceptable having regard for the existing infrastructure and proposed mitigation measures, particularly in relation to noise and traffic (as further discussed below).

The proposed development is permissible with the consent of Council and the development complies with relevant clauses of the BLEP 2012 in relation to demolition, height, the coastal zone, acid sulfate soils, earthworks, flood planning and essential services.

Ballina Shire Development Control Plan 2012 (DCP 2012)

The proposal is consistent with the aims and objectives of Chapters 1 and 2 of the DCP 2012. Relevant environmental considerations (as included in Chapter 2 of the DCP) have been addressed throughout this report.

In relation to Chapter 6 – Commercial Development and Chapter 6A – Commercial Development Ballina Town Centre, specifically the “Highway Strip precinct” controls, it is considered that the development meets the planning objectives, development controls and desired future character of the precinct:

- the proposal comprises a low scale building and primarily contains uses that are largely accessed by motor vehicle, rather than passing pedestrians
- a 2.4 metre high wall (and kiosk building) is proposed along the northern and western boundary to protect privacy and noise impacts on residential properties along Winton Lane
- although a 3.5 metre wide deep soil zone has not been provided along the entire frontage of Winton Lane, suitable landscaping around the entire perimeter of the site is proposed (other than for driveway crossovers)
- the reduced 400mm setback from Winton Lane (rather than 3.5 metres) allows the noise generating forecourt uses to be orientated and located further away from the residential properties along Winton Lane, which is considered to be beneficial, and
- the design does not include vehicular access from Winton Lane, which is considered to be beneficial to surrounding residential properties, particularly as the site currently has vehicular access/egress to Winton Lane with garages that open directly towards the residential properties.

In relation to Chapter 8 – Other Uses, the proposed business identification signage generally complies with relevant requirements, is consistent with other service stations and will not dominate the streetscape.

Traffic Impact

The principal entry movement for the site is proposed from the eastbound lane in River Street. The principal exit movement is proposed via a right turn onto Brunswick Street, followed by a left turn back onto River Street.

Other access movements will be from westbound River Street and to and from Brunswick Street, Tamar Street and beyond local area.

In order to offset significant traffic impacts on the River/Brunswick Streets intersection and the eastbound lane in River Street, the proponent has proposed to extend the eastbound dual lane section of River Street from its current limit, west of Tweed Street, to a point west of the proposed service station entry.

The proponent has also proposed works on the eastbound and parking lanes, kerb and gutter, footpath and stormwater drainage of River Street, in the vicinity of the development, to reduce the current steep street crossfall and thereby improve access grades changes to the River Street entry.

River Street is the major east/west arterial road providing access to Ballina and carries around 24,000 vehicles per day (vpd). Brunswick Street functions as a local road, connecting River Street to residential areas to the north and south, and carries 1,355 vpd immediately north of River Street. River Street traffic has right of way, with Brunswick Street being controlled by Give Way signs.

Through the provision of a Black Spot grant, River Street has recently been upgraded to provide protected right turn lanes for vehicles entering Brunswick Street.

These works have also included provision of a continuous median across the Tweed Street intersection, which has diverted a portion of Tweed Street traffic to Brunswick Street.

River Street has two travel lanes (one eastbound and one westbound) only at the Brunswick Street intersection, but increases to four lanes (two lanes each way) east of the intersection. The Ballina Roads Contribution Plan proposes to extend the four lane (two lanes each way) configuration westwards, through Brunswick Street, continuously to the Teven Interchange with the Pacific Highway.

The Contribution Plan proposes this work to be completed in the period of 2028 to 2036.

Traffic Impacts of Proposed Development

Council's Civil Services Group have reviewed the applicant's estimates on proposed development traffic volumes, the majority of which will originate from the east bound traffic on River Street and will enter left in from River Street.

After purchases, this traffic would mostly return via Brunswick Street with a left turn back to River Street.

The crossfall on River Street is very steep and the resulting change of grade at the kerb/gutter line for traffic accessing the service station, would be non-compliant and likely to cause bottoming of some vehicles.

The applicant has responded to this issue by proposing to raise the River Street shoulder, kerb/gutter and footpath levels adjacent to the site, a blister and stormwater arrangements to provide a satisfactory access grade from River Street.

Conceptually this proposal is feasible; however any approval of these works should be subject to the submission of satisfactory detailed design plans. The more difficult aspects of this solution are reconciling the shoulder grade transition and the risk of reduced effectiveness of the redesigned stormwater drainage and overland flow path.

Accordingly, these matters would need to be resolved to Council's satisfaction at the detailed design phase and prior to the associated Section 138 Approval of these works.

During the assessment of the development application, the applicant revised the proposal to include an extension of the eastbound dual lane section of River Street from mid-block Tweed/Brunswick Streets to a location west of the proposed service station.

The resulting dual lane configuration at the Brunswick/River Streets intersection improves River Street gap availability and associated intersection performance.

Two options have been proposed and are diagrammatically provided in Attachment 4:

- Option 1A (new lane west of Brunswick Street is marked for left turns to service station and Brunswick Street only and is blocked for through traffic).
- Option 1B (new lane is continuous through the Brunswick Street intersection).

Option 1B is considered preferable, as it is more compatible with the planned westward extension of the dual lanes in River Street.

SIDRA intersection modelling indicates that the intersection performance with the added service station traffic and either Option 1A or Option 1B design works is superior to the existing intersection performance.

It is considered that the proposed Option 1B works will significantly improve the performance of the Brunswick/River Streets intersection and will more than compensate for the impacts of additional service station traffic at this location.

Observations of existing traffic conditions at the River/Brunswick Street intersection reveal that a number of motorists are making forced (and illegal) right turns from Brunswick Street (north) onto westbound River Street.

This is done by crossing the eastbound lane then stopping in the centre of River Street and using (effectively blocking) the protected right turn lane as a shelter, until a gap appears in the westbound lane for them to enter.

This movement is dangerous and blocks use of the protected right turn lanes. It will become even more hazardous as traffic volumes increase and opportunities for safe right turns from Brunswick Street diminish further.

It is considered that for safety reasons, a regulatory "Left Turn Only" sign should be provided for southbound Brunswick Street traffic entering River Street.

Impacts of Service Station Traffic on Brunswick Street and other Local Streets in the Locality

Council's Civil Services Group has determined that an increase of 26 trips/hr, on the local street network, which diminishes with distance from the service station, is not considered to have an unreasonable impact on the local road network.

The increased traffic impact is most severe on the short section of Brunswick Street between the proposed service station access and River Street, which could increase by up to 65 vehicles per hour (vph) in peak hour. However, this section of street has a mostly commercial character and is less vulnerable to adverse traffic amenity impacts than residential areas.

Traffic Signals for the River Street/Brunswick Street Intersection

As previously mentioned in this report, the local residential area north of River Street, bounded by Fishery Creek and Kerr Street, has restricted access to River Street and Kerr Street. All, but Brunswick Street, are left-in/left-out (or left-out only Bagot Street) and, as noted above, the right turn from Brunswick Street is generally not a safe or practical option.

The provision of traffic signals at the Brunswick/River Streets intersection would provide equitable access for the local area and enable this traffic to safely turn into westbound River Street. Currently, there is insufficient traffic volume in Brunswick Street to meet mandatory RMS warrants for traffic signals.

However as advised by the RMS in their letter of 17 March 2017:

"To manage the risks at this site, the intersection of Brunswick and River Streets appears to be a candidate for the installation of traffic signals. Unfortunately, the traffic generated by the proposal and existing usage is insufficient on its own to justify signals. Council might like to consider the effect of induced traffic, i.e. traffic attracted to the Brunswick Street intersection because ease of access created by signals, to determine if service station traffic, as well as induced traffic, justifies signalisation."

The provision of signals also involves a trade-off between groups of motorists.

The level of service for a small volume of local traffic exiting Brunswick Street would be improved; however there is a corresponding delay cost for the large volume of through traffic on River Street.

As the adverse impacts on the intersection from service station traffic can be more than offset by the applicant's proposed Option 1B dual lane works, it is not considered reasonable to require the provision of the more expensive traffic signals solution.

However, the need for traffic signals in the future is a matter that Council will need to consider to ensure the local area has equitable access to River Street west.

Council's Civil Services Group has advised that the proposed fuel outlet will not have an unreasonable impact on pedestrian or cyclist movements. It has also been advised that the internal site access is considered satisfactory for up to a 19 metre limited B-Double size refuelling vehicle.

Brunswick Street is not an approved B-Double route and, if approved, the developer would need to seek B-Double approval or alternatively service the proposed development with smaller vehicles.

One loading bay is provided for delivery/service vehicles, which complies with the requirements of the Ballina Shire DCP 2012, for a SRV sized service vehicle. The number of on-site parking spaces, as required by Council's DCP 2012, has also been provided (inclusive of one disabled space).

Noise Impact

The application has been supported by a Noise Impact Assessment prepared in accordance with the requirements of the NSW Industrial Noise Policy (NSW EPA 2000). The Noise Impact Assessment has been assessed by Council's Environmental Health Section.

Unattended noise logging was undertaken at No. 16 Brunswick Street (north of the subject site) for a period of nine days to establish the existing background noise levels at the nearest affected property and to determine the rating background level for the project.

The primary noise source observed during day time was the road traffic on River Street. Secondary noises sources included bird calls and mechanical repairs at the subject site (now vacant).

The rating background level was used to determine the Project Specific Noise Criteria (PSNC). The PSNC is the lowest value determined by either the intrusive (rating background level + 5) or the amenity (set by the NSW Industrial Noise Policy) criteria. Refer to the table below.

Table 3.1 Ambient Sound Pressure Levels

Location	Period	L _{Aeq} (period) ¹	RBL ²	Amenity Criteria	RBL+5 dB	Project Specific Noise Criteria (PSNC) ³ = lowest of column (5) and (6)
(1)	(2)	(3)	(4)	(5)	(6)	
ML1	Day	68	46	60-65	51	51
ML1	Evening	65	39	50-55	44	44
ML1	Night	53	32	45-50	37	37

As shown in Table 3.1, the PSNC have been determined by the intrusive criteria for all time periods and are 51 dBA LAeq day (7.00 am to 6.00 pm Mondays to Saturdays and 8.00 am to 6.00 pm Sundays and Public Holidays), 44 dBA LAeq evening (6.00 pm to 10.00 pm) and 37 dBA LAeq night (the remaining period).

The identified PSNC are much lower than the existing ambient sound levels in the area, which the logged noise levels indicate as an elevated, disturbed noise environment dominated by road traffic noise, shown in column 3 in Table 3.1. The logged data illustrates a very consistent noise scatter.

The Noise Impact Assessment has considered the impact of the proposed development on the closest affected residents, as shown on the following illustration.

Illustration 4.1 Location of Closest Affected Residences

Possible acoustic impacts were predicted through the use of noise modelling for each of these premises.

The noise modelling took into consideration the noise sources associated with the proposed development, the existing and proposed built structures and the local geography.

A number of recommendations are made in the Noise Impact Assessment to reduce the impacts of the proposed development.

These recommendations include:

- truck deliveries and waste collection to be limited to day time (7.00 am – 6.00 pm Monday to Saturday and 8.00 am – 6.00 pm Sunday)
- signs limiting speed to 15 km/hr to be posted at the entry and exit of the site
- the use of airbrakes being prohibited on site (signs posted in relation to this)
- a 2.4 metre high acoustic barrier to be installed on the northern and western property boundaries; and
- the compressor being turned off and not used between the hours of 10.00 pm – 7.00 am.

With these recommendations implemented, it has been predicted that the PSNC will be complied with during the day and evening periods, and minor exceedances (between 1dBA and 4dBA) will be experienced during the night period, at six of the closest residential premises.

Of these six:

- three properties will have exceedances of 1dBA
- two properties will have exceedances of 2dBA
- one property will have an exceedance of 3dBA, and
- one property will have an exceedance of 4dBA.

In interpreting these exceedances, it should be understood that the average human ear cannot detect a change of 3dBA or less and the PSNC are well below the existing noise levels in this locality.

The recommendations are considered to be practical and can be implemented and readily regulated by Council, if necessary. Therefore, the proposal can be supported in relation to acoustic impacts, subject to the application of suitable conditions of consent.

Conclusion

The proposed service station, ancillary commercial kiosk and associated works have generated a substantial level of public interest, primarily in relation to perceived impacts relating to noise and traffic.

The proposed development is generally consistent and compliant with the relevant provisions of the BLEP 2012 and the Ballina Shire Development Control Plan 2012 for this Highway Strip Precinct, which currently has a number of mixed commercial uses.

Subject to imposition of conditions of consent, the development will present a satisfactory outcome for the site which has been zoned business for a substantial number of years.

Issues have been raised in the submissions regarding noise impacts from the future service station use upon nearby residential receivers. In determining the subject application, Council should have consideration for the mixed use zoning and proposed noise mitigation measures.

Traffic generation and safety impacts have been carefully considered by Council's Civil Services Group, in conjunction with the RMS, who are satisfied with the proposed measures and works.

The circumstances of the case are such that the application warrants the granting of conditional consent, subject to the provision of the acoustic wall, restriction of some operational uses and the provision of suitable vehicular upgrades surrounding the site. As the applicant has confirmed that these conditions are acceptable, the application is recommended for approval.

RECOMMENDATION

That DA 2016/25 to undertake the demolition of the existing buildings for the construction of a Service Station, Ancillary Kiosk and associated works at Lot 12 DP 1086670, No. 323 River Street, Ballina be **APPROVED** subject to the imposition of non-standard development consent conditions as referred to in this report and the standard conditions (building, planning, environmental and engineering) generally applicable for this type of development.

Attachment(s)

1. Locality Plan
2. Proposed Site Plan
3. Proposed Landscape Plan
4. Proposed Traffic Options 1A & 1B
5. Proposed Freedom Fuel Signage
6. Crime Prevention Officer Response
7. Roads & Maritime Services Responses
8. Objections

8.2 DA 2011/506 - Section 96 South Ballina Beach Caravan Park

8.2 DA 2011/506 - Section 96 South Ballina Beach Caravan Park

Applicant	Merkat Investments Pty Limited (Directors being Bernard and Rikki Grinberg)
Property	Lot 1 DP 1186674 and Lot 1712 DP 597523, No. 440 South Ballina Beach Road, South Ballina
Proposal	To modify various Conditions of Consent as set out in the report below relating to bushfire, ecological impact, fox baiting covenant, and road upgrade requirements.
Effect of Planning Instrument	The land is categorized as a "Deferred Matter" under the provisions of the Ballina LEP 2012 and is therefore zoned 7(f) Environmental Protection (Coastal Lands) under the provisions of the 1987 Shire Plan.
Locality Plan	The subject land is depicted on the locality plan attached

Introduction

Council at its Ordinary Meeting of 28 November 2013 resolved to grant consent to DA 2011/506 to expand the use of the existing Caravan Park known as "South Ballina Beach Holiday Village" or "Ballina Beach Village" herein described as the "park" by:

- an additional 65 short term caravan sites
- adding 58 camping sites
- regularising the additional office and deck area including internal configuration changes to the reception/kiosk building by deletion of the manager's residence and its relocation to an on-site cabin; and
- constructing a 200m² recreation hall and amenities building.

As part of this resolution, Council also requested that staff review the developer contributions in recognition that this is an isolated park.

At Council's Ordinary Meeting 19 December 2013 Council reconsidered the developer contributions and resolved to retain the contributions as outlined in the November 2013 report to Council.

On 12 February 2014, the applicant lodged a Section 96 Modification Application seeking to modify the consent by deleting the following conditions:

1. Condition 8 – which confirmed the kiosk and associated deck area is not to be used as a refreshment room for people who are not guests staying at the premises
2. Condition 11 – which required a public positive covenant that prohibits guests from keeping dogs on-site, requires the owner's/manager's dog to be within a fenced enclosure during the fox baiting program and the recognition of the implementation of the fox baiting program by the owners/occupants and
3. Condition 34 – which required the applicant to pay developer contributions in respect of the development.

Despite the applicant lodging a Deemed Refusal with the NSW Land and Environment Court (LEC) prior to determination of the modification application, Council at its Ordinary Meeting 24 April 2014 resolved to refuse the modification application on a number of grounds.

This action culminated in a formal Mediation Process being conducted by the LEC.

During the LEC Section 34 mediation, Council and the applicant reached agreements on the matters that were accepted by both parties.

The LEC issued Consent Orders dated 15 August 2014 (which was entirely consistent with the mediated agreement), on the 30 September 2014, however the applicant then submitted another Section 96 Modification Application requesting further modification to, or deferral of, a significant number of LEC issued conditions. It is this modification application which is the subject of this report.

The current modification application originally related to approximately 32 conditions, which the applicant described in the following broad categories:

- (a) Landscaping and vegetation management (including measures to protect and encourage the threatened Glossy Black Cockatoo);
- (b) Construction and particularly construction of the amenities block and car parking (including disabled car parking);
- (c) Matters associated with the infrastructure for the park and the operation of the park; and
- (d) Matters pertaining to bush fire safety and particularly the requirements of the NSW Rural Fire Service (NSW RFS).

During the past two years of assessment, Council has allowed the park to continue to operate under 12 month interim Approvals to Operate, issued under the provisions of the Local Government Act.

The current interim Approval to Operate is due to expire on 24 December 2016.

The interim Approvals have allowed the park to operate during peak periods of Christmas and Easter holidays and have enabled the operators to demonstrate peak capacities/impacts, particularly in relation to compliance with on-site wastewater management.

They have also allowed the applicant time to comply with a number of conditions that originally formed part of the modification application and satisfy Council in respect to the park's compliance with the majority of consent conditions that originally formed part of the modification application.

On the 13 October 2015 Council staff also attended mediation with the NSW Small Business Commissioner and the applicant to primarily discuss the outstanding (or not agreed) matters regarding the current modification application.

As a consequence of all of the above actions, the originally submitted 32 conditions to be modified by the applicant have been substantially reduced to the following outstanding (or not agreed) conditions/matters:

1. Fox Baiting Covenant (Condition No. 11)
2. Bush Fire/Ecological Issues (primarily Condition Nos. 12 & 14, however also interrelated to Conditions 13,16, 67, 96, 102 and 103)
3. Sealing of Loop Road (Condition No. 45)

This report is presented to Council seeking its consideration and direction in relation to the outstanding (or not agreed) conditions/matters (some of which are interrelated).

Council is entitled to believe that it had reached agreement with the applicant and the LEC in good faith about all the issued conditions of consent at its previous mediation.

Despite various attempts by Council staff to outline/negotiate potential solutions, the applicant has continued to question the need for these conditions and agreement has not been reached.

Nonetheless, the Council will need to consider the current Modification Application on its merits.

Reportable Political Donations

Details of known reportable political donations are as follows:

Nil

Public Exhibition

Due to the extensive history of the originally approved application and the previous modification application (both placed on public exhibition), and the extent of the modifications sought, the current modification application was not again placed on public exhibition.

Further referral to the NSW RFS, however, was conducted and the responses are attached and discussed later in this report.

Applicable Planning Instruments

The applicant has submitted the modification under Section 96(1A) of the Environmental Planning and Assessment Act 1979, being of minimal environmental impact.

As will be outlined in this report, this can only be considered procedurally correct if the ecological matters for the threatened Glossy Black Cockatoo are not considered to be substantially negatively impacted.

If Conditions 12 and 14 are deleted, or modified, as proposed by the applicant, it is considered that the modification sought is not likely to be of minimal environmental impact and should have been submitted under Section 96(2).

Report

Fox Baiting Covenant (Condition No. 11)

Condition No. 11 currently requires:

A public positive covenant is to be imposed on the land (Lot 1712 DP 597523 and Lot 1 DP 1186674) in favour of Council and the National Parks and Wildlife Service (NPWS) under Section 88E of the Conveyancing Act 1919, requiring the following:

- *That the owner/occupant recognise that a fox baiting program is implemented by the relevant Government Agencies from time to time and the owner/occupant must not raise objection to any fox baiting carried out in accordance with the South Ballina Fox Baiting Program.*
- *In the event that dogs registered and/or owned by the managers are kept on the property, the following fenced dog enclosures and controls are to be established and maintained at all times:*

There shall be constructed and maintained a fenced enclosure immediately adjoining to the manager's residence which is designed and constructed so as to provide a secure enclosure for keeping dogs.

Any gate forming part of the fenced enclosure shall be a self-closing gate.

No gate to the fenced enclosure shall be propped open or otherwise kept open other than for the purpose of passing through.

During a fox baiting program on the subject land or on adjoining Crown land, and/or Nature Reserve, dogs are not permitted on any part of the property outside a fenced dog enclosure (that complies with the provisions outlined above) except under leash.

- *The development must be conducted at all times in accordance with the Plan of Management for the keeping of dogs on site dated June 2014 (or as amended)(**POM**). Any amendments to the POM must be approved by Council and OEH.*

Condition No. 11 has been formulated from Council's DCP for South Ballina, which is designed to ensure the existing fox baiting program undertaken within the Richmond River Nature Reserve and along South Ballina Beach is not affected by adjacent developments.

The DCP was developed in consultation with the OEH, NPWS, Department of Lands, the Pied Oystercatcher Working Group and the general public through the public exhibition process.

The covenant in question has been consistently applied to properties along South Ballina Beach since 2007. The covenant was first applied as a Condition of Consent by the LEC for the "Ringtank" properties.

To date, a total of 13 properties along South Ballina Beach have had this Condition of Consent applied to the land. On 23 October 2014 the LEC again applied this restriction to a development application located at South Ballina.

The covenant should not affect the owners of the park given that domestic dogs are not permitted to enter the Ballina Nature Reserve and it is not accepted that the condition should be modified to only reference the Plan of Management, as this would be contrary to the DCP provisions and the consistent application of this requirement by the Council and the LEC.

The applicant is not accepting Council's position in relation to this matter as most recently outlined in the applicant's letter of 6 June 2016 and letter from McCartney Young Lawyers, on behalf of the applicant dated 11 August 2016 (**copy of letters attached**) and considers the condition as unreasonable and unnecessary in the circumstances.

It is recommended that Condition No. 11 remain as agreed in the previous Section 34 Mediation held by the LEC and should not be amended as requested by the applicant.

Sealing of Road (Condition No. 45)

Condition No. 45 currently requires:

The half loop road circling the amenities building (sites 10 to 59) that connects to the existing sealed road is to be sealed with asphaltic concrete and comprise of an all weather seal. This is to be completed prior to use.

The applicant's contentions as to why Condition No. 45 should be deleted are outlined in the more recent letters of 6 June 2016 from the applicant and of 11 August 2016 from McCartney Young Lawyers, on behalf of the applicant (**copy of letters attached**).

Essentially, the applicant contends, "...There appears to be no good environmental, practical or planning reason to compel the sealing (bitumen) of this road. It is a part of the park that is intended to give campers a "wilderness" experience. A tarred road is contrary to this experience."

Clause 99 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 requires:

All access roads, including all passing and parking bays, must have an all-weather sealed or other surface finish specified in the approval for the caravan park or camping ground, and must be adapted to the topography to allow for adequate drainage and to eliminate excessive grades.

Consequently, Council has consistently maintained that the half loop road servicing the additional approved sites within the western portion is required to be sealed.

Council's accepted standard is for this sealing to be of asphaltic concrete or two coat bitumen seal.

The remaining roads within the western portion can be of a lesser standard acceptable to the Council to maintain the desired "wilderness" feel desired by the applicant.

Council's Infrastructure Manager has considered the applicant's further objections to the sealing of the half loop road attributable to the additional 123 sites proposed and approved via DA 2011/506 predominately within the western portion of the park and maintains that the half loop road is required to be sealed as it is one of the main two way circulation roads for both vehicles and pedestrians accessing other facilities within the park and also for amenity.

The wording of Condition No. 45, despite its placement within the "During Construction" section of the consent notice, requires the sealing with asphaltic concrete to be completed "...prior to use". As the applicant is currently using the additional 123 sites and has built the amenities building servicing some of the additional sites, it is suggested that the road be upgraded as a matter of immediacy.

Consequently, based on the above and as the length of the loop road is relatively short, particularly when compared to the other roads within the park, it is recommended that this Condition (as agreed within the Section 34 Mediation as part of the LEC) remain.

Bush Fire/Ecological Issues (primarily Condition Nos. 12, 14)

The regulated bush fire measures, required by the NSW RFS, impact on the ecological issues/measures relating to the threatened Glossy Black Cockatoos.

The applicant has requested that Conditions 12 (requiring revegetation management works including buffers around eight Glossy Black Cockatoo feed trees), 14 (planting of 44 She oak feed trees) and related Conditions 13, 16, 67, 96, 102 and 103) be deleted as these would cause the site to be non-compliant with the requirements of the NSW RFS and "Planning for Bush Fire Protection 2006" and therefore be unlawful (**refer to attached letters**).

During the assessment of the original application, and after lengthy discussions with the applicant's ecologist/bushfire consultant (no longer retained by the applicant as part of the current modification application), it was confirmed that additional plantings could occur adjacent to the eight Glossy Black Cockatoo feed trees without impacting on bush fire safety.

In addressing impacts to known Glossy Black Cockatoo feed trees, the applicant's ecological consultant also proposed to plant 44 additional feed trees elsewhere. The bush fire risk of the additional plantings was also assessed by the applicant's consultant as part of this proposal.

Based on this agreement conditions of consent were applied requiring these outcomes.

The applicant, through a different bush fire consultant, now contends that in order to comply with buffer and additional plantings for the Glossy Black Cockatoo feed trees, that there will be a breach of the NSW RFS bush fire requirements/General Terms of Approval (GTA's) that were incorporated into the consent conditions.

In late 2015, Council sought and received further clarification/advice from the NSW RFS regarding the potential conflict between ecological/bush fire requirements. It is important to note that the NSW RFS have also specifically noted the environmentally sensitive nature of the site and the transient and informal nature of the approved "short term" camp tent sites within the western portion (i.e. no habitable permanent buildings).

Consequently, the RFS have reduced standards (i.e. reduced asset protection zones to 10 metres) and camping sites have been permitted within the asset protection zones.

Additionally, the RFS have suggested that it is possible to replace existing vegetation in the developed portion of the site with further feed trees or other landscaping to achieve ecological matters.

Council attempted to inspect the site on 16 May 2016 to identify for the applicant those areas of senescing and/or undesirable vegetation which could be considered for removal to offset the feed tree plantings required by Condition 12(d).

However, due to different points of view between Council and the landowners, this inspection was not conducted.

In addition, the landowners now contend that the feed trees are no longer used by Glossy Black Cockatoos. Due to the lack of access to the site this observation cannot be confirmed.

If this is correct, it may indicate the increased usage of the park as provided for by the development consent 2011/506 has had an adverse impact on the foraging patterns of the Glossy Black Cockatoo therefore reinforcing the need to provide adequate buffering as required by Condition 12.

Based on this advice and revised GTA's, Council staff consider that the approved development could satisfactorily achieve both the need for further vegetation plantings for the Glossy Black Cockatoos and the bush fire modified GTA's subject to the following:

1. The applicant's bush fire consultant (and NSW RFS) have confirmed that the western portion of the site (i.e. where the majority of the additional 123 camp sites are approved) currently has 14% vegetation canopy coverage.

As the NSW RFS have confirmed a maximum 15% canopy coverage is permitted, a small number of additional plantings to achieve some buffers around the eight Glossy Black Cockatoo She Oak feed trees as required by Condition No. 12(d) can still occur.

The canopy diameter of each of the eight feed trees (as identified in the consent) has been mapped and the required planted buffer added to the mapped feed tree. **Figure 1** below shows this process.



In addition, given a number of feed trees are already surrounded by vegetation, areas of existing vegetation were then excluded from the planting buffer area. This process is demonstrated in **Figure 2** below.



Table 1 as follows, highlights the amount of the replanting that would be required to achieve compliance with the buffer planting requirements of Condition 12(d). While the total area of the required buffer equates to 1,515m², only 600m² requires planting as the remainder is already vegetated.

Table 1: Planting and buffering requirements of Glossy Black Cockatoo feed trees.

Tree Number	Radius of Buffer measured from trunk (m)	Area of existing feed tree m ²	Area of buffer m ²	Total Area of tree and buffer m ²	Area of Buffer requiring planting (m ²)
1	10	78	235	314	188
2	4	13	140	153	19
3	6	28	172	200	112
4	6	28	172	200	83
5	7	38	189	227	137
6	3	7	125	133	54
7	4	13	140	153	None due to road
8	3	7	125	133	11
Totals				1,513	604

Due to the minimal area of additional planting and the non-continuous canopy spread as shown in **Figure 2**, it is difficult to agree with the conclusions of the applicant's bush fire consultant that the additional plantings will create a "spine" or "ladder" of continuous canopy through the site.

To allow the full extent of required buffer plantings to occur without exceeding the 15% canopy coverage it is suggested that, in consultation with Council, the applicant nominate a one for one replacement of trees as part of the current modification application, (i.e. identify any unhealthy trees within the western portion suitable for removal to allow their replacement by She oaks or the buffer plantings).

It is important to note that the trees nominated for removal would need to be confirmed by Council as being suitable and comprise a canopy similar to the replacement trees to ensure the canopy spread does not exceed 15%.

Based on the limited additional buffer planting area required (600m²), when compared to the area of the site (76,220m²), it is considered that appropriate offsets can be found to ensure canopy coverage is not exceeded. The applicant would not want the additional buffer plantings around the feed trees as this may reduce the number of available camp sites.

2. The 44 Black She oak trees required by Condition No. 14 being provided within the southern portion of the site (i.e. within the heathland) rather than the approved Landscaping Plan area prepared by Chris Lonergan "L1" dated 12 February 2013.

The NSW RFS have also identified this as the preferred area as "the unmanaged land to the southern portion of the lot".

The planting of 44 trees would require approximately 925m² of land. This could be suitably accommodated in the southern portion of the site (as preferred by the NSW RFS) without affecting bush fire requirements as demonstrated below.



If these suggestions were incorporated into the current modification application it is considered they would allow a balance between the bush fire requirements and the ecological interests to be achieved and would enable the consent modification to be maintained in accordance with the LEC's mediated agreement.

Based on the above and the fact that they can be suitably accommodated on-site, the provision of the additional 44 plantings within Council's road reservation (i.e. South Ballina Beach Road), as proposed by the applicant, is not supported.

Conclusions

It is considered that Condition Nos. 11, 12, 14, and 45 (and interrelated conditions) are fair and reasonable and should remain each in their entirety as their effect has a specific planning purpose and nexus, that is to mitigate the impacts caused by an increase in the number of approved sites predominately in the western portion of the site.

The Section 96 application is not supported by a revised ecological report inclusive of the mandatory Section 5A assessment. If Conditions 12 and 14 (i.e. vegetation buffers and revegetation plantings for feed trees) are not adequately provided due to conflict with bush fire requirements, the ecological conclusions reached regarding the impact of the development on the threatened Glossy Black Cockatoo previously made may no longer be correct.

That is, the conclusion drawn that the original proposal will have no significant impact on the Glossy Black Cockatoo under Section 5A and that a Species Impact Statement (SIS) was not required subject to a number of mitigation measures that were included in the conditions of consent.

Without the provision of Conditions 12 and 14 it may be reasonable to conclude that the impact on the Glossy Black Cockatoo is significant and that a SIS would now be required. If this was the case, the proposed modifications would not be able to be determined under the current S.96(1A) application.

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

Option 1

That Council refuse the modification application in its entirety. This is the recommended option based on the matters outlined in this report and due to the applicants not having been prepared to modify the application to address suitably the Glossy Black Cockatoo habitat protection.

Option 2

That Council approve the modification application in its entirety. This is not supported due to the impact on the threatened Glossy Black Cockatoo, inconsistency with Council's Development Control Plan and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

This is also considered to be procedurally incorrect due to the provisions relied upon by the applicant in lodging the modification application and the potential need for a Species Impact Statement, or at least, on the basis that the proposed modification is not of minimal environmental impact as lodged by the applicant under Section 96(1A) of the EP&A Act 1979.

Option 3

That Council approve parts of the modification application only. This option is not preferred as the assessment does not support any of the modifications being sought for the reasons outlined in the report.

RECOMMENDATION

That the Section 96 modification application to DA 2011/506 to delete or revise Condition Nos. 11, 12, 14 and 45 (and any interrelated conditions) from the consent relating to the creation of an additional 123 short term accommodation sites (65 being caravan/recreational vehicle sites and 58 being camping sites), indoor recreation hall and associated amenities building, additional deck adjoining the existing kiosk/shop and office/reception, manager's cabin, associated facilities, infrastructure and rehabilitation works on Lot 1712 DP 597523 & Lot 1 DP 1186674, No. 440 South Ballina Beach Road, South Ballina be **REFUSED**.

Attachment(s)

1. Locality Plan
2. Applicant's Contentions Regarding Amendments - Letters dated 6 June 2016 and 11 August 2016
3. Applicant's Advice through McCartney Young
4. NSW RFS responses to modification application
5. Loop Road to be sealed (highlighted in yellow)

8.3 Development Applications – Development Standard Variations

8.3 Development Applications – Development Standard Variations

The following schedule sets out development applications approved under delegation since the last Council meeting which have involved variations to development standards (via the BLEP 1987 or BLEP 2012):

DA No.	Date Approved	Applicant	Proposal and Address	EPI and Land Zoning	Development Standard and Approved Variation	Justification for Variation
NIL						

RECOMMENDATION

That Council notes the contents of this report on the development applications approved under delegation for variations to development standards less than 10% for July 2016.

Attachment(s)

Nil

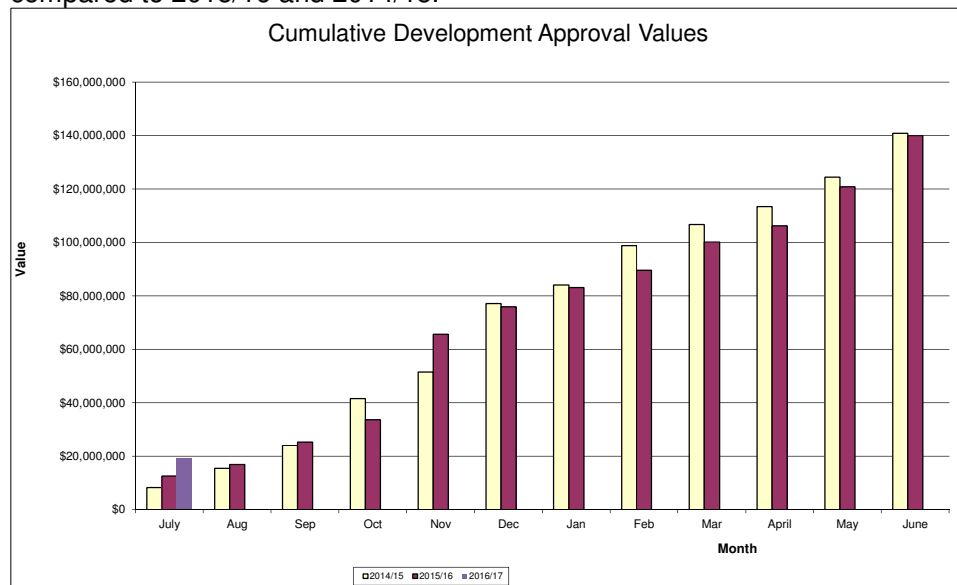
8.4 Development Consent and Infrastructure Approvals - July 2016

8.4 Development Consent and Infrastructure Approvals - July 2016

During the period of 1 July 2016 to 31 July 2016 the Development and Environmental Health Group issued Development Consents comprising of:

Number of Applications	Value of Work
35 Other Building Related	\$ 2,168,769
23 Dwelling/Duplexes/Residential Flat Buildings	\$ 11,978,145
4 General Developments	\$ 20,500
Total Value	\$ 14,167,414

The following chart details the cumulative consent figures for 2016/17 as compared to 2015/16 and 2014/15.



During the period of 1 July 2016 to 31 July 2016 the Development and Environmental Health Group issued Public Infrastructure / Civil Construction Works comprising of:

Number of Applications	Value of Work
1 Public Infrastructure / Civil Construction (Alstonville Swimming Pool Upgrade)	\$ 4,950,000
Total Value	\$ 4,950,000

RECOMMENDATION

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 July 2016 to 31 July 2016.

Attachment(s)

Nil

8.5 Development Applications - Works in Progress - August 2016

8.5 Development Applications - Works in Progress - August 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
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	Being Assessed
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
2016/148	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,	Awaiting Additional Information

8.5 Development Applications - Works in Progress - August 2016

			Lennox Head	
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	Referred to Government Departments
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, Demolition of Existing Carport and Shed, Vegetation Removal and Associated Works and the Subsequent Strata Title Subdivision – 175 Tamar Street, Ballina	Awaiting Additional Information
2016/230	05/05/2016	J Casey C/- CivilTech	Alterations to Existing Multi Unit Development and Five Lot Staged Strata Subdivision – 12 Skinner Street, Ballina	Awaiting Additional Information
2016/236	06/05/2016	Newton Denny Chapelle	Erection of Industrial Building for the Purposes of	Being Assessed

8.5 Development Applications - Works in Progress - August 2016

			General Industry (Brewery) and Associated Works – 2/188-202 Southern Cross Drive, Ballina	
2016/238	09/05/2016	Newton Denny Chapelle	83 Lot Residential Subdivision Including Construction of Roads, Infrastructure and Associated Works – Hutley Drive, Lennox Head (EPIQ)	Determination Pending
2016/240	10/05/2016	Ardill Payne & Partners	Torrens Title Subdivision Comprising 26 Lots and One Residue Lot, Road Construction, Infrastructure Provision and Associated Works – Power Drive, Cumbalum	Awaiting Additional Information
2016/274	20/05/2016	Northern Rivers Land Solutions	Two lot boundary adjustment subdivision to create 1 x 1.45ha and 1 x 47ha allotments and the establishment of a rural worker's dwelling upon the larger Proposed Lot 11 – 61 & 145 Brooklet Road, Newrybar	Referred to Government Departments
2016/292	01/06/2016	Koho Projects	Multi Dwelling Housing	Being Assessed

8.5 Development Applications - Works in Progress - August 2016

			Development Comprising 12 One Bedroom Dwellings under the Provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009, Demolition of Existing Buildings and Associated Works – 142 Tamar Street, Ballina	
2016/298	02/06/2016	Newton Denny Chapelle	Erection of a Two Storey Commercial Development, Demolition of Existing Dwelling House and Associated Works – 86 Ballina Street, Lennox Head	Awaiting Additional Information
2016/310	09/06/2016	Ardill Payne & Partners	Construction of two new dwellings to create a multi dwelling housing development comprising three dwellings and strata subdivision – 7 Jarrett Street, Ballina	Determination Pending
2016/322	16/6/2016	CPRAM Investments Pty Ltd	Installation of Twenty Eight Tenancy Wall Signs and One Digital Dynamic Wall Sign at Ballina Central	Being Assessed

8.5 Development Applications - Works in Progress - August 2016

			Shopping Centre – 44 Bangalow Road, Ballina	
2016/340	21/06/2016	Victor Holmes Town Planning	Operation of Home Business from Dwelling and Widening of Driveway and Parking Area – 1 Princess Avenue, Ballina	Being Assessed
2016/357	01/07/2016	Newton Denny Chapelle	Proposed construction of tourist and visitor accommodation involving the erection of six single storey holiday cabins, emergency evacuation centre, cabana, in-ground swimming pool and internal driveways and parking – 48 Tobin Close, 84 Fig Tree Hill Drive & 335 Old Byron Bay Road, Lennox Head	On Exhibition
2016/359	01/07/2016	Fautari Properties P/L	Erection of Industrial Building for the Purposes of a Freight Transport Facility and associated new driveways, car parking and infrastructure works – 23 Cessna Crescent, Ballina	Awaiting Additional Information

8.5 Development Applications - Works in Progress - August 2016

2016/374	8/7/2016	Techton Building Services	To increase the student numbers of the Wollongbar Community Pre School from 29 students to 33 students – 5 Hall Court, Wollongbar	Being Assessed
2016/375	8/7/2016	Ardill Payne & Partners	Establishment of a Multi Dwelling Housing Development Comprising the Erection of Two x Two Storey Detached Dwellings, Retention of and Alterations and Additions to the Existing Dwelling House, Demolition of Existing Garage, Vegetation Removal and Associated Works and Staged Strata Title Subdivision – 43 Pacific Parade, Lennox Head	Awaiting Additional Information
2016/377	11/07/2016	Richard Lutze & Associates	Erection of Amenities Building and Caravan Emptying Facility (Dump Ezy) – 22-40 Commercial Road, Alstonville	Awaiting Additional Information

8.5 Development Applications - Works in Progress - August 2016

2016/378	12/7/2016	Newton Denny Chapelle	Proposed Ballina Racecourse Redevelopment Comprising Upgrade to Race Tracks and Training Tracks, Bulk Earthworks, Stormwater Management Works, Installation of Irrigation System, Vegetation Removal, Environmental Offsets and Boundary Adjustment - Ascot Road and 36 Racecourse Road, Ballina	On Exhibition
2016/379	12/7/2016	Newton Denny Chapelle	Erection and Staged Strata Title Subdivision of a Multi Dwelling Housing Development comprising 17 Dwellings, Associated Infrastructure Servicing, Landscaping, Earthworks and Vegetation Removal – 4 Condon Drive, East Ballina	Awaiting Additional Information

8.5 Development Applications - Works in Progress - August 2016

2016/389	19/07/2016	McDonald's Australia Pty Ltd	Erection of a McDonald's Restaurant and Associated Signage on the Approved Highway Service Centre Site – 565-589 River Street, West Ballina	Awaiting Additional Information
2016/391	20/07/2016	Planners North	Three Lot Strata Title Subdivision of the Approved Ballina Highway Service Centre – 565-589 River Street, West Ballina	Being Assessed
2016/404	22/07/2016	Ardill Payne & Partners	Erection of a Farm Worker's Amenities/Facilities Building – Ellis Road, Rous	Being Assessed
2016/410	27/07/2016	Victor Holmes Town Planning	Tourist Facility comprising the use of an existing dwelling house for the purpose of tourist accommodation – 10 Killen Falls Road, Tintenbar	On Exhibition
2016/419	02/08/2016	North Coast Holiday Park Lennox Head	Vegetation management works comprising the removal and/or pruning of five trees – Ross Street, Lennox Head	Being Assessed
2016/426	04/08/2016	Ballina Shire Council c/- CivilTech Consulting Engineers	Extension of Skennars Head Playing Fields – Skennars Head, Lennox Head	Referred to Government Departments

8.5 Development Applications - Works in Progress - August 2016

2016/433	05/08/2016	GM Project Development & Management	Three Lot Boundary Adjustment Subdivision - Humpty Back Road, McLeans Ridges	On Exhibition
2016/437	08/08/2016	Super Cheap Auto Pty Ltd	12 x Signs – 2-6 North Creek Road & Tamarind Drive, Ballina	Being Assessed
2016/449	11/08/2016	Kathryne Frogley	Vegetation Management Works involving the removal of 1 x Albizia Lebeck Tree - 5 Castle Drive, Lennox Head	Being Assessed

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/2	4/01/2016	21st 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

8.5 Development Applications - Works in Progress - August 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	Referred to Government Departments & Awaiting Additional Information
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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 July, 2016.

Attachment(s)

Nil

9.1 Open Space and Community Facilities Contributions Plan (Draft)

9. Strategic and Community Facilities Group Reports

9.1 Open Space and Community Facilities Contributions Plan (Draft)

Delivery Program Strategic Planning

Objective To outline the draft Ballina Shire Open Space and Community Facilities Developer Contributions Plan 2016 and seek direction from the Council in relation to the public exhibition of the draft plan.

Background

The Ballina Shire Contributions Plan (2008) authorises Council's collection of monetary contributions from residential and tourist developments in all parts of the shire towards the provision of open space and community facilities. It also provides for contributions from development in the Wollongbar Urban Expansion Area for various road and access infrastructure. The plan became operational on 1 November 2008.

To promote good governance and the public interest, developer contributions plans (also known as s94 plans) are subject to regular review in order to:

- monitor development trends and income received by the plan;
- ensure that contributions rates reflect actual costs incurred by the plan; and
- enable alteration to the works schedule if development rates differ from original expectations and to reflect completed initiatives.

Consequently, the Ballina Shire Contributions Plan has been reviewed having regard for the above. The revised draft contributions plan (inclusive of mapping showing the location of proposed works identified under the plan) is provided under separate cover.

The purpose of this report is to present the revised draft contributions plan for open space and community facilities to the Council and seek direction on the public exhibition of the draft document. If and when adopted, the new plan will supersede the current plan.

Key Issues

- Delivery and funding of community infrastructure.
- Public exhibition process.

Information

Preparation of the draft Open Space and Community Facilities Contributions Plan 2016 has involved a review of the works schedule of the current contributions plan to remove items that have been delivered and costs fully recouped, identify items for which recoupment of costs remains to be completed, update cost schedules and include additional items of infrastructure identified as being required to meet the future needs of the community.

Council engaged the services of a contributions plan consultant (Greg New) to assist in the drafting of the plan.

A copy of the draft Ballina Shire Open Space and Community Facilities Contributions Plan 2016 is provided under separate cover. The works schedule contained in Appendix A of the draft plan identifies the items of infrastructure to be funded and delivered through the operation of the plan (i.e. via contributions from developers).

The key differences in the draft plan from the current plan include the removal of 'performance space' for Ballina and additional playing fields on the Barrett Land in Lennox Head, on the basis that these facilities will not be required over the life of the new plan. The draft plan also withdraws from collection of contributions for childcare (or preschool facilities) as there is a lack of strategic information as to where these facilities will be located. Additionally, the scope and cost of the indoor sports complex have been adjusted to align with the Council's revised approach for the delivery of this facility.

In addition, several items have been added to the plan, including expansion of library facilities and the delivery of foreshore embellishment works (around Kingsford Smith Drive and the Serpentine, in Ballina) as identified in the Ballina Major Regional Centre Strategy project.

The works schedule under the new plan has also been updated to revise cost estimates for future works and address completed works (in relation to either recoupment of costs or removal from the works plan).

The revision of the plan also seeks to standardise the rate of contributions charged within the shire's various localities, with the exception of Cumbalum Precinct A and Precinct B where other contribution arrangements have been put in place. Future development within the Cumbalum locality will be subject to the Cumbalum Precinct A Contributions Plan or Cumbalum Precinct B Voluntary Planning Agreement. Development within Precinct A and B will, however, be subject to monetary contributions as per the Draft Open Space and Community Facilities Contribution Plan for regional level facilities only.

The *Environmental Planning and Assessment Act 1979* and associated *Regulation* require the public exhibition of draft contributions plans. Following the public exhibition of the plan, the matter will be reported back to the elected Council for further consideration, including consideration of submissions received during the exhibition period.

Sustainability Considerations

- **Environment**

The delivery of items identified in the draft contributions plan include works that will result in the improvement to the environment, including access to and embellishment of public open space.

- **Social**

The delivery of items identified in the draft contributions plan include social infrastructure that will provide direct and indirect social benefits for the residents of, and visitors to, Ballina Shire.

- **Economic**

The delivery of items identified in the draft contributions plan will provide economic benefits for the businesses operating in the shire, through the provision of economic opportunities and increasing attractiveness of Ballina Shire for workers and businesses.

Legal / Resource / Financial Implications

The revised contributions plan for open space and community facilities enables Council to collect monetary contributions (and set conditions for the delivery of works-in-kind) towards infrastructure required to meet increased demands that are brought about by development having regard for current circumstances.

Depending on the nature of the infrastructure delivered, the draft plan enables Council to levy contributions from developers of between 17% and 100% of the cost of the infrastructure. The total cost of works identified in the plan is approximately \$56 million, of which \$23 million can be levied on future development. Having regard for this, the developer contributions plan is an important component of the ongoing provision of open space and community infrastructure in the shire. Consequently, the delivery of items under the plan will require the commitment of funds by Council from other sources (including grants).

With respect to application of the revised plan (if adopted), it would not be applied retrospectively. That is, development approvals in place prior to the commencement of the new plan will continue to be subject to contributions requirements as set out under the 2008 plan.

The public exhibition of the draft plan can be accommodated within existing resources.

Consultation

The draft Ballina Shire Open Space and Community Facilities Contributions Plan 2016 will be publicly exhibited in accordance with the *Environmental Planning and Assessment Act 1979* and associated *Regulation*.

Following the public exhibition of the plan, the matter will be reported back to the elected Council for further consideration, including consideration of submissions received during the exhibition period.

Options

The following options are available with respect to this matter:

1. That Council resolves to publicly exhibit the draft Ballina Shire Open Space and Community Facilities Contributions Plan 2016, in accordance with relevant provisions of the *Environmental Planning and Assessment Act* 1979 and associated *Regulation*.

This option is recommended on the basis that the draft contributions plan, including the proposed schedule of works, has been drafted to reflect the infrastructure needs identified by Council, through analysis of open space and community facility provision in the shire and previous community engagement activities. Regular review of important Council plans of this kind represents good governance practice in terms of promoting transparency and accountability.

2. That Council defer the consideration of this matter to a Councillor briefing.

This option is not recommended on the basis that the draft contributions plan reflects the statutory requirements associated with the preparation of such plans, and that the works schedule reflects the infrastructure demands anticipated for the life of the plan, within the Council's capacity to deliver such infrastructure.

If the Council would like a briefing, it is recommended that this be undertaken at the conclusion of the exhibition period to enable consideration of submissions.

3. That Council cease preparation of a revised contributions plan for open space and community facilities.

This option is not recommended on the basis that the administration of the plan will benefit from updating of cost estimates detailed in the work schedule (including the recoupment for completed works).

RECOMMENDATIONS

1. That Council authorises the draft Ballina Shire Open Space and Community Facilities Contributions Plan 2016 for the purpose of public exhibition in accordance with relevant provisions of the *Environmental Planning and Assessment Act* 1979 and associated *Regulation*.
2. Following the conclusion of the public exhibition, the matter be presented to the elected Council for further consideration, including the consideration of submissions received during the exhibition period.

Attachment(s)

1. Draft Ballina Shire Open Space and Community Facilities Contributions Plan 2016 (Under separate cover)

10.1 Investment Summary - July 2016

10. General Manager's Group Reports

10.1 Investment Summary - July 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 July 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 31 July was \$62,298,000. This represents a decrease of \$2,999,000 from June. Total redemptions of \$10 million, offset by new placements of \$7 million, resulted in the decrease of \$3 million held. The new investments included floating rate notes totaling \$1 million and term deposits totaling \$6 million. Redemptions were four term deposits totaling \$10 million. Also during July, three floating rate term deposits, with face value of \$3 million and a term deposit of \$1 million were reset.

Council's investments as at 31 July are at an average (weighted) rate of 3.13%, which is 1.19% above the 90 Day Bank Bill Index which has fallen to 1.94%. The balance of the cheque account at the Commonwealth Bank, Ballina as at 31 July 2016 was \$772,453 (a decrease from the balance of \$1,694,377 as at 30 June 2016). The majority of Council's investment portfolio is restricted by legislation (external) and Council (internal) uses for the following purposes:

Portfolio Ownership Percentages

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							
National Australia Bank	Yes	BBB	1,788	1,788	0	3.0%	3%
Rated Institutions							
AMP Bank	Yes	A+	5,000	5,000	20%	8.3%	
Bank of Queensland	No	A-	5,000	5,000	10%	8.3%	
Bank of Western Aust	Yes	AA-	0	2,000	20%	0.0%	
Bendigo & Adelaide Bank	No	A-	5,000	5,000	10%	8.3%	
Beyond Bank	No	BBB+	3,000	3,000	10%	5.0%	
Big Sky Building Soc	N/A	BBB	1,000	1,000	10%	1.7%	
Commonwealth Bank of Australia	Yes	AA-	4,509	6,510	20%	10.8%	
Heritage Bank	No	BBB+	2,000	2,000	10%	3.3%	
ING Bank Ltd	Yes	A-	2,000	2,000	10%	3.3%	
Members Equity Bank	No	BBB+	6,000	4,000	10%	6.6%	
National Australia Bank	Yes	AA-	10,000	10,000	20%	16.6%	
Newcastle Perm Bld Society	No	BBB+	3,000	3,000	10%	5.0%	
Rural Bank Ltd	No	A-	1,000	1,000	10%	1.7%	
Suncorp-Metway Bank	No	A+	12,000	9,000	20%	14.9%	
Westpac Banking Corporation	Yes	AA-	2,000	2,000	20%	3.3%	
My State Bank Ltd	No	BBB	2,000	0	10%	0.0%	97%
Unrated ADI's					\$1m	0.0%	0%
Total			65,297	62,298		100%	

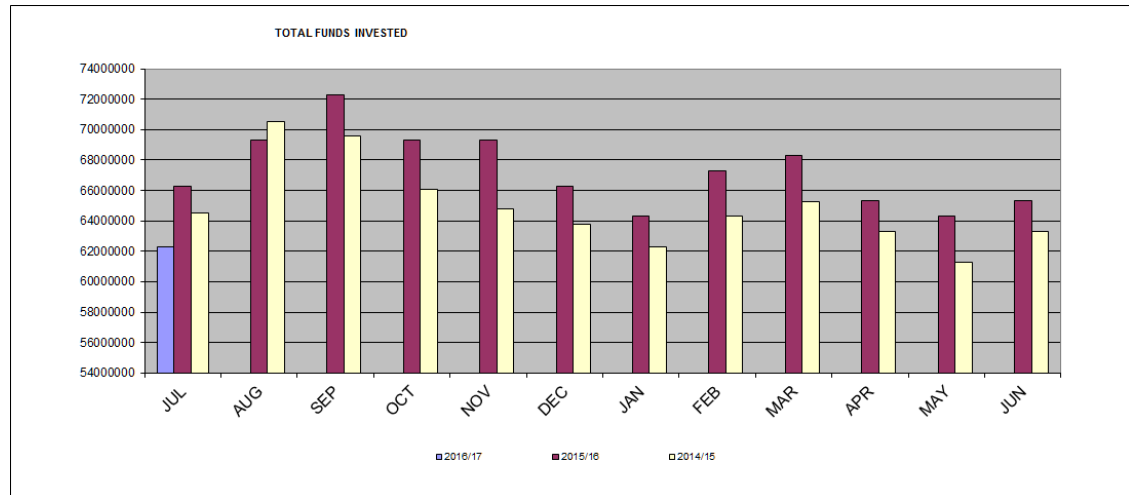
B. Summary of Investments Fossil Fuel Aligned

	Previous Month	Current Month
Fossil Fuel Aligned	25,297 39%	29,298 45%
Non-Fossil Fuel Aligned	39,000 60%	32,000 53%
Not Classified	1,000 1%	1,000 2%
Total	64,297 100%	62,298 100%

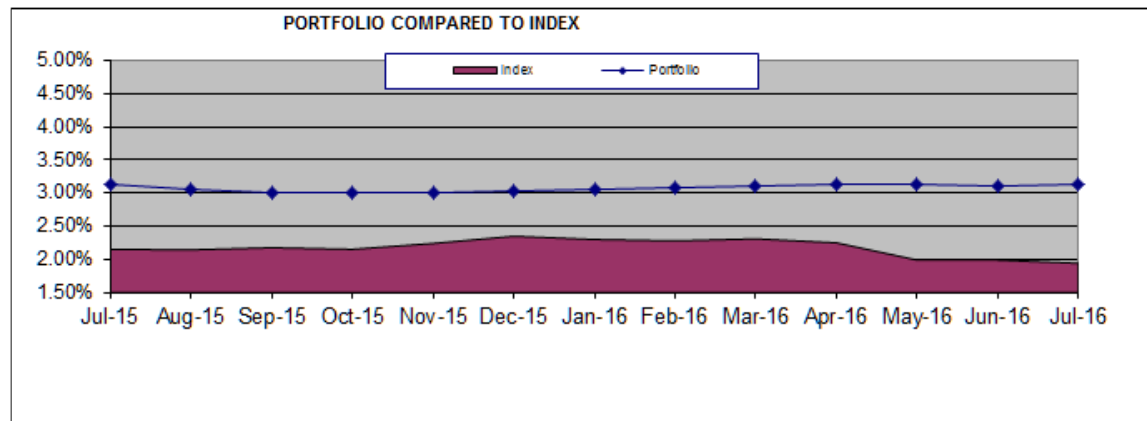
The determination of fossil fuel alignment is based on advice from 'Market Forces' as follows:

- 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.

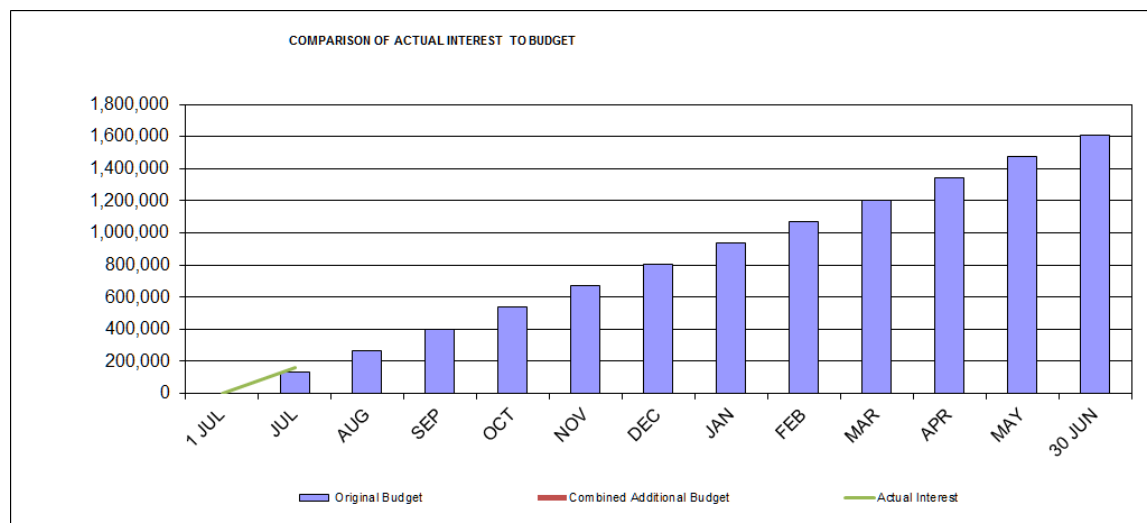
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



10.1 Investment Summary - July 2016

F. Investments held as at 31 July 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	514	514
20/09/04	National Australia Bank (ASX Listed)	FRN	3.24%	Perpetual	1,788	1,157
24/01/12	ING Bank Ltd	FRTD	3.83%	24/01/17	1,000	1,000
25/01/13	Commonwealth Bank Of Australia	TD	4.25%	25/01/18	1,996	2,059
25/02/14	Westpac Bank	FRN	2.94%	25/02/19	2,000	2,008
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
21/12/15	Members Equity Bank	TD	3.10%	17/08/16	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
11/02/16	AMP Bank	TD	3.00%	18/08/16	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
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	2.81%	24/08/16	1,000	1,000
25/02/16	National Australia Bank	FRTD	2.83%	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
03/05/16	National Australia Bank	TD	3.12%	04/10/16	1,000	1,000
11/05/16	National Australia Bank	TD	2.99%	12/10/16	2,000	2,000
12/05/16	Beyond Bank	TD	3.00%	15/11/16	1,000	1,000
16/05/16	Newcastle Permanent Bld Society	TD	2.85%	22/08/16	1,000	1,000
18/05/16	Newcastle Permanent Bld Society	TD	2.85%	24/08/16	1,000	1,000
19/05/16	Newcastle Permanent Bld Society	TD	2.85%	31/08/16	1,000	1,000
24/05/16	Bank of Queensland	TD	3.00%	24/11/16	1,000	1,000
25/05/16	Beyond Bank	TD	3.00%	01/09/16	1,000	1,000
31/05/16	Suncorp-Metway Bank	TD	3.00%	01/12/16	1,000	1,000
31/05/16	AMP Bank	TD	3.00%	30/05/17	1,000	1,000
01/06/16	Beyond Bank	TD	3.03%	06/12/16	1,000	1,000
02/06/16	Big Sky Building Soc	TD	3.02%	12/12/16	1,000	1,000
17/06/16	Commonwealth Bank Of Australia	FRTD	4.38%	17/06/21	1,000	1,000
28/06/16	National Australia Bank	TD	2.96%	04/01/17	1,000	1,000
28/06/16	Commonwealth Bank Of Australia	FRTD	4.40%	30/06/21	1,000	1,000
30/06/16	Suncorp-Metway Bank	TD	2.98%	11/01/17	1,000	1,000
06/07/16	Bank of Queensland	TD	3.00%	17/01/17	1,000	1,000
11/07/16	Bank of Queensland	TD	2.95%	18/01/17	1,000	1,000
13/07/16	Bank of Queensland	TD	2.85%	10/04/17	1,000	1,000
26/07/16	Commonwealth Bank Of Australia	FRTD	4.25%	26/07/21	1,000	1,000
28/07/16	Bank West	TD	2.70%	28/09/16	2,000	2,000
29/07/16	Commonwealth Bank Of Australia	TD	2.73%	04/10/16	1,000	1,000
Totals					62,298	61,738
CDA = Cash Deposit Account		FRN = Floating Rate Note				
FRTD = Floating Rate Term Deposit		TD = Term Deposit				

RECOMMENDATION

That Council notes the record of banking and investments for July 2016.

Attachment(s)

1. TCorp Local Government Economic Commentary - July 2016

10.2 Rates and Charges Write Offs - 2015/16

10.2 Rates and Charges Write Offs - 2015/16

Delivery Program Governance and Finance

Objective To provide Council with details of the rates and charges written off during the 2015/16 rating year.

Background

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

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

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

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

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

Key Issues

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

Information

In accordance with clause 131 of the LGGR, details of the 2015/16 rates, charges, and interest, written off under delegated authority, are provided in table one. Detailed information regarding individual assessments is recorded in Council's rating files.

Although not required under clause 131 of the LGGR, further tables detailing other debts (besides rates, charges and interest) written off during 2015/16 have also been provided.

All rates, charges and interest written off during the period 1 July 2015 to 30 June 2016, totalling **\$1,985.16**, are to be included in Council's annual report (clause 132 LGGA).

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

10.2 Rates and Charges Write Offs - 2015/16

Table One - Write-offs – Rates and Charges

Assessment	Amount	Description
166775 & 166783	\$160.04 \$15.60	Rates and charges remaining unpaid on two Crown leases, rated in two separate assessments. The lessee passed away and there was insufficient funds left in the estate to clear debts. The remaining rates and charges balances were unable to be recovered from the Crown. 40 Fishery Creek Road, Ballina
Total:	\$175.64	

Table Two - Write-offs – Approved by Council during 2015/16

Assessment	Amount	Description
N/A	\$0.00	There were no write offs approved by Council.
Total:	\$0.00	

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

Assessment	Amount	Description
5 assessments	\$1,580.85	Year six write off of postponed ordinary rate and interest charges - Section 595 LGA - Postponements typically relate to a single dwelling house that is zoned for multiple occupancy - The Valuer General supplies a land value for the highest potential use of the land. Upon application for postponement the Valuer General supplies an attributable value (i.e. extra value due to subdivision or higher use potential) and Council levies but postpones the attributable component. Interest is also charged - After five years the postponed amount and interest is written off. If the entitlement to postponement ceases at any time, any amounts not written off become due.

Table Four - Write-offs – Small Balances

Assessment	Amount	Description
2,114 assessments	\$228.67	End of year write-off of small balances (less than \$1.00). This process is run as a good will gesture as some angst is caused by such a small arrears balance brought forward on the rates notice.

Table Five Write offs- Room Hire Community Facilities

Facility	Amount	Description
Ballina Surf Club	\$345	Considerable staff time was spent trying to recover these debts, incurred by various users, without success.
Lennox Head CC	\$530	
Richmond Room	\$540	
Kentwell CC	\$195	
Total:	\$1,610	

Community Facilities operate with two payment systems:

10.2 Rates and Charges Write Offs - 2015/16

1. regular bookings have a monthly invoice issued in advance (14 day terms).
2. one-off bookings (e.g. weddings), payment must be made in advance.

All debts requested to be written off were from regular hirers who cancelled their booking after the last date still owing. Staff deal with many Government Departments and not-for-profit organisations where the payment system relies on an invoice being issued and it takes time to process the account.

The monthly invoicing can also happen the day of, or after the first booking of the month, not leaving enough time for all payments to be made in advance. There is a concern that potential revenue would be foregone by enforcing a payment up front process with regular bookings. The amounts written off represent a small percentage of the hundreds of bookings and thousands of dollars generated, with no payment issues encountered.

Sustainability Considerations

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

Legal / Resource / Financial Implications

Revenue to the value of \$3,595.16 has been foregone.

Consultation

This information is included in Council's annual report.

Options

This report is provided for information purposes only.

RECOMMENDATION

That Council notes that rates, charges, and interest totalling \$1,985.16 were written off under delegation of the General Manager for the 2015/16 rating year and \$1,610 of room hire pursuant to clause 131 of the Local Government (General) Regulation 2005.

Attachment(s)

Nil

10.3 Legal Costs - Request for Assistance

10.3 Legal Costs - Request for Assistance

Delivery Program Governance and Finance

Objective To seek Council's views on contributing towards legal costs incurred by Cowra Shire Council.

Background

Local Government NSW (LGNSW) has requested that Council voluntarily contribute to the legal costs of Cowra Council in respect to a matter relating to the ability of councils to issue orders under section 124 of the Local Government Act.

The judgement can be viewed via the Land and Environment Court's website – the citation is McCudden v Cowra Shire council [2016] NSWLEC 14.

A copy of the request from LGNSW is attached. The amount requested is \$587.03.

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 Cowra Council and is asking Council to make a voluntary contribution to assist in offsetting the costs of the case for Cowra 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.

Council in May 2016 approved a request from LGNSW towards legal costs for Bathurst Regional Council in the sum of \$1,076.62.

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 Cowra Shire Council's legal costs of \$587.03.

Attachment(s)

1. Request from LGNSW

10.4 Council Induction Program (Draft)

10.4 Council Induction Program (Draft)

Delivery Program Governance and Finance

Objective To seek Councillor feedback on the draft Induction Program proposed for the new Council elected following the 2016 Local Government Election.

Background

The induction program for any newly elected Council is an important factor in ensuring that the Council will operate cohesively and effectively during its four year term. The more informed councillors are of their roles and responsibilities the more likely that good governance will follow.

The Office of Local Government (OLG) has long acknowledged the need for adequate induction training and they have produced a publication titled "Councillor Induction and Professional Development – A Guide for councils", a copy of which is attached to this report. That document is also available on the OLG's web site (www.olg.nsw.gov.au), along with other publications for Councillors.

The attached guide highlights the two key components of Councillor Development, being the initial induction process and the on-going professional development program.

This report focuses on options for the induction program for the new Council and allows existing Councillors to provide feedback based on their experiences during the past four years.

Key Issues

- Key items for inclusion in the induction program
- Feedback from incumbent Councillors

Information

It is essential that all Councillors are adequately trained in their roles and responsibilities. This is especially important for newly elected officials, who may not be fully informed on the multitude of responsibilities and services carried out by a local authority.

Following the last two elections the OLG has conducted councillor information seminars and it is assumed that similar seminars will be provided after the election.

Typically those seminars focus on key areas such as:

- Civic leadership
- Roles, responsibilities and relationships
- Code of conduct and ethical decision making
- Long term strategic and financial planning and
- Making the most of meetings.

Internal Induction

In addition to the OLG seminar it is planned to hold a number of internal induction sessions / workshops / briefings. The proposal, at this point in time, and as a minimum, is as follows:

1. Welcome (possibly Monday 19 September 2016, however this will depend on the electoral results being declared).
2. Equipment Allocation (week commencing 19 September). During this week it will be necessary for new Councillors, and possibly existing Councillors, to be allocated IPADs and other equipment, along with any necessary training in that equipment.
3. Organisation Briefings. This will consist of a number of sessions of two-hours over a two to three week period (Group and Section Managers to be present to provide an overview of their section's operations). These sessions are designed to provide an overview of each of the sections operating within Council. These sessions may identify major projects / tasks that will require further discussion.
4. Full Day Tour of the Shire (October or November). This will include visits to Council properties, assets (i.e. treatment plants etc) and other major infrastructure areas. This could be held either on a week day or a weekend - a week day is preferred as it ensures Council staff responsible for the sites are available.
5. Community Satisfaction Survey Presentation (mid October) - Council is in the process of completing the two yearly survey to measure community satisfaction levels and priorities. The company completing this survey, is the same company that undertook the 2008, 2012 and 2014 surveys. This information is important as it provides Councillors with an understanding of the community priorities based on a sound statistical analysis.
6. Strategy Workshop(s) (Either over a weekend or a series of nights – October / November / December). After the new Council has been operating for a small period of time it will be appropriate to allocate a significant amount of time reviewing the existing operations of Council and working on agreed priorities for the Council term.

It is intended to review the entire Council budget and assets, particularly property assets, as part of these workshops to identify areas where the new Council would like to see more or less resources allocated.

The workshops could be conducted by an independent facilitator, however at this point in time it is proposed that they be conducted in-house without the need for a facilitator.

Generally it is considered that an independent facilitator does not add a lot to these processes, although this may well depend on the make up of the new Council and the level of trust and goodwill that exists between the Councillors.

10.4 Council Induction Program (Draft)

7. Community Strategic Plan (CSP) – As part of the strategy workshops Council will need to determine the level of community consultation and engagement they would like to see conducted in reviewing the existing CSP. There are a wide range of options available, with some councils expending \$50,000 plus on the consultation and rewriting of their CSP and others taking a more limited consultation approach.
8. Code of Meeting Practice, Councillor Expenses Policy and Organisational Structure – Prior to 30 June 2017 the new Council will need to review and adopt an updated Code of Meeting Practice, Expenses Policy and Organisational Structure. Options available for these items will also be considered as part of the Strategy Workshops.

Overall this is considered to be a good starting point for the new Council and other activities will flow dependent on the direction provided by that Council.

On-going Training and Development Policy

Council has an adopted Councillor Training and Development Policy and even though the policy is fairly broad it classifies training offered to Councillors into three main categories:

- Imperative
- Desirable
- Developmental

The policy identifies that Councillors should attend training that is identified as imperative and desirable at least once every term and it will be a matter of working with the newly elected Councillors to determine what additional training will be undertaken.

Sustainability Considerations

- **Environment**
Appropriate information and resources equip Councillors to better understand and undertake their roles and responsibilities effectively. Councillor decision making, on behalf of the local community, can have significant environmental, social and economic consequences.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

A training budget is provided for councillor development. Specific one off tasks such as a major community consultation process for the Community Strategic Plan are currently not funded in the 2016/17 budget.

Consultation

The purpose of this report is to obtain feedback on options available from incumbent Councillors.

Options

This report has been prepared largely for Councillors to provide feedback on options they would like to see considered as part of the induction program for the new Council.

Feedback from Councillors was sought as part of the 2012 induction program and generally there were high levels of satisfaction, albeit that some Councillors were interested in pursuing additional training in key areas such as financial management and planning. This feedback was then used to assist with on-going training during the four year term.

At this point in time it is recommended that Council only notes the contents of this report as it will be a matter for the newly elected Council to determine the induction program they wish to see implemented. However any suggestions to improve or enhance the program, as outlined in this report, which builds on the program implemented in 2012, would be appreciated.

RECOMMENDATION

That Council notes the contents of this report regarding the draft Council Induction Program.

Attachment(s)

1. OLG - Councillor Induction and Professional Development Guide - A Guide for Councils)
2. Councillor Induction Program 2016 - including Shire Wide Tour Itinerary (Draft)

10.5 Shellys on the Beach - Site Works

10.5 Shellys on the Beach - Site Works

Delivery Program Commercial Services

Objective To seek Council's concurrence to undertake works on the Shellys on the Beach site to enable construction works to proceed.

Background

The current lease over the Shelly's site was assigned from Elizabeth Anne Keemink to Fishheads@Byron Pty Ltd on 1 May 2012. Details of the lease are summarised as follows:

Lease Commencement Date	1 July, 2010
Lease Term	5 + 5 + 5 years
Current Rental	\$48,466.17p.a. + GST
Property Outgoings	Lessee to pay Council rates and land tax (if applicable).

Fishheads exercised the option to renew their lease on 19 March 2015 for a further time of five years effective from 1 July 2015.

A report was presented to the Council meeting of 28 May 2015 following a request from the lessee of Shellys on the Beach (Fishheads@Byron Pty Ltd) to extend their current lease term to 5 + 5 + 5 + 5 years (i.e.) a total of 20 years and that Condition 9 of DA 2012/348 requiring the applicant (Fishheads) to relocate a stormwater pipe that runs under the proposed building be deleted.

Fishheads sought the total new term of 20 years from 2015 to assist them in securing finance to construct their proposed new restaurant.

Fishheads requested that Condition 9 of DA 2012/348 be deleted as they were unaware of the presence of the pipe when the lease was assigned to them. There is no reason not to believe this as there is no easement for the stormwater pipe on the title to the site. Fishheads also requested that Council be responsible for all costs associated with relocating the stormwater pipe.

The resolution arising from the meeting of 28 May 2015 was as follows:

- 1. That Council approves a variation to the Fishheads' lease to provide a maximum term of twenty years as per option one of this report.*
- 2. That Council does not approve the sourcing of funds from the Property Development Reserve to finance the cost of meeting Condition 9 from DA 2012/348 as outlined in option two of this report, as Council has previously determined that this is not a reasonable proposal to be funded by Council as lessor for this site.*
- 3. That Council approves the use of Council's Common Seal to be attached to the lease and associated documentation and execute same.*

10.5 Shellys on the Beach - Site Works

Following on from that resolution a letter of offer for the new or extended lease term was issued to Fishheads on 17 June 2015. The terms of the proposed new lease agreement are summarised as follows:

Lease Commencement Date	TBA
Lease Term	5 + 5 + 5 + 5 years
Property Outgoings	The Lessee to pay Council rates and land tax (if applicable).
Rent Free Period	The Lessee shall receive six months' rent free from the date the builder formally commences construction of the new café building on the site.

Fishheads signed and returned the letter of offer on 25 June, 2015. This lease has not actually commenced yet as the lease documentation has not been prepared and exchanged, primarily due to the uncertainty as to whether or not Fishheads will proceed with the redevelopment proposal.

Since 2015 Fishheads have sought to secure finance to construct their proposed new café building. To date Fishheads claim they have been unsuccessful in securing finance due to financiers' indifference to lending against leasehold interests as security.

Another issue that has arisen is the discovery of a Council sewer rising main running through the Fishheads Site, further complicating construction. Once again there was no disclosure by Council as to the presence of this rising main when the lease was granted and assigned as its existence in that location was unknown.

On 1 August 2016 a Councillor workshop was held where Ralph Mamone of Fishheads set out the problems he is facing in proceeding with construction of his proposed new building for the Shellys on the Beach Site as per DA 2012/348.

The purpose of this report is to clarify Council's position in respect to the matters raised by Mr Mamone.

Key Issues

- Deletion of Condition 9 of DA 2012/348
- Deletion of Condition 14 of DA 2012/348 (car park line marking)
- Sewer rising main that passes through the site
- Finance and risk

Information

At the Councillor workshop held on 1 August 2016 Mr Mamone advised that he cannot proceed with construction of the new café on the Shellys Site due to a number of factors including:

- a) Financiers' indifference to lending against leasehold interests as security; i.e. an unwillingness to lend funds against a 20 year lease security.
- b) The high cost of constructing the new restaurant.

10.5 Shellys on the Beach - Site Works

- c) The current and proposed rental for the Shellys Site is too high making the project unviable.
- d) Compliance with DA 2012/348 Conditions 9 and 14; i.e. relocation of the stormwater pipe and line marking of the adjoining public car park.
- e) The uncertainty over if and when Council will relocate the sewer rising main running through the Shellys Site.

Mr Mamone put forward the following proposal:

- That Council fund relocation of the stormwater pipe, sewer rising main, and line marking of the carpark
- That Council fund construction of the new café
- That a new rental be negotiated.

Should that proposal be unacceptable Mr Mamone suggested that Council's exposure be limited to \$900,000 and that he would take the risk on funding the balance of the project. He also requested the rental be renegotiated accordingly.

The discussion at the briefing was largely not supportive of the proposal put forward by Mr Mamone due to the high cost of the project, Council having no funds set aside for this work, ongoing maintenance of such a building, along with the overall risk of the project.

However there was some level of support for funding part or all of the relocation of the stormwater pipe, sewer rising main, and line marking of the car park.

The initial cost estimates to comply with Condition 9 of DA 2012/348 (relocation of the stormwater pipe) are in the order of at least \$10,000, however this may vary considerably depending on how where the pipe is re-diverted to.

Initial cost estimates for line marking of the public carpark (Condition 9 of DA 2012/348) are in the order of \$2,000.

Cost estimates for re-diversion of the sewer rising main are in the order of at least \$60,000.

All up the cost of these works (stormwater, line marking and sewer) could be in the order of \$80,000. Should Council resolve to take responsibility for the cost, these works funds could be funded from the Property Development Reserve. There are adequate funds in this Reserve for this work.

It is a fair assumption that any lease negotiated will provide a site free of encumbrances, therefore it could be considered reasonable for Council to finance the stormwater pipe and sewer rising main works.

These works will benefit both the Council owned site, along with our infrastructure.

The line marking also benefits a Council car park and at a relatively small cost, the expenditure of these monies could also seen to be as reasonable.

10.5 Shellys on the Beach - Site Works

It should also be remembered that Council expended approximately \$250,000 acquiring an area of the adjoining crown reserve to allow the longer term lease option to be available to Fishheads, along with providing enough lease area for the proposed building to be located on the site.

This expenditure has resulted in Council now owning the complete site as freehold land which means all lease income is returned to Council, whereas prior to this acquisition the lease income was distributed between Council and the Crown.

If Council does resolve to finance the infrastructure and car parking works, but not the construction of the building, Mr Mamone will then have at least three options open to him:

1. Proceed with his proposed and approved café building as is, or in a scaled down more viable version
2. Sell his lease interest on to a third party who can proceed with the project or another project; or
3. Surrender his current lease back to Council.

Should Mr Mamone seek to proceed with option one, Council could consider offering a lease term longer than 20 years to assist him in securing construction finance.

Sustainability Considerations

- **Environment**
Any development in this location needs to be mindful of the environmental impacts.
- **Social**
The Shellys on the Beach Café, when operating, contributed to the social framework in Ballina Shire.
- **Economic**
A café in this location is a tourism attraction for the Shire, along with providing a revenue stream to Council.

Legal / Resource / Financial Implications

The cost of relocating the stormwater pipe, line marking of the carpark and relocating the sewer rising main could be in the order of \$80,000. Should Council resolve to take responsibility for the cost these works, funds for doing so could be allocated from the Property Development Reserve.

There is a sufficient buffer or contingency in this Reserve to fund works of this magnitude.

Consultation

There have been on-going and extensive discussions with Mr Mamone.

Options

1. That Council take responsibility for the cost of complying with Conditions 9 and 14 of DA 2012/348 as well as relocating the sewer rising main that runs through the Shellys on the Beach Site. The funds for these works to be allocated from the Property Development Reserve.

This option is recommended as it is considered fair and reasonable for a tenant paying market rental for a site to expect that site to be unencumbered, with the works also benefiting Council assets and infrastructure.

2. That Council not take responsibility for the cost of complying with Conditions 9 and 14 of DA 2012/348 or relocating the sewer rising main that runs through the Shellys on the Beach Site.

This option is not recommended as it is preferred to adopt a co-operative approach.

Finally it is also important that Council makes it very clear that it is not prepared to finance the construction of a new café on this site.

Council does not have funds for this project identified in its Long Term Financial Plan and there is the risk that the café, as proposed by Mr Mamone, may not be financially viable.

Council would need to be generating at least a 5% return on an investment of \$900,000 to make it remotely viable.

Once the value of the existing site and the cost of the new café are combined the overall rental required to generate a reasonable return for Council is not considered viable for this location, with discussions with Mr Mamone highlighting his concerns over any major increase in the existing lease rental.

The one remaining issue that has been discussed is Council paying for the tidying up of this site. The allocation of funding for that work is not supported as it is the lessee's responsibility to maintain the leased area. The infrastructure works proposed may help with tidying up some of the site but in the meantime Council should still ensure that the lessee meets his obligations and maintains the site in a fair and reasonable condition.

RECOMMENDATIONS

1. That Council authorises the General Manager to implement the works associated with Conditions 9 and 14 of DA 2012/348 as well as relocating the sewer rising main that runs through the Shellys on the Beach Site.
2. The funds for these works to be allocated from the Property Development Reserve, at an estimated cost of \$80,000.
3. That Council confirms that it is not supportive of providing any financing for the construction of a new building / café on this site.
4. That the General Manager take all necessary actions, as per the existing lease, to ensure that the lessee maintains the site in a fair and reasonable condition.

Attachment(s)

Nil

10.6 Leasing Proposal - 60 Crane Street, Ballina

10.6 Leasing Proposal - 60 Crane Street, Ballina

Delivery Program Commercial Services

Objective To provide information on leasing proposals for 60 Crane Street, Ballina

Background

A report was placed before Council's Facilities Committee Meeting of 15 February 2016 regarding the future use and occupation of 60 Crane Street, Ballina, "the property".

One of the outcomes from this meeting which was ratified at the Ordinary Meeting of 26 February 2016 was:

"That Council seeks commercial tenancies of a complementary nature for the occupation of the Ballina Fire Station for an indicative maximum period of five years. At the end, or close to the end of this five year period, Council reassess the long term options for this building."

A confidential report included later in this agenda deals with the leasing proposals.

Key Issues

- Leasing proposals
- Funding opportunities
- Commercial negotiations

Information

Following on from Council's resolution, expressions of interest were sent out to all real estate agents advising them of the proposal for a commercial tenancy at the property.

Three leasing proposals have now been received and the details are included in the confidential report included later in the agenda.

All proponents have been advised that the property does not include the sheds to the side and rear, and they would have to seek all necessary approvals for their intended use of the property.

The larger shed is intended to be used by Council's Information Services and Community Gallery staff for a range of storage options, whereas the smaller shed is being used to house a Far North Coast Surf Lifesaving vehicle.

Sustainability Considerations

- **Environment**
Not Applicable

- **Social**

All proposals provide a social benefit to the community either through their commercial and/or community outlooks.

- **Economic**

The funds generated through the commercial return of the property will assist in Council's future plans for the property.

Legal / Resource / Financial Implications

Legal

Council purchased the property from NSW Fire and Rescue in 2014. Registration of the property into Council's name has not occurred due to a Crown Reserve notation being registered on title. A caveat has been placed on title recognizing the purchase. This is currently with Crown Lands for their action. Once the matter is resolved the land will be classified as operational land. Until this matter is resolved an "Agreement for Lease" will be offered to the successful proponent with a Lease issued once property is registered in Council's name.

Financial

As per the recommendation from Council's Ordinary Meeting of 26 February 2016 whilst Council's preference for the future use of the property is principally a cultural and/or artistic space aligned with the Gallery, no funding allocation has been made under the Current Delivery Program.

Income derived from the property through commercial returns would be available to provide funding for the future use.

Consultation

Expressions of interest were sent out to all real estate agents advising them of the proposal for a commercial tenancy at the property.

Options

This report is for information only.

RECOMMENDATION

That Council notes the contents of this report in respect to the lease negotiations for 60 Crane Street, Ballina.

Attachment(s)

Nil

10.7 Policy (Review) - Voluntary Planning Agreements

10.7 Policy (Review) - Voluntary Planning Agreements

Delivery Program Strategic Planning

Objective To review the current Planning Agreements Policy.

Background

All of Council's existing policies are progressively being reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Planning Agreements policy.

Council first adopted this policy in July 2007.

Key Issues

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

Information

The Planning Agreements is considered an essential policy as it provides an overview of the expectations that Council has in respect to the preparation of Voluntary Planning Agreements (VPAs).

As VPAs are very legalistic the original author of the policy, Dr Lindsay Taylor from Lindsay Taylor Lawyers was engaged to review the policy.

There were a large number of amendments to the policy and a copy of the amended policy is attached. It is not practical to highlight each change in yellow as the policy has been somewhat restructured.

Importantly the policy has been subject to an independent review and reflects current legislation in respect to VPAs.

The name of the policy has also been amended from "Planning Agreements" to "Voluntary Planning Agreements".

Sustainability Considerations

- **Environment**
VPAs can provide improved environmental, social and economic outcomes to the community.
- **Social**
As above
- **Economic**
As above

10.7 Policy (Review) - Voluntary Planning Agreements

Legal / Resource / Financial Implications

Nil

Consultation

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

Options

Council may accept or amend the proposed changes to the policy. It is recommended that the policy be adopted as presented, along with being placed on exhibition for public comment.

It is also recommended that if no submissions are received from the exhibition process, the policy be adopted without any further actions required.

RECOMMENDATIONS

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

Attachment(s)

1. Policy (Review) - P05 Planning Agreements

10.8 Councillor Expenses and Facilities Policy (Review)

10.8 Councillor Expenses and Facilities Policy (Review)

Delivery Program Governance and Finance

Objective To review the Councillor Expenses and Facilities Policy.

Background

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

The last review of the policy was undertaken in August 2015, with only minor changes undertaken to reflect latest Taxation Office figures for travel and accommodation.

This report provides the 2016 review of this policy to comply with Section 252(1). A copy of the updated policy is included as an attachment to this report.

Key Issues

- Cost and benefit of facilities provided
- Suitable provision of facilities to Councillors

Information

The policy reflects the wishes of the current Council.

The Australian Taxation Office figures have now been updated and the changes are marked in yellow.

An extra comment has also been added in clause 4.1 to clarify how Councillors can purchase equipment, as there is some interest in this with the finish of this term.

It is also recommended that Council delete the Qantas Club membership clause (3.3.4). This has not been used for a number of years and is considered excessive when balanced against the rest of the policy.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The Expenses and Facilities Policy is designed to assist Councillors in undertaking their role as an elected member of the community.

10.8 Councillor Expenses and Facilities Policy (Review)

- **Economic**
Budgets are provided for Councillor equipment and travel.

Legal / Resource / Financial Implications

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

Consultation

The Local Government Act requires changes to the Expenses Policy to be exhibited for public comment for a minimum period of 28 days, excluding minor amendments which can be adopted without exhibition.

The changes identified are considered to be minor.

Options

The options are to adopt or further amend the policy.

It is recommended that Council adopt the amended policy, as attached, to comply with the requirement for the policy to be reviewed and adopted within five months of the end of the financial year.

This policy will be re-submitted early in the term of the new Council to see if any major changes are needed to reflect that Council's preferences. If major changes are needed they would need to be advertised for public comment and based on the timing of the election this would most likely result in the amended policy not being adopted until after the five month time frame has lapsed.

Therefore adopting the updated policy now will provide the new Council time to thoroughly assess whether the policy reflects the sentiments of that Council.

RECOMMENDATION

That Council adopts the updated Council Expenses and Facilities Policy, as attached.

Attachment(s)

1. Draft Policy - Councillor Expenses and Facilities

10.9 Budgets Carried Forward and Reserve Movements

10.9 Budgets Carried Forward and Reserve Movements

Delivery Program Financial Management

Objective To provide a preliminary overview of the 2015/16 end year outcomes and to advise Council of any budgets carried forward to 2016/17, along with the transfers to reserves included in the finalisation of the 2015/16 results.

Background

The purpose of this report is to provide a preliminary overview of the 2015/16 financial results. The report also seeks Council approval to carry funds forward from 2015/16 to 2016/17 regarding ongoing or incomplete projects and to advise on transfers to reserve for future use.

Key Issues

- Financial performance

Information

This section of the report provides a brief overview of the results for the different operations of Council. The results will still be subject to change due to end year accounting adjustments. For example leave accruals will increase expenses by some \$450,000 and expenditure of over \$700,000 from previous years, which was considered as capital project works in progress (WIP), will be transferred to operating expenditure, as the capital project has not proceeded. This mainly relates to the Biochar project.

General Fund

Table One, as follows, outlines the General Fund Operating Result, with the result being over \$3 million better than forecast. Approximately 50% of this 'improvement' represents operating expenditure related projects in progress and the unexpended budgets will be carried forward to the 2016/17 financial year. Carry over projects include plans and studies, as well as grant funded works such as regional roads expenditure. Once allowance is made for the carry over projects the net result is still approximately \$1.5m better than forecast. This equates to a 3% improvement based on a General Fund budget of around \$50m.

A combination of factors have influenced this outcome including operating revenues exceeding forecast by almost \$700,000, with Development Services fees, private works income and interest on investments being the main contributors.

10.9 Budgets Carried Forward and Reserve Movements

Also, many areas of the organisation have expended less than budget in respect to operating expenses. Reasons for this include a strong focus from all levels of the organisation to not exceed budget. This is a cultural strength that is to be commended. There are also a number of contingency budgets that were not required, such as legal expenditure and workers compensation premiums.

Table One: General Fund Operating Result by Section (\$'000)

Description	Revenues (March Estimate)	Revenues (June Actual)	Expenses (March Estimate)	Expenses (June Actual)	Result (March Estimate)	Result (June Actual)
Strategic and Community Facilities Group						
Strategic Planning	331	358	1,467	1,205	(1,136)	(847)
Comm Facs / Customer Service	446	443	1,474	1,392	(1,028)	(949)
Community Gallery	87	77	244	244	(157)	(167)
Libraries	112	112	1,494	1,419	(1,382)	(1,307)
Swimming Pools	390	407	734	689	(344)	(282)
Tourism	133	145	815	714	(682)	(569)
Sub Total	1,499	1,542	6,228	5,663	(4,729)	(4,121)
Development and Environmental Health Group						
Development Services	483	6,045	1,197	1,084	(714)	(480)
Building Services	1,340	1,425	832	836	508	589
Public and Environmental Health	261	262	807	784	(546)	(522)
Administration and Public Order	247	233	1,205	1,172	(958)	(939)
Sub Total	2,331	2,524	4,041	3,876	(1,710)	(1,352)
Civil Services Group						
Engineering Management	270	254	2,478	2,486	(2,208)	(2,232)
Procurement and Building Mgmt	0	0	2,085	2,085	(2,085)	(2,085)
Stormwater / Env Protection	373	374	1,069	755	(696)	(381)
Roads and Bridges	347	351	3,476	3,718	(3,129)	(3,367)
Ancillary Transport Services	555	875	1,306	1,505	(751)	(630)
Ferry, Wharves and Jetties	508	468	765	733	(257)	(265)
RMS	876	876	1,003	770	(127)	106
Open Spaces and Reserves	388	376	2,598	2,453	(2,210)	(2,077)
Vegetation Management	166	140	689	509	(523)	(369)
Cemeteries	385	398	280	289	105	109
Sporting Fields	122	113	368	410	(246)	(297)
Fleet Management	4,089	4,065	2,954	2,640	1,135	1,425
Rural Fire Service	190	172	386	330	(196)	(158)
Quarry Operations	290	324	394	151	(104)	173
Landfill and Resource Recovery	7,061	7,031	4,987	4,738	2,074	2,293
Domestic Waste Management	6,684	6,698	6,204	6,358	480	340
Sub Total	22,304	22,515	31,042	29,930	(8,738)	(7,415)
General Manager's Group						
Governance	5	4	1,212	1,182	(1,207)	(1,178)
Administrative Services	45	44	592	586	(547)	(542)
Financial Services	23,609	23,852	(4,055)	(4,086)	27,664	27,938
Information Services	6	2	1,828	1,777	(1,822)	(1,775)
Human Resources and Risk	169	191	1,182	876	(1,013)	(685)
Property Management	2,136	2,149	2,485	2,279	(349)	(130)
Flat Rock Tent Park	422	422	271	251	151	171
Ballina – Byron Gateway Airport	5,145	5,112	3,805	3,689	1,340	1,423
Sub Total	31,537	31,776	7,320	6,554	24,217	25,222
Operating Result (excluding depreciation)	57,671	58,357	48,631	46,023	9,040	12,334
Depreciation Expense			14,200	14,200	14,200	14,200
Operating Result (including depreciation)	57,671	58,357	62,831	60,223	(5,160)	(1,866)

10.9 Budgets Carried Forward and Reserve Movements

depreciation)						
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Even though the result is better than forecast there is still an Operating Deficit of \$1.8m and this is likely to increase once the end year adjustments are processed. This table also includes the latest depreciation estimate of \$14.2 million, which is an increase on the 2014/15 year of \$1.1 million.

This still means that Council is not fit for the Future and it does highlight the difficulty we will have in achieving an operating surplus in the short to medium term.

Council's Fit for the Future submission included the special rate variation approved by IPART for 2016/17 (5.34%), along with additional increases of 2.90% above the estimated rate pegging limit for 2017/18, 2018/19 and 2019/20.

Without these increases in income it will be almost impossible to achieve an operating surplus, without drastically cutting existing services. The newly elected Council will need to make an early decision on the 2017/18 to 2019/20 rate increases, to determine whether they wish to apply to IPART for approval for those increases.

Consulting with the community on rate increases above the rate pegging limit is a difficult process typically creating significant discontent. Whether the new Council has an appetite for that process will need to be determined early, as completed applications for increases above the rate pegging limit are required to be lodged with IPART by mid-February. Notification of Council's intention to apply for a variation will need to be made by mid December 2016.

In respect to working capital, which is a measure of short term liquidity, the March 2016 review forecast a reduction of \$58,000 and the end year movement, prior to finalisation of end year adjustments, is an increase of \$78,000.

Whilst these figures show a positive improvement they do not fully reflect what were particularly good outcomes achieved in most areas of the organisation.

This is because most of the positive outcomes result in transfers to reserve, that set funds aside for future purposes, hence they do not reflect in the working capital movement (i.e. they are reflected in increased internal reserves).

Brief comments on the major items of interest for each section are as follows.

Strategic and Community Services

Strategic Services

Expenditure was well below forecast and this almost entirely relates to plans, studies and rezoning works in progress.

The next part of this report identifies \$254,000 to be carried forward to the next financial year, to allow these projects to continue.

10.9 Budgets Carried Forward and Reserve Movements

Community Facilities

Generally most venues came in close to budget with expenditure at the Lennox Head Cultural and Community Centre being approximately \$30,000 less than forecast and the Alstonville Leisure and Entertainment Centre some \$10,000 less than forecast. There were also savings compared to budget in salaries.

Library Services

Operations were close to forecast with the net cost being approximately \$1.4 million. The expenditure saving to budget represents grant funded projects which will be carried forward to 2016/17.

Swimming Pools

Income amounted to \$407,000 which exceeded budget and was some \$50,000 more than the previous financial year which, to some extent is attributable to the adjusted fee structure adopted at the beginning of the year. A large component of this income was sourced at Ballina in January, when Council was having marine life issues and the Ballina Fair and Goonellabah pools were closed.

Expenses were also \$45,000 less than forecast, which was spread approximately evenly across both pools.

Tourism and Communications

Income exceeded budget whilst expenses were more than \$100,000 under budget largely due to a number of promotional and marketing campaigns still being in progress.

Development and Environmental Health

Development Services

Income exceeded forecast by \$121,000 with a strong final quarter contributing to the outcome. Expenses were more than \$100,000 less than forecast, which mainly relates to the budget for legal expenditure not being required.

Building Services

Total income amounted to \$1,425,000. Positive adjustments have been made to this budget at each quarter for the last two years and it has been difficult to set a budget that goes close to actual income achieved. To evidence the rapid income growth for this section, the 2012/13 income achieved was \$598,000. This represents an increase of over 130% in just three years.

It is doubtful that this level of income will be sustained in the longer term and Council's Long Term Financial Plan (LTFP) assumes a reduction in income in future years.

Civil Services

Stormwater and Environmental Protection

Operating expenses were \$314,000 less than forecast and this entire amount will be carried forward to 2016/17, or placed in reserve, as it relates to on-going projects.

The projects in progress include the Coastal Hazard Study, various flood modelling studies, Coastal Zone Management Plan, canal dredging and other foreshore protection works.

Roads and Bridges

Expenditure exceeded budget by \$242,000 and this mainly relates to the June natural disaster. Emergency expenses of \$224,000 were incurred and there was no budget for these works.

Ballina Shire was declared a natural disaster area, so it is expected that some grant funds will be forthcoming however agreement has not been reached as to the extent of funding that will be approved.

These funds will be deducted from the roads capital works carry forward as part of the end year reconciliation. The extent to which the roads program can be reimbursed in 2016/17 will depend on the amount of grant funding negotiated.

Ancillary Transport

Both income and expense exceeded forecast which was primarily due to Private Works. A net surplus of \$91,000 was achieved in Private Works and the majority of this relates to an ongoing contract with the Roads and Maritime Services at Cabbage Tree Island.

Roads and Maritime Services (RMS)

All costs in this section are funded by a grant from the RMS. Operating expense was \$236,000 less than budget however capital expense was over by \$130,000 resulting in a net carry forward of \$106,000.

Open Spaces and Reserves

Expenses were \$145,000 less than forecast. Projects in progress requiring funds to be carried forward included Tintenbar Pavilion \$43,000 and the Town Entry Statement program of \$53,000.

Other savings from this area have been applied towards over expenditure in the Sporting Fields section.

Vegetation Management

Once again expenditure savings to budget relate to ongoing grant funded works including Northlakes and Chickiba rehabilitation works, Bitou bush programs and various works on crown lands.

10.9 Budgets Carried Forward and Reserve Movements

Cemeteries

Cemetery operations resulted in a surplus of \$109,000. A dividend of \$50,000 to general revenue results in a net increase to the reserve of \$59,000.

Fleet Management and Workshop

Expenditure on Fleet was \$314,000 down on forecast and whilst most cost centres were under budget, the main item was fuel which at \$520,000 was over \$100,000 less than 2014/15.

Quarries

The operating result for Quarries was a surplus of \$173,000 which included expense of \$33,000 on the Tuckombil expansion study and \$60,000 on the North Creek Dredging proposal (ie; excluding these abnormal costs the surplus would have been \$266,000).

An amount of \$229,000 is being carried forward to enable these two projects to advance.

The budget forecast a dividend to General Fund of \$200,000 however this was reduced to \$100,000 given the strong end year result. The Quarry reserve will increase by \$73,000.

Landfill and Resource Management (LRM)

A net surplus of \$2,293,000 was achieved which was approximately \$200,000 better than forecast. Capital expenditure amounted to \$1,686,000 of which \$1.2 million was the capital portion of the loan repayment. The net increase to reserve was \$607,000.

This is a particularly good result given that during the year LRM lost their largest external customer for recyclates and gate fee income was \$488,000 less in 2015/16 than the previous year. There were also extraordinary expenses of \$156,000 relating to the clean-up of asbestos.

Domestic Waste Management (DWM)

DWM operations produced a net surplus of \$340,000, which is quite close to target to enable a new waste collection vehicle to be purchased annually. The expenditure budget was exceeded, which is primarily due to the green waste collection contract. The amount of bins to be collected escalated at a greater pace than forecast.

General Manager's Group

Financial Services

Expenditure savings were achieved in comparison to budget primarily due to salaries. The Rates Section was short staffed for approximately six months whilst vacant positions were filled following resignations and retirements.

10.9 Budgets Carried Forward and Reserve Movements

It is proposed to create a reserve of \$30,000 to fund additional staff resources to complete project related work that has fallen behind.

Income was \$243,000 over budget, which relates to increased compulsory dividends from Water and Wastewater, interest income and legal costs recovered.

Compulsory dividends from Water and Wastewater amounted to \$77,000 based on a budget of \$54,000. The dividends are a legislative requirement and are based on notional tax equivalents.

Interest income was \$190,000 greater than forecast and this is attributable to expenditure not occurring as forecast, with capital expenditure some \$10 million and operating \$2.8 million less than budget.

An improvement was made to the accuracy of the calculation that apportions income between funds and restricted reserves resulting in a slightly greater share going to general revenue.

Information Services

Salaries, hardware costs and a business improvement project relating to Building Services were under expended. An amount of \$22,000 will be carried forward to enable the project to be completed in 2016/17.

Human Resources and Risk Management (HR)

This section of the budget manages amongst other things staff leave, superannuation, workers compensation and public liability for the entire organisation which have a total budget of approximately \$7.5 million. Also staff oncosts are located in this area.

Oncosts are a percentage based increase to wages that looks to apportion costs for leaves, super and insurances to discreet sections such as water, wastewater, waste, roads etc. HR receives the credits from the oncosts and the budget is \$6.2 million.

There are some very large variables that can affect this budget and it is not uncommon to get positive and negative variations. In this period there were a number of positive variations resulting in expenditure savings to budget of \$306,000.

The savings relate to workers compensation \$145,000, superannuation \$40,000, leave \$42,000, oncosts \$52,000 and training \$24,000.

Property Management

The operating deficit for this program improved with income meeting budget and savings in a number of operating expenses, while work on the Southern Cross Master Plan was well under-budget. Unexpended funds for this project will be carried forward to 2016/17.

Even though this program shows a deficit of approximately \$130,000 that is misleading as all the Building Better Regional Cities (BBRC) Section 94 and Section 64 \$25,000 rebates are shown in this program.

10.9 Budgets Carried Forward and Reserve Movements

The costs relating to the BBRC program totalled approximately \$1.05m, and once that expenditure is removed the result for the program is close to a \$900,000 surplus.

Ballina Byron Airport

The Airport achieved an operating surplus of \$1,423,000 excluding depreciation. On top of this, capital expenditure amounted to \$3,844,000 and capital income was \$2,791,000 resulting in a reduction to the internal loan of \$370,000.

Airport operations have been supported by an internal loan from property reserves with the loan reaching \$724,000 at the commencement of 2015/16. The 2015/16 result will more than halve the debt, which is a very pleasing outcome.

This is an excellent result considering that for the last four years the internal loan had been increasing.

Operating income was very close to budget whilst expenditure was less than forecast by \$116,000.

The outcome is even better when it is considered that the budget had to accommodate \$67,000 associated with the introduction of the Certified Ground Services officer that was unforeseen.

Water Operations

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

Table Two - Water Operations Financial Results (\$'000)

Item	March Estimate	June Actual
Operating Revenues	11,165	11,173
Operating Expenses	10,916	10,796
Operating Surplus	249	377
Eliminate Depreciation	1,500	1,500
Surplus Excluding Depreciation	1,749	1,877
Capital Income	610	838
Capital Expenditure	1,918	1,427
Net Cash Increase	441	1,288

The operating result is positive, inclusive of depreciation which is a very important benchmark to achieve. This goes a long way to ensuring that the Fund is sustainable over the long term.

Operating income came in quite close to forecast. The trend during the year was a little concerning however following a strong final quarter in respect to income from water usage the forecast was achieved.

Operating expense was \$120,000 less than forecast with most sections of the budget being close to forecast with minor savings in various cost centres.

The largest saving was in fleet operations which was \$40,000 under budget.

10.9 Budgets Carried Forward and Reserve Movements

Capital income refers to developer contributions which amounted to \$838,000 for the year. Capital expenditure was \$1.4 million which was almost \$500,000 less than forecast.

Wastewater

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

Table Three - Wastewater Operations Financial Results (\$'000)

Item	March Estimate (000's)	June Actual (000's)
Operating Revenues	16,390	16,356
Operating Expenses	16,925	16,972
Operating Deficit	(535)	(616)
Eliminate Depreciation	3,500	3,500
Surplus Excluding Depreciation	2,965	2,884
Capital Income	1,300	1,724
Capital Expenditure including Principal	6,309	5,060
Net Cash Decrease	(2,044)	(452)

For a business of this size actual income and expense were quite close to forecast.

The end result was a deficit of \$616,000. The depreciation expense is approximately \$600,000 more than 2014/15 which is due to a significant amount of expenditure being capitalised. The LTFP assumes higher than CPI increases to annual charges to improve the operating result over time.

Capital income again refers solely to developer contributions and payments from this source exceeded forecast by a considerable margin. It is common to have a rush of payments close to year end to avoid the next year's fee increase.

Capital expenditure includes loan capital repayments of \$2.8 million whilst total capital expenditure on assets was \$1.2 million less than forecast. Budgets carried forward for works not completed amount to \$716,000.

Employee Leave Entitlements (ELE) Reserve - General Fund

Table Four provides a summary of the actual cash cost of leave payments in recent years and it can be seen that the costs of leave taken rose significantly for several years with 2015/16 showing a decline in comparison to the previous year. Staff have been encouraged to take leave entitlements to keep the liability at a manageable level. This has contributed to more wages being charged to the leave entitlements expense and less to the operational areas than has typically been the case.

Table Four - General Fund Leave Payments (\$)

Item	2011/12	2012/13	2013/14	2014/15	2015/16
Leave Expenditure	2,053,000	2,377,000	2,783,000	2,910,000	2,655,000

10.9 Budgets Carried Forward and Reserve Movements

The General Fund leave liability is estimated to be \$7.6 million, which is an increase to the liability of approximately \$400,000 in comparison to last year.

The calculation of the liability includes a discounted cash flow which has been adversely affected by the decline in the 10 year bond rate. Approximately \$150,000 of the liability increase is attributable to the decline in the bond rate.

The anticipated balance of the cash reserve to fund the leave liability is \$2.8 million, which includes a transfer to reserve of \$284,000 in 2015/16.

This means the liability will be approximately 37% funded which is acceptable.

Works Carried Forward and Reserve Transfers

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

Table Five shows ongoing works that are proposed to be commenced or completed in 2016/17, whilst Table Six shows transfers to reserve.

Typically items in Table Five have previously been approved by Council and the designated funding source will also be carried forward, although there are some items where savings have been transferred to other projects.

The expenditures in Table Five were forecast for 2015/16 and did not occur, which improves the operating result for that year. However once these budgets are carried forward the forecast operating result for 2016/17 will be adversely impacted.

Table Five - Summary of Items Carried Forward to 2016/17

Description	Dollars	Comment	Capital / Operating
Group - Strategic and Community Facilities			
Strategic Services			
Section 94 Plan Reviews	47,400	Reviews in progress	Operating
Lennox CBD Master plan	26,600	Master Plan in progress	Operating
Rezoning Assessments	141,800	LEP reviews in progress	Operating
Koala Study	4,700	Grant funded project in progress	Operating
20 Million Trees	33,200	Grant funded project in progress	Operating
Community Facilities and Customer Service			
Regional Sports Centre	3,000	Project in progress	Capital
Wardell Hall	1,300	Hall improvements in progress	Capital
LHCC Operations	19,000	Added staff costs for project work	Operating
Northern Rivers Car Pool	5,300	Grant funded project in progress	Operating
Library			
Library Special Projects	64,200	Grant funded project in progress	Operating
Community Art Gallery			
Gallery Projects	2,000	Projects in progress	Operating
Swimming Pools			
Alstonville and Ballina Pools Redevelopment	323,600	Projects in progress	Capital
Tourism			
Visitor Information Centre Promotions	84,300	Ongoing promotions	Operating
Group Total	756,400		
Development and Environmental Health			
Public and Environmental Health			
Shaws Bay Coastal Zone Management Plan	8,000	Project in progress	Operating
Lake Ainsworth South Eastern Precinct	20,000	Project in progress	Operating

10.9 Budgets Carried Forward and Reserve Movements

Description	Dollars	Comment	Capital / Operating
Group Total	28,000		
Civil Services Group			
Administration Centre and Depot Facilities			
Procurement Software	10,000	Project in progress	Operating
Depot Upgrade	11,200	Project in progress	Capital
Admin Centre Air Conditioning	496,000	Project in progress	Capital
Procurement & Building Management			
Plans of Management	50,000	Killen / Tosha Falls and Ocean Breeze	Operating
Pop Denison Park	51,000	Project in progress	Capital
Shower at Visitor Info Centre	20,000	Project in progress	Capital
Ballina Surf Club	60,500	Project in progress	Capital
Lake Ainsworth/ Surf Club Works	15,000	Project in progress	Capital
Lennox Community Centre Maintenance	30,000	Ongoing maintenance	Operating
Marine Rescue Tower	1,017,000	Project in progress	Capital
Stormwater & Environmental Protection			
Various Capital Works	166,800	Works not commenced	Capital
Coastal Zone Management Plan	35,000	Works in progress	Operating
Ballina Flood Management Study	123,400	Works in progress	Operating
Gallens Road / Drainage Union	11,800	Works in progress	Operating
Coastal Hazard Study Stage 3	130,500	Works in progress	Operating
Canal Dredging	7,300	Project on-going	Operating
Foreshore Protection Works	12,900	Project in progress	Operating
Flooding - Third Party Modelling	19,300	Projects in progress	Operating
Roads and Bridges			
Lake Ainsworth Precinct	850,900	Works in progress	Capital
Ballina Heights Drive	268,600	Road works in progress. The value of works carried has been impacted by over expenditures in 2015/16. It is likely the program will change once further information is available on possible grant funding.	Capital
Maguires Bridge	54,000		Capital
Teven Road Blackspot	21,600		Capital
Howards Road	26,500		Capital
Teven Road	211,900		Capital
Airport Boulevard	21,500		Capital
Grant Street	20,500		Capital
North Creek Road	33,500	Works in progress	Capital
Ancillary Transport Services			
Wardell Board Walk	510,500	Works in progress	Capital
Shared Path Design	62,400	Works in progress	Capital
Street Light Upgrades	6,800	Works in progress	Capital
Footpath - Ballina Street Lennox Head	15,000	Works in progress	Capital
Median - River Street	13,200	Works in progress	Capital
Footpath - Tamarind Drive	11,000	Works in progress	Capital
Footpath - Byron street Wardell	41,000	Works in progress	Capital
Coastal Recreational Path	808,500	Works in progress	Capital
Footpath - Martin Street	17,500	Works in progress	Capital
Footpath - Contingency	49,100	Contingency for unforeseen expense	Capital
Wigmore Car Park	42,000	Works in progress	Capital
Wollongbar Car Park	44,000	Works not commenced	Capital
Ferry, Wharves and Jetties			
Martin Street Harbour Master Plan	9,600	Project in progress	Operating
Trawler Harbour Master Plan	15,800	Project in progress	Operating
Various Ramps and Pontoons	93,600	Projects in progress	Capital
Roads and Maritime Services			
RMS	103,100	Works in progress	Operating
Open Spaces and Reserves			
Wollongbar Skate Park	340,000	Works in progress	Capital
Ballina Town Entry Treatments	43,000	Improvements to entry road	Operating
Tintenbar Pavilion	48,500	Project in progress	Operating
Anzac Grant Trees	8,100	Project in progress	Operating
Street Trees	10,000	Project in progress	Operating
Playground Improvements	43,700	Works in progress	Capital
Vegetation Management			
Grant Projects	146,100	Works in progress	Operating

10.9 Budgets Carried Forward and Reserve Movements

Description	Dollars	Comment	Capital / Operating
Pine Avenue	11,400	Annual vegetation management	Operating
Coast Road Landslip	1,400	Annual vegetation management	Operating
Sporting Fields			
Netball Court Lights	25,000	Project to commence	Capital
Wollongbar Sports Field	2,590,300	Project in progress	Capital
Megan Crescent Amenities Upgrade	45,000	Project to commence	Capital
Rural Fire and Emergency Services			
Operations	12,000	2015/16 expense to be paid in 2016/17	Operating
Quarry			
North Creek Dredging	90,000	Project in progress	Operating
Tuckombil Expansion Study	140,000	Project in progress	Operating
Plant			
Capital Purchases	560,000	Purchases scheduled	Capital
Landfill and Resource Management			
Conveyor System	315,000	Project not commenced	Capital
Stockpile Processing Areas	56,000	Project in progress	Capital
Waste Roads Infrastructure	47,000	Project in progress	Capital
Organics Processing Pad	14,000	Project in progress	Capital
NEWLOG			
Plant Change Overs	56,000	Purchases scheduled	Operating
Civil Services Group Total	10,222,300		
General Manager's Group			
Governance			
Community Donations	14,000	Donations not finalised	Operating
Information Services			
Business Process Review	21,600	Project in progress	Operating
Information Services Mapping	2,500	Project in progress	Operating
Building Records Scanning	30,000	Project not commenced	Operating
Commercial Property			
Wigmore Roof and Awning	343,000	Project in progress	Capital
Land Development			
Southern Cross Master plan	108,000	Project in progress	Operating
General Manager's Group Total	519,100		
General fund Total	11,525,800		
Water Services			
Basalt Court Pump station	40,000	Project in progress	Capital
Water Services total	40,000		
Wastewater Services			
Cooper Close Pressure System	10,000	Project in progress	Capital
Pump Upgrade	90,000	Project in progress	Capital
Manifold Blower	60,000	Project in progress	Capital
Kobota Membrane Ballina WWTP	20,000	Project in progress	Capital
Ballina WWTP Dismantling	5,000	Project in progress	Capital
Kings Court Embellishment	179,000	Project in progress	Capital
Telemetry	15,000	Project in progress	Capital
Reverse Osmosis	25,000	Project in progress	Capital
Plant Purchases	87,000	Project in progress	Capital
Ballina WWTP Post Completion	150,000	Project in progress	Capital
Lennox WWTP Post Completion	75,000	Project in progress	Capital
Wastewater Total	716,000		

Funds Transferred to Reserve

This next section of the report details transfers to reserves, with Table Six providing a summary of those transfers. The comment column provides a brief explanation of the transfer.

10.9 Budgets Carried Forward and Reserve Movements

Table Six - Summary of Reserve Transfers

Reserve Description	Amount \$	Comment
Strategic and Community Facilities		
Strategic Services		
Strategic Projects	13,900	Strategic planning projects
Section 94	2,390,200	Actual contributions plus interest
Plans of Management	50,000	Funds to undertake plans
Community Facilities and Customer Service		
Crown Rent	30,700	Funds to meet rental commitments (LHCCC, Ballina Surf Club, Ballina Hockey Club)
Community Gallery		
Public Art	20,000	Funds to pay for public art
Group Total	2,504,800	
Civil Services		
Asset Management		
Section 94 Administration	19,000	Reserve to fund the review of plans
Asset Condition	8,000	Reserve to fund condition assessments
Procurement and Building Management		
Building Asset Renewal	50,000	Reserve to fund essential works
Roads and Bridges		
Public Art	10,000	Contribution from River/Moon street roundabout
Public Art	10,000	Contribution from Tamar /Cherry street roundabout project
Alstonville Bypass	26,700	Interest on reserve balance
Ballina Bypass	47,000	Interest on reserve balance
Roads	243,000	Contingency for roads expenditure
Ancillary Transport Services		
Shared Paths	120,000	Contingency for path works
Property Development	29,000	Repayment of loan for energy efficient lights
Private Works	60,000	Contingency for loss in risk based environment
Cemeteries		
Cemetery Operations	109,100	Operating surplus of \$109,100. The business paid a dividend of \$50,000 to general revenue so a net increase to reserve of \$59,100
Sporting Fields		
Sports Fields Reserve	86,500	Unexpended capital
Quarry		
Transfer to Quarry Reserve	265,900	Operating surplus for the year of \$265,900. The business paid a dividend of \$100,000 to general revenue and also paid for studies to \$92,000 so a net increase to reserve of \$73,900.
Plant Operations		
Transfer to Plant Reserve	1,423,800	Operating surplus of \$1,423,800. The net cost of plant purchases/sales was \$1,385,100 resulting in an increase to the reserve of \$38,700.
Domestic Waste Management		
Transfer to DWM Reserve	339,900	Operating surplus of \$339,900. Capital expenditure was \$541,900 resulting in a net decrease to the reserve of \$202,000.
Landfill & Resource Recovery		
Transfer to Waste Reserve	2,293,000	Operating surplus for the year of \$2,293,000. Capital expenditure amounted to \$1,686,000 (includes loan repayment of \$1,209,000) resulting in

10.9 Budgets Carried Forward and Reserve Movements

Reserve Description	Amount \$	Comment
		a net increase to the reserve of \$607,000
Group Total	5,140,900	
General Manager's Group		
Governance		
Election	80,000	Reserve to fund elections
Administration		
Records Projects	5,000	Reserve to enable projects such as backscanning to be investigated
Finance		
Asset Revaluation	8,500	Reserve to gather funds to meet accounting standards
Internal Audit	15,000	Reserve to enable consulting costs to be funded
Names and Address Register	50,000	Funds to enable enhancements to pivotal database
Rates Projects	30,000	Reserve to resource priority projects
Human Resources and Risk Management		
Employee Leave Entitlements	284,000	Reserve to fund staff leave entitlements
Group Total	472,500	
Commercial Services Unit		
Property Management		
Crown Properties Rental	64,400	Funds to meet rental commitments
Public Art Reserve	15,000	Contribution re Wigmore Arcade upgrade
Property	128,000	Interest on funds invested
Property	259,000	ARC rent
Wigmore Arcade	55,100	For future refurbishment works
Property	144,500	Norfolk Homes rent
Property	67,000	Fawcett café rent
Property	703,800	Tamar Street rent
Property	669,700	Recoupments from section 94 reserves
Property	450,000	Sale of Bagotville Quarry
Property	1,660,000	Land sales Southern Cross Estate
Property	175,600	Land sales Wollongbar
Caravans and Camping Ground		
Flat Rock	171,000	Operating cash surplus for the year.
Airport		
Property Reserves	370,300	Operating surplus of \$1,423,000 with capital expenditure of \$3,844,100 and capital income of \$2,791,400. Net decrease to loan from property of \$370,300.
Total	4,933,400	
General Fund Total	13,051,600	
Water Supply		
Section 64 (net change)	836,400	Operating surplus of \$1,877,400 (excludes depreciation) with capital expenditure of \$1,427,000 and capital income of \$837,800. Net increase to reserves of \$1,288,200.
Refurbishment (net change)	451,800	Net cash result after capital
Net Reserves Movement	1,288,200	
Wastewater Services		
Section 64 (net change)	1,641,300	Operating surplus of \$2,883,400 (excludes depreciation) with capital expenditure of \$5,060,500 and capital income of \$1,724,500. Net decrease to reserves of \$452,600.
Refurbishment (net change)	(2,093,900)	Net cash result after capital
Net Reserves Movement	(452,600)	
NEWLOG		
NEWLOG Operations	29,400	Operating cash surplus.

Sustainability Considerations

- **Environment**

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

- **Social**

As above

- **Economic**

As above

Legal / Resource / Financial Implications

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

Consultation

Provided for public information.

Options

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

RECOMMENDATIONS

1. That Council notes the contents of this report in respect to the forecast operating results for 2015/16.
2. That Council approves the works and services carried forward and reserve movements, as outlined in Tables Five and Six of this report, for inclusion in Council's Long Term Financial Plan.

Attachment(s)

Nil

10.10 Community Strategic Plan - Reporting

10.10 Community Strategic Plan - Reporting

Delivery Program Governance

Objective To comply with the reporting requirements for the Office of Local Government's Integrated Planning and Reporting Framework.

Background

The Office of Local Government's (OLG's) Integrated Planning and Reporting Framework provides for the preparation of a number of key documents and reporting requirements in respect to those documents; i.e.

- Community Strategic Plan (CSP) – Must be reviewed by 30 June in the year following the local government elections (i.e. 30 June 2017 for new document). A report on the implementation of the CSP during the entire Council term must be presented at the final meeting of the outgoing council.
- Delivery Program – A new document must be prepared for the four year period commencing on 1 July following the election (next document is for 1 July 2017 to 30 June 2021) – Progress reports must be provided to Council in respect to the implementation of the Delivery Program, at least six monthly.
- Operational Plan – New document must be adopted before the beginning of each financial year.

Each of these three documents will either be reviewed and / or updated with the newly elected Council and the purpose of this report is to comply with the requirement to report on the progress of the implementation of the CSP to the final meeting of the outgoing Council.

Key Issues

- Breadth and depth of services and works provided during the Council term

Information

Rather than providing an extensive report on the numerous works and services provided during the past four years the approach taken has been to prepare a summary document that provides a snapshot of activities that have been completed during the last term. That document is included as a separate attachment to this report.

It is not the purpose of this report to highlight one or a few of the major decisions taken during the last four years, as with any Council term there will be projects or activities supported by some councillors and others that may not have had the same level of support.

10.10 Community Strategic Plan - Reporting

Rather the importance of the attached summary is that it highlights the wide range of works and services that have been delivered during this Council term.

It is intended to distribute this information, or an abridged version, to the broader community in conjunction with the next edition of Council's Community Connect publication, which is scheduled for October.

It is also important for this report that Council measure the key indicators identified in the CSP. Those measures, which are identified in Section Six of that document, (pages 27 – 29), are outlined in the following table, along with the results (where available).

Copies of the adopted CSP are on Council's website and that document has previously been loaded to Councillor IPADs.

CSP – Adopted Community Indicators

Item	Current	Target	Result	Source
Connected Community				
Population aged 18 to 34	15%	> 18%	15%	Census 2011 (no new result)
Residents who Live and Work in Ballina Shire	76%	> 85%	73.1%	Profile ID
People Who Depend on Working People	64%	< 70%	64%	Census 2011 (no new result)
Dwelling Prices compared to the State Average	94%	< 90%	72%	Profile ID
Households where weekly rent payments are 30%, or greater, of household income	13.2%	< 13.2%	13.2%	Census 2011 (no new result)
Households where monthly mortgage payments are 30%, or greater, of household income	8.5%	< 8.5%	8.5%	Census 2011 (no new result)
People Who Provide Voluntary Work	23%	> 25%	23%	Census 2011 (no new result)
Dwellings with Internet Connection	71%	> 90%	71%	Census 2011 (no new result)
Prosperous Economy				
Contribution to the Northern Rivers GRP	14%	steady	16.32%	Profile ID
Workforce Participation Rate	61%	> 60%	61.6%	Profile ID
Full-time employed	51.3%	> 52%	51.2%	Profile ID
Part-time employed	36.4%	> 37%	40.5%	Profile ID
Away from work	6%	< 6%	6%	Census 2011 (no new result)
Unemployed	6.3%	< 6.3%	6.09%	Profile ID
Index of Income Diversity (Australia = 1)	0.82	> 0.85	Not available	Publication no longer available
Youth undertaking tertiary studies (aged 15-24 years)	679	> 679	679	Census 2011 (no new result)
Tourism – Total Visitors (overnight/day trip/international) per annum	627,000	> 840,000	615,000	Tourism Research Australia
Tourism – Total spend (\$ million)	149	> 220	\$222	Tourism Research Australia.
Healthy Environment				
Greenhouse Emissions Per Capita (tonnes)	7.4	< 6.0	Not available	Provided by Essential Energy – data not received

10.10 Community Strategic Plan - Reporting

Item	Current	Target	Result	Source
Water Utilisation Per Connection (kilolitres)	223	< 200	172	Ballina Shire Council
Wastewater Reuse	3%	> 20%	39%	Ballina Shire Council
Total Waste to Landfill Per Capita (kilograms)	378	< 300	250	Ballina Shire Council
Native Vegetation Cover	20%	> 25%	20%	Regional State of the Environment report to be released in November 2016 – This is a five year report (no new result)
Effective Habitat Rating	Very Poor	Poor	Very poor	As above
River Health	Fair	Good	Poor (+D)	NSW State Government
Engaged Leadership				
Community Satisfaction	88%	> 94%	94%	Council independent survey
Satisfaction With Our Level of Communication	86%	> 94%	91%	Council independent survey
General Fund Operating Balance Ratio	(12)	> (5)	(5.34)	2014/15 Annual Financial Statements
Cost to Bring Assets to a Satisfactory Standard	\$11.8m	< \$10m	\$5.4million	2014/15 Annual Statements

As per this table a number of results are not available as they rely on updated census results.

We will need to keep this in mind in reviewing the existing CSP, as it may be more meaningful to have measures which are more regularly available. Although, the CSP is not designed to be just a Council document, but rather an indicator of a range of measures for the entire community.

In reviewing the indicators included in the CSP a number of measures where Council has direct involvement (waste, water, General Fund operating result etc) have generally improved.

Similar the overall trend for the economy for Ballina Shire looks positive with our percentage of GDP growing for the region, along with the Ballina Shire unemployment rate constantly being two to three percentage points lower than our neighbours.

Some of the areas where our control or input is limited, such as river health, remain poor and during the next term of Council, increased lobbying may be needed to improve those results. Substantial change for certain indicators may take many years but Council needs to lobby / promote / assist in these activities where we can.

Sustainability Considerations

- **Environment**
Many of the actions listed in the attached report have environmental, social and economic benefits.
- **Social**
As above

- **Economic**
As above

Legal / Resource / Financial Implications

During the Council term the elected Council has overseen approximately \$400m in income and operating expenditure, along with approximately \$140m in asset capital expenditure.

Consultation

It is intended to promote the attached document following the election.

Ideally it is preferred to publish this information during the current term of Council in recognition of the departing Council, however the OLG has expressed the following concerns in the past in relation to election material:

Councils should also be aware that publications that promote the current elected council's policies or emphasises the achievements of an elected member or group may potentially fall within the definition of "electoral matter" and thereby constitute "electoral material" under clause 356A of the Local Government (General) Regulation. "Electoral material" is subject to certain regulatory requirements during the 40 days preceding the election. (OLG circular 12-20).

OLG circular reference 16-20 (June 2016) provides similar advice with copies of all circulars available on the OLG website (www.olg.nsw.gov.au).

Options

This report is for noting however the attachment highlights the many meaningful actions that have been undertaken during the past four years, all of which are typically focused on improving the amenity and lifestyle that the residents of Ballina Shire enjoy.

RECOMMENDATION

That Council notes the contents of this report in respect to the implementation of Council's Community Strategic Plan, as per the attachment to this report.

Attachment(s)

1. Community Strategic Plan - End of Term Report (Under separate cover)

11.1 Coastal Recreational Path Project

11. Civil Services Group Reports

11.1 Coastal Recreational Path Project

Delivery Program Engineering Works

Objective To respond to Council regarding resolutions formed at the 28 July 2016 Council meeting dealing with the Coastal Recreational Path.

Background

At the 28 July 2016 Ordinary meeting there were two resolutions which dealt with the current consent issued for the construction of the Coastal Recreational Path (CRP).

The two resolutions are reproduced as follows:

280716/1 Resolved

That as a matter of urgency Council undertake a review of the Coastal Recreation Path covering a distance of 160 metres of the segment from the Angels Beach Underpass to approximately chainage 160 of the GeoLINK plan to determine whether there are options to further improve the safety and the experience of the walk.

280716/2 Resolved

That the status quo be maintained for four wheel drive access to Angels Beach after the construction of the Coastal Recreational Pathway, as per the Ballina Coastal Reserve Plan of Management 2003.

In response to the first resolution a Councillor briefing was held on 15 August 2016.

The consensus was to report the briefing information to this Council meeting.

In response to the second resolution, advice was sought from our insurer in respect of implementing the Council decision.

Information regarding this advice was included in the briefing session.

Further to the above resolutions, Council has received letters expressing concern with the option to rehabilitate a section of the existing walking track at Angels Beach.

Key Issues

- Confirm final design of CRP
- Reassess 4WD access arrangements for Angels Beach
- Determine rehabilitation of walking tracks
- Balancing environmental, cultural and social benefits

Information

1. Notice of Motion - Coastal Recreational Path Alignment

Council requested a review of the design of the CRP on the basis of road safety concerns. While the current design is compliant with Australian engineering standards, the preference of Council was to examine the options for improvement.

One option is to relocate the path into the coastal reserve. Alternatively the Council can modify the current design. The merits of these options are discussed as follows.

The CRP project has been formulated over many years with a range of consultants dealing with preconstruction activities such as design, ecological assessment and cultural heritage matters.

The Council approved an application under the Environmental Planning and Assessment Act based on the route selected and the design details for the CRP.

The alignment along this section and design was, in part, the outcome of ongoing consultation with Aboriginal stakeholders. The outcome comprised agreement that undertaking the CRP would initially follow The Coast Road north of the underpass, and then to be constructed of boardwalk material between the overpass and Flat Rock Tent Park.

Further details of these considerations are summarised in the staff response to the notice of motion regarding this matter debated at the 28 July 2016 Council meeting. A copy of the notice of motion and the staff response is provided in Attachment One.

Relocation to the Coastal Reserve

At the Councillor briefing advice was provided from specialist consultants being Blackwood Ecological Services (BES) for ecological matters and Ian Fox & Associates (IFA) for heritage matters in respect of the option to relocate the route of the CRP into the Coastal Reserve. According to this advice, and the advice of the Group Manager Development and Environmental Health, should the path be relocated into the Coastal Reserve, then a new planning approval would be required as this proposal is substantially different to the one that has consent.

This would require a new Review of Environmental Factors (REF) with ecological assessment and cultural heritage assessment. The ecological assessment would reconsider impacts upon threatened flora species and ecologically endangered communities (EEC).

As the site is located in the East Ballina Aboriginal Place, the cultural heritage assessment would comprise a new round of consultation with the project's Registered Aboriginal Parties (RAP) to obtain agreement, followed by the new planning consent (if approved) and then followed by a variation to the project Aboriginal Heritage Impact Permit (AHIP) (if approved). Advice from IFA indicated this process would most likely take 18 to 24 months.

11.1 Coastal Recreational Path Project

Relocation within the Existing Road Corridor

The Councillor briefing was provided with a refined design option, which showed an option to shift the section of CRP adjacent The Coast Road to the east by approximately 0.7m, to provide an improved clearance to the through road edge line of approximately 1.8m.

This lateral shift is the maximum shift able to be achieved to meet protection criteria for the adjacent threatened flora species and to also remain compliant with consent conditions.

To address safety concerns this additional width also allows for the installation of guardrail, in lieu of the raised median separation kerb, to better prevent errant road vehicles from reaching the path.

Furthermore, the refined design can also provide for additional path handrail, behind and along the guardrail, to prevent path users from inadvertently reaching the guardrail or tipping over the guardrail.

The refined design (and original design) is shown on the attached drawings Plan No. CWY-029, Sheet 1 and Sheet 2, in Attachment Two.

The estimated additional cost for the refined design is shown in the following table.

Description	Estimate (\$)
Additional retaining wall	10,000
Additional guardrail and deleted median kerb	15,000
Additional path handrail	25,000
Total	50,000

2. Notice of Motion - Access for 4WD Vehicles at Angels Beach

The section of CRP subject to this 4WD access is shown on Drawing Numbers 2165/101 and 2165/102 and is approximately 170m of path immediately north of the proposed Angels Beach car park. Refer to Attachment Three.

The design of the proposed Angels Beach car park currently describes, and requires under the existing consent:

"...restricted access onto the CRP for emergency vehicles via a removable bollard".

Under this consent condition only emergency and service 4WD vehicles, with appropriate markings and warning lights and/or sirens, would use the CRP for public safety and maintenance purposes.

Advice has been sought from Council's insurer regarding Council's decision to change this condition and that advice is provided in Attachment Four.

The insurer's advice supports the existing consent conditions, which aim to reduce Council's exposure to a foreseeable risk.

11.1 Coastal Recreational Path Project

The insurer also notes that the Coastal Reserve Plan of Management 2003 (CRPoM 2003) provides for regular review and reconsideration of 4WD beach access where feasible, environmentally acceptable, and in consideration of amenity and safety.

The insurer recommends it is now time to reconsider 4WD beach access at Angels Beach, being a popular urban beach with increasing usage associated with the CRP.

If Council wishes to proceed with the existing resolution to allow continued 4WD access, the insurer recommends a separate 4WD access be provided as a parallel road.

A new planning variation would be needed to comply with this recommendation. This would require a new REF with ecological assessment and cultural heritage assessment.

The cultural heritage assessment would comprise a new round of consultation with the project's RAP and as noted earlier this will be a lengthy process.

The resolution of Council specifically refers to the 4WD access to be implemented as per the CRPoM 2003.

There are a number of relevant sections of the document which relate to Off Road Vehicle Management.

The overarching CRPoM 2003 is clear regarding the assessment of 4WD beach access and encourages ongoing review as circumstances change.

The accompanying precinct plans to the CRPoM 2003, which were developed to provide a next level of detail, are more specific and documented input from the community, at that time.

Notwithstanding this, the CRPoM 2003 and the associated precinct plans relate to circumstances as at 2003, and as per the earlier information, it is suggested that Council reassess access as circumstances change.

On this basis, the construction of the CRP should be the trigger for a review of 4WD beach access at Angels Beach.

The staff response to the notice of motion agenda item of 28 July 2016 remains the advice from staff and a copy of this is provided in Attachment Five.

The relevant sections of the CRPoM 2003 are reproduced below:

"OFF ROAD VEHICLE MANAGEMENT ON BEACHES MANAGEMENT OBJECTIVES:

- Consideration be given to providing off-road vehicle access to beaches where feasible / environmentally acceptable, retaining beach amenity and safety for other users
- Provide adequate emergency vehicle (and licensed commercial vehicles) access, within environmental constraints."

11.1 Coastal Recreational Path Project

“STRATEGY / ACTION:

Develop a beach vehicle access policy for the Ballina Coastal Reserve, incorporating a vehicle permit system, allowing limited access to specified beaches, and including provision for:

- designated 4WD access areas
- a permit system, regular patrols
- total restriction in specific areas
- periodic review of management and safety of 4WD use.”

“STRATEGY / ACTION:

Review current emergency vehicle access points with regard to their current efficiency, safety, condition, and impacts on other beach users and the environment, and upgrade and maintain as required.”

And the relevant sections of the CRPoM 2003 Precinct Plans are reproduced below:

“Precinct 3 Beach Off Road Vehicles

- *Sharpes Beach and Angels Beach – vehicles permitted only during night time, by prior arrangement with Council. Vehicle access only via the designated 4WD access track at Angels Beach: vehicles not permitted on dunes, vehicles to be driven only below High Water Level. No vehicles across the recognised shorebird resting and roosting site shoreward of Flat Rock reef/rock platform.”*

“Precinct 4 Off Road Vehicles

- *Vehicles permitted on Angels Beach and Sharpes Beach, by arrangement with the Reserve Trust Manager, only between sunset and sunrise.*
- *Access only via the designated vehicle access at Angels Beach.*
- *Maximum speed 30 km/hr, reduced to 10 km/hr within 50 metres of walkers.*
- *No vehicles permitted on dune and hind dune areas OR on dune swale area behind Flat Rock rock shelf (which is proposed for future wildlife refuge area status).”*

3. Rehabilitation of Existing Tracks

The rehabilitation requirements for the CRP project are well documented in the project’s environmental reports including the Review of Environmental Factors (REF), Ecological Assessment (EA) and Vegetation Management Plan (VMP).

In very general terms the project requirements dealing with vegetation management can be summarised as:

- Establish exclusion zone (work corridor) and prior to vegetation removal confirm and assess with ecologist
- Mulch disturbed areas where need
- Provide approved ground cover and plant species where needed
- Weed management

11.1 Coastal Recreational Path Project

- Revegetation along CRP to deter pedestrians leaving formed CRP (where informal tracks are prevalent) and consider opportunities to close informal tracks if redundant
- Five years of management of revegetation and compensatory areas including monitoring and reporting
- Compensatory restoration areas nominated for CRP section 1 along Angels Beach access road (removal of redundant gravel road) and Sharpes Beach dunal area – refer to Attachment Six.

It is clearly an improved environmental outcome that Council rehabilitate track that could become redundant as a result of the CRP. Rehabilitation can reduce the overall impact of public access to high value coastal areas and also help to protect ecologically endangered communities. Paths in locations such as this also increase the weed incursion into the coastal area by providing a break in the canopy and this also increases the exposure of the area to salt laden winds.

The CRP recommendations are general and do not specify which tracks would become redundant, or which tracks should be rehabilitated, rather, it acknowledges that it is a good environmental outcome to proceed with this objective.

This point is important in that the standard Council report template includes comments on environmental, social and economic outcomes and Council needs to obtain the right balance for these items with any project.

By providing substantially improved social infrastructure in this location, Council also needs to balance the increased public usage that will arise, with protection to the environment, where practical.

Council has received a number of letters about the revegetation issue for a portion of the existing walking track located south of the current car park.

The correspondence includes submissions from the Ballina Athletic Club who note their use of the track for cross country running. Copies of that correspondence are provided in Attachments Seven and Eight.

The concern with correspondence of this nature is that it considers only a small part of the full picture regarding this project. There are many other people in the community who place a high value on environmental impacts that would support the rehabilitation of these locations.

Councillors have the benefit of being provided with all the information in respect to decisions of this nature and ultimately Councillors need to balance the environmental, social and economic outcomes with any project.

Sustainability Considerations

- **Environment**

The CRP project has received project consent with significant consideration for environmental outcomes, and implementation would potentially provide for enhanced long term and sustainable dunal system. The Cultural Ways project provides environmental education dealing with traditional environmental matters.

- **Social**

The CRP project provides for excellent recreational and health and wellbeing outcomes and connects to existing path networks and coastal destinations. The Cultural Ways project provides important education dealing with the significance of the East Ballina Aboriginal Place.

- **Economic**

The CRP project provides for excellent recreational and health and wellbeing outcomes and connects to existing path networks and coastal destinations. The Cultural Ways project provides important education dealing with the significance of the East Ballina Aboriginal Place.

Legal / Resource / Financial Implications

Coastal Recreational Path Alignment

The contents of this report has identified that a refined design to enhance safety (with a 0.7m shift of the path and added guardrail) could proceed within the current consent and complete construction which is currently in progress, with an estimated additional cost of \$50,000. Or if additional path handrail was not provided along the roadside, the estimated additional cost would likely be \$25,000. Or with no handrail and no guardrail the cost would be limited to \$10,000.

The works would be funded from the existing budget in the interim, albeit that that budget may have to be increased as the project comes closer to fruition.

Should the Council decide to shift the design beyond the above refined design then this would require a new planning approval, if obtained, and associated documentation which would take approximately 18 to 24 months. Staff resources and consulting team resources would be required and the cost of this has not been assessed.

Access for 4WD Vehicles at Angels Beach

The current design and consent conditions provide for emergency 4WD beach access immediately north of the proposed Angels Beach car park design.

This is a reduced level of service only for general 4WD access onto Angels Beach, as beach access still remains at Sharpes Beach car park.

This approach is consistent with the CRPoM 2003, which supports the ongoing review of feasibility of 4WD beach access.

Council's insurer has also provided advice regarding this matter and supports the current approach to minimise risk and avoid conflict with CRP users and 4WD vehicles, along and adjacent a popular urban beach.

Should the decision be made to continue with the status quo and retain general 4WD access then the insurer's advice is to isolate the risk and separate the general 4WD vehicles with provision of a separate road. This this would require an amended planning approval and associated documentation including cultural heritage consultation. Staff resources and consulting team resources would be required and the cost of this has not been assessed.

Consultation

The development of the CRP project has seen extensive consultation with Councillors and the community over many years.

The culmination of this work has seen the lodgement of project planning documentation which has resulted in planning approval with associated consent conditions.

The reporting of this project has comprised advertising and media releases, which has also included the full public exhibition of documentation associated with seeking planning consent.

In developing the project and in seeking approval Council has followed specific requirements in regards to consulting with the RAP.

Options

Coastal Recreational Path Alignment

The body of this report provides information which leads to the following options for the first 160m of CRP north of the Angels Beach underpass:

1. Original design (Option 1) – raised median separation kerb with CRP being 1.1m offset from through road traffic lane as per existing consent
2. Refined design (Option 2) – move the path 0.7m to the east with CRP being 1.8m offset from through road traffic lane. Retain the median separation kerb. Estimated additional cost is \$10,000 for the extra retaining wall.
3. Refined design (Option 2) – guardrail replaces raised median with CRP being 1.8m offset from through road traffic lane. Additional CRP handrail adjacent guardrail. Estimated additional cost is \$50,000 for retaining wall, guardrail and handrail.
4. Refined design (Option 2 modified) – guardrail replaces raised median with CRP being 1.8m offset from through road traffic lane. No CRP handrail adjacent guardrail. Estimated additional cost is \$25,000 for retaining wall and guardrail.
5. New design and approval – new alignment to be determined outside and beyond refined design alignment and prepare approval documentation. Time delay of 18 to 24 months and costs TBA.

Option two is the recommendation to this report as it complies with the relevant safety standards (as does option one) and provides an additional 0.7m separation at relatively minimal cost.

It is acknowledged that Councillors are seeking a high level of safety in this location and options three and four can also be supported, albeit that they come at an additional cost.

Option five is not supported for the reasons set out in the staff response to the notice of motion and the information section of this report.

11.1 Coastal Recreational Path Project

If Council wishes to proceed with option five, the preferred approach would be to only consider that option once the current path was completed, as the worry is that option five could result in the entire project remaining incomplete for a lengthy period of time.

Access for 4WD Vehicles at Angels Beach

The body of this report provides information which leads to the following options for considering 4WD access at Angels Beach:

1. Support the current CRP design and associated consent conditions, providing for emergency and service 4WD access only at Angels Beach, however maintaining general 4WD access at Sharpes Beach. This being consistent with the Coastal Reserve Plan of Management 2003, requiring reviews of feasibility of 4WD beach access as circumstances change.
2. Proceed with the resolution to maintain the status quo and retain 4WD beach access at Angels Beach. This would require an amendment to the consent and retention of the access should only be provided once the request from Council's insurers was complied with.

While option two represents the adopted position of Council, it is not recommended based on insurance advice that the Council may be exposed to litigation liabilities in the event of an accident on the path.

If Council continues with option two, it is recommended that a further report be presented that examines the development of policy arrangements, as suggested in the CRPoM 2003, to manage 4WD access to the beaches in the Coastal Reserve.

Importantly Council needs to recognise that the existing arrangements cannot remain once the path is completed, unless Council decides to specifically ignore the insurance advice.

If Council does take that course of action it increases our risk exposure and possibly leaves Council open for an increased damages claim in the case of an accident.

There is also the risk that our insurance coverage may be restricted if we do not follow the recommended insurance advice.

Rehabilitation of Existing Walking track at the Southern End of Angels Beach

The options for this issue are:

1. Follow the general CRP vegetation management recommendations and look for opportunities during the rehabilitation and maintenance period of the project, for restoration of redundant coastal tracks, including the path at the southern end of Angels Beach.
2. Undertake a more pro-active approach and determine the likely use of existing tracks and undertake maintenance or closure and rehabilitation. This would be undertaken in conjunction with resolution (280716/9):

11.1 Coastal Recreational Path Project

“That Council receive a report that provides a draft strategic asset management program for viewing platforms, walkways and beach access points within the Coastal Reserve.”

As Council is aware this recommendation was made in response to the viewing platform issue at Angels Beach. The asset management program allows for all stakeholders to be involved in the decision making and Council can examine all of the issues and information in a detailed and strategic manner. This will also enable observations of the use of the new infrastructure and how this may influence the views of the community in respect of the future for the Coastal Reserve.

The recommendation reflects this approach.

RECOMMENDATIONS

1. That in respect of the alignment of the Coastal Recreational Path, Council authorises the construction to continue as per the original design (Coastal Recreational Path Alignment option two as outlined in this report).
2. That in respect to the access for 4WD vehicles to Angels Beach, based on advice from our insurer, Council take no action to modify the approval for the Coastal Recreational Path meaning access will be restricted to emergency vehicles as required by the existing consent.
3. That in respect of the rehabilitation of existing tracks under the Coastal Recreational Path project, the rehabilitation be undertaken as per the conditions of approval and supporting documentation, except for the section of existing walking path at the southern end of Angels Beach. The preferred direction for this path is to be determined as part of the entire review for viewing platforms, walkways and beach access points within the Coastal Reserve.

Attachment(s)

1. Notice of Motion - Coastal Recreational Path - Cr Worth
2. Refined Design Plan No CWY-029 Sheets 1 and 2
3. 4WD Access Plans 2165/101 and 2165/102
4. Advice from Statewide Mutual
5. Notice of Motion - Access for 4WD Vehicles at Angels Beach - Cr Ken Johnston
6. Compensatory Restoration Areas
7. Letter - Ballina Athletic Club
8. Further Letter - Ballina Athletic Club

11.2 Martin Street Boat Harbour Precinct - Master Plan

11.2 Martin Street Boat Harbour Precinct - Master Plan

Delivery Program Engineering Works

Objective To advise Council of completion of the Martin Street Boat Harbour Master Plan final report, being Report No.3: Detailed Master Plan, and recommend a final exhibition of the master plan report.

Background

The development of the Martin Street Boat Harbour Master Plan during 2015 and 2016 has come about as a result of Council's interest in investigating maritime infrastructure improvements along this stretch of the Richmond River frontage.

Council's previous investigations, such as the Lower Richmond River Recreational Boating Study (GHD, 2005) and the Ballina Foreshore Masterplan (GHD, 2007) has placed Council in a good position to receive grant funding for maritime infrastructure like pontoons, boat ramps and trailer parking upgrades at a number of locations around the Shire.

With respect to the Martin Street precinct a number of grant applications (unsuccessful) had been made by Council for maritime foreshore improvements adjacent the Ballina Naval and Maritime Museum, being Crown Land under care and control of Council.

It is also understood that NSW Maritime (now part of RMS) had separately been studying improvements to the boat harbour, at that time being Crown Land under their care and control.

However with this current master plan project a grant application was successful, with Council being the lead organisation, on the understanding that the project encompassed the whole Crown Land parcel. This includes the boat harbour (now under care and control of NSW Lands) and the Ballina Naval and Maritime Museum area, generally between Martin Street and Las Balsas Plaza.

Tenders were called for consulting teams to undertake this project, and a partnership between GeoLINK, ENV Solutions and Red Belly Landscape Architecture was successful.

The project commenced in 2015 with NSW Crown Lands nominating their Regional Manager (Mr Kevin Cameron) as their representative for the project.

The project was mostly completed during 2015 with finalisation of the final master plan report now concluding, following recent updates taking into account the Council's adjacent War Memorial Olympic Pool redevelopment project.

The options considered in the Master Plan have been previously workshopped with Council and now Council is invited to endorse the draft plan for exhibition.

Key Issues

- Scale and variety
- Financial implications
- Potential to link Martin Street Boat Harbour Master Plan with outcomes of Trawler Harbour master plan project

Information

The roll out of the Martin Street Boat Harbour Master Plan project was mostly undertaken during 2015, with a number of rounds of stakeholder consultation, broader community consultation (exhibition and drop-in session) and Councillor workshops, with a number of staged reports being produced:

- Report No.1: Investigation and Consultation, March – June 2015
- Report No.2: Design Options, April – May 2015
- Report No.2: Design Options and Consultation Review, August 2015
- Revised Concept Design: November 2015
- Report No.3: Detailed Master Plan, June – August 2016

During the workshop sessions there were a number of water based “marina” options developed, and a number of associated land based levels of redevelopment considered.

The final detailed master plan report has presented a single preferred “marina” option (comprising 64 berth floating marina) which represents a practical maximum number of berths for the boat harbour.

The land based redevelopment options have been limited to two options.

One option (A) is to enhance and retain the existing Ballina Naval and Maritime Museum and provide for new small mixed-use redevelopment around the perimeter of the redeveloped boat harbour.

The second option (B) comprises a large new mixed use building (multi-storey) as a central hub and features a new and open and relocated Ballina Naval and Maritime Museum floor space.

The two options A and B are well described in the attached master plan report.

During the development of the master plan project there was considerable discussion about the scale and merit of development options, planning requirements and/or amendments, and the financial viability of the boat harbour redevelopment and associated land development.

During the project NSW Crown Lands offered to consider value-adding to the project with financial modelling and/or viability assessment of the redevelopment options, however this did not occur.

The project has concluded the master planning phase by offering the above two options as potential redevelopment scenarios. Further analysis of the two options would therefore be expected as the project progresses.

11.2 Martin Street Boat Harbour Precinct - Master Plan

There is an excellent opportunity to consider the Martin Street boat harbour redevelopment in association with the Trawler Harbour master plan project currently underway.

One aspect of the master plan was to consider the adjacent planning and design associated with the redevelopment of the Ballina War Memorial Olympic Pool. This in part contributed to the delay with finalising the master plan report during 2016.

The master plan has considered the new western access locations for the pool redevelopment, however, as a master planning document it has only dealt with pool redevelopment in the overall planning context and does not deal with detail issues associated with the pool redevelopment.

It is proposed to recommend a final exhibition of the Martin Street Boat Harbour Master Plan with further reporting and adoption following the exhibition period.

Sustainability Considerations

- **Environment**

The proposed master plan includes scoping of redevelopment of the boat harbour to include facilities for boating like fuel and waste management which is an improvement for environmental outcomes.

- **Social**

The proposed master plan includes scoping of redevelopment of the boat harbour to include facilities for boating to provide for commercial, permanent and visiting boating traffic and provides for associated land based development to improve social interaction between Ballina CBD and the riverside.

- **Economic**

The proposed master plan includes scoping of redevelopment of the boat harbour and landside facilities to promote economic development of maritime, commercial and tourism industries.

Legal / Resource / Financial Implications

The completion of the Martin Street Boat Harbour Master Plan is being undertaken by a consulting team comprising GeoLINK, ENV Solutions and Red Belly Landscape Architecture, and is part funded by a 50% grant from the Better Boating Program. The project will be completed within budget.

Consultation

Consultation has occurred throughout the project comprising:

- A number of rounds of consultation with immediate landowner/occupants, boat harbour association and users, government agencies and targeted audiences like the Chamber of Commerce
- Updates with Port of Ballina Taskforce
- Councillor briefings

11.2 Martin Street Boat Harbour Precinct - Master Plan

- Media releases, advertising and exhibition of reports No 1 and No 2 (July 2015)
- Public drop-in session (14 July 2015)
- Internal stakeholder meetings and liaison with Council staff

Options

1. Terminate the project

The project is considered important for the future of Ballina and there is no reason to not now seek the feedback from the broader community and key stakeholders.

2. Endorse the draft for exhibition.

Given the consultation that has progressed as part of the study to date, it is recommended to offer the final master plan report for a final public exhibition process, with further reporting of exhibition outcomes.

3. Amend the masterplan for exhibition

It is open to the Council to make amendments to the plan prior to exhibition.

RECOMMENDATION

That Council endorse the public exhibition of the draft Martin Street Boat Harbour Master Plan report, as attached to this report, with the outcomes from the exhibition to be reported to Council.

Attachment(s)

1. Martin Street Boat Harbour Precinct Master Plan Report (Under separate cover)

11.3 Sharpes Beach - Access from Car Park

11.3 Sharpes Beach - Access from Car Park

Delivery Program Open Spaces and Reserves

Objective To report on improved access options to Sharpes Beach.

Background

Following a Notice of Motion, Council resolved at the 24 June 2016 Council Meeting to receive a report that looks at options to improve the access to Sharpes Beach from the existing car park. The following report responds to this resolution.

Key Issues

- Options for beach access
- Formalised car park
- Geomorphological conditions

Information

The car park consists of several land tenures with the eastern portion an unformed road reserve under the control of Council and the western portion private land on a long term lease to Council. Sharpes Beach is east of these land tenures within the Ballina Coastal Reserve under the Trust Management of Council.

The car park edge is prone to ocean forces causing erosion and this is exacerbated from the storm water runoff that sheds from the shale lined car park. This has resulted in erosion gutters up to the car park edge. Cars, when parking, are unrestrained and further increase the collapsing of the car park edge into the erosion zone.

It is very popular to park as close to the water's edge as possible, to the detriment of the stability of the eastern edge of the car park. The car park edge has no suitable retaining structure or buffer to control ocean based or stormwater based erosion.

The informal beach accesses from the car park have been deteriorating, making access difficult for the community and certainly the current topography does not adequately support disability access.

Furthermore, the geomorphological nature of Sharpes Beach, as a short pocket beach with low sand supply, leads to long periods each year of the exposed boulder field along the northern end of the beach below the car park.

This boulder field is mobile in and above the intertidal zone meaning that unstable natural conditions exist for access onto the beach/water.

11.3 Sharpes Beach - Access from Car Park

The formalisation and development of the Sharpes Beach car park has been previously proposed, subject to land tenure lease arrangements, however to date this plan has not been funded for implementation.

A Sharpes Beach Master Plan July 2011 (as attached) identifies a formalised car park design with beach accesses.

The Master Plan provides for a sealed and controlled car park, stormwater treatment and diversion, improved passive recreational space surrounding the carpark, a surf lifesaving facility and toilet, and improved beach accesses.

Given the onsite issues of the stormwater runoff, beach erosion and the mobile boulder field present on the beach, soft works beach access options such as board and chain, woodchip, sand, shale and rubber matting are not considered suitable for this location.

A board (plastic or timber) and chain access or rubber matting access would end up floating across the mobile boulder field with instability underneath causing an unsafe access.

Furthermore the boulders ranging from 2 - 30 kilograms in weight are subject to movement in mid to large sea events that would result in damage to the access.

Soft infill works using sand, shale or woodchip would also be unsuitable as the car park storm water runoff and the ocean erosion would quickly erode, remove and pollute the beach environment with such fill.

This means an engineered solution similar to the Master Plan is required to address the beach car park and access issues.

This would require the stormwater to be controlled, car park edge to be retained and reinforced, the car park to be sealed, passive recreational space and buffer made to the ocean and suitably formalised engineered beach accesses installed.

An engineered access would still be challenged by the mobile boulder field below the car park, as for parts of the year boulders would be strewn all over any beach access and would require occasional moving to retain any usable accesses.

This is already the experience at the 4WD track where the larger boulders need occasional rolling away to enable the 4WD track usability.

Sustainability Considerations

- **Environment**

An approach to addressing all the car park issues including stormwater would improve environmental outcomes.

- **Social**

An approach to addressing all the car park issues would improve public amenity and access.

11.3 Sharpes Beach - Access from Car Park

- **Economic**

Funds are yet to be allocated for implementation of the Sharpes Beach Master Plan July 2011.

Legal / Resource / Financial Implications

Soft works access options are not recommended and will lead to lost resources and increased liabilities. Suitable funding would provide for a satisfactory engineered solution and responsible land management.

Consultation

Consultation with relevant stakeholders occurred in the preparation of the Sharpes Beach Master Plan in July 2011.

Options

Based on the contents of this report and specifically the issues associated with soft infill works, no further progress can be suggested regarding this issue until Council is able to allocate funds in its Delivery Program for this project.

At the last Council meeting, Council resolved to develop a strategic asset management plan dealing with beach viewing platforms, walkways and accesses. Council will recall this was recommended so that a long term, prioritised view could be developed in regards to the funding requirements for new infrastructure and the renewal of existing assets. Council's Long Term Financial Plan can then be informed by the asset management plan.

The recommendation therefore is to note the contents of this report, including that consideration be given for the inclusion in the proposed Beach Access, Walkways, and Viewing Platforms Asset Management Plan, the works proposed in the Sharpes Beach Master Plan.

RECOMMENDATIONS

1. That Council notes the contents of this report regarding Access Improvements to Sharpes Beach.
2. That Council consider the inclusion of the works proposed in the Sharpes Beach Master Plan in the proposed Beach Access, Walkways, and Viewing Platforms Asset Management Plan.

Attachment(s)

1. Sharpes Beach Master Plan July 2011

11.4 Commercial Activities on Public Land - Surf School Licences

11.4 Commercial Activities on Public Land - Surf School Licences

Delivery Program Open Spaces and Reserves

Objective To consider an extension of current surf school licences

Background

Council has a Commercial Activities on Public Land policy that outlines what commercial activities may be carried out on public land and how those activities are regulated and managed.

A key component of this policy is the issuing of commercial licences.

Council currently has five surf school licences (maximum 20 clients), six elite surf coaching licences and two stand up paddle boarding licences operating under this policy. These licences are currently due to expire 31 January 2017.

The timing of this expiration of the licence is not optimal as this is a peak business period for the operators. The purpose of this report is for Council to consider granting a short term extension to the licence.

Key Issues

- Timing of current licence expiration
- Review of surf school and commercial activity licences

Information

At the meeting held September 2013 Council adopted the revised Commercial Activities on Public Land policy and approved the renewal of surf school, surf coaching and stand up paddle boarding licences without the need to go to tender.

Council staff are currently preparing a Councillor briefing to review and determine the future allocation of surf schools and related commercial activities. The current licence expiration date of 31 January is a peak time for surf schools in the middle of a busy summer period.

With the aim of giving certainty to the 2016/17 summer period for the commercial operators of surf schools, elite surf coaches and stand up paddle boarders, it is proposed that the current licences be extended until 30 June 2017.

This would assist in the management of any impacts that may arise from the upcoming review of surf school licences.

Any relevant fees related to the proposed extension will be applied on a pro rata basis following the 2016/17 adopted fees and charges.

Sustainability Considerations

- **Environment**
By managing the licences Council is taking steps to minimise any negative impacts on the environment
- **Social**
Surf school licences provide a social activity for participants.
- **Economic**
Council generates a return on the licences and there may be some tourism benefits from having licences available.

Legal / Resource / Financial Implications

There is no significant resource or financial implications associated with the recommendations in this report. Council has formal agreements with the licensees with relevant conditions regarding the expiration and renewal of the licences.

Consultation

A Councillor briefing is proposed to review and determine the future allocation of surf schools and related commercial activities. Councillors will recall that this is complex issue in regards to supporting the needs of existing businesses who have invested in these services (to the extent it is reasonable for Council to do so) and ensuring there is fair market competition and appropriate return to Council for the use of public land.

Options

1. Council extends the current licences for surf schools, elite surf coaching and stand up paddle boarding until 30 June 2017 and implement a pro rata charge for the extended time period.
2. Council confirms the current expiration date of 31 January 2017 for surf schools, elite surf coaching and stand up paddle boarding.

For the reasons discussed in the report, option one is preferred. It is also recommended that we hold a briefing with the newly elected Council to determine how they wish to manage the renewal of these licences.

RECOMMENDATIONS

1. That Council approves the extension of the current licences for surf schools, elite surf coaching and stand up paddle boarding until 30 June 2017, subject to the implementation of a pro rata charge for the extended time period based on the existing fee arrangements.
2. That the General Manager, following the Local Government Election, convene a briefing to consider options for the renewal of these licences, along with any other associated matters.

Attachment(s)

Nil

11.5 Road Widening Subdivision - Coast Road and Skennars Head Road

11.5 Road Widening Subdivision - Coast Road and Skennars Head Road

Delivery Program Asset Management

Objective To determine Council's response to the proposed subdivision of a public reserve to facilitate road widening and intersection upgrade at Skennars Head.

Background

This report is presented to Council to consider the road widening subdivision of a public reserve.

Key Issues

- Facilitate intersection upgrade
- Impact on public reserve

Information

Council has received NSW Government funding under the 2016-17 Safer Roads Program for a safety initiative at the intersection of The Coast Road and Skennars Head, Skennars Head.

Part of the Council owned public reserve (Lot 12 DP 1181479) is required to be dedicated as road to facilitate the intersection works. The plan of the proposed road widening and roundabout is shown in Attachment One.

The proposal is to have the new intersection fully located on the public road reserve. This will assist with the assessment, construction of the intersection works, and management of the ongoing road maintenance.

The necessary design, environmental assessment and construction controls would not be affected by the status of the land, however the road works should be on the road reserve to ensure there are no ongoing conflicts with the management of the public reserve.

Sustainability Considerations

- **Environment**

The land required for road is currently an unused part of the public reserve. Environmental assessment of the road works will be conditioned as part of the approval and no adverse affects on the adjacent land is anticipated.

- **Social**

The intersection upgrade has been identified for funding under the NSW Government Safer Roads Program. There are inherent benefits to the local community by having an improved safer road network. The reduction in public reserve at this location does not impact on the provision of useable open space at this location.

11.5 Road Widening Subdivision - Coast Road and Skennars Head Road

- **Economic**

The recommendation seeks to support the best land management for the proposed infrastructure.

Legal / Resource / Financial Implications

The project is fully funded by the NSW Government under the Safer Roads Program.

Consultation

This project is based on consultation in respect to the safety of this intersection.

Options

1. That Council supports the request for a road widening subdivision of part of the public reserve to dedicate an area of land for road. This option ensures that the proposed road infrastructure will be located on public road.
2. That Council opposes the request for the road widening subdivision of part of the public reserve to dedicate an area of land for road. This option is not supported as it would mean the land classification does not reflect the proposed land use.

A further issue in respect to this project is that there may be some negative feedback that the design for this roundabout will not result in the access to Rocky Point Road forming part of the roundabout. Preliminary investigations on this option identified that there were significant environmental and engineering design obstacles associated with this realignment that would substantially increase the cost of the project, along with complicating the approval process. On that basis the realignment of Rocky Creek Road has not been pursued further.

RECOMMENDATIONS

1. That the Council approves the proposed road widening subdivision of Lot 12 DP 1181479 to facilitate the road upgrade at the intersection The Coast Road and Skennars Head Road, as per the contents of this report.
2. That the Council authorises the Council seal to be attached the subdivision plan and documents necessary to undertake the road widening.

Attachment(s)

1. Plan of Proposed Road Widening

11.6 North Creek Dredging - Planning and Approvals Funding

11.6 North Creek Dredging - Planning and Approvals Funding

Delivery Program Operations Support

Objective To consider the provision of funds for the next stage (sediment investigations) of the project planning and approvals process for the North Creek Dredging Project

Background

A report was presented at the 23 June 2016 Council meeting regarding project risks and funding options for the North Creek Dredging project. Council resolved at that meeting to hold a briefing to examine the risks and funding options prior to making the next decision on this project. A copy of the earlier report is provided as attachment one to this report.

At the briefing on 22 July 2016, Council's consultant provided an update and discussion on the project's progress. Members of the Port Ballina Taskforce also attended.

The general consensus following the briefing was to continue on with the next stage of the project planning and approvals process; this being sediment investigations aimed at providing certainty regarding the nature and quantity of the extractive resource.

Key Issues

- Planning approvals
- Budget allocation
- Risk

Information

The information provided to the briefing recapped the scoping work previously undertaken. This work identified the potential volume of material that could be considered for dredging purposes, the environmental issues to be mitigated, the planning approval pathway options, the operational context and financial feasibility.

This information suggests that the project, at this point in time, is economically feasible, appropriate environmental management and mitigation measures can be applied and that a range of social and other benefits can potentially be achieved from the project.

However the range of studies and other costs to achieve project planning and approval is anticipated to be \$729,000.

11.6 North Creek Dredging - Planning and Approvals Funding

This is a relatively minor cost, on a per cubic metre of reclaimed material basis (dependent on the material ultimately reclaimed), although it does represent a significant cost at the commencement, without certainty in regard to whether or not planning approval can be achieved and if so, what consent conditions may apply.

It is possible to incrementally stage the preconstruction works and assess the risk profile at the conclusion of each stage.

The next stage relates to sediment investigations and these are necessary in order to confirm/modify the current assumptions regarding the extractive resource. This will then inform the economic assessment of the project.

This stage is expected to cost between \$60,000 and \$100,000.

The reason there is a wide range in expected costs is the upper limit represents the cost of the prescribed number of samples required for this volume of extraction. It may be possible, and less expensive, to reduce the amount of testing if the initial results are sufficiently indicative of the overall profile and provide a case that the full range of testing is not justified.

Sustainability Considerations

- **Environment**
Environmental studies are required to assess the proposal and to obtain any planning approval.
- **Social**
The proposal will improve the social amenity available from this waterway.
- **Economic**
This proposal has the potential to support economic development by providing a sustainable source of building material.

Legal / Resource / Financial Implications

There is approximately \$90,000 remaining in the existing budget allocation for this project. The purpose of this report is to assess the total cost for preconstruction activities against the risks involved in seeking the required approval.

Consultation

Members of that Port Ballina Taskforce were invited to the briefing. They have a strong interest and experience in maritime matters and their input into the briefing, along with their ability to communicate to key stakeholders, was considered beneficial to the project.

Options

1. Council authorises the use of the existing funding allocation for the next stage (sediment investigations) of the project planning and approvals process.

As mentioned there is approximately \$90,000 currently available in the existing budget for these works. This amount may cover all of the expected costs.

However Council needs to be mindful that substantially more funds are required following this stage of works if the results from this stage support continuing the project.

2. Council seeks grant funding for the next stage (sediment investigations) of the project planning and approvals process.

The maintenance of North Creek is important to the local community, however the Creek is not under the care and control of the Council. Therefore it is appropriate that the NSW Government provides financial support and risk sharing for this stage of the project. Making a submission to Government will delay the project, however this may well reduce the financial burden on the local community and it will provide an opportunity for the new Council to consider its priority and risk profile for this project. The existing budget could be used to make a contribution if that was a condition of a funding agreement with the State Government.

In light of the general consensus at the briefing to proceed, and based on the above points about jurisdiction, this is the preferred option. Furthermore, if the approach to Government is unsuccessful, Council can return to option one.

3. Terminate the project.

Based on the risks associated with this project, the time frame and costs the Council may prefer to terminate this project now. Under this option Council could continue to advocate for commercial interest in the project and assume a facilitative role in the event there was interest from the private sector.

RECOMMENDATIONS

1. That Council notes the contents of this report regarding the project risks and the information that the total cost of all the preconstruction activities for the North Creek Dredging project is estimated to be \$729,000.
2. That Council write to the NSW Government with a request for part or full funding to allow the next stage of the preconstruction activity for this project, being sediment investigations, to proceed, with the expected costs between \$60,000 and \$100,000.

Attachment(s)

1. Copy of Report from June 2016

11.7 Policy (Review) - Naming of Roads, Bridges and Places

11.7 Policy (Review) - Naming of Roads, Bridges and Places

Delivery Program Asset Management

Objective To review the Naming of Roads, Bridges and Places 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 Naming of Roads, Bridges and Places policy.

Council first adopted the Naming of Public Places policy in October 2007 and the Naming of Roads and Bridges in November 2009. The two policies were consolidated in a review completed in September 2011. The objective of the policy is to clarify the guidelines and processes for allocating names to public infrastructure

Key Issues

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

Information

The review of this policy was presented to Council on 25 February 2016 and it was identified that the 'Name Bank' component of the policy be removed. This resulted in numerous minor changes being required to the policy.

The main changes are:

- The removal of the 'Name Bank' and references to the 'Name Bank' in the policy proper and appendices
- The reference to 'Public Places' has been changed and is now referred to as 'Places'
- In response to the change of template for Council policies that occurred since this policy was adopted and the new template includes information on definitions, policy history etc.

The changes have been marked in yellow for amended or additional items and shown as ~~red strikethrough~~ for items proposed to be deleted.

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

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The provision of guidelines and practices for the naming of roads, bridges and places enables the commemoration and recognition of individuals, cultural heritage and environmental heritage
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The policy ensures that the appropriate processes are in place when naming roads, bridges and places, and these processes meet State Government requirements

Consultation

A public exhibition process is recommended

Options

Council may accept or amend the proposed changes to the policy. The changes included are the result of the feedback when the policy review was presented to Council on 25 February 2016 along with other housekeeping items and therefore it is recommended that the policy be placed on exhibition for public comment.

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

RECOMMENDATIONS

1. That Council adopts the amended Naming of Roads, Bridges and Places 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. Draft Policy - Naming of Roads, Bridges and Public Places

11.8 Policy (Review) - Events on Public Land

11.8 Policy (Review) - Events on Public Land

Delivery Program Open Spaces and Reserves

Objective To review the Events on Public Land Policy.

Background

All of Council's existing policies are progressively being reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Events on Public Land policy.

Council first adopted this policy in September 2002 and the most recent review was undertaken in August 2012.

Key Issues

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

Information

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

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

Only one long term approval has been issued under this policy, and the requirement to address insurances, risk management and address a range of other event requirements on an annual basis has highlighted that annual approval in a timely manner provides greater benefit for both Council and event managers.

The changes have been marked in yellow.

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

Sustainability Considerations

- **Environment**
Appropriate management of events reduces potential impacts to the environment of the shire.

- **Social**

Events promote social activities and inclusion. This policy also seeks to support community groups conducting events in the shire.

- **Economic**

Events have the potential to generate economic benefits for the shire.

Legal / Resource / Financial Implications

This draft policy aims to assist and ensure events coordinated in the shire are compliant with Council's regulatory framework and legislative requirements. There are no financial implications associated with the revision of this policy.

Consultation

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

Options

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

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

RECOMMENDATIONS

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

Attachment(s)

1. Events on Public Land Policy (Review)

12. Public Question Time

13.1 Rescission Motion - Ballina Ocean Pool

13. Notices of Motion

13.1 Rescission Motion - Ballina Ocean Pool

Councillor Cr Worth
 Cr Johnson
 Cr Smith

We move

That Resolution 280716/19, as follows, be rescinded:

That Council allocate \$15,000 from the Community Infrastructure Reserve to assist with the costs associated with preparing the environmental and engineering reports needed for the Ballina Ocean Pool (Shelly Beach rock shelf) approval process.

If this rescission motion is successful we do not intend to move a further motion as the original motion will have been considered as lost.

Councillor Comment

The Ballina Ocean Pool proposal was presented to Council on the basis that there would be no cost to the Council. The allocation of monies as per the existing resolution would be contrary to what was originally, and emphatically, stated and the commitment of no funding was one of the main reasons the proposal was initially supported.

For Council to start allocating money to this project, when we already have significant financial commitments to the Ballina and Alstonville Swimming Pool redevelopments, will only result in unrealistic expectations that the Ocean Pool will be delivered by Council. Council has not set any funding aside for this project in our long term financial plan and it is important that we focus on our existing priorities rather than creating unrealistic expectations for another facility.

COUNCILLOR RECOMMENDATION

That Resolution 280716/19, as follows, be rescinded:

That Council allocate \$15,000 from the Community Infrastructure Reserve to assist with the costs associated with preparing the environmental and engineering reports needed for the Ballina Ocean Pool (Shelly Beach rock shelf) approval process.

Attachment(s)

Nil

13.2 Notice of Motion - Delegates to Rous County Council

13.2 Notice of Motion - Delegates to Rous County Council

Councillor

Cr Ken Johnston

I move

That Ballina Shire Council write to Rous County Council asking that they write to all constituent Councils to seek a reduction in the number of delegates from each constituent council, from two to one, to assist further with reducing the overall operating costs for the County Council.

Councillor Comment

The recent amalgamation of the Far North Coast Weeds, Richmond River and Rous Water County Councils into the Rous County Council will result in increased efficiencies and reduced operating expenses, especially with the reduction of the number of Council delegates from the existing five (two for Rous Water and Richmond River and one for Far North Coast Weeds) to two for Ballina Shire.

There are still opportunities for further savings by reducing the number of delegates from two to one, with one (which effectively means four in total, being one from each constituent council) considered to be a reasonable representation taking into account the overall size and scale of Rous County Council. This reduction would result in savings of approximately \$40,000 per annum for Rous County Council and with the new delegates to be determined following the upcoming Council election, now is a good time to approach all the constituent councils to see if they will support a reduction in the number of delegates. This consultation should at least take place to determine each constituent council's position.

Staff Comment

If Council wishes to support this proposal now is an opportune time to write to the Rous County Council.

COUNCILLOR RECOMMENDATION

That Ballina Shire Council write to Rous County Council asking that they write to all constituent Councils to seek a reduction in the number of delegates from each constituent council, from two to one, to assist further with reducing the overall operating costs for the County Council.

Attachment(s)

Nil

13.3 Notice of Motion - Economic Development Officer

13.3 Notice of Motion - Economic Development Officer

Councillor

Cr Jeff Johnson

I move

That Council receives a report on the cost/benefits of reinstating the Economic Development Officer position on Council.

Councillor Comments

A Council staff position focused on driving economic development within the Ballina Shire would assist with job creation and opportunities for local businesses. I see this role as being part of Council's marketing and tourism division and would focus on bringing regional and state conferences and sporting events to the Ballina Shire.

Once the Ballina Indoor Court Stadium is completed, I believe there will be a huge opportunity for regional sporting events to be held in Ballina. We are uniquely placed given we have an airport with daily flights to both Sydney and Melbourne and are located only a short drive from Byron Bay, which as we all know is a world renown tourist destination.

Events provide a major boost for many of our local businesses which helps drive innovation and jobs growth. Small business is the engine room of our local economy and Council needs to do more to promote Ballina as a major destination for corporate and sporting events.

For example, two of the busiest weeks of the year for Lennox Head based businesses occur when the Love Lennox Festival and Skullcandy Surfing contest are on. Both of these events are held in winter yet the shops are full of people and the town is buzzing. Imagine the boost to our community if we had a major conference or sporting event once a month throughout the year. We would be talking about a boost to our local economy in the order of over \$100 million per year. That extra boost would most certainly lead to meaningful job creation.

Having a dedicated Economic Development Officer position on Council would play a major role in attracting events to Ballina and add to the social fabric of our region. Ballina will be on the map and recognised as the major regional centre for the North Coast.

COUNCILLOR RECOMMENDATION

That Council receives a report on the cost/benefits of reinstating the Economic Development Officer position on Council.

Attachment(s)

Nil

14. Advisory Committee Minutes

Nil Items

15.1 Mayoral Meetings

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

15.1 Mayoral Meetings

Councillor David Wright

Activities since the July 2016 Ordinary meeting:

<u>Date</u>	<u>Function</u>
26/7/16	Lions Children of Courage Awards
27/7/16	Meeting Garry Shields - Sewer
31/7/16	Lennox Head Markets
1/8/16	Meeting – Church Group
1/8/16	Meeting – Railway Plans
1/8/16	Meeting – Resident and FSG
1/8/16	Briefing – Lake Ainsworth Design
1/8/16	Meeting Ralph Mamone
2/8/16	Holy Family Catholic Primary Visit
2/8/16	Alstonville Wollongbar Chamber Breakfast
2/8/16	Meeting DPI
2/8/16	Access Committee – New Toilet Block
3/8/16	Meeting Vice Chancellor SCU – Jack Archer
3/8/16	Ice Symposium – Seagulls
4/8/16	Meeting King's School Student
4/8/16	Meeting – Coastal Path Opening
5/8/16	NOROC
5/8/16	Meeting with Dunedin Masters Student
6/8/16	Indian Feast and Auction – Kerala Cycle Group
7/8/16	Lennox Longboard Competition
9/8/16	Public Citizenship Ceremony
10/8/16	Local Traffic Committee
10/8/16	Extraordinary Meeting
11/8/16	Meeting Alstonville Artscape
11/8/16	Aboriginal Community Meeting
12/8/16	Run through – Business Awards
13/8/16	Ballina Chamber of Commerce Business Awards
14/8/16	Lions Fun Run
14/8/16	Lennox Head Markets
14/8/16	Alstonville Markets
14/8/16	Scope Club Changeover
14/8/16	Music in the Gallery
15/8/16	Briefing – Coastal Recreational Path
16/8/16	Briefing – Epiq Development
16/8/16	Briefing – Traffic management – River St Service Station
16/8/16	Council Land Auction – RSL
17/8/16	Meeting DPI
17/8/16	Wardell Progress Association
18/8/16	Meeting Shark Watch
18/8/16	Internal Audit Committee
18/8/16	Victory in the Pacific Day

15.1 Mayoral Meetings

19/8/16	Richmond Community Safety Precinct Committee (CSPC) Meeting
21/8/16	Rainbow Region Dragon Boat Club
22/8/16	Rotary Dinner – Italian Farewell
23/8/16	Premier's Cabinet for Active Living
23/8/16	Club Grants Morning Tea
25/8/16	Council Meeting
25/8/16	Presentation
27/8/16	Quota Fair
27/8/16	Ballina Region for Refugees
28/8/16	Legacy Wreath Laying
31/8/16	Alstonville Orchid Show

RECOMMENDATION

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

Attachment(s)

Nil

16. Questions Without Notice

17. Confidential Session

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

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

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

17.1 Leasing Proposal - 60 Crane Street, Ballina (Respondents)

Refer to Item 10.6 of this agenda.

RECOMMENDATION

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

17.1 Leasing Proposal - 60 Crane Street, Ballina (Respondents)

Reason for Confidentiality

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest due to the ongoing commercial negotiations and the release of any information could prejudice those negotiations.