



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 22 February 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

- (a) 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. Deputations will be limited to a maximum of two items on the agenda per person.

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.

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

- (b) Members of the public are advised that 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.
- (c) 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.
- (d) To avoid conflicts of interest, real or perceived, deputations will not be accepted from:
- Tenderers during a public tender or request for quotation
 - Persons or representatives from organisations seeking financial support from Council that involves an expression of interest
 - Consultants who are engaged by Council on the matter the subject of 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
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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 25 January 2018 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 January 2018.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7.1 Mayoral Minute - Lake Ainsworth Planning Application

7. Mayoral Minutes

7.1 Mayoral Minute - Lake Ainsworth Planning Application

Councillor David Wright

I move

That Council authorises the General Manager to convene an Extraordinary meeting (starting at 4pm) to determine the Lake Ainsworth planning application at a date that is suitable for all Councillors to attend. This meeting will also allow a maximum of two speakers for and against in respect to the assessment report.

Councillor Comment

I am aware that there may potentially be Councillor(s) absent from our March and April Ordinary meetings.

I do not want to see a situation arise, as recently occurred at a neighbouring council, where matters are deferred or rescinded, due to Councillors being absent.

As the Lake Ainsworth application has been one of the most topical matters before Council in a very long time it would be good to ensure that all Councillors are present at the meeting where the application is determined.

An Extraordinary meeting also allows us to expand the number of deputations and the timing may be more suitable for interested members of the public to attend.

This is not about Councillor numbers as it is always possible for a decision to be rescinded, or an Extraordinary meeting to be called by two councillors, it is about ensuring that we have a dedicated time allocated and a respectful debate, with all Councillors present, in respect to this planning application.

RECOMMENDATION

That Council authorises the General Manager to convene an Extraordinary meeting (starting at 4pm) to determine the Lake Ainsworth planning application at a date that is suitable for all Councillors to attend. This meeting will also allow a maximum of two speakers for and against in respect to the assessment report.

Attachment(s)

Nil

8.1 DA 1995/259 - Section 96(2) - Sandpit - Newrybar Swamp Road

8. Development and Environmental Health Group Reports

8.1 DA 1995/259 - Section 96(2) - Sandpit - Newrybar Swamp Road

Applicant	Planners North (on behalf of Betula Pty Limited/McGeary)
Property	Lot 10 DP 1010302, Newrybar Swamp Road, Lennox Head
Proposal	To modify the existing consent to extend the 20 year “life” of the quarry until November 2018
Effect of Planning Instrument	The land is zoned RU2 Rural Landscape under the provisions of the Ballina LEP
Locality Plan	The subject land is depicted on the locality plan in Attachment 1.

Introduction

This modification application seeks to extend the terms of the approval by one year (from 20 to 21 years) and set an end termination date or “life” of the consent for the quarry operations “until November 2018” via Condition No. 14.

The approved annual peak production rate, consented to reserves (which have not been reached/extracted), or overall hours of operation etc., are not proposed to be modified by the application.

This modification application is being reported to Council for determination, with the key issues being:

- Whether the proposed modified development remains substantially the same development as required under Section 96 of the EP&A Act 1979.
- Whether the approval of the modification application will significantly increase the environmental impacts and constitute Designated Development having regard for the past environmental management performance, compliance with conditions of consent, rehabilitation or restoration of disturbed land and cumulative impact (as required to be considered under clause 36 of the EP&A Regulations 2000), as well as impacts on the environment under Section 79C of the EP&A Act.
- Council is in receipt of 50 letters of objection.

This modification application does not relate to the “Ballina Sands” quarry located on Newrybar Swamp Road.

It is also a separate application to the proposal for the Pick/McGeary quarry on Newrybar Swamp Road. That application for a combined quarry operation is currently under assessment.

Background

In May last year a Section 96(1A) modification application was submitted by the applicant to extend the life of the quarry by five years (from 20 years to 25 years). Council sought legal advice on whether this could be considered as “minimal environmental impact” and “substantially the same” development to that originally approved as required by Section 96(1A) of the EP&A Act 1979.

Based on the legal advice received, Council requested the applicant to withdraw the modification application as the submission was not procedurally correct under Section 96(1A).

The applicant subsequently withdrew the modification application and submitted the current Section 96(2) modification application in August 2017 to extend the life of the quarry by one year (from 20 years to 21 years) which is the subject of this report.

The original Designated Development quarry was approved by Council following applications in line with the provisions of *State Environmental Planning Policy No. 37 – Extractive Industries*. Consent was issued on the 27 July 1995 for:

“Extractive Industry – extraction of fill sand, with average extraction rates of 10,000m³ - 25,000m³ per annum with maximum rates of 80,000m³ per annum (total resource 450,000 cubic metres).”

On 23 August 1996 Council amended the Deferred Commencement Condition No. 8 by extending the completion of Deferred Commencement Conditions 1 to 7 from 12 months from the date of consent (i.e. 27 July 1996) for a further 12 months (or total of two years) to 27 July 1997.

Deferred Commencement Condition 8 (as amended) states:

“Should the requirements of Condition No.s 1-7 above not be completed to Council’s satisfaction with two (2) years from the date of this notification, the development consent shall not become effective.”

Council’s records indicate that Deferred Commencement Conditions 1 to 7 (which generally related to the completion of road upgrading works and a detailed Plan of Management for the operation of the quarry), were completed on 26 September 1997 and 25 July 1997 respectively.

At that time, Council acknowledged the consent to be operational.

Upon commencement of quarry operations, the consent also imposed General Condition No. 14 limiting the life of the quarry which states:

“This consent enables a total extraction of 450,000 cubic metres or permits quarrying on the site for not more than twenty (20) years, whichever is achieved first. This approval is contingent upon satisfactory re-appraisal of the Plan of Management at the five (5) year period.”

Council’s records do not indicate that a re-appraisal of the Plan of Management occurred within the five year stipulated timeframe.

Based on the lower than expected extraction rate / volume per annum and available resource, the total extraction from the quarry has not exceeded 450,000 cubic metres and this means the number of years is only relevant to the “life” of the quarry in this case.

Condition No. 15 states:

“This consent shall lapse in accordance with Condition 14 above, at which time extraction shall cease and the site restored in accordance with the detailed Plan of Management. Any extension during the final nine (9) months shall be for the purposes of facilitating site restoration.”

As will be outlined in the Audit of Compliance with Conditions section of this report (both in 2008 and again in October 2017), progressive site restoration/rehabilitation in accordance with the Plan of Management (nominated at 2, 10 and 15 year intervals or when extraction reached particular areas of the quarry site) was not evident and has not occurred over a number of years.

Despite the clear terms of Condition No. 15, the current modification is not seeking the one year extension for the purposes of facilitating site restoration, but rather “...to provide for a continuity of supply from the subject quarry”, whilst a Development Application and Environmental Impact Statement is being assessed for a single combined quarry with the “Pick” quarry immediately adjoining to the north.

It is evident that there has not been any recent extraction from the site, confirmed also by no recent monetary contribution payments, the last quarterly payment being for the extraction period 1 April 2016 to 30 June 2016.

There are no changes proposed to the approved hours of operation for the extraction, loading and transporting of quarry materials or other changes in operation to address contemporary environmental performance criteria for such matters as air quality and noise.

These matters will be discussed further in the report.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The modification application was placed on public exhibition between 23 August 2017 and 22 September 2017.

Council received 50 objections (Attachment 2). Three of the submissions were marked as confidential and have been provided under separate cover (Attachment 3).

8.1 DA 1995/259 - Section 96(2) - Sandpit - Newrybar Swamp Road

Some of the objections also refer to the “Ballina Sands” quarry, which is located further south along Newrybar Swamp Road and is not directly relevant to the determination of this modification application, other than for potential cumulative impact.

The majority of objections question the validity of the proposed modification application as it directly conflicts with the terms of the original consent, particularly Condition No. 15 (outlined earlier).

A modification application can seek to amend conditions; however Condition No. 15 has not been referenced by the applicant.

More generally the objections also relate to:

- Non-compliance with existing conditions of consent and no demonstration of intention to meet current obligations. Non-enforcement by Council will lead to further non-compliance if extended.
- No progressive rehabilitation has been carried out in accordance with the Plan of Management. The existing conditions should be fulfilled prior to any extension.
- Reduced amenity from the overall extended quarry operations from impacts such as noise, air quality/dust, vibration, operating hours and visual impact on rural landscape.
- Environmental impact of the surrounding environment including flooding, water runoff, groundwater pollution and acid sulfate soils.
- Further heavy vehicle traffic generation and reduced vehicular and pedestrian safety along Newrybar Swamp Road and Ross Lane.
- The approved twenty year period is a reasonable time to extract the sand and this locality and community has substantially changed since consideration in 1995.
- Environmental conditions in 2017 are more stringent than those applied in 1995 and these should now be relevant.
- The proposal is vague and has no mention of extraction amount to occur within the additional year.
- Cumulative impact when considered with other quarries in the locality.
- Increased mosquito impacts due to large areas of stagnant water/lake created from the extraction areas.

The applicant has not provided a consolidated response to these submissions.

The responses provided by Government Agencies are contained in Attachment 4 and they raise no objection to the proposed additional year of operations.

The matters directly relating to the modification application sought are considered as part of this report.

Applicable Planning Instruments

Section 96(2) of the EP&A Act 1979 requires Council to consider:

(2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Report

Time limit on quarrying activities imposed by consent

Condition 14 limited quarrying on the site for a certain period – either the time it took to extract 450,000m³ of sand or a period of 20 years, whichever occurred first.

Condition 14 imposed a limit on the quarrying activities undertaken pursuant to the consent; however it does not have the effect of causing the consent to “lapse”. The consent remains in existence, however it does not authorise the extraction of sand from the site once the period in Condition 14 has been reached.

This point is important as the conditions of the consent which require the site to be restored can be enforced, despite the fact that extraction can no longer take place. It also means that the consent is capable of being modified after quarrying operations are required to cease.

Based on a Statutory Declaration from Rod McGeary (Attachment 5) that was provided during assessment of the modification application, the 20 year period was reached in November 2017.

As above the use of the term “lapsed” in Condition 15 does not have the effect of causing the consent to lapse for the purpose of Section 95 of the EP&A Act. Rather it refers to the cessation of extraction pursuant to the consent in accordance with Condition 14.

Council has written to the owner advising that no further extraction / quarrying is to occur from the site.

Substantially the same development as first granted

Section 96(2) of the EP&A Act 1979 requires the consent authority to be satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).

In assessing whether a consent as modified will be substantially the same development, a quantitative and qualitative comparison between the development permitted under the original consent and the development which would be permitted if that consent was modified in the manner sought needs to occur.

The documentation provided by the applicant provides comment on the quantitative and qualitative considerations of the consent to be modified as compared to the consent as originally granted, the circumstances which existed at the time of the grant of the original consent and the change in zoning of the land in that time.

The 1995 consent, if modified, will still be for an extractive industry, with the same footprint, extraction rate and environmental controls for a period of one additional year (or now nine months due to the time taken to assess the modification application).

Therefore, if Council is satisfied that the applicant has provided Council with sufficient information as is required pursuant to Section 96 of the Act it is plausible for Council to conclude that the development if modified as proposed will be substantially the same as the development as first granted.

Designated Development

Schedule 3 Part 2 EP&A Regulation 2000 has provisions relevant to alterations and additions to designated development. Those provisions are as follows:

Part 2 Are alterations or additions designated development?

35 Is there a significant increase in the environmental impacts of the total development?

Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.

36 Factors to be taken into consideration

In forming its opinion as to whether or not development is designated development, a consent authority is to consider:

- (a) the impact of the existing development having regard to factors including:
 - (i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and
 - (ii) rehabilitation or restoration of any disturbed land, and
 - (iii) the number and nature of all past changes and their cumulative effects, and
- (b) the likely impact of the proposed alterations or additions having regard to factors including:
 - (i) the scale, character or nature of the proposal in relation to the development, and
 - (ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and
 - (iii) the degree to which the potential environmental impacts can be predicted with adequate certainty, and
 - (iv) the capacity of the receiving environment to accommodate changes in environmental impacts, and
- (c) any proposals:
 - (i) to mitigate the environmental impacts and manage any residual risk, and
 - (ii) to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.

Clause 36 requires the consideration of prior environmental performance and compliance with conditions (refer to comments under “Audit of Compliance with Conditions”).

The question to be determined is whether the modification will “significantly increase the impacts” of the total development.

The modification would need to significantly increase the impacts of the total development in order for the modification to constitute designated development in its own right.

As these statutory considerations had not been addressed in the application, the applicant was requested to address all of the matters under clause 36(a), (b) and (c) so that they may be presented to Council. This has recently been completed by the applicant in a letter dated 19 January 2018 (Attachment 6).

Having regard to the factors required to be taken into account in determining this question there remains insufficient information and evidence to satisfactorily assess whether the modification would significantly increase the impacts of the total development (refer also to "Cumulative Impacts" below), as the sequencing of quarry operations including the progressive rehabilitation as approved by the Plan of Management and nominated at 2, 10 and 15 year intervals has not occurred.

The applicant's contention that the conditions of consent provide for rehabilitation to be completed after the expiry of quarrying operations is not supported and rehabilitation should already be well advanced and the site's landscape characteristics/features substantially different.

Compliance with conditions

An audit of the quarry was undertaken on 4 November 2008 by staff to assess compliance with the development consent conditions. Non-compliance issues were identified and conveyed to the quarry owners on 23 September 2009.

A compliance inspection was also undertaken on 19 October 2017.

A number of submissions have also raised non-compliance issues.

It is evident from these inspections that there is a correlation with areas of non-compliance with conditions and the approved Plan of Management over a period of almost 10 years at this quarry. Importantly, it is also evident that the progressive rehabilitation of the site has not occurred in accordance with the approved Plan of Management.

Although prior non-compliances is not a relevant consideration to the "substantially the same development" test, the environmental performance of the operation is a relevant consideration under clauses 35 and 36 of the EP&A Regulations and 79C of the EP&A Act.

The environmental performance also highlights the potential need for additional or changed operational conditions to help mitigate impacts likely to arise from the recommencement of quarrying activities for the proposed extended period.

The modification application does not satisfactorily address this matter, nor does the applicant propose further mitigation measures to guide the recommencement of quarrying activities.

Cumulative impacts

The modification application makes minimal reference to a significantly changed locality from the initial date of the grant of the consent in 1995 to the present date.

Since the original approval of the quarry there have been a number of other traffic generating developments and dwelling houses approved in the locality.

8.1 DA 1995/259 - Section 96(2) - Sandpit - Newrybar Swamp Road

Consequently, the cumulative impact of this proposed modification on this locality has not been adequately addressed by the applicant.

Increased traffic, including heavy vehicle traffic movements arising from the other approved quarries on Newrybar Swamp Road and Ross Lane and cane/macadamia trucks reliant upon this haulage route should also be considered.

The impact of quarry vehicles moving along the haul routes could result in amenity impacts for residents located nearby. Impacts can vary from dust, vibration, fumes, noise and pedestrian and vehicles safety issues.

The residents of Newrybar Swamp Road and Ross Lane have complained about the impacts of quarry trucks on their residential amenity and the cumulative impact of approved quarries should be considered, particularly as they are all reliant upon the same haulage route.

The impacts over a number of years from the existing operational quarries and the continued potential impacts from the proposal is a potential cumulative impact that needs to be carefully considered. This has not been adequately addressed by the applicant as required by Schedule 3 clause 36 of the EP&A Regulation 2000 as the applicant has stated "since its original issue, there have been no material changes to the Development Approval".

Consequently, as there are potential environmental consequences which flow from recommencing quarrying for this extended period, which has not been adequately demonstrated to be of a minimal nature in this locality, the proposed further operation of the quarry under the current controls set in 1995 would not necessarily be now adequate or recommended.

If Council were of a mind to approve the modification as proposed, further conditions would be required to address potential impacts.

Although the current modification application seeks only to alter Condition 14, Council can alter other conditions of the consent or to add conditions to the consent in the event that Council sees fit to permit the modification.

Such altered or added conditions would need to relate to the aspect of the consent which is proposed to be modified but could take into account the current context of the consent.

These could include matters such as:

- conditions to require the rehabilitation of the site in accordance with specified standards and time frames.
- conditions to address amenity impacts from extraction and haulage.
- conditions to address environmental controls consistent with current best practice.
- conditions to limit the maximum monthly extraction rates.

The current modification application, as submitted, does not adequately consider these matters and potential environmental impacts to satisfy clauses 35 and 36 of the EP&A Regulation 2000 and therefore determine if the proposed modifications should be supported by an Environmental Impact Statement.

A separate Development Application/Environmental Impact Statement (DA 2017/670) has been submitted by the applicant for an expanded quarry operation incorporating adjoining land.

Roads and Traffic

If the modification application is approved there would be increased truck movements on both Newrybar Swamp Road and Ross Lane.

There are several developments along Newrybar Swamp Road and Ross Lane which contribute to the existing traffic volumes in this area along with through traffic along Ross Lane.

These roads are constructed to a sufficient standard and have capacity to deal with the additional traffic associated with this modification application.

The original consent required a monetary contribution (road maintenance levy) to be paid to Council based on the volume of extracted material. The original rate of \$0.23/tonne is subject to CPI and the current indexed rate at 30 June 2017 is \$0.39/tonne.

The Civil Services Group has not raised objection to the proposal in relation to traffic matters.

Roads and Maritime Services has not raised any objection to the proposed modification.

Conclusion

Legal advice has been sought in relation to this modification application.

Having regard to Sections 79C and 96 of the EP&A Act 1979 and clauses 35 and 36 of Schedule 3, Part 2 of the EP&A Regulation 2000, including all of the matters referred to above, Council does not have sufficient information and cannot form the requisite degree of satisfaction that if the consent is extended under current conditions, that the impact would not be significant.

The assessment of the modification application (including audits) has found there to be valid technical reasons as to why the quarry should not be extended under the current consent and may be considered as Designated Development requiring a more detailed level of environmental assessment.

The modification application has also generated considerable public interest as represented in the public submissions.

It is in the interest of the applicant and surrounding residents to improve and implement modern performance operational mechanisms and procedures to those approved in 1995 to limit potential impacts.

Alternatively, if the Council is of the view that the existing conditions in conjunction with an updated Plan of Management will satisfactorily address those matters raised in this report, Council could issue an amended consent notice seeking the provision of a suitable Plan of Management to address potential environmental impacts and to guide the recommencement of quarrying activities.

Options

1. To refuse the modification application on the basis of insufficient information to satisfactorily address relevant statutory considerations and the environmental impacts of the proposed modification. This is the recommended option.
2. To approve the modification application subject to a condition requiring an amended Plan of Management (POM) addressing site rehabilitation and timeframes and environmental controls addressing best practice.

RECOMMENDATION

That the modification application to DA 1995/259 for the AMA Sandpit Quarry at Newrybar Swamp Road be **REFUSED** for the following reasons:

1. The potential impacts of the proposed modification have not been satisfactorily considered under Section 79C of the EP&A Act.
2. Clauses 35 and 36 of Schedule 3, Part 2 of the EP&A Regulation 2000 have not been adequately addressed to sufficiently demonstrate that the impact of the proposed modification would not be significant.
3. The mitigation measures/conditions (inclusive of the POM) of 1995 relied upon by the applicant are considered to be insufficient to enable the extended operations of the quarry.
4. The environmental management performance of the quarry including the lack of environmental rehabilitation of the site raises potentially significant environmental issues for the recommencement of quarrying activities for the proposed extended period.
5. The cumulative impact of the extension has not been adequately addressed.
6. The proposed modification in the circumstances of this case is not considered to be in the public interest.

Attachment(s)

1. Locality Plan PN 16702
2. Submissions
3. Confidential Submissions (Under separate cover)
4. Government Agency Responses
5. Rod McGeary Statutory Declaration
6. Extract From Applicant's SEE and Letter Dated 19 January 2018 Containing Additional Information

8.2 DA 2017/647 - Veterinary Clinic - 48 Ballina Street, Lennox Head

8.2 DA 2017/647 - Veterinary Clinic - 48 Ballina Street, Lennox Head

Applicant	Logan Architecture (on behalf of Mr H C & Mrs R M Gradwell & Ms K L Kernaghan & Mr J V Gradwell)
Property	Lot 20, DP 1007134, 48 Ballina Street, Lennox Head
Proposal	Erection of a Two Storey Building for the Purposes of a Veterinary Clinic with Associated Veterinary Dwelling, Car Parking and Associated Works
Effect of Planning Instrument	The land is zoned B2 Local Centre – BLEP 2012
Locality Plan	The subject land is depicted on the locality plan attached (Attachment 1)

Introduction

Development Application 2017/647 was lodged with Council on 16 November 2017 and seeks consent for the Erection of a Two Storey Building for the Purposes of a Veterinary Clinic with Associated Veterinary Dwelling, Car Parking and Associated Works.

Following concerns raised during the public exhibition period, the application is being presented to Council for determination.

Details of the Proposal

Consent is sought for the construction of a two storey building comprising a veterinary clinic on the ground floor and an associated first floor dwelling, as depicted on the proposed plans in Attachment 2.

The proposed veterinary clinic is a purpose built structure to replace the existing Lennox Head Veterinary Clinic, currently located at 5/48 Ballina Street, Lennox Head. The existing clinic is proposed to be used as professional offices in the future and a separate development application for a change of use of the premises will be required in this regard.

The proposed veterinary clinic is to contain the following facilities:

- Reception area
- Treatment room
- Staff room
- Office
- Laundry
- Isolation room
- Accessible WC
- WC (staff use only)
- Grooming room (with outdoor hydro bath)
- Two x Consulting rooms
- Surgery
- X-ray
- Dog room and
- Two x Cat rooms.

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The hours of operation for the proposed veterinary clinic are as follows:

Monday	8.30am – 6.30pm
Tuesday	8.30am – 5.30pm
Wednesday	8.30am – 6.00pm
Thursday	8.30am – 6.30pm
Friday	8.30am – 6.00pm
Saturday	8.30am – 12 noon
Sundays and Public Holidays	CLOSED

The proposed hours of operation are generally consistent with the operating hours of the existing veterinary clinic. Only a minor extension of hours (closing 6.30pm on Monday and Thursday evenings) is proposed as part of the subject application.

The proposed building is to be constructed rendered and painted board, expressed joint fibre cement and weatherboard cladding. The proposed veterinary clinic has a floor area of 231m² and the ancillary dwelling has a floor area of 93m².

Landscaped open space is to be provided on the western portion of the site, to the rear of the development. This space has a dual function and is to be used by the clinic as outdoor space for puppy classes and part for private open space/landscaped area for the dwelling component.

A pedestrian path will be provided from the medical centre to the proposed veterinary clinic and disabled access is provided to the ground level from the car park.

The existing sign for the veterinary clinic, located on the entry gable of the existing building will be relocated to the entry gable of the new veterinary clinic.

The ancillary first floor dwelling is to be occupied by veterinary staff and locums to monitor animals overnight.

Staff living above the clinic would only attend animals in a call out or new admission situation on assigned nights (proposed by the applicant to be Monday nights) or in exceptional emergency circumstances.

The dwelling contains two bedrooms, one bathroom and a kitchen and dining area. The dwelling is accessible via an internal staircase from the ground floor clinic. External access is also provided via a staircase from the landscaped area to the first floor deck proposed to the southern elevation of the building.

A total of nine car parking spaces (inclusive of one disabled car parking space) are proposed to be provided on-site to service the veterinary clinic and dwelling. These car parking spaces are provided within an extension of the existing medical centre car park, accessed via Park Lane.

Description of Subject Site

The subject site is known as Lot 20 in Deposited Plan 1007134, No. 48 Ballina Street, Lennox Head. The property has a total area of 3,490m², with a frontage to Ballina Street to the east. It is located in the village centre in Lennox Head, with vehicular access occurring via Park Lane.

The subject site currently contains the Lennox Head Veterinary Clinic, Lennox Head Medical Centre and other health related land uses including physiotherapy and dental services.

A tourist and visitor accommodation development (Lennox Beach Resort) is located directly to the north of the subject site.

The western portion of the site to be developed is approximately 965m² in area and is currently vacant, sloping from west to east. Given the slope of the land, the proposed building will be visible from behind the existing medical centre, which can be seen from Park Lane. The proposed building will also be visible from the Lennox Beach Resort. Notwithstanding, the proposed building is not considered to be overly discernible in the landscape.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The proposal was placed on public exhibition in accordance with Council's local advertising policy. A total of seven public submissions were received and are attached (Attachment 3). Two submissions were in support of the proposal and five submissions raised concerns in relation to the proposal.

The matters raised in the submissions in relation to the proposal are summarised and addressed as follows:

1. Site is suitable for the development and will provide a community benefit

Comment: Within a submission in support of the proposal, it was stated that the development is considered appropriate for the site. It was also considered the proposed veterinary clinic would provide a benefit to the community.

2. Landscaping

Comment: Within one submission in support the development, it was stated that both the subject site and the adjoining Lennox Beach Resort would benefit by landscaping treatments between the rock retaining wall of the resort and the parking area for the proposed development to provide adequate screening between the two properties. The applicant is proposing to provide landscaping along this boundary.

A condition is to be imposed on the consent requiring suitable landscaping to be provided along the northern boundary.

3. After hours veterinary services

Comment: Concerns were raised regarding the nature of the proposed after hours service, specifically that the proposed veterinary clinic would effectively become a 24-hour facility. The veterinarian to operate the clinic has provided advice that the after hours service is to be on Monday nights only, as per the arrangements at the existing veterinary clinic.

Furthermore, it has been advised that:

- After hours services are currently provided on Tuesday, Wednesday and Thursday nights by three other clinics (located in Ballina and Alstonville) on a roster. Friday, Saturday and Sunday nights and public holidays are provided by the dedicated Ballina Emergency Vet Service, located at 14 River Street, Ballina. Furthermore, the after hours service is for emergencies only, with no consultations occurring during this time.
- The veterinary clinic is on call approximately 45 nights per year. Of these, only about 30 nights on average would necessitate a vet actually coming in to see a patient. On the nights this occurs, the vast majority of call-outs occur before 9.30pm.
- The existing on call arrangements are to continue as part of the proposed veterinary clinic.
- Veterinary staff living above the clinic would only attend animals (in a call out situation or in the case of new arrivals) on the assigned nights on call. The after hours service in Ballina will maintain its service at 14 River Street.
- Any sick animals required to be kept on the premises after hours would be monitored by the in-residence vet, meaning it is likely there would be even fewer after hours visits than is currently the case.

The Lennox Head Medical Centre is on call five nights a week, and as well as patients' vehicles there are occasional ambulances arriving after hours.

Council's Environmental Health Officer has assessed the proposal and has advised that no complaints have been received by Council in relation to noise from the existing veterinary surgery, or any of the other veterinary surgeries in the Ballina Shire, which all operate in a similar way.

It has been recommended that a condition be imposed on the consent requiring the proposed veterinary clinic to comply with the approved hours of operation, and that genuine after hours emergencies are exempt from complying with these hours of operation.

4. Noise impacts during operation (vehicles after hours, barking dogs) and no details of soundproofing provided

Comment: The proposed veterinary clinic is to be purpose built and can incorporate acoustic treatments to mitigate noise impacts. Refer to the noise section within this report.

5. Animal boarding not permissible in B2 zone

Comment: Concerns were raised regarding the keeping of animals overnight, and that the proposed development would effectively operate as an 'animal boarding or training establishment' which is a prohibited land use within the B2 Local Centre zone.

An **animal boarding or training establishment** is defined within BLEP 2012 as a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

Within the applicant's response to the submissions raised dated 19 January 2018 (Attachment 4), the veterinarian to operate the clinic has advised that the current veterinary clinic does not board animals, and there would not be any animal boarding with the new premises.

Notwithstanding, it was advised that animals are sometimes hospitalised overnight if they are severely debilitated, moribund or intensive care cases that cannot be sent home. This is acceptable within the definition of a **veterinary hospital**, which is a permissible land use within the B2 zone. Refer to the BLEP section of this report for further discussion.

6. Stormwater impacts – runoff onto driveway of adjoining property

Comment: Concerns were raised regarding the existing stormwater management on the site, particularly in relation to stormwater runoff onto the driveway of the adjoining property at 7 Park Lane (Lennox Beach Resort).

Council's Civil Services Group has assessed the proposal and confirmed that the proposed development should alleviate the severity of surface stormwater flowing across the site's northern boundary and a new stormwater pit located further to the west will intercept surface flow earlier when compared to the current condition.

Furthermore, the proposed car park adjacent to this inlet pit will be graded such that the overflow will be directed internally and not across the site's northern boundary.

To clarify this matter, a condition is recommended to require that the proposed new inlet pit be provided with a designated overflow point which directs all bypass stormwater into the development and away from the northern boundary for all storm events up to and including the 1 in 100 year event.

Refer to DCP section of this report for further discussion regarding stormwater management.

7. Light spill (from the proposed development and vehicle headlights)

Comment: Submissions have been raised in relation to the potential impacts of light from customers using the driveway after hours.

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Council's Environmental Health Officer has assessed the proposed development and advises that given the frequency of vehicles servicing the business after hours would be similar to the frequency of vehicles servicing dwelling houses, it is not expected that an unreasonable impact would occur.

Furthermore, the applicant has indicated that landscaping is proposed along the boundary adjoining the Lennox Beach Resort.

Council's Environmental Health Officer has advised that if this landscaping were sufficiently thick and low growing, this would ensure no unreasonable impacts were experienced due to vehicle headlights.

In this regard, a condition can be imposed on the consent requiring suitable landscaping to be provided along the northern boundary of the site.

The veterinarian to operate the clinic has advised that all illuminated signage and exterior lighting is to be low-wattage and will only be visible from the eastern approach, facing away from the Lennox Beach Resort. Pathways and building illumination is to be directed downwards, with no floodlights or harsh lighting proposed. Night lighting in the waiting room will consist of dimmable LEDs.

A condition can be imposed on the consent requiring all external lighting to comply with AS 4282:1997 'Control of the obtrusive effects of outdoor lighting'.

8. Noise, amenity and sediment control during construction

Comment: It is not anticipated that there will be any impacts on adjoining properties that would be any different to normal construction activities associated with the erection of a building.

Council's Environmental Health Officer advised that standard conditions in relation to noise, hours of construction and erosion and sediment control measures can suitably manage any construction related impacts on surrounding properties.

9. Economic impacts – Loss of income during construction

Comment: As stated above, standard conditions are to be imposed in regard to construction hours, amenity and noise.

Whilst it is acknowledged that there will be disturbance during the construction phase of the project, this is not a reasonable ground to prevent new construction works.

10. Lack of detail regarding storage shed – purpose, construction

Comment: Concerns were raised in relation to the proposed storage shed, particularly as it was only shown on the site plan (and not the floor plans and elevations).

Concerns were also raised regarding the proximity of the shed to the boundary and the resulting impact on amenity to the residents of the Lennox Beach Resort.

It has been advised by the applicant that the storage shed is for the use of the entire complex and is to be constructed adjacent to the proposed driveway ramp for the veterinary clinic. The location of the storage shed is unsuitable for additional car parking due to the ramp gradient.

Given this structure is for storage purposes only, no concerns are raised with regard to impacts on the amenity of adjoining premises.

The storage shed is indicated on the site plan submitted, with a section of the building also provided. Additional details of the storage area are to be provided at the Construction Certificate stage.

It is not considered that the storage shed will result in any impacts over and above the existing situation and is considered to have some role in providing visual and acoustic screening between the proposed driveway ramp and adjoining properties.

Applicable Planning Instruments

The proposed development has been assessed under the heads of consideration in Section 79 (C) of the Environmental Planning and Assessment Act 1979. The proposal has been assessed as being generally compliant with the BLEP 2012, Council's DCP 2012 and the remaining matters listed within Section 79 (C) of the Act. The following matters are elaborated upon for Council's information and consideration in determining the development application.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) provides that contamination and remediation are to be considered in the determination of development applications.

The part of the site to be developed is a greenfield site, previously used for low intensity cattle and horse grazing. The current owner has knowledge of the site going back to 1957 (60 years) and is not aware of any past potential contaminating land uses.

Council has in its assessment considered whether there is a possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment.

Council's Environmental Health Officer has undertaken an initial assessment in accordance with the requirements of 'Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land' (DUAP, 1998). The initial assessment considered that:

- There have been no previous investigations in relation to the contamination of the subject land
- Council records do not indicate a past history of any contaminating land uses
- The zoning of the site has not suggested any potential contaminating land uses
- The current land use is not a known contaminating land use
- The subject site has never been regulated in relation to land contamination

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- The land has not been the subject of restriction in relation to land contamination and
- There is no information held that there is any nearby contamination which may impact on the subject property.

It has been considered that the site has been used continuously for grazing purposes and a site inspection was also undertaken.

Based on all the information available for the initial investigation, Council's Environmental Health Officer has concluded that there is no suggestion that the land may be contaminated and no further enquiry is warranted at this time.

The requirements of SEPP 55 have therefore been satisfied in relation to the proposed development.

A condition is to be imposed on the consent requiring that any new information that comes to light during demolition or construction works which has the potential to alter previous conclusions about the site contamination must be immediately notified to the Council and the Principal Certifying Authority.

State Environmental Planning Policy No. SEPP 71 – Coastal Protection

The subject site falls within the Coastal Zone (within 1 kilometre of the coastline). The provisions of State Environmental Planning Policy (SEPP) No. 71 – Coastal Protection requires Council to consider the Aims and Objectives of the SEPP together with the matters for consideration listed in Clause 8 of the SEPP when determining an application within the Coastal Zone.

The proposed development is considered to be consistent with the aims and objectives of SEPP 71 and the matters for consideration set out in Clause 8 of the plan, for the following reasons:

- Having regard to the type, location and design of the development the development is considered to be suitable for the site and will not have unreasonable impacts on the amenity or scenic qualities of the coastal foreshore.
- The land is not identified on the Coastal Hazard Protection Map and is therefore unlikely to impact or be impacted by coastal processes or coastal hazards.
- It is not anticipated that the development will have adverse cumulative impacts of the proposed development on the coastal environment.
- Water and energy efficiency features shall be incorporated into the development in accordance with Chapter 6 of the Ballina DCP 2012 and the BASIX commitments.

Draft State Environmental Planning Policy (Coastal Management) 2016

The subject site is located within the coastal use area as specified on the Coastal Use Area Map. The provisions of the Draft State Environmental Planning Policy (Coastal Management) 2016 requires Council to consider the matters for consideration listed in Division 4 Clause 15 of the draft SEPP when determining an application within the Coastal Use Area.

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The proposed development is considered to be consistent with the aims and objectives of draft SEPP (Coastal Management) 2016 and the matters for consideration set out in Clause 15 of the draft SEPP, for the following reasons:

- The subject site is not near a foreshore, beach, headland or rock platform. There are no issues with overshadowing, windfunneling or the loss of views from public spaces to foreshores.
- There are no issues with visual amenity and scenic qualities of the coast or use of the surf zone. No issues raised with regard to Aboriginal cultural heritage.
- In relation to Clause 15(b), the proposal relates to the construction of a two storey building comprising a veterinary clinic on the ground floor and an associated first floor dwelling. The bulk and scale of the proposed development is considered acceptable.

Ballina LEP 2012

Clause 2.3 – Permissibility

The site is zoned B2 Local Centre under the Ballina LEP 2012. The proposed development, as described by the applicant, is for the erection of a two storey building for the purposes of a veterinary clinic and associated veterinary dwelling, car parking and associated works.

Veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

Residential accommodation (with the exception of dwelling houses and shop top housing) is prohibited within the B2 zone.

The ancillary residence is not considered to be a 'dwelling house' which is defined as a building containing only one dwelling.

Although the ancillary residence is to be located above the ground floor use as a veterinary clinic, the development is unable to be defined as 'shop top housing' as this definition specifically relates to one or more dwellings above retail or business premises only.

The ancillary residence to the veterinary hospital is best defined as a **dwelling** which means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile. Notwithstanding, the veterinary dwelling is not identified as a standalone or separate land use.

The dwelling component only exists to serve the dominant purpose of the development being a veterinary clinic and therefore the dwelling is considered to be an ancillary use as part of the overall proposal.

It is on this premise only that Council is able to consider the proposal as lodged.

Conditions of consent are recommended to restrict the dwelling to be used only by staff in association with the veterinary clinic, and for it not to be leased separately to other tenants. The imposition of this consent condition along with the manner in which the development has been proposed to operate has satisfied Council staff that a veterinary clinic and ancillary dwelling can be located on the site and can be considered a permissible development under the BLEP 2012.

Clause 2.3 – Zone Objectives

The objectives of the B2 Local Centre zone are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local areas.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To maintain a distinct retail hierarchy as identified in Council's strategic planning framework.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure a safe and accessible built environment.
- To encourage development that recognises natural, cultural and built heritage.
- To encourage development that achieves the efficient use of resources such as energy and water.

The proposed development is considered to have had regard for the objectives of the B2 Local Centre zone. In particular, the development will assist in providing a land use that serve the needs of people who live in the local area.

Clause 4.3 – Height of Buildings

The maximum height shown for the land on the Height of Building Map is nine metres. The proposed building has a maximum height of 7.3 metres and therefore complies with this development standard.

Clause 4.4 – Floor Space Ratio

The maximum floor space ratio shown for the land on the Floor Space Ratio Map is 0.8:1. The proposal has a total floor space ratio of 0.32:1 (including existing medical centre and professional offices on the site) and therefore complies with this development standard.

Clause 7.2 – Earthworks

The subject site is located within a land slip area. Excavation is proposed on the site as part of the proposed development. A geotechnical report prepared by Shaw Urquhart (dated 6 September 2017) was submitted with the application and Council's Building Services Section have reviewed this aspect of the proposal.

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It is noted that the proposed veterinary clinic is to be of lightweight construction and this form of construction is considered suitable for the subject site. The applicant has indicated that no filling is proposed on the site to facilitate the construction of the development.

The geotechnical report concludes that it is unlikely the proposed building will be affected by landslide debris originating on the upper slopes.

The following recommendations have been provided within the report:

- a) That footing excavations be inspected at the time of construction by suitably qualified experienced personnel to ensure that the exposed materials are consistent with design expectations.
- b) That the construction of the retaining wall be carried out in such a way as to avoid destabilising the steeper slopes above the site. The retaining wall is to be designed by a Structural Engineer with the construction process approved by the Engineer. Under no circumstances should the excavation for the retaining wall be left unsupported for an extended period.
- c) Adequate control of surface water should be provided for all retaining structures. Cut-off drains to collect surface water runoff should be provided at the uphill boundary of the retained area. Collected water should be discharged to ensure that it does not affect areas downhill.
- d) Drainage should be provided behind permanent walls to prevent build-up of water pressures due to rainwater or seepage. Retaining wall backfill should therefore comprise free draining material and a subsoil drainage pipe should be located behind the rear heel of the wall. The drainage pipe should be located in the base of the backfilled trench and should be carefully graded to minimise the potential for water to remain within the backfill and soften the foundation or cause swelling of the clayey soils. The ground surface behind the top of the wall should be suitably sealed and graded to avoid ponding and to restrict moisture ingress from rainfall and runoff.

Alternatively, a geotextile drainage layer (such as Nylex strip drain) could be installed at regular intervals over the wall area, draining out through the base of the wall.

Conditions can be imposed on the consent requiring all construction works (including site earthworks excavations, retaining wall and footing construction to the buildings) to be carried out in accordance with the recommendations contained within the geotechnical report.

The non-standard conditions recommended for application to the consent in relation to earthworks are contained in Attachment 5.

Conditions can also be imposed on the consent ensuring overland flow paths direct stormwater flows to the public drainage system and not onto adjoining properties and that sediment and erosion control measures are in place prior to the commencement of works.

An Aboriginal Heritage Information System (AHIMS) search was conducted on 4 January 2018. No Aboriginal sites are recorded in or near the above location. As such, it is unlikely relics are to be disturbed during excavation.

Given the above, the proposal is considered acceptable with regard to earthworks.

Ballina Development Control Plan 2012

Chapter 2 – General and Environmental Considerations

Clause 3.7 – Waste Management

The application has been supported by the submission of a Waste Management Plan prepared by Alan Logan Architecture dated 17/10/2017 (revised 15/12/2017). Council's Environmental Health section have assessed the waste management measures proposed as part of the development and it was considered in relation to construction waste, suitable conditions can be imposed for the management of waste during the construction phase.

In relation to operational waste, the following comments are made:

- The waste storage facility design standards of Chapter 6 Element J of the Ballina Shire DCP 2012 requires that waste storage areas be accessed from a rear lane or secondary frontage wherever possible. The subject site is currently serviced by Park Lane, which will remain unchanged as part of the proposed development. Waste is to be collected from Park Lane, as per the existing arrangements.
- Waste is to be managed via three 240L wheelie bins, including one recycling bin and two general waste bins. Clinical waste is to be dealt with separately and collected by specialised contractor on an as needs basis. Animal bodies are dealt with by taking to the Council Waste Management facility or external cremation premises. Waste bins will be taken to the kerb side for collection by a contractor. Council's Environmental Health Officer (after inspection of the site on garbage collection day) has advised that there is space to accommodate additional bins should they become necessary.

Clause 3.9 – Stormwater Management

Council's Civil Services Group have assessed the proposal with regard to stormwater management.

A stormwater plan (prepared by Ardill Payne and Partners – Stormwater Management Plan dated 7 November 2017) has been provided with the application which is considered by Council's Civil Services Group to be generally acceptable.

Flows from the site's external catchment will be captured by the existing swale and diverted to the south-west and north-west corner of the site. A new inlet pit will be located in the north west corner of the site within the swale which will connect into the existing drainage system.

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The plan provides for 85% of the roof area of the proposed clinic to be connected to a 5kL rainwater tank. 2.5kL of the tank volume will be used as on-site detention (OSD) for flow attenuation and 2.5 kL of the tank volume will be used for reuse and stormwater quality treatment. The rainwater tank surcharge and OSD outlet will be connected to the existing drainage system located at the southern boundary of the site.

40m² of permeable pavement will be located within the carpark and driveway area for surface runoff infiltration, quality treatment and flow attenuation purposes. Underdrains covered with suitable non-cohesive material will be located under the permeable pavement to ensure efficiency. The underdrains will be connected to the existing inlet pit.

A 0.2m deep swale with 0.2m base width and 1.4m top width will be located along the top of the new retaining wall at the western side of the clinic building to capture the surface runoff within the site and provide stormwater quality treatment.

During major storm events the part of the flows which cannot be captured by the site drainage system will be discharged as overland flow with no obstruction due to the proposed development.

The stormwater management plan is considered to meet Council's requirements for stormwater attenuation and water quality.

Clause 3.19 – Car Parking and Access

The car parking requirements for the development are detailed in the following table.

Council Requirement		Units	Proposed	Required Number of Parking Spaces
Use	Unit Rate			
Veterinary	3 per vet and 0.5 per support staff	2 vet consulting rooms, 2 support staff	7	7
Accommodation	2/Dwelling	1	2	2
Total spaces required				9

A total of nine parking spaces are to be provided on site (including one disabled parking space), which complies with the parking requirements within Clause 3.19.

The proposed veterinary clinic is to utilise two existing car spaces associated with the medical centre located on the subject site. The parking layout of the existing medical centre is to be modified as part of the subject application, to create two additional spaces to compensate for the transfer of spaces to the new veterinary clinic.

Two existing bike racks are available on site.

The proposed parking arrangements for the development have been deemed as satisfactory by Council's Development Engineer.

Vehicular access to the development will occur via Park Lane through the existing medical centre car park.

Chapter 4 – Residential and Tourist Development

The ancillary dwelling component of the development is considered to meet the objectives of Chapter 4 and is generally consistent with the relevant controls. It is noted that Chapter 4 does not provide specific controls for the proposed ancillary dwelling.

Notwithstanding, the proposed ancillary dwelling is considered to have sufficient amenity, solar access and open space. Parking has also been provided as per the applicable controls for dwelling houses. As consideration has been given to the objectives and controls within Chapter 4, the development is considered to be acceptable overall.

The private open space which is to be utilised by the occupants of the dwelling within the development is provided at the ground level (grassed area), is not directly accessible from a living area and is not predominately flat. Notwithstanding this, a deck area is provided on the first floor and is directly accessible from the living area of the dwelling. The deck is located to the south of the dwelling, however this is considered acceptable and its location will minimise any potential overlooking to neighbouring properties.

The ancillary dwelling is considered acceptable with regards to overlooking and privacy, as first floor kitchen windows are greater than three metres from the northern side boundary.

The principal living areas of the proposed dwelling are orientated to the north and east and will receive at least three hours of direct sunlight between 9.00am and 3.00pm on the winter solstice. As such, an acceptable level of amenity is to be provided to the ancillary dwelling.

The development will not unreasonably impact on the direct sunlight provided to the neighbouring properties.

No additional boundary fencing is proposed as part of the subject application.

Chapter 6 – Commercial Development

The proposal meets the objectives of Chapter 6 and is generally consistent with the relevant controls.

The location of the proposed development on the subject site is such that it does not have a direct street frontage. In this regard, a number of the controls within Chapter 6 are not applicable to the development.

In relation to landscaping, the applicant has not provided details of the proposed landscaping and the details of such are required to be submitted to Council as a condition of consent.

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On-site car parking and vehicle access is to be provided for development in accordance with the car parking requirements specified in Chapter 2. No changes to vehicular access points are proposed, given parking for the proposed veterinary clinic is to be provided within an extension of the existing medical centre car park. No service areas or loading bays are proposed given the proposed use of the premises as a veterinary clinic. This has been deemed satisfactory by Council's Development Engineer.

A condition can be imposed on the consent requiring that all under awning lighting shall comply with Australian Standard 1158 – Lighting for roads and public spaces.

Bins are to be stored at ground level and are considered appropriate for the proposed development. The proposed bin storage area is located on the western elevation of the proposed development and is not visible from the street or public space. Screening is also proposed to the bin storage area.

A condition is to be imposed on the consent to ensure the development complies with AS 1428 – Design for Access and Mobility.

Chapter 6c – Commercial Development Lennox Head

Chapter 6c of the Ballina DCP 2012 applies to developments in B2 zoned areas of Lennox Head. The site is located within Precinct C (predominately office premises occupied by health care professionals) of the Lennox Head Village Centre and the proposed veterinary hospital and ancillary residence are considered to be consistent with the preferred land use for the Precinct.

The proposal meets the objectives of Chapter 6c and is generally consistent with the relevant controls. The following table summarises the main controls of Chapter 6c which are applicable to the proposal.

Chapter 6c – Commercial Development Lennox Head		
Clause/control	Proposed	Comment
Part 4 All Precincts		
<i>Element – Building Design</i>		
Developments will be required to provide articulated and active frontages. Expanses of blank wall or dark obscured glass are not appropriate.	The development relates an area of the site that is not directly adjacent to the streetscape. Notwithstanding, the applicant has indicated that the detailing of the building's façade has been carried out to provide an identity to the building. No blank walls or dark glass is proposed. Awnings will further articulate the façade.	Considered acceptable.

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Chapter 6c – Commercial Development Lennox Head		
Clause/control	Proposed	Comment
Skillion and/or peaked roofs are preferred within the Village Centre.	Gable roof proposed.	Considered acceptable.
The ground level of developments and associated landscaping is to be at generally the same finished level as the footpath system immediately adjacent to the site. Elevated ground or podium levels are not permitted.	Not applicable – development is not directly adjacent to footpath system and site is not at street level.	
Use of composite construction materials (such as a combination of masonry, glass, timber and powder coated iron) is encouraged.	The applicant has indicated that the building is to have external walls comprised of rendered and painted board, expressed joint fibre cement and weatherboard cladding and be roofed with colorbond metal roof sheeting.	Considered acceptable and a condition can be imposed requiring the submission of a materials and finishes schedule.
Brickwork is to be predominantly rendered and painted. Generally not more than 20% of the building surface is to be face brick.	No brick proposed. Building to be constructed of rendered and painted board, expressed joint fibre cement and weatherboard cladding	Considered acceptable.
Colour schemes should be drawn from colours found in the natural environment of Lennox Head.	No materials and finishes schedule has been submitted with the application. The applicant has indicated within the SEE that a mix of colours is to be incorporated into the development.	A condition can be imposed requiring the submission of a materials and finishes schedule.
<i>Element – Landscaping</i>		
Retain mature trees when visible from street	No vegetation proposed to be removed as part of the subject application (site has already been cleared).	Considered acceptable.

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Chapter 6c – Commercial Development Lennox Head		
Clause/control	Proposed	Comment
Pavement design, treatment and colour are to be compatible with the Lennox Head Village Landscape Masterplan	Details not provided with DA.	Can be addressed by way of condition.
Existing mature Tuckeroo, Coastal Banksia, Coastal Cypress, Pandanus and Norfolk Island Pine trees, particularly when visible from the street or lane, shall be retained wherever possible.	No vegetation proposed to be removed as part of the subject application (site has already been cleared).	Considered acceptable.
The species list is to comprise native vegetation which is tolerant to exposure to salt conditions and is consistent with the <i>Ballina Shire Urban Garden Guide</i> .	No details of proposed landscaping submitted with application.	Can be addressed by way of condition.
<i>Element – Vehicle Access</i>		
Any intensification of vehicular driveway access to and from Ballina Street is discouraged. A maximum of one vehicular access point is to be provided to each property so as to increase opportunities for parking within the street system.	Vehicular access is to continue to occur via Park Lane (through an extension to the car park of the existing medical centre). No additional crossovers proposed on Ballina Street.	Considered acceptable and compliant with controls.
In relation to the provision of car parking, the provisions of Chapter 2 apply to Precincts B and C and to any other land uses not specifically identified in the parking schedules provided in relation to Precincts A and D.	Precinct C – Car parking is provided as per Table 4.4 within Chapter 2 of the DCP.	Considered acceptable.
New developments shall be required to provide loading bays located wholly within the subject site. Such loading bays are not to be accessed from Ballina Street.	Given the use of the site as a veterinary clinic, no loading bays are proposed. This is considered acceptable. No loading, unloading or deliveries to occur from Ballina Street as per the existing operations.	Considered acceptable.

Chapter 6c – Commercial Development Lennox Head		
Clause/control	Proposed	Comment
<i>Development Controls – Precinct C</i>		
<i>Preferred Land Uses</i>		
Office premises and health services facilities	The proposal involves a veterinary hospital. Veterinary hospitals are not included within the BLEP definition of a health services facility. However the proposed land use is considered suitable and compatible with Precinct C land uses.	Considered acceptable.
<i>Building Design</i>		
Development applications for sites within Precinct C involving the expansion of the existing building footprint or for upper floor extensions are to be supported by a detailed assessment of the visual impact of the development on the surrounding landscape. This assessment is to be prepared by an appropriately qualified and experienced landscape architect or accredited designer.	No visual impact assessment provided.	Considered acceptable in this instance. The proposed development is considered to have regard for the surrounding landscape. The proposed development is aesthetically pleasing with a bulk and scale that is appropriate to the site and locality. The proposed development will not dominate the streetscape or public space areas and will not result in unacceptable impacts in relation to the views enjoyed by adjoining properties.
The expansion of the existing footprint or upper floor extensions to any buildings on the western half of the site are to be designed to incorporate appropriate articulation within the built form which has the effect of minimising the visual impact of the development on the adjoining open landscape.	Appropriate articulation by way of awnings and mixed materials has been incorporated within the built form.	Considered acceptable.

Chapter 6c – Commercial Development Lennox Head		
Clause/control	Proposed	Comment
Building colours, materials and finishes are to complement the existing natural landscape.	No materials and finishes schedule submitted with the application. The applicant has indicated within the SEE that the development will incorporate colours found in the natural environment of Lennox Head.	Can be addressed by way of condition (through submission of a materials and finishes schedule).
Development applications for any expansion of the footprint or upper floor extensions on the western half of the site are to be supported by a geotechnical assessment detailing the suitability of the site to support the proposed additional buildings.	A geotechnical assessment report was submitted with the application.	Considered acceptable. Recommendations of the report can be addressed by way of consent conditions.
New and additional building works on the western half of the site shall comprise a built form of light weight construction with little or no excavation to minimise disruption to the landform.	The applicant has indicated that the building is to be constructed of lightweight materials. Excavation is proposed as part of the development and a geotechnical assessment report was submitted with the application.	Considered acceptable. Earthworks can be addressed by way of condition.

Noise and Amenity Impacts

The proposed veterinary clinic will continue to operate in a similar manner to the existing veterinary clinic on the property, to the east of the site of the proposed development. Veterinary care is provided during office hours, with an out of hours emergency service provided in rotation with other veterinary clinics in the area, approximately 45 nights a year. Approximately 30 of these on call nights would receive a call out, with the vast majority occurring prior to 9.30pm.

Animals are treated and discharged during normal business hours or kept overnight if necessary. Dogs are generally only kept overnight if they are unable to be sent home due to their medical state. These animals are generally on pain relief and sedation.

Council's Environmental Health Officer has carried out an assessment of the proposal and advises that no complaints have been received by Council in relation to noise from the existing vet surgery or any of the other vet surgeries within the Ballina Shire, which all operate in a similar manner.

As previously stated in this report, the hours of operation of the new veterinary clinic are for the most part consistent with the existing veterinary clinic and the after hours emergency service is that currently being provided overnight on Monday nights is to continue as part of the proposed veterinary clinic.

Following advice provided by the veterinarian to operate the proposed clinic in relation to the after hours emergency operation of the business, it is considered that the noise generated by the after hours service would be similar to that of a residential property at which cars may come and go during the evening on an intermittent basis.

The overall proposed hours of operation are considered to be generally acceptable with regard to any potential noise impacts. A condition is able to be imposed on the consent requiring the proposed veterinary clinic to comply with the approved hours of operation, and that genuine after hours emergencies are exempt from complying with these hours of operation.

Acoustic treatment of dog room

The new veterinary clinic is to be purpose built and can incorporate acoustic treatments to mitigate noise. The application has indicated that the dog room is to be located in the centre of the building, with no external walls or openings to surrounding rooms and corridor beyond heavy solid-core doors.

The design of the dog room incorporates sound insulated walls and ceiling for noise reduction to minimise anxiety for animals preparing for surgical or medical procedures.

The waiting room for the clinic is also to be sound insulated from other work areas within the building.

Additional details of the acoustic treatment proposed for the development will be required to be incorporated into the final construction plans and be submitted to and approved by Council prior to the issue of a Construction Certificate. This can be implemented by way of condition.

Vehicle noise and light spill

Council's Environmental Health Officer has advised the erection of an acoustic barrier on the boundary between the subject property and the Lennox Beach Resort is not warranted as part of the subject development. The majority of the operation of the clinic will occur during standard business hours, with the current operator advising that on approximately 45 nights a year an after hours emergency service is provided. During the after hours operation, it has been advised that a call is received on approximately 30 of the 45 nights (normally no more than one), with the vast majority being prior to 9.30pm.

As such, the associated vehicle noise and headlight shine would be consistent with that of a residential dwelling house and an acoustic barrier would not be warranted. The applicant is proposing to provide landscaping along the northern boundary which would assist in reducing any headlight spill and is to be maintained by way of condition. If a boundary fence were constructed, it could be constructed of a solid material which would also reduce any noise and light spill, however a condition of consent requiring the erection of a solid fence is not warranted in this instance. It is noted that the existing boundary fence is to be retained as part of the proposed development.

Conclusion

The proposed development has been assessed and consideration has been given to all the relevant matters listed in Section 79C of the Environmental Planning and Assessment Act 1979, including the provisions of the Ballina Local Environmental Plan 2012, the Ballina Shire Development Control Plan 2012 and submissions made in response to the exhibition and notification of the proposed development.

Concerns were raised during the public exhibition period with regard to amenity impacts (particularly noise and light spill) and stormwater impacts to adjoining properties.

The proposed veterinary clinic is to be purpose built and can incorporate acoustic treatments to mitigate noise and will provide improved veterinary facilities, which is considered to benefit the community. Conditions are to be imposed on the consent in relation to noise both during construction and as part of the operation of the premises.

The proposal has been assessed by Council's Civil Services Group with regard to stormwater management. Conditions of consent have been imposed to ensure stormwater is appropriately managed on the site.

The proposed development is aesthetically pleasing with a bulk and scale that is appropriate to the site and locality. The ancillary dwelling is to be occupied by veterinary staff to improve the level of care provided after hours and will minimise disruption to neighbouring properties during these periods. Allowing veterinary staff to live above the clinic would also result in improved security of the premises.

Having regard for the outcomes of the assessment undertaken, it is recommended that the application be granted conditional consent.

RECOMMENDATION

That Development Application 2017/647 for the Erection of a Two Storey Building for the Purposes of a Veterinary Clinic with Associated Veterinary Dwelling, Car Parking and Associated Works at Lot 20, DP 1007134, 48 Ballina Street, Lennox Head be **APPROVED** subject to the non-standard conditions attached to this report and other standard planning, building and engineering conditions.

Attachment(s)

1. Locality Plan
2. Design Plans
3. Public submissions
4. Applicant response to submissions
5. Proposed Non Standard Conditions

8.3 Development Applications – Variation to Development Standards

8.3 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 January 2018.

Attachment(s)

Nil

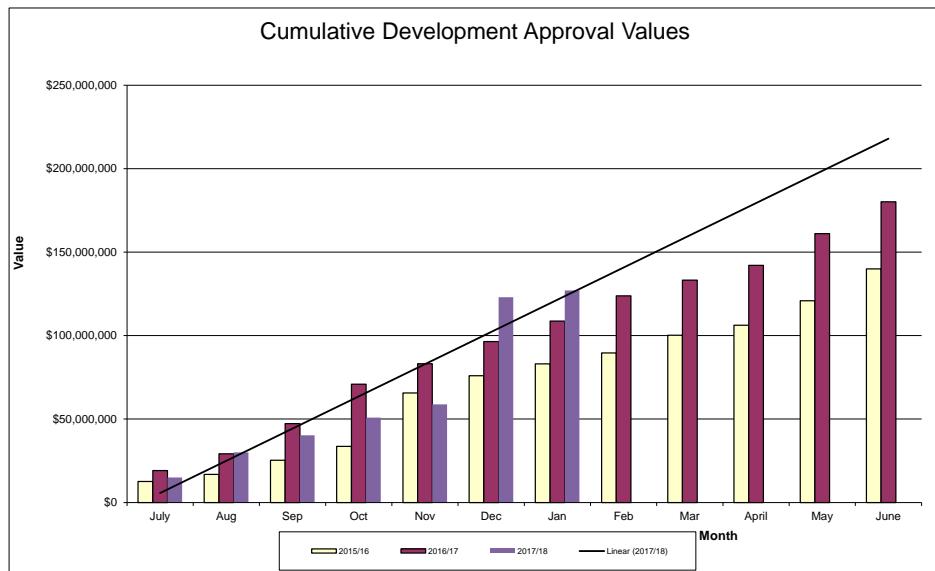
8.4 Development Consent and Infrastructure Approvals - January 2018

8.4 Development Consent and Infrastructure Approvals - January 2018

During the period of 1 January 2018 to 31 January 2018 the Development and Environmental Health Group issued Development Consents comprising of:

Number of Applications	Value of Work
36 Other including Changes of Use	\$ 1,241,500
7 Dwellings/Dual Occupancies/Residential Flat Buildings/New Commercial and Industrial Buildings	\$ 2,804,538
1 General Developments including Subdivisions	\$ 0
Total Value	\$ 4,046,038

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



During the period of 1 January 2018 to 31 January 2018 there were no approvals issued for Public Infrastructure Civil Construction.

RECOMMENDATIONS

That Council notes the contents of the report on development consent and public infrastructure approvals for January 2018.

Attachment(s)

Nil

8.5 Development Applications - Works in Progress - February 2018

8.5 Development Applications - Works in Progress - February 2018

The following schedule sets out current development applications that have not yet been determined for the reasons cited:

Dwelling house and dual occupancy applications are not included in this report.

DA No.	Date Rec'd	Applicant	Proposal	Status
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
2017/360	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	Determination Pending
2017/370	07/07/2017	Newton Denny Chapelle	Service Station and Childcare Centre – 246-250 Lismore Road, Wollongbar	Being Assessed
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	Awaiting Additional Information

8.5 Development Applications - Works in Progress - February 2018

			business identification sign – 38B Smith Drive, West Ballina	
2017/434	07/08/2017	PalmLake Works Pty Ltd	Seniors Housing Development (Extension to Palm Lake Resort) Comprising 18 Self Contained Dwellings, Infrastructure and Associated Works - 16 & 120 Corks Lane & North Creek Road, Ballina	Awaiting Additional Information
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	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	Referred to Government Departments

8.5 Development Applications - Works in Progress - February 2018

			of Epiq Estate) - Lot 54 Hutley Drive, Lennox Head	
2017/600	30/10/2017	Newton Denny Chapelle	Expansion to an Existing Resource Recovery Facility - 19-21 Northcott Crescent, Alstonville	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 pf three rural lots to create three modified rural lots – 60 & 62 Saltwater Creek Road, Wardell	Referred to Government Departments
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

8.5 Development Applications - Works in Progress - February 2018

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	Determination Pending
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	Referred to Government Departments To be Reported to Council
2017/666	22/11/2017	Ardill Payne & Partners	Strata Title Subdivision of a Dual Occupancy – 42 Liffey Avenue, Cumbalum	Determination Pending
2017/667	22/11/2017	Ardill Payne & Partners	Strata Title Subdivision of a Dual Occupancy – 3-5 Kestrel Street, Ballina	Being Assessed
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	Awaiting Additional Information To be Reported to Council
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	Being Assessed

8.5 Development Applications - Works in Progress - February 2018

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	Awaiting Additional Information
2017/722	20/12/2017	Ardill Payne & Partners	Erection of farm buildings and structures associated with the intensive plant agriculture use of the land - Patches Beach Road, Patch Beach	Being Assessed
2018/15	12/1/2018	Ardill Payne & Partners	Two lot residential subdivision to create 1 x 706.5 and 1 x 796 sqm battle-axe allotments - 58 Killarney Crescent, Skennars Head	Being Assessed
2018/24	24/1/2018	Newton Denny Chapelle	Earthworks Stockpile - Hutley Drive, Lennox Head	Being Assessed
2018/38	30/1/2018	K Kernaghan	Change of Use – Dwelling House to Recreation Facility (Dance Studio) – 11 Byron Street, Lennox Head	On Exhibition
2018/49	2/2/2018	ALDI Stores Pty Ltd C/- KDC Pty Ltd	Alterations and Additions to Existing Aldi Store involving the installation of high level windows and a digital poster box – 2-6 North Creek Road, Ballina	Being Assessed

8.5 Development Applications - Works in Progress - February 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 Hearing Commenced 12 February 2018

8.5 Development Applications - Works in Progress - February 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	Awaiting Additional Information
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

8.5 Development Applications - Works in Progress - February 2018

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	On Re-exhibition
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

8.5 Development Applications - Works in Progress - February 2018

DA No.	Date Rec'd	Applicant	Proposal	Status
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	Being Assessed
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

8.5 Development Applications - Works in Progress - February 2018

DA No.	Date Rec'd	Applicant	Proposal	Status
2018/36	30/1/2018	Ballina Shire Council	Construction of the Ballina Indoor Sports Centre comprising two courts and associated amenities, vehicular access from Cherry Street, provision of on-site carparking, vegetation removal and associated infrastructure works. The proposed building has a maximum building height of 11.18m, which is above the maximum building height of 8.5m established for the site under the Ballina Local Environmental Plan 2012 – 37-49 Swift Street, Ballina	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 February 2018.

Attachment(s)

Nil

9.1 Developer Contributions and Charges Policy - Secondary Dwellings

9. Strategic and Community Facilities Group Reports

9.1 Developer Contributions and Charges Policy - Secondary Dwellings

Delivery Program Strategic Planning

Objective To consider the Council's policy position relating to the waiving of developer charges for secondary dwellings

Background

The Council, at its Ordinary Meeting held on 27 February 2014 considered a report relating to the application of developer charges (section 64 and section 94) in relation to development applications for construction or establishment of secondary dwellings (granny flats). Council resolved as follows [Minute No. 270214/1]:

1. *That Council waive developer contributions for secondary dwellings for an initial period of two years where:*
 - *The total floor area of the secondary dwelling (excluding any area used for car parking) is restricted to a maximum of 60m².*
 - *The floor space ratio of the principal and secondary dwelling does not to exceed 0.5:1.*
 - *A maximum of 2 bedrooms are contained within the secondary dwelling and 5 bedrooms 3 water closets and 2 laundries on the total site.*
 - *Compliance is achieved with all other requirements relating to secondary dwellings contained within the Affordable Rental Housing SEPP.*
2. *That the waiving of developer contributions and charges for secondary dwellings be in relation to contributions and charges contained within Ballina Shire Contributions Plan 2008, Roads Contribution Plan 2010, Water Supply Servicing Plan 2004 and Sewerage Infrastructure Development Servicing Plan 2004.*
3. *The assessment criteria agreed with Rous Water for the calculation of equivalent tenements applicable to secondary dwellings be implemented for charges applicable under the Rous Water Development Servicing Plan – Bulk Supply Services.*
4. *That this policy change be incorporated into Council's developer contribution plans and servicing plans when they are next revised.*
5. *That public notice be given of this policy change and an information sheet be prepared to explain the changes.*

Council further considered the secondary dwelling contribution and charges waiver at its Ordinary Meeting on 25 February 2016, and then following a briefing, again at its Ordinary Meeting on 24 March 2016. Council resolved as follows [Minute No. 240316/16]:

1. *That Council waive developer contributions for secondary dwellings for an additional two years until 31 March 2018 where:*
 - *The total floor area of the secondary dwelling (excluding any area used for car parking) is restricted to a maximum of 60m².*

9.1 Developer Contributions and Charges Policy - Secondary Dwellings

- *The floor space ratio of the principal and secondary dwelling does not exceed 0.5:1.*
 - *A maximum of two bedrooms are contained within the secondary dwelling and five bedrooms, three water closets and two laundries on the total site.*
 - *Compliance is achieved with all other requirements relating to secondary dwellings contained within the Affordable Rental Housing SEPP.*
2. *That the waiving of developer contributions and charges for secondary dwellings apply in relation to contributions and charges contained within applicable Ballina Shire Council contribution plans (s94) and development servicing plans (s64).*
 3. *The assessment criteria agreed with Rous Water for the calculation of equivalent tenements applicable to secondary dwellings be implemented for charges applicable under the Rous Water Development Servicing Plan – Bulk Supply Services.*
 4. *That public notice be given of this policy extension.*
 5. *That Council receive a report on secondary dwellings in rural zones.*

The purpose of this report is to again consider the policy position on waiving developer charges for secondary dwellings as the current approach is due to conclude on 31 March 2018.

Key Issues

- Affordable housing / variety in housing stock
- Infrastructure delivery
- Cost and benefit

Information

Council's policy position relating to the waiving of developer contributions and charges for certain smaller secondary dwellings sought to achieve the following outcomes:

- Increasing the range of residential development types available to accommodate the changing (and aging) demographics of the shire - a high proportion of the shire's dwelling stock comprises detached houses consisting of three or more bedrooms
- Increasing the availability of 'affordable housing' suitable for single persons or couples without children
- Providing additional income to households where the secondary dwelling is available for rental
- Providing financial support for elderly residents to 'age in place' by renting out either the secondary dwelling or the primary residence
- Potential for releasing 'under-occupied' dwellings by providing opportunities for residents to move into the secondary dwelling and rent out the primary dwelling to a larger household and
- Providing opportunities for inter-generational care, in instances where family members are able to move into the primary dwelling and provide residential care to elderly relatives.

9.1 Developer Contributions and Charges Policy - Secondary Dwellings

The more significant objectives of Council's contribution and charges waiver policy related to increasing affordable housing within Ballina Shire, maintaining site occupancy rates and making better use of infrastructure within established areas.

Table 1 provides data relating to the number of secondary dwellings approved, which complied with the contribution and charges waiver criteria, in the period 1 April 2014 to 31 December 2017.

Table 1: Secondary Dwellings Approved 1/4/2014 to 31/12/2017 Meeting Contribution Waiver Criteria

Time Period	Number of Secondary Dwellings Approved
1/4/2014 to 31/12/2014	14
1/1/2015 to 31/12/2015	39
1/1/2016 to 31/12/2016	29
1/1/2017 to 31/12/2017	38
Total	120

By way of comparison in the 12 month period 1 July 2012 to 30 June 2013 only one application for a secondary dwelling / granny flat was approved which would otherwise have complied with the contribution waiver criteria.

Table 2 provides details of the number of secondary dwellings approved by locality in the period 1 April 2014 to 31 December 2017.

Table 2: Secondary Dwellings Approved by Locality 1/4/2014 to 31/12/2017

Locality	Number of Secondary Dwellings Approved
Alstonville	17
Ballina	17
East Ballina	14
Cumbalum	5
Lennox Head	48
Skennars Head	4
Wardell	3
West Ballina	6
Wollongbar	6
Total	120

Table 3 provides information relating to the quantum of contributions waived in respect to specific example development consents as a guide to the value of the waiver policy.

9.1 Developer Contributions and Charges Policy - Secondary Dwellings

Table 3: Examples of Contribution Amounts Waived by Locality

Location	Consent Number	Amount waived (\$)
Alstonville	2017/546	\$18,225.87 *(\$3,362)
Ballina	2016/44	\$18,706.53 *(\$3,302)
Cumbalum	2017/431	\$16,503.50 *(\$3,362)
Lennox Head	2016/40	\$18,979.64 *(\$3,698)
Skennars Head	2017/139	\$22,616.89 *(\$4,953)
Wardell	2016/90	\$16,042.84 *(NA)
West Ballina	2016/737	\$22,616.89 *(\$4,953)
Wollongbar	2016/397	\$19,509.20 *(\$3,302)
*() Rous Water contribution component not levied as per agreed developer charging methodology.		

On one level it may be argued that Council has foregone significant revenue through its contribution waiving policy over the past four years. Assuming all 120 dwellings have been constructed, and applying an average waiver of \$16,000 (Council's contribution after Rous Water contribution removed), then the impact of the waiver policy has amounted to a subsidy of approximately \$1.9 million.

The waiver value should, however, be balanced against the fact that in the period prior to the contribution waiver policy very few secondary dwellings were being approved. In addition when considering the impact on amenity and services it may also be difficult to argue that secondary dwellings, complying with the contribution waiver criteria, generate a demand for services and facilities significantly above that generated by a single dwelling (one equivalent tenement) based on available water usage data.

Comparing water usage data for secondary dwellings, approved mostly during 2015/16 (26), with all other 20mm residential connected dwellings (11,450) indicates that water usage is still below the one equivalent tenant allowance stipulated by the NSW Water Directorate. Refer to data contained within the graph in Diagram 1.

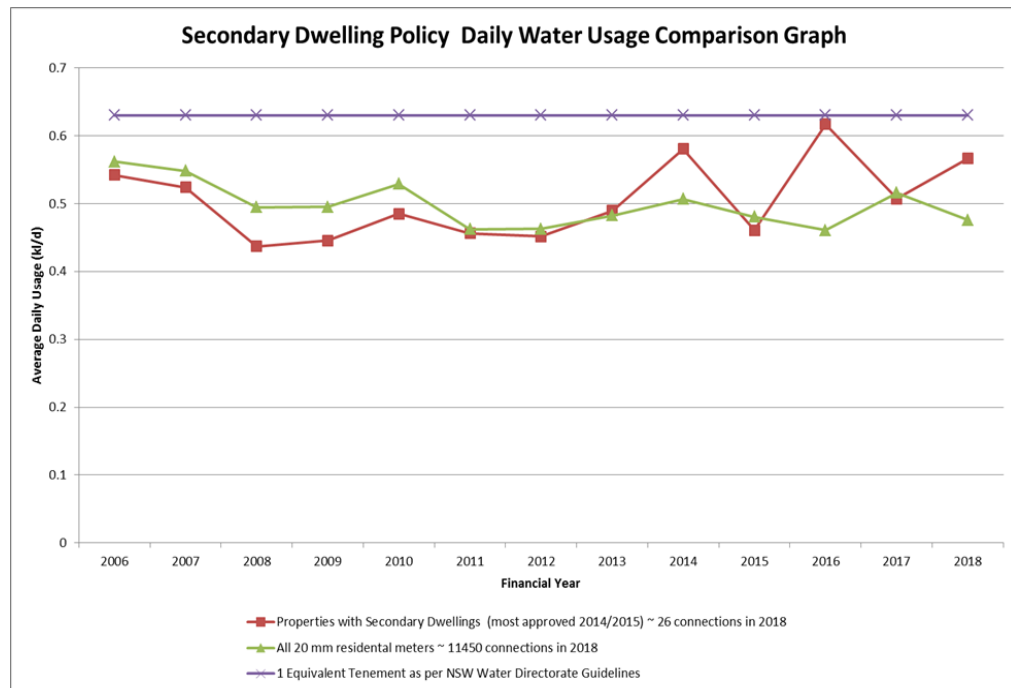
Rous Water confirmed in 2015 (see letter at Attachment 1) that it would implement the methodology for determining developer charges for granny flats utilised by Lismore City Council and Ballina Shire Council.

That methodology does not result in a developer charge where the total number of bedrooms on a property does not exceed five, water closets (WCs) do not exceed three and laundries do not exceed two.

At this stage it has been agreed with Rous Water officers that the 2015 Rous Water methodology for determining developer charges for granny flats continue pending its review (by Rous Water) based on an analysis of water usage data.

9.1 Developer Contributions and Charges Policy - Secondary Dwellings

Diagram 1: Graph comparing water usage for select secondary dwellings with all 20mm residential connections.



Occasionally the design of certain secondary dwellings has given rise to community concerns over perceived negative visual amenity and streetscape compatibility impacts. The subject of these concerns has been primarily prefabricated secondary dwellings visible from the street.

Certain secondary dwelling designs can result in problematic visual amenity and streetscape outcomes. Options available to Council to address this include the development of additional design controls, restricting the permissibility of secondary dwellings or using the contribution and charges waiver to also encourage certain design outcomes.

Using the waiver as a management tool, Council could for example determine that the contribution and charges waiver will not be granted to designs which propose detached secondary dwellings or otherwise apply a partial contributions waiver to detached secondary dwellings.

When considering the design issue, it is reasonable for the contribution and charges waiver to be used to also encourage superior design outcomes such as those achieved through integration of the secondary dwelling with the principal dwelling erected on the site.

Satisfactory integration would require the proposed dwelling to be located within the existing principal dwelling or be attached via a common wall and under a similar roof design. It would also require consideration of other site factors such as flooding and associated floor level height requirements.

As a guide to the impact of a policy to focus the waiver on attached secondary dwellings, it is advised that of the 17 secondary dwellings approved in Alstonville, nine (53%) were freestanding buildings.

9.1 Developer Contributions and Charges Policy - Secondary Dwellings

Council's current contribution waiver policy also contains a requirement that in addition to the maximum floor area control (60m² and 0.5:1 floor space ratio) and limitation on the number of bedrooms, WCs and laundries on a site, that the development complies with all other requirements relating to secondary dwellings contained within the SEPP Affordable Rental Housing.

The SEPP Affordable Rental Housing requirements relate to development requiring consent and to complying development. For development proposed under the SEPP provisions the controls contained within the SEPP must in any case be complied with. It is considered that there is no specific need to continue to mandate compliance with these requirements in the context of the contribution and charges waiver policy should the Council resolve to continue the waiver policy.

Sustainability Considerations

- **Environment**

Adopting policy initiatives which facilitate people building secondary dwellings may have a range of positive environmental benefits. It uses fewer resources in the building of large homes and creates new smaller homes which use less energy. It also frees up larger dwellings for use by larger families, and assists in matching housing stock with occupancy. Alternatively, it supports the conversion of existing large dwellings into a house and secondary dwelling (flat) which again has overall positive environmental benefits.

- **Social**

The ability to live with family and friends in a self-contained living space has positive social benefits. It supports relatives staying connected and part of the family unit. In the case of affordable rental accommodation, secondary dwellings assist people to stay within an area they may otherwise be forced to leave, or provides access to housing choice for existing and new residents.

- **Economic**

Continuation of a policy initiative which encourages secondary dwellings may also stimulate housing construction activities around this type of dwelling.

Legal / Resource / Financial Implications

The approach recommended in this report is consistent with Council's legal responsibilities as a local planning authority. The matters arising from this report can be attended to within existing resources.

Consultation

No public consultation has been undertaken with respect to the recommendations arising from this report.

It is open to Council to resolve to consult with the community and other stakeholders prior to extending the developer contribution and charges waiver period or restricting the waiver to designs for secondary dwellings which are attached and visually integrated with the principal dwelling.

If consultation were proposed to be undertaken, and Council saw merit in the waiver period being extended, then it is suggested that the current waiver period be extended initially by an additional six month period so as to expire on 30 September 2018. This would then allow a report to be prepared to the May 2018 Council meeting following a consultation process.

Options

The following policy options have been considered:

1. Not extend the secondary dwelling contribution waiver period beyond 31 March 2018.

This option is not supported. The consequences arising from this option are that it will likely result in very few secondary dwellings being approved after 31 March 2018. It is considered that the secondary dwellings that have been approved and built have had a mostly positive impact on housing choice and affordability within Ballina Shire.

If, however, the Council is of the view that the outcomes it sought to achieve in 2014 have been fully or mostly realised, or are not able to be realised by this policy position, then an extension of the contribution waiver period should not be approved.

2. Maintain the secondary dwelling contribution waiver policy for an additional specific time period.

This option is not supported as the contribution waiver policy has now been in place for a four year period (2 x 2 years) and Council has sufficient information available to consider the impacts associated with the contribution waiver policy.

Given the mostly positive impacts of this policy, by encouraging the building of smaller dwellings within the shire's urban areas, it is considered that the contribution waiver policy could now be incorporated within Council's contribution plans without specifying a time period.

3. Maintain the secondary dwelling contribution waiver policy without specifying a time period.

This is the recommended option.

The contribution waiver has been in place for four years and has resulted in some 120 secondary dwellings being approved which have had the associated developer contributions and charges (s94 and s64) waived.

As part of this approach, it is recommended that Council targets the contributions and charges waiver to encourage attached secondary dwellings. To achieve this, it is suggested that the full waiver is maintained for attached secondary dwellings and a 50% waiver be applied to detached secondary dwellings.

9.1 Developer Contributions and Charges Policy - Secondary Dwellings

This may result in fewer secondary dwellings being built overall but may assist in addressing some design issues (by encouraging integration of new dwellings into existing dwellings) without the need for additional planning controls.

In considering the above, it is open to Council to apply an alternative waiver percentage as it sees fit.

From an implementation perspective, it is recommended that the new policy position takes effect at the expiry of the previous waiver policy on 31 March 2018. This would be taken to mean that the new policy position would apply to applications lodged on or after 1 April 2018. Applications already approved for detached secondary dwellings would maintain the full fee waiver applicable under the policy at the time of approval.

The adopted policy approach would also be incorporated into Council's s94 and s64 plans as they are reviewed. The policy would then be subject to periodic review as part of the s94 and s64 plan review and update program.

It is also considered prudent that Council continues to monitor the operation of the policy in relation to its interaction with relevant provisions within the local planning framework (e.g. flood planning policy, building design controls).

4. Defer consideration of this issue for a briefing or for additional information.

If there are issues in respect to which the Council requires further information then a briefing can be arranged. Given the information available and the outcomes of the operation of the policy to date, this approach is not recommended.

An updated form of the presentation considered by Councillor at the briefing on 14 March 2016 forms Attachment 2 to this report.

RECOMMENDATIONS

1. That Council continue to waive developer contributions and charges for secondary dwellings where:
 - The total floor area of the secondary dwelling (excluding any area used for car parking) is restricted to a maximum of 60m².
 - The floor space ratio of the principal and secondary dwelling does not to exceed 0.5:1.
 - A maximum of 2 bedrooms are contained within the secondary dwelling and 5 bedrooms 3 water closets and 2 laundries on the total site.
 - The secondary dwelling is attached to, or located within, the principal dwelling on the site and has been designed as a visually integrated addition (through use of a common wall and similar roof design).
2. That the developer contributions and charges waiver be applied to attached and detached secondary dwellings as follows:
 - 100% where the secondary dwelling is attached to, or located within, the principal dwelling on the site and has been designed as a visually integrated addition (through use of a common wall and similar roof design).
 - 50% where the secondary dwelling is detached from the principal dwelling on the site or is otherwise not visually integrated with the principal dwelling.
3. That the approach adopted in point two commence following the expiry of the Council's previously adopted secondary dwellings developer contributions and charges waiver policy on 31 March 2018 and be applied to new applications lodged after this time.
4. That the waiving of developer contributions and charges for secondary dwellings apply in relation to contributions and charges contained within applicable Ballina Shire Council contribution plans (s94) and development servicing plans (s64).
5. The assessment criteria agreed with Rous Water in 2015 for the calculation of equivalent tenements applicable to secondary dwellings (granny flats) continue to be implemented for charges applicable under the Rous Water Development Servicing Plan for Bulk Water Supply until such time that Rous Water alters its agreed policy position.
6. That the contribution waiver policy for secondary dwellings be incorporated into Council's developer contribution plans and servicing plans when they are next revised.
7. That public notice be given of the adoption of this policy.

Attachment(s)

1. Rous Water 2015 Response
2. Secondary Dwellings Councillor Presentation updated from March 2016

9.2 LEP Amendments and Planning Proposals - Status

9.2 LEP Amendments and Planning Proposals - Status

Delivery Program Strategic Planning

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

Background

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

Key Issues

- Status of rezoning and LEP amendment requests.

Information

LEP Amendment Requests and Planning Proposals Status

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

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

Table 1: Status of LEP amendment requests and planning proposals

Item	Name and Status	Summary and Notes	Completion Due
13/005	Southern Cross Industrial Estate Expansion, Ballina (Stage 4)	<p>Proposal by Ballina Shire Council for the rezoning of land northward of the existing Southern Cross Industrial Estate from its current rural zoning to enable a mixture of business and industrial land uses.</p> <p>Proponent's consultant was asked on 13 April 2016 to supply additional information as highlighted in a gap analysis report prepared by an independent planning consultant.</p> <p>Currently awaiting submission of additional information.</p> <p>A 12 month extension to complete the planning proposal was granted by the Department of Planning & Environment on 20/10/17.</p>	30/10/2018

9.2 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
14/008	Burns Point Ferry Road, West Ballina (Ballina Waterways) (Stage 7)	<p>Proposal for the rezoning of land located adjacent to Burns Point Ferry Road and River Street in West Ballina to enable a mixture of employment and residential land uses. The proposal includes implementation of a biobanking scheme over part of the land. A draft Structure Plan for the site has been prepared. A draft Development Control Plan is currently being prepared by GeoLINK. Once prepared, the documents will be reported to the Council for further consideration.</p> <p>An extension of time to complete the planning proposal is currently being evaluated by the Department of Planning.</p>	01/01/2018
16/002	Stoneyhurst Drive, Lennox Head Discontinued	<p>Proposal to rezone land located adjacent to Stoneyhurst Drive in Lennox Head for residential purposes and to enable subdivision of the land.</p> <p>Newton Denny Chapelle previously advised that the proponents do not wish to proceed with the planning proposal as several landholders have withdrawn from the rezoning process.</p> <p>Council resolved to discontinue the planning proposal in October 2018.</p> <p>The Department of Planning and Environment has issued an altered Gateway Determination advising that the matter can be discontinued.</p>	Discontinued
16/003	Southern Cross Industrial Estate, Bulky Goods Precinct Complete	<p>Proposal by Council to rezone land within the Southern Cross Industrial Estate bulky goods precinct to enable broader industrial land uses (whilst retaining potential for bulky goods/large format retailing development).</p> <p>The amendment was completed via Amendment No. 31 to the Ballina LEP 2012 on 10 November 2017.</p>	Complete
17/001	Stage 1 Deferred Matters Integration Program (Stage 3)	<p>Proposal to integrate land identified as a "deferred matter" into the Ballina LEP 2012 through the application of appropriate zones and planning controls. Relates primarily to water catchment areas in the shire.</p> <p>A request to discontinue the planning proposal was submitted to the Department of Planning on 26 June 2017.</p> <p>On 17 July 2017 the Department advised it is considering possible options to facilitate the implementation of the E Zone review and will advise of a decision on the discontinuation request once the preferred option for implementation has been determined.</p> <p>At the time of writing this report, no further correspondence has been received from the Department of Planning.</p>	14/12/2017

9.2 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
17/006	Bath Street (No 17), Wardell Complete	Proposal to amend the LEP to rezone a single land parcel in Wardell from RU2 Rural Landscape to R2 Low Density Residential. The amendment was completed via Amendment No. 36 to the Ballina LEP 2012 on 9 February 2018.	Complete
17/007	Visions Estate, Henderson Drive and Kellie Ann Crescent, Lennox Head (Stage 8)	Proposal by Council to rezone land within the Visions Estate from R3 Medium Density Residential to R2 Low Density Residential with the exception of Lots 1, 7 and 15. NSW Parliamentary Counsel has provided a final opinion advising that the amendment may be legally made. Staff is currently liaising with the Department of Planning to finalise the LEP amendment.	02/05/2018
17/008	Rural Area Detached Dual Occupancy Complete	Proposal to amend the LEP to allow the construction of detached dual occupancy dwellings in rural areas of the shire. The amendment was completed via Amendment No. 34 to the Ballina LEP 2012 on 22 December 2017.	Complete
17/009	Byron Bay Road (No.9) and the Telstra exchange site, Lennox Head (Stage 4)	Proposal to amend the LEP to rezone land from RU1 Primary Production to R2 Low Density Residential, and to apply a minimum lot size of 600m ² . A Gateway determination was issued on 16 October 2017. Council is currently awaiting submission of required technical studies by proponent.	16/07/2018
17/010	Skennars Head Expansion Area, Skennars Head (Stage 3)	Proposal relating to the Skennars Head Expansion Area to amend the LEP to relocate and increase the size of the neighbourhood commercial area and apply medium density zoning to parts of the site. In accordance with the Council resolution of 14 December 2017, the planning proposal has been submitted to the Department of Planning & Environment for Gateway determination.	#
17/011	General Amendment 2017 (Stage 3)	Proposal to undertake a number of amendments to the LEP maps to address cadastral changes and minor mapping errors. A Gateway determination was issued on 2 February 2018. Documentation is currently being prepared to enable the matter to progress to public exhibition.	02/08/2018

9.2 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
17/012	Compton Drive (No. 23), East Ballina (Stage 2)	Proposal to amend the LEP to rezone part of the land and all or part of the adjacent Council owned land from Deferred Matter to R2 Low Density Residential, and to apply a minimum lot size of 600m ² . On 25 January 2018 Council endorsed the submission of the planning proposal for Gateway determination. Council is currently awaiting payment of Stage 2 fees before forwarding the proposal to the Department of Planning & Environment for Gateway determination.	#
17/013	Roadside Stalls (Stage 2)	Proposal to provide for small scale roadside stalls in rural parts of the shire as exempt development, subject to obtaining approval under s138 of the Roads Act 1993. On 14 December 2017 Council resolved to prepare and submit a planning proposal for Gateway determination. Planning proposal documentation in preparation.	#
<p>LEP Amendment Request/Planning Proposal Processing Stages</p> <ol style="list-style-type: none"> 1. Initial Concept - Proponent submits initial amendment concept for review and reporting to the Council. 2. Planning Proposal - Preparation of a planning proposal for the Council's consideration (if the initial concept is supported by the Council). 3. Gateway Determination - DP&E determination as to whether the planning proposal may proceed (if the Council resolves to submit the planning proposal for determination). 4. Study Preparation - Relevant technical information to enable complete assessment compiled and considered. This step may also involve pre-exhibition public authority consultation. 5. Community Consultation - Planning proposal and associated technical assessment material exhibited for public comment. 5a. Public Hearing - Public Hearing held, where required. 6. Submissions Assessment and Council Decision - Reporting of community consultation outcomes and Council decision regarding finalisation of the planning proposal. 7. Finalisation - DP&E finalisation (or Council finalisation under delegation) of the LEP amendment based on the planning proposal. Note: the Minister for Planning and Environment may finalise, alter or terminate the amendment. <p># Denotes proposal number and due date subject to Gateway determination.</p> <p>The completion due date is a date for completion determined by the Department of Planning and Environment.</p>			

Sustainability Considerations

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

Legal / Resource / Financial Implications

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

Consultation

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

Options

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

RECOMMENDATION

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

Attachment(s)

Nil

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 document.

US 18/05	Ballina Shire Council Lease to Newcastle Permanent Building Society for 137 River Street, Ballina for a period of four years. Explanation: Newcastle Permanent Building Society has been in occupation of the premises since 2008. The current lease expired on 31 December 2017 with Newcastle Permanent agreeing to enter into a new lease with Council at the asking rent for a term of four years. The rental will be CPI reviewed annually.
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Attachment(s)

Nil

10.2 Investment Summary - January 2018

10.2 Investment Summary - January 2018

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 January 2018.

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 January was \$72,038,000. This represents a decrease of \$4,500,000 from December. Council's investments, as at 31 January, are at an average (weighted) rate of 2.69%, which is 0.90% above the 90 Day Bank Bill Index of 1.79%.

The balance of the cheque account at the Commonwealth Bank, Ballina, as at 31 January 2018, was \$1,586,983.

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 - January 2018

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	2.5%	2%
Rated Institutions							
AMP Bank	Yes	A	4,000	5,000	20%	6.9%	
Auswide Bank	No	BBB	1,000	1,000	1m	1.4%	
Bank Australia	No	BBB	3,000	3,000	10%	4.2%	
Bank of Queensland	Yes	BBB+	5,000	5,000	10%	6.9%	
BankWest	Yes	AA-	2,000	2,000	20%	2.8%	
Bendigo & Adelaide Bank	No	BBB+	3,000	3,000	10%	4.2%	
Commonwealth Bank of Australia	Yes	AA-	9,500	10,000	20%	13.9%	
Credit Union Australia	No	BBB	2,000	2,000	10%	2.8%	
Defence Bank Ltd	No	BBB	5,500	5,500	10%	7.6%	
Greater Bank Limited	No	BBB	2,000	2,000	10%	2.8%	
ING Bank Ltd	Yes	A	6,000	5,000	20%	6.9%	
ME Bank	No	BBB	3,750	4,750	10%	6.6%	
My State Bank Ltd	No	BBB	5,000	5,000	20%	6.9%	
National Australia Bank	Yes	AA-	7,000	7,000	10%	9.7%	
Suncorp-Metway Bank	No	A+	8,000	2,000	20%	2.8%	
Teachers Mutual Bank Limited	No	BBB	1,000	1,000	10%	1.4%	
Westpac Banking Corporation	Yes	AA-	7,000	7,000	10%	9.7%	98%
Unrated ADI's					\$1m	0.0%	0%
Total			76,538	72,038		100%	

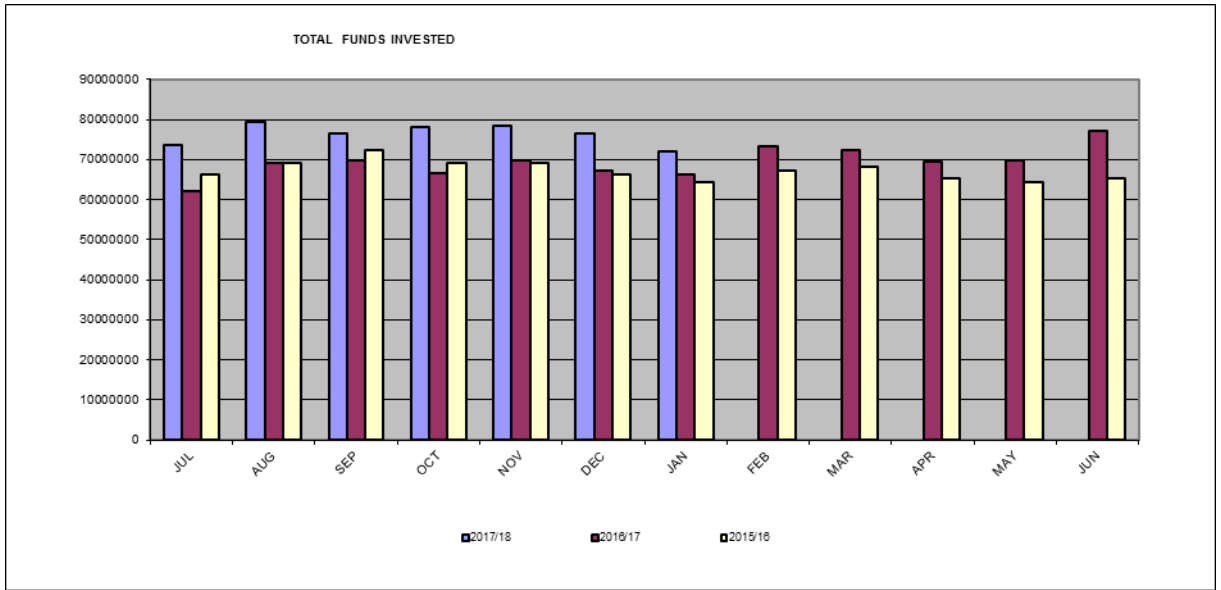
B. Summary of Investments Fossil Fuel Aligned

	Previous Month	Current Month
Fossil Fuel Aligned	42,288 55%	42,788 59%
Non-Fossil Fuel Aligned	34,250 45%	29,250 41%
Not Classified	0 0%	0 0%
Total	76,538 100%	72,038 100%

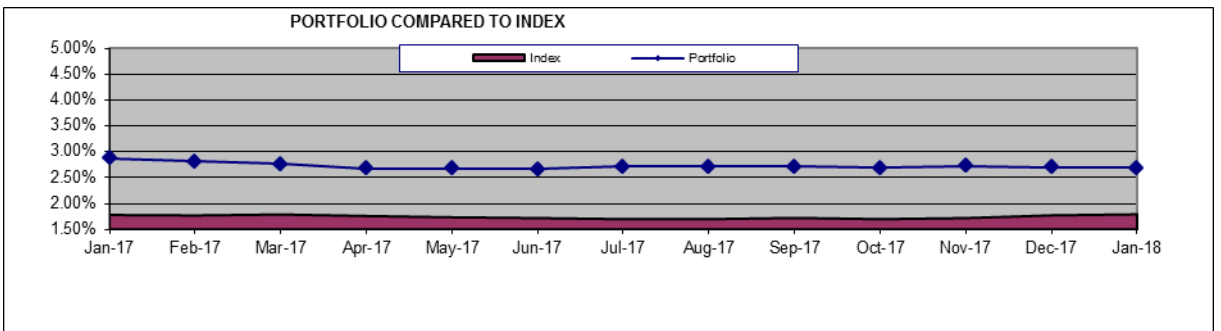
The determination of fossil fuel alignment is based on advice from 'Market Forces' as follows:

- 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.

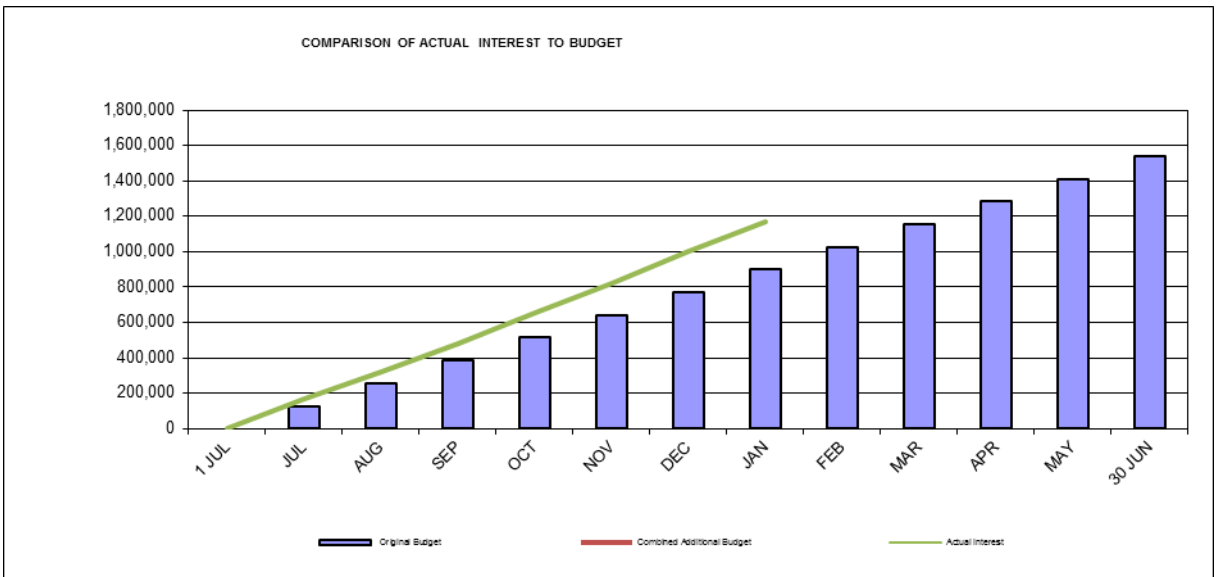
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



10.2 Investment Summary - January 2018

F. Investments held as at 31 January 2018

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
31/01/18	Commonwealth Bank of Australia	At call	1.45%	01/02/18	2,000	2,000
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	752
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	1,422
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
09/01/18	Suncorp-Metway Bank	TD	2.25%	09/03/18	1,000	1,000
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	1,001
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
09/01/18	Westpac Banking Corporation	TD	2.57%	09/04/18	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
29/01/18	Commonwealth Bank of Australia	FRN	2.83%	26/07/21	1,000	1,000
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
23/01/18	Commonwealth Bank of Australia	TD	2.41%	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
12/01/18	ME Bank	TD	2.65%	17/07/18	1,000	1,000
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
18/01/18	AMP Bank	TD	2.65%	18/10/18	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
29/01/18	Commonwealth Bank of Australia	TD	2.66%	29/01/19	2,000	2,000
Totals					72,038	71,692
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 January 2018.

Attachment(s)

Nil

10.3 Australia Day 2018 - Review

10.3 Australia Day 2018 - Review

Delivery Program Communications

Objective To review Council's 2018 Australia Day ceremony.

Background

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

The purpose of this report is to review the current program of events and Australia Day Awards.

Key Issues

- Australia Day Awards
- Event program

Information

The Australia Day Awards were reviewed by Council in February 2015 by resolution [260215/1] which confirmed the categories for the 2016 Ballina Shire Australia Day Awards Program. This was carried through for the 2017 and 2018 awards program with the Citizen of the Year to be selected by Council from one of these categories:

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

This year we did not receive any nominations for the Arts/Cultural category.

Based on community feedback and general anecdotal evidence, the program of events for the 2018 Australia Day event was well received.

It was a full program including a smoking ceremony provided by Gilbert Laurie, and a Welcome to Country performed by Aunty Julia Paden. We welcomed five new citizens, and celebrated twenty Australia Day Award nominations. These figures are down from the previous year, however not significantly.

The Ambassador, Jessica Watson, was received positively with an inspiring story of her journey to becoming the youngest round the world sailor.

10.3 Australia Day 2018 - Review

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

There was upwards of 400 people attending this year's ceremony, a large crowd, particularly when compared to other attendance numbers for similar ceremonies in the region.

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

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

Sustainability Considerations

- **Environment**

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

- **Social**

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

- **Economic**

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

Legal / Resource / Financial Implications

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

Consultation

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

Options

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

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

10.3 Australia Day 2018 - Review

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

On balance, the latest formula Council has implemented for Australia Day is working well with high levels of attendance and positive feedback. The Arts / Cultural Award has had limited nominations over the years, however it is recommended that Council still support this category to help support the arts in our Shire.

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

RECOMMENDATIONS

1. That Council confirms that the categories for the 2019 Ballina Shire Australia Day Awards are to remain unchanged; i.e.
 - Young Citizen of the Year (30 years or under)
 - Senior Citizen of the Year (60 years or over)
 - Sports Award
 - Arts/Cultural Award
 - Local Hero
 - Community Event of the Year

2. That Council confirms that the Citizen of the Year is to be selected from the nominations for all the Award categories, with all nomination forms and associated correspondence to clarify this selection process.

Attachment(s)

Nil

10.4 Legal Matters - Update

10.4 Legal Matters - Update

Delivery Program Communications

Objective To provide an update on Council legal matters.

Background

The purpose of this report is to provide an update on the current or recent legal matters involving Council.

Key Issues

- Type and cost of litigation

Information

This report provides an opportunity to examine legal matters in which the Council is, or has been, involved, with reference to the current or most recent financial year. The report has been provided in open Council to ensure the information is available to the public.

Details of the current case(s) are as follows:

Solicitor for Council	Parties	Description	Cost Estimate	Expenses to Date
Norton Rose Fulbright Australia	Glen Wright and LLCP Pty. Ltd. v Ballina Shire Council	Local Government and miscellaneous appeals and applications - Land and Environment Court - Class 2 Appeal Proceedings	150,000	144,000
Comment Council and LLCP Pty Ltd have now reached agreement in principle on the matter, with the Applicant withdrawing their appeal proceedings which were set down for early February 2018. This section 34 agreement was reached early February 2018 and amended Orders will be made shortly and endorsed by the Land and Environment Court. In forming the agreement, the applicant has proposed to scale down the operations at the Park, substantially reducing the number of sites. As part of the agreement, the applicant is required to carry out certain works in the near future regarding the On-site Sewage Management and water supply systems, in addition to the lodgment of a new Approval To Operate the Park for the reduction in site numbers. Council will need to follow up compliance with the agreement and amended Orders, which may impact on future legal costs should LLCP Pty Ltd not meet their obligations under the agreement.				
Allens Linklaters	Planners North	<i>Land & Environment Court</i> Class 1 Appeal Proceedings – Challenge deemed refusal of development application 2016/184	800,000	508,000

10.4 Legal Matters - Update

Comment

The applicant is challenging the Council's deemed refusal of DA 2016/184 (Cumbalum views Estate) for an urban subdivision of the Cumbalum Urban Release Area – Precinct A (CURA A) originally comprising a total of 642 residential allotments, four future development lots, eight residual rural lots, 18 open space lots, road construction, earthworks, stormwater management, infrastructure works, vegetation removal and other associated subdivision works.

The matter has been through a Section 34 Conciliation Conference, which was terminated by Commissioner Chilcott on 31 August 2017. The applicant has made ongoing changes to the proposed subdivision from that originally proposed and in response to Council's planning and environmental outcomes for this locality.

The appeal is to be heard before Commissioner Brown with the hearing commencing Monday 12 February 2018 on-site and resuming for the remainder of the week in the Land and Environment Court in Sydney. As the application continues to be amended it is anticipated the applicant will seek further leave of the Court to amend the application during the course of the formal hearing.

Legal / Resource / Financial Implications

This section provides an update on the legal costs for recent years. The expenditure for 2017/18 is as 31 January 2018.

Description	2015/16	2016/17	2017/18
Seabreeze Caravan Park	38,000	25,000	81,000
Planners North – DA 2016/184 (CURA A)	12,000	273,000	223,000
Complex Field – DA 2015/377 (51 Blue Seas Parade)	27,000	0	0
Quays Drive Advice – DA 2016/690	0	0	10,000
Quarry Advice – Newrybar Swamp Road	0	0	4,000
Lake Ainsworth Advice	0	8,000	0
Parrington Advice – DA 2016/140 – 47 Ellis Road	0	0	5,000
Retail Fuel – DA 2016/25	0	5,000	0
Rock Wall North Creek	0	6,000	0
Riveroaks / Ferngrove Consent	0	6,000	0
Illegal Clearing	0	9,000	0
Miscellaneous advice	11,000	21,000	1,000
Total Expenditure	88,000	353,000	324,000
Expenditure Budgets	215,000	167,500	290,000
Legal Budget – Surplus / (Overdrawn)	127,000	(185,500)	(34,000)

The legal expenditure budgets are divided between the three sections within the Development and Environmental Health Group as per the following table for 2017/18:

Section	Budget	Actual	Variance
Development Services	150,000	243,000	(93,000)
Building Services	70,000	41,000	29,000
Environmental and Public Health	70,000	40,000	30,000
Total	290,000	324,000	10,000

As per this summary the Development Services section is overdrawn and the reason for this is the CURA A matter.

A budget adjustment for this expenditure is included in the 31 December 2017 Financial Review report later in this agenda.

Legal expenditure can vary significantly from year to year as shown in the following table and unfortunately 2016/17 and 2017/18 are and will again be substantial expenditures as compared to previous years due entirely to the CURA A matter.

10.4 Legal Matters - Update

Year	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
Expense	790,000	412,000	710,000	136,000	149,000	265,900	103,000
Recouped	161,000	0	353,000	8,000	19,000	34,000	5,000
Net	629,000	412,000	357,000	128,000	130,000	231,900	98,000

The expenditure figures exclude legal costs relating to lease documentation, property matters, contracts etc.

Consultation

This report is provided in open Council to ensure the community is informed on legal matters involving Council. If Council wishes to discuss any matters of detail for the matters listed it may be necessary to resolve into confidential session to ensure any legal advice is not provided in open session.

Options

This report is provided for information purposes.

RECOMMENDATION

That Council notes the contents of this legal matters update.

Attachment(s)

Nil

10.5 Joint Organisations

10.5 Joint Organisations

Delivery Program Communications

Objective To obtain a Council resolution to join the proposed Northern Rivers Joint Organisation.

Background

The Local Government Amendment (Regional Joint Organisations) Act 2017 has now been passed which establishes the pathway for the creation of Joint Organisations (JOs).

JOs have been a key part of the NSW State Government's reform program with the objective of these organisations being to improve regional co-operation between councils and improve the delivery of important infrastructure and services for communities through strategic planning, collaboration and shared leadership and advocacy.

The attachments to this report are the latest State Government publications outlining the purpose of JOs and how they will operate, along with details on the proposed resolution and timeframes.

The Northern Rivers Regional Organisation of Councils (NOROC) supports the proposed boundaries for the Northern Rivers Joint Organisation and NOROC has endorsed the establishment of the Northern Rivers Joint Organisation of Councils with membership consisting of Kyogle, Richmond Valley, Tweed Shire, Byron Shire, Lismore City and Ballina Shire Councils.

A resolution is now required to join the JO and this report seeks that resolution. Submissions for councils to request to establish a Joint Organisation must be received by the Office of Local Government by 28 February 2018.

Key Issues

- Legislative framework
- Benefits / cost

Information

The definition of a Joint Organisation, as per the second attachment to this report, is as follows:

A Joint Organisation is a new entity under the Local Government Act comprising member councils in regional NSW to provide a stronger voice for the communities they represent.

10.5 Joint Organisations

A Joint Organisation will provide a more structured, permanent way for local councils, State agencies and other interested groups to collaborate. Each region will decide its own priorities, working on short and long term projects such as attracting a new industry to the region or improving the health of a river system.

By putting their resources together and focusing on the unique challenges and strengths of their whole region, Joint Organisation members can drive better outcomes for local residents.

Each Joint Organisation will comprise at least three member councils and align with one of the State's strategic growth planning regions. One of the member council's mayors will be elected chairperson and an Executive Officer may be appointed.

In summary the State Government is seeking to have a more regional approach from councils and to improve the interaction between levels of government.

The proposal for JOs was initially raised in October 2013 as part of the NSW Independent Local Government Review Panel's report on Revitalising Local Government. This report was the initial step in identifying a number of amalgamations across NSW, many of which were then enacted by the State Government.

Further information on that entire process is available on the Office of Local Government's website (olg.nsw.gov.au), under the heading of Strengthening Local Government.

Council has previously considered a report on JOs at the Ordinary meeting held 23 July 2015. The resolution from that meeting was to provide in principle support for the Northern Rivers Joint Organisation albeit that Council wanted to ensure that any significant increase in member fees was only approved once all member councils endorsed such an increase.

At that point in time there were concerns that the JO would be engaging significant staff and substantially increasing Council's annual contribution to the organisation.

The model now proposed largely focuses on the current role of NOROC, being regional leadership, advocacy and intergovernmental collaboration.

NOROC (the Northern Rivers Regional Organisation of Councils) is one of a number of ROCs that currently exist across the State.

The establishment of ROCs has always been encouraged by the State Government and some councils, as they can provide a regional focus and a single point of contact for Federal and State Government agencies.

NOROC currently meets four times per annum with the Mayor from each council being the appointed delegate. Membership of NOROC, which has existed for over 20 years, has varied, with Clarence Valley Council once being a member and some of the existing members withdrawing and rejoining over time.

10.5 Joint Organisations

The current member councils are Tweed, Byron, Ballina, Lismore, Richmond Valley and Kyogle, with the Kyogle Mayor, Cr Danielle Mulholland, being the current President.

The proposed JOs have the ability to increase the tasks / services they provide to the region, however from a NOROC perspective the currently proposed role of the Northern Rivers JO is the status quo (i.e. advocacy, leadership etc).

Sustainability Considerations

- **Environment**
JOs will consider matters of environmental, social and economic interest to the community.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

At this stage there is not anticipated to be any additional resource or financial implications to Council in the short term, although this could change over time if the JO sought to increase its level of service to the member councils and a higher staff resource was needed. This will only occur in consultation with the member councils and it would need to be justified by a significant increase in service levels to the member councils.

The current contribution to NOROC is approximately \$17,000.

Initial establishment funding is to be provided by the State Government, with \$3.3 million to be allocated to the project. NOROC, or the new JO, will look at opportunities to access this funding for projects that may benefit the region.

Consultation

The JO process has been the subject of lengthy consultation across the State in regard to issues such as membership, representation and role.

Options

The options are to support the Northern Rivers Joint Organisation or not support that model.

The member councils of NOROC, and NOROC, have previously resolved to support this model and the recommendation is to support the proposed JO. To date Richmond Valley and Kyogle councils have passed resolutions supporting the proposed JO.

This model consists of all the councils in this region and is the logical approach.

10.5 Joint Organisations

There is also considered to be more advantages for regional collaboration and accessibility to the State Government through joining the JO, than not joining.

The recommendation is based on a template provided by the State Government as outlined in attachments three and four.

RECOMMENDATION

1. That Council in accordance with Part 7 of Chapter 12 of the Local Government Act 1993 (Act) inform the Minister for Local Government (the Hon Gabrielle Upton MP) of Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation (JO) in accordance with this resolution.
2. That Council approves the inclusion of the Ballina Shire Council area in the Joint Organisation area.
3. That Council requests that the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:
 - a. Byron Shire
 - b. Kyogle
 - c. Lismore City
 - d. Richmond Valley
 - e. Tweed Shire
4. That before 28 February 2018, the General Manager provide the Minister with a copy of this resolution including the date on which Council made this resolution.
5. That Council authorises the General Manager to, on the expiry of a period of 28 days from the making of this resolution, inform the Minister that this resolution has not been rescinded.

Attachment(s)

1. Joint Organisations – 'Working together for regional communities'
2. Joint Organisations – Frequently asked questions
3. Office of Local Government - Joint Organisation correspondence
4. Joint Organisations - Proposed Resolution

10.6 Public Reserve Management Fund - Priorities

10.6 Public Reserve Management Fund - Priorities

Delivery Program Communications

Objective To confirm Council's priorities for the Public Reserves Management Fund (PRMF).

Background

NSW Crown Lands has advised that the Public Reserve Management Fund (PRMF) program is now open and applications close on Friday 9 March 2018. There will be only one application period for the 2018/19 year (in previous years there have traditionally been two).

The PRMF provides funding for improvements on crown reserves, with both maintenance and capital related works eligible. Funding requests can range from \$500 to \$2m, with no requirement for matched funding. Further details on the program are available on the web site;

http://www.crownland.nsw.gov.au/crown_land/crown_reserves

With Council being the Reserve Trust Manager for a large number of crown reserves there are numerous projects where Council could apply for funding and this report seeks to identify the priority applications for 2018/19. The report also provides an opportunity to update Council on the progress of other grant applications.

Key Issues

- Project merits
- Status of grant funding applications

Information

Council has had mixed success with the PRMF program in recent years with the grants obtained being:

2017/18 Program

\$14,000 – Kingsford Smith Reserve Various Repairs
\$3,960 – Williams Reserve Weed Control

2016/17 Program

\$95,000 – Shaws Bay Management Plan related works

2015/16 Program

Nil

2014/15 Program

\$200,000 – Contribution towards construction of Coastal Shared Pathway
\$350,000 – Contribution towards Marine Rescue Tower
\$150,000 – Infrastructure works for Lake Ainsworth

10.6 Public Reserve Management Fund - Priorities

2013/14 Program

\$100,000 – Contribution towards construction of Coastal Shared Pathway

Council did not actually submit an application for the \$350,000 for the Marine Rescue Tower in 2014/15, and from all reports the approval of that funding had more to do with the influence of the local member at that time, Mr Don Page.

As a general rule it is felt that grants up to \$100,000 are more likely to be approved, albeit there are examples in the list higher than that amount.

The large amounts of funding approved in the PRMF program are often allocated to upgrades for Crown Reserve Holiday Parks.

In respect to the 2018/19 program Council staff have identified a priority listing of PRMF projects as per the following table.

Ref	Project	(\$'000)
1	Coastal Recreation Walk	100
2	Riverview Park Playground installation	55
3	Clubhouse improvement works – Kingsford Smith Reserve	30
4	Sportsfield lighting upgrade – Williams Reserve	120
5	Fripp Oval fencing	60
6	Hampton Park – Car park detailed design – POM	20

A brief background to each of these projects is as follows:

1. Coastal Recreation Walk – This project can be completed in stages and this funding would allow Council to formalise some of the difficult to traverse areas between Sharpes Beach and Boulders Beach in accordance with the planning consent.
2. Riverview Park Playground installation – This playground is identified in Council's playground replacement program.
3. Clubhouse improvement works – Kingsford Smith Reserve – For improvements to the clubhouse with Council still attempting to ensure the clubhouse is in a reasonable condition prior to Council taking control of this reserve area.
4. Sportsfield lighting upgrade – Williams Reserve – On-going improvements to this reserve.
5. Fripp Oval fencing – This fence is due for replacement.
6. Hampton Park – Car park and Moon Street Access detailed design – The Plan of Management for Hampton Park includes the upgrade to the car park.

Item six, Hampton Park Car Park and Access has been included in this list in response to correspondence received from the Ballina Tennis Club and Cherry Street Sports Club. A copy of their correspondence is attachment one to this report.

The Clubs are requesting Council construct this access and this request is consistent with the adopted plan of management for Hampton Park, although significant funds for this work would be required and the works are not currently included in Council's Long Term Financial Plan.

10.6 Public Reserve Management Fund - Priorities

Furthermore, as noted earlier, it is unusual for PRMF grants to be awarded above \$100,000. Therefore the recommendation is to seek funding assistance to complete the detail design only at this stage.

This will enable the Council to prepare a reliable cost estimate and consult with the community as it has been some time since the Plan of Management was adopted. When this information is available, Council will be in a better position to assess whether or not it considers the requested works as a priority within its works program.

In making this request, in their letter the Tennis Club/Sports Club refers to their safety concerns in respect of the current access. This driveway is not road reserve as it is on Crown Land and forms part of the lease by the Ballina Tennis Club from Ballina Shire Council.

In respect of the safety concerns, the driveway has been inspected by one of Council's engineering designers who advises the signage and traffic management is appropriate for the site and staff have not identified any further measures that need to be implemented. Council is not aware of any reported accidents or incidents.

The site is a low speed environment and the Tennis Club/Sports Club could implement a number of risk management options to address their concerns during use of the site. For example, heavy vehicles, or all vehicles could be restricted from using the driveway at certain times, education and reminders in newsletters can be published, dedicated crossing points can be encouraged or supervised and so forth.

As the request relates to implementation of an adopted plan of management, it is reasonable to seek funding to see if this can assist Council to initiate a project and advance the implementation of the plan, however from a risk management perspective the works are not considered an essential priority at this point in time when compared to the other Council funded projects included in the Delivery Program. Third party organisations can also apply directly for the PRMF program if they are not satisfied with Council's approach.

Other Grant Programs

There are a number of State and Federal Government grant programs currently active and the following tables provide a summary of Council's existing applications.

10.6 Public Reserve Management Fund - Priorities

NSW Government – Regional Growth Fund – Applications

Program	Project	Amount	Date lodged
Regional Sports Infrastructure	Ballina Indoor Sports Centre	\$3.0m	October 2017
Growing Local Economies	Hutley Drive	\$3.5m	November 2017
Growing Local Economies	Airport Boulevard	\$2.0m	November 2017
Stronger Country Communities	Skennars Head Sporting Fields Expansion (previously Coastal Shared Pathway)	\$900 k	October 2017
Stronger Country Communities	Ballina Tennis Club and Williams Reserve	\$120 k	October 2017
Environment and Tourism Fund	Coastal Recreational Walk	\$750 k	March 2017
Regional Cultural Fund	Northern Rivers Community Gallery	\$120 k	September 2017

Commonwealth Government – Applications

Program	Project	Amount	Date lodged
Building Better Regions Fund – Infrastructure Stream	Ballina Indoor Sports Centre	\$3.85m	December 2017
Building Better Regions Fund – Community Investment Stream	Northern Rivers Community Gallery	\$20 k	December 2017
Regional Jobs and Investments Package (RJIP)	Coastal Shared Pathway	\$880 k	July 2017
Regional Jobs and Investments Package (RJIP)	Ballina Indoor Sports Centre	\$3.5m	July 2017

Council recently received notification from the Regional Jobs and Investments Package (RJIP) Commonwealth Grant Program that Council has been successful in securing \$880,000 for the Coastal Shared Pathways Project. This project will see the construction of a shared pathway from Skennars Head Road Roundabout north to Pat Morton car park, following The Coast Road. The project requires matched funding, and Council has the matching funding (\$850,000) allocated in the capital expenditure budget for 2017/18. Works are expected to commence in the coming months.

Council also recently received notification that the RJIP application for the Ballina Indoor Sports Centre was unsuccessful.

Due to the successful application for the Coastal Shared Pathways project, following discussions with Mr Ben Franklin MLC, Council was advised to alter the application currently under assessment in the NSW Government's Stronger Country Communities Program from the Coastal Shared Pathway to the Skennars Head Sporting Fields.

The Stronger Country Communities Program is effectively an allocation of \$800,000 to \$1m to councils for projects that can be delivered in a relatively short time frame and matching funding is not required.

10.6 Public Reserve Management Fund - Priorities

The Skennars Head Sporting Fields expansion project was chosen as the replacement project as Council has planning consent, Council funding of \$1.3m is allocated to the project, it eliminates an identified shortfall in facilities in the community and the project has only been delayed due to a budget shortfall. It is highly likely that the outcomes of this grant program will be released in the next two months and this should then allow Council to proceed with this project.

The one other pending application that looks promising is the Environment and Tourism Fund Program application for the Coastal Recreational Walk based on an application for \$750,000. This project has been approved to move to stage two of the assessment process, which required a more detailed business case to be submitted by Council, and that information was submitted in October 2017. This program requires matching funding and Council has not allocated that funding in the Long Term Financial Plan. This means that if the application is successful other capital works will need to be deferred.

Stronger Country Communities Fund Round Two

Council has now received advice that this program will open in March 2018 for funding in the 2018/19 year (Attachment Two). This particular round has some changes that include:

- A single round of applications open to all councils (compared to three separate funding timelines for prior funding rounds)
- Applications can now include street beautification and place making activities
- Requirement to provide at least one quote (not two)

Eligible projects for consideration include:

Project	Amount	Comments
Skennars Head Sporting Fields Expansion	\$900 k	There is a risk this may not be funded in round one due to the amended application.
Coastal Recreational Walk	\$750 k	This would be an option if our application to the Environment and Tourism Fund program is unsuccessful.
Ballina Indoor Sports Centre	\$990 k	This would be an option if our application to the Regional Sports Infrastructure Fund program is unsuccessful. Although the disadvantage is that we are capped at approximately \$1m and we cannot apply for the total of \$3m required for the project.
River Street Beautification – Moon Street to Grant Street	\$990 k	This funding could be a contribution to Council's upgrade of this section of River Street in 2018/19.

The benefit of this program is that matching funding is not required. Therefore other projects could include master plans such as the plans adopted for Captain Cook Park and Pop Denison Park.

In determining the preferred project Council should focus on essential projects as against projects considered desirable.

From an essential perspective the priorities are the Ballina Indoor Sports Centre, and the Skennars Head Sporting Fields expansion and River Street is also seen as essential as it involves asset renewal, which is Council's core business.

Sustainability Considerations

- **Environment**
Projects identified for funding will take due consideration of the environment.
- **Social**
A number of projects will provide social benefits to the community.
- **Economic**
Applying to state and federal funding programs decreases the financial burden on Ballina Shire Council in delivering important projects for the community.

Legal / Resource / Financial Implications

The projects listed in this report are identified as important community projects.

The report is seeking to secure further funds for each of these projects to ease the pressure on existing capital expenditure budgets or fund works without identified funding sources.

Consultation

Generally, the projects identified for funding are part of broader framework of plans that have been subject to significant public and stakeholder consultation. These plans include the Community Strategic Plan, Delivery Program and Operational Plan, the Ballina Major Regional Centre Strategy or a site specific master plan or plan of management.

Options

Council can proceed to make application for the six projects as outlined in this report to the PRMF for 2018/19 or may choose to amend the project list. There is no limit to the number of applications allowed for the PRMF and the recommendation is to apply for funding for all the projects identified.

In respect to Stronger Country Communities - Round Two the difficulty in selecting a project is the uncertainty surrounding the outcomes of all the other funding programs.

From a financial perspective the shortfall in funding for the Ballina Indoor Sports Centre represents a major concern, especially when the availability of funds from the Landfill and Resource Management (LRM) reserve may be at risk as outlined in the Civil Services Group report later in this agenda.

10.6 Public Reserve Management Fund - Priorities

The River Street project is planned for 2018/19 and the availability of grant funds would reduce the loan funding needed for this project.

The preferred approach is therefore to apply for the River Street funding as Council could then reallocate part of the proposed loan funding for this project, to the Ballina Indoor Sports Centre if grant funding for that project was not forthcoming.

By applying for River Street this then provides Council with some flexibility to manage our funding sources and it may help to minimize the need for Council to sell any income generating assets to help fund the Sports Centre.

The recommendations reflect this approach.

RECOMMENDATIONS

1. That Council confirms the priority projects for the Public Reserves Management Fund Program (PRMF) for 2018/19 are as follows:

Ref	Project	(\$'000)
1	Coastal Recreation Walk	100
2	Riverview Park Playground installation	55
3	Clubhouse improvement works – Kingsford Smith Reserve	30
4	Sportsfield lighting upgrade – Williams Reserve	120
5	Fripp Oval fencing	60
6	Hampton Park – Car park detailed design – POM	20

2. That Council confirms the priority project for the Stronger Country Communities Fund Round Two will be the River Street beautification project.

Attachment(s)

1. Ballina Tennis Club / Cherry Street Sports Club
2. Stronger Country Communities Fund - Round Two Details

10.7 Financial Review - 31 December 2017

Delivery Program Financial Services

Objective To provide a review of the 2017/18 financial year budget based on the known results to 31 December 2017.

Background

In accordance with the Local Government Act the responsible accounting officer of a council must, not later than two months after the end of each quarter, prepare and submit to the council a budget review statement that shows a revised estimate of the income and expenditure for that year. This report provides the review for the second quarter of the 2017/18 financial year.

Key Issues

- Variations to the budget and financial performance of Council

Information

The purpose of this report is to provide information on known budget variances as at 31 December 2017. The format of the report complies with the Quarterly Budget Review Statement Guidelines set down by the Office of Local Government (OLG).

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

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

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

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

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

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

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

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

Section 1 – Operating Income and Expenditure

General Fund – Operating Income and Expenses

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

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

Operating Income	Original Budget 000's	September Budget 000's	Approved Changes 000's	Revised Budget 000's	Changes for Approval 000's	December Budget 000's	Actual to December 000's
Strategic and Community Facilities Group							
Strategic Planning	175	207	0	207	78	285	110
Community Facilities	543	570	0	570	55	625	408
Library Services	78	78	0	78	46	124	124
Swimming Pools	388	388	0	388	45	433	6
Tourism	65	61	0	61	0	61	43
Sub Total	1,249	1,304	0	1,304	224	1,528	691
Development and Environmental Health Group							
Development Services	799	799	0	799	(100)	699	308
Building Services	1,291	1,361	0	1,361	(46)	1,315	693
Environment and Public Health	280	394	0	394	14	408	346
Admin and Public Order	210	230	0	230	12	242	148
Sub Total	2,580	2,784	0	2,784	(120)	2,664	1,495
Civil Services Group							
Engineering Management	286	296	0	296	0	296	179
Procurement and Building Mgmt	0	0	0	0	0	0	0
Stormwater and Environmental Protection	496	531	0	531	0	531	387
Roads and Bridges	948	948	0	948	80	1,028	853
Ancillary Transport Services	758	808	0	808	24	832	436
Roads and Maritime Services	746	746	0	746	0	746	447
Open Space and Reserves	772	826	0	826	29	855	488
Fleet Mgmt and Workshop	248	248	0	248	9	257	110
Rural Fire Service	168	207	0	207	(13)	194	115
Quarries and Sandpit	53	68	0	68	(3)	65	45
Landfill and Resource Management	2,058	2,111	0	2,111	(20)	2,091	1,368
Domestic Waste Management	6,435	6,507	0	6,507	16	6,523	6,466
Sub Total	12,968	13,295	0	13,295	123	13,418	10,894
General Manager's Group							
Communications	20	22	0	22	0	22	13
Financial Services	236	236	0	236	(10)	226	102
Financial Services-General Purpose Revenues	26,000	26,166	0	26,166	111	26,277	22,753
Information Services	103	103	0	103	0	103	57
Human Resources and Risk Mgmt	162	173	0	173	41	214	235
Property Management	2,534	2,522	0	2,522	110	2,632	1,564
Ballina Byron Airport	6,186	6,096	0	6,096	(22)	6,074	3,152
Sub Total	35,240	35,318	0	35,318	230	35,548	27,876
Total Operating Income	52,037	52,701	0	52,701	457	53,158	40,956

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

Operating Expenses (excluding depreciation)	Original Budget	September Budget	Approved Changes	Revised Budget	Changes for Approval	December Budget	Actual to December
Strategic and Community Facilities Group							
Strategic Planning	1,209	1,412	0	1,412	(4)	1,408	590
Community Facilities	1,401	1,421	0	1,421	26	1,447	663
Library Services	1,439	1,446	0	1,446	41	1,487	726
Swimming Pools	1,187	1,202	0	1,202	(0)	1,202	314
Tourism	484	483	0	483	(15)	468	243
Sub Total	5,720	5,964	0	5,964	48	6,012	2,536
Development and Environmental Health Group							
Development Services	1,705	1,728	0	1,728	316	2,043	842
Building Services	1,103	1,174	0	1,174	(28)	1,146	633
Environment and Public Health	1,464	1,688	3	1,691	(53)	1,638	550
Admin and Public Order	563	557	0	557	(3)	554	256
Sub Total	4,835	5,146	3	5,149	232	5,381	2,281
Civil Services Group							
Engineering Management	2,592	2,502	0	2,502	(21)	2,481	1,209
Procurement and Building Mgmt	2,080	2,025	8	2,033	(20)	2,013	939
Stormwater and Environmental Protection	841	996	0	996	8	1,004	573
Roads and Bridges	3,432	3,432	0	3,432	0	3,432	1,731
Ancillary Transport Services	1,803	1,862	0	1,862	18	1,879	937
Roads and Maritime Services	746	586	0	586	0	586	314
Open Space and Reserves	3,671	3,884	(23)	3,861	28	3,889	1,770
Fleet Mgmt and Workshop	(965)	(765)	0	(765)	(0)	(765)	(94)
Rural Fire Service	382	424	0	424	0	424	267
Quarries and Sandpit	45	630	0	630	23	653	38
Landfill and Resource Management	1,093	1,149	0	1,149	0	1,149	631
Domestic Waste Management	5,914	5,914	0	5,914	0	5,914	2,633
Sub Total	21,634	22,641	(15)	22,625	34	22,659	10,948
General Manager's Group							
Communications	2,283	2,317	0	2,317	25	2,342	1,176
Financial Services	(4,402)	(4,397)	0	(4,397)	0	(4,397)	(2,740)
Financial Services-General Purpose Revenues	0	0	0	0	0	0	0
Information Services	2,580	2,603	0	2,603	28	2,631	1,589
Human Resources and Risk Mgmt	985	1,159	(8)	1,151	175	1,326	956
Property Management	1,497	2,409	0	2,409	12	2,421	1,117
Ballina Byron Airport	4,468	4,491	(60)	4,491	(60)	4,371	2,020
Sub Total	7,412	8,582	(68)	8,574	180	8,694	4,118
Total Operating Expenses	39,601	42,332	(80)	42,310	496	42,746	19,883
Net Operating Result Before Depreciation	12,436	10,368	80	10,390	(38)	10,411	21,073
Depreciation Expense and Other Non Cash	13,504	13,504	0	13,504		13,504	6,752
Net Operating Result Continuing Operations	(1,068)	(3,136)	80	(3,113)	(38)	(3,093)	14,321

General Fund Working Capital Forecast

Item	Original Budget	September Budget	Approved Changes	Revised Budget	Changes for Approval	December Budget	Actual to December
Working Capital Surplus/(Deficit)	(192,000)	60,100	0	60,100	(135,900)	(75,800)	

Working capital is a measure of short term liquidity and as a rule Council aims to target a break even result for the General Fund.

Comments - General Fund

The forecast operating result as at December is a loss of \$3,093,400 which is an improvement of \$42,600 from the budget forecast of a loss of \$3,136,000 as the September quarterly review.

The larger adjustments to income proposed in this report include an increase to forecast interest income of \$342,000, in total, for the general fund. Of this, an amount of \$95,000 impacts directly on the general fund's working capital with the remainder allocated across various reserve balances, as noted later in this report.

The other significant adjustment to general fund income is a reduction of \$100,000 in forecast income within the Development Services area.

The large adjustments to expenditure include an increase to the legal costs budget within the Development Services area of \$350,000 and a decrease to airport expenditure of \$60,000. (An amount of \$250,000 has been transferred from reserves in relation to the legal costs budget).

The estimated movement in **unrestricted working capital** has deteriorated from an anticipated surplus of \$60,100 to an anticipated loss of \$75,800.

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

General Fund - Operating Revenues

Strategic and Community Facilities Group

Strategic Planning

Grant money of \$40,000 from NSW Office of Environment & Heritage has been received for SOS Koala Projects.

An equivalent budget adjustment has been made to expenditure for this project.

Income budgets for crown land rent and Missingham vendors, \$14,000 and \$7,200 respectively, have been transferred from the Community Facilities area to the Strategic Planning area as this section directly manages these items.

A review of interest revenue has been completed, with the revised interest forecast exceeding the original budget. Consequentially, a number of interest budgets have been revised, with interest allocated to section 94 balances increased by \$15,000.

This amount is transferred to the section 94 reserves.

A new income budget of \$2,500, with a corresponding offsetting expense budget, has been raised for mobile vending on public land.

Community Facilities

Forecast income for Ballina Surf Life Saving Club room hire, Kentwell Community room hire and Lennox Head Cultural and Community Centre room hire have been increased by \$5,000 each due to strong trending, with revised budgets of \$64,000, \$50,000 and \$80,000 respectively.

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Forecast income for Northlakes Hall has been increased by \$2,000, to \$4,000, based on income received, with this hall currently managed by Council staff.

As previously noted, income budgets for crown land rent and Missingham vendors, \$14,000 and \$7,200 respectively, have been transferred to the Strategic Planning area.

The gallery has received funding of \$55,000 under the NSW Arts & Cultural Development Program. An equivalent budget adjustment has been made to expenditure for this project.

Forecast income for the gallery's fire station room hire has been revised down \$2,000, to \$12,500 as the original estimate had been based on six months.

Libraries

The budget for the State library subsidy has been increased by \$5,000 to \$83,000 based on the contribution now received.

An amount of \$41,100 has also been received for library special projects. The corresponding expenditure budget has been increased by this amount.

Swimming Pools

Due to the uncertainty around the completion dates for the swimming pool capital works, no adjustments to the operating budgets have been made at this time. It is likely that reductions in forecast income will be entirely offset by savings in forecast expenditure once the completion date is confirmed.

With the review of Council's interest revenue and an analysis of the timing of pool loan proceeds and capital expenditure, interest of \$45,000 has been allocated to the swimming pools reserve. This money can help to fund any capital expenditure variations.

Development and Environmental Health Group

Development Services

Forecast operating income has been revised down by \$100,000 to a revised forecast of \$698,900.

Whilst income had been trending down as at the September quarterly review, it had been anticipated at that time that income would increase leading into calendar year end, however this has not eventuated.

The areas for adjustment are decreases for Development Application Compliance Levy \$50,000, Development Application Fees \$25,000, Section 149 certificates \$5,000, and Legal fees/fines income \$20,000.

Building Services

Forecast operating income has been decreased by \$46,000 to a revised forecast of \$1,314,600.

The larger areas for adjustment are decreases for Package Certificates/Inspections and Development Application fees by \$40,000 and \$20,000, respectively, offset in part by an increase in Construction Certificates by \$10,000.

Environmental and Public Health

Forecast income from Registration and Annual Inspection Food has been increased by \$14,000, to \$113,000, based on actual income received.

Administration and Public Order

Companion Animal Registrations have been increased by a further \$12,000, to a revised budget of \$40,000 based on actual income received.

Civil Services Group

Roads and Bridges

With the review of Council's interest revenue, interest of \$80,000 has been allocated to the Alstonville and Ballina bypass reserves.

Ancillary Transport Services

Forecast revenue for private works has been revised upward by \$17,000 based on income and trending to date, with the larger private works job for the period for dust sealing of Alstonvale Road.

Open Space and Reserves

Grant money of \$25,000 from the NSW Department of Premier & Cabinet has been received for beach debris clean-up.

A corresponding increase has been included to the beach maintenance budget.

Grant funding of \$3,600 has been received for the Williams Reserve Crown Lands. A corresponding expense budget has been raised for this.

Fleet Management and Workshop

Forecast interest income for plant reserves has been revised upwards by \$9,000.

Rural Fire Service

Forecast income has been decreased by \$12,500, to \$194,000, based on confirmation received from the NSW Rural Fire Service.

Landfill and Resource Management (LRM)

With the review of Council's interest revenue and an analysis of all reserve balances, the interest allocation for the LRM reserve has been decreased by \$20,000 to \$72,000.

Domestic Waste Management (DWM)

With the review of Council's interest revenue and an analysis of all reserve balances, the interest allocation for the DWM reserve has been increased by \$8,000 to \$57,000.

Further adjustments to annual charges, which result from growth during the year, have resulted in an increase to revenue of \$8,000.

General Manager's Group

Financial Services

Forecast income for section 603 certificates has been reduced by \$10,000, based on trend.

Financial Services - General Purpose

The forecast for interest revenue has been increased by \$95,000. Rates income has been increased \$27,000 based on amounts levied. Forecast interest on overdue rates and charges has been decreased by \$15,000, an outcome of continued strong debt recovery.

Human Resource and Risk Management

The forecast refund received from Statecover Workers Compensation has been increased by \$34,000 based on amounts now received. This amount has been placed into reserve for potentially higher future premium costs, with a current case in hand and undetermined impact for future premiums.

The contributions budget from the Department of Employment and Training has been increased by \$7,000 based on amounts received.

Property Management

With the review of Council's interest revenue and an analysis of all reserve balances, the interest allocations for the Community Infrastructure and Property Development reserves have been increased by \$50,000 and \$60,000, respectively.

Ballina Byron Airport

Overall the forecast income for the airport has been left largely unchanged.

General Fund - Operating Expenses

Strategic and Community Facilities

Strategic Planning

A staff member is on extended sick leave. As a consequence, the salaries budget has been reduced by \$40,000, with this amount transferred to sick leave within the Human Resources area.

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As noted earlier, an expenditure budget of \$40,000 has been raised in respect of SOS Koala Projects.

Community Facilities

Following the resignation of the Community Facilities team leader, a review of the structure within the community facilities and tourism areas has been undertaken. The roles of Community Facilities team leader and Visitor Information Centre (tourism) Officer have been replaced by the creation of a Coordinator position to oversee both areas, with an allocation of two days to Community Facilities and three days to Tourism.

As a consequence of the above, the Lennox Head Cultural & Community Centre forecast salaries have been reduced by \$25,000 (and Tourism salaries have been reduced by \$15,000).

Community Services administration salaries have been increased by a net \$10,000 due to the addition of a two day per week temporary project role (for the period of October 2017 to June 2018) offset partially by a transfer to sick leave balances for extended sick leave for another staff member.

Other variations in the expenditure budgets for the Lennox Head Cultural & Community Centre are increases of \$5,000 to the auditorium event hire budget, \$4,000 to computer software and \$3,000 to cleaning contracts. These increases were offset in part by reductions of \$2,000 to media & production, \$1,000 to security and \$1,000 to telephone budgets.

For the Ballina Surf Club, a decrease of \$15,000 is proposed for the cleaning budget, as it appears that this original budget was set too high based on prior year costs and costs incurred to date.

As previously noted, the gallery has received funding of \$55,000 under the NSW Arts & Cultural Development Program, with an equivalent budget adjustment made to expenditure.

Further within gallery expenses, a decrease of \$4,000 is proposed for the electricity budget which appears high based on trend and prior year, and a budget of \$4,600 for airport art has been removed as this was dependent on the timing of the airport terminal expansion.

Libraries

As noted earlier, an expenditure budget of \$41,100 has been raised in respect of library special projects, to match the contribution received. Any unspent amounts at the end of the financial year will be transferred to the library reserve.

Tourism

As noted within the Community Facilities area above, the roles of Community Facilities team leader and Visitor Information Centre (tourism) Officer have been replaced by the creation of a Coordinator position to oversee both areas, with an allocation of two days to Community Facilities and three days to Tourism. As a consequence Tourism salaries have been reduced by \$15,000.

Development and Environmental Health Services

Development Services

The budget for legal expenses has been increased by \$350,000 to a revised budget of \$500,000.

These costs are attributable to the CURA A matter and are based on estimates provided by the Manager - Development Services.

This magnitude of over-expenditure has been funded in part by \$250,000 in transfers from reserves as per the reserves section of this report. These reserves were created in previous years when income was well above forecasts.

Unfortunately the \$250,000 transfer largely drains those reserves.

Also the Group Manager Development and Environmental Health retired during the last quarter. Associated salary costs for this position are allocated between Development Services, Building Services and Environmental and Public Health areas.

Due to an extensive long service period taken prior to retirement, salaries budgets for the three areas have been reduced by \$35,000 each, with these amounts transferred to long service leave within the Human Resources area.

Building Services

As noted in the Development Services area, the salaries budget within the Building Services area has been reduced by \$35,000, with this amount transferred to long service leave.

The budget for sundry office administration has been revised by \$7,000 to \$19,000, as the original adopted budget was below requirements and has been increased to a level commensurate with actual expenses incurred to date and those of the previous year.

The majority of this budget covers non- discretionary expenditures such as the photocopier contract, annual subscriptions and Telstra expenses, as well as other smaller miscellaneous administration expenses.

Environmental and Public Health

As noted in the Development Services area, the salaries budget within the Environmental and Public Health area has been reduced by \$35,000, with this amount transferred to long service leave.

A further reduction of \$12,000 has been made to the salaries budget, savings due to the timing of replacement of the OSSM (On Site Sewage Management) officer.

A budget of \$8,000 has been transferred from this section's Healthy Waterways budget to the stormwater area.

Civil Services

Engineering Management

The salaries budgets have been reduced a further \$22,000 due to the timing of replacements for vacant positions.

Procurement and Building Management

The salaries budgets have been reduced by \$20,000 due to the timing of position replacements.

The budget for public toilet cleaning has been increased by \$10,000, to \$193,000 to reflect actual expenditure.

The budget for security expenses has been increased by \$6,000 to a revised budget of \$24,000, based on costs incurred to date.

A non-recurrent budget of \$5,000 has been allocated for the Wigmore (Senior Citizens) Hall, for major stormwater works costs incurred.

Maintenance budgets for Ballina Surf Club and Ballina Pool have been reduced by \$12,000 and \$8,000, to revised budgets of \$32,000 and \$30,000 respectively.

Stormwater and Environmental Protection

A budget of \$8,000 has been transferred to the USMP Environmental Trust Video budget from the Healthy Waterways budget.

Ancillary Transport Services

Private works budgets have been increased by \$15,000, in line with the increase in forecast income.

Open Space and Reserves

The expenditure budget for beach maintenance has been increased by \$25,000, corresponding to costs incurred in clean-up of debris and the associated grant funding to be received.

A budget of \$3,600 has been raised for the Williams Reserve Crown Lands, corresponding to the grant funding received.

Fleet Management and Workshop

Income for plant charged to works presents as a negative expense within the Long Term Financial Plan for Fleet Management.

This income was revised down by \$200,000 in the September review.

Plant charged to works has continued to trend down, with investigations by the Manager Support Operations and staff in hand.

Based on current trending, a decrease to forecast income of \$250,000 may be in order. However it is anticipated that revision to plant hire rates for the remainder of this financial year, together with investigation into under-utilised plant, will improve this outlook.

On this basis, no further adjustment has been made in this review.

Quarries

The budget for the North Creek dredging plan has been increased by \$25,600, to a revised budget of \$105,000. These works are for sedimentation investigations which should be complete around mid-April, at which time a separate report will be put up to Council.

The budget for EPA licence fees has been reduced by \$5,000 based on a review of expected costs for the current year.

General Manager's Group

Communications

A new budget of \$5,000 is proposed for Code of Conduct complaint management, based on costs incurred to date. Also staff salaries have been increased to reflect staff movements and a trainee role to assist with customer service, which is offset in part by reductions in over-time and casual staff allowances.

Information Services

Increases to the Information Services salaries and Records salaries budgets, of \$11,000 and \$17,000, respectively, have been made due to grade changes of staff.

Human Resource and Risk Management

Employee entitlements have been increased by \$168,000, for amounts transferred here to offset the salary savings from the extended sick leave within the Strategic Planning area and extended long service leave within the Development and Environment Health group.

Property Management

The budget for Wigmore Arcade insurance expenses was increased by \$12,500 for excess payable.

This increase was funded by the Insurance reserve, which was established in the September quarterly review.

Ballina Byron Airport

Overall, the forecast expense for the airport has been decreased by \$60,000. The MSS security budget has been revised down by \$100,000 based on trend. Employee costs have been increased by a net of \$40,000, with all positions now filled and a settling down is now expected.

Water Operations

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

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

Item	Original Budget	September Budget	Approved Changes	Revised Budget	Changes for Approval	December Budget	Actual to December
Operating Income	11,778	11,778	0	11,778	230	12,008	5,487
Operating Exps (excl. dep)	9,825	9,845	0	9,845	(107)	9,738	4,786
Net Operating Result Before Depreciation	1,953	1,933	0	1,933	337	2,270	701
Depreciation Expense	1,380	1,380	0	1,380	0	1,380	690
Net Operating Result from Continuing Operations	573	553	0	553	337	890	11

The **forecast operating position** (inclusive of depreciation) **as at December** is a surplus of \$890,000 which is an improvement of \$337,000 from the forecast surplus of \$553,000 as the September quarterly review.

Forecast operating income has been increased by \$230,000, with the most significant adjustments relating to residential and non-residential water consumption, increased by \$120,000 and \$65,000 respectively.

The forecasts for water access charges and tapping fees have also been increased by \$35,000 and \$10,000 respectively.

Forecast operating expenditure has been decreased by \$107,000.

The larger areas for adjustment are mains maintenance decreased by \$50,000, service connections maintenance decreased by \$30,000, other maintenance by \$17,000, and other operations by \$25,000, offset by an increase to treatment plant operation \$15,000.

Wastewater Operations

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

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

Item	Original Budget	September Budget	Approved Changes	Revised Budget	Changes for Approval	December Budget	Actual to December
Operating Income	18,218	18,218	0	18,218	79	18,297	15,477
Operating Exps (excl. dep)	14,030	14,022	0	14,022	(290)	13,732	6,495
Net Operating Result Before Depreciation	4,188	4,196	0	4,196	369	4,565	8,982
Depreciation/loan unwind Expense	3,775	3,775	0	3,775	0	3,775	1,888
Net Operating Result from Continuing Operations	413	421	0	421	369	790	207

The **forecast operating position** (inclusive of depreciation) **as at December** is a surplus of \$790,000 which is an improvement of \$369,000 from the budget surplus of \$421,000 as the September quarterly review.

Total forecast operating income has been increased by \$79,000. Forecast access charges have been increased by \$159,000.

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This increase is offset by a decrease of \$80,000 to forecast interest income resulting from the review of total interest and allocations to reserves based on anticipated reserve balances.

Total forecast operating expenditure has been decreased by \$290,000.

The larger areas for adjustment are scheduled maintenance decreased by \$140,000, pumping station maintenance decreased by \$100,000, energy costs decreased by \$40,000 and treatment operations decreased by \$30,000.

Section Two – Capital Budget

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

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

General Fund Capital works	Original Budget 2017/18 \$'000	September Budget \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for Approval \$'000	December Budget \$'000	Actual to December \$'000
General Fund Capital Funding							
General revenue	5,317	3,847	53	3,900	26	3,926	
Reserves	17,032	16,986	2,322	19,308	223	19,531	
Loans	8,328	8,848	(2,400)	6,448	0	6,448	
Section 94 contributions	184	924	183	1,107	59	1,166	
Grants and contributions	10,086	11,397	(2,100)	9,297	36	9,333	
Total Funding	40,946	42,002	(1,942)	40,060	344	40,404	
General Fund Capital Expense							
<i>Strategic and Community Facilities Group</i>							
Cultural and Community Services	3,280	1,044	0	1,044	0	1,044	123
Swimming Pools	5,928	11,462	0	11,462	(80)	11,382	10,570
Libraries	15	0	0	0	0	0	0
Gallery	0	77	0	77	0	77	5
<i>General Manager's Group</i>							
Administration & Information Services	87	125	0	125	58	183	23
Human Resources & Risk Management	0	0	0	0	0	0	0
Property Management	3,720	3,935	445	4,380	0	4,380	1,946
Camping Ground	100	120	0	120	0	120	0
Ballina Airport	6,475	3,493	(1,000)	2,493	0	2,493	149
<i>Development & Environ Health Group</i>							
Environmental Health	208	816	0	816	0	816	165
<i>Civil Services Group</i>							
Depot and Administration Centre	168	225	0	225	0	225	94
Procurement & Building Management	304	1,165	0	1,165	0	1,165	232
Public Amenities	104	255	0	255	0	255	149
Stormwater	434	354	(15)	339	0	339	14
Roads and Bridges	13,064	11,115	85	11,200	99	11,299	3,775
Ancillary Transport Services	1,265	1,370	0	1,370	85	1,455	333
Water Transport and Wharves	200	1,227	(230)	997	0	997	228
Open Space -Parks and Reserves	643	1,389	23	1,412	59	1,471	88
Open Space - Sporting Fields	1,320	1,629	(1,250)	379	13	392	268
Cemeteries	90	90	0	90	0	90	0
Fleet and Plant	1,397	2,064	0	2,064	0	2,064	331
Quarries and Sandpits	0	0	0	0	0	0	0
Waste Management	2,145	47	0	47	110	157	2
Total Capital expense	40,946	42,002	(1,942)	40,060	344	40,404	18,495

General Fund***Strategic and Community Facilities****Swimming Pools*

No net changes have been proposed for the total capital expenditure budgets for the redevelopment of the pools and associated works, and a further report will be needed to confirm the final funding once matters such as the asbestos dispute are finalised.

Amounts of \$70,000 and \$10,000 were transferred from the Swimming Pools budgets to the Ancillary Transport Services area, for offsite concrete pathways and loading bay for Ballina and Alstonville, respectively.

General Manager's Group*Information Services*

The budget for the telephone system has been increased by \$58,100 to a revised budget of \$106,900 for this year.

These additional costs are for the additional layer of software over and above the Skype platform that will provide greater functionality, visibility and reporting for incoming calls to the various sections of Council.

This increase has been funded as \$13,200 from the Information Services reserve, \$7,800 each from Water, Wastewater and Landfill & Resource Management reserves, and \$21,500 revenue funded.

Civil Services Group*Roads and Bridges*

Budgets have been increased by a total of \$98,000. The changes are as follows:

Description of Works	Adjustment (\$)	Comments
Grant Street Seg 20	+56,000	\$56,000 funded from roads reserve. Revised budget of \$593,500.
Sunnybank Drive Seg 20	+42,000	\$42,000 funded from roads reserve. Revised budget of \$220,000.
Marom Creek Road Devils Elbow Sed 130	+43,000	\$43,000 funded by reallocation of budgets. Revised budget of \$662,400.
Fernleigh Road Seg 10	-43,000	Reallocation of budget to Marom Creek Rd. Revised budget of \$200,000.
Repair works Bridge Marom Ck Dalwood Road	+9,600	New budget of \$9,600, allocated from Bridges Other budget.
Bridges other	-9,600	\$9,600 allocated to above.
Total	+98,000	

The increase of \$98,000 is funded from the Roads Capital reserve.

Ancillary Services

Budgets have been increased by a total of \$85,000. The changes are as follows:

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Description of Works	Adjustment (\$)	Comments
Ballina Pool offsite concrete paths	+70,000	\$70,000 budget transferred from Swimming Pools area.
Alstonville Pool offsite concrete loading bay	+10,000	\$10,000 budget transferred from Swimming Pools area.
Wardell Town Centre Boardwalk	+2,000	\$2,000 funded from reallocation of budgets. Revised budget of \$33,000.
Footpath Martin St to Winton Ln	+2,000	\$2,000 funded from reallocation of budgets. Revised budget of \$9,500.
Footpath Sneaths Rd Wollongbar	-4,000	\$4,000 reallocated to other budgets. Revised budget of \$108,000.
Path Pine Ave, East Ballina	+5,000	\$5,000 offset by contribution of \$5,000 received in 2017/18 that related to works completed on Manly St Pedestrian refuge in previous year. Revised budget of \$45,000
Total	+85,000	

Of this increase, \$80,000 represents a transfer of budget from the Swimming Pools area. The remaining increase of \$5,000 is offset by contributions of \$5,000 received in 2017/18 relating to works completed in the previous year.

Open Space and Reserves

A new budget of \$60,000 is proposed for Porter Park, Ballina with this work funded from "old" Section 94 monies for West Ballina. The works relate to the installation of a half-court basketball / hard stand area and landscaping which will complete the Porter Park Master Plan.

Open Spaces Sporting Fields

A new budget of \$13,000 has been created for the Kingsford Smith Reserve club improvements. This is funded by PMRF grant contributions.

Waste Management

A budget of \$110,000 has been raised for the recycled handling covered area.

Water Fund

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

	Original Budget 2017/18 \$'000	September Budget \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for Approval \$'000	December Budget \$'000	Actual to December \$'000
Water Supply Capital Works							
Water Capital Funding							
Reserves	2,828	1,147	(100)	1,047	0	1,047	
Section 64 contributions	1,669	2,854	0	2,854	0	2,854	
Grants & Contributions	0	0	0	0	0	0	
Total Funding	4,496	4,001	(100)	3,901	0	3,901	
Water Capital Expense							
Main Renewal	634	302	(100)	202	0	202	0
Reservoirs	475	275	0	275	0	275	65
Pressure Management	734	50	0	50	0	50	11
Water pump and bores	822	631	0	631	0	631	28
Trunk mains	375	1,743	0	1,743	0	1,743	646
Treatment Plant	767	175	0	175	0	175	48
Plant	323	376	0	376	0	376	0
Connections	299	299	0	299	0	299	134
Other	67	150	0	150	0	150	7
Total Capital expense	4,496	4,001	(100)	3,901	0	3,901	939

The water capital works program was reviewed for the January 2018 Ordinary meeting. There are no further proposed changes at this time.

Wastewater Fund

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

Wastewater Services Capital works	Original Budget 2017/18 \$'000	September Budget \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for Approval \$'000	December Budget \$'000	Actual to December \$'000
Wastewater Capital Funding							
Reserves	5453	7,598	(400)	7,198	85	7,283	
Section 64 contributions	1247	1,147	0	1,147	0	1,147	
Loans	0	0	0	0	0	0	
Total Funding	6,700	8,745	(400)	8,345	85	8,430	3,436
Wastewater Capital Expense							
Pumping stations	2,538	3,497	0	3,497	0	3,497	2,457
Treatment Plants	947	1,407	0	1,407	85	1,492	248
Trunk Mains	2,143	1,856	(300)	1,556	0	1,556	117
Mains renewals	200	200	(100)	100	0	100	0
Plant	596	812	0	812	0	812	231
Reuse program	110	734	0	734	0	734	318
Other	166	239	0	239	0	239	65
Total Capital expense	6,700	8,745	(400)	8,345	85	8,430	3,436

The wastewater capital works program was reviewed for the January 2018 Ordinary meeting.

A further proposed adjustment is for the budget for the Alstonville Master Plan to be increased by \$85,000, to a revised budget of \$135,000.

The original 2017/18 budget for the Alstonville Master Plan was \$200,000.

Prior to procurement, this budget was revised to \$50,000 in the September 2017 quarterly budget review as the \$200,000 budget was considered generous.

Quotations were then sought in December 2017, with the preferred tenderer submitting a price of \$94,000.

There is also a \$40,000 provisional item in the contract for preparation of business cases, should we require them upon completion of the master plan, resulting in the proposed revised budget of \$135,000.

Section Three – Cash and Investment Statement

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

10.7 Financial Review - 31 December 2017

	Original Budget 2017/18 \$'000	September Budget \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for approval December \$'000	Revised Budget December \$'000
Unrestricted	5,971	5,971	0	5,971	0	5,971
Externally Restricted						
- Section 94	11,426	8,702	(183)	8,519	(45)	8,474
- Domestic Waste Mment	1,439	2,456	0	2,456	16	2,472
- Section 64 Water	4,881	7,707	0	7,707	0	7,707
- Water	4,472	4,413	100	4,513	337	4,850
- Section 64 Sewer	5,349	6,891	0	6,891	0	6,891
- Sewer	(69)	(141)	400	259	284	543
Total Externally Restricted	27,498	30,028	317	30,345	592	30,937
Internally Restricted						
- Strategic and Community Services	422	3,108	0	3,108	125	3,233
- Employee Leave Entitlements	2,853	3,013	0	3,013	0	3,013
- Plant Replacement	(9)	(148)	0	(148)	9	(139)
- Quarries	350	349	0	349	(25)	324
- Commercial Services	5,599	5,599	(4,241)	1,358	208	1,566
- Open Spaces and Reserves	0	285	1,204	1,489	(105)	1,384
- Landfill Management	1,006	2,421	0	2,421	(130)	2,291
- Civil Services	5,327	12,708	160	12,868	57	12,925
- Other	1,621	3,871	0	3,871	(229)	3,642
Total Internally Restricted	17,168	31,205	(2,877)	28,328	(90)	28,238
Total Restricted	44,666	61,233	(2,560)	58,673	502	59,175
Total Cash and Investments	50,637	67,204	(2,560)	64,644	502	65,146

The unrestricted cash figure is not inclusive of transactions that would normally be included when calculating working capital; i.e. it is exclusive of movements in items such as debtors and creditors.

The available cash figure is taken from note six of the financial statements as at 30 June 2017.

Statements

1. Council's investments are all in accordance with the Local Government Act, the regulations and Council's investment policy.
2. As per the investments summary for December 2017, funds invested amounted to \$76,538,000. All restricted monies are included in these investments.
3. Cash has been reconciled to the bank statement as at 31 December to the amount of \$1,117,223.
4. Actual year to date cash and investments amounted to \$77,655,223 as at 31 December 2017. This amount includes cash at bank of \$1,117,223 and funds invested of \$76,538,000 which has been reconciled to bank statements and investment reports.

Comment on Cash and Investment Position

The forecast reserves position has decreased from \$61.2 million as at the September quarterly review to \$59.2 million.

The majority of the movement is from already approved changes, the most significant of these relating to the deferral of the airport capital expenditure and associated timing of grant and loan funding for that project, and also the deferral of the Skennars Head sports field expansion.

Details of the major changes are summarised below.

Section 94 Reserves

Net reserves are predicted to decrease by \$45,000 resulting from a \$15,000 revision of forecast interest for the section 94 plans, offset by \$60,000 allocated for the Porter Park works.

Pools Reserve

There is an increase of \$45,000 to the forecast reserve balances resulting from an interest allocation to reserve balances.

Domestic Waste Management

Net reserves are predicted to increase by \$16,000, which is the result of an improvement to the operational outlook.

Quarries Reserve

Net reserves are predicted to decrease by \$25,500 resulting from a decrease in the forecast quarries operating result.

Property and Airport Reserves

There is a net increase of \$207,500 to the forecast reserves balance resulting from allocation of \$110,000 interest revenue to the reserve balances and increase of \$97,500 in the forecast airport operating result.

Landfill and Resource Management

Net reserves are predicted to decrease by \$130,000 which is the result of a downward revision of \$20,000 to allocated interest and the raising of a new capital budget of \$110,000 for the recycled handling covered area.

Roads Reserve

An additional \$98,000 has been taken from reserve to fund an increase of \$56,000 to the Grant Street and \$42,000 to the Sunnybank Drive budgets.

Alstonville and Ballina Bypass Reserves

Net reserves are predicted to increase by \$20,000 and \$60,000 for the Alstonville and Ballina Bypass reserves, respectively, with an allocation of interest from the general fund.

Information Services Reserve

An amount of \$13,200 has been transferred from this reserve, to fund in part the increased capital budget for the new phone system.

Human Resources & Risk Management Reserve

An amount of \$34,000 has been transferred into this reserve, for increases in Council's workers compensation premium.

Insurance Reserve

An amount of \$12,500 has been transferred from this reserve to fund excess amounts paid under the insurance policy covering Wigmore Arcade.

Development Services Reserve

An amount of \$200,000 has been taken from this reserve, to partially fund the increase in the legal expenses budget within Development Services.

Legals Reserve

An amount of \$50,000 has been taken from this reserve, to partially fund the increase in the legal expenses budget within Development Services.

Water Reserves

Net reserves are predicted to increase by \$337,000, which is the result of an improvement in the operating result.

Wastewater Reserves

Net reserves are predicted to increase by \$284,000, which is the result of an improvement in the operating result of \$369,000 offset by an increase in capital budgets of \$85,000.

Section Four - Key Performance Indicators

This section of the report takes selected financial benchmarks and compares the 30 June 2016 and 2017 ratios with the forecast at December to 30 June 2018.

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

Key Performance Indicators - Description

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

Measured: as a ratio

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

Indicator type: Financial Position

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

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

Measured: as a ratio

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

Indicator type: Financial Performance

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

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

Measured: as a ratio

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

Indicator type: Financial Position

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

Benchmark Indicators – General Fund

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

Benchmark: >1.5:1

2015/16	2016/17	2017/18 Sept
Actual	Actual	Estimate
4.02:1	4.71:1	3.58:1
Pass	Pass	Pass

Comment

The ratio is predicted to fall in 2017/18 in comparison to the 2016/17 result. Whilst the forecast remains a pass in comparison to the benchmark the trend is negative. This serves as a warning that any new borrowings need to have a ready funding source and to keep a close eye on cash reserves.

2. Operating Performance Ratio – General Fund

Benchmark: >0

2015/16	2016/17	2017/18 Sept
Actual	Actual	Estimate
-1.33%	11.39%	-0.05%
Fail	Pass	Fail

Comment

The current forecast for the ratio to June 2018 is looking close to reaching the benchmark. The 2017/18 ratio is inclusive of the income from the temporary rate variation.

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

3. Debt Service Cover Ratio – General Fund

Benchmark: > 2

2015/16	2016/17	2017/18 Sept
Actual	Actual	Estimate
4.93	4.97	2.52
Pass	Pass	Pass

Comment

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

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

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

Benchmark Indicators - Water

1. Unrestricted current ratio - Water

Benchmark: >1.5:1

2015/16	2016/17	2017/18 Sept
Actual	Actual	Estimate
78.58:1	132.47:1	40.06:1
Pass	Pass	Pass

Comments

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

2. Operating Performance Ratio - Water

Benchmark: > 0

2015/16	2016/17	2017/18 Sept
Actual	Actual	Estimate
3.77%	10.03%	7.41%
Pass	Pass	Pass

Comments

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

3. Debt Service Cover Ratio - Water

Benchmark: >2

2015/16	2016/17	2017/18 Dec
Actual	Actual	Estimate
0.0	0.0	0.0
N/A	N/A	N/A

Comments

The Fund has no external borrowings.

Benchmark Indicators - Wastewater

1. Unrestricted current ratio - Wastewater

Benchmark: >1.5:1

2015/16	2016/17	2017/18 Sept
Actual	Actual	Estimate
2.85:1	1.59:1	1.77:1
Pass	Pass	Pass

Comments

This ratio should remain around this benchmark moving forward.

2. Operating Performance Ratio - Wastewater

Benchmark: >0

2015/16	2016/17	2017/18 Sept
Actual	Actual	Estimate
-5.70%	-0.01%	4.32%
Fail	Fail	Pass

Comments

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

3. Debt Service Cover Ratio - Wastewater

Benchmark: > 2

2015/16	2016/17	2017/18 Sept
Actual	Actual	Estimate
0.81	1.02	1.20
Fail	Fail	Fail

Comments

This ratio will fail the benchmark for many years due to the extremely high level of borrowings for the Fund. The forecast is that the ratio will gradually improve year on year as the operating surplus continues to grow.

Section Five – Contractors/Consultants/Legal Expenses

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

Contractor Name	Purpose	Amount (Excl GST)	Award Date	Duration of Contract	Incl in Budget Yes/No
Synergy Resource Management Pty Ltd	Shaws Bay East Arm restoration works	\$189,105	14/12/17	6 months	Yes
Compass Equipment Hire Pty Ltd	Provision for the transport and disposal of biosolids from wastewater treatment plants	Schedule of rates	1/11/17	36 months	Yes
Hanson Construction Materials Pty Ltd	Supply and delivery of pre-mixed concrete	Schedule of rates	1/11/17	24 months	Yes
Holcim Australia Pty Ltd	Supply and delivery of pre-mixed concrete	Schedule of rates	1/11/17	24 months	Yes
Nucon Pty Ltd	Supply and delivery of pre-mixed concrete	Schedule of rates	1/11/17	24 months	Yes
Claude Outdoor	Provision of bus shelter advertising and maintenance	\$167,500	14/12/17	72 months	Yes
Hydrosphere Consulting Pty Ltd	Development of the Lake Ainsworth Coastal Management Plan	\$120,000	23/10/17	7 months	Yes

Consultants

Total expenditure to 31 December 2017 on consultants that meet the definition is detailed below.

Item	Expenditure YTD (excl GST)	Included in Budget Y/N?
Consultancies	\$51,447	Yes

Legal Expenses

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

10.7 Financial Review - 31 December 2017

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

Item	Expenditure YTD (excl GST)	Included in Budget Y/N?
Legal Fees	\$268,000	Yes

The expenditure shown in the table above is for the period ended 31 December 2017. The proposed budget adjustment for legal costs as per this report includes anticipated costs to be incurred for the remainder of 2017/18.

Certification

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

It is my opinion that the Quarterly Budget Review Statement for Ballina Shire Council for the quarter ended 31 December 2017 indicates that Council's projected financial position at 30 June 2018 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

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



Signed Linda Coulter, Responsible Accounting Officer

Sustainability Considerations

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

Legal / Resource / Financial Implications

This report informs Council of actual financial results to date in comparison to budget.

Consultation

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

Options

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

RECOMMENDATION

That Council notes the contents of the December 2017 Quarterly Budget Review and approves the changes identified within this report.

Attachment(s)

Nil

11.1 Heavy Transport Vehicles - PBS Level 2 Routes

11. Civil Services Group Reports

11.1 Heavy Transport Vehicles - PBS Level 2 Routes

Delivery Program Operations Support

Objective To provide information on the Performance Based Standards (PBS) scheme, the transport routes requested within the shire and to seek approval on accepting / rejecting these routes.

Background

Local and regional roads make up almost 90% of the NSW road network. These roads are managed by councils who are responsible for granting route approval for any Restricted Access Vehicle (RAV). Hence local councils play a critical role in improving freight productivity for regional NSW.

The Heavy Vehicle (Mass, Dimension and Loading) National Regulation prescribes the mass and dimension requirements for heavy vehicles to operate under to comply with the General Access Vehicle (GAV) classification. Vehicles that comply with the mass and dimension requirements of the GAV do not require a permit to operate on the public road network (including local government roads).

When complying with the GAV classification vehicles can operate (i.e. drive on our roads) up to a mass limit of 50.5 tonnes without a permit. The exception for this is when a local authority has concerns about the structural capacity of one of its infrastructure assets, such as a bridge, and applies a load limit restriction at this location.

RAVs are vehicles that exceed the mass and dimension requirements. The operator of these vehicles must apply through the National Heavy Vehicle Regulator (NHVR) for approval from Road Managers (being local councils and state road authorities) to access the nominated roads.

Under this regulatory environment Council receives applications for approval for the following vehicle types to operate on local roads:

- B-Doubles
- Performance Based Scheme (PBS) vehicles
- Oversize vehicles
- Overmass vehicles and
- Sugar Cane Harvest Management Scheme vehicles.

These vehicles can seek to operate at General Mass Limits (GML); Concessional Mass Limits (CML); or Higher Mass Limits (HML).

The Road Manager, Council, has the following possible response to applications:

- Consent

11.1 Heavy Transport Vehicles - PBS Level 2 Routes

- Consent with conditions
- Propose an alternative route or
- Reject with justifications.

Justifications for any rejection can include infrastructure suitability, public amenity, public safety, and strategic use of road networks.

The Council has an existing policy, the B Double and 4.6 m High Vehicle Route Assessment for Regional and Local Roads policy to guide the management of heavy vehicles and approvals for their use in the Shire. Council also has a resolved position in respect of the Sugar Cane Harvest Management Scheme.

Since the last update of the Council's policy, one type of permit that is now being sought is for vehicles within the Performance Based Scheme (PBS).

This scheme provides an opportunity for heavy vehicles to achieve higher productivity by increasing their mass limit to 56.0 tonnes. This is a mass increase of 5.5 tonnes from the 50.5 tonne limit that does not need Council approval under the GAV classification.

Recently staff assessed applications for PBS routes and provided a recommendation to Councillors via a Councillor Bulletin item. In response to this recommendation, some Councillors requested a report to be provided so the Council can determine the applications directly rather than under delegated authority.

This report seeks Council's determination of the current applications and proposes a new policy arrangement.

Key Issues

- Impact to road assets – potential of increased damage and reduced lifespan
- Impact to local industry – potential of industry efficiency
- Impact to community – potential opportunities to improve safety on our roads, consideration of impacts or benefits on community amenity

Information

Performance Based Standards (PBS)

Performance Based Standards (PBS) is a national heavy vehicle scheme designed to offer the heavy vehicle industry the potential to achieve higher productivity and safety through innovative and optimised vehicle design.

PBS vehicles are tested against 16 stringent safety standards and four infrastructure standards to ensure they fit the existing road network and are safe.

The load limits PBS vehicles are able to carry is dependent on the road standard.

PBS road network access in NSW is based on four PBS performance levels (Levels 1 – 4).

11.1 Heavy Transport Vehicles - PBS Level 2 Routes

Level 1 roads are similar to general access roads and Level 2 roads are similar to B-Double routes. Council does not have Level 3 or Level 4 roads.

If a road meets Level 2 standards, a PBS configured truck is authorised to carry higher loads (for GML, CML and HML).

The differences in approved loads under each road level, which are currently being requested from local industry, are provided in the following table.

Mass Limit	PBS Level 1	PBS Level 2
GML (t)	50.5	56.0
CML (t)	N/A	57.5
HML (t)	N/A	57.5

The position in favour of permitting PBS vehicles, in the appropriate circumstances, is for any given payload to be moved, there is the potential for an overall reduction in trucks movements on the road as each truck is able to carry more freight.

Not all vehicles are able to carry the higher mass limits, as vehicles require suitable braking, suspension and other required safety standards.

The use of these truck types and the reduced total number of truck movements theoretically provides a safer road network due to the reduced movements.

The vehicles requesting operation within the Ballina Shire local government area under the PBS scheme are for trucks towing a dog trailer. Appearance wise, the PBS Level 2 vehicles would look no different to the standard vehicles currently operating on these roads.

In August 2017, a discussion paper was released by the National Transport Commission (NTC) on *Assessing the Effectiveness of the PBS Scheme*, which highlighted the major safety and productivity benefits of the PBS vehicles.

The assessment found that PBS vehicles were:

- involved in 46% fewer major crashes
- had a reduction of 440 million km in truck travel
- delivered 24.8 percent productivity gains across all commodities
- saved about \$65 million in road maintenance expenses
- saved 94 million litres of fuel in 2016 and reduced CO2 emissions by 250,000 tonnes.

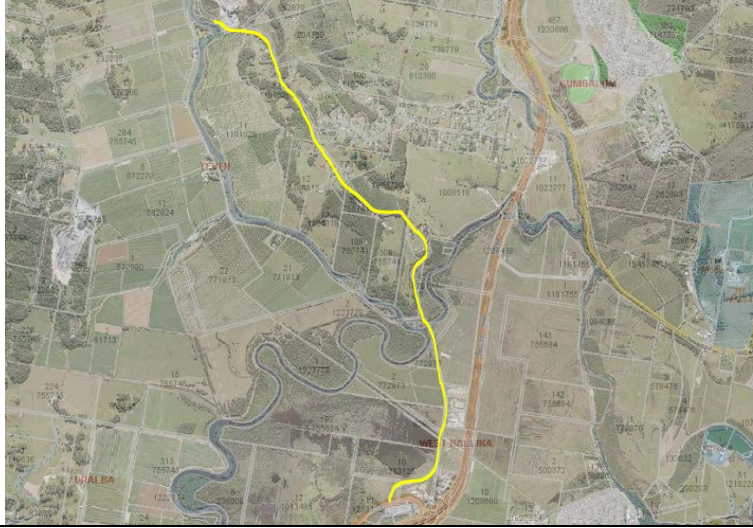
Routes

The routes which Council has received PBS Level 2 permit requests are listed as follows. The information also provides the staff assessment for each application.


All six routes were assessed in accordance with the National Heavy Vehicle Regulator (NHVR) guideline for route assessments.


11.1 Heavy Transport Vehicles - PBS Level 2 Routes

Four of these routes met the infrastructure and public amenity and safety considerations a Road Manager is to assess.



Route 1:	Boral Quarry via Teven and North Teven Road
Description:	Off the Bruxner Hwy, the route includes Teven Road (to the intersection of North Teven Road) and North Teven Road to/from the destination of Boral Quarry.
Map:	
Assessment:	Pass
Infrastructure:	Infrastructure (road, bridges, culverts) are suitable for the increased mass.
Amenity & Safety:	The route is currently used by trucks towing dog trailers up to 50.5 tonnes. The approval of PBS Level 2 would see the safer vehicles on our roads and due to the increased mass, there is a potential for less vehicle movements.

11.1 Heavy Transport Vehicles - PBS Level 2 Routes


Route 2:	Teven Quarry via Teven Road and Stokers Lane
Description:	Off the Pacific Hwy, the route includes Teven Road (to the intersection of Stokers Lane) and all of Stokers Lane to/from the destination of Holcim/Teven Quarry.
Map:	
Assessment	Pass
Infrastructure:	Infrastructure (road, bridges, culverts) are suitable for the increased mass.
Amenity & Safety:	The route is currently used by trucks towing dog trailers up to 50.5 tonnes. The approval of PBS Level 2 would see the safer vehicles on our roads and due to the increased mass, there is a potential for less vehicle movements.

Route 3:	Tuckombil Quarry via Teven and Gap Road
Description:	Off the Bruxner Hwy, the route includes Teven Road (to the intersection of Gap Road) and Gap Road to the entrance of the Tuckombil Quarry.
Map:	
Assessment:	Pass
Infrastructure:	Infrastructure (road, bridges, culverts) are suitable for the increased mass.
Amenity & Safety:	The route is currently used by trucks towing dog trailers up to 50.5 tonnes. The approval of PBS Level 2 would see the safer vehicles on our roads and due to the increased mass, there is a potential for less vehicle movements.

11.1 Heavy Transport Vehicles - PBS Level 2 Routes

Route 4:	Sand & Gravel via Barlows Rd
Description:	Off River Street, the route includes Barlows Road to the Sand & Gravel Site.
Map:	
Assessment:	Pass
Infrastructure:	Infrastructure (road, bridges, culverts) are suitable for the increased mass.
Amenity & Safety:	The route is currently used by trucks towing dog trailers up to 50.5 tonnes. The approval of PBS Level 2 would see the safer vehicles on our roads and due to the increased mass, there is a potential for less vehicle movements.
Route 5:	South Ballina Sand Quarry, Pacific Hwy to South Ballina Beach Road (north)
Description:	Off River Street, the route includes Burns Point Ferry Road, crossing the ferry, and South Ballina Beach Road to Sand & Gravel Site.
Map:	
Assessment:	Fail
Infrastructure:	Infrastructure (road, bridges, culverts) are not suitable for the increased mass - Insufficient stopping / turning bay - unsealed section South Ballina Road.
Amenity & Safety:	The route is currently used by trucks towing dog trailers up to 50.5 tonnes. The road infrastructure for this route is not suitable for higher mass limits.

11.1 Heavy Transport Vehicles - PBS Level 2 Routes

Route 6:	South Ballina Sand Quarry, Pacific Hwy to South Ballina Beach Road (north)
Description:	Off Pacific Highway, the route includes River Drive and South Ballina Beach Road to Sand & Gravel Site.
Map:	
Assessment:	Fail
Infrastructure:	Infrastructure (road, bridges, culverts) are not suitable for the increased mass - Bridge 57 on River Drive, Empire Vale (about 0.44km north of Martins Lane) is in poor condition, it has been classified as impaired - Insufficient stopping / turning bay - unsealed section South Ballina Road.
Amenity & Safety:	The route is currently used by trucks towing dog trailers up to 50.5 tonnes. Due to the bridge being impaired, public safety and amenity would be at risk if permits were issued.

Approvals

On approval of a route, the Road Manager can issue a single permit for an approved period of time (usually one to three years). At the Road Manager's request, the approval can include conditions based on travelling that specific route.

Alternatively, the Road Manager can issue a pre-approval for a route to NHVR. This is ideal for frequently requested routes with the benefits minimising time spent on requests and providing faster turnaround time for local operators. These pre-approval permits are still required but the assessment is simplified. The Road Manager can still control access, set conditions and revoke at any stage.

In both cases, if the Road Manager requests to revoke a permit issued to an operator, this can be executed through the NHVR.

Sustainability Considerations

- **Environment**
There can be environmental benefits from less truck movements and less emissions and fuel usage.

11.1 Heavy Transport Vehicles - PBS Level 2 Routes

- **Social**
Improving safety on local roads through the reduction of heavy vehicle movements and allowing the vehicles with higher safety standards.
- **Economic**
Accepting routes that are deemed suitable for the increased capacity to ensure no financial loss is imposed on Council through increased road maintenance and reduced asset lifespan. Improving efficiencies for local industries to operate within our shire.

Legal / Resource / Financial Implications

The Heavy Vehicle National Law (HVNL) 2013 prescribes that if an application is refused, a written statement needs to be provided that explains the Road Manager's decision to refuse to give consent (section 166).

The written statement of refusal must set out the findings on material questions of fact, referring to evidence or other material on which those findings were based and giving reasons for the decision (section 172).

Consultation

Local Operators

As Boral is one of the more frequent applicants for PBS Level 2 permits, staff consulted with their Operations Manager to understand further local business and transport logistics.

A copy of a letter issued by Boral discussing their position is attached to this report. The letter reports the improved safety standards and notes the PBS level 2 trucks are less than a metre longer than traditional trucks.

Furthermore the letter notes in the preceding 12 months, based on the tonnage delivered from their Teven Quarry, if a PBS approval had been in place there was a potential reduction of 500 trips in the year.

Other Road Managers of Local Government

Consultation occurred with the other local government areas within the region to understand their position in regards to PBS Level 2.

Clarence Valley Council	Pre-approvals issued for a small number of routes. These are mainly associated with works for the highway upgrade. Otherwise individual permits are issued on a case-by-case basis.
Tweed Shire Council	No pre-approvals issued, only individual permits issued on case-by-case basis. The only routes they consider for PBS vehicles are roads accessing quarries.
Richmond Valley Council	No pre-approvals issued, only individual permits issued on case-by-case basis. Permits have been issued to routes accessing quarries to reduce the total number of trucks operating on the roads.

11.1 Heavy Transport Vehicles - PBS Level 2 Routes

Lismore City Council	No pre-approvals issued, only individual permits issued on case-by-case basis.
Byron Shire Council	No pre-approvals issued, only individual permits issued on case-by-case basis.
Tenterfield Shire Council	No pre-approvals issued, only individual permits issued on case-by-case basis.

New Policy

The assessment of these RAV applications, which are not a B-Double or 4.6m high vehicle, identified a gap in Council's policies.

In response a new policy titled 'Restricted Access Vehicles on Local Roads' is attached to this report.

It is recommended that this policy replace the existing 'B-Double & 4.6m High Vehicle Route Assessment'.

The previous policy directions of Council in relation to B-Double and High Vehicles have been incorporated without change in the new policy.

The new policy also provides assessment details of the other classes of RAV applications, including PBS, and proposes delegated authority be made to the General Manager to determine the applications.

Delegated authority is recommended as the assessment is a technical one, subject to the Council accepting the policy advice that PBS vehicles generally offer safety and amenity advantages to the community, and under the regulation, refusal requires certain conditions to be met.

Options

The options available for the four routes (routes titled 1 to 4) assessed as passing assessment conditions:

1. Issue a single permit for three years to the operators.

This option enables Council to monitor any impacts to our assets and the local community over this period of time. If issues arise that are a result of granting the PBS permit, the permit can be modified (changes/additions to the conditions) or revoked.

2. Issue a pre-approval (or gazette) for the frequently requested routes.

The benefits of issuing a pre-approval for a specific route minimises requests and provides a faster turnaround time for local industries. The permits are still required but the assessment is simplified.

As per option one, this option can be monitored and modified/revoked at any stage.

3. Reject these current, and any future, applications for PBS vehicles to travel on these routes.

11.1 Heavy Transport Vehicles - PBS Level 2 Routes

The Council can reject some or all of the current applications discussed above. As per the legal implications section of this report, Council is required to justify this position (within the meaning of the regulations).

Option three is not recommended due to the benefits that the PBS vehicles provide to the local industry and the local community. The vehicles offer higher productivity, potential for reduced vehicle movements and safety through innovative and optimised vehicle design.

The routes requested are for access to quarries and resource supply sites. As there are already heavy vehicles travelling on these local roads, it is recommended, based on the staff assessment of the infrastructure (in accordance with the guidelines) to issue a permit via Option One or Option Two for those routes that have passed the technical assessment.

The recommendation to this report is to issue a pre-approval or gazette (Option Two) for the four routes. This is due to life expectancy of the quarries and resource sites and the duration of the highway upgrade works occurring within close proximity of Ballina Shire. This option is recommended as it is the most efficient administratively for Council and the applicants.

As per the information section in this report, it is also recommended Council rescind its existing heavy vehicle policy and replace it with the draft policy attached to this report.

RECOMMENDATIONS

1. That Council approves the applications for the following road routes to be Performance Based Standard routes.
 - Route 1 - Boral Quarry via Teven and North Teven Road
 - Route 2 - Teven Quarry via Teven Road and Stokers Lane
 - Route 3 - Tuckombil Quarry via Teven and Gap Road
 - Route 4 - Sand & Gravel via Barlows Road
2. That Council adopts the Restricted Access Vehicles on Local Roads Policy, as attached to this report.
3. 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 and the existing B-Double & 4.6m High Vehicle Route Assessment Policy is rescinded.

Attachment(s)

1. Letter - Boral to Council - PBS Level 2 Scheme
2. Policy - Restricted Access Vehicles (RAV) accessing Local Roads - Draft

11.2 Fair Go Skateboarding Event

11.2 Fair Go Skateboarding Event

Delivery Program Open Spaces and Reserves

Objective To review Council's interest in the Fair Go Skateboarding Event.

Background

Council currently allocates a budget of \$4,000 for the coordination of a youth skateboarding event, referred to as Fair Go.

The Fair Go Skateboarding Competition has been operating since 2001, and was initially coordinated by the Ballina District and Community Services Association (BDCSA). It is the longest running skateboard competition in Australia.

Council has supported this local youth event since its inception, with Council's original financial assistance being reduced from \$10,000 to \$4,000 following the event being linked with the Ballina Prawn Festival. The Ballina Prawn Festival received \$30,000 in funding from Council in 2017/18 and will receive \$20,000 for the 2018/19 event.

In April 2017, Council called for expressions of interest (EOI) for the coordination of the event for 2017 and 2018. Council received one EOI from Truckstop Sk8 who undertook management of the 2017 event in conjunction with the Ballina Prawn Festival on 11 November 2017. They have managed the event successfully for the past three years.

Council resolved in August 2017 to award \$4,000 in funding for the 2017 event to Truckstop Sk8 and that a finance agreement be executed by the General Manager, including an appropriate acquittal process, subject to there being no competitor/participant entry fee to the Prawn Festival.

Spectators and family members of skaters are still required to pay for entry into the Prawn Festival. The acquittal form and supporting documents for Fair Go were received and processed in December 2017.

Council also resolved to receive a report reviewing the event and the following is provided in response to the resolution.

Key Issues

- Event sustainability
- Level of Council involvement and support

Information

Skateboarding is a popular activity and Council has constructed two skate parks (Lennox Head and Ballina) and is currently developing a third park (Wollongbar) to support and encourage the sport for youth in our region.

11.2 Fair Go Skateboarding Event

Skate competitions of this nature showcase these popular facilities as well as attracting visitors from other regions and interstate in accordance with the Council's Destination Management Plan 2014 - 2020.

Fair Go is the longest running skateboard competition in Australia. Truckstop Sk8 has been responsible for the significant growth of this event in the past three years. The number of competitors has increased substantially with last year's registrations totalling 169 compared to 104 in 2016. Prior to this, the event had been suffering with a reduction in competitor numbers and prizes and was being run by different skateboarding groups and individuals.

This event now attracts some of the best riders in Australia and offers some great prizes. Competitors travelled from as far north as Cairns in north Queensland to Ulladulla on the south coast of NSW in the 2017 competition.

It has also become a nationally sanctioned three star event through the Australian Skateboarding Federation. This means competitors generate points towards the national ranking system and these points are crucial for competitors aiming to compete at the 2020 Olympics in Tokyo.

Truckstop Sk8 has negotiated with the Prawn Festival managers to continue to provide free entry for competitors to the festival. This partnership allows the competition to be run on a small budget by offering and providing Fair Go the necessary assistance with the promotions and marketing, waste management, security, amenities, food and drink stalls and other infrastructure.

The current arrangement between Truckstop Sk8 and the Prawn Festival is the preferred model to continue to expand the event. Therefore the question for Council is whether Council is satisfied to continue to subsidise the event with public funds when it is hosted by a commercial operator, albeit an operator who can largely be considered a volunteer.

As per the information above, like other sporting events, the competition provides a number of positive social and economic outcomes.

Truckstop Sk8 are of the opinion the event is not feasible without Council's contribution, however it is noted no competitor entry fee is charged and prize money is made available.

Based on the current funding and number of competitors, Council provides approximately \$24 of contribution towards each competitor.

Therefore an entry fee of this amount is not unreasonable or inconsistent with other events or competitions held in the Shire. The organisers can presumably also consider further sponsorship opportunities or reduced prize money and rely on the event status and other benefits to secure competitor interest.

By way of information, other sporting events attract a much larger number of competitors and supporters that currently do not receive Council funding, such as major touch football, lawn bowls, tennis and junior cricket carnivals.

Council does support some of these events, like the Skate completion, through the general maintenance and provision of our facilities. Other higher profile Council supported events, such as the Skull Candy Oz Grom Open is currently funded approximately \$147 towards each competitor.

11.2 Fair Go Skateboarding Event

In terms of public money, the Council is allocating funds to a commercial operator who does not charge entry and provides prize money which is inconsistent with other events hosted by community groups, charging participation fees and providing no prize money.

Council therefore needs to be satisfied the public benefits (economic development, social outcomes, tourism, promotion of skating, support to the Prawn Festival) are sufficient in the circumstances to continue the financial support.

While Council does not typically fund sporting pathway or participation development, it is also possible for Council to allocate and use these funds in alternative ways to supporting this event, such as hosting junior or introductory coaching for local skateboarders. Arguably this could represent better value for Council's funds

The key point from this discussion is the event continues to be successful and Council's financial contribution is a factor in this success, however it is appropriate (and timely) for Council to review its position.

While it is appropriate for Council to continue to make its allocation, as per the above Council, in making its decision Council should be mindful of the wide range of events held within the Shire and the varying level of support provided by Council to these events. Council should continue to determine its support for these different events based on the circumstances relevant to each.

Also the Council contribution can be viewed, not based on the allocation per competitor, but also to the benefits gained by the many spectators that attend these events.

Sustainability Considerations

- **Environment**
Events are managed to limit adverse environmental impacts.
- **Social**
Events provide social benefits to the broader community.
- **Economic**
Events make a positive contribution to the local economy.

Legal / Resource / Financial Implications

A total of \$4,000 has been allocated in the draft 2018/19 budget towards this event. The expenditure will be subject to an acquittal process.

The funds allocated are outside of the standard timeline for the budgetary process.

Given the nature of festivals and events, and the need for organisers to be aware of their overall budget prior to commencing their planning phase, this timeline is considered appropriate.

11.2 Fair Go Skateboarding Event

Consultation

Truckstop Sk8 have advised that they cannot manage Fair Go without Council's financial support, additional cash sponsorships and operating as an integral element of the Ballina Prawn Festival.

Truckstop Sk8 is professional, fully insured and have arranged continued and substantial sponsorship for each competition and successfully managed the competition on the available funding from Council.

Council does not have the industry contacts or resources to manage a successful skateboarding event/competition internally with the current budget allocated.

Council currently does not direct manage community events (excluding Australia Day) but promotes events through its Festival and Events sponsorship program. There are limited activities within this program specifically aimed at promoting youth programs such as Fair Go.

An advertised expression of interest process has been undertaken in 2017 resulting in one application from Truckstop Sk8. The matter has also been the subject of a number of Council reports.

Options

1. Given the track record and prior experience of the existing event coordinators, an option is to grant the \$4,000 funds to Truckstop Sk8 to organise the 2018 Fair Go Skateboarding event in line with the expression of interest process previously undertaken.

Council could also decide to continue with the expression of interest process for the remainder of this term of Council by also making a commitment to the event for an additional year being 2019 as this provides some financial security to the successful applicant.

2. Alternatively, Council may wish to consider not proceeding with funding the skateboarding event. The amount of \$4,000 could be reallocated to fund other sporting or youth focused events, or removed from the budget as a saving.

The recommendation follows the current position of Council.

RECOMMENDATION

That Council continue to grant \$4,000 funds to Truckstop Sk8, the successful applicant of the expression of interest process completed in 2017, to organise the Fair Go skateboarding event for 2018 and 2019, subject to a finance agreement between Council and Truckstop Sk8.

Attachment(s)

Nil

11.3 Waste Legislation Reforms and Council's Waste Diversion

11.3 Waste Legislation Reforms and Council's Waste Diversion

Delivery Program Waste Management

Objective To provide information on the proposed Waste Legislation Reforms that may significantly impact on our current waste management operation and provide an update on the progress of Council's Waste Diversion Program.

Background

The NSW EPA has released public consultation draft changes to the Protection of the Environment Operations (POEO) (Waste) Regulation 2017 and the POEO Act 1997.

The proposed changes have come about in an effort to stop the exhumation and transportation of waste from NSW to other states.

The proposed legislation has revoked the proximity principle that allows facilities situated within 150 km of the border to lawfully transport waste interstate and is looking to impose licence based control measures instead.

This report provides an overview of the proposed legislative changes and the potentially significant implications on our current waste management operations.

The report also responds to a recent resolution in respect to an update on Council's waste diversion program.

Key Issues

- Council will not be able to maintain current operations in that all waste (excluding scrap metal or waste transported in an emergency) brought onto site must be landfilled rather than sent offsite for recycling, reprocessing or disposal.
- Assuming waste was permitted to leave the site, Council would not be able to claim the transported waste deduction (the NSW EPA waste levy currently \$79.60/tonne) under our current licence for any waste transported from site (excluding scrap metal or waste transported in an emergency).
- Council must obtain an additional landfill licence such as a resource recovery licence to permit material to be sent offsite for processing, resource recovery or disposal (and to also be exempt from incurring the waste levy).
- Waste diversion progress and options

Information

1. Waste Legislation Reforms

Baling and landfilling activities ceased at Council's landfill in July 2013 to conserve remaining landfill capacity and utilise more cost effective waste disposal options. As a result, the landfill site operates as a waste transfer station. All waste received at the Ballina landfill is consolidated and bulk hauled from site for resource recovery, processing or disposal.

The Ballina Waste Management Centre (WMC) is licensed as a scheduled waste disposal facility, and under the proposed changes (Clause 110B) only scrap metal, virgin excavated natural material (VENM) or material transported in an approved emergency will be permitted to be transported offsite.

The result of this change would mean that the following established recyclable materials will not be permitted to be transported from our facility for further processing and resource recovery:

- Kerbside comingled recyclables
- Green waste
- Concrete and brick
- all material collected at the Community Recycling Centre (CRC) that collects household problem waste
- Material recovered for sale at the tip shop
- Paper and cardboard
- Plastic (drum muster)
- E-waste.

Whilst the intent of this legislation is not to force the Ballina WMC to landfill 20,000 tonnes of recyclable and recoverable material per year, this will be the reality under our licence conditions. The reason most of our recycling efforts are undertaken off site is to generate economies of scale through resource sharing.

Transported Waste Deduction (Waste Levy)

The 2017/18 NSW EPA transported waste deduction (waste levy) is \$79.60/tonne and will rise to an estimated \$81.35/tonne for 2018/19.

Clause 16 (3) states that the transported waste deduction is not available for any waste transported from a scheduled waste disposal facility unless the waste was transported in an emergency to protect human health and the environment, the waste is scrap metal going offsite for processing or the waste comprises VENM.

Assuming waste was permitted to leave the site, the WMC would not be able to claim a rebate for the levy upon transportation from site. The worst case scenario is that Council could have to pay the waste levy twice for waste transported from site and disposed at another NSW landfill.

11.3 Waste Legislation Reforms and Council's Waste Diversion

Resource Recovery Licence

To permit material to be sent offsite for processing, resource recovery or disposal (and to also be exempt from incurring the waste levy) Council must separate the current licence into a resource recovery licence and a waste disposal licence.

There are concerns about Council's ability to obtain a new resource recovery licence for the following reasons:

- Various standards have changed over time and it is not clear whether Council can adequately demonstrate development consent for the proposed land use activity due to its long history of operation.
- The proximity to the airport may affect any future development consent or licence applications - some recommendations place development restrictions on development activity and land uses, notably waste disposal sites, within 13 km of airports.
- Resource recovery licences apply to an excised portion of a site where all resource recovery activities are undertaken only. It may not be physically possible to delineate these areas and associated infrastructure.

If a resource recovery licence cannot be obtained, Council will be forced to make the following operational changes:

- All waste other than scrap metal to enter the site will need to be landfilled.

The design of the southern landfill cells is for baled waste only, and streams such as building and demolition waste are unsuitable to be baled as the cells are not constructed to withstand traditional *in-situ* compaction of unconsolidated material.

Council may need to consider not accepting material at the Ballina WMC that is unsuitable for baling and landfilling.

Restrictions on resources that can be recycled such as green waste, concrete and brick, cardboard, E-waste etc. may be required in the future.

The baler has not been operated for waste disposal since 2013. The proposed legislation does not allow for alternative approved waste disposal methods in the event of mechanical failure of critical site infrastructure such as the baler.

In addition, the Ballina WMC has an estimated landfill lifespan of 4.6 years. It is intended to use this capacity for emergency storage, however under the proposed clause will be forced to utilise this redundancy.

There will be significant expense and time required to undertake integrity checks and prepare the waste cell for landfilling.

Recent discussions with the EPA suggest that legislation changes will be made within the next four to five months.

11.3 Waste Legislation Reforms and Council's Waste Diversion

- Direct haul kerbside recyclables to Northern Rivers Waste, Lismore.

Our waste is currently unloaded at the Ballina WMC and transferred into bulk containers for transport to Lismore for operational efficiency and environmental considerations.

Once legislation is changed and under the current licence, everything that enters the site must be landfilled. To avoid landfilling our kerbside recyclables, Council would need to direct haul this material the Lismore (in the garbage collection trucks).

Based on the tonnages from 2016/17, this represents a lost gate fee income of \$1,200,000 per year. Additionally, the kerbside collection costs will increase by \$300,000 per year to reflect additional haulage times.

An extra collection truck (capital cost of \$420,000) will be required to maintain the collection service and there will be no redundancy for plant breakdowns.

Other consequences:

- The revolve centre (tip shop) won't be able to operate as waste must not be transported from the facility.
- The EPA funded Community Recycling Centre (CRC) that opened in 2016 will also have to close as much of the material collected (including some liquid waste) is not suitable for disposal at our facility.
- The anticipated community response if we are forced to landfill all separated recyclable material due to government reforms.
- There will be significant additional financial costs to undertake landfilling at the WMC.
- Increased gate fees to reflect more expensive landfilling methods will increase the frequency of illegal dumping.

Staff have already sent a submission to the EPA in response to the reforms and we have consulted directly with EPA officers.

In light of the significant impacts that would result if the reforms proceed as proposed the recommendation to this report is for the Mayor and staff to meet with State Government representatives to seek their assistance to identify alternate proposals that will address the Government's policy objectives without the negative impact to Council.

2. Waste Diversion Program

Council resolved at the January 2018 Ordinary meeting to receive an update on the progress of Council's waste diversion program.

The waste diversion program is incorporated into Council's strategic waste plan that is currently being revised. This plan cannot be completed until resolution is reached with regard to the proposed legislation change summarised in this report.

The NSW EPA Waste Avoidance and Resource Recovery Strategy (2014-21) provides long-term targets across the six key result areas:

11.3 Waste Legislation Reforms and Council's Waste Diversion

- Avoid and reduce waste generation
- Increase recycling
- Divert more waste from landfill
- Manage problem wastes better
- Reduce litter
- Reduce illegal dumping

Council engaged consultants in late 2016 to undertake a waste composition audit of our kerbside waste and recycling services. Results of this audit are regularly used in our community connect “waste watch” articles to target specific waste behaviour.

Our current average municipal solid waste diversion rate is 61%. Diversion rates can be improved through maximum utilisation of our recycling and food organic and garden organic (FOGO) bins.

A recommendation of the draft strategic waste plan is the focus on waste education. A part time waste education officer position is being created from NSW EPA grant funding to introduce programs and initiatives to reduce kerbside waste contamination and increase utilisation of our recycling and food organic and garden organic (FOGO) services.

Initiatives to improve commercial & industrial and construction & demolition landfill diversion rates continue to be implemented at the WMC. We have revised site screening processes to include the use of our asbestos detector gun to improve the quality of site stockpiled material (by reducing the rates of contamination by products such as asbestos).

Improved stockpile quality will enable additional re-use opportunities for material such as green waste and concrete and brick to be considered. These solutions include local resource recovery operations who could accept these waste streams if stockpile quality control was improved.

Outside of the education program (to be expanded), it is difficult to improve diversion rates without investing in infrastructure and plant, however this investment has been deferred due to the ongoing uncertainty in respect of the Government’s reform program.

If Councillors would like to explore the current strategy, or other waste diversion opportunities, further it is suggested a briefing be held once sufficient clarity is established about the reform program.

Sustainability Considerations

- **Environment**

If a resource recovery licence cannot be obtained, the proposed Clause 110B could force the Ballina WMC to landfill 20,000 tonnes of recyclable and recoverable material per year. The loss of quality reusable resources to landfill represents a significant environmental loss.

11.3 Waste Legislation Reforms and Council's Waste Diversion

The transported waste deduction for material sent to another place for lawful use, recovery, recycling, processing or disposal provides a financial incentive to maximise resource recovery opportunities. Changes to this levy will make it cost prohibitive to maximise the more expensive resource recovery and recycling activities at the site.

The direct hauling of waste and recycling material to Lismore will significantly increase the number of trucks driving to and from Lismore, which will have a flow on environmental effect.

Council anticipates an increase in the frequency of illegal dumping as a consequence of reduced landfill services and/or increased gate fees. Illegal dumping is a problem that Council has invested significant resources to address.

- **Social**

The proposed legislative changes will likely generate community outrage. The message that all recyclable material separated and collected from the community will end up being landfilled due to government reforms directly contradicts the NSW EPA Waste Avoidance and Resource Recovery Strategy and all the programs funded under the better waste recycle fund.

The tip shop recovers saleable goods after they have been received at the Ballina WMC. Under their contract they are not permitted to accept goods directly from the public. Proposed legislative changes will prevent this material from being recovered from the WMC. This will result in the closure of the tip shop and the subsequent loss of jobs (including a significant number of special needs employees) that fulfil an important community service.

Similarly, our new community recycling centre at the WMC, which was established under NSW EPA grant funding and opened in 2016 will have to close. This centre provides a great service and has proved highly successful in removing common household problem waste for recycling. Grant funding for this program is to continue until 2021, but under the proposed Clause 110B this waste will not be permitted to be transported from the site.

Any potential changes to the Ballina WMC will affect the community who expect to be able to dispose of waste within their Shire.

- **Economic**

The fees and charges for the waste management centre will need to be revised to reflect potential operational changes. An efficient waste management centre is a service that supports local business and investment

Legal / Resource / Financial Implications

Council may seek legal representation if we are not satisfied with the outcomes of the EPA consultation and meeting process.

11.3 Waste Legislation Reforms and Council's Waste Diversion

Any changes to our current waste management processing system will have significant financial implications. If we are required to direct haul all our kerbside collection material, there will be a loss of gate fee income in the order of \$3,000,000 annually.

This will be exacerbated by an increase in collection costs of \$300,000 per year with an additional capital cost of \$420,000 for an additional garbage truck.

The landfill disposal fee for putrescible waste at Northern Rivers Waste (Lismore) will cost \$1,840,000 per year (this is \$1,100,000 per year more than the current interstate costs).

Landfilling at our site is considered a last resort option with only 4.6 years landfill capacity remaining. The cost of baling and landfilling waste, when incorporated with landfill post-closure costs is greater than offsite disposal.

The site is less than ideal for construction of additional cells as the final landfill cell height is severely impeded by operational airspace restrictions and when combined with unfavourable geotechnical and shallow groundwater conditions, more affordable alternatives exist elsewhere.

There will be significant additional financial costs to undertake landfilling at the WMC. Council has a duty of care to act in the best interests of our rate payers to conduct services efficiently and economically.

Council will address the implications for future landfilling at the WMC as part of the Strategic Waste Plan.

The other major issue for Council is that we have a \$2m dividend from the Landfill and Resource Management (LRM) reserve scheduled for 2018/19 to fund the Ballina Indoor Sports Centre (BISC). The BISC is being funded by \$5m in dividends from the LRM reserve (\$1m 2016/17, \$2m 2017/18 and \$2m 2018/19), along with a \$3m allowance for a grant. Council will need to sell a commercial property if the grant is not secured.

Based on the contents of this report the \$2m dividend in 2018/19 may well not be available which will place significant extra financial pressure on Council, remembering we still have not yet secured the grant for the remaining \$3m.

Consultation

Council provided detailed comments during the submission period and will meet with the NSW EPA over the coming weeks to identify a potential way forward.

Alternatives such as a licence amendment or specific exemption from provisions of the Act and Regulations will be sought to avoid the unnecessary landfilling of recyclable material.

Options

This report is largely for noting and Council will continue to meet with the relevant agencies to pursue changes to the proposed legislation. It is also recommended that Council write to the relevant members of parliament to highlight the implications of the proposed legislation on Council.

RECOMMENDATIONS

1. That Council continue to liaise with the NSW EPA to develop an acceptable licensing solution to permit current site activities and operation at the Ballina Waste Management Centre and landfill site.
2. That Council write to the local parliamentary members seeking support and assistance to highlight the major impact to Council's waste operations and environmental sustainability programs associated with the State Government's waste legislation reforms.

Attachment(s)

Nil

11.4 Tender - Alstonville Gravity Sewer Main Upgrade

11.4 Tender - Alstonville 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 Alstonville 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 the existing gravity sewer is planned. This involves increasing the diameter of the sewer from Geoff Watt Oval to the Alstonville Wastewater Treatment Plant, a length of approximately 1800 metres.

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 the Water and Wastewater Construction Crew will deliver the majority of the planned upgrade works. A portion of the works could be more easily delivered through trenchless construction methods, which cannot be performed by the internal crew.

In January 2018 tenders were called to undertake the trenchless construction of a 375mm gravity sewer main as part of the Alstonville Gravity Sewer Main Upgrade. Four tenders were received by the close of the tender period. This report details the outcomes of the tender evaluation process.

Key Issues

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

Information

Tender submissions were received from:

- Codmah Pty Ltd
- Bothar Boring and Tunnelling Pty Ltd
- DJ MacCormick Contractors Pty Ltd
- Tunnel Boring Australia

11.4 Tender - Alstonville Gravity Sewer Main Upgrade

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

- Project Experience
- Methodology
- References
- Key Project Personnel
- Insurances
- Quality Management Systems
- WHS Management Systems
- Environmental Management Systems

The Codmah Pty Ltd and Tunnel Boring Australia submissions did not meet all the mandatory criteria, and were not assessed further.

The assessment of the remaining two conforming tenders was finalised using the following weighted selection criteria:

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

The lowest priced conforming tender was nearly double the project budget allowance for the tendered parcel of works. The project allowance was based on a high level estimate based on previously quoted rates by local suppliers.

Due to current workloads, local suppliers did not tender for these works, meaning only national tier one contractors tendered.

While the tendered prices may reflect current market conditions, it is not possible to demonstrate that they represent value for money in terms of delivery of this project.

Further information in respect of the pricing has been provided to Councillors through a confidential memorandum separate to this report.

Sustainability Considerations

- **Environment**

Upgrade of the existing sewer main is critical for ensuring available capacity is maintained in the sewer while growth of the network continues in the upstream Alstonville area. Augmenting the line will minimise potential surcharging of wastewater into the surrounding environment. 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.

11.4 Tender - Alstonville Gravity Sewer Main Upgrade

- **Economic**

As the tendered prices for the works are significantly in excess of the project budget, the project team is currently reviewing the scope of works and the construction methodology to ensure the project outcome is delivered as efficiently as possible.

Legal / Resource / Financial Implications

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

The tendered prices for the trenchless construction portion of the works do not exceed the total project budget, but greatly exceed the budget allowance for this portion of work. Accepting a tender for these works at the tendered prices would place an unacceptable level of risk on the project budget.

Consultation

A public tender process was undertaken.

Options

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

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

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

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

Accordingly,

1. Council may award the contract to lowest priced conforming tenderer.
2. Council may determine not to accept any of the tenders received and 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.

11.4 Tender - Alstonville Gravity Sewer Main Upgrade

Option one is not recommended as Council has undertaken the tender process in accordance with the *Local Government (General) Regulation 2005*. The tenders submitted would indicate a fair test of the market, however the tendered rates are in excess of the allowable budget.

Option two is recommended as the preferred option. Staff will review the methodology to undertake the works to ensure compliance with the budget.

RECOMMENDATIONS

1. That Council, in accordance with the *Local Government (General) Regulation 2005*, declines to accept any tenders for the Alstonville Gravity Sewer Main Upgrade as the tendered prices are well in excess of the project budget for this work.
2. That Council, also in accordance with the *Local Government (General) Regulation 2005* authorises the General Manager to 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.
3. That upon the conclusion of any successful negotiations, Council authorises the General Manager to execute and affix the Council seal to the relevant contract documents.

Attachment(s)

Nil

11.5 Policy (Review) - Filming on Public Land

11.5 Policy (Review) - Filming on Public Land

Delivery Program Open Spaces and Reserves

Objective To review the Council's Filming on Public Land Policy.

Background

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

Council first adopted this policy in September 2010 and it was last reviewed in March 2014.

Key Issues

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

Information

The content of the existing policy is consistent with information contained in the Local Government Filming Protocol produced by the Office of Local Government (copy available on their website www.olg.nsw.gov.au). The filming protocol was developed in consultation with local councils, government agencies and the film industry to ensure that New South Wales remains "film friendly" whilst endeavouring to maintain an appropriate balance between community and economic concerns.

Under the protocol, councils are required to ensure that requests for film productions proposed within respective local government areas are facilitated, unless there are exceptional circumstances or legislation which requires the local council to refuse to grant the approval. Local councils must comply with the Local Government Filming Protocol when determining applications and setting fees.

The Council's policy refers directly to the Local Government Filming Protocol, thereby avoiding unnecessary duplication of information and providing a clear process for lodging an application and obtaining approval. This referral process ensures a more accurate and efficient mechanism with respect to Filming Protocol updates.

Otherwise the policy is still considered to be contemporary and reflective of current legislation, therefore no further changes are recommended. A copy of the amended policy is attached to the report.

Sustainability Considerations

- **Environment**
Depending on the nature and location of the proposed filming, additional environmental assessments and approvals may be required.
- **Social**
Film and television related businesses generate employment opportunities.
- **Economic**
The multiplier effects of the film industry provide significant economic benefits to the Ballina Shire.

Legal / Resource / Financial Implications

Administration and implementation of the policy is undertaken within the resources allocated by the Council.

Consultation

Consultation concerning this review of policy has occurred internally with Council's Civil Services Group. Consultation beyond this does not appear necessary as the Local Government Filming Protocol is prepared and produced by the Office of Local Government, which has been through a community and stakeholder consultation phase.

Options

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

RECOMMENDATIONS

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

Attachment(s)

1. Policy - Filming on Public Land

11.6 Policy (Review) - Asset Management

11.6 Policy (Review) - Asset Management

Delivery Program Asset Management

Objective To review the Council's Asset Management Policy.

Background

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

Council first adopted this policy in 28 January 2010 and it was last reviewed in 2014.

Asset Management Planning is a fundamental component within Council's Resourcing Strategy. A Resourcing Strategy is a requirement of the NSW Government's Integrated and Reporting Framework and ensures the stewardship of Council's assets supports the outcomes of the Community Strategic Plan.

Best practice Asset Management Planning involves the adoption of a framework that includes an Asset Management Policy, an Asset Management Strategy and Asset Management Plans.

The purpose of the Asset Management Policy is to set guidelines for implementing consistent asset management processes throughout Council.

Key Issues

- Whether the policy meets the requirements of Council and current legislation
- Levels of service
- Financial sustainability of Council's assets
- Asset management principles

Information

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

- The template for Council policies has changed since this policy was adopted and the new template includes information on definitions, policy history etc.

The changes have been marked in yellow.

Otherwise the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended. A copy of the updated policy is attached to the report.

11.6 Policy (Review) - Asset Management

As per that document the policy is a rather broad document outlining the principles that Council will follow in managing its assets. A far greater level of detail is outlined in the Asset Management Plans and the Asset Strategy.

Sustainability Considerations

- **Environment**
The planning of infrastructure needs, assists to mitigate the impacts of the built environment on the natural environment.
- **Social**
Assets provide service potential that support the social need of the community.
- **Economic**
Infrastructure services are required to support ongoing economic development.

Legal / Resource / Financial Implications

Asset management planning is considered vital to the financial planning of Council. Asset management planning can assist the Council understand the amount of funds required to maintain its assets. It can also allow the Council to understand the extent of its capacity to acquire new assets.

Consultation

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

Options

Council may accept or amend the proposed changes to the policy. The changes included are largely housekeeping therefore it is recommended that the policy be adopted as presented. It is also recommended that if no submissions are received from the exhibition process, the policy be adopted with no further actions required.

RECOMMENDATIONS

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

Attachment(s)

1. Policy (Review) - Asset Management

12. Public Question Time

12. Public Question Time

13.1 Notice of Motion - Lennox Head Community Centre - Ceiling Fans

13. Notices of Motion

13.1 Notice of Motion - Lennox Head Community Centre - Ceiling Fans

Councillor

Cr Cadwallader

I move

That Council examine the cost of installing commercial ceiling fans at the Lennox Head Community Centre as part of the preparation of the 2018/19 Delivery Program and Operational Plan.

Councillor Comments

The cost of installing air-conditioning at the Lennox Head Community Centre has been estimated in the hundreds of thousands of dollars and is currently beyond our existing resources unless we are lucky enough to secure grant funding. The cost of operating air-conditioning is also expensive.

It would be interesting to know whether there is a more financially viable option to include ceiling fans (or possibly some other form of large fans) in the centre to improve the conditions on hot days. Council does a great job in conducting Australia Day at the centre however it does get very uncomfortable for people in the audience due to the heat and we should be trying to rectify this if we can.

COUNCILLOR RECOMMENDATION

That Council examine the cost of installing commercial ceiling fans at the Lennox Head Community Centre as part of the preparation of the 2018/19 Delivery Program and Operational Plan.

Attachment(s)

Nil

13.2 Notice of Motion - Public Transport Signage

13.2 Notice of Motion - Public Transport Signage

Councillor

Cr Cadwallader

I move

That Council receive a report on options to refresh the BalTran signs throughout the Shire with the aim being to better support public transport and to better reflect our modern community.

Councillor Comments

It has been over 15 years since these signs were installed with many of them around the Shire suffering from age and damage and in need of replacement. As these signs are in such high profile locations it reflects poorly on the high standard that Council strives to achieve in keeping up with maintenance on our infrastructure. With the Shire hosting an increased number of international tourists who use the bus services, there is an opportunity to support better communication for international tourists.

COUNCILLOR RECOMMENDATION

That Council receive a report on options to refresh the BalTran signs throughout the Shire with the aim being to better support public transport and to better reflect our modern community.

Attachment(s)

Nil

13.3 Notice of Motion - Permanent Firefighters

13.3 Notice of Motion - Permanent Firefighters

Councillor

Cr Willis

I move

That Council, having received a briefing from Fire and Rescue NSW, calls on the NSW Government to introduce permanent full time firefighters in Ballina based, initially, on the special roster model in recognition of the growth of the Shire and the commensurate requirement for emergency services

Councillor Comments

Following Council's briefing held on 14 February 2018 with senior members of Fire and Rescue NSW it became apparent that the current Fire Station in Tamarind Drive can accommodate permanent full-time firefighters without further capital expenditure at the Ballina Fire Station.

It was also explained during the briefing that one option open to the NSW Government is to introduce permanent full-time firefighters at the Ballina Fire Station through a Special Roster. This would provide permanent full-time firefighter to complement the existing retained firefighters in a mixed model. This Special Roster model would allow for the permanent firefighters to work on the many preventative aspects to their firefighting work during office hours and weekdays while also being available for any emergencies which may occur at that time.

The Special Roster model would bring an additional five permanent full-time jobs to our Shire. The cost to council would be in the region of an additional \$100,000 per year to approximately \$155,000 per year. The actual cost of the Special Roster would be in the region of \$1,500,000 per year. This means there would be a cost in the region of \$200,000 to the NSW Government with the remainder of the cost to be paid by the Insurance Council under the existing legislative arrangements. It is important to understand that ratepayers already pay this latter cost component through insurance premiums. In this way, Council would be leveraging our contribution and bringing jobs and additional emergency fire services to our Shire.

COUNCILLOR RECOMMENDATION

That Council, having received a briefing from Fire and Rescue NSW, calls on the NSW Government to introduce permanent full time firefighters in Ballina based, initially, on the special roster model in recognition of the growth of the Shire and the commensurate requirement for emergency services.

Attachment(s)

Nil

13.4 Notice of Motion - Extractive Industries

13.4 Notice of Motion - Extractive Industries

Councillor Cr Parry

I move

1. That as part of the 2018/19 Operational Plan Council include an action to investigate the merits of implementing a policy position that is consistent with the current NSW planning legislation and EPA requirements that seeks to address current and future impacts of extractive industries (eg. quarries) on residential areas.
2. This is to include a review of relevant provisions in the Ballina Shire Development Control Plan 2012 and specifically consider the introduction of a provision requiring that asphalt-producing industry be located at least 1,000 m away from any residential development having regard to the health and amenity of our residents.

Councillor Comments

Council's DCP currently sets buffer distances for extractive industry as follows (below is a partial extract of Table 2.1 from the Ballina Shire Development Control Plan 2012).

Land Use	Urban residential areas	Dwelling-house, Dual occupancy or Rural workers dwelling	Rural tourist facilities
<i>Agricultural produce industry</i> (including macadamia de-husking)	300 m	150 m	300 m
<i>Animal boarding or training establishment</i>	500m	150m	500m
Dairying infrastructure (incl. buildings containing operational plant, machinery and associated yards)	500m	150m	250m
Dip sites	200m	150m	200m
<i>Extractive industry or mining</i> ¹	500m 1000m	500m 1000m	500m 1000m

(Based on the 'Living and Working in Rural Areas Handbook' for managing rural land use conflict, produced by the DPI, the then CMA and SCU)

Apparently the 1,000m distance relates to sites where blasting occurs. However we know that within this distance, and even beyond it, the noise from conveyance trucks can also be a huge issue for residents. According to our senior staff, Council could specifically address asphalt production in this table and specify a minimum separation distance (for example, 1000m or even further).

Further, Council is able to differentiate buffer distances in relation to different types of land use, such as urban areas, rural dwellings, etc.

13.4 Notice of Motion - Extractive Industries

The motion above would signal to our community that Council has listened to the concerns of residents in terms of quarries, mines and asphalt production within the shire, and wishes to begin a process of gathering solid evidence upon which to review and determine suitable buffers for urban areas in relation to these operations.

From a strategic planning perspective, Council has an existing action in its adopted 2012 Local Growth Strategy to investigate the long-term demand for, and supply of, extractive resources required to support future development in the shire. By approving the motion above, the action to investigate demand and supply of extractive resources and of asphalt production could be considered in relation to the concerns of residents about acceptable buffer zones for residential areas.

Council would then have a better understanding of the relationship between extractive resources and their availability in the shire, with respect to both public and private sector construction activity (e.g. housing, fill, roads) and environmental considerations affecting residents' health and amenity.

Approval of the motion would signal that Council is committed to better understanding and decisions having regard for the delicate balance between the need to use the shire's natural resources efficiently to build necessary infrastructure within the shire and the health and amenity of residents from extracting, conveying or producing such materials.

COUNCILLOR RECOMMENDATIONS

1. That as part of the 2018/19 Operational Plan Council include an action to investigate the merits of implementing a policy position that is consistent with the current NSW planning legislation and EPA requirements that seeks to address current and future impacts of extractive industries (eg. quarries) on residential areas.
2. This is to include a review of relevant provisions in the Ballina Shire Development Control Plan 2012 and specifically consider the introduction of a provision requiring that asphalt-producing industry be located at least 1,000m away from any residential development having regard to the health and amenity of our residents.

Attachment(s)

Nil

13.5 Notice of Motion - Shark Net Inspections

13.5 Notice of Motion - Shark Net Inspections

Councillor

Cr Jeff Johnson

I move

That Council write to NSW Department of Primary Industries (DPI) and the appropriate members of the NSW State Parliament asking that the DPI adhere to the commitments they have provided in respect to regular inspections of the North Coast Shark nets.

Councillor Comments

The North Coast Shark Net trial began as a result of a large number of shark interactions/attacks on the North Coast, including two deaths and a number of serious attacks. Due to legitimate concerns about the impact on local marine life a number of prevention measures were committed to including, dolphin and whale pinging devices and the regular checking of the nets to free any marine life that might become entangled. The commitment was for the nets to be checked twice a day.

The latest figures released by the Department of Primary Industries (DPI) show that the nets were only inspected on 14 occasions during the month of January which is nowhere near the commitment that was made to Council. 14 times in a month is a long way short of the commitment of 50-60 inspections per month. The nets were removed for three days due to heavy seas.

While I appreciate it is difficult to inspect the nets when the seas are really rough it appears that the DPI simply don't care about the commitments made when the trial was announced.

I have also seen footage of a ray that was entangled in the shark nets with the full knowledge of the DPI yet it wasn't released. The net wasn't inspected for two days. I'm concerned that having marine life, such as rays or large fish species caught in the nets and not released within a short period of time could act as a shark attraction which would largely defeat the purpose of having the nets installed.

During January, 30 animals were caught and 25 released. That means that five animals died. I'm sure that this number could be significantly reduced if the nets were inspected every morning and afternoon.

COUNCILLOR RECOMMENDATION

That Council write to NSW Department of Primary Industries (DPI) and the appropriate members of the NSW State Parliament asking that the DPI adhere to the commitments they have provided in respect to regular inspections of the North Coast Shark nets.

Attachment(s) – Nil

14. Advisory Committee Minutes

14. Advisory Committee Minutes

Nil Items

15.1 Mayoral Meetings

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

15.1 Mayoral Meetings

Councillor David Wright

Activities I have attended or proposed to attend since the January 2018 Ordinary meeting are as follows.

<u>Date</u>	<u>Function</u>
18/1/18	Little Ripper Training and Rescue
22/1/18	Meeting – Oceanic Research
24/1/18	Australia Day 2018 – Catch Up, Meeting – Alstonville RSL - Memorial
25/1/18	Meeting – Australia Day Ambassador
26/1/18	Marine Rescue Open Day
27/1/18	Welcome to visiting Sydney Lifeguards
28/1/18	Commemoration Park Markets
29/1/18	Meeting – Quays Drive Drainage Works
31/1/18	Meeting – Alstonville Plateau Historical Society
31/1/18	Meeting – Conservation Volunteers Australia – water quality improvement for Richmond River
31/1/18	Shark Strategy Update
2/2/18	NOROC Workshop, NOROC Meeting at Casino
2/2/18	RMS Koala Signage Launch, Meeting with residents - Howard's Crescent
4/2/18	Commemoration Park Markets, Pet Rescue Meeting
6/2/19	Alstonville Wollongbar Chamber of Commerce
6/2/18	Audit, Risk and Improvement Committee
6/2/18	Signage Focus Group –Woolgoolga to Ballina Pacific Highway Upgrade
6/2/18	Briefing – Significant Tree Register
7/2/18	Meeting – Lyn Walker
7/2/18	Meeting - 320 Sneaths Road – Nari Park
8/2/18	Gallery Opening
9/2/18	Blue Datto Regional Roadshow – Xavier College
9/2/18	Meeting – Matt Lowson – Stroud Homes
9/2/18	Anniversary – Tadashi Nakahara
11/2/18	Commemoration Park Markets, Lennox Head Markets
12/2/18	Church Group
14/2/18	Local Traffic Committee, Briefing – Permanent Firefighters
15/2/18	Meeting – Tom Berry and Geoff Harris
16/2/18	Ballina Country Music - Funding
17/2/18	Alstonville Markets, East Ballina Lions Youth of the Year Quest
18/2/18	Commemoration Park Markets, Ballina Markets
19/2/18	Office of Regional Development – Trade Mission Welcome
20/2/18	Regional NSW Investment Prospectus
20/2/18	Career Check Up Expo – Media Launch RSL, Lions Youth of the Year
21/2/18	Wardell Progress Assoc., Domestic Violence Forum – Richmond Room
22/2/18	Council Meeting, Reserve Trust Meeting
25/2/18	Commemoration Park Markets
27/2/18	Briefing – Water Loss Reduction Program

RECOMMENDATION

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

Attachment(s) – Nil

15.2 Meeting with Minister Troy Grant - Permanent Firefighters

15.2 Meeting with Minister Troy Grant - Permanent Firefighters

Councillor

Nathan Willis

Following Council's motions in relation to this issue, Cr Stephen McCarthy and myself met with Minister Troy Grant at his office late last year while we were in Sydney to attend the LGNSW Conference.

While we were politely received by the Minister and Council's concerns in relation to permanent full-time firefighters were heard and understood by the Minister, it was disappointing to hear the Minister step back from the issue and indicate that such matters are usually best resolved between the relevant Union and the Commissioner. This appears to be an abdication of responsibility by the relevant Minister of the Crown.

However, that said, the Mayor's letter was politely received by the Minister and the Minister indicated that further representations on the issue be put to Ben Franklin MLC in the first instance. Again, this appears to be a deferral of Ministerial responsibility to another party.

RECOMMENDATION

That Council notes the contents of the report from Cr Willis on the meeting held with Minister Troy Grant.

Attachment(s)

Nil

16. Confidential Session

16. Confidential Session

Nil Items