



## 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 23 February 2017 commencing at 9.00 am.**

### Business

1. Australian National Anthem
2. Acknowledgement of Country
3. Apologies
4. Confirmation of Minutes
5. Declarations of Interest and Reportable Political Donations
6. Deputations
7. Mayoral Minutes
8. Development and Environmental Health Group Reports
9. Strategic and Community Facilities Group Reports
10. General Manager's Group Reports
11. Civil Services Group Reports
12. Public Question Time
13. Notices of Motion
14. Advisory Committee Minutes
15. Reports from Councillors on Attendance on Council's behalf
16. Confidential Session

Paul Hickey  
**General Manager**

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

## **Deputations to Council – Guidelines**

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

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

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

## **Public Question Time – Guidelines**

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

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

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

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

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

Recording of the questions will not be verbatim.

The standard rules of behaviour in the Chamber will apply.

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

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1. Australian National Anthem
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**1. Australian National Anthem**

The National Anthem will be performed by Teven-Tintenbar School.

**2. Acknowledgement of Country**

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

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

**3. Apologies**

**4. Confirmation of Minutes**

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Wednesday 25 January 2017 were distributed with the business paper.

A copy of the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Friday 10 February 2017 were distributed with the business paper.

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Wednesday 25 January 2017.

That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Friday 10 February 2017.

**5. Declarations of Interest and Reportable Political Donations**

**6. Deputations**

**7. Mayoral Minutes**

Nil Items

## 8.1 DA 2016/601 - 290 North Creek Road, Teven

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### 8. Development and Environmental Health Group Reports

#### 8.1 DA 2016/601 - 290 North Creek Road, Teven

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<b>Applicant</b>	Zaher Architects
<b>Property</b>	Lot: 1 DP: 204760, 290 North Creek Road, Teven
<b>Proposal</b>	Dwelling and Pool as depicted in plans by Zaher Architects Project No. 1510 SAMM dated 5 September 2016
<b>Effect of Planning Instrument</b>	The land is zoned 1(b) Rural (Secondary Agricultural Land) under the provisions of the Ballina LEP (BLEP) 1987
<b>Locality Plan</b>	The subject land is depicted on the locality plan attached.

#### **Introduction**

Council is in receipt of a Development Application proposal to construct a dwelling house and swimming pool on a 29.06 hectare parcel of land currently used for macadamia farming.

Temporary residential occupation of an existing farm shed has also been requested while the abovementioned dwelling is to be constructed.

The land in question is mapped as a "Deferred Matter" under the BLEP 2012, where the provisions of the BLEP 2012 do not apply.

Consequently, the provisions of the BLEP 1987 still apply to the land.

This report seeks Council's determination of a requested variation to the development standard for the minimum lot size contained in Clause 12 in the Ballina Local Environmental Plan 1987, as the application proposes a variation of more than 10% to the development standard, being 27%.

In the case of the BLEP 1987, the Department of Planning and Environment issued, by way of Circular B1, assumed concurrence provisions (including additional assumed concurrence provisions via correspondence dated 27 August 1991) to Council.

The assumed concurrence provisions enable Council staff to carry out an assessment of the application/objection under State Environmental Planning Policy (SEPP) 1 as part of the assessment of the development application.

#### **Reportable Political Donations**

Details of known reportable political donations are as follows:

- Nil

**Public Exhibition**

Notification was not considered necessary as the proposal will not impact on the privacy, overshadowing or view loss of any adjoining or nearby properties in the locality.

**Applicable Planning Instruments**

The proposed development has been assessed under the heads of consideration in Section 79 (C) of the Environmental Planning and Assessment Act 1979 and can be generally supported. The only matter to be determined by the elected Council in relation to this application is the requested variation to the development standard for minimum lot size contained in Clause 12 within the BLEP 1987.

*Ballina Local Environmental Plan 1987*

Clause 12 of the BLEP 1987 applies to land within Zone No 1 (a1), 1 (a2), 1 (b), 1 (d), 1 (e), 7 (a), 7 (c), 7 (d), 7 (d1), 7 (f), 7 (i) or 7 (l).

The Clause states in part that the Council shall not consent to the erection of a dwelling-house on land to which this clause applies except where that land has an area of not less than 40 hectares in the case of land within Zone No 1 (a2), 1 (b), 1 (d), 1 (e), 7 (a), 7 (c), 7 (d), 7 (d1), 7 (f) or 7 (l).

**Report**

The land has an area of 29.06 hectares and is located on the eastern side of North Teven Road, Teven. The land consists of undulating hill slopes with the majority of the land utilised for the growing of macadamia nuts.

There is some remnant vegetation on steeper land near North Teven Road and some gullies on the eastern portion of the land.

The proposed dwelling and pool site is located on the eastern part of the land on an elevated area at about 68 metres Australian Height Datum (AHD).

The house site is covered in macadamia trees and grasses.

The land is generally rectangular with a depth of about 720 metres and a width of 400 metres. The survey of the land is included in the submitted architectural plans.

Access to the land is via a bitumen sealed driveway from near the south west corner of the land off North Teven Road and there are existing agricultural sheds along the northern boundary of the land.

The land is predominately surrounded by small rural holdings.

Council wrote to the then landowner on 18 June 2015 advising in part that it would be prepared to favourably consider a SEPP 1 application to vary the minimum lot size development standard contained in Clause 12 of Ballina LEP 1987 to enable consent to be granted to erect a dwelling house on the land.

**Assessment – BLEP 1987/SEPP 1**

The mechanism that provides the ability to vary a development standard contained within the BLEP 1987 is an application (or an objection) under SEPP 1 - Development Standards.

The following assessment of the variation request has been carried out with respect to SEPP 1.

<b>BLEP 1987 - SEPP 1</b>	
<b>Questions</b>	<b>Comments (Y/N, complies)</b>
Has the applicant submitted a written request to vary a development standard as part of the development application?	Yes.
Identify when the written request was lodged (as part of lodgement of DA or during assessment process). Provide details of circumstance if written request was not submitted as part of the lodgement of the development application (i.e. was a non-compliance identified after lodgement, was the proposal modified after lodgement resulting in a non-compliance?).	The written request was lodged after the application was submitted.  Although the written request was not lodged with the application, it was identified on the application form that concurrence was required.
Have all the required matters listed as part of SEPP 1 and as outlined within Council's written request form been satisfactorily answered by the applicant?	Yes. The applicant has submitted an Application for Variation to Development Standards form and Statement of Environmental Effects addressing those matters as required by SEPP 1.
<b>Assessment of requested variation</b>	
a) What is the development standard being varied? (provide details of clause in BLEP 1987, including objectives of the development standard, numeric value and percentage variation)	Minimum lot size for a dwelling house in Zone 1(b).  Clause 12 of the BLEP 1987.  The standard is for a minimum lot size of 40Ha. The proposal is for a variation of 27% to 29.06Ha.  The temporary use of the existing shed should not affect the approval of a dwelling on the property as it is common for temporary occupation to be granted for a period of time to aid in occupation of the property during construction.  It is normal to require buildings used for temporary residential use to be decommissioned to be non-habitable on occupation of the new dwelling.



BLEP 1987 - SEPP 1	
b) What is the underlying objective of this development standard?	The objectives this Clause are to ensure the erection of a dwelling will not impair the suitability of the land for agriculture nor unnecessarily fragment rural land.
c) In accordance with clause 8 of SEPP 1: <ul style="list-style-type: none"> <li>Does the non-compliance with the development standard raise any matters of significance for state or regional environmental planning?</li> <li>Is there a public benefit in maintaining the planning controls adopted by the Ballina Local Environmental Plan 1987?</li> </ul>	No. Concurrence has been obtained from the Department of Planning and Environment.
d) Will the cumulative effect of similar approvals undermine the objective of the development standard or the objectives of the zone?	<p>No. This variation is specific to this parcel of land and the historic permissibility of a dwelling house on it.</p> <p>A search of Council's records recovered a letter from 25 October 1999 where it states the following in regards to the subject Lot –</p> <p><i>'pursuant to Clause 12(3A) the dwelling entitlement remains even if a change of ownership (from the original owner) occurs'.</i></p> <p>Clause 12(3A) has since been repealed and this is no longer the case. However, Council has resolved to recognise dwelling entitlements under clause 12(3A) previously acknowledged in writing by incorporating provisions into the BLEP 2012. Because Lot 1 DP 204760 is currently deferred from the application of the BLEP 2012, the dwelling entitlement cannot be reinstated until this deferral is rectified.</p> <p>Council has identified the property to be placed on the Dwelling Opportunity Reinstatement map once the deferred status of the zone has been rectified, or a SEPP 1 variation is approved.</p>

<b>BLEP 1987 - SEPP 1</b>	
<p>e) The Five Part Test (Note: only one of these tests needs to be satisfied)</p> <ul style="list-style-type: none"> <li>• Are the objectives of the standard achieved notwithstanding non-compliance with the development standard?</li> <li>• Is the underlying objective or purpose of the development standard not relevant to the development and therefore compliance is unnecessary?</li> <li>• Will the underlying object of the purpose be defeated or thwarted if compliance was required and therefore is compliance unreasonable?</li> <li>• Has the development standard been virtually abandoned or destroyed by Council's actions in granting consents departing from the development standard and therefore is compliance with the development standard unnecessary and unreasonable?</li> <li>• Is compliance with the development standard unreasonable or inappropriate due to the existing use of the land and current environmental character of the subject property (should this property have been included in the current zone)?</li> </ul>	<p>Yes. The objectives of the standard are achieved notwithstanding non-compliance with the development standard?</p> <p>The application was referred to the Department of Planning &amp; Environment for concurrence. A response was received on 29 November 2016 stating that concurrence was granted in this instance for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposal is not inconsistent with the objectives of the 1(b) Rural (Secondary Agricultural Land) Zone;</li> <li>2. The proposal does not further fragment rural land, and</li> <li>3. The allotment had previously had a dwelling eligibility</li> </ol>

### Conclusion

The proposal meets the objectives of the BLEP 1987 for 1(b) zoned rural land and will not have any adverse effects on the environment or the future agricultural use of the land.

Council has acknowledged the previous permissibility of a dwelling on the land and provided written advice that it would favourably consider a SEPP 1 variation.

Concurrence has been obtained from the Department of Planning & Environment.

### Options

The following options are available to Council:

Option One - Approval of the SEPP 1 variation, thereby permitting the construction of a dwelling on the subject land where such land has an area less than the minimum required 40 hectares under the BLEP 1987.

Option Two - Refusal of the application due to the land size being less than 40 hectares as required under the BLEP 1987. Option two is not supported due to the history of events that have occurred, acknowledging the permissibility of a dwelling being constructed on the land.

**RECOMMENDATIONS**

1. That Council approves the SEPP 1 variation for development application 2016/601 thereby permitting the construction of a dwelling and swimming pool on the land.
2. Any issued consent is to address the temporary occupation (12 month period) of the existing farm shed, rendering such building non-habitable on completion of the dwelling.

**Attachment(s)**

1. Locality Plan
2. DOP Concurrence - Teven Road, Teven
3. Lot 1 DP 204760, 290 North Teven Road 1st Response to dwelling entitlement enquiry
4. Lot 1 DP 204760, 290 North Teven Road 2nd Response to dwelling entitlement enquiry
5. Lot 1 DP 204760, 290 North Teven Road 3rd Response to dwelling entitlement enquiry

## 8.2 Ballina Coast High School Redevelopment

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### 8.2 Ballina Coast High School Redevelopment

**Delivery Program**      Development Services

**Objective**                      To advise Council of the submission made to the NSW Department of Planning.

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#### **Background**

On 2 February 2017, Councillors attended a Council briefing that discussed the request from the NSW Department of Planning and Environment seeking input into the Department's assessment of the Ballina Coast High School redevelopment. At the briefing it was discussed that a submission should be made in respect to this redevelopment.

#### **Key Issues**

- Utilisation of the surrounding street system for all traffic and parking management for the site
- Noise and vibration impacts should driven piling be selected as the preferred construction method
- Need for a site specific stormwater management system design and plan

#### **Information**

A submission was made to the NSW Department of Planning and Environment on 6 February 2017 and its receipt by the Department has been confirmed. A copy of the submission is attached.

It is understood that all submissions have been referred to the applicants, the NSW Department of Education, for comment back to the Department of Planning before a determination report is prepared to the NSW Minister for Planning.

#### **Sustainability Considerations**

- **Environment**  
The environment will be reasonably protected if the Minister for Planning imposes appropriate conditions of consent relating to stormwater management as recommended by the Council.
- **Social**  
The social impact of the development won't be acceptable unless the Minister for Planning imposes suitable conditions of consent relating to:
  - (i) the recognition and documentation of the heritage values of the site
  - (ii) the establishment of minimum floor levels for flood protection as proposed in the application documentation
  - (iii) the proper provision off and on street traffic management, parking, pick-up and set-down facilities and on-site loading and servicing as

## **8.2 Ballina Coast High School Redevelopment**

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outlined by the NSW Roads and Maritime Services' (RMS) submission and the Council's assessment and recommendations, and

- (iv) appropriate consideration being given to the potential adverse noise and vibration impacts of driving piles if piling is determined to be the approved construction method as outlined in the submitted geotechnical reports accompanying the application.

- **Economic**

The economic impact of the development won't be acceptable unless the Minister for Planning requires the applicants to properly provide for:

- (i) on-site parking as outlined in the submission of the NSW RMS
- (ii) protection of the site by making adequate settings for flood levels
- (iii) protection of the site and surrounds by providing a comprehensive stormwater management system as recommended by the Council
- (iv) measuring and compensating surrounding landholdings for potential property damage caused by vibration during construction as recommended by the Council and
- (v) making suitable provision for the servicing of the site by the essential utility undertakings.

### **Legal / Resource / Financial Implications**

Nil other than the incidental costs of making representations to the identified members of parliament if the Council chooses to do so

### **Consultation**

The NSW Department of Planning and Environment exhibited the application for public comment between 15 December 2016 and 31 January 2017. No public consultation has been undertaken by Council.

### **Options**

Council's submission has been made and received. The Council may now wish to make formal representations to relevant members of parliament to emphasize the areas of concern that it holds in respect of the particulars of the submitted application.

### **RECOMMENDATION**

That Council make representations directly to the relevant members of parliament supporting the attached submission in respect to the proposed Ballina Coast High School redevelopment.

### **Attachment(s)**

1. Submission to Department of Planning and Environment

### **8.3 Development Applications – Variation to Development Standards**

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### **8.3 Development Applications – Variation to Development Standards**

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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):

<b>DA No.</b>	<b>Date Approved</b>	<b>Applicant</b>	<b>Proposal and Address</b>	<b>EPI and Land Zoning</b>	<b>Development Standard and Approved Variation</b>	<b>Justification for variation</b>
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 January 2017.

#### **Attachment(s)**

Nil

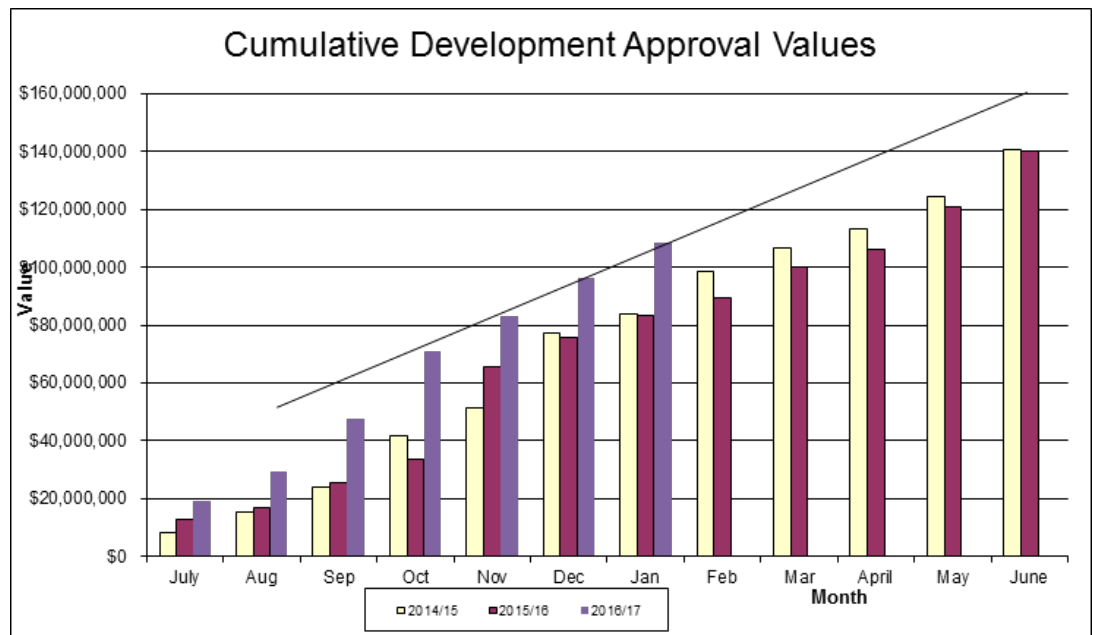
**8.4 Development Consent and Infrastructure Approvals - January 2017**

**8.4 Development Consent and Infrastructure Approvals - January 2017**

During the period of 1 January 2017 to 31 January 2017 the Development and Environmental Health Group issued Development Consents comprising of:

<b>Number of Applications</b>	<b>Value of Work (\$)</b>
33 Other including Changes of Use	1,471,483
22 Dwellings/Dual Occupancies/Residential Flat Buildings/New Commercial and Industrial Buildings	10,667,187
3 General Developments including Subdivisions	20,000
<b>Total Value</b>	<b>12,158,670</b>

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



During the period of 1 January 2017 to 31 January 2017 the Development and Environmental Health Group issued Public Infrastructure / Civil Construction Works comprising of:

<b>Number of Applications</b>	<b>Value of Work (\$)</b>
1 Public Infrastructure / Civil Construction (Jameson Avenue Sewage Pump Station Upgrade)	60,000
<b>Total Value</b>	<b>60,000</b>

**RECOMMENDATION**

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 January 2017 to 31 January 2017.

**Attachment(s)**

Nil



## 8.5 Development Applications - Works in Progress - February 2017

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### 8.5 Development Applications - Works in Progress - February 2017

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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.

<b>DA No.</b>	<b>Date Rec'd</b>	<b>Applicant</b>	<b>Proposal</b>	<b>Status</b>
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
2016/219	03/05/2016	Ardill Payne & Partners	Amended Proposal – Establishment of Strata Titled Dual Occupancy (Detached) Development – 175 Tamar Street, Ballina	Amended Proposal on Exhibition
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	Being assessed.
2016/375	8/7/2016	Ardill Payne &	Establishment	Awaiting

## 8.5 Development Applications - Works in Progress - February 2017

		Partners	of a Multi Dwelling Housing Development Comprising the Erection of Two x Two Storey Detached Dwellings, Retention of and Alterations and Additions to the Existing Dwelling House, Demolition of Existing Garage, Vegetation Removal and Associated Works and Staged Strata Title Subdivision – 43 Pacific Parade, Lennox Head	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
2016/389	19/07/2016	McDonald's	Erection of a	Being

## 8.5 Development Applications - Works in Progress - February 2017

		Australia Pty Ltd	McDonald's Restaurant and Associated Signage on the Approved Highway Service Centre Site – 565-589 River Street, West Ballina	Assessed
2016/426	04/08/2016	Ballina Shire Council c/- CivilTech Consulting Engineers	Extension of Skennars Head Playing Fields – Skennars Head, Lennox Head	Being Assessed
2016/506	8/9/2016	Newton Denny Chapelle	To increase student numbers on a permanent basis from 100 to 235 at the existing educational establishment – 37 Convergys Lane, Wollongbar	Being Assessed – To be reported to Council for determination (as per Council's resolution)
2016/539	23/9/2016	Civil Tech Consulting Engineers	Four lot integrated subdivision with the erection of a two storey dwelling house on each lot, vegetation removal and associated works – 7-9 Byron Street, Lennox Head	Determination Pending
2016/569	10/10/2016	Stephen Phibbs	Strata subdivision of existing dual occupancy - 7 Crane Street, Ballina	Awaiting Additional Information
2016/596	17/10/16	Reece Group Pty Ltd	Change of Use Involving the Expansion of an Existing Hardware and Building Supplies Business (Reece	Determination Pending

## 8.5 Development Applications - Works in Progress - February 2017

			Plumbing) and Alterations to Existing Building Identification Sign – 19 Southern Cross Drive, Ballina	
2016/604	21/10/16	Ardill Payne & Partners	Alterations and Additions to Ballina Toyota – 2 Sunset Avenue, West Ballina	Determination Pending
2016/617	26/10/16	Stephen Fletcher and Associates Pty Ltd	Excavation and Drainage Works – Uralba Road, Uralba	Being Assessed
2016/655	15/11/16	Ardill Payne & Partners	Erection of an Attached Dual Occupancy and Establishment of One Holiday Cabin – 56 Tooheys Mill Road, Pearces Creek	Awaiting additional information
2016/662	17/11/16	Ardill Payne & Partners	Demolition/removal of Existing Dwelling House and Two Lot Subdivision to Create 1 x 643sqm and 1 x 652sqm allotments – 46 Sandstone Crescent, Lennox Head	Being Assessed
2016/690	29/11/16	Ardill Payne & Partners	To undertake a residential subdivision to create 38 residential lots, including construction of roads and installation of public infrastructure services – Quays Drive, West Ballina	Awaiting Additional Information
2016/691	29/11/16	Ardill Payne &	Construction of	Being

## 8.5 Development Applications - Works in Progress - February 2017

		Partners	a new PAD site building of Ballina Fair Shopping Centre and subsequent modifications to part of the car parking area – 84 Kerr Street, Ballina	assessed
2016/700	21/12/16	Ardill Payne & Partners	To Undertake Alterations and Additions to existing Building for the purpose of an Industrial Training Facility – 47 Southern Cross Drive, Ballina	Being assessed
2016/704	5/12/2016	Ardill Payne & Partners	Staged Seniors Housing Development Comprising the Re-Development of Alstonville Maranoa pursuant to S.83B of the EP&A Act with consent also sought for Stage 1 comprising 12 self-contained dwellings, tree removal, new driveway and associated works - 9-19 The Avenue, Alstonville	Referred to Government Departments
2016/705	6/12/2016	Tim Fitzroy & Associates	To establish a depot and associated works - 34-38 Northcott Crescent, Alstonville	Being Assessed
2016/731	15/12/2016	Ardill Payne &	Two Lot	Being

## 8.5 Development Applications - Works in Progress - February 2017

		Partners	subdivision to create 1 x 1705 and 1 x 1182 m <sup>2</sup> lots – 45 Greenfield Road, Lennox Head	Assessed
2016/739	20/12/2016	Newton Denny Chapelle	Conversion of Existing Shed for Tourist and Visitor Accommodation – 48 Glenross Drive, Kinvarra	Being Assessed
2016/741	20/12/2016	Newton Denny Chapelle	Subdivision of Land Comprising 121 Residential Allotments – Hutley Drive, Lennox Head	Being Assessed
2016/745	21/12/2016	Ardill Payne & Partners	Subdivision by way of boundary adjustment of five existing lots to create 5 new lots – 520 & 462 Newrybar Swamp Road, Broken Head	Referred to Government Departments
2016/756	23/12/2016	Planners North	Erection of Two x 25 Metre High Entry Pylon Signs, Ballina Highway Service Centre, West Ballina – 565-589 River Street, West Ballina	Being Assessed
2016/757	23/12/2016	FSG Australia	Change of Use of Dwelling House and Shed to Community Facility – 111 Tamar Street, Ballina	Awaiting Additional Information
2017/7	4/1/2017	RPS Group	Construction of a service station with convenience store, car parking,	Awaiting Additional Information

## 8.5 Development Applications - Works in Progress - February 2017

			signage and associated works – 413-423 River Street, Ballina	
2017/15	11/1/2017	Ardill Payne & Partners	Construction of multi-purpose playing court at Emmanuel Anglican College – 62 Horizon Drive, West Ballina	Awaiting Additional Information
2017/27	18/01/2017	Vision Town Planning	Alterations to Health Services Facility – 64 Cherry Street, Ballina	Being Assessed
2017/40	31/01/2017	WJ Townend – Town Planning Pty Ltd	Change of Use from Light Industrial to Take-Away Food and Drink Premises – 6 Endeavour Close, Ballina	Being Assessed
2017/57	08/02/2017	Ardill Payne & Partners	Erection of 7 x pole/pylon advertising signs (Lennox Head Service Station) – 44-48 Byron Street, Lennox Head	Being Assessed

## 8.5 Development Applications - Works in Progress - February 2017

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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



## 8.5 Development Applications - Works in Progress - February 2017

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  Subject to Class 1 Appeal
2016/524	16/9/2016	Planners North	Seniors Living Development pursuant to SEPP (Housing for Seniors and People with a Disability)2004 comprising 211 serviced, self-care housing with associated clubhouse, recreation facilities, roads and associated infrastructure and environmental management and protection works – 67 Skennars Head Road, Skennars Head	Awaiting Additional Information

## 8.5 Development Applications - Works in Progress - February 2017

2016/660	17/11/16	BP Australia Pty Ltd	Erection of a Highway Service Centre and Associated Uses, Advertising Signage Including Two x 25 m High Structures, Land Filling, Vehicular Access of Pacific and Bruxner Highways, Car Parking and Associated Works - Pacific Highway, West Ballina	Awaiting Additional Information
2016/746	23/12/2016	Ringtank Pty Ltd	Erection of dwelling houses, rural worker's dwelling, tourist and visitor accommodation, 10 site caravan park, polo training field and equestrian exercise area, equine building including stables, veterinary facility, quarantine stalls and horse float and equipment shelters, private helipad and hanger, outdoor recreation facilities including go-kart track, shooting range, motocross track, associated buildings, roadworks, earthworks including dams and landscaping - Carrs Lane, Empire Vale Road, Reedy Creek Road-Keith Hall/Empire Vale	Awaiting Additional Information

## 8.5 Development Applications - Works in Progress - February 2017

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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 February 2017.

### Attachment(s)

Nil

## **9.1 LEP Amendments and Planning Proposals - Status**

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### **9. Strategic and Community Facilities Group Reports**

#### **9.1 LEP Amendments and Planning Proposals - Status**

**Delivery Program** Strategic Planning

**Objective** To inform the Council of the status of Local Environmental Plan amendment requests and planning proposals that are currently under consideration.

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#### **Background**

Council has an ongoing program of assessing and processing requests to amend the Ballina Local Environmental Plans 1987 and 2012 (LEPs) and associated planning proposals. This report provides an update of those matters which are currently pending, for the information of Councillors and the community.

#### **Key Issues**

- Status of rezoning and LEP amendment requests.

#### **Information**

##### *LEP Amendment Requests and Planning Proposals Status*

Table 1 provides an overview of the LEP amendment requests and planning proposals currently being considered and processed by Council. With respect to terminology used in this report, the term planning proposal refers to the documentation prepared to describe a request to amend the Ballina Local Environmental Plan/s.

Requests are typically referred to as planning proposals once the Council has agreed to progress the LEP amendment request and has prepared the required planning proposal documentation for Gateway determination by the NSW Department of Planning and Environment (DPE).

## 9.1 LEP Amendments and Planning Proposals - Status

**Table 1: Status of LEP amendment requests and planning proposals**

Item	Name and Status	Summary and Notes	Completion Due
13/005	Southern Cross Industrial Estate Expansion, Ballina. (Stage 4)	Proposal by Ballina Shire Council for the rezoning of land northward of the existing Southern Cross Industrial Estate from its current rural zoning to enable a mixture of business and industrial land uses.  Proponent's consultant was asked on 13 April 2016 to supply additional information as highlighted in a gap analysis report prepared by an independent planning consultant.  Currently awaiting submission of additional information.	30/10/2017
14/001	Teven Road, West Ballina. (Stage 6)	Proposal to enable the establishment of freight transport facilities adjacent to Teven Road on the western side of the Ballina Bypass. This is not a rezoning request. Rather, the proposal involves the insertion of new provisions in the Ballina LEP 2012 to permit development which is currently prohibited on the land.  Currently awaiting confirmation that a Voluntary Planning Agreement (VPA) has been registered on the title of all properties to which the planning proposal relates. Only then can the matter be presented to the Department of Planning & Environment (DPE) for finalization.	07/08/2017
14/002	Reservoir Hill Site, Lennox Head. Complete	Proposal for the rezoning of land to apply a residential zone to parts of the land known as the Reservoir Hill site in Lennox Head.  The amendment was completed via Amendment No.27 to the Ballina LEP 2012 on 9 December 2016.	Complete
14/004	Tara Downs (No 16), Lennox Head. Complete	A minor proposal for the rezoning of land located immediately east of the existing Tara Downs Estate in Lennox Head for residential purposes.  The amendment was completed via Amendment No.28 to the Ballina LEP 2012 on 16 December 2016.	Complete
14/005	Blue Seas Parade (No 44-52), Lennox Head. (Stage 7)	A proposal for the rezoning of land located at the eastern end of Blue Seas Parade in Lennox Head for residential purposes.  Final rezoning material submitted to the DPE in January 2017. Currently awaiting DPE finalisation of the plan.	10/05/2017

## 9.1 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
14/008	Burns Point Ferry Road, West Ballina (Ballina Waterways). (Stage 6)	Proposal for the rezoning of land located adjacent to Burns Point Ferry Road and River Street in West Ballina to enable a mixture of employment and residential land uses. The proposal includes implementation of a biobanking scheme over part of the land.  The Council considered finalisation of this matter at its December 2016 Ordinary Meeting, resolving to defer making a decision until after a further briefing. This is scheduled to occur on 29 March.	01/04/2017
15/001	Reclassifications, Various Locations. Complete	Proposal to reclassify several miscellaneous Council-owned land parcels located in Ballina, Lennox Head and Alstonville from community land to operational land under the Local Government Act to reflect current land use and/or intended outcomes.  The amendment was completed via Amendment No.25 to the Ballina LEP 2012 on 18 November 2016.	Complete
15/002	Private Native Forestry. Withdrawn	Proposal to amend the Ballina LEP 1987 to require development consent to undertake private native forestry on rural land.  The Council resolved to withdraw this planning proposal at its October 2016 Ordinary Meeting when it became evident the Department of Planning and Environment is not prepared to support the Council's request.	Withdrawn
15/004	Greenwood Place, Lennox Head. (Stage 7)	Proposal to rezone land fronting Greenwood Place and The Coast Road in Lennox Head for residential purposes. Final rezoning material submitted to the DPE in February 2017. Awaiting response from DPE.	21/04/2017
16/001	General Amendments (3) Complete	Proposal to undertake a number of amendments to the LEP maps to address cadastral changes, minor errors and policy consistency.  The amendment was completed via Amendment No.26 to the Ballina LEP 2012 on 25 November 2016.	Complete
16/002	Stoneyhurst Drive, Lennox Head. (Stage 4)	Proposal to rezone land located adjacent to Stoneyhurst Drive in Lennox Head for residential purposes and to enable subdivision of the land.  Council is awaiting submission of technical assessment material by the proponent.	02/06/2017

## 9.1 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
16/003	Southern Cross Industrial Estate, Bulky Goods Precinct (Stage 3)	Proposal by Council to rezone land within the Southern Cross Industrial Estate bulky goods precinct to enable broader industrial land uses (whilst retaining potential for bulky goods/large format retailing development).  Planning proposal has been submitted to the DPE for Gateway determination.	#
16/004	Friday Hut Road (No 111), Tintenbar. (Stage 3)	Proposal to amend the LEP to enable the creation of an allotment of land having an area below the LEP's minimum lot size for subdivision for the purpose of enabling a primary production land use.  Planning proposal has been submitted to the DPE for Gateway determination.	#
17/001	Stage 1 Deferred Matters Integration Program. (Stage 3)	Proposal to integrate land identified as a "deferred matter" into the Ballina LEP 2012 through the application of appropriate zones and planning controls. Relates primarily to water catchment areas in the shire.  Planning proposal has been submitted to the DPE for Gateway determination.	#
17/002	Stage 2 Deferred Matters Integration Program. (Stage 2)	Proposal to integrate land identified as a "deferred matter" into the Ballina LEP 2012 through the application of appropriate zones and planning controls. Relates primarily to scenic/ escarpment areas in the shire.  Planning proposal documentation is currently being prepared.	#
17/003	Stage 3 Deferred Matters Integration Program. (Stage 2)	Proposal to integrate land identified as a "deferred matter" into the Ballina LEP 2012 through the application of appropriate zones and planning controls. Relates primarily to habitat areas in the shire.  Planning proposal documentation is currently being prepared.	#
17/004	Stage 4 Deferred Matters Integration Program. (Stage 2)	Proposal to integrate land identified as a "deferred matter" into the Ballina LEP 2012 through the application of appropriate zones and planning controls. Relates primarily to existing urban buffer between Alstonville and Wollongbar.  Planning proposal documentation is currently being prepared.	#
17/005	Stage 5 Deferred Matters Integration Program. (Stage 2)	Proposal to integrate land identified as a "deferred matter" into the Ballina LEP 2012 through the application of appropriate zones and planning controls. Relates primarily to coastal land.  Planning proposal documentation is currently being prepared.	#

## 9.1 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
17/006	Bath Street (No 17), Wardell. (Stage 2)	Proposal to amend the LEP to rezone a single land parcel in Wardell from RU2 Rural Landscape to R2 Low Density Residential.  The Council has resolved to prepare and submit a planning proposal for Gateway determination subject to the proponent's payment of applicable processing fees.	#
<p><b>LEP Amendment Request/Planning Proposal Processing Stages</b></p> <ol style="list-style-type: none"> <li>1. Initial Concept - Proponent submits initial amendment concept for review and reporting to the Council.</li> <li>2. Planning Proposal - Preparation of a planning proposal for the Council's consideration (if the initial concept is supported by the Council).</li> <li>3. Gateway Determination - DP&amp;E determination as to whether the planning proposal may proceed (if the Council resolves to submit the planning proposal for determination).</li> <li>4. Study Preparation - Relevant technical information to enable complete assessment compiled and considered. This step may also involve pre-exhibition public authority consultation.</li> <li>5. Community Consultation - Planning proposal and associated technical assessment material exhibited for public comment.</li> <li>5a. Public Hearing - Public Hearing held, where required.</li> <li>6. Submissions Assessment and Council Decision - Reporting of community consultation outcomes and Council decision regarding finalisation of the planning proposal.</li> <li>7. Finalisation - DP&amp;I finalisation (or Council finalisation under delegation) of the LEP amendment based on the planning proposal. Note: the Minister for Planning and Environment may finalise, alter or terminate the amendment.</li> </ol> <p># Denotes proposal number and due date subject to Gateway determination.</p> <p>The completion due date is a date for completion determined by the Department of Planning and Environment.</p>			

### Sustainability Considerations

- **Environment**  
Environmental, social and economic considerations form part of the Council's assessment of all planning proposals and LEP amendments.
- **Social**  
As above
- **Economic**  
As above

### Legal / Resource / Financial Implications

The work program is being undertaken within existing resources or on a fee for service basis for specific proposals.

### Consultation

This report is provided for the information of the community. Community consultation is, or has been, undertaken in relation to individual planning proposals.



**Options**

The status of the LEP amendments outlined above is provided for noting only. All matters are being processed within the legislative framework in accordance with previous decisions of the Council.

**RECOMMENDATION**

That Council notes the contents of this report concerning the status and approach regarding the current LEP amendment requests and planning proposals that are being processed.

**Attachment(s)**

Nil

**9.2 Ballina Shire Development Control Plan 2012 - Amendment**

**Delivery Program** Strategic Planning

**Objective** To inform the Council of the outcomes of the public exhibition of proposed amendments to the Ballina Shire Development Control Plan 2012 and to seek direction in relation to the adoption of the recommended amendments.

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**Background**

Draft amendments to the Ballina Shire Development Control Plan 2012 (the DCP) were considered by the Council at its Ordinary Meeting held on 15 December 2016. At that meeting the Council resolved as follows [Minute No. 151216/10]:

1. *That Council proceed to undertake the public exhibition of the draft amendments to the Ballina Shire Development Control Plan 2012 (as contained in Attachment One), in accordance with the terms of the Environmental Planning and Assessment Act and the associated Regulation.*
2. *That a further report be submitted to the Council following the public exhibition of the draft amendments.*
3. *That Council establish a register of significant trees in Ballina Shire with the assessment process, nominations to be determined as part of the development.*

In accordance with the above resolution, the draft amendments were placed on public exhibition from 4 January 2017 to 3 February 2017. No submissions were received during the exhibition period.

With respect to point three of the resolution, key considerations in relation to the establishment of a register of significant trees in Ballina Shire, such as funding, expertise, timing and implementation mechanisms require further examination before this project can commence. Given this, this matter is not addressed in this report. When the matter has been further reviewed, staff will bring back a report for the Council's consideration.

The purpose of this report is to seek direction from the Council in relation to the adoption of the proposed amendments to the DCP that have been exhibited for community feedback.

**Key Issues**

- Ensuring the DCP provides for intended and consistent planning outcomes.

### Information

The details of the draft amendments to the DCP were reported to the Council at its Ordinary Meeting held on 15 December 2016. Details of the proposed amendments that were placed on public exhibition are contained within Attachment One.

In summary, the amendments propose:

- inclusion of a new clause 3.22 Road Noise Mitigation contained within Chapter 2 – General and Environmental Considerations;
- adjustments in Part 5 of Chapter 3 – Urban Subdivision to ensure consistency with new draft clause 3.22 Road Noise Mitigation;
- inclusion of an equivalent zone provision in Chapter 1 – Administration to address the interpretation of deferred matters under Ballina LEP 2012;
- amendment of public notification provisions contained within Chapter 1 – Administration relating to development proposals characterized as group homes; and
- adjustments within Chapter 2 – General and Environmental Considerations which seek to clarify the operation of public art and car access and manoeuvring provisions.

### Sustainability Considerations

- **Environment**

The DCP establishes local planning policy in relation to a variety of environmental, social and economic considerations. Specifically, it establishes guidelines for development proposals within the shire. As such, the DCP provides an opportunity for Council to address a wide range of sustainability considerations in relation to development. The implementation of the Draft Amendment to the DCP will improve the application of these sustainability considerations.

- **Social**

As above.

- **Economic**

As above.

### Legal / Resource / Financial Implications

The preparation of the draft amendments to the Ballina Shire Development Control Plan 2012 has been undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and its associated Regulation.

The amendment can be completed and implemented within existing available staff and financial resources.

### Consultation

The draft amendments to the DCP were publicly exhibited between 4 January 2017 and 3 February 2017 in accordance with the requirements of the EP&A Act and associated Regulation.

Details of the proposed amendments were posted on Council's web site and made available at shire libraries and at Council's Customer Service Centre. An advertisement also appeared in the Ballina Advocate on 4 January 2017. No submissions were received in response to the public exhibition of the proposed amendments.

### Options

1. Adopt and implement the draft amendments to the DCP as exhibited.

This is the recommended course of action and will support the provision of sound and consistent land use planning outcomes in the shire. The concept of regularly monitoring the DCP and adapting its provisions to changing circumstances is one that the Council has successfully applied over a considerable period and it is suggested this process should continue.

If this is the approach adopted by the Council, it is proposed that the amendments take effect from 8 March 2017. The amendment would constitute Amendment No.10 to the DCP.

Public notice is required to be given of the amendment's adoption within 28 days of the Council's decision.

2. Decline the adoption of the draft amendments to the DCP.

The Council may resolve to decline to adopt the draft amendments to the DCP in whole or part. This is not the recommended course of action as it will result in the identified changes, corrections and interpretive improvements not being incorporated into the DCP. This will impact on the efficiency of the DCP in relation to the delivery of intended and consistent land use planning outcomes.

3. Defer adoption of the draft amendments to the DCP.

The Council may resolve to defer the adoption of the draft amendments to the DCP and seek additional information and/or further consideration of the identified issues.

As detailed in this report, the intent of the draft amendments to the DCP is to provide better function and clarity to the DCP and as such, this option is not recommended.

## **9.2 Ballina Shire Development Control Plan 2012 - Amendment**

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It is also noted that the work program for Council's Strategic and Community Facilities Group includes the monitoring of Council's key strategic land use planning documents, and their regular reporting to the Council. This assists in ensuring that the DCP remains relevant in achieving the desired planning and development outcomes within the shire.

### **RECOMMENDATIONS**

1. That Council adopts the draft amendments to the Ballina Shire Development Control Plan 2012 as publicly exhibited.
2. That Council provide a copy of Ballina Shire DCP 2012, once amended, to the NSW Department of Planning and Environment as required by the Environmental Planning and Assessment Regulation.
3. That Council provide public notice of the adoption of the amended Ballina Shire Development Control Plan 2012, with the amended DCP taking effect from 8 March 2017.

### **Attachment(s)**

1. Schedule of Proposed DCP Amendments as Exhibited

### 9.3 Ballina Marina Master Plan

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### 9.3 Ballina Marina Master Plan

**Delivery Program** Strategic Planning

**Objective** To provide an outline of the progress of the Ballina Marina Master Plan project and seek direction from the Council concerning the public exhibition of a draft conceptual redevelopment approach for the West Ballina Trawler Harbour site.

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#### **Background**

Council has commenced the preparation of a master plan for the potential redevelopment of the West Ballina Trawler Harbour site. The area being examined under the project is shown in Figure 1.



Figure 1: Ballina Marina Master Plan Study Area

The study area is comprised of Crown Land and land owned by the NSW State Government. Parts of the land are managed by Council, with the study area also incorporating a Roads and Maritime Services depot and existing harbour area which is leased to the Ballina Fishermen's Cooperative. Given that Council is not a land owner, the project is principally focused on encouraging the redevelopment of the site as a significant economic stimulus and employment generating initiative, rather than Council undertaking or partnering in the development of a marina.

The overarching purpose of the Ballina Marina Master Plan project is to prepare a master plan and associated supporting documents to encourage and facilitate redevelopment of the Trawler Harbour site, inclusive of enhanced marine infrastructure. Fundamentally, the project seeks to document a conceptual plan for the provision of a substantial marina and associated land uses in Ballina.

The project has now advanced to the documentation of a draft conceptual redevelopment design and completion of a draft feasibility assessment for the documented design. The purpose of this report is to outline the key elements of the material that has been prepared to date and seek direction from the Council concerning the public exhibition of the material.

A briefing was held with Councillors on 7 February 2017 with respect to the status of the project and the key information contained within this report.

#### Key Issues

- Approach to the establishment of a marina in Ballina.
- Community engagement.

#### Information

Ballina Shire Council has had a long standing interest in the redevelopment of the Ballina Trawler Harbour into a larger and more diverse marina. In particular, the project is an action in the Council's current delivery program and operational plan (PE1.2.1d) and aligns with the outcomes envisaged under the following key documents:

- Ballina Shire Community Strategic Plan (2013-2023)
- Delivery Program and Operational Plan (2016/17)
- Lower Richmond Recreational Boating Study (GHD 2005)
- Ballina Foreshore Master Plan (GHD 2008)
- Ballina Shire Local Growth Management Strategy (BSC 2012)
- Ballina Major Regional Centre Strategy (BSC 2016)

The project is also considered to be generally consistent with the following State Government plans:

- Northern Rivers Regional Action Plan (NSW State Government 2012)
- Far North Coast Regional Strategy (NSW State Government – Department of Planning 2006)
- Marine-Based Industry Policy – Far North Coast & Mid North Coast NSW (NSW State Government – Department of Planning and Environment 2015)

As Ballina Shire Council is not a land owner within the study area, the intention of the master plan project is to prepare a package of material to assist local and State Government as well as private interests to consider the site for potential investment and redevelopment.

Whilst the project involves the somewhat traditional approach of preparing a master plan and examining site opportunities and constraints, the intention of the project is to provide information beyond the master plan itself to enable and facilitate delivery of a preferred redevelopment outcome.

The project has involved the examination of a variety of site redevelopment options, an assessment of the feasibility of redevelopment of the site and engagement with State Government agencies through a Government Agency Working Group.

The project has now progressed to a point where a proposed design for a marina and associated land uses has been prepared (Attachment 1) and examined from a feasibility perspective.

The plan shown in Attachment 1 has been progressed to date having regard for the community and stakeholder feedback received (see details below) as well as advice regarding the approach to the redevelopment from an economic feasibility perspective. The key aspects of the master plan include:

- Provision of an enlarged wet area for boat berths.
- Provision of berths for a mixture of private, commercial and government agency vessels of varying sizes.
- Provision for residential development in the form of apartments in buildings up to five or six storeys in height (noting buildings with a lesser number of stories are envisaged along the south western boundary of the site).
- Establishment of enhanced public spaces including foreshore open space and a boulevard area around the marina (boat harbour area).
- Provision for commercial outlets, possibly including a seafood outlet.
- Provision for dry storage for boats.
- Provision for a community building.
- Retention of the existing boat ramp (and part of the existing car parking area).
- Establishment of an enhanced site entry as well as car parking.

In considering the plan, it is important to note that the marina development and associated uses utilises the land currently occupied by the Roads and Maritime Services depot. Therefore, the depot would need to be relocated if this master plan is implemented.

With respect to the feasibility analysis undertaken to date, it is evident that there is demand for enhanced marina infrastructure in the shire. Further, the analysis conducted indicates that the master plan approach contained in Attachment 1 can be feasibly achieved in a staged fashion (over up to 20 years) from an economic perspective. An indicative staging plan is contained in Attachment 2. It is anticipated that the staging plan will be refined as the feasibility analysis and overall project progresses.

Given the above, it is suggested that it is now appropriate to place the draft master plan and feasibility analysis information as well as supporting documentation on public exhibition. This will allow for a further opportunity for the local and broader community and stakeholders to provide feedback on the project and enable discussion regarding the key elements of the master plan and the approach taken in relation to the feasibility analysis.



### **Sustainability Considerations**

- **Environment**

The site is generally in a degraded state from an environmental perspective. However, environmental attributes of the site have been considered in the master plan design. The conceptual design includes retention of mangrove areas on the western edge of the site as well as embellishment of the foreshore areas for open space purposes.

- **Social**

The redevelopment of the site for a marina and associated residential and commercial land uses has the potential to provide for extensive positive housing and service outcomes as well as public domain improvements of social benefit. However, there may be adverse impacts associated with the redevelopment of the site on nearby residents.

- **Economic**

The provision of enhanced marine infrastructure and a marina in Ballina has the potential to result in significant immediate and enduring economic benefits associated with boating and maritime activity, as well as tourism more broadly. It is expected that there would also be positive economic benefits associated with the residential and commercial uses proposed under the plan.

### **Legal / Resource / Financial Implications**

There are no significant legal, resource or financial implications associated with the project at this stage. However, issues in these areas may arise depending on the preferred approach to implementation of any master plan that might be adopted.

If the Council resolves to proceed to public exhibition, this can be attended to within existing resources.

It is important to note that the project is supported by grant funding from Transport for NSW.

### **Consultation**

In addition to a variety of community engagement initiatives undertaken in relation to the plans and documents referred to in the information section above, the master plan project has also involved project specific engagement with the community and stakeholders.

Dr Liz Baker was engaged by Council to discuss ideas and feedback from stakeholders and the community to inform the preparation of the draft master plan (i.e. engagement was undertaken prior to the drafting of the master plan for the site). The engagement occurred between May and July 2016.

This engagement included individual meetings with marine industry stakeholders and an online survey. Council invited feedback through media, letters to stakeholders and surrounding residents and publication and distribution of a project postcard. A report on the outcomes of the community engagement undertaken is contained in Attachment 3.

In addition to the above, consultants Hill PDA, appointed by Council, engaged with stakeholders in undertaking their feasibility analysis work. This included marine industry stakeholders and real estate agents.

#### **Options**

Given that the project is underpinned by an extensive set of strategic documents as well as recent community, stakeholder and Government agency engagement, it is recommended that Council now proceed to public exhibition of the draft Ballina Marina Master Plan contained in Attachment 1. An exhibition would also include supporting documentation such as feasibility analysis documentation (currently being finalised) and other explanatory material supporting the master plan design.

Public exhibition provides an opportunity for stakeholders and the community to review the draft plan and provide specific feedback in relation to the proposed site redevelopment approach.

Alternatively, Council could defer the public exhibition to seek further information. This approach is not recommended on the basis that a briefing has been held with Councillors recently and there will be further opportunity to consider the plan post-exhibition. It is also suggested that a second briefing would be held with Councillors once feedback from the community has been received in order to enable further consideration of key issues arising.

Council may also elect to cease further work on this project. This approach is not recommended given the extent of general support for the project evident from the community engagement undertaken to date, as well as the potential benefits that could be derived from redevelopment of the Trawler Harbour site.

#### **RECOMMENDATIONS**

1. That Council endorses the draft Ballina Marina Master Plan (as contained in Attachment 1) for public exhibition for a period of at least 28 days.
2. That Council receives a further report concerning the draft master plan following the conclusion of the public exhibition period.

#### **Attachment(s)**

1. Draft Ballina Marina Master Plan
2. Draft Ballina Marina Master Plan - Indicative Staging
3. Ballina Marina Master Plan - Community Engagement Report July 2016

## 10.1 Use of Council Seal

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### 10. General Manager's Group Reports

#### 10.1 Use of Council Seal

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#### RECOMMENDATION

That Council affix the Common Seal to the following documents.

US17/02	<p>Licence agreement for part lots 11/653555 and 6/234385 and whole lots 4/23485, 5/234385 and 13/3/996 (Crn Byron Street and Pacific Highway Wardell), between Ballina Shire Council and Roads and Maritime Service NSW at a nominal licence fee commencing 27 February and expiring 31 August 2017.</p> <p>Explanation The RMS will be undertaking repairs to the Wardell Bridge commencing at the end of February and continuing until approximately the end of August.</p> <p>To facilitate this work, a temporary storage compound is required by the RMS to store plant and equipment associated with the repair works. The RMS has requested storage of equipment on the above parcels of Community Land, adjacent to the Wardell Bridge. Section 46 of the Local Government Act allows Council to enter into a lease or licence over community land for the provision of public works. The land is categorised as "general community use". There are no other tenure arrangements for this land, and no other formalised uses which will be impacted by this temporary occupation.</p>
US17/03	<ol style="list-style-type: none"><li>1. Release of Right of Carriageway 3.5 wide (created by DP 1201687)</li><li>2. Release of Restriction on the Use of Land (L) (created by DP 1201687)</li></ol> <p>Explanation Lot 63 DP 1201687 is private land within the North Angels Beach Estate. The right of carriageway 3.5 wide was created to ensure perimeter access adjacent to the adjoining bushland. The restriction on use requires any activity on the land to be consistent with the bushfire standards. Both the easement and the restriction on use burden Lot 63 and benefit Council.</p> <p>The approval of DA 2015/302 is for a three lot subdivision of Lot 63 DP 1201687. This subdivision creates new restrictions relating to building envelopes, asset protection zones (APZ) and vegetation protection.</p> <p>The new restrictions replace the previous restrictions created by DP 1201687 (items 1 &amp; 2 above) and therefore the release of these items is considered acceptable. The use of Council seal on the release forms is recommended.</p>

#### Attachment(s)

Nil

## 10.2 Investment Summary - January 2017

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### 10.2 Investment Summary - January 2017

**Delivery Program** Governance and Finance

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

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#### **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 January 2017.

#### **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 January was \$66,286,000. This represents a decrease of \$1m from December. Council's investments, as at 31 January, are at an average (weighted) rate of 2.88%, which is 1.10% above the 90 Day Bank Bill Index of 1.78%. The balance of the cheque account at the Commonwealth Bank, Ballina, as at 31 January 2017, was \$979,699. This balance is significantly lower than the balance of \$2,955,674 as at 31 December 2016.

It can be seen from Table E that actual income for the year to date is higher than forecast. A review of anticipated interest income for the year ending 30 June 2017 will be completed in conjunction with a review of the timing of the swimming pool capital expenditure and associated loan borrowings. It is anticipated that the balance of investments will be lower through the months of March to June 2017 (with loan borrowings anticipated to be taken late June 2016) and therefore the interest earned in the remaining months of this year will be lower than that achieved in recent months.

The majority of Council's investment portfolio is restricted by legislation (external) and Council (internal) uses for the following purposes:

#### **Portfolio Ownership Percentages**

<b>Reserve Name</b>	<b>Restriction</b>	<b>% Portfolio*</b>
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
<b>Total</b>		<b>100%</b>

\* Updated to reflect reserves held as at 30 June 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
<b>Grandfathered Investments</b>							
National Australia Bank	Yes	BBB	1,788	1,788	0	2.7%	<b>3%</b>
<b>Rated Institutions</b>							
AMP Bank	Yes	A+	5,000	5,000	20%	7.5%	
Bank of Queensland	No	A-	5,000	4,000	10%	6.0%	
Bendigo & Adelaide Bank	No	A-	5,000	5,000	10%	7.5%	
Beyond Bank	No	BBB+	1,000	1,000	10%	1.5%	
Big Sky Building Soc	N/A	BBB	1,000	1,000	10%	1.5%	
Commonwealth Bank of Australia	Yes	AA-	4,996	4,998	20%	7.5%	
Defence Bank Ltd	No	BBB+	4,500	4,500	10%	6.8%	
Greater Building Society	No	BBB	1,000	1,000	10%	1.5%	
ING Bank Ltd	Yes	A-	2,000	3,000	10%	4.5%	
Members Equity Bank	No	BBB+	5,000	5,000	10%	7.5%	
National Australia Bank	Yes	AA-	8,000	7,000	20%	10.6%	
Newcastle Perm Bld Society	No	BBB+	2,000	3,000	10%	4.5%	
Rural Bank Ltd	No	A-	2,000	2,000	10%	3.0%	
Suncorp-Metway Bank	No	A+	12,000	11,000	20%	16.6%	
Westpac Banking Corporation	Yes	AA-	2,000	2,000	20%	3.0%	
My State Bank Ltd	No	BBB	5,000	5,000	10%	7.5%	<b>97%</b>
<b>Unrated ADI's</b>					\$1m	0.0%	<b>0%</b>
<b>Total</b>			<b>67,284</b>	<b>66,286</b>		<b>100%</b>	

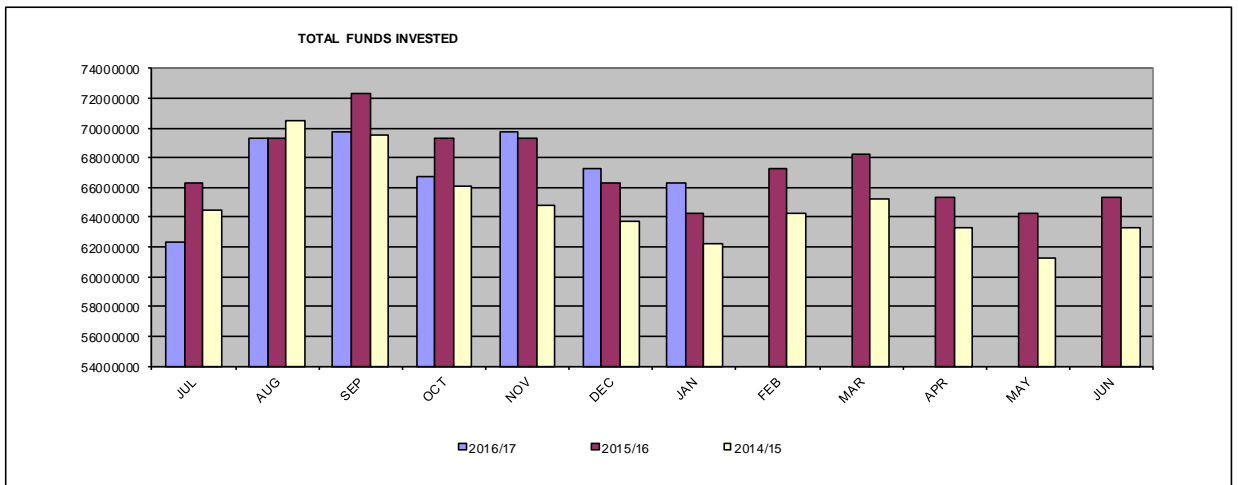
**B. Summary of Investments Fossil Fuel Aligned**

	Previous Month	Current Month
<b>Fossil Fuel Aligned</b>	23,784 <b>35%</b>	23,786 <b>36%</b>
<b>Non-Fossil Fuel Aligned</b>	42,500 <b>64%</b>	41,500 <b>63%</b>
<b>Not Classified</b>	1,000 <b>1%</b>	1,000 <b>1%</b>
<b>Total</b>	<b>67,284 100%</b>	<b>66,286 100%</b>

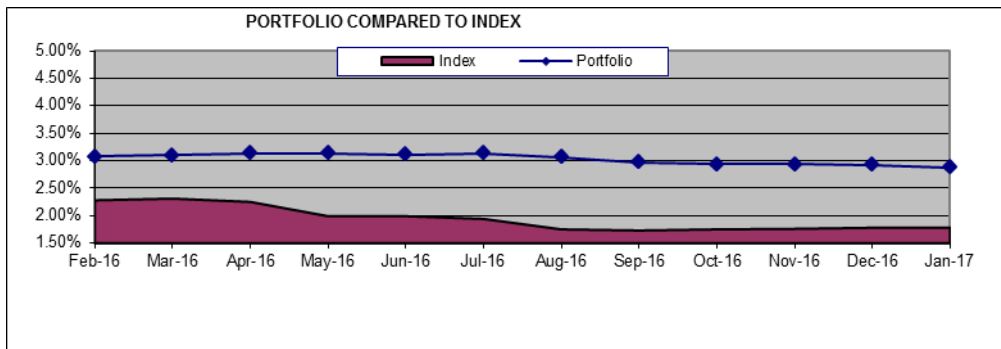
The determination of fossil fuel alignment is based on advice from 'Market Forces' as follows:

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

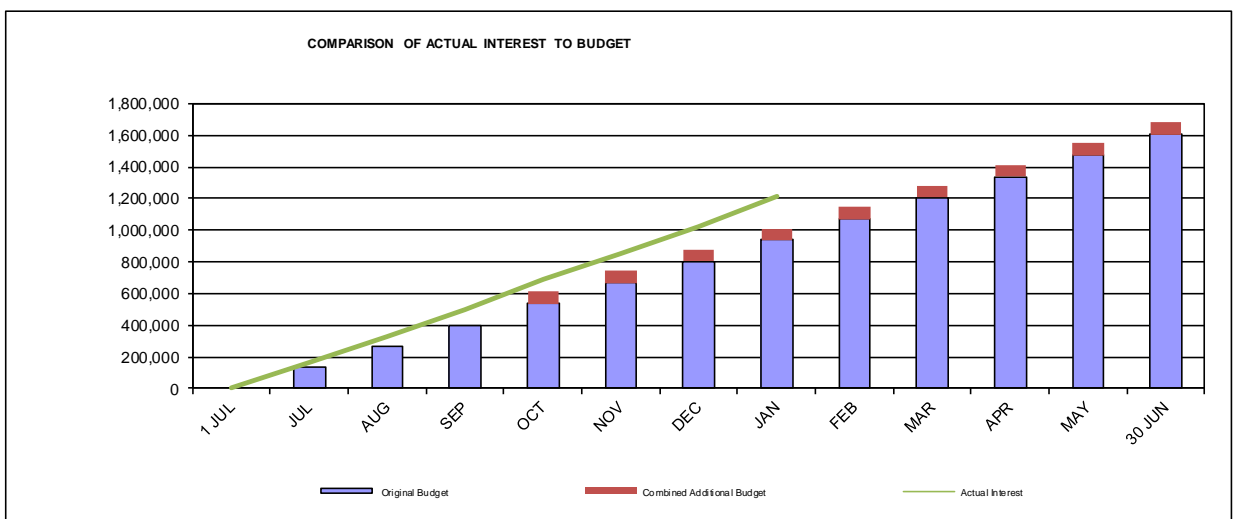
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



## 10.2 Investment Summary - January 2017

### F. Investments held as at 31 December 2016

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
20/09/04	National Australia Bank (ASX Listed)	FRN	3.00%	Perpetual	1,788	1,293
25/01/13	Commonwealth Bank Of Australia	TD	2.67%	25/01/18	1,998	2,040
25/02/14	Westpac Bank	FRN	2.70%	25/02/19	2,000	2,010
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
31/05/16	AMP Bank	TD	3.00%	30/05/17	1,000	1,000
17/06/16	Commonwealth Bank Of Australia	FRTD	2.84%	17/06/21	1,000	1,000
28/06/16	Commonwealth Bank Of Australia	FRTD	2.86%	30/06/21	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	2.82%	26/07/21	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
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
25/08/16	Suncorp-Metway Bank	TD	2.65%	21/02/17	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	3.32%	30/08/19	1,000	1,007
05/09/16	Suncorp-Metway Bank	TD	2.65%	02/02/17	1,000	1,000
05/09/16	Suncorp-Metway Bank	TD	2.65%	07/02/17	1,000	1,000
26/09/16	Bank of Queensland	TD	2.70%	05/04/17	1,000	1,000
04/10/16	National Australia Bank	TD	2.77%	04/10/17	1,000	1,000
11/10/16	Suncorp-Metway Bank	TD	2.61%	18/04/17	2,000	2,000
12/10/16	National Australia Bank	TD	2.77%	12/09/17	2,000	2,000
01/11/16	Suncorp-Metway Bank	TD	2.70%	02/05/17	1,000	1,000
03/11/16	Suncorp-Metway Bank	TD	2.70%	09/05/17	1,000	1,000
03/11/16	Bendigo & Adelaide Bank	TD	2.70%	03/08/17	1,000	1,000
03/11/16	Members Equity Bank	TD	2.70%	03/05/17	1,000	1,000
07/11/16	National Australia Bank	TD	2.77%	06/09/17	1,000	1,000
09/11/16	Rural Bank Ltd	TD	2.70%	09/05/17	2,000	2,000
14/11/16	National Australia Bank	TD	2.77%	10/08/17	1,000	1,000
15/11/16	National Australia Bank	TD	2.82%	15/09/17	1,000	1,000
16/11/16	Bendigo & Adelaide Bank	TD	2.70%	09/08/17	1,000	1,000
22/11/16	My State Bank	TD	2.80%	04/07/17	1,000	1,000
23/11/16	Defence Bank	TD	2.80%	08/11/17	2,000	2,000
24/11/16	Bank of Queensland	TD	2.80%	01/06/17	1,000	1,000
28/11/16	My State Bank	TD	2.81%	05/09/17	1,000	1,000
29/11/16	My State Bank	TD	2.81%	24/08/17	1,000	1,000
30/11/16	Suncorp-Metway Bank	TD	2.81%	02/06/17	1,000	1,000
01/12/16	Suncorp-Metway Bank	TD	2.81%	19/06/17	1,000	1,000
01/12/16	Beyond Bank	TD	2.85%	13/06/17	1,000	1,000
02/12/16	Big Sky Building Soc	TD	2.85%	20/06/17	1,000	1,000
08/12/16	Defence Bank	TD	2.90%	15/06/17	1,000	1,000
09/12/16	Defence Bank	TD	2.90%	27/06/17	1,000	1,000
12/12/16	Defence Bank	TD	2.90%	05/07/17	500	500
23/12/16	My State Bank	TD	2.85%	12/07/17	1,000	1,000
11/01/17	Newcastle Permanent Bld Society	TD	2.80%	13/07/17	1,000	1,000
17/01/17	Bank of Queensland	TD	2.80%	19/07/17	1,000	1,000
24/01/17	ING Bank Ltd	TD	2.80%	01/08/17	1,000	1,000
30/01/17	ING Bank Ltd	TD	2.80%	08/08/17	1,000	1,000
<b>Totals</b>					<b>66,286</b>	<b>65,850</b>
CDA = Cash Deposit Account		FRN = Floating Rate Note				
		TD = Term				
FRTD = Floating Rate Term Deposit		Deposit				

### RECOMMENDATION

That Council notes the record of banking and investments for January 2017.

### Attachment(s)

1. TCorp Local Government Economic Commentary January

### **10.3 Australia Day 2017 - Program and Ceremony Review**

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#### **10.3 Australia Day 2017 - Program and Ceremony Review**

**Delivery Program** Governance and Finance

**Objective** To undertake a review of the 2017 Australia Ceremony and to confirm the preferred approach for 2018.

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#### **Background**

Council coordinates an Australia Day event each year that includes a citizenship ceremony, an awards ceremony and a special guest address. This is a free public event where the community is encouraged to attend by a promotional campaign. The event concludes with a morning tea with new citizens and award winners.

The purpose of this report is to review the current program and Australia Day Awards based on the most recent event.

#### **Key Issues**

- Review the Australia Day Awards and program of events

#### **Information**

The Australia Day Awards were reviewed by Council in February 2015 by resolution [260215/1] which confirmed the categories for the 2016 Ballina Shire Australia Day Awards Program. This was carried through for the 2017 awards program with the Citizen of the Year to be selected by Council from one of these categories:

- Young Citizen of the Year (30 years or under)
- Senior Citizen of the Year (60 years or over)
- Sports Award
- Arts/Cultural Award
- Local Hero
- Community Event of the Year

One change for 2017 was Volunteer of the Year category to Local Hero. This change was implemented to reflect the national Australia Day Awards Program. The national Australia Day program includes the following categories:

- Young Australian of the Year
- Senior Australian of the Year
- Australia's Local Hero
- Australian of the Year

Based on community feedback and general anecdotal evidence, the program of events for the 2017 Australia Day event was well received by the community.



### **10.3 Australia Day 2017 - Program and Ceremony Review**

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It was a full program with 19 new citizens, and a record breaking 42 Australia Day Award nominations.

The Ambassador, Alisa Camplin, was received positively with an inspiring story of her journey to becoming an Olympic athlete.

For a number of years Council has been selecting our special guest from outside the Australia Day Ambassador Program. The high profile special guest has assisted with increased attendance numbers and media promotion.

There was upwards of 500 people attending this year's ceremony, a large crowd, particularly when compared to other attendance numbers for similar ceremonies in the region.

The courtesy bus was again provided for over 20 residents this year. The bus included pick up and drop off locations in Alstonville, West Ballina, Ballina and East Ballina. The bus is provided free of charge to encourage elderly community members without transport, to attend the ceremony.

The Council's Australia Day Committee was re-established at the 29 September 2016 Ordinary meeting (as part of the review of all Council committees with the newly elected Council), with the Committee having delegated authority to determine the award recipients for Australia Day.

#### **Sustainability Considerations**

- **Environment**

Our residents and visitors highly value the special environmental attributes of Ballina Shire. The Australia Day Awards provides an opportunity to showcase the efforts of those who work to protect and conserve our environment.

- **Social**

The Awards and associated activities are an excellent way of bringing the shire together and promoting social cohesion. It is also a means of recognising the wonderful contribution so many of our residents make toward the betterment of our shire and its citizens.

- **Economic**

The Australia Day budget is approximately \$19,000.

#### **Legal / Resource / Financial Implications**

The Australia Day Awards and associated activities are coordinated, promoted and delivered within the resources provided by the Council.

#### **Consultation**

Nominations for Awards are promoted extensively throughout the Shire, with the process normally commencing around April.

#### **Options**

### **10.3 Australia Day 2017 - Program and Ceremony Review**

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The options available relate to changing the Award categories and the structure of the ceremony.

Council has, at times, changed the categories, with items such as the Arts / Cultural Award being a relatively new category.

Council previously rotated the ceremony around the Shire (Ballina, Alstonville and Lennox Head), however in recent years the Lennox Head Cultural and Community Centre has been the permanent location, due to the excellent facilities and protection from bad weather.

On balance the latest formula Council has implemented for Australia Day is working well with high levels of attendance and positive feedback.

Based on this the recommendation that follows supports the current process as the manner in which Council is managing Australia Day is working well.

#### **RECOMMENDATIONS**

1. That Council confirms that the categories for the 2018 Ballina Shire Australia Day Awards are to remain unchanged; i.e.
  - Young Citizen of the Year (30 years or under)
  - Senior Citizen of the Year (60 years or over)
  - Sports Award
  - Arts/Cultural Award
  - Local Hero
  - Community Event of the Year
2. That Council confirms that the Citizen of the Year is to be selected from the nominations for all the Award categories, with all nomination forms and associated correspondence to clarify this selection process.
3. That Council open the nominations for the 2018 Australia Day Awards in April 2017.

#### **Attachment(s)**

Nil

10.4 **Financial Review - 31 December 2016**

**Delivery Program** Governance and Finance

**Objective** To provide a review of the 2016/17 financial year budget based on the known results to 31 December 2016

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**Background**

In accordance with the Local Government Act the responsible accounting officer of a council must, not later than two months after the end of each quarter, prepare and submit to the council a budget review statement that shows a revised estimate of the income and expenditure for that year. The report that follows provides this review for the second quarter of the 2016/17 financial year.

**Key Issues**

- Variations to the budget and financial performance of Council

**Information**

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

To comply with these guidelines an Operating Statement, Capital Budget, Cash and Investment Statement, Key Performance Indicators, Contractors, Consultants, Legal Information and Certification by the Responsible Accounting Officer are required. Commentary on the variations recommended is then provided after the tables.

A brief overview of the information provided in the report is as follows:

**Section One - Operating Income and Expenditure** - These tables provide the operating income and operating expenditure budgets for the Funds (General, Water and Wastewater).

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

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

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

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

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

**Section 1 – Operating Income and Expenditure**

**General Fund – Operating Income and Expenses**

This section deals with the General Fund operations. Tables for operating income and expenses follow, including recommended variations to budget.

Following the tables are comments in respect to proposed budget variations that are considered to be material.

Operating Income	Original	September	Approved	Revised	Changes		Actual to
	Budget	Budget	Changes	Budget	for	December	
	000's	000's	000's	000's	Approval	Budget	December
					000's	000's	000's
<b>Strategic and Community Facilities Group</b>							
Strategic Planning	154	209	0	209	17	226	27
Community Centres and Halls	398	403	0	403	0	403	222
Cultural and Community Services	113	122	0	122	13	135	81
Library Services	79	79	0	79	40	119	118
Swimming Pools	388	388	0	388	0	388	228
Tourism and Communications	52	108	0	108	7	115	39
<b>Sub Total</b>	<b>1,184</b>	<b>1,309</b>	<b>0</b>	<b>1,309</b>	<b>77</b>	<b>1,386</b>	<b>715</b>
<b>Development and Environmental Health Group</b>							
Development Services	458	538	0	538	154	692	459
Building Services	1,229	1,384	0	1,384	34	1,418	841
Environment and Public Health	281	278	0	278	1	279	360
Admin and Public Order	215	215	0	215	(6)	209	90
<b>Sub Total</b>	<b>2,183</b>	<b>2,415</b>	<b>0</b>	<b>2,415</b>	<b>183</b>	<b>2,598</b>	<b>1,750</b>
<b>Civil Services Group</b>							
Engineering Management	285	272	0	272	17	289	198
Procurement and Building Mgmt	0	0	0	0	0	0	0
Stormwater and Env Prot	370	416	0	416	163	579	553
Roads and Bridges	2,578	2,550	0	2,550	9	2,559	445
Ancillary Transport Services	787	959	0	959	1	960	425
Roads and Maritime Services	1,027	893	0	893	0	893	621
Open Space and Reserves	772	792	0	792	(28)	764	474
Fleet Mgmt and Workshop	254	254	0	254	0	254	103
Rural Fire Service	194	194	0	194	25	219	161
Quarries and Sandpit	31	48	0	48	18	66	51
Landfill and Resource Management	3,521	3,665	0	3,665	(98)	3,567	2,594
Domestic Waste Management	6,164	6,240	0	6,240	55	6,295	6,253
<b>Sub Total</b>	<b>15,983</b>	<b>16,283</b>	<b>0</b>	<b>16,283</b>	<b>162</b>	<b>16,445</b>	<b>11,878</b>
<b>General Manager's Group</b>							
Governance	0	0	0	0	0	0	0
Administrative Services	40	35	0	35	(5)	30	10
Financial Services	219	221	0	221	12	233	100
Financial Services-General Purpose Revenues	24,529	24,862	0	24,862	(12)	24,850	22,579
Information Services	145	145	0	145	32	177	139
Human Resources and Risk Mgmt	171	186	0	186	137	323	193
Property Management	2,973	3,003	0	3,003	30	3,033	1,552
Ballina Byron Airport	5,674	5,674	0	5,674	(82)	5,592	2,417
<b>Sub Total</b>	<b>33,751</b>	<b>34,126</b>	<b>0</b>	<b>34,126</b>	<b>112</b>	<b>34,238</b>	<b>26,990</b>
<b>Total Operating Income</b>	<b>53,101</b>	<b>54,133</b>	<b>0</b>	<b>54,133</b>	<b>534</b>	<b>54,667</b>	<b>41,333</b>

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

Operating Expenses (excluding depreciation)	Original Budget	September Budget	Approved Changes	Revised Budget	Changes		
					for Approval	December Budget	Actual to December
<b>Strategic and Community Facilities Group</b>							
Strategic Planning	1,163	1,465	0	1,465	56	1,521	577
Community Centres and Halls	827	856	0	856	1	857	417
Cultural and Community Services	816	852	0	852	16	868	432
Library Services	1,434	1,498	0	1,498	41	1,539	724
Swimming Pools	911	706	0	706	0	706	323
Tourism and Communications	564	704	0	704	2	706	375
<b>Sub Total</b>	<b>5,715</b>	<b>6,081</b>	<b>0</b>	<b>6,081</b>	<b>116</b>	<b>6,197</b>	<b>2,848</b>
<b>Development and Environmental Health Group</b>							
Development Services	1,252	1,252	0	1,252	26	1,278	569
Building Services	917	965	0	965	0	965	503
Environment and Public Health	822	850	0	850	3	853	395
Admin and Public Order	1,261	1,261	0	1,261	0	1,261	599
<b>Sub Total</b>	<b>4,252</b>	<b>4,328</b>	<b>0</b>	<b>4,328</b>	<b>29</b>	<b>4,357</b>	<b>2,066</b>
<b>Civil Services Group</b>							
Engineering Management	2,555	2,575	0	2,575	(6)	2,569	1,252
Procurement and Building Mgmt	2,015	2,055	0	2,055	27	2,082	1,206
Stormwater and Env Prot	742	829	0	829	99	928	235
Roads and Bridges	3,280	3,280	0	3,280	20	3,300	1,947
Ancillary Transport Services	1,636	1,931	0	1,931	0	1,931	965
Roads and Maritime Services	1,027	836	0	836	73	909	391
Open Space and Reserves	3,559	3,834	0	3,834	58	3,892	1,776
Fleet Mgmt and Workshop	(879)	(879)	0	(879)	0	(879)	(495)
Rural Fire Service	400	394	0	394	0	394	188
Quarries and Sandpit	83	313	370	683	0	683	70
Landfill and Resource Management	1,663	1,788	34	1,822	(146)	1,676	660
Domestic Waste Management	5,666	5,696	0	5,696	(30)	5,666	2,500
<b>Sub Total</b>	<b>21,747</b>	<b>22,652</b>	<b>404</b>	<b>23,056</b>	<b>95</b>	<b>23,151</b>	<b>10,695</b>
<b>General Manager's Group</b>							
Governance	1,613	1,608	0	1,608	45	1,653	728
Administrative Services	271	281	0	281	16	297	149
Financial Services	0	0	0	0	0	0	0
Financial Services-General Purpose Revenues	(4,167)	(4,165)	0	(4,165)	(33)	(4,198)	(2,060)
Information Services	2,243	2,295	0	2,295	8	2,303	1,170
Human Resources and Risk Mgmt	968	983	0	983	28	1,011	511
Property Management	3,009	3,132	0	3,132	(25)	3,107	1,406
Ballina Byron Airport	4,227	4,227	0	4,227	(264)	3,963	2,267
<b>Sub Total</b>	<b>8,164</b>	<b>8,361</b>	<b>0</b>	<b>8,361</b>	<b>(225)</b>	<b>8,136</b>	<b>4,171</b>
<b>Total Operating Expenses</b>	<b>39,878</b>	<b>41,422</b>	<b>404</b>	<b>41,826</b>	<b>15</b>	<b>41,841</b>	<b>19,780</b>
<b>Net Operating Result Before Depreciation</b>	<b>13,223</b>	<b>12,711</b>	<b>(404)</b>	<b>12,307</b>	<b>519</b>	<b>12,826</b>	<b>21,553</b>
Depreciation Expense	13,262	13,262	0	13,262	0	13,262	6,631
<b>Net Operating Result Continuing Operations</b>	<b>(39)</b>	<b>(551)</b>	<b>(404)</b>	<b>(955)</b>	<b>519</b>	<b>(436)</b>	<b>14,922</b>

**General Fund Working Capital Forecast**

Item	Original Budget	September Budget	Approved Changes	Revised Budget	Changes for Approval	December Budget	Actual to December
Working Capital	(157,200)	4,700	0	4,700	63,200	67,900	

Working capital is a measure of short term liquidity and as a rule Council aims to target a break even result for the General Fund, with the budget often based on a deficit result, due to service demands outstripping revenues.

**Comments - General Fund**

The **forecast operating result as at December** is a loss of \$436,000 which is an improvement of \$115,000 from the budget forecast of a loss of \$551,000 as the September quarterly review.

The larger adjustments to income proposed in this report include increase of \$154,000 to Development Services income. Of this, an amount of \$50,000 has been transferred into a reserve for additional resources as required.

Environment and Public Health income has increased, predominantly due to a grant of \$95,000 for the Shaws Bay Coastal Zone Management Plan.

Stormwater and Environment Protection income has increased, largely due to a grant of \$95,000 from the NSW Environmental Trust.

Within Landfill Resource Management (LRM) there has been a decrease to forecast income of \$98,000, with waste disposal fees significantly down.

Insurance refunds received within the Human Resources and Risk Management area have been significantly higher than anticipated, with forecast income increased by \$136,700.

Airport income continues to grow strongly, however has been offset by a large decrease in the forecast contribution from various airlines towards the cost of a Certified Air Ground Operator (CAGRO).

The net change to forecast airport income is a decrease of \$82,000.

In respect to operating expenditure the larger adjustments relate to a decrease of \$264,000 to forecast expenditure for the airport, resulting from the delay in the CAGRO expenditure reducing that forecast expenditure by \$100,000.

Another particularly large adjustment relates to a decrease to forecast expenditure for LRM of \$146,000 predominantly resulting from a fall in transport costs for mixed waste and recyclates.

The estimated movement in **unrestricted working capital** has improved from an anticipated surplus of \$4,700 to an anticipated surplus of \$67,900. Importantly even this with improved forecast working capital surplus for 2016/17, the forecasts for future years remain in deficit, with that deficit figure varying from approximately \$100,000 to in excess of \$400,000.

This highlights that many of the items, particularly related to income levels, in the 2016/17 forecast result, may not be sustained into the future. It also reinforces the point that if Council wishes to add new services, or increase service levels, savings will need to be made in existing programs.

Comments on the larger budget variations are contained in the report as follows.

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

### **General Fund - Operating Revenues**

#### ***Strategic and Community Facilities Group***

##### *Strategic Planning*

Rezoning Fees: Income of \$15,000 has been recognised for the review of bulky goods demand forecast for the Boeing Avenue Rezoning Proposal.

An equivalent budget adjustment has been made to expenditure.

##### *Community Centres and Halls*

Overall no net change has been made to forecast income.

The Lennox Head Cultural & Community Centre Auditorium Event Hire income is trending well, however the casual room hire revenue is trending down (proposed offsetting increase and decrease of \$5,000 to these budgets).

##### *Cultural and Community Services*

Grant funding of \$8,000 has been received from Museums & Galleries NSW for an Audience Development Funding program.

An equivalent budget adjustment has been made to expenditure.

Grant funding of \$5,000 has been received from Arts NSW for a Lifelong Learning program.

An equivalent budget adjustment has been made to expenditure.

##### *Libraries*

Grant funding of \$40,000 has been received for special projects.

An offsetting increase to the expenditure budget for the current year has also been made. Any unspent funds at the end of the year will be transferred to reserve at that time.

##### *Swimming Pools*

Operating income for both the Ballina pool and the Alstonville pool have been trending well to date.

No budget changes have been made as there will be some lost income over the next two quarters as a result of the refurbishment works.

### *Tourism and Communications*

General Income: Forecast Income from airport brochure rack advertising has been increased from \$6,600 to \$13,000.

### **Development and Environmental Health Group**

#### *Development Services*

Operating Income: Forecast income has been increased by \$154,000 to a revised forecast of \$692,000. This is based on a continuing trend which had been noted in the previous quarter with only a conservative adjustment made at that time.

The larger areas for adjustment are Development Application Compliance increased by \$60,000, Development Application Fees (Planning) increased by \$60,000 and Fine income increased by \$30,000.

This level of planning and building activity is placing significant pressure on our staff resources. Extra resources are being sourced where practical.

#### *Building Services*

Building Services Operating Income: Forecast income has been increased by \$33,500 to a revised forecast of \$1,417,500.

The larger areas for adjustment are increases for Package Certificates/Inspections increased by \$30,000 and Certificates of Compliance for Swimming Pools increased by \$10,000, offset by a decrease of \$14,500 for Inspection Fees for Swimming Pools and a decrease of \$5,000 for Development Application Fees (Building).

#### *Administration and Public Order*

Parking fines and dog fines income are trending low, with forecast income decreased by \$15,000 (to \$125,000) and \$6,000 (to \$35,000), respectively.

These decreases were offset partially by an increase to forecast budget of \$15,000 (to \$27,000) for companion animal registrations.

### **Civil Services Group**

#### *Engineering Management*

General Income: Development Engineer Inspection fees forecast income has been increased by \$20,000 to \$180,000, a total forecast income that is consistent with that achieved in 2015/16.

RMS contribution to safety officer salary cost has been amended down by \$3,000 to \$19,000 following the most recent confirmation from the RMS. This is offset by a reduction to forecast expenditure.



### *Stormwater and Environmental Protection*

Grant Income: An income budget and offsetting expenditure budget of \$95,000 has also been raised in relation to grant funding from the NSW Environmental Trust for the production of videos for the Urban Stormwater Management Plan (USMP).

Funding of \$41,600 for the Coastal Zone Management Plan has been received. This amount has been transferred to reserve for expenditure in future periods.

An income budget and offsetting expenditure budget of \$24,400 has also been raised for the Ballina Floodplain Management.

### *Roads and Bridges*

General Income: A contribution of \$9,600 was received in relation to boundary works completed in an adjoining-Council area.

### *Open Space and Reserves*

Contributions Income: The annual contribution to Council from Crown Reserve Caravan Parks has been received, with the budget to be reduced by \$4,000 to agree to the actual received.

Grant Income: Grants to assist the employment expenses of the Regional Works / Nursery crews will not be as high as anticipated and forecast income has been reduced by \$29,000.

A further grant of \$13,000 has been received for the Booyal Estate Bushland Reserve Compensatory works, with an offsetting increase to the expenditure made.

Contributions: An amount of \$20,000 received in the previous quarter as contributions towards the Netball club has been reclassified from operating income to capital income.

Operating Income: Income from 4WD permits for Seven Mile Beach have been more than anticipated and the forecast has been increased by \$7,000.

### *Rural Fire & Emergency Services*

The NSW Rural Fire Service revised the methodology for estimation of expenditure across districts in 2016/17. The payment received for 2016/17 included a transition grant of \$34,500. This amount is a one-off amount and will not be included in the amounts received in future years.

The overall adjustment required, including this transitional grant, is an increase to budget of \$25,000 for the 2016/17 budget.

### *Quarries*

Operating Income: Monthly lease fees are received from Boral and Ron Southern. Trending of these amounts indicates a required increase to budgeted income of \$17,000.

*Landfill and Resource Management (LRM)*

Disposal Fee Income: Forecast income for waste disposal fees has been decreased by \$100,000 based on current trending.

*Domestic Waste Management (DWM)*

Charges Income: Further adjustments to annual charges have resulted in an increase to revenue of \$55,000. The original forecast did not allow for sufficient growth in services.

**General Manager's Group**

*Administrative Services*

Operating income: Sundry sales forecast has been reduced by \$5,000 to \$10,000, as current trending indicates meeting the original forecast is unlikely.

*Financial Services*

Includes an increase of \$10,000 to the Legal Cost Rates Recovery budget.

*Financial Services - General Purpose*

The larger proposed adjustments are:

Interest Paid on Trust Deposits: an increase of \$5,000 (Interest Paid on Trust Deposits present as a negative in the income area, ie reduced income).

Interest income on outstanding rates and charges: a decrease of \$4,000 to forecast interest to be received.

*Information Services*

Information Fee income is trending well above budget, with an increase to forecast income of \$35,000 to bring the total forecast to \$173,000.

*Human Resource and Risk Management*

Contributions Income:

Forecast income has been increased by \$105,000 based on refund amounts received from Council's public risk insurer. In addition, an increase of \$33,000 to the budgeted refund for Statecover workers compensation has been made based on the amounts now received.

*Property Management*

An increase of \$30,000 has been made to forecast income from Wigmore Arcade lease and outgoings income.

*Ballina Byron Airport*

Overall, the forecast income for the airport has been decreased by \$82,000.

In general, airport income is significantly up, however these increases have been negatively offset by a large reduction in the anticipated income from the various airline contributions to the Certified Air Ground Operator (CAGRO) costs.

The larger movements in forecast income are outlined below.

The anticipated contributions from airlines to CAGRO costs have been decreased by \$220,000, to \$110,000.

This outcome is a consequence of the start time of the CAGRO personnel, which has been moved back to at least March 2017 at this stage.

A corresponding reduction in the budgeted expenditure has also been made.

A detailed review of passenger charges, by airline, has been completed with total forecast passenger charges increased by \$98,000 to \$2,343,000.

Income from Car Rental Franchises and also Car Parking Fees are showing positive trend, with forecast income increased by \$40,000 each.

Shuttle Bus Fees and Hangar Site Rentals are trending low, with a decrease of \$20,000 and \$8,000, respectively, to forecast income anticipated.

### **General Fund - Operating Expenses**

#### ***Strategic and Community Facilities***

##### *Strategic Planning*

As noted earlier, an expenditure budget of \$15,000 has been raised in respect of the Boeing Avenue Rezoning Proposal.

Budgeted expense of \$35,000 has been raised for public art projects, with this amount being funded from the public arts reserve.

The Sundry office administration budget has been increased by \$5,000, as a detailed review of the original budget raised identified that the budget was insufficient to cover the existing contract for photocopier expenses.

##### *Cultural and Community Services*

As noted earlier in this report, an additional expenditure budget of \$8,000 and \$5,000, respectively have been raised in respect of the Audience Development Program and the Arts NSW Lifelong Learning program.

##### *Libraries*

As noted earlier, an additional expenditure budget of \$40,000 has been raised in respect of special projects.

### ***Development and Environmental Health Services***

#### *Development Services*

An expenditure budget of \$23,000 has been raised to allow a baseline survey of quarries to be completed. It is anticipated that this baseline will allow for improved monitoring and recovery of income in future years by improving the verification of reported tonnage movement at the quarries.

#### *Environment and Public Health*

A budget of \$4,000 has been raised for the purchase of Sediment Control Kits, to reflect the actual costs incurred in this year.

### ***Civil Services***

#### *Engineering Management*

The Depot building maintenance budget was increased by \$14,000, as a result of expenditure incurred for motorised garage doors. Decreases to other budgets were made to offset this.

A downward adjustment of \$6,000 to Road Safety expenditure was also made, as noted earlier.

#### *Procurement and Building Management*

In general, maintenance expenditure for community buildings is running high. A number of small budget adjustments, totalling \$26,300 have been made to bring this into line.

A corresponding decrease of \$26,300 has been made to various capital expenditure budgets to offset these amounts.

It is noted that unbudgeted expenditure of approximately \$40,000 to date has been incurred in relation to the June 2016 storm. A claim is currently in progress to recover these costs.

#### *Stormwater and Environmental Protection*

As noted earlier in this report, an income budget and offsetting expenditure budget of \$95,000 has also been raised in relation to grant funding from the NSW Environmental Trust for the production of videos for the Urban Stormwater Management Plan (USMP).

Funding of \$24,400 has been received for the Ballina Floodplain Management with an equivalent budget adjustment made to the expenditure.

Budgets for SQUDS filter bags have been reduced by \$10,000 and the budget for Beach & Foreshore maintenance has also been reduced by \$10,000, with these budgets being transferred to roads maintenance budgets.

### *Roads and Bridges*

The budget for Rural Roads maintenance has been increased by \$20,000, to \$589,300, with these amounts transferred from stormwater budgets as noted above.

Unbudgeted expenditure of approximately \$108,000 to date has been incurred in relation to the June 2016 storm. A claim is currently in progress to recover these costs.

### *Roads and Maritime Services (RMS)*

The budget for regional roads traffic facilities and other has been increased by \$72,700. This additional expenditure is effectively offset by capital income.

### *Open Space and Reserves*

Nursery Operations: In addition to the reduction in forecast income as noted earlier, the forecast for nursery operation expenses has also been increased by \$40,000 based on the current expenditure trend.

Vegetation Management: Expense of \$13,000 has been raised for the Booyal Estate Bushland Reserve Compensatory works, funded from grant income and a further \$5,000 has been raised for the Lennox Meadows Drainage Basin, funded by the developer.

### *Quarries*

A budget of \$16,000 has been raised for Licence fees, funded from the existing budget for the Tuckombil & Stokers Expansion Study.

### *Landfill and Resource Management (LRM)*

A number of budget adjustments are proposed within the LRM expenditures, with an overall decrease to total operating expenditure of \$146,000.

Consistent with a decrease in waste disposal fees noted previously in this report, disposal costs are also well down, with a proposed decrease to the budgeted expenditure of \$140,000.

A further budget reduction of \$70,000 in transport costs for recyclates is proposed. A saving was recognised in the previous quarter, as these materials are now going to the Lismore waste centre, instead of being transported to Queensland.

A budget of \$62,000 has been raised for Waste audits. This expenditure is funded from the restricted reserve.

In addition, forecast income for waste disposal fees charged to Domestic Waste Management (DWM) has been decreased by \$30,000 (this decrease is offset by a decrease in forecast expense for DWM).

A number of other minor adjustments, with a net impact of a \$27,500 saving, are also proposed.

A budget has not yet been raised in regards to clean up costs associated with asbestos which has been found in crushed concrete. A separate report to Council is to be provided to Council in respect of these clean up costs.

### *Domestic Waste Management*

There has been a net decrease to forecast operating expenses of \$30,000 for Kerbside Collection Council fees payable to Landfill & Resource Recovery (LRM).

An offsetting decrease has been made to the (negative) expense recognised in LRM.

### **General Manager's Group**

#### *Governance*

Budgeted salaries expense of \$43,000 has been transferred from Financial Services to the Governance area, with the relocation of an employee.

#### *Administrative Services*

The postage budget has been increased by \$12,300, primarily associated with expenditure incurred in relation to the proposed special rate variation.

An additional \$4,000 expense has been incurred in relation to staff mobile phones for hardware costs. As noted in the previous quarterly review report, these costs were not being covered for an interim period whilst the contract with Telstra was being renewed.

#### *Financial Services*

Budgeted salaries expense of \$43,000 has been transferred from Financial Services to the Governance area, with the relocation of an employee.

Legal expenses incurred for debt recovery have been high in the first two quarters of the current year. A further \$10,000 has been added to this budget, bringing the total forecast to \$44,000.

#### *Information Services*

A further \$9,000 has been added to the Computer software budget, due to improvements made in response to an internal staff survey.

A budget of \$4,700 has also been raised for training costs to be provided by an external party.

Offsetting these increases, in part, is a reduction to forecast salaries of \$5,000.

### *Human Resource and Risk Management*

Risk Management: A budget of \$20,000 has been raised for a Halls Risk Management project offset by insurance rebates.

Work, Health & Safety: A further \$15,000 has been added to this budget, to provide specifically for an ergonomic review to be completed. (As noted earlier in this report,

Council receives reimbursements based on Council's expenditure on specific risk projects).

Office Staff Uniforms: A further \$3,000 has been added to this budget, as the existing budget has been found insufficient to allow for full roll out of Council's uniform reimbursement policy.

Insurance Public Risk: The budget has been reduced by \$13,000 based on a lower than anticipated premium charged to Council for this financial year.

*Property Management*

A decrease of \$25,000 to the budgeted expense for the Ballina Heights and Wollongbar land sales rebates has been made, to reconcile the balance of rebates payable, with the number of allotments left to be sold under the home buyers scheme.

*Ballina Byron Airport*

Overall, the forecast expense for the airport has been decreased by \$264,000. The most significant factor is a reduction of \$190,000 in the anticipated Certified Air Ground Operator (CAGRO) costs, as noted earlier in this report.

The other significant factor is a review of forecast security costs, decreased by \$100,000 to \$1,102,000, which is consistent with the actual expenditure of the previous year.

Additional budget of \$45,000 was added to the Promotions budget, bringing this budget to \$220,000.

Other areas with savings identified include electricity costs, reduced by \$20,000, and expenditure re the airport movement area, reduced by \$10,000.

**Water Operations**

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

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

Item	Original Budget	September Budget	Approved Changes	Revised Budget	Changes		
					for Approval	December Budget	Actual to December
Operating Income	11,450	11,496	0	11,496	418	11,914	5,257
Operating Exps (excl. dep)	9,703	9,865	78	9,943	(101)	9,842	4,593
<b>Net Operating Result Before Depreciation</b>	<b>1,747</b>	<b>1,631</b>	<b>(78)</b>	<b>1,553</b>	<b>519</b>	<b>2,072</b>	<b>664</b>
Depreciation Expense	1,428	1,428	0	1,428	0	1,428	714
<b>Net Operating Result from Continuing Operations</b>	<b>319</b>	<b>203</b>	<b>(78)</b>	<b>125</b>	<b>519</b>	<b>644</b>	<b>(50)</b>

## 10.4 Financial Review - 31 December 2016

The **forecast operating position** (inclusive of depreciation) **as at December** is a surplus of \$644,000 which is an improvement of \$441,000 from the budget surplus of \$203,000 as the September quarterly review.

Forecast operating revenues have been increased by \$418,000. This increase to forecast is the result of residential and non-residential consumption charges being significantly higher due to the first two quarters of the 2016/17 year being dryer than average, impacting significantly on the number of kilolitres used.

Forecast operating expenditure has been decreased by \$101,000 as part of this review (an increase of \$78,000 approved during the period).

The largest decreases to operating expenses were a decrease to the budget of \$60,000 for mains maintenance, a decrease to plant and other maintenance of \$20,000, a decrease of \$13,000 for reservoirs maintenance and a reduction to salaries expenses of \$10,000.

### Wastewater Operations

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

The table below details the forecast operating result for the Fund.

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

Item	Original Budget	September Budget	Approved Changes	Revised Budget	Changes for Approval	December Budget	Actual to December
Operating Income	17,486	17,626	0	17,626	80	17,706	14,884
Operating Exps (excl. dep)	14,360	14,404	116	14,520	(259)	14,261	8,495
<b>Net Operating Result Before Depreciation</b>	<b>3,126</b>	<b>3,222</b>	<b>(116)</b>	<b>3,106</b>	<b>339</b>	<b>3,445</b>	<b>6,389</b>
Depreciation/loan unwind Expense	2,927	2,927	0	2,927	0	2,927	1,464
<b>Net Operating Result from Continuing Operations</b>	<b>199</b>	<b>295</b>	<b>(116)</b>	<b>179</b>	<b>339</b>	<b>518</b>	<b>4,925</b>

The **forecast operating position** (inclusive of depreciation) **as at December** is a surplus of \$518,000 which is an improvement of \$223,000 from the budget surplus of \$295,000 as the September quarterly review.

Forecast operating revenues have been increased by \$80,000.

This was the result of an increase to access charges.

Forecast operating expenditure has been decreased by \$259,000 as part of this review (an increase of \$116,000 approved during the period).

Various adjustments were required to a number of expenditure budgets predominantly due to continued fine-tuning of the budgets due to a restructure of the ledger for the 2016/17 year.

One of the largest decreases to operating expenses was a decrease to the budget of \$100,000 for treatment operations, which was offset by an increase of \$100,000 for treatment scheduled maintenance.

Other large decreases were \$100,000 for pumping station maintenance, \$100,000 for energy costs, and \$50,000 for mains maintenance.



**Section Two – Capital Budget**

This next section of the report looks at capital expenditure and changes to the programs.

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

General Fund Capital works	Original Budget 2016/17 \$'000	September Budget \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for approval \$'000	December Budget \$'000	Actual to December \$'000
<b>General Fund Capital Funding</b>							
General revenue	5,110	5,240	228	5,468	(224)	5,244	
Reserves	10,299	17,357	586	17,943	1,612	19,555	
Loans	12,500	12,500	0	12,500	(4,888)	7,612	
Section 94 contributions	246	371	0	371	336	707	
Grants and contributions	12,817	14,026	(4,321)	9,705	254	9,959	
<b>Total Funding</b>	<b>40,972</b>	<b>49,494</b>	<b>(3,507)</b>	<b>45,987</b>	<b>(2,910)</b>	<b>43,077</b>	
<b>General Fund Capital Expense</b>							
<i>Strategic and Community Facilities Group</i>							
Cultural and Community Services	22	48	0	48	0	48	11
Swimming Pools	11,600	11,600	0	11,600	(3,509)	8,091	50
Libraries	0	0	0	0	0	0	0
<i>General Manager's Group</i>							
Administration & Information Services	91	104	0	104	0	104	21
Human Resources & Risk Management	0	0	0	0	36	36	0
Property Management	3,468	3,980	416	4,396	0	4,396	219
Camping Ground	10	10	10	20	0	20	0
Ballina Airport	5,478	5,394	(4,416)	978	65	1,043	99
<i>Development &amp; Environ Health Group</i>							
Environmental Health	172	172	95	267	0	267	0
<i>Civil Services Group</i>							
Procurement & Building Management	2,148	3,290	1,452	4,742	(19)	4,723	644
Stormwater	438	604	(175)	429	(2)	427	43
Roads and Bridges	10,603	12,847	33	12,880	519	13,399	1,833
Ancillary Transport Services	2,267	2,924	(922)	2,002	0	2,002	341
Water Transport and Wharves	963	1,134	0	1,134	0	1,134	24
Open Space -Parks and Reserves	1,226	1,230	0	1,230	0	1,230	17
Open Space - Sporting Fields	788	3,467	0	3,467	0	3,467	1,339
Cemeteries	0	0	0	0	0	0	0
Fleet and Plant	1,510	2,070	0	2,070	0	2,070	308
Quarries and Sandpits	83	83	0	83	0	83	4
Waste Management	105	537	0	537	0	537	0
<b>Total Capital expense</b>	<b>40,972</b>	<b>49,494</b>	<b>(3,507)</b>	<b>45,987</b>	<b>(2,910)</b>	<b>43,077</b>	<b>4,892</b>

**General Fund**

**Strategic and Community Services Group**

*Swimming Pools*

The contract for the refurbishment of the Ballina and Alstonville swimming pools has been confirmed, with design and preliminary works commenced in February 2017.

The capital expenditure budgets, totalling \$14 million, have been allocated to the 2016/17 and 2017/18 years based on cash flow forecasts provided by the contractor.

The total forecast outlay for the 2016/17 year is \$8,090,700, which is higher than originally anticipated.

The funding for the 2016/17 budget is effectively being funded by the balance of the reserve as at 30 June 2016 (\$490,000) plus interest savings resulting from the deferral of the loan in the 2016/17 year (\$889,000) and loan income for the remainder.

### ***General Manager's Group***

#### *Human Resource and Risk Management*

New capital expenditure budgets have been raised, for \$26,500 and \$9,600 for the implementation of a new performance management module and new on-boarding system.

These have been funded in part through additional revenues generated from insurance rebates for this program.

#### *Ballina Airport*

A capital expenditure budget of \$65,000 has been raised for capital costs in relation to the design, supply and installation of Certified Air / Ground Radio Service equipment in the fire station.

### ***Civil Services Group***

#### *Procurement and Building Management*

Budgets to the SES and Alstonville Leisure Centre asset management programs were reduced by \$15,000 and \$11,300 to offset increases to community buildings maintenance costs noted above.

A new budget of \$7,000 was raised for the Wigmore Hall (Swift Street), funded by contributions received.

#### *Stormwater*

Budgets have been decreased by a total of \$2,400. The changes are as follows:

<b>Description of Works</b>	<b>Adjustment (\$)</b>	<b>Comments</b>
Coogee Street pump station	+55,000	Budget of \$55,000 funded from internal reserve for essential works
Kerr Street (River St to Richmond River)	-36,000	From \$36,000 to nil, budget transferred to roads budget to finance urgent Gap Road works
Tanamera Drive stormwater	-21,400	From \$76,600 to \$55,200 based on actual expenditure - budget transferred to roads budget to fund Gap Road works
<b>Total</b>	<b>-2,400</b>	

*Roads and Bridges*

Budgets have been increased by a total of \$519,700. The changes are as follows:

Description of Works	Adjustment (\$)	Comments
Hutley Drive (Elevations Estate)	239,900	Funded from section 94 reserve. Represents credit / payments to developer for additional works undertaken to widen road to Council standard.
Gap Road heavy patching	151,400	Urgent works - \$130,000 funded from section 94 reserve, \$21,400 transferred from stormwater budget.
Southern Cross Drive heavy patching	80,000	Urgent works - Funded from roads contingency reserve
Teven Road heavy patching	35,000	Funded from section 94 reserve
Heavy patching (unallocated)	-36,500	Transfer back to section 94 reserve
Gap Road culvert	36,000	Transferred from stormwater budget
Bridges – other	-26,900	Portion of budget reallocated
Pearces Creek Road Bridge Deck Replacement	19,300	New budget funded in part from Bridges – other
Uralba Road Bridge Deck Replacement	17,200	New budget funded in part from Bridges- other
Hickey Place	-40,000	Portion of budget reallocated based on actual costs
Skennars Head Rd	-12,000	Portion of budget reallocated based on actual costs
Shelly Beach Road	27,000	Additional budget required based on actual costs
Friday Hut Road	23,000	Additional budget required based on actual costs
Bagotville Road	2,000	Additional budget required based on actual costs
Regional Road reseals	-13,100	Portion of budget reallocated based on actual costs
Regional Road heavy patching	17,400	Additional budget required based on actual costs
<b>Total</b>	<b>515,400</b>	

The net increase of \$515,400 is funded primarily from Section 94 reserve monies collected for Heavy Haulage routes (i.e. Teven Road, Gap Road) and network expansion (Hutley Drive) and the road contingency reserve (Southern Cross Drive).

*Ancillary Services*

Overall the budget has remained unchanged. The main changes are as follows:

Description of Works	Budget Adjustment (\$)	Comments
Footpath Sneaths Road Wollongbar	7,000	Additional budget required
Footpath Simpson Avenue Wollongbar	6,000	Additional budget required
Footpath Martin Street to Winton Lane	-10,000	Portion of budget reallocated
Other	-3,000	
<b>Total</b>	<b>0</b>	

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

Water Supply Capital Works	Original Budget 2016/17 \$'000	September Budget \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for approval \$'000	December Budget \$'000	Actual to December \$'000
<b>Water Capital Funding</b>							
Reserves	1,714	1,714	(50)	1,664	0	1,664	
Section 64 contributions	1,820	1,860	0	1,860	0	1,860	
Grants & Contributions	0	0	0	0	0	0	
<b>Total Funding</b>	<b>3,534</b>	<b>3,574</b>	<b>(50)</b>	<b>3,524</b>	<b>0</b>	<b>3,524</b>	
<b>Water Capital Expense</b>							
Main Renewal	440	440	(50)	390	0	390	26
Reservoirs	1,019	1,019	0	1,019	0	1,019	15
Pressure Management	234	234	0	234	0	234	0
Water pump and bores	362	402	0	402	0	402	1
Trunk mains	800	800	0	800	0	800	1
Treatment Plant	173	173	0	173	0	173	5
Plant	140	140	0	140	0	140	18
Connections	260	260	0	260	0	260	131
Other	106	106	0	106	0	106	0
<b>Total Capital expense</b>	<b>3,534</b>	<b>3,574</b>	<b>(50)</b>	<b>3,524</b>	<b>0</b>	<b>3,524</b>	<b>197</b>

The capital works program was reviewed for the January 2017 ordinary meeting. There are no further proposed changes at this time.

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

Wastewater Services Capital works	Original Budget 2016/17 \$'000	September Budget \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for approval \$'000	December Budget \$'000	Actual to December \$'000
<b>Wastewater Capital Funding</b>							
Reserves	3,721	3,982	(454)	3,528	0	3,528	
Section 64 contributions	2,264	2,264	0	2,264	0	2,264	
Loans	0	0	0	0	0	0	
<b>Total Funding</b>	<b>5,985</b>	<b>6,246</b>	<b>(454)</b>	<b>5,792</b>	<b>0</b>	<b>5,792</b>	
<b>Wastewater Capital Expense</b>							
Pumping stations	2,640	2,730	(395)	2,335	0	2,335	170
Treatment Plants	1,800	1,680	0	1,680	0	1,680	200
Trunk Mains	217	217	0	217	0	217	8
Mains renewals	253	263	0	263	0	263	38
Plant	290	377	0	377	0	377	0
Reuse program	740	919	(59)	860	0	860	43
Other	45	60	0	60	0	60	0
<b>Total Capital expense</b>	<b>5,985</b>	<b>6,246</b>	<b>(454)</b>	<b>5,792</b>	<b>0</b>	<b>5,792</b>	<b>459</b>

The capital works program was reviewed for the January 2017 ordinary meeting. There are no further proposed changes at this time.

**Section Three – Cash and Investment Statement**

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

## 10.4 Financial Review - 31 December 2016

	Original Budget 2016/17 \$'000	September Budget \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for approval December \$'000	Revised Budget December \$'000
<b>Unrestricted</b>	<b>1,736</b>	<b>1,736</b>	<b>0</b>	<b>1,736</b>	<b>0</b>	<b>1,736</b>
<b>Externally Restricted</b>						
- Section 94	7,540	7,110	32	7,142	(499)	6,643
- Domestic Waste Mment	2,027	1,928	0	1,928	85	2,013
- Section 64 Water	5,879	6,294	0	6,294	0	6,294
- Water	3,843	4,142	(28)	4,114	519	4,633
- Section 64 Sewer	4,479	5,004	0	5,004	0	5,004
- Sewer	4,036	4,622	338	4,960	339	5,299
<b>Total Externally Restricted</b>	<b>27,804</b>	<b>29,100</b>	<b>342</b>	<b>29,442</b>	<b>444</b>	<b>29,886</b>
<b>Internally Restricted</b>						
- Strategic and Community Services	2,797	3,058	0	3,058	(1,379)	1,679
- Employee Leave Entitlements	2,527	2,793	0	2,793	60	2,853
- Plant Replacement	(232)	66	0	66	0	66
- Quarries	629	794	(370)	424	17	441
- Property Reserves	4,536	5,297	(1,240)	4,057	149	4,202
- Open Spaces and Reserves	547	534	0	534	0	534
- Landfill Management	2,729	3,116	(234)	2,882	47	2,929
- Civil Works	2,352	3,466	889	4,355	(272)	4,083
- Other	1,236	1,571	0	1,571	151	1,722
<b>Total Internally Restricted</b>	<b>17,121</b>	<b>20,695</b>	<b>(955)</b>	<b>19,740</b>	<b>(1,227)</b>	<b>18,509</b>
<b>Total Restricted</b>	<b>44,925</b>	<b>49,795</b>	<b>(613)</b>	<b>49,182</b>	<b>(783)</b>	<b>48,395</b>
<b>Total Cash and Investments</b>	<b>46,661</b>	<b>51,531</b>	<b>(613)</b>	<b>50,918</b>	<b>(783)</b>	<b>50,131</b>

The unrestricted cash figure is not inclusive of transactions that would normally be included when calculating working capital; i.e. it is exclusive of movements in items such as debtors and creditors. The available cash figure is taken from note six of the financial statements as at 30 June 2016.

### Statements

1. Council's investments are all in accordance with the Local Government Act, the regulations and Council's investment policy.
2. As per the investments summary for December 2016, funds invested amounted to \$67,284,000. All restricted monies are included in these investments.
3. Cash has been reconciled to the bank statement as at 31 December to the amount of \$2,955,674.
4. Actual year to date cash and investments amounted to \$70,239,674 as at 31 December 2016. This amount includes cash at bank of \$2,955,674 and funds invested of \$67,284,000 which has been reconciled to bank statements and investment reports.

### Comment on Cash and Investment Position

The forecast reserves position has decreased slightly, from \$49.8 million to \$48.4 million.

Details of the major changes for approval are summarised below.

### *Section 94 Reserves*

Net reserves are predicted to decrease by \$499,000, with \$239,900 additional funding for Hutley Drive, \$128,500 additional funding for heavy patching and a decrease in forecast contributions income of \$130,000.

### *Domestic Waste Management*

Net reserves are predicted to increase by \$85,000, which is the result of an improved operational outlook of \$85,000.

### *Water Reserves*

Net reserves are predicted to increase by \$519,000, which is the result of a significantly improved operational outlook.

### *Wastewater Reserves*

Net reserves are predicted to increase by \$338,500, which is the result of an improved operational outlook.

### *Employee Leave Entitlements*

An additional amount of \$60,000 has been transferred to this reserve, to ensure an adequate reserve balance is held.

### *Quarries*

Net reserves are predicted to increase by \$17,000, which is the result of an improved operational outlook.

### *Property Reserves*

There is a net increase of \$149,000 to the forecast reserves balance with the adjustments being as follows:

- An increase in forecast investment properties operating income of \$30,000
- An increase in forecast airport operating income of \$117,000

### *Landfill Resource Management*

Net reserves are predicted to increase by \$47,000, which is the result of an improvement to the forecast operating result. (It is noted, however, that costs in relation to asbestos clean-up have not yet had a budget raised).

### *Civil Works*

The forecast reserve balance has decreased by \$272,000 with the larger adjustments relating to the capital expenditure movements noted earlier in this report.

*Other*

The balance of 'Other' reserves is predicted to rise by \$151,000, with the larger adjustments being an amount of \$60,000 transferred to reserve for future budgetary requirements for salaries in the Development and Environmental Health group, \$30,000 increase to the Wigmore reserve and \$23,700 transferred to the Information Services Fee Income reserve.

**Section Four - Key Performance Indicators**

The next section of the report takes selected financial benchmarks and compares the 30 June 2015 and 2016 ratios with the forecast at December to 30 June 2017.

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

**Key Performance Indicators - Description**

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

Measured: as a ratio

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

Indicator type: Financial Position

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

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

Measured: as a ratio

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

Indicator type: Financial Performance

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

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

Measured: as a ratio

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

Indicator type: Financial Position

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

### **Benchmark Indicators – General Fund**

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

Benchmark: >1.5:1

<b>2014/15</b>	<b>2015/16</b>	<b>2016/17 Sept</b>
Actual	Actual	Estimate
3.26:1	4.02:1	2.53:1
Pass	Pass	Pass

#### **Comment**

The ratio is predicted to fall in 2016/17 in comparison to the 2015/16 result. This is due to a larger portion of the investment portfolio invested in longer terms (non-current) rather than shorter terms (current).

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

#### **2. Operating Performance Ratio – General Fund**

Benchmark: >0

<b>2014/15</b>	<b>2015/16</b>	<b>2016/17 Sept</b>
Actual	Actual	Estimate
-5.3%	-1.3%	0.2%
Fail	Fail	Fail

#### **Comment**

The current forecast for the ratio to June 2017 is looking to reach benchmark.

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



**3. Debt Service Cover Ratio – General Fund**

Benchmark: > 2

2014/15	2015/16	2016/17 Sept
Actual	Actual	Estimate
2.94	4.93	2.94
Pass	Pass	Pass

**Comment**

This ratio is sourced from the operating result and loan repayments.

The forecast is predicted to remain similar to the 2015/16 result and comfortably meets benchmark.

Swimming pool loans will impact on loan repayments from 2017/18 onwards.

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

**Benchmark Indicators - Water**

**1. Unrestricted current ratio - Water**

Benchmark: >1.5:1

2014/15	2015/16	2016/17 Sept
Actual	Actual	Estimate
73.05:1	78.58:1	64.64:1
Pass	Pass	Pass

**Comments**

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

**2. Operating Performance Ratio - Water**

Benchmark: > 0

2014/15	2015/16	2016/17 Sept
Actual	Actual	Estimate
1.2%	3.77%	5.41%
Fail	Pass	Pass

**Comments**

The Water Fund has achieved a positive operating performance ratio and this trend is expected to continue for future years.

**3. Debt Service Cover Ratio - Water**

Benchmark: >2

2014/15	2015/16	2016/17 Sept
Actual	Actual	Estimate
0.0	0.0	0.0
N/A	N/A	N/A

**Comments**

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

**Benchmark Indicators - Wastewater**

**1. Unrestricted current ratio - Wastewater**

Benchmark: >1.5:1

2014/15	2015/16	2016/17
Actual	Actual	Estimate
3.09:1	2.85:1	1.96:1
Pass	Pass	Pass

**Comments**

The ratio is forecast to fall in comparison to 2015/16. The reason for the decline is due to the use of cash reserves to fund the capital works program and to finance loan repayments.

**2. Operating Performance Ratio - Wastewater**

Benchmark: >0

2014/15	2015/16	2016/17 Sept
Actual	Actual	Estimate
-7.7%	-5.7%	2.93%
Fail	Fail	Pass

**Comments**

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

A positive result is expected to continue over the next few years.

**3. Debt Service Cover Ratio - Wastewater**

Benchmark: > 2

2014/15	2015/169	2016/17
Actual	Actual	Estimate
0.85	0.81	1.03
Fail	Fail	Fail

**Comments**

This ratio will fail the benchmark for many years due to the extremely high level of borrowings that have occurred in recent years, although the forecast is that the ratio will gradually improve year on year as the operating surplus continues to grow.

**Section Five – Contractors/Consultants/Legal Expenses**

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

Contractor Name	Purpose	Amount (Excl GST)	Start Date	Duration of Contract	Incl in Budget Yes/No
L& B Worldwide Australia	Provision for Certified Air Ground Radio Services	Schedule of rates	1/3/17	5 years	Yes
Precision Skate Parks Pty Ltd	Design and Construction of Wollongbar Skatepark	\$350,000	1/11/16	12 months	Yes
Woollams Constructions	Design and Construction Ballina and Alstonville Pools	\$13,863,530	19/12/16	12 months	Yes

**Consultants**

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

Item	Expenditure YTD (excl GST)	Included in Budget Y/N?
Consultancies	\$145,879	Yes

**Legal Expenses**

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

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

Item	Expenditure YTD (excl GST)	Included in Budget Y/N?
Legal Fees	\$68,166	Yes

### **Certification**

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

It is my opinion that the Quarterly Budget Review Statement for Ballina Shire Council for the quarter ended 31 December 2016 indicates that Council's projected financial position at 30 June 2017 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

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



Signed Linda Coulter, Responsible Accounting Officer

### **Sustainability Considerations**

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

### **Legal / Resource / Financial Implications**

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

### **Consultation**

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

### **Options**

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

**RECOMMENDATION**

That Council notes the contents of the December 2016 Quarterly Budget Review and approves the changes identified within this report.

**Attachment(s)**

Nil

## **11.1 Tintenbar to Ewingsdale Pacific Highway - Assets Handover**

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### **11. Civil Services Group Reports**

#### **11.1 Tintenbar to Ewingsdale Pacific Highway - Assets Handover**

**Delivery Program**      Asset Management

**Objective**              For Council to consider the Roads and Maritime Services offer to hand over assets associated with the Tintenbar to Ewingsdale Pacific Highway Project (T2E).

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#### **Background**

RMS has been managing the construction of the 16km T2E Pacific Highway duplication project. This project starts at Ross Lane interchange and continues north to the Ewingsdale Interchange and has involved the construction of the new highway on a new alignment. This new alignment has resulted in the handover of road assets to Council due to:

- Modifications to some existing local roads
- Construction of new local roads
- The old Pacific Highway alignment becoming a service road

The construction of the new highway and local roads is complete and as such Council has been in ongoing discussion with RMS regarding the scope and nature of the assets that will be handed over to Council.

These discussions can be categorised in two parts; the scope of new and modified local roads assets; and the reclassification of the old Pacific Highway to Regional and/or Local Road classification.

This report seeks Council's consideration of the handover arrangements.

#### **Key Issues**

- New local roads which will be entirely funded by Council into the future
- Reclassification of the old Pacific Highway to local road and Regional Road status which will be partially funded by RMS for the first 10 years, with the Regional Road component to receive ongoing RMS Regional Road grant funding.

#### **Information**

RMS has a formal policy in respect of considering these issues and negotiations have been conducted in accordance with the policy. The policy gives guidance in a number of areas, specifically these include;

- The process to determine what data is required to assess liabilities under the policy and what data is to be collected and shared

## 11.1 Tintenbar to Ewingsdale Pacific Highway - Assets Handover

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- RMS will provide Council with a lump sum for handover of reclassified road assets with the lump sum being equivalent to the ten years of rehabilitation expenditure forecast by RMS for that segment of road
- The assessment process for the reclassification to local or regional roads
- The definition of responsibilities between authorities

These discussions have been the subject of extensive detailed technical assessments to ensure that Council achieves the best outcome possible within the published guidelines.

This report discusses these issues at a broad level.

### Reclassification of the (old) Pacific Highway

The (old) Pacific Highway between Ross lane Interchange, north to the Shire Boundary is approximately 8.7km long, and has been assessed by RMS for reclassification as follows;

- Ross Lane North to the (new) Pacific Highway off ramp (approx. 1.4km) was assessed as a Regional Road
- The remaining 7.3km of (old) Pacific Highway was assessed as a Local Road

Both of these lengths of road will become the full maintenance responsibility of Council once accepted by Council and we will receive a one off lump sum payment from RMS.

The lump sum payment only covers the first ten years of rehabilitation expenditure forecast by RMS for that segment of road and does not cover any routine maintenance costs.

The lump sum also does not include any payment for the depreciation that has already occurred, or contribution towards the eventual renewal of the asset.

Council has received a formal lump sum offer of \$1,642,889.94 which includes adjustments for net present value.

This money is untied, meaning it will be at Council's discretion to allocate the use of the funds.

However, as the funds have been calculated based on the expected rehabilitation needs of these assets, it is recommended that the funds be placed in reserve and allocations be made to the roads budget annually to meet the road requirements predicted under the asset management program for these roads.

Having regard to the RMS policy and the asset condition, Council staff are satisfied that the offer is reasonable.

However Council staff are not satisfied that the policy provisions are acceptable, the reason for this is that the policy only provides compensation for planned rehabilitation expenditure by the RMS programs.

## 11.1 Tintenbar to Ewingsdale Pacific Highway - Assets Handover

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This planned expenditure does not include the operational costs of the asset, such as mowing and vegetation control and does not provide any compensation for the asset renewal costs that lie outside of the ten year program.

This issue will result in negative impacts on Council's operational budgets, asset renewal ratios and financial position.

This issue has been raised unsuccessfully with RMS during the negotiations for the Alstonville Bypass (2011), the Ballina Bypass (2012) and again during the negotiations for this project.

As such the options for Council are to accept the offer or seek additional funds from the Minister for Roads, Maritime and Freight.

### New Local Roads

The construction of the (new) Pacific Highway has resulted in the construction of new local roads and realignment of existing local roads with new construction work.

The affected roads are:

- Alcorn Road – new local road
- Broken Head Road – modification of existing road
- Creekside Lane – new local road
- Delserene Place – new local road
- Hinterland Way at Intersection with Alcorn Road – new local road
- Hinterland Way at Emigrant Creek – new local road
- Ivy Lane - modification of existing road
- Martins Lane – modification of existing road
- School Lane – new local road
- Watsons Lane - modification of existing road

These roads are either being modified as existing or new local roads and are not subject to the same handover procedure as the (old) Pacific Highway.

As such there will be no payment by RMS or any ongoing assistance, however the contractor is required to undertake defects rectification and vegetation maintenance for the first twelve months.

This is not dissimilar to new roads being handed over to Council through housing and land development projects.

These assets have been the subject of extensive inspection, investigation, implemented works and negotiation with RMS officers. Council's technical officers are satisfied that the current condition of the assets is reasonable in the circumstances and it is appropriate to recommend handover for these assets.

The result of the construction and modification of the new local roads is the creation of new assets for Council, with no additional revenue for their operation, maintenance or renewal.



## 11.1 Tintenbar to Ewingsdale Pacific Highway - Assets Handover

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However it is also recognised the function of these roads is local and they are the responsibility of Council.

The amendments to the road network were required to support the construction of the new motorway and this infrastructure provides many benefits to the Shire.

The total length of new local road assets being handed over to Council is approximately 5.5km in addition to the 7.3km of reclassified old Pacific Highway also becoming local road and detailed above.

### **Sustainability Considerations**

- **Environment**  
The new Pacific Highway project has created a quieter, safer and more efficient route for traffic through the North of the Ballina Shire.
- **Social**  
The new Pacific Highway project has created a quieter, safer and more efficient route for traffic through the North of the Ballina Shire.
- **Economic**  
The new Pacific Highway project has created a quieter, safer and more efficient route for traffic through the North of the Ballina Shire.

### **Legal / Resource / Financial Implications**

The handover arrangement will result in additional liabilities to Council and increase the length of Council's local road network. The additional 12.3km of local road increases Council's local road network length by approximately 2% and this will have financial implications to Council.

The RMS handover policy provides for some compensation to Council however the compensation is limited to the first ten years of rehabilitation expenditure forecast by RMS for that segment of old Pacific Highway, and does not cover the operational, maintenance or renewal costs of the assets.

The handover arrangements are in accordance with RMS policy and consistent with the previous handover negotiations made for the Alstonville Bypass and the Ballina Bypass projects.

Council should however consider operational budgets for road assets during the forthcoming budget deliberations for the 2017/18 Operational Plan and Delivery Program to account for the above.

The one-off payment to Council does improve our financial position for the year the payment is received, however we are then left with the liabilities of maintaining the roads in future years.

### **Consultation**

Ongoing consultation has taken place between RMS and Council in regards to the handover of these assets and the best result possible within the RMS framework has been negotiated.

### **Options**

As indicated in the report the following options exist;

1. Accept the offer from the RMS for a lump sum compensation payment
2. Seek the Minister for Roads, Maritime and Freight to make a determination in addition to the policy

For option two, if this were successful, it would create a significant precedence for RMS (being a departure from existing policy) and would likely be used by this and other Councils in future negotiations with RMS.

The argument for additional funding could be made using the framework developed for Council's Fit for the Future submission, however this would take significant resources and based on the previous failures this argument is unlikely to be successful.

In respect of option one, as per the discussion in this report, the lump sum offer is considered a reasonable offer having regard to the policy arrangements which guide the process to determine the transfer arrangements.

If Councillors require specific details of the schedule of works and rates that form the lump sum calculation, this can be provided by the Group Manager Civil Services.

### **RECOMMENDATIONS**

1. That Council accepts the offer from Roads and Maritime Services (RMS) of \$1,642,889.94 as compensation for the handover of the old Pacific Highway and that the General Manager be authorised to execute an agreement with the RMS for this amount.
2. That the full amount of funds received from the RMS from the handover agreement be placed in an internal reserve and allocations be transferred to the roads budget annually as required to meet the future rehabilitation requirements for these assets.

### **Attachment(s)**

Nil

## **11.2 Tender - Management of Aggregate containing Asbestos**

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### **11.2 Tender - Management of Aggregate containing Asbestos**

**Delivery Program**      Waste Management

**Objective**              To finalise the tender for the loading, transportation and disposal of aggregate containing friable asbestos

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#### **Background**

Laboratory analysis identified the presence of friable asbestos in aggregate generated by the crushing of concrete stored at the Ballina Waste Management Centre.

The NSW EPA has confirmed that this material cannot be re-used at the landfill under the provisions of the Protection of the Environment Operations (Waste) Act.

Appropriate disposal offsite is recommended to eliminate the need for ongoing management plans and management controls.

In response, Council issued a tender in January 2017 for the provision of project management, loading, transport and disposal services for aggregate containing asbestos (deemed friable) currently stored at the Ballina Waste Management Centre.

Handling and removal of friable asbestos must be undertaken by Class A asbestos licensed personnel, in accordance with WorkSafe NSW requirements. Council personnel do not hold the relevant Class A licence.

The management of asbestos is very challenging at the landfill. Despite the specific management protocols in place, not all asbestos is able to be identified and diverted from the waste stream prior to our final processing of waste materials.

For example, a portion of the asbestos to be treated under the scope of works from this tender has come from mortar and was only evident after crushing the incoming materials.

Staff continue to look at innovative solutions to further develop our management systems and reduce the risks and financial liabilities associated with this issue.

#### **Key Issues**

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

#### **Information**

The contract is a lump sum price, which is based on the surveyed stockpile volume and in-situ pad dimensions.

## 11.2 Tender - Management of Aggregate containing Asbestos

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At the close of tender, submissions were received from:

- Enviropacific Services
- ENV Solutions
- Liberty Industrial
- Synergy Resource Management.

All tenders were initially assessed for conformity with the tender specifications. From this assessment all tenders other than ENV Solutions were deemed to be conforming.

In accordance with the tender evaluation plan, the tenders were then assessed on the basis of price (85%) and local and community (15%) criteria.

Liberty Industrial submitted the lowest tender price (\$205,104.57 including GST) and scored the highest evaluation ranking.

The pricing and tender ranking for all tenderers is confidential and has been separately provided to Councillors.

### **Sustainability Considerations**

- **Environment**  
All plans are required to operate in accordance with an asbestos management plan.
- **Social**  
Not Applicable
- **Economic**  
Utilising the tender system to ensure best value for money

### **Legal / Resource / Financial Implications**

As long as this material is removed from site before 30 June 2017, the material will be eligible for the waste levy rebate upon disposal to an appropriate offsite facility.

This refund has been estimated at \$187,674.40 (assuming a bulk density factor of 2 and 1,672 tonnes in the 2015/16 financial year and 760 tonnes generated in the 2016/17 financial year).

The outstanding cost to complete these works \$17,431 (\$205,105 less the \$187,674) will be covered by the existing operational waste budget for concrete processing.

### **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.*

Council can (Option one) award the contract to Liberty Industrial to load, transport and dispose of friable asbestos contaminated aggregate to an appropriately licensed offsite facility. Alternatively, Council can (Option 2) 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 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 provided by Liberty Industrial for the loading, transportation and disposal of aggregate containing friable asbestos.
2. That Council authorises the Council seal to be attached to the contract documents.

### Attachment(s)

Nil

12. Public Question Time

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**12. Public Question Time**

### **13.1 Notice of Motion - Donation - Ballina Hospital Auxiliary**

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### **13. Notices of Motion**

### **13.1 Notice of Motion - Donation - Ballina Hospital Auxiliary**

**Councillor**

Cr Willis

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I move

1. That Council approves a one-off donation of the actual cost to Council less \$500.00 to the Ballina Hospital Auxiliary to assist in the staging of their annual craft show at the Lennox Head Cultural and Community Centre.
2. That Council write to the Ballina Hospital Auxiliary to explain this as a one-off donation and to further advise that future donations towards the costs of staging of their annual craft show at the Lennox Head Cultural and Community Centre would need to be made via the usual Council donation application process rather than by Notice of Motion.

#### **Councillor Comment**

As we heard during Public Question Time at the January Ordinary meeting the Ballina Hospital Auxiliary annual craft show is an important event in our local community which generates much needed funds for our local Hospital. A letter was distributed to Councillors in relation to this at the meeting.

Recent policy changes in relation to the Lennox Head Cultural and Community Centre has resulted in an unexpected cost estimate far in excess of previous years.

In previous years the Auxiliary has paid in the region of \$500 to hire the facility for the purpose of the annual craft show.

While Council staff have been diligent in ensuring that the costs incurred for the pack down and set-up of the facility are passed on to those hiring the facility, on this occasion, it seems reasonable to waive these costs by way of donation less \$500 (an amount similar to that paid in previous years) in relation to this event given the clear benefits to our community via the Hospital and to support the ongoing important voluntary work undertaken by the Auxiliary in our Shire.

As it is not desirable to have ad-hoc requests of this type come to Council by Notice of Motion, the second part of the Motion seeks to ensure that the Auxiliary is aware of the donation application process for future years.

#### **Staff Comment**

The background to this is that due to the revamping of the Lennox Head Cultural and Community Centre to the "Park Lane Theatre", there is now a significant cost to convert the facility back to its original state.

### 13.1 Notice of Motion - Donation - Ballina Hospital Auxiliary

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This has meant that the Ballina Hospital Auxiliary has been provided the following fee quotes for the use of the facility for their annual craft show:

- \$720.50 – Hire of the auditorium is \$575 based on the current set up plus hire of activity room \$145.50 or
- \$3,720.50 – Auditorium hire empty plus activity room

The difference in the quotes is that, based on experience, Council's Trades Section estimate that the costs involved in converting the hall, requires a minimum of three staff for more than one day (for set down and then set up again) plus the hiring, erecting and dismantling of scaffolding that is also needed. Community Facilities staff are also involved in the supervision of this process.

This means there will be a substantial direct to the community if the motion is approved, excluding the \$500 fee proposed, as these costs will be incurred in providing the auditorium for the craft show.

It is important to acknowledge that Council's annual donations process is based on the calling of submissions during May and June, with Council then determining the annual donations in July.

At the July 2016 Council meeting, the donations report highlighted that the donation requests totalled \$146,169 with approximately \$62,000 funded. This meant that around \$85,000 of worthy community group projects did not receive funding. The Ballina Hospital Auxiliary was one of the groups that did not receive funding.

Also the Council resolution in July confirmed that no further donations were to be considered this financial year; as per the following extract:

*That the General Manager advise any applicants requesting donations for the remainder of the 2016/17 financial year that the donations budget has been exhausted and that they will need to apply again in the following financial year, if the donation is still relevant to that year.*

This has meant that other requests during the year have been advised that no funding is available.

The current state of the Council donations budgets for 2016/17 is as follows:

<b>Donation Category</b>	<b>Budget</b>	<b>Approved</b>	<b>Balance</b>
Donations – Financial Assistance	60,000	61,711	(1,711)
Community Halls – Capital Works	50,600	48,889	1,711
Rates and Charges	30,000	29,547	453
Assistance with Council Fees	4,000	0	4,000

Each of these categories of donations is supported by a Council policy, copies of which are available on our web site.

If Council approves a donation for this service the donation would be made under the Donations – Assistance with Council Fees policy. The Ballina Hospital Auxiliary is an eligible group under that policy. The only issue is that policy states as follows:



### **13.1 Notice of Motion - Donation - Ballina Hospital Auxiliary**

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*4. The maximum amount reimbursed is to be capped at \$2,000 per event/project*

Based on the estimated hire charge of \$3,720.50, if a donation of \$500 is provided, the donation amount recorded would normally be \$3,220.50.

However the motion does actually make reference to actual costs and it would then be a matter of determining what the actual cost of this service is, and whether allowances for staff overheads etc are included in that actual cost.

Finally, as touched on in the motion, ad hoc decisions is not good financial practice and is inequitable to other groups who did not receive funding as part of the original donations process or may have been declined during the year.

Council staff have also been in discussion with the Ballina Hospital Auxiliary for the last 12 months on this issue, which means the Auxiliary has had time to consider other options, or the use of the auditorium as is.

#### **COUNCILLOR RECOMMENDATIONS**

1. That Council approves a one-off donation of the actual cost to Council less \$500.00 to the Ballina Hospital Auxiliary to assist in the staging of their annual craft show at the Lennox Head Cultural and Community Centre.
2. That Council write to the Ballina Hospital Auxiliary to explain this as a one-off donation and to further advise that future donations towards the costs of staging of their annual craft show at the Lennox Head Cultural and Community Centre would need to be made via the usual Council donation application process rather than by Notice of Motion.

#### **Attachment(s)**

Nil

## **13.2 Notice of Motion - Significant Tree Register**

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### **13.2 Notice of Motion - Significant Tree Register**

**Councillor**

Cr Willis

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I move

1. That Council allocates \$50,000 in the 2017/18 budget to engage an expert consultant arborist/landscape architect to prepare a Shire wide significant tree register. That there be a consultation phase in the development of the register where the public and key stakeholders be invited to identify significant trees with their cultural, historical and other significance.
2. That the register in point one above be prepared to include recommendations:
  - (a) of significant trees (including the Ballina Island street fig trees) that should be added as heritage items to Schedule 5 of the Ballina Local Environmental Plan 2012.
  - (b) in the Council management and funding of mitigating root damage from significant trees (without removing them).
3. That points one to two be reported back to Council by February 2018 with a planning proposal adding the recommended heritage items to Schedule 5 of the Ballina Local Environmental Plan 2012.

#### **Councillor Comment**

In recent months it has become apparent that variation to existing tree asset management policy is required to ensure responsible management of the significant tree assets within our Shire.

Recalling, with regret, the removal of the fig tree in Tamar Street last year it is clear that a systematic approach to both the identification and registration of these natural assets is required to ensure similar incidents are avoided.

#### **Staff Comment**

In respect to point one of the motion, to include \$50,000 without considering the impact on the overall budget and what other projects will be excluded, by the inclusion of this item is not sound financial management.

The Long Term Financial Plan is already forecasting working capital deficits for the General Fund in future years, which means that existing programs will need to be reduced to finance the \$50,000.

The motion should be to consider the allocation of the monies as part of formulating the draft 2017/18 budget. That would then allow this item to form part of a report to the scheduled Finance Committee meetings.

There are also concerns that the motion is overly prescriptive in points two and three and tends to reflect one viewpoint as to how significant trees could be managed.

## **13.2 Notice of Motion - Significant Tree Register**

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As background to this, a Shire-wide heritage study was undertaken in 2008 with trees identified as historically significant listed in that study and then included in the heritage schedule in Council's LEP.

The heritage schedule under the existing LEP has the effect of requiring a development application (DA) for the removal of such trees and also triggers the need for a DA for other works (e.g. pruning unless deemed minor by Council).

The heritage listing also triggers the need for a heritage assessment, most likely in the form of a heritage impact statement, in relation to each tree that is proposed for removal or (non-minor) works.

An exception of the heritage provision exists for the removal of trees that pose a risk to human safety or property.

Council's Urban Vegetation on Public Land policy provides a last resort approach to tree removal based on safety and property damage.

If the objective of the Council is to trigger the need for a development application for all significant trees, there is a simpler alternative, being to amend the development control plan to require development consent for trees listed on a significant tree register (regardless of a tree being on public land).

Council did resolve to prepare a significant tree register at the September 2016 Ordinary meeting and this motion, if carried, will add further support to that earlier resolution.

The allocation of funding to do this work will assist in ensuring the project is completed, as dependent on how extensive Council envisages this project will be, the resources needed to complete the project are substantial.

**COUNCILLOR RECOMMENDATIONS**

1. That Council allocates \$50,000 in the 2017/18 budget to engage an expert consultant arborist/landscape architect to prepare a Shire wide significant tree register. That there be a consultation phase in the development of the register where the public and key stakeholders be invited to identify significant trees with their cultural, historical and other significance.
2. That the register in point one above be prepared to include recommendations:
  - (a) of significant trees (including the Ballina Island street fig trees) that should be added as heritage items to Schedule 5 of the Ballina Local Environmental Plan 2012
  - (b) in the Council management and funding of mitigating root damage from significant trees (without removing them).
3. That points one to two be reported back to Council by February 2018 with a planning proposal adding the recommended heritage items to Schedule 5 of the Ballina Local Environmental Plan 2012.

**Attachment(s)**

Nil

### **13.3 Notice of Motion - Concealed Water Leak**

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### **13.3 Notice of Motion - Concealed Water Leak**

**Councillor**

Cr Williams

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I move

1. That due to the delay in notifying the property owner of a concealed water leak, Council provide a 50% discount on the additional water charges levied against Mr Rod Hornby for the September Quarter 2016 resulting from the leak (up to a maximum of \$800).
2. That Council receive a report on options to provide some relief for ratepayers from water charges resulting from a concealed water leak in circumstances where:
  - There was a delay in notifying the property owner of the leak
  - The leak is the result of actions by a third party and costs are not recoverable by the property owner; or
  - The imposition of the charge results in severe financial hardship.

#### **Councillor Comment**

In May 2014 Council abolished the Concealed Water Leaks Policy which had previously provided a mechanism for ratepayers to seek relief from excess water charges resulting from a concealed water leak. Such matters can now only be addressed by Council through a Councillor Notice of Motion.

In my view, this is an inappropriate way to deal with a customer billing issue and provides no mechanism (or guidance) for staff to deal with the ongoing issues arising from concealed water leaks.

I believe the circumstances described by Mr Hornby warrant consideration and we should be empowering staff to resolve complaints with clearly defined policy and direction. A copy of the letters from Mr Hornby, together with Council's response are attached.

#### **Staff Comment**

Following receipt of the water data from the meter reading contractor, Council staff, as resources allow, contact property owners with high water consumption.

Contact is normally by telephone however if we are unable to contact an owner within a few days, we send a standard letter with our meter checking information sheet.

This is a courtesy service provided by Council staff and we are not aware of any other water authority that provides this level of service to the property owner to alert them of high water consumption.

With most other authorities the property owner will not become aware of the consumption until they receive their water bill.

### 13.3 Notice of Motion - Concealed Water Leak

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In the instance referred to in this notice of motion, the need for a review was identified by Council staff on Friday 23 September 2016, with the original meter reading data being received by Council on Monday 19 September 2016.

Staff were unable to contact the owner and accordingly a standard high usage letter was mailed on Monday 26 September 2016 to the owner's recorded address for service of mail, which was a post office box in Lismore.

The high usage letter was returned to Council 25 days later on Friday 21 October 2016, with the reason being "box closed". The same letter was then sent direct to the property address.

Mr Hornby contacted Council on Wednesday 26 October 2016 to confirm that he no longer had the post office box in Lismore and Council had sent the original letter to an incorrect address.

Mr Hornby has had telephone discussions with Council staff seeking financial relief, particularly due to the delay with the correspondence. Mr Hornby also maintains that he previously advised Council of the change of address. Council's records do not support this statement. Also the billing notice issued on 20 July 2016, to the post office box, was paid by the due date.

The timing of the September and October notifications resulted in high consumption for Mr Hornby for the September and December quarters; i.e.

- September - 232 kilolitres = \$496 (\$2.14 per kl)
- December - 403 kilolitres = \$1,170 (118 kls at \$2.14 and 285 kls at \$3.22)

The \$3.22 calculation is important in that any consumption over 350 kilolitres per annum is billed at the higher step rate, which is a 50% premium to the base rate. This higher step continues for the entire consumption year.

The normal historical water consumption for this property is around 60 kilolitres per quarter.

From a staff perspective we have no evidence to confirm that Mr Hornby advised Council of the change in address details, and the service we provide to people to notify of increased consumption, does help in saving future high consumption amounts. The feedback from our water billing staff is that all endeavours were made to provide Mr Hornby with details of this consumption increase.

To selectively support one application such as this is not good practice in managing public monies, when Council staff are regularly dealing with property owners who may also have sound reasons to assist with writing-off their accounts. Councillors do not see the majority of these requests and as there is no Council policy to guide these decisions, no assistance is being provided.

As mentioned in the Councillor comments, Council previously had a policy that allowed staff to write-off water charges, where it was able to be demonstrated that the leak was concealed and therefore impractical for the owner to identify the leak.

### **13.3 Notice of Motion - Concealed Water Leak**

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The elected Council subsequently rescinded this policy due to the amount of water charges that were being written-off.

If Council wants to provide relief for water leaks the more appropriate approach is to have a policy in place to ensure that decisions are made consistently and within an agreed framework. Point two of the Councillor notice of motion would allow such a policy to be developed, if that is now the preferred direction of Council.

#### **COUNCILLOR RECOMMENDATIONS**

1. That due to the delay in notifying the property owner of a concealed water leak, Council provide a 50% discount on the additional water charges levied against Mr Rod Hornby for the September Quarter 2016 resulting from the leak (up to a maximum of \$800).
2. That Council receive a report on options to provide some relief for ratepayers from water charges resulting from a concealed water leak in circumstances where:
  - There was a delay in notifying the property owner of the leak
  - The leak is the result of actions by a third party and costs are not recoverable by the property owner or
  - The imposition of the charge results in severe financial hardship.

#### **Attachment(s)**

1. Correspondence from Mr Hornby to Council
2. Correspondence from Council to Mr Hornby

## **13.4 Notice of Motion - Kings Court Water Reservoir and Playground**

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### **13.4 Notice of Motion - Kings Court Water Reservoir and Playground**

**Councillor**

Cr Cadwallader

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I move

That Council allocate \$20,000 for the installation of BBQ facilities at the playground in Kings Court Reserve, funded from the wastewater reserves.

#### **Councillor Comment**

As part of Council's Recycled Water Project, a reservoir was constructed on Kings Court Reserve. In consultation with local residents, the Lennox Head Chamber of Commerce, and the Lennox Head Residents Association, to improve the amenity of the reserve and to mitigate the visual impacts on the landscape from the water infrastructure, a playground and other social facilities were proposed.

The provision of BBQ facilities was included in the concept that was developed through the above consultation process. Furthermore, the reservoir was designed with a roof to provide some shelter to these facilities. The constructed works have allowed for the convenient installation of the utility services that are required to support BBQs. However, as discussed further below, BBQs have not been included in the work following a decision of the elected Council.

A report discussing the project design was considered by at the November 2014 Council meeting. In response to this report, Council decided to defer the matter to a Councillor briefing. The basis for this decision was a majority of Councillors were concerned about the budget estimate for the project and the scale of works proposed for the site. The briefing was held 16 December 2014, with the landscape architect who completed the design in attendance. The consensus of the Councillors that were present resulted in a number of design modifications, including the deletion of the BBQs from the project.

An updated plan confirming the agreed changes was circulated via the Councillor Bulletin on 6 March 2015.

Works commenced on the implementation of the updated design during the 2015/16 financial year, with all major works completed in October 2016.

The purpose of my motion is to reinstate BBQs as an important element of the design.

As noted above, the design was developed in consultation with the community and the reservoir constructed with the inclusion of BBQs in mind. This means the current presentation of the reservoir could be improved and importantly, BBQ facilities will enhance the attraction of this site and its thereby increase its use by the community.



#### **13.4 Notice of Motion - Kings Court Water Reservoir and Playground**

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As a public reserve, the site has been historically underutilised as until the new playground and landscaping were installed, there were no facilities on the reserve. The reserve provides excellent viewing of the coastal area to the east and is in close proximity to the property development that is occurring at various estates adjacent to North Creek Road. Therefore, by completing these works, Council will complete the creation of a unique and special public space.

Information reported to Council in January 2017 noted the budget for this project was \$179,000, however savings were achieved and the expenditure for the project was \$120,000.

#### **Staff Comment**

As per the final paragraph the budget for this project for 2016/17 was \$179,000 but this was reduced to \$120,000 at the January 2017 Ordinary meeting, based on actual expenditure. Those savings were transferred back to the internal wastewater reserves.

This means there are funds in reserve to finance this work if this is the preferred level of capital expenditure.

#### **COUNCILLOR RECOMMENDATION**

That Council allocate \$20,000 for the installation of BBQ facilities at Kings Court Reserve, funded from the wastewater reserves.

#### **Attachment(s)**

Nil

### 13.5 Notice of Motion - Whytes Lane West

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#### 13.5 Notice of Motion - Whytes Lane West

**Councillor**

Cr Eoin Johnston

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I move

That Council include Whytes Lane West on its register of roads to be maintained under its Road Maintenance and Renewal Policy.

#### **Councillor Comment**

Whytes Lane West adjoins the Pacific Highway at Pimlico between Ballina and Wardell. The road was previously maintained by Council but some years ago that maintenance ceased without any notice being conveyed to the residents of the five properties that rely on access from that road.

The unsealed and unmaintained section of the road is approximately 730 metres. There is a western fork off that section which consists of 150 metres of unsealed driveway on private property that is maintained by Council.

The Road Maintenance and Renewal Policy was adopted by Council in 2014 together with a register of roads that Council elected to continue to maintain. It can only be assumed that the reason Whytes Lane West was excluded from this list was based on an erroneous assessment as to the number of dwellings on that road. The criteria states: "Typically, roads not maintained by Council are road lengths that serve none, one or two dwellings only."

There are four properties directly fronting that section of road. The occupiers are Chris Pickford, Neville Pollard, Bruce Cooper and Mick Archer. Jeff Pickford has access to his residence through his brother's property.

The register does not reflect the current maintenance activities on the road and excludes any mention of the aforementioned private driveway. Also, it does not include the 175 metre section of sealed road at the start of the lane.

The road is low lying and poorly drained and is subject to frequent heavy vehicle traffic during the sugar cane season. In recent years rudimentary maintenance has been provided by the residents at their own expense.

#### **Staff Comment**

As noted above, the Council adopted a Road Maintenance Policy in 2014. The relevant part of the Policy is reproduced below.

#### *Roads Register*

*The RTAMP includes Council's Roads Register which records the details of all public roads maintained by Council. Under this policy, Council will only maintain road lengths included in the register.*

### 13.5 Notice of Motion - Whytes Lane West

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*It is noted that not all public roads under the care and control of Council are included in this register as roads to be maintained by Council. The register of roads to be maintained has developed over a long period of time and reflects that it is not economically feasible or reasonable to provide maintenance services to all of the public roads under the control of Council. Typically the roads not maintained by Council are road lengths that serve none, one or two dwellings only.*

*It is however acknowledged that the historical development of this register may have resulted in some inconsistent outcomes which could be perceived as being unfair to some residents.*

*To address this would require the Council to establish agreed criteria for inclusion in the register and undertake a review of each road segment. This would be a substantial project.*

*It is also likely that it would be difficult for Council to reduce existing service levels for a road currently maintained that did not meet any new criteria. It is also possible that such a review, dependant on the criteria approach, could lead to an increased maintenance costs to Council by expanding the length of network maintained.*

*On this basis, the Council's policy is to adopt the current road register as the limit of its maintenance service.*

*Requests can be made, in writing, to Council to consider further inclusions in the road register. These requests will be determined by the Group Manager Civil Services on a merit assessment basis. However, it is noted, that the primary purpose of this policy is to limit Council's maintenance liabilities to the existing levels due to the high demand for Council services and our limited financial resources. Therefore, applications for inclusion on the register will be a relatively high test and only be successful where there is;*

- *A major change in the traffic demands for the road*
- *A gross inequity exists when compared to a majority of road segments within the register*
- *Exceptional circumstances of the case that would warrant inclusion*

*Where an application for inclusion on the register is unsuccessful, this decision may only be reviewed through a Notice of Motion presented to the Council in accordance with its Code of Meeting Practice.*

The above Councillor comment refers to an assumed erroneous assessment. This assumption is incorrect. For the reasons set out above from the policy, adopting the historical register was preferred to conducting a Shire wide assessment strategy for each segment of road to be considered for maintenance.

Staff have carefully considered the request from Mr Pickford and it is the opinion of staff the conditions of the three part test in the policy have not been met. In this regard, if the Council is inclined to support the recommendation, it is considered important that the Council confirm the specific reason and circumstance for such a decision to ensure equity for residents who use other roads not maintained by Council.

### **13.5 Notice of Motion - Whytes Lane West**

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Despite the policy's limitation in not providing a set quantitative or qualitative assessment process to prepare the register, the policy has been working well.

Since 2014 there have only been a few requests for a formal review, no variations to the register have been approved, and this is the first Notice of Motion submitted to Council to review a staff determination made under the policy.

As there are very few complaints, it appears the consistent application of a very longstanding maintenance schedule means most residents are at least familiar with the maintenance service level provided by Council and those that do not receive a service are generally able to make their own arrangements.

The policy has provided staff with a clear direction to enable consistent and fair responses to be issued in response to the inquiries.

The Councillor comment refers to the maintenance arrangements changing some years ago and without notice. Road maintenance data and activities have not always been recorded, however Council's long serving operations staff are of the view the road has not been maintained by Council for at least 20 years and probably longer.

Due to this passage of time, it is not possible to confirm what process or consultation was undertaken by Council at the point in time there was a change in service level (assuming a change did occur).

Council's maintenance engineer has prepared the following cost estimate in relation to this request.

Based on the historical rates for the formed section of Whytes lane of \$1.73/m<sup>2</sup>/year at 4.5m wide and 760m long, the annual service costs are estimated to be \$5,916 per year. In addition, vegetation management, guidepost maintenance and other activities are estimated to be \$970 per annum.

To establish the road to the condition of other Council roads, that is to provide the preferred pavement thickness and shape correction, an additional initial sum of \$18,810 is required for the first year.

There is a number of creek or farm drain crossings that are under this road and these would need to be inspected to determine if further funds are required to address any maintenance issues.

In dealing with requests for increased service levels for road maintenance, it is often suggested by residents that Council is required to maintain its public roads.

While there are constraints on road authorities in respect of closing or opening roads, there are no statutory obligations for a road authority to maintain public roads to prescribed service levels and therefore the service level is discretionary, subject to the consideration and management of any public safety risks.

In fact Council has many dedicated public roads that are unformed as well as public roads such as Whytes Lane West which are not maintained.

### **13.5 Notice of Motion - Whytes Lane West**

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While the policy was only formally adopted by Council in 2014, the use of the road register in its current form has been the Council's practice for a very long time and this has been an effective system to manage Council's decision making and budget.

In conclusion the key point for Council to be mindful of when debating this matter is whether or not circumstances are present in this case that sufficiently distinguishes this matter from other past or future requests from residents in similar situations.

Without such circumstances, the recommendation can be criticised as being inequitable.

Significant additional funds would be required to support any further and ongoing additions to the road maintenance program.

#### **COUNCILLOR RECOMMENDATION**

That Council include Whytes Lane West on its register of roads to be maintained under its Road Maintenance and Renewal Policy.

#### **Attachment(s)**

Nil

### 13.6 Notice of Motion - Roundabout at Sharpes Beach

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### 13.6 Notice of Motion - Roundabout at Sharpes Beach

**Councillor**

Cr Jeff Johnson

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I move

That Council reaffirms its long standing preference for the installation of a two lane roundabout at the intersection of Headlands Drive and The Coast Road.

#### **Councillor Comment**

It is understood that Council will shortly receive a development application for the development of the land commonly referred to as Dr Stewart's Farm.

Without prejudging that application it is important for the developers planning consultant and the wider community to be aware that Council's long standing preference has been for the installation of a two lane roundabout at the intersection of Headlands Drive and The Coast Road. Support for this motion will help to formally communicate this position.

#### **Staff Comment**

At the Council meeting held in October 2016 the Council resolved to adopt a development control plan for the proposed Skennars Head Village Expansion Area. Council's resolution (in part) is reproduced below.

*That Council resolves to adopt the exhibited draft development control plan amendments relating to the Skennars Head Village Expansion Area, with the following changes:*

- *Amend the text relating to the preferred intersection treatment with The Coast Road to require that an appropriately configured roundabout be provided in association with the development of the land.*
- *Include a requirement that a pedestrian underpass be provided to facilitate safe pedestrian access between the Skennars Head Expansion Area and Sharpes Beach.*

This means Council has already established a formal policy position regarding the proposed intersection. This policy position has been properly formed statutorily, with this process including community consultation.

The Councillor comment acknowledges it is important not to determine a position before a development application has been assessed. Councillors should be mindful of this when discussing this motion.

The assessment of any development application will be undertaken on a technical basis once the application has been made.

**COUNCILLOR RECOMMENDATION**

That Council reaffirms its long standing preference for the installation of a two lane roundabout at the intersection of Headlands Drive and The Coast Road.

**Attachment(s)**

Nil

14. Advisory Committee Minutes

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**14. Advisory Committee Minutes**

Nil Items



## 15.1 Mayoral Meetings

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### 15. Reports from Councillors on Attendance on Council's behalf

#### 15.1 Mayoral Meetings

**Councillor** David Wright

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Activities since the January 2017 Ordinary meeting:

<u>Date</u>	<u>Function</u>
22/1/17	Ballina Markets
23/1/17	Meeting - Ballina Markets
23/1/17	Meeting Missingham Markets
23/1/17	Meeting – Visions Estate
24/1/17	Meeting DPI
24/1/17	JRPP Briefing
24/1/17	Briefing – ‘Visions’ Estate
25/1/17	Organisation for Australia day
26/1/17	Marine Rescue Tower Meeting
28/1/17	Missingham Markets
29/2/17	Commemoration Park Markets
31/1/17	Church Group
2/2/17	Meeting – Cultural Way
2/2/17	Briefing – Major Developments
2/2/17	Northern Rivers Gallery Launch
3/2/17	NOROC
3/2/17	Launch – Friends of the Koala Communications Plan
4/2/17	Missingham Markets
4/2/17	Oz Fish RSL
4/2/17	Stephen Wills – 50 Big Bash
5/2/17	Commemoration Park Markets
7/2/17	Alstonville Wollongbar Chamber of Commerce
7/2/17	Briefing – Ballina Marina Masterplan
8/2/17	Traffic Committee
9/2/17	Student Induction – Richmond Christian College
9/2/17	Meeting John Larsson and Matt Landos
9/2/17	Aboriginal Community Committee
10/2/17	Meeting Bill Knoble and Tony Hart – Sharpes Beach
10/2/17	Extraordinary Meeting – Special Rate Variation
11/2/17	Missingham Markets
12/2/17	Alstonville Markets
12/2/17	Commemoration Park Markets
12/2/17	Lennox Head Markets
12/2/17	Community Meeting Lennox Head
13/2/17	Meeting – Men’s Shed
13/2/17	Meeting Steve Connelly – Burns Point Ferry Road
13/2/17	Meeting - Garry Tully
13/2/17	Meeting – Intrapac
15/2/17	Aboriginal Cultural Ways Interpretive Way Signage
15/2/17	Wardell Ratepayers Meeting

## **15.1 Mayoral Meetings**

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15/2/16	Wollongbar Progress Association Meeting
16/2/17	Ambassador Thank you – Lighthouse Café
16/2/17	Ambassador Tour – Signage
16/2/17	Meeting with Wollongbar Rugby
16/2/17	Meeting with SES
16/2/17	Briefing – Surf School Licences
16/2/17	Shark Management Meeting – Surf Club
21/2/17	Lions Club of Ballina – Youth of the Year
23/2/17	Council Meeting
23/2/17	Reserve Trust Meeting
23/2/17	Gallery Opening
25/2/17	Lions Youth of the Year Quest

### **RECOMMENDATION**

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

### **Attachment(s)**

Nil

16. Confidential Session

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**16. Confidential Session**

Nil Items