



Notice of Ordinary Meeting

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 25 January 2018 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
 2. Acknowledgement of Country
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 5. Declarations of Interest & Reportable Political Donations
 6. Deputations
 7. Mayoral Minutes
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1. Australian National Anthem

The National Anthem will be performed by Councillors and staff.

2. Acknowledgement of Country

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

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

3. Apologies

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 14 December 2017 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 14 December 2017.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 Legal Action - Failure to Provide Annual Fire Safety Statement

8. Development and Environmental Health Group Reports

8.1 Legal Action - Failure to Provide Annual Fire Safety Statement

Delivery Program Development Services

Objective To seek Council endorsement to commence legal action for a failure to provide annual fire safety statements.

Background

The Wardell Hotel, also known as Wardell on the River Hotel, was originally constructed in the late 1800's. Over time, this building has had alterations and additions to the original building.

The requirement for essential services provisions came into force on 1 July 1988. These provisions require that a building owner (or building owners' representative) must submit an Annual Fire Safety Statement for the whole property to a Local Council and the NSW Fire and Rescue.

The Annual Fire Safety Statement provides certification of the ongoing performance and maintenance of the approved and installed fire safety measures and is to be completed on an annual basis.

The proprietor of the Hotel is required to submit an Annual Fire Safety Statement to Ballina Shire Council and NSW Fire and Rescue for the servicing of Emergency Lighting, Fire Hose Reels and Exit Signage.

In relation to the subject premises, a review of the Annual Fire Safety Statement provisions was conducted. Council records indicate that the Annual Fire Safety Statement has not been lodged with Council since 5 February 2014 in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000* (NSW).

With Council having unsuccessfully been able to obtain a statement since 2014 the purpose of this report is to obtain Council approval to commence legal action.

Key Issues

- Failure to Provide Annual Fire Safety Statements
- Heightened danger to patrons of the Wardell Hotel

Information

Council records indicate that since 2012, the following actions have been taken in relation to the required Annual Fire Safety Statements by the landowner for the Wardell Hotel:

- 2 August 2012 - Formal Warning issued for the failure to provide an Annual Fire Safety Statement to Council

8.1 Legal Action - Failure to Provide Annual Fire Safety Statement

- 15 August 2012 – Annual Fire Safety Statement provided to Council for the Wardell Hotel for the 2012 calendar year
- 22 May 2013 – Written reminder letter issued requiring the lodgment of the Annual Fire Safety Statement
- 13 August 2013 – Formal Warning issued for the failure to provide an Annual Fire Safety Statement to Council
- 4 November 2013 – Facsimile message sent for the failure to provide an Annual Fire Safety Statement to Council
- 19 December 2013 – Penalty Infringement Notice issued for the failure to provide an Annual Fire Safety Statement to Council
- 30 January 2014 – Facsimile message sent for the failure to provide an Annual Fire Safety Statement to Council
- 11 February 2014 – Annual Fire Safety Statement to Council for the Wardell Hotel for the 2013 calendar year
- 26 November 2014 – Annual Reminder letter sent advising that the Annual Fire Safety Statement was due to be provided to Council by 5 February 2015
- 12 March 2015 – Penalty Infringement Notice issued for the failure to provide the Annual Fire Safety Statement to Council by 5 February 2015
- 20 October 2015 – Email sent requiring the provision of the Annual Fire Safety Statement to Council
- 19 September 2016 – Formal Warning issued for the failure to provide an Annual Fire Safety Statement to Council.

Following a review of this matter, Council sought advice from CH Law in relation to the best way forward to achieve compliance with the legislative requirements to provide the Annual Fire Safety Statements to Council.

Council's solicitor wrote and provided a period of grace until 14 December 2017.

As at the time of writing this report Council's records indicate that the Annual Fire Safety Statements have not been provided to Council in line with Council's solicitor's letter.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The Wardell Hotel is a place of gathering for the local community and the landowner has an obligation to ensure the safety of patrons of the establishment by maintaining adequate fire safety measures.

8.1 Legal Action - Failure to Provide Annual Fire Safety Statement

- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Legal proceedings are generally costly and to minimise costs and to achieve an acceptable outcome, there are a number of options available.

Consultation

Compliance staff have sought the advice of CH Law from Council's Legal Panel and is acting in accordance with this advice.

This report has been made in open Council as all the information within it is a matter of public record. If the Council needs to debate any matters having potential legal privilege, it may be necessary to resolve into confidential session.

Options

Council has a number of options as to what form of action, if any, it wishes to take for the failure to provide Annual Fire Safety Statements to Council for the subject premises. The options are fully outlined in the *Council Enforcement Policy* (hereinafter referred to as the "Enforcement Policy").

In determining a suitable response to this matter Council will need to give consideration to the requirement for a general deterrent that the failure to comply with legislative requirements is not acceptable.

Should Council decide to take minimal action for the failure to provide the required Annual Fire Safety Statements for the subject premises, it could create an undesirable situation within the local area that may result in similar non-compliances being undertaken by other landowners. This would have a detrimental effect on the protection of life and the safety of buildings within Ballina Shire.

Having given due regard to the considerations for legal action as outlined in Part 3 of the Enforcement Policy and the need for a clear deterrent to the general public, it is considered that further enforcement action is warranted.

Council currently has five options available in relation to this unauthorised works identified within the Enforcement Policy. Council's options are:

1. Issue Formal Warnings
2. Issue Penalty Infringement Notices
3. Commence Local Court Criminal Prosecution Proceedings
4. Commence Land and Environment Court Criminal Prosecution Proceedings and
5. Commence legal proceedings in the Court of appropriate jurisdiction requiring the provision of the Annual Fire Safety Statements for the subject premises.

8.1 Legal Action - Failure to Provide Annual Fire Safety Statement

Option One

Issue Formal Warnings - When viewed in isolation, the service of Formal Warnings is not considered to be a suitable and sufficient deterrent for the ongoing failure to provide the required Annual Fire Safety Statements for the subject premises to both Council and NSW Fire and Rescue.

Option Two

Issue Penalty Infringement Notice – The current landowner has previously been issued with two penalty infringement notices for the failure to provide Annual Fire Safety Statements for the subject premises to Council. This has not proven to be effective in ensuring ongoing compliance.

Options Three and Four

Options three and four recommend the commencement of criminal prosecution proceedings. The major difference between these two options is the Court jurisdiction.

The NSW Land and Environment Court is a division of the NSW Supreme Court. In this jurisdiction, any criminal prosecution, if successful, would leave any party subject to a maximum penalty of \$1,100,000.

On the other hand, the Local Court jurisdiction would be able to impose a maximum penalty of \$110,000.

Council would need to also consider the capacity of any party to pay any penalty that may be imposed by the relevant Court. As stated, monetary penalties issued by the Land and Environment Court can be substantial.

Either of these two options would adequately address the penalty requirements and, upon successful completion of the proceedings, would provide a general deterrent to the general public for the failure to provide Annual Fire Safety Statements to both Ballina Shire Council and NSW Fire and Rescue.

In this case Local Court action is recommended as being commensurate with the level of the offences.

Options Five

This option provides an avenue to have an Order issued by the Court of appropriate jurisdiction requiring the ongoing provision of Annual Fire Safety Statements to both Council and NSW Fire and Rescue in accordance with legislative requirements.

Under recent changes to the *Environmental Planning and Assessment Act 1979* (NSW), the Local Court has the jurisdiction to issue such an Order.

8.1 Legal Action - Failure to Provide Annual Fire Safety Statement

Use of Multiple Options

There is no legal impediment to Council utilising more than one of the above options to require the landowner provide Annual Fire Safety Statements to both Council and NSW Fire and Rescue. When referring to actions within the Land and Environment Court, it is common practice, should sufficient evidence exist, for both criminal and civil proceedings to be commenced for an unlawful activity. Further, Council could utilise three or four options should circumstances require.

The use of multiple options is also consistent with the Enforcement Policy.

In this particular instance, employing more than one option would be appropriate, given the need for a pecuniary penalty and for remediation action to ensure the ongoing servicing and monitoring of fire safety measures within the subject premises.

Any decision in relation to this report should be made consistent with previous resolutions.

In April 2012 Council considered a matter involving Verna Wall and Chambers Constructions Pty Ltd and in May 2013 considered the matters involving Jade and Fiona Rose, Karen Wiggins and TCDE Pty Ltd and in April 2015 considered the matter of Mr Brian Camidge. In these instances, Council, after due consideration, resolved to take legal action in the Local Court for the identified offences.

In the above cases, the Magistrate found all parties guilty of the offences and issued fines ranging from \$4,000 up to \$24,250 plus legal costs.

In respect to the matter involving Mr Camidge, the Local Court also endorsed an agreement for a positive covenant to be placed on Mr Camidge's land, requiring revegetation of that property.

The recommendation that follows outlines the preferred course of action which is considered to be a reasonable balance in respect to the options available.

RECOMMENDATIONS

1. That Council endorses option three, as outlined in this report, regarding the commencement of criminal proceedings in the Local Court for the current and any future failure to provide Annual Fire Safety Statements to Council for the Wardell Hotel.
2. That Council endorses option five, as outlined in this report, regarding the seeking of an Order for the ongoing provision of Annual Fire Safety Statements to Council for the Wardell Hotel.

Attachment(s)

Nil

8.2 Development Applications – Variation to Development Standards

8.2 Development Applications – Variation to Development Standards

In accordance with the Department of Planning's Circular PS08-014, the following information is provided with regards to development applications where a variation to development standards (via the BLEP 1987 or BLEP 2012) has been approved.

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

RECOMMENDATION

That Council notes that there have been NO applications approved under delegation for variations to development standards less than 10% for December 2017.

Attachment(s)

Nil

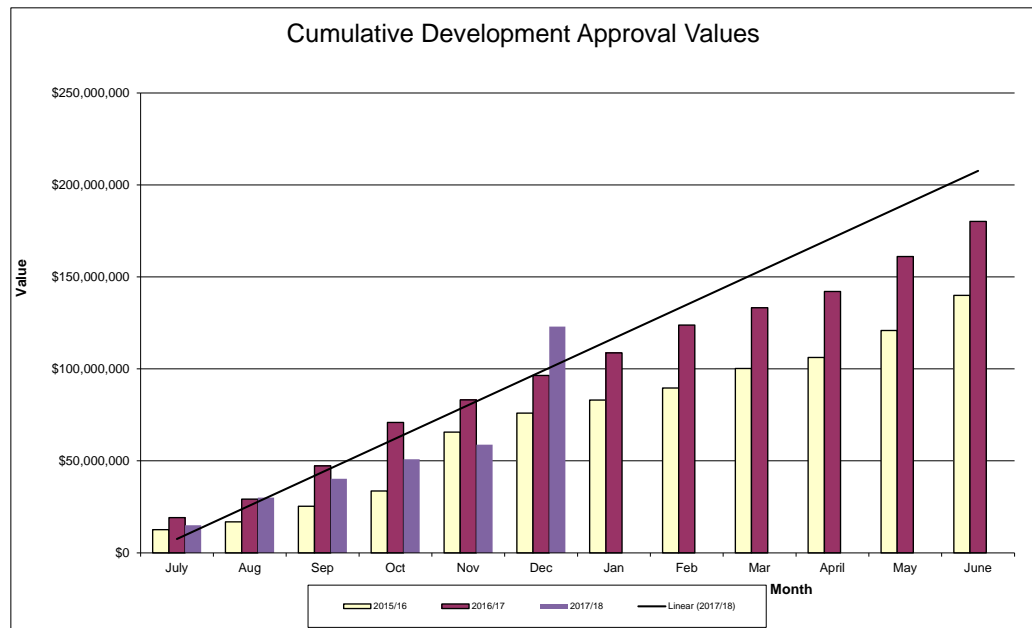
8.3 Development Consent and Infrastructure Approvals - December 2017

8.3 Development Consent and Infrastructure Approvals - December 2017

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

Number of Applications	Value of Work
24 Other including Changes of Use	\$ 1,106,030
13 Dwellings/Dual Occupancies/Residential Flat Buildings/New Commercial and Industrial Buildings	\$ 63,018,322
10 General Developments including Subdivisions	\$ 23,500
Total Value	\$ 64,147,852

The following chart details the cumulative consent figures for 2017/18 as compared to 2016/17 and 2015/16.



During the period of 1 December 2017 to 31 December 2017 there were no approvals issued for Public Infrastructure / Civil Construction.

RECOMMENDATION

That Council notes the contents of the report on development consent and public infrastructure approvals for December 2017.

Attachment(s)

Nil

8.4 Development Applications - Works in Progress - January 2018

8.4 Development Applications - Works in Progress - January 2018

The following schedule sets out current development applications that have not yet been dealt with for the reasons cited.

Duplex and dual occupancy applications are not included in this report.

DA No.	Date Rec'd	Applicant	Proposal	Status
2017/129	17/3/2017	CivilTech Consulting Engineers	Construction of a two lane road linking North Creek Road to the Ballina Byron Gateway Airport including three roundabouts at the intersections with North Creek Road, Boeing Avenue and the connection into the airport. The proposal also includes extensions to Boeing Avenue and the realignment of Corks Lane, site filling, vegetation removal and associated works. – Lot 5 DP 123781 Corks Lane, Ballina	Awaiting Additional Information
2017/223	5/5/2017	Ardill Payne & Partners	Two lot residential subdivision to create 1 x 1,157sqm and 1 x 1,145sqm allotments and associated works – 31 Tara Downs, Lennox Head	Awaiting Additional Information
2017/232	12/5/2017	GM Project Development & Management	Three Lot Strata Title Subdivision – 6 George Street, Tintenbar	Awaiting Additional Information
2017/254	19/5/2017	Ardill Payne & Partners	Boundary adjustment subdivision between two lots to create two modified lots and subsequent erection and Strata Title subdivision of a detached dual occupancy on each modified lot and associated works - 34 & 36 Liffey Avenue,	Determination Pending

8.4 Development Applications - Works in Progress - January 2018

			Cumbalum	
2017/360	30/06/2017	Ardill Payne & Partners	To undertake a tourist and visitor accommodation development comprising the construction of eight tourist cabins in four stages and associated works – 663 Fernleigh Road, Brooklet	Being Assessed
2017/370	07/07/2017	Newton Denny Chapelle	Service Station and Childcare Centre – 246-250 Lismore Road, Wollongbar	Awaiting Additional Information
2017/408	27/07/2017	Byron Bay Planning	Establishment of an Attached Dual Occupancy and Tourist and Visitor Accommodation Comprising Three Holiday Cabins and Vegetation Management Works – 64 Ross Lane, Kinvara	Determination Pending
2017/414	28/07/2017	Newton Denny Chapelle	Alterations and additions to an existing dwelling house and establishment of a bed and breakfast facility including new driveway access, car parking, vegetation management works and associated works – 24 Old Pacific Highway, Newrybar	Awaiting Additional Information
2017/430	04/08/2017	Victor Holmes Town Planning	Change of use to light industry, truck depot and storage facility, with associated business identification sign – 38B Smith Drive, West Ballina	Awaiting Additional Information
2017/434	07/08/2017	PalmLake Works Pty Ltd	Seniors Housing Development (Extension to Palm Lake Resort) Comprising 18 Self Contained Dwellings,	Referred to Government Departments

8.4 Development Applications - Works in Progress - January 2018

			Infrastructure and Associated Works - 16 & 120 Corks Lane & North Creek Road, Ballina	
2017/493	6/9/2017	Anne Coombs	Construction of a rural farm building and earthworks associated with a horse riding arena – 461 Hinterland Way, Knockrow	Determination Pending
2017/534	26/9/2017	Newton Denny Chapelle	Subdivision to create three development lots and residue lots – Lot 54 DP 1222919 Hutley Drive, Lennox Head (EPIQ Estate)	Referred to Government Departments
2017/554	13/10/2017	Ballina Shire Council	Construction of a skate park - Lot 2 Elvery Lane, Alstonville	Awaiting Additional Information
2017/557	06/10/2017	Byron Highlander Estate Pty Ltd	Establishment of a Place of Assembly (Function Centre and Refreshment Room) and a Change of Use of an Existing Dwelling House to a Tourist Facility (Accommodation) - North Teven Road, Teven	Awaiting Additional Information To be reported to Council
2017/565	11/10/2017	Newton Denny Chapelle	Stage 5 - 88 Lot Residential Subdivision comprising 81 Torrens Title Lots and Seven Community Title Lots, Civil Infrastructure Servicing and Associated Earthworks (stage five of 'EPIQ)Lennox') - Lot 54 Hutley Drive, Lennox Head	Being Assessed
2017/600	30/10/2017	Newton Denny Chapelle	Expansion to an Existing Resource Recovery Facility - 19-21 Northcott Crescent, Alstonville	Referred to Government Departments

8.4 Development Applications - Works in Progress - January 2018

2017/609	31/10/2017	Ardill Payne & Partners	Construction of the Ballina Community Men's Shed - 36 Racecourse Road, Ballina	Awaiting Additional Information
2017/613	3/11/2017	Newton Denny Chapelle	Alterations and additions to the existing Emmanuel Anglican College including construction of additional classrooms, car parking, roof over existing court and associated infrastructure and landscaping works – 62 Horizon Drive, West Ballina	Being Assessed
2017/643	16/11/2017	Newton Denny Chapelle	Demolition and/or relocation of existing structures and erection and Strata Title subdivision of seven x two storey and two single storey self-care seniors living units pursuant to Sate Environmental Planning Policy (Housing for Seniors or People with a Disability), site filling and associated works – 78 Moon Street, Ballina	Awaiting Additional Information
2017/645	16/11/2017	Ardill Payne & Partners	Boundary adjustment subdivision of three rural lots to create three modified rural lots – 60 & 62 Saltwater Creek Road, Wardell	Referred to Government Departments
2017/647	16/11/2017	Logan Architecture	Erection of a Two Storey Building for the Purposes of a Veterinary Clinic with Associated Veterinary Dwelling, Car Parking and Associated Works – 48 Ballina Street, Lennox Head	Being Assessed

8.4 Development Applications - Works in Progress - January 2018

2017/652	20/11/2017	Stephen Fletcher & Associates Pty Ltd	Two lot subdivision to create 1 x 8315sqm and 1 x 2725 sqm lots and associated works – 543 The Coast Road, Lennox Head	Referred to Government Departments
2017/653	20/11/2017	Ardill Payne & Partners	Alterations and use of a mezzanine level within an existing industrial unit – 3/7 Piper Drive, Ballina	Being Assessed
2017/655	20/11/2017	Seedlings Organic	Two lot subdivision to create one x 0.95ha and one x 2.9ha allotments and the erection of a shed for the purpose of an agricultural produce industry – 111 Friday Hut Road, Tintenbar	Referred to Government Departments
2017/662	21/11/2017	Newton Denny Chapelle	Proposed Temporary Use of Land for Five Years Consisting of a Function Centre for the Purpose of Hosting Up to 38 Wedding Ceremonies in any 12 Month Period – 1 Johnston Road, Newrybar	On Exhibition and Referred to Government Departments
2017/675	28/11/2017	Ardill Payne & Partners	Strata Title Subdivision of an Existing Residential Flat Building – 5 Rancher Court, Wollongbar	Awaiting Additional Information
2017/679	30/11/2017	Ardill Payne & Partners	Demolition of Existing House and Shed and Torrens Title Subdivision to create 10 Residential Lots Including New Road and Infrastructure Services – 77 Teven Road, Alstonville	On Exhibition To be reported to Council
2017/688	6/12/2017	Glen Essery	Vegetation management works comprising the removal of five trees – 12 Russellton Drive, Alstonville	Being Assessed

8.4 Development Applications - Works in Progress - January 2018

2017/705	13/12/2017	James Wort	Vegetation management works comprising the removal of one tree – 107 Main Street, Alstonville	Awaiting Additional Information
2017/712	14/12/2017	Malcolm Scott Consultant Town Planner	Alterations and additions to existing Tourist Facility (Gaia Retreat) comprising new office space, new yoga room and re-location of an approved cabin site – 933 Fernleigh Road, Brooklet	Awaiting Additional Information
2017/714	18/12/2017	Ardill Payne & Partners	Retrospective Consent for an Existing Internally Illuminated Petrol Price Sign – 1185 Bruxner Highway, Wollongbar	Being assessed
2017/718	19/12/2017	Newton Denny Chapelle	To establish and Strata Title Subdivide a multi-dwelling housing development involving the erection of two attached two storey dwellings in addition to the existing dwelling house, demolition of existing garage, vegetation management works and other associated works – 71 Stewart Street, Lennox Head	On Exhibition
2017/722	20/12/2017	Ardill Payne & Partners	Erection of farm and structures associated with the intensive plant agriculture use of the land – Patches Beach Road, Patches Beach	Being Assessed

8.4 Development Applications - Works in Progress - January 2018

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/2	4/01/16	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
2016/184	15/4/16	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	Subject to Class 1 Appeal in the NSW Land & Environment Court

8.4 Development Applications - Works in Progress - January 2018

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/524	16/9/16	Planners North	Amended Proposal: Seniors Living Development pursuant to SEPP (Housing for Seniors and People with a Disability) 2004 comprising amended layout, 170 (previously 211) serviced, self-care housing (previously 210) with associated clubhouse, recreation facilities, roads and associated infrastructure and environmental management and protection works – 67 Skennars Head Road, Skennars Head	Being Assessed
2016/746	23/12/16	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	Briefing to be held with Councillors Awaiting Additional Information

8.4 Development Applications - Works in Progress - January 2018

DA No.	Date Rec'd	Applicant	Proposal	Status
2017/244	17/5/2017	Intrapac Skennars Head Pty Ltd	Amended Proposal: To undertake the first stage of a residential subdivision comprising 218 residential lots, five public reserve lots, eight super lots for future subdivision, five utility lots and one residue lot. The proposed subdivision, to be carried out in stages, will involve the construction of a new access to The Coast Road incorporating the Sharpes Beach Car Park Access junction with a roundabout and facilitating connection into Headlands Drive. The subdivision also proposes extensive earthworks across the site, utilities augmentation, stormwater management and drainage, vegetation removal and associated works – Lot 6 DP 1225206 (formally Lot 265 DP 1212348) The Coast Road, Skennars Head	Referred to Government Departments
2017/447	17/8/2017	Newton Denny Chapelle	Erection of a Neighbourhood Shopping Centre, involving a Supermarket (Woolworths) and Speciality Shops, Associated Car Parking and Other Infrastructure Servicing, Earthworks, Signage and Landscaping within the EPIQ Estate at Lennox Head – Hutley Drive, Lennox Head	Referred to Government Departments

8.4 Development Applications - Works in Progress - January 2018

DA No.	Date Rec'd	Applicant	Proposal	Status
2017/509	13/9/2017	Conrad Gargett	Alterations and Additions to Lennox Head Public School including the demolition of a number of demountable buildings and construction of new classrooms and amenities including administration building, two storey homebase building (exceeding the 8.5 metre building height standard), canteen, covered outdoor learning area, basketball court, landscaping and associated works – 25 Byron Street, Lennox Head	Referred to Government Departments
2017/670	23/11/2017	Planners North	Extractive Industry and Concept Approval for future recreational and tourism use – Newrybar Swamp Road, Lennox Head	On Exhibition

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 January 2018.

Attachment(s)

Nil

9.1 LEP Amendment Request - 23 Compton Drive, East Ballina

9. Strategic and Community Facilities Group Reports

9.1 LEP Amendment Request - 23 Compton Drive, East Ballina

Delivery Program Strategic Planning

Objective To outline a proposal to amend the Ballina Local Environmental Plan 2012 to rezone part of Lot 3 DP 525783, No. 23 Compton Drive, East Ballina and adjacent public land at Lot 1 DP 781542, to R2 Low Density Residential and seek direction on the submission of a planning proposal for Gateway determination.

Background

Council has received a request from Ardill Payne and Partners on behalf of the property owners Ms Sharon Barrie and Mr Kristian Moon to rezone part of Lot 3 DP 525783, No. 23 Compton Drive, East Ballina from Deferred Matter to R2 Low Density Residential under the Ballina Local Environmental Plan 2012 (BLEP 2012).

The proposal also involves a change from the 40ha minimum lot size for subdivision standard to apply a 600m² minimum lot size to the area proposed for the R2 zoning.

The proponent has advised that the landowners are liaising with Council's Commercial Services Section regarding a proposition for Council to consider the sale of all or part of the adjoining lot (Lot 1 DP 781542) contingent upon Lot 1 also being zoned for residential purposes.

Council's Commercial Services Group has supported the inclusion of Lot 1 in this planning proposal subject to further investigation and reporting, particularly in relation to the retention of the Coogee Street stairs in public ownership. Importantly, Council as a landholder can withdraw from the rezoning process at any time.

The Coogee Street stairs are partly located within Lot 1 and there is a prior resolution of the Council to excise the stairs from Lot 1 prior to any future leasing or disposal of Lot 1 to ensure the stairs remain in public ownership and accessible to the community.

The proposed amendment enables the land to be used for residential development. A copy of the information submitted by the proponent in support of the LEP amendment request is contained in Attachment 1.

A copy of the planning proposal prepared by Council staff that provides details about the proposed LEP amendment (BSCPP 17/012) is contained in Attachment 2.

The location of the land (Lots 1 and 3) is shown outlined in red in Figure 1.



Figure 1: Site Locality Lot 1 DP 781542 and Lot 3 DP 525783 (23 Compton Drive) East Ballina.

A request to rezone Lot 3 was considered as part of the draft planning proposal for Stage 2 of Council's deferred matters integration program which was reported to the Council at its April 2017 Ordinary Meeting. The planning proposal recommended the R2 Low Density Residential zone be applied to part of the land that was considered unsuitable for the application of an environmental zone.

At its April 2017 meeting the Council resolved not to proceed with the previously adopted staging program for the integration of deferred matters into the Ballina LEP 2012. Council resolved instead to retain the existing environmental protection zones under the Ballina LEP 1987 as deferred areas and to transition the remaining deferred areas into the Ballina LEP 2012.

Given the uncertainty surrounding the timeframe for resolving the integration of deferred matter land, the landowners have submitted a 'stand-alone' request to rezone part of Lot 3 to enable the residential development of the site. The adjacent public land (Lot 1) is also included for consideration as noted above.

The purpose of this report is to outline the amendment proposal and seek direction in relation to the further consideration and assessment of the amendment request.

Key Issues

- Merits of proposed LEP amendment.
- Infill residential development.
- Suitability of land for residential zoning and development.

Information

Zoning – Ballina LEP 2012 and Ballina LEP 1987

Both Lot 1 DP 781542 and Lot 3 DP 525783 are mapped as 'Deferred Matter' under the BLEP 2012 and remain subject to the provisions of the BLEP 1987. Lot 1 is zoned 7(d) Environmental Protection (Scenic/ Escarpment) and Lot 3 is zoned part 2(a) Living Area and part 7(d) Environmental Protection (Scenic/ Escarpment). Both land parcels are subject to a 40 hectare minimum lot size standard for subdivision.

Lot 3 does not currently have a dwelling entitlement in accordance with Clause 12(3) of the BLEP 1987.

Maps showing the current and proposed zoning and minimum lot size standards are provided in Appendix 2 of the planning proposal (Attachment 2).

Site Assessment

Lot 3 has an area of 537.5 square metres, is irregular in shape and has a frontage of approximately 21 metres to Compton Drive. Existing improvements on the land comprise a single storey timber and F/C clad building which is currently vacant and has previously been used as a restaurant/café. The site has access to existing services including water, sewer, electricity and telecommunication facilities.

Part of the existing building and associated improvements encroach onto the adjoining Lot 1 to the west (which is owned by Council) and the Compton Drive road reserve.

A survey plan dated November 2006 has been submitted by the proponent and is included in Attachment 1. The survey plan indicates the extent of the encroachments noted above and also identifies an easement for drainage of water, approximately 915mm wide that runs parallel with the northeastern boundary and benefits the adjacent Lot 1 to the north.

A further site survey plan will be required to be submitted after Gateway determination to confirm that a viable building envelope is available on the land and accurately define the position of the residential zone boundary.

It is likely that a reduced setback will be required to achieve a viable building envelope having regard for the constraints of the land, particularly in respect of bushfire and geotechnical issues. This is contingent upon the provision of further information post-Gateway determination. If a reduced front setback is deemed to be an acceptable approach, this can be addressed through an amendment to the Ballina Shire Development Control Plan 2012.

Lot 1 is Council owned land that is classified as Operational Land. The land is rectangular in shape and is 158m² in area. Lot 1 currently contains a concrete pad structure and part of the Coogee Street stairs.

The extent of Lot 1 proposed for rezoning to R2 Low Density Residential will be determined post-Gateway determination based on additional site assessment to be undertaken and further investigation to address the retention of the Coogee street stairs in public ownership. The zoning of this land may also be subject to further reporting to the Council as a landholder by Council's Commercial Services Section.

The planning proposal does not seek to change the zoning of that part of the land containing significant vegetation. That is, it is proposed that the 7(d) Environmental Protection (Scenic/ Escarpment) will be retained for these areas.

Strategic Context

The Ballina Shire Growth Management Strategy (BSGMS) provides the strategic planning context for urban development in Ballina Shire. The BSGMS identifies the following key issue of relevance to this planning proposal:

Limited opportunities for outward expansion. Future development will occur mainly through infill development. Such development will need to be balanced with the generally low scale and coastal character of the locality.

The subject land is situated within an established residential area that is characterised by a mix of residential uses, open space/ parks, stands of bushland vegetation and Shaws Bay. The proposed rezoning of the land is considered to be generally consistent with the locality objectives for East Ballina contained within the BSGMS.

Land Constraints

Bushfire

The land the subject of the amendment request is mapped as being bushfire prone land comprising Vegetation Category 2 and a 30m buffer as depicted in the map extracts in Diagram 1. The proponent will be required to submit a bushfire risk assessment report post-Gateway determination to enable consultation to occur with the NSW Rural Fire Service.

Geotechnical Conditions

The land is situated in an area identified by Coffey & Partners (March 1986) as having a medium to high risk of instability. A retaining wall approximately 2m high is located behind the existing building to support a steep slope of the original hillside. A geotechnical report will be required to be submitted post-Gateway determination to assess the slope stability for the site.

Ecology

The proponent has not submitted any information regarding the vegetation located on the land. Preliminary information provided by Biolink ecological consultants to Council in relation to Stage 2 of the former deferred matters integration program indicates the presence of an area of littoral rainforest that is not presently mapped under *State Environmental Planning Policy No. 26 Littoral Rainforests* (SEPP 26) located on both Lot 1 and Lot 3 and on other land within this vicinity.

The vegetation communities have been identified by Biolink as conforming to the Littoral Rainforest endangered ecological community (EEC) and the critically endangered Littoral Rainforest and Coastal Vine Thickets community as listed under state and federal legislation. Three threatened plant species have also been recorded in this area. Due to the identified conservation value of the vegetation, an ecological report will be required post-Gateway determination to provide further information on the ecological values of the site.

Acid Sulfate Soils

The land is mapped as being Class 5 Acid Sulfate Soils. Development consent is required on Class 5 land for works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum (AHD) and by which the water table is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land.

The land is within 500m of Shaws Bay which is mapped as being Class 1 Acid Sulfate Soils. Any future development on the land must consider the provisions of Clause 7.1 of Ballina LEP 2012.

Land Contamination

The proponent has submitted that Lot 3 is unlikely to be contaminated as a result of its past use as a restaurant/café but acknowledges that due to the age of the building there is the potential for asbestos and lead paint to be contained in the building. In this respect, and given the characteristics of Lot 1 in relation to site contamination have not been examined at this stage, it is considered that further information is required to address the requirements of SEPP 55 and Council's *Management of Contaminated Land Policy*.

Should this proposal be supported then post-Gateway determination the proponent will be required to submit a preliminary site investigation report to demonstrate that the land is suitable for the proposed change in land zoning, with or without remediation.

Sustainability Considerations

- **Environment**

Investigation of environmental and biodiversity issues as well as bushfire, land contamination and geotechnical constraints in relation to the proposed residential use of the land would occur post Gateway determination if the planning proposal proceeds.

- **Social**

The proposed zoning does not raise any significant social implications for surrounding properties. The use of the land for residential purposes will be compatible with the existing adjacent residential uses (dwelling houses and residential flat buildings).

- **Economic**

There are no significant economic implications currently identified in relation to the proposed zoning.

Legal / Resource / Financial Implications

Council's processing guidelines and adopted fees and charges for LEP amendment requests are applicable to the further processing of this request. The proponent is required to meet the costs associated with the processing of the application.

Processing of the amendment can be accommodated within the Strategic and Community Facilities Group work program.

Consultation

There has been no consultation undertaken with either the community or government agencies in relation to this LEP amendment request to date as the matter is in its initial phases.

Should the matter proceed, an affirmative Gateway determination will identify consultation requirements.

Public exhibition will occur following assessment of the required additional information and in accordance with the Gateway determination.

Options

1. Proceed to submit the planning proposal, for the application of an R2 Low Density Residential zone to part of Lot 3 and to all or part of Lot 1, to the Department of Planning and Environment for Gateway determination.

This is the preferred option.

A favourable Gateway determination will enable Council to further investigate the merits of the proposal and to obtain Government agency comments as well as community feedback on the proposal.

Under this approach a range of issues will be further investigated post-Gateway determination and prior to public exhibition. The outcomes of the further assessment will inform the extent of residential zoning proposed for the land (that is, adjustment may be required in relation to the currently proposed zone boundaries as shown in Attachment 2).

Given the small scale nature of the proposed rezoning it is recommended that Council authorises the submission of the planning proposal (BSCPP

9.1 LEP Amendment Request - 23 Compton Drive, East Ballina

17/002 contained in Attachment 2) to the Department of Planning and Environment for Gateway determination.

As further investigations and procedural steps are undertaken it is open to Council to either cease the amendment or change its approach, depending on the available information.

If the Council endorses this approach, the planning proposal to enable the rezoning will be lodged with the Department of Planning and Environment upon payment of the applicable Stage 2 processing fees by the proponent. A further report would be presented to the Council following the completion of the public exhibition phase of the process.

In addition to the above, it is also recommended that Council indicates that it does not wish to exercise delegation from the Department of Planning and Environment for the processing of the amendment. This approach is recommended on the basis that the proposal involves Council owned land.

2. Defer consideration of the LEP amendment request.

The Council may defer consideration of the LEP amendment request in order to undertake an inspection of the site and locality, to seek additional information and/or to obtain a more in-depth briefing of the proposal.

This approach is recommended only in the event that the Council has unresolved initial concerns about the proposal.

3. Decline to initiate the LEP amendment request.

It is open to the Council to decline the requested LEP amendment, although this is not recommended.

Endorsement of this option would mean that no further action would be taken by Council with respect to the processing of the request. If this was to occur, it is open to the proponent to exercise a right to lodge a request for a pre-Gateway determination review with the Department of Planning and Environment.

RECOMMENDATIONS

1. That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 as outlined in the planning proposal (BSCPP 17/012 - 23 Compton Drive East Ballina) contained in Attachment 2.
2. That Council submit BSCPP 17/012 - 23 Compton Drive East Ballina to amend the Ballina Local Environmental Plan 2012 to the NSW Department of Planning & Environment for Gateway determination.
3. That the Department of Planning and Environment be advised that Council does not wish to exercise its delegated plan making functions for this LEP amendment as the planning proposal involves Council owned land.

9.1 LEP Amendment Request - 23 Compton Drive, East Ballina

4. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
5. That the planning proposal be reported to the Council for further consideration following the completion of the public exhibition of the proposed LEP amendments.

Attachment(s)

1. LEP Amendment Request - 23 Compton Drive, East Ballina (Ardill Payne & Partners)
2. Planning Proposal BSCPP 17/012 - 23 Compton Drive, East Ballina (Council Initiation Version)

9.2 Tosha Falls Management Plan - Finalisation and Adoption

9.2 Tosha Falls Management Plan - Finalisation and Adoption

Delivery Program Strategic Planning

Objective To inform the Council of the outcomes associated with the public exhibition of the draft Tosha Falls Management Plan and seek direction with respect to the finalisation and adoption of the plan.

Background

In July 2016 the Council resolved to prepare a management plan for the Council owned land in the vicinity of Tosha Falls to assist with the long term planning of the area [Minute No.280716/21].

The Council owned land at Tosha Falls is classified as “Operational Land” in accordance with the terms of the Local Government Act 1993. The land comprises part of Lot 1 DP 853747 and is situated along Maguires Creek at Alstonville.

Lot 1 is primarily used for the purposes of the Alstonville Wastewater Treatment Plant and it is presently under the management of Council’s Water and Wastewater section. Access to Tosha Falls is available along the western extent of this land off Johnstons Road, generally through the area shown pink in Figure 1. The location of Tosha Falls relative to the broader Alstonville area is shown in Figure 2.



Figure 1: Part Lot 1 DP 853747, Alstonville (the subject land)

9.2 Tosha Falls Management Plan - Finalisation and Adoption



Figure 2: Lot 1 DP 853747, Alstonville (and surrounding land)

Key considerations in relation to Tosha Falls are site access and risk management. The issue of site access in particular has been the subject of many representations to Council.

The plan preparation process has included opportunity for verbal and written feedback from neighbouring landholders, as well as an online community and user group survey.

A visitor count was undertaken over a weekend in the January school holidays and discussions, with accompanying surveys took place with the site users of the days.

A Councillor briefing was held on 5 May 2017 prior to completion of a draft management plan. This included discussion in relation to site access options.

At its Ordinary Meeting held on 23 June 2017 the Council considered the draft management plan and resolved as follows [220617/6]:

1. That the Council endorses the draft management plans for Tosha Falls and Killen Falls for public exhibition for a minimum period of four weeks.
2. That Council forward a copy of the draft management plans for Tosha Falls and Killen Falls to relevant Government authorities to seek feedback during the public exhibition period.

In accordance with Council's resolution the draft management plan was placed on public exhibition between 5 July 2017 and 4 August 2017. A copy of the exhibited draft management plan prepared by Mike Svikis Planning has been provided to Councillors under separate cover. The management plan is comprised of two parts, with Part A focusing on management actions and Part B providing background information.

9.2 Tosha Falls Management Plan - Finalisation and Adoption

Those who have previously made submissions in relation to the plan, immediate neighbours to Council's land and Government agencies were directly invited to provide feedback on the draft plan as part of the exhibition process.

The purpose of this report is to provide an overview of the submissions received in response to the public exhibition of the draft management plan and seek direction from Council with respect to the adoption of the Tosha Falls Management Plan.

Key Issues

- Outcomes of public exhibition
- Finalisation of the Tosha Falls Management Plan for implementation
- Expenditure of public funds on private land

Information

The draft Management Plan contains a hierarchy of potential actions. For the public exhibition phase of the plan preparation process, Council did not adopt or give preference to any particular combination of actions but rather invited public feedback through the exhibition process on all of the possible actions identified.

In response to the exhibition, five written submissions were received. The submissions are contained in Attachment Two and are further considered in the consultation section of this report.

Strategies and Actions

Many of the opportunities and difficulties associated with the subject land and falls are associated with public access and use.

The key driver of concerns raised relates to people moving through private property to access the falls from the south (i.e. from Alstonville, primarily off Hillburn Place, Rosedale Place, Kim Court, Banjo Place and Tanamera Reserve).

Typically, access from these points involves people leaving the public road or reserve system, to then traverse the property of Terry and Sue Prendergast, sometimes crossing other private property in the process.

A plan showing the above mentioned locations is contained on page 17 of the draft Tosha Falls Management Plan (Part A).

There are also access issues associated with people traversing through Council's land in the vicinity of the Wastewater Treatment Plant off Johnstons Road, with instances of damage to fencing having occurred to enable vehicle access to the falls.

This leads to a central issue to contemplate in the management plan, being to what extent Council applies public resources to address a private land trespass issue.

9.2 Tosha Falls Management Plan - Finalisation and Adoption

Whilst Council is not responsible for the regulation of trespass over private land (this is a matter for the NSW Police), a number of those making submissions over time argue that because Tosha Falls is public land, Council has a role and responsibility in managing this issue.

The management plan has provided a forum for a comprehensive review of site access options and analysis of the trespass issue. The draft plan has canvassed options to minimise impacts arising from the use of the subject land on adjacent private land.

Related to the above, one of the objectives in preparing the management plan was to investigate facilities proportionate to site use that allow public enjoyment of the land (noting that the subject land is classified as Operational land). Operational land is usually not intended for use by the general public, but public use is not prohibited and has been permitted on other Operational land sites.

In determining the approach to managing the Tosha Falls site, it is important for Council to consider whether the site is to be managed primarily as publically accessible land.

If the site is to be managed as publically accessible land, it will be important to ensure that visitor use does not unduly impact on the operational use of the balance of the Council owned land for the Alstonville Wastewater Treatment Plant.

The exhibited draft management plan takes the position that the land should be managed to enable public access through provision of basic site access and associated infrastructure.

The primary access strategy is to focus on provision of site access via the public road network off Johnstons Road. It is proposed that this be supplemented with signage at the trespass access points to discourage access to Tosha Falls via this means.

A further strategy is to investigate provision of a public access between Lumley Park and Tosha Falls within existing easements along Maguires Creek (this is an endorsed action under the adopted Alstonville Strategic Plan – Minute No: 141217/3).

Overall, the draft management plan actions have been considered relative to the key issues identified for the management of the land as publically accessible and the practicalities of Council resourcing improvements and infrastructure provision. Risk and safety is a dominant factor in prioritising the actions and strategies.

Site management actions, as set out by Mike Svikis Planning in the draft management plan, are considered further below.

Priority 1 Strategies and Actions

Priority 1 strategies and actions are mostly recommended for site access or public safety and risk management reasons. These are recommended on the basis that the land is managed as being publically accessible.

9.2 Tosha Falls Management Plan - Finalisation and Adoption

With respect to implementation of action 5 as documented in the draft management plan (being to '*minimise the impacts arising from the use of the subject land on adjacent private land*'), the staff recommendation is to proceed with actions 5a and 5c (not 5b) on the basis that the expenditure of public funds should be focused on public land.

This means that Council's strategy for managing access to the land would focus on improving site access via Johnstons Road, further examining a nature trail along Maguires Creek and erecting signage at various points (including at the termination of Hillburn Place, Rosedale Place, Kim Court, Banjo Place and Tanamera Reserve).

Provision of fencing along boundaries with private landholdings along Hillburn Place, Rosedale Place, Kim Court, Banjo Place and Tanamera Reserve is not recommended. Provision of new mesh and barbed wire fencing in these locations is estimated to have a minimum cost of \$20,000 and Council also needs to consider cost implications associated with fence maintenance.

Further, acquisition of an access corridor through Lot 2 DP 1182136 (outside the alignment of Maguires Creek as identified in the Priority 3 actions) is not recommended.

If Council is of the view that Tosha Falls should be managed as a publicly accessible site via Council's land adjacent to the Wastewater Treatment Plant, implementation of the priority 1 action items can be completed in the 2017/18 and 2018/19 financial years within existing resources.

With respect to the risk management strategy action identified at item 2e within the table, it is recommended that this action be split into two parts, as follows:

- Action 2e: Undertake site safety inspections at the falls not less than monthly.
- Action 2g: Undertake periodic water quality monitoring at the falls using the criteria normally assessed for human contact (Only where Council promotes the site for swimming. Promotion of the site for swimming is not currently recommended).

Table 1: Priority 1 Tosha Falls Management Actions by Year

#	Objective	PRIORITY 1: Strategies and Actions	Cost (ex GST)	Proposed Financial Year
1	Ensure the ecological viability of the land by protecting its biodiversity and promoting rehabilitation of rainforest ; and Protect and respect the aesthetic, heritage, recreation, education and scientific values of the land and Maguires Creek.	a. Declare the subject land to be a dog prohibited area.	Minimal	2017/18
2	Minimise impacts arising from the use of the subject land on adjacent private land (in particular trespass and privacy); and Provide that any use of the subject land does not unduly impact on the operational use of the balance of the site as an STP; and Provide for the safety of the users of the subject land.	a. Establish Johnstons Road access as a lawful pedestrian access to Tosha Falls, including parking signage.	\$250	2017/18
		b. Modify signage at entrance to mark it as an access to Tosha Falls for pedestrians only.	\$250	2017/18
		c. Use large rocks to block the fence area so that vehicles cannot access the falls. Retain the vehicle gate for maintenance and emergencies.	\$800 (\$100 per rock)	2017/18
		d. Use signage and track markers to direct visitors to access the falls. Locate the mown track to guide pedestrians to more level areas of land.	\$500 (\$125 per sign)	2017/18

9.2 Tosha Falls Management Plan - Finalisation and Adoption

#	Objective	PRIORITY 1: Strategies and Actions		Cost (ex GST)	Proposed Financial Year
		e.	Implement risk management strategy on an ongoing basis (water quality testing, inspections, etc).	\$2,500 (per annum)	See discussion above – recommended action is split into two actions. Water quality monitoring is not recommended as the site is not promoted for swimming.
		f.	Follow up with tour operators that visit Tosha Falls to ensure they have a licence with Ballina Shire Council to operate on public land and that they have appropriate insurance in place (consistent with Council policy).	Minimal	2018/19
3	Provide facilities and information proportionate and relevant to site use that allow the safe enjoyment of the land by the public; and Provide for the safety of the users of the subject land.	a.	Provide signage alerting the public of potential risk where required or appropriate based on Australian Standards for hazard signage.	\$250	2018/19
		b.	Provide signage advising that Council does not make any claim that the water in Maguires Creek meets the standard required for swimming, and that swimming is not advised.	\$250	2018/19
		c.	Provide signage directing pedestrian traffic to designated access track/path and to keep out of vegetation rehabilitation areas.	\$500	2018/19
		d.	Declare the area to be glass free to reduce risk related to broken glass.	Minimal	2018/19
4	Provide facilities and information proportionate and relevant to site use that allow the safe enjoyment of the land by the public; and Minimise impacts arising from the use of the subject land on adjacent private land (in particular trespass and privacy).	a.	Retain a small grassed area adjacent to the waterhole below the falls for a family picnic area.	Minimal	2018/19
5	Minimise impacts arising from the use of the subject land on adjacent private land (in particular trespass and privacy) and Provide for the safety of the users of the subject land.	a.	Work with neighbours to erect appropriate signage at key locations where trespass occurs, and maintain it if it is vandalised. Signage should identify private land and nominate Johnstons Road as the public access to Tosha Falls.	\$1,500	2017/18
		b.	Work with neighbours to erect and maintain fences at key locations to discourage trespass. Persevere with repair and maintenance to discourage anti-social behaviour.	\$2,500 (plus costs at Rosedale and other locations TBC) (\$50 per lineal metre – mesh and barbed wire)	Not recommended for implementation
		c.	Prepare a fact sheet for Alstonville residents to advise that access is permitted from Johnstons Road and that all other access points are not available to the public.	\$1,000	2018/19

The total estimated cost for implementation of the recommended priority 1 actions over two financial years inclusive of 50% contingency (due to the low estimated cost of works) is \$7,950.

This is reflected in Table 4.

Priority 2 Strategies and Actions

Priority 2 strategies and actions are recommended for implementation in the 2019/20 financial year.

Details regarding the nature of the Priority 2 strategies and actions are contained in Table 2.

9.2 Tosha Falls Management Plan - Finalisation and Adoption

Table 2: Tosha Falls Management Priority 2 Actions by Year

#	Objective	PRIORITY 2: Strategies and Actions		Cost (ex GST)	Proposed Year
1	Ensure the ecological viability of the land by protecting its biodiversity and promoting rehabilitation of rainforest; and Protect and respect the aesthetic, heritage, recreation, education and scientific values of the land and Maguires Creek.	a.	Update Tosha Falls Vegetation Management Plan 2007.	\$3,000	2019/20
2	Provide facilities and information proportionate and relevant to site use that allow the safe enjoyment of the land by the public; and Minimise impacts arising from the use of the subject land on adjacent private land (in particular trespass and privacy).	a.	Trial a wheelie bin for rubbish at the Johnstons Road entrance for a period of 12 months.	\$1,000 (plus waste collection charges).	2019/20

The total estimated cost for implementation of the recommended priority 2 actions in the 2019/20 financial year inclusive of 50% contingency (due to the low estimated cost of works) is \$4,000. Waste collection charges are not yet costed and would be determined as part of the trial. The estimated costing having regard for the above is reflected in Table 4.

Action 2a (being the trial bin facility) is recommended on the basis that a waste management collection service can be provided to the site without significant road works being required.

Priority 3 Strategies and Actions

Priority 3 strategies and actions are identified for action in the 2020/21 financial year. These actions are outlined in Table 3.

Table 3: Tosha Falls Management Priority 3 Actions by Year.

#	Objective	PRIORITY 3: Strategies and Actions		Cost (ex GST)	Proposed Year
1	Ensure the ecological viability of the land by protecting its biodiversity and promoting rehabilitation of rainforest; and Protect and respect the aesthetic, heritage, recreation, education and scientific values of the land and Maguires Creek.	a.	Implement the updated Tosha Falls Vegetation Management Plan – to achieve riparian rainforest rehabilitation throughout the entire subject land.	\$50k-\$100k (subject to completion of review of vegetation management plan)	2020/21 (subject to completion of review of vegetation management plan)
2	Provide facilities and information proportionate and relevant to site use that allow the safe enjoyment of the land by the public; and Minimise impacts arising from the use of the subject land on adjacent private land (in particular trespass and privacy).	a.	Investigate a Lumley Park to Tosha Falls walking track as part of the recreation trail system for Alstonville.	\$20,000 (not included in costings for Tosha Falls Management Plan as this action is incorporated into the Alstonville Strategic Plan)	Timing to be determined as part of the Alstonville Strategic Plan – identified as a high priority in the strategic plan.
		b.	Negotiate an access for the public through Lot 2 DP 1182136 through a voluntary sale to Council. Commence negotiations on how much land, where the access can be located, and what it will cost to acquire and construct a trail from the Alstonville urban area to Tosha Falls.	Not costed	Not recommended for implementation

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As part of the Alstonville Strategic Plan, Council has adopted an action to further investigate a Lumley Park to Tosha Falls nature trail along Maguires Creek. This item is therefore recommended for cross referencing in the Tosha Falls Management Plan, with the timing and funding determined by the strategic plan that has been adopted.

The total estimated cost for implementation of the recommended priority 3 actions in the 2020/21 financial year ranges between \$70,000 and \$120,000.

Given that the Maguires Creek walking trail investigation is an adopted action funded through the Alstonville Strategic Plan and the extent of vegetation management works is subject to a review of the Tosha Falls Vegetation Management Plan, it is recommended that these items are not funded as part of the Tosha Falls Management Plan.

It is suggested that funding for the vegetation management works be determined once the vegetation management plan has been updated. This approach is reflected in Table 4.

Additional Actions Recommended – Submissions Assessment

Submissions received in response to the public exhibition of the draft management plan are addressed in the consultation section of this report. In responding to the submissions, Mike Svikis Planning recommends the addition of an action to assess and document the biodiversity values at the site in response to feedback from the Office of Environment and Heritage.

It is recommended that this action be included in the management plan as a priority two action for implementation in the 2019/20 financial year at a cost of \$8,000.

Sustainability Considerations

- **Environment**
The draft management plan has been prepared having regard for the environmental, social and economic attributes and values of each site.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

To progress the management plan to implementation, funding is required to complete the identified actions.

A summary of the expected costs relative to the expected timing of the recommended management plan actions is shown in the table below.

This is based on a three year program.

9.2 Tosha Falls Management Plan - Finalisation and Adoption

Table 4: Tosha Falls Management Plan Action Costs by Year

Strategies and Actions – Cost Items								
Capital Works	YEAR 1 (2017/18)	\$4,950 ⁽¹⁾	YEAR 2 (2018/19)	\$1,500 ⁽¹⁾	YEAR 3 (2019/2020)	Nil	TOTAL	\$6,450
Other Actions		Nil - see notes ⁽²⁾ and ⁽³⁾		\$1,500 ⁽¹⁾		\$6,000 ⁽¹⁾		\$6,000
Additional items recommended by MSP for inclusion in the plan following public submissions		Nil		Nil		\$8,000		\$8,000
TOTAL		\$4,950		\$3,000		\$14,000		\$21,950

(1) Due to low cost estimates, a contingency of 50% has been included.

(2) Estimated cost for water quality monitoring is \$2,500 per annum. Council does not identify Tosha Falls as a location for swimming. Regular water quality monitoring should only be undertaken if Council decided to promote the site as a swimming location (refer to item 5.2 in the draft plan). Therefore, this option has not been included in implementation costing.

(3) Cost for risk management inspections has not been estimated as inspections already undertaken by Council (that is, this task is already funded and is recommended for continuation).

In summary, to fully implement the management plan as recommended, a budget of \$21,950 is required over three years. Ongoing site management costs relate to maintenance of a grassed area for public access near the falls and regular risk management inspections. These actions are currently being implemented by Council through existing budgets.

The \$21,950 required for implementation is not currently accounted for in the long term financial plan (LTFP) but can be met from within existing budgets. . Notwithstanding this, if Council is now going to adopt this plan it should be confirming the funding strategy. The recommended funding strategy is as follows.

Table 5: Tosha Falls Management Plan – Recommended Funding

Actions and Funding Source	Year 1 2017/18	Year 2 2018/19	Year 3 2019/20	Year 4 2020/21
<i>Priority One Actions</i>	(\$4,950)	(\$11,000)		
Savings in preparation of Tosha Falls and Killen Falls management plans	(\$2,500)			
Open Space and Reserves operating budget	(\$2,450)	(\$11,000)		
<i>Priority Two Actions</i>			\$6,000	
Open Space and Reserves operating budget			(\$6,000)	
<i>Priority Three Actions</i>				Nil ⁽¹⁾
See note ⁽¹⁾				

⁽¹⁾ Funding for vegetation management plan implementation to be determined following completion of vegetation management plan update. Funding for Maguires Creek nature trail investigation addressed as part of the Alstonville Strategic Plan.

Consultation

The consultation strategy for the exhibition of the draft management plan consisted of the following elements:

- Advertisement in the Ballina Shire Advocate
- Information display on Council's website, Customer Service Centre and libraries
- Letter to neighboring landholders
- Letter to Government agencies
- Key stakeholder meeting with Council officers.

A total of five written submissions were received in response to the exhibition of the draft management plan. Attachment Two contains a copy of these submissions. A summary of the submissions, together with comments from MikeSvikis Planning ('MSP') is contained in Table 6.

Table 6: Draft Tosha Falls Management Plan Submissions Summary

Submitter	<i>SDS Civil (on behalf of Mr Roach)</i>
Submission Comments	<ul style="list-style-type: none"> • Commends Council for preparing the management plan. • Supports the Other Access Option 1 – Lumley Park to Tosha Falls (and then Johnstons Road). • Access from Johnstons Road alone will not satisfy the demand to access the site on foot from Alstonville.
Response	The Lumley Park option has merit as a walking track in fulfilment of access easements imposed over many years on creek side properties. However, younger users of Tosha Falls are unlikely to walk to Lumley Park in order to get to the falls. The creek side path would also have environmental impacts in a riparian corridor and be difficult to build and maintain in a flood affected area. It remains a Priority 3 action that is yet to be designed and costed.
MSP Recommendation	Comments are noted, however, no changes are recommended. <i>Staff Comment:</i> <i>Investigation of a nature trail along Maguires Creek from Lumley Park to Tosha Falls is an action within the adopted Alstonville Strategic Plan. It is recommended that this action be cross referenced within the Tosha Falls Management Plan.</i>
Submitter	<i>Kathryn Bland</i>
Submission Comments	<ul style="list-style-type: none"> • Supports a public toilet at Tosha Falls. • Supports public access to Tosha Falls.
Response	A toilet near the Johnstons Road access point is relatively simple to install from an infrastructure perspective as there is an opportunity to dispose of waste direct to the STP, which can also supply recycled water for flushing and electricity for construction. However, with relatively low use rates (especially in winter) and most visitors being locals, it is not warranted at this stage. If the falls become more popular in the future, this position could be reconsidered. A toilet is not recommended.
MSP Recommendation	Comments are noted, however, no changes are recommended.

9.2 Tosha Falls Management Plan - Finalisation and Adoption

Submitter	<i>Liam Cornish Teal</i>
Submission Comments	<ul style="list-style-type: none"> • Wants to run an eco-tours business visiting Tosha Falls. • Supports swimming at the falls. • Water quality is fine for swimming, no history of illness. • Small groups should be allowed to visit Tosha Falls. • Need to showcase our environment beyond the coast.
Response	<p>Eco-tour operators are required to have a licence from Ballina Council. Eco tours provide an opportunity to have small groups visit the site in a single vehicle (less traffic) and with a knowledgeable supervisor.</p> <p>This should increase respect for the environment and impart information on the ecology and history. Information on water quality suggests that Maguires Creek at this location does not always meet standards for swimming and a Priority 1 action is that signage be installed explaining this stating that swimming is not advised.</p> <p>The plan of management does not recommend small groups be prohibited from the site but it does not recommend promoting that they visit.</p>
MSP Recommendation	Comments are noted, however, no changes are recommended.
Submitter	<i>Robin Osborne and Grainne O'Brien</i>
Submission Comments	<ul style="list-style-type: none"> • Commends Council for preparing the Management Plan. • Endorse the need for suitable fencing and signage at key trespass points. • Supports a communication strategy to inform the community about permitted and prohibited access points to Tosha Falls. • Key trespass points are Kim Court and Tanamera Reserve – these need action immediately.
Response	<p>It is agreed that trespass is a key issue that is addressed in this management plan.</p> <p>It is also agreed that a communication strategy involving the media and public education is required to advise of access points for Tosha Falls.</p>

9.2 Tosha Falls Management Plan - Finalisation and Adoption

MSP Recommendation	<p>Modify Priority Action 1 to state: “Prepare a fact sheet communication strategy for Alstonville residents to advise that access is permitted from Johnstons Road and that all other access points are not available to the public.”</p> <p>Other comments are noted, however, no other changes are recommended.</p> <p><u>Staff Comment:</u></p> <p><i>The primary access strategy recommended is to focus on provision of site access via the public road network off Johnstons Road.</i></p> <p><i>It is proposed that this be supplemented with signage at trespass access points to discourage access to Tosha Falls via this means.</i></p> <p><i>A further strategy is to investigate provision of a public access between Lumley Park and Tosha Falls within existing easements along Maguires Creek (this is an endorsed action under the adopted Alstonville Strategic Plan – Minute No: 141217/3).</i></p> <p><i>Provision of fencing along boundaries with private landholdings along Hillburn Place, Rosedale Place, Kim Court, Banjo Place and Tanamera Reserve is not recommended.</i></p>
Submitter	Office of Environment and Heritage
Submission Comments	<ul style="list-style-type: none"> • OEH commends Council for preparing the Management Plan. • Suggest that Section 4 “<i>Values of the Management Area</i>” be rearranged to align with the objectives in Section 1. • Include an updated assessment of the biodiversity values of the site as a benchmark to support monitoring. • Address the recovery plans/actions for any threatened flora and fauna on the subject land. • Include an assessment of the aquatic ecology of Maguires Creek at Tosha Falls as a benchmark to support monitoring (including threatened species). • Include Aboriginal heritage values of the site as provided by Jali LALC. • Establish relationships with surrounding landowners to improve rainforest restoration and connectivity. • Rezone the subject land E2 Environmental Protection under Ballina LEP 2012 to recognise its values. • Include in Section 6.2 <i>Monitoring</i> a statement as to what will be monitored.

9.2 Tosha Falls Management Plan - Finalisation and Adoption

Response	<p>Section 4 Values of the Management Area is clear and would not be improved by rearranging it.</p> <p>An updated assessment of the biodiversity values of the site would be useful and is a good idea as a new benchmark. This should be able to be undertaken for about \$8000 and would identify threatened flora and give a guide to fauna. It would not include fauna trapping. It would also allow Council to document the rainforest recovery on the site to date.</p> <p>Once a new biodiversity assessment has been undertaken Council would be in a position to assess any relevant threatened species recovery plans.</p> <p>An assessment of the aquatic ecology of Maguires Creek at Tosha Falls would be interesting but these studies tend to be more expensive as they involve trapping and sampling and are usually seasonal. Maguires Creek is not actually in the subject land (it is adjacent to it) and this money would be better spent on other items in the plan of management.</p> <p>For example (based on 2012 costs for proposed Dunoon dam)</p> <ul style="list-style-type: none"> - Macroinvertebrate monitoring (minimum of five sites) – Sample collection \$6,250/trip bug identification \$750/trip – autumn and spring monitoring is recommended. Combined cost \$14,000. - Monitoring of fish assemblages - \$3,600 / site - Monitoring and mapping of platypus population - \$6,000 <p>Total cost - \$23,600</p> <p>If Council receives comments from Jali LALC it will review them and incorporate any relevant suggestions in the plan of management.</p> <p>Council does not currently have access to environmental zones in its LEP as a result of State government decision. The subject land may be considered for inclusion in an environmental zone when the zones are reintroduced at some time in the future, but this is not certain. OEH support for that outcome is noted.</p> <p>It is intended that all actions that are adopted by Council will be monitored by Council after five years.</p>
MSP Recommendation	<p>It is appropriate that an updated assessment of biodiversity values of the site be prepared – estimated cost is \$8,000 – Priority 2.</p> <p>Other issues and suggestions are noted, however, no changes are recommended.</p>

Options

1. That Council not adopt the Tosha Falls Management Plan and cease further action on the project.

Due to the extensive consultation undertaken in the preparation of the plan to date and the rationale underpinning the key elements of the proposed use of the site, this option is not recommended.

2. That Council defer the adoption of the Tosha Falls Management Plan.

This option could involve further consideration of the draft plan by way of another Councillor briefing or additional community engagement. Given that the Council has already received a briefing on the matter (including review of the action options) and the outcomes of the community engagement undertaken to date, this option is not recommended.

3. That Council adopt the Tosha Falls Management Plan as exhibited, or with changes.

Adoption of the plan (Attachment One under separate cover) with changes is recommended. The suggested changes are set out in Table 7.

Table 7: Recommended Post Exhibition Changes to Draft Tosha Falls Management Plan

Recommended Changes
<ul style="list-style-type: none">• Modify Priority 1 action 2c (fact sheet advising of access to Tosha Falls via Johnstons Road) to provide for the preparation of a communication strategy rather than a fact sheet only.• Adjust Priority 1 action 2e (risk management activities) to create two actions as follows:<ul style="list-style-type: none">▪ Action 2e: Undertake site safety inspections at the falls not less than monthly.▪ Action 2g: Undertake periodic water quality monitoring at the falls using the criteria normally assessed for human contact (Only where Council promotes the site for swimming. Promotion of the site for swimming is not currently recommended).• Delete Priority 1 action 5b (fencing in the vicinity of Hillburn Place, Rosedale Place, Kim Court and Tanamera Reserve) or otherwise indicate that this action is not adopted for implementation.• Include a notation in relation to Priority 2 action 2a (trial rubbish bin service) to identify that this action is contingent on a collection service being able to be provided without the need for significant road works.• Include a notation in relation to Priority 3 action 2a (implementation of vegetation management plan) to identify that this action is not funded and is subject to review following completion of an updated Vegetation Management Plan for Tosha Falls.• Adjust Priority 3 action 2b (Maguires Creek walking track/nature trail) to align and cross reference this action with the action to investigate a nature trail along Maguires Creek within the adopted Alstonville Strategic Plan.• Delete Priority 3 action 2c (negotiation of access through Lot 2 DP 1182136) or otherwise indicate that this action is not adopted for implementation.• Include a new action to complete a biodiversity assessment of the Tosha Falls site as a Priority 2 action.• Update the cost estimates provided to align with the financial information set out in tables 1, 2, 3 and 4 within this report.

Under this approach, staff will proceed to finalise the plan incorporating the recommended changes, and including any final formatting and typographic adjustments, prior to its publication.

RECOMMENDATIONS

1. That Council adopts the Tosha Falls Management Plan as exhibited, subject to incorporation of the amendments set out in Table 7 in this report.
2. That Council convey letters of appreciation to all key stakeholders for their active participation in the preparation of the draft management plan.
3. That Council confirms that the implementation of the Tosha Falls Management Plan is to be funded in accordance with the approach outlined in Table 5 of this report.

Attachment(s)

1. Draft Tosha Falls Management Plan (as exhibited) (Under separate cover)
2. Draft Tosha Falls Management Plan - Exhibition Submissions

9.3 Lennox Head Village Centre Renewal - Community Engagement

9.3 Lennox Head Village Centre Renewal - Community Engagement

Delivery Program Strategic Planning

Objective To seek the Council's endorsement of the planned approach for the Lennox Head Village Centre Renewal Project community engagement.

Background

There have been a number of site investigations over the years regarding redevelopment concepts and upgrade works for the public domain in the main street and village centre of Lennox Head. Such investigations have been undertaken as part of the following projects:

- Lennox Head Village Centre Master Plan 1997
- Lennox Head Community Aspirations Strategic Plan 2002
- Lennox Head Village Master Plan Project 2003
- Lennox Head Foreshore Master Plan 2011.

Most recently, design work was undertaken during 2016 and 2017 by Council's Civil Services Section to progress a main street upgrade for Lennox Head.

This involved consultation with a number of Lennox Head based community groups to determine if the older design concepts were still in alignment with the community expectations. It was highlighted though this process that a number of design features included in the older plans needed to be reconsidered. This included the option of a one way orientation of the main street. This led to the design of two street options for the main street upgrade that were reported to Council for consideration before additional design work commenced.

In March 2017 Council's Finance Committee recommended that further main street design work or consultation be deferred until the project was included in a future Operational Plan and Delivery Plan.

However, following a number of public submissions regarding the omission of the Lennox Head Village Centre Renewal Project from projects identified for 2017/18, Council resolved at its June 2017 Ordinary Meeting to adopt the draft Delivery Program (2017/18 to 2020/21) and Operational Plan (2017/18) inclusive amendments [Minute no. 220617/9:4] as follows:

- *Amend the existing reference to the Lennox Head Town Centre enhancement plan to the following:*

Progress Lennox Head Town Centre Village Renewal and confirm funding strategy for preferred completion by December 2021

Progress made to confirm preferred design and funding strategy
--

- *That \$10,000 of the budget from Ross Park be carried forward to cover consultation in respect to the Lennox Head Town Centre Village Renewal.*

9.3 Lennox Head Village Centre Renewal - Community Engagement

This report seeks to address part of the above resolution by mapping a staged process for the progression of the Lennox Head Village Centre Renewal Project (LHVCRP). The first phase of this process involves community engagement to establish the basis for a preferred design for an enhancement of the Lennox Head village centre and guide future renewal works.

This report does not directly address those parts of the resolution regarding the confirmation of a funding strategy for the implementation and completion of a preferred plan.

Key Issues

- Progression of the Lennox Head Village Centre Renewal Project
- Community engagement
- Urban design and renewal
- Commitment of resources

Information

A staged process for the LHVCRP is suggested in Figure 1. As indicated above a number of master planning and engagement projects have been undertaken between 1996 and the present. As such, the LHVCRP should be seen as a 'resetting' of the renewal program which draws on this past work to set a foundation for future actions.

The LHVCRP Background and Engagement project (Phase 1) focuses on collating previous site investigations and facilitating additional community engagement as the next step in determining a preferred renewal design for the Lennox Head village centre.

Phase 1 is scheduled for commencement in late February 2018 and is expected to take approximately six months to complete.

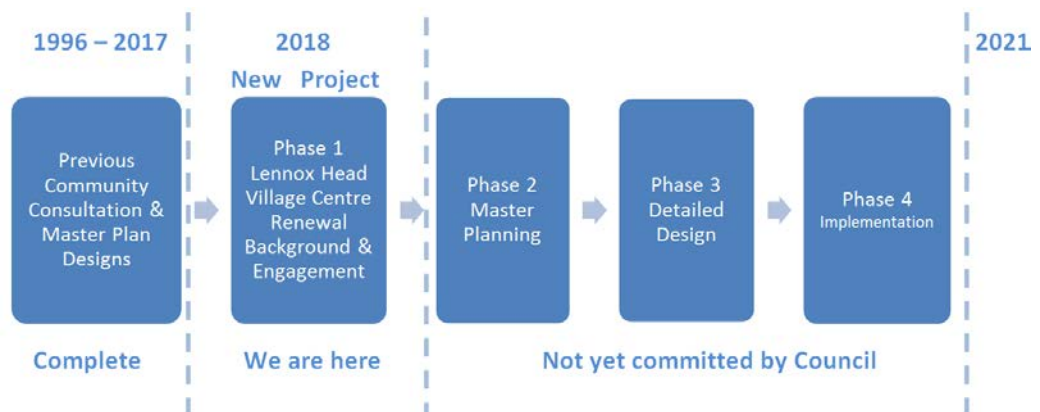


Figure 1: Lennox Head Village Centre Renewal Process Steps

The staged process outlined in Figure 1 also suggests additional steps that could be undertaken by Council to implement a program of upgrade works based on the 2021 timeframe identified in the current Delivery Program and Operational Plan.

These steps would include using the findings of Phase 1 to undertake master planning, detailed design work and implementation works.

9.3 Lennox Head Village Centre Renewal - Community Engagement

The purpose of Phase 1 is to prepare and deliver materials and activities that will engage the Lennox Head community in order to gather feedback on key issues and preferred concept ideas for the public domain in the Lennox Head village centre.

Information gathered through this Phase 1 will be used to guide future planning and development in relation to the public domain in the village centre. That is, the outcomes of the community engagement will be documented so as to form a basis for Council to determine whether further projects steps should be taken and if so, inform detailed works planning.

The study area

A location map and study area for the Lennox Head Village Centre Renewal Project is shown in Figures 2a and 2b.

The overall study area has an area of approximately 12.7 hectares centered on the main street (Ballina Street) of the Lennox Head village centre. The study area also incorporates land in the vicinity of Pacific Parade, Byron Street, Park Lane, Mackney Lane and Rayner Lane.

The village centre renewal project is centred on the public domain (e.g. roads, footpaths, parks) but will give consideration to private landholdings, especially in relation to the achievement enhancements to public areas.



Figure 2a: Lennox Head Village Centre - Location Map



Figure 2b: Lennox Head Village Centre - Plan Study Area

The village centre is bounded to the east by the beach foreshore and the Pacific Ocean, to the north and south by residential areas and to the west by Williams Reserve. Ballina Street running to the south and Byron Street running to the west of the study area connect to the Coast Road, being the main arterial road connecting Lennox Head with the towns of Ballina and Byron Bay.

Objectives - Phase 1 of the LHVCRP

The primary objectives of Phase 1 of the LHVCRP are:

- To undertake a series of engagement activities that build on previous engagement and encourage the community to participate a discussion about the Lennox Head village centre.
- To identify key information of relevance to the future planning for the village centre including opportunities and constraints, heritage considerations, environmental characteristics, land use planning requirements, and community and business views.
- To provide a basis for decision making in relation to future planning and development in the Lennox Head village centre particularly with respect to future master planning and design works relevant to the public domain.

Collation of site information

As indicated above, there have been a number of previous site investigations and studies relevant to the Lennox Head village centre. Phase 1 will involve collating the findings of these previous studies and the identifying new elements, challenges and community expectations since the previous master planning.

Part of this phase will include undertaking an audit of the current land uses, facilities, features, environmental constraints and planning provisions within the study area.

9.3 **Lennox Head Village Centre Renewal - Community Engagement**

The collation of this site information will help inform community discussions and future planning options associated with:

- Exploring alternative options for traffic and pedestrian corridors and connections in and around the Lennox Head village centre, including a one way road network in the village centre.
- The provision and management of an integrated recreation and open space network that recognises the natural assets of the area.
- Investigating options for enhancing the character and aesthetic appeal of the village and streetscape.
- Identifying options to improve cohesion and connectivity between shop fronts and the main street.
- Identifying ways to increase main street vibrancy through place making activities and other initiatives.

Community engagement activities

The community engagement strategy (delivery of Phase 1) is based on the \$10,000 in funding provided by Council for this project.

The Phase 1 community engagement will include the compilation of previous consultation materials and well as a suite of new community engagement materials and activities to ascertain the community's preferred concept ideas and options for Lennox Head village centre. The engagement will include stakeholder meetings, use of an on line survey and public displays.

In summary, the outputs envisaged in undertaking the Phase 1 engagement program are as follows:

- Collation of previous site investigations, community consultation and master planning materials.
- Identification of new elements, facilities, challenges and community ideas since last master planning process.
- Compilation of a suite of community engagement materials and activities including summary information and illustrations.
- Preparation of a community engagement report detailing the mechanisms used to engage the community and the outcomes of the process.
- Confirmation of key issues and considerations relevant to underpin master plan and design work.
- Establishment of a set of underpinning principles for future renewal work, master planning and design in relation to the public domain.
- Provision of a basis for preliminary costings for renewal works.

On completion of the initial engagement, one option that Council may wish to consider further is a trial period for a one way street option.

Such a trial could simulate a one way street for a number of months to allow the community to provide more informed feedback on the benefits or issues that could arise from a more permanent one way street configuration.

This optional initiative, however, would incur additional costs over and above the funds that have been allocated to the consultation phase of the Lennox Head Village Centre Renewal Project.

9.3 Lennox Head Village Centre Renewal - Community Engagement

A trial is also likely to require substantial alterations to the roadway including line marking, sign posting and parking configurations.

It is suggested that this approach be explored further once the idea of converting the main street to a one way road has been canvassed with the community through the Phase 1 engagement.

The establishment of a set of underpinning principles for future work in relation to the Lennox Head village center will also provide a more substantial basis for preliminary costings for renewal works.

It is envisaged that the community engagement for Phase 1 of the LHVCRP will commence in late February 2018.

Sustainability Considerations

- **Environment**

There are a number of environmental and aesthetic benefits that could result from the implementation of the renewal of the Lennox Head village centre public domain.

This could include parkland enhancements and provision of street trees.

- **Social**

There are social benefits in involving the local community in consultation regarding their place. It is recognised that community members will often have a unique relationship with the locality in which they live and can provide practical, technical, historic or other contextual information that may be important to planning and design considerations.

Ultimately it will be the local community using the renewed space. Therefore involving community in the decision making process is more likely to help in the address of underlying issues and competing priorities that are being managed in the process. When community members are engaged in a project they are more likely to have a greater vested interest in a successful outcome, even if not all individuals necessarily agree with the outcome.

Future village centre renewal can also contribute to social connectivity and positive community outcomes through creation of meeting and recreational spaces and enhanced opportunities for informal interactions.

- **Economic**

Involving the community in discussions regarding the LHVCRP will be a good test of project assumptions, enable confirmation of project scope and can provide proposed solutions to difficult problems. All of which can lead to economic savings at a later stage in the process.

Future village centre renewal works have the potential to stimulate enhanced economic activity in Lennox Head with respect to both local residents and visitors.

Legal / Resource / Financial Implications

This report focuses on completion of Phase 1 of the Lennox Head Village Centre Renewal Project. This phase has been provided a budget allocation of \$10,000. The engagement as planned and outlined in this report can be undertaken within the budget provided and within the work program of the Strategic and Community Facilities Group.

Aside from the expenditure of the allocated budget, there no additional legal, resource or financial implications associated with this project.

If Council seeks to undertake the trial of a one way street configuration before proceeding to more detailed master planning and design, additional funding would need to be sourced. Deciding whether this trial should be implemented can be determined at the end of the Phase 1 engagement.

This report does not address a funding strategy for the completion of a preferred plan.

A funding strategy for the overall project was included in the 7 November 2017 Facilities Committee meeting agenda as part of the report titled Community Infrastructure – Non-recurrent Projects and Funding.

Briefly the funding summary in that report was as follows:

- Loan - \$2m - \$1m in 2020/21 and \$1m in 2021/22
- Waste Dividends - \$2m - \$1m in 2020/21 and \$1m in 2021/22
- Community Infrastructure Reserve - \$1.65m - \$750,000 in 2019/20 and \$900,000 in 2020/21.

The recommendations to that report were deferred largely due to a significant increase in the budget for the Skennars Head Sports Field Expansion project.

A further report on funding options for the various non-recurrent community infrastructure projects, including this Village Renewal project, will now be submitted to the March or April 2018 Finance Committee meetings scheduled for the preparation of the 2018/19 Operational Plan.

Consultation

No consultation has been undertaken in relation to the current engagement project. Numerous consultation processes have been undertaken previously with regards to the village centre of Lennox Head.

The community engagement component of Phase 1 will include the compilation of this previous consultation and well as a suite of new community engagement materials and activities to ascertain the community's preferred concept ideas and options for Lennox Head village centre.

Options

1. Council can choose not to proceed with Phase 1 of the Lennox Head Village Centre Renewal Project.

9.3 Lennox Head Village Centre Renewal - Community Engagement

This option is not recommended as Council's most recent resolution regarding the Lennox Head Village Centre Renewal Project responds to community feedback obtained in relation to the 2017/18 Delivery Program and Operational Plan.

The project also presents an opportunity to reset the previous work completed by Council and establish a package of material to underpin further decision making on upgrade works in the Lennox Head main street area.

2. Council can defer the commencement of the background and engagement phase (Phase 1) of the Lennox Head Village Centre Renewal Project.

This option would involve deferring any further consultation or design work until the project is included in the long term financial plan of the Council or to enable Council to seek clarification or further information.

As Council has already committed funds to undertake further community consultation regarding the LHVCRP, and for the reasons outlined in relation to option 1, this approach is not recommended.

3. Council can endorse the commencement of the Phase 1 community engagement program as outlined in this report.

This is the recommended approach.

Under this approach, staff will commence the implementation of the Phase 1 community engagement initiatives in line with the approach outlined in this report.

Once Phase 1 is complete, Council can consider the project outcomes in relation to further design works, along with funding.

RECOMMENDATION

That Council endorses the commencement of Phase 1 of the Lennox Head Village Centre Renewal Project as outlined within this report.

Attachment(s)

Nil

10.1 Use of Council Seal

10. General Manager's Group Reports

10.1 Use of Council Seal

RECOMMENDATION

That Council affix the Common Seal to the following documents.

US 18/01	<p>Contract and Transfer documents - Council sale of closed road, (Lot 1 DP 1229059) being part of Hewetson Lane road reserve adjacent to Lot 21 DP 701054, Rous Mill.</p> <p>Explanation: Council in June 2013 endorsed a proposal to close part of Hewetsons Lane and accepted a selling price of \$13,000 (ex GST) to the owners of the adjoining property. Since that time a new valuation has been received and the sale price is \$15,000. Contract and Transfer documents are now required to be signed and sealed by Council.</p>
US 18/02	<p>Head Licence Agreement between the Minister administering the Crown Lands Act 1989 and Ballina Shire Council commencing on 11 April 2018 for an unlimited period for nominated areas of the Ballina Coastal Reserve for business purposes for low impact commercial recreational activities. This allows Council to sub-licence commercial activities on public land.</p> <p>Explanation: Council's current Head Licence agreement expires during April 2018. A Head Licence is required from the Crown to be able to issue sub-licences to surf school operators. The Crown has offered an initial market rent of \$486 plus GST. Once the sub-licences are in place, the rent payable on the Head Licence will be 10% of the income derived from the sub-tenures, as outlined in the licence document.</p>
US 18/03	<p>Ballina Shire Council Lease to T & J Stewart for 149 River Street, Ballina for a period of two years with a three year option.</p> <p>Explanation: The lease over 149 River Street Ballina expired on 3 January, 2018 however the lessee sold the business to T & J Stewart who have agreed to enter into a new lease with Council at the asking rent for an initial term of two years with an option for a further term of three years. The rental will be CPI reviewed annually with a market rent review upon on exercise of the lease option.</p>
US 18/04	<p>Ballina Shire Council Lease to Mr Troy Daley for Shop 11 Wigmore Arcade Ballina for an initial term of two years with two options for further terms of five years each. This lease has been structured to run concurrently with the lease Mr Daley has over Shops 9 and 10 in Wigmore Arcade.</p> <p>Explanation: Shop 11 is currently vacant. Mr Daley has the current lease on Shops 9 and 10 Wigmore Arcade and has offered to lease Shop 11 at the asking rental. The rental will be CPI reviewed annually with a market rent review upon exercise of lease options.</p>

Attachment(s)

Nil

10.2 Investment Summary - December 2017

Delivery Program Financial Services

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

Background

In accordance with the Local Government Financial Regulations, the responsible accounting officer of a Council must provide a monthly report (setting out all money Council has invested), to be presented at the Ordinary meeting of Council, immediately following the end of the respective month. This report has been prepared for the month of December 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 Investment Policy. The balance of investments as at 31 December was \$76,538,000. This represents a decrease of \$2,000,000 from November. Council's investments, as at 31 December, are at an average (weighted) rate of 2.71%, which is 0.94% above the 90 Day Bank Bill Index of 1.77%.

The balance of the cheque account at the Commonwealth Bank, Ballina, as at 31 December 2017, was \$1,117,223.

Interest earned for the period to date is higher than the original forecast, as can be seen at Table E, and an increase to the forecast will be completed as part of the December quarterly budget review.

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

Reserve Name	Restriction	% Portfolio*
Wastewater Fund (incl developer contributions)	External	13.8%
Water Fund (incl developer contributions)	External	19.9%
Section 94 Developer Contributions	External	8.0%
Bonds and Deposits	External	3.2%
Other External Restrictions	External	4.8%
Carry Forward Works	Internal	3.6%
Bypass Maintenance Funding	Internal	5.0%
Landfill and Resource Management	Internal	3.8%
Employee Leave Entitlements	Internal	3.7%
Quarries	Internal	1.3%
Property Reserves	Internal	5.5%
Plant and Vehicle Replacement	Internal	1.1%
Road Works	Internal	3.3%
Swimming Pools Capital	Internal	6.5%
Indoor Sports Centre	Internal	1.7%
Miscellaneous Internal Reserves	Internal	5.3%
Financial Assistance Grant in Advance	Internal	2.5%
Unrestricted		7.0%
Total		100%

* Updated to reflect reserves held as at 30 June 2017

10.2 Investment Summary - December 2017

A. Summary of Investments by Institution

Funds Invested With	Fossil Fuel Aligned	ADI Rating *	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
Grandfathered Investments							
National Australia Bank	Yes	BBB	1,788	1,788	0	2.3%	2%
Rated Institutions							
AMP Bank	Yes	A	4,000	4,000	20%	5.2%	
Auswide Bank	No	BBB-	1,000	1,000	1m	1.3%	
Bank Australia	No	BBB	3,000	3,000	10%	3.9%	
Bank of Queensland	Yes	BBB+	6,000	5,000	10%	6.5%	
BankWest	Yes	AA-	0	2,000	20%	2.6%	
Bendigo & Adelaide Bank	No	BBB+	3,000	3,000	10%	3.9%	
Beyond Bank	No	BBB	2,000	0	10%	0.0%	
Commonwealth Bank of Australia	Yes	AA-	8,500	9,500	20%	12.4%	
Credit Union Australia	No	BBB	0	2,000	10%	2.6%	
Defence Bank Ltd	No	BBB	5,500	5,500	10%	7.2%	
Greater Bank Limited	No	BBB+	2,000	2,000	10%	2.6%	
ING Bank Ltd	Yes	A	6,000	6,000	20%	7.8%	
ME Bank	No	BBB	6,750	3,750	10%	4.9%	
My State Bank Ltd	No	BBB	5,000	5,000	20%	6.5%	
National Australia Bank	Yes	AA-	7,000	7,000	10%	9.1%	
Suncorp-Metway Bank	No	A+	9,000	8,000	20%	10.5%	
Teachers Mutual Bank Limited	No	BBB	1,000	1,000	10%	1.3%	
Westpac Banking Corporation	Yes	AA-	7,000	7,000	10%	9.1%	98%
Unrated ADI's					\$1m	0.0%	0%
Total			78,538	76,538		100%	

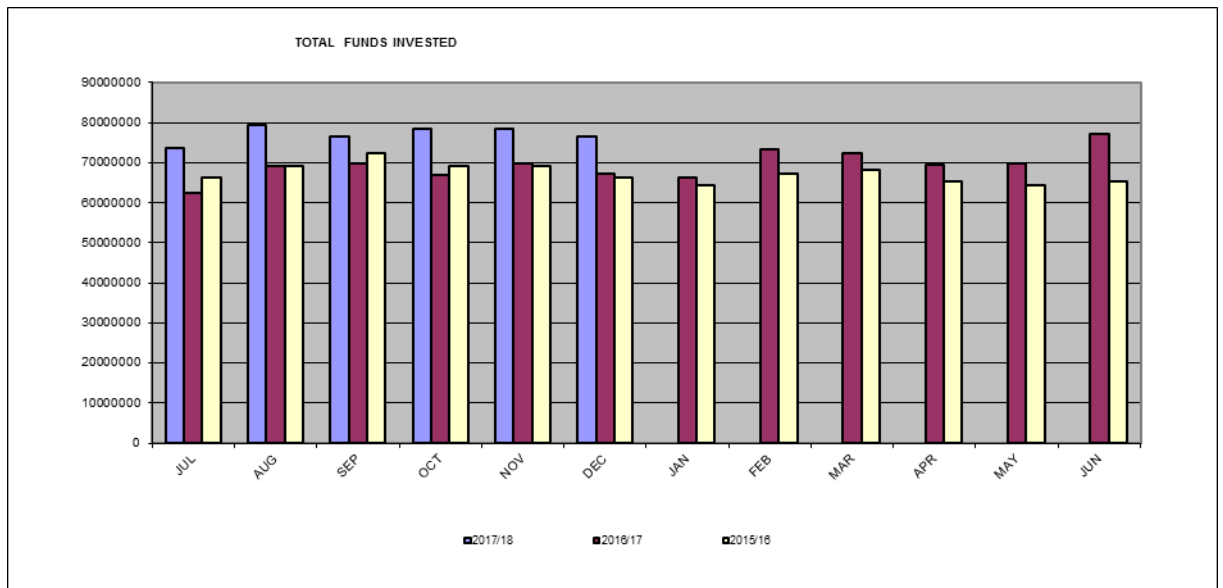
B. Summary of Investments Fossil Fuel Aligned

	Previous Month	Current Month
Fossil Fuel Aligned	37,288 47%	42,288 55%
Non-Fossil Fuel Aligned	41,250 53%	34,250 45%
Not Classified	0 0%	0 0%
Total	78,538 100%	76,538 100%

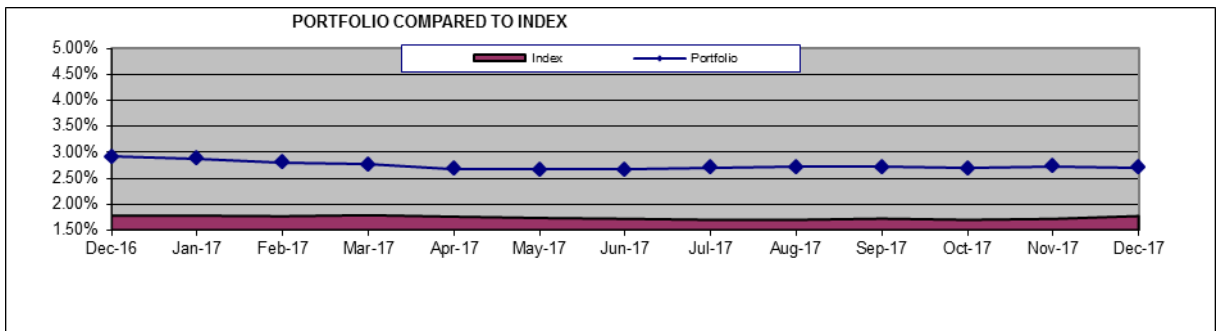
The determination of fossil fuel alignment is based on advice from 'Market Forces' as follows:

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

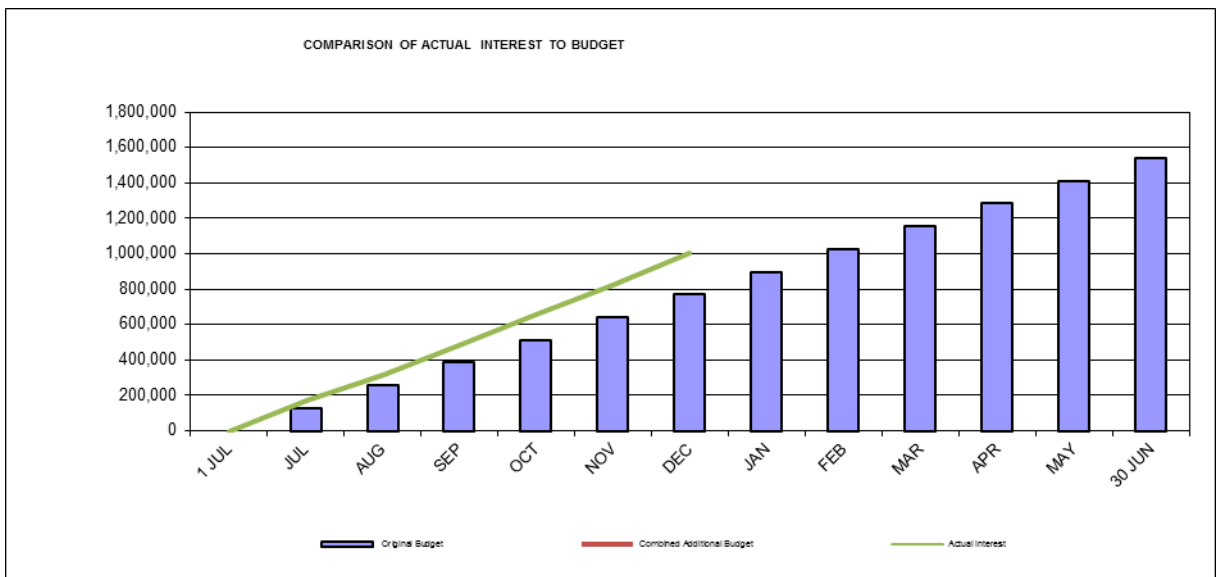
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



10.2 Investment Summary - December 2017

F. Investments held as at 31 December 2017

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
08/06/17	Suncorp-Metway Bank	TD	2.60%	09/01/18	1,000	1,000
09/10/17	Westpac Banking Corporation	TD	2.57%	09/10/18	2,000	2,000
08/06/17	Suncorp-Metway Bank	TD	2.60%	10/01/18	1,000	1,000
10/06/17	Suncorp-Metway Bank	TD	2.60%	11/01/18	1,000	1,000
19/06/17	Suncorp-Metway Bank	TD	2.60%	15/01/18	1,000	1,000
09/06/17	Suncorp-Metway Bank	TD	2.60%	16/01/18	1,000	1,000
06/06/17	ING Bank Ltd	TD	2.63%	18/01/18	1,000	1,000
13/06/17	Suncorp-Metway Bank	TD	2.60%	23/01/18	1,000	1,000
13/06/17	Suncorp-Metway Bank	TD	2.60%	24/01/18	1,000	1,000
25/01/13	Commonwealth Bank of Australia	TD	4.25%	25/01/18	2,000	2,003
26/07/16	Commonwealth Bank of Australia	FRN	2.74%	26/07/21	1,000	1,000
03/08/17	Westpac Banking Corporation	FRN	2.75%	03/08/22	2,000	2,000
13/06/17	Suncorp-Metway Bank	TD	2.60%	06/02/18	1,000	1,000
07/12/17	BankWest	TD	2.35%	06/02/18	1,000	1,000
15/06/17	Bank of Queensland	TD	2.65%	07/02/18	1,000	1,000
27/06/17	Defence Bank Ltd	TD	2.70%	08/02/18	1,000	1,000
09/11/17	ME Bank	FRN	2.95%	09/11/20	750	751
20/06/17	Bank Australia	TD	2.80%	15/02/18	1,000	1,000
04/07/17	Bank Australia	TD	2.80%	15/02/18	2,000	2,000
20/09/04	National Australia Bank (ASX Listed)	FRN	2.96%	Perpetual	1,788	1,409
20/11/17	Westpac Banking Corporation	FRN	2.77%	18/08/22	1,000	1,000
19/07/17	Bank of Queensland	TD	2.65%	21/02/18	2,000	2,000
25/02/14	Westpac Banking Corporation	FRN	2.67%	25/02/19	2,000	2,014
24/11/17	Greater Bank Limited	FRN	3.18%	24/02/20	1,000	1,000
30/08/16	Greater Bank Limited	FRN	3.29%	30/08/19	1,000	1,003
10/10/17	National Australia Bank	TD	2.54%	10/10/18	2,000	2,000
17/06/16	Commonwealth Bank of Australia	FRN	2.82%	17/06/21	1,000	1,000
19/10/17	National Australia Bank	TD	2.52%	21/03/18	1,000	1,000
29/06/17	Teachers Mutual Bank Limited	FRN	3.22%	29/06/20	1,000	1,000
21/12/17	BankWest	TD	2.50%	29/03/18	1,000	1,000
30/06/16	Commonwealth Bank of Australia	FRN	2.84%	30/06/21	1,000	1,000
29/06/17	AMP Bank	TD	2.60%	04/04/18	2,000	2,000
05/09/17	My State Bank Ltd	TD	2.60%	11/04/18	1,000	1,000
04/10/17	National Australia Bank	TD	2.57%	18/04/18	2,000	2,000
16/08/17	ME Bank	TD	2.60%	16/05/18	1,000	1,000
21/11/17	Defence Bank Ltd	TD	2.60%	22/05/18	1,000	1,000
30/11/17	My State Bank Ltd	TD	2.63%	29/05/18	3,000	3,000
27/11/17	ME Bank	TD	2.61%	05/06/18	1,000	1,000
07/12/17	My State Bank Ltd	TD	2.60%	06/06/18	1,000	1,000
12/09/17	AMP Bank	TD	2.60%	13/06/18	1,000	1,000
29/11/17	Auswide Bank	TD	2.65%	19/06/18	1,000	1,000
01/12/17	Bank of Queensland	TD	2.63%	26/06/18	2,000	2,000
05/09/17	Commonwealth Bank of Australia	TD	2.58%	05/07/18	2,000	2,000
06/09/17	National Australia Bank	TD	2.57%	11/07/18	2,000	2,000
08/08/17	ING Bank Ltd	TD	2.61%	08/08/18	1,000	1,000
08/08/17	Bendigo & Adelaide Bank	TD	2.70%	14/08/18	2,000	2,000
16/08/17	AMP Bank	TD	2.65%	16/08/18	1,000	1,000
09/08/17	Bendigo & Adelaide Bank	TD	2.70%	22/08/18	1,000	1,000
11/12/17	ME Bank	TD	2.62%	07/09/18	1,000	1,000
09/11/17	Defence Bank Ltd	TD	2.75%	08/11/18	1,500	1,500
16/08/17	ING Bank Ltd	TD	2.68%	15/11/18	2,000	2,000
15/08/17	ING Bank Ltd	TD	2.68%	20/11/18	1,000	1,000
17/08/17	ING Bank Ltd	TD	2.70%	20/11/18	1,000	1,000
20/11/17	Defence Bank Ltd	TD	2.75%	22/11/18	1,000	1,000
04/12/17	Defence Bank Ltd	TD	2.75%	04/12/18	1,000	1,000
11/12/17	Credit Union Australia	TD	2.60%	11/12/18	2,000	2,000
27/12/17	Commonwealth Bank of Australia	at call	1.45%	02/01/18	2,500	2,500
Totals					76,538	76,180
CDA = Cash Deposit Account		FRN = Floating Rate Note				
FRTD = Floating Rate Term Deposit		TD = Term Deposit				

RECOMMENDATION

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

Attachment(s)

1. TCorp Local Government Economic Commentary for December 2017

10.3 Flat Rock Tent Park - Adoption of Fees and Charges 2018/19

10.3 Flat Rock Tent Park - Adoption of Fees and Charges 2018/19

Delivery Program Commercial Services

Objective Setting of fees and charges for Flat Rock Tent Park for 2018/19.

Background

Council resolved to advertise a set of draft Flat Rock Tent Park fees and charges, and associated notes, for 2018/19 for public comment following Council's Ordinary Meeting on 14 December 2017.

A copy of the exhibited information is attached.

The purpose of this report is to comment on any submissions received and adopt the fees for 2018/19.

Key Issues

- Increases in fees and charges
- Conditions attached to the fees

Information

The draft fees and charges and associated notes have been on public exhibition for the required twenty eight days and as a result of the exhibition process no submissions were received.

Sustainability Considerations

- **Environment**
Council needs to operate the tent park in a sustainable manner, taking into account any environmental impacts.
- **Social**
The tent park plays a major social role in that people holidaying in the tent park come from broad socio-demographic groups, this creates a large social interaction of people.
- **Economic**
The tent park provides economic benefits to both Council and the broader business community.

Legal / Resource / Financial Implications

Council is legally required to exhibit and adopt its fees. The tent park budget is formulated as part of Council's annual budget deliberations

Consultation

The documents were subsequently placed on public exhibition from 20 December 2017 to 19 January 2017.

The documents were exhibited to encourage public comment and exhibited at Council's normal consultation points (administration centre and libraries) and on the Council website.

Options

1. Council adopts the fees and charges for the 2018/19 year as exhibited.

This option is recommended as no submissions were received during the public exhibition period. The increased fees and charges improve the profitability of the park.

2. Council does not adopt the fees and charges for the 2018/19 year as exhibited.

This option is not recommended as no submissions were received in opposition to the proposed fees and charges during the public exhibition period. Not adopting the increased fees and charges fails to recognise the increasing costs of running the park.

RECOMMENDATION

That Council adopts the draft Flat Rock Tent Park fees and associated notes, as exhibited for 2018/19.

Attachment(s)

1. Flat Rock Tent Park Draft Fees and Charges 2018/19

10.4 Infrastructure Delivery

10.4 Infrastructure Delivery

Delivery Program Commercial Services

Objective To seek Council's concurrence regarding the delivery of an element of infrastructure.

Background

The delivery of Council infrastructure, at times, requires commercial negotiations in respect to dealings with government agencies and or the public. Therefore it is essential that confidentiality is maintained to ensure the best value to the community.

Key Issues

- Notification of the confidential report

Information

Detailed information on this matter is contained in a confidential report included later in the meeting agenda.

Consultation

The recommendation that the report later in this agenda be debated in confidential session is a recommendation only. It is then a matter for Councillors to determine whether it is to be debated in confidential session.

Options

This report is for noting only with the confidential report later in this agenda outlining the options available.

RECOMMENDATION

That Council notes the contents of this report regarding notification of a confidential report later in this agenda.

Attachment(s)

Nil

10.5 Councillor Expenses - Six Monthly Review

10.5 Councillor Expenses - Six Monthly Review

Delivery Program Communications

Objective To provide the six monthly report on Councillor Expenses.

Background

The Model Councillor Expenses and Facilities Policy includes a requirement for the reporting of expenditure by Councillors every six months, summarised by individual Councillor and as a total for all Councillors (Clause 15.2). The information is to also be published on Council's website. This report satisfies that requirement.

Key Issues

- Overview of expenditure

Information

This report is for the six month period July to December 2017.

Councillor Expenses and Facilities Expenditure (\$)

Councillor Name	General Travel and Expenses	Professional Development / Conferences	Information Technology	Home Office	Other (Carers)	Totals
Cadwallader	1,212	4,842	524	119	0	6,697
Johnson	0	0	132	131	0	263
Johnston	1,315	2,213	(21)	111	0	3,618
McCarthy	6	2,130	27	0	0	2,163
Meehan	345	0	221	193	0	759
Parry	334	*2,066	136	5	0	*2,541
Smith	100	0	0	0	0	100
Williams	0	0	(134)	113	0	(21)
Willis	6	2,106	0	121	0	2,233
Wright	35	0	(103)	144	0	76
Total						18,429

*A refund is still due from LGNSW for part of this expenditure.

The figures in the above table are ex GST. The figures in brackets represent a credit in phone call costs which have been deducted from Councillor allowances, but not claimed back for reimbursement.

Further expenses are expected for this period as some Councillors have not submitted expense claims for some time. The policy states that claims will not be approved for any claims that are three months overdue.

The Expenses Policy places a \$3,000 annual limit (ex GST) on general travel arrangements and expenses and a \$5,000 annual limit (ex GST) on professional development and conferences, excluding induction training.

Legal / Resource / Financial Implications

Council has funding allocated in the Long Term Financial Plan for this expenditure.

10.5 Councillor Expenses - Six Monthly Review

Options

This reporting is for noting only.

RECOMMENDATION

That Council notes the contents of this update on the expenditure as per the Councillor Expenses and Facilities Policy.

Attachment(s)

Nil

10.6 Policy (Review) - Councillor Training and Development

10.6 Policy (Review) - Councillor Training and Development

Delivery Program Communications

Objective To review the Councillor Training and Development Policy.

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Councillor Training and Development policy. Council first adopted this policy in November 2008 and it was last reviewed in 2013. A copy of the existing policy is included as the first attachment to this report.

In addition to this the Office of Local Government (OLG) has recently issued a circular on proposed Councillor Induction and Professional Development Guidelines. The review of the Council policy needs to be considered in conjunction with that circular, which is included as the second attachment to this report. The circular, reference 17-39, outlines proposed changes to the Local Government (General) Regulation for Councillor training.

Key Issues

- Whether the policy meets the requirements of Councillors
- Ensuring adequate training is provided
- Consistency with proposed changes to the Local Government (General) Regulation

Information

The OLG, through a variety of publications, has emphasised that councillors should undertake regular training and development to satisfactorily perform their roles. The OLG has, at times, made mention of making training mandatory for councillors however this has not occurred to date.

Even though training is not mandatory the OLG encourages councils to have councillor training policies with Council having a policy in place since 2008.

The Council policy, as it currently stands, identifies the type of training programs that Council should offer to Councillors. The policy classifies training as imperative (i.e. essential) desirable (i.e. preferred), and developmental as per the following classifications:

Imperative

- Councillor Induction Program
- Relationship between Councillors, General Manager and Staff
- Meeting Procedures, and
- Conflict of Interest and Code of Conduct policies as adopted by Council.

10.6 Policy (Review) - Councillor Training and Development

Desirable

- Financial Skills
- Planning Legislation
- Strategic Management
- Community Leadership
- Media Skills
- Handling Difficult People for Councillors, and
- Performance Management of Senior Staff

Developmental Training

Training offered to councillors is considered developmental when it is aimed at further developing the skills or professional expertise of the Councillor.

In looking at the imperative training, during the current term of Council, programs have been offered through:

- Council Induction Program (various sessions)
- Lindsay Taylor Lawyers (three sessions)
- Office of Local Government Hit the Ground Running Workshop

All Councillors have attended at least one or more of these sessions which have focused on topics such as the Code of Conduct, Meeting Procedures and Conflicts of Interest. The imperative training has been covered reasonably well as part of the induction program.

In respect to desirable training there have been elements provided and / or attended through programs such as:

- LGNSW Annual Conference 2016 and 2017 – program included items on changes to the Local Government Act – number of Councillors attended
- Auditor – General – Audit and Risk Committee – Cr Smith
- National Assembly of Local Government – Cr Willis
- Performance Management – Majority of Councillors

Prior to identifying options to improve the existing policy it is important to understand what the recommendations are in the changes proposed in OLG circular 17-39. The main points in the attachment to that circular are as follows.

The general manager is to ensure an induction program is delivered for newly elected and returning councillors and a specialised supplementary induction program for the mayor within six months of their election.

This has been provided to Councillors and the general feedback from Councillors was positive. Ideas to further improve the induction program are encouraged.

The general manager is to ensure an ongoing professional development program is delivered for the mayor and each councillor over the term of the council for the purposes of assisting them to acquire and maintain the knowledge and skills necessary to perform their roles.

10.6 Policy (Review) - Councillor Training and Development

Traditionally on-going training has been based on Councillor requests and an objective of this report is to seek feedback on the preferred training programs for 2018 onwards.

The content of the ongoing professional development program to be delivered to the mayor and councillors is to be determined in consultation with the mayor and each councillor and is to have regard to the specific knowledge and skills required by the mayor, each individual councillor and the governing body as a whole to perform their roles.

Agreed.

Mayors and councillors must make all reasonable efforts to participate in the activities offered to them as part of an induction or ongoing professional development program.

There is no mandatory requirement for Councillors to attend training programs and it can be difficult for Councillors to balance all the various time demands of being a Councillor.

The general manager is to report to the first council meeting held following the completion of the delivery of the induction program identifying the activities offered to the mayor and each councillor as part of the induction program, and whether or not the mayor and each councillor participated in the activities offered to them.

This type of reporting may be designed to provide some form of transparency or perhaps encourage higher attendance, however it is considered unnecessary. There can be many reasons for a Councillor not attending a training or induction activity and the feeling is that this type of reporting does not really achieve anything other than provide an opportunity for Councillors to be benchmarked (often unfairly) against each other.

The general manager is to report to the first council meeting held following 30 June in each year identifying the ongoing professional development activities offered to the mayor and each councillor in the year to 30 June as part of the professional development program, and whether or not the mayor and each councillor participated in the activities offered to them under the program.

As per the previous point.

The general manager is to ensure these reports are published on the council's website.

As per the previous point.

The Chief Executive of the Office of Local Government may, at the request of a general manager, exempt the council from the requirement to publish details of induction and ongoing professional development activities offered to the mayor or an individual councillor where he or she is satisfied that there are exceptional circumstances.

It is difficult to see why there should be an exception rule for reporting of this nature.

10.6 Policy (Review) - Councillor Training and Development

The one key message from the proposed changes is that Council should have a more formalised on-going training program in place rather than relying totally on Councillor requests after the induction program has been completed.

In respect to that, LGNSW provide a wide range of training programs focused on Councillor training, with that information available on their website (lgnsw.org.au).

The titles of all the courses they currently have on their website are as follows:

ABC Unit Costing in Community Care	Executive Certificate for Elected Members	People and Performance
Advanced Media Skills	Finance for Non-Finance Managers	Managing Stages of Change
Alcohol and Other Drug Awareness for Supervisors	Financial Issues in Local Government	Marketing in Community Care
Applying for Jobs and Performing in Interviews	GIPA Act Advanced Training	Mayors' Weekend Seminar
Award History and Interpretation	Good Governance	Media Skills
Becoming More Assertive	Handling Difficult People	Mediation Skills
Building Wellbeing and Resilience	Improving Your Business Writing	Model Code of Conduct (Councillors)
Bullying and Harassment	Improving Your Grammar and Punctuation Skills	Model Code of Conduct (Staff)
Bullying and Harassment for Managers	Improving Your Minute Taking Skills	Price Setting for Fees and Charges
Business Planning for People Managers	Improving Your Report Writing	Public Interest Disclosures (PID) Act Training
Chairing and Meeting Procedures	Introduction to Asset Management	Recruitment and Selection Skills
Chairing Effective Meetings	Introduction to Local Government	Resilience and Wellbeing
Coaching and Mentoring for Managers	Introduction to Project Management	Role of Code of Conduct Complaint Coordinators
Community and Stakeholder Engagement	Joint Organisations: Emerging Direction in Regional Collaboration	Social Media
Constructive Workplace Communication	Know Your Planning	Speed Reading for Councillors
Customer Care Professionalism	Leading People Through Change and Uncertainty	Springboard Women's Development Program
Directly - Elected Mayors' Network	Learning and Development Network	Strategic Management
Effective and Fair Meeting Procedures	Lobbying for Success	The Supervisor Series
Effectively Handling Complaints	Make Your Research Count	Time Management
Elected Life - An Induction Program for Councillors	Making Consultative Committees More Effective	Understanding Sustainability
Employment Law Seminar	Managing Change & Uncertainty	Workforce Planning
Essential Skills for Successful Coaching	Managing Inappropriate Conduct and Performance	Workforce Planning in Community Care
Essentials of Volunteer Management	Mental Health in the Workplace	Writing Winning Grant Funding Applications

In looking at Council's existing policy, and in particular the desirable category of training, one option to assist Councillors, could be to ensure that Council provides certain training activities in Ballina Shire, to allow all Councillors the opportunity to attend, at minimal inconvenience.

In speaking with LGNSW the cost of conducting a course in Ballina is approximately \$4,000 to \$6,000 dependent on the facilitator.

The training provided could cover the more pertinent items classified as desirable, the primary examples in the courses listed by LGNSW, being:

Know Your Planning - Planning matters - for Councillors - Jennifer Dennis (Senior Policy Officer for Local Government NSW)

Overview: This workshop will focus on the current role of councillors in planning decisions – both plan making and development assessment practice. It will broadly cover the wider strategic plan making issues, together with current practice on plan making and development assessment process.

This course normally has five modules; i.e.

Session 1 - What is Local Government Planning and what is the role of the councillor?

Session 2 - Update on Planning Reform by staff of the Department of Planning and Environment

Session 3 - Update on the Land Management and Biodiversity Reform by staff of the Office of Environment and Heritage

Session 4 – Reform implications on councils

If the course was provided in Ballina it could focus on sessions one and two.

Financial issues in Local Government - Dennis Banicevic

Overview: Whether it be reading council's budget, or contributing or questioning the budget and Operational Plan, Councillors are having to make many decisions about financial issues in Local Government. This module will assist Councillors to make informed decisions about financial issues.

Mr Banicevic is from PricewaterhouseCoopers (PWC) and has a good reputation for making local government finance interesting(!) in his training programs.

Good Governance - Narayan van de Graaff

This workshop examines how the processes, protocols, and conduct of governance contribute to council performance.

Strategic Management - Narayan van de Graff

The program looks at the strategic planning processes and how to take an integrated planning approach in councils.

It may be possible to tie Good Governance and Strategic Management into the one trip to Ballina by using the same facilitator.

Another desirable training topic that could be provided locally is Media Skills. One program specifically developed for councillors is provided by Dr Neryl East and it focuses on:

- Councillor roles and responsibilities when speaking to the media
- Specific and practical “dos and don'ts” for maintaining positive media coverage
- Know how to do an effective media interview
- Know what to do if they get caught in a negative media situation
- The impact of negative coverage on Council

A web site link to this program is as follows:

<https://www.neryleast.com/training-for-local-government/>

If Council supported the approach of having formalised training sessions conducted in Ballina it would be reasonable to exclude this training from the annual expenditure allowance for training and professional development for Councillors.

The Councillor Expenses and Facilities policy currently states as follows.

6.24 Council will allow a total of \$5,000 (which includes funding provided for professional development, conferences and seminars as per point 6.30) per councillor annually to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies.

6.25 In the first year of a new council term, Council will provide a comprehensive induction program for all councillors, as determined by the general manager, which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.

These two clauses could be amended to read:

6.24 Council will allow a total of \$5,000 (which includes funding provided for professional development, conferences and seminars as per point 6.30) per councillor annually to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies.

6.25 In the first year of a new council term, Council will provide an induction program for all councillors, as determined by the general manager in consultation with the councillors, which considers any guidelines issued by the Office of Local Government (OLG).

During the remainder of the council term the general manager, in consultation with the councillors, will facilitate on-going corporate training for councillors, consistent with Council's Councillor Training and Development Policy. The cost of providing the induction and on-going corporate training will not be included in the \$5,000 annual limit for Councillors as per clause 6.24.

The existing Councillor Training and Development Policy could also be amended by the inclusion of the following clauses:

To assist Councillors attend desirable training and to avoid the inconvenience where training programs may not be delivered locally, the General Manager will co-ordinate training programs, for a number of the desirable training topics, within the Ballina Shire local government area, during the Council term, subject to annual budget constraints.

This will typically mean one or two topics are delivered locally per annum.

The cost of this training, where co-ordinated by the General Manager locally, will be classified as corporate training and will not be recorded against the individual Councillor annual allowance of \$5,000 for training, as per the Councillor Expenses and Facilities Policy.

Based on these comments the existing policy has been amended and a copy of the revised document is included as the third attachment. The categories of desirable training have also been slightly amended in the revised policy.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
It is important that Councillors are provided with the opportunity to undertake training that benefits the role of being a councillor.
- **Economic**
A budget is provided for Councillor training and development.

Legal / Resource / Financial Implications

There is a training / conference budget provided for Councillors with expenditure for the current financial year to 31 December 2017 and the last two financial years as follows:

Year	Budget (\$)	Actual (\$)
2016	22,000	8,454
2017	33,000	30,027
2018	30,000	18,429

Consultation

It is Council practice to exhibit policies for public comment.

It is mandatory for changes to the Councillor Expenses and Facilities Policy to be exhibited for public comment, although Council can make minor amendments when adopting the amended policy following the exhibition process.

OLG circular is seeking submissions on circular 17-39 by Friday 16 March 2018.

Options

Based on the contents of this report there are options to improve the existing Councillor Training and Development Policy, with a focus on delivering locally based training that is classified as desirable.

Whether that is the preferred direction of Council is uncertain as Councillors may well wish to continue to select their own individual preference for training as currently occurs; albeit that this amendment would still allow that to happen.

The downside to having training delivered locally is that all Councillors should attend and the cost can be significant. The upside is that the same message and discussion is heard by all the Councillors who attend and there are the training benefits.

10.6 Policy (Review) - Councillor Training and Development

If Council is supportive of this approach the recommendation is to adopt the amended Councillor Training and Development policy as per the third attachment to this report.

It will also be necessary to amend the existing Facilities and Expenses Policy, which requires a statutory exhibition period and reporting back to Council, as the revised Training Policy states that the desirable training co-ordinated locally will not form part of the \$5,000 annual expenditure limit for each Councillor.

The recommendations that follow support this approach.

The next decision then needed is direction for the preferred desirable training for 2018 and / or 2019. The topics listed as desirable in the revised policy are:

- Planning Framework
- Chairing and Meeting Procedures
- Community and Stakeholder Engagement
- Financial Skills
- Governance
- Media Skills
- Performance Management for Senior Staff
- Strategic Management

The fourth recommendation seeks direction on this and this is really a matter for Councillors to determine. From a staff perspective media skills, which is always an interesting course, and governance / strategic management, along with the planning framework may be the courses of most relevance to the current Council.

Those courses are included in the recommendation, although that is a recommendation only and feedback is encouraged from Councillors.

The only other point outstanding is whether Council wishes to make a submission in response to OLG circular 17-39.

As mentioned the six monthly reporting on training does appear to be unnecessary, however if Councillors are comfortable with that approach there is no need for a submission. The final recommendation is for noting that circular and this can be amended if Councillors wish to make a submission.

RECOMMENDATIONS

1. That Council adopts the amended Councillor Training and Development Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.
3. That Council approves the exhibition of an amendment to the Councillor Expenses and Facilities Policy to recognise that desirable training, delivered locally through the involvement of Council, will not be included in the annual \$5,000 expenditure limit for Councillor training.
4. That Council confirms its topic preference for desirable training delivered locally (i.e. two or a maximum of three topics per annum) for 2018 and 2019 is as follows:
 - Planning Framework
 - Financial Skills
 - Governance
 - Media Skills
 - Strategic Management
5. The General Manager is authorised to co-ordinate this training subject to annual budget constraints and the availability of Councillors and the training organisations.
6. That Council notes the contents of the Office of Local Government Circular 17-39 as attached to this report.

Attachment(s)

1. Councillor Training and Development Policy (Existing)
2. Office of Local Government - Circular 17-39
3. Councillor Training and Development Policy (Reviewed)

10.7 Policy (Review) - Code of Meeting Practice

10.7 Policy (Review) - Code of Meeting Practice

Delivery Program Communications

Objective To adopt an updated Code of Meeting Practice.

Background

At the November 2017 Ordinary meeting Council considered a report reviewing the Code of Meeting Practice. A number of amendments to the existing Code were subsequently approved for public exhibition and the exhibition period closed on 17 January 2018 with two submissions being received. A copy of the submissions is included as the first attachment to this report.

The second attachment is the exhibited policy.

Since the report to the November 2017 Ordinary meeting, the Office of Local Government (OLG) has issued circular 17-40 together with a public consultation draft, for a Model Code of Meeting Practice.

NSW local government has not traditionally had a Model Code of Meeting Practice and similar to the Model Code of Conduct, the concept is that councils should adopt the Model Code as a minimum standard.

A copy of circular 17-40 and the draft Model Code of Meeting Practice are included as the third and fourth attachments to this report.

The purpose of this report is to review the submission, adopt the changes made to Council's existing Code of Meeting Practice and review the draft Model Code of Meeting Practice as circulated by the OLG.

Key Issues

- Ensure the Code of Meeting Practice reflects how the elected Council wishes to conduct its meetings
- Compliance with the Local Government Act and Regulations

Information

Council's updated Code of Meeting Practice, as exhibited, includes a number of relatively minor changes (i.e. more flexibility with the Acknowledgement of Country, ability of Chair to change order of business based on gallery numbers, speakers called on a for and against basis, improve deputation guidelines etc).

Sections 361 and 362 of the Local Government Act require changes to the Code of Meeting Practice to be exhibited for at least 28 days, with 42 days to be allowed for submissions. Changes can only be adopted following a report submitted to Council on the submissions received.

10.7 Policy (Review) - Code of Meeting Practice

With the exhibition period of 28 days, plus an extra 14 days for submissions now closed, Council is in a position to adopt the amended Code of Meeting Practice, as per attachment two, subject to a review of the submissions.

The key points raised in the first submission from Dr Walker that differ from the exhibited Code of Meeting Practice are as follows:

- Changing the order of deputations from affirmative first and opposition second – Clause 8.5 of the exhibited Code currently states that:

Deputations on the same matter will be listed together with the opposition first and the speaker in affirmative second.

The reason this order was chosen was that it seemed fairer for a person who has something in the agenda to hear the objections and then respond to those objections. This is similar to the right of reply where the mover of a motion has the right to respond to all comments made during the debate.

No change is recommended.

- Requests briefing and workshops to be open to the public

The exhibited Code of Meeting Practice does not mention briefings and workshops and the draft Model Code from the OLG is also silent on this as well, excluding a reference to pre-meeting briefings. It is interesting to note that reference (clause 3.34 in the draft Model Code) states that the pre-meeting briefing sessions are to be held in the absence of the public.

The OLG has produced Meetings Practice Note publications over the years [last one appears to be August 2009, a copy of which is available on the OLG website (olg.nsw.gov.au)].

Part 13 of that document provides guidelines for the management of workshops with some of the main points being:

A council can hold a workshop (sometimes called a briefing session) under its general powers as a body politic. Workshops are informal gatherings and can provide useful background information to councillors on issues. A workshop may involve councillors, council staff and invited participants.

Workshops should not be used for detailed or advanced discussions where agreement is reached and/or a (de-facto) decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, should be left to the open forum of a formal council or committee meeting.

Workshops are merely a means which enable councillors to bring an informed mind to the appropriate decision-making forum.

The Division recognises the value of workshops or information sessions in developing councillor knowledge and expertise, and in assisting their role as public officials.

However, where briefing sessions are held in relation to development applications or business enterprises, council needs to remember its obligations and responsibilities under the Model Code, and community perceptions in terms of unfair advantage and transparency of process. Council may wish to introduce protocols for workshops or information sessions in its Meeting Code.

10.7 Policy (Review) - Code of Meeting Practice

Attendance entitlements in the Act and the Regulation apply only to meetings of the council and its committees (made up of councillors only). As workshops are not meetings of the council or such committees the attendance entitlements of councillors and the public do not apply. Despite this every councillor should be invited to workshops.

There is no obligation on councillors to attend workshops.

The meeting procedures in the Act and the Regulation apply only to meetings of the council and its committees made up of councillors only.

As workshops are not meetings of the council or its committees, the meeting procedures in the Act and the Regulation do not apply.

Meeting procedures for council workshops is a decision for the council or, failing that, the workshop convenor. Council may wish to introduce protocols for the conduct of workshops in its Meeting Code.

The non-disclosure provisions of sections 664(1) and 664(2) of the Act apply to workshops but, because they cannot be closed under section 10A of the Act, the confidentiality provisions of sections 664(1A) and 664(1B) do not apply.

Any document produced in relation to a workshop would be a document of the council. This means that these documents could be inspected and copied in accordance with sections 12 to 12B of the Act or the provisions of the Freedom of Information Act 1989 subject to any exemptions or copyright restrictions. A person refused access to a document under the Freedom of Information Act 1989 can apply for a review of the determination by the NSW Administrative Decisions Tribunal.

When conducting workshops, a council needs to think about its obligations and responsibilities under the Model Code, and of community perceptions in terms of unfair advantage and transparency of process. There may be a belief that workshops are a means of transacting council business and coming to council decisions in secret.

Negative public views of workshops could be changed by community education on the purpose of workshops, and by ensuring that council decisions are not made at workshops. Establishing clear guidelines for workshops and information sessions in council's Meeting Code would assist this. Guidelines could include requirements that, for example, workshop briefing papers contain information but no recommendations; or directions that no recommendations are to be put to, and no agreement sought from, the councillors or other workshop participants in the course of the workshop.

(sourced from pages 66 and 67 of the OLG Meetings Practice Note 2009).

Briefings are held regularly as they do provide background information for the benefit of Councillors. As a rule Council has attempted to ensure that it is clear that decisions are not made at briefings, unless they are operational matters that staff can implement under delegated authority.

In respect to the public attending, where there has been the occasional request from a member of the public to attend, that approval has typically been granted, sometimes to the consternation or disagreement of one or more Councillors. It is very rare that a request from a member of the public would not be approved and it would only be due to confidentiality reasons.

This decision to allow members of public to attend has been taken to manage the public perception issue and to reinforce that Council is transparent and accountable.

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The extract from the OLG Meetings Practice Note makes reference to the option for councils to include workshop protocols in the Code of Meeting Practice.

On balance this is not considered necessary however if Councillors wish to see protocols developed, an additional recommendation could be as follows:

That Council receive a report outlining protocols for the management of Councillor briefings and workshops for inclusion in the Code of Meeting Practice.

The one concern with doing this type of work is that often no matter what is drafted it does not cover every situation that may arise.

- Request all information presented at briefing and workshops to be made available to the public

As mentioned in the extract from the OLG Meetings Practice Note, documentation distributed at a briefing or workshop becomes a Council document which is then subject to Council's legislative requirements (Freedom of Information has now been replaced by the Government Information (Public Access) Act (GIPA)).

The Local Government Act (LGA) and the GIPA are both prescriptive in respect to what information is available to the public and Council should not be amending its Code of Meeting Practice to over-ride or replicate those Acts.

Briefly most information presented at a Council workshop or briefing can be provided informally through a verbal or written request. If an informal request for the information is denied (because the information is commercial in confidence, legal advice, or sensitive in some other way) people have the option to lodge a formal application under the GIPA Act (\$30 fee plus processing charges).

The formal process provides applicants a legislated right to access all government information and formal internal and external review rights should the application be denied.

It is impractical to say that all information presented in a briefing / workshop is to be made available to the public as there may be items that are commercial in confidence, or sometimes there can be items that the early release could prejudice a future report to Council.

The LGA and GIPA are designed to manage the distribution of information to the public and no change is recommended.

- Requests in confidence resolutions to be included in the minutes and legal advice to be made public under certain conditions

10.7 Policy (Review) - Code of Meeting Practice

Recommendations made from the confidential session of Council meetings are already included in the open Council minutes so no change is needed. The provision of legal advice is not a matter for the Code of Meeting Practice and the earlier comments relating to the LGA and GIPA also apply to the release of legal advice.

In respect to the submission from the Lennox Head Residents Association the key points are:

- Behaviour of the gallery and removal of the gallery – This is already covered in clause 5.3 which relates to the procedures as outlined in the LGA and Local Government (General) Regulations.
- Signage – Both the Council Code of Meeting Practice and the Model Code are silent on this matter. This is traditionally handled by the Chair and Council could have a statement in the Code stating no signage allowed, however the preference is to leave this in the hands of the Chair.
- Deputations – The exhibited policy includes the recording of deputations (clause 8.4)

Based on these comments no change is recommended to the exhibited Code of Meeting Practice based on the submissions, however the adoption of that document also needs to be considered in conjunction with the draft Model Code of Meeting Practice, as distributed by the OLG.

Key points in respect to the draft Model Code of Meeting Practice, as per attachment three, include:

- Items marked in black represent mandatory items in the draft Code – these items largely reflect the Local Government Act and / or Regulations
- Items marked in red represent non-mandatory items that councils may wish to consider including
- As with the Model Code of Conduct it is envisaged that councils will be able to add to the Model Code of Meeting Practice, so long as any inclusions do not over-ride or weaken the mandatory provisions.

Many of the items marked in red in the draft Model Code represent items where some councils, at times, have had operational or political difficulties that can cause dysfunctionality and the inclusion of the additional wording provides greater clarity or clearer guidelines to help improve the meeting process.

Good examples of this in the draft include clauses 3.13 (limiting the number of notices of motion a councillor can submit) and 3.15 (ensuring that any notice of motion clarifies the funding source for proposed expenditure).

From a Ballina Shire Council perspective the majority of the items marked in red are not considered necessary as they can be dealt with by Councillors working together co-operatively and respectfully.

There is a concern that if the Code of Meeting Practice becomes overly prescriptive it reduces the flexibility available to manage matters as they arise.

10.7 Policy (Review) - Code of Meeting Practice

For example Chapter Four provides a relatively bureaucratic process of public forums to be held prior to the Council meeting.

Council has managed this relatively well over the years by:

- Allowing one speaker for and against on the day of the meeting
- Occasionally allowing extra time or extra speakers where needed
- Occasionally holding a dedicated committee meeting for a major topic where multiple speakers are allowed on the one topic. Examples of this include the renewal of the local environmental plan and the adoption of the Council Heritage Study.

Overall there is very little in the items marked red that are considered essential to improve our existing meeting processes with the exceptions being for items such as clauses 5.21 (recording) and 11.10 (recording of votes), where Council already follows the practices identified.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The Code of Meeting Practice helps to provide consistency and equity in the management of meetings.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

To comply with the Local Government Act Council must have a Code of Meeting Practice.

Consultation

The proposed changes, as endorsed at the November 2017 Ordinary meeting, have been exhibited in accordance with the requirements of the Local Government Act.

The OLG is seeking feedback on the draft Model Code of Meeting Practice.

Options

There are a few options available in respect to this report including:

- a) Adopt the amended Code of Meeting Practice as exhibited, whilst acknowledging it will be necessary to further review this Code once of the OLG completes their consultation for the draft Model Code. As per the OLG circular, submissions close 16 March 2018 and once the Model Code of Meeting Practice is finalised, councils will have six months in which to adopt a Code of Meeting Practice based on the Model Code. This means

10.7 Policy (Review) - Code of Meeting Practice

that Council could possibly have 12 months or more to adopt the Model Code.

- b) Not adopt the amended Code of Meeting Practice and continue with the existing Code until the Model Code is finalised.
- c) Adopt the amended Code of Meeting Practice as exhibited subject to minor amendments. Major amendments would need to be re-exhibited.

Council also has the option of making a submission on the Model Code.

The preferred option is to complete the current process and adopt the amended Code of Meeting Practice as exhibited.

There are some minor improvements in this amended Code that should improve the existing meeting procedures and by implementing these changes Council will be in a better position to determine what items could possibly be included in the Model Code of Meeting Practice, once it is finalised by the OLG.

At this stage it is not intended to make a submission on the draft Model Code as there is nothing considered contentious.

The one item that has generated some discussion amongst councils is clause 5.18 that requires all meetings to be webcast. Certain councils in remote areas, and even non-remote areas, will struggle to have the infrastructure to adequately deliver this service and it would not be a surprise if this clause becomes non-mandatory.

It is also recommended that Council thank Dr Walker and the Lennox Head Residents Association for their submissions on the Code of Meeting Practice.

RECOMMENDATIONS

1. That Council adopts the amended Code of Meeting Practice, as exhibited, as per attachment one to this report.
2. That Council notes the contents of the draft Model Code of Meeting Practice as per Office of Local Government circular 17-40.
3. That Council thanks Dr Walker and the Lennox Head Residents Association in respect to the submissions on the draft Code of Meeting Practice, as exhibited.

Attachment(s)

1. Submissions - Code of Meeting Practice
2. Policy (Review) - Code of Meeting Practice
3. OLG Circular 17-40
4. OLG Draft Model Code of Meeting Practice

10.8 Delivery Program and Operational Plan - 31 December Review

10.8 Delivery Program and Operational Plan - 31 December Review

Delivery Program Communications

Objective To provide the quarterly review of the 2017/18 Delivery Program and Operational Plan.

Section 404 (5) of the Local Government Act states as follows:

Delivery Program

"The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months".

Even though Council is only required to receive six monthly progress reports the preferred practice is to receive more timely quarterly reports. This report represents the second review of the 2017/18 - 2020/21 Delivery Program and the 2017/18 Operational Plan, with the information contained in the report based on work undertaken up to 31 December 2017 (six months).

The review documentation is included as a separate attachment to this report and the attachment provides an overview of all the programs included in the Delivery Program and Operational Plan, with comments provided by the group and / or section manager. Copies of the current Delivery Program and Operational Plan are available on Council's website and also accessible by Councillors on their iPads.

Key Issues

- Compare actual results against the adopted goals and priorities
- Update on special rate variation

Information

The Delivery Program and Operational Plan are the two key corporate documents that establish Council's goals and priorities for the term of the Council and the current financial year. The attachment to this report provides a comprehensive overview of the actions being progressed, with the information also being linked to Council's Community Strategic Plan (CSP) Objectives. The attachment has two main sections being:

- Program Actions - This section provides a comment on the status of all the major actions in the Operational Plan
- Service Delivery Indicators - This section provides details on the key indicators within the Operational Plan.

10.8 Delivery Program and Operational Plan - 31 December Review

All items are marked with a green (on track for this financial year) amber (behind schedule or below target) or red (not progressing as planned or off track) traffic light. One item has been marked as black as Council resolved not to proceed with the project due to the funding being allocated elsewhere (Russellton Industrial Estate funding transferred to Airport Boulevard)

There are a total of 110 major tasks listed in the Operational Plan and the following two tables provide an overview of the status of those actions on a number and percentage basis.

Program Actions Overview - By Number of Tasks

Group / Status	GM	DEH	Civil	SCF	Total
Green	25	9	37	34	105
Amber	0	0	3	1	4
Red	0	0	0	0	0
Black	1	0	0	0	1
Total	26	9	40	35	110

Program Actions Overview - By Percentage

Group / Status	GM	DEH	Civil	SCF	Total
Green	96	100	93	97	95
Amber	0	0	7	3	4
Red	0	0	0	0	0
Black	4	0	0	0	1
Total	100	100	100	100	100

Items of interest in the attachment include:

- Implement Companion Animals Management Plan (page 4) – Council endorsed an update to this plan at the November 2017 Ordinary meeting.
- Implement Community Gallery Services at the Fire Station site (page 4) – This project is now tracking well with the launch of the building planned for February 2018.
- Participate in the Roads and Maritime Services Location Marker Program for Ballina (page 8) – After many years of planning the RMS has advised that the marker program will be installed for Ballina in mid 2018 with the Council selected images approved.
- Implement Regional Boating Strategy (page 9) – The installation of a number of pontoons and wharfs planned for this year has commenced.
- Implement Richmond River Estuary Coastal Zone Management Plan (page 12) – Council continues to be successful with grant applications with funding approved for a scoping study for North Creek.
- Implement Shaws Bay Coastal Zone Management Plan (page 13) – Works have commenced on Compton Drive with a significant amount of positive feedback on this project.

10.8 Delivery Program and Operational Plan - 31 December Review

- Implement a proactive street tree planting program (page 13) – Tree plantings have been completed for another segment of Crane Street. The medium term benefits of this program are demonstrated by the excellent condition of the Council planted trees on Crane Street between Cherry and Moon Streets, with those trees now well advanced.
- Enhance online employee services (page 20) – A new onboarding system has been fully implemented to improve the induction program for new staff members.
- Pursue compliance with the Fit for the Future Program (page 20) – Council approved an application for a special rate variation at the November 2017 Ordinary meeting.

In respect to Service Delivery there are a total of 104 indicators identified in the Operational Plan and the following two tables provide an overview of how Council is performing against those indicators, again on a number and percentage basis.

Service Delivery Indicators Overview - By Number of Activities

Group / Status	GM	DEH	Civil	SCF	Total
Green	19	21	30	19	89
Amber	1	2	5	5	13
Red	0	0	1	1	2
Total Tasks	20	23	36	25	104

Service Delivery Indicators Overview - By Percentage

Group / Status	GM	DEH	Civil	SCF	Total
Green	95	91	83	76	86
Amber	5	9	14	20	12
Red	0	0	3	4	2
Percentage Total	100	100	100	100	100

A number of these indicators are beyond the control of Council and the indicator's primary purpose is to provide an idea of how a service may be tracking compared to previous years.

Items of note include:

- Building Services (page 29) - Percentage of construction Certificates issued by Council (% of total market) – 78% - Council's market share has improved from the 73% recorded for the first quarter to 78%. This has still been marked as green as based on the trend the 80% benchmark should be achieved by year end. The lower than normal percentage relates to a large number of project homes being approved by private certifiers.
- Commercial Services (Airport) (page 29) – Income and passenger numbers continue to achieve record levels, with passenger numbers now over the 510,000 mark.
- Community Facilities (page 31) – A number of the library indicators are tracking below the benchmark figures and are generally trending below previous years.

10.8 Delivery Program and Operational Plan - 31 December Review

- Development Services (page 33) – A couple of the indicators are currently below the benchmark (i.e. Section 96 applications determined under 40 days by percentage and days) although with this being a small sample the benchmark figures should still be achieved. A significant amount of development staff resources is being allocated to the CURA A court case.
- Infrastructure Planning (page 38) - Percentage of internal referral applications assessed within 21 days (%) – The result of 86% is the best result recorded and a testament to a number of process improvements implemented in recent years, along with a stable workforce, albeit that one staff member is transitioning to retirement.

Sustainability Considerations

- **Environment**
There is a range of environmental, social and economic outcomes identified in the Delivery Program and Operational Plan.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

The Delivery Program and Operational Plan identify the allocation of Council's resources and finances.

Consultation

The purpose of this report is to provide the community with information on how Council is performing in respect to the Delivery Program and Operational Plan.

Options

The report is for noting purposes.

One other matter that can be raised in conjunction with this report is the proposed special rate variation for 2018/19 and 2019/20.

Council staff have had a recent phone conversation with representatives from IPART who are reviewing the integrated planning and reporting documents of councils who have confirmed their intention to apply for a special rate variation.

The feedback from IPART is that there are two areas where Council's adopted documents could still be improved being:

1. Reduction in the estimated rate peg limit for 2018/19 from Council's exhibited figure of 2.5% (which was an estimate) to the recently released figure of 2.3%. This now means Council's application for 2018/19 will be for 9.1% and not 9.3%, with the 9.1% consisting of the 2.3% rate peg, the 3.4% approved as a one-off for 2017/18 and the 3.4% proposed for 2018/19. There is no change to the proposed variation for 2019/20 being an estimated rate peg of 2.5% and a special variation percentage of 3.4% for a total variation of 5.9%.
2. Inclusion of further information in the Long Term Financial Plan (LTFP) outlining the impact on ratepayers, as included in the adopted Delivery Program and Operational Plan. Based on earlier feedback, from different staff at IPART, Council included a comprehensive overview of the impact of the proposal on ratepayers in the Delivery Program and Operational Plan and this information can easily be replicated in the LTFP.

The one concern with this most recent IPART staff conversation is that Council has been dealing with a different staff member in preparing the adopted documents and the two IPART staff in the recent discussion have not been communicating with that other staff member. Therefore they may well bring different views to the assessment of Council's application.

Nevertheless both of these suggested changes are relatively minor and it is recommended that Council endorse these amendments to the adopted documents and the proposed special variation.

RECOMMENDATIONS

1. That Council notes the content of this report in respect to the 31 December review of the implementation of the 2017/18 Delivery Program and Operational Plan.
2. That Council authorises the General Manager to submit an application to IPART for a special rate variation based on 9.1% in 2018/19 (which is a reduction from the original 9.3% to reflect the confirmed rate peg limit for 2018/19 of 2.3%) and 5.9% in 2019/20.
3. That Council adopts the following minor amendments to the recently adopted Delivery Program (2017/18 to 2020/21), Operational Plan (2017/18) and Long Term Financial Plan:
 - a) Reduction in the actual rate peg limit for 2018/19 from the exhibited figure of 2.5% to 2.3% as per point two above and:
 - b) Inclusion of additional information in the LTFP in respect to the impact of the proposed special rate variation on ratepayers.

Attachment(s)

1. Delivery Program and Operational Plan - 31 December 2017 Review (Under separate cover)

10.9 Capital Expenditure Program - 31 December 2017 Review

10.9 Capital Expenditure Program - 31 December 2017 Review

Delivery Program Communications

Objective To provide a quarterly status report on the Council's capital expenditure program for the 2017/18 financial year.

Background

Council has a significant capital expenditure program included in the annual Operational Plan. Due to the scale and magnitude of the program it is important that updates are provided on a regular basis.

The current practice is to provide a quarterly status report on all the major capital works included in the Operational Plan.

This status report provides details on key milestone dates, along with a comparison between budget and actual expenditure.

This is the second report for the 2017/18 financial year and the information is based on expenditure incurred up to 31 December 2017.

Key Issues

- Status of works

Information

To assist in understanding the delivery of the capital works program the attachments to this report provide information on the following items for the major capital projects:

- Total Project Value – As certain projects occur over a number of financial years this column identifies the total project value which may include expenditure from previous financial years or estimated expenditure in future years. Where a project is completed from start to finish in the current financial year the Total Project Value and the Latest 2017/18 Estimate figures will be the same.
- Original 2017/18 Estimate - Represents the original 2017/18 estimate as per Council's adopted Operational Plan for 2017/18.
- Carry Forwards - Includes budgets carried forward from the previous financial year approved by Council at the August 2017 Ordinary meeting.
- Approved Variations – Other variations approved by Council, either through a Quarterly Budget Review, or a separate report on a particular project.
- New Variations – Variations recommended as part of this report.
- Latest 2017/18 Estimate - Sum of the original estimate plus variations.
- Expended This Year - Expenditure to 31 December 2017.
- % Expended - Percentage of budget expended to 31 December 2017.
- Milestone Dates - Target dates for the major milestones.
- Status - Allows additional comments to be provided.

The attachments are split into the main functional sections within Council undertaking the works: i.e. Open Spaces, Waste, Operations Support, Community Facilities, Commercial Services, Water and Wastewater and Engineering Works.

Points of interest are as follows.

Open Spaces (attachment one)

Play Equipment – Shade Sails – Ballina Heights – At the November 2017 Ordinary meeting Council resolved as follows (resolution 231117/5):

(Cr Jeff Johnson/Cr Sharon Cadwallader)

- 1. That Council install a shade structure at the Ballina Heights sports fields children's playground, with the budget being approximately \$15,000.*
- 2. That this work be funded from general revenue.*

FOR VOTE - All Councillors voted unanimously.

This resolution was in response to a notice of motion from Cr Johnson. The notice of motion included advice from staff that shade sails should cost approximately \$15,000. This was very preliminary advice provided by staff, on a very short timeframe, and unfortunately quotations have now been received with the lowest quotation being approximately \$27,000 along with \$1,000 for site related costs.

This highlights a difficulty with staff trying to provide assistance to Councillors and not having firm estimates available.

As Council resolved unanimously to fund the work the recommendations for this report include \$30,000 for the project, with \$15,000 funded from general revenue as per the November 2017 resolution, along with an additional \$15,000 funded from the open spaces operating budget, which is tracking well for the current financial year.

Wollongbar Skate Park – The development application is still being assessed and the construction of the facility, subject to planning approval, is dependent on when the planning consent is obtained.

Wollongbar Sports Fields - The sporting fields are complete including the associated amenities and tennis clubhouse, however the entrance / exit road to Pearce's Creek failed during a stormwater event. Council is still negotiating with Cardno Pty. Ltd., the road designer, to remedy these works. It is likely additional funds will need to be expended to finalise the project and Council has contingency funds held in reserve to fund any additional works.

Skennars Head Sports Fields – Planning consent has now been obtained for the expansion of these sports fields (DA2016/426 and PF2016/0015).

Unfortunately a review of the complete scope of the project by Council staff, followed up by an external quantity surveyor's report, now indicates that the total estimate for the project could be approximately \$2.5m. The original estimate was prepared for Council by Newton, Denny, Chapelle Pty. Ltd.

With Council only having \$1.3m in funding allocated the preference, at this point in time, is to defer the project to 2018/19 and try and obtain State Government grant funding. There are currently grant programs available for sporting facilities and the aim will be try and secure matching grant funds during 2018/19.

The expansion of these fields is needed to meet an existing sports fields deficiency in the Lennox Head / Skennars Head locality and if Council is not successful in securing grant funds during the next 12 months it may be necessary to allocate funds from other projects to allow this work to proceed.

Environmental and Public Health (attachment one)

Shaws Bay – Compton Drive - Work has commenced and the infrastructure completed to date has been very well utilised during the summer holidays.

Operations Support (attachment two)

Ballina Surf Club – Building B – Council has approved a tender for the construction of this building and Council now has Office of Environment and Heritage (OEH) approval to proceed following a review of the archaeological issues associated with the site. Works should commence shortly.

Ballina Indoor Sports Centre – It is anticipated that PDT Pty. Ltd., will lodge the development application for this facility in the near future.

Lennox Head Surf Club Building – Agreement is close to being reached with the Surf Club representatives on a preferred design for the replacement building and a report should be submitted to Council on the preferred option during February or March.

Community Facilities (attachment two)

Ballina and Alstonville Swimming Pools – Council has been receiving regular updates on this project through the bulletin and there is still no exact time frame when the pools can be operational.

Commercial Services (attachment three)

Terminal Expansion – Council has planning consent for this project and the tender documentation is in the process of being finalised to allow Council to advertise the construction tender. Based on likely expenditure timeframes a transfer of \$1m to 2018/19 is recommended.

This leaves a budget of \$2.4m for 2017/18 which should cover two monthly construction contract payments of \$1m (for May and June) along \$400,000 for ancillary costs and contingencies.

54 North Creek Road – There have been issues with the contractor resulting in delays in this project. It is still planned to have the works completed this financial year.

Wollongbar Urban Expansion Area – Council has pre-sold all 18 lots under construction.

Water and Wastewater (attachments four and five)

There are a couple of minor budget adjustments identified in the attachments with the majority of the projects under construction. Once committed costs are included the actual expenditure is closer to 50%.

Engineering Works (attachment six)

Stormwater

There has been a significant stormwater drain failure in Killarney Crescent and funds are being transferred from existing projects to allow this work to be funded. An additional \$15,000 will need to be transferred from reserves.

Urban and Rural Roads

As previously reported the Engineering Works Section has been successful in obtaining Black Spot funding for the Ross Lane / The Coast Road Roundabout and for straightening The Coast Road (Byron Bay Road) north of Ross Lane. These two projects total almost \$4m in additional works that Council would not normally undertake. This has resulted in the deferral of a number of revenue funded projects until 2018/19.

Also the Hutley Drive project is now dissected into three main components being:

1. Planning and construction for the northern section from the sports fields to The Coast Road roundabout – current budget of \$50,600
2. Planning for the middle section south from the sports fields – Council has a planning consent however there are a number of consent conditions that need to be addressed prior to any works taking place – current budget of \$5,000
3. Southern section completed by private developers – A budget adjustment of \$183,400 has been included for works undertaken by private developers in excess of the infrastructure they needed for their development. This is funded by a transfer from Section 94 contributions with the monies actually paid to the developers for the work they completed.

Ancillary Transport Services - Shared Paths and Footpaths

Coastal Shared Path – Skennars Head to Pat Morton – Council is waiting for advice whether the matching funding for this project will be delivered through the State Government's Stronger Country Communities Fund. Results of that program should be known in the near future.

Coastal Walk – Council applied for grant funding for this project through the State Government's Regional Growth Environment and Tourism Program, with an application for \$750,000 lodged in March 2017 and a further submission completed by 31 October 2017, as the project had advanced to round two of that program. If the grant is successful Council will need to defer other projects to allow the works to proceed based on a total cost of \$1.5m.

10.9 Capital Expenditure Program - 31 December 2017 Review

Water Transport

The construction tender for these projects was accepted at the July 2017 Ordinary meeting with works progressing. The Brunswick Street and North Creek Boat Ramp projects are now scheduled for 2018/19.

Summary

As per the following table there is an extremely high level of capital expenditure forecast for 2017/18 totalling in excess of \$50m.

Capital Works Summary – 31 December 2017 (\$'000)

Section	Budget (\$)	Expended (\$)	Percentage (%)
Open Spaces	1,887,800	355,400	19
Waste	47,000	2,300	5
DEHG	816,000	156,800	19
Operations Support	4,709,000	924,200	20
Community Facilities	11,582,600	10,580,600	91
Commercial Services	6,548,000	2,026,300	31
Information Services	124,800	20,200	16
Water	3,949,100	933,700	24
Wastewater	8,245,100	3,386,100	41
Engineering Works	13,801,400	4,263,800	31
Total	51,710,800	22,649,400	44

The overall expenditure of 44% is an excellent result for the year to date recognising that these figures are based on actual expenditure, and once committed costs are included the total expended would be close to 50%, if not more.

Sustainability Considerations

- **Environment**
Many of the works listed provide positive environmental outcomes
- **Social**
Certain items provide significant social benefits
- **Economic**
Improved infrastructure can benefit the local economy.

Legal / Resource / Financial Implications

The report provides financial information on the capital works program.

Consultation

This report is presented for public information.

Options

This report is primarily for noting although a few budget amendments are recommended in the attachments. Those amendments are outlined in the recommendations as follows.

RECOMMENDATIONS

1. That Council notes the contents of this status report on the Capital Expenditure Program for the 2017/18 financial year.
2. That Council approves the following budget amendments as outlined in the attachments to this report:

Item	Current Budget	Revised Budget	Variation	Comment
Open Spaces and Reserves				
Shade Sails – Ballina Heights	0	30,000	30,000	\$15,000 from general revenue and \$15,000 transfer from the open spaces operating budget
Skennars Head Sports Fields	1,300,000	50,000	(1,250,000)	Transfer to 2018/19
Property – Commercial				
Airport – Terminal Expansion	3,400,000	2,400,000	(1,000,000)	Transfer to 2018/19
Water				
Main Renewals	301,600	100,000	(201,600)	Budget saving – transfer back to reserve
Wastewater				
Main Renewals	200,000	100,000	(100,000)	Budget saving – transfer back to reserve
Trunk Mains – Gravity Main Wollongbar	709,000	409,000	(300,000)	Budget saving – transfer back to reserve
Kings Court - Landscaping	0	50,000	50,000	Funded by transfer from wastewater reserve as per Council resolution
Engineering Works – Stormwater				
Coogee Street, Ballina	15,500	5,500	(10,000)	Fund Killarney works
Grant Street, Ballina	93,300	63,300	(30,000)	Transfer to Roads – Grant Street
Megan Crescent / Dodge Lane	18,000	13,000	(5,000)	Fund Killarney works
Kerr Street	20,000	5,000	(15,000)	Fund Killarney works
Grant Street (Tamar to River St), Ballina	20,000	5,000	(15,000)	Fund Killarney works
Killarney Crescent	0	60,000	60,000	Funded by movements above along with \$15,000 from stormwater reserve
Engineering Works – Roads and Bridges				
Grant Street, Ballina	507,500	537,500	30,000	Funded from stormwater budget transfer above
Hutley Drive – Southern Connection	0	183,400	183,400	Funded from developer contributions
Sunnybank Drive, Ballina	207,000	178,000	(29,000)	Transfer to Marom Creek Road
Cherry Street, Ballina	100,000	10,000	(90,000)	Transfer to 2018/19
Burnet Street, Ballina	89,000	1,000	(88,000)	Transfer to 2018/19
Bagotville Road (Segment 50)	321,000	301,000	(20,000)	Transfer to Marom Creek
Marom Creek Devils Elbow	566,400	619,400	53,000	Funded by transfers from other projects listed
Riverbank Road	307,800	288,800	(19,000)	Transfer to Marom Creek and Pimlico Road
Pimlico Road	166,000	181,000	15,000	Funded by transfer from Riverbank Road
Ellis Road	50,000	100,000	50,000	Funded by transfer from roads contingency reserve
Engineering Works – Water Transport				
Brunswick Street Boat Ramp	200,000	0	(200,000)	Transfer to 2018/19
Lennox Head North Creek Road Boat Ramp	136,000	0	(136,000)	Transfer to 2018/19

Attachment(s)

1. Capital Expenditure - Open Spaces, Waste and Environmental Health
2. Capital Expenditure - Operations Support and Community Facilities
3. Capital Expenditure - Commercial Services and Information Services
4. Capital Expenditure - Water Operations
5. Capital Expenditure - Wastewater Operations
6. Capital Expenditure - Engineering Works

11.1 Commercial Activities on Public Land - Surf School Licences

11. Civil Services Group Reports

11.1 Commercial Activities on Public Land - Surf School Licences

Delivery Program Open Spaces and Reserves

Objective To determine the fee schedules and tender assessment criteria for the surf school licences.

Background

Council has a Commercial Activities on Public Land policy that outlines what commercial activities may be carried out on public land and how those activities are regulated and managed, ensuring an appropriate balance between public recreation and economic activity.

A key component of this policy is the issuing of commercial licences. These licences assist Council to protect the amenity of our public land for all users, regulate the demand and supply where that is appropriate, manage safety and access responsibly and also recognise the commercial gain derived by individual businesses from the use of public land.

Council currently has five surf school licences (maximum 20 clients), six elite surf coaching licences (2 vacant) and three stand up paddle boarding licences (one vacant) operating under this policy. These licences were originally issued through a tender process in 2010. Further resolutions by Council in September 2013 and August 2016 and April 2017 extended the licence term, without tender, to the current expiration date of until 30 April 2018.

Council resolved at the April 2017 meeting to;

- *Undertake a tender process upon the renewal of a head licence with Department of Primary Industries – Lands for commercial activities on public land involving waterbody access.*
- *That Council reviews the fee levels prior to the tender process.*

The purpose of this report is to determine the fee levels. The report also asks Council to confirm the tender criteria and weightings.

Key Issues

- Tender process
- Fees and Charges
- Head licence conditions

Information

Head Licence

Council made an application to the Department of Primary Industries – Lands for a renewed head licence. An offer of a licence has recently been received and is reported separately in this agenda for a use of seal.

A new condition of the head licence is the requirement for a 10% rent payable on all income derived from sub-licences.

Fee Level Review

At the Council briefing held in February 2017 it was highlighted there was a recognised commercial gain derived by individual businesses from the use of public land.

The income derived from the commercial activity licences offsets a small portion of the expenses associated with maintaining the coastal reserve.

There is a desire that these fees be increased to improve the contribution made by these commercial activities undertaken on public land.

Council has only applied CPI increases since the original tender was undertaken in 2010.

As noted, the new terms of the head licence proposes that 10% of all fees received by Council from sub-licences are to be paid to the Department of Primary Industries – Lands and the fee increase should take this into account.

An immediate significant increase may adversely impact the business operations of surf school operators.

Table One is the recommended rates for the duration of the tender.

Table One - Recommended Fee Rates (\$) (ex GST)

Licence Type	2017/18	Year One	Year Two	Year Three
Surf Schools	3,701.88	4,500	5,500	6,500
Elite Surf Coaching	1,311.72	1,500	1,833	2,166
Stand Up Paddle Boarding	1,311.72	1,500	1,833	2,166

This proposal recommends that the increases are staged over the course of the tender period, rather than an immediate increase, which is then indexed by CPI annually.

The proposed fees are considered contemporary and comparative with other Councils, with the current rate (2017/18) for surf schools at Byron Shire Council being \$,5000 per annum.

The rates for elite surf school and stand up paddleboard are based as a percentage of the surf school licence, to broadly align with the reduced class size.

11.1 Commercial Activities on Public Land - Surf School Licences

Proposed Licences

Based on the feedback received from the stakeholder consultation and the general efficiency that the existing surf school framework has operated with recently, there are no changes proposed to the number of licences or the categories of licences that are currently listed within the Commercial Activities on Public Land policy.

Table Two indicates the number of licences proposed as per the current policy.

Table Two - Council Policy Extract

Activity	Licences	Student/Teacher Ratio	Maximum Numbers	Classes Per Day
Surf Schools	5	1 Instructor per 8 Clients	20	Per school 2 Sessions Daily
Elite Surf Coaching	6	1 Instructor per 7 Clients	7	Per school 2 Sessions Daily
Stand Up Paddle Boarding	3	1 Instructor per 7 Clients	14 - Richmond River 7 - Seven Mile north of Lake Ainsworth 3 - Lake Ainsworth, Shaws Bay, Prospect Lake	Per school 2 Sessions Daily

Tender Criteria

Under the existing policy, the preferred tender period is for three years. It is proposed that the tender duration will be for the period 1 May 2018 to 30 April 2021.

As the proposed fee for the licences are set, a qualitative assessment is proposed.

The assessment of the tenders submitted will be undertaken by a panel of Council staff in accordance with our procurement procedures and the tender evaluation plan prepared for this tender.

The preferred method for incorporating the direction of the elected Council into this process is for Council to determine the assessment criteria and the weighting applied to each criteria.

Below is a criteria and weighting structure suggested by staff. It is open to the Council to add or delete criteria, and amend the apportionment of the weighting.

Once the criteria and weighting are determined, the tender evaluation plan will be developed with a scoring matrix with benchmark levels to guide the scoring of each submission against each criteria.

11.1 Commercial Activities on Public Land - Surf School Licences

The outcomes of this assessment will be reported to Council in the usual manner for tenders.

CRITERIA	WEIGHTING (%)
Capacity	25 %
Relevant Experience	25 %
Social and Community Benefit	25 %
Safety and WH&S Systems	25 %

The social and community benefit is supported by Council's Local Procurement Policy.

As per that policy the attributes attached to that criteria will include, but not be limited to:

- *Knowledge and experience with the local conditions – whether the supplier is a locally based business and / or whether they have worked locally*
- *Social impact on local economy – local jobs created, maintained or lost*
- *Level of local and Australian content – whether products and materials are sourced locally*
- *Alignment with Council's Community Strategic Plan (CSP) – whether the manner in which the product and or service is consistent with the directions outlined in Council's CSP.*

(sourced from page three of the policy)

Guidelines Amendments

Council maintains application guidelines and operating requirements to support the Commercial Activities on Public Land Policy. These operating requirements are updated periodically to ensure currency and manage operational issues.

Prior to commencing the tender it is proposed to update and add references to the following points;

- Inclusion of the head licence and associated conditions within the sub-licence, including termination provisions
- Ensure operators follow instructions from Council rangers
- Further confirmation regarding the non-transfer of a sub-licence
- Confirmation of appropriate insurance requirements and
- Prohibition of unattended trailers.

Sustainability Considerations

- **Environment**
By managing the licences Council is taking steps to minimise any negative impacts on the environment and ensure an appropriate balance between public recreation and commercial business.
- **Social**
Surf School licences provide a social activity for participants however it is important to ensure an appropriate balance between economic and public benefit, and to preserve the amenity of the coastal areas.

- **Economic**

Council generates an income from the licences which offsets a small portion of the expenses associated with maintaining the Coastal Reserve. Existing licence operators have claimed there may be some tourism benefits from having the licences available however there is no independent information to provide detailed analysis of this aspect of the licences. This has often been one of the criticisms of these licences in that students are driven in from Byron Bay and then returned to Byron Bay with very little broader economic benefit to the Ballina Shire.

Legal / Resource / Financial Implications

The administration of the existing licences is able to be accommodated within existing staff portfolios. Increased revenue from licences will be directed to maintaining the coastal reserve in addition to the 10% contribution to be made to the Department of Primary Industries – Lands.

Consultation

In January 2017, Council conducted consultations with the current surf school licence holders seeking feedback on issues relating to their licences, activities and operational matters.

This feedback was presented to Council at a Councillor briefing.

Council has previously considered the benefits in providing transparency and market opportunities by undertaking a new tender.

Options

1. Council adopt the fee structure proposed in Table One of the above report.
2. Council amend the proposed fee structure proposed in Table One of the above report.
3. Council adopt the tender assessment criteria and weightings as per the information in the above report.
4. Council amend the tender assessment criteria and weightings proposed in the information in the above report.

It is an option that Council does not tender for these licences and extends the existing ones. This option was the subject of a report to the April 2017 meeting of Council and Council resolved to invite tenders.

There are no new reasons why the decision to invite tenders should be reviewed. The recommendations follow the suggestions in the report.

In conclusion it is important to reinforce that a tender process does mean that there is the potential for an existing licence holder to lose their entire business, and livelihood, if a new licence holder is selected through the tender process.

11.1 Commercial Activities on Public Land - Surf School Licences

During the 2010 tender process, when this occurred, Council responded by increasing the number of licences. Council cannot continue to increase the number of licences without having an adverse impact on the local amenity.

Therefore, by resolving to call tenders, Council needs to be aware that the final decision, which will be based on recommendations from a staff panel, may well result in a very difficult and emotional decision based on a qualitative assessment, as all licence holders will be paying the same fee.

RECOMMENDATIONS

1. That Council adopts the following fee structure for the renewal of the surf licences issued under the Commercial Activities on Public Land Policy.

Licence Type	2017/18 (ex GST)	Year One (ex GST)	Year Two (ex GST)	Year Three (ex GST)
Surf Schools	3,701.88	4,500	5,500	6,500
Elite Surf Coaching	1,311.72	1,500	1,833	2,166
Stand Up Paddle Boarding	1,311.72	1,500	1,833	2,166

2. That Council adopts the following tender assessment criteria and weighting to be used in the evaluation of tenders for surf school licences issued under the Commercial Activities on Public Land Policy.

CRITERIA	WEIGHTING (%)
Capacity	25 %
Relevant Experience	25 %
Social and Community Benefit	25 %
Safety and WH&S Systems	25 %

Attachment(s)

Nil

11.2 Road Closing - Section of Riverside Drive, West Ballina

11.2 Road Closing - Section of Riverside Drive, West Ballina

Delivery Program Asset Management

Objective To determine Council's response to the proposed closing of a section of public road adjacent to 101 Riverside Drive, West Ballina

Background

This report is presented to Council to consider closing a section of public road reserve adjacent to 101 Riverside Drive, West Ballina.

The road reserve has an irregular shape at this location and the section of road requested to be closed (the "road") is not part of the formal road verge or carriageway area. The attached site plan shows the location (see attachment one).

Key Issues

- Impact on locality
- If closed, the land will vest in Council and can be disposed of to the adjoining land owner(s)

Information

Council has received a request from the owner of 101 Riverside Drive, West Ballina to close a section of Council public road adjacent to their property. This section of road is adjacent to the western boundary of 101 Riverside Drive, triangular in shape and contains an area of approximately 110m². The land looks like a wide area of typical road verge.

The section of road proposed to be closed is between the driveway access to 103 Riverside Drive and the western property boundary of 101 Riverside Drive. The road is not relied upon for vehicular or pedestrian access to the adjoining properties.

Council has a water main in this section of road. If the road is closed, this water main will need to be relocated to ensure the main is located in a public road reserve. All infrastructure relocation costs would be met by the applicant.

The road proposed to be closed will not affect the public use or functioning of Riverside Drive, is not required by Council for road improvements or considered necessary for future strategic road use.

Council is the road authority for this public road and any request to close a section of Council public road must first be endorsed by Council and advertised before lodging a road closing application with NSW Department of Industry - Lands.

11.2 Road Closing - Section of Riverside Drive, West Ballina

The road is Council public road and upon closing would vest in Council. This is consistent with the provisions of the Roads Act 1993. The land valuation and negotiated sale terms are matters for the owner and Council to resolve.

If the road is closed, it would be consolidated with the adjoining property.

The road closing application requires the proponent to provide all the necessary information and to meet all costs throughout this process.

Sustainability Considerations

- **Environment**

The road closing and consolidation with 101 Riverside Drive would provide an enlarged lot for this property. The section of road is currently grassed verge and provides a large road reserve with limited public use or need.

- **Social**

The road is public land and currently forms the road verge adjacent to the Riverside Drive carriageway. The public would not be adversely impacted if this section of road is closed as the functioning and use of Riverside Drive will remain unchanged.

The road closing is adjacent to the driveway of the adjoining property at 103 Riverside Drive. This property owner would again be notified of the road closing proposal during the public advertising period, if the application proceeds.

- **Economic**

The recommendation seeks to support efficient land management principles with the road to be closed and consolidated with the adjoining land.

Legal / Resource / Financial Implications

All costs associated with the road closing, survey, legal and infrastructure relocations are to be met by the applicant. The application processing is undertaken by Council and Crown Lands.

Upon closure the road, the land would vest in Council along with any proceeds from the sale of the road.

The road is not identified by Council for current or future road projects.

There are no financial or other implications for Council.

At this stage no approval or request for sale of the land has been included in this report.

A further report in respect to the sale, along with the sourcing of a valuation for the land, will only be undertaken if Council endorses this initial proposal and the closing of the road then proceeds following the mandatory exhibition process.

11.2 Road Closing - Section of Riverside Drive, West Ballina

Consultation

This road closing request has been lodged with Council as the roads authority for this public road. If Council supports the road closing, Council will undertake the necessary advertising as part of the road closing process prior to a road closing application being lodged with Crown Lands.

To facilitate the road closing application, Council has contacted the new adjoining property owners and advise they have no objection with the road closing application proceeding.

Options

1. That Council supports the request for a road closing application to proceed for a section of public road adjacent to 101 Riverside Drive, West Ballina.

The advantage of this option is it ensures the Council does not have any future liability attached to this unnecessary section of road. It also allows for the road closing application to proceed and, if approved, consolidate the land with the adjoining property.

2. That Council opposes the request for a road closing application to proceed for a section of public road adjacent to 101 Riverside Drive, West Ballina.

There are minimal, if any, benefits associated with retaining this part of the public road for current or future needs.

RECOMMENDATIONS

1. That Council supports the request for a road closing application to proceed for an unformed public road adjacent to 101 Riverside Drive, West Ballina, as per attachment one to this report.
2. That Council authorises the Council seal and signatures to be attached to the road closing application and associated documents.

Attachment(s)

1. Locality Plan

11.3 Tender - Wollongbar Gravity Sewer Main Upgrade

11.3 Tender - Wollongbar Gravity Sewer Main Upgrade

Delivery Program Water and Wastewater

Objective To complete the tender assessment for the Wollongbar Gravity Sewer Main Upgrade project.

Background

The Wollongbar sewer network currently experiences capacity issues during wet weather events, which can lead to surcharges from the sewer system. Wet weather surcharge events occur when a significant amount of stormwater enters the sewer system and overwhelms the hydraulic capacity of the sewer. This results in overflows of very dilute wastewater from maintenance structures in the sewer network.

In order to increase the hydraulic capacity of the network for future growth and to prevent wet weather surcharges, an upgrade of two portions of the existing gravity sewer is planned. This involves increasing the diameter of the sewer from the upstream maintenance structure adjacent to 38 Dalmacia Drive to the header tank behind 7 Wonga Way, Wollongbar.

These upgrade works were recommended in the Development Servicing Plan (DSP) for Wastewater and Recycled Water Supply Infrastructure undertaken by GHD in 2014. The need and timing of this work was later confirmed by additional hydraulic modelling undertaken by Council's Water and Wastewater section.

A design has been completed for the works and a call for open tenders was made. Three contractors attended the compulsory pre-tender meeting at the site during the tender period. Three tender submissions were received by the close of the tender period. This report details the outcomes of the tender evaluation process.

Key Issues

- Comply with *Local Government (General) Regulation 2005*
- Achieve best value for money in project procurement

Information

Tender submissions were received from:

- Coastal Works Pty Ltd
- D Walker Plumbing Pty Ltd
- DJ MacCormack Contractors Pty Ltd

All tender submissions were assessed to ensure conformance with the conditions of tender and mandatory assessment criteria, being:

- Relevant Project Experience
- Methodology
- Preliminary Program of Works
- References
- Key Project Personnel
- Work Health & Safety
- Provision of a documented environmental, safety and quality management systems
- Insurances

The D Walker Plumbing submission did not meet all the mandatory criteria, and was not assessed further.

The remaining two conforming tenders were finalised using the following weighted selection criteria:

- Local based company and understanding and/or use of local suppliers - 15%
- Total Price - 85%

Coastal Works Pty Ltd was selected as the preferred tenderer.

The price offered by Coastal Works Pty Ltd (CW) is substantially lower than DJ MacCormack Contractors. More information regarding the pricing and tender assessment has been provided to Councillors under separate cover as a confidential document.

Coastal Work's price is still 14.6% greater than the contract estimate for the works. This difference has resulted from the estimate being based on the use of directional drilling for a portion of the works.

Further investigation during the tender period revealed that there was insufficient space at critical points on the project site to use directional drilling, and as a result, micro-tunneling has been selected. Micro-tunneling is more space-efficient however it is also typically more costly than directional drilling.

Sustainability Considerations

- **Environment**

Upgrade of the existing gravity sewer main is critical for ensuring available capacity is maintained in the existing line while growth of the network continues in the upstream Wollongbar area.

Augmenting the line will minimise potential surcharging of wastewater into the surrounding environment, which is predominantly EEC rainforest.

The project itself will be delivered in accordance with relevant legislative requirements and development consent to manage potential impacts to the environment.

- **Social**

Wastewater spills from a surcharging system have direct and indirect social impacts, even during wet weather. Direct impacts include the potential contamination of surrounding areas and illness related to direct human contact with these areas. Indirect social impacts include degradation of the surrounding environment and associated amenity.

- **Economic**

The micro-tunneling works account for almost 60% of the overall project costs, equating to approximately \$200,000. Adopting a trenchless method for part of the works reduces environmental and social impacts of the project delivery, and eliminates various risks associated with conventional open trench methods. These risks include disturbance of the surrounding environment, damage to existing assets such as roads, and community disruption.

Legal / Resource / Financial Implications

Compliance with Part 7 Tendering of the *Local Government (General) Regulation 2005* is required.

The 2017/18 budget allocation for this project is based upon a high level estimate developed prior to confirming the full scope of the upgrade required. The budget adopted in Council's Delivery Plan for this project was \$896,000. At the last quarter review this was revised down to \$709,000. Through detailed modelling and innovation in the construction methodology, the scope of works has been reduced while still achieving the required project outcome.

This will result in further savings against the revised allocated budget of approximately \$300,000.

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;

11.3 Tender - Wollongbar Gravity Sewer Main Upgrade

- (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.*

It is recommended that Council accepts the tender for this project.

RECOMMENDATIONS

1. That Council accepts the tender from Coastal Works Pty Ltd for the Wollongbar Gravity Sewer Main Upgrade for the tendered amount of \$348,219.94 (ex GST).
2. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

Nil

12. Public Question Time

12. Public Question Time

13.1 Notice of Motion - Bottle Tree Removal

13. Notices of Motion

13.1 Notice of Motion - Bottle Tree Removal

Councillor

Cr Willis

I move

That Council engage a University expert to undertake a review of the Bottle Tree removal undertaken in Main Street, Alstonville to determine whether Council's policy and procedures in relation to such actions achieve best practice in balancing public liability, tree preservation and community consultation issues.

Councillor Comment

Councillors will be aware that issues pertaining to the removal of trees have come before the elected Council on a number of occasions this term.

While we await further progress in relation to the Significant Tree Register, a number of recent tree removals are of concern. One such tree removal occurred in December 2017 and involved the removal of a Bottle Tree which was located on Main Street in Alstonville.

I understand that a brief two-page arborist report together with a number of photographs and video footage of the removal of the tree exist within Council records in relation to this tree removal. I have asked that this information be distributed to Councillors in considering this matter.

A copy of the photos, and arborist's report are attached to this notice of motion.

Of concern, in reading the arborist report, is that consideration was given to two items of relevant academic literature which seem quite dated. A 1994 book entitled "The Body Language of Trees: A Handbook for Failure Analysis" published in the UK and another 1999 book "Principles of Tree Hazard Assessment and Management".

Having undertaken a brief academic expert search, it is clear that Australian academics with appropriate expertise and access to more recent literature are available for consultation.

The name of one possible academic at the University of Melbourne has been provided to the General Manager.

It seems prudent to engage such an academic expert to undertake a review of this particular tree removal given the Council information in relation to this tree removal which is available for review.

To my mind it is important that such decisions are made with reference to the most current literature and this case study may provide guidance for our future policy development in this area as we seek to achieve best practice in balancing public liability, tree preservation and community consultation issues.

Staff Comment

The development of a significant lean on a Queensland Bottle Tree located within the road reserve at Main Street Alstonville resulted in concerns from Council staff regarding continued or immediate failure. The timing of the reported and observed movement prompted the need for an urgent after-hours inspection from a consulting arborist.

Council often obtains an independent opinion in relation to these processes, following previous criticism of actions taken by Council staff and to ensure there is an independent report available.

This is despite Council having an arborist on staff who is an International Society of Arboriculture (ISA) Tree Risk Assessment certified Arborist, who also meets the Australian Qualifications Framework (AQF) Level Five qualification, along with having extensive practical experience. We also have other staff with similar qualifications and extensive practical experience.

The consulting arborist (Integral Tree Care – Mark Gistitin) is also AQF Level 5 qualified, and a member of the ISA and QAA (Queensland Arboricultural Association).

The consulting arborist produced a Quantified Tree Risk Assessment (QTRA), with the probability of failure noted as (1, 1/1-1/10) and high Risk of Harm (0.04). These rankings resulted in the recommendation for removal.

QTRA was developed in 2005 and quantifies the risk of significant harm from tree failure in a way that enables tree managers to balance safety with tree values and operate to pre-determined limits of tolerable or acceptable risk.

The conclusion in the report highlights the primary failure caused by collapse of the root crown. Whilst the references provided by the independent consultant may be dated, the material is considered contemporary, relevant to the type of inspection and often cited in modern text and peer reviewed case studies on tree management issues.

Importantly these are references provided by the independent arborist and not by Council staff.

During the removal process further evidence of rot and failure was revealed, highlighting that continued failure of the tree was imminent.

If the Council would like this decision reviewed, the preferred approach would be to seek a peer review of the findings by another local arborist familiar with the operating conditions and local environment or an arborist with expert qualifications or experience in tree risk assessment, such as a professional who regularly provides expert evidence to courts.

13.1 Notice of Motion - Bottle Tree Removal

In light of the large number of operational decisions made under our tree management policy, it is important to distinguish the individual assessment of this tree to broader policy and operational matters.

Regarding the overall management of trees staff are aware of two recent matters that have caused some public comment.

One is the Castle Drive Fig Tree which has been the subject of numerous reports to Council.

The second matter was the removal of a tree as part of the Compton Drive roadworks. Information in respect of this decision was advised to Councillors in a Councillor bulletin.

It was necessary to remove this tree to install the stormwater quality management infrastructure which is considered essential to protect the water quality of Shaws Bay. The works included planting offsets to mitigate the impact of the removal of this tree and the work was undertaken in accordance with the planning approval.

Notwithstanding the planning approval and design constraints, staff attempted to construct the drainage infrastructure without removing the tree however it was ultimately impossible to achieve both objectives.

Council has previously resolved to undertake a review of the Urban Vegetation on Public Land Policy as part of the development of a significant tree register. The objective of this review is to provide policy clarification and strengthen operational actions to actively maintain the urban forest within Ballina Shire.

Staff propose to engage a qualified consultant to assist with this review and we have identified possible expert candidates that combine academic experience with consulting and operational experience. In light of this previous resolution and current action of staff a preferred recommendation could be as follows:

That Council, as part of the review of the Urban Vegetation on Public Land Policy and the preparation of the significant tree register, engage a suitably qualified consultant, with academic and operational experience in the management of trees, to assist Council in developing a tree management framework that represents best practice.

This expenditure will need to be funded from Council's existing tree management and open space budgets.

COUNCILLOR RECOMMENDATION

That Council engage a University expert to undertake a review of the Bottle Tree removal undertaken in Main Street, Alstonville to determine whether Council's policy and procedures in relation to such actions achieve best practice in balancing public liability, tree preservation and community consultation issues.

Attachment(s)

1. Photos of Bottle Tree
2. Arborist's Report

14. Advisory Committee Minutes

14. Advisory Committee Minutes

Nil Items

15.1 LGNSW Annual Conference

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

15.1 LGNSW Annual Conference

Councillor Eoin Johnston

I, along with fellow Ballina Shire Councillors, Sharon Cadwallader, Nathan Willis and Steve McCarthy, attended the Local Government NSW Annual Conference at the Hyatt Regency Hotel, Darling Harbour from 4 to 6 December, 2017.

We attended the President's Opening reception on the Monday where Sydney Lord Mayor, Clover Moore, welcomed us all. Tuesday commenced with the stiffly contested elections for Office Bearers. There were strong political overtones to the campaigning and the President elected to replace Cr Keith Rhoades was Fiona Scott from the City of Sydney. The names of all office bearers have been circulated to all councillors and there seems to be a workable representation between the City and Country electorates.

Formal proceedings commenced with an address from the Acting Premier, John Barilaro, who started out on a positive note but soon raised the controversial matter of the rebuilding of the two stadiums. This was met with some vocal comments and suggestions much the same as the forced amalgamation debate attracted last year. However he covered a lot of ground and pledged empathy with the concerns of rural electorates.

Cr Rhoades opened the Conference and chaired the proceedings which dealt with 90 motions throughout the day. Fortunately the majority went through without debate but the opposed items uncovered a wide range of views and some very persuasive advocates. Of interest to our council was the strict monitoring of the 90 second time limit on submissions.

Of some interest to me, and possibly to the folk from Bourke and Wilcannia, was that for the second year in a row a motion from the City of Sydney had no one in the assembly to move their motion. It was "parked" in the hope that someone might turn up. That did not happen so it had to be moved by someone from another council. The other notable absentee was Kuringai but they may have had an excuse, being all of 50 kilometres away.

The motion initiated by Councillor Willis went through without objection but matters as diverse as planning controls, flying foxes, wood fires, property developers, wild dogs, energy generation, circus animals, recycling and kangaroo numbers generated debate.

And you will be happy to know that a motion to hold pre-polling for only six days received strong support. That would be the Saturday and the five week days prior to the election.

The sponsor's trade exhibition was a constant throughout the three days and I collected a number of documents that I will present to the General Manager.

15.1 LGNSW Annual Conference

In the evening we accepted a dinner invitation from Lismore's Mayor, Isaac Smith, to join attendees from Byron, Tweed, Lismore, Kyogle and Richmond River and it was a fruitful meeting of the minds.

Ellen Fanning chaired the Wednesday session and we heard from the Minister for Local Government, The Hon Gabrielle Upton, Shadow Minister The Hon Peter Primrose and the Hon Melinda Pavey, Minister for Roads, Maritime and Freight. Carolyn McNally, Secretary for the Department of Planning and Environment spoke on housing affordability and partnerships with councils. Stuart Reeve, the Managing Director of Micromex Research provided some interesting insights into his methods of collating data (which is relevant to our council).

The conference concluded with concurrent sessions. I elected to attend People and Communities which addressed, inter alia, disaster preparedness, refugee resettlement and violence against families and women. Councillor Sharon attended one of the other two sessions while Cr Nathan and Cr Steve visited the Minister over Ballina Fire Station Issues.

Political commentator and TV personality, Annabelle Crabb, delivered a witty and insightful keynote address to close the conference.

Again the official dinner was well attended and our little group had the pleasure of sitting with the Mayor and Deputy Mayor of Leeton and their wives. The Mayor, Paul Maytom, received an Outstanding Service Award and our Councillor Cadwallader was presented with an Executive Certificate. Good food and refreshments were followed by some vigorous activity on the dance floor.

I think these are important events, particularly for a relatively new councillor, and I encourage councillors to make the effort to attend next year's meeting at Albury, on the Victorian border. Take note, City of Sydney! Thank you for the opportunity.

RECOMMENDATION

That Council notes the contents of the report from Cr Johnston on attendance at the LGNSW Annual Conference.

Attachment(s)

Nil

15.2 Mayoral Meetings

15.2 Mayoral Meetings

Councillor David Wright

Activities since the December 2017 Ordinary meeting:

<u>Date</u>	<u>Function</u>
6/12/17	Meeting with Concerned Ratepayer
10/12/17	Lennox Head Markets and Commemoration Park Markets
11/12/17	Southern Cross Distance Education Presentation RSL
12/12/17	Mature Age Expo for 2018 and SES Graduation of Cadets
13/12/17	Traffic Committee and meeting Dirty Wheels Bike Club
16/12/17	Surf Club – drone demonstrations
16/12/17	Alstonville Farmers' Markets
18/12/17	Meeting Suncrest Ave DA
19/12/17	Meeting Terry Sheehan – Cherry Street Sports Club
19/12/17	Meeting Richard Hughes and Others – Croquet Club
20/12/17	Funeral - Rose Leeson
24/12/17	Commemoration Park Markets
27/12/17	Killen Falls Parking
31/12/17	Lennox Head Markets
31/12/17	Meeting – Reflections Caravan Park
31/12/17	Commemoration Park Markets
7/1/18	Commemoration Park Markets
7/1/18	Meeting with State Lifesaving – re Drones
8/1/18	Kevin Lounghney – Hospital for Neurological Matters
8/1/18	Meeting CWA – Lease
11/1/18	Paradise FM Interview and Gallery Opening
12/1/18	Meeting – Cr McCarthy and Mr Truman – Southern Road Configuration
12/1/18	Meeting – Gabrielle Nieuwenhof – Sea Shepherd
13/1/18	Lennox Head Protest
14/1/18	Northern Rivers Street Machines and Commemoration Park Markets
14/1/18	Lennox Head Markets
16/1/18	Meeting DPI - Drones
17/1/18	North Creek Funding Announcement – Ben Franklin
17/1/18	RMS – Koala Signage
18/1/18	Lennox Head Surf Club – Equipment Handover
20/1/18	Alstonville Markets and Alstonville Uniting Church Induction Service
21/1/18	Ballina Markets
21/1/18	Commemoration Park Markets and the Girl to Woman Festival
23/1/18	Meeting re Amber Drive
25/1/18	Council Meeting and Reserve Trust
26/1/18	Australia Day and Duck Races – Richmond River
28/1/18	Commemoration Park Markets

RECOMMENDATION

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

Attachment(s)

Nil

16. Confidential Session

In accordance with Section 9 (2A) of the Local Government Act 1993, the General Manager is of the opinion that the matters included in the Confidential Business Paper, and detailed below are likely to be considered when the meeting is closed to the public.

Section 10A(4) of the Local Government Act, 1993 provides that members of the public are allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

A brief summary of each of the reports recommended for consideration in confidential session follows:

16.1 Infrastructure Delivery (Confidential)

This report contains information that may prejudice Council's position in respect to commercial negotiations relating to the delivery of Council infrastructure. Refer also to Item 10.4 of this agenda.

RECOMMENDATION

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

16.1 Infrastructure Delivery (Confidential)

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as it may prejudice Council's position in commercial negotiations.