



## 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 28 June 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.

## Table of Contents

1.	Australian National Anthem .....	1
2.	Acknowledgement of Country .....	1
3.	Apologies.....	1
4.	Confirmation of Minutes.....	1
5.	Declarations of Interest and Reportable Political Donations.....	1
6.	Deputations .....	1
7.	Mayoral Minutes .....	1
8.	Development and Environmental Health Group Reports.....	2
8.1	Determination Review - Pontoon and Jetty, Mainsail Place	2
8.2	DA 1996/29 - Section 96AB Review - Eatons Quarry, Old Bagotville Road	7
8.3	DA 2016/184 - Court Appeal - Cumbalum Precinct A (Banyan Hill)	12
8.4	Compliance Work Plan - 2017/18	14
8.5	Compliance Work Plan - 2018/19	20
8.6	Policy (New) - Fire Safety Statements Program	23
8.7	Impounded Abandoned Vehicle	26
8.8	Development Applications – Variation to Development Standards	29
8.9	Development Applications - Works in Progress - June 2018	30
9.	Strategic and Community Facilities Group Reports.....	38
9.1	Project Update - Wardell Strategic Plan 2015 - 2035	38
9.2	LEP Amendments and Planning Proposals - Status	41
9.3	Policy (Review) - Community Gardens	45
10.	General Manager's Group Reports .....	47
10.1	Investment Summary - May 2018	47
10.2	Community Donations - Australian Representation	52
10.3	Local Government NSW - Casual Vacancy of Vice President	54
10.4	Community Consultation and Ward Committees	56
10.5	Policy (Review) - Pensioner Concessions - Rates and Charges	61
10.6	Delivery Program and Operational Plan - Adoption	63
11.	Civil Services Group Reports.....	104
11.1	Pedestrian Access and Mobility Plan (PAMP) 2018-2027	104
11.2	Dust Sealing Analysis	113
11.3	Sugar Cane Harvest Management Scheme - Permit Application	122
11.4	Events Taskforce	127
11.5	Tender - Provision for Design and Publishing Services	130
11.6	Policy (New) - Beach Debris Management	134
11.7	Policy (Review) - Alcohol Regulation on Public Land	139
11.8	Policy (Review) - Private Structures on Public Land and Roads	141
12.	Public Question Time.....	143
13.	Notices of Motion.....	144
13.1	Notice of Motion - Library Funding Cuts	144

14.	Advisory Committee Minutes .....	145
14.1	Commercial Services Committee Minutes - 21 June 2018	145
15.	Reports from Councillors on Attendance on Council's behalf .....	149
15.1	Mayoral Meetings	149
16.	Confidential Session .....	151
16.1	Impounded Abandoned Vehicle - Review of Fees Charged	151
16.2	DA 2016/184 - Legal Proceedings	152

**DISCLAIMER ©NSW Spatial Services 2017. Although all care is taken in the preparation of plans within Council's business paper (both agendas and attachments), Ballina Shire Council accepts no responsibility for any misprints, error, omissions or inaccuracies. The information contained within each plan is for pictorial representation only and not to scale. Accurate measurements should be undertaken by survey.**

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

**1. Australian National Anthem**

The National Anthem will be performed by Councillors and staff.

**2. Acknowledgement of Country**

In opening the meeting the Mayor provided an Acknowledgement of Country.

**3. Apologies**

**4. Confirmation of Minutes**

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 May 2018 were distributed with the business paper.

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 May 2018.

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

**6. Deputations**

**7. Mayoral Minutes**

Nil Items

## 8.1 Determination Review - Pontoon and Jetty, Mainsail Place

### 8. Development and Environmental Health Group Reports

## 8.1 Determination Review - Pontoon and Jetty, Mainsail Place

<b>Applicant</b>	Mr N Hargreaves
<b>Property</b>	Lot 8 DP 879801, 15 Mainsail Place West Ballina and Lot 132 DP 775228, Council owned land in Ballina Quays.
<b>Proposal</b>	Request for a Section 8.2 Review of Determination of DA 2017/569 – To undertake works to upgrade an existing pontoon and jetty structure.
<b>Effect of Planning Instrument</b>	The private land at 15 Mainsail Place is zoned R2 Low Density Residential and the public land within the Quays canal is zoned W2 Recreational Waterways Zone under the provisions of the Ballina LEP.
<b>Locality Plan</b>	The subject land is depicted on the locality plan below.

### Introduction

Council considered a request under Section 8.2 of the Environmental Planning and Assessment Act 1979 to review the determination of Development Application 2017/569 (Attachment 1).

DA 2017/569 is for upgrade works to an existing pontoon and jetty which involves the installation of a new pontoon and jetty structure. The upgrade works would result in a single pontoon accessed by two jetty structures. The land the subject of the development application is shown in Figure 1 (note that the application also relates to the Ballina Quays canal adjacent to Lot 8 DP 879801).



Figure 1: Subject Site - Lot 8 DP 879801 (shown shaded red)

## **8.1 Determination Review - Pontoon and Jetty, Mainsail Place**

---

A key detail is that the proposal involves the installation of new piles within Lot 8 DP 879801 (the private land) to support the new and existing jetty structures.

On 15 January 2018 the application was determined by way of refusal.

The reasons for the refusal were stated as follows:

1. The proposal does not comply with Council's Pontoons and Jetties Policy; and
2. The proposal is not in the public interest.

Council reviewed the determination at its March 2018 Ordinary meeting and resolved to defer consideration of the determination review and review the pontoon and jetty policy through a Councillor briefing.

The briefing was held on 12 April 2018.

Following the briefing the applicant was invited to submit additional information addressing the jetty design.

Specifically, the applicant was invited to address the need for the particular design proposed and the rationale for the approach (especially in relation to the departure from Council's requirements for jetties and pontoons in the Ballina Quays canals).

The applicant (Mr Hargreaves) initially responded to Council's invitation for the provision of additional information indicating that he did not intend to provide further details to Council.

Mr Hargreaves also asked that his application be placed on hold pending revision of Council's approach to the requirements for jetties and pontoons.

A copy of this response is contained in Attachment 2.

Subsequently, Council responded to Mr Hargreaves and again invited the submission of additional information in support of the application.

Mr Hargreaves responded by again indicating that he did not intend to provide further information and asked for the determination of DA 2012/569 to be placed on hold pending a new policy on jetty and pontoon engineering requirements.

A copy of the response is contained in Attachment 3.

This report revisits the review of the matter to seek Council's decision of the determination of the development application.

### **Reportable Political Donations**

Details of known reportable political donations are as follows:

- Nil.

### Information

The proposed development is permissible within the R2 Low Density and W2 Recreational Waterways zones under the Ballina Local Environmental Plan 2012. The proposed jetty and pontoon structure is also consistent with the objectives of the applicable zones.

With respect to the Ballina Shire Development Control Plan 2012, the proposed jetty and pontoon is forward of the 11.5m canal building line set in the DCP. However, the proposed development is a suitable land use within the setback on the basis that it provides for access to the canal for a waterfront property.

It is not expected that the proposed development would have any adverse impact on ecological or amenity attributes associated with the locality.

The proposed jetty and pontoon is, however, inconsistent with Council's requirements for such structures as the development involves the installation of piles approximately 2.5m further into the canal than permitted under Council's specifications.

Council's requirements for jetties and pontoons in the canals (referred to as Council's Pontoons and Jetties Policy) are summarised as follows:

- Pontoon and jetty structures located within the Ballina Quays and Banyanda Estate areas are to be a maximum length of 18 metres, as measured from the revetment wall/kerb line to the extreme pontoon edge.
- The first three metres of the pontoon structure is permitted to be a fixed structure with piles, while the remaining 15 metres must be floating from a demountable pivot point attached to the 3 metre fixed section of the pontoon.
- Bracing piles are permitted within the 3 metre zone as measured from the revetment wall outside edge, however, no additional piling is permitted beyond this zone.
- Structural engineer designed bracing/piling details for the pontoon addressing any forces from wave and tidal action are required to be submitted with the Development Application.

These requirements were established in the 1990s to support Council's canal maintenance program.

The policy is designed to ensure that the maintenance activities required within the canals are able to be reasonably undertaken unobstructed. That is, the requirements are in place to minimise difficulties in the delivery of Council's maintenance program over the longer term.

The development application was referred to Council's Civil Services Group for comment, particularly in relation to the departures from the above requirements.

The Civil Services Group advised that it was not supportive of the application due to the proposal being outside the Council's set design parameters for structures within the waterway.



## **8.1 Determination Review - Pontoon and Jetty, Mainsail Place**

---

In particular, the location of the eastern piles for the new jetty would be on an area where sand would likely be deposited. The concern with such structures is that their installation may ultimately impede Council's ability to effectively maintain the canals.

On review, the Civil Services Group has maintained its advice that the proposed development is inconsistent with Council's requirements for waterway structures on Council owned land.

It could be argued that the impact of the proposed structures will not result in unreasonable limitations on Council's maintenance program. However, the applicant has not provided sufficient information to demonstrate this, or the need for the design that is outside Council's requirements, either with the original development application, or with the request for a review of the determination or following two further invitations from Council for the provision of additional information.

No new information providing a suitable engineering justification or otherwise addressing the potential impacts of the proposed piles relative to Council's design requirements has been submitted.

The applicant was initially provided with an opportunity to amend the design of the pontoon and jetty structure having regard for Council's policy requirements. This opportunity has remained open to the applicant throughout the development application assessment process.

Further, it is the view of Council's Civil Services Group that a suitable pontoon and jetty structure could be achieved in the particular circumstances, within the scope of Council's policy.

With respect to Council's requirements for the construction of jetties and pontoons in the Ballina Quays canals, the timing for a review of these requirements has not yet been confirmed and there is no certainty that the requirements would be changed in a manner that supports the current application following a review.

In relation to the applicant's correspondence in Attachment 3, there is reference made to referral of the matter to the State planning authority. Council is the relevant determining authority in this instance and regardless, Council's agreement is required in relation to the application as Council is the landowner of the Ballina Quays waterway.

Having regard for the above, and in particular, the additional opportunity afforded to the applicant to justify the proposed design, it is recommended that Council confirms the determination of the application by way of refusal for the reasons given in the original determination.

### **Options**

It is open to the Council to maintain the refusal of the development application, approve the application or defer consideration of the matter to seek additional information.

## **8.1 Determination Review - Pontoon and Jetty, Mainsail Place**

---

It is not recommended that Council make a one off decision to enable structures in the waterway inconsistent with the existing approach, in the absence of a suitable justification from the proponent or a formal review, including consultation with specialists in marine engineering and canal maintenance.

Ongoing deferral of the determination is not recommended as the applicant has had multiple opportunities to provide additional information to justify the design of the proposed structure. Further, it is not considered to be good practice to hold applications in Council's assessment system indefinitely when suitable opportunity has been afforded to the applicant to address outstanding issues.

For the reasons outlined it is recommended that the Council maintains the original decision to refuse DA 2017/569.

### **RECOMMENDATION**

That Council confirms the determination of DA 2017/569 (being proposed works to upgrade an existing jetty and pontoon) as **REFUSAL** for the reasons stated in the notice of determination dated 15 January 2018.

### **Attachment(s)**

1. DA 2017/569 Request for Review of Determination
2. DA/2017/569 Applicant Correspondence April 2018
3. DA 2017/569 Applicant Correspondence May 2018

## **8.2 DA 1996/29 - Section 96AB Review - Eatons Quarry, Old Bagotville Road**

### **8.2 DA 1996/29 - Section 96AB Review - Eatons Quarry, Old Bagotville Road**

---

<b>Applicant</b>	Quarry Solutions Pty Limited C/- Groundwork Plus (owners WO & MF McGeary)
<b>Property</b>	Lot 3 DP 619223, No. 323 Old Bagotville Road, Wardell
<b>Proposal</b>	Section 96AB Review of Council's Determination to Refuse Modification Application to Development Consent 1996/29 as determined by Council on 29 March 2018
<b>Effect of Planning Instrument</b>	The land is zoned part RU2 – Rural Landscape and part 1(e) Rural (Extractive and Mineral Resources) under the provisions of the Ballina LEP 2012 and BLEP 1987 respectively
<b>Locality Plan</b>	The subject land is depicted on the locality plan in Attachment 1.

#### **Introduction**

Council is in receipt of an application under Section 96AB of the Environmental Planning and Assessment Act 1979 requesting a review of the determination of a Modification Application to Development Consent 1996/29, as refused by Council at its Ordinary Meeting held on 22 March 2018.

The Section 96 Modification Application to Development Consent 1996/29 involved a proposal to extend the terms of the quarry approval by five years (from 20 to 25 years) and set an end termination date or "life" of the consent for the quarry operations until 31 January 2023 or until cessation of the Pacific Highway upgrade (whichever is achieved first) for the supply of materials to the Pacific Highway (Woolgoolga to Ballina) upgrade only.

The applicant contended that this was due to the following reasons:

- "(a) 477,102.7 tonnes of the approved 975,000 tonnes remains in situ; and
- (b) there is an urgent demand for the material from the Pacific Highway Upgrade Project; and
- (c) being adjacent to the project alignment haulage distance is reduced compared to alternative quarry sites which is beneficial to the project, the community and the environment."

During assessment of the modification application the applicant confirmed that the termination date would be reduced from the originally requested five year period to a maximum of two years, i.e. early 2020 (and only for the supply of a material to the Pacific Highway project).

At the Ordinary meeting held on 22 March 2018, Council resolved to refuse the Section 96 Modification Application to Development Consent 1996/29, "on the basis of insufficient information to satisfactorily address relevant statutory considerations and the environmental impacts of the proposed modification."

The purpose of this report is to seek a review (via Section 96AB of the EP&A Act 1979) of Council's determination of the Modification Application to Development Consent 1996/29 as made at the 22 March 2018 meeting.

Refer to Attachment 2 for a copy of the review documentation lodged by the applicant.

Refer to Attachments 3, 4 and 5 for a copy of the previous report to Council's Ordinary meeting held on 22 March 2018, meeting minutes and the Notice of Refusal.

### **Reportable Political Donations**

Details of known reportable political donations are as follows:

- Nil

### **Public Exhibition**

The Section 96AB Review documentation was placed on public exhibition.

Matters relating to the objections raised in relation to the original application are outlined within the report to the Ordinary meeting 22 March 2018 (Attachment 3).

In response to the public exhibition of the review of determination, Council received 15 submissions. Generally, the concerns previously raised by objectors were reaffirmed during this most recent exhibition period. The new submissions received are contained in Attachment 6.

Within the submissions it has been noted that the chert material is not required within this section of the Pacific Highway upgrade and only at Coolgardie (i.e. trucks sourcing material from other quarries would not need to come through Wardell Village).

This has not been confirmed in writing by either Pacific Complete or the Roads and Maritime Service (RMS).

The RMS has, however, provided a further response to the Review of Determination and advised that...“those issues raised in our response dated 19 December 2017 (attached) remain current”.

Not to detract from other issues raised in our previous response, it is reiterated that no direct access will be permitted to the Pacific Highway during, or post, construction.”

Based on this the applicant will not be able to rely upon access to the Pacific Highway upgrade corridor to transport some of the material to reduce the impacts on residents of Wardell Village. The RMS response is provided at Attachment 7.

In response to the RMS correspondence, Quarry Solutions has provided the correspondence contained in Attachment 8.

In this letter, Quarry Solutions indicates that the use of the new Pacific Highway alignment for the movement of materials will be a matter for Pacific Complete to determine rather than the RMS.

## **Report**

The following additional information has been provided by the applicant in support of the proposed review of determination of the modification application.

- *“As discussed with Council on Friday 20 April 2018, sufficient information was provided as outlined in the detailed officer report presented to the Council meeting on 22 March 2018, recommending approval subject to conditions. We confirm that Quarry Solutions would accept those proposed conditions and maintain that progressive rehabilitation could not practically occur to date because final quarry benches and levels have not been reached. Quarry Solutions also confirms the previously given commitment to not increase truck movements (averaged across the year) above the historical levels associated with extraction of 50,000t of material per annum. Therefore, pursuant to Section 96AB of the Environmental Planning and Assessment Act 1979 (the Act) we request that Council review the determination of the modification application.”*

Further, the applicant has provided a number of commitments to Council and the community, primarily relating to traffic matters. These are outlined in Attachment 2.

### **Comment:**

The report presented to the Ordinary meeting 22 March 2018 recommended approval subject to conditions. This position has not changed, particularly as the applicant has reaffirmed acceptance of the proposed modified conditions and commitments, namely:

1. A reduction in the requested extension of time for extraction from five years down to two years (until 31 January 2020 and maximum of 100,000 tonnes) and only for the provision of chert material for the Pacific Highway upgrade works.
2. The commencement of the progressive rehabilitation immediately at the time of recommencement of extraction and review of its establishment in full prior to 30 April 2020.
3. The implementation of the Transport Management Plan and Driver Code of Conduct.
4. Further commitments dated 15 May 2018 (Attachment 2).

The additional information provided from the applicant (as summarised above, and as provided in Attachment 2) seeks to address the reasons the Council cited in the refusal of the Section 96 Application to Modify Development Consent 1996/29.

It is particularly important to recognise the level of commitment made by Quarry Solutions to the management of vehicle movements.

Further, in the absence of material from Eaton's Quarry, it is possible that alternative arrangements (that do not necessitate approvals from Council) will be made by Pacific Complete for the supply of required material that may result in additional truck movements through Wardell.

## **8.2 DA 1996/29 - Section 96AB Review - Eatons Quarry, Old Bagotville Road**

---

Based on the assessment, conclusions and recommendations made by staff in the previous report to the Council and the additional material submitted, the proposed development is considered to be reasonable in the circumstances. On this basis, the application is recommended for approval.

### **Conclusion**

In view of the content of this report and the previous report to Council, it is recommended that the Section 96AB Request for Review of the Determination of the application to modify development consent 1996/29 via Section 96(2) of the *Environmental Planning and Assessment Act 1979* be supported and Council's determination of the Section 96(2) Application be changed to the grant of consent.

If the Council wishes to maintain the original decision to refuse the application, the Council should affirm its prior decision.

Suggested wording for such a resolution is as follows:

*That the Council affirms its previous decision to refuse the application to modify development consent 1996/29 relating to the extension of the operation of Eaton's Quarry at No. 323 Old Bagotville Road, Wardell.*

### **RECOMMENDATIONS**

That the Section 96AB Request for Review of the Determination of the application to modify development consent 1996/29 via Section 96(2) of the *Environmental Planning and Assessment Act 1979* be supported and Council's determination of the Section 96(2) Application be changed to the grant of consent, with the approval incorporating the following modifications:

1. A reduction in the requested extension of time for extraction from five years down to two years (until 31 January 2020 and maximum of 100,000 tonnes) and only for the provision of chert material for the Pacific Highway upgrade works.
2. The commencement of the progressive rehabilitation of the site immediately at the time of recommencement of extraction and review of its establishment in full prior to 30 April 2020.
3. The implementation of the Transport Management Plan and Driver Code of Conduct.
4. The implementation of the proponent's commitments dated 15 May 2018.

**Attachment(s)**

1. Locality Plan
2. Review of Determination - Quarry Solutions Lodgement Documents/Commitments
3. Report - Ordinary Meeting 22 March 2018
4. Minutes - Ordinary Meeting 22 March 2018
5. DA 1996/29 s96 Modification - Notice of Determination - Refusal - March 2018
6. Review of Determination - Current Submission Letters
7. Review of Determination - RMS Response
8. Quarry Solutions - Response to RMS Correspondence - June 2018

### **8.3 DA 2016/184 - Court Appeal - Cumbalum Precinct A (Banyan Hill)**

---

### **8.3 DA 2016/184 - Court Appeal - Cumbalum Precinct A (Banyan Hill)**

**Delivery Program** Development Services

**Objective** To provide an overview of the process and outcomes associated with DA 2016/184 relating to CURA A (now known as Banyan Hill)

---

#### **Background**

DA 2016/184 relating to land located at CURA A (now known as Banyan Hill) has been the subject of an Appeal in the NSW Land and Environment Court over a period of 18 months. The Appeal was lodged by the Applicant on 27 January 2017, on the basis of a deemed refusal of the DA with the Joint Regional Planning Panel (JRPP) and Council as respondents to the appeal. As is the case with 'regional development' (i.e. those DAs determined by the JRPP), Council is responsible for responding to any appeal.

A number of briefings have been held with Councillors over the period of the appeal in relation to the progress of the matter in the NSW Land and Environment Court.

The current status of the appeal is that amended plans and conditions of consent have been settled and the parties are awaiting Commissioner Brown's judgement on one final matter.

The purpose of this report is to provide a summary of the appeal and the amended development. This report also provides context for a confidential report relating to the application located elsewhere in this business agenda.

#### **Key Issues**

- Key outcomes of the legal proceedings and the amended development

#### **Information**

Council's legal representatives (Allens Linklaters LLP) for this matter have prepared an end of matter report in relation to the legal proceedings for the information of the elected Council.

This report provides a summary of the history of the proceedings and also the main changes that have been made by the Applicant to DA 2016/184 throughout for course of the proceedings. The end of matter report is provided as Attachment 1.

#### **Sustainability Considerations**

- **Environment**

The changes made to the development throughout the course of the proceedings have had an environmental benefit, through:

- A more responsive subdivision design to the environmental attributes of the site and the strategic planning framework established for the site by Council



### **8.3 DA 2016/184 - Court Appeal - Cumbalum Precinct A (Banyan Hill)**

---

- The retention of native vegetation in open space and residential lots
  - Revegetation and rehabilitation of environmental land (within three residual lots) as identified within Council's DCP
  - Conservation, protection and management of Endangered Ecological Communities and Threatened Species, including Hairy Joint Grass, Lowland Rainforest, Swamp Sclerophyll Forest, Rose Walnut, Rough Shelled Bush Nut Trees and the Brolga
  - Changes to infrastructure provision to avoid environmentally sensitive areas and to respond better to site conditions and
  - Construction of a feral animal exclusion fence through the development site.
- **Social**

The changes made to the development throughout the course of the proceedings have achieved enhanced outcomes for future residents of the Cumbalum Precinct A/Banyan Hill subdivision. Adjustments to the layout and built finish of the subdivision and the provision of public/community infrastructure and open space have resulted in a framework for a more functional and pleasant living environment.
  - **Economic**

The changes made to the development throughout the course of the proceedings have supported the provision of infrastructure services, open space and community infrastructure in an orderly and economically feasible manner.

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

The deemed refusal appeal lodged with the NSW Land and Environment Court has had both significant staff resource and financial costs over the period of the appeal. A separate confidential report has been prepared (located elsewhere in this agenda) in relation to the recovery of costs.

#### **Consultation**

In addition to the engagement of Allens Linklaters LLP, Council also engaged expert consultants in the fields of ecology, hydrology, roads, mosquitos and town planning to assist in the assessment of the development application and in responding to the subsequent appeal.

#### **Options**

This report is for noting only.

#### **RECOMMENDATION**

That Council notes the contents of this report which provides a summary of the Court appeal and negotiated development outcomes associated with DA 2016/184 along with context for a confidential report relating to the legal action associated with the development application.

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

1. End of Matter Report - Allens Linklaters LLP

## 8.4 Compliance Work Plan - 2017/18

---

### 8.4 Compliance Work Plan - 2017/18

**Delivery Program**      Development Services

**Objective**              To outline the works undertaken in respect to the Compliance Work Plan for 2017/18.

---

#### **Background**

At the June 2017 Ordinary meeting, Council adopted a Compliance Work Plan for the 2017/18 financial year. This report provides a status report on the action that has been taken in relation to the plan.

This report should be considered in conjunction with the proposed Compliance Work Plan for 2018/19, which is the next report in this agenda.

#### **Key Issues**

- Level of compliance
- Results achieved

#### **Information**

The 2017/18 Compliance Work Plan identified three priorities being:

1. *Audit of Major Developments within the Shire* (Ongoing Program)
2. *Audit of Identified Development Consents* (Ongoing Program)
3. *Review of all Development Consents issued within the Russellton Industrial Estate* (Ongoing Program - Completed).

For the priority areas the following provides a summary of the action taken.

1. *Audit of Major Developments within the Shire* (Ongoing Program)

Major Developments are defined as developments consisting of five or more units/parcels of land/dwellings as well as all developments within areas of high environmental significance.

This program originally commenced in the 2008/09 financial year with an audit of 2006 development applications, which included applications that have been determined or withdrawn.

This program has continued with audits of development applications for the years 2007 through 2011 inclusive. Compliance resources have also been applied to auditing developments being carried out on environmentally and culturally sensitive sites on an ongoing basis.

The 2006 through 2009 inclusive financial year audits have been completed, with all development consents now generally in compliance with the conditions of the development consents. Given this, these development consents will no longer be addressed in Compliance Program reporting.

The status of the remaining major developments is as follows.

<b>Item</b>	<b>2010</b>	<b>2011</b>
Number of Major Developments	83	56
Number Inspected for compliance	83	6
Number Compliant	46	3
Number of Ongoing Inspections (Current Works)	28 <sup>1</sup>	1
Number of Ongoing Inspections (No Works on site – Consent Physically commenced but dormant)	0	0
Number of Consents not commenced	0	0
Number of Consents lapsed	9	2
Number yet to be inspected	0	50

<sup>1</sup> These developments relate to ongoing subdivision works, or ongoing building works that are progressing towards completion.

**2. Audit of Identified Development Consents (Ongoing Program)**

Identified Development Consents are defined as all approvals issued by Council except those identified as either (a) Major Developments or (b) Consents that require further approvals from Council or an accredited certifier (e.g. Construction Certificates, Occupation Certificates, Subdivision Certificates, Food Inspection Certificates) and therefore have a ‘built in’ mechanism or stage within the consent where compliance with conditions are checked.

This program originally commenced in the 2008/09 financial year with an audit of 2006 development applications, which included applications that have been determined or withdrawn. This program has continued on to audit 2007, 2008, 2009, 2010 and 2011 development applications.

The 2006 through 2009 inclusive financial year audits have been completed, with all development consents now generally in compliance with the conditions of the development consents and will no longer be reported on. The status of the remaining consents is as follows.

<b>Item</b>	<b>2010</b>	<b>2011</b>
Number of Identified Developments	148	96
Number Inspected for Compliance	148	14
Number Compliant	136	11
Number of Ongoing Inspections (Current Works)	9 <sup>1</sup>	0
Number of Ongoing Inspections (No Works on site – Consent Physically commenced but dormant)	0	0
Number of Consents not commenced	0	0
Number of Consents lapsed	3	3
Number yet to be inspected	0	82

<sup>1</sup> Most of these developments relate to uses which that are progressing towards completion and awaiting final certification.

### 3. *Review of all Development Consent approvals issued within the Russellton Industrial Estate.*

This program has now been completed.

The audit identified a number of areas of non-compliance.

These can be separated into two broad parts, the first being encroachments into the road reserve. These encroachments include installations, goods and/or vehicles stored on the footpaths or security gates opening onto the road reserve. Landowners who had encroachments have now addressed these obstructions without the need for formal enforcement action being taken.

The second part of the audit has been in relation to the development consents within private property. Generally, these non-compliances relate to unauthorised uses, conformity with development consent conditions, fire safety requirements and the provision of fire safety certification, as well as identified trade waste and pollution matters.

These identified premises have been inspected and action is now underway to address these non-compliances, with the outstanding matters now included within the Legal Notices section of this report.

Compliance staff will continue with action to bring about compliance with these legal notices and should any legal action be contemplated, such action will be the subject of a separate report to Council.

#### *Court Proceedings*

Some matters investigated result in the commencement of legal proceedings, either in the Ballina Local Court or, where circumstances warrant, the NSW Land and Environment Court. Any legal action through the Courts is undertaken in line with the provisions of Council's Enforcement Policy.

No new Local Court proceedings resulting from the three 2017/18 Compliance Program areas have been commenced this financial year.

Action is currently underway to recoup Council's legal and investigation costs for a waste dumping matter that was reported to Council's May 2016 Ordinary meeting. The amount owed to Council is approximately \$12,500. A further report to Council may be required, should the matter of Council's outstanding costs not be adequately addressed.

Further, five additional matters are currently with Council's Solicitors for review for alleged breaches of planning legislation and fire safety measures. Should it be determined that sufficient evidence exists that warrant the commencement of legal action, each matter would be the subject of a report to Council.

#### *Legal Notices*

In addition to any Court matters, legal notices are issued for any identified breaches and non-compliances. These legal notices are the commencement of the process to remedy identified breaches and non-compliances within Ballina Shire.

This current financial year Council has:

- Issued 62 new notices for identified breaches and non-compliances
- Finalised 100 notices that have been ongoing, where the matter has been resolved to Council's satisfaction and without requiring litigation and
- Managed 72 outstanding notices that require ongoing follow up where if a satisfactory resolution is not achieved the matter may result in formal Court proceedings.

The main area of non-compliance resulting in legal notices is as a result of complaints for unauthorised second (and sometimes third) residential dwellings within rural land within the Shire. These dwellings are usually converted farm or dairy sheds and have substandard On-Site Sewage Management Systems.

Council has also been investigating a number of unauthorised "function centre" (wedding venue) and "tourist and visitor accommodation" complaints within rural zones.

These types of investigations are complex and require the dedication of many hours to identify and check all available records within Council's systems. These matters also often involve a number of inspections drawing on technical officers across various sections within Council to ascertain compliance and where necessary ensure remedial action is taken.

### *Liquor Licensing Matters*

During the current financial year, Council dealt with 31 liquor licence applications, including six new licenced premises commencing trading within the financial year.

### *Caravan Parks Register*

Caravan Parks are currently licensed through the provisions of Section 68 of the *Local Government Act 1993* (NSW) with the operation of each Park to be undertaken in line with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2008* (NSW).

This Regulation is currently under review by the State Government and it was anticipated that the new regulations would be implemented towards the middle of 2017. Enquiries are underway with the Department to ascertain a revised time frame for implementation of the new Regulation.

In line with the current legislative requirements, it is intended that annual inspections of all existing caravan parks will be completed by the end of June 2018. The majority of these parks have now been inspected.

The initial annual inspection program has focused on safety and risk issues including smoke detectors, fire services and emergency evacuation plans to ensure the safety of patrons of each of the caravan parks.

As a result, a number of Caravan Parks have been found to be deficient and Council is working with the park operators to rectify these matters.

### *Essential Services Register*

An additional 24 premises have been added to Council's Essential Services Register this financial year, giving a total of 537 properties listed.

The checking of the Annual Fire Safety Statements submitted by landowners to Council has identified a number of non-compliances including:

- Incomplete Annual Fire Safety Statements
- The failure to provide the Annual Fire Safety Statement and relying solely on the service technician's report
- The failure to provide Annual Fire Safety Statements by the due date and
- The provision of Annual Fire Safety Statements with identified non-compliances outlined on the Service Technician's Report.

Previous legislation required building owners to sign off on Annual Fire Safety Statements that are to be submitted. However recently approved legislation now requires competent persons in fire safety to sign off these statements, which will assist in identifying any discrepancies.

As outlined in the Legal Notices Section of this report Council has issued 62 new notices this financial year and 14 of these relate to inadequate fire safety measures.

### *Swimming Pools Register*

An additional 214 premises have been added to Council's Swimming Pools Register this financial year, giving a current total of 995 properties listed as having private swimming pools within Ballina Shire.

Council has issued a number of non-compliance certificates following the initial inspection of private swimming pools within the Shire. In this regard, 126 non-compliance certificates have been issued since 1 July 2017.

These non-compliance certificates are not legal notices under the provisions of the *Swimming Pools Act 1992 (NSW)*. Accordingly, these 126 non-compliance certificates are not counted within the Legal Notices section of this Report. Should issues involving ongoing non-compliances be identified as a result of further inspections, this will result in formal legal notices being issued.

An initial review of the operation of the Swimming Pools Register has identified discrepancies between Council's Swimming Pools Register and the NSW Swimming Pools Register.

A program has been developed to cross check all records to ascertain the location of all swimming pools within the Shire and to ensure the integrity of data contained within both the Council's and State Registers.

The initial priority of the Compliance Section is to ensure:

- mandatory swimming pools are identified and recorded in the Swimming Pools Register to ensure Council meets the legislative obligations of the *Swimming Pools Act 1992 (NSW)*; and
- properties with swimming pools that are for sale and rent are being inspected within legislative time frames.

As a result of an initial review, an additional 27 swimming pools that are considered to be mandatory pools under Council's Swimming Pools Program have been identified and are now included within the Council's Register for ongoing monitoring.

### **Sustainability Considerations**

- **Environment**  
Compliance with issued development consents enhances the protection of the built and natural environments.
- **Social**  
Enforcing compliance with development consents and legislative obligations is an important aspect of ensuring community confidence in relation to development activity.
- **Economic**  
Compliance with development conditions results in a more level playing field for business operators.

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

This program aims to efficiently utilise the resources allocated for enforcement activities.

### **Consultation**

This report has been provided for public information.

### **Options**

This report has been prepared as a final update on the 2017/18 Compliance Work Plan and the recommendation is to note the contents of the report.

### **RECOMMENDATION**

That Council notes the contents of this report on the outcomes from the Compliance Work Plan for the 2017/18 financial year.

### **Attachment(s)**

Nil

## 8.5 Compliance Work Plan - 2018/19

---

### 8.5 Compliance Work Plan - 2018/19

**Delivery Program** Development Services

**Objective** To outline the proposed Compliance Work Plan for 2018/19.

---

#### **Background**

This report identifies the major areas where it is recommended that Council apply its development compliance resources for 2018/19.

#### **Key Issues**

- Proposed priority areas for investigation and review

#### **Information**

A Compliance Work Plan has been developed to provide Council with a forecast of how Council resources will be directed over the coming 2018/19 financial year,

Complaints and matters requiring investigation outside the matters identified in the Compliance Work Plan will be prioritised and actioned in line with available resources.

The Compliance Work Plan has nominated the following areas as the priorities for the forthcoming financial year as they are considered the areas of highest risk or potentially lowest levels of compliance.

#### Programs

1. *Audit of Major Developments within the Shire* (Ongoing Program)

It is intended to continue this program to complete the audit of all 2010 Major Development consents and commence the audit of all 2011 and 2012 Major Development consents.

2. *Audit of Identified Development Consents* (Ongoing Program)

It is intended to continue this program and complete the audit of the 2010 and 2011 Identified Development Consents and commence the audit of the 2012 Identified Development Consents.

3. *Caravan Park Inspections, Auditing and Licensing*

Continue a review of the Caravan Park Approval to Operate Program with the aim being to ensure that the caravan parks in the Shire operate in accordance with legislative provisions and provide a safe environment for park residents.



To this end, Council has now initiated an annual inspection program to work with all caravan park operators within the Ballina Shire towards compliance with the provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (NSW).

#### 4. *Swimming Pool Barrier Inspections and the Issuing of Compliance Certification*

To continue a review of the Private Swimming Pool Barrier Inspection and Compliance Program to ensure that private swimming pools meet, wherever practicable, the legislative requirements to minimise the risk of drowning in a private swimming pool.

This program was addressed in more detail in the Compliance Functions Report submitted to the June 2017 Ordinary Council meeting.

Council's current program requires that all mandatory private swimming pools (of which there are 99 currently identified with an additional eight under investigation) are to be inspected by Council for compliance every three years along with all private dwellings for rental or sale.

These functions will continue in the coming financial year. In addition the current program is being reviewed and a policy addressing private swimming pool barrier fencing is being prepared. This policy will be the subject of a separate report to Council.

#### 5. *Essential Services (Fire Safety) Auditing in relation to Fire Safety Certification.*

To continue a review of Essential Services (Fire Safety) certification and inspections, which are defined as the fire and life safety systems installed or constructed in buildings to ensure adequate levels of safety for occupants in the event of a fire or emergency.

### **Sustainability Considerations**

- **Environment**

Compliance with development consents and approvals to operate enhances the protection of the built and natural environments, supports community confidence and promotes a fair approach to economic activity in the Shire.

- **Social**

As above

- **Economic**

As above

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

This program is based on utilisation of existing resources.

**Consultation**

This report has been provided for public information.

**Options**

The options are to either support the proposed work plan or amend it to include other areas where Council believes there may be a higher priority. The recommendation is to endorse the plan as this provides clear direction on the priority actions to be taken in relation to the compliance initiatives of Council.

**RECOMMENDATION**

That Council endorses the Compliance Work Plan for 2018/19, as detailed within this report.

**Attachment(s)**

Nil

## 8.6 Policy (New) - Fire Safety Statements Program

---

### 8.6 Policy (New) - Fire Safety Statements Program

**Delivery Program** Development Services

**Objective** To seek Council support to establish a policy that guides and clarifies how Council will manage Fire Safety Statements as part of an on-going essential services compliance program.

---

#### **Background**

Council administers a compliance program in relation to essential services (being fire safety measures in buildings). Essential services are typically required in all buildings other than single dwellings and non-habitable sheds and garages.

Fire safety statements are the central aspect of Council's essential services compliance program. The certification of fire safety statements confirms the ongoing performance and maintenance of approved and installed fire safety measures. This certification is required on an annual basis and the statement is to be provided by the landowner to Council and Fire and Rescue NSW (FRNSW).

The purpose of this report is to outline a new policy to guide Council's approach to the management of its essential services obligations as they relate to annual fire safety statements.

#### **Key Issues**

- Program of actions
- Level of service
- Compliance response

#### **Information**

In recent years Council's compliance team has taken responsibility of managing the follow up and monitoring of essential services from the building services team. The workload on the building services staff meant that they had very limited resources available to follow up on which properties were lodging their annual fire safety statements.

The more proactive approach from the compliance team is resulting in improved levels of essential services compliance, and at the same time there have been a number of penalty infringement notices issued in respect to non-compliance, primarily in relation to the non-receipt of the annual fire safety statement.

To support the staff in their work, the draft policy, as per Attachment 1, has been prepared to provide:

- an overview of essential services (fire safety) elements and requirements
- an outline of Council's roles and responsibilities
- a series of program actions and
- a summary of enforcement actions that may be taken.

The policy provides clarity in respect to the management of annual fire safety statements and associated matters.

Council's approach to date (and the approach reflected in the policy) is one of minimal tolerance to non-compliance as landowners have an obligation to ensure that the fire safety measures required for their property are certified as being in place and operational annually.

Council's program is designed to cause landowners to meet this obligation particularly given the serious nature of fire safety and management.

### **Sustainability Considerations**

- **Environment**  
Not Applicable
- **Social**  
The proper provision of annual fire safety statements by landowners provides for an improved level of community safety through the certification of fire safety measures that should be present in buildings throughout the shire.
- **Economic**  
There is a cost to landowners in bringing buildings up to current fire safety specifications (where relevant standards are not already met) and in the annual certification process. However, these requirements are supported by legislation and the cost is warranted relative to the prevention of a serious fire event resulting in property damage, injury and/or death.

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

The policy provides a framework to address current deficiencies within existing buildings in Ballina Shire and to require deficient buildings to be brought up to current safety requirements to protect life and property.

The policy has been prepared having regard for legislative obligations associated with essential services under the *Environmental Planning and Assessment Act 1979* (and the associated Regulation) and Council's available resources.

### **Consultation**

The policy reflects the current processes within Council and on that basis 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.

## **8.6 Policy (New) - Fire Safety Statements Program**

---

### **Options**

Council may adopt, amend or not adopt the proposed policy.

The recommended option is adoption as the policy will provide improved transparency and clarity to the community and Council staff in respect to Council's management of fire safety statements.

### **RECOMMENDATIONS**

1. That Council adopts the Fire Safety Statements Program 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 (New) - Fire Safety Statements Program

## 8.7 Impounded Abandoned Vehicle

---

### 8.7 Impounded Abandoned Vehicle

**Delivery Program** Environmental and Public Health

**Objective** To consider a review of the fees charged to release an impounded vehicle.

---

#### **Background**

Council has the responsibility under the Impounding Act 1993 to investigate the illegal dumping of abandoned vehicles on public land.

Council Rangers are delegated under the Impounding Act as an impounding officer and hence manage all complaints relating to abandoned and unregistered vehicles.

In recent years there has been a significant increase in the number of vehicles being abandoned in public areas and this is a pattern occurring in other coastal and tourist locations.

This report addresses the circumstances associated with the impounding of a vehicle in Ballina in 2016 as outlined below and provides context for a confidential report located later in this agenda.

#### **Key Issues**

- Continuing cost to Council
- Compliance with the *Impounding Act*
- Unusual circumstances associated with the ownership of the vehicle

#### **Information**

Council's Rangers received a complaint on 20 July 2016 that a vehicle had been abandoned in Fawcett Street, Ballina. The Rangers attended the location and confirmed a vehicle fitting the description was parked in the public roadway.

The vehicle was not subject to a current registration and a search of the registration nominated a company as the last known registered owner. Subsequently Council sent a letter to the company advising that they had ten days to remove the vehicle from the street and if it was not removed Council would impound the vehicle.

Given that the vehicle was in a good condition and was a relatively newer style vehicle the Rangers monitored the location to determine if the vehicle was being used and if it had left the original location.

Following the expiry of the ten day time period, the vehicle had not moved and Council had not received any communications relating to the vehicle. Council's Rangers then proceeded to impound vehicle and transfer it to Council's impounding yard.

## 8.7 Impounded Abandoned Vehicle

---

Following the impounding of the vehicle a person claiming to be the owner made contact with Council and was advised to provide evidence that he was the owner before Council could release the vehicle. Ultimately though, this person was not able to provide proof of ownership.

Considerable time has passed and Council has kept the vehicle in the impound yard given the circumstances and that it is a vehicle of value.

Council in recent months has received correspondence from the liquidators advising that the person claiming to be the owner is now the owner of the vehicle.

Given that the vehicle has been impounded for an extended period of time since 15 August 2016 (659 days) the fees and charges due on the vehicle as at 5 June 2018 are outlined in the table below.

Item	Cost	Quantity	Subtotal
Impounding Fee	\$85.00	1	\$85.00
Transport to Holding Yard	\$135.00	1	\$135.00
659 Days Storage Fee	\$35.00	659	\$23,065.00
		<b>Total</b>	<b>\$23,285.00</b>

Council is now in a position to return the vehicle to the owner. However the liquidator (the company involved has been placed into liquidation) has advised that the owner is not in a position to pay the significant fees that are outstanding.

This is a very usual circumstance and given the value of the outstanding fees the matter is being reported to the elected Council to consider whether to reduce or waive the fees.

### Sustainability Considerations

- **Environment**  
Not Applicable
- **Social**  
Not Applicable
- **Economic**  
Loss of income

### Legal / Resource / Financial Implications

Council does not raise a debtor for impounding fees as there is typically too high a level of uncertainty in respect to whether the fees will be paid (i.e. animals may be euthanized).

## **8.7 Impounded Abandoned Vehicle**

---

Therefore any reversal of the calculated fees does not directly impact on Council's budget as the debt has not been raised and there has been no assumption the monies will be collected.

### **Consultation**

Communication has been with the liquidator who will arrange for the collection of the vehicle from Council once a decision has been made to release the vehicle and they will return it to the owner.

A confidential report has been prepared as it relates to personal hardship.

### **Options**

The primary purpose of this report is to provide an open Council overview of the content of the confidential report. The recommendation is for the noting of the report.

### **RECOMMENDATION**

That Council notes the contents of this report which provides an introduction to a confidential report on the matter of an impounded vehicle and associated fees.

### **Attachment(s)**

Nil



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

---

### **8.8 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.

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

### **RECOMMENDATION**

That Council notes that there have been Nil development applications approved under delegation involving variations to development standards less than 10% for May 2018.

### **Attachment(s)**

Nil

## 8.9 Development Applications - Works in Progress - June 2018

---

### 8.9 Development Applications - Works in Progress - June 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	Being assessed
2017/232	12/5/2017	GM Project Development & Management	Three Lot Strata Title Subdivision – 6 George Street, Tintenbar	Being assessed
2017/370	07/07/2017	Newton Denny Chapelle	Service Station and Childcare Centre – 246-250 Lismore Road, Wollongbar	Being assessed To be reported to Council
2017/430	04/08/2017	Victor Holmes Town Planning	Change of use to light industry, truck depot and storage facility, with associated business identification sign – 38B Smith Drive, West Ballina	Awaiting additional information
2017/554	6/10/2017	Ballina Shire Council	Construction of a skate park – Elvery Lane, Alstonville	Referred to Government Departments
2017/565	11/10/2017	Newton Denny Chapelle	Stage 5 - 88 Lot Residential Subdivision comprising 81 Torrens Title Lots and Seven Community Title Lots, Civil Infrastructure Servicing and Associated Earthworks (stage five of Epiq Estate) - Lot 54 Hutley Drive, Lennox Head	Being assessed
2017/600	30/10/2017	Newton Denny Chapelle	Expansion of an Existing Resource Recovery Facility - 19-21 Northcott Crescent, Alstonville	Awaiting additional information To be reported to Council

## 8.9 Development Applications - Works in Progress - June 2018

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
2017/718	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
2018/35	29/1/2018	Ardill Payne & Partners	To construct a two storey multi dwelling housing development comprising three dwellings with a maximum height of 8.94 metres which is above the maximum height of 8.5 metres as outlined in the Ballina Local Environmental Plan 2012, and the associated strata subdivision and other works – 65 Blue Seas Parade, Lennox Head	Referred to Government Departments

## 8.9 Development Applications - Works in Progress - June 2018

2018/51	2/2/2018	Ballina Island Development Pty Ltd	Subdivision of land to create 103 residential lots and seven super lots, construction of roads, stormwater management and drainage (including detention basins and piping of creek), infrastructure servicing, earthworks, vegetation clearing, open space and temporary signage – 20 North Creek Road, Lennox Head	Awaiting additional information
2018/74	13/2/2018	Ardill Payne & Partners	Demolition of Existing Residential Flat Building and Erection and Strata Title Subdivision of a Six Storey Residential Flat Building Containing 14 dwellings, associated car parking and works. The proposed building has a height of 18.4m with the lift over run at a height of 19.3m which is above the building height allowance of 18m under the Ballina Local Environmental Plan 2012 – 8 Grant Street, Ballina	Awaiting additional information
2018/79	14/2/2018	Ardill Payne & Partners	Establishment of a tourist and visitor accommodation development comprising three holiday cabins and associated works – 101 Broken Head Road, Newrybar	Awaiting additional information
2018/99	26/2/2018	M Pampel	Change of use from office to medical centre – naturopathic practice – 144 River Street, Ballina	Determination pending
2018/144	16/3/2018	Newton Denny Chapelle	Change of Use of Units 1, 2 and 3 from Light Industrial to a Recreational Facility (Tenancy 1 – Personal Training and Fitness classes, Tenancy 2 – Martial Arts classes) – 3 Sheather Street, Ballina	Awaiting additional information

## 8.9 Development Applications - Works in Progress - June 2018

2018/195	11/4/2018	A Johnson	Vegetation management works involving the removal of three trees- 22 Libby Lane, Lennox Head	Awaiting additional information
2018/213	17/4/2018	Newton Denny Chapelle	Erection of sales office and construction of associated car parking associated with EPIQ subdivision – Hutley Drive, Lennox Head	Being assessed
2018/216	20/4/2018	Balanced System Planning	Demolition of existing conference centre and construction of new conference centre, alterations and additions to dormitory accommodation, removal of carport and shed associated with caretakers dwelling, minor changes to kitchen and amenities buildings and associated onsite works, to be undertaken in two stages – 70 Shelly Beach Road, East Ballina	Awaiting additional information Referred to Government Departments
2018/244	3/5/2018	C Blackburn	Vegetation Management Works involving the pruning of Two Trees – 24 Greenfield Road, Lennox Head	Being assessed
2018/249	4/5/2018	Newton Denny Chapelle	Proposed Child Care Centre – Hutley Drive, Lennox Head (EPIQ)	On exhibition
2018/254	7/5/2018	W Hirst	Change of Use - Massage Clinic – 16-22 Cherry Street, Ballina	Being assessed
2018/259	8/5/2018	Planners North	Boundary Adjustment Subdivision of two lots to create one 8.6ha and one 14.9ha allotments, Lot A DP 441478 and Lot 3 DP 589334 – Old Byron Bay Road, Newrybar	Awaiting additional information
2018/261	9/5/2018	JB Lee	Vegetation Management Works comprising the Removal of One Tree – 23 Rainforest Way, Lennox Head	Being assessed

## 8.9 Development Applications - Works in Progress - June 2018

---

2018/272	11/5/2018	JL Keane	Vegetation Management Works comprising the Removal of Two Trees - 3-7 Henderson Street & 66 Cedar Crescent, East Ballina	Being assessed
2018/279	16/5/2018	O Ryan	Vegetation Management Works comprising the removal of Two Trees – 2 Periwinkle Place, Ballina	Being assessed
2018/296	25/5/2018	Planners North	Two Lot Strata Title Subdivision of an existing Industrial Building – 32 Southern Cross Drive, Ballina	Being assessed

## 8.9 Development Applications - Works in Progress - June 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	Amended Proposal: To undertake the first stage of the urban subdivision of the new Cumbalum Urban Release Area – Precinct B comprising a total of 166 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, Kinvara	Being assessed
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 on disputed conditions 15 May 2018  Awaiting Commissioner Brown's determination on two conditions
2016/524	16/9/16	Planners North	Amended Proposal: Seniors Living Development pursuant to SEPP (Housing for Seniors and People with a Disability) 2004 comprising amended layout, 170 (previously 211) serviced, self-care housing (previously 210) with associated clubhouse, recreation facilities, roads and associated infrastructure and environmental management and protection works – 67 Skennars Head Road, Skennars Head	Being assessed

## 8.9 Development Applications - Works in Progress - June 2018

2016/746	23/12/16	Ringtank Pty Ltd	Erection of three dwelling houses, 10 site caravan park, equine facilities including stables, veterinary facility, quarantine stalls, horse float and equipment shelters and two equestrian exercise lawns, private outdoor recreation facilities including go-kart track, shooting range, associated buildings, roadworks, earthworks including dam and landscaping - Carrs Lane, Empire Vale Road, Reedy Creek Road- Keith Hall/Empire Vale	Awaiting additional information
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	Likely to be reported to JRPP in July
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	Being assessed



## 8.9 Development Applications - Works in Progress - June 2018

2017/447	17/8/2017	Newton Denny Chapelle	Erection of a Neighbourhood Shopping Centre, involving a Supermarket (Woolworths) and Specialty Shops, Associated Car Parking and Other Infrastructure Servicing, Earthworks, Signage and Landscaping within the EPIQ Estate at Lennox Head – Hutley Drive, Lennox Head	JRPP – Determination deferred
2017/670	23/11/2017	Planners North	Extractive Industry and Concept Approval for future recreational and tourism use – Newrybar Swamp Road, Lennox Head	Awaiting additional information

### 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 June 2018.

### Attachment(s)

Nil

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

9.1 **Project Update - Wardell Strategic Plan 2015 - 2035**

**Delivery Program** Strategic Planning

**Objective** To inform the Council of progress made in respect to the implementation of actions contained within the Wardell Strategic Plan 2015 - 2035.

---

**Background**

Council adopted the Wardell Strategic Plan 2015 – 2035 (WSP) at the Ordinary meeting held on 28 January 2016. The WSP contains a total of 29 strategic actions under five themes which together comprise the vision statement for Wardell to 2035. This approach was endorsed by the Council following a documented program of comprehensive community engagement.

A review process was incorporated within the WSP which requires reporting on the status of the strategic actions to the Council on a bi-annual basis. The WSP is also scheduled for review at five yearly intervals with the first review programmed for 2021. The following report represents the initial bi-annual review of the Plan's adopted strategic actions.

**Key Issues**

- Strategic Plan action monitoring and progress reporting.

**Information**

The attachment to this report contains a schedule of WSP actions with information relating to progress made and an indicative timetable for when actions are proposed to be commenced.

The table below contains a numerical summary of actions completed, in progress, not commenced or not Council responsibility.

**Table – Summary of WSP Action Progress**

Status	Number	Percentage (%)
Completed	6	21%
In Progress	5	17%
Not Commenced	15	52%
Not Council Responsibility	3	10%
<b>Total</b>	<b>29</b>	<b>100%</b>

Council has been assigned implementation responsibility for 26 of the nominated actions.

Of these, 6 (23%) have been completed and 5 (19%) are considered to be in progress.

The completed actions include investigation of the manner in which capital project funding decisions for Wardell Village are determined, recognition of potential for the River Hotel to form a focal point for activity in Wardell (completion of nearby landscaping, boardwalk and pathway), local history commentary script for tour operators, board walk funding, shared pathway and footpath opportunities investigation (PAMP process), and maintaining the waiver on secondary dwelling contributions.

In terms of actions programmed for completion during 2018/19, it is proposed to prepare a planning proposal to permit attached dual occupancy development upon flood free R2 zoned land within Wardell Village.

This project will be undertaken concurrently with the dual occupancy planning proposal for Alstonville.

### **Sustainability Considerations**

- **Environment**  
Implementation of the Plan is anticipated to deliver improved environmental, social, cultural and economic outcomes for the Wardell community.
- **Social**  
As above
- **Economic**  
As above

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

To date, actions completed have been undertaken utilising existing program resources or through resources allocated as a consequence of the annual delivery program process.

Given that Council has now adopted a number of strategic plans (Ballina, Wardell, Alstonville), and some are in the process of being prepared (Wollongbar) it is proposed to submit further reports to Council on how actions in the plans can be implemented as part of the annual Delivery Program preparation process.

This will enable proposed actions with Council resource implications to be more clearly identified in the Delivery Program and linked back to the relevant strategic plan.

### **Consultation**

As stated, the Plan's strategic actions are outcomes of programmed community engagement.

**Options**

1. The Council notes the contents of this report and the attached Wardell Strategic Plan Action Summary Update document.

This is the recommended option.

2. The Council requests additional information or determines that indicative timeframes for the implementation of certain actions should be altered.

It is open to the Council to seek additional information by way of a briefing or Councillor bulletin item on any action which it considers requires clarification. It is also open to the Council to alter timeframes associated with the implementation of actions as specified in Attachment 1. This may give rise to a need for additional or reallocated resources.

**RECOMMENDATION**

That Council notes the contents of the report relating to the progress of implementing actions contained within the Wardell Strategic Plan 2015 – 2035.

**Attachment(s)**

1. Wardell Strategic Plan - Action Summary Update

## 9.2 LEP Amendments and Planning Proposals - Status

---

### 9.2 LEP Amendments and Planning Proposals - Status

**Delivery Program** Strategic Planning

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

---

#### **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.

#### **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**

<b>Item</b>	<b>Name and Status</b>	<b>Summary and Notes</b>	<b>Completion Due</b>
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 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 &amp; 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 6)	<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.</p> <p>The Council, at its Ordinary Meeting held on 24 May 2018 resolved to seek an altered Gateway determination and then to proceed to exhibit the amended planning proposal for community feedback. Currently awaiting response from Department of Planning &amp; Environment.</p>	01/10/2018
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 &amp; Environment on 26 June 2017, in accordance with the Council's decision.</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.</p>	14/12/2017
17/009	Byron Bay Road (No.9) and the Telstra exchange site, Lennox Head (Stage 4)	<p>Proposal to amend the LEP 2012 to rezone land from RU1 Primary Production to R2 Low Density Residential, and to apply a minimum lot size of 600m<sup>2</sup>.</p> <p>A Gateway determination was issued on 16 October 2017.</p> <p>Following Council's purchase of No. 9 Byron Bay Road, Lennox Head it has not yet been determined as to the manner in which this planning proposal will proceed.</p>	16/07/2018
17/010	Skennars Head Expansion Area, Skennars Head (Stage 3)	<p>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.</p> <p>A Gateway determination was issued on 15 February 2018. The Gateway required that further information be provided with respect to potential impacts associated with the expansion of commercial floor space within the proposed expanded neighbourhood centre.</p> <p>Council staff is currently liaising with the proponent regarding the submission of the required additional information.</p>	15/02/2019

## 9.2 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
17/011	General Amendment 2017 (Stage 7)	Proposal to undertake a number of amendments to the LEP maps to address cadastral changes and minor mapping errors.  On 24 May 2018 the Council resolved to endorse the proposed amendments to the Ballina LEP 2012 and to proceed to finalise the matter under delegated authority. Documentation is currently being prepared to enable the matter to be finalised.	02/08/2018
17/012	Compton Drive (No. 23), East Ballina (Stage 3)	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 <sup>2</sup> .  A Gateway determination was issued on 6 June 2018. The Gateway requires the proponent's submission of further information and site investigations relating to contamination, bushfire assessment, geotechnical assessment (including assessment of land slip hazards) and a revised site survey plan.  The proponent has been advised of the requirements.	06/12/2019
17/013	Roadside Stalls (Stage 7)	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 24 May 2018 the Council resolved to endorse the finalisation of the planning proposal subject to the removal of land located adjacent to classified roads from eligibility for exempt development for the purpose of low impact roadside stalls.	16/09/2018
<p><b>LEP Amendment Request/Planning Proposal Processing Stages</b></p> <ol style="list-style-type: none"> <li>1. Initial Concept - Proponent submits initial amendment concept for review and reporting to the Council.</li> <li>2. Planning Proposal - Preparation of a planning proposal for the Council's consideration (if the initial concept is supported by the Council).</li> <li>3. Gateway Determination - DP&amp;E determination as to whether the planning proposal may proceed (if the Council resolves to submit the planning proposal for determination).</li> <li>4. Study Preparation - Relevant technical information to enable complete assessment compiled and considered. This step may also involve pre-exhibition public authority consultation.</li> <li>5. Community Consultation - Planning proposal and associated technical assessment material exhibited for public comment.</li> <li>5a. Public Hearing - Public Hearing held, where required.</li> <li>6. Submissions Assessment and Council Decision - Reporting of community consultation outcomes and Council decision regarding finalisation of the planning proposal.</li> <li>7. Finalisation - DP&amp;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.</li> </ol> <p># Denotes proposal number and due date subject to Gateway determination.</p> <p><i>The completion due date is a date for completion determined by the Department of Planning and Environment.</i></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, has been, or will be undertaken in relation to individual planning proposals.

### **Options**

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

### **RECOMMENDATION**

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

### **Attachment(s)**

Nil



### 9.3 Policy (Review) - Community Gardens

---

#### 9.3 Policy (Review) - Community Gardens

**Delivery Program** Open Spaces and Reserves

**Objective** To review Council's existing Community Gardens Policy.

---

#### **Background**

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Community Gardens Policy.

The Council initially adopted this policy in 2010 and it was subsequently reviewed in 2014. No changes were made as a result of the 2014 review.

#### **Key Issues**

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

#### **Information**

This policy provides guidelines on how Council will manage community gardens on Council owned or controlled land.

The review of this policy has concluded that it remains largely "fit for purpose", with staff suggesting that only minor changes be considered, as follows:

- A revised policy layout in line with Council's updated policy template, primarily involving formatting changes to the policy with minimal additional text provided to clarify additional considerations (as outlined below). The intent is to improve the flow and meaning of the text within the policy by grouping information in sections and providing guidelines, site selection criteria and procedural information in appendices.
- Site selection criteria for proposed new community gardens on Council owned land have been moved from the body of the policy to an appendix and have been amended to include additional considerations (security, vehicle access, underground services and signage).
- Removal of information under the heading 'Type of Community Garden', as this is repeated in the definitions section.
- Information regarding licensing has been updated to reference Council's adopted *Community Property Leasing and Licensing Policy*.
- The information regarding fencing of community gardens has been moved to the site selection criteria under the heading 'security' which provides advice on measures that may need to be considered to protect the garden from vandalism and theft. These measures will be assessed on a case by case basis.

The changes to the text (additions and deletions) have been marked in yellow in the revised version of the policy, a copy of which is contained in Attachment 1. Where existing text and information has been rearranged within the policy, this has not been highlighted.

### **Sustainability Considerations**

- **Environment**  
Community gardens provide a means to assist with educating our community on a broad spectrum of environmental issues. They also encourage cultivation of food locally.
- **Social**  
Community gardens bring people from all walks of life and all ages together, building stronger, more integrated communities.
- **Economic**  
Community gardens provide participants with the opportunity to raise their own food, as a collective, at a very low cost.

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

There are no legal, resource or financial implications relating to this matter.

### **Consultation**

During the review and preparation of the amended Community Gardens Policy, Council's Natural Resource Officer and the Secretary of the Ballina Community Gardens were consulted.

As no substantial changes are proposed, it is recommended that the Council adopt the policy as presented.

In accordance with our normal practice, the revised document will be exhibited for community feedback. If any submissions are received they can be reported to the Council for its consideration. There will not be a need for any further report if no submissions are received.

### **Options**

It is open to the Council to accept or amend the suggested changes to the policy, or to decline to support it. The policy affords prospective community garden operators with clear guidelines and outlines matters for consideration in the use and occupation of public land.

Importantly, it promotes transparency in the allocation of Council's resources. For these reasons, the policy framework is desirable and should be retained.

### **RECOMMENDATIONS**

1. That Council adopts the amended Community Gardens 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 - Community Gardens

## 10.1 Investment Summary - May 2018

---

### 10. General Manager's Group Reports

#### 10.1 Investment Summary - May 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 May 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 May was \$67,738,000. This represents a decrease of \$1m from April. Council's investments, as at 31 May, are at an average (weighted) rate of 2.75%, which is 0.79% above the 90 Day Bank Bill Index of 1.96%.

The balance of the cheque account at the Commonwealth Bank, Ballina, as at 31 May 2018, was \$8,231,395. This balance is higher than the balance of \$3,097,169 as at 30 April 2018. The combined movement of investments and bank balances was an increase of \$4,134,226. This overall increase is attributable to monies received from rate payments and the settlement of the sale of Council property at the end of May. Cash was held in the bank account due to large creditor and loan payments in June.

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

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

\* Updated to reflect reserves held as at 30 June 2017

**A. Summary of Investments by Institution**

Funds Invested With	Fossil Fuel Aligned	ADI Rating *	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
<b>Grandfathered Investments</b>							
National Australia Bank	Yes	BBB	1,788	1,788	0	2.6%	<b>3%</b>
<b>Rated Institutions</b>							
AMP Bank	Yes	A	3,000	9,000	20%	13.3%	
Auswide Bank	No	BBB	1,000	1,000	10%	1.5%	
Bank of China	Yes	A	2,000	2,000	20%	3.0%	
Bank of Queensland	Yes	BBB+	4,000	4,000	10%	5.9%	
BankWest	Yes	AA-	3,000	0	20%	0.0%	
Bendigo & Adelaide Bank	No	BBB+	3,000	3,000	10%	4.4%	
Commonwealth Bank of Australia	Yes	AA-	8,000	7,000	20%	10.3%	
Credit Union Australia	No	BBB	3,000	3,000	10%	4.4%	
Defence Bank Ltd	No	BBB	5,500	4,500	10%	6.6%	
Greater Bank Limited	No	BBB	2,000	2,000	10%	3.0%	
ING Bank Ltd	Yes	A	5,000	5,000	20%	7.4%	
ME Bank	No	BBB	5,750	4,750	10%	7.0%	
My State Bank Ltd	No	BBB+	4,000	2,000	10%	3.0%	
National Australia Bank	Yes	AA-	4,000	4,000	20%	5.9%	
Newcastle Permanent Bld Society	No	BBB	700	700	10%	1.0%	
Rural Bank Ltd	No	BBB+	3,000	4,000	10%	5.9%	
Teachers Mutual Bank Limited	No	BBB	1,000	1,000	10%	1.5%	
Westpac Banking Corporation	Yes	AA-	9,000	9,000	20%	13.3%	<b>97%</b>
<b>Total</b>			<b>68,738</b>	<b>67,738</b>		<b>100%</b>	
<b>Credit Rating Summary as per the Investment Policy</b>							
	<b>Maximum Allowed</b>		<b>Value</b>	<b>Value</b>	<b>%</b>	<b>%</b>	
	<b>%</b>	<b>Value</b>	<b>Previous</b>	<b>Current</b>	<b>Previous</b>	<b>Current</b>	
A- or Higher	100%	67,738	34,000	36,000	49%	53%	
BBB	60%	40,643	34,738	31,738	51%	47%	
Total			68,738	67,738	100%	100%	

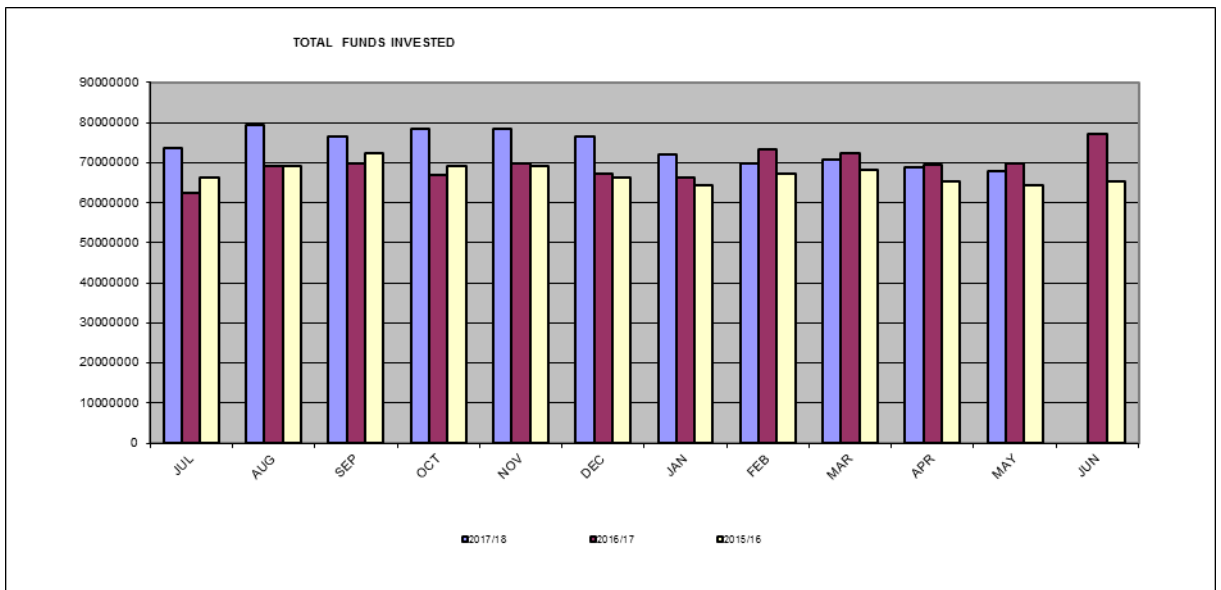
**B. Summary of Investments Fossil Fuel Aligned**

	Previous Month	Current Month
<b>Fossil Fuel Aligned</b>	39,788 <b>58%</b>	41,788 <b>62%</b>
<b>Non-Fossil Fuel Aligned</b>	28,950 <b>42%</b>	25,950 <b>38%</b>
<b>Not Classified</b>	0 <b>0%</b>	0 <b>0%</b>
<b>Total</b>	68,738 <b>100%</b>	67,738 <b>100%</b>

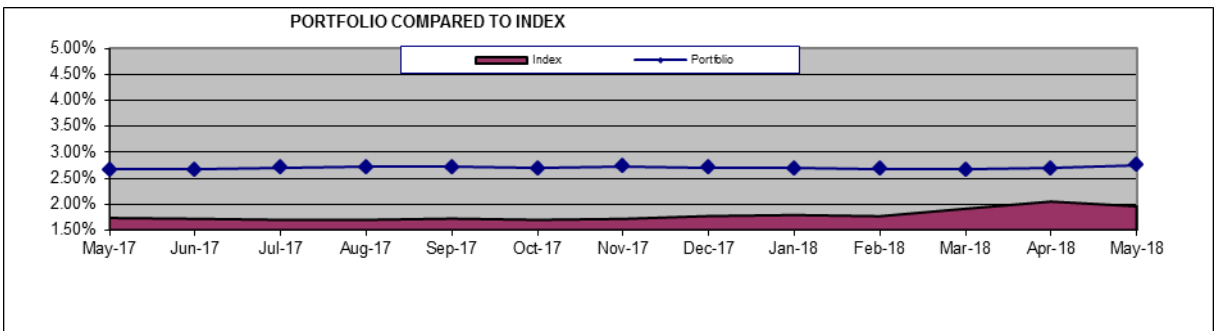
The increase in non-fossil fuel aligned investments is attributable to investments placed with AMP at month end. AMP was offering rates significantly above those offered by non-fossil fuel aligned banks. The determination of fossil fuel alignment is based on advice from 'Market Forces' as follows:

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

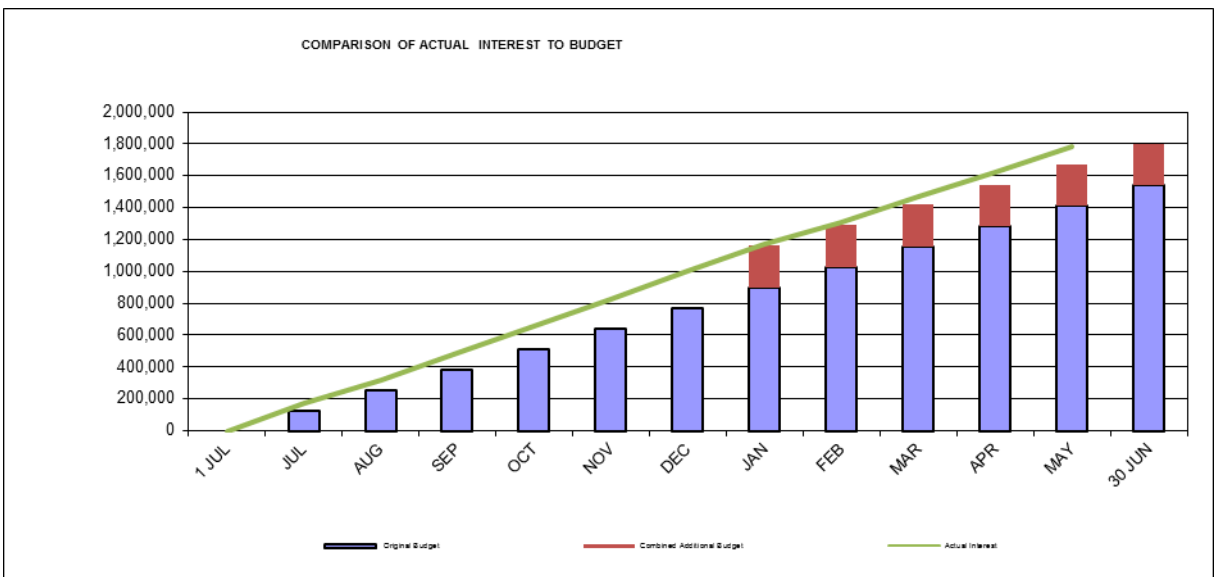
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



## 10.1 Investment Summary - May 2018

### F. Investments held as at 31 May 2018

PURCH DATE	ISSUER	TYPE	RATE	NEXT MATURITY	PURCH VALUE \$'000	FAIR VALUE \$'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
09/03/18	Westpac Banking Corporation	TD	2.65%	12/06/18	2,000	2,000
17/06/16	Commonwealth Bank of Australia	FRN	3.01%	17/06/18	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
29/06/17	Teachers Mutual Bank Limited	FRN	3.45%	29/06/18	1,000	1,001
30/06/16	Commonwealth Bank of Australia	FRN	2.97%	30/06/18	1,000	1,000
05/09/17	Commonwealth Bank of Australia	TD	2.58%	05/07/18	2,000	2,000
09/10/17	Westpac Banking Corporation	TD	2.57%	09/07/18	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
26/07/16	Commonwealth Bank of Australia	FRN	3.11%	26/07/18	1,000	1,000
03/08/17	Westpac Banking Corporation	FRN	3.07%	02/08/18	2,000	2,000
06/05/18	Newcastle Permanent Bld Society	FRN	3.40%	06/08/18	700	697
07/02/18	Bank of Queensland	TD	2.60%	07/08/18	2,000	2,000
08/08/17	ING Bank Ltd	TD	2.61%	08/08/18	1,000	1,000
09/11/17	ME Bank	FRN	3.21%	09/08/18	750	750
08/08/17	Bendigo & Adelaide Bank	TD	2.70%	14/08/18	2,000	2,000
20/09/04	National Australia Bank (ASX Listed)	FRN	3.15%	15/08/18	1,788	1,429
16/08/17	AMP Bank	TD	2.65%	16/08/18	1,000	1,000
18/08/17	Westpac Banking Corporation	FRN	2.99%	20/08/18	1,000	1,000
09/08/17	Bendigo & Adelaide Bank	TD	2.70%	22/08/18	1,000	1,000
24/05/18	Greater Bank Limited	FRN	3.35%	24/08/18	1,000	1,000
25/05/18	Westpac Banking Corporation	FRN	2.88%	27/08/18	2,000	2,008
08/02/18	Defence Bank Ltd	TD	2.60%	28/08/18	1,000	1,000
30/08/16	Greater Bank Limited	FRN	3.45%	28/08/18	1,000	1,002
11/12/17	ME Bank	TD	2.62%	07/09/18	1,000	1,000
05/03/18	National Australia Bank	TD	2.57%	11/09/18	2,000	2,000
26/03/18	Bank of China	TD	2.74%	11/09/18	2,000	2,000
09/04/18	ME Bank	TD	2.75%	09/10/18	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
27/04/18	Rural Bank Ltd	TD	2.80%	09/01/19	2,000	2,000
30/04/18	Rural Bank Ltd	TD	2.80%	22/01/19	1,000	1,000
29/01/18	Commonwealth Bank of Australia	TD	2.66%	29/01/19	2,000	2,000
03/04/18	Credit Union Australia	TD	2.72%	05/02/19	1,000	1,000
01/05/18	Rural Bank Ltd	TD	2.80%	12/02/19	1,000	1,000
03/05/18	My State Bank Ltd	TD	2.80%	19/02/19	1,000	1,000
17/05/18	AMP Bank	TD	2.83%	19/02/19	2,000	2,000
22/05/18	AMP Bank	TD	2.80%	26/02/19	1,000	1,000
29/05/18	AMP Bank	TD	2.83%	05/03/19	3,000	3,000
<b>Totals</b>					<b>67,738</b>	<b>67,387</b>
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 May 2018.

**Attachment(s)**

Nil

## 10.2 Community Donations - Australian Representation

---

### 10.2 Community Donations - Australian Representation

**Delivery Program**      Communications

**Objective**                      To consider an application for funding under the 'Donations - Australian Representation' Policy.

---

#### **Background**

From time to time, Council receives requests to financially support athletes who reside in the Ballina Shire if they are selected to represent Australia in their chosen field of sport. Council has a policy *Donations – Australian Representation* that provides guidance to these requests.

Council has received such a request from a local resident, and a copy of the request is attached.

#### **Key Issues**

- Community benefit
- Funding available

#### **Information**

##### ***Australian Representation – Ms Helen Rankin Jarvie***

Helen Rankin Jarvie, a Ballina Shire resident of eight years, has been selected to represent Australia as a member of the Australian Masters Hockey team.

The team will attend the World Cup to be held in Spain in August 2018 and Helen is seeking funding towards these costs.

The players are responsible for the payment of flights, accommodation, coaching/physio staff, turf fees and uniforms which have been paid for by Helen (see attached).

Council has a policy, *Donations - Australian Representation* that states Council may provide a \$400 contribution for applicants representing Australia overseas (this figure is indexed by CPI each year, therefore approximately \$420 in current dollars).

#### **Sustainability Considerations**

- **Environment**  
Not Applicable
- **Social**  
Donations can support community benefits to the Ballina Shire.



- **Economic**  
Not Applicable

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

There are sufficient funds remaining in the donations budget to finance this request.

### **Consultation**

There has been no specific consultation in respect to this request.

### **Options**

The options are to approve or decline the request. The application complies with the Council policy and is recommended for approval.

### **RECOMMENDATION**

That Council approves the request from Ms Helen Rankin Jarvie for a donation towards the cost of Australian selection as per Council's Donations - Australian Representation Policy.

### **Attachment(s)**

1. Helen Rankin Jarvie - Request for Financial Assistance - Australian Representation Attachment to Report

### **10.3 Local Government NSW - Casual Vacancy of Vice President**

---

#### **10.3 Local Government NSW - Casual Vacancy of Vice President**

**Delivery Program**      Communications

**Objective**                      To ascertain voting delegates for the election of Vice President (Rural/Regional councils) to LGNSW.

---

#### **Background**

Local Government NSW (LGNSW) has advised of a casual vacancy in the office of Vice President (Rural/Regional councils) on the Board of the Local Government and Shires Association of NSW.

The Association's rules require the casual vacancy to be filled by secret postal ballot.

The Australian Electoral Commission has been asked to make arrangements for the election.

A copy of the information from LGNSW is attached to this report.

#### **Key Issues**

- Voting delegates

#### **Information**

Eligible Ordinary members of the Association are entitled to vote in the election. Ballina Shire Council is entitled to three voting delegates and voting delegates must be a Councillor of a Council which is an Ordinary member of the Association in the Rural/Regional councils category.

In these situations, it is normal practice to nominate the Mayor and Deputy Mayor as voting delegates. If this is the preferred method, Council will need to nominate a third voting delegate.

#### **Sustainability Considerations**

- **Environment**  
LGNSW considers matters of environmental, social and economic natures.
- **Social**  
As above
- **Economic**  
As above

**Legal / Resource / Financial Implications**

There are no legal or financial resource implications.

**Consultation**

No public consultation is required on this matter.

**Options**

1. Endorse the Mayor and Deputy Mayor as voting delegates, and elect a third delegate.
2. Elect three voting delegates.

Option one is preferred.

**RECOMMENDATION**

That Council confirms the Mayor and Deputy Mayor and one other Councillor as voting delegates for the election to fill a casual vacancy in the office of Vice President (Rural/Regional councils) on the Board of the Local Government and Shires Association of New South Wales.

**Attachment(s)**

1. Letter from LGNSW

## 10.4 Community Consultation and Ward Committees

---

### 10.4 Community Consultation and Ward Committees

**Delivery Program**      Communications

**Objective**                      To discuss the community consultation policy, membership requirements of Ward Committees and to obtain approval to amend membership of the A Ward Committee.

---

#### **Background**

At the April 2018 Ordinary meeting Council considered a notice of motion which stated as follows:

*That Council modify its community engagement policies so that any community group wishing to participate in any formal community stakeholder engagement, for example such as Workshops, Community Forums, Ward Committees etc must publicly provide a list of the current board/executive (with positions) and a copy of the community group's constitution.*

*This does not preclude groups of individuals from providing input, it simply sets an open standard that to participate in formal community consultation as a group (as opposed to an individual or group of individuals) that this basic level of transparency must be provided.*

Council did not adopt this motion and resolved to hold a briefing.

Council has also recently received an application from the West Ballina Quays Consultative Group to become a member of the A Ward Committee.

A copy of their initial nomination is attached. Further information was requested and a copy of their response is also attached.

This report addresses these matters.

#### **Key Issues**

- Community group representation
- Ward Committee membership
- Process of applying for membership to a Ward Committee

#### **Information**

The Councillor briefing was held during May and a large part of the discussion focused on Council's Ward Committees, primarily in respect to membership and the representation of community groups.

Ward Committees are community based committees for the three geographical wards (A, B and C) in the Ballina Shire.

Their terms of reference are very broad:

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

## 10.4 Community Consultation and Ward Committees

---

The Ward Committees have no delegated authority, therefore the decisions they make may inform a Council position, but they have no decision-making powers.

Council has an adopted Community Consultation Policy, which states that Ward Committees consist of the Mayor, Ward Councillors and one representative from any not for profit community based group that operates within the Ward and nominates to be part of the Ward Committee. Nominations are reported to Council for approval to join the Ward Committee.

At the May 2018 Councillor briefing there was a general feeling that no changes were required to the Community Consultation Policy, which was recently reviewed in November 2017.

The discussion focused more broadly on how the Ward Committees were operating, along with broader consultation ideas.

In terms of the role of Councillors at Ward Committees, it is generally accepted that a Councillor is to Chair each meeting, albeit the Community Consultation Policy is silent on this point. The Chair position could be rotated, and this could be done on an annual basis in September each year.

Typically this has been a matter for each Ward Committee to manage based on a consensus approach and there has been no need to formalize it in the Community Consultation policy.

The process to become a member of a Ward Committee is to write to the General Manager and provide information about the community group. This information is reported to Council, where a determination is made. Historically, all nominations are approved.

There have been some concerns expressed, at times, in respect to a lack of information on the status or membership of community groups reported to Council.

In order to try and rectify this, a nomination form has recently been developed for Ward Committee membership.

The second attachment to this report is the completed nomination form for the West Ballina Quays Consultative Group. That form has helped to obtain additional information on the status of the group.

The on-going completion of the nomination form should improve the nomination process for Ward Committees and if there are any additional items that Councillors would like to see included in that nomination form, they could be raised as part of this report.

It is also proposed to follow up on Ward Committee membership, as there are a few instances where community groups have not attended for over 12 months.

It is proposed to write to these groups to seek their intentions and if no response is received, after a period of time, Council can choose to withdraw that organisation's membership.

## 10.4 Community Consultation and Ward Committees

---

This will help to ensure that the membership of the Ward Committees maintains relevance with the community. It is also recommended that the General Manager be authorised to remove that membership to save on-going reporting to Council.

To further support engagement with Ward Committees, a roster of staff section managers has recently been prepared where each manager will provide a presentation to Ward Committee meetings on a rotating basis.

This will help to ensure that managers more proactively use the committees as a mechanism for consultation and information distribution, all of which can help improve the information flow to the community on upcoming projects and Council activities. This is due to commence in July 2018.

Based on the number of Ward Committee meetings held this should mean that every section manager will provide at least one presentation to each Ward Committee during every term of Council.

The final part of this report is to do with the application received from West Ballina Quays Consultative Group who are seeking to become a member of the A Ward Committee. Their application information is attached.

As per the application the membership of this Committee is limited (currently five). The formation of this Committee has some origins in respect to the recent commencement of waterways licenses for properties adjoining the various canals, along with on-going concerns regarding dredging.

The waterways licensing was a difficult matter to implement as we had a situation where 156 property owners did not have a legal agreement with Council in respect to their occupation of Council land (or waterway).

A significant amount of consultation was undertaken in that process with 149 agreements now signed and seven still to be resolved.

From a staff perspective, considering that there had never been any agreements in place and the process involving the signing of legally binding agreements, including the payment of fees, this process was reasonably well handled.

As per the application from the West Ballina Quays Consultative Group, that is not a view shared by everyone, and in some way that process has led to the formation of this Group.

### **Sustainability Considerations**

- **Environment**  
Ward committees consider matters that relate to environmental, social and economic issues.
- **Social**  
As above
- **Economic**  
As above

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

Community consultation can be resource intensive and Council needs to constantly be trying to get the right balance between adequate community consultation and a reasonable allocation of resources.

### **Consultation**

The various types of consultation Council undertakes, which are guided by the Community Consultation Policy, generally work reasonably well, in obtaining community feedback.

The difficulty for Councillors in managing consultation is that the final decision may, at times, not reflect that feedback.

The consultation process is sometimes criticized by people involved when the outcome is not their preferred result.

This does not necessarily mean that the community consultation process was flawed, as the key issue is to ensure that Councillors and the community are adequately informed on the merits or otherwise of any proposal.

Discussion at the Councillor briefing also highlighted concerns that some groups may not be representative or may reflect a narrow view.

This may or may not be true and ultimately it is a matter for Councillors to determine how much weight they place on consultation with certain groups. Essentially this is the political process where Councillors need to use their judgement as to what is the “right” outcome for the community.

### **Options**

There were no clear outcomes, or direction, provided at the Councillor briefing therefore the recommendation is for noting only in respect to Council’s Community Consultation Policy.

In respect to the nomination from the West Ballina Quays Consultative Group, even though the membership may be small, it is a community based group and the recommendation is to support the nomination.

### RECOMMENDATION

1. That Council notes the contents of this report in respect to Community Consultation and Ward Committees.
2. That Council approves the nomination from the West Ballina Quays Consultative Group to the A Ward Committee as per the attachment to this report.
3. That Council authorises the General Manager to remove any community based groups from the Ward Committees where they have not attended a meeting for at least 12 months, and have not responded to any follow up correspondence issued by Council.

### Attachment(s)

1. Initial Nomination - West Ballina Quays Consultative Group
2. Further Information - West Ballina Quays Consultative Group



## **10.5 Policy (Review) - Pensioner Concessions - Rates and Charges**

---

### **10.5 Policy (Review) - Pensioner Concessions - Rates and Charges**

**Delivery Program** Financial Services

**Objective** To review Council's existing Pensioner Concessions - Rates and Charges Policy.

---

#### **Background**

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements.

The purpose of this report is to review the Pensioner Concession – Rates and Charges policy.

Council adopted the current policy on 24 April 2014 following a previous review in 2010.

#### **Key Issues**

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

#### **Information**

The purpose of this policy is to provide clear and equitable guidelines for the granting of pensioner concessions on Council rates and charges in conjunction with relevant sections of the Local Government Act and to provide clear guidelines for charging interest and taking debt recovery action for overdue rates and charges on properties owned by pensioners.

Overall the policy is still considered to be contemporary and reflects current legislation therefore no changes are recommended.

A copy of the policy is attached to the report.

#### **Sustainability Considerations**

- **Environment**  
Not Applicable
- **Social**  
The policy provides support to ratepayers who are eligible pensioners.
- **Economic**  
Not Applicable

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

The granting of pensioner concessions is mandatory in accordance with the LGA and is budgeted for annually.

### **Consultation**

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

### **Options**

Council may accept or amend the policy. 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 Pensioner Concessions – Rates and Charges Policy, as attached to this report.
2. That Council places 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 - Pensioner Concessions - Rates and Charges

## **10.6 Delivery Program and Operational Plan - Adoption**

---

### **10.6 Delivery Program and Operational Plan - Adoption**

**Delivery Program** Governance

**Objective** To report on submissions received in response to the exhibition of the draft Delivery Program and Operational Plan and to adopt the documents inclusive of any amendments.

---

#### **Background**

The draft Delivery Program (2018/19 to 2021/22) and Operational Plan (2018/19) have been placed on public exhibition, with two public meetings held as part of the exhibition process. It is now incumbent upon Council to adopt the documents prior to 30 June 2018, subject to any matters arising during the exhibition period.

The draft Delivery Program and Operational Plan (including the supporting documents such as the Fees and Charges, Long Term Financial Plan (LTFP), LTFP (Overview) and the Workforce Plan) were placed on exhibition following a series of Finance Committee meetings during March and April.

As the documents are extensive they have not been reproduced for this report. Copies of the documents, as exhibited, are available on the front page of Council's website. Additional hard copies can be obtained from Council if needed. Final copies of the documents will be reproduced in full once adopted.

#### **Key Issues**

- Contents of submissions
- Additional amendments

#### **Information**

This report has been dissected into three main sections being:

- A. Submissions to the draft Delivery Program / Operational Plan and details of the two public meetings held during May.
- B. Further amendments to the draft documents based on updated information.
- C. Other matters.

#### **A. Submissions**

The submissions can be categorised under three main headings:

1. Submissions for funding assistance in response to Council's donations programs (i.e. general donations, capital works for sporting groups)
2. Submissions to fees and charges
3. Submissions for works and services

**1. Submissions for Funding Assistance**

The draft budget includes the following allocations for funding assistance / donations:

<b>Donation Description</b>	<b>Budget (\$)</b>
Donations – Community Groups	72,000
Capital Works Assistance - Sporting Groups	20,000
Donations - Rates and Charges	32,000
Assistance with Council Fees - Community Groups	2,400
Richmond Room – Donation for Chair Set Up (RSL Lighthouse Day Club)	6,000
Southern Cross University – Scholarship	10,000
<b>Total</b>	<b>142,400</b>

All of these items, excluding the Richmond Room and the Southern Cross Scholarship are supported by Council policies. These two items reflect previous resolutions of Council.

The submissions received relate to the Donations – Community Groups and Capital Works Assistance – Sporting Groups, where Council called for applications for funding under these policies.

The Council policies state that to allocate these monies a working party will be formed, consisting of at least one Councillor from each ward plus the Mayor, to provide recommendations on the allocation of the monies to the July Ordinary meeting.

Even though only one Councillor from each ward is often appointed, all Councillors are entitled to attend the meeting where a review of the applications is undertaken.

This process has worked well for many years in determining a preferred allocation of the funding, as the applications are always in excess of the available funds.

Details of the applications received are summarised in the next two tables.

Applicants are required to complete a standard form that seeks to provide Councillors with consistent information.

**General Donations – Community Groups**

Table one outlines the submissions received for general donations assistance.

**Table One: Submissions for Funding Assistance**

<b>Ref</b>	<b>Organisation / Person</b>	<b>Project / Activity</b>	<b>\$</b>
1	Meerschaum Vale Community Hall	Various repairs to the hall	11,590
2	Tibouchina RSL Day Club	Room hire for meetings at ALEC	2,508
3	Ballina Breast Cancer Support Group	Room hire for meetings at Kentwell Community Centre	504
4	Ballina Al-Anon Family Group	Room hire for meetings at Richmond Room	780
5	Veterans Advocacy Centre Inc	Installation of telephone cabling to assist in the upgrade of telephone system	2,544

## 10.6 Delivery Program and Operational Plan - Adoption

Ref	Organisation / Person	Project / Activity	\$
6	Ballina Hospital Auxiliary	Costs to hire Ballina Jockey Club for Annual Craft Show 2019	1,200
7	Ballina Jet Boat Surf Rescue	Consumables for surf rescue vehicles	3,000
8	Ballina Jet Boat Surf Rescue	Insurance renewals for surf rescue vehicles	6,000
9	Ballina RSL Sub Branch	Payment of rates for 5 Piper Drive (RSL Youth Club) (figure approx. at this time)	4,193
10	Ballina Lions Club	Costs associated with holding the Ballina Lions Club Annual Fun-Run-Walk 2019	1,000
11	Northern Rivers Women's Bowling Association	Costs associated with holding a three day carnival	1,000
12	Lifeball	Venue hire at Lennox Community Centre and insurance (amount is for complete hire and set up for the year)	6,240
13	Lennox Head Combined Sports Carols Committee	Costs associated with holding the Lennox Head Carols event in December 2018	6,000
14	Lions Club of Lennox Head Inc	Costs associated with holding fundraising activities for various charities	1,842
15	Rous Mill and District Memorial Hall Inc	Painting of interior surfaces of the hall, insurance excess from storm damage (retrospective)	6,250
16	Wollongbar Community Preschool Inc	Fixing and painting the fort in children's playground	1,512
17	1st Ballina Scout Group	Costs associated with sending scouts to New Zealand to compete in 'Illuminate' event	1,000
18	Our Kids	Supply and erect temporary fencing for the Our Kids Day Out 2019	1,000
19	Ballina Schools Historical Society Inc	Insurances for a dedicated museum space at the Ballina Coast High School site in Cherry Street	1,000
20	Heartfelt House	Costs associated with providing external human resource consultants	10,000
21	Lennox Head Residents' Association Inc - Coast Care Committee	Costs associated with maintaining the amenities of Lennox Head i.e. purchase of materials and equipment.	2,595
22	Lennox Head Residents' Association Inc	Venue hire for the group	1,000
23	Lennox Head Residents' Association Inc - Heritage Committee	Hire of Lennox Community Centre for various activities throughout the year	456
24	Lennox Head Residents' Association Inc - Boomerang Bags	Venue hire to carry out bag making activities to assist in removing plastic bags from the shire.	660
25	Oceanic Research Institute Limited	Costs associated with establishing headquarters in Ballina	10,000
26	Ballina Shire Concert Band Inc	Costs associated with purchase and erection of a shed to house the bands trailer which carries music stands and portable chairs	6,610
27	Ballina Hockey Club	Operational costs associated with hosting the 2018 Australian National Men's Hockey Masters in partnership with Far North Coast Hockey	10,000
28	East Ballina Lions Club Inc	Purchase directional road signs to the Ballina Market site.	899
29	Suzanne Whiteman (unclear on applicant)	Community tree and biodiversity plantings and related activities in the Meerschaum Vale, Bagotville and West Wardell areas	990

## 10.6 Delivery Program and Operational Plan - Adoption

Ref	Organisation / Person	Project / Activity	\$
30	Ballina District Ministers Association (1)	Riverside Carols 2018	5,000
31	Ballina Public School	Costs associated with choir students attending the Festival of Choral Music in Sydney	700
32	Air Force Association Ballina Branch	Provide shelter for community members attending Battle for Australia and Battle of Britain Service	740
33	Village Guide	Operational costs to produce the Village Guide	3,676
34	Alstonville Plateau Historical Society	Requesting Council to pay rates for Crawford House, Alstonville (figure approx. at this time)	3,275
35	Alstonville Gymnastics Academy	Waiver of fees for Alstonville Leisure and Entertainment Centre	10,000 (approx.)
36	Ballina Coast High School	Sponsor students at the Year 12 Farewell Assembly	50
37	Lennox Head Combined Sports Carols Committee	Waiver of hall hire as a wet weather venue for Carols Event	500
	<b>TOTAL</b>		<b>126,314</b>

(1) Council resolved (Resolution # 231117/17) that the budget for the Festival and Events Program for 2018/19 be reduced by \$5,000 and the budget for Community Donations be increased by the same amount to facilitate a donation to the Ballina and District Minister's Association.

### Donations - Capital Works for Community Sporting Groups

In July 2016 Council adopted a new 'Donations – Capital Works Assistance for Community Sporting Groups' policy to assist sporting groups with their various buildings / facilities. There has been limited response to date, for this program, as per Table two.

**Table Two: Submissions for Community Sporting Groups**

Ref	Organisation / Person	Project / Activity	\$
1	Northern Rivers Outrigger Canoe Club	Costs to provide undercover storage for craft	\$2,300

Any late applications will be reported to the working party.

Copies of all the submissions for Tables One and Two have not been included with this report. These submissions will be distributed to all Councillors as part of the working party process. Copies are available from Council if needed.

### Donations – Other Matters

Council received correspondence in June 2018, from Mr Ben Luke trading as Lennox Groove Music, seeking a donation for the hire fees of a Council facility to hold a Beach Sounds Music Festival in July 2018. This event is to coincide with the Skullcandy Oz Grom Open and will be a ticketed event at \$20 entry.

## 10.6 Delivery Program and Operational Plan - Adoption

The applicant, as per Attachment 1, is seeking a donation of approximately \$700.

However, upon seeking detailed information from Community Facilities staff, the costs are above the requested amount and are itemised in the following table.

**Table Three – Itemised Cost – Lennox Groove Music**

Item	Amount (\$)
Park Lane Theatre – room hire event bump in	500
2 <sup>nd</sup> day rate Park Lane Theatre	400
Three combined Meeting Rooms	197
Activity Room	123
Mixing Desk	50
Lighting	50
Speakers	50
AV Screen	50
Microphones	50
<b>TOTAL</b>	<b>1,470</b>

Given the hall hire costs will need to be paid for in June 2018, it is appropriate for this matter to be reported now, and to have the funds (if approved) allocated from the 2017/18 donations budget, rather than the 2018/19 budget.

In June 2017, Council approved a community donation of \$820 (\$500 venue hire and \$320 equipment hire) for this event, which was tabled via a notice of motion. Mr Luke has outlined in his correspondence that this will be the last time the event will be seeking a donation from Council.

Decisions to provide one-off donations need to be carefully assessed, as throughout the year there have been a number of requests for financial assistance, which have been advised that no further requests are being considered during 2017/18.

Council also needs to be mindful of Section 356 of the Local Government which relates to the provision of financial assistance by councils. A copy of that section is as follows:

### **356 CAN A COUNCIL FINANCIALLY ASSIST OTHERS?**

- 1) *A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*
- 2) *A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*
- 3) *However, public notice is not required if:*
  - (a) the financial assistance is part of a specific program, and*
  - (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
  - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*

## 10.6 Delivery Program and Operational Plan - Adoption

---

- (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.
- 4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

The concern with Mr Luke's request is that it is for a private individual (or company) and there is no mention of the profitability of the event.

Clause 2) of Section 356 makes reference to public notice in this type of situation and the exemptions in clause 3) do not appear to directly apply to this application.

Council needs to be mindful of this when considering the application. The recommendation to this report is for Council to determine the application.

### **2. Submissions Fees and Charges**

The following submissions are included in Attachment 2 to this report.

#### Mr David Westaway of Surfit 247 Fitness – Lennox Community Centre

Mr Westaway requests a review of the hourly commercial off peak rate for hire of the Auditorium Only.

The draft fees and charges for 2018/19 has a proposed hourly off peak rate for commercial of \$150, kept at the same rate as that for 2017/18.

Mr Westaway requests that this fee be reduced to \$40 per hour, as this represents an agreed charge applied for 2017/18.

Mr Westaway also noted that the hourly commercial rate for the combined three meeting rooms was \$40 for 2017/18 and requests that this fee be left unchanged.

The draft fees and charges for 2018/19 have retained the combined three meeting room rate at \$40.

#### *Staff Comment:*

The draft fees and charges document placed on exhibition includes a "Commercial Off Peak" of \$150 per hour and a "Community Off Peak" rate of \$75 per hour, for Auditorium Only use.

On further consideration of this matter by staff, an additional fee category is proposed for "Extra Off-Peak" to be made available to regular commercial users whom have weekly bookings, whereby a 50% discount is provided for Commercial use, subject to conditions.

The extra off-peak times proposed are 6am to 8am and 6pm to 8pm, Monday to Thursday.

It is also proposed that this fee is only available subject to there being no other major bookings, with a minimum of one week's notification to be given to the hirer if the Auditorium is required for a major booking.



## 10.6 Delivery Program and Operational Plan - Adoption

---

Staff propose that a similar "Extra Off-Peak" category is made available for the Alstonville Leisure and Entertainment Centre (ALEC) Multi-Function Hall and Sports Hall, whereby a 50% discount is provided for Commercial use, subject to similar conditions.

A resolution has been included in this report for these additional fee categories to be created for the Lennox Head Community Centre and for the ALEC Multi-Function Hall and Sports Hall.

Following the departure of the contract managers at ALEC, along with previous Council staff directly managing the Lennox Head Community Centre, there have been a number of hirer agreements identified where the fees paid are lower than the adopted Council fees.

These agreements are designed to improve usage of the facilities and Council's Community Facilities staff are working through those with the hirers to ensure there is transparency and equity in the application of the adopted fees.

### Earthworks Landscaping – Burns Point Ferry Season Ticket for > 10 tonne capacity

A request is made for the introduction of a season pass for a > 10 tonne capacity truck.

Specifically, it is noted that this truck regularly travels with no load and the request also makes mention that a season pass be introduced for travelling without load.

#### *Staff Comment:*

Council has a season pass for vehicles less than three tonnes (to cover standard motor vehicles) however there is no season ticket truck pass (greater than three tonnes).

It is unclear what impact the introduction of a season ticket for heavy trucks would have on overall income levels.

Determination of an equitable season ticket fee could be problematic as there are a reasonably small number of operators and the introduction of such a fee may provide an unintended significant gain to a few (very regular) operators.

It would also create further complexities to have a fee for loaded and unloaded trucks and such a fee would need to be available for all truck drivers.

There is sympathy for Mr Crethar's position however it is extremely difficult for Council's fee structures to cover every situation that arises and still ensure equity in the application of fees.

No change is recommended however if Council wanted to introduce a season ticket for heavy trucks, the preferred approach would be to receive a more detailed report on the options available.

## 10.6 Delivery Program and Operational Plan - Adoption

---

### Nick Mercer – Burns Point Ferry Season Tickets

Mr Mercer's submission requests a change to season tickets to allow:

- A pro-rata system where the cost of the ferry pass is calculated on the number of days remaining, or
- The introduction of a monthly or weekly pass, or
- The introduction of a 10 ride pass

#### *Staff Comment*

Council's current policy allows for season tickets to be purchased either annually or quarterly and provides for unlimited use of the ferry service.

Should a customer be interested in a season ticket part way through a (quarterly) period, the customer is able to purchase a weekly ticket from the ferry, or make a financial decision to either buy or not buy a quarterly ticket for the full period based on anticipated use of the ferry.

Otherwise the casual fee for each crossing applies.

The current system allows for a weekly, quarterly and annual ticket for unlimited use and this provides a manageable system for recording and verifying vehicles using the ferry under the system.

The current system allows the customer enough flexibility to assess their requirements, and purchase the appropriate ticket for their particular circumstance.

### Ballina Peninsular Residents Association Incorp (BPRA) – Burns Point Ferry Fees and Management

The Association recently compiled an online survey to gauge the Ballina Shire residents and visitors thoughts regarding the Burns Point Ferry.

The submission outlines the results and comments of responders for Council's consideration in the future costing and management of the Burns Point Ferry.

The submission covers a number of matters including the cost of ferry fees as well as comments relating to the maintenance and management of the ferry.

#### *Staff Comment*

The submission from the BPRA primarily deals with the results of an online survey conducted during May 2018 dealing with ferry fees and charges. The submission from BPRA summarises the data gathered from the survey, where 146 responses were received.

Regarding the season pass the submission notes; "Overwhelmingly respondents thought that residents and ratepayers should receive a discount or it should be free; i.e. it was too expensive."

Council previously had a non-residents season pass, however this was removed as few were sold and the cost / benefit of having such a distinction was not justified.

## 10.6 Delivery Program and Operational Plan - Adoption

In respect to the level of fees, for 2018/19, the proposed fees have generally increased by CPI, except for motor cycle and motor car classes, which have not increased.

In preparing the 2017/18 fee structure the casual use fees for motor cycles and motor cars was rounded-up to \$3 and \$6.

This resulted in a higher than CPI increase of 7.1% and for this reason no increase has been recommended to these fees for 2018/19.

Recent feedback from the ferry drivers is that it also preferred to retain the pricing for the vehicle plus trailer fees at the same level, as outlined in the following table.

**Table Four – Ferry Fees (2017/18, draft 2018/19 and revised 2018/19)**

Vehicle Class	2017/18 (\$)	Exhibited 2018/19 (\$)	Revised 2018/19 (\$)	Revised % increase
Bicycle	1.00	1.00	1.00	0
Motor Cycles	3.00	3.00	3.00	0
Motor car (<3T)	6.00	6.00	6.00	0
Vehicle + 1 axle trailer/caravan	12.00	12.50	12.00	0
Vehicle + 2 axle trailer/caravan	14.00	14.50	14.00	0
Vehicle (3-10T cap)	13.50	14.00	14.00	3.7
Vehicle (>10T cap- truck)	15.50	16.00	16.00	3.2
Vehicle (>10T cap- truck & dog)	22.50	23.00	23.00	2.2
Weekly - Motor Cycles	28.00	29.00	29.00	3.6
Weekly - Motor car (<3T)	56.00	58.00	58.00	3.6
Season - Motor Cycles	153.00	157.00	157.00	2.6
Season - Motor car (<3T)	306.00	314.00	314.00	2.6
Season – Ag tractor	50% above	50% above	50% above	2.6
Season – bicycle	52.00	53.00	53.00	1.9
Season – quarterly	25% above + \$7.40 admin	25% above + \$7.60 admin	25% above + \$7.60 admin	2.6
Season – discount pensioner/ health care card	30%	50%	50%	-66.7%

The vehicle and 2-axle trailer/caravan class was introduced last year to offset the pensioner discount.

The ferry drivers have provided their feedback regarding their observations that they do see larger caravans turning around and for this reason not applying the CPI could be applied similar to motor cycles and motor cars.

## 10.6 Delivery Program and Operational Plan - Adoption

In examining the contents of the BPR submission it is important to understand the financial results of the ferry in recent years, as outlined in Table Five.

This table includes the actual operating results for the period 2010/11 to current date, with the figures for 2017/18 up to 19 June 2018.

**Table Five – Ferry Operating Results (20/11 to 2017/18)**

Ferry Results	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
<b>Operating Revenues</b>								
Toll Fees – Public	269,300	285,600	287,100	345,400	354,500	342,700	381,500	375,900
Toll Fees – Council	11,500	29,300	5,800	12,000	9,000	8,000	5,500	10,000
Season Tickets	76,800	61,800	76,400	82,100	80,500	99,500	92,200	94,200
Diesel Fuel Rebate	7,500	8,500	4,700	8,000	8,100	11,100	10,000	7,600
<b>Total Revenues</b>	<b>365,100</b>	<b>385,200</b>	<b>374,000</b>	<b>447,500</b>	<b>452,100</b>	<b>461,300</b>	<b>489,200</b>	<b>487,700</b>
Less: Operating Expenses (excluding Slip)	462,800	489,100	503,000	495,800	517,400	522,400	550,200	500,600
<b>Operating Result Before Slip (Deficit)</b>	<b>(97,700)</b>	<b>(103,900)</b>	<b>(129,000)</b>	<b>(48,300)</b>	<b>(65,300)</b>	<b>(61,100)</b>	<b>(61,000)</b>	<b>(12,900)</b>
Less Ferry Slip	102,700	124,000	110,000	151,400	146,800	132,600	10,200	216,600
<b>Operating Result (Deficit)</b>	<b>(200,400)</b>	<b>(227,900)</b>	<b>(239,000)</b>	<b>(199,700)</b>	<b>(212,100)</b>	<b>(193,700)</b>	<b>(71,200)</b>	<b>(229,500)</b>
Annual Increase in Op Revs		5.5%	-2.9%	19.7%	1.0%	2.0%	6.0%	-0.3%
Cumulative increase in Op Revs		6%	2%	23%	24%	26%	34%	34%
<b>Average increase in Op Revs</b>							<b>5.2%</b>	
Annual Increase in Op Exps		5.7%	2.8%	-1.4%	4.4%	1.0%	5.3%	-9.0%
Cumulative increase in Op Exps		6%	9%	7%	12%	13%	19%	8%
<b>Average increase in Op Exps</b>							<b>3.0%</b>	
<b>% Income from season tickets</b>	<b>21%</b>	<b>16%</b>	<b>20%</b>	<b>18%</b>	<b>18%</b>	<b>22%</b>	<b>19%</b>	<b>19%</b>
<b>% of Operating Exps (before slip) funded by Revenues</b>	<b>79%</b>	<b>79%</b>	<b>74%</b>	<b>90%</b>	<b>87%</b>	<b>88%</b>	<b>89%</b>	<b>97%</b>

Items of interest from these figures include:

- Operating expenses (with the slip removed as it is a variable cost) have increased, on average, 3.0% for the period which represents a reasonable containment of costs.
- Operating revenues for the period have increased on average by 5.2%.
- This increased margin between operating revenues and operating expenses has allowed Council to maintain the operating deficit at approximately \$200,000, which over this eight year period represents a reasonable reduction in real dollar values.
- Income from season tickets, as a percentage of total income, has remained relatively stable at approximately 20% of total income.
- The percentage of the operating expenses (before slip) funded by revenues is another interesting figure as it helps to highlight that during this period Council has been able to reduce the gap between operating revenues and recurrent operating expenses (excluding the slip).

This means that the reliance on rate income for this service has steadily reduced.

## 10.6 Delivery Program and Operational Plan - Adoption

---

Total income from toll fees has increased by 37% for the period 2010/11 to 2017/18, acknowledging that the toll figures for 2017/18 are still not final. Income from season tickets for this period has increased 23%.

The toll fee income is now covering 77% of the recurrent operating expenses (excluding slip cost) for the ferry, whereas in 2010/11 it only covered 61%.

The income from season tickets now covers 19% of the recurrent operating expenses for the ferry, which is similar to the figure in 2010/11 which was 17%.

This highlights that relatively speaking changes introduced by Council over a number of years have seen the share of the burden (being the operating cost) carried by the casual users (toll fees) increase, whereas the contribution from season tickets has remained relatively stable.

The BPRAs submission is based on the premise that there is a price elasticity of demand and that lowering fees will increase demand and increase the total revenue to Council.

As per the figures in Table Five there has been a general trend towards increased income from season tickets, although the figures can vary from year to year.

There was a significant reduction in season ticket income in 2011/12, although the reason for this is not readily available as a comparison between the 2010/11 and 2011/12 fees and charges, did not identify any major change between the years.

There was a significant increase in season ticket income between 2014/15 and 2015/16 with the changes in fees between those two years being:

- a) a significant increase in the annual season ticket charge for motor vehicles from \$250 to \$295 and
- b) the removal of the non-resident / ratepayer season ticket. That ticket price was \$450 in 2014/15 and it was reduced to the same fee as the resident season ticket of \$295 in 2015/16.

The elasticity of demand, particularly for the season tickets, is a debatable point, and if Council does wish to significantly decrease fees there is the risk that there will be a corresponding reduction in income. From a staff perspective, the survey sample of 146 people, is insufficient evidence to undertake such a process.

The BPRAs also has a strong focus on equity in stating that Council rates should cover the cost of operating the ferry.

To support this recommendation, Council would need to reallocate funding from other areas to further subsidise the service.

This has been the subject of debate many times and to date previous Councils have not agreed to make such a change to the budget.

## 10.6 Delivery Program and Operational Plan - Adoption

---

Ultimately it is a matter for Councillors as to how they wish to allocate the scarce Council resources available.

The submission also notes a number of comments about the management of the Ferry. These issues have been comprehensively discussed previously and only a brief response is provided here.

If Council requires further information a resolution should be made requesting a report.

- Ferry Drivers – Cost to Sleepover - Ferry drivers are paid a modest allowance to sleep in the ferry. The costs of this are so low to be immaterial in the budget. The advantage of this function is that it allows the ferry to be moored in the river overnight and away from the bank, reducing the risks of hull or other damage and vandalism or theft.

Previous reporting analysed reducing the rostered time the ferry would be available, however it was found the cost savings were small compared to the reduction in service level.

- Tender to the Private Sector - The key costs for operating the ferry are fuel, labour and maintenance.

The labour costs are determined by award conditions.

Council needs to be careful when tendering out labour based services, as contractors can make future claims against Council for paying less than the local government award rates.

In respect of fuel, Council has significant buying power and for maintenance Council has a wide range of skilled tradesman available with corporate knowledge to look after our asset.

A genuine tender to the private sector would need to allow the private sector to set their own fees, to allow the contractor to generate a commercial return on their investment.

That approach is not supported.

- Competitive and Skilled Services - Council's procurement processes apply to the ferry. This means assessments are made in respect of best value for money.

When it is preferred to outsource work, competitive quotes are sourced and assessed.

Specialist services are used to complement the professional skills available within Council.

For example marine experts are used for the blasting, hull inspection and painting of the ferry during the slip.

## 10.6 Delivery Program and Operational Plan - Adoption

---

In respect of comments about maintenance, the maintenance program follows manufacturer recommended service frequencies and the corporate knowledge of our tradesman to ensure unplanned down time is minimised to the extent possible.

- Loading and Operating Speeds - Drivers follow procedures for these operations. These have been developed over many years of operating the vessel and observing driver behaviour and responding to community feedback.

The submission from the BPRA is comprehensive with Council having previously considered many of the matters raised in previous years and on multiple occasions.

In reviewing the information submitted and the financial records, Council has managed to contain the operating deficit for the ferry reasonably well, in recent years, and on balance no major changes are recommended.

Council has already resolved to introduce a 50% discount for pensioners for season tickets for 2018/19 and that change should now be trialed to determine what impact it has on revenues.

If Councillors wish to provide further discounts to the ferry fees that will need to be determined as part of this report.

### Ardill Payne & Partners – Civil Construction Certificate and Civil Inspection Fees

This submission is on behalf of Ardill Payne and Partners' (APP) clients in the land development industry.

A review of the cost scaling is requested for fees associated with the review and approval of construction certificate plans and site supervision of associated works for large residential land development projects.

Council's fee structure is based on a percentage of project value.

#### *Staff Comment*

As per the submission Council's fee structure for asset inspections and construction certificate approvals is based on the estimated cost of the Council assets to be constructed.

Byron Shire and Lismore City Council charge an inspection cost on a per allotment basis.

The submission provides a comparative cost per lot. Under the methodology in the submission, the cost per lot for a 150 lot subdivision in Ballina is \$1,092 compared to \$618 for Lismore and \$660 for Byron.

While it is fair to question or examine the cost per lot, it is also necessary to compare the level of service provided.

## **10.6 Delivery Program and Operational Plan - Adoption**

---

The submission does not make any comparisons in this regard however it is noted 150 lot subdivisions are not as common in the adjoining local government areas as they are for this Council.

The coastal environment can typically mean the infrastructure and environmental management systems, are more complex and require more time for assessment and inspection.

Based on the regular volume of work we receive at this scale and complexity it is imperative Council fully recover costs for this service.

The main disadvantage of the estimated construction cost model is that asset value is not an exact indicator of the amount of work involved in an assessment.

Some subdivisions can involve more work than others of a similar cost estimate.

The cost per inspection model also has inefficiencies.

The cost per inspection policy would typically charge for each reinspection for any failed tests or inspections.

The comparative estimate in the submission does not make any allowance for this and under our current system there is no financial penalty for a failed test.

Also there are different inspections required for different asset classes.

At times these can be undertaken concurrently, at other times this is not possible. The estimated construction cost model is able to cover both these situations.

Council accepts a significant risk when the transfer of assets is undertaken from developers to Council.

Ideally, more resources should be deployed to increase the rigour in our assessment and inspection regime. Any reduction in fees collected reduces the Council's capacity to undertake the inspections to preferred levels.

While the difference in price comparison is significant in comparative terms (Ballina being approximately \$450 per lot more expensive based on the submission's figures), this cost is a small component of the costs to bring a lot to market, which will typically be sold for amounts in excess of \$300,000.

If Council is inclined to support the request to lower fees, it is recommended that further analysis based on time sheets and other records be undertaken so as to ensure the service is charged at full cost recovery.

From the perspective of the technical staff involved in this work, which does involve substantial time and resources, the fees charged are reasonable.

Finally it is noted that previously one Civil Construction fee was charged and this is now split to provide the certificate fee and inspection fee. This was done to accommodate requests involving private certification.



## 10.6 Delivery Program and Operational Plan - Adoption

---

It is our experience that certificate assessments typically require several iterations in terms of amended submissions.

As these are not always adequately dealt with at initial lodgment, the certification process is more time consuming as a result. Therefore it is important to consider the cost and fees to provide both services (assessment and inspection) together if a review is to be undertaken.

### Dianna deKantzaw – Objection to Special Rate Variation

Ms deKantzaw's submission received is for the special rate variation applied for the swimming pools be removed now that the project is nearing completion.

#### *Staff Comment*

The special rate variation for the swimming pools is a permanent increase and was implemented to fund the loan repayments for the next 20 years.

### Submissions re Water Access Charging Structure

A report on "Water Pricing Structure – Access Charges Review" was provided to the March 2018 Finance Committee meeting.

The report recommended a change to the access charge pricing structure to bring the water pricing into line with the other fixed charges levied by Council (i.e. wastewater and domestic waste).

The recommendation from the March Finance Committee meeting was resolved as follows at the March Ordinary meeting:

- 1. That for the purposes of exhibiting the draft 2018/19 Operational Plan Council approves an amendment to the water access charging structure from a water connection size based system to a standard charge based on tenements, for residential properties.*
- 2. The draft 2018/19 water access charges are to remain the same as the 2017/18 charges, to recognise that Council will generate additional income if the change in point one is implemented. The draft 2018/19 Operational Plan is also to include a statement confirming that Council may index the 2017/18 access charges if the change in the charging structure outlined in point one is not implemented.*
- 3. That Council write to all properties impacted by the proposed change in point one, as part of the exhibition of the draft 2018/19 Operational Plan, with all submissions received to be reported back to Council prior to Council adopting the 2018/19 Operational Plan.*

A total of ten submissions were received in objection to this change, with approximately 330 letters being sent out. These submissions have been included in Attachment 2.

## 10.6 Delivery Program and Operational Plan - Adoption

---

### *Staff Comment*

The report to the March 2018 Finance Committee provided a comprehensive background to this proposal, which is to ensure that the water pricing methodology is consistent with the domestic waste and wastewater charging structures.

If Council decides not to proceed with this change, the water access charge for all other water users will need to be indexed by CPI (rate peg limit is 2.3%) to cover the foregone income, as outlined in the original resolution.

The existing access charges, which have not had CPI added, are as follows, with Council having approximately 15,500 connections, the majority of which are a 20mm service.

<b>Description</b>	<b>Amount (\$)</b>
Minimum charge per property	\$204
Not Connected / Vacant Land Charge	\$204
20mm Water Service	\$204
25mm Water Service	\$318
32mm Water Service	\$520
40mm Water Service	\$816
50mm Water Service	\$1,273
65mm Water Service	\$2,152
80mm Water Service	\$3,269
100mm Water Service	\$5,098
150mm Water Service	\$11,469
200mm Water Service	\$20,390

As Council has previously resolved to support the change, the recommendation is to adopt the new charging structure.

### **3. Submissions to Works and Services**

The following submissions are included in Attachment 3 to this report.

#### Mr Paul Scanlan - Sealing of Newrybar Swamp Road / Martins Lane - East

An offer of \$150,000 has been made to Council as a contribution towards the sealing of Newrybar Swamp Road and Martins Lane – East.

### *Staff Comment*

Council received an inquiry late last year from representatives of property owners seeking information about the sealing of Newrybar Swamp Road and Martins Lane - East.

In response staff advised that Council did not have a program for the sealing of gravel roads as our road strategy was based on the renewal and maintenance of our existing assets to ensure service levels do not decline.

Subsequent to this Council has been conducting a review of this strategy and some changes are being considered. Further information regarding this review is reported elsewhere in this agenda (refer to report titled Dust Sealing Analysis).

## **10.6 Delivery Program and Operational Plan - Adoption**

---

Council does have the Contributions for Dust Sealing of Roads policy, which allows property owners to privately fund sealing works on gravel roads.

Preliminary advice to provide a dust seal for Martins Lane – East is estimated at \$71,000 (excl GST) and Newrybar Swamp Road (south of Martins Lane) is estimated at \$175,000 (excl GST).

The key point in the existing policy is residents are required to pay 100% of the costs for dust sealing projects. There are two reasons for this approach.

Firstly, to ensure Council's funding of its roads program is not influenced by a group of residents' capacity to pay.

Secondly, as we receive many requests to upgrade rural roads, is to provide direction and to avoid constant changes in Council's road funding priorities that could occur if each case was assessed on its own merits.

To date Council has completed projects consistent with this policy along Tuckombil Lane, Alstonvale Road, and Whites Lane.

A site meeting was held with residents of Martins Lane and Newrybar Swamp Road in early February 2018 where Council staff explained the dust sealing policy and Council's current funding position.

Further negotiations were not able to proceed, at that time, as there was not full support for the proposal from all of the residents.

At the 14 March 2018 Finance Committee meeting a Dust Sealing Analysis report was presented which examined unsealed road funding strategies.

This report included an analysis of the cost / benefit of dust sealing of some of our existing high gravel re-sheeting and maintenance cost roads.

This comprised a shortlist of some 28 gravel roads for analysis out of a total of 74 gravel roads. The analysis identified that a short list of gravel roads would offer a financial return to Council within a 10 year period, and therefore offer cost savings in reduced maintenance in the longer term, along with improved public amenity.

Under this assessment Martins Lane - East was determined as a candidate for inclusion in the dust sealing program (if this change in funding strategy is supported by Council) however Newrybar Swamp Road was not included due to the outcomes of the economic assessment.

In response to this feedback the residents proposing this project have undertaken further consultation with property owners.

This has resulted in a formal offer being made to Council of a contribution towards the dust sealing of Newrybar Swamp Road and Martins Lane - East in the amount of \$150,000 (incl GST) or \$136,000 (excl GST).

This does not meet the estimated cost of \$246,000 and would require a contribution from Council \$110,000. It is noted that they have approached Mr Ben Franklin for a grant, albeit funding from the State Government for a road sealing project would be unusual.

## 10.6 Delivery Program and Operational Plan - Adoption

---

While the offer does not comply with Council's policy, in response to the significant size of the contribution, it was agreed to report the details to Council.

The previous dust sealing projects completed were in the order of \$60,000 which made them more affordable for the residents.

In assessing this matter Council needs to consider whether a departure from the existing policy is reasonable in the circumstances.

This offer is an opportunity to upgrade the road network with a very significant contribution from local residents. The sealing of the Martins Lane - East and Newrybar Swamp Road would provide a sealed surface for what is a through road.

For Martins Lane - East, which is estimated to cost \$71,000, the dust sealing report to the March 2018 Finance Committee identified an annual existing maintenance cost of approximately \$9,000 and a payback period of eight years, which is a more than reasonable return on investment (12.5%).

Newrybar Swamp Road did not meet the shortlist in that report. The estimated annual maintenance costs for that section are approximately \$15,000.

What Council could now do is package up this entire proposal, which would be summarized as follows:

<b>Item</b>	<b>Amount (\$)</b>
Martins Lane – East	71,000
Newrybar Swamp Road	175,000
<b>Total Cost</b>	<b>246,000</b>
Less Contribution	136,000
<b>Shortfall</b>	<b>110,000</b>
Annual Maintenance Costs	24,000
<b>Payback Period</b>	<b>Five Years</b>

Essentially this represents a 20% return on Council's investment and from a financial perspective the expenditure is justified.

Another way to look at this is that Martins Lane – East was already identified as a viable proposal for Council for dust sealing. Therefore, for Newrybar Swamp Road alone, Council is able to use the contribution of \$136,000 for a \$175,000 project, leaving a shortfall of \$39,000. Based on an annual maintenance cost of \$15,000, this represents a payback period of less than three years.

Financially this proposal makes sense however, there is the possibility of perceived inequity or inconsistency as other requested projects may have proceeded if Council had agreed to a similar proportional contribution.

While it is open to Council to approve a variation to its own policy, in assessing this request, ideas to potentially improve the Contributions to Dust Sealing of Roads policy have been considered.

## 10.6 Delivery Program and Operational Plan - Adoption

For example, an option would be to include a condition that enables a co-contribution from Council for projects with a cost of over say \$150,000.

Another option is a term that enables a co-contribution with a payback period for Council that is less than a certain period, say three to five years.

The Dust Sealing Analysis is reported again in this agenda and, if the recommendation to that report is supported, a revised draft Road Asset Management Plan will be presented to Council in the near future.

In respect to this proposal it is recommended for approval as the contribution from the private property owners is significant and the return on Council's investment is high. The issue for Council is to finance the shortfall of \$110,000. To do this it is recommended that Council amend the resealing and heavy patching component of the proposed road reconstruction program as follows.

**Table Six – Amended Roads Reconstruction Program**

<b>Delivery Program</b>	<b>Current 2018/19 (\$)</b>	<b>Revised 2018/19 (\$)</b>
<b>b) Resealing Program and Heavy Patching</b>		
Urban Roads - Bitumen Reseals	337,000	337,000
Rural Roads - Bitumen Reseals	327,000	327,000
Urban Roads – Heavy Patching	356,000	356,000
Rural Roads – Heavy Patching	182,000	182,000
Special Rate Variation- Reseals and Heavy Patching	600,000	490,000
Dust Sealing – Martins Lane – East	0	71,000
Dust Sealing – Newrybar Swamp Road - South of Martins Lane	0	39,000

The resealing and heavy patching program has expanded in 2018/19 with an additional \$600,000 in funding allocated from the approved special rate variation.

Therefore the reallocation of \$110,000 will still allow a substantial expansion of this program.

The objective of the special rate variation is to enhance our asset renewal efforts.

While the proposal is a road upgrade project rather than renewal, the project does offer a long term reduction in maintenance and therefore it will make a beneficial contribution to the Council's financial capacity to manage its assets in the longer term, which is the key objective of the rate variation.

### Alstonville Community Preschool Inc – Car Park and Footpath Connections

The submission from the Preschool notes a survey undertaken by the preschool's management committee of existing preschool families and preschool staff.

A finding of the survey was a strong response in relation to the need to improve safety and access to the preschool, both in the car park and via pedestrian access.

## 10.6 Delivery Program and Operational Plan - Adoption

---

The management committee request funds to be allocated for completion of a secondary car park in 2018/19 and bringing forward of works in relation to the access footpaths.

### *Staff Comment*

Works for the car park are not currently included within the four year program of works.

Council's Design Engineers have estimated the cost of this project is in the order of \$75,000.

Council does not have a recurrent car parking construction budget and funding would need to be sourced from either the sporting fields budget, as there is a link to the use of the car park in respect to the Crawford Park sports fields, or alternatively a reallocation of the recurrent funding provided for footpaths and cycleways.

Works for the pedestrian access component of the submission have been included in the Ballina Shire Council Pedestrian Access and Mobility Plan 2018/19 – 2026/27 (PAMP), with \$26,055 allocated for this project for the 2019/20 year (referred to as Freeborn Place, Alstonville).

The PAMP is reported separately in this agenda and discusses the public consultation process and the development of more than 100 projects with a total estimated cost of \$4.7M over the Plan's ten year program.

Council could review the PAMP priorities in the separate report if the preference was to bring the pedestrian access works forward.

With Council having funding identified for Freeborn Place in 2019/20 the preferred approach is to continue with the priorities identified in the PAMP.

### RSL (NSW Branch) Alstonville Sub-Branch – Elizabeth Ann Brown Park

A submission from the President of the Sub-Branch requests Council financial assistance for renovation works of this park.

A list of works is provided in the submission and costs have been estimated at approximately \$80,000.

It is anticipated that grant funding of \$20,000 may be forthcoming from the Federal Government, and so the request to Council is for funding of \$60,000 and other assistance such as removal of gardens.

### *Staff Comment*

Council staff have been working with the RSL Sub-Branch regarding proposed changes to the adopted masterplan and a request to change the name of the park.

Council has already engaged a landscape architect to incorporate these proposed changes into an updated plan and it is proposed to report the updated plan and name change to Council once amendments are completed.

## 10.6 Delivery Program and Operational Plan - Adoption

---

This will then involve exhibiting to the wider community for feedback prior to formal adoption and would include a breakdown of costs for future funding consideration.

The preference is to wait for the adoption of that plan and as part of that adoption Council should consider a financial plan to implement the plan.

### Croquet Development Ballina Working Group – Site acquisition

The submission makes reference to the inadequate facilities currently available with a request for Council to purchase or lease land that would allow the future expansion of croquet in the northern rivers.

#### *Staff Comment*

There are currently three croquet clubs in the Ballina Shire; Alstonville (21 members), Cherry Street (96 members) and Ballina (44 members). The Ballina and Cherry Street clubs operate at Hampton Park, Ballina.

Following meetings with staff, this submission was presented to Council requesting support for the construction of a Regional Croquet Facility consisting of four croquet greens and clubhouse, with room for expansion to a total area of 7,600m<sup>2</sup>.

The submission includes a reference to utilising Boomerang Park (adjoining Kingsford Smith Reserve). This parcel of land is Crown Land, with Ballina Shire Council having no management responsibilities or an ability to approve usage.

Council's 2018/19 draft Delivery Program has two actions relevant to this request being:

1. Preparation of a Sports and Recreation Plan (budget \$40,000) – This project is to develop a new sport and recreation plan to guide the provision and management of sporting infrastructure in Ballina Shire.

The plan will provide an evidence based approach to identify the need and location for future allocation of resources and facilities.

The plan will also assist Council to better secure internal and external funding to provide the best possible sport and recreation facilities for the shire and surrounding region.

2. Prepare a management plan for Kingsford Smith Reserve – This project will aim to clarify the future uses of Kingsford Smith Reserve.

It is anticipated that Boomerang Park will be considered in the consultation associated with the preparation of that plan.

On balance the preference is undertake these planning activities prior to committing any land or funding in response to this submission.

## 10.6 Delivery Program and Operational Plan - Adoption

---

### Ballina Peninsular Residents Association Incorp – Public Toilets

This submission requests the construction of public toilets on the Ballina Peninsula, specifically at the Keith Hall Reserve and also at the South Ballina beach or entrance to the 4WD beach access track.

A quote sourced by the Association estimates cost of (supply only) of a proposed waterless compost toilet block in the vicinity of \$22,680 per double disabled block.

#### *Staff Comment*

The current draft Delivery Program for public amenities is as follows.

Description	2018/19 (\$)	2019/20 (\$)	2020/21 (\$)	2021/22 (\$)
<b>Public Amenities</b>	<b>108,000</b>	<b>111,000</b>	<b>114,000</b>	<b>117,000</b>
Killen Falls	108,000			
Kerr Street Toilets		111,000		
Wardell Public Amenities Rebuild Adjacent to Tennis Courts			114,000	
Lennox Head Main Beach				117,000

Staff appreciate the estimated costs that have been provided, however due to the ground conditions, environmental considerations and public health it is anticipated that the costs would be significantly more to design and install new toilet facilities at these locations.

Similar comments were made in respect to the Killen Falls project and the final cost of that work was estimated at \$108,000.

Council has its adopted priorities in place for public toilets and those priorities will need to be amended to incorporate this submission.

The preference is to remain with the adopted priorities as Council already has a significant number of public toilets that need refurbishment. The decision to fund new toilets at Killen Falls has already resulted in the deferral, by one year, of other projects.

### Lennox Head Residents Association Inc – Gibbon Street and Montwood Drive Footpaths

This submission notes that the Gibbon Street and Montwood Drive footpaths had not been included in the draft Delivery Program 2018/19 to 2021/22 and requests that these projects be reinstated into this four year program.

#### *Staff Comment*

Works for the footpaths in Gibbon Street and Montwood Drive have been identified under the Ballina Shire Council Pedestrian Access and Mobility Plan 2018/19 – 2026/27 (PAMP) as follows:

- Montwood Drive, with a total of \$196,355 allocated for the 2023/24 year
- Gibbon Street, with \$23,945 allocated for the 2025/26 year



## 10.6 Delivery Program and Operational Plan - Adoption

---

The PAMP is reported separately in this agenda and that report provides an opportunity to amend the priorities.

### The Wardell & District Progress Association – Wardell Strategic Plan

The submission notes that that it is unclear what actions arising from the strategic plan are being implemented and notes that no budget has been allocated to the implementation of the plan.

The Association requests that Council provide details and budget for the implementation of the Strategic Plan identified actions over the four year Delivery Program.

#### *Staff Comment*

An update of the status of the Wardell Strategic Masterplan has been provided as a separate report to this meeting.

It is agreed that plans such as this also need a more defined financial plan attached and with other plans such as Alstonville recently being completed a priority for staff is to report to Council on options to fund those plans.

### The Wardell & District Progress Association – Byron Street/River Street and Raglan Street (East Wardell)

The Association notes there is no funding for upgrades of these roads in the draft Delivery Program.

#### *Staff Comment*

There is an allocation of \$131,000 in 2021/22 for Byron Street / River Street in the four year program in the draft Delivery Program.

Regarding Raglan Street, this reconstruction project is positioned outside the four year Road Reconstruction program.

All road reconstruction projects were reassessed this time last year under a revised scoring criteria and the priority ranking repositioned projects within the Delivery Program, with some \$11m of reconstruction projects remaining as future works beyond the current published delivery program.

Raglan Street is part of that \$11m outside the four year plan.

### The Wardell & District Progress Association – Footpaths

The Association notes there is no funding for footpaths in the draft Delivery Program.

#### *Staff Comment*

Works for the footpaths in Cedar Street, Carlisle Street, Lindsay Crescent, and River Drive have been identified under the Ballina Shire Council Pedestrian Access and Mobility Plan 2018/19 – 2026/27 (PAMP) as follows:

## 10.6 Delivery Program and Operational Plan - Adoption

---

- Cedar Street, with \$43,950 allocated for the 2024/25 year
- Carlisle Street, with \$24,300 allocated for the 2026/27 year
- Lindsay Crescent and Pine Street, with \$133,725 allocated for the 2027/28 year
- River Drive, with \$41,200 allocated for the 2028/29 year

The PAMP is reported separately in this agenda.

The submission from the Wardell & District Progress Association deals with the timing of the Wardell projects, as the PAMP prioritisation has the projects appropriately ranked within the ten year program.

Council can amend those priorities in adopting the PAMP.

### The Wardell & District Progress Association – Small Scale Projects Submission

The Association requests the following projects be allocated funding in the 2018/19 period as part of the Delivery Program:

- Shelter Sinclair Street
- Facilities at East Wardell (picnic table and chairs and lighting)
- Fig Trees in Richmond Street (garden beds)
- Parking in Richmond Street

#### *Staff Comment*

- Shelter Sinclair Street

The original design for this area included shade trees that will continue to mature and provide shelter over the picnic tables in this location. The existing slabs are not large enough to facilitate shelters without compromising access to the tables.

- Facilities at East Wardell

Provision of a picnic table and chairs in this location can potentially be provided through existing open space budget within the Delivery Program. To ensure the feasibility of such works, further investigation needs to be undertaken with regard to the location of the facilities and ability to provide lighting.

- Fig Trees in Richmond Street

Additional planter boxes will be progressively constructed around fig trees in Richmond Street each financial year as part of Council's commitment to fig tree management through existing operational budgets.

- Parking in Richmond Street

It is very challenging for the available resources within Council to complete the survey and design tasks required to support Council's works program.

## 10.6 Delivery Program and Operational Plan - Adoption

---

Council receives many requests for survey and design of projects not in the Delivery Plan, albeit we understand survey and design information assists residents to make informed representations to Councillors about their various requests.

Rather than complete survey or design now for unfunded works, it is preferred to provide order of magnitude type estimates in response to these types of request.

Allocating survey and design resources to unfunded works is inefficient. This work will result in risks of delaying projects and if our designs are not ready for the construction crews or contractors and this can mean inefficiencies in the management of these significant resources. Often old designs need to be revisited at the time of construction creating some duplication of effort.

If the Council wishes to complete designs for projects not yet in the Delivery Plan, it is preferred these requests are compiled and prioritised within a Shire wide program.

With Council having adopted the Wardell Strategic Plan and the Wardell & District Progress Association expressing some frustration over a perceived or real lack of action (albeit that significant funds have been expended by Council in Wardell in recent years) it is recommended that Council direct staff to implement the following actions, based on the submission, for 2018/19 from within the existing operating budgets:

- Provision of a picnic table and associated facilities at East Wardell and
- Additional fig tree planter boxes

The recommendations support this approach.

### Garry and Margaret Stanger – Sealing of car park adjacent to The Serpentine Park, East Ballina

This submission is to request the sealing of the car park adjacent to The Serpentine Park in East Ballina.

#### *Staff Comment*

The sealing of this car park would improve the amenity and function of the site, however this work is not considered as a priority for Council, at this point in time.

The main use for this car park is during the peak summer demand period. At other times the car park is not used frequently.

The Council has many requests for car park improvements that are unfunded. For example, there is the earlier submission from the Alstonville Preschool.

Last year there were submissions for Burnett Street (to support the parking in front of the Ballina Tennis Club) and Martin and Swift Streets (to support parking for the adjacent schools).

## 10.6 Delivery Program and Operational Plan - Adoption

---

The car park at Pat Morton Lookout could also be considered for upgrade as drainage at this site is inadequate.

In recent years Council has improved the car parking facilities at the Marine Tower, Compton Drive (Shaws Bay) and at Missingham Park as part of broader projects.

With no recurrent budget for car parks it is difficult to address requests for improvements.

Council would need to reallocate funds from existing funded programs such as roads, stormwater or footpaths to help fund these types of projects.

Unless that is the direction of Council unfortunately funding is not available for this project.

### **Public Meetings**

Council held two public meetings to outline the draft 2018/19 to 2021/2022 Delivery Program and 2018/19 Operational Plan.

The meetings were advertised in the local paper, on Council's website and via community access points. Brief descriptions of the meetings follow.

#### *Lennox Head Community and Cultural Centre: 21 May 2018*

There were 17 people in attendance excluding staff, Mayor David Wright and Cr Sharon Cadwallader.

A summary of discussion points is as follows:

- **Ross Lane**

Regular flooding occurs on this road. This road is not included within the four year program of works.

A member of the public proposed loan funding might be considered, or potentially a redirection of funds from the Lake Ainsworth Precinct development, to allow works to be completed within the delivery program timeframe.

- **Northern Extension Hutley Drive**

The draft Delivery Program currently includes \$4m expenditure in 2019/20 for this section, funded from section 94 road contributions.

The General Manager noted that recent traffic studies indicated that this section was a high priority and it may be proposed that these works be brought forward to 2018/19.

As Council has now acquired the subject land it is recommended that the capital works program be amended to include the construction of this segment in 2018/19.

## 10.6 Delivery Program and Operational Plan - Adoption

---

The construction is dependent on collection of Section 94 contributions and it is likely that sufficient funds should be available during the 2018/19 financial year.

- Montwood Drive Footpath

This footpath is not included within the four year program of works.

A member of the public noted this as a need for safety of pedestrians. The separate report in this agenda on the PAMP provides commentary on this project.

- Lennox Head Community Centre Auditorium Hire Rates

Mr Westaway noted that the hourly commercial off peak rate for hire of the Auditorium was too high.

A written submission has been noted earlier in this report under 'Submissions Fees and Charges'.

*Wardell Community Hall: 22 May 2018*

There were 24 people in attendance excluding staff, Mayor David Wright and Cr Eoin Johnston.

A summary of discussion points is as follows:

- Public Toilets

A number of mentions were made of limited public toilet facilities in the Wardell area.

- A member from the Disability and Access Committee wanted it noted for the record that the work being done on the pools (for disability access) is absolutely brilliant.

- Coolgardie Road

A member of the public noted this road as having five blind corners.

- Carrs Bridge

Members of the public had the view that there is a better method of construction and the project was taking too long.

The Mayor agreed that a meeting could be arranged with the Mayor and the Engineering Works Manager.

Refer to comments in the next section of this report.

- Ferry Fees

A member of the public thanked Council for the extension of the pensioner discount to 50%.

## 10.6 Delivery Program and Operational Plan - Adoption

It was noted that the ferry fees in general are too high and that a reduction in fees would encourage more ferry usage.

- Wardell Strategic Masterplan

General comment was made that it is difficult to get works in Wardell included in the Delivery Program and the Strategic Plan was queried.

An update of the status of the Wardell Strategic Plan has been provided as a separate report to this meeting.

### B. Amendments to Delivery Program / Operational Plan / LTFFP / Fees

This section deals with recommended changes to the exhibited documents based on more recent information, feedback or ideas generated from the submissions, or other suggestions to improve the exhibited documents.

#### *Carrs Bridge, River Drive, Empire Vale*

The current draft Delivery Program provides for the renewal of Carrs Bridge, along River Drive Empire Vale, over two financial years, 2018/19 and 2019/20.

The project has now progressed where concept design options have been received and are under review.

There are currently traffic control restrictions in place, which are limiting traffic flow to one lane, and which will need to remain in place until the renewal is complete.

It is proposed that as design development progresses the project should immediately proceed to renewal and this should be within the 2018/19 financial year, if possible.

Accordingly it is proposed to defer reconstruction of Northumberland Drive segment 10 from 2018/19 to 2019/20 and to allow renewal of Carrs Bridge in 2018/19.

Early work in scoping the Northumberland Drive project shows an EIS may be required due to drainage improvements and the project may not be ready for construction until 2019/20.

This being the case the proposed changes are as follows:

Description	Draft Delivery program		Revised Delivery Program	
	2018/19 (\$)	2019/20 (\$)	2018/19 (\$)	2019/20 (\$)
Northumberland Drive seg 10	245,000	0	0	248,000
Carrs Bridge (River Drive)	248,000	248,000	493,000	0

#### *Section 94 Roads Plan - Hutley Drive*

As mentioned earlier the draft Delivery Program was based on Hutley Drive being constructed as follows:

- 2019/20 - \$4m (northern extension)
- 2020/21 - \$13.2m (southern extension)

## 10.6 Delivery Program and Operational Plan - Adoption

---

At the May 2018 Ordinary meeting Council resolved to exhibit a revised Section 94 Roads Contribution Plan.

As per that plan the revised budget for the northern extension is \$4,419,700, and the southern extension is deferred for many years.

Council should be in a position to commence the northern extension of Hutley Drive during 2018/19 and it is recommended that this component be brought forward to 2018/19, with the southern extension now removed from the LTFFP.

The amended Roads Contribution Plan also identified improvements to the Angels Beach Drive / Bangalow Road Roundabout as a high priority.

Based on the revised plan the Section 94 Roads projects now included in the LTFFP for the next four years are as follows:

Description	2018/19 (\$)	2019/20 (\$)	2020/21 (\$)	2021/22 (\$)
Angels Bch Dve / Bangalow Rd R'about		936,000		
River Street Fisheries Creek /Tweed Street - 4 Lanes				4,464,000
River Street Fisheries Creek / Bypass - 4 Lanes				11,006,000
Fisheries Creek Bridge - 4 Lanes				6,138,000
River Street - Land				154,000
Hutley Drive (north)	4,419,700			

The exact timing of these works will depend on the collection of Section 94 Roads Contributions.

### *Crown Lands Management Act – Plans of Management*

The introduction of this Act from 1 July 2018 requires Council to prepare plans of management consistent with the Local Government Act for crown land under the control of Council. This is anticipated to be an extensive and on-going process and a recurrent budget of \$30,000 has been included in the Strategic Planning section for this work.

### *Development Services – Legal Fees*

The recurrent budget for this item has been increased from \$160,000 to \$200,000. Based on the level of development activity and the risk of potential legal cases, this figure is considered to be a more realistic budget.

### *Engineering Management – Asset Condition Assessments*

Council is required to have new valuations for its roads and transport infrastructure in 2019/20, which means that updated condition assessments will need to be completed during 2018/19. The estimated cost of this project is \$70,000 with Council likely to have the work undertaken in conjunction with our neighbouring councils.

## 10.6 Delivery Program and Operational Plan - Adoption

---

This project has been included in the LTFP, funded in part from internal reserves, and a recurrent transfer to reserve of \$20,000 has also been created to ensure this work is completed every four to five years, when new valuations are required.

### *Ferry Slip*

The bi-annual allowance for this work has been increased to \$220,000 based on the actual expenditure for 2017/18. Recurrent transfers to reserve are also included in the LTFP (i.e. approximately \$110,000 each year) to smooth out this expenditure. In other words the net contribution (or cost) each year for the slip is approximately \$110,000.

### *Workers Compensation*

As part of the March 2018 quarterly budget review, a decrease to workers compensation costs within the Human Resources area of \$180,000 to \$300,000 was recognised for the 2017/18 year. The 2018/19 budget has also now been confirmed at \$320,000.

These figures are excellent considering Council was paying approximately \$485,000 in 2014/15 and 2015/16, which is still relatively low compared to industry benchmarks.

### *Grant – Ignite Studios and Northern Rivers Community Gallery*

Council recently received approval for a State Government grant for capital and operating expenditure for the above facilities and that grant funding has now been included in the LTFP.

### *Fees and Charges - Animal Traps and Collars – Refundable deposit*

The exhibited fees and charges document proposed that this deposit for 2018/19 be set at \$72, as a CPI adjustment to the bond of \$70 for 2017/18.

On further consideration, it is proposed that this refundable deposit remain at \$70 for 2018/19, as the round figure provides greater ease of cash receipts and refunds for customer service officers.

### *Fees and Charges - Northern Rivers Community Gallery*

The Gallery is requesting a simplified fee structure for the Ignite Studios – Workshop Hire rates to take effect from the 2018/19 financial year period.

The exhibited fees were modelled on existing 'Community Facility' fees and based on anticipated consecutive multi-day use with incremental discount rates as the priority fee structure.

This multi-day discounted priority structure has proven to be overly complex from both an internal procedural and external user perspective and would be onerous for current Gallery staff resourcing requiring a more manual process to manage the booking of the spaces.



## 10.6 Delivery Program and Operational Plan - Adoption

---

Additionally, with the recent launch of Ignite Studios it has been identified that the majority of users would be accessing and hiring the space for hourly blocks of time, recurring weekly or monthly as opposed to consecutive full day multi-day use hire periods.

The simplified fee structure allows the Gallery to establish a more user friendly online booking system where users can create a personal login and self-manage their bookings based on space availability; and provide greater income return to support the ongoing viability of the Gallery and Ignite Studios.

The revised fees and charges are included as Attachment 4.

### C. Other Matters

#### *Ordinary Rate Revenue*

Council needs to formally adopt the ordinary rates to be levied in the 2018/19 financial year. The rates in the dollar and base amounts in the following table reflect an increase of 9.1%, which is based on an approved special variation application for 2018/19.

The application has been approved by IPART on the condition that the funds are applied in accordance with the application for asset renewal and healthy waterways programs.

**Table 7 - Rates in the Dollar and Base Amounts – 2018/19**

<b>Rate Category</b>	<b>Rate in Dollar (cents in \$)</b>	<b>Base Amount (\$)</b>	<b>% Income from Base Amount</b>
Residential	0.17473	517	49.85
Business	0.80422	517	14.44
Farmland	0.14903	517	32.12
Mining	0.80422	517	0.00

The recommendations that form part of this report include specific resolutions in respect to the making of the rates.

A recommendation is also included to make the various annual charges (i.e. waste, water etc) included in the fees and charges.

#### *Opening of the Ballina Shire Community Pools*

Saturday 28 July 2018 is the preferred date for the opening of the Ballina Memorial Swimming Pool and the Alstonville Aquatic Centre. This date will also mark the season opening.

To encourage the community to see the new facilities, staff are seeking endorsement from Council to allow free entry for community members to attend the official opening weekend.

Offering the pools free of charge for that weekend, as a gesture of goodwill, will help promote the facilities.

## 10.6 Delivery Program and Operational Plan - Adoption

---

A communications plan has been developed that will include invitations to dignitaries, stakeholders and community members. It will be promoted via traditional and digital media channels.

Council endorsement of this proposal is included in the recommendations.

### ***Public Transport Signage***

At the February 2018 Council meeting, in response to a notice of motion, Council resolved to receive a report “on options to refresh the BalTran signs with the aim being to better support public transport and to better reflect our modern community.”

In response to this resolution, staff have completed an audit of the signs. There are 45 signs installed. While most of the poles are in fair condition, many of the inserts are due for replacement.

As it is now many years since the Baltrans initiative was implemented, staff have also contacted the local bus companies to seek their feedback in respect of this motion.

The bus companies report their continued support for the signage and advise all of the current locations remain appropriate.

Based on the good condition of the poles and the continued support of the bus operators, the recommended way forward is to refresh the inserts.

In this regard there are two options, to refresh with the same logo, or refresh with a contemporary look that is consistent with Council’s style guide.

The second option is more expensive, and a progressive roll out would mean two types of signs being displayed for a period, however on balance this is the preferred option.

As the inserts are approximately \$300 to manufacture, plus some install costs a project budget of \$25,000 is required to replace the inserts. As the LTFP does not currently include a specific budget for this task, it is proposed to progressively replace the signs under the existing signage maintenance budget.

### ***Ballina Floodplain Risk Management Study and Plan (BRFMS&P)***

At the Ordinary meeting held 24 May 2018 Council resolved as follows:

*“That Council receive a report on the costs involved in including a review and update of the BFRMS&P and DCP in Council’s forward planning.”*

This resolution was in response to a debate in regards to the merits of amending the current planning provisions for floodplain properties located in rural areas. The following information is provided in response to the resolution.

The Ballina Floodplain Risk Management Study and Plan (BRFMS&P) was commenced in 2009 and completed in 2014. The cost to prepare this plan with a specialist flood consultant at the time was \$360,000.

## 10.6 Delivery Program and Operational Plan - Adoption

---

The NSW and Commonwealth Government contributed \$240,000 to the cost of the project under a competitive floodplain management grant program administered by the Office of Environment & Heritage (OEH).

The next revision of the plan is expected to cost approximately \$430,000 to \$460,000 based on CPI increases since 2009, and the amount of work involved will be the same.

Significant internal project management resources are also required.

The ability to receive a two thirds grant from the floodplain management program will be again subject to a statewide competitive process.

The local OEH office has verbally advised that commencing an update or renewal of the BFRMS&P in the short term would not be considered as a high priority project for co-funding as the plan is still considered contemporary.

This feedback also recognises our current commitment with an existing OEH grant, which responds to an action item from the adopted BFRMP.

This current OEH grant is to complete a project entitled "Ballina Island and West Ballina Flood Protection Feasibility Study and Plan" and the objective of this project is to develop a strategy to protect the urban footprint of Ballina Island and West Ballina and consider a range of measures which is not just limited to the current fill policy.

The program for this project has a scheduled completion in 2020.

In light of the staff resources required to manage the current project, and considering this work will inform the next update of the BFRMS&P, it is preferred to complete this project prior to commencing the update.

Furthermore, earlier this year, an update of Australian Rainfall and Runoff was completed. This update is not completed very often, with the last review completed in 1987.

Australian Rainfall and Runoff is the recognised publication used to provide the essential parameters for the development of the flood model, which is required for the flood study.

Climate change predictions are also important and the timing of the project needs to consider the timing of the publication of scientific data, particularly future reports such as the reports from the Intergovernmental Panel for Climate Change (IPCC).

The fifth IPCC report was completed in 2014 and the sixth report is scheduled for completion in 2022.

As the technical and policy information is only updated on an irregular basis, the information used remains relevant for long periods of time and hence the view reported above about the contemporary standing of our current plan.

On this basis, the cost of the project is the key factor in respect of determining the time to update the plan.

A key driver for the subject resolution is Council's interest to review the provisions in the management plan and the Council's Development Control Plan in respect of an option to be available for residential buildings to be constructed using pole type floor support.

As per the report to the May 2018 Ordinary meeting, from a risk planning perspective this is not recommended and is not supported by the Office of Environment and Heritage or the NSW State Emergency Service.

Given the government and specialist advice, it is unlikely the request to include pole type housing in the policy will be achieved.

Furthermore, there are approximately 100 properties impacted by this issue and Council needs to carefully consider the allocation of resources and the benefits obtained.

The recurrent Council budget allocated to Flood Management Studies is only \$30,000 and therefore the undertaking of the work is heavily dependent on grant funds being secured from OEH.

Council needs to be realistic in respect to the completion of this work and on that basis it is recommended that the subject review be identified in the Delivery Program for 2021/22, which is a reasonable timeframe.

If Council does wish to complete this project earlier, significant funds will need to be reallocated from major infrastructure projects to allow the project to proceed.

### ***Audit Risk and Improvement Committee Member Fees***

The payment of attendance fees for the community representatives on the Committee has been raised at the previous three Committee meetings.

Council had not resolved to pay fees and expressions of interest were advertised on the basis that there was no remuneration or allowances paid for community members.

With the role of the Audit, Risk and Improvement Committee set to expand as per the Local Government Amendment (Governance and Planning) Act 2016, Council does need to consider whether the payment of members is justified.

It is important to acknowledge that the above legislation states that it is not mandatory to establish the Audit, Risk and Improvement Committee until six months after the next election. It is Council's intention to gradually transition to the requirements of the new legislation, well before the election.

From a regional perspective the current situation in respect to member fees is as follows:

#### ***Byron***

Community representatives submitted their own hourly rates when expressions of interest were called for members. The rates vary from a minimum of approximately \$50 per hour to extremely high rates reflective of professional services.

### *Kyogle*

Community representatives not paid an allowance.

### *Lismore*

Do not have a committee.

### *Richmond Valley*

No community representatives on their committee.

### *Rous Water*

Chair - \$464 per meeting

Members - \$282 per meeting

Mileage is also paid based on engine capacity

### *Tweed*

As per the daily sitting fees for the NSW Government Boards and Committees classification and remuneration framework (i.e. currently the Chairperson is to be paid a daily sitting fee of \$350 and members \$220).

As per this information there is no standard or consistency in the payment of fees and it is a matter for each council to determine.

A recommendation of the Audit, Risk and Improvement Committee meeting held 12 June 2018 was for Council to pay community representatives in line with the Rous Water fees outlined.

The recommendations to this report include that proposal with the figures rounded to \$450 and \$300. This will result in a budget variation of approximately \$3,000 if approved by Council.

The Audit, Risk and Improvement Committee is legislated by the Local Government Act and therefore is somewhat different to the other committees of Council that involve members of the community.

### ***Depot Car Park***

Council has a recurrent capital budget of approximately \$180,000 for improvements / refurbishments to the Council depot.

Major works planned for the next four years include improvements to the workshop and welder bays (\$332,000) open spaces facilities (\$160,000), roofing (\$140,000) amenities (\$40,000), the majority of which focus on improving what could be considered as reasonably average working conditions.

Council only recently created the recurrent budget for these improvements and there is still a fair bit of catch-up to ensure the depot reflects a modern and contemporary operating environment.

Council has approximately 220 field based staff many of whom use the depot daily.

## 10.6 Delivery Program and Operational Plan - Adoption

---

One item that has been a constant source of complaint is the poor condition of the unsealed car park at the front of the depot, which has limited drainage, dust and erosion problems.

When Council replaced / refurbished the air-conditioning and roof at the administration centre there was a general recognition that morale and productivity improved due to the better working conditions.

The depot car park is considered to be a similar project, where even though it is not a high priority on the recurrent capital budget program, as that funding focuses on basic working conditions and work health and safety, the completion of this project would acknowledge that many of our field based staff work in difficult conditions and we should be providing a modern depot for their base.

The estimated cost of this project is \$187,000, and the work would be undertaken by Council's engineering works staff.

As staff from across the organisation operate from the depot, this project is financially feasible as funding can be sourced from Council's business activities (water, wastewater etc).

A possible funding scenario is as follows:

<b>Source</b>	<b>Amount (\$)</b>
Water Operations	44,000
Wastewater Operations	44,000
Domestic Waste Management	12,000
Landfill and Resource Management	12,000
Flat Rock Reserve	37,500
Buildings Refurbishment Reserve	37,500
<b>Total</b>	<b>187,000</b>

Even though this is a discretionary project it is recommended, as it is time that Council provided a sealed car park at this major workplace. Any new development would be expected to provide a similar car park.

### ***Workforce Plan – Environmental Scientist***

Council's draft workforce plan identifies a number of positions that are desirable, however they are not funded. The need for a Graduate Environmental Scientist is identified in that plan as a high priority to support the one position of Environmental Scientist in the organization (page 9 of the workforce plan). The estimated annual cost is \$65,000.

The role of Environmental Scientist is critical in relation to a number of Council's functions and operational areas. In particular, Council has progressively experienced increased demands for the analysis and assessment of ecological and environmental information and the development of environmental and biodiversity related policy.

## 10.6 Delivery Program and Operational Plan - Adoption

---

Council's Community Strategic Plan, and the community more broadly, recognise the intrinsic environmental values of our shire. As the shire continues to grow, and demands for expanded infrastructure increase, the Environmental Scientist's position is important in assessing and mitigating environmental impacts potentially associated with development. This is the case in terms of Council's regulatory functions as well as strategic land use and infrastructure planning.

Council has had a sustained volume of development applications requiring specialised ecological assessment, with this type of assessment now being a key factor in the determination of many of the larger scale applications Council receives.

Further, Council is also implementing the Ballina Shire Koala Management Strategy and Environmental Action Plan and has the preparation of a biodiversity strategy identified in the current Operational Plan and Delivery Program. These programs would benefit substantially from additional environmental science expertise within Council.

The position is also very important in ensuring Council's compliance with environmental legislation, and monitoring changes in legislation. We are also examining opportunities to be proactive in the operation of biodiversity stewardship schemes as a means of potentially offsetting the environmental impacts of public and private works. The role of the Environmental Scientist will be key if such a program is to be adopted.

The existing and projected demands of the role are exceeding the capacity of the existing full time position, and expansion of this role will be most beneficial to Council's operations.

In summary it is now considered essential for Council to increase the resources available from one person by adding a graduate position as support. One person in the current role places significant pressures on that position and means that there is no backup during periods of extended leave.

Council does have recurrent funding limitations (i.e. we have a recurrent working capital deficit) and to fund this position it is recommended that numerous budgets be reduced, by relatively small amounts, to ensure there is no impact on the recurrent budget. This can be achieved (and has been achieved just) by rounding numerous budgets down (i.e. by \$500 to \$1,000) with those changes unlikely to impact on recurrent service levels, albeit they continue to place increase pressures on maintaining budget control and existing service levels.

The recommendation supports this proposal as this position is considered essential.

### **Sustainability Considerations**

- **Environment**  
This report encompasses the entire Council budget and proposed activities and operations.
- **Social**  
As above

## 10.6 Delivery Program and Operational Plan - Adoption

---

- **Economic**  
As above

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

This report deals with all of Council's operations. Legal, resource and financial implications are all relevant to this report.

Based on the adjustments identified in this report the revised working capital deficit forecast for the General Fund for 2018/19 is \$199,900. This is an improvement to exhibited forecast of \$215,100.

There remain concerns that the LTFP forecasts working capital deficits for the entire ten years as follows:

18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28
(199,900)	(249,400)	(306,700)	(349,200)	(336,700)	(326,400)	(320,900)	(317,200)	(278,800)	(230,700)

Council does budget conservatively so it is anticipated that the working capital result will improve during the financial year, although it does leave little or no room, increases in service levels, unless matching or greater savings are identified.

From an operating result perspective the inclusive of the special rate variation monies means that an operating surplus should start to be achieved on a sustainable basis for the General Fund from 2020/21 onwards.

### **Consultation**

The Draft Delivery Program and Operational Plan have been advertised for public comment during May and June.

### **Options**

Council has a legal obligation to adopt the Operational Plan and Delivery Program. Two Finance Committee meetings have been held to develop the strategies contained within these documents and Council is also in a position to consider community input.

The recommendations that follow encompass all the items addressed in this report, along with a recommendation to endorse the rating structure for 2018/19.



### RECOMMENDATIONS

1. That Council adopts the 2018/19 to 2021/22 Draft Delivery Program and 2018/19 Operational Plan which includes the Long Term Financial Plan (budget), Workforce Plan and Fees and Charges, as exhibited, inclusive of any amendments determined at this meeting.
2. That Council approves the formation of a Committee of a minimum of three Councillors, with at least one from each Ward, plus the Mayor, to consider the applications for the General Donations and Sporting Group Donations for 2018/19. The representatives on the Committee are as follows (to be determined).
3. That Council approves / declines the donation request from Mr Ben Luke for the Beach Sounds Music Festival,
4. That Council notes the contents of this report in respect to the submissions received from Mr Westaway, Earthworks Landscaping, Nick Mercer, the Ballina Peninsular Residents Association, Ardill Payne and Partners and Dianna deKantzaw.
5. That based on the content of those submissions and other associated matters Council approves the following changes to the draft fees and charges:
  - An “Extra Off-Peak” category for the Lennox Head Community Centre and for the Alstonville Leisure and Entertainment Centre Multi-Function Hall and Sports Hall, whereby a 50% discount is provided for Commercial use. The extra off-peak times are 6am to 8am and 6pm to 8pm, Monday to Thursday.
  - Animal traps and collars refundable deposit to be retained at \$70.
  - Gallery Engine Room workspace and Locker Room workspace charges as Attachment 4.
6. That Council notes the contents of this report in respect to the submissions received for the proposed change to the water access charges. That Council confirms that it will proceed with the proposed change as it provides consistency with our wastewater and domestic waste charging structures.
7. That Council notes the contents of this report in respect to the submissions received for works and services from Mr Paul Scanlan, Alstonville Community Preschool, RSL Alstonville Sub-branch, Croquet Development Working Group, Ballina Peninsular Residents Association, Lennox Head Residents Association, Wardell & District Progress Association and Gary and Margaret Stanger.
8. That based on the contents of those submissions and other associated matters Council approves the following changes to the draft Delivery Program and Operational Plan:

## 10.6 Delivery Program and Operational Plan - Adoption

- Acceptance of the contributions totalling \$150,000 (including GST and \$136,000 ex GST) towards the dust sealing of Newrybar Swamp Road and Martins Lane – East with these two projects to be completed at an estimated cost of \$246,000. The balance of the funding is to be sourced from Council's reseals and heaving patching budget. This acceptance is subject to satisfactory agreements being in place before the works are commenced.
- Confirmation that Council will provide an additional picnic table and associated facilities, along with additional fig tree planter boxes, from existing operating budgets, in Wardell based on the submissions from the Wardell & District Progress Association.
- The following road reconstruction amendment to allow the bringing forward of works for Carrs Bridge:

Description	Draft Delivery program		Revised Delivery Program	
	2018/19 (\$)	2019/20 (\$)	2018/19 (\$)	2019/20 (\$)
Northumberland Drive seg 10	245,000	0	0	248,000
Carrs Bridge (River Drive)	248,000	248,000	493,000	0

- Inclusion of the revised works for the Section 94 Roads Contribution Plan as outlined in this report.
  - Amending budgets for the Crown Lands Management Act, Development Services - Legal Fees, Asset Condition Assessments, Ferry Slip, Workers Compensation and the Northern Rivers Community Gallery – grant, as outlined in this report.
  - Revised footpath reconstruction program to reflect the outcomes of the Pedestrian Access and Mobility Plan, review as per the separate report in this agenda.
9. That Council resolves to make a base rating structure applicable to all rateable land in the Shire for the levy of the 2018/19 Ordinary Rates as per the following structure.

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.17473	517	49.85
Business	0.80422	517	14.44
Farmland	0.14903	517	32.12
Mining	0.80422	517	0.00

The rate in the dollar for 2018/19 applies to the land value of all rateable land in the Shire within the relevant category.

10. That Council resolves to make the annual charges for 2018/19 as detailed in the Fees and Charges document that forms part of the Delivery Program and Operational Plan for Domestic Waste Management, Stormwater, Waste Management Operations, Water Services and Wastewater Services.

## 10.6 Delivery Program and Operational Plan - Adoption

---

11. That Council confirms the opening of the Alstonville Aquatic Centre and Ballina Memorial Swimming Pools on Saturday 28 July 2018. Both facilities will be free of charge to the community for Saturday 28 and Sunday 29 July 2018 to recognise the newly refurbished facilities.
12. That Council notes the contents of this report in respect to the gradual replacement of the BalTran signage.
13. That in respect to the Ballina Floodplain Risk Management Study and Plan that Council include in the Delivery Program an indicator that a review of this study is to commence in the financial year 2021/22, following the completion of existing reviews and studies, subject to funding being available.
14. That Council approves an allowance of \$450 for the Chair and \$300 per member per meeting for the community representatives on the Audit, Risk and Improvement Committee.
15. That Council approves the sealing of the depot car park funded as follows:

<b>Source</b>	<b>Amount (\$)</b>
Water Operations	44,000
Wastewater Operations	44,000
Domestic Waste Management	12,000
Landfill and Resource Management	12,000
Flat Rock Reserve	37,500
Buildings Refurbishment Reserve	37,500
<b>Total</b>	<b>187,000</b>

16. That Council approves the employment of the environmental scientist position as outlined in this report, funded from savings across the organisation.

### **Attachment(s)**

1. Correspondence from Ben Luke, Lennox Groove Music
2. Submissions on Fees and Charges
3. Submissions on Works and Services
4. Revised Gallery Fee Structure

## **11.1 Pedestrian Access and Mobility Plan (PAMP) 2018-2027**

---

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

#### **11.1 Pedestrian Access and Mobility Plan (PAMP) 2018-2027**

**Delivery Program**      Asset Management

**Objective**              To adopt a new Pedestrian Access and Mobility Plan (PAMP)

---

#### **Background**

The Pedestrian Access and Mobility Plan (PAMP) is a framework developed by the Roads and Maritime Service (RMS) of NSW to be adapted by councils for their individual local government areas. The PAMP provides a comprehensive and integrated framework for developing coordinated, convenient and safe pedestrian networks within Ballina Shire's towns and villages.

The development of the PAMP aligns with Council's Community Strategic Plan (2013-2023) to provide a more connected community, a healthy community and a healthy environment.

Development of the PAMP is also a commitment of Council's Road Safety Strategy (2014/15-2023/24), and is needed in order to improve path connectivity within the Shire, and improving the safety of vulnerable road users.

The PAMP is also related to the Ballina Shire Bike Plan to ensure a well-planned pedestrian network as this plan includes our shared path network.

The PAMP also contributes to the implementation of the Council's Disability Inclusion Action Plan (2017-2021), through the construction and repair of a network of Continuous Accessible Paths of Travel, towards the objective of universal access.

Council's first PAMP was adopted in 2004. In 2010 a new PAMP was developed and adopted. In 2013 the PAMP was reviewed and a revised priority delivery program was adopted.

As the current PAMP was adopted five years ago, it is appropriate to develop a new PAMP and priority delivery program. The new PAMP takes into account existing planned works and new community submissions, and allows for potential changes in priorities.

The PAMP coordinates investment in pedestrian routes, and will assist Council in securing grant funds for specific works in the Plan.

Council has previously endorsed the public exhibition of a draft update of the PAMP. This followed a community consultation phase to prepare the plan. This report discusses the feedback from the public exhibition.

### Key Issues

- Priorities

### Information

A copy of the draft PAMP for 2018/19 - 2026/27 is provided under separate cover as an attachment to this report.

The PAMP is a framework for pedestrian infrastructure. 'Pedestrians' are taken to include:

- Any person walking – all ages, ably or with an impairment,
- A person pushing a pram, shopping trolley or wheelchair,
- A person pushing a wheelchair
- A person using a motorized wheelchair or mobility scooter
- A person using a wheeled recreational device or wheeled toy (such as a skateboard, roller-skates and roller blades) and
- A child under 12 years of age riding a bicycle, and an adult accompanying a rider under 12 years of age.

The PAMP focuses on improving connections between major pedestrian attractors (built or natural destination that attracts people) and generators (residential areas or transport interchanges from where significant concentrations of people commence pedestrian travel).

Town and village centres within Ballina Shire that have high levels of pedestrian activity were considered in the PAMP. These include:

- Alstonville
- East Ballina
- Ballina Island
- North Ballina
- West Ballina
- Ballina Heights/ Cumbalum
- Skennars Head
- Lennox Head, South
- Lennox Head, North
- Tintenbar and Newrybar
- Wardell
- Wollongbar

The PAMP was prepared using the core methodology recommended by the RMS PAMP Guidelines (RTA 2002). This included:

- Monitoring and development of PAMP objectives
- Research and review of relevant existing legislation and policy
- Review of pedestrian research
- Collection and analysis of pedestrian crash data
- Community consultation
- Field assessment and audit of community proposals for pedestrian infrastructure
- Prioritisation of works.

Approximately 280 community submissions were received during the public consultation phase. Suggestions focused on paths between businesses and residential areas (such as access to schools, retirement and aged care residences, and shopping centres), as well as community facilities and recreational areas (such as cemeteries, scenic walks, beaches and sports facilities).

Major issues for the community were safety, access and improving the walkability of Ballina Shire.

Proposed PAMP works are prioritized because of budget and resource constraints. All community submissions were evaluated to identify high, medium and low priority pedestrian routes. All submissions were rated using the following criteria:

- Linkages to pedestrian crash sites
- Analysis of Facility User Groups (including vulnerable pedestrian groups)
- Feasibility and
- The RMS weighted scoring criteria system.

Not all proposals were able to be included in the PAMP:

- Approximately half of all community submissions (140) were duplicates of other suggestions.
- Sixteen submissions corresponded to existing and ongoing PAMP works.
- Some submissions pertained to privately owned land, or were not requests for infrastructure treatments.
- Some generated a low priority score according to the RMS weighting criteria, were not technically feasible, or were requests for enhancements, extensions or additions to facilities that already are considered to provide an adequate level of service.
- Some submissions were encompassed by other planned connections that are deemed safer options.

From September to December 2017, the draft PAMP was on public exhibition. Twenty submissions were received. Ten of these submissions were general comments or were maintenance issues which were referred to our maintenance teams as customer requests.

Ten additional projects were proposed and assessed. Of these, seven additional works projects met the criteria and were included in the PAMP. These include:

- Cherry Street, Ballina Island- BCW6, 2018-2019
- Bugden Avenue, Alstonville – ACW19, 2019-2020
- Williams Street, Lennox Head North- LHNW35, 2020-2021
- Quays Drive, West Ballina- BWV38, 2021-2022
- Castle Drive, Lennox Head South- LHSW67, 2023-2024
- Henderson Lane, Lennox Head South – LHSW84, 2025-2026
- Joindre Street, Wollongbar- WBW89, 2026-2027

Three proposals from the public exhibition phase were not included in the PAMP. These include:

- Footbridge or shared path over North Creek Road (site of old North Creek Road bridge). This proposal was expensive and a low priority in the context of connecting services. A bridge at this location is part of the Council's Road Contributions Plan and pedestrian issues can be considered as part of that project.
- Provision of kerb and guttering and parallel parking on Williams Street, Lennox Head. Kerb and guttering is a drainage issue. The provision of a footpath at this location can be facilitated irrespective of whether or not kerb and gutter is installed. Council has recently installed bollards and signed parking controls to provide sufficient space for pedestrian access along the road reserve at this location.
- Treatment of the existing footpath on Cherry Street (from River Street to the Kentwell Centre) with blue luminous paint to improve path visibility. Existing street lighting is sufficient for the present usage levels.

At the end of the public exhibition process, 96 projects were assessed as eligible for inclusion in a 10 year delivery plan based on Council's capital works allocation of approximately \$470,000 per annum.

The inclusion of seven additional projects required adjustments to be made in the assignment of project priorities across the financial years of the program. These adjustments were made to achieve budgetary, scheduling and performance/ operational efficiencies.

In addition to the community submissions, two resolutions of Council are also relevant and these are discussed below.

### 1. North Creek Foreshore

At the Council meeting held 23 June 2016 the following resolution was passed:

*Any consideration of public access to North Creek foreshore be deferred until future updates of the Draft Bike Plan and PAMP are undertaken to consider within broader context of Shire-wide assessment of shared/pedestrian access needs and is prioritized accordingly.*

The PAMP process received one submission requesting a pathway/ shared path/ boardwalk arrangement from Crowley Village to Ballina RSL Lifecare Kokoda Retirement Village.

The PAMP assessment and prioritization process for a pathway along the North Creek foreshore was assessed as a low priority due to high cost, existing land ownership and acquisition requirements, and approvals processes involving Crown Lands, environmental authorities, and cultural and heritage considerations.

Additionally, there are approved projects in the draft PAMP (BCW37 and BCW44 – refer to Figure 5C) that will provide an equivalent alternative in respect of connectivity.

## 11.1 Pedestrian Access and Mobility Plan (PAMP) 2018-2027

---

The Ballina Shire Bike Plan, adopted by Council recently, refers to Action BI1.1 being the development of a new shared path from Meldrum Park to Cawarra Park along North Creek foreshore (low priority).

### 2. Beachfront Parade

At the Council meeting held 28 July 2016 the following resolution was passed:

*That the Draft Ballina Bike Plan be amended to exclude the proposed shared pathway from Beachfront Parade and remove Beachfront Parade footpath from the PAMP.*

In response to this resolution, the Beachfront Parade footpath has been removed from the future planned PAMP works (Figure 5B Delivery Plan Maps).

The purpose of this report is to present information confirming the process undertaken to prepare the draft PAMP.

It is beyond the capacity of this report to provide a further analysis for the priority ranking of projects, however should any Councillor require further information on the assessment of particular projects before the Council meeting they should contact the Group Manager Civil Services.

Council's draft Delivery and Operational Plan was prepared on the basis of the priority ranking within the draft PAMP and the ranking is used to support grant funding submissions made by Council to Government.

Two potential projects are however specifically brought to the attention of Council.

For some time Council has received ongoing requests for the provision of a marked pedestrian crossing on River Street at West Ballina. A pedestrian crossing at this location does not meet the required technical criteria.

The PAMP does however include the construction of a pedestrian refuge at this location and improved connectivity by a new path to join Kalinga Street and River Street.

Council has received representations from Tamara Smith MP on behalf of residents requesting a pedestrian crossing. A copy of the letter and the staff reply, have been included as separate attachments to this report for Councillors information only, as they contain personal information.

The staff reply provides further details about the technical requirements for a pedestrian crossing.

The second project is Montwood Drive. With the changing nature of the local environment due to the urban subdivision occurring at the Epiq Estate, there has been ongoing interest in the provision of a footpath on Montwood Drive. This project is expected to cost \$185,875.

Under the weighted criteria assessment to develop the priorities for this plan, the project is scheduled for the 2022-2023 financial year.



## 11.1 Pedestrian Access and Mobility Plan (PAMP) 2018-2027

The exhibited Draft Delivery Plan for 2018/19 to 2021/22 included the following projects for each budget year.

**Table 1 – Delivery Program - Exhibited Projects**

<b>Footpaths and Shared Paths</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>
Chickiba Drive, East Ballina (refuge - grant)	23,500			
Chickiba Drive, East Ballina	83,000			
Bentinck Street, Ballina	5,000			
River Street, Ballina	25,000			
Southern Cross Drive, Ballina	64,000			
Crane Street, Ballina	5,000			
Kalinga Street, West Ballina	107,000			
Links Avenue, East Ballina	25,000			
River Street 5-46-47-27, West Ballina	57,000			
Moon and Tamar Streets, Ballina	6,000			
Moon Street, Ballina	3,000			
Angels Beach Drive, East Ballina	5,000			
Pine Avenue, Short Street	74,000			
Corner of Tamar Street and Kerr Street, Ballina		4,000		
Crane Street, Ballina		11,000		
Bentinck Street, Ballina		25,000		
Bangalow Road, Ballina		4,000		
Suvla Street, Shelly Beach Road, East Ballina		114,000		
Freeborn Place, Alstonville		27,000		
River Street, Ballina		19,000		
Wardell Road, Alstonville		8,000		
Martin Street, Ballina		4,000		
Robertson Street, Alstonville		33,000		
Eyles Drive, John Sharpe Street and Links Avenue		110,000		
Barlows Road, West Ballina		43,000	62,000	
Bike Plan Project		71,000	90,000	100,000
Kerr Street, Ballina			12,000	
Owen Street, Ballina			97,000	
Bagot Street, Canal Road, Ballina			154,000	
Tamarind Drive, Ballina North			9,000	
Old Pacific Highway, Newrybar			64,000	
Grandview Street, East Ballina				72,000
Manly Street, East Ballina				22,000
Cherry Street, Ballina				70,000
Bugden Avenue, Alstonville				27,000
Moon Street, Ballina				14,000
Greenwood Place, Sunrise Crescent, Lennox Head				58,000
Kerr Street, Ballina				21,000
North Creek Road, Lennox Head				10,000
Quays Drive, West Ballina				95,000
Fox Street, Ballina				15,000
<b>Totals</b>	<b>482,500</b>	<b>473,000</b>	<b>488,000</b>	<b>504,000</b>

The recommended PAMP does result in some changes to these priorities and based on the PAMP the revised four year plan is as follows.

**Table 2 – Revised Projects based on the PAMP**

<b>Footpaths and Shared Paths</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>
Chickiba Dr, East Ballina (refuge – grant funded)	23,500			
Bentinck St, Ballina	5,000			
River St, West Ballina	25,000			
Southern Cross Dr, Ballina	64,000			
Crane St, Ballina	5,000			
Kalinga St, West Ballina	107,000			
Cherry Street, Ballina	88,000			
Links Ave, East Ballina	25,000			
River St 5-46-47-27, West Ballina	11,000			
River St 5-46-47-27, West Ballina	17,000			
Tamar and Kerr Sts, Ballina	3,000			
Crane St, Ballina	11,000			
Bentinck St, Ballina	24,000			
Pine Avenue, Short Street	74,000			
Angels Beach Drive, Ballina		5,000		
Suvla St, Shelly Beach Rd, East Ballina		114,000		
Moon and Tamar Sts, Ballina		6,000		
Bangalow Rd, Ballina		3,000		
River St, West Ballina		14,000		
Freeborn Pl, Alstonville		27,000		
Bugden Ave, Alstonville		34,000		
River St, Ballina		19,000		
Moon St, Ballina		3,000		
Martin St, Ballina		3,000		
Eyles Dr, John Sharpe St and Links Ave		110,000		
Barlows Road, West Ballina		43,000	62,000	
Robertson St, Alstonville		33,000		
Bike Plan Projects		59,000	82,000	100,000
Kerr St, Ballina			12,000	
Wardell Rd, Alstonville			8,000	
Owen St, Ballina			97,000	
Bagot St, Canal Rd, Ballina			154,000	
Tamarind Drive, Ballina North			8,000	
Old Pacific Highway, Newrybar			65,000	
Grandview St, East Ballina				72,000
Manly St, East Ballina				22,000
Moon St, Ballina				13,000
Williams Street, Lennox Head				44,000
Kerr St, Ballina				21,000
North Ck Rd, Ballina				10,000
Quays Dr, West Ballina				10,000
Greenwood Pl, Sunrise Cr, Lennox Head				58,000
Fox Street, Ballina				55,000
Tamar Street, Ballina				34,000
Coral Street, Alstonville				5,000
Cawarra Street, Ballina				37,000
River Street, West Ballina				23,000
<b>Totals</b>	<b>482,500</b>	<b>473,000</b>	<b>488,000</b>	<b>504,000</b>

The scope of works for these projects can be found in the PAMP.

It is recommended that Council now adopt these revised priorities for the Delivery Program, however Council could still change the priorities if the preference was to include Montwood Drive.

### **Sustainability Considerations**

- **Environment**

Pedestrian activity (such as by walking, wheelchair, mobility scooter) are healthy and sustainable forms of transport and provision of safe and convenient pedestrian routes will facilitate reduced car use, resulting in environmental benefits such as decreased road congestion, and improved air quality.

- **Social**

Pedestrian networks provide enhanced social connectivity, and there are physical, social and mental health benefits from walking for individuals and groups. Pedestrian networks also enhance recreational opportunities and improve the liveability of communities.

- **Economic**

A major benefit of the PAMP process is that it aims to reduce the trauma and costs associated with traffic accidents. In addition, walking and pedestrian activity are low cost forms of transport, which results in both reduced vehicle operating and infrastructure costs. Promotion of pedestrian networks can also contribute to economic development with increased consumer expenditure on local businesses, and attraction of tourism.

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

The PAMP Delivery Program is linked to the recurrent budget allocation for footpaths and shared paths in the capital works program. This is approximately \$470,000 per annum. The prioritisation of works in the Delivery Program also enables Council to maximize external funding opportunities.

### **Consultation**

Extensive community consultation was undertaken for the preparation of the draft PAMP. The consultation included:

- Three months of community consultation between September and December 2016
- Provision of maps showing existing footpath networks
- Mail-out letters with a semi-structured survey to targeted community groups and organisations
- Pop-up stalls in Ballina (Ballina Fair, River Street), Alstonville, and Lennox Head
- Advertisements and promotion in Ballina Shire Council's newsletter, the 'Community Connect'
- Newspaper advertisements and media releases (at monthly intervals during the three month submission period)
- Advertising on community radio
- Open submission from the community

Submissions to the PAMP were able to be made through the Ballina Shire Council website, as well as through paper forms, email, and telephone submissions. The following targeted community groups were included in the mail-out:

- Local Government Area Residents and Progress Associations
- Caravan parks and tourism operators
- Aged care facilities
- Schools and tertiary education organisations
- Disability services and advocates
- Sports and activity groups
- Transport providers
- Aboriginal services and community groups
- Shopping centres and major retailers
- Health services
- Charities and churches
- Tourist accommodation providers and
- Environmental groups.

A PAMP focus group was offered to the Ballina Shire Council's Access Reference Group, and Aboriginal Community Committee. A PAMP focus group was conducted at the request of the Access Reference Group. The draft PAMP was on public exhibition in late 2017 to allow additional community feedback and input.

### **Options**

1. To adopt the PAMP report and Delivery Plan as attached to this report.
2. Make amendments to the PAMP report and Delivery Plan.
3. Not adopt the PAMP.

The development of the PAMP has followed an exhaustive assessment process which follows RMS guidelines and involves two rounds of community consultation. For this reason option one is preferred, however it is open to Council to amend the priority rankings for works to be delivered under the plan. Importantly Council can also review the priorities each year in developing the annual Operational Plan and Delivery Program.

Adopting a PAMP is important as this document sets out for the community a long term prioritised plan of works and an adopted, contemporary PAMP will be used to support grant applications.

### **RECOMMENDATIONS**

1. That Council adopts the Pedestrian Access and Mobility Plan (PAMP) as attached to this report.
2. That Council amend the exhibited Delivery Program and Operational Plan for 2018/19 to 2021/22 to reflect the priority works order, consistent with the PAMP, as per Table 2 of this report.

### **Attachment(s)**

1. Draft PAMP 2018 (Under separate cover)

## 11.2 Dust Sealing Analysis

---

### 11.2 Dust Sealing Analysis

**Delivery Program**      Asset Management

**Objective**              To present a criteria assessment for the dust sealing of rural roads.

---

#### **Background**

Council resolved at the 28 September 2017 Ordinary meeting as follows:

*That Council consider, as part of the preparation of the draft 2018/19 Delivery and Operational Plan, a report that reviews the status of Council's dust sealing program and in particular consider the options in regard to dust sealing a portion of Houghlahans Creek Road.*

This was then reported to the Finance Committee meeting held 14 March, 2018. This report contained two parts:

1. A comparative analysis of the long term (40 years) costs involved in leaving 28 candidate roads as 'granular unsealed' versus long term (40 years) costs if the candidate roads were given a dust seal treatment and associated upgrades.
2. A comparative analysis into long term road network health (pavement roughness) under a number of maintenance and capital funding distributions under our current long term budgets.

The recommendation from the Finance Committee was:

*That the General Manager prepare a revised draft of the Road Asset Management Plan for reporting back to Council based on Scenario 3 from the Road Pavement Network Analysis discussed in this report. This will include the addition of a dust sealing program as per the report.*

The resolution of Council at the March 2018 Ordinary meeting, in response to the Finance Committee recommendation was amended as follows:

*That the General Manager prepare a report which examines options to adopt a Rural Road Upgrade Program for the 2018/19 to 2021/22 Operational Plan.*

*The objective of this report is to determine a program with project priorities based on an agreed weighted criteria assessment.*

*This report is to consider options to amend the current roads program to incorporate a rural road upgrade program and the assessment should give consideration to any possible long term impacts on the road management strategy associated with these options.*

The following report, in response to this resolution, develops an unsealed road assessment model for the selection of possible dust sealing candidates, as well as an analysis on the impacts of a dust sealing program on long term network health given the confines of the current long term financial plan.

**Key Issues**

- Financial sustainability
- Levels of service
- Public amenity and dust control

**Information**

**Section One: Dust Sealing Priority Criteria**

A review of technical publications has been undertaken to identify sources of criteria suitable for Council.

The World Bank Roads and Rural Transport Thematic Group developed the 'Surfacing Alternatives for Unsealed Rural Roads' transport note in May 2006.

This is summarised below, with slight modifications to reflect Council's situation.

The criteria involve the rating of three physical factors and five socio-economic factors as per Tables 1 and 2. These factors are dissected into different impact levels, and for each level a score is assigned and the total provides the overall score.

The value of the overall score indicates whether the unsealed site is suitable for dust sealing. The higher the score the greater the demand for a dust seal treatment. The outcomes of a criteria assessment can also be used to determine priority rankings for projects.

**Table 1: Physical Factors (for unsealed road assessment)**

<b>Physical Factors</b>		
<b>Topgraphy (grade)</b>		
<b>Factor</b>	<b>Score</b>	<b>Weighting</b>
0: Flat or Undulating area (<4%)	0	12.5%
2: Undulating to Hilly area (4-8%)	2	
4: Hilly to Mountainous area (8-14%)	4	
5: Mountainous area (>14%)	5	
<b>Climate and soil conditions</b>		
<b>Factor</b>	<b>Score</b>	<b>Weighting</b>
0: Soils suitable for weather & traffic	0	12.5%
3: Soils suitable for weather if treated	3	
5: Soils predominantly unsuitable	5	
<b>Seal impact on surrounding segments</b>		
<b>Factor</b>	<b>Score</b>	<b>Weighting</b>
1: Proposed Seal will create 'Island' Seal in Existing	1	12.5%
3: Proposed Seal will encompass >50% of unsealed length	3	
5: Proposed Seal Removes Unsealed Gap in Existing	5	

**Table 2: Socio-Economic Factors (for unsealed road assessment)**

<b>Socio-Economic Factors</b>		
<b>(Non Motorised Transport) Demand for surfacing</b>		
<b>Factor</b>	<b>Score</b>	<b>Weighting</b>
1: Animal or NMT with low volume (NMT < 50 per day)	1	12.5%
3: NMT with medium volume (50 < NMT < 250)	3	
5: NMT with high volume (NMT > 250 per day)	5	
<b>Motorised traffic volume</b>		
<b>Factor</b>	<b>Score</b>	<b>Weighting</b>
1: Low Traffic (ADT < 50 per day)	1	12.5%
3: Medium Traffic (50 < ADT < 200 per day)	3	
5: High Traffic (ADT > 200 per day)	5	
<b>Impact of dust forming</b>		
<b>Factor</b>	<b>Score</b>	<b>Weighting</b>
1: Slight	1	12.5%
3: Medium	3	
5: Severe	5	
<b>Traffic Increase after sealing</b>		
<b>Factor</b>	<b>Score</b>	<b>Weighting</b>
1: Unlikely	1	12.5%
3: Some	3	
5: Likely	5	
<b>Availability of quality material</b>		
<b>Factor</b>	<b>Score</b>	<b>Weighting</b>
0: Available and short hauling distance	0	12.5%
3: Available but distance > 10km	3	
5: Material is scarce or depleted	5	

The score sheet assessment could be expanded if Council desired other factors to be considered.

Traffic volumes are how the relativities between different businesses and building densities are considered.

Social amenity is considered by the impact of dust forming factor, however Councillors may have other ideas about how nontechnical criteria can be applied to assess social factors.

Total scores range from 5 to 30, where 30 represents a maximum need to upgrade an unsealed road and 5 a minimum need.

The World Bank note also provides advice about the minimum score for a road to be considered for surfacing and the scoring depends on the level of development of the infrastructure within a country where the assessment is being made.

The recommended minimum scores for different national development levels are presented in Table 3.

**Table 3: Score System for Upgrading Unsealed Roads to Surfaced Roads**

<b>Unsealed Road Network</b>	<b>Minimum Score</b>	<b>Minimum (weighted) Score</b>
Developed Countries / Stable Funding Regimes	12 to 15	1.50 to 1.88
Developing Countries / Uncertain Funding Regimes	16 to 20	1.88 to 2.50
Severely Under Funded Networks	21 to 30	2.50 to 3.75

For the purposes of this assessment, we have used the ‘developed countries / stable funding regime’ criteria.

It is likely this type of analysis is more suited to national governments considering their strategic infrastructure plans and funding levels. Nonetheless, Table 3 is helpful for establishing a clear boundary which roads are included in the priority assessment process, as it is not practical to include all roads due to the unrealistic size of the program that would create.

This criteria have been applied to the 28 candidate unsealed roads identified in the previous Council report. The results are outlined in Attachment 1 (Table A3) to this report. Using this process 23 of the candidate unsealed roads met the world-bank criteria as defined for a ‘stable funding regime’.

This selection process was not applied in the 14 March Finance Committee meeting report as that report only considered whether a long-term financial return to Council was achieved from the dust sealing project.

The roads selected under that analysis remain the recommended priority for Council (due to the reduced overall maintenance costs). Funding for a wider program is not recommended based on the findings explained in section two below.

The recommendation to this report suggests Council adopt the criteria and assessment outcomes so that the community is aware of Council’s current preference should grant or other funds become available. Adopting the program allows the community to see an outcome of this review.

### ***Section Two: Impact of Transferring Funds to a Dust Sealing Program***

The following information examines the effects on network health in terms of roughness, if we transfer funds from existing budgets to a dust sealing program that will continue for the life of the analysis (40 years). Roughness, which has a technical definition and can be measured, is the preferred strategic indicator for overall road condition.

The purpose of this analysis is to enable Council to determine if, on balance, it is preferred to focus only on renewal and rehabilitation, as per the current road asset management plan, or allocate some funds for improvements so that social and environmental benefits can be achieved from a dust sealing program.

Analyses were performed for five different funding amounts, being potential budget amounts to be reallocated from renewal spending to dust sealing. The scenarios tested were;



## 11.2 Dust Sealing Analysis

---

- Budget A: \$0 pa
- Budget B: \$200,000 pa
- Budget C: \$300,000 pa
- Budget D: \$400,000 pa
- Budget E: \$500,000 pa

The analysis seeks to answer is there an acceptable level of permanent budget transfer where roughness is affected to an unacceptable degree in respect of long term of network health and levels of service.

### Results

The results are in the form of:

1. Average 10 year budget distributions for each road network class
2. Roughness profiles per road network type
3. Roughness profile in total for all sealed and rigid roads

The outcome of this modelling is shown in figures A to T within Attachment 2 of this report.

The chart in Attachment 3 is however the key piece of information as it provides the results for a combination of all road network types.

In summary, the inclusion of the dust sealing program and the resulting decrease in capital spending has the effect of increasing network roughness over the 40 year analysis period by 1 to 1.2 NRM (roughness meter counts) per \$100,000 per annum transferred from the capital budget. NRM is explained further below.

This equates to approximately a 2% increase in average network roughness per \$100,000 of reallocated capital funds.

For roads with an annual average daily traffic (AADT) between 1,000 – 10,000 vehicles per day, the following provides a descriptive condition to NRM value:

*Table 4 – NRM (Roughness Meter Counts) Values*

<b>Descriptive Condition</b>	<b>NRM</b>
Excellent	<60
Very Good	61-80
Good	81-95
Poor	96-110
Very Poor	>110

These condition ratings are sourced from an industry recognised guideline.

Attachment 3 shows our overall condition rating at the moment being in the poor condition level.

It is important to note this technical rating of level service may not align with the community perceptions of road condition as we do not normally describe our roads as poor, as they do provide a high level of service.

## 11.2 Dust Sealing Analysis

---

As per the charts in Attachment 2, not all road categories are ranked at the poor level. For many road users the condition of the main roads, being the most trafficked, are the better measure of the perceived views about road condition from a community perspective. The condition of these roads, under the NRM assessment criteria, is in the very good range.

While the overall descriptive condition may or may not reflect community perception, it is a reliable technical measure and the key point is that it provides a measure of relativity as the condition value can be compared at the start of the planning period to the end or other times in the period. It is this relativity that is important, not the corresponding category description.

For a dust sealing budget of \$200,000 per annum, that is, reducing the renewals budget by this amount, the reduction in funds would result in the commencement of the predicted roughness measure declining immediately, and it will eventually be substantially below the very poor rating level for a long period of time in the analysis.

The situation does improve by the end of the 40 year period with the final outcome rating for the network returning close to the starting point with a condition rating of poor. (For 2018 the overall NRM value is approximately 98 and the 2057 figure is 103 following the annual transfer of \$200,000).

The transfers of \$400,000 and \$500,000 per annum result in a final NRM prediction of 107.

As per the comments above, these measures are not attempting to assess community perception of, rather the analysis attempts to quantify the reduction in measured condition resulting from different funding levels.

As Council is aware, the Fit for Future reforms are designed to ensure Council's focus on the proper management of their assets.

The Fit for the Future assessment criteria includes the following infrastructure and service management ratios.

The Infrastructure Backlog Ratio is a comparison of the estimated cost to bring assets to a satisfactory condition to the total written down value of our infrastructure. The target is less than 2%.

The Asset Maintenance Ratio is calculated by comparing the actual asset maintenance expenditure to the required asset maintenance costs.

The benchmark for this ratio is greater than 100%.

The Building and Infrastructure Asset Renewal Ratio is calculated based on the expenditure on asset renewals divided by the total of depreciation, amortisation, and impairment expenses.

The benchmark is greater than 100% averaged over three years.

## 11.2 Dust Sealing Analysis

---

As reported in the Council's 2016/17 End of Financial Year Analysis, our Asset Maintenance Ratio is below the preferred benchmark. In 2015 our General Fund result was 1.0, in 2016 it was 0.94 and in 2017 the ratio was 0.76. Council's application for a special rate variation is designed to contribute to an improved performance against this benchmark.

In respect of the Renewals Ratio, in 2017 the General Fund result was reported as 106.8%, which is an improvement from 99.45% in 2016 and 78.4% in 2015.

However our auditor also notes "the challenge facing all local government authorities is to maintain this ratio and consistently satisfy this industry benchmark, particularly in the General Fund."

The concern for Council in respect of giving any consideration of the transfer of funds from renewal and maintenance budgets to road improvements, via a dust sealing policy, is such a transfer will only increase the challenges ahead of Council to consistently comply with the benchmarks.

As there is risk in terms of the long term impact on road condition (as measured by NRM roughness counts) and important financial ratios, it is not recommended Council establish a recurrent funding program for dust sealing.

It is however suggested, as per earlier comments in this report, Council adopt the weighted criteria for priority ranking and the assessment undertaken of the candidate roads, as per Attachment 1.

This information can then be included in our Roads Asset Management Plan.

The purpose of undertaking this action will assist to;

- enable staff and Councillors to respond to the regular submissions for road sealing by explaining a formal policy and whole of network strategy position of Council has been developed by this review
- we can monitor road condition and asset ratios and adjust the road strategy if compliance with the above benchmarks are achieved in the future
- we have a policy and information to support any grant applications that are specific assistance for converting unsealed roads to sealed surfaces.

### **Sustainability Considerations**

- **Environment**  
Road improvements provide enhanced outcomes for issues such as dust and erosion effects.
- **Social**  
Road improvements assist with transport and provide amenity that contributes to social development.
- **Economic**  
Improved road user conditions and possible road safety improvements contribute to economic development.

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

The financial implications of the options considered in this report are set out in the information above.

### **Consultation**

If the recommendation to this report is accepted, an update of the Asset Management Plan will be prepared for public exhibition as per Council's previous resolution.

### **Options**

The options discussed in this report are;

1. Support the draft Dust Sealing Weighted Prioritisation Criteria for inclusion in the update to the Roads Asset Management Plan.
2. Amend and then support the inclusion of a draft Dust Sealing Weighted Prioritisation Criteria in the update to the Roads Asset Management Plan.
3. Decline to include a Dust Sealing Weighted Prioritisation Criteria as a part of Council's road strategy framework.
4. Establish a recurrent funding program for the dust sealing of rural roads based on the priority rankings from the prioritisation determined under either options one or two.
5. Decline to establish a recurrent funding program for the dust sealing of rural roads.

As outlined in the report, in terms of providing some direction to the community it is considered helpful to adopt a criteria and ranking as per option one (recommended) or option two (incorporating Councillor amendments).

Even in the case of a program not being funded, this will help respond to submissions to seal individual roads, as the program provides the capacity to communicate a Shire wide, whole of network consideration as our response.

Creating a recurrent funding program for the dust sealing of rural roads is not recommended as the social and environmental benefits cannot be achieved without the risk of unreasonable impacts on future road network condition and important financial reporting benchmarks.

There is an existing resolution to include an amended road strategy, as presented to the Finance Committee earlier this year, in an update of the draft Roads Asset Management Plan. If the recommendation is supported, the revised plan will also include the weighted criteria assessment and a policy statement confirming Council will not be funding on a recurrent basis a program to upgrade unsealed rural roads.

## 11.2 Dust Sealing Analysis

---

It is however noted the revised road strategy recently supported by Council included a proposal for the sealing of a small number of rural roads on the basis there was a direct economic benefit for Council to do so in respect of future avoided maintenance costs. This means over the next few years, Council will return to delivering some dust sealing road improvements.

After achieving the dust seals, which provide an economic return to Council, future reviews can revisit the road management strategy.

A revaluation of Council's roads is required to be completed during 2019/20. To support this, an updated road condition survey is to be programmed for 2018/19. As this will be our second road condition survey, this will provide our first opportunity to have new trend data, which can be used to further refine the models prepared for this report and the previous reporting to Council's Finance Committee.

### RECOMMENDATIONS

1. That Council endorses the draft Dust Sealing Weighted Prioritisation Criteria and the Priority Ranking for Sealing of Unsealed Roads, as per Attachments 1 and 2 to this report, for inclusion in the update of the Roads Asset Management Plan.
2. That Council confirms that establishing a recurrent funding program for the sealing of unsealed roads, as per the program created in point one, is not supported, at this point in time, as the social and environmental benefits cannot be achieved without unreasonable risks in terms of the potential impacts on future road network condition and important financial reporting benchmarks.
3. That Council note, as per a resolution from the March 2018 Finance Committee, a draft update of the Road Asset Management Plan will be prepared for Council's consideration on the basis of the strategic principles adopted in this report and from the earlier reporting.

### Attachment(s)

1. Summary of Candidate Unsealed Roads
2. Outcomes of Modelling
3. Results for Combination of all Road Network Types

### **11.3 Sugar Cane Harvest Management Scheme - Permit Application**

---

#### **11.3 Sugar Cane Harvest Management Scheme - Permit Application**

**Delivery Program**      Operations Support

**Objective**              To consider continued participation in the scheme.

---

#### **Background**

NSW Sugar is a grower owned cooperative with around 500 grower members operating sugar mills located in Broadwater, Condong and Hardwood. The cooperative employs 400 people directly and 250 additional seasonal employees during harvest. The industry accounts for \$230 million of regional economic output.

Managing transport costs are important for the local industry to remain competitive. Two years ago, NSW Sugar approached Transport for NSW for a mass concession scheme to assist in managing their transport needs during harvest seasons. Harvesting typically occurs from early June through to December.

In response, Transport for NSW and RMS have facilitated a Sugar Cane Harvest Management Scheme (SCHMS). To operate on local roads, the SCHMS must have approval from Council.

The SCHMS was first proposed for the 2016 harvest season. In assessing an application for the SCHMS to be approved on local roads, Council considered the possible impacts to our road infrastructure and agreed to issue a trial permit for one year.

The purpose of the trial was to better understand compliance with the scheme and assess the short term impacts to our roads.

The outcomes of this trial were reported to Council in June 2017. At that meeting Council agreed to a further one year trial period, however Council also resolved to advise the NSW Government, NSW Sugar, and other councils in the Northern Rivers that it would not consider a third trial period (or permanent approval) for the 2018 harvest unless there is an agreed level of funding support to compensate Council for long term road pavement impacts.

In response to this resolution, a letter was sent to the Roads and Maritime Services (RMS) and NSW Sugar in July 2017. Arrangements were also made to consult the other councils through the meetings to administer the North East Weight of Loads Group (NEWLOG).

RMS do not propose a funding strategy as requested by Council, however the RMS remains supportive of the scheme and has a position that the scheme is providing road safety and road infrastructure benefits, as well as assisting the economic objectives of the local industry.

Recently RMS was able to provide Council a more comprehensive set of data compared to the first year of the trial.

## 11.3 Sugar Cane Harvest Management Scheme - Permit Application

In light of the availability of this data, and notwithstanding the response from the NSW Government regarding funding assistance, it has been agreed to report to Council the request of RMS and Sunshine Sugar for continued approval to operate the SCHMS.

Officers from RMS and NSW Sugar attended a Councillor briefing on 6 June 2018 to present their perspective in response to the trials.

### Key Issues

- Risk of damage to road assets
- Economic impacts
- Road safety

### Information

A permit under the SCHMS allows for an additional 5% concessional mass on the gross mass load (GML) that can be carried on State and Council roads, which are currently approved for 4.6m high vehicles.

Figure 1 below shows the potential routes within the Shire. Approval for the 4.6 metre routes is managed by Council's B-Double and 4.6 metre High Vehicle Route Assessment for Regional and Local Roads policy.

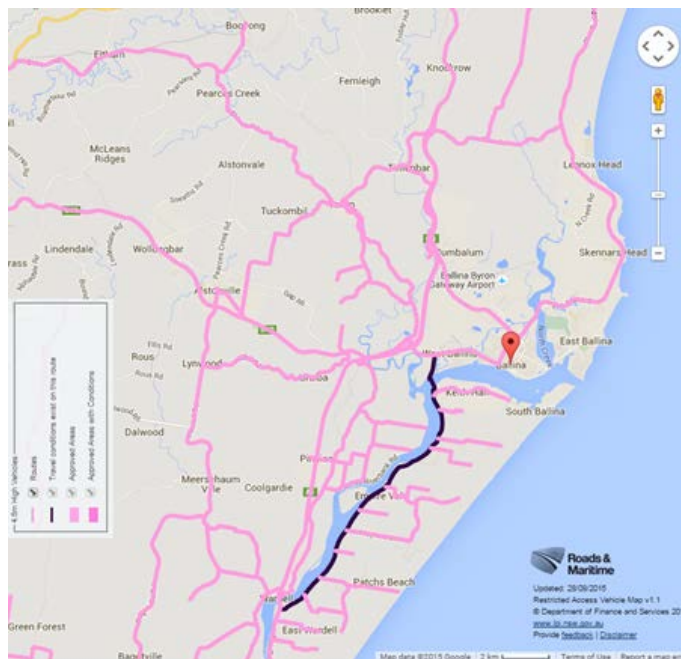


Figure 1: Routes under the SCHMS used by NSW Sugar

The initial advice presented to Council regarding this scheme in 2015 recommended the refusal of the application, based on the expected impacts on the local road infrastructure and the resultant increase in road maintenance and renewal costs.

The scheme was originally presented as allowing sugar cane heavy vehicles to carry additional concessional mass, bringing the transport vehicles mass to 44.63 tonnes, compared to a maximum GML of 42.5 tonnes.

### **11.3 Sugar Cane Harvest Management Scheme - Permit Application**

---

Based on this additional mass, the impact on local road and bridge assets was assessed through equivalent standard axles (ESA) calculations.

ESA is used to assist in determining pavement damage.

Calculations, based on the transport vehicles travelling at concessional mass limits, indicated that, based on published literature, it was reasonable to expect the scheme to increase damage or wear to infrastructure by 25% over the life span of the pavement, albeit it is difficult to assess the localised impacts and road condition within this context.

On balance, Council agreed to the trial having regard to the road safety benefits (that are derived from a reduction in total truck movements for the harvest) and the potential economic benefits for this important local industry.

The scheme has been operating as a trial over the last two seasons, 2016 to 2017, and during this time NSW Sugar has invested significantly into new technology, data collection, reporting and compliance strategies.

Some comments regarding the key outcomes from the data analysis are as follows.

An analysis of the 2017 harvest season shows 1,261 additional trips by trucks were avoided through the implementation of the scheme.

Research from Austroads reports the application of higher mass limits (to the limit used within the SCHMS) with new road friendly suspension causes no additional pavement wear when compared to the general mass limit (GML).

This means the avoided trips are not only a road safety benefit, they also reduce the pavement wear on local roads. For the estimated 1,261 avoided trips on Ballina Shire roads, RMS estimate a reduction of over 90,000 ESA kilometres of pavement wear.

The initial reporting to Council assumed industry would carry loads equivalent to the approved HML and thus resulted in concerns at the time regarding impact on the roads. However, the data from the trial reports only 13% of deliveries exceeded GML and only 0.05% of deliveries exceeded the HML mass.

This means while the SCHMS allows loading to HML, in reality the productivity gains are derived from the ability of the contractors to undertake more efficient loading to GML levels (due to the additional compliance tolerated provided by the HML).

This offers Council a number of benefits.

The SCHMS terms and conditions result in a compliance and reporting regime that is not available under GML.

To ensure compliance, new technology vehicles and road friendly suspension is required.

The predicted impacts to Council's roads are avoided as the majority of loads remain under GML, however as operators can load closer to GML compared



### **11.3 Sugar Cane Harvest Management Scheme - Permit Application**

---

to previously, as they are not at risk of enforcement action as the operators are comfortably under the HML.

Thereby industry is more productive, road condition impacts are responsibly managed and importantly road safety and environmental benefits are achieved.

#### **Sustainability Considerations**

- **Environment**

Under the SCHMS the number of truck trips is reduced and this is a good outcome for the environment. Also, only modern trucks are able to comply with and operate under the scheme meaning better technology, such as clean emission technology, is deployed.

- **Social**

NSW Sugar is a grower owned cooperative. It is also a local industry which operates and provides many jobs in the northern NSW region. The SCHMS provides improved road safety outcomes.

- **Economic**

The proposed SCHMS supports improved efficiencies for an important local industry.

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

There are no direct legal, resource or financial implications, however a key point Council has been required to consider in respect of this scheme is whether or not there are long term impacts to our road pavements.

#### **Consultation**

Consultation has occurred with the other local government areas that are within the NSW Sugar's operational transportation area. This includes Byron Shire, Lismore City, Clarence Valley, Richmond Valley, and Tweed Shire Councils.

Previously there has been mixed levels of support for the scheme. Some councils have taken a conservative approach similar to this Council and others have been keen to support the industry.

Currently all other local government areas propose to issue permits for the SCHMS to operate during 2018. Some councils are providing a permit on a year-to-year basis, whereas others are providing an ongoing commitment with a permit for the duration of the scheme.

It is preferred, if possible, for all of the councils to establish an agreed regional view on this matter. The transport routes for NSW Sugar haulage cross various local government boundaries to access farms and the processing mills.

Therefore there would be significant operational challenges for NSW Sugar in the event that permits were not issued consistently.

### **11.3 Sugar Cane Harvest Management Scheme - Permit Application**

---

#### **Options**

1. To participate in the SCHMS, issuing a permit to NSW Sugar for the duration of the scheme, up until 2021.
2. To participate in the SCHMS, issuing a permit to NSW Sugar for the 2018 season, with future permits to be reviewed on an annual basis.
3. To not be involved in the SCHMS, rejecting the permit for NSW Sugar.

Option one is preferred to option two as this will provide more certainty to Sunshine Sugar and encourage their continued investment in technology and data reporting capability.

Also, RMS advise Council that in the event that the results of the scheme are assessed as unsatisfactory, Council is able to reserve a right to revoke the scheme permit.

#### **RECOMMENDATION**

That Council approves the application for the Sugar Cane Harvest Management Scheme to permit an additional 5% concessional mass on the gross mass load (GML) on State and Council roads which are currently approved for a 4.6m high vehicles, for the remainder of the scheme's duration, being up until the 2021 harvest.

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

1. RMS Presentation - SCHMS

## 11.4 Events Taskforce

---

### 11.4 Events Taskforce

**Delivery Program**      Open Spaces and Reserves

**Objective**              To consider the creation of an Events Taskforce.

---

#### **Background**

In response to a Notice of Motion at the Council meeting held in April 2018, Council resolved to refer the establishment of a Festival and Events Taskforce to a Councillor briefing.

The briefing was held on 14 May 2018.

The purpose of this report is to determine whether to proceed with the creation of an Events Taskforce.

#### **Key Issues**

- Encouraging economic development and social activity through events
- Benefits of a Taskforce

#### **Information**

Council supports events in a number of ways. This includes the Council providing funding support to eligible events, along with a dedicated Events Support Officer position within the organisation structure. This position assists event managers to achieve their approvals and importantly the position provides one key point of contact to facilitate the delivery of the various support and assistance from Council required to ensure a successful event.

The briefing reviewed data in respect to the recent history of events held in the Shire and it is pleasing to note there has been a strong increase in the number of events approved.

In 2016 there were 33 event approvals, in 2017 there were 51 and the trend for 2018 is for a further increase again.

For many years now it has been Council's policy to be a support agent to facilitate events rather than being an event operator.

The briefing was also advised our Events Support Officer has led an initiative to establish a regional networking framework for officers working in events from other councils. This will enable councils to further support events through resource and knowledge sharing.

The proposed Events Taskforce is suggested as a way for interested community members to present ideas and feedback on how we might further expand our support and encouragement of events.

## 11.4 Events Taskforce

---

The proposal suggested an expression of interest process be advertised and once the level of interest is established, further work, in consultation with the respondents could refine the terms of reference or scope for the Taskforce.

It proposed for the Taskforce to be established and operated on a limited term basis.

It is uncertain as to the level of interest in the community to participate in the Taskforce and the level of benefit to be gained.

Limited resources are required to advertise for expressions of interest and if there is a favourable response, existing staff resources can be utilised to support the administration of the Taskforce.

The Taskforce potentially presents as an opportunity for Council to consider options on how it may encourage more new events to establish in the Shire.

Alternatively Councillors may form a view our level of support for events is working well, as the administration and coordination of approvals is resulting in an upward trend of successful event approvals.

There is some risk the creation of a Taskforce may create expectations beyond the Council's capacity to deliver, however this issue can be managed as part of the conversation with the Taskforce.

### **Sustainability Considerations**

- **Environment**  
Some events can focus on education and awareness around environmental issues.
- **Social**  
Events are an important contributor to social cohesion in a community.
- **Economic**  
Events are an important contributor to economic development.

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

Some staff resources will be required to facilitate the Event Taskforce.

### **Consultation**

No consultation has been undertaken with event managers or the broader community in preparing this report. An expression of interest process is proposed to facilitate the establishment of the Taskforce.

### Options

The options available for Council are:

1. Establish an Event Taskforce - Seeking expressions of interest and developing some terms of reference for an Event Taskforce can be resourced if the direction of Council is to further assess whether the Taskforce proposal will be an opportunity to generate new ideas in respect of Council's facilitation of events.
2. Continue to facilitate and support events under the current arrangements - This option recognises our support to events is progressing well with an increasing number and diversity of events being approved, sufficient resources are allocated to support the event application processes, and we are participating in a regional network designed to share resources and information in respect of the management of events.

As there was not a clear consensus from the Councillor briefing (other than to prepare this report), the recommendation is for Council to determine if establishing an Events Taskforce is the preferred direction.

### RECOMMENDATION

That Council determine whether or not to proceed to establish an Events Taskforce.

### Attachment(s)

Nil

## 11.5 Tender - Provision for Design and Publishing Services

---

### 11.5 Tender - Provision for Design and Publishing Services

**Delivery Program**      Communications

**Objective**                      To obtain Council approval to award the contract for the Provision of Design and Publishing Services for a two year period.

---

#### **Background**

Tenders were advertised in May 2018 for suitably qualified and experienced organisation to undertake the provision of design and publishing services for a two year period.

At the close of the tender period on 29 May 2018, five submissions were received.

This report provides the outcomes from the tender evaluation process.

#### **Key Issues**

- Award the tender in accordance with the Local Government (General) Regulations 2005
- Engage a suitably qualified and experienced organisation that having regard to all the circumstances provides the most advantageous tender

#### **Information**

Tender submissions were received from:

The Design Space  
Jane Fender  
The Ad Agency

Western Sydney Publishing Group  
The Copy Collective

All tenders were initially assessed by the Project & Contract Co-Ordinator for conformity with the tender specification - all tenders were deemed to be conforming.

The tender documentation defined three areas, by which each tender would be assessed:

- Pricing Structure - 40%
- Capability - 20%
- Experience & Past Performance - 20%
- Staffing – 10%
- Social & Community – 10%

The tender evaluation panel, consisting of the Manager – Public and Environmental Health, the Coordinator Projects and Contracts and the Communications Officer, assessed each of the tenders against the above criteria.

## **11.5 Tender - Provision for Design and Publishing Services**

---

Council undertakes a variety of design, publishing, promotional and marketing activities and produces a significant number of corporate documents.

The content of these activities and documents are diverse and range from tourism based publications to corporate reporting documents and it is important that Council is able to deliver appropriate messages to Shire residents and other stakeholders such as tourists.

Through the assessment process it was determined Jane Fender, Western Sydney Publishing Group and the Copy Collective did not adequately address the tender performance criteria.

The Ad Agency and The Design Space both rated high against the assessment criteria, including price, knowledge, capability, staffing and local knowledge.

The assessment panel's evaluation shows both The Ad Agency and The Design Space will be valuable providers on a design and publishing service panel.

Further information regarding the assessment has been provided to Councillors as confidential information.

The Design Space is a relatively new Ballina based business, whereas The Ad Agency, which is Council's existing service provider, is a long standing business on the Far North Coast.

Creating a service panel for design and publishing services will give Council more flexibility, supports competition, and provides improved opportunities to meet project budgets and timelines.

### **Sustainability Considerations**

- **Environment**  
Council's communications include environmental education and awareness messages which are considered essential to improve environmental outcomes.
- **Social**  
As a local authority, Council's communications are important to assist in the awareness of social opportunities for the community.
- **Economic**  
Effective corporate communications by Council can assist in local economic development by informing businesses, and attracting new businesses and visitors. These communications also make community members aware of grants and other opportunities that can assist economic development.

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

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

### Consultation

A public tender process has been undertaken.

### Options

Under the Local Government (General) Regulations 2005 Council must either accept the tender that “appears to be the most advantageous” or decline to accept any of the tenders.

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

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

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

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

Accordingly,

1. Council may award the contract to The Ad Agency and The Design Space for the provision of the design and publishing services for a two year period.
2. Council may determine not to accept any of the tenders received and invite fresh tenders or alternatively enter into negotiations directly with one or more service providers.

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

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



**RECOMMENDATIONS**

1. That Council accepts the tenders from the The Ad Agency and The Design Space for the provision of design and publishing services for a two year period.
2. The General Manager is authorised to attach the Council seal to any contract documents for point one above.

**Attachment(s)**

Nil

## **11.6 Policy (New) - Beach Debris Management**

---

### **11.6 Policy (New) - Beach Debris Management**

**Delivery Program**      Open Spaces and Reserves

**Objective**              To provide guidelines for the management of beach debris on coastal beaches and river foreshores

---

#### **Background**

Following the upstream flooding of the Richmond River caused by the remnants of Cyclone Debbie in 2017, Ballina Shire received a large quantity of floating debris deposited on the river foreshore and open ocean beaches. The bulk of the debris consisted of large trees, logs and vegetated islands broken off from river embankments.

The debris was of such significant size and density that it restricted public access and impacted on public amenity for many of the river foreshore and ocean beaches in Ballina Shire. This caused concern amongst some residents.

Council resolved the following in response to a Notice of Motion at the Council meeting of 24 August 2017:

1. That Council develops a policy determining the level of service that Council will provide in respect of clean up works on our beaches and riverbanks in response to need, and to ensure that debris does not build up at these sites due to particular weather events.
2. Should Council be successful in securing clean up funding from the State Government that Council proceed with those clean up works.

Council has traditionally made beaches safe and accessible through removing human made and dangerous debris items off the beaches. This has included relocating or removing individual logs and obstructing debris from the entrances of emergency and beach access tracks. This has also involved leaving individual logs at other beach and dune locations to provide valuable ecosystem services. These management actions have been implemented using existing Council resources and have not included large beach debris events.

Many of the historic flooding events of the Richmond River have led to the cause of large debris events upon Ballina's ocean and river beaches.

On some occasions with flood and tide conditions combining with a northerly wind and swell the flood debris has missed Ballina's ocean and river beaches entirely.

## **11.6 Policy (New) - Beach Debris Management**

---

The cleanup of large beach debris events requires significant resources usually above and beyond Council's annual budget allowances. Council has in the past successfully applied for Natural Disaster funding for clean-up works when a Natural Disaster Declaration has been made by the New South Wales Government, including \$78,323 received in 2008 for a beach cleanup of flood debris.

Recently the NSW Government amended the rules to the Natural Disaster funding excluding the ability to claim the costs of cleaning beach debris.

Following the aftermath of the Cyclone Debbie event in 2017, Council was successful in obtaining a one off \$25,000 grant from the Premier NSW Gladys Berejiklian MP following requests to Government for assistance in undertaking beach cleanup.

The final cost for the cleanup works was \$40,000 which resulted in Council incurring \$15,000 in additional expenses for the post natural disaster clean-up works. The additional costs were funded from existing operating budgets.

A large percentage of the debris had also naturally dispersed between the event and the time we received the grant, which assisted in reducing the cleanup cost.

Due to the changes in Natural Disaster funding eligibility, there is a financial risk to Council in respect of committing to managing the clean-up of debris following large weather events. Existing budgets currently only cater for small scale clean up works and due to the infrequency of events and large value, it is difficult to fund within the budget.

Larger debris events are often over \$100,000 in value, with a 2013 Clarence Valley Council event costing over \$270,000.

Previously Council conducted regular beach cleaning services and some members of our community consider this to be the preferred level of service.

Certainly there are examples of this level of service being provided in metropolitan centres. The practice was ceased within Ballina Shire many years ago following reporting to Council.

There were two key reasons for making this decision.

Firstly, tree debris is part of the natural ecological cycle required to support a healthy beach and dunal system.

Secondly, the cost of the weekly service diverted resources from other essential tasks within our Open Spaces Section, and subject to weather conditions often it is the case the beach is cleared naturally quite quickly, meaning Council's funds have been wasted.

By adopting a policy, Council's level of service will be clear to residents who make an inquiry requesting works or services in respect of beach debris.

### **Key Issues**

- Compliance with environmental processes and protection as legislated

## **11.6 Policy (New) - Beach Debris Management**

---

- Provide public amenity, access and safety on public ocean and river beaches
- Provision of adequate resources to clean up large debris events

### **Information**

Attached to this report is a draft policy for beach debris management in Ballina Shire to address the service levels Council may provide and to which residents and beach users can expect.

Whilst external resourcing of large beach debris cleanup events has historically been undertaken, the changed Natural Disaster funding rules place Council in a position requiring to lobby and pursue cleanup funds for future large events. In the meantime during a large event it is expected to have community pressure and expectation to clean the beaches.

Another consideration to the policy is the legislative protections placed on natural logs in the rivers and those providing habitat to protected marine and other terrestrial wildlife.

These are normally attributed to individual trees and logs not associated with flood events that are required to remain in place as a part of the natural ecosystem.

Council has managed these by leaving them in situ to continue managing the ecosystem services they provide. This has assisted with providing dune formation and protection services on the beaches and dunes.

It is important for Council to be aware of its role to make beaches safe and amenable however the current budget allowances only cover the existing track clean up and human debris removal.

As the large debris events occur irregularly it is hard to annually budget for a fluctuating allowance at the peril of the weather systems and ocean currents.

The proposed policy establishes the service levels similar to Council's operational status quo providing safety, access and rubbish removal for the ocean and river beaches.

The policy also recognises mitigating financial exposure and addressing large debris events on a case by case basis and only after being reported to and approved by Council first for sufficient resources to be allocated.

External funding can also be pursued to assist the clean up along with reinstatement of the funding for beach clean ups under the NSW Governments Natural Disaster program.

It is a risk Council will have to bear the financial burden if external funding sources do not come to fruition at the time of a large debris event.

### **Sustainability Considerations**

- **Environment**  
This policy provides for a balance in protecting the environment through legislative provisions.
- **Social**  
Provides for public amenity and safety on beaches and foreshores.
- **Economic**  
Manages economic exposure to Council through improved policy guidance and financial assessment on a case by case basis.

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

This policy looks to establish guidelines that meet current environmental legislation whilst protecting public amenity, safety and access and limiting Council financial exposure. The policy proposes utilising existing budgets for safety and access provisions as they are managed now.

The policy notes major clean ups are not frequent and currently the budget does not provide sufficient funds to respond. Therefore the policy proposes a case by case approach with the decision to allocate resources and proceed to be determined by Council.

### **Consultation**

Council staff have undertaken consultation internally and with coastal community groups with interests in environmental legislation, public safety, amenity and access. This ongoing consultation has assisted Council managing operational day to day debris duties.

The recommendation includes public exhibition.

### **Options**

Council may accept or amend the proposed policy. The proposal is in keeping with the legislative and operational framework presently experienced and provides more durable guidance during large beach debris events. It is therefore 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 Beach Debris 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 - (New) - Beach Debris Management

## 11.7 Policy (Review) - Alcohol Regulation on Public Land

---

### 11.7 Policy (Review) - Alcohol Regulation on Public Land

**Delivery Program** Open Spaces and Reserves

**Objective** To review the Council's Alcohol Regulation on Public Land Policy

---

#### **Background**

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Alcohol Regulation on Public Land policy.

Council first adopted this policy in December 2009 and it was last reviewed in 2014.

#### **Key Issues**

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

#### **Information**

This review of this policy identified only one minor change as follows:

An amendment has been made to the Local Government Act 1993 regarding Alcohol Prohibited Areas.

The Section 632A(4) amendment enabled councils to declare any public place or part of a place to be an Alcohol Prohibited Area, except those places (public roads, footpaths and car parks) which are to be dealt with under Alcohol Free Zone provisions of the Act.

The amended Section 632A(4) superseded the previous Section 632(2)(e) of the Local Government Act 1993 regarding Alcohol Prohibited Areas.

The changes have been marked in yellow. Formatting changes have also been undertaken and are unmarked. Otherwise the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended. A copy of the amended policy is attached to the report.

#### **Sustainability Considerations**

- **Environment**  
Not Applicable
- **Social**  
The management of alcohol related anti-social behavior in public reserves ensures safe community spaces.

## **11.7 Policy (Review) - Alcohol Regulation on Public Land**

---

- **Economic**  
Not Applicable

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

Statutory provisions direct how the implementation of Alcohol Free Zones and the prohibition of alcohol in open space areas are to occur.

### **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 amended Alcohol Regulation 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 (Review) - A02 Alcohol Regulation on Public Land



## **11.8 Policy (Review) - Private Structures on Public Land and Roads**

---

### **11.8 Policy (Review) - Private Structures on Public Land and Roads**

**Delivery Program**      Asset Management

**Objective**                      To review the Private Structures on Public Land and Roads Policy.

---

#### **Background**

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Private Structures on Public Land and Roads policy.

Council first adopted this policy on 28 May 2009 and it was last reviewed in 2014.

#### **Key Issues**

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

#### **Information**

This review of this policy identified only some minor changes as follows:

- New legislation changes the name of the act from the Crown Lands Act 1989 to Crown Land Management Act. This is effective from 1 July 2018.
- Minor wording changes to reflect the new Act.

The changes have been marked in yellow.

Otherwise the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended. A copy of the amended policy is attached to the report.

#### **Sustainability Considerations**

- **Environment**  
The appropriate use of public land is essential to reduce impacts to native vegetation and the environment generally.
- **Social**  
Community land must be managed in accordance with the appropriate legislation to ensure equality of access and use of public land.
- **Economic**  
Not Applicable

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

There are no legal, resource or financial implications relating to the changes in this policy.

### **Consultation**

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

### **Options**

Council may accept or amend the proposed change 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 amended Private Structures on Public Land and Roads 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 - Private Structures on Public Lands and Roads

12. Public Question Time

---

**12. Public Question Time**

### **13.1 Notice of Motion - Library Funding Cuts**

---

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

### **13.1 Notice of Motion - Library Funding Cuts**

**Councillor**

Cr Willis

---

I move

That Council write to the Premier, Treasurer, relevant Minister, and Ben Franklin MLC condemning in the strongest possible terms the cuts to library funding recently announced in the NSW Budget.

#### **Councillor Comment**

The NSW Government budget includes a funding cut for libraries of 18 per cent (\$23.5 million in 2018-19 compared with \$28.8 million in 2017-18) - \$5.3 million across the state. For the Richmond Tweed Regional Library, this could mean cuts to opening hours, a freeze on new books and a review of the scope of the mobile library service, a service allowing people in our shire, in places like Empire Vale and Wardell, to access the library.

The intent of this motion is to send a strong message to the NSW Government that Ballina Shire Council recognise the value of our libraries to our community. Our libraries are places of learning and books but they are so much more. Our libraries are places of community connection, places where community meetings are held, where books are read to children, where members of the public access computers and where our staff assist vulnerable people in our community to complete online forms for government departments. So much happens in our libraries. To cut funding to libraries is to cut to the very core of our community. The reality is that NSW libraries need a funding increase as public libraries in NSW already receive the lowest per capita support of all Australian states.

#### **COUNCILLOR RECOMMENDATION**

That Council write to the Premier, Treasurer, relevant Minister, and Ben Franklin MLC condemning in the strongest possible terms the cuts to library funding recently announced in the NSW Budget.

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

1. Media Release - NSW Country Public Libraries Association

**14. Advisory Committee Minutes**

**14.1 Commercial Services Committee Minutes - 21 June 2018**

---

**Attendance**

Crs David Wright (Mayor - in the chair), Phillip Meehan, Sharon Parry, Eoin Johnston, Stephen McCarthy, Keith Williams, Sharon Cadwallader and Ben Smith.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Matthew Wood (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Paul Tsikleas (Manager Commercial Services), Leanne Harding (Coordinator Property and Airport Administration) and Sandra Bailey (Secretary) were in attendance.

There was one person in the gallery at this time.

**1. Apologies**

Apologies were received from Cr Nathan Willis and Cr Jeff Johnson.

**RECOMMENDATION**

(Cr Ben Smith/Cr Sharon Cadwallader)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

**2. Declarations of Interest**

Nil

**3. Deputations**

Nil

**4. Committee Reports**

**4.1 Licence Agreement - Communications Tower - East Ballina**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council advise the NSW Telco Authority that a proposed commencing rent of \$6,000 p.a. + GST with a rent review of 3% annually for a term of 5 + 3 x 5 year licence agreement is considered reasonable at Lot 1 DP 632176 (7.5m<sup>2</sup> site area).
2. If agreed, Council authorises the General Manager to sign the licence agreement and attach the Council seal.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

**4.2 Ballina - Byron Gateway Airport - Long Term Financial Plan**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council approves the inclusion of the latest reviewed of Long Term Financial Plan for the Ballina – Byron Gateway Airport, as attached to this report, in the 2018/19 to 2021/22 Delivery Program and Operational Plan, including the increase in landing fees for 2017/18.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

**4.3 Shellys on the Beach - Lease Update**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report regarding the status of the Shellys on the Beach lease.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

At this point, Mr Ralph Mamone was given the opportunity to make a deputation to the Committee. Mr Mamone then made a deputation to the Committee.

5. Confidential Session

**RECOMMENDATION**

(Cr Keith Williams/Cr Sharon Cadwallader)

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

5.1 **Shellys on the Beach - Lease Update**

**Reason for Confidentiality**

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and
- d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as commercial leasing matters are to be discussed.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

(The Council moved into Confidential Session at 4.12 pm).

**Open Council**

**RECOMMENDATION**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council move into Open Council and out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

(The Council moved into Open Council at 4.51 pm).

The General Manager reported to the Open Meeting the recommendations made while in Confidential Session:

**5.1 Shellys on the Beach - Lease Update**

**RECOMMENDATION**

(Cr Keith Williams/Cr Ben Smith)

1. That Council supports the actions being taken for the site to be cleaned up.
2. That Council does not support the proposal submitted by Mr Mamone.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

**Adoption of Recommendations from Confidential Session**

**RECOMMENDATION**

(Cr Keith Williams/Cr Ben Smith)

That the recommendations made whilst in Confidential Session, be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

**MEETING CLOSURE**

4.52 pm

**RECOMMENDATIONS**

That Council confirms the minutes of the Commercial Services Committee meeting held 21 June 2018 and that the recommendations contained within the minutes be adopted.

**Attachment(s)**

Nil



## 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 propose to attend, as at the time of writing this report, since the May 2018 Ordinary meeting are as follows:

<u>Date</u>	<u>Function</u>
21/5/18	Meeting Alstonville Show Society President
23/5/18	Meeting – Alstonville Gymnastics
23/5/18	Meeting – Aviation Related Industry
25/5/18	Healing Ceremony Castle Drive Fig Tree
25/5/18	Meeting - Application by potential resident - 7 <sup>th</sup> Day Adventist – Pearce's Creek Road
30/5/18	Meeting – Tour - Linda Voltz – Shadow Minister for Sports
30/5/18	Briefing – Road Network Study
31/5/18	Meeting – Doug Lipscomb – Wollongbar Sporting Fields
31/5/18	Spark – Live Pitch – SCU
1/6/18	Launch – Surfing Lennox – 'From Then to Now'
1/6/18	Opening Ballina Art Society Exhibition - Judging
2/6/18	Love Lennox Festival - Parking
3/6/18	Commemoration Park Markets
4/6/18	Meeting – David Felsch and Val Shackey re Carrs Bridge
5/6/18	Alstonville/Wollongbar Chamber Meeting – Christian Church – Wollongbar
6/6/18	Briefing – Sugar Cane Harvesting Truck Movements
7/6/18	Pacific Complete – Wardell
7/6/18	Meeting - 'Knit and Nat' - Wardell
7/6/18	Meeting – Jason Shrieves and Manager 'B' Space Gallery Opening
7/6/18	Northern Rivers Regional Gallery - Grant Announcement
8/6/18	2018 Lennox Head Community Tree Planting Day
9/6/18	Meeting – North Coast Surf Life Saving Branch
10/6/18	Commemoration Park Markets
10/6/18	Lennox Head Markets
11/6/18	Meeting Re Drone Deployment
12/6/18	Risk and Improvement Meeting
12/6/18	Public Citizenship Ceremony
12/6/18	Inspection of Ballina and Alstonville Pools
13/6/18	Local Traffic Committee
13/6/18	Briefing – Lennox Head Surf Club Redevelopment
14/6/18	Briefing – North Creek Dredging Project
15/6/18	2018 NSW Training Awards North Coast Presentation - Opal Cove

## 15.1 Mayoral Meetings

---

16/6/18	Hospital Auxiliary Craft Fair – Jockey Club
16/6/18	Community Meeting – Tintenbar Hall
16/6/18	North Coast Sport Academy Awards Presentation
17/6/18	Ballina Markets
17/6/18	Commemoration Park Markets
17/6/18	Cherry Street Sport Club - Street Food
18/6/18	Council and Police Meeting
18/6/18	Meeting Tony Tattaro – Ballina RSL Sub Branch
18/6/18	Meeting with NSW Governor – Byron Bay
19/6/18	Meeting - Dr Geoff Allan DPI – Governor NSW
20/6/18	Holy Family Catholic Primary School – Year 6 – Persuasive Text
20/6/18	PTSD Awareness Talks – Belle Central
21/6/18	Legacy Club Presidential Changeover – Ballina RSL
21/6/18	Commercial Services Meeting
22/6/18	Joint Organisation Meeting – Lismore
22/6/18	NOROC Meeting - Dissolution - Lismore
22/6/18	Meeting – John Gosper – Ramada
23/6/18	Alstonville Rotary – Changeover Celebration
23/6/18	Surf Life Saving North Coast Presentation RSL
24/6/18	Commemoration Park Markets
24/6/18	Presentation to Hans Lutter – Seabird Rescue
24/6/18	Tennis Court Improvements – Opening
24/6/18	Science Questacon – Lennox Head
25/6/18	Briefing – Oceanic Research Institute
25/6/18	Rotary Changeover – Ballina RSL
26/6/18	Ballina Lions Annual Changeover
27/6/18	Ballina Coastcare - Pop Denison Park
28/6/18	Council Meeting
28/6/18	Reserve Trust Meeting
29/6/18	Port Ballina Taskforce Meeting
30/6/18	Alstonville Lions Changeover – Bowling Club

### RECOMMENDATION

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

### Attachment(s)

Nil

**16. Confidential Session**

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

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

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

16.1 Impounded Abandoned Vehicle - Review of Fees Charged

Refer to Item 8.7 of this agenda.

16.2 DA 2016/184 - Legal Proceedings

Refer to Item 8.3 of this agenda.

**RECOMMENDATION**

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

**16.1 Impounded Abandoned Vehicle - Review of Fees Charged**

**Reason for Confidentiality**

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

- b) the personal hardship of any resident or ratepayer

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the discussion will relate to the personal circumstances of the person charged the fees.

**16.2 DA 2016/184 - Legal Proceedings**

**Reason for Confidentiality**

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

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the release of this information may impact on the outcomes of the costs recovery related to the legal proceedings.