



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 29 September 2016 commencing at 9.00 am.**

Business

1. Australian National Anthem
2. Acknowledgement of Country
3. Apologies
4. Oath or Affirmation of Office by Councillors
5. Confirmation of Minutes
6. Declarations of Interest and Reportable Political Donations
7. Deputations
8. Mayoral Minutes
9. Development and Environmental Health Group Reports
10. Strategic and Community Facilities Group Reports
11. General Manager's Group Reports
12. Civil Services Group Reports
13. Public Question Time
14. Notices of Motion
15. Advisory Committee Minutes
16. Reports from Councillors on Attendance on Council's behalf
17. Questions Without Notice
18. Confidential Session

Paul Hickey
General Manager

A morning tea break is taken at 10.30 a.m. and a lunch break taken at 1.00 p.m.

Deputations to Council – Guidelines

Deputations by members of the public may be made at Council meetings on matters included in the business paper. Deputations are limited to one speaker in the affirmative and one speaker in opposition. Requests to speak must be lodged in writing or by phone with the General Manager by noon on the day preceding the meeting. Deputations are given five minutes to address Council.

Any documents tabled or given to Councillors during the meeting become Council documents and access may be given to members of the public in accordance with the requirements of the Government Information (Public Access) Act 2009.

The use of powerpoint presentations and overhead projectors is permitted as part of the deputation, provided that the speaker has made prior arrangements with the General Manager's Office at the time of booking their deputation. The setup time for equipment is to be included in the total time of five minutes allocated for the deputation.

Public Question Time – Guidelines

A public question time has been set aside during the Ordinary Meetings of the Council. Public Question Time is held at 12.45 pm but may be held earlier if the meeting does not extend to 12.45 pm.

The period for the public question time is set at a maximum of 15 minutes.

Questions are to be addressed to the Chairperson. The period is set aside for questions not statements.

Questions may be on any topic, not restricted to matters on the agenda for the subject meeting.

The Chairperson will manage the questions from the gallery to give each person with a question, a "turn". People with multiple questions will be able to ask just one before other persons with a question will be invited to ask and so on until single questions are all asked and, time permitting, the multiple questions can then be invited and considered.

Recording of the questions will not be verbatim.

The standard rules of behaviour in the Chamber will apply.

Questions may be asked from any position in the public gallery.

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1. **Australian National Anthem**
 2. **Acknowledgement of Country**
 3. **Apologies**
 4. **Oath or Affirmation of Office by Councillors**
-

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. **Oath or Affirmation of Office by Councillors**

Background

The Office of Local Government (OLG) has advised of amendments to the Local Government Act where Councillors, including the Mayor, are required to undertake an Oath or Affirmation of Office prior to serving as a Councillor. A copy of the circular received from the OLG is included as an attachment.

The Oath or Affirmation of Office must be taken by each councillor, at or before the first meeting of the council after being elected.

Following discussions with the newly elected Council it has been agreed that this will take place at the Ordinary meeting. The advice from the OLG is that each Councillor must take the Oath or Affirmation individually.

The wording of the Oath or Affirmation is as follows:

Oath

I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of the Ballina Shire and the Ballina Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Affirmation

I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Ballina Shire and the Ballina Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

- 5. Confirmation of Minutes**
 - 6. Declarations of Interest and Reportable Political Donations**
 - 7. Deputations**
 - 8. Mayoral Minutes**
-

5. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 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 25 August 2016.

6. Declarations of Interest and Reportable Political Donations

7. Deputations

8. Mayoral Minutes

Nil Items

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

9. Development and Environmental Health Group Reports

9.1 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 internal 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

A report was recently presented to Council's Ordinary Meeting of 25 August 2016 regarding the modification application. A copy of that report is attached, excluding the attachment. The attachments are available on Council's website.

Immediately prior to the meeting the applicants made representations and requests relating to their proposals.

Council subsequently resolved:

"That the matter be deferred pending further information and assessment of the application."

Consequently, this report has been prepared to outline the compromise proposals on the outstanding matters and to inform Council of the impending issue of the amended consent. Councillors will need to refer to the previous attached report as it is relied upon in parts of this report.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

Refer to previous report to Council's Ordinary Meeting of 25 August 2016.

Applicable Planning Instruments

Refer to previous report to Council's Ordinary Meeting of 25 August 2016.

Report

Fox Baiting Covenant (Condition No. 11)

As outlined in the previous report to Council, Condition No. 11 currently requires the creation of a covenant.

Since the consideration of the 25 August 2016 report, the applicant has now accepted the condition and a draft Section 88E Instrument (pursuant to Conditions of Consent to Order of the Land and Environment Court in proceedings 10207/2014) has been prepared.

Consequently, it is recommended that Condition No. 11 be amended to the following:

11. A public positive covenant is to be imposed on the land (Lot 1712 DP 597523 and Lot 1 DP 1186674) in favour of Council under Section 88E of the Conveyancing Act 1919, requiring the following:
 - (a) The registered proprietor of the land shall at all times ensure it does not raise objection to any fox baiting carried out in the South Ballina area by or on behalf of approved government agencies responsible for baiting programs in the South Ballina area.
 - (b) In the event that dogs are kept on the land, the following fenced dog enclosures and controls are to be established and maintained at all times:
 - i. There shall be constructed and maintained a fence enclosure immediately adjoining the manager's residence designed and constructed so as to provide a secure enclosure for keeping of dogs;
 - ii. Any gate forming part of the fenced enclosure shall be self-closing;
 - iii. Any gate to the fenced enclosure shall be used only for passing through and shall not be propped or otherwise kept open;
 - iv. During any fox baiting program on the subject land or on any adjoining lands, dogs shall be kept within the fenced dog enclosure other than if they are on a leash;
 - v. The registered proprietor must at all times comply with the Plan of Management for the keeping of dogs on the site dated June 2014 as amended with authority of Ballina Shire Council from time to time.

Sealing of Road (Condition No. 45)

As outlined in the previous report to Council, Condition No. 45 currently requires the sealing of a loop road within the Park.

Council's Infrastructure Planning Manager has subsequently inspected the standard of the loop road and has confirmed the current gravel standard of road is adequate for its intended purpose (i.e. does not require sealing with asphaltic concrete). Consequently, it is recommended that Condition No. 45 requiring the sealing of the loop road be deleted.

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

As outlined in the previous report to Council, the applicant 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 Rural Fire Service (RFS) and "Planning for Bush Fire Protection 2006" and be unlawful.

The applicant has since revised the modification application and the proposal now involves the planting of 44 Glossy Black Cockatoo She oak feed trees throughout the park and planted in pairs (i.e. no other plantings/vegetation buffers around the existing eight feed trees).

A two year planting implementation is proposed and would involve the propagation of plants from on-site feed tree seed stock, with all trees planted and advanced to be self-supporting.

A plan indicating the location of the proposed plantings (overlaid on an aerial photograph) is attached.

Council will note from the plan that 12 of the trees are proposed to be planted in the adjoining road reserve. Council's Civil Services Group has confirmed that this is acceptable subject to:

1. Trees being planted a minimum of 9 metres from the road centreline of South Ballina Beach Road (to meet clear zone requirements).
2. Trees being planted in the general area as shown on the attached plan. The proposed planting area is east from the westernmost amenities building to the Park's main entrance driveway (a distance of approximately 220 metres).
3. No trees being planted on the road reserve west from the westernmost amenities building (regardless of the distance from the road centreline).

Council's environmental scientist has also considered the revised planting plan.

Whilst he considers that the previously required buffer plantings around the eight existing feed trees would be beneficial to Glossy Black Cockatoo conservation, the now proposed planting regime throughout the park and within the adjacent road reserve of the 44 additional She oak feed trees will still achieve a balanced and acceptable ecological outcome, having regard for the bush fire protection imperatives and the requirements of the NSW RFS.

Therefore the revised plantings are considered to be a reasonable compromise having regard for the concurrent bush fire requirements and importantly noting that these bush fire conditions and requirements can remain in their entirety.

Conclusion

Having regard for the “compromise package” provided since the report to Council’s Ordinary Meeting 25 August 2016, it is considered that the outcomes of the proposed modification application (as revised) would be reasonable having regard for the constraints of the site and impacts that need to be mitigated.

It is anticipated that the consent notice to the modification application will be issued shortly.

This report is for noting only, albeit that Councillors could resolve to amend any of the conditions proposed. That is not recommended, as based on the various actions to date, the agreed position is considered reasonable.

RECOMMENDATION

That Council notes the content of this report on the outcome of the assessment of the Section 96 modification application for Development Application 2011/506.

Attachment(s)

1. Locality Plan
2. Council Report 25 August 2016
3. Proposed Feed Tree Plantings

9.2 Development Applications – Variation to Development Standards

9.2 Development Applications – Variation to Development Standards

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 September 2016.

Attachment(s)

Nil

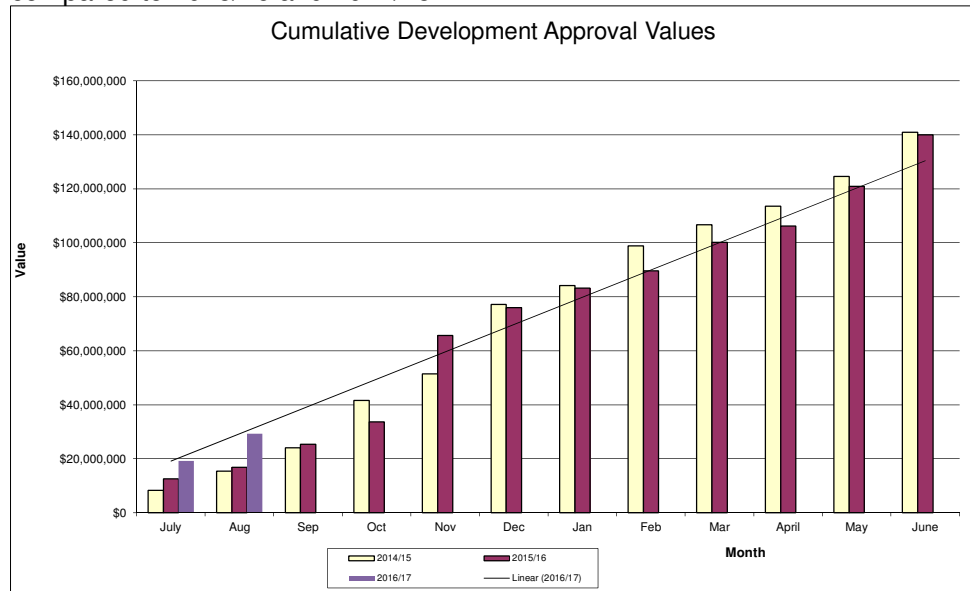
9.3 Development Consent and Infrastructure Approvals - August 2016

9.3 Development Consent and Infrastructure Approvals - August 2016

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

Number of Applications	Value of Work
35 Other Building Related	\$ 1,696,499
21 Dwelling/Duplexes/Residential Flat Buildings	\$ 8,417,499
2 General Developments	\$ 0
Total Value	\$ 10,113,508

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



During the period of 1 August 2016 to 31 August 2016 there were no applications approved for Public Infrastructure / Civil Construction Works.

RECOMMENDATION

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

Attachment(s)

Nil

9.4 Development Applications - Works in Progress - September 2016

9.4 Development Applications - Works in Progress - September 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
2016/140	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, Lennox Head	Awaiting Additional Information
2016/166	8/4/2016	Planners North	Twenty-six lot Torrens Title subdivision including road construction, earthworks, and associated subdivision works – Lot 7 DP 1216761, Henderson Drive, Lennox Head	Awaiting Additional Information
2016/219	03/05/2016	Ardill Payne & Partners	Establishment of a Multi Dwelling	Awaiting Additional Information

9.4 Development Applications - Works in Progress - September 2016

			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	
2016/236	06/05/2016	Newton Denny Chapelle	Erection of Industrial Building for the Purposes of General Industry (Brewery) and Associated Works – 2/188-202 Southern Cross Drive, Ballina	Being Assessed
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	Awaiting Additional Information

9.4 Development Applications - Works in Progress - September 2016

			Associated Works – Power Drive, Cumbalum	
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	Awaiting Additional Information
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	Being Assessed
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 Shopping Centre – 44 Bangalow Road, Ballina	Awaiting Additional Information
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	Awaiting Additional Information

9.4 Development Applications - Works in Progress - September 2016

			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	
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
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	Being Assessed

9.4 Development Applications - Works in Progress - September 2016

			Head	
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
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	Being Assessed
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

9.4 Development Applications - Works in Progress - September 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	Referred to Government Department
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	Awaiting Additional Information
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
2016/433	05/08/2016	GM Project Development & Management	Three Lot Boundary Adjustment Subdivision - Humpty Back Road, McLeans Ridges	Being Assessed
2016/488	2/9/2016	M T Feain	Change of Use from Warehouse to a Dance Studio - 58-62 Simpson Avenue, Wollongbar	Being Assessed

9.4 Development Applications - Works in Progress - September 2016

2016/499	06/09/2016	D Ackerley	Relocation of Above Ground Diesel Tank – 335 River Street, Ballina	Being Assessed
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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

9.4 Development Applications - Works in Progress - September 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	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 September 2016.

Attachment(s)

Nil

10. Strategic and Community Facilities Group Reports

10. Strategic and Community Facilities Group Reports

Nil Items

11.1 Use of Council Seal

11. General Manager's Group Reports

11.1 Use of Council Seal

RECOMMENDATION

That Council affix the Common Seal to the following document.

US16/09	<p>Licence from the Department of Primary Industries – Lands to Council for the occupation and use of land at Tamarind Drive, Ballina at statutory minimum rent.</p> <p>Explanation</p> <p>Council is the Reserve Trust Manager for two land parcels within Depot 2. Depot 2 refers to the Council depot operated off Tamarind Drive opposite Ballina Fair.</p> <p>Council also holds a Permissive Occupancy over another section of Depot 2.</p> <p>A further portion of land adjacent to these parcels has historically been used by Council.</p> <p>To assist Council in its future planning and operations the Department of Primary Industries – Lands has offered Council a licence at statutory minimum rental for the additional land which is required for the operation of Depot 2.</p>
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Attachment(s)

Nil

11.2 Investment Summary - August 2016

11.2 Investment Summary - August 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 August 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 August was \$69,298,000. This represents an increase of \$7m from July.

Council's investments as at 31 August, are at an average (weighted) rate of 3.07%, which is 1.32 above the 90 Day Bank Bill Index of 1.75%.

The balance of the cheque account at the Commonwealth Bank, Ballina, as at 31 August 2016, was \$6,061,517 (a significant increase from the balance of \$772,453 as at 31 July 2016, with large receipts for rates and grant funding received late August).

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	16
Wastewater Fund (incl developer contributions)	External	22
Section 94 Developer Contributions	External	8
Bonds and Deposits	External	3
Other External Restrictions	External	8
Property Development	Internal	2
Employee Leave Entitlements	Internal	4
Carry Forward Works	Internal	11
Miscellaneous Internal Reserves	Internal	23
Unrestricted		3
Total		100%

* Updated to reflect reserves held as at 30 June 2016

11.2 Investment Summary - August 2016

A. Summary of Investments by Institution

Funds Invested With	Fossil Fuel Aligned	ADI Rating *	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
Grandfathered Investments							
National Australia Bank	Yes	BBB	1,788	1,788	0	2.6%	3%
Rated Institutions							
AMP Bank	Yes	A+	5,000	5,000	20%	7.2%	
Bank of Queensland	No	A-	5,000	5,000	10%	7.2%	
Bank of Western Aust	Yes	AA-	2,000	7,000	20%	10.1%	
Bendigo & Adelaide Bank	No	A-	5,000	4,000	10%	5.8%	
Beyond Bank	No	BBB+	3,000	3,000	10%	4.3%	
Big Sky Building Soc	N/A	BBB	1,000	1,000	10%	1.4%	
Commonwealth Bank of Australia	Yes	AA-	6,510	6,510	20%	9.4%	
Greater Building Society	No	BBB	0	1,000	10%	1.4%	
Heritage Bank	No	BBB+	2,000	2,000	10%	2.9%	
ING Bank Ltd	Yes	A-	2,000	2,000	10%	2.9%	
Members Equity Bank	No	BBB+	4,000	4,000	10%	5.8%	
National Australia Bank	Yes	AA-	10,000	9,000	20%	13.0%	
Newcastle Perm Bld Society	No	BBB+	3,000	5,000	10%	7.2%	
Rural Bank Ltd	No	A-	1,000	1,000	10%	1.4%	
Suncorp-Metway Bank	No	A+	9,000	9,000	20%	13.0%	
Westpac Banking Corporation	Yes	AA-	2,000	2,000	20%	2.9%	
My State Bank Ltd	No	BBB	0	1,000	10%	1.4%	97%
Unrated ADI's					\$1m	0.0%	0%
Total			62,298	69,298		100%	

B. Summary of Investments Fossil Fuel Aligned

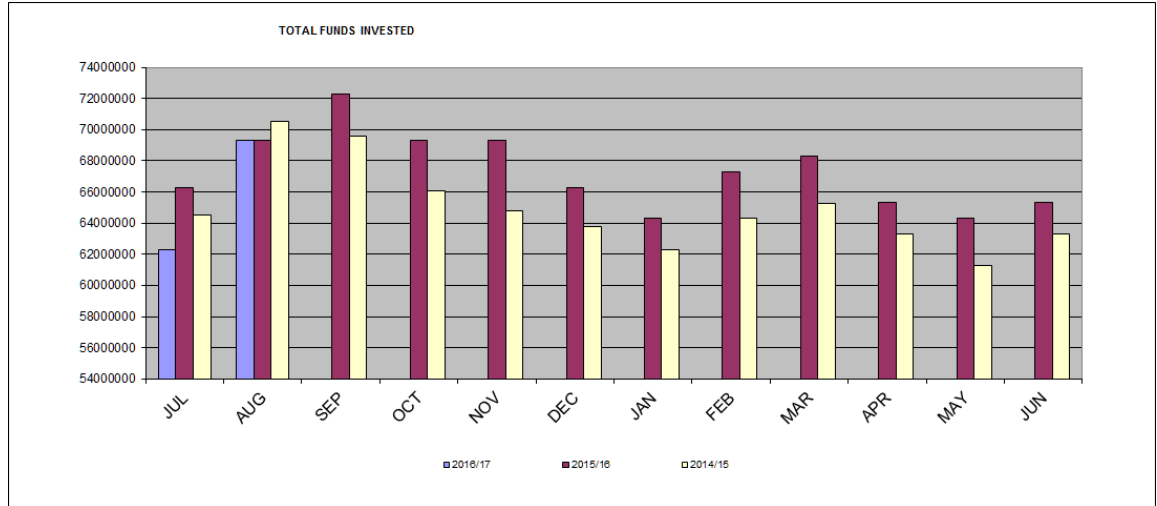
	Previous Month	Current Month
Fossil Fuel Aligned	29,298 47%	33,298 48%
Non-Fossil Fuel Aligned	32,000 51%	35,000 51%
Not Classified	1,000 2%	1,000 1%
Total	62,298 100%	69,298 100%

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

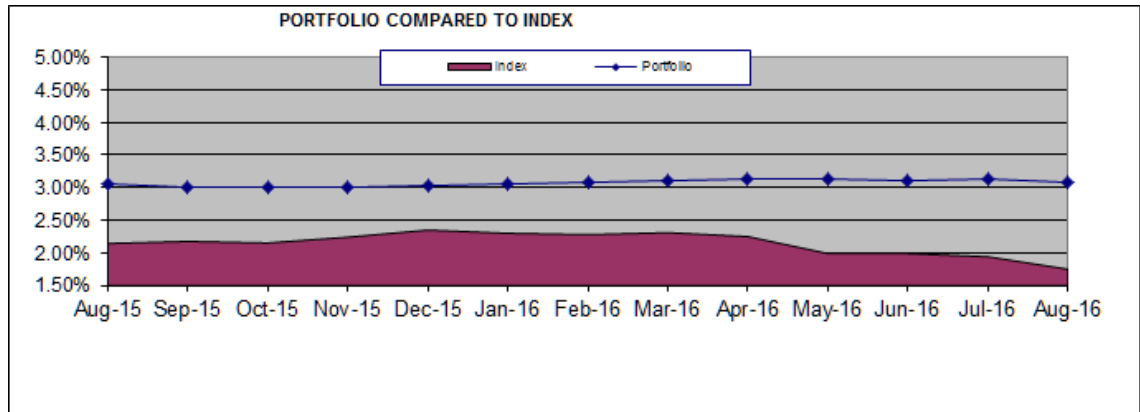
- Fossil Fuel Aligned: Noted by Market Forces as funding fossil fuels
- Non-Fossil Fuel Aligned: Noted by 'Market Forces' as having no record of funding fossil fuels and having provided a position statement.
- Not Classified: Not classified as information not available.

11.2 Investment Summary - August 2016

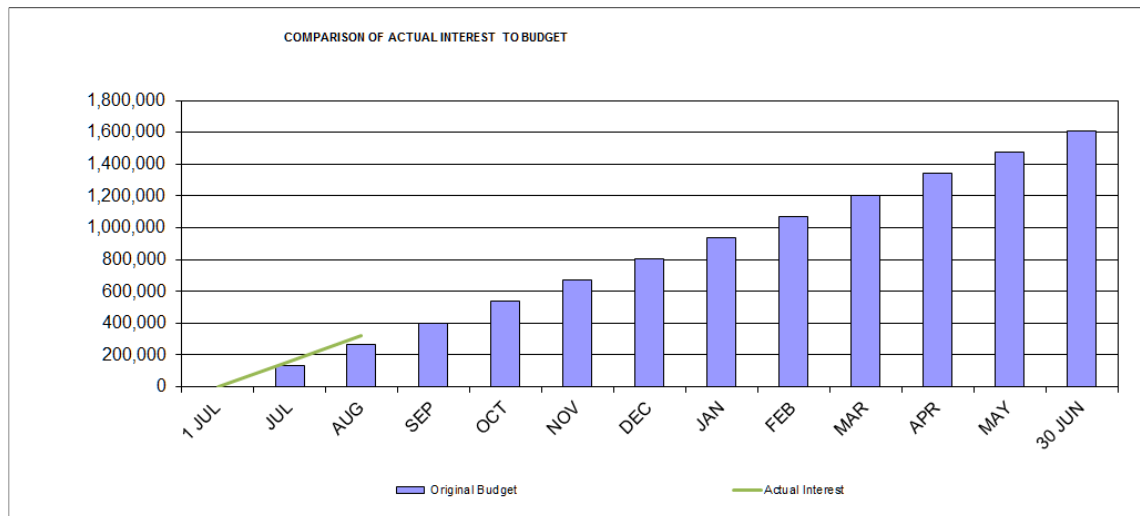
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



11.2 Investment Summary - August 2016

F. Investments held as at 31 August 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	3.00%	Perpetual	1,788	1,193
24/01/12	ING Bank Ltd	FRTD	3.83%	24/01/17	1,000	1,000
25/01/13	Commonwealth Bank Of Australia	TD	2.67%	25/01/18	1,996	2,067
25/02/14	Westpac Bank	FRN	2.67%	25/02/19	2,000	2,012
17/02/16	Bendigo & Adelaide Bank	TD	3.00%	16/11/16	1,000	1,000
19/02/16	Members Equity Bank	TD	3.10%	14/02/17	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
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
08/08/16	AMP Bank	TD	2.95%	08/03/17	2,000	2,000
09/08/16	National Australia Bank	TD	2.80%	07/02/17	1,000	1,000
09/08/16	Newcastle Permanent Bld Society	TD	2.80%	09/02/17	1,000	1,000
09/08/16	Newcastle Permanent Bld Society	TD	2.80%	15/02/17	1,000	1,000
12/08/16	AMP Bank	TD	2.95%	14/03/17	1,000	1,000
15/08/16	National Australia Bank	TD	2.75%	14/11/16	1,000	1,000
16/08/16	Bendigo & Adelaide Bank	TD	2.80%	16/08/17	2,000	2,000
17/08/16	Members Equity Bank	TD	2.70%	16/02/17	2,000	2,000
17/08/16	Members Equity Bank	TD	2.70%	01/03/17	1,000	1,000
18/08/16	AMP Bank	TD	2.95%	22/03/17	1,000	1,000
23/08/16	Suncorp-Metway Bank	TD	2.65%	23/02/17	2,000	2,000
23/08/16	Bendigo & Adelaide Bank	TD	2.75%	22/08/17	1,000	1,000
24/08/16	Newcastle Permanent Bld Society	TD	2.70%	22/11/16	1,000	1,000
24/08/16	Newcastle Permanent Bld Society	TD	2.70%	28/11/16	1,000	1,000
25/08/16	Suncorp-Metway Bank	TD	2.65%	21/02/17	1,000	1,000
25/08/16	National Australia Bank	TD	2.63%	01/12/16	1,000	1,000
29/08/16	National Australia Bank	TD	2.63%	06/06/17	1,000	1,000
29/08/16	My State Bank	TD	2.71%	06/06/17	1,000	1,000
30/08/16	Greater Building Society	FRN	3.28%	30/08/19	1,000	1,000
30/08/16	Bank West	TD	2.55%	02/11/16	2,000	2,000
31/08/16	Newcastle Permanent Bld Society	TD	2.70%	07/12/16	1,000	1,000
31/08/16	Bank West	TD	2.56%	07/11/16	3,000	3,000
Totals					69,298	68,786
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 August 2016.

Attachment(s)

1. TCorp Local Government Economic Commentary August 2016

11.3 Deputy Mayor - Election

11.3 Deputy Mayor - Election

Delivery Program Governance and Finance

Objective To determine whether Council wishes to appoint a Deputy Mayor and if so, how that position is to be elected.

Background

Section 231 of the Local Government Act states:

- (1) *The councillors may elect a person from among their number to be the deputy mayor.*
- (2) *The person may be elected for the mayoral term or a shorter term.*
- (3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*
- (4) *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

Nominations for the office of Deputy Mayor are to be submitted in writing to the General Manager, signed by the nominee and at least one other Councillor, prior to this report being discussed at the Ordinary meeting.

Copies of the nomination forms are attached under separate cover.

The Deputy Mayor can be paid an allowance for such time as the Deputy Mayor acts in the office of the Mayor. The Office of Local Government has advised that such an allowance cannot be established on an annual basis and paid as an annual figure. Rather it must reflect actual time acting as the Mayor. Therefore the Deputy Mayor will only receive an allowance if the Mayor is on a period of extended leave and Council has resolved to pay such an allowance.

Key Issues

- To determine whether Council wishes to appoint a Deputy Mayor
- If yes, Council must determine the method of voting

Information

An election must be held if more than one nomination is received. Council must then determine whether the voting is to be by preferential ballot (if three or more candidates nominated), ordinary ballot (secret ballot) or open voting.

Section 251(5) of the Local Government (General) Regulation states as follows:

11.3 Deputy Mayor - Election

Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot. (Reg 251)

Note: Part 11 of this Regulation provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that "ballot" has its normal meaning of secret ballot.

The Deputy Mayor position is largely ceremonial with the Deputy Mayor able to fill in for the Mayor at functions where the Mayor is not available.

Sustainability Considerations

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

Legal / Resource / Financial Implications

There is no legal obligation for Council to elect a Deputy Mayor.

Consultation

Not applicable.

Options

The options are to either have, or not have, a Deputy Mayor and the method of voting. The recommendation that follows reflects Council's traditional practices.

RECOMMENDATIONS

1. That Council elect a Deputy Mayor for the period to September 2017.
2. That the method of voting for the election of Deputy Mayor be by way of ordinary (secret) ballot.
3. That the number of votes at the ballot be revealed at the meeting and that the General Manager, following the meeting, destroy the ballot papers.

Attachment(s)

Nil

11.4 Councillor Attendance

11.4 Councillor Attendance

Delivery Program Governance and Finance

Objective To provide Councillors with professional development.

Background

The Councillor Expenses and Facilities Policy provides for the General Manager and / or Mayor to approve attendance by Councillors at training and development activities, such as seminars, conferences, subject to an annual allowance of \$5,000, exclusive of GST.

The Local Government (LG) NSW Annual Conference is being held in Wollongong from 16 to 18 October 2016. Council is entitled to three voting delegates on motions at the Conference. The purpose of this report is primarily to confirm the voting delegates.

Key Issues

- Benefits of the conference
- Determination of voting delegates

Information

LGNSW is the main industry representative organisation for councils. A large part of this annual conference focuses on motions submitted by councils with the delegates then voting on the merits of the motions.

If supported, motions then become priority matters for LGNSW to pursue, typically with the State Government.

A copy of information on the conference, as supplied by LGNSW is attached, together with a copy of the draft program. Registration is \$999 per participant. Flights, cab fares, accommodation and some meals would be in addition to this cost.

The conference is mainly attended by Councillors and networking amongst Councillors is also one of the main benefits.

The program also provides Councillor Training Sessions on 16 October on the topics of "Know Your Planning", "Principles of Good Governance" and "Understanding Changes to the Local Government Act".

Council's current Councillor Expenses and Facilities Policy no longer requires attendance at conferences to be approved by Council resolution however as this conference requires voting delegates to be confirmed, the report seeks clarification on that issue.

Council is entitled to three voting delegates although it is not essential for Council to send three delegates to the conference.

11.4 Councillor Attendance

Sustainability Considerations

- **Environment**
Environmental, social and economic matters would be discussed at the conference.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

Funds are available within the Council's professional development budget to finance Councillors attending this conference.

Consultation

Not applicable.

Options

The options relate to the number of Councillors who wish to attend the conference along with the voting delegates for anyone attending. The recommendation can be amended to confirm the Councillors attending the conference.

RECOMMENDATIONS

1. That Council authorises the attendance of any interested Councillor at the Local Government NSW Annual Conference to be held in Wollongong from 16 to 18 October 2016.
2. That Council confirm its voting delegates (maximum of three) for the Conference.

Attachment(s)

1. LGNSW Conference Information
2. Draft Program

11.5 Councillor Fees

11.5 Councillor Fees

Delivery Program Governance and Finance

Objective To endorse a preferred approach for the management of Councillor fees for this term of Council.

Background

The Local Government Remuneration Tribunal reviews the fees paid to Councillors and Mayors on an annual basis. The Tribunal then releases a report with a range of fees allowed for the various categories of council.

The approach taken during the previous term of Council was to adopt the maximum fees as determined by the Tribunal for the entire term. This is considered to be a reasonable approach in that it saves having to report what is largely an administrative matter on an annual basis. The report that follows seeks Council endorsement of this approach for the 2016 to 2020 term.

Key Issues

- Whether to adopt the maximum fee or a lower amount
- Whether to have an agreed practice of adopting the maximum for the entire term.

Information

The last Remuneration Tribunal report was released in March 2016 with the Tribunal approving an increase of 2.5% in fees for Councillors and Mayors effective from 1 July 2016. The Tribunal also considers from time to time the categorisation of all councils. A review of the categories was last undertaken in 2012. The categories are listed below.

Category
Principal City
Major City
Metropolitan Major
Metropolitan Centre
Metropolitan
Regional Rural
Rural
County Council - Water
County Council - Other

Ballina Shire Council is categorised as Regional Rural.

The fees, effective from 1 July 2016, are shown in the following table.

A copy of the Local Government Remuneration Tribunal Determination showing the amounts paid to all categories is attached for information.

11.5 Councillor Fees

Category	Councillor Annual Fee		Mayor Additional fee	
	Min \$	Max \$	Min \$	Max \$
Regional Rural	8,540	18,840	18,180	41,090

It has been standard practice for Council for many years to adopt the maximum fee, as it is for most councils, and it is recommended that Council endorse this approach for this term.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Councillor fees are designed to ensure that Councillors are not out of pocket for what is primarily a community service role.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The 2016/17 budget provides for the maximum allowance.

Consultation

This report is provided for public information.

Options

The options are to adopt the maximum fee or a lower amount and to adopt the fee either for this year or agree to an approach that supports the maximum fee for the entire term.

As recent Council practice has been to adopt the maximum for the entire term, this is the recommendation that follows.

RECOMMENDATION

That Council adopts the maximum annual Councillor and Mayoral fees for a Regional Rural category council for the 2016 – 2020 Council Term.

Attachment(s)

1. Local Government Remuneration Tribunal Determination

11.6 Councillor Expenses - Claim

11.6 Councillor Expenses - Claim

Delivery Program Governance and Finance

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

Background

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

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

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

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

Key Issues

- Compliance with Expenses Policy
- Fair reimbursement of expenses

Information

Cr Jeff Johnson has submitted a claim for expenses for April and May 2016 (Travel \$146.30, Telephone \$240).

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

Sustainability Considerations

- **Environment**
Nil
- **Social**
This policy is provided to ensure Councillors are not out of pocket for expenses incurred.
- **Economic**
Nil

Legal / Resource / Financial Implications

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

11.6 Councillor Expenses - Claim

Consultation

The Councillor expenses policy is exhibited for public comment.

Options

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

RECOMMENDATION

That Council authorises the \$386.30 claim for expenses from Cr Jeff Johnson, in excess of the three month timeframe, as per the contents of this report.

Attachment(s)

Nil

11.7 Committees - Internal - Appointments

11.7 Committees - Internal - Appointments

Delivery Program Governance and Finance

Objective To determine Councillor appointments to Council formed or managed committees.

Background

Committees can provide a useful strategy for councils to manage the wide range of information and responsibilities that are presented to the elected Council. For example, a committee meeting, prior to a formal Council meeting, allows an opportunity for matters to be canvassed, and time allocated, that may not always be available in a more structured monthly Council meeting.

At the same time committees can consume resources and time and it is important to ensure that day to day operations do not become tied down with an overly cumbersome committee structure.

Councils across the State have many differing committee structures in place and it is matter for each council to determine what structure works best for their area.

Section 377 of the Local Government Act allows a council to delegate certain functions to a committee and whether or not a committee is to have any delegated authority is also a key consideration in determining committee structures.

The report that follows provides an overview of the current internal committee structure, with Council having the opportunity to endorse or amend that structure.

Key Issues

- Format of committee structure including delegations
- Councillor appointments

Information

The existing Committee Structure can be grouped into three main categories:

1. Standing Committees – Consist solely of Councillors to consider items of business before the Council. Historically Councillor membership of the Standing Committees was limited to three to four Councillors, however for the last two Council terms, all Councillors were included on these Committees.
2. Ward Committees – Consist of Councillors and community representatives to discuss items of interest for each Ward.
3. Miscellaneous Committees / Taskforces / Panels – Formed to carry out a specific task or function and can be disbanded when a task is completed.

11.7 Committees - Internal - Appointments

An overview of each of these categories follows.

1. Standing Committees

The existing standing Committees are:

- Civil Committee - Considers matters largely from the Civil Services Group; i.e. road network planning, flood management plans - Membership consists of all councillors with no delegated authority. This Committee has not met since December 2011 and it is recommended that the Committee be disbanded. Typically the matters listed are dealt with through a Councillor briefing prior to reporting to an Ordinary meeting of Council.
- Commercial Services Committee - Considers commercial and property dealings of Council, with the aim of any commercial activity typically being the provision of supplementary revenue streams that assist Council in the delivery of services to the community - Membership consists of all councillors with no delegated authority. The Committee meets fairly regularly due to Council's large property portfolio.
- Environmental and Sustainability Committee - Considers matters of a strategic planning nature; i.e. local environmental plan - Membership consists of all councillors with no delegated authority. This Committee only met four times last Council term.
- Facilities Committee - Provides strategic input into the facilitation and construction of major community facilities - Membership consists of all councillors with no delegated authority. This Committee met eleven times during the last Council term.
- Finance Committee - Considers financial matters; i.e. budget development, funding proposals etc - Membership consists of all councillors with no delegated authority. This Committee meets typically between February and May as Council prepares its Delivery Program, Operational Plan and budget for the forthcoming year.
- Reserve Trust – This Committee has delegated authority to determine matters where Council is the Reserve Trust manager for the land - Membership consists of all councillors. The current delegated authority is as follows:

"To determine all matters presented to the Committee in respect to items where Ballina Shire Council is the Reserve Trust Manager, excluding those not able to be delegated as per Section 377 of the Local Government Act".

This Committee was formed based on recommendations from the Department of Lands (now Department of Primary Industries). The principle being that when acting as a Reserve Trust, Councillors should make decisions in the interest of the Trust. Therefore it is appropriate to consider Trust related matters by sitting as a separate Reserve Trust meeting.

11.7 Committees - Internal - Appointments

The Standing Committees provide a forum outside the monthly Council meeting for Councillors to consider matters that may be complex or comprehensive.

The meetings can operate similar to a workshop or briefing, which allows extensive dialogue between Councillors and staff or expert consultants.

The Civil, Commercial Services, Environmental and Sustainability, Finance and Facilities Committees have traditionally had no delegated authority and any recommendations are submitted to the next Ordinary Council meeting for final resolution.

This does provide a second opportunity for matters to be debated although this has not occurred that regularly. The upside is that any matters that are uncertain can be clarified before the Ordinary meeting.

2. Ward Committees

One of the major difficulties for any council is to actively engage with the broader community. Activities such as advertising, public meetings, surveys, focus groups, publications, use of flyers etc are often used to try and obtain broad community feedback on matters of importance.

Despite these on-going efforts it is often people, with a potential vested interest, who will respond to matters which means that Council struggles to obtain wider community feedback. The role of a Councillor is then to try and gauge what is the community position on issues placed before the Council.

Council continues to trial different ways to engage with the community and the Ward Committees (one for each ward) were set up approximately ten years ago to allow all interested not for profit community groups to have a set forum to engage with Council. The terms of reference adopted by Council for the Ward Committees are very broad, as follows:

"To provide Council with feedback and policy advice on matters referred by Council and/or raised by members on behalf of their community"

The Committees meet once every two months, in the evening and have no delegated authority. Minutes and agendas are distributed to all Councillors via the Councillor Bulletin. The current membership of the Ward Committees is as follows:

A Ward

Ballina Lions Club
Ballina Day View Club
Lighthouse Day Club
Ballina CWA
Ballina Environment Society
Ballina Retail Action Group
Ballina Chamber of Commerce
Paradise FM
St Andrews Ballina
Ballina High School
Biala Support Services
Ballina Rugby Union Club

11.7 Committees - Internal - Appointments

Ballina Bears Cricket Club
Ballina & District Citizens & Ratepayers Association
Ballina Evening View Club
South Ballina Community Association

B Ward

Lennox Head Residents Association
Lennox Head Chamber of Commerce
Lennox Head Combined Sports Association
Lennox Head Landcare
Southern Cross School P & C Association
Ballina Environment Society Inc
Lennox Head Probus Club
Knockrow Newrybar Residents Group
East Ballina Landcare Group
Shaws Bay Residents Association
Lennox Head Lions Club
Ballina on Richmond Rotary club
Tintenbar School of Arts Inc
Tintenbar East Ballina Football Club
Marine Rescue Ballina
Ballina Heights Residences Action Group
Lennox Head-Alstonville Surf Life Saving Club

C Ward

Meerschaum Vale Hall Committee
Rous Mill Ratepayers Association
Wollongbar Progress Association Inc & Hall Committee
Alstonville Agricultural Society
Wardell Progress Association
Alstonville Combined Services Club
Alstonville & District Citizens & Ratepayers Association Inc
Ballina on Richmond Rotary Club
Alstonville Plateau Historical Society
Ballina Environment Society
Alstonville/Wollongbar Chamber of Commerce
Far North Coast Legacy
Alstonville Rotary Club
Tintenbar School of Arts
Tuckombil Landcare
Alstonville Wollongbar Rugby Club
Alstonville & District Cricket Association
Alstonville Football Club
Alstonville Community Pre-school
Plateau Seniors Network

The Ward Committees work reasonably well in that they provide an opportunity for Ward councillors and staff to hear directly from community group representatives on issues in their local areas.

They also are reasonably efficient in that they save Council having to create a myriad of other Committees to deal with matters.

11.7 Committees - Internal - Appointments

Concerns have been expressed that many residents may not be members of these organisations and therefore do not have a view being considered at these meetings. This is a fair comment and the onus is then on Council to engage with the broader community in different ways.

It is considered that the Ward Committees provide one important feedback mechanism to Council and as long as it is acknowledged that Council also needs to seek feedback from other sources, it is recommended that the Ward Committees continue.

With the commencement of the new term Council will write to all existing members to confirm they wish to remain on the Committee, along with calling for expressions of interest for any new members.

3. Miscellaneous Committees / Taskforces / Panels

This section of the report outlines the remaining committees etc that currently exist.

Aboriginal Community Committee (BSACC) - The Ballina Shire Aboriginal Community Committee (BSACAC) was formed in March 2013 and provides advice to Council on matters that involve, or potentially impact, the shire's Aboriginal residents, to assist the Council in its decision making function and/or delivery of services. The Committee also works towards fostering a positive working relationship between the shire's Aboriginal community, the Council itself and Council staff, and within Council's existing resource capacity and strategic goals and policies. The Committee meets monthly.

Current Councillor representation is the Mayor and two Councillors.

Access Reference Group - This Reference Group meets every two months to discuss mobility and access issues, particularly disabled access, for the Shire. Membership consists of community representatives who are either disabled or represent a disability group. The Committee has no delegated authority and there are no Councillor appointed representatives, although Councillors can attend as observers.

Many councils have a similar committee to this and the Committee performs an important consultation role for Council.

Alstonville Leisure and Entertainment Centre (ALEC) Committee – When Council acquired the land on which the ALEC is located, the deed included the following paragraph:

“The Alstonville Community Centre (ALEC) shall be managed, governed and controlled by a community centre committee that shall comprise seven members two of which shall be appointed by the Transferor (Alstonville Agricultural Society) and five of which shall be appointed by the Transferee (Council). Not more than two of the appointees by the transferees shall be members of the Council of the Shire of Ballina and the remaining three members shall be residents from within the area serviced by the Community Centre”.

11.7 Committees - Internal - Appointments

As Council's Community Facilities portfolio and associated resourcing has expanded, particularly with the appointment of the role of Manager – Community Facilities and Customer Service, Council staff have been able to play a more active role in the day to day management of the facility. This has meant that the ALEC Committee has not been required to meet in recent years.

Rather than nominating members to a Committee that may not meet, the preferred option is to seek agreement with the Agricultural Society to remove the need for the ALEC Committee from the deed. Essentially the need for the Committee has waned as Council's resources have increased.

Australia Day Committee – Council provides delegated authority to the Australia Day Committee, which consists of all Councillors present, to determine the award recipients for Australia Day. This Committee provides flexibility in setting a meeting time to determine the Award recipients once nominations close.

Conduct Review Panel – Council's Code of Conduct requires a panel to be established, by resolution, to handle code of conduct complaints as and when they arise and that panel must be established following a public expression of interest process.

Council initially ran an expression of interest process and appointed a number of eligible people to this panel and in addition to this NOROC later conducted an expression of interest process for all councils in this region, which resulted in a large list of panel members; i.e.

Original Panel

Inspector Greg Moore
Gary Faulks
Peter Cordery
Kim Holwell
Andrew McGinley

NOROC Panel

Michael L Enders
Peter Brown
Bruce Clarke
Emma Broomfield
Sharon Lee
Mitchell Morley
Shane White
Belinda Nolan
Alison Cripps
Brent James Stephens
Kathy Thane
Peter Mulhall
Gary Faulks (on both lists)
Lloyd Graham
Peta Tumpey
Kath Roach
Joanne Browne (since resigned)
Greg Wright

11.7 Committees - Internal - Appointments

At this point in time it is recommended that Council make no change to the existing panel as consultation can be undertaken with the other NOROC councils to determine whether they wish to continue to retain the existing members, or undertake a new expression of interest process.

Fortunately, in recent years, Council has had to deal with very few Code of Conduct complaints, so we have hardly used any of the panel members.

General Manager's Performance Review Committee - Comprises the Mayor and Deputy Mayor with no delegated authority

Council has a number of options in managing the General Manger's performance appraisal process. Some councils use the whole council to conduct the appraisal, while other councils vary this from the Mayor only to any sub-component of the elected council. The Council and/or General Manager also have the option of utilising an external consultant to assist.

Almost all of these options have been trialled by Council and the most effective process to date has been to use a small sub-committee (ie Mayor and Deputy Mayor) with all the Councillors then having an opportunity to comment when this report is presented to Council.

Internal Audit Committee – The Office of Local Government (OLG) has provided guidelines that recommend that councils have an internal audit committee. The attachment to this report is the current charter for Council's committee. No change is recommended to that charter.

Council's internal audit program is largely delivered by an external provider, being Grant Thornton and Associates. This firm was appointed following a public tender process.

The Internal Audit Committee currently comprises two Councillors plus the Mayor, together with a representative of the appointed Internal Audit firm.

The OLG Guidelines state that a preferred membership is as follows:

- 1 or 2 councillors (excluding the mayor)
- 2 or 3 independent members, at least one with financial expertise and one of whom should be the chair.

Based on this, it is recommended that Council now call for expressions of interest for the independent members of this Committee. The guidelines highlight that Council may need to pay for the services of these independent members and the expression of interest process can clarify the remuneration required by the independent members.

In respect to confirming the successful respondents it is recommended that the two Councillor representatives (assuming Council supports two Councillor representatives), in conjunction with the General Manager make this determination. This is preferred as it is extremely difficult to report the outcomes of this type of expression of process in a report to Council and then have the merits of each applicant debated by Councillors in open Council, as this type of debate cannot be held in a confidential session in a Council meeting.

11.7 Committees - Internal - Appointments

Local Traffic Committee (LTC) – The LTC consists of representatives from the NSW Police, the Roads & Maritime Services (RMS) and Council. The committee is not formed by Council under the Local Government Act but rather is formed as a requirement of Council to meet its statutory obligations delegated by the Roads & Maritime Services (RMS) to Council in respect of the NSW Roads Act. The operation of the LTC is then managed by a technical direction from the RMS.

The representative from Council is the Chairperson in accordance with the RMS guidelines. Whilst the guidelines provide that Council is limited to this one position, the appointment can be a Councillor or staff member. Other persons from Council may attend the meeting, but cannot vote.

This Council has traditionally appointed its senior engineer to the position. This appointment has been made based on the RMS guidelines which state that:

"The LTC is primarily a technical review committee, which is required to advise the Council on matters referred to it by Council. The LTC should consider the technical merits of the proposal and ensure that the proposal meets current technical guidelines."

The LTC considers a range of traffic control matters some of which are determined under delegation by Council staff, some of which need to be reported to Council and some of which are forwarded to the RMS for determination.

Port Ballina Taskforce - The Port Ballina Taskforce was formed to improve the overall marine infrastructure and marine environment for Ballina, through the promotion and lobbying of activities that result in improvements to:

- a) Overall health of the Richmond River
- b) Safer boating
- c) Marine infrastructure both commercial and public
- d) Tourism and business opportunities
- e) Recognising and preserving Ballina's maritime history
- f) Implementation of existing strategies and studies such as the Ballina Foreshore Master Plan

Current membership comprises the Mayor and two Councillors as well as representatives from the Ballina Chamber of Commerce, State Government (one from the Department of Premier and Cabinet), three community representatives, RMS (Maritime Services) and a representative from one Recreational Fishing Organisation. The Taskforce meets on an as required basis.

The Taskforce is considered to be effective in helping Council communicate actions and strategies being taken in respect to maritime activities and it is recommended that the Taskforce be retained.

The appointment of the three community representatives and the Recreational Fishing representative were subject to an expression of interest process and it is fair to conduct a similar process again, as there are other members of the community interested in joining this group.

11.7 Committees - Internal - Appointments

In respect to determining the successful respondents to this nomination process, it is recommended that the three Councillor representatives make that decision once the expressions close. Again, this is a far less problematic process than reporting to Council and having the entire Council debate the merits of each applicant.

Public Art Advisory Panel – Council has a Public Art Policy which states that a Public Art Advisory Panel will be formed to provide guidance on the implementation of that policy (refer to our web site for details on the policy). In brief, commercial, retail or tourist developments with a value in excess of \$1m must provide public art of a value of at least \$15,000. The Panel Members provide input into what is considered to be appropriate public art as funded by these contributions.

The Panel consists of three Councillors (one from each Ward, one of which is the Chair) and a representative from Arts Northern Rivers. The Panel meets on an as required basis.

Ballina Ocean Pool Committee – In November 2015 Council resolved that the Ballina Ocean Pool Committee Inc would be established as a Committee of Council, with the terms of reference for the Committee as follows:

- *Terms of Reference – To oversee and implement the actions necessary to allow a planning application to be lodged with Council for the establishment of an ocean pool at Shelly Beach, Ballina. The Committee is to be set up on the basis that the ocean pool will be constructed through funding sources other than Council, and the pool is to be designed to ensure that nil, or minimal maintenance, is required for the facility on an on-going basis.*

This meant that all the members of the Ballina Ocean Pool Committee Inc (BOPC), which is a community based group, then became for all intents and purposes a committee of Council. The logic behind this is that the advice from Crown Lands is that the planning approval process is more streamlined, but still difficult, if the applicant is Council rather than a private person or organisation. By allowing the BOPC to become a Council committee, this means that when and if they lodge an application, the application will effectively be from Council.

The BOPI has not actually met as a Committee of Council although they are still meeting as their own independent committee, as and when required.

Sustainability Considerations

- **Environment**
The various committees created by Council have a responsibility to consider environmental, social and economic issues.
- **Social**
As above
- **Economic**
As above

11.7 Committees - Internal - Appointments

Legal / Resource / Financial Implications

It is important that Council, in creating any committees, ensures that the membership of the Committee is clear, along with the terms of reference and delegations, if any. Committees can impact heavily on staff resources and Councillor time, so it is essential that the need for any Committee is clearly demonstrated.

Consultation

Committees provide one opportunity for Council consultation with the community and can also provide an opportunity for Councillors to consider matters prior to reporting to the monthly ordinary meeting.

Options

The committee structure adopted by a council can play an important role in how that council operates.

With this being the first meeting of a new Council it may well be more appropriate to defer any final decision on this report until a briefing is held between Councillors and staff. That briefing would then allow an opportunity for Councillors to examine the advantages and disadvantages of the existing arrangements, along with reviewing other options.

Another possible option could be to endorse part or all of the existing structure, subject to a further review after six to 12 months of operation.

As it is important for Council to continue to operate effectively the preferred approach is to endorse the majority of the existing arrangements, with some minor amendments, and allow a review to be completed at 30 June 2017. This will provide for a period of nine months, along with the completion of the financial year, which will then assist Councillors in determining whether the new Council wishes to make further improvements to the existing structures.

RECOMMENDATIONS

1. That Council confirms it will retain the following Standing Committees:
 - Commercial Services Committee
 - Environmental and Sustainability Committee
 - Finance Committee
 - Facilities Committee
 - Reserve Trust

with the existing Civil Committee disbanded due to a lack of meetings.
2. The terms of reference for the Standing Committees is to be as follows:
 - Commercial Services Committee - To introduce, evaluate and review the commercial dealings and operations of Council, with the aim of any commercial activity being the provision of supplementary revenue streams that assist Council in the delivery of services to the community.
 - Environmental and Sustainability Committee - To consider land use planning matters of a strategic and regulatory nature
 - Finance Committee - To consider financial matters of a strategic nature including Council's annual budget deliberations
 - Facilities Committee – To provide strategic input into the facilitation and construction of major community facilities
 - Reserve Trust Committee - To consider crown land matters where Council is the appointed Trust Manager.
3. Membership of the Standing Committees is to consist of all Councillors.
4. The Commercial Services, Environmental and Sustainability, Finance and Facilities Committees have no delegated authority.
5. The Reserve Trust Committee has the following delegated authority:

"To determine all matters presented to the Committee in respect to items where Ballina Shire Council is the Reserve Trust Manager, excluding those not able to be delegated as per Section 377 of the Local Government Act".
6. That Council confirms it will retain the existing structure and membership of the three Ward Committees, with expressions of interest to be called for additional membership. These Committees have no delegated authority.
7. That Council confirms it will retain the Aboriginal Community Committee, with two Councillors appointed to the Committee. This Committee has no delegated authority.

11.7 Committees - Internal - Appointments

8. That Council notes the comments of this report in respect to the Access Reference Group.
9. That the General Manager seek agreement with the Alstonville Agricultural Society to determine whether the need for the Alstonville Leisure and Entertainment Centre Committee can be deleted from the existing deed.
10. That Council confirms it will retain the Australia Day Committee, with membership consisting of all Councillors. This Committee has delegated authority to determine the recipients for the Australia Day Awards.
11. That Council notes the update on the retention of the existing members of the Conduct Review Panel.
12. That Council confirms the General Manager's Performance Review Committee is to comprise the Mayor and Deputy Mayor.
13. That Council confirms the retention of the Internal Audit Committee based on the terms of reference as attached to this report. That Council appoint two Councillors as its representatives to the Internal Audit Committee, with expressions of interest to be called for a maximum of three independent members. The two Councillor representatives and the General Manager have the delegated authority to determine the independent members following the expression of interest process.
14. That Council notes the contents of this report in respect to the Local Traffic Committee and confirms that the General Manager (or nominated delegate) is the Council appointment to that Committee.
15. That Council confirms it will retain the Port Ballina Taskforce and its membership structure, with two Councillors, as well as the Mayor, as Council representatives. Council also confirms it will call expressions of interest for the three community representatives and one Recreational Fisher Group representative, with the three Councillor representatives having the authority to determine the appointments to the Taskforce following that process. The terms of reference for this Taskforce are to remain as follows, with the Committee having no delegated authority:

The Port Ballina Taskforce was formed to improve the overall marine infrastructure and marine environment for Ballina, through the promotion and lobbying of activities that result in improvements to:

- a) *Overall health of the Richmond River*
 - b) *Safer boating*
 - c) *Marine infrastructure both commercial and public*
 - d) *Tourism and business opportunities*
 - e) *Recognising and preserving Ballina's maritime history*
 - f) *Implementation of existing strategies and studies such as the Ballina Foreshore Master Plan*
16. That Council determine its three representatives to the Public Art Advisory Panel, with a representative from Arts Northern Rivers to be the other member on the Panel, as per Council's Public Art Policy.

11.7 Committees - Internal - Appointments

17. That Council confirms that the Ballina Ocean Pool Committee Inc is to be retained as a Committee of Council based on the existing terms of reference as follows:

To oversee and implement the actions necessary to allow a planning application to be lodged with Council for the establishment of an ocean pool at Shelly Beach, Ballina. The Committee is to be set up on the basis that the ocean pool will be constructed through funding sources other than Council, and the pool is to be designed to ensure that nil, or minimal maintenance, is required for the facility on an on-going basis.

18. That Council conduct a review of the Committees listed prior to 30 June 2017.

Attachment(s)

1. Internal Audit Charter

11.8 Committees - External - Appointments

11.8 Committees - External - Appointments

Delivery Program Governance and Finance

Objective To consider Council appointments to external Committees and Organisations.

Background

Council is represented by Councillors on a number of external committees and organisations. The purpose of this report is to review that representation to determine whether Council still wishes to be represented on the committee / organisation and who the representative(s) will be.

Key Issues

- Review of representation
- Nomination of delegates

Information

Council provides input into a number of other organisations and groups. The majority of that representation is on a voluntary basis however Council is also a member of Rous County Council (which now incorporates Far North Coast Weeds and Richmond River County Councils) and delegates to that council are entitled to a councillor allowance paid by the County Council, along with travelling allowance, professional development etc.

Representatives on Rous are required to be available for workshops / meetings on the third Wednesday of each month from 11am to 4 pm.

The county council appointment, if an election is required, must be by preferential ballot.

To be formal, at least two preferences must be marked. Also appointment to the county council is for the term of the council.

This means if a Councillor is interested in becoming a delegate to the county council they must be voted in at this meeting.

Appointments to the other committees and organisations can be made for one year or more. Recent practice has been to appoint representatives for the term of Council, albeit that if any Councillor wished to resign from their appointment, this can be reported on at any time during the term.

With a number of newly elected Councillors, Council could determine to elect the representatives for one year, to allow that representation to be reassessed after that period.

In summary there are three main categories of external organisations on which Council is represented being:

11.8 Committees - External - Appointments

1. County Council – a council established by State legislation.
2. Council Constituted Organisations – organisations set up by the member councils.
3. Industry Based Groups – Professional groups / organisations / statutory bodies to which Council has been invited to have a representative attend meetings.

1. Rous County Council

Council is a constituent council (i.e. member council) of Rous County Council (formerly known as Rous Water).

Three county councils being Rous Water, Richmond River County, and Far North Coast County (Weeds) were merged to become Rous County Council in July 2016.

As a council, Rous is bound by the same legislation (i.e. NSW Local Government Act etc) as a general purpose council (i.e. Ballina Shire).

Delegates to Rous are entitled to a current councillor allowance of \$9,410 per annum, with the Chair of Rous receiving an additional allowance of \$15,460 per annum. Travelling to and from meetings is paid by Rous to the delegate.

Details on the primary roles of Rous County Council are as follows:

a) Bulk Water Authority

Rous is the regional water supply authority providing bulk water to the council areas of Lismore (excluding Nimbin), Ballina (excluding Wardell), Byron (excluding Mullumbimby) and Richmond Valley (excluding land to the west of Coraki).

The key role for Rous is to ensure the adequate supply of water to the member councils, along with forward planning for the regional water supply.

In summary, Ballina Shire Council purchases water from Rous and then we perform the role of network distributor; i.e. we own the water mains, pumping stations etc that deliver water within our Shire.

The water purchase figure payable to Rous by Ballina Council for 2016/17 is approximately \$5.8 million and the total estimated operating expense for Council's water operations for 2016/17 is \$9.7 million, excluding depreciation.

These figures highlight the impact that the Rous charges have on Council's water operations.

The only locality in Ballina Shire that is not part of the Rous supply is Wardell, which is supplied by Ballina Council's own water treatment plant at Marom Creek.

11.8 Committees - External - Appointments

b) Flood Management and related Natural Resource Management on the Richmond River floodplain

One of the key issues for Rous is the health of the Richmond River and over the years they have struggled to attract the finances to achieve major outcomes, as many of the projects needed for the Richmond River require significant capital investment.

An important goal for this term should be to increase the level of investment into the Richmond River as poor river health remains a key issue for the community of the Ballina Shire.

Rous provides this service for the Ballina, Lismore and Richmond Valley Councils.

Ballina Shire Council's contribution to this program is currently \$240,000 per annum.

c) Weed Management

Rous is responsible for noxious weed control for the following councils being Ballina, Byron, Kyogle, Lismore, Richmond Valley and Tweed.

Ballina Shire Council's contribution to this program is currently \$108,000 per annum.

2. Council Constituted Organisations

a) Northern Rivers Regional Organisation of Councils (NOROC)

NOROC is a body formed by the member councils to advance regional issues. The members of NOROC are the following northern rivers councils (i.e. Tweed, Byron, Ballina, Richmond Valley, Kyogle, Lismore plus Rous County Council).

Council's representation comprises the Mayor, with the General Manager attending meetings.

NOROC may soon be superseded by the Northern Rivers Joint Organisation which will be a body established as part of the State Government's Fit for the Future Program. Membership of the joint organisation will be compulsory whereas NOROC membership is subject to a determination by each Council.

b) Richmond-Tweed Regional Library Committee (RTRL)

RTRL manages library services for Ballina, Byron, Lismore and Tweed councils. Council's representation comprises two councillors and an alternate delegate. The RTRL is administered by Lismore City Council (i.e. Lismore employs all the library staff).

c) Arts Northern Rivers

Arts Northern Rivers is a regional body consisting of all the NOROC councils, which oversees the promotion and development of arts in the region.

11.8 Committees - External - Appointments

The Arts Northern Rivers constitution allows a council to select its own method of determining who will represent the local government area; i.e. it can be a local community representative, staff member or Councillor.

Typically Ballina selects a Councillor and an alternate.

3. Industry Groups

a) Alstonville/Wollongbar Chamber of Commerce

Delegates are typically the "C" Ward Councillors plus the Mayor, however at times additional Councillors have been appointed as delegates.

b) Ballina & District Chamber of Commerce

Delegates are typically the "A" Ward Councillors plus the Mayor, however at times additional Councillors have been appointed as delegates, as this is the major Chamber for the Shire.

c) Lennox Head Chamber of Commerce

Delegates are typically the "B" Ward Councillors plus the Mayor, however at times additional Councillors have been appointed as delegates.

d) Cape Byron Marine Park Authority Advisory Committee

Council has one delegate with this appointment overseen by the NSW State Government. The Advisory Committee provides input into the operations of the Cape Byron Marine Park.

Members of Marine Park Advisory Committees are appointed for a four year term which in the case of current members of the Cape Byron Marine Park Advisory Committee, including Cr Sue Meehan, expires on 31 March 2018.

The Committee has advised that since Cr Meehan is no longer a Councillor, Ballina Shire will be invited to nominate a new representative to sit on the Cape Byron Marine Park Advisory Committee and it is anticipated that the Director General will be writing to the General Manager, Ballina Shire, with a request to nominate and a nomination form very shortly.

This being the case Council can confirm its nomination at this meeting.

e) Rural Fire Service Management Committee

Council has one delegate with this Committee providing input into rural fire services for the region.

f) Joint Regional Planning Panel (JRPP) – Northern Region

This is a State Government appointed body that oversees the determination of development applications that meet certain criteria, i.e.

- development with a capital investment value (CIV) over \$20 million

11.8 Committees - External - Appointments

- development with a CIV over \$5 million which is council related, lodged by or on behalf of the Crown (State of NSW), private infrastructure and community facilities or eco-tourist facilities
- extractive industries, waste facilities and marinas that are designated development
- certain coastal subdivisions
- development with a CIV between \$10 million and \$20 million which are referred to the regional panel by the applicant after 120 days
- modifications to regional development under Section 96(2) of the Environmental Planning and Assessment Act 1979 (the Act), and
- crown development applications (with a CIV under \$5 million) referred to the regional panel by the applicant or local council after 70 days from lodgement as undetermined, including where recommended conditions are in dispute.

The NSW Government Joint Regional Planning Panel web site (jrpp.nsw.gov.au) states that “regional panels provide independent, merit based decision making on regional development. Regional development is development which is notified and assessed by a local council and then determined by the relevant regional panel”.

There are six regional panels across NSW, with each Panel comprised of five members, three appointed by the Minister and two appointed by the relevant local council.

At least one council member is required to have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

Community representatives, staff or Councillors can be nominated to the panel.

The practice to date has been to appoint the Mayor, with the Deputy Mayor as the alternate delegate and the Group Manager – Strategic and Community Services, with the Group Manager – Civil Services as the alternate delegate.

Councils are free to determine the fees they pay their members of the JRPP, with guidance provided by the Minister. The actual Council pays the attendance and any travelling fee, not the JRPP.

Council has, to date, adopted the maximum fee recommended by the Minister for Planning (through the Department of Planning) which is currently \$600 per meeting. This fee is only payable to the Councillor representative with Council staff not being eligible for any additional payment.

g) Australian Coastal Councils

Council is a member of this organisation and Cr Cadwallader has been elected by the member councils to their Committee of Management. When the committee positions next become vacant Council will need to determine whether anyone wishes to nominate to this position.

Sustainability Considerations

- **Environment**
Environmental, social and economic factors will all be considerations in representing councils on other bodies.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

If nominated as a delegate Councillors are automatically entitled to claim travelling expenses to attend formal meetings. These expenses are paid by Ballina Shire Council, except in the case of the county council, which pays the expenses direct to the delegate, and the Australian Coastal Council Management Committee, which pays some contribution towards travel costs.

Consultation

Representation on external bodies is an important component in Ballina Shire's consultation with the broader community.

Options

Election to the county council must be in accordance with the Local Government Act and a nomination form has been included with the business paper. These forms must be signed by both the nominee and a councillor as a nominator and returned to the General Manager prior to the election taking place.

For the county council, if an election is required, the system of voting must be by preferential ballot. To be formal, at least two preferences must be marked. Ideally, to assist with Council, it would be useful to have preferences marked against every nomination (i.e. if five nominees mark one to five).

In respect to the other organisations Council can determine its representatives by consensus or by an election. If an election is needed the voting must be by open voting (show of hands). Typically a large number of these delegates are appointed by consensus without the need for an election.

The recommendation lists the committees / organisations where Council needs to confirm its representation.

RECOMMENDATIONS

1. That Council confirm its representation for the following external committees / organisations:
 - a) Rous County Council – Two delegates
 - b) Richmond-Tweed Regional Library Committee (RTRL) – Two delegates, with an alternate
 - c) Arts Northern Rivers – One delegate, with an alternate
 - d) Alstonville/Wollongbar Chamber of Commerce - Three C ward Councillors plus Mayor (and any other interested Councillor)
 - e) Ballina & District Chamber of Commerce – Three A ward Councillors plus Mayor (and any other interested Councillor)
 - f) Lennox Head Chamber of Commerce - Three B ward Councillors plus Mayor (and any other interested Councillor)
 - g) Cape Byron Marine Park Advisory Committee – One nomination
 - h) Rural Fire Service Management Committee – One delegate
 - i) Joint Regional Planning Panel – Mayor with the Deputy Mayor as the alternate. The Group Manager – Strategic and Community Services, with the Group Manager – Civil Services as the alternate. Council also adopts the maximum meeting fee as provided by the NSW Department of Planning and Infrastructure, which is currently \$600 per meeting, for the Councillor appointment.

Attachment(s)

Nil

12.1 Camoola Avenue, Ballina - Traffic Arrangements

12. Civil Services Group Reports

12.1 Camoola Avenue, Ballina - Traffic Arrangements

Delivery Program Engineering Works

Objective To provide an update on traffic management options for Camoola Street, Ballina

Background

After an extensive public consultation process with local residents in 2014, Council resolved, in part, to change Camoola Avenue to one way eastbound.

This work has been deferred pending the completion of recent Blackspot funded works in River Street.

With those works now implemented, an analysis of traffic flows post the Blackspot works in River Street, has found that maintaining two way traffic in Camoola Avenue, has significant benefits for the street network and residents north of River Street wishing to travel westbound in River Street.

The Ballina Local Traffic Committee reconsidered the matter at its meeting held 13 April 2016 and recommended keeping Camoola Avenue two way.

The purpose of this report is to seek Council's reassessment of its previous position. A traffic map is attached for information.

Key Issues

- Equitable access to the road network
- Residential street amenity

Information

In regard to Camoola Avenue traffic arrangements, Council resolved in 24 July 2014 as follows:

"1. *That Council adopt option two, as outlined in the report, which includes the following actions:*

- *Kerbside parking not permitted south side*
- *One way traffic eastbound only*
- *Unregulated kerbside parking north side.*

2. *The implementation of this option is to be based on a staged approach, with kerbside parking not permitted on the south side being the first stage."*

12.1 Camoola Avenue, Ballina - Traffic Arrangements

The first and third actions have been implemented. The second action "one way eastbound only" was deferred pending completion of the Blackspot works in River Street that provide a continuous median at the Tweed Street intersection and protected right turn lanes at the Brunswick Street intersection.

The following are some key extracts from the report to Council 24 July 2014:

"Camoola Avenue is a narrow residential street that provides access and parking for adjacent residents and a through route for residential areas further west. Being adjacent to the Ballina CBD, traffic flows are influenced by nearby commercial land uses. A significant development is proposed and approved in adjacent Kerr Street, and if this is built it is likely to cause additional traffic and parking pressure on Camoola Avenue.

A number of Camoola Avenue residents have expressed a desire for local traffic arrangements to be reviewed. In response to this, the Local Traffic Committee recommended that Council consult with local residents to assess a number of traffic management options.

In response to suggestions of residents, Council staff have developed a number of traffic management options, including an assessment of an option to change to a one way street

Option	Advantages	Disadvantages	Comments
Option One			
<p>No change.</p> <p>No regulation of kerbside parking.</p> <p>Two way traffic.</p>	<p>Preserves choice of traffic to use Camoola Avenue in both directions.</p> <p>Preserves choice of vehicles to park on either side of street.</p>	<p>If kerbside parking fully utilised it is likely to be staggered and can effectively reduce Camoola Avenue to one trafficable lane. There can be uncertainty which direction has right of way.</p> <p>Uncertainty of directional right of way can lead to congestion and stoppages.</p>	<p>Traffic flow is impeded and could lead to unacceptable congestion and stoppages as traffic volumes increase over future years.</p>
Option Two (adopted)			
<p>One way traffic eastbound only.</p> <p>Unregulated kerbside parking north side.</p> <p>Kerbside parking not permitted south side</p>	<p>Provides traffic with clear, high capacity eastbound lane.</p> <p>Still enables vehicles to park on one side of Camoola Avenue.</p> <p>Traffic can exit local area via green phase at Kerr Street signals.</p> <p>Westbound traffic can enter local area via left turn from River Street, west of Kerr Street.</p>	<p>Parking choice lost on south side.</p> <p>Entry into Camoola Avenue and local area beyond, via Kerr Street signals not possible.</p> <p>Local traffic circulation choice reduced.</p> <p>May require provision of protected right turn facility on River St to enter Tweed or Brunswick St</p>	<p>Provides balance between the needs of through traffic and parking needs of local residents.</p> <p>Ensures south side kept clear of parked vehicles that may block pedestrian path.</p>

12.1 Camoola Avenue, Ballina - Traffic Arrangements

Option	Advantages	Disadvantages	Comments
Option Three			
Two way traffic. Kerbside parking not permitted on any side	Two way uninhibited traffic flow has best traffic flow capacity. Preserves choice of traffic to use Camoola Avenue in both directions.	All kerbside parking lost in Camoola Avenue May lead to an increase in future traffic using Camoola Avenue and absence of parked vehicles will facilitate higher speeds.	The best solution for providing through traffic flow, but comes at the cost of losing all kerbside parking and thus severely disadvantages local residents.
Option Four			
Two way traffic. Staggered kerbside parking controlled at prescribed locations by signage on either side.	Preserves choice of traffic to use Camoola Avenue in both directions Provides some parking opportunities on both sides	Loss of significant number of parking spaces Staggered parking areas, if fully utilised will effectively reduce Camoola Avenue to one trafficable lane. There may be uncertainty which direction has right of way Uncertainty of directional right of way may lead to congestion and stoppages. Staggered parking signage may be confusing	May impede traffic flow and could lead to unacceptable congestion and stoppages as traffic volumes increase over future years.
Option Five			
Option 5 One way traffic east bound only. Staggered kerbside parking controlled at prescribed locations by signage on either side.	Provides clear, but staggered eastbound lane for through traffic. Provides some parking opportunities on both sides. Staggered parking on either side more equitable for residents than Option 2 (parking north side only). Traffic can exit local area via green phase at Kerr Street signals Westbound traffic can enter local area via left turn from River Street, west of Kerr Street	Loss of significant number of parking spaces either side Staggered eastbound lane has lower traffic flow capacity than Option 2. Staggered parking signage may be confusing Local traffic circulation choice reduced Entry into Camoola Avenue and local area beyond, via Kerr Street signals not possible May require provision of protected right turn facility on River St to enter Tweed or Brunswick St.	Will provide no more kerbside parking than Option 2, but its through traffic capacity will be compromised by the staggered flow path and may lead to congestion and stoppages as traffic volumes increase over future years.

12.1 Camoola Avenue, Ballina - Traffic Arrangements

The following is a summary of submissions received.

Submission No.	Property Location	Option No. Preference	Other Comments
1.	Camoola Ave	2 (one way east, parking north side only)	Parking on footpath blocks pedestrians and forces them onto street. Need RH turn lane eastbound on River St at Brunswick St
2.	Camoola Ave	1 (no change)	Traffic situation acceptable. On occasions speed a problem.
3.	River St, around corner from Camoola Ave	1, 2 nd choice 3 (2 way, no parking either side)	In 6 years no one has complained about cars parked both sides. Issue blown out of proportion.
4.	Camoola Ave	5 (one way east staggered parking)	
5.	Camoola Ave	1	No changes needed. Prevention of parking would encourage speeding
6.	Camoola Ave	2	Speed a problem. Right turn from River St into Tweed St is dangerous, needs improvement.
7.	Tweed St, around corner from Camoola Ave	2	Speed issues, suggests limit & speed bumps. Stormwater issues.
8.	Camoola Ave	2 with reservations	Speed limit 30/40 km/h or speed bumps needed. Parking too close to driveways.
9.	Camoola Ave	5, 2 nd choice 2	Speed a problem. Want speed humps
10. Combined submission representing 6 separate residences	Various residences Camoola Ave	2	Many drivers exceeding speed limit, there is a need for speed bumps.
11.	Tweed St, around corner from Camoola Ave	2	Turn from River St to Tweed St with speeding merging River St traffic is a problem. Protected right turn lanes in River St to Tweed St or Brunswick St needed.

"

End of extract from report to Council 24 July 2014

Since completion of the River Street Blackspot works the difficulty for southbound traffic in Brunswick Street, turning right into westbound River Street, has become increasingly apparent.

Analysis with traffic intersection software based on current traffic flows indicates the right turn into westbound River Street for southbound traffic in Brunswick Street has a very poor level of service with delays of 30 minutes average in the pm peak and more in the am peak.

12.1 Camoola Avenue, Ballina - Traffic Arrangements

As a result, the most practical route for southbound traffic in Brunswick Street heading westbound in River Street, is to initially turn left into River Street, turn right at the Kerr Street signals, right again into Camoola Avenue and thence by Tweed or Brunswick Streets to a left turn westbound in River Street (refer to the attachment).

Implementation of the "One way traffic eastbound only" action on Camoola Avenue would prevent this movement and cause a significant delay / inconvenience to traffic originating in the Brunswick Street area, north of River Street.

If Camoola Avenue is made one way eastbound, this option for westbound vehicles originating from the Brunswick Street North area would be prevented, however an alternative would be to still turn right (south) into Kerr Street, do a U turn in Kerr Street (may have safety issues) and proceed westwards into River Street at the River Street/Kerr Street signals.

Other remaining options include:

- Attempt to turn right into River Street
- Divert to Fox Street and use the Fox Street/Kerr Street Lights to enter southbound on the old highway
- Divert to Tamar Street, turn left at Kerr Street turn right into Crane Street, Grant Street and Tamar Streets then left southbound on Kerr Street.

The first option will have unacceptable delays and frustration could lead to unsafe attempts to turn right across the River Street traffic flow (currently 24,000 vehicles per day).

The second option via Fox Street provides a safe alternative, but requires an extra 3.7 km of travel. This compares to the diversion via Camoola Avenue that requires an extra one km of travel.

The third option requires an extra 1.5 km of travel.

The majority of Camoola Avenue residents, when consulted in 2014, preferred the one way eastbound option however the impact on westbound traffic originating from Brunswick Street north was not fully accounted for in the analysis and consultation at that time.

Whilst the one way eastbound option is still likely to be the best option for the amenity of Camoola Street residents, it would be at the cost of a compromised street network and reduced amenity for a significant number of residents in the area immediately north of River Street between Kerr Street and Fishery Creek.

The matter was referred back to the Ballina Local Traffic Committee meeting held 13 April 2016 and the Committee Recommended:

"In regard to provision of one way or two way traffic on Camoola Avenue, Ballina the Committee favours keeping Camoola Avenue two way."

12.1 Camoola Avenue, Ballina - Traffic Arrangements

Sustainability Considerations

- **Environment**
An efficient road network will reduce fuel consumption and greenhouse gas emissions
- **Social**
It is important to have an equitable road network access for local residents
- **Economic**
An efficient road network will minimise vehicle running costs and driving times

Legal / Resource / Financial Implications

The provision of one way traffic in Camoola Avenue requires the agreement of the Ballina Local Traffic Committee.

Consultation

Consultation with Camoola Street residents regarding a range of traffic management options took place in 2014.

Options

Option One

Confirm the 24 July 2014 Council resolution to provide "One way traffic eastbound only" in Camoola Avenue.

Option Two

Support the Ballina Local traffic Committee recommendation and keep Camoola Avenue two way.

Option two is favoured because it is recommended by the Local Traffic Committee and will provide a reasonable balance between equitable access to the road network for residents north of River Street and the amenity of residents in Camoola Avenue. This decision maintains the status quo and it can be revisited at a time of the Council's choosing in the future

RECOMMENDATION

That Council, due to the negative impacts that are likely to occur in the Brunswick Street precinct, resolves not to proceed with its previous decision to provide one way traffic access in Camoola Avenue and confirms that the status quo, being two way access, will be maintained.

Attachment(s)

1. Brunswick Street Outlets

12.2 Policy (Review) - Urban Vegetation on Public Land

12.2 Policy (Review) - Urban Vegetation on Public Land

Delivery Program Open Spaces and Reserves

Objective To review the Urban Vegetation on Public Land Policy.

Background

The purpose of this report is to consider an amendment to the Urban Vegetation on Public Land policy. The proposed amendment is in relation to the delegated authority for tree removal and pruning or tree retention. The report is in response to the following resolution of Council.

“That Council receive a report on the implementation of a policy to assist with the decision making process for the removal of trees. This policy is to give consideration to recognising the balance between decisions being made at an operational level and the occasional situation where a tree removal may need to be reported to Council due to community or other concerns.”

A workshop was held with Councillors to discuss the options available. The information section below reports the outcome of the workshop.

The resolution refers to the implementation of a policy however rather than the creation of an additional policy, it is suggested that amending the Urban Vegetation on Public Land Policy is preferred. The Council first adopted this policy in August 2010 and it was reviewed in February 2015.

The policy is considered contemporary to Council’s needs.

Key Issues

- Clarifying the delegated authority in respect to the management of trees
- Respond to Council resolution

Information

At times Council is required to remove trees from public land for a number of reasons including the declining health of the tree, to protect infrastructure assets and to responsibly manage potential risks to property and public safety.

Tree removal is an option of last resort and is only applied when it is not practical or feasible to implement an alternate option.

Council’s trained technical officers follow tree assessment procedures and standards to ensure consistency and best practice in the approach to determining tree pruning, root pruning and removal.

At times, second opinions are requested from consultant arborists to assist in the assessment and Council also receives advice from its insurer for some of these matters.

12.2 Policy (Review) - Urban Vegetation on Public Land

Some of these decisions can result in complaints to Council. These complaints can involve concerns about a decision not to remove a tree as well as complaints about tree removal.

While the number of complaints are small relative to the number of operational decisions that are made, the potential change to the amenity of an area can be significant and a sensitive matter to the community.

In this situation, Councillors are often asked to advocate on behalf of the community, and with each case being different and determined on its merits, there has been some uncertainty, or inconsistency around where the authority resides to make a final decision.

At times some Councillors have preferred matters to be referred to Council for determination.

A workshop was held with councillors to discuss options. It is not efficient or effective to report all tree removal decisions. After discussion, it was agreed that it is not practicable to easily categorise the operational decisions within a policy or procedure in a manner that could consistently and clearly determine what cases are to be decided by delegated authority or by the Council.

On this basis the general consensus of the workshop was that where a professional assessment had determined tree removal was required for safety reasons, or to prevent or reduce damage to private property or public infrastructure, staff are delegated to proceed, subject to notification to the affected community being undertaken (when it is safe to do so) and appropriate compensatory planting and site rehabilitation is undertaken.

Information advice will be provided via the Councillor bulletin of major operational decisions or items known to be particularly sensitive within the community.

The above position does not prohibit either staff referring a matter to Council for determination, a Councillor requesting a report, or a Notice of Motion as ways to review a decision.

Council's policy direction is already established in that the Council is seeking best practice tree management within its operations, and this includes the selective removal and replacement of trees only where this is essential for the strategic management of the urban canopy cover for the future.

The amendment to the policy is found at section 2(d) and is highlighted in yellow. The proposed delegated authority in the policy is conditional on staff notifying residents in advance (where this is practicable and safe) and appropriate compensatory planting and site rehabilitation is undertaken.

Sustainability Considerations

- **Environment**

The best practice management of urban vegetation provides valuable environmental benefits that include: wildlife habitat, species diversity improvements, cooling of urban environments, release oxygen and trap airborne pollutants.

12.2 Policy (Review) - Urban Vegetation on Public Land

- **Social**

Enhancing the amenity of urban streetscapes and public reserves and plays a significant role in determining the urban character of towns.

- **Economic**

Better managed and protected urban vegetation reduces risk and liability whilst matching policy to available resources.

Legal / Resource / Financial Implications

Council has the responsibility to balance the protection of vegetation with the management of risk. This policy provides the framework for this risk management to occur having regard to the financial resources of Council.

The use of delegated authority to trained technical officers, making decisions in accordance with this policy, relevant standards and procedures is preferred for consistency and efficiency.

Notwithstanding this, it is recognised from time to time that community concerns will emerge that may require reporting to Council to determine the matter.

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. The changes proposed provide the preferred level of clarity for staff to implement Council's policy and 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 Urban Vegetation on Public Land Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

Attachment(s)

1. Policy - Urban Vegetation on Public Land

12.3 Policy (Review) - Street Light Shielding Policy

12.3 Policy (Review) - Street Light Shielding Policy

Delivery Program Asset Management

Objective To review the Street Light Shielding 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 Street Light Shielding policy.

Council first adopted this policy in November 2012.

Key Issues

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

Information

By way of further background, Council receives many requests to shield street lights and typically the lights are assessed as meeting the standards, which preferably means no changes are supported.

Advice from our insurer is that the Council needs to justify and document carefully any decision that is a departure (reduction) from the standard and reduces the light available to pedestrians, as this decision could expose Council in response to a liability claim from a slip, trip or fall incident.

The adoption of a policy has assisted staff to explain to customers that we have carefully considered this issue and have a consistent, equitable approach to inquiries.

The review of this policy has identified no changes are required at this point in time. The policy is still considered to be contemporary and reflects current legislation therefore no changes are recommended. A copy of the policy is attached to the report.

Sustainability Considerations

- **Environment**
Not applicable.
- **Social**
The policy provides some options to respond to concerns that arise regarding obtrusive light spilling from street lights.
- **Economic**
Not Applicable

12.3 Policy (Review) - Street Light Shielding Policy

Legal / Resource / Financial Implications

The intention of the policy is for Council to maintain the requirements of the Australian Standards for public lighting on the road network, when dealing with obtrusive lighting complaints.

The Council needs to take care when reducing street lighting. In the event of a public liability claim, the decision to reduce the available street lighting will be examined in respect of Council's potential negligence.

In respect of financial implications, in most circumstances it will be the responsibility of the applicant to meet the costs to install a shield. The costs to install a shield are estimated to be \$500-\$700.

The Council will incur costs when it is installing a new light and the budget allocation for each project will accommodate the cost of the shield. The occasions where Council elects to install a shield are not expected to be frequent and the general streetlight operations and maintenance allocations will be able fund those needs.

Consultation

As there are no changes 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 policy. No changes have been made to the policy as it is considered to be working as well as possible in the circumstances.

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 reviewed Street Light Shielding 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 - Street Light Shielding

12.4 Tender - Tennis Clubhouse - Wollongbar Sporting Fields

12.4 Tender - Tennis Clubhouse - Wollongbar Sporting Fields

Delivery Program Open Spaces and Reserves

Objective To finalise the tender for the construction of the tennis clubhouse at the Wollongbar Sporting Fields

Background

At the Finance Committee meeting on 11 February 2016, Council resolved to defer the construction of the tennis courts and tennis clubhouse at the Wollongbar Sporting Fields due to total funding not being available. A further report to the Finance Committee meeting on 12 April 2016 allocated additional funding to the Wollongbar Sporting Fields to allow the completion of the proposed project in full.

As a result of the additional funding, construction of the tennis courts was re-included in the construction contract with Synergy Resource Management. Synergy Resource Management are currently contracted to provide civil works for the major proportion of the project and are currently in the final stages of construction. Staff have recently finalised the design of the tennis clubhouse enabling a tender process to be conducted.

Tenders for the construction of the tennis clubhouse were advertised in July 2016 and at the close of tenders on 30 August 2016, three tenders were received. This report provides the outcomes from the tender evaluation process.

Key Issues

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

Information

Tender submissions were received from:

- Greg Clark Building
- Michael Camporeale Builders
- Bennett Constructions

All tenders were initially assessed for conformity with the tender specification. From this assessment all tenders were deemed to be conforming.

The tender documentation defined the following assessment criteria, by which each tender would be assessed:

12.4 Tender - Tennis Clubhouse - Wollongbar Sporting Fields

Mandatory Criteria

- Project Experience;
- Construction Methodology and Works Program
- References
- Management Systems

Weighted Criteria

- Total Price - 85%
- Local & Community - 15%

The tenders were assessed against the mandatory criteria and all tenders met the required standard.

All tenders were initially assessed for conformity with the tender specification. From this assessment all tenders were deemed to be conforming.

The table below provides a summary of the evaluation and rankings of the three tender submissions. Pricing information has been provided by separate memorandum to Councillors.

Item		Greg Clark Building	Michael Camporeale Builders	Bennett Constructions
Mandatory Criteria				
Previous experience		✓	✓	✓
Construction Methodology and Works Program		✓	✓	✓
References		✓	✓	✓
Management Systems		✓	✓	✓
Weighted Criteria				
Total Price	85 %	71.9%	85.0%	82.0%
Local & Community	15 %	11.6%	0.0%	11.6%
Total		83.5%	85.0%	93.6%

The Local Procurement Policy adopted by Council in 2013, requires “the purchase of goods and services firstly from suppliers within the Ballina Shire, secondly from adjoining local government areas (LGAs), thirdly from the balance of the LGAs in the Northern Rivers region and finally from outside the region”. Both Bennett Constructions and Greg Clark Building are based in Lismore and this is reflected in the score for Local & Community. The head office of Michael Camporeale Builders is located in Cairns Queensland, with a subsidiary office in Sydney.

When the non-priced and priced evaluation criteria are combined, Bennett Constructions is the highest ranked tender.

Bennett Constructions has extensive experience in the construction industry and have undertaken several projects for Council previously, having recently completed the rugby amenities block at the Wollongbar Sporting Fields.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The inclusion of the tennis clubhouse will complete all of the design components for the sporting fields and provide a focal point for the tennis club.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Previous reports indicated the cost to complete the tennis clubhouse were \$400,000. The tendered price from Bennett Constructions is \$411,731 (ex GST), which includes a contingency of \$37,000.

The minor variation in pricing is able to be managed within the entire Wollongbar Sporting Fields budget.

Consultation

A public tender process was undertaken.

Options

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

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

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

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

12.4 Tender - Tennis Clubhouse - Wollongbar Sporting Fields

Accordingly,

1. Council may award the contract to Bennett Constructions to undertake the construction of the tennis clubhouse at the Wollongbar sporting fields; or
2. Council may determine not to accept any of the tenders received and invite fresh tenders or alternatively enter into negotiations directly with one or more service providers.

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

Option one is recommended as the preferred option as the tender assessment indicates that a reliable market has been established and the assessment by the evaluation panel has determined the preferred tenderer. Bennett Constructions has provided a professional tender submission and has extensive construction experience.

It is however noted that the tender from Michael Camporeale Builders is the lowest price and the difference in tender outcome was only 1.4 percentage points.

As the scoring for the local assessment criteria is a relatively subjective process, it would be reasonable for Council to consider this scored difference to be immaterial and the tender be scored as equal to the Bennett Constructions tender.

In these circumstances (of equal weighted scores), the lowest price tenderer is preferred. The recommendation that follows however is, on this occasion, to accept the Bennett Constructions tender.

The reasons for this recommendation are that the policy position of Council is to recognise local content in its purchasing, the price difference is very small and the final price can potentially vary during construction.

RECOMMENDATIONS

1. That Council accepts the tender for the construction of the tennis clubhouse from Bennett Constructions for \$411,731 (excl GST).
2. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

Nil

12.5 Tender - Air Conditioning System and Roof - Administration Building

12.5 Tender - Air Conditioning System and Roof - Administration Building

Delivery Program Building Services

Objective To finalise the tender for the replacement of the Air Conditioning System and Re-roofing of the Administration Building

Background

At the Council meeting in October 2014, Council received a report recommending the replacement of the air-conditioning units throughout the administration building. The report also highlighted the need to replace the roof sheeting to the building. Given the nature of the works it was advised that savings would be achieved if these works were undertaken as part of a single contract.

A further report was provided in March 2016 detailing the various options available to Council to stage these works and the estimated costs. This report recommended that the works be staged over two financial years, with the air conditioning to the upper floor and the re-roofing of the building be undertaken during the 2016/17 financial year and the air conditioning replacement to the ground floor be completed in 2017/18. A copy of the previous reports is attached.

Tenders for the replacement of the air conditioning and roof replacement were advertised in July 2016. The tender document was structured to allow tenderers to submit pricing for all the works, including those works planned for 2017/18, but provided for Council to stage the works if required.

At the close of tenders on 30 August 2016, three tenders were received. This report provides the outcomes from the tender evaluation process.

Key Issues

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

Information

The scope of works in the tender documentation was based on the specification provided by Peter Eustace & Associates Consulting Engineers and a local engineer to assess the roof of the administration building.

Tender submissions were received from:

- Goldsmiths Building Services
- Hinterland Air Conditioning
- HBI Australia Pty Ltd

The pricing included in the tender was for all stages of the works and a 10% contingency. This contingency is deemed as essential as a portion of the

12.5 Tender - Air Conditioning System and Roof - Administration Building

works require demolition and removal of materials. Once these works commence certain areas may require additional works to be undertaken.

All tenders were initially assessed for conformity with the tender specification. From this assessment all tenders were deemed to be conforming.

The tender documentation defined the following assessment criteria, by which each tender would be assessed:

Mandatory Criteria

- Project Experience;
- Construction Methodology and Works Program
- References
- Management Systems

Weighted Criteria

- Total Price - 85%
- Local & Community - 15%

The tenders were assessed against the mandatory criteria and all tenders met the required standard.

The table below provides a summary of the evaluation and rankings of the three tender submissions. Pricing information has been provided by separate memorandum to Councillors.

Item		Gold-Smiths Building Services	Hinterland Air Conditioning	HBI Australia Pty Ltd
Mandatory Criteria				
Previous experience		✓	✓	✓
Construction Methodology and Works Program		✓	✓	✓
References		✓	✓	✓
Management Systems		✓	✓	✓
Weighted Criteria				
Total Price	85 %	85.0%	74.5%	62.2%
Local & Community	15 %	12.0%	8.6%	11.6%
Total		97.0%	83.1%	73.8%

The Local Procurement Policy adopted by Council in 2013, requires “the purchase of goods and services firstly from suppliers within the Ballina Shire, secondly from adjoining local government areas (LGAs), thirdly from the balance of the LGAs in the Northern Rivers region and finally from outside the region”.

12.5 Tender - Air Conditioning System and Roof - Administration Building

Both Goldsmiths Building Services and HBI Australia Pty Ltd are based in adjoining local government areas and this is reflected in the score for Local & Community. The head office of Hinterland Air Conditioning is located in Burleigh Heads Queensland.

When the non-priced and priced evaluation criteria are combined, Goldsmiths Building Services is the highest ranked tender.

Goldsmiths Building Services has extensive experience and have undertaken several projects for Council and are currently contracted to complete the re-roofing works at the Wigmore Arcade. Additionally, Goldsmiths Building Services will be engaging experienced local sub-contractors as required. All sub-contractors have undertaken works for Council.

In the report in March 2016, funding was provided as follows:

Year	2016/17	2017/18	Total
Stages	1 and 2	3 and 4	
Cost	1,040,000	590,000	1,630,000

The estimates for the budget were based on the detailed report provided by the consultant engaged to review the air conditioning system, while the roofing costs were based on estimates provided by local roofing contractors.

Staff have identified additional costs will be incurred during to the replacement of the air conditioning and roof replacement. Due to the nature of the works disruption to the various work areas will occur. It is proposed to relocate staff from some areas, off-site during the works.

Costs will be incurred to relocate the staff and to provide IT support to these external sites. Final costings have not been yet been determined, however these costs are expected to be within the total available budget

Sustainability Considerations

- **Environment**
The proposed replacement air conditioning units have been designed to be a green technology product that reduces the electricity consumption
- **Social**
Not Applicable
- **Economic**
The replacement of both the air conditioning systems and roof will improve the energy efficiency of the building and help to reduce heating and cooling costs.

Legal / Resource / Financial Implications

Compliance with Part 7 Tendering of the Local Government (General) Regulation 2005 is required. The tendered price of \$1,370,740 is within the approved budget.

12.5 Tender - Air Conditioning System and Roof - Administration Building

Consultation

A public tender process was undertaken.

Options

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

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

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

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

Accordingly,

1. Council may award the contract to Goldsmiths Building Services to undertake the replacement of the air conditioning system and roof to the administration building; or
2. Council may determine not to accept any of the tenders received and invite fresh tenders or alternatively enter into negotiations directly with one or more service providers.

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

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

Goldsmiths Building Services has provided a professional tender submission and has extensive experience.

12.5 Tender - Air Conditioning System and Roof - Administration Building

It is proposed that the works will be undertaken over the two financial years as provided in the budget program.

RECOMMENDATIONS

1. That Council accepts the tender for the replacement of the air conditioning and roof replacement from Goldsmiths Building Services for \$1,370,740 (excl GST).
2. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

1. Administration Centre Air Conditioning - Status
2. Administration Centre Air Conditioning - Update

12.6 Tender - Supply and Delivery of Quarry Products 2016/2018

12.6 Tender - Supply and Delivery of Quarry Products 2016/2018

Delivery Program Engineering Works

Objective To finalise the tender for the Supply and Delivery of Quarry Products

Background

Tenders were advertised for Supply and Delivery of Quarry Products, closing on 9 August 2016. The tender is initially for a two year period until 30 June 2018, but the tender documentation enables scope for extending the contract a further one year period up until 30 June 2019, subject to approval from the General Manager or their delegate.

The following tenders were received:

- Boral Country Concrete & Quarries
- Northern Rivers Quarry & Asphalt
- Holcim Australia P/L
- Swan Bay Sandstone
- Smith Plant (Lismore) Pty Ltd

Pricing information has been provided by separate memorandum to Councillors.

Key Issues

- Appropriate assessment of suppliers of quarry products for the next two year period.
- Comply with the Local Government (General) Regulation 2005

Information

Council recently called tenders for the Supply and Delivery of Quarry Products. This report provides details of the tender results.

The Boral, NRQA and Holcim quarries have supplied quarry products to Council over a number of years and have proven to be reliable and competent and provide products suitable for Council's purposes. The tenders from Swan Bay Standstone and Smith Plant are also capable of meeting Council's requirements.

There is provision in the contract for the calling of separate quotations for construction projects requiring quantities greater than 2,000 cubic metres.

This allows Council to have access to tendered rates for the tender period and allow Council the opportunity to seek fresh competitive pricing on individual projects.

A comparison of tender rates requires consideration of the product cost (ex quarry) and haulage costs.

12.6 Tender - Supply and Delivery of Quarry Products 2016/2018

The separate memorandum to Councillors includes a general guide for rate comparisons by summarising the preferred supplier for each respective quarry product based on deliveries to Ballina, Alstonville, Wardell and Lennox Head.

The assessment sheet was developed based on a lowest price comparison that included both the product cost and the estimated haulage cost to these locations within the Shire from the different quarry sites.

Council generally hauls quarry material with contractors listed on Council's truck hire tender. The actual haulage costs will therefore vary depending on the rate for the contractor chosen from the truck hire tender list. The rate comparison provided in the memorandum is based on a common haulage rate from the truck hire contract.

In accordance with current practice, rates will be checked at the time of the works (when truck contractors are known) to ensure that Council utilises the Quarry that achieves the lowest overall supply and deliver cost to Council.

Sustainability Considerations

- **Environment**

All quarries are required to operate in accordance with an environmental management plan.

- **Social**

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

- **Economic**

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

Legal / Resource / Financial Implications

This report aims to assist Council to meet its statutory and other legal obligations. Purchases made utilising this tender will be costed against applicable project and program budgets.

The pricing under this tender for Council's key roadbase product, No 1 crushed roadbase, is approximately 5% higher than the 2013 tender price which is considered a reasonable outcome for this product.

12.6 Tender - Supply and Delivery of Quarry Products 2016/2018

Consultation

A public tender process was conducted.

Options

On previous occasions, Council has adopted a list of preferred suppliers. This allows Council the opportunity to use the supplier with the most advantage to program requirements applying at the time.

The recommendation to this report is to accept all tenders consistent with this previous practice. All tenders have been assessed as meeting Council's needs and procurement will be based on pricing for each project.

RECOMMENDATIONS

1. That Council accepts the Tenders of Boral Country Concrete & Quarries, Holcim (Australia) P/L, Northern Rivers Quarry & Asphalt, Swan Bay Sandstone and Smith Plant (Lismore) Pty Ltd as preferred contractors for the supply of quarry products for the period from 1 July 2016 to 30 June 2018, with the preferred supplier for each order determined by an assessment undertaken having regard to cost and program requirements applicable at the time of the order.
2. That in accordance with the terms of the Contract, the General Manager, or delegate, is authorised to extend the contract period to 30 June 2019, if that arrangement is to the best advantage of Council.
3. That Council authorises the seal to be attached to any contract documents.

Attachment(s)

Nil

12.7 Tender - Construction of Surf Club Building B

12.7 Tender - Construction of Surf Club Building B

Delivery Program Operations Support

Objective To finalise the tender for the Ballina Surf Club Building B Project

Background

A request for tender was advertised in July 2016 for the detail design and construction of Ballina Surf Club Building B. This building is the storage and gym area for the Ballina Surf Club.

At the close of the tender period on 23 August 2016, five tenders were received. This report provides an assessment of the tender submissions.

Key Issues

- Engage suitably qualified and experienced contractor
- Assess value for money
- Budget matters
- Comply with Section 55 of the Local Government Act 1993 and Part 7 of the Local Government (General) Regulations 2005 with regards the acceptance of tenders.

Information

Tender submissions were received from:

Bennett Constructions
MCR Building Pty Ltd
Woollam Constructions
Alder Constructions
Greg Clark Building

Pricing information has been provided by separate memorandum to Councillors.

The lowest tender for these works is for an amount of \$1,268,709. Council's funding commitment to this project is \$600,000 with the Ballina Surf Club previously agreeing to provide top up funding up to a maximum of \$150,000.

The lowest tender includes a contingency of \$115,337.

A report to Council in June 2014 (a copy is attached) reviewed the various options for Building B. Council resolved that the preferred design for the building should include the provision for a gym, the approximate floor area for this design was 640m². A quantity surveyor report at the time indicated that estimated cost of this building at \$480,000.

12.7 Tender - Construction of Surf Club Building B

Council has been working with the Ballina Lighthouse and Lismore Surf Lifesaving Club to refine the concept design and the revised concept design has increased the building size to approximately 790m².

Included in this increased floor area has been an increase in the number and size of the amenities. Council commissioned a geotechnical survey of the site, which has indicated that piling of the building will be required, further increasing the building costs.

The increased size of the building, the requirement for piling and increases in building costs since June 2014 account for the higher than budget tender submissions

In completing the tender assessment, staff identified options to generate savings, including removal of the mezzanine floor, reduced landscaping and the exclusion of the loading zone in Compton Drive.

An option available to Council is to not accept any tender and negotiate directly with invited tenderers or others. Previously Council has had some success following this course of action on the basis that Council and the contractors can exchange information in regards to the risk transfer, information gaps, the quality of the contractor's estimates and assumptions, as well as review the specification and design.

The recommendation to this report authorises the General Manager to seek pricing from the available market. The reason for this approach, rather than simply negotiating with the lowest tender, is due to the significant price difference between the lowest tender and the available budget, and furthermore it provides for the potential to receive feedback and suggestions from various builders on cost saving options.

It may also be necessary to review the scope of the works with the Surf Club and amend the specification. In those circumstances it is preferred to receive fresh competitive pricing. A probity plan will be established to manage the procurement process and negotiations to ensure proper governance.

Sustainability Considerations

- **Environment**
The works will be constructed in accordance within an environmental management framework.
- **Social**
This project will provide an improved the social amenity for the Shire by assisting the work of the Ballina Lismore Surf Lifesaving Club.
- **Economic**
Safe surf swimming beaches assist tourism and regional visitation and therefore support economic development.

Legal / Resource / Financial Implications

This report is provided to assist the Council meet its statutory requirements in regards to tendering and procurement.

The lowest priced tender is in excess of the available budget for the project and the recommendation to this report suggests a direction for Council to follow to see if the budget issue can be addressed.

Consultation

A public tender process was undertaken.

Options

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

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

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

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

Option 1 is not recommended as all tenders are considerably in excess of the current budget for the project and currently additional funding sources are not available.

Option 2 (a) to postpone the contract is not recommended as Council and the surf club are keen to proceed and the delay is not likely to influence the tender result.

Option 2 (b) is not recommended as it is unlikely that calling fresh tenders will result in a reduction of the tendered rates as five submissions is typically a reasonable market response in this area for this type of work. Further work would be required to minimise the scope of works, however there is no guarantee that the revised tenders would meet the budget.

Option 2 (c) is not recommended for the reasons stated in Option 2 (b).

12.7 Tender - Construction of Surf Club Building B

Option 2 (d) is not recommended for the reasons stated in Option 2 (b).

Option 2 (f) is not preferred as Council does not have the resource capability to undertake this type of work.

As discussed earlier in this report it is possible that scope changes and negotiations with interested contractors, in accordance with the provisions in Option 2 (e) may result in sufficient savings to enable the works to be completed within the current budget.

The recommendation to this report follows this option. If this option is supported, to ensure appropriate governance measures are in place, staff will prepare a probity plan to manage the invitations and negotiations with prospective contractors.

RECOMMENDATIONS

1. That, in accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, Council resolves not to accept any tender for the design and construction of the Ballina Surf Club Building B on the basis that all of the tenders are substantially in excess of the available budget.
2. That, in accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, Council authorises the General Manager to enter into direct negotiations with companies considered capable and interested in completing the design and construction of the Ballina Surf Club Building B.
3. The General Manager is authorised to execute a contract, subject to the negotiations in point two above confirming the project is able to proceed in accordance with the current approved budget.
4. In the event that point three above is not able to be achieved, a further report is to be submitted to Council to review the options for this project.
5. That Council authorises the seal to be attached to any contract documents.

Attachment(s)

1. Ballina Surf Club Update - Earlier Report

12.8 Tender - Certified Air Ground Radio Service (CAGRS) Provider

12.8 Tender - Certified Air Ground Radio Service (CAGRS) Provider

Delivery Program Commercial Services

Objective To finalise the tender for the provision of a Certified Air Ground Radio Service at Ballina Byron Gateway Airport.

Background

In July 2015 the Civil Aviation Safety Authority (CASA) arranged for a Supplementary Airspace Review of the Ballina Byron Gateway Airport ("the Airport") and identified the need for a Certified Air Ground Radio Service (CAGRS) at the local airport.

CASA are concerned with the potential for aircraft incidents in airspace associated with non-controlled aerodromes not served by ground communication facilities. At present the Airport is not served by ground communication facilities.

Since the time of the supplementary review referred to above, Airport Management has been investigating the objectives and benefits of CAGRS, operational requirements and scope of works, equipment requirements and the opportunity for a shared facility with the local ARFF Fire Station.

Airport Management is pleased to advise that Airservices Australia has now approved the shared facility and the CAGR Operator ("CAGRO"), located in the Fire Station Fire Control Centre (FCC) at the Airport.

Key Issues

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

Information

A CAGRS includes the provision of advice in regards to relevant air traffic in the airspace or on the aerodrome and aerodrome information, including:

- The runway preferred by wind or noise
- Abatement requirements
- Cloud base and visibility
- Wind direction and speed
- Present weather
- Temperature
- Atmospheric Pressure at the airport
- Runway surface conditions

The intended outcome of the CAGRS implementation is a reduction in the collision risk at an aerodrome as determined by CASA aviation risk modelling. The goal is to reduce the identified risk from the unacceptable into the acceptable region.

12.8 Tender - Certified Air Ground Radio Service (CAGRS) Provider

Factors which a CAGRS contributes to this risk reduction include:

- Improved pilot situational awareness through provision of more thorough traffic information and in particular information relating to low level VFR operations at the aerodrome
- Information on aerodrome ground traffic
- Provision of current aerodrome meteorological, facility and surface conditions
- Continuity of VHF communications to the ground
- Improved SARWATCH, emergency response through CAGRO presence at, or in the case of a remote service, vision of the aerodrome

The proposed schedule is to have the CAGRS operational from 1 December 2016. It is proposed that Council will engage a third party to provide the CAGRS from the FCC.

It is a CASA requirement that staffing of the service be former air traffic controllers or flight service operators.

The normal staffing for day to day operations will be one person. The service provider will have an internal checking and standardisation regime and this will require checking all staff on a yearly basis.

Tenders were subsequently called for the CAGRS in March 2016 for suitably experienced and qualified service providers to undertake this work for a five year period. At the close of the tender period three submissions were received.

This report provides the outcomes from the tender evaluation process.

Tender submissions were received from:

- Australasian Pacific Aviation Resource Services (APARS) Pty Ltd
- IAS Airports Pty Ltd
- The Ambidji Group Pty Ltd

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

- Total Price (based on hourly rates) – 40%
- Previous satisfactory performance in Aviation Projects – 30%
- Proposed Team – 20%
- CAGRS Procedure Manual – 10%

The pricing of the contract is based on hourly rates submitted by the tenders for the operation of jet services to the Airport. The total hours will vary in accordance with the flight timetable as provided by the operators.

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

12.8 Tender - Certified Air Ground Radio Service (CAGRS) Provider

Item		APARS	IAS Airports Pty Ltd	The Ambidji Group Pty Ltd
Total Price	40%	14.9%	29.0%	15.7%
Previous satisfactory performance	30%	16.8%	14.5%	28.5%
Proposed Team	20%	16.5%	14.1%	18.7%
CAGRS Procedure Manual	10%	7.8%	5.8%	9.3%
Total	100.0%	56.2%	63.4%	72.2%
Ranking		3	2	1

When the non-priced and priced evaluation criteria are combined, The Ambidji Group Pty Ltd is the highest ranked tender.

It is intended that this service be cost neutral to Council and all costs will be recovered from the airline operators on a per passenger charge. Initial discussions with the airlines have been based on an initial charge of \$0.60 to \$0.70 per arriving and departing passenger (excluding GST).

Airlines are aware that the alternative to a CAGRS is an air traffic control tower ("ATCT") the charges for which would be in the order of \$4.20 per arriving and departing passenger (excl. GST) based upon a tower construction cost of approximately \$10m. This is not a preferred or viable alternative for the Airport or airlines.

The Ambidji Group Pty Ltd has extensive airport experience with various projects including CAGRS operations. The Ambidji Group Pty Ltd has been performing similar CAGRS at Ayers Rock airport for the past 16 years.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
The Project provides scope for growth in airline services, destinations and passenger numbers. This growth will also lead to additional revenue for airport operators, tenants, airport stakeholders, the local and regional economies.

Legal / Resource / Financial Implications

The introduction of CAGRS will be cost neutral to Council on the basis that cost recovery agreements are executed with the airlines.

Consultation

A public tender process was undertaken.

12.8 Tender - Certified Air Ground Radio Service (CAGRS) Provider

Options

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

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

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

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

Accordingly:

1. Council may award the contract to The Ambidji Group Pty Ltd to undertake a Certified Air Ground Radio Service at the Ballina Byron Gateway Airport subject to cost recovery agreements being executed with all commercial airlines servicing the Airport.
2. Council may determine not to accept any of the tenders received and invite fresh tenders or alternatively enter into negotiations directly with one or more service providers.

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

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

The Ambidji Group Pty Ltd has provided a very professional tender submission and has extensive Airport experience.

RECOMMENDATIONS

1. That Council authorises the General Manager to finalise negotiations with the Ambidji Group Pty Ltd for the provision of a Certified Air Ground Radio Service for a five year period subject to cost recovery agreements for same being executed with all commercial airlines servicing the Airport.
2. That upon the conclusion of negotiations Council authorises the General Manager to affix the Council seal to the relevant contract documents and execute same.

Attachment(s)

Nil

12.9 Tender - Airport Terminal Precinct Expansion - Design

12.9 Tender - Airport Terminal Precinct Expansion - Design

Delivery Program Commercial Services

Objective To finalise the tender for the design, documentation and development approval of the Ballina Byron Gateway Airport Terminal Precinct Expansion Project.

Background

On the 27 May 2016, the Minister for Regional Development, Skills and Small Business (Mr John Barilaro) and the North Coast Nationals MLC (Mr Ben Franklin) announced major airport funding to upgrade the terminal building at the Ballina Byron Gateway Airport. A copy of the media release is attached.

The Terminal Precinct Expansion Project can now proceed thanks to the \$4.5m grant from Regional Tourism Infrastructure Funding. This will allow Ballina Shire Council to improve upon a successful and valuable asset.

The Project includes the following proposed works:

- A major expansion of the departure lounge with extra seating, dining and lounge areas
- A new café, sports bar and additional retail areas
- A new parking area for the shuttle bus and taxi operators
- A new passenger set down and pick up area
- A new entry and exit to the main car parking area
- Landscaping to the terminal and car park

Tenders were advertised in July 2016 for suitably experienced and qualified consultants to undertake design and documentation works to prepare and lodge a development application and construction certificate of the proposed Terminal Precinct Expansion Project.

At the close of the tender period on 27 July 2016, five submissions were received. This report provides details from the tender evaluation process.

Key Issues

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

Information

The tender document issued to proponents provided for an optional stage of contract management of the construction works, however after consideration of the costs, this stage has been removed from the tender pricing. These works will be undertaken internally or separate quotations obtained at a later stage.

12.9 Tender - Airport Terminal Precinct Expansion - Design

Tender submissions and prices were received as follows:

- Stea Astute Architecture
- Mode Design
- BKA Architecture
- Peddle Thorp Architects
- Ardill Payne & Partners

Pricing information has been provided by separate memorandum to Councillors.

All tenders were initially assessed for conformity with the tender specification. From this assessment all tenders were deemed to be conforming. The design disciplines called for in these tender documents included:

- Architectural
- Civil Design
- Mechanical / Hydraulic / Electrical / Acoustic / Structural Designs
- Town Planning
- Landscape Design
- Interior Design
- Environmental Sustainable Designs
- Operational Designs

The tender documentation defined the following assessment criteria:

Mandatory Criteria

- Previous experience with the design of airport terminal buildings
- Previous town planning experience with airport terminals
- Minimum of one project to be an extension of existing building
- Provision of three positive references
- Appropriate resources – Relevant nominated sub-consultants

Weighted Criteria

- Total Price - 50%
- Proposed Project Construction Costs - 15%
- Time Performance - 10%
- Innovation and Flair - 15%
- Management System - 10%

The tenders were assessed against the mandatory criteria. BKA Architecture and Ardill Payne & Partners were deemed not to meet the minimum criteria and were not considered further in the evaluation process.

The next table below provides a summary of the evaluation and rankings of the three tender submissions deemed to meet the assessment criteria:

12.9 Tender - Airport Terminal Precinct Expansion - Design

Item		Stea Astute	Mode Design	Peddle Thorp	BKA	Ardill Payne
Mandatory Criteria						
Previous experience with the design of airport terminal buildings		✓	✓	✓	✗	✗
Previous town planning experience with airport terminals		✓	✓	✓	✗	✓
Minimum of one project to be an extension of existing building		✓	✓	✓	✗	✗
Provision of three positive references		✓	✓	✓	✓	✓
Appropriate resources – Relevant nominated sub-consultants		✓	✓	✓	✓	✓
		Stea Astute	Mode Design	Peddle Thorp		
Weighted Criteria						
Total Price	50%	43.3%	47.2%	3.6%		
Proposed Project Construction Costs	15%	12.0%	4.0%	6.8%		
Time Performance	10%	8.3%	5.8%	7.0%		
Innovation and Flair	15%	10.0%	6.0%	6.0%		
Management System	10%	5.0%	8.0%	8.0%		
Total	100%	78.6%	71.0%	31.4%		

When the non-priced and priced evaluation criteria are combined, Stea Astute Architecture is the highest ranked tender.

Stea Astute Architecture has extensive experience in regional airports having completed over 70 projects at 19 airports Australia wide, many of which are upgrades of existing terminal buildings. The value of these projects range from \$1.9m through to \$40m. They are understood to be well known in the aviation industry, and considered to be competent and capable aviation architects and project team leaders.

Sustainability Considerations

- **Environment**

The project will meet the relevant design guidelines in regards to:

- Water recycling, rainwater harvesting and water reduction measures
- Energy efficient lighting, heating and cooling systems
- Solar power systems
- Building management systems
- Extensive landscape design

- **Social**

The upgrade of the terminal and associated infrastructure will improve an integral component of transport infrastructure to the Shire and region.

- **Economic**

The Project will provide the opportunity for growth in airline services, destinations and passenger numbers. This growth will also lead to additional revenue for airport operators, tenants and airport stakeholders and generate economic benefits derived from an increase in tourism to the Shire and region.

12.9 Tender - Airport Terminal Precinct Expansion - Design

Legal / Resource / Financial Implications

Council has allocated funding of \$5.4m in the 2016/17 budget for this project to proceed.

The majority of this funding is provided by way of a Regional Tourism Infrastructure Funding grant of \$4.5m.

The terminal building upgrade is estimated to cost \$4.8m exclusive of consultant fees and owner costs. These additional costs are estimated to be \$600,000 resulting in a total estimated cost of \$5.4m.

The cost of design and documentation and development approval is approximately \$356,000 + GST as proposed by Stea Astute in their tender submission.

Consultation

A public tender process was undertaken.

Options

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

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

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

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

Accordingly,

1. Council may award the contract to Stea Astute Architecture to undertake the design, documentation and development approval of the Ballina Byron Gateway Airport Terminal Precinct Expansion Project; or
2. Council may determine not to accept any of the tenders received and invite fresh tenders or alternatively enter into negotiations directly with one or more service providers.

12.9 Tender - Airport Terminal Precinct Expansion - Design

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

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

RECOMMENDATIONS

1. That Council accepts the tender for the design, documentation and development approval of the Ballina Byron Gateway Airport Terminal Precinct Expansion Project from Stea Astute Architecture for \$355,650 (excl GST).
2. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

1. Media Release - Ballina Byron Gateway Airport Ready to TakeOff After Major Funding Announcement

13. Public Question Time

13. Public Question Time

14.1 Notice of Motion - Ocean Pool Support

14. Notices of Motion

14.1 Notice of Motion - Ocean Pool Support

Councillor Cr Jeff Johnson

I move

That a meeting be organised with NSW Premier Mike Baird, the Crown Lands Minister, Nail Blair and a small delegation from Council comprising the General Manager or delegate and up to two Councillors, to formally ask for the Ballina Ocean Pool (Shelly Beach rock shelf) project to be included in the NSW Shark Mitigation Strategy.

Councillor Comment

The NSW Government has allocated \$17 million towards the NSW Shark Mitigation Strategy with a proportion of these funds originally being allocated towards the two local shark barriers. Now that the shark barriers have been abandoned there is an opportunity for part of the funding previously allocated for the barriers to be diverted to the proposed Ballina Ocean Pool Project.

The Ocean Pool project has wide community support as has been shown in the Ballina Major Regional Centre consultation process and would satisfy some of the objectives of the NSW Shark Mitigation Strategy in that it would provide a safe ocean swimming experience for swimmers of all ages and abilities.

The Ballina Ocean Pool Committee has been working on this project for 18 months and has gained the support of Crown Lands (Kevin Cameron), Ballina Surf Club (Craig Nowlan), Southern Cross University (Professor Peter Harrison) Professor Rob Brander (Geomorphologist).

Staff Comment

The construction of an Ocean Pool is identified as a strategic action in the Ballina Major regional Centre Strategy (action 1.2). However Council has no funding set aside in its Ten Year Long Term Financial Plan (LTFP) for the proposed ocean pool, either for planning approval related expenses or for construction works.

This means it is essential that grant funds are secured to allow the project to proceed.

If this motion was supported, travel costs, if needed, would be financed from within existing travel budgets for Councillors and staff. Ideally the meeting could possibly be held in Ballina if the Premier possibly attended a shark mitigation meeting as has occurred occasionally in the past.

COUNCILLOR RECOMMENDATION

That a meeting be organised with NSW Premier Mike Baird, the Crown Lands Minister, Nail Blair and a small delegation from Council comprising the General Manager or delegate and up to two Councillors, to formally ask for the Ballina Ocean Pool (Shelly Beach rock shelf) project to be included in the NSW Shark Mitigation Strategy.

Attachment(s)

Nil

14.2 Notice of Motion - Ocean Pool

14.2 Notice of Motion - Ocean Pool

Councillor Cr Smith

I move

1. That Council receive a report on options required to fully fund an ocean pool at Shelly Beach within this term of council.
2. As part of this report, Council also receives modelling and additional funding requirements required to bring Shaws Bay to what would be considered ocean pool standard, including, but not limited to removal of excess seagrass and improved water flow between the bay and ocean.

Councillor Comment

A large part of the election cycle debate was around the ocean pool at Shelly beach, it's clear that building an ocean pool at Shelly beach has large public interest, it's important that Council therefore investigates this proposed option and outcomes of such a proposal. At the same time, it's almost important to provide context and compare alternative options.

Shaws Bay has huge potential to become the crown of Ballina as it once was with the planned upgrades to Pop Denison Park. Additional funds have been allocated to Shaws Bay this financial year already, it's quite possible therefore that Council could provide a superior alternative, more efficiently and at a better price. A constructive debate should therefore needs to be had with all options clearly laid out.

Staff Comment

The construction of an Ocean Pool is identified as a strategic action in the Ballina Major Regional Centre Strategy (action 1.2). However Council has no funding set aside in its Ten Year Long Term Financial Plan (LTFP) for the works, either for planning approval related expenses or for construction. The likely cost of the project is unknown with this project being managed by a community based group, being the Ballina Ocean Pool Committee Inc.

The project is also not included in Council's adopted Operational Plan for 2016/17, which means no staff resources have been allocated to pursuing this proposal.

In respect to point one of the Councillor recommendation, the report requested would highlight the other Council projects that would be deferred to allow the ocean pool to progress, assuming Council now wishes to allocate funds to the works.

In respect to point two Council has an adopted Coastal Zone Management Plan (CZMP) for Shaws Bay, which has been certified by the NSW Minister for Planning and was Gazetted on 24 June 2016.

14.2 Notice of Motion - Ocean Pool

The Shaws Bay CZMP identifies 20 actions based on a ten year time frame, as per the following summary, which also includes the estimated cost.

Shaws Bay CZMP – Implementation Program (\$'000)

Action / Year	Total	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25
Action 1: Control Eastern Arm Bank Erosion and Sandy Beach	200	25	175	0	0	0	0	0	0	0	0
Action 2: Dredging	400	25	25	350	0	0	0	0	0	0	0
Action 3: Stormwater Treatment	25	0	0	0	25	0	0	0	0	0	0
Action 4: Western Foreshore Improvements	200	20	100	80	0	0	0	0	0	0	0
Action 5: Pop Denison Park	350	0	30	120	100	100	0	0	0	0	0
Action 6: Fenwick Drive Foreshore	120	0	0	20	50	50	0	0	0	0	0
Action 7: Breakwall Steps	150	0	0	0	0	20	130	0	0	0	0
Action 8: Mangrove Management	0	0	0	0	0	0	0	0	0	0	0
Action 9: Weed Management	22	10	5	2	2	2	1	0	0	0	0
Action 10: Education – Health	3	3	0	0	0	0	0	0	0	0	0
Action 11: Education – Vegetation	0	0	0	0	0	0	0	0	0	0	0
Action 12: Education – Fishing	0	0	0	0	0	0	0	0	0	0	0
Action 13: Education – Irritants	3	3	0	0	0	0	0	0	0	0	0
Action 14: Foreshore Signage	5	5	0	0	0	0	0	0	0	0	0
Action 15: Beachwatch	10	1	1	1	1	1	1	1	1	1	1
Action 16: Monitoring	18	0	6	0	0	6	0	0	6	0	0
Action 17: Hydrographic Survey	10	0	0	5	0	0	0	0	5	0	0
Action 18: Inundation Risk	0	0	0	0	0	0	0	0	0	0	0
Action 19: Review of CZMP	0	0	0	0	0	0	0	0	0	0	0
Action 20: 10 year review	50	0	0	0	0	0	0	0	0	0	50
Total Expenditure	1,566	92	342	578	178	179	132	1	12	1	51

The Council's LTFP has all of these actions funded over a ten year period albeit that a number will only proceed if grant funds are secured (eg dredging). A brief comment on the current status of each action is as follows.

Shaws Bay CZMP – Status of Actions

Action	Status
Action 1: Control Eastern Arm Bank Erosion and Sandy Beach	Grant funds received and due to commence February 2017
Action 2: Dredging	Investigation commenced and a Coastal and Estuary Planning grant prepared for submission to Office of Environment and Heritage (OEH).
Action 3: Stormwater Treatment	Ongoing and incorporated into work actions where required
Action 4: Western Foreshore Improvements	Concept plan developed and works planned to commence August 2017
Action 5: Pop Denison Park	Masterplan prepared and currently planning to incorporate CZMP Actions into detailed design plans.
Action 6: Fenwick Drive Foreshore	Incorporated into works proposed in Action 1
Action 7: Breakwall Steps	DPI and Crown Land Responsibility - no action at this time
Action 8: Mangrove Management	Mangrove removal is undertaken annually and was last completed on 2 March 2016 in accordance with Permit from DPI. Currently investigating permit with regards to removal of mangroves along the breakwall between the Bay and the Richmond River
Action 9: Weed Management	Ongoing weed control has been partially occurring on the Shaws Bay escarpment with Ballina Coastcare activities. No additional funding has yet been sourced through grant funds for weed control around Shaws Bay except for the existing operational funds to control the invasive Coral trees on the riparian edge
Action 10: Education – Health	Signage drafted for education on swimming quality however on hold until OEH approval. May be installed for 2017 swimming season
Action 11: Education – Vegetation	New interruptive signage to be incorporated into works for Action 1 and installed at the completion of works
Action 12: Education – Fishing	DPI Fisheries – no action at this time
Action 13: Education – Irritants	Will be reviewed and assessed at the time of installation of Action 11
Action 14: Foreshore Signage	To be reviewed and incorporated into the Pop Denison Master plan works and at the time of completion of Action 1 works
Action 15: Beachwatch	Underway and the Beachwatch program has been reviewed to incorporate new sampling sites and monitoring and analysis being undertaken on a weekly basis all year round
Action 16: Monitoring	Being investigated
Action 17: Hydrographic Survey	Incorporated into Coastal and Estuary Planning Grant application to OEH to undertake an additional survey for the investigation works into processing Action 2
Action 18: Inundation Risk	Completed – considered as part of Shire wide Flood Modelling Strategy
Action 19: Review of CZMP	On going
Action 20: 10 year review	On going

14.2 Notice of Motion - Ocean Pool

For the 2016/17 financial year Council has funding allocated to the following specific projects for this precinct:

- Shaws Bay - \$172,000 for works related to actions one and four
- Pop Denison - \$350,000 for implementation of the Pop Denison Master Plan (action five)
- Pop Denison - \$151,000 for refurbishment of the public toilets

Council was also recently notified that we were successful with a grant application for \$95,000 to assist with action one. Grant applications to assist with dredging have so far been unsuccessful.

A complete copy of the CZMP is available on Council's website under the tab for Environment / Shaws Bay or by accessing the following link:

http://www.ballina.nsw.gov.au/cp_themes/default/page.asp?p=DOC-ULJ-38-51-60

Overall the Shaws Bay CZMP focuses on providing more defined pedestrian access to Shaws Bay and leaving other areas protected to improve the environmental outcomes in those areas. The objectives being to improve the recreational experience in the Bay while at the same time protecting and enhancing the high value environmental areas.

Whether or not the works in the CZMP will ultimately bring Shaws Bay to an ocean pool standard is debatable but nevertheless they are designed to enhance the overall recreational experience.

In respect to point two of the recommendation the Shaws Bay CZMP has identified how the amenity in this location can be improved and Council now needs to ensure the plan is implemented overtime.

COUNCILLOR RECOMMENDATIONS

1. That Council receive a report on options required to fully fund an ocean pool at Shelly Beach within this term of Council.
2. As part of this report, Council also receives modelling and additional funding requirements required to bring Shaws Bay to what would be considered ocean pool standard, including, but not limited to removal of excess seagrass and improved water flow between the bay and ocean.

Attachment(s)

Nil

14.3 Notice of Motion - No Rate Rise Modelling

14.3 Notice of Motion - No Rate Rise Modelling

Councillor

Cr Smith

I move

That Council receive a report and financial modelling on no rate rises for this term of Council.

Councillor Comment

A large part of the election cycle debate was around the proposal of no rate rises, it's clear that not raising rates has large public interest, it's important that council therefore investigates this proposal and outcomes of such an option.

Staff Comment

It is assumed that the comments relate to no rate rises beyond the standard NSW Government rate pegging limit, as to not accept the pegged limit, which is essentially CPI, would be extremely poor financial management and would result in Council's financial position significantly deteriorating.

If no rate rises at all are proposed, it could never be supported from a staff perspective, as Council has a fiduciary responsibility to responsibly manage infrastructure assets valued in excess of \$1 billion. A reduction in real income, when Council is already not fully funding its depreciation, would ultimately lead to the further deterioration of our asset base, which is not a responsible or mature approach to managing the community's assets.

The NSW State Government's Fit for the Future Program requires councils to comply with seven key financial indicators to ensure that they are financially sustainable in the long term. Councils that are not financially sustainable run the risk of amalgamation as they are not considered to be appropriately managing their financial responsibilities.

In recent times Ballina Shire has been able to get close to complying with up to five of the seven financial indicators, with the non-compliances relating to Council not achieving an operating surplus (i.e. operating revenues less operating expenses) for the General Fund operations and our General Fund asset renewal ratio being less than 100%.

The asset renewal ratio requires councils to be expending, at least an amount equivalent to the annual infrastructure depreciation expense, over a three year average. The assumption here is that a ratio of 100% means that a council is fully funding the regular renewal of its existing infrastructure.

This indicator also reinforces the point that councils should always give first priority to funding the renewal of existing infrastructure, prior to creating new infrastructure. It is poor financial management to create new infrastructure, if you cannot fund the replacement of existing assets.

14.3 Notice of Motion - No Rate Rise Modelling

Our results in recent years for these two ratios, along with the dollar value for the operating deficit, are as follows:

General Fund	2012/13	2013/14	2014/15	2015/16 Preliminary
Operating Deficit (Dollar Value)	(7,328,000)	(8,534,000)	(2,541,000)	(678,000)
Operating Result (Ratio %)	-8.30	-19.00	-5.34	-1.32
Asset Renewal (Ratio %)	84	93	78	105

These figures can jump around from year to year, due to abnormal items that may be included in the annual financial results.

The 2015/16 preliminary figures, subject to audit, are well ahead of what was forecast, due to significant increases in operating revenues during the year, through the current high level of building activity in the Shire, and savings in operating expenses across a large number of Council programs.

Council's Fit for the Future submission to the State Government included the assumption that Council would be applying for rate increases above the rate pegging limit (referred to as special variations) of 2.9% for 2017/18, 2018/19 and 2019/20 to achieve long term financial sustainability.

The estimated additional annual rate income from these increases, if approved by the State Government, is estimated at approximately \$1.9m by 2019/20. Even with these increases the forecast operating result was only marginally in surplus, which leaves little room for any deterioration. IPART specifically noted the small surplus predicted in their assessment of Council's Fit for the Future submission.

If Council does not wish to pursue rate increases to achieve financial sustainability, it will need to look at cutting operating expenses of a similar magnitude to achieve the same result, as opportunities for increases in other revenues are limited.

Council also needs to be realistic about its rate income levels. The following table provides a summary of the residential rate averages for 2016/17 for councils in this region.

2016/17 Average Residential Rates

Item	Ballina	Byron	Clarence Valley	Coffs Harbour	Lismore	Richmond Valley	Tweed
Residential Rate	943	1,137	999	1,173	1,207	888	1,358

Ballina's average has only been able to reach this level following an extensive number of special variation increases above the rate pegging limit during the past ten years.

The revenue from these increases has been largely allocated to recurrent capital expenditure programs, for increased expenditure on infrastructure such as roads, footpaths, playgrounds, sporting fields, street lighting and community buildings. Without these increases we would not even have recurrent capital expenditure budgets for open spaces, sporting fields and street lighting.

14.3 Notice of Motion - No Rate Rise Modelling

Also Council's loan repayments for the redevelopment of the Ballina and Alstonville swimming pools are funded through special variations approved for 2015/16 and 2016/17. This expenditure relates to asset renewal which is consistent with the Fit for the Future Program objectives.

In looking at the figures in the earlier table, Council has approximately 15,700 residential assessments, which means that if Ballina had residential rates comparable to Byron, Coffs Harbour, Lismore or Tweed we would be generating an additional \$3m (Byron) to almost close to \$6.5m (Tweed), each and every year. These funds could then be expended on infrastructure renewal.

For the lower rating councils, Clarence Valley Council's submission to the Fit for the Future program included rate increases of 6.5% for five years from 2016/17 whereas Richmond Valley has previously received a five year approval for increases, from 12.3% for 2014/15 and 5.5% per annum for 2015/16 to 2018/19.

For rating purposes, properties are classified residential, business or farmland based on the dominant use. Ballina Shire Council's average rates for business and farmland are closer to the regional benchmarks, albeit that there are only around 1,200 business properties and 1,000 farmland properties.

In respect to the notice of motion it was already planned to submit reports, most likely to a Finance Committee, on Council's current financial position, the Fit for the Future Program and our Long Term Financial Plan, during late October or November. The purpose of the report(s) would be to assess what the newly elected Council wishes to do in respect to Council's financial sustainability and this type of report would also examine the impact of Council not applying for any special rate variation during this four year term.

It was never intended to model no rate increases at all, as that is not considered to be a realistic option, however if this motion is approved that information could be provided. The recommendation from staff is that this should not even be considered as a viable option and therefore cannot be supported.

COUNCILLOR RECOMMENDATION

That Council receive a report and financial modelling on no rate rises for this term of Council.

Attachment(s)

Nil

14.4 Notice of Motion - Lake Ainsworth Eastern Road

14.4 Notice of Motion - Lake Ainsworth Eastern Road

Councillor

Cr Williams

I move

1. That Council write to the NSW Minister for Sport to request the Department provide its preferred options, including financial support, for maintaining access via the East Road and enhancing the amenity of the Eastern precinct of Lake Ainsworth.
2. That Council take no further action in relation to the proposed closure of the East Road until negotiations with the State Government have been finalised and a set of options are available for consideration

Councillor Comment

Since Council last considered the possible closure of the East Road at Lake Ainsworth, the site has been visited by the State Minister for Sport, Mr Stuart Ayres. During this visit the Minister discussed the Winter Olympics training facility proposed for the Sport and Rec Camp and clearly stated that the East Road should remain open.

The Minister indicated that the Department may be willing to make a substantial investment in the Eastern Precinct to enhance the amenity of the area and enable retention of access via the East Road.

Council should accept the Minister's offer to explore options for the Eastern Precinct and not act in a presumptive manner by closing the road, while those discussions take place.

Staff Comment

Representatives from the State Government managing the proposed Winter Olympics Facility have verbally indicated that they would look at funding the sealing of the western access road, on the assumption that the eastern access road is closed.

It would appear logical that if the State Government was considering funding improvements to the western road, some or part of that funding could potentially be re-allocated to the eastern precinct, if that road remained open. The assumption then would be that the western road would remain unsealed.

Only direct conversations with the Minister's Office would clarify this.

The Office of Sport has previously provided Council with written correspondence confirming that they would reconstruct the existing access road to provide access only to the Sport and Recreation Centre. A copy of that correspondence is attached. Council subsequently declined that offer as the preferred option of Council is to close the road.

14.4 Notice of Motion - Lake Ainsworth Eastern Road

The current Council position remains to close the eastern road and an application to obtain planning consent for its closure has been lodged with Council's Development and Environmental Health (DEH) Group. That application is currently being assessed.

The detailed design of the works to be undertaken in the eastern precinct is also well advanced. There is approximately \$850,000 in funding still available for works in this location and once the planning consent is obtained Council will be in a position to commence the works.

Closing the eastern road will result in a loss of 68 informal car parking spaces based on the Complete Urban 2014 concept plan. To date Council has constructed new car parking in Pacific Parade and Ross Street to compensate for the lost car parks.

The Pacific Parade car park (completed September 2015) achieved an additional 31 spaces. This car park drains directly to Lake Ainsworth and has been designed incorporating Water Sensitive Urban Design (WSUD) principles to treat all stormwater runoff generated by impervious surfaces through the use of:

1. Bioretention - a rain garden, which has the sole intention to capture runoff and treat it by filtering it through a biologically influenced media.
2. Turfcell - which when used in conjunction with grass provides alternatives to the sole use of asphalt alone.

In addition to this the construction of the new car parking bays along Ross Street (completed June 2016) has created an additional 39 spaces.

This means a total of 70 spaces has been achieved, which is intended to offset the loss of informal car parking spaces when the eastern road is closed, albeit that the Ross Street spaces are located a significantly further distance from the lake.

It is acknowledged that there will always be parking shortages in this location in peak times due to Lake Ainsworth's popularity.

COUNCILLOR RECOMMENDATIONS

1. That Council write to the NSW Minister for Sport to request the Department provide its preferred options, including financial support, for maintaining access via the East Road and enhancing the amenity of the Eastern precinct of Lake Ainsworth.
2. That Council take no further action in relation to the proposed closure of the East Road until negotiations with the State Government have been finalised and a set of options are available for consideration

Attachment(s)

1. Correspondence from Office of Sport

14.5 Notice of Motion - North Creek Road Extension

14.5 Notice of Motion - North Creek Road Extension

Councillor

Cr Cadwallader

I move

That Council receive a report on options to bring forward the reconstruction of the North Creek Road extension and bridge reconstruction.

Councillor Comment

There is huge support for the bridge on North Creek Road to be reconstructed and the road improved to provide an important arterial road connection between Lennox Head and Ballina. The provision of this infrastructure will significantly reduce traffic on The Coast Road and provide quick access for residents in the north of the Shire to the Southern Cross Industrial Precinct, the Waste Centre and the Ballina – Byron Gateway. A report on options to bring forward these works would be of significant interest to the community.

It's certainly instructive when arterial roads are closed as with Angel's Beach Drive recently, how traffic movements become choked and reasonable transit is obstructed.

With Lennox Head's population predicted to expand at a minimum of 50% over the next ten years (According to the 2011 census) and much of the population growth predicted in the infill areas to the west and south of the Lennox village, it surely seems logical for Council to bring forward its implementation of the planned North Creek arterial road extension via a new bridge through to the Ballina Byron Airport and beyond.

It is clear that with substantial traffic increases as a result of the myriad of new subdivisions approved or at final planning stages (Epiq, Reservoir, Elevation extension, Cumberland B and Stewarts Farm extension south of Headlands) that it is essential improved transportation corridors are brought forward to earlier completion schedule to ease the load on the Coast road and routes into the Ballina CBD.

Staff Comment

Council has a Section 94 Roads Contribution Plan in place that allows Council to collect developer contributions towards improvements for road infrastructure that relate to increased traffic movements from population growth.

The traffic modelling undertaken for this plan examines population growth to confirm where road improvements are needed and the likely timing of those improvements. A copy of the plan is available on Council's website at the following link:

http://www.ballina.nsw.gov.au/cp_themes/default/page.asp?p=DOC-TGH-00-60-31

14.5 Notice of Motion - North Creek Road Extension

The works identified in the plan, along with the estimated costs and likely timing are as follows.

No.	Proposed works	Estimate	Cost met by Developers	Council Liability	1 to 8 years (2011 - 2019)	9 to 17 years (2019 - 2028)	17 to 25 years (2028 - 2036)
1a	Western Arterial	31,669,625	31,669,625	0			✓
1a	Western Arterial (Land Component)	754,220	754,220	0			✓
6	River Street Fisheries Ck Bridge to Tweed St - Four Laning	3,886,480	1,927,495	1,958,985	✓		
7	Tamarind Dr, North Creek Rd to Kerr St - Four Laning	7,165,698	7,063,661	102,038	✓		
9	River St, Upgrade Fisheries Creek Bridge - Four Lane	5,343,911	2,650,306	2,693,604	✓		
10	Tamarind Dr, Duplication of North Creek Canal Bridge - Separate Two Lanes	4,007,933	3,950,861	57,072	✓		
11	River St, Fisheries Ck Bridge to Sthn Interchange of Bypass - Four Laning	9,582,603	7,076,891	2,505,712	✓		
11	Other River Street Improvements (land)	133,598	98,664	34,934	✓		
12-14	Hutley Drive Extension	15,303,017	15,303,017	0	✓		
15	Bangalow Road / Hogan Street - new Left In / Left Out	667,989	667,989	0		✓	
16	Angels Beach Drive / Sheather Street - new Left In / Left Out	607,263	607,263	0		✓	
16	Angels Beach Drive / Sheather Street - LILO (Land Component)	109,307	\$ 109,307	0		✓	
18	North Creek Road and Bridge	19,432,402	19,432,402	0		✓	
18	North Creek Road and Bridge (Land Component)	12,145	12,145	0		✓	
20	Ross Lane Improvements – West	4,683,750	4,683,750	0		✓	
20	Ross Lane Improvements – East	10,590,659	5,140,207	5,450,452		✓	
20	Ross Lane Improvements - East (Land Component)	97,162	47,158	50,004		✓	
21	Tintenbar Road / Teven Road - Climbing Lanes	1,943,240	622,507	1,320,733			✓
21	Tintenbar Road / Teven Road - Climbing Lanes	1,943,240	622,507	1,320,733			✓
21	Tintenbar Road / Teven Road - Climbing Lanes (Land Component)	1,215	389	825			✓
23	Tamarind Dr to Southern Cross Drive - Right Turn Ban	157,888	157,888	0		✓	
27	North Creek Road / Reservoir Rd / Hutley Dr, Traffic calming	2,793,408	1,999,339	794,069		✓	
28a	River Street / Cherry Street Roundabout	1,165,944	816,161	349,783	✓		
28b	River Street / Moon Street Roundabout	1,165,944	816,161	349,783	✓		
29	Tamar Street / Cherry Street Roundabout	643,698	450,589	193,109	✓		
30	Angels Beach Dve / Bangalow Rd Roundabout Lanes Extensions	896,480	896,480	0			✓
31, 33	Ballina Heights Drive	4,858,101	3,400,670	1,457,430	✓		
34	Cumalalum - Interchange, eastern roundabout	3,460,000	2,422,000	1,038,000	✓		
34a	Cumalalum - Interchange, upgrade eastern roundabout	761,098	761,098	0			✓
35	Sandy Flat Road	3,018,600	3,018,600	0		✓	
37	North Creek Road - Northern 350m joining Hutley Dr & Byron Bay Rd	3,360,044	1,546,544	1,813,501		✓	
39	North Creek Rd - Tamarind Dr to Southern Cross Dr, 4 lane	1,436,350	1,436,350	0			✓
40	Tamarind Dr, 4 lanes Cumalalum to North Ck Rd, 4.15 km	10,627,536	10,627,536	0			✓
41	Bangalow Rd, additional Lane, 200 m east from Angels Beach Dr	1,249,000	1,249,000	0			✓
	Total	153,529,549	132,038,780	21,490,769			

14.5 Notice of Motion - North Creek Road Extension

As per this table the North Creek Road Extension and Bridge (items 18) are estimated at approximately \$19.4m and identified for the period 2019-2028.

The works completed to date are marked in yellow.

There are still a number of works in the 2011-2018 period yet to be completed with the next major project planned being the Hutley Drive northern extension (estimated at around \$5m). That work is fast becoming an urgent priority due to the current land releases occurring in the Pacific Pines precinct in Lennox Head.

Council has planning consent for Hutley Drive, albeit that negotiations are currently occurring with a landowner in that location in an attempt to improve the alignment of the Hutley Drive extension onto North Creek Road.

The completion of works in the Section 94 Plan are driven largely, by the rate of collection of Section 94 Roads Contributions and the balance for this plan, as at 30 June 2016, is approximately \$2.8m. This means we are still well short of the \$5m that needed to complete the Hutley Drive northern extension and in the not too distant future Council will need to determine whether it wishes to forward fund this project from our own revenues.

In addition to Hutley Drive there are a number of other projects in the 2011-2019 period still to be completed and these works must take priority over the North Creek Road extension based on the traffic modelling.

Certainly the North Creek Road extension would be a popular project however the traffic modelling has the need for that work well behind a number of other higher priority road projects and Council should be focusing on delivering those projects, rather than selecting major infrastructure priorities based on an ad hoc approach.

This being the case the notice of motion cannot be supported from a prudent financial and infrastructure management perspective.

COUNCILLOR RECOMMENDATION

That Council receive a report on options to bring forward the reconstruction of the North Creek Road extension and bridge reconstruction.

Attachment(s)

Nil

14.6 Notice of Motion - Crematorium

14.6 Notice of Motion - Crematorium

Councillor Cr Cadwallader

I move

That Council receive a report on the feasibility of Council constructing and operating a Crematorium for the Ballina Shire.

Councillor Comment

Lismore City Council owns and operates the Lismore crematorium as a standalone business. With Council always struggling for income this type of business could provide an additional revenue source for Council while at the same time providing an excellent service to the community.

Staff Comment

A review of the Lismore City Council budget for 2016/17 confirms that the forecast revenues and expenses for their crematorium is as follows:

Operating Revenues	435,000
Less Operating Expenses	
Management Cost	67,600
Operating Costs	199,600
Plaques	13,200
Maintenance	12,800
Overheads	29,300
Sub Total	322,500
Operating Surplus	112,500

This excludes any depreciation as that figure was not readily available on the Lismore website.

If Council wishes to undertake a comprehensive feasibility assessment funds need to be allocated for that work, as Council has no in-house expertise in the field of crematoriums. This project would need to be allocated to an external consultant and a reasonable budget to complete a thorough study would be, at a guess, \$15,000.

One option for funding this would be from Council's Cemetery Reserve, which has a balance of \$243,200 as at 30 June 2016. This reserve is typically used for capital improvements to Council's cemeteries.

Ideally projects such as this should be included in Council's annual Operational Plan so that they can be scheduled as part of the staff work program for the year.

COUNCILLOR RECOMMENDATION

That Council receive a report on the feasibility of Council constructing and operating a Crematorium for the Ballina Shire.

Attachment(s)

Nil

15. Advisory Committee Minutes

15. Advisory Committee Minutes

Nil Items

16.1 Mayoral Meetings

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

16.1 Mayoral Meetings

Councillor David Wright

Activities since the August 2016 Ordinary meeting:

<u>Date</u>	<u>Function</u>
1/9/16	Northern Rivers Community Gallery Opening
1/9/16	Community Service Presentations
5/9/16	Church group
5/9/16	Meet the Candidates – Lennox Head
6/9/16	Alstonville-Wollongbar Chamber Meeting Crawford House
7/9/16	Meet the Candidates – Alstonville
9/9/16	New Fire Station Opening
10/9/16	Election Day
11/9/16	Alstonville Markets
11/9/16	Lennox Head Markets
11/9/16	Airforce Commemoration Day
11/9/16	Filming – Holy Family Students
12/9/16	Emmanuel College Opening Classrooms and Administration
14/9/16	Alstonville Rotary Presentation 2035
15/9/16	Welfare Meeting re Homeless
15/9/16	Election Distribution
16/9/16	Council Induction
18/9/16	Koala Meeting – Meerschaum Vale
18/9/16	Lennox Head Surf Club - sign on
20/8/16	Meeting Sharkeye
20/9/16	Councillor Information Manuel Review
21/9/16	Ballina Chamber of Commerce
22/9/16	Xavier College Year Twelve Awards Ceremony.
22/9/16	Youth Frontier Program
22/9/16	Emmanuel Anglican College Year Twelve Graduation
23/9/16	Ballina Action Group Meeting
23/9/16	Ballina High School Year 12 Assembly
23/9/16	Tintenbar Art Show 7 – 9
24/9/16	Raising of the Flags - Ballina SLSC
26/9/16	Business Paper Review
26/9/16	Filming re Shark Barriers
28/9/16	CWA Celebration Lunch
29/9/16	Council Meeting
29/9/16	Gallery Opening
29/9/16	Lions – Lennox Head

RECOMMENDATION

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

17. Questions Without Notice

17. Questions Without Notice

18. Confidential Session

18. Confidential Session

Nil Items