



Notice of Ordinary Meeting

Notice is hereby given that an Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, Cnr Cherry & Tamar Streets, Ballina on **Thursday 26 July 2012 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. Regulatory Services Group Reports
9. Strategic & Community Services 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. Questions Without Notice
17. Confidential Session

A handwritten signature in black ink, appearing to read 'Paul Hickey', with a long horizontal line extending from the end of the signature.

Paul Hickey
General Manager

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

Deputations to Council – Guidelines

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

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.

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 5 minutes allocated for the deputation.

Public Question Time – Guidelines

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

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

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

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

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

Recording of the questions will not be verbatim.

The standard rules of behaviour in the Chamber will apply.

Questions may be asked from the 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. | Regulatory Services Group Report | 2 |
| 8.1 | DA 2012/171 No. 32 Stanley Park Road, Wollongbar | 2 |
| 8.2 | Liquor Licence Applications - Draft Policy | 11 |
| 8.3 | Policy (Review) - Management of Contaminated Land | 13 |
| 8.4 | Development Applications - Works in Progress - July 2012 | 16 |
| 8.5 | Development Consent Statistics - June 2012 | 24 |
| 9. | Strategic & Community Services Group Reports..... | 25 |
| 9.1 | Ballina Shire Growth Management Strategy | 25 |
| 9.2 | Draft Ballina Shire Development Control Plan 2012 | 37 |
| 9.3 | LEP Amendment - Bulky Goods Retailing Precinct | 47 |
| 9.4 | LEP Amendment - Southern Cross Precinct Expansion | 54 |
| 9.5 | Koala Plan of Management | 59 |
| 9.6 | Policy (Review) - Public Art | 65 |
| 9.7 | Northern Rivers Catchment Action Plan - Update | 69 |
| 9.8 | Men's Shed - Site Option | 71 |
| 10. | General Manager's Group Reports | 77 |
| 10.1 | Use of Council Seal | 77 |
| 10.2 | Investment Summary - July 2012 | 78 |
| 10.3 | Building Better Regional Cities Program - Grant | 82 |
| 10.4 | Caretaker Provisions – Local Government Elections | 98 |
| 10.5 | Policy (Review) - Councillor Expenses and Facilities | 101 |
| 10.6 | Land Classification | 103 |
| 10.7 | Donations - 2012/13 Rates and Charges | 105 |
| 10.8 | Donations - Community and Public Halls | 110 |
| 10.9 | Ferry Fees for Bicycles - Operating Arrangements | 120 |
| 10.10 | Delivery Program and Operational Plan - 30 June Review | 122 |
| 11. | Civil Services Group Reports | 126 |
| 11.1 | Urban Stormwater Management Plan | 126 |
| 11.2 | Waste Water Treatment Plants Upgrade - Update | 131 |
| 12. | Public Question Time | 134 |
| 13. | Notices of Motion..... | 135 |
| 13.1 | Rescission Motion - LEP Amendment No. 90 - Stewart Farm | 135 |
| 13.2 | Rescission Motion - NOROC - Structural Reform | 137 |
| 13.3 | Notice of Motion - Pop Up Galleries | 138 |
| 13.4 | Notice of Motion - Ageing Strategy | 139 |

| | | |
|------|--|-----|
| 14. | Advisory Committee Minutes..... | 140 |
| 14.1 | Environmental & Sustainability Committee Minutes - 17 July 2012 | 140 |
| 14.2 | Facilities Committee Minutes - 18 July 2012 | 145 |
| 14.3 | Commercial Services Committee Minutes - 23 July 2012 | 147 |
| 15. | Reports from Councillors on Attendance on Council's behalf | 148 |
| 15.1 | Mayoral Meetings | 148 |
| 16. | Questions Without Notice | 149 |
| 17. | Confidential Session..... | 150 |
| 17.1 | Legal Action - Failure to Comply with Development Consent | 150 |
| 17.2 | General Manager - Performance Review | 151 |

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 3. Apologies
 4. Confirmation of Minutes
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1. Australian National Anthem

The National Anthem will be performed by St Francis Xavier School.

2. Acknowledgement of Country

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

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

3. Apologies

An apology was received from Cr Robyn Hordern.

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 June 2012 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 June 2012.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 DA 2012/171 No. 32 Stanley Park Road, Wollongbar

8. Regulatory Services Group Report

8.1 DA 2012/171 No. 32 Stanley Park Road, Wollongbar

| | |
|--------------------------------------|--|
| Applicant | TJ & RL Fitzroy |
| Property | Lot 1 DP 1055827 No. 32 Stanley Park Road, Wollongbar |
| Proposal | Two Lot Torrens Title Subdivision to create 1 x 1797m ² and 1 x 2830m ² allotments and the Construction of a Dual Occupancy on each Proposed Lot, Removal of Native Vegetation and associated works. |
| Effect of Planning Instrument | The land is zoned part 2(b) Village Area & Part 7(d) Environmental Protection (Scenic Escarpment) Zone under the provisions of the Ballina LEP, 1987. |
| Locality Plan | The subject land is depicted on the locality plan attached |

Introduction

Council is in receipt of a Development Application for a Two Lot Residential Subdivision and the Construction of a Dual Occupancy on each Proposed Lot.

Refer to the attached site plan and elevation drawings that illustrate the proposed development.

The development is proposed to include the following works:

- The subdivision of existing Lot 1 DP 1055827 known as No. 32 Stanley Park Road into two residential lots being 2830m² & 1797m² in area;
- The construction of a single storey dual occupancy building (which are to remain unsubdivided from each other) on each allotment;
- The removal of 12 Tallowood (*Eucalyptus microcorys*) and six Cadaghi (*Eucalyptus tolliana*) trees on the subject land;
- Earthworks for the purposes of establishing building platforms and associated on site drainage works.

The development will require the construction of two access driveways off the cul-de-sac head servicing a double garage on each lot. The buildings are proposed to be constructed of brick and tile.

The proponent has commissioned a Flora & Fauna assessment for the proposal, as it involves the removal of a number of eucalypts on the subject land. The report concludes that the subject trees were planted as a windbreak and offer limited roosting/nesting habitat for fauna. In relation to the potential for Koala habitat, it was noted that the Tallowood trees are suitable Koala food trees, but that the site does not represent a suitable habitat for Koalas and any site visitation by Koalas in the area is considered to be opportunistic and irregular at best.

The report goes on to mention that the site is not identified as potential Koala habitat under the requirements of SEPP No. 44 as it is less than one hectare in area. The environmental consultant has, however, prepared a seven part test of significance under s.5A of the Environmental Planning & Assessment Act 1979.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil (or state otherwise if this is not the case)

Public Exhibition

The application was placed on public exhibition in accordance with Council's Public Notification Policy. During this exhibition period ten submissions by way of objection were received.

At the request of Council, additional information was submitted by the applicant addressing the matter raised within the submissions regarding the presence of Koalas on the subject land.

The main issues raised in the objection letters are outlined below:

Inconsistency with the requirements of Ballina Shire Combined Development Control Plan Chapter 1 (Urban Land)

- The proposal is for the establishment of two duplexes on the subject lots. This is in contravention of the DCP requirements (for L1 designated land as is the case) that states that duplex developments are not permissible.

Comment: The proposal is for the establishment of two dual occupancy developments on the subject lots. This type of development is specifically defined as being a dual occupancy development that cannot be subdivided into two separate land titles on each lot. The proposal is, therefore, not a duplex development. As outlined later in the report, the proposed dual occupancy development on each proposed lot is consistent with Council's planning provisions established in its Combined DCP.

Inconsistency with Council's LEP Zone objectives

- The proposal is within a 2(b) Zone and does not comply with the objectives of the zone. In this regard the submissions state that the subject objectives restrict development to that which is of a similar scale and impact as those in the surrounding neighbourhood.

Comment: The relevant objectives for the 2(b) zoned land is to ensure that the provision be made in a DCP to allocate specific areas within the zone for varying housing densities.

The objective referred to in the submissions relates to the 2(a) zoned land and does not relate to the subject land. Whilst the site has two zones over it, the proposed building construction is within the part of the site zoned 2(b).

7(d) Zone Minimum Subdivision Standards

- Non compliance with the 40 ha minimum area for subdivision within the 7(d) zone.

Comment: The majority of the subject lot is within the 2(b) zone. It is the rear portion of the land that falls away to the north that is zoned 7(d). Nevertheless, the proponent has lodged an objection to the 7(d) zone minimum lot size area of 40 ha to enable the creation of the two proposed lots below the minimum lot size area. This request to vary the development standard in accordance with the requirements of State Environmental Planning Policy No. 1 was forwarded to the NSW Department of Planning & Infrastructure for the Minister's concurrence to enable the creation of the two lots. The Department issued concurrence on the 4 June 2012 to enable the subdivision to proceed.

Amenity

- Additional traffic generated to the site will have a negative impact upon the amenity of the neighbourhood.

Comment: Stanley Park road is a cul-de-sac street. The proposed development is located at the head of the cul-de-sac and can adequately cater for the additional traffic generated as a result of the proposed development. The proposed development and its associated traffic generation became a potential outcome for this vacant lot with the recent acquisition and incorporation of the 7(d) land remnant from the adjoining residential estate to the north. The development is consistent with the proposed land use and objectives for this L1-Low Density locality given the additional land area.

- Loss of habitat as a result of the clearing of the site, and the associated impacts upon the flora and fauna.

Comment: The proponent has submitted a Flora and Fauna report prepared by an environmental scientist. The report concluded that the removal of the 12 eucalyptus trees and the six Gadaghi trees would have a minimal impact upon the flora and fauna in the locality. The trees were originally planted as windbreak trees for agricultural purposes. In relation to the impact upon the Koala population in the area it was noted that during the numerous inspections of the site at no time was there any recent evidence of Koala visitation to the trees. The subject land is not subject to the requirements of SEPP 44 as the land size is less than one hectare in area and the trees are in such a location that they do not constitute a home range for any Koalas. Any visitation to the area would likely be sporadic and opportunistic.

- Negative impacts upon property values

Comment: The proposed development of this vacant site is consistent with Council's planning provisions for this locality as set out in Council's Combined DCP.

Stormwater Management

- Lack of stormwater management.

Comment: Council's Civil Services Group has provided the following comments in relation to proposed stormwater treatment on site:

"The proposed development is providing rainwater tanks and dispersion trenches with a combined detention volume of 6.8kL per dwelling. The applicant has provided MUSIC modelling to support the tank and trench sizing. The stormwater detention and treatment devices are adequate to comply with Council's Combined DCP, Chapter 13 - Stormwater Management."

Pedestrian Access (Footpaths)

- No provision of footpaths

Comment: Stanley Park Road is not identified in Ballina Council's "Pedestrian and Mobility Plan" as an area requiring footpaths and hence these have not been recommended as part of the development consent.

Report

The proposed development has been assessed under the heads of consideration in Section 79(C) of the Environmental Planning and Assessment Act 1979, with the following being particularly relevant in Council's determination of the Application

Applicable Planning Instruments

Ballina Local Environmental Plan 1987

The subject land is part zoned 2(b) Village Area and part 7(d) Environmental Protection (Scenic Escarpment) Zone under the provisions of the BLEP, 1987. Subdivision of land and the construction of dual occupancies are permissible within both zones.

The objectives of the 2(b) zone are as follows:

- A** The primary objectives are:
- (a) to regulate the subdivision and use of land to permit a wide range of urban purposes, and
 - (b) to allow detailed provision to be made, by means of a development control plan, to set aside specific areas within the zone for varying

housing densities, commercial and special uses and other urban and tourist facility purposes.

- B** The secondary objectives are to allow a variety of housing types and designs and to encourage greater visual amenity by requiring site landscaping.
- C** The exception to these objectives is to permit development of land within the zone for public works and services, outside the parameters specified in the primary objectives.

The proposal currently before Council for consideration is considered to be consistent with the objectives for the 2(b) zone.

The objectives of the 7(d) zone are as follows:

- A** The primary objectives are:
 - (a) to protect and enhance those areas of particular scenic value to the Shire of Ballina, and
 - (b) to minimise soil erosion from escarpment areas and prevent development in geologically hazardous areas.
- B** The secondary objective is to enable development as permitted by the primary and secondary objectives for Zone No 1 (b), except for development which could conflict with the primary objectives of this zone.
- C** The exception to these objectives is development of public works and services, outside the parameters specified in the primary and secondary objectives, but only in cases of demonstrated and overriding public need and subject to the visual impact being minimised as much as is reasonably practical.

The proposal currently before Council involves the subdivision of land within the 7(d) zone. The siting of both dual occupancies is within the 2(b) zone. There is no physical development of the 7(d) zoned land associated with this development proposal. On this basis, the proposed development is considered to be consistent with the 7(d) zone objectives.

Clause 11 (2) of the BLEP, 1987 provides that the council may consent to the subdivision of land within the 7(d) zone only where the area of each allotment to be created by the subdivision is not less than 40 ha.

The proponent has submitted a SEPP No. 1 objection to vary the minimum lot size from 40 ha to enable the creation of the two below minimum area lots that are part zoned 7(d). It is proposed to create two lots being 2830m² & 1797m² in area. The SEPP No.1 objection was forwarded to the NSW Department of Planning & Infrastructure for the Minister's concurrence. On the 4 June 2012 the Department issued concurrence to enable the creation of the below minimum size lots subject to a condition that no structures are to be erected within the 7(d) zoned land.

The application currently before Council for determination does not involve the erection of any structures within the 7(d) zoned land, however a condition will be placed on the development consent stating that no structures are to be erected within the 7(d) zoned land. Having regard to the underlying objective of the 40ha minimum lot size standard and the particular circumstances of this case, a variation to this standard is considered warranted.

In relation to the erection of a dual occupancy development on each of the subject lots, Clause 14(2) of the Ballina LEP 1987 enables the construction of a dual occupancy on land within the 2(b) zone.

Clause 14(3) of the BLEP, 1987 provides that a person must not subdivide land on which development has been carried out in pursuance of this clause if the subdivision would permit the separate ownership of each dwelling.

A condition of consent will be imposed upon the consent notice stating that the subject dual occupancies cannot be subdivided into separate ownership.

Draft Ballina Local Environmental Plan 2011 (DBLEP)

On 15 December 2011, Council resolved to adopt the Draft Ballina Local Environmental Plan 2011 (DBLEP) and refer it to the Department of Planning for the making of the Plan.

The DBLEP proposes to zone the subject land part R2 Low Density Residential and part E3 Environmental Management. 'Dwelling houses' and 'secondary dwellings' are permissible forms of residential accommodation within the R2 zoned area of the subject land upon which they are proposed to be located.

The two lot proposed subdivision is compliant with clause 4.1 of the DBLEP which sets a 600sqm minimum lot size for that part of the subject land within the R2 zone and surrounding residential locality. As the subject land has in excess of 2400sqm in the R2 zone, this 600sqm minimum lot size provision would allow the applicant to make application for four residential lots rather than the two proposed.

The proposed landuse on each proposed lot is classified as a "secondary dwelling" for the purposes of the DBLEP.

A **secondary dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

Clause 5.4 of the Draft BLEP reads as follows;

Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 50% of the total floor area of the principal dwelling.

The proposal does not comply with the above provision as the secondary dwelling on each lot exceeds the permitted floor area of 50% of the principal dwelling. Under the current planning provisions that are in force, the development is defined as a 'dual occupancy' and there is no restriction on the total floor area of either dwelling that forms the dual occupancy.

Clause 1.8A of the DBLEP establishes a savings provisions within the new Plan.

Clause 1.8A reads as follows:

1.8A Savings provision relating to pending development applications [local]

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced.

Based on the above clause and that this application is reported for determination prior to the DBLEP being in force, Council can favourably consider the development as proposed.

Alternatively, as the DBLEP is well advanced, Council could give more weight to the provisions of the DBLEP than the current planning provisions in force and resolve to refuse the application on the basis that the proposed development is not compliant with the criteria for a 'secondary dwelling' in that the floor area of the secondary dwelling is greater than 50% of the principal dwelling.

This is not, however, the recommended approach in that the DBLEP has not commenced and the current application fully complies with the planning provisions currently in force. Further, under the minimum lot size provisions of the DBLEP, the applicant could apply for the creation of four residential lots (rather than the two proposed) each with a secondary dwelling thereby establishing eight dwellings and not the four proposed in a dual occupancy arrangement. At the time of lodgement and assessment of this application, Council did not have a Draft DCP to support the DBLEP which would help provide more detail and guidelines in the assessment and determination of this form of development. Consequently, it is considered appropriate in this circumstance to place more weight on the planning provisions currently in force rather than those contained in the DBLEP.

Ballina Shire Combined Development Control Plan (BSCDCP)

BSCDCP classifies the land as L1 Low Density (Large Lots)

The preferred land uses for land designated L1 are - dwelling houses and dual occupancies.

The L1 control plan area objectives are as follows:

- To make provision for low density living options with single dwellings being the predominant form of housing on larger than normal lots.
- To prevent the fragmentation of large lot estates which are important components in the range of housing types available in the Shire.
- To permit dual occupancy developments.

The proposal complies with the above objectives of the L1 classification within the Ballina Shire Combined Development Control Plan. The preferred minimum lot size for the L1 Area is 1200m². The proposed subdivision complies with this reference.

The proposal identifies the provision of two covered car parking spaces per dwelling. This complies with Council's DCP requirements.

The proposal identifies a building line setback in excess of 6.0 metres. This complies with Council's DCP requirements.

Social and Economic Impacts.

The proposed development will have a beneficial social impact on the Ballina Shire as it will provide additional residential accommodation in an area that is established for residential development.

The suitability of the site.

The proposed site is considered suitable because:-

- The proposed development is consistent with the objectives and provisions of the planning controls adopted for such development under the BLEP 1987 and BSCDCP as currently in force;
- It is located on a site having few direct neighbours and in a wider area characterised by existing low density residential development.
- The development will not have any significant adverse environmental impact and all physical construction work is contained within the 2(b) zone.

Options

1. To grant consent to the application as lodged and subject to conditions applicable to this type of development.
2. To refuse the application on the basis that the proposed development is not consistent with the provisions of the DBLEP in that the proposed development on each proposed lot does not comply with the criteria for secondary dwellings.

3. To defer determination of the application to allow the applicant to modify the proposal.

Option one is recommended for the following reasons:

- The proposed development is fully compliant with the current planning provisions in force, that being the BLEP 1987 and BSCDCP
- The proposed development is compatible with the low density character of the locality
- The DBLEP, whilst well advanced, has not commenced. In any event, clause 1.8A of the DBLEP establishes a savings provision whereby if the Plan has commenced prior to determination, the application must be determined as if this Plan has been exhibited but had not commenced. Furthermore, a draft DCP to support the DBLEP in providing more detail and guidelines has not yet been placed on exhibition by the Council.

RECOMMENDATIONS

That development application 2012/171 to Undertake a Two Lot Torrens Title Subdivision to create 1 x 1797m² and 1 x 2830m² allotments and the Construction of a Dual Occupancy on each Proposed Lot, Removal of Native Vegetation and associated works on the subject land be **APPROVED** subject to planning, environmental and engineering conditions applicable to such development.

Attachment(s)

1. DA 2012/171 - Locality Plan
2. DA 2012/171 - Submissions
3. DA 2012/171 - Site Plan, Elevations & Sections

8.2 Policy (New) - Liquor Licence Applications

8.2 Policy (New) - Liquor Licence Applications

Delivery Program Development Services

Objective To provide Council with a draft Liquor Licence Application Policy for consideration.

Background

On 15 December 2011 Council resolved to provide support for the Ballina Hockey Club to lodge a development application to operate as a sporting club at the Ballina Hockey Club complex at Kingsford Smith Reserve.

In providing this support Council acknowledged that the development consent would assist the Hockey Club in obtaining approval for a sporting club liquor licence.

Further to this the resolution states:

3. *That Council receive a report on the development of a policy that will assist Council in managing future requests for licences of this type.*

This report addresses this issue.

Key Issues

- Contents of draft policy

Information

A Draft Liquor Licence Application Policy has been developed utilising a number of publically available documents. The Policy is designed to be a guide to staff in processing a notification of a Liquor Licence Application. This Draft Policy does not seek to provide a 'step by step' guide for staff as a detailed Liquor Licence procedure is already in place.

The objective of this Draft Policy is to establish a framework for the consideration of the likely requirements that will need to be met under the planning laws, Environmental Planning and Assessment Act 1979 (NSW) and the Liquor Act 2007 (NSW).

The Draft Liquor Licence Application Policy applies to all notifications to Council of a liquor licence application that has been submitted to the Independent Liquor and Gaming Authority for an amendment, extension, or new grant of a liquor licence within Ballina Shire and provides the following:

- An administrative framework to assist Council in processing notification of liquor licence applications
- Information to applicants, licensees and other interested parties about Council's role and policy when dealing with notification of liquor licence applications

8.2 Policy (New) - Liquor Licence Applications

- Outlines how the liquor laws can be used to achieve positive outcomes for the community

Sustainability Considerations

- **Environment**
The policy will assist with the protection of the natural and built environment through the introduction of clear guidelines for Council staff when considering a notification of a Liquor Licence application.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

It is envisaged that the adoption of this Draft Policy will provide staff with a clearer picture in dealing with any notification of a Liquor Licence application and should reduce any additional costs in the seeking of advice about whether or not further approvals are required.

Consultation

The policy has been developed by Council staff in consultation with the NSW Police and the NSW Office of Liquor Gaming and Racing.

It is recommended that the Draft Liquor Licence Application Policy be placed on public exhibition.

Options

The options are to endorse the Draft Policy for exhibition as presented, amend, or take no further action.

Overall it is considered important for Council to have such a policy and it is recommended that the draft be exhibited for public comment. It is also recommended that if no submissions are received from the exhibition process, the policy be adopted with no further actions required.

RECOMMENDATIONS

That Council approves the exhibition of the draft policy titled "Liquor Licence Application", as attached to this report, for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required and the policy is considered to be adopted.

Attachment(s)

1. Draft Liquor Licence Application Policy

8.3 Policy (Review) - Management of Contaminated Land

8.3 Policy (Review) - Management of Contaminated Land

Delivery Program Governance

Objective To review the Management of Contaminated Land Policy.

Background

All of Council's existing policies have been progressively reviewed to ensure that they remain current and reflect contemporary practices and legislative requirements. The purpose of this report is to review the Management of Contaminated Land Policy. This review completes a review of all the policies during this term of Council.

Key Issues

- Whether the policy will continue to meet the requirements of Council and whether or not it meets current legislation/guidelines

Information

The NSW State Government is in the process of reviewing State Environmental Planning Policy (SEPP) 55 and the associated Managing Land Contamination – Planning Guidelines.

For a number of months now, advice from the Government has been that release of the revised documentation is imminent. Review of this policy in the absence of the revised SEPP had been deferred expecting that the new State requirements would be released, however that information continues to be delayed.

The existing policy was modelled on one produced regionally in 2006. A meeting has already taken place with those councils involved in the production of the regional document with a view to moving quickly toward further revision when the updated SEPP is released.

As such this review of the Policy proposes relatively minor changes with a more substantial review anticipated after release of the State Environmental Planning Policy.

The template for Council Policies has changed since this policy was adopted and the new template includes information on definitions, policy history, etc.

Other changes include:

- Updating the names of Government Instrumentalities involved
- Clarification of the need, when only portion of a land holding is assessed for land contamination, that the area that has been assessed is identifiable in future (usually by survey)

8.3 Policy (Review) - Management of Contaminated Land

- Clarification of the need to obtain consent for remediation where acid sulphate soil is present (where otherwise remediation could be done without consent as “Category 2 remediation”)
- Alteration to reflect changes to internal management of information
- Removal of inoperative web links and updating of these where possible
- Rectification of typographical errors and updated references and
- Deletion of unnecessary detail.

Sustainability Considerations

- **Environment**
Provides guidance in relation to State requirements and sets out requirements for remediating work that does not require the formal consent of the Council (Category 2 remediation work).
- **Social**
As Above.
- **Economic**
As Above.

Legal / Resource / Financial Implications

The revision of the policy corrects inaccuracies in the previous policy due to legislative change.

To ensure Council receives the protection offered by the SEPP it must demonstrate it has acted in good faith. The Policy assists in this regard.

Consultation

As the changes are only minor it is recommended that Council adopt the policy as presented, and exhibit the revised policy locally for public comment and feedback.

Options

Council may accept or amend the proposed changes to the policy. The changes included are largely house keeping and updating to reflect legislative change. 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 revised policy be adopted and implemented.

RECOMMENDATIONS

1. That Council adopt the amended Management of Contaminated 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 the revised policy will be implemented pending release of the State Government's amended State Policy.

Attachment(s)

1. Policy (Review) - Management of Contaminated Land

8.4 Development Applications - Works in Progress - July 2012

8.4 Development Applications - Works in Progress - July 2012

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

Please note that duplex and dual occupancy applications are not included in this report.

| DA No. | Date Rec'd | Applicant | Proposal | Status |
|---------------|-------------------|-------------------------|---|---------------------------------|
| 2006/242 | 20/10/2005 | Ardill Payne & Partners | Site Filling - No. 21 Cumbalum Road, Cumbalum | Awaiting Additional Information |
| 2008/578 | 6/2/2008 | A Koellner | Erection of a Shed for Steel Fabrication - No. 21 Cumbalum Road, Cumbalum | Awaiting Additional Information |
| 2010/278 | 6/11/2009 | Ardill Payne & Partners | To Establish a dwelling/house site – No. 263 Sneesbys Lane, East Wardell | Being Assessed |
| 2011/166 | 15/04/2011 | SJ Connelly CPP Pty Ltd | Construction of a residential flat development comprising 30 x two storey dwellings and associated works, Condon Drive, East Ballina (North Angels Beach) | Awaiting Additional Information |
| 2011/320 | 22/07/2011 | Ballina Shire Council | To change the method of extraction of an existing Extractive Industry "Ballina Airport Sandpit" from dry (excavation) to wet (dredging) and to change the end use of the pit from a landfill for dry/inert waste to the retention as a flooded pit as part of the | Being Assessed |

8.4 Development Applications - Works in Progress - July 2012

| DA No. | Date Rec'd | Applicant | Proposal | Status |
|----------|------------|-----------------------------|---|---------------------------------|
| | | | rehabilitation works - (Ballina Airport Sandpit) Southern Cross Drive, Ballina | |
| 2011/506 | 23/11/2011 | C Lonergan | Regularise and Expand existing Caravan Park from 55 Sites to 178 Sites and construct new Amenities Block and Recreation Building, 440 South Ballina Beach Road, South Ballina | Awaiting Additional Information |
| 2011/515 | 30/11/2011 | Newton Denny Chapelle | Staged Development - 5 x Lot Subdivision for future cluster housing development and construction of public road, No. 565-589 River Street, West Ballina | Awaiting Additional Information |
| 2011/517 | 02/12/2011 | Victor Holmes Town Planning | Proposed Consolidation of Lots and Change of Use from a Church to a Dwelling, Pacific Highway, Newrybar | Being Assessed |
| 2011/541 | 20/12/2011 | Ballina Shire Council | Construction of a Surf Club Storage Building, 78 space carpark, bulk earthworks and landscape works; Cedar Crescent, Light House Parade & Compton, Drive East Ballina | Awaiting Additional Information |
| 2012/32 | 03/02/2012 | Ballina Shire Council | Sharpes Beach Car Park | Awaiting Additional Information |

8.4 Development Applications - Works in Progress - July 2012

| DA No. | Date Rec'd | Applicant | Proposal | Status |
|----------|------------|-------------------------|---|------------------------------------|
| | | | Upgrade and Associated Works Including Upgrade of Coast Road Intersection, Surf Lifesaving Tower and Storeroom, Viewing Deck and Shower, Unisex Toilet, Picnic Facilities, Shared Pedestrian Path and Beach Accesses and Associated Infrastructure and Rehabilitation Works; Lot 2 DP 784864 & Lot 7032 DP 1063896 (Ballina Coast Reserve), The Coast Road, Skennars Head | Information |
| 2012/69 | 7/03/2012 | D Cope | Erection of a Rural Worker's Dwelling, 161 Broken Head Road, Newrybar | Awaiting Additional Information |
| 2012/118 | 2/04/2012 | Ardill Payne & Partners | Six Lot Residential Subdivision, Chilcott Circuit, Cumbalum | Determination Pending |
| 2012/137 | 16/04/2012 | SJ Connelly CPP Pty Ltd | Two Lot Subdivision, 61 Jorgensens Lane, Brooklet | Referred to Government Department |
| 2012/166 | 09/05/2012 | Victor Holmes | Construction of Bridge across Maguires Creek and Erection of Dwelling House and Associated Works, 1468 Eltham Road, Tuckombil | Referred to Government Departments |
| 2012/190 | 28/05/2012 | SJ Connelly | Change of Use | Determination |

8.4 Development Applications - Works in Progress - July 2012

| DA No. | Date Rec'd | Applicant | Proposal | Status |
|----------|------------|-----------------------------------|---|------------------------------------|
| | | CPP Pty Ltd | to Food Shop and Office and Associated Fit Out, 44 Bangalow Road, Ballina | Pending |
| 2012/192 | 29/05/2012 | Crowley, St Francis Xavier Parish | Office and Nursing Wing Alterations and Additions – 154 Cherry Street, Ballina | Determination Pending |
| 2012/194 | 31/05/2012 | J Nielsen | Change of Use and Ancillary Storage/Compound Area – 3 & 5 Lismore Road, Alstonville | Referred to Government Departments |
| 2012/195 | 31/05/2012 | Logan Architecture | Demolition of Existing Motel and Erection and Strata Title Subdivision of a Mixed Tourist, Residential and Commercial Two Storey Development and Basement Car Parking – 45-49 Ballina Street, Lennox Head | Being Assessed |
| 2012/201 | 01/06/2012 | SJ Connelly Pty Ltd | Two Lot Boundary Adjustment Subdivision – L76 The Coast Road Skennars Head & L50 Condon Drive, East Ballina | Referred to Government Departments |
| 2012/206 | 07/06/2012 | M Bowden | Change of Use to Refreshment Room – 9 Moon Street, Ballina | Being Assessed |
| 2012/217 | 13/06/2012 | All Steel Garages & Sheds P/L | Erection of a Four Unit Industrial Development and Associated Works and Demolition of | Being Assessed |

8.4 Development Applications - Works in Progress - July 2012

| DA No. | Date Rec'd | Applicant | Proposal | Status |
|----------|------------|--|---|------------------------------------|
| | | | Existing Dwelling House to be undertaken in Two Stages - 28 Barlows Road, West Ballina | |
| 2012/220 | 14/06/2012 | Racks Enterprises Pty Ltd T/A Natures Décor Nursery) | Erection of Advertising Signage - 1132 Teven Road, Tuckombil | Being Assessed |
| 2012/228 | 18/06/2012 | Ardill Payne & Partners | Erection of Storage Shed - 210 Southern Cross Drive, Ballina | Being Assessed |
| 2012/230 | 19/06/2012 | Newton Denny Chapelle | Subdivision by way of boundary adjustment to create 1 x 7.3ha and 1 x 71.3 ha allotments - 22 Carney Place & 1506 Pacific Highway, Knockrow | Being Assessed |
| 2012/231 | 19/06/2012 | Ardill Payne & Partners | Subdivision by way of Boundary Adjustment to create 1 x 31ha and 1 x 21ha allotments - 10 & 14 Martins Lane West, Knockrow | Being Assessed |
| 2012/234 | 20/06/2012 | SJ Connolly CPP Pty Ltd | Subdivision by way of boundary adjustment creating 1 x 2ha allotment and 1 x 95ha allotment - 13 Edward Place & Newrybar Swamp Road, Knockrow | Referred to Government Departments |
| 2012/238 | 22/06/2012 | The Ryan Family Trust | Erection of an Industrial | Awaiting Additional |

8.4 Development Applications - Works in Progress - July 2012

| DA No. | Date Rec'd | Applicant | Proposal | Status |
|----------|------------|--------------------------|---|-----------------------|
| | | Superannuation Fund | Building for general industry use purpose - 27 Piper Drive, Ballina | Information |
| 2012/239 | 22/06/2012 | Newton Denny Chapelle | Strata Subdivision of Two Existing Detached Dwellings - 14 Newport Street, East Ballina | Determination Pending |
| 2012/240 | 25/06/2012 | Stuart & Victoria Turner | Removal of One Native Tree - 35 Minley Crescent, East Ballina | Determination Pending |
| 2012/242 | 25/06/2012 | Margaret & Anthony Rolfe | To remove three trees including 1 x Moreton Bay Fig Tree - 943 Fernleigh Road, Brooklet | Determination Pending |
| 2012/245 | 26/06/2012 | RJ Cunningham | Alteration and Additions to an existing Industrial Building - 5 Robb Street, Alstonville | Being Assessed |
| 2012/246 | 26/06/2012 | DP Westaway | Extension of Trading Hours for Riverside Health Studio to 24 hours/day - 178 River Street, Ballina | Being Assessed |
| 2012/247 | 26/06/2012 | Newton Denny Chapelle | Woolworths Supermarket Redevelopment comprising demolition of existing supermarket and adjoining dwelling house, construction of a new supermarket at or near existing ground level along the River | On Exhibition |

8.4 Development Applications - Works in Progress - July 2012

| DA No. | Date Rec'd | Applicant | Proposal | Status |
|-----------|------------|-------------------------|--|-----------------------|
| | | | Street frontage with 2,757sqm building floor area (including office/amenities /plant room at first floor), on-site loading zone and car parking at the rear of the building, advertising signage, landscaping, infrastructure servicing and associated works - 82-96 River Street & 3 Cherry Street, Ballina | |
| 2012/249T | 28/06/2012 | LA Minter | Removal of One (1) Tree - 15 Montwood Drive, Lennox Head | Determination Pending |
| 2012/256 | 29/06/2012 | Newton Denny Chapelle | Staged Erection and Strata Title Subdivision of a Residential Flat Development Comprising Three Units and associated works - 59 Pacific Parade, Lennox Head | On Exhibition |
| 2012/261 | 4/07/2012 | Ardill Payne & Partners | Construction of Sports Clubhouse/Amenities and Car Park - Chilcott Circuit, Cumbalum | Being Assessed |
| 2012/262T | 4/07/2012 | TG Clarke & E Crossman | Removal of One Tree - 1 Blue Horizon Drive, Lennox Head | Determination Pending |
| 2012/263T | 4/07/2012 | N Wiles | Removal of One Tree - 28 | Determination Pending |

8.4 Development Applications - Works in Progress - July 2012

| DA No. | Date Rec'd | Applicant | Proposal | Status |
|--------|------------|-----------|-------------------------------|--------|
| | | | Alston Avenue, Alstonville | |

Regional Development (Determined by Joint Regional Planning Panel)

| DA No. | Date Rec'd | Applicant | Proposal | Status |
|--------|------------|-----------|----------|--------|
| NIL | | | | |

Major Development (Determined by Minister)

| Major Project No./DA No. | Date Rec'd | Applicant | Proposal | Status |
|--------------------------|------------|-----------|----------|--------|
| NIL | | | | |

RECOMMENDATIONS

That Council notes the contents of the report on the status of outstanding development applications for July 2012.

Attachment(s)

Nil

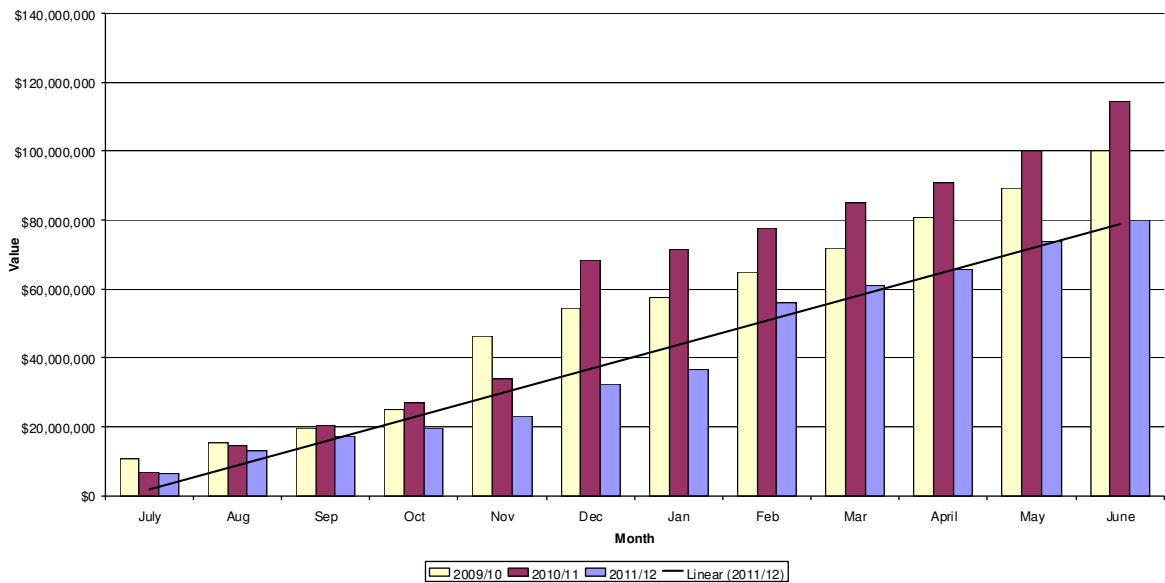
8.5 Development Consent Statistics - June 2012

8.5 Development Consent Statistics - June 2012

During the period of 1 June 2012 to 30 June 2012 the Regulatory Services Group issued Development Consent comprising of:

| Number of Applications | Value of Work |
|--|----------------------|
| 33 Other Building Related | \$ 1,744,600 |
| 6 Dwelling/Duplexes/Residential Flat Buildings | \$ 4,249,000 |
| 2 General Developments | \$ 3,000 |
| Total Value | \$ 5,996,600 |

The following chart details the cumulative consent figures for 2011/12 as compared to 2010/11 and 2009/10. A trend line has also been provided for 2011/12 to assist in the comparison. As per this chart the overall level of development approved was 20% to 30% down on recent years.



RECOMMENDATIONS

That Council notes the contents of the report on development consent statistics for 1 June 2012 to 30 June 2012.

Attachment(s)

Nil

9.1 **Ballina Shire Growth Management Strategy**

9. **Strategic & Community Services Group Reports**

9.1 **Ballina Shire Growth Management Strategy**

Delivery Program Strategic Planning

Objective To report on the submissions received in response to the public exhibition of the draft Ballina Shire Growth Management Strategy and invite the Council to adopt the strategy.

Background

The preparation of a draft Growth Management Strategy (GMS) has arisen due to the need to:

- Provide an updated strategic framework for future urban development in Ballina Shire
- Identify lands which, subject to detailed environmental assessment and comprehensive structure planning, may be suitable for rezoning and development for urban purposes
- Provide a framework for the assessment of development applications for new release areas, to ensure that the release of these areas occurs in a coordinated and integrated way
- Provide a framework to identify future infill development areas and to inform the assessment of development applications in these areas
- Establish the framework for Council's consideration of rezoning proposals, where required for lands identified within the strategy and
- Assist, through the above, the coordination of State and Local Government (Council) functions including the provision of community services and infrastructure.

Local policy for the management of urban development, and consequently of population and employment growth, has previously been provided by Council's Urban Land Release Strategies (URLS) prepared in accordance with (and as required by) Section 38 of the North Coast Regional Environmental Plan (REP 1988). The first ULRS was adopted by Council in 1990, with subsequent iterations endorsed in 1996 and 2000.

Since the adoption of the ULRS-2000, several significant changes have occurred to the planning system in New South Wales and the region. Changes to the Environmental Planning and Assessment Act 1979 and the introduction of the standard instrument LEP have altered the statutory arrangements for the rezoning and development of land. Further, the North Coast REP under which the URLS was prepared will no longer have effect in Ballina Shire following the gazettal of the Ballina Shire LEP 2011.

9.1 Ballina Shire Growth Management Strategy

The Far North Coast Regional Strategy (FNCRS) has been introduced by the State Government to guide the future development of the region. The FNCRS has (limited) statutory status by virtue of a Section 117 Direction that requires local councils to be consistent with the FNCRS when preparing draft Local Environmental Plans. The FNCRS requires councils to prepare a local growth management strategy to guide urban growth at a strategic level.

Council resolved at its Ordinary Meeting held on 26 April 2012 to place the Ballina Shire draft Growth Management Strategy (draft GMS) on public exhibition [Minute No.260412/9]. Consequently, the draft strategy was publicly exhibited for a period of four weeks during May and June 2012.

The purpose of this report is to present the public and government agency submissions received during the public exhibition of the draft strategy and to seek the Council's direction with respect to the finalisation of the strategy.

Key Issues

- Economic development
- Affordable housing
- Protection of social, cultural and natural values of the shire
- Infrastructure planning

Information

The following report outlines the public and Government agency submissions received during the public exhibition period.

Public submissions

Seven submissions from members of the public were received during the exhibition period. The matters raised in those submissions are outlined and addressed in the following table. The public submissions are provided as Attachment One to this report, distributed to the Councillors under separate cover.

| Submission / Issue | Response |
|---|--|
| <p>Ardill Payne & Partners on behalf of the Porter Family - Relating to Lot 13 DP 1059499, No.853 Bruxner Highway, Wollongbar.</p> <p>The submission requests the inclusion of the subject land as a 'strategic urban growth area' to permit the future investigation of the land for industrial development purposes as an expansion of the Russellton Industrial Estate.</p> | <p>The request is not supported due to the following:</p> <ul style="list-style-type: none">• The land is located within the Alstonville-Wollongbar urban buffer and is currently zoned 7(i) Environmental Protection (Urban Buffer) Zone under the terms of the Ballina LEP 1987. Recognition of the buffer is also maintained via the application of the E3 Environmental Management Zone over the land under the draft Ballina LEP 2011. The inclusion of the land as an urban investigation area would represent a significant departure |

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| | <p>from Council's long standing planning policy for the Alstonville plateau;</p> <ul style="list-style-type: none"> • Council's recent work into the demand and supply for industrial lands in Ballina Shire indicates that adequate opportunities exist to accommodate industrial demand over the forthcoming planning period; and • The land is identified as 'State Significant Farmland' under the Northern Rivers Farmland mapping. |
| <p>Ashwood & Bryant Landholders within the Strategic Urban Growth Area located at North Creek Road, Skennars Head.</p> <p>Acknowledges Council's continued identification of the subject land as a Strategic Urban Growth Area.</p> <p>Seeks to have the strategy allow the urban investigation of the subject land as a 'stand alone' development area, without the needing to consider adjacent land that is also identified in the Strategic Urban Growth Area.</p> | <p>Noted.</p> <p>The strategy seeks to ensure that land within Strategic Urban Growth Areas is investigated holistically. Consequently, it is suggested that the investigation of landholdings, individually, would not be in the public interest.</p> |
| <p>Ballina Environment Society</p> <p>The submission raises the following issues:</p> <p>Concerned with the apparent increase in development required to achieve the State Government dwelling target.</p> <p>Requests that Council map all known native vegetation within Strategic Urban Growth Areas for environmental protection purposes.</p> | <p>Contrary to statements in the submission, the dwelling target for Ballina Shire is based on a continuation of trend population growth and does not require a significant increase in development rates to be achieved.</p> <p>Council has considered this issue in the context of the preparation of the Comprehensive LEP. It is suggested that the delineation of land use zones, within Strategic Urban Growth Areas that are currently subject to rezoning investigations, is best determined through the detailed investigations undertaken in</p> |

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| <p>Notes that the strategy does not list sites of Aboriginal cultural significance.</p> <p>Requests the reinstatement of the urban water management reference group and publishing of water quality monitoring results.</p> <p>Requests that 'urban buffer areas' be removed from Strategic Urban Growth Areas.</p> <p>Requests that Council not pursue the investigation of appropriate locations for increased residential densities.</p> <p>Requests that open space and sporting fields be mapped for all Strategic Urban Growth Areas, in the strategy.</p> <p>Suggests that pedestrian and</p> | <p>association with proposed rezonings.</p> <p>Areas of high ecological significance within potential urban growth areas not currently under detailed investigation have been identified by way of zoning under Council's endorsed draft Ballina LEP 2011.</p> <p>Council has, through the recently finalised Aboriginal Cultural Heritage Study undertaken mapping of sites and areas of Aboriginal cultural heritage significance. Protocols were also developed in consultation with the Aboriginal Community including, regarding the controls over the release of that information. The present approach is that this type of information not be generally available to the wider public. However, protections for such areas are in place, via legislation and development assessment processes.</p> <p>This matter does not relate to the growth management strategy.</p> <p>As noted above, it is suggested that the delineation of land use zones, including those relating to urban breaks, within Strategic Urban Growth Areas, is best determined through the detailed investigations undertaken at rezoning stage.</p> <p>The draft strategy notes that the investigation of areas for higher density development would consider a range of issues including built form, amenity and infrastructure capacity.</p> <p>The area of land required to accommodate such facilities is dependent on the development yield of each growth area. Further, the suitability of land to accommodate any form of development, including open space, can only be determined through the detailed investigations undertaken at rezoning stage.</p> <p>The draft strategy includes a number</p> |
|--|---|

9.1 Ballina Shire Growth Management Strategy

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| <p>mobility issues are not addressed sufficiently in the draft strategy.</p> <p>Requests the removal of the third plateau village from the draft strategy.</p> <p>Suggests that the provision of appropriate housing for seniors requires more than smaller dwellings.</p> <p>Suggests that the draft strategy have more specific regard for social justice issues.</p> | <p>of actions relating to pedestrian and mobility issues. Further consideration of such issues will occur in relation to actions arising from the strategy.</p> <p>The draft strategy was prepared on the basis of Council's current policy. The third village option has been retained to provide flexibility to Council's longer-term planning. However, the third village concept will be subject of further specific consideration in accordance with a previous resolution of the Council to review the concept.</p> <p>The investigation of infill housing opportunities is included as an action in the strategy. This work would involve a housing needs analysis that would include the consideration of aspects such as dwelling size and form, location and amenity.</p> <p>It is noted that the objectives of the strategy seek to achieve social, environmental and economic benefits for the shire. The submission is not clear with respect to how it is proposed that social justice issues should be more incorporated into the strategy.</p> |
| <p>Marelle Lee Resident of Lennox Head</p> <p>Raises concerns with infill development.</p> <p>Raises concerns in relation to the infrastructure capacity to accommodate further growth.</p> <p>Questions whether there are sufficient protections in the strategy</p> | <p>The strategy includes actions relating to the investigation of appropriate locations for infill development. Such investigations would consider a range of matters including amenity, built form and infrastructure capacity.</p> <p>The strategy provides information, to Council's Civil Services Group, regarding anticipated population growth. This information enables Council to plan for infrastructure delivery to support the growing population.</p> <p>The purpose of the strategy is to provide direction to Council's land</p> |

9.1 Ballina Shire Growth Management Strategy

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| <p>for the preservation of items of cultural heritage significance.</p> | <p>use planning activities. It is not a regulatory document. The strategy includes a number of actions relating to cultural heritage matters. Further consideration of such matters will occur when these actions are pursued.</p> |
| <p>Planning Resolutions Pty. Ltd. On behalf of the development proponents for Cumbalum Precinct B</p> <p>Requests that Council remove the Cumbalum Locality Objective that reads:</p> <p><i>"Preference for development to proceed as a south to north progression to maximise the efficient delivery of infrastructure."</i></p> | <p>This matter is considered in the reporting to Council's 17 July 2012 Environmental and Sustainability Committee meeting. It is suggested that this issue is best considered in the context of the Cumbalum Precinct A & B planning proposals.</p> <p>If the Council is inclined to support the continued processing of the Cumbalum Precinct B Planning proposal, it is recommended that Council delete this objective from the strategy.</p> |
| <p>Simon Prendergast On behalf of Terry and Sue Prendergast. - Relating to Lot 2 DP253899, 1336 Teven Road, Alstonville</p> <p>Requests that the subject land be included in the strategy as a Strategic Urban Growth Area.</p> | <p>The request is not supported due to the following:</p> <ul style="list-style-type: none"> • The land is located within the Alstonville-Wollongbar urban buffer and is currently zoned 7(i) Environmental Protection (Urban Buffer) Zone under the terms of the Ballina LEP 1987. Recognition of the buffer is also maintained via the application of the E3 Environmental Management Zone over the land under the draft Ballina LEP 2011. The inclusion of the land as an urban investigation area would represent a significant departure from Council's long standing planning policy for the Alstonville plateau; • The land is identified as 'State Significant Farmland' under the Northern Rivers Farmland mapping. |
| <p>Newton Denny Chapelle On behalf of Tabalon Pty. Ltd. - Relating to Lot 1 DP 1168781, 184 Rifle Range Road, Wollongbar</p> <p>Requests that the subject land be included in the strategy as a</p> | <p>The request is not supported due to the following:</p> <ul style="list-style-type: none"> • The land is located within the Alstonville-Wollongbar urban buffer and is currently zoned 7(i) Environmental Protection (Urban Buffer) Zone under the terms of |

9.1 Ballina Shire Growth Management Strategy

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| Strategic Urban Growth Area. | <p>the Ballina LEP 1987. Recognition of the buffer is also maintained via the application of the E3 Environmental Management Zone over the land under the draft Ballina LEP 2011. The inclusion of the land as an urban investigation area would represent a significant departure from Council's long standing planning policy for the Alstonville plateau;</p> <ul style="list-style-type: none"> • The land is identified as 'State Significant Farmland' in the Northern Rivers Farmland mapping. |
|------------------------------|--|

Consequently, it is recommended that there are no matters raised in the public submissions which warrant amendment to the draft strategy (aside from the deletion of the preference for a south to north progression in relation to Cumbalum in the event that Council supports the progress of the planning proposal for Precinct B).

Government agency submissions

Six submissions from Government agencies were received during the exhibition period. The matters raised in those submissions are outlined and addressed in the following table. The Government agency submissions are provided as Attachment Two to this report, distributed to the Councillors under separate cover.

| Submission / Issue | Response |
|--|---|
| <p>NSW Department of Primary Industries</p> <p>Notes the importance of agricultural production to Ballina Shire and the region and recommends that a section and map identifying the distribution of State and regional farmland be included in section 5.6 (Natural Resources).</p> <p>Recommends that the significance of agricultural resources be included under the 'key issues' sections of the locality strategies relating the Cumbalum and Wollongbar.</p> | <p>It is suggested that this recommendation by the Department be adopted.</p> <p>In relation to the Cumbalum locality, this matter has been considered in the context of the Cumbalum Precinct A and Precinct B planning proposals.</p> <p>In relation to the Wollongbar Locality, the inclusion of statement regarding the significance of agricultural activities in the 'key issues' section is recommended.</p> |

9.1 Ballina Shire Growth Management Strategy

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| <p>Recommends that a shire-wide action be included relating to the ongoing preservation of agricultural production opportunities.</p> | <p>It is suggested that this recommendation by the Department be adopted.</p> |
| <p>NSW Rural Fire Service</p> <p>Recommends that a statement be inserted into the strategy, in the section relating to climate change policy, that notes the potential increase in the severity of bush fires as a result of climate change.</p> | <p>It is suggested that this recommendation by the RFS be adopted.</p> |
| <p>NSW Trade and Investment</p> <p>Recommends that Council consider the long-term demands for extractive resources to support development within existing urban areas and to accommodate future growth.</p> | <p>This suggestion by the Department has merit and can be accommodated. Consequently, it is recommended this be included as a shire-wide strategic action in the Growth Management Strategy.</p> <p>This advice has also been referred to Council's Civil Services Group for consideration in the context of the Ballina Shire Flood Risk Management Study and Plan.</p> |
| <p>Rous Water</p> <p>Notes that the Strategic Urban Growth Areas identified in the strategy do not impact on any identified water extraction areas or water catchments and therefore Rous Water has no comments in relation to potential impacts on water quality.</p> <p>Advises that the draft strategy will be considered by Rous Water in relation to their development of a Future Water Strategy.</p> | <p>Noted.</p> <p>Noted.</p> |
| <p>NSW Department of Primary Industries, Fisheries</p> <p>Endorses Council's approach for growth management planning over a 25 year timeframe. Supports the updating of Council's growth management framework to include recent locality specific work.</p> <p>Suggests the inclusion of flood maps in the strategy.</p> | <p>Noted.</p> <p>This suggestion is not supported due to the following:</p> <ul style="list-style-type: none"> • This information is already well |

9.1 Ballina Shire Growth Management Strategy

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|--|---|
| <p>Provides commentary regarding the sequencing of greenfield development.</p> | <p>documented elsewhere; and</p> <ul style="list-style-type: none"> The information is the subject of ongoing review and amendment. <p>The sequencing of development is considered in the strategy and further in the context of the rezoning process.</p> |
| <p>NSW Department of Primary Industries, Catchments & Lands</p> <p>Does not object to Council's identification of land adjacent to the Clark Street Industrial Estate (old depot) as a Strategic Urban Growth Area.</p> <p>Advises that activities or developments within Crown reserves must be consistent with relevant Plans of Management.</p> <p>Notes that any road reserves within Strategic Urban Growth Areas must be closed and purchased prior to development of the land. Also notes that Aboriginal land claims may apply over some of these parcels.</p> <p>Advises that the Department is still investigating options in relation to Crown Lands at East Ballina and Wardell that have <u>not</u> been included as Strategic Urban Growth Areas in the strategy.</p> | <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> |

It is recommended that Council adopt several of the suggestions made by Government agencies in finalising the Growth Management Strategy. The recommended changes are summarised as follows:

- That text regarding the significance of agricultural production be inserted into section and map identifying the distribution of State and regional farmland be included in section 5.6 (Natural Resources);
- That a statement recognising the significance of agricultural resources be included under the 'key issues' sections of the Wollongbar locality strategy;
- That a shire-wide action be included relating to the ongoing protection, through the Local Environmental Plan, of agricultural production opportunities;
- That a statement be inserted into the strategy, in the section relating to climate change policy, that notes the potential increase in the severity of bush fires as a result of climate change;

- That a shire-wide action be inserted relating to the investigation of the long-term demands for extractive resources to support development within existing urban areas and to accommodate future growth.

Additional comments

Reference is made to the report presented to the 17 July 2012 Environmental and Sustainability Committee of the Council, and specifically to the submission made by the planning consultants for Precinct A, Ardill Payne & Partners to the Precinct A planning proposal. The submission requested that Council allow the creation of 'smaller rural residential style allotments' on the residual parcels of the precinct that are proposed for zoning as E2 Environmental Protection Zone and E3 Environmental Management Zone. The request was not supported in the staff recommendations, in relation to the Precinct A planning proposal, due to the lack of a clear policy position of the Council with respect to this matter.

It is acknowledged, however, that the creation of small rural residential style allotments on the edge of the residential footprint in new release areas may have advantages associated with providing the consolidation of environmental management areas into a small number of landholdings which enjoy dwelling entitlements, thus providing land management 'ownership' and oversight.

Despite this, it is noted that rural residential subdivision has not been permissible in Ballina Shire since 1996. The potential for adverse outcomes to arise with such development and for wider opportunity for this style of land use, suggests that further consideration from an in-principle policy position is warranted. Consequently, it is recommended that Council insert an additional shire-wide action in the Growth Management Strategy to consider whether such an approach, for residual parcels in greenfield release areas generally, should be enabled. Such a process could consider matters such as the following:

- Access and interface issues (including potential for land use conflict) associated with adjacent residential development;
- Appropriate allotment size and configuration to achieve effective and efficient land use management of environmental assets, located on residual parcels; and
- Appropriate ownership arrangements based on criteria to identify where such land parcels would ideally be placed in public ownership (Council or Crown), private ownership or other arrangement (such as community title).

If included as an action in the Growth Management Strategy, the information outlined above would be presented to Council, with options, for its detailed consideration.

Sustainability Considerations

- **Environment**
The draft strategy aims to guide future development in Ballina Shire having regard for the environmental values of the shire.
- **Social**
By giving effect to the Council's Sustainability Plan, through guiding development and economic activity in a balanced and managed way,

the strategy aims to provide for positive social outcomes over the forthcoming planning period. By providing continued opportunities for residential development, the draft strategy aims to facilitate improved housing affordability outcomes.

- **Economic**

The draft strategy aims to provide for and guide economic growth and development opportunities in the shire over the forthcoming planning period.

Legal / Resource / Financial Implications

The draft GMS identifies a number of strategic actions that will form the basis of Council's Strategic and Community Services Group work program going forward. The need for additional resources associated with actions arising from this strategy will be the subject of further reporting to the Council, should a need be identified.

Consultation

It is noted that the draft GMS is based on Council's current planning position as articulated in various Council policies, strategies and decisions of the Council, being incorporated into a single document.

Council undertook extensive community and government agency consultation in relation to recent Council decisions including Council's sustainability framework, the comprehensive renewal of the LEP (Ballina LEP 2011), and in relation to the various locality-based strategic planning projects on which the draft strategy is based.

The draft strategy was publicly exhibited for a period of four weeks.

Options

1. That Council adopt the Growth Management Strategy as exhibited.

It is suggested that several of the recommendations made in the Government agency submissions warrant the Council's support. Therefore this option is not recommended.

2. That Council adopt the Ballina Shire Growth Management Strategy incorporating the amendments outlined in this report.

Several changes are identified within this report as being advantageous. Given this, this option is recommended.

Upon adoption, it is also recommended that Council forward the strategy to the NSW Department of Planning and Infrastructure having regard for the requirements of the State Government's Far North Coast Regional Strategy.

3. That Council hold a further workshop on this matter.

This option is not recommended due to the following:

9.1 Ballina Shire Growth Management Strategy

- The draft Growth Management Strategy is based on Council's existing policy and these policies have, therefore, already been the subject of detailed consideration by the elected Council prior to their incorporation into the strategy
- The strategy can be amended in the future should Council's policy position change with respect to any of the matters outlined in the strategy and
- The advantages of having Council's growth management policy framework in place, include the following:
 - Achieving conformity with the Far North Coast Regional Strategy
 - Providing consolidation of Council's growth management policy
 - Providing contemporary policy framework for growth management in Ballina Shire
 - Achieving consistency with revised statutory planning framework (draft Ballina LEP 2011) and
 - Providing direction to Council's strategic planning work program.

RECOMMENDATIONS

1. That Council adopt the Ballina Shire Growth Management Strategy incorporating the following amendments:
 - That text regarding the significance of agricultural production be inserted into section and map identifying the distribution of State and regional farmland be included in section 5.6 (Natural Resources)
 - That a statement recognising the significance of agricultural resources be included under the 'key issues' sections of the Wollongbar locality strategy
 - That a shire-wide action be included relating to the ongoing protection, through the Local Environmental Plan, of agricultural production opportunities
 - That a statement be inserted into the strategy, in the section relating to climate change policy, that notes the potential increase in the severity of bush fires as a result of climate change
 - That a shire-wide action be inserted relating to the investigation of the long-term demands for extractive resources to support development within existing urban areas and to accommodate future growth.
2. That Council forward the strategy to the NSW Department of Planning and Infrastructure having regard for the requirements of the State Government's Far North Coast Regional Strategy.

Attachment(s)

1. Public submissions to the draft Growth Management Strategy. (Under separate cover)
2. Government agency submissions to the draft Growth Management Strategy. (Under separate cover)

9.2 Draft Ballina Shire Development Control Plan 2012

9.2 Draft Ballina Shire Development Control Plan 2012

Delivery Program Strategic Planning

Objective To advise Council regarding the renewal of the development control plan framework for Ballina Shire and seek direction with respect to the public exhibition of the Draft Ballina Shire Development Control Plan 2012.

Background

Ballina Shire Council's local planning framework for development assessment is comprised primarily of the Ballina Local Environmental Plan 1987 (BLEP 1987) and the Ballina Shire Combined Development Control Plan (Combined DCP). The LEP establishes the overarching local planning policy of Council, focussing on the permissibility of certain land uses in different areas of the shire and development standards that direct land use outcomes. The DCP provides a greater level of detail in relation to the delivery of development outcomes and incorporates a variety of planning objectives and development controls that form Council's local planning policy when used in conjunction with the LEP.

The preparation of the Draft Ballina Local Environmental Plan 2011 (Draft LEP) has necessitated a comprehensive review of Council's local planning policy based on the State Government's Standard Instrument Local Environmental Plan (Standard LEP). The introduction of the Standard LEP has involved changes to the way in which local planning policy is formulated and the extent of matters that can be considered in a DCP. In particular, there is a number of matters that Council has previously addressed in its DCP that are now subject to the LEP and the Standard LEP utilises a State wide definition set that is not adequately reflected in Council's current DCP framework. As such, the Draft LEP and the Combined DCP are not consistent in the way in which they outline planning policy.

In response to the above, a comprehensive review of the Combined DCP has been undertaken with a primary objective being to align Council's DCP based planning policy with the content of the Draft LEP. This has resulted in the preparation of the Draft Ballina Shire Development Control Plan 2012 (Draft DCP 2012). A copy of the revised document is attached.

Key Issues

- Consistency between DCP and LEP based planning policy.
- Philosophy and approach to the preparation of the Draft Ballina Shire Development Control Plan 2012.
- Public exhibition of Draft Ballina Shire Development Control Plan 2012.

Information

Development Control Plans

The following provides an overview of the key aspects of DCPs as a component of the local planning framework:

- DCPs are made by councils under Part 3 of the *Environmental Planning & Assessment Act* (EP&A Act).
- DCPs are subordinate to State Environmental Planning Policies (SEPPs) and LEPs.
- DCPs are local policy documents that provide specific and detailed guidelines for local planning and development.
- DCPs can be seen as the 'how to' document for permitted types of development.
- DCPs can address a wide variety of planning issues and considerations at the local level.
- DCPs are not subject to State Government approval.
- DCPs are based on both outcome focused objectives and specific requirements (or standards) for development.

DCPs are a central aspect of the local planning framework as they contain extensive detail relating to the delivery of development outcomes. Councils are responsible for DCP content and preparation and there is no requirement for State Government endorsement. Therefore, DCPs can contain place specific planning provisions as desired by a council provided that such provisions are consistent with the requirements of the EP&A Act, SEPPs and LEPs.

Ballina Shire Combined Development Control Plan

Ballina Shire's development control plan framework was first introduced in the 1980s in conjunction with the introduction of the BLEP 1987. The DCP was designed to complement the LEP in the identification of Council's local planning policy. Since the introduction of the DCP in the 1980s, there have been numerous additions and adjustments to the DCP framework, with the most significant being the compilation of Council's Combined DCP.

The Combined DCP commenced its operation in 2006 following introduction of a State Government requirement that councils must only have one DCP applying to a parcel of land. Council's response was to collate its existing DCP into a single document with the various matters addressed by the DCP contained within chapters, rather than separate DCP documents. The Combined DCP remains in operation in support of the BLEP 1987 at present.

Although the existing DCP framework has undergone various alterations and adjustments over time, it has not been subject to a comprehensive review since its initial introduction. As such, much of the policy within the DCP has remained largely unchanged since its original application. A significant proportion of Council's original policy does remain relevant, however, there are opportunities for Council to refresh and renew its DCP based policy to more comprehensively and consistently align with current planning practice

and higher order planning policy. More specifically, there are some aspects of the DCP that require alteration in order to align with the Standard LEP to provide a logical and complete local planning framework upon the introduction of Council's new LEP.

Development Control Plan Renewal

Having regard for the above, a comprehensive review of the DCP planning framework for Ballina Shire has been undertaken. Resources have recently been focussed on the compilation of the Draft DCP 2012 following Council's endorsement of the Draft LEP for finalisation in December last year. A copy of the Draft DCP 2012 has been provided to Councillors under separate cover.

The preparation of the Draft DCP 2012 has included Councillor, internal staff and external consultant industry engagement. Engagement with the consultant planning industry has been undertaken via an external consultant panel, formed specifically to provide feedback and input in relation to the DCP review. The engagement of the panel was secured through a transparent competitive process. The panel members were Mr Mike Svikis of GHD, Mr Paul Snellgrove of Ardill Payne and Partners and Mr Stephen Connelly of SJ Connelly Pty Ltd. The panel met on six occasions between February and June 2012.

Internal engagement has occurred via an internal staff panel that met on four occasions between March 2012 and June 2012. The internal panel comprised of representation from Council's development assessment planning, building services, environmental health, development engineering and strategic planning sections.

Available Councillors have received three workshops (on 9 May, 15 May and 5 July 2012) outlining the approach and content of the revised DCP. As outlined in the Councillor workshop series, the DCP review has been undertaken based on the following objectives:

- Consistency with Standard Instrument LEP.
- Logical structure and clear hierarchy of controls.
- Simple, concise and to the point.
- Easily translated into an online environment.
- Alignment with Council's Community Strategic Plan.

The DCP review has also been prepared based on the following guiding principles:

- Transfer of existing provisions where they are seen to be operating effectively and their transfer is both possible and practical.
- Use of language and structure that is suitable for interpretation and use by a wide audience.
- Adoption of a practical approach to the application of planning provisions.
- Provision of a streamlined DCP with planning provisions easy to identify and use of mapping to aid interpretation where possible.
- Use of explanatory notes to assist in the interpretation of planning provisions.

Significantly, the DCP has been substantially restructured to establish a hierarchy between provisions that is logical. This has meant that a number of items previously addressed in the Combined DCP by way of a specific chapter are now consolidated within the structure of the Draft DCP 2012. The DCP has also involved the removal of information superfluous to the core planning provisions and application of some existing provisions on a wider basis. As such, the DCP looks substantially different and is a more concise articulation of Council's DCP based local planning requirements.

The Draft DCP 2012 is also supported by a series of maps, some of which have been newly introduced. The DCP mapping has been standardised consistent with the Standard LEP mapping protocol used by Council in its Draft LEP. The maps are designed to support the interpretation of planning provisions and are intended to have application in making planning information available to users in digital format.

Each chapter of the Draft DCP 2012 is outlined below, with key aspects of the chapter noted for the consideration of the Council.

Chapter 1 - Administration

Chapter 1 provides the details associated with the function of the DCP. Most importantly, it establishes the hierarchy between the various provisions of the DCP and the way in which the provisions are intended to be used. This chapter also outlines the information that is to be provided with a development application submitted to Council, a dictionary of terms and Council's advertising and notification procedures for development proposals.

Chapter 2 - General and Environmental Considerations

Chapter 2 contains provisions that have application to a wide variety of development proposals and locations in the shire. The matters addressed typically relate to environmental considerations such as land contamination, stormwater and natural areas, but the chapter also incorporates other general matters such as public art and road widening policy.

The provisions in this chapter are largely based on existing policy under the Combined DCP, with much of this policy derived from Chapter 18 - Rural Land which was adopted by Council relatively recently in 2009. However, the following key adjustments in the Draft DCP 2012 should be noted:

- Council's stormwater management provisions have been revised, with the requirements now simplified and focussed around specific engineering standards and core desired outcomes.
- Provisions relating to natural areas and habitat have been revised to align with the Draft LEP. In particular, the provisions introduce consideration of habitat corridors and more specific requirements in relation to offsets associated with habitat loss in relation to development proposals that require development consent. The provisions relating to corridors are a direct response to the identification of this issue in submissions associated with the LEP renewal program.
- Introduction of a defined requirement for certain development to undertake assessment with respect to Crime Prevention Through Environmental Design (CPTED) principles.

Chapter 2a - Vegetation Management

Chapter 2a establishes the circumstances where development consent will be required by Council in relation to clearing and other works associated with vegetation. Chapter 2a is significant as it is the mechanism under the Standard LEP that is available for councils to manage vegetation removal and works. Importantly, Council's role in vegetation management is focussed in urban areas, with a limited role available in environmental protection zoned areas. Under the Standard LEP, Council has no approval role in relation to vegetation removal in agricultural zones where such clearing is not undertaken in association with another form of development that requires the development consent from Council.

In summary, Chapter 2a establishes a requirement for development consent as follows:

- Vegetation management works that involve trees in excess of 6m in height except for species identified as undesirable.
- Vegetation management works for specific species of trees based on specific criteria (such as Pandanus trees in excess of 3m in height in the Lennox Head, Skennars Head and East Ballina localities).
- Vegetation management works in areas identified as significant urban bushland.

A vegetation management work is defined under the DCP as *an activity or work that affects vegetation and includes the undertaking of any of the following actions with regard to vegetation: burning, clearing, cutting down, destroying, felling, injuring, killing, logging, lopping, poisoning, pruning, removing, ringbarking, slashing, thinning, topping or uprooting.*

It should be noted that there are a number of exceptions to the requirement for development consent (e.g. dead or dying vegetation and vegetation within 3m of an existing dwelling).

Further, vegetation management works on public land may be undertaken without development consent where carried out in accordance with Council's Urban Vegetation and Tree Management on Public Land policy or an adopted Plan of Management or Vegetation Management Plan.

The provisions of Chapter 2a are based largely on the principle of ensuring that amenity and ecological considerations are taken into account prior to works that involve substantial vegetation whilst not overly regulating routine gardening activities.

It should be noted that Chapter 2a establishes a lesser requirement for approvals in relation to vegetation management works compared to the current Lennox Head Vegetation Management Order (which will be repealed upon the commencement of the new DCP). Further, the vegetation management requirements identified in Chapter 2a are consistently applied shire wide.

This approach was considered by Councillors at the 15 May 2012 workshop.

Chapter 2b - Floodplain Management

Chapter 2b implements Council's existing policy in relation to floodplain management. Notably at present, this policy requires filling of land to achieve suitable flood protection (except in Wardell) and there is a distinction in planning provisions between existing urban areas and greenfield urban areas.

Significantly, this policy is currently under review as part of Council's Floodplain Risk Management Study and Plan process, with revised DCP policy recently exhibited for public comment. The revised DCP, however, has not yet been considered by Council in relation to its overall floodplain management planning policy.

Chapter 3 - Urban Subdivision

Whilst the baseline design and engineering requirements for subdivision are consistent with Council's existing policy, Chapter 3 introduces a distinction between minor and major subdivision. Minor subdivision is subject to a generic set of design and engineering requirements, whilst major subdivision is subject to a more detailed master planning process. The master planning process is designed to encourage detailed site analysis and early consultation with Council in order to support the provision of high quality subdivision applications.

Importantly, the master planning process includes the establishment of a staff subdivision panel to provide pre-lodgement advice to applicants. Council does not currently operate such a panel in a formal manner and as such, the establishment of such a panel would need to be resourced. It is suggested that this element of the DCP be further considered following feedback associated with the public exhibition of the Draft DCP 2012.

This chapter also includes locality specific planning requirements for defined areas where Council already applies special controls that are not applicable shire-wide, such as in the Ballina Heights Estate.

Chapter 4 - Residential and Tourist Development

Chapter 4 contains provisions for residential development based largely on those that Council has applied in Lennox Head since 2007. In relation to urban tourist development, the DCP provisions have been designed such that the same controls essentially apply to both residential and tourist uses. This is to enable changes between these uses in buildings where other relevant requirements such as building standards under the Building Code of Australia are met. The intention in this regard is to remove land use planning limitations from changes of use between residential and tourist uses.

This chapter also includes locality specific planning requirements for defined areas where Council already applies special controls that are not applicable shire-wide, such as in the Wollongbar Urban Expansion Area.

It is important to note that the residential component of the DCP is an area where there has been significant change, primarily due to the introduction of new residential land use definitions and the removal of the opportunity for Council to designate specific land uses for particular land parcels (e.g. duplex and medium density sites) under the Standard LEP.

Establishment of new provisions relating to residential development is essential for the functionality of Council's local planning framework upon the introduction of the Draft LEP. The absence of provisions that align with the new LEP could create significant confusion and difficulty for Council, its staff, applicants and the community in the development assessment process.

Chapter 5 - Industrial Development

Council engaged consultants GHD to undertake a review of the planning framework applicable to industrial land uses in Ballina Shire in relation to the DCP. This included a review of the Draft LEP, current industrial related planning provisions in the Combined DCP and benchmarking of planning provisions relative to several South East Queensland local government areas.

Chapter 5 is based on the adoption of a number of the planning provisions recommended by GHD. The provisions are underpinned by a principle of ensuring that industrial estates are functional and have a site design and building form that is both practical for industrial land uses but also provides for a reasonable level of amenity within industrial areas. Aside from the DCP, GHD also made several recommendations relating to land use zoning and land use permissibility under the Draft LEP. These recommendations are presently under review and may form the subject of a separate report to Council in the future.

Chapter 6 - Business and Commercial Development

Chapter 6 largely incorporates existing policy of Council with respect to commercial areas in the shire. Most notably, existing provisions form the basis of the planning framework for the Ballina CBD and the Lennox Head and Alstonville village centres. There has, however, been substantial rationalisation of provisions through the application of a generic set of requirements applicable to all commercial areas and removal of provisions that had limited function in achieving the identified planning objectives for each commercial area. The chapter is designed such that specific precinct based provisions apply in substitute or addition to the generic provisions.

In preparing Chapter 6, Council engaged consultants King and Campbell to provide recommendations regarding planning provisions that could be applied to the B6 Enterprise Corridor at West Ballina (as zoned under the Draft LEP). The Draft DCP 2012 incorporates recommendations from King and Campbell that seek to support the objectives of the B6 Enterprise Corridor. Specifically, King and Campbell recommended the use of planning provision based incentives to encourage particular forms of development in the locality. This approach has been adopted in the Draft DCP 2012. Significantly, King and Campbell also recommended substantial landscape works in public areas to encourage new development in the locality and provide for an enhanced entry into Ballina from the west.

Chapter 7 - Rural Living and Activity

Chapter 7 predominately reflects existing Council policy with respect to rural dwellings, rural tourist and visitor accommodation and several specific rural land uses. This policy is based on the existing provisions of Chapter 18 - Rural Land under the Combined DCP which was adopted by Council in 2009.

Chapter 8 - Other Uses

Chapter 8 establishes planning provisions for a variety of specific land uses aside from those otherwise addressed in the DCP that warrant particular consideration. This chapter addresses Sex Services Premises, Bed and Breakfast Accommodation, Caravan Parks and Camping Grounds, Signage and Temporary Use of Land. Chapter 8 also includes a provision relating to other development in residential, commercial and industrial zones that would not ordinarily occur (such as places of public worship or schools).

The majority of provisions under Chapter 8 are based on existing Council policy.

Sustainability Considerations

- **Environment**
Council's DCP establishes local planning policy in relation to a variety of environmental, social and economic considerations. Specifically, it establishes direction for development outcomes within the shire. As such, the DCP provides an opportunity for Council to address a wide range of sustainability considerations in relation to development.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

The preparation of the Draft DCP 2012 has been undertaken in accordance with the requirements of the EP&A Act and the associated Regulation, and within existing available staff and financial resources.

Consultation

As outlined above, consultation has occurred with both an external consultant panel (being representatives of the consultant planning industry) and with internal staff responsible for the implementation of planning policy via development assessment.

If public exhibition of the Draft DCP 2012 is endorsed by Council, a public exhibition over a period of at least 28 days duration will be undertaken in accordance with the requirements of the EP&A Act and associated Regulation.

Options

1. Endorse the Draft Ballina Shire Development Control Plan 2012 for public exhibition.

This approach would involve the public exhibition of the Draft DCP 2012, either as presented to Council or with amendment(s) as specified by Council. In proceeding to exhibition, the document would be finalised to correct any typographical and grammatical errors, and complete presentation and mapping enhancements.

The public exhibition phase of the DCP's preparation is considered to be highly important in that it provides an opportunity for the community, stakeholders and the development industry to review and respond to the proposed planning provisions. The exhibition period provides an opportunity to fine tune the DCP with a view to ensuring that the policy is practical for application to development in Ballina Shire and is reasonably responsive to the variety of environmental, building, amenity and locality specific issues relevant to the community.

Following public exhibition of the Draft DCP 2012, a report on submissions received would be presented to the Council as the basis of a further opportunity for the Council to consider the form and content of the DCP prior to its finalisation and adoption. Importantly, Council's completion of the DCP is not dependent on endorsement from the NSW State Government and as such, Council may define the content of its DCP at its discretion provided that DCP remains consistent with higher order planning policy and legislation.

This approach is recommended as progress to public exhibition supports the alignment of Council's DCP policy with its Draft LEP. Further, the revision of the DCP is considered to be beneficial in updating Council's planning policy, consolidating policy and improving the structure and presentation of the DCP.

In considering the above, it is important to recognise that the timing for completion of the DCP is significant, as the absence of a DCP framework that aligns with the Draft LEP (upon its gazettal) may create substantial difficulties for industry, the community and Council in the development assessment process. Progress to public exhibition of the DCP is considered important at this time as the introduction of the new LEP for Ballina Shire is likely to occur before the end of 2012. Public exhibition of the DCP in the coming months provides an opportunity for Council to align its LEP and DCP for concurrent implementation which is the optimal outcome for consistency in the application of planning policy and processes.

2. Defer public exhibition of the Draft Ballina Shire Development Control Plan 2012.

Under this option Council may defer the DCP exhibition process. Deferral could be beneficial for Council to obtain further information or hold a workshop/s. However, this approach is not recommended given the extent of consultation undertaken to date, the importance of proceeding to exhibition in relation to the Draft LEP and that there is extensive opportunity for information gathering and workshopping to be undertaken in conjunction with a public exhibition period. If Council would like further workshop sessions associated with the DCP, it is suggested that these be undertaken at the same time as the public exhibition process.

3. Cease preparation of the Draft Ballina Shire Development Control Plan 2012.

9.2 Draft Ballina Shire Development Control Plan 2012

It is open to Council to cease further progress on the DCP review program. This option is not recommended as there are substantial advantages in completing the introduction of a new DCP that aligns with the Standard LEP as outlined in this report. A circumstance where Council's DCP does not align with the Standard LEP would create significant difficulties and uncertainty in the development assessment process for Council, applicants and the community.

RECOMMENDATION

That Council proceed to undertake the public exhibition of the Draft Ballina Shire Development Control Plan 2012, in accordance with the terms of the *Environmental Planning and Assessment Act* and the associated Regulation.

Attachment(s)

1. Draft Ballina Shire Development Control Plan 2012 (Under separate cover)

9.3 LEP Amendment - Bulky Goods Retailing Precinct

Delivery Program Strategic Planning

Objective To present Council with the findings of an options report and the content of a draft planning proposal in relation to the establishment of a bulky goods retailing precinct at the Southern Cross Industrial Estate and seek direction with respect to the referral of the planning proposal to the Department of Planning & Infrastructure for gateway determination.

Background

In response to representations made in relation to the permissibility of bulky goods retailing on certain land during the preparation of Council's Draft Ballina Local Environmental Plan 2010, Council identified bulky goods retailing as a matter requiring further and more detailed consideration as part of the LEP renewal program.

Council subsequently engaged consulting firm Hill PDA to carry out investigation and analysis with respect to bulky goods retailing and large format retailing (LFR) land uses in Ballina Shire. The primary purpose of the investigation and analysis was to inform the establishment of a land use planning framework for bulky goods retailing and LFR premises in Council's new Standard Instrument local environmental plan (Standard Instrument LEP) and Local Growth Management Strategy (LGMS). Hill PDA completed the preparation of the Ballina Shire Bulky Goods Retailing Investigation in January 2012. Hill PDA presented the outcomes of the report to a Councillor briefing held on 31 January 2011.

The findings of the study and recommendations made by Hill PDA in relation to the local planning framework and particularly the provisions of Council's local environmental plan were reported to Council's Ordinary Meeting held on 23 February 2012. At that meeting, Council resolved as follows [Minute No. 230212/21]:

1. *That Council notes the contents of the Ballina Shire Bulky Goods Retailing Investigation Report prepared by Hill PDA.*
2. *That Council proceed to implement a strategic planning framework for bulky goods retailing in Ballina Shire consistent with the recommendations in the Ballina Shire Bulky Goods Retailing Investigation report prepared by Hill PDA.*
3. *That Council proceed to prepare a planning proposal for the application of a suitable zone over Lot 951 DP 1 165266 and the proposed Lots 2 and 3 (as shown in attachment 2) at the Southern Cross Industrial Estate to facilitate a bulky goods retailing precinct.*
4. *That in the preparation of a planning proposal in accordance with point three, options be canvassed in relation to the co-location of large format retail uses with bulky goods premises.*

In May 2012, GeoLINK was engaged to prepare an options report (Attachment 1) and planning proposal to facilitate an LEP amendment (Attachment 2) in order to implement the strategic planning framework recommended in the Ballina Shire Bulky Goods Retailing Investigation report prepared by Hill PDA and in particular, progress items 3 and 4 of Council's resolution. This report presents Council with the work undertaken by GeoLINK to date and outlines options associated with the further progress of the proposed LEP amendment.

Key Issues

- Approach to large format retailing (LFR) land uses.
- Progress of the Bulky Goods Retailing Precinct Planning Proposal.

Information

GeoLINK was engaged in May 2012 to prepare a planning proposal, on Council's behalf, for a bulky goods retailing precinct at Southern Cross Industrial Estate, Ballina. The key objectives of the project were to:

- Identify a preferred land use zoning option for the identification of a bulky goods precinct at Southern Cross Industrial Estate;
- Determine whether, having regard for the current Standard Instrument LEP, LFR land uses can be accommodated within the bulky goods precinct, and if so, the scope of such uses and associated mechanism(s) for permissibility; and
- Implement the strategic planning framework for bulky goods retailing consistent with the recommendations in Ballina Shire Bulky Goods Retailing Investigation report prepared by Hill PDA and Council's associated resolution.

Options Report

The first stage of the project involved the identification of options for the application of land use zones to facilitate the provision of a bulky goods retailing precinct within Southern Cross Industrial Estate (being on the land described in Council's resolution and shown in the planning proposal contained in Attachment 2), and consideration of large format retailing (LFR) land uses. Specifically, this stage included the following:

- Consideration of the land use zoning options available to facilitate the introduction of the bulky goods retailing precinct including, but not necessarily limited to, the B5 Business Development Zone.
- Consideration of the range of land uses within the zone(s) identified above.
- Consideration of LFR land uses and whether they are appropriate in the proposed bulky goods retailing precinct having regard for the current planning framework and Standard Instrument LEP definition set.
- In the event that LFR land uses were identified as an appropriate land use within the bulky goods retailing precinct, identify mechanisms for permissibility and any parameters or limitations that should apply to LFR land uses.

9.3 LEP Amendment - Bulky Goods Retailing Precinct

- Preparation of a brief report detailing the above considerations and options and identification of a preferred option.

The Proposed Bulky Goods Retailing Precinct Options Report (the Options Report) prepared by GeoLINK is provided at Attachment 1.

The report notes that LFR land uses are not specifically defined under the Standard Instrument LEP. However, such uses could be considered to fall within the definition of commercial premises, retail premises and / or shops. The Hill PDA report notes that LFR premises can be described in general terms as a “physically large retailer”. For the purposes of the Options Report, LFR is considered to comprise general retail use with a floor space in excess of 1,000m², where the goods for sale or hire do not have the requirements described in the bulky goods premises definition (i.e. by their nature, the goods do not necessarily require a large space). Examples include Aldi, Dan Murphy’s, Coles, Woolworths and JB Hi-Fi.

By way of comparison, the Standard Instrument LEP defines bulky goods premises as follows:

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

The distinction between LFR and bulky goods premises is important to note. Whilst bulky goods premises are a form of LFR, bulky goods premises are defined based on specific criteria under the Standard Instrument LEP, whereas LFR is not so defined and incorporates a much wider range of commercial activities. This report and the associated recommendations consider the two concepts separately.

The Options Report recognises that the existing settlement patterns within the current retail centres in Ballina Shire prevent the economic development of such large shops given the general requirement to amalgamate a number of existing sites to facilitate uses. It also states that unlike bulky goods premises, LFR outlets are more likely to be larger versions of retail types located in the existing town centre. While it is important not to introduce controls which limit competition, the Options Report notes that it is “...a long accepted planning principle to strategically plan future zonings to protect and enhance town centres”.

9.3 LEP Amendment - Bulky Goods Retailing Precinct

Permitting LFR land uses on the site may draw retail operators away from existing centres, as the lower capital / land / operating costs available outside existing retail centres results in the opportunity for cheaper leasing arrangements. This also has the potential to reduce the availability of land for bulky goods retailing uses which may then impact adversely on the adopted strategy of establishing a bulky goods retailing precinct at the site the subject of Council's resolution.

The Options Report identifies the following options in relation to LFR land uses:

1. Adopt a zoning that provides for LFR uses in addition to bulky goods premises; or
2. Adopt a more restrictive zoning that permits bulky goods premises, but prohibits LFR.

With respect to option 1, in the event that the B5 Business Development zone is applied to the land, LFR land uses can be accommodated by permitting 'shops'. The inclusion of an additional local provision in Part 7 of Council's Standard Instrument LEP to require a minimum floor space of 1,000m² for shops in the B5 zone would also be necessary to ensure only LFR uses are permitted as opposed to smaller scale retail outlets. Alternatively, it may be possible for LFR to be included in Schedule 1 of the draft LEP as an additional permitted use on the subject land.

In the event that the B5 Business Development zone is not applied to the land, there are other business zones that could be applied to the land that permit both bulky goods retail premises and shops, including the B2 Local Centre, B3 Commercial Core and B4 Mixed Use. It is noted, however, that these other business zones do not specifically target bulky goods premises and the intent to create a bulky goods precinct may not be realised as a result. A local provision to limit shops to those with a floor space greater than 1,000m² will be required if this approach is adopted.

The second option identified in the report is to adopt a more restrictive zoning that permits bulky goods premises but prohibits more general LFR. The application of the B5 Business Development zone including shops as a prohibited land use will achieve this.

The Options Report concludes that the key concern with LFR land uses is that "...they generally duplicate the type and range of existing retail within the town centre, albeit at a larger size" and that, as a result, enabling these uses to establish outside existing centres will have a direct and potentially detrimental impact on those centres. It is noted that retailing in Ballina is already fragmented and an increase in fragmentation is not a desirable planning outcome.

On the basis of the above, the Options Report recommends that LFR land uses not be included in the planning proposal for a bulky goods retailing precinct at the Southern Cross Industrial Estate.

Separate to the matter of LFR, the report identifies the following land use zoning options to facilitate the introduction of a bulky goods retailing precinct within the Southern Cross Industrial Estate:

9.3 LEP Amendment - Bulky Goods Retailing Precinct

1. Adopt one of the existing business zones that allow for bulky goods premises as a permissible use amongst a range of other retail and commercial uses (B2 Local Centre, B3 Commercial Core or B4 Mixed Use zones); or
2. Adopt a zone that is more specifically aimed at bulky goods, i.e. B5 Business Development.

The business zones presently identified in Council's Standard Instrument LEP that allow for bulky goods premises as a permissible land use include B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones. The objectives of these zones do not specifically identify bulky goods premises and the broader nature of these zones may not result in achieving a bulky goods precinct on the land.

The B5 Business Development Zone contains a mandated zone objective as follows:

To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

Bulky goods premises are mandated as permissible with development consent in the B5 Business Development Zone. The other uses mandated as permissible with development consent in the B5 Business Development zone are less extensive than those mandated in the other business zones and the potential for uses other than bulky goods land uses on the site is therefore considered to be less likely.

The Options Report recommends that the land the subject of Council's February 2012 resolution be zoned B5 Business Development and that the land use table for this zone, as set out in the Standard Instrument LEP, be incorporated into Council's Standard Instrument LEP. The report also recommends the addition of a number of complementary permissible land uses including advertising structures, kiosks, restaurants and cafes, take away food and drink premises and signage. It is recommended that any development not identified as permitted with or without development consent in the zone be prohibited. The recommendation will have the effect of prohibiting general commercial / retail / shop land uses within the zone other than those specifically identified as permissible with development consent.

In addition to the above, it is also recommended that a minimum lot size for subdivision of 1ha be applied to the land to ensure relatively large lot sizes in support of large footprint bulky goods premises are maintained.

The Options Report addresses the relevant considerations in relation to the issue of LFR uses and the land use zoning options available to facilitate the introduction of a bulky goods precinct within the Southern Cross Industrial Estate. The recommendations made in the options report are considered to be the most appropriate way of delivering the intended planning outcome.

Planning Proposal

The planning proposal prepared by GeoLINK is based on the recommendations of the Options Report and is provided at Attachment 2.

The planning proposal seeks to introduce the B5 Business Development zone into Council's Standard Instrument LEP (currently known as the Draft Ballina LEP 2011), primarily as contained in the Standard Instrument – Principal Local Environmental Plan but with a small number of additional items being identified as permitted with development consent in the zone. The planning proposal seeks to apply the B5 Business Development zone to the subject land in order to establish a bulky goods retaining precinct at the Southern Cross Industrial Estate.

The planning proposal is consistent with Council's resolution made at its Ordinary Meeting of 23 February 2012 [Minute No. 230212/21] to proceed to implement a strategic planning framework for bulky goods retailing in Ballina Shire consistent with the recommendations in the Ballina Shire Bulky Goods Retailing Investigation report prepared by Hill PDA.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Bulky goods retailing is a significant, and apparently growing, part of the retail sector in the shire. Council has an opportunity to recognise this aspect of retailing and the potential benefits to the community through its local planning framework.
- **Economic**
The planning proposal is consistent with Council's resolution to plan for the projected demand for bulky goods retailing having regard for economic activity and outcomes in the shire.

Legal / Resource / Financial Implications

In the event that Council resolves to proceed with the referral of the planning proposal to the Department of Planning & Infrastructure for gateway determination there will be associated staff resource implications. However, further processing of the planning proposal can be accommodated within existing available resources.

Consultation

Should the gateway determination indicate that the planning proposal is suitable to proceed, the planning proposal will be publicly exhibited in accordance with the requirements of the gateway determination and the terms of the *Environmental Planning & Assessment Act* and associated Regulation.

The concept of a bulky goods retailing precinct has been the subject of consideration by Council since 2004. Most recently, the concept has been the subject of stakeholder engagement as part of the preparation of the Ballina Shire Bulky Goods Retailing Investigation report prepared by Hill PDA (January 2012).

9.3 LEP Amendment - Bulky Goods Retailing Precinct

Should the planning proposal proceed to exhibition, there will be a further opportunity for stakeholders including bulky goods and LFR operators and the landholders (including Council's Commercial Services Unit) to make submissions to Council in relation to the proposed LEP amendment.

Options

1. Proceed with the planning proposal incorporating the recommended application of the B5 Business Development zone to Lot 951 DP 1165266 and the proposed Lots 2 and 3 at the Southern Cross Industrial Estate to facilitate a bulky goods retailing precinct.

This option is the recommended course of action as it is consistent with Council's adopted policy approach and is considered most likely to result in the intended planning outcome in relation to bulky goods premises within Ballina Shire.

2. Amend the planning proposal to apply an alternative business zone to Lot 951 DP 1165266 and the proposed Lots 2 and 3 at the Southern Cross Industrial Estate to facilitate a bulky goods retailing precinct.

This option is not considered to be the preferred the option given the potential for land uses other than bulky goods premises to locate within the precinct given the broad nature of other land uses permitted within the zones.

3. Not proceed with the planning proposal to facilitate a bulky goods retailing precinct at Southern Cross Industrial Estate at this time.

This option is not recommended given the adopted policy position of Council in relation to a preferred land use planning framework for bulky goods premises and the resources expended to date on its implementation.

RECOMMENDATIONS

1. That Council proceed with the referral of the planning proposal for the Southern Cross Industrial Estate Bulky Goods Precinct, based on the application of a B5 Business Development zone to the subject land, to the Department of Planning & Infrastructure for gateway determination.
2. That in the event that the gateway determination enables the planning proposal to proceed, the planning proposal be placed on public exhibition in accordance with the requirements of the gateway determination.

Attachment(s)

1. Options Report - Proposed Bulky Goods Retailing Precinct Southern Cross Industrial Estate Ballina (GeoLINK May 2012)
2. Draft Planning Proposal (June 2012) - Southern Cross Industrial Estate Bulky Goods Precinct

9.4 LEP Amendment - Southern Cross Precinct Expansion

9.4 LEP Amendment - Southern Cross Precinct Expansion

Delivery Program Strategic Planning

Objective To seek direction from Council with respect to a request to amend the Ballina Local Environmental Plan to enable expansion of urban land uses adjacent to the Southern Cross Industrial Estate.

Background

Ardill Payne & Partners has submitted a request to amend the Ballina Local Environmental Plan on behalf of Ballina Shire Council's Commercial Services Unit. The proposal seeks to "rezone land for urban purposes so as to permit a range of urban uses (including light industrial, bulky goods, live/work, commercial, airport related etc.)". The land to which the request relates is identified as Part Lots 3-6 DP 123781, Lots 3-4 DP 872303, Lot 2 DP 833513, Lot 8 DP 793980 and Part Lot 7 DP 1043261, Corks Lane and Southern Cross Drive, Ballina. The LEP amendment request, including plans showing the subject land, is provided at Attachment 1.

The subject land is presently zoned 1(b) Rural (Secondary Agricultural Land) Zone in accordance with the provisions of Ballina Local Environmental Plan 1987 (BLEP 1987) and is proposed to be zoned RU2 Rural Landscape Zone in accordance with the provisions of Draft Ballina Local Environmental Plan 2011 (draft LEP 2011).

The land the subject of the request forms part of the land to which Council's Southern Cross Precinct Master Plan 2008 (SCMP) applies. The SCMP was prepared by GeoLINK on behalf of Council and adopted in February 2008.

Key Issues

- Strategic Planning Framework including SCMP & Far North Coast Regional Strategy (FNCRS).
- Appropriate application of zones.
- Further information requirements.

Information

Ardill Payne & Partners submitted the subject LEP amendment request on 30 May 2012 on behalf of Ballina Shire Council's Commercial Services Unit. The proposed LEP amendment identifies the following objectives:

The objectives of this submission are to rezone the land in a manner that is generally consistent with the Southern Cross Precinct Master Plan, being:

- 1. To enable the future development for a broad range of industrial/enterprise/commercial type uses and in particular uses that may be ancillary or complementary to the Ballina Byron Gateway Airport.*
- 2. To enable the development of urban land uses, infrastructure and services to be developed around the existing airport transport infrastructure hub.*

9.4 LEP Amendment - Southern Cross Precinct Expansion

3. *To integrate the Ballina Airport Precinct with the Southern Cross Master Plan Precinct to create mutual benefits for the airport and town to further enhance opportunities for economic growth and employment generation that have been created through recent developments within the Precinct.*
4. *To ensure that the local road network is designed, upgraded and integrated so as to provide a safe, efficient, accessible and practical service provision to the land from the surrounding towns and villages.*

The outcomes resulting from proceeding with the LEP amendment are identified by Ardill Payne and Partners as including:

- a. *Urban uses including enterprise, bulky goods, light industrial commercial, live/work and comparable uses.*
- b. *To provide increased employment lands (including possible live/work opportunities).*
- c. *Stormwater treatment/polishing (where required or appropriate).*
- d. *Conservation of environmental and ecologically sensitive areas (where required or appropriate).*

Given the status of draft LEP 2011, it is likely that the subject proposal, if it proceeds, will comprise an amendment to the gazetted LEP 2011. On this basis the proposal has been formulated to be consistent with the new LEP framework in terms of definitions and land use zones.

The proposal seeks to rezone the subject land to the B6 Enterprise Corridor Zone. It also seeks to apply a minimum allotment size of 1,000m² for Torrens title subdivision. The proposal also notes that any identified environmentally or ecologically sensitive areas will be zoned E2 Environmental Conservation.

The proposal outlines the provisions of the SCMP as they relate to the subject land and notes that the SCMP identifies the following possible land use components for the land:

- future industrial area with conventional 50m x 25m lots
- new airport link road
- realigned road to facilitate the design of the North Creek Road intersection
- live/work precinct
- existing and expanded environmental protection areas and open space corridors
- existing and expanded bicycle track network
- existing and expanded drainage network

Significantly, it appears that the B6 Enterprise Corridor Zone is proposed over land adjacent to the airport identified as “future airport related industry and infrastructure subject to airport specific master planning” in the SCMP.

The proposed zoning of the land for urban purposes is generally consistent with the SCMP. The land is also identified in the FNCRS as “employment lands” and “proposed future urban release area”.

While the zoning of the land for urban purposes (and particularly employment based land uses) is considered to be appropriate in principle, further work should be undertaken to determine the appropriate zone or zones that should be applied to the land and the extent of such zones. In this regard the SCMP generally envisages an industrial zone for the land. In the event that an industrial zone is not applied to the land, further consideration needs to be given to the implications of the application of a B6 Enterprise Corridor, or indeed an alternative business zone, to some or all of the land.

The proposal indicates that a number of potential constraints may also apply to the land including ecological constraints, acid sulfate soils, impacts on agriculture, potential contamination of the land from past land uses, geotechnical issues, flooding, stormwater, mosquitoes, bushfire hazard, archaeology/cultural heritage, ANEF contours, road traffic noise, infrastructure servicing and roads and traffic.

While it is the intent of the LEP amendment (planning proposal) process to not require proponents to undertake detailed technical studies prior to the formal decision to proceed with a rezoning proposal, it is considered that the preliminary consideration of some of the potential issues identified could be expanded to better inform the preparation of a formal planning proposal for the consideration of the Department of Planning and Infrastructure and the community. For example, the areas identified as potentially having ecological value should be identified on the plans accompanying a planning proposal and their attributes described in the supporting documentation. Similarly, given the flooding work undertaken by Council in recent years, the nature of the affectation of the land and the proposed response to address the potential impacts should be identified.

The plans submitted with the proponent's proposal should also be amended to more clearly identify the land to which the proposal relates including legal property descriptions and cadastral boundaries.

Having regard for the above issues, it is considered appropriate to proceed with the preparation of a planning proposal subject to the resolution of the issues identified above. That is, further consultation with the applicant and the provision of additional material should be undertaken and the matter reported back to Council for consideration, prior to a planning proposal being prepared by Council and forwarded to the Department of Planning and Infrastructure for gateway determination.

Sustainability Considerations

- **Environment**
The proposal states that further investigation is required to determine the ecological attributes of the land.
- **Social**
The rezoning of the land for employment related purposes is likely to result in positive social impacts on the community.

- **Economic**

The proposal to rezone the land for urban purposes (and particularly employment purposes) is generally consistent with Council's strategic planning framework for the area and is likely to result in positive economic activity and outcomes in the shire.

Legal / Resource / Financial Implications

In the event that Council resolves to proceed with the planning proposal there will be associated staff resource implications. In this regard, the detailed assessment and compilation of environmental study documentation (where required) may be undertaken by a Council appointed third party at the proponent's cost.

The processing of the LEP amendment request, if it proceeds, will be subject to the requirements of the *Environmental Planning and Assessment act* and the associated Regulation.

Consultation

There has been no community engagement regarding the LEP amendment request to date. However, should the Council proceed to prepare and submit a planning proposal to the Department of Planning and Infrastructure, and the Department's gateway determination results in a decision to proceed with the rezoning, the planning proposal will be publicly exhibited in accordance with the requirements of the gateway determination and the requirements of the *Environmental Planning and Assessment act* and the associated Regulation.

Options

1. Proceed with the planning proposal incorporating the requested application of the B6 Enterprise Corridor Business Development zone to the subject land.

This option is not the recommended course of action as it is considered that further work needs to be undertaken to determine the appropriate zone(s) to apply to the land, particularly having regard for permitted land uses. The SCMP envisages an industrial zone for the land and the implications of any variation from the SCMP should be considered.

It is also suggested that further consideration regarding the relationship between the subject land and the Ballina Byron Gateway Airport as well as further analysis of key environmental considerations is required prior to the preparation of a planning proposal.

2. Proceed with the planning proposal to zone the subject land to enable urban land uses focussed on employment outcomes with the application of the appropriate zone(s) to be determined following the provision and consideration of further information.

Importantly, this option involves not only consideration of urban zones, but also the suitability of environmental protection zoning of land as part of the overall LEP amendment process.

9.4 LEP Amendment - Southern Cross Precinct Expansion

This option is the preferred approach as it will indicate a clear intent to proceed with the urban zoning of the land based on employment land uses while enabling further consideration of the appropriate land use zone(s) to apply to the subject land. The provision of additional information will also assist in refining the planning proposal.

Under this approach, further information would be sought from the proponent in relation to the justification of the proposed B6 Enterprise Corridor Zone, the relationship between the proposed land use outcomes and the Ballina Byron Gateway Airport and the key environmental characteristics of the land.

Following receipt of a suitable level of documentation, staff would proceed to prepare a planning proposal (outlining a proposed land use zoning arrangement) for the further consideration of the Council.

3. Not proceed with the planning proposal to zone the subject land for urban purposes at this time.

This option is not recommended given the adopted policy position of Council in relation to the Southern Cross Industrial Estate includes the zoning of the subject land for urban purposes.

RECOMMENDATIONS

1. That Council proceed to prepare a planning proposal to enable urban land uses focussed on employment based activities on land between the existing extent of the Southern Cross Industrial Estate, Corks Lane and the Ballina Byron Gateway Airport.
2. That the type and extent of land use zoning under the planning proposal be determined having regard for both employment and environmental outcomes and following the provision and consideration of further information from the applicant in relation to the land uses proposed and the characteristics of the site.
3. That the planning proposal be reported to Council for consideration prior to referral to the Department of Planning & Infrastructure for gateway determination.

Attachment(s)

1. Planning Proposal to rezone land for urban purposes at Corks Lane and Southern Cross Drive, Ballina, prepared by Ardill Payne & Partners (May 2012)

9.5 Koala Plan of Management

9.5 Koala Plan of Management

Delivery Program Strategic Planning

Objective To seek direction from Council with respect to the preparation of a Comprehensive Koala Plan of Management for Ballina Shire.

Background

The koala (*Phascolarctos cinereus*) is listed as a vulnerable species under the NSW *Threatened Species Conservation Act* (TSC Act). The NSW koala population was also recently listed as vulnerable under the Commonwealth *Environment Protection and Biodiversity Conservation Act* (EPBC Act). Given this, the koala is recognised in relation to land use planning and natural resource management under both State and Federal legislation as a vulnerable fauna species.

State Environmental Planning Policy No.44 - Koala Habitat Protection establishes a framework for the consideration of koala populations and habitat in the development assessment process. The policy operates on the basis of consent authorities having an understanding of koala habitat areas in relation to proposed development and the application of a koala plan of management (either property based or shire-wide/ comprehensive) in relation to areas of core koala habitat. Although there are records of koala populations located within Ballina Shire, there is presently no Comprehensive Koala Plan of Management (CKPOM) applying within the shire.

In response to the public exhibition of the Draft Ballina Local Environmental Plan 2010 in 2010 (Council's first LEP exhibition period), a number of biodiversity considerations were raised in submissions. In particular, matters associated with habitat corridors, riparian areas and koala habitat were addressed, with mapping projects being recommended outcomes arising from the submissions analysis. More specifically, Council resolved to endorse the preparation of a biodiversity strategy or similar document that includes comprehensive mapping of the shire's ecological attributes [Minute No.260511/23], being a recommendation arising from the Environmental and Sustainability Committee meeting held on 17 and 19 May 2011.

Based on the above resolution, staff has monitored opportunities to seek external funding to support either the preparation of a complete biodiversity strategy for the shire or alternatively, address the ecological matters identified as warranting further consideration during the LEP renewal program. In the absence of external funding, Council has been unable to progress a biodiversity strategy as there is presently no suitable funding stream available within Council's budget.

With respect to the matter of koala habitat, an opportunity has arisen for Council to access external funding to prepare a CKPOM, being a shire based koala plan of management. The Office of Environment and Heritage (OEH) has identified Ballina Shire as a priority area for koala conservation and is proposing to provide up to \$50,000 for koala population surveys and habitat mapping in the 2012/13 financial year and up to \$30,000 in the 2013/14

9.5 Koala Plan of Management

financial year to progress a comprehensive koala plan of management under State Environmental Planning Policy No.44. No funding commitment is required by Council to access the OEH funds, although Council would be required to meet any shortfall in funding to complete the mapping and plan of management projects.

Given the availability of funding through the OEH and Council's decision regarding biodiversity considerations arising from the LEP renewal program, direction is sought from Council with respect to the preparation of a CKPOM for Ballina Shire.

Key Issues

- Preparation of a Comprehensive Koala Plan of Management.
- Availability of enhanced ecological data and mapping for Ballina Shire.
- Advancement of biodiversity planning for Ballina Shire.

Information

State Environmental Planning Policy No.44

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) is an Environmental Planning Instrument under the *Environmental Planning and Assessment Act* that came into effect in 1995. SEPP 44 applies to local government areas in NSW where koalas are found and its objective is to halt the decline in koala populations and to provide for the recovery of the species. The policy encourages the protection and management of natural vegetation that provides food and habitat for koalas. The policy applies to any development application (DA) relating to land under the same ownership that has an area greater than 1 hectare, and where 'potential' and/or 'core' koala habitat (as defined in the SEPP) is found. In cases where such a DA proposes to disturb 'potential' or 'core' koala habitat, the DA assessment pathway identified in SEPP 44 must be followed.

More specifically, SEPP 44 requires that in determining a development application that is subject to the provisions of the SEPP, a consent authority must apply the following process:

1. If land contains potential koala habitat, the consent authority must then determine if the land comprises core koala habitat.
2. If land contains core koala habitat, the consent authority must then assess the application for development in relation to a koala plan of management.
3. Where an application is assessed in relation to a koala plan of management, the development must not be inconsistent with the plan of management.

Importantly, where core koala habitat is identified in a development assessment process, the consent authority cannot grant consent to an application unless there is a koala plan of management applying to the land. This means that any development proposed in an area of core koala habitat (where SEPP 44 applies) cannot presently be approved in the absence of a koala plan of management. Where there is no CKPOM, individual development proponents are responsible for preparation of site specific plans

9.5 Koala Plan of Management

of management to meet the requirements of SEPP 44. It should be noted that the provisions of SEPP 44 do not apply to development that does not require consent.

Comprehensive Koala Plan of Management

A CKPOM utilises ecological data and assessment to establish a policy framework for koala management on a shire wide basis. It is advantageous to establish a CKPOM on a holistic basis (rather than ad hoc in response to a development proposal on a particular parcel of land) to address the procedural requirements of SEPP 44 in addition to providing for comprehensive strategic planning in relation to biodiversity matters. Overall, the advantages of a CKPOM for the shire (or part thereof) include:

- Access to specific mapping and data to aid in decision making in relation to development proposals involving koala habitat.
- Provision of a strategic and coordinated approach to the management of koalas and their habitat.
- Opportunity to reduce the resources required to process individual DAs.
- Facilitation of government, non-government and community involvement in koala conservation in the Ballina Shire LGA.
- Removal of the need for applicants to prepare an individual koala plan of management (if required).
- Provision of transparent procedures and guidelines for assessing a DA in relation to koala populations and habitat.
- Documentation of requirements to compensate the loss of preferred koala food trees and preferred and core koala habitat.

For Council, the preparation of a CKPOM also provides an opportunity for collation of enhanced mapping and data in relation to ecological attributes in the shire and a variety of community education outcomes.

A koala plan of management generally contains information about koala populations and koala habitat, threats to koala populations and management measures for consideration in the development assessment process. As such, a koala plan of management is both a resource as well as a planning tool.

Preparation of a Comprehensive Koala Plan of Management

Based on discussions with the OEH and staff from Tweed, Byron and Lismore councils, the preparation of a CKPOM typically involves two phases. The first phase is the preparation of comprehensive mapping of koala habitat and analysis of the koala population within a defined study area. This phase would need to be undertaken by ecological consultants. The second phase involves the preparation of a plan of management based on the scientific information collected as part of the mapping and population analysis. This phase may be undertaken by Council and/or a consultant. Models used by other councils have included engagement of a community reference group or advisory group to participate in the preparation of the plan.

9.5 Koala Plan of Management

Significantly, the first phase of the project, being habitat mapping and population analysis will have substantial utility beyond the plan of management process. Such mapping will augment Council's existing vegetation mapping and can be utilised to examine and assess ecological considerations more broadly. To date, Council has had limited resources to obtain this kind of mapping on a wide scale basis in the shire. Such mapping could also feed into a broader biodiversity study for the shire, thereby contributing the delivery of such a strategy for which there is presently no funding available.

With respect to the funding offered by the OEH, discussions with Tweed, Byron and Lismore councils indicate that Ballina Shire would likely complete a Koala Plan of Management process with consultant support within the total of \$80,000 in funding that the OEH has advised is available. To access the funding, the OEH requires a commitment from Ballina Shire Council to progress towards the preparation of a CKPOM, establishment of a suitable study area and establishment of an advisory group including community representation. If preparation of a CKPOM is endorsed by the Council, staff would also prepare a project plan and undertake necessary processes to engage suitably qualified consultant resources to support the delivery of the project.

Given the limited information available in relation to koala populations in Ballina Shire, the opportunity to obtain additional mapping data, the requirements of SEPP 44, the funding offered by OEH and the vulnerable listing of the koala in NSW under the TSC Act and EPBC Act, it is recommended that Council endorse preparation of a Comprehensive Koala Plan of Management for Ballina Shire.

Sustainability Considerations

- **Environment**
The preparation of a CKPOM provides an opportunity to enhance ecological information and associated management measures available to Council.
- **Social**
The preparation of a CKPOM provides an opportunity to increase community awareness and knowledge with respect to koalas in Ballina Shire.
- **Economic**
The preparation of a CKPOM provides an opportunity to streamline the development assessment process and removes the need for individual land holders to prepare such plans.

Legal / Resource / Financial Implications

A CKPOM would be prepared consistent with the provisions of SEPP 44. Based on the funding offered by the OEH, the plan of management process can be accommodated within available staff resources.

Consultation

It is envisaged that the preparation of a CKPOM will incorporate a community advisory group including both government agency and stakeholder representatives. It is also envisaged that the plan of management process will include public exhibition of the management plan once compiled.

Options

1. Endorse preparation of a Comprehensive Koala Plan of Management for Ballina Shire.

Endorsement of preparation of a CKPOM would provide for the preparation of both habitat mapping/ population analysis and a plan of management. It is anticipated that the habitat mapping/ population analysis phase would occur over a period of 6-9 months, with the plan of management process likely to take a further 12 months to complete. Importantly, the first step in the process will be to define a suitable study area having regard for the extent of koala habitat, likely locations of koala populations and available funding resources.

The preparation of a CKPOM for the shire is advantageous as it provides for a coordinated and strategic approach to the management of koalas and their habitat in relation to development. It also supports the development assessment process by providing a clear and transparent policy in relation to koala management in the shire. Importantly, a State Government funding stream is also available to support delivery of this project.

A key disadvantage may be landholder concern regarding additional regulation associated with the plan of management. However, there is an existing requirement for development proponents to consider impacts on koala populations under SEPP 44 and by virtue of the listing of the koala as a vulnerable species in NSW under the Commonwealth EPBC Act. A CKPOM could assist the development assessment process by removing the need for individual landholders to prepare a plan of management under SEPP 44 and through provision of shire-wide, science based management provisions for consideration.

Endorsement of preparation of a comprehensive koala plan of management is recommended, subject to the provision of funding from the OEH in the amount of up to \$50,000 in 2012/13 and \$30,000 in 2013/14.

2. Decline the offer of funding from the OEH and the associated preparation of a Comprehensive Koala Plan of Management for Ballina Shire.

This option involves taking no further action with respect to the preparation of a CKPOM. The principal disadvantages of this approach are, firstly, that the requirement for koala plans of management (where necessary under SEPP 44) will rest with individual landholders which does not engender a strategic approach to koala management and, secondly, Council will forego the opportunity to enhance its ecological data set and koala management practices through a State Government funding source.

This option is not recommended on the basis of the advantages outlined in relation to option 1.

RECOMMENDATIONS

That Council endorse the preparation of a Comprehensive Koala Plan of Management for Ballina Shire based on the provision of funding support from the NSW Office of Environment and Heritage.

Attachment(s)

Nil

9.6 Policy (Review) - Public Art

9.6 Policy (Review) - Public Art

Delivery Program Community Planning

Objective To invite the Council to provide direction in its review of the current Public Art Policy.

Background

On several occasions in recent months, Council has discussed its current Public Art Policy. This is a matter which appears to be of particular interest to the Council and staff have been endeavouring to prepare a revised draft policy which effectively captures the mechanisms that Council wishes to apply to secure additional public art within the shire and promote its cultural values.

Most recently, a report was presented to the Council's Ordinary Meeting held on 24 May. Council preferred to withhold its further consideration of options at that meeting pending a workshop to discuss the matter in more detail. This workshop was held on 19 June and the following report provides a brief overview of the key points discussed.

Based on the Councillor discussions, a revised draft Public Art Policy has been prepared and is attached to this report. If the Council is satisfied with its content, the draft document would be exhibited for public comment and the outcomes reported back to Council in due course.

It is noted that a copy of the existing Public Art Policy has previously been distributed to Councillors.

Key Issues

- Means of delivery of public art.
- Opportunities to contribute to the improvement of some of the shire's public spaces.

Information

Staff acknowledges the Council's keen desire to increase the provision of public art in the shire and the revised policy will be the primary vehicle to deliver these improved outcomes. In addition to the new draft policy however, (discussed further below) two other means are also being proposed, as follows:

1. Staff has been liaising with representatives of Essential Energy following that organisation's offer to fund the painting of its power boxes which are located in various locations as part of its distribution network. Under this arrangement, Essential Energy is the owner of the infrastructure and the funding supplier, whilst Council staff is organising the community groups to undertake the artwork on the individual power boxes. The first group to be contacted, and which has indicated its keen interest to participate, is Ballina District Community Services Association, though we will be looking to engage

with other groups as well. Roles and responsibilities of respective parties, selection arrangements for art work etc will be documented in an attempt to streamline the procedures, potentially for broader application elsewhere;

2. As has been stated in earlier reports to the Council, public art projects (predominantly murals) have been undertaken previously on Council infrastructure, but these have been done without any documented framework being in place. A draft procedure has been prepared for the General Manger's consideration which outlines matters to be taken into consideration for community groups approaching Council with individual projects in mind. Some of these past examples include the mural on the Lennox Head water reservoir, the Aboriginal mural on the East Ballina pedestrian underpass and the mural on the Saunders Oval public amenities.

The Councillor workshop held on 19 June has been used as a basis for revising the Public Art Policy which has operated since August 2005. The key changes now made include the following:

- The format of the document has been aligned with the Council's standard template for policy documents;
- The obligations for proponents of certain types of developments in particular locations to provide art pieces within their development has been retained. However, the option has been provided for the proponents to contribute toward art pieces on public land instead of their private property;
- The obligation for Council's larger public infrastructure projects (such as sewer, water supply and road upgrading projects) to contribute toward the provision of public art has been removed. However, public art will be considered as an integral component of civic enhancement projects (such as future town centre upgrades) and in the preparation of plans of management for public land in prominent locations (eg foreshore reserves).
- Provision will be made in Council's annual budgetary processes for a direct financial allocation toward the delivery of public art. It will be a matter for the Council to determine the size of the annual allocation, just as it does with other votes;
- The membership and role of the proposed Public Art Advisory Panel has been reviewed and modified. It is proposed that membership will comprise three Councillors (voting – one from each ward), a representative from Arts Northern Rivers as the peak community art body in the region (voting) and two Council staff members (Manager Open Spaces and Reserves and Gallery Co-ordinator – non-voting). A draft *Terms of Reference* for the panel has been prepared (attached). In general terms, it is suggested the panel would make recommendations to the General Manager, hopefully on a consensus basis, about the priorities for allocation of available funds for public art, conduct artist selection, prepare promotional literature regarding public art etc.
- Grant funding opportunities should continue to be explored to implement public art.

Councillors who attended the recent workshop will recall the discussion relating to the proposed collection of public art funds through a broadly applied Section 94 developer contributions plan. This approach is not recommended at this time principally because:

- a. The current challenging economic conditions for the development sector are not conducive to imposing 'discretionary' costs (and these additional costs would inevitably be passed on);
- b. Council's current contributions plans are limited by the existing cap imposed by the State Government; and
- c. The need for apportionment of contributions between existing demand (funded by Council) and demand from future development would mean that a plan would not be particularly effective.

At the Councillor workshop, the option of using funds generated from Council's commercial activities toward the provision of public art was also discussed. Upon reflection, this option is not recommended as it is considered preferable to maintain a clear distinction between Council's operational functions and its entrepreneurial activities.

Sustainability Considerations

- **Environment**
Public art has the potential to enhance the environmental, social and economic wellbeing of communities. Art pieces can reinforce a 'sense of place' within different parts of our shire and can complement landscaping, furnishings and the general embellishment of our public places.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

The draft revised public art policy does not impose any additional, legal, resourcing or financial burdens on Council or the community. The exception to this would be the establishment of a new line item in Council's annual budget for a public art allocation. The size of each allocation will require the endorsement of the elected Council.

Consultation

If Council adopts the recommendation contained in this report, the revised draft public art policy will be exhibited for public comment.

Options

It is open to Council to exhibit the draft policy as submitted, modify it or decline to exhibit it.

9.6 Policy (Review) - Public Art

Exhibition of the submitted draft document is the recommended course of action, it being understood that it captures the key views of Councillors expressed at the recent workshop. It is also recommended that if no submissions are received from the exhibition process, the policy be adopted with no further actions required.

Overall the revised public art policy, when complemented with the impending agreement between Council and Essential Energy and the procedure for providing for public art on Council's infrastructure, will have the potential to deliver the community benefits that Council is looking for.

RECOMMENDATION

That Council place the draft Public Art policy, as attached to this report, on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then the policy is considered to be adopted.

Attachment(s)

1. Draft Public Art Policy
2. Public Art Advisory Panel - Terms of Reference (sample)

9.7 Northern Rivers Catchment Action Plan - Update

9.7 Northern Rivers Catchment Action Plan - Update

Delivery Program Strategic Planning

Objective To seek direction from Council regarding provision of a submission to the Northern Rivers Catchment Action Plan update.

Background

The Northern Rivers Catchment Action Plan was developed by the then newly formed Northern Rivers Catchment Management Authority (NRCMA) in 2004 as a ten-year plan. The NRCMA has begun a review of the plan that has now been in place for a number of years and is undertaking a community consultation process to which Council is invited to provide a submission. This review is known as the Northern Rivers Catchment Action Plan update (CAP2).

The Natural Resources Commission, which is an independent body providing advice to the NSW Government, has set up a framework for CMAs to work within which specifically requires them to engage with local government in the writing, development and execution of the new Catchment Action Plan (known as CAP2).

Staff have prepared a draft submission to CAP2 having regard for Council's involvement with the NRCMA and the potential for future interaction (Attachment 1).

Key Issues

- Opportunity for Ballina Shire Council (and local government in general) to work with the NRCMA and access resources.
- Catchment management goals and opportunities.

Information

A number of issues have been identified for the consideration of the NRCMA in preparing CAP2. In this regard, a submission to the CAP2 process is provided in Attachment 1 for review by the elected Council. The submission has been developed using both the knowledge of professional staff as well as a review of community input to various community strategic planning processes undertaken by this Council during the past five years. Importantly, staff discussed the key aspects of the submission with the NRCMA area co-ordinator for Ballina Shire at a meeting held in late June 2012.

The due date for comment on CAP2 is 20 July 2012. However, submission by this date would not have allowed the elected Council to consider the submission and provide feedback or additions. Council's submission will therefore be provided to the NRCMA later than the due date. As such, the NRCMA has been advised of Council's intention to consider a submission as part of the July Ordinary Meeting business agenda.

Sustainability Considerations

- **Environment**

CAP2 is designed to provide an investment framework for natural resource management (NRM) for the period 2013-2023.

- **Social**

The CAP2 process incorporates consideration of the social barriers to effecting improvements in NRM.

- **Economic**

As noted above, CAP2 is an investment framework for NRM.

Legal / Resource / Financial Implications

The submission discusses the financial implications for Ballina Shire Council as a medium sized regional council with a very constrained budget and how this has detracted from Council's ability to leverage funds from the previous CAP. It has been suggested that alternatives to a straight 50/50 funding split between councils and the NRCMA may need to be investigated in order to increase the potential for councils such as Ballina Shire to be competitive for grant funding.

Consultation

This submission has reviewed prior Council consultation processes including 'People, Place Prosperity – A framework for a more sustainability Ballina Shire 2025'; 'Climate Ballina – people responding to change'; and Council's Community Strategic Plan 2010. Participation in, and responses to, these processes/documents have been used to provide feedback to the NRCMA regarding issues raised in Discussion Paper No. 3: New directions for CAP2, which is the document specifically requesting submissions to the CAP2 process.

Options

Council may decide to:-

1. Endorse the submission to the NRCMA CAP2 review process as presented at Attachment 1.
2. Endorse a submission to the NRCMA CAP2 review process based on the submission presented at Attachment 1 but with amendments as specified by Council.
3. Decline to provide a submission to the NRCMA CAP2 review process.

Option one is recommended on the basis of the potential importance of the revised document for the natural resource management of our shire.

RECOMMENDATIONS

That Council endorse the attached submission to the Northern Rivers Catchment Action Plan 2 process.

Attachment(s)

1. Draft Letter to NRCMA - Submission to Development of CAP2

9.8 Men's Shed - Site Option

9.8 Men's Shed - Site Option

Delivery Program Community Planning

Objective To invite the Council's further consideration of a proposal to use Council-owned land for the establishment of a Men's Shed.

Background

For some time now, Council has been considering a proposal presented by representatives of the Ballina Baptist Church to establish a Men's Shed within the Shire. Specifically, the proponent group has sought the support of Council to offer an area of public land on which the facility would be constructed and operated.

This matter has previously been reported to the Council, at which time the following was resolved:

- 1. That this matter be deferred for a report to be obtained in order to ascertain the suitability of land able to accommodate the Men's Shed within Ballina and Councillors to meet with the General Manager and staff to identify and examine their current site and alternative Council-owned property that might be considered suitable*
- 2. That Council provide in-principle support for Council land to be identified as a possible option for locating the Men's Shed as part of the grant application*
- 3. That as part of the discussions with the General Manager, Council also consider building its own shed and leasing such a facility to the Men's Shed to preserve full Council ownership.*

Subsequent to this resolution, staff prepared a Discussion Paper, which outlined a number of site options for the potential construction of the new facility. A workshop was convened on 14 June 2012 at which attending Councillors considered the nominated sites. The preferred option expressed by Councillors at the workshop was an area of the land formerly occupied and used by the Ballina Motocross Club, located adjacent to the Ballina Waste Management Facility. The alternative site nominated by Councillors was the small holding at No.44 Fishery Creek Road in West Ballina.

This report provides information about the response from the proponent group concerning these options, as well as further deliberations from Council's staff. The report also invites Council to confirm its commitment of support to the project.

Key Issues

- Provision of important men's services in the shire.
- Allocation of publicly-owned land for non-Council activities.

Information

The following information is provided with the intention of assisting the Council to decide whether it wishes to continue to support this community-based project.

Council understanding of the proposal is that, from the proponent group's perspective, the viability of the project hinges upon it securing a site at little or no cost to that organisation, with minimal ongoing cost being incurred in terms of rental.

The group has indicated its preference to secure a site containing an area of 2,500-3,000m² on which it would construct a shed having a floor ratio of up to 800m². The construction of the shed and other improvements, including a community garden, parking and storage would be undertaken on a staged basis, contingent upon access to funding.

The site offered for the project would remain in the ownership of Council. Funds for the improvements on the land would be raised by the group, with no direct assistance from the Council. All the improvements undertaken on the land would remain in the ownership of the Council, unless of course the group moved to a position where it was able to make an offer for an agreed amount to purchase the property.

The group is hopeful of securing the funds for the initial stages of its project through government grants. The alternative is for the group to borrow funds for construction. Because of this, a reasonably long term lease is sought, to be able to offer reasonable security to the funding provider. A lease term of up to 20 years has been suggested.

The information attached to this report has been provided by the group. The information outlines the key purposes of the Men's Shed and the range of activities, services and programs that might be undertaken within the premises.

Fundamentally, the shed provides socialisation and support opportunities for men, some of whom are transitioning from work to retirement. Additionally, some members will be able to provide mentoring and skills development for others who are unable to access conventional educational/vocational facilities.

Councillors who wish to gain a more comprehensive understanding of the role and functions of Men's Sheds may do so by viewing the information contained on the Australian Men's Shed Association website.

Site Options

The preference expressed by Councillors at the recent workshop was for the proponent group to be offered a site on part of the former Motocross track, located near the Ballina Waste Management Facility. It is fair to say that the group was particularly enthusiastic about the opportunities presented by this site.

9.8 Men's Shed - Site Option

Subsequent staff discussions with Council's Property Manager and Airport Manager have concluded that surrendering a sizeable area of land in this location would significantly detract from future development opportunities associated with the airport.

A preliminary concept plan, which has been prepared for this area, provides a layout for approximately fourteen aircraft hangars and associated taxiways linking directly with the airport apron and runway.

It is understood that there is substantial demand for leasing these new facilities to support the airport's operations. A reduction in the developable area by allocating a Men's Shed compound would substantially hamper the achievement of the hangar expansion project. Having regard for this, the expressed preferred site for the Men's Shed has been set aside from further consideration.

The substitute site, as identified at the Councillor workshop, comprises a Council-owned property located at No.44 Fishery Creek Road, immediately opposite the bridge over Fishery Creek. This property contains an area of approximately 4,000m² with a dwelling, currently leased, located toward the rear of the allotment. The land is described as Lot 1 DP 572329, but this is bisected by a closed road, running generally in a north-south direction, described as Lot 1 DP 133631. The property is illustrated in the plan accompanying this report and was presented as Option No. 6 in the Discussion Paper previously distributed to and considered by Councillors.

No.44 Fishery Creek Road is classified as Operational Land for the purpose of the Local Government Act. It is zoned 1(d) – Rural (Urban Investigation) Zone under the Ballina Local Environmental Plan 1987 and zoned RU2 Rural Landscape under Council's draft shire-wide local environmental plan. The proposed use of the land for the purpose of a Men's Shed is permissible as a Community Facility, but only with the consent of the Council. The proponents would therefore need to lodge a development application with Council and have it favourably determined.

This property was purchased by Council's wastewater (sewer) operations as part of the Ballina Wastewater Treatment. Therefore the land is actually owned by Wastewater and effectively it would be this arm of Council's operations providing support to the Men's Shed. Council's Manager – Water and Wastewater has no objection to the site being used for the Men's Shed.

This site has been discussed with representatives of the proponent group. Whilst the group is not as enthusiastic about this site when compared to the site initially discussed above, it is nevertheless appreciative of the alternative opportunity and would welcome more detailed discussion regarding this option if the Council is disposed to offer it.

Use of Council's Assets or Infrastructure for Non-Council Related Activities

A recurring issue for the Council is the receipt of requests for support from various community and not-for-profit groups. The extent of support requested varies considerably, ranging from one-off financial contributions, waiving of charges, and ongoing use of property. Many of these organisations operate only through the commitment of volunteers, but all contribute significantly

9.8 Men's Shed - Site Option

toward promoting social cohesion and the provision of important or essential services to shire residents.

Some examples of organisations/community groups which operate from Council-owned or controlled premises, whilst paying nil or nominal rental include:

- Ballina Players Theatre
- Ballina Youth Management Centre (BDCSA)
- Ballina Girl Guides
- Ballina Senior Citizens
- Naval Reserve Cadets
- Rainbow Children's Centre
- Ballina Meals on Wheels
- Ballina Fox Street Preschool
- Ballina and District Equestrian Club
- Crawford House
- Wollongbar Community Preschool

Having regard for the above, it is a matter for the Council to decide whether the types and extent of support services currently provided by the Ballina Men's Shed, and what the organisation proposes to provide in a new facility, warrant the level of support being sought.

A further question to be asked is whether the group's request should be acceded to without an open and competitive process to determine whether other equally righteous organisations would benefit from the use of this property. Also the question has to be asked whether it is in the public interest for the Council to continue to lease the property for its current residential purpose, receiving a rental of \$260.00 per week. This is the amount of income foregone if Council offers the property to the Men's Shed group under the terms it has sought. That income is currently receipted into Council's wastewater operations.

The value of this asset could be in the vicinity of \$300,000, if not more. Council needs to be mindful that this is a significant contribution to what may well be a very worthy project, however there are many community services in the shire that could also benefit from this type of contribution / donation.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The Ballina Men's Shed currently provides important community support, mentoring and fellowship services for our local residents. The organisation's current premises are no longer adequate for its purposes and it is looking for Council's support through the provision of an alternative site. It is anticipated that a new, enlarged and diversified facility would substantially improve targeted services for some shire residents.

- **Economic**

Under the arrangement sought, the Men's Shed would be responsible for undertaking improvements to public property that would remain in the ownership of Council (unless a subsequent offer was made, and accepted, to purchase). The 'downside' for Council is that it would forego current rental from the lease of No.44 Fishery Creek Road, if that is the property selected. An alternative option has been considered which would see only the front portion of the property made available to the Men's Shed, and the existing residence retained under a separate lease. It has been concluded however that this would not be "fair" to either the tenants of the dwelling or the Men's Shed members, given the potential for conflict to arise.

Legal / Resource / Financial Implications

The implications and options for the Council concerning this proposal are set out in this report.

If Council decides to proceed with the granting of land for the Men's Shed project, formal lease arrangements would be entered into; a development application, prepared by or on behalf of the group would be lodged with Council; and the project would rely on the group sourcing funds to proceed on the approved site.

Consultation

Discussions between representatives of the Ballina Men's Shed group and Council staff have occurred over the last eighteen months. The matter has been reported to Council previously and a Councillor Workshop has been held.

Internally, discussions have occurred between representatives from Council's General Manager's Group, Civil Services Group and Strategic and Community Services Group.

Options

Several options are available to Council concerning this proposal.

Firstly, Council may decline to offer any Council-owned or controlled land to the group and invite it to consider other options to secure a development site. Whilst this is a viable option, it would be inconsistent with the earlier indications of support which have been established;

Secondly, Council may defer a decision pending the receipt of further information it may require, or seek to investigate other sites which are yet to be considered for the establishment of the proposed facility. Given the level of resources which have been applied to date, and the number of site options which have been examined, this option is not favoured;

Thirdly, Council may well wish to undertake an external expression of interest process to assess whether or not there is interest in the site from other community service providers in the shire. This option provides the most transparent and accountable approach.

Finally, Council may convey to the Ballina Men's Shed group that it supports the project to the extent that it is willing to make land available to enable further planning to occur, approvals for funding to be obtained and necessary construction approvals to be sought. As Council has previously resolved to support the Men's Shed Group this final option has been included as the recommendation for this report.

However there are concerns that such a level of contribution, without any formal expression of interest process, is not good governance and Council ideally needs to be making a decision considering the needs of all community service providers who could benefit from such an offer. For example, later in this agenda, is a report on the Council donations for 2012/13, which has been prepared following a comprehensive advertising process, with the amounts provided being far less than what is being proposed in this report. Therefore even though Council has previously resolved to provide in principle support for the Men's Shed, it may well wish to consider conducting an expression of interest process prior to a final decision being made.

RECOMMENDATIONS

1. That Council notes the contents of this report regarding the establishment of a Men's Shed as a community project by the Ballina Baptist Church.
2. That Council advise the Ballina Men's Shed proponents that it is prepared to offer property at No. 44 Fishery Creek Road, West Ballina as a site for the proposed facility
3. That Council authorise the General Manager to negotiate this arrangement with the proponents on the basis of a maximum lease term of 20 years, with nominal rental (i.e. \$1). Further, that the lease not be executed unless and until development consent has been granted in respect of the construction and operation of the proposed facility on this site.
4. That Council approves the Council seal to be attached to the above lease.

Attachment(s)

1. Map - 44 Fishery Creek Road, West Ballina
2. Ballina Community Men's Shed Information

10.1 Use of Council Seal

10. General Manager's Group Reports

10.1 Use of Council Seal

RECOMMENDATIONS

That Council affix the Common Seal to the following document.

| | |
|---------|---|
| US12/21 | <p>Henderson Farm Voluntary Planning Agreement</p> <p>Explanation: Council has been advised that the processing of the Henderson Farm LEP Amendment by the Department is nearing finalisation. Consequently Council is invited to apply the Council Seal to a Voluntary Planning Agreement prepared to support the rezoning. The Agreement relates to obligations of the developer to undertake certain environmental rehabilitations works and archival recording of certain heritage items in association with the future development of the land.</p> |
| US12/22 | <p>Deed of Consent and Assignment of Lease: Shop 1 Wigmore Arcade, Julie Anne Bartlett trading as 'Addiction Boutique' to Annette May Hudson (proposed trading name: Girl Fridays Boutique).</p> <p>Explanation: The retail fashion business of 'Addiction Boutique' is in the process of being sold by Mrs Bartlett to Mrs Hudson. If approval is granted, the Common Seal of Ballina Shire Council will be affixed to the Deed of Consent and Assignment of Lease at time of execution.</p> |
| US12/23 | <p>Council to Newcastle Permanent Building Society Limited re Wigmore Arcade property at 137 River Street, Ballina. Retail Lease Agreement 5 year option period from 1 January 2013 to 31 December 2017.</p> <p>Explanation: Newcastle Permanent Building Society Limited entered into a 4 years + 6 months Retail Lease Agreement with Council for the period 1 July 2008 to 31 December 2012. The lease includes an option for a 5 year period that commences 1 January 2013. The tenant has now exercised their right of option in accordance with the lease conditions.</p> |

Attachment(s)

Nil

10.2 Investment Summary

10.2 Investment Summary

Delivery Program Financial Management

Objective To provide Council and the community with details of how Council's surplus funds are invested.

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 June 2012.

Council's investments are all in accordance with the Act, the Regulations and Council's Investments Policy. The balance of investments as at 30 June was \$77,958,000. This represents an increase from May of \$521,000. The balance of the cheque account at the Commonwealth Bank, Ballina as at 30 June 2012, was \$2,365,824.

Council's investments as at 30 June are at an average (weighted) rate of 5.38% which is 1.88% above the 90 Day Bank Bill Index of 3.50%.

The majority of the approximately \$77 million of investments held by Council are restricted by legislation (external) and Council (internal) uses for the following purposes:

| Reserve Name | Internal/External Restriction | Approx % of Portfolio* |
|---|--------------------------------------|-------------------------------|
| Water Fund (incl developer contributions) | External | 19 |
| Sewer Fund (incl developer contributions) | External | 23 |
| Section 94 Developer Contributions | External | 11 |
| Bonds and Deposits | External | 4 |
| Domestic Waste Mgmt/Stormwater Charges | External | 2 |
| Other External Restrictions | External | 6 |
| Land Development | Internal | 8 |
| Employee Leave Entitlements | Internal | 3 |
| Carry Forward Works | Internal | 12 |
| Miscellaneous Internal Reserves | Internal | 11 |
| Unrestricted | | 1 |
| Total | | 100% |

* Based on reserves held as at 30 June 2011

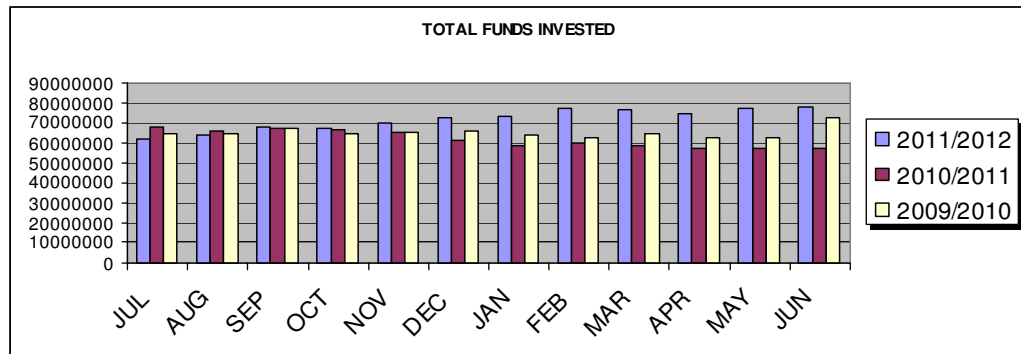
Of the total Investments, approximately \$19 million are unexpended funds borrowed by Sewer Fund.

10.2 Investment Summary

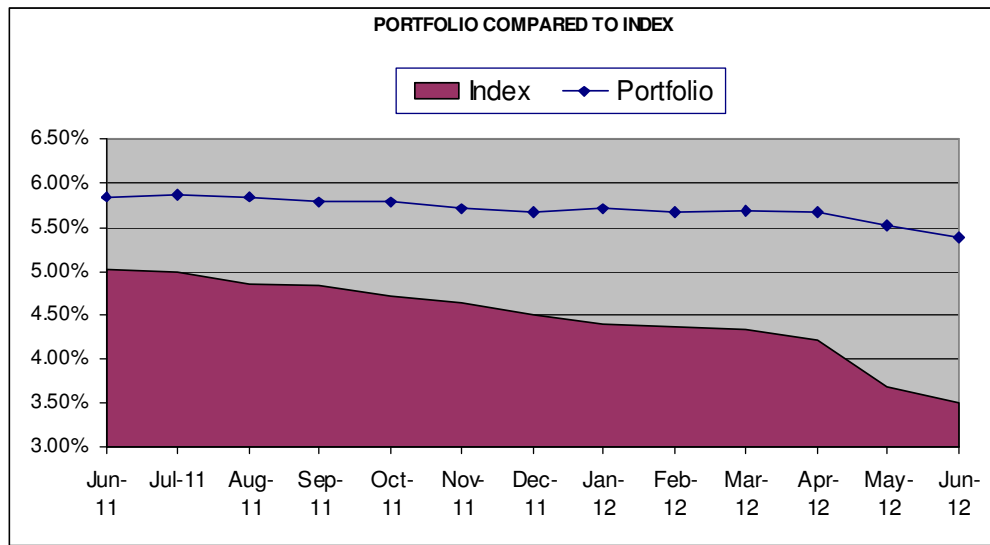
A. Summary of investments by institution

| Funds Invested With | ADI Rating | Previous Month (\$'000) | Current Month (\$'000) | Quota % | % of Total | Total |
|----------------------------------|------------|-------------------------|------------------------|---------|------------|-------------|
| Grandfathered Investments | | | | | | |
| ANZ Bank | AA- | 2,000 | 2,000 | 0 | 2.6 | |
| Bendigo Bank Ltd | BBB | 1,000 | 1,000 | 0 | 1.3 | |
| Deutsche Bank | A+ | 4,000 | 4,000 | 0 | 5.1 | |
| Goldman Sachs | AA- | 1,000 | 1,000 | 0 | 1.3 | |
| Heritage Building Society | BBB- | 1,000 | 1,000 | 0 | 1.3 | |
| HSBC Australia | AA- | 1,000 | 1,000 | 0 | 1.3 | |
| Longreach Capital Markets 28* | AA+ | 1,000 | 1,000 | 0 | 1.3 | |
| Morgan Stanley | A | 2,000 | 2,000 | 0 | 2.6 | |
| National Australia Bank | AA- | 1,788 | 1,788 | 0 | 2.3 | |
| National Wealth M'ment Holding | A | 2,000 | 2,000 | 0 | 2.6 | 22% |
| Rated Institutions | | | | | | |
| ANZ Bank | AA- | 32 | 38 | 20 | 0 | |
| Bank of Queensland | BBB+ | 4,000 | 4,000 | 10 | 5.1 | |
| Bank of Western Australia | AA- | 8,000 | 8,000 | 20 | 10.3 | |
| Commonwealth Bank of Aust | AA- | 3,617 | 3,132 | 20 | 4.0 | |
| Illawarra Mutual Bld Soc | BBB | 2,000 | 2,000 | 10 | 2.6 | |
| ING Bank Ltd | A | 12,000 | 12,000 | 20 | 15.4 | |
| Members Equity Bank | BBB | 6,000 | 6,000 | 10 | 7.7 | |
| National Australia Bank | AA- | 11,000 | 11,000 | 20 | 14.1 | |
| Newcastle Permanent Bld Soc | BBB+ | 1,000 | 1,000 | 10 | 1.3 | |
| Suncorp Metway Bank | A+ | 10,000 | 11,000 | 20 | 14.1 | |
| Westpac Banking Corporation | AA- | 1,000 | 1,000 | 20 | 1.3 | 76% |
| Unrated ADI's | | | | | | |
| Defence Bank | | 1,000 | 1,000 | \$1m | 1.3 | |
| Community CPS Credit Union | | 1,000 | 1,000 | \$1m | 1.3 | 2% |
| Total | | 77,437 | 77,958 | | | 100% |

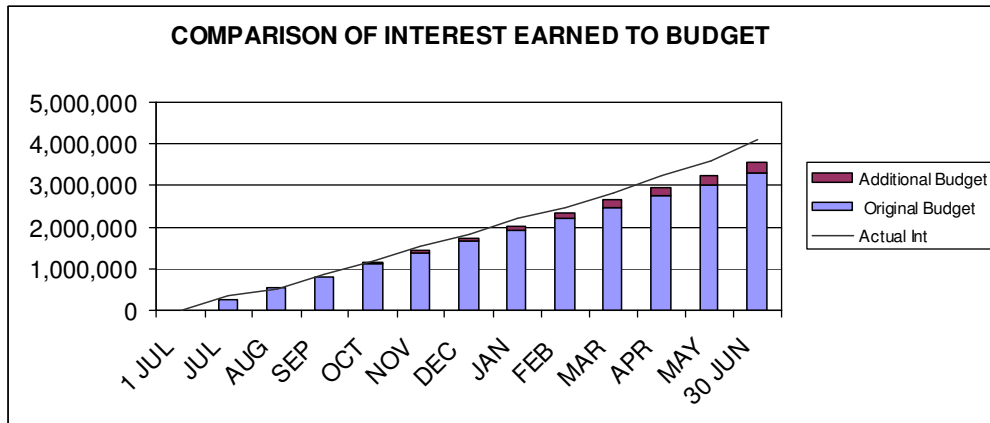
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



Comment

As widely expected the RBA left the cash rate on hold at 3.5% at it's meeting on 3 July 2012.

The final paragraph of the statement accompanying the decision summed up the boards view:

“As a result of the sequence of the earlier decision, there has been a material easing in monetary policy over the past six months. At today’s meeting, the Board judged that, with inflation expected to be consistent with the target and growth close to trend, but with a more subdued international outlook than was the case a few months ago, the stance of monetary policy remained appropriate.”

Income from interest earnings for the year has, as foreshadowed in last month's report, exceeded forecasts and in particular sewer fund has exceeded budget by some \$347,000 due to unexpended loan funds.

10.2 Investment Summary

E. Investments held as at 30 June 2012

| Purchase Date | Issuer | Type | Rate% | Call or Maturity Date | Purchase Value \$'000 |
|-------------------------|---------------------------------|----------------------------------|-------|-----------------------|-----------------------|
| 23/04/04 | Deutsche Bank | FRN | 5.16 | 23/04/14 | 2,000 |
| 23/04/04 | Deutsche Bank | FRN | 5.16 | 23/04/14 | 2,000 |
| 20/09/04 | National Australia Bank | FRN | 5.02 | Perpetual | 1,788 |
| 08/08/05 | Morgan Stanley | FRN | 4.22 | 08/08/12 | 2,000 |
| 12/04/06 | Goldman Sachs | FRN | 4.74 | 12/04/16 | 1,000 |
| 16/06/06 | National Wealth M'ment Holdings | FRN | 4.12 | 16/06/16 | 2,000 |
| 28/06/07 | Longreach Series 28 | FND | 0.00 | 27/06/14 | 1,000 |
| 21/09/07 | Bendigo Bank | FRN | 4.74 | 21/09/12 | 1,000 |
| 18/10/07 | Heritage Bank | FRN | 5.48 | 18/10/12 | 1,000 |
| 18/10/07 | ANZ Bank (FRN) | FRN | 4.93 | 18/10/12 | 2,000 |
| 14/03/08 | HSBC Australia Ltd | FRN | 5.81 | 14/03/13 | 1,000 |
| 17/12/08 | Commonwealth Bank of Australia | FRTD | 4.69 | 17/12/13 | 1,000 |
| 17/12/08 | Commonwealth Bank of Australia | TD | 5.93 | 17/12/13 | 998 |
| 03/02/10 | Commonwealth Bank of Australia | FND | 3.45 | At Call | 1,134 |
| 20/07/11 | ANZ Bank | FND | 2.50 | At call | 38 |
| 05/01/12 | Suncorp-Metway Bank | TD | 6.00 | 05/07/12 | 1,000 |
| 24/01/12 | ING Bank Ltd | FRTD | 6.12 | 24/01/17 | 1,000 |
| 01/02/12 | ING Bank Ltd | TD | 5.96 | 30/07/12 | 1,000 |
| 06/02/12 | Westpac Bank | FRN | 5.46 | 06/02/17 | 1,000 |
| 22/02/12 | ING Bank Ltd | TD | 6.04 | 20/08/12 | 4,000 |
| 01/03/12 | ING Bank Ltd | TD | 6.00 | 28/08/12 | 1,000 |
| 14/03/12 | National Australia Bank | TD | 5.89 | 11/09/12 | 1,000 |
| 22/03/12 | ING Bank Ltd | TD | 5.95 | 23/07/12 | 5,000 |
| 29/03/12 | National Australia Bank | TD | 6.00 | 30/07/12 | 3,000 |
| 02/04/12 | Defence Bank | TD | 5.75 | 02/07/12 | 1,000 |
| 03/04/12 | Members Equity Bank | TD | 5.90 | 03/10/12 | 1,000 |
| 05/04/12 | National Australia Bank | TD | 5.66 | 03/08/12 | 2,000 |
| 18/04/12 | Suncorp-Metway Bank | TD | 5.70 | 16/08/12 | 2,000 |
| 20/04/12 | National Australia Bank | TD | 5.64 | 20/10/12 | 1,000 |
| 22/04/12 | National Australia Bank | TD | 5.64 | 20/10/12 | 4,000 |
| 24/04/12 | BankWest | TD | 5.70 | 23/07/12 | 1,000 |
| 24/04/12 | Members Equity Bank | TD | 5.90 | 22/10/12 | 2,000 |
| 26/04/12 | Newcastle Permanent Bld Society | TD | 5.60 | 25/07/12 | 1,000 |
| 30/04/12 | Suncorp-Metway Bank | TD | 5.60 | 30/07/12 | 2,000 |
| 03/05/12 | Suncorp-Metway Bank | TD | 5.46 | 01/08/12 | 2,000 |
| 04/05/12 | Bank of Queensland | TD | 5.60 | 05/11/12 | 2,000 |
| 07/05/12 | Illawarra Mutual Bld Society | TD | 5.30 | 07/08/12 | 2,000 |
| 09/05/12 | Suncorp-Metway Bank | TD | 5.30 | 09/11/12 | 2,000 |
| 14/05/12 | BankWest | TD | 5.50 | 13/08/12 | 2,000 |
| 17/05/12 | BankWest | TD | 5.45 | 15/08/12 | 2,000 |
| 22/05/12 | Community CPS Credit Union | TD | 5.45 | 20/08/12 | 1,000 |
| 22/05/12 | Members Equity Bank | TD | 5.40 | 20/08/12 | 2,000 |
| 28/05/12 | Members Equity Bank | TD | 5.40 | 27/08/12 | 1,000 |
| 30/05/12 | Bank of Queensland | TD | 5.25 | 28/08/12 | 1,000 |
| 06/06/12 | Bank of Queensland | TD | 5.25 | 04/09/12 | 1,000 |
| 26/06/12 | BankWest | TD | 5.10 | 24/09/12 | 3,000 |
| 27/06/12 | Suncorp-Metway Bank | TD | 5.00 | 25/09/12 | 2,000 |
| Totals: | | | | | 77,958 |
| TD= Term Deposit | | FRN= Floating Rate Note | | FND= Managed | |
| ELN= Equity Linked Note | | FRTD= Floating Rate Term Deposit | | Fund | |

RECOMMENDATIONS

That Council notes the record of banking and investments for June 2012.

Attachment(s)

Nil

10.3 Building Better Regional Cities Program - Grant

10.3 Building Better Regional Cities Program - Grant

Delivery Program Commercial Services

Objective To obtain Council's support for the Federal Government grant funding approved for the construction of the Wollongbar Sports Fields and to clarify the conditions attached with that funding.

Background

Ballina Shire was identified as one of only 47 local government areas in Australia eligible for the Federal Government's Building Better Regional Cities (BBRC) Program, which is a one-off \$100 million funding commitment to invest in local infrastructure projects that support new housing developments.

Applications for this funding closed on 18 November 2011 and Council submitted two applications for:

- a) Construction of Wollongbar Sports Fields – Application for \$4.5 million
- b) Construction of Ballina Heights Drive – Application for \$6 million.

Council has now received written confirmation that the \$4.5 million grant for the Wollongbar Sports Fields application has been **approved**, with this approval subject to the Federal Government and Council reaching consensus on a funding agreement.

There are a number of conditions attached to this funding and the purpose of this report is to outline those conditions and to confirm that Council is prepared to meet our commitment to the project.

Key Issues

- Total value of project
- Conditions attached to the grant

Information

The Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs are responsible for the management of the BBRC Program. The objectives of the program are to invest in local infrastructure projects that support an increase in the number of homes for sale and / or rent that are affordable for working families on ordinary incomes, in communities that are experiencing positive jobs and population growth that need more homes to be built. This investment in regional centres is also designed to help relieve the pressure on major capital cities, so that Australia can grow sustainably. The two main groups targeted as part of this program are:

- working families on ordinary incomes (low to moderate income earners) living in regional centres who are suffering from cost of living pressures; and

10.3 Building Better Regional Cities Program - Grant

- new residents who want to move into the area for jobs, who need homes. The funding allocated is for infrastructure for projects that support new infill or greenfield housing developments. The types of infrastructure that can be funded under the BBRC Program include:
- Connecting or trunk infrastructure such as water and sewerage headworks, upgrades or extensions to drains and sewers and connecting roads and bridges; and
- Community infrastructure such as park lands and open space; pedestrian and cycle paths; community centres, and recreation facilities.

In assessing opportunities for Ballina Shire Council to access this funding, the three main housing growth centres considered as viable options within the grant funding timeframes were the Wollongbar Urban Expansion Area, Cumbalum Precinct A and Pacific Pines, Lennox Head.

Ultimately it was determined that Wollongbar and Cumbalum provided the best opportunities as there remain too many uncertainties in respect to land ownership and timing of development in Pacific Pines, whereas land releases are already occurring at Wollongbar and Cumbalum.

Also planning consents are in place for Wollongbar (sports fields) and Cumbalum (Ballina Heights Drive), whereas the major infrastructure still needed for Pacific Pines, being Hutley Drive, does not yet have planning consent.

The application form for the BBRC Program required councils to identify how the funding provided would result in opportunities for low to moderate income earners to have increased access to land and housing.

Five criteria also had to be addressed, the details of which, as sourced from the application guidelines, were as follows.

Criterion 1: Economic Growth, Housing Need and Supply

Applicants must demonstrate that there is strong predicted economic and jobs growth and demand for housing in their regional city; there is land available for housing (for either greenfield or infill developments); and that their infrastructure proposal will support the supply of lots and dwellings that will contribute to meeting the identified demand for housing.

To do this, Applicants must undertake a housing needs analysis covering the current and projected population, demographic, economic (including predicted jobs growth), supply and market factors.

The analysis should draw on defensible data sets and reports, and clearly show how this data was analysed and interpreted (including identifying any relevant assumptions), and show how and to what extent this analysis supports their claims under this criterion.

Proposals which can demonstrate that dwellings can be delivered prior to 31 March 2014 (to allow for related reporting and acquittal requirements to be met by 30 June 2014) are likely to achieve a higher rating against this criterion.

Criterion 2: Infrastructure Delivery and Approvals

Applicants must demonstrate that their proposal will be delivered in an efficient and cost-effective manner, through good project planning, identifying and addressing any potential delays or risks to the successful completion of the project; being compliant with relevant State and Territory planning and development regulations, benchmarks, policies, plans and strategies; and having a high level of community support.

As funding under the BBRC Program ceases on 30 June 2014, Applicants that can demonstrate their proposal is Investment Ready will be favourably considered in the Assessment Process.

Applicants should address this criterion by:

- clearly identifying the infrastructure that is proposed to be constructed using BBRC funding; the stages of delivery of the infrastructure; the estimated completion date of each stage; the costs of the infrastructure; and (where the infrastructure is capable of servicing future housing developments) the total catchment area which the infrastructure is capable of servicing
- benchmarks, policies, plans or strategies (such as regional development plans, master plans or local environment plans) which the proposed development aligns with; and approvals which are needed to successfully deliver this proposal, including those which: have already been obtained; have been submitted but have not yet been approved; and those which are yet to be submitted and approved
- providing information on any economic / social / environmental assessments and community consultation initiatives which have been (or will need to be) undertaken, and providing evidence of community support for the proposal (eg: letters of support)
- submitting a project plan that shows how the infrastructure component of the proposal will be implemented and monitored, including: delivery stages and timeframes; activities (including any procurement activities, further community consultation efforts, and monitoring and reporting activities); key project personnel; roles and responsibilities; resources; outputs / deliverables / milestones; costings and budget
- submitting a risk management plan which identifies all risks to the successful completion of the project, along with risk ratings and proposed risk treatment or mitigation measures.

Criterion 3: Value for Money and Affordability

Applicants must demonstrate that their proposal represents value for money to the Australian Government; promotes the use of resources in an efficient, effective, economic and ethical manner; and will be undertaken in an accountable and transparent manner. Applications should outline the proposed method for delivering the project. Generally, value for money requires that the project can be delivered at a reasonable whole-of-life cost

10.3 Building Better Regional Cities Program - Grant

which may involve open tendering in procurement or mechanisms to ensure competitive delivery with project implementation arrangements.

Applicants must demonstrate how low to moderate income earners will benefit as a result of the upfront development costs being borne by the Australian Government.

Applicants should address this Assessment Criterion (at a minimum) by providing details on:

- any relevant Commonwealth, State, Territory, regional or local affordable housing regulations, policies, plans and strategies, or related instruments which apply to their proposal, and whether these specify any affordable housing targets which need to be met for new developments
- how low to moderate income earners and affordable housing have been defined for their proposal
- how the costs of providing the infrastructure (for which BBRC funding is sought) would normally be met, and what these costs usually equate to for home purchasers
- what mechanism(s) will be used to deliver the more affordable homes for sale or rent (the affordability mechanism(s)), such as rebates provided at the point of sale of lots, the development of a shared equity scheme or an affordable rental scheme
- the value of the benefits per lot/dwelling; the anticipated number of lots / dwellings to which the benefit will be applied; and the anticipated timeframe for delivering these benefits
- who will be eligible to purchase or rent the affordable housing and what conditions will apply for eligible purchasers and/or affordable housing providers and renters of the affordable dwellings (eg: minimum owner occupancy periods, re-sale restrictions on titles, requiring eligible housing providers to retain dwellings as affordable rental stock for a specific period of time and at a rental rate that is affordable for low to moderate income earners)
- what administrative frameworks either are already in place or will be put in place to deliver the proposed affordability mechanism(s)
- compliance, monitoring and reporting arrangements on the affordability mechanism(s) to provide assurance to the Australian Government that the benefits are in fact being passed on to low to moderate income earners as intended.

Criterion 4: Good Urban Design and Sustainability

Applicants must demonstrate the extent to which the proposal incorporates the principles of good urban design. This must include facilitating dwellings that will be well connected to existing or proposed employment and retail hubs and other community and transport services (such as transit oriented developments) and that incorporate a range of housing options (including identifying what proportion will comply with Australian Standards for Design for Access and Mobility and Adaptable Housing).

Proposals should identify the mandatory (required under relevant government legislation and/or planning controls or instruments) environmental and sustainability measures which will be incorporated into the design and construction of the development itself. Proposals that include non-mandatory (best practice) urban design, environmental and sustainability measures (such

10.3 Building Better Regional Cities Program - Grant

as water sensitive urban design elements, retention and/or incorporation of natural features within the development) which will lead to increased urban amenity, liveability and sustainability within the development will be likely to achieve a higher rating under this criterion over those that only address the mandatory requirements.

Criterion 5: Capacity and Compliance

Applicants must demonstrate that they have the capacity to deliver the project on time and within budget.

In order to meet the various criteria the proposals submitted by Council were based on eligible purchasers, being low to moderate income earners, receiving a rebate, or initial waiver of development contributions (both section 94 and section 64), up to a maximum of \$30,000, on the price of the land.

For example if land was on the market for \$200,000 the value of the selling price, to an eligible purchaser(s), would be \$170,000 once the \$30,000 rebate was applied.

In order to ensure transparency and accountability the process followed for this rebate / waiver could be as follows:

- for new subdivisions, one option would be for Council to hold a bond over the land that equated to \$30,000 per lot, and if the property owner sold the land to an eligible purchaser, at the reduced price, the \$30,000 bond would be released to the land owner. This means the \$30,000 would be returned to the land owner, meaning that they have received the full sale value and the purchaser has received the benefit of the reduced price; or
- for subdivisions where the landowner has already paid Council's development contributions, if the owner can demonstrate a sale at the reduced price to an eligible purchaser(s), Council would refund the development contributions up to the value of \$30,000.

For the Wollongbar Urban Expansion Area (WUEA) the 2012/13 charge, per residential lot, for developer contributions is as follows:

| Plan | Amount (\$) |
|--------------------------------------|--------------------|
| Open Space | 5,160 |
| Community Facilities | 5,004 |
| Roads | 9,836 |
| Sub Total (Section 94) | 20,000 |
| | |
| Sewer | 10,138 |
| Water | 1,735 |
| Total Council Charges | 31,873 |
| | |
| Rous Water | 8,645 |
| Total Developer Contributions | 40,518 |

Ideally Rous Water would also support Council in this program by including its development contribution in the waiver calculation.

10.3 Building Better Regional Cities Program - Grant

The initial grant application from Council proposed that Council would waive, or refund, development contributions for a total of 60 allotments (i.e. 60 x \$30,000 = \$1,800,000). However during February 2012 the Federal Government wrote to applicants to the program asking for an increase in each council's commitment to the project.

Based on this correspondence Ballina Council's application was amended to allow for a total of 80 allotments to have their charges waived over the three years of the project (i.e. 80 x \$30,000 = \$2.4 million). The targeted timelines for the waivers are 20 by September 2013, another 20 by June 2014, a further 20 by June 2015 and the final 20 by June 2016. These agreed timelines are indicative only and the advice from the Federal Government is that if Council does not meet the timelines the time available will be extended until the commitment of 80 allotments is met.

If the approach used by Council is to apportion the developer contributions waived over the total of the contributions that would normally be payable, the contributions waived, on a per plan and per lot basis, is as follows.

Table One - Section 94 and Section 64 Contribution Apportionments

| Plan | Contribution | Lot Waiver | Total Waiver |
|--------------------------------------|---------------------|-------------------|---------------------|
| Open Space | 5,160 | 3,821 | 306,000 |
| Community Facilities | 5,004 | 3,705 | 296,000 |
| Roads | 9,836 | 7,283 | 583,000 |
| Sub Total (Section 94) | 20,000 | 14,809 | 1,185,000 |
| | | | |
| Sewer | 10,138 | 7,506 | 601,000 |
| Water | 1,735 | 1,285 | 103,000 |
| Total Council Charges | 31,873 | 23,600 | 1,888,000 |
| | | | |
| Rous Water | 8,645 | 6,400 | 512,000 |
| Total Developer Contributions | 40,518 | 30,000 | 2,400,000 |

Another option that could be considered is for water and sewer to carry the major burden of the waiver. As water and sewer charges are not subject to rate pegging both of those operations are in a far stronger financial position to offer subsidies as Council is allowed to determine its own level of fees and charges. That is not the case with activities such as open space, community facilities and roads which are in effect funded by general rate income which is rate pegged.

This means from a whole of Council financial management perspective a preferred option could be to provide a 100% waiver of the water and sewer charges, then apportion the balance as per the following example.

Table Two - Revised Section 94 / Section 64 Contribution Apportionments

| Plan | Contribution | Lot Waiver | Total Waiver |
|-------------------------------|---------------------|-------------------|---------------------|
| Open Space | 5,160 | 2,446 | 195,000 |
| Community Facilities | 5,004 | 2,372 | 190,000 |
| Roads | 9,836 | 4,663 | 373,000 |
| Sub Total (Section 94) | 20,000 | 9,481 | 758,000 |

10.3 Building Better Regional Cities Program - Grant

| | | | |
|--------------------------------------|---------------|---------------|------------------|
| Sewer | 10,138 | 10,138 | 811,000 |
| Water | 1,735 | 1,735 | 139,000 |
| Total Council Charges | 31,873 | 21,355 | 1,708,000 |
| Rous Water | 8,645 | 8,645 | 692,000 |
| Total Developer Contributions | 40,518 | 30,000 | 2,400,000 |

If Rous Water was not prepared to waive their contributions Ballina Council's developer contributions would then carry the entire subsidy, as per the following table.

**Table Three - Revised Section 94 / Section 64 Contribution Apportionments
(Excluding Rous Water)**

| Plan | Contribution | Lot Waiver | Total Waiver |
|--------------------------------------|---------------------|-------------------|---------------------|
| Open Space | 5,160 | 4,677 | 374,000 |
| Community Facilities | 5,004 | 4,535 | 363,000 |
| Roads | 9,836 | 8,915 | 713,000 |
| Sub Total (Section 94) | 20,000 | 18,127 | 1,450,000 |
| Sewer | 10,138 | 10,138 | 811,000 |
| Water | 1,735 | 1,735 | 139,000 |
| Total Council Charges | 31,873 | 30,000 | 2,400,000 |
| Rous Water | 8,645 | 0 | 0 |
| Total Developer Contributions | 40,518 | 30,000 | 2,400,000 |

Table two, or Table Three if Rous Water does not approve the waiver, are the preferred options as the areas of Council's operation that can least afford to lose revenue, being open spaces, community facilities and roads, provide the lowest contributions.

Project Details

Council's approved application for the BBRC funding is for the construction of the Wollongbar Sports Fields incorporating: one x AFL field and sports lighting; two x rugby grounds and lighting; one x cricket oval (summer use of rugby grounds); six x tennis courts and lighting; four x netball courts; clubhouse facilities; vehicular and pedestrian access; car and bus parking; and vegetated buffers.

The preliminary estimate for the construction of the total Wollongbar Sports Fields precinct, that supported Council's application, is as follows:

| Item | Estimate (\$) |
|--------------------------------|----------------------|
| Road Works and Civil Works | 3,045,000 |
| Stormwater Drainage | 516,000 |
| Sewerage Reticulation | 100,000 |
| Water Reticulation | 77,000 |
| Central Clubhouse / Amenities | 500,000 |
| Tennis Courts | 240,000 |
| Netball Courts | 120,000 |
| Lighting | 450,000 |
| Electrical Supply | 300,000 |
| Landscaping | 200,000 |
| Miscellaneous Fees and Charges | 72,000 |
| Sub Total | 5,620,000 |
| Contingency (10%) | 560,000 |
| Total | 6,180,000 |

10.3 Building Better Regional Cities Program - Grant

This means that if Council wishes to complete the entire project we need to find the shortfall between the grant and the total cost, which is approximately \$1.7 million. Council's application included a contribution to the total project cost to demonstrate our overall commitment to the project.

In telephone discussions with the Federal Government it is clear that Council's obligations to acquit the grant funds are:

- a) to provide \$2.4 million in developer contribution waivers to eligible purchasers and
- b) to ensure we expend the grant funds of \$4.5 million, plus a total budget of \$6.18m on the provision of the facilities listed in the application: i.e.
 - one x AFL field and sports lighting
 - two x rugby grounds and lighting
 - one x cricket oval (summer use of rugby grounds)
 - six x tennis courts and lighting
 - four x netball courts
 - clubhouse facilities
 - vehicular and pedestrian access
 - car and bus parking and
 - and vegetated buffers.

It is also important to acknowledge that the Wollongbar Sports Fields is only one component of a much larger picture for the WUEA, as Council owns land in this precinct, and part of our goal will be to develop and release this land for sale, possibly to eligible purchasers as part of the BBRC program.

Council's total land holding in the WUEA is approximately eight hectares with five hectares being zoned for residential purposes, as part of the new shire wide LEP. This five hectare area equates to approximately 50 residential lots assuming a yield of 10 lots per hectare.

Based on an estimated development cost of \$70,000 per lot (considered to reflect current development costs), approximately \$3.5 million will need to be sourced from Council's property reserves to finance the development and release of this land. Assuming future sale prices of \$170,000 per lot this then equates to a net cash return to Council of \$100,000 per lot or \$5 million profit in total, excluding all financing costs, the original acquisition cost and the time value of money.

The future of the remaining three hectares of Council owned land will also need to be examined at some point, as early concept plans for that land had a combination of passive open space, possibly a child care centre and netball courts. The netball courts will now be located at the Wollongbar Sports Fields which means the three hectares is fully available for community facilities and passive open space.

The other significant component of this entire project is the future sale of the land on which the current tennis club is located at the Russellton Industrial Estate. The development and sale of this land, which is owned by Council, plus the development of extra industrial lots at Russellton, will provide further economic growth for Wollongbar, along with future cash flows for Council.

10.3 Building Better Regional Cities Program - Grant

When all of these actions are consolidated, the investment by Council into Wollongbar, during the next 18 to 24 months, could well be in excess of \$10 million.

From an urban planning perspective this project will further promote Wollongbar as a desirable location to live, due to the excellent sports fields, easy access to the industrial estate for employment opportunities, close proximity to Alstonville for localised shopping and well situated halfway between the major population centres of Lismore and Ballina.

The other positive of this proposal is the benefits being gained from Council's land development activities. Council has been fortunate enough through these activities to:

- have its own land at the WUEA to assist in this land release
- to have property reserves to finance the initial acquisition of the sports field land
- to have further property reserves to help develop the land
- to be in a position to further develop industrial land in close proximity to the site
- to be in a position to benefit from the improved infrastructure in this locality potentially reflecting in improved yields and demand for the Council owned residential and industrial land.

This entire project highlights the benefits that can be obtained by councils having a long term focus to invest in land holdings for the community's benefit.

Cost / Benefit of the Proposal

It may appear that Council has been able to secure \$4.5 million in funding however there is a cost to our community of \$2.4 million in developer contribution waivers, resulting in a net benefit of \$2.1 million. This is a rather simplistic analysis and the benefits of the BBRC extend well beyond that net figure of \$2.1 million. Other benefits include:

- The construction of the Wollongbar Sports Fields, including the associated infrastructure, years ahead of what may have been the case without this funding. This will in turn provide savings in future cost increases due to the sports fields being constructed now, rather than into the future
- The ability for the \$2.4 million waiver to be shared across all contribution plans, both Section 94 and Section 64, plus an external party, maximising the benefit to Council's general fund operations
- The \$20,000 cap for Section 94 contributions means that Council's ability to recoup the cost of this entire development from developer contributions is limited, with any shortfall now being offset by the BBRC grant. For example the cost of acquiring and constructing the Wollongbar sports fields in the open spaces section 94 plan is approximately \$1.5 million, with the majority of this funded from developer contributions. With the total project cost for this project now at around \$6 million, the BBRC has provided funding for the difference that Council would never have been able to recoup

10.3 Building Better Regional Cities Program - Grant

- The \$30,000 waiver is not subject to any indexation, which means in real terms, the value of that waiver is decreasing as time moves forward
- There are significant cash flow benefits to Council in that a major component of the BBRC funding is provided up front, i.e. a \$2 million payment is scheduled to be paid to Council shortly
- The additional competition in the real estate market may assist in stimulating further land releases, which in turn will improve Council's overall cash flow in respect to developer contributions, as well as economic development in the shire.

All up the benefits of the BBRC are considered to be significant, and in real terms, well in excess of the \$2.1 million net figure mentioned earlier.

Sustainability Considerations

- **Environment**
The construction of the sports fields will be based on the latest environmental standards.
- **Social**
The Wollongbar sports fields will provide significant social benefits to the local community, while the land discount will provide a more affordable supply of land to eligible purchasers.

Following discussions with the Federal Government the definition of low to moderate income earners has been based on the National Rental Affordability Scheme (NRAS). A brief overview of this scheme is as follows:

Tenant income levels for 2012-13 NRAS year

NRAS homes are required to be rented to eligible tenants at a rate that is at least 20 per cent below the prevailing market rate in order to be eligible for the National Rental Incentive annually. The income levels for eligible tenants are specified in the NRAS Regulations. Initial tenant income levels are assessed against gross income according to the household composition as identified below.

| <i>Household Type</i> | <i>Maximum Income (\$)</i> |
|------------------------------|-----------------------------------|
| One adult | 56,870 |
| 2 adults | 78,624 |
| 3 adults | 100,378 |
| 4 adults | 122,132 |
| Sole parent with 1 child | 78,679 |
| Sole parent with 2 children | 97,542 |
| Sole parent with 3 children | 116,404 |
| Couple with 1 child | 97,487 |
| Couple with 2 children | 116,349 |
| Couple with 3 children | 135,212 |

Household income limits are indexed annually on 1 May in accordance with the NRAS tenant income index. Incoming NRAS eligibility for household types not covered above can be calculated using the values below:

10.3 Building Better Regional Cities Program - Grant

| Person Type | Income level (\$) |
|------------------------------|--------------------------|
| <i>First adult</i> | 45,496 |
| <i>Each additional adult</i> | 17,403 |
| <i>Each child</i> | 15,090 |
| <i>First sole parent</i> | 47,853 |

For NRAS purposes, a household is considered to be all persons ordinarily residing in the dwelling. The Department therefore requires all persons who ordinarily reside in an approved rental dwelling to have their income included as a member of the one household, in accordance with the income limits.

The positive about these limits is that average salaries and wages on the northern rivers of NSW are below national averages, and on that basis, a large number of households should be eligible for this scheme.

- **Economic**

The overall scale of this project and the possible stimulus from the discounted land supply will generate significant economic benefits.

Legal / Resource / Financial Implications

Discussions have been held with Dr Lindsay Taylor from Lindsay Taylor lawyers in respect to the legalities and mechanics of this proposal and the verbal advice from Dr Taylor is that the proposal is legal. Dr Taylor is also providing advice to Wagga Council who have also been successful in securing BBRC funding. Further legal advice will be sought as and when required.

The most direct financial implication for Council from this grant is that Council has responsibility for financing the difference between the grant funding and the overall cost of completing the outcomes required to satisfy the grant conditions; i.e the development of the sports fields.

As mentioned earlier the preliminary estimate for the entire sports field complex is approximately \$6.18 million resulting in a shortfall of \$1.7 million in round terms between the grant and the total budget.

The predicted cash flows for the development, highlighting where Council's funding will be needed are as follows:

| Item | 2012/13 (Estimate) | 2013/14 (Estimate) | Total |
|--------------------------------|-------------------------------|-------------------------------|--------------------|
| Grant Income | 3,000,000 | 1,496,000 | 4,496,000 |
| Expenditure | 1,858,000 | 4,322,000 | 6,180,000 |
| Net Cash Flow Each Year | 1,142,000 | (2,826,000) | (1,684,000) |
| Cumulative Cash Flow | 1,142,000 | (1,684,000) | (1,684,000) |

In respect to financing Council's contribution the normal funding sources for this type of expenditure are typically Council's property reserves. Unfortunately the Community Infrastructure Reserve is totally allocated and no funds are available from that source. The major projects being funded from that reserve over the next two years are the River Street upgrade (2012/13) and the Coastguard Tower (2013/14).

10.3 Building Better Regional Cities Program - Grant

In respect to the other two major property reserves (Commercial Opportunities and Industrial Land Development) the forecast cash flows for those reserves, as per the last report to Council in March 2012, were as follows:

**Table Four - Cash Flow
Commercial Opportunities Reserve - 2011/12 to 2014/15**

| Item | 2011/12 (Estimate) | 2012/13 (Estimate) | 2013/14 (Estimate) | 2014/15 (Estimate) |
|-------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Opening Balance | 3,536,500 | 2,466,200 | 2,747,100 | 3,267,100 |
| Add: Revenues | | | | |
| Interest Accrued | 290,000 | 120,000 | 120,000 | 120,000 |
| Sale - Balance Skennars Hd | 0 | 0 | 400,000 | 0 |
| Int Loan Repaid - St Lighting | 58,000 | 104,000 | 0 | 0 |
| Int Loan Repaid - Flat Rk | 49,500 | 23,100 | 0 | 0 |
| Int Loan Repaid – Airport | 68,700 | 0 | 0 | 0 |
| Int Loan Repaid – Plant | 33,500 | 33,800 | 0 | 0 |
| Sub Total | 499,700 | 280,900 | 520,000 | 120,000 |
| Less: Expenditure | | | | |
| Field - Wollongbar – Purchase | 1,520,000 | 0 | 0 | 0 |
| Field - Skennars – Approvals | 50,000 | 0 | 0 | 0 |
| Sub Total | 1,570,000 | 0 | 0 | 0 |
| Closing Balance | 2,466,200 | 2,747,100 | 3,267,100 | 3,387,100 |

**Table Five - Cash Flow
Industrial Land Development Reserve- 2011/12 to 2014/15**

| Item | 2011/12 (Estimate) | 2012/13 (Estimate) | 2013/14 (Estimate) | 2014/15 (Estimate) |
|------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Opening Balance | 303,500 | 4,411,500 | 3,630,100 | 4,554,700 |
| Add: Revenues | | | | |
| Interest Accrued | 256,000 | 2,000 | 3,000 | 3,000 |
| Rental - Norfolk Homes | 133,000 | 137,000 | 141,000 | 141,000 |
| Rental Income - ARC (50%) | 154,500 | 160,200 | 165,100 | 165,100 |
| Internal Loan Repaid - Waste | 288,500 | 0 | 0 | 0 |
| Sales - Harvey Norman | 3,846,000 | 0 | 0 | 0 |
| Sales - Southern Cross | 400,000 | 0 | 0 | 0 |
| Sales – Russellton | 0 | 400,000 | 0 | 0 |
| Sales - Super Site (50%) | 0 | 0 | 550,000 | 0 |
| Sales - Residual ARC (50%) | 0 | 0 | 880,000 | 0 |
| Sub Total | 5,078,000 | 699,200 | 1,739,100 | 309,100 |
| Less: Expenditure | | | | |
| General Fund – Dividends | 281,500 | 480,400 | 520,100 | 509,700 |
| WUEA - Operating Expenses | 10,000 | 5,000 | 5,200 | 5,400 |
| Sthn Cross - Operating Exps | 32,000 | 32,000 | 33,000 | 34,100 |
| Sthn Cross – Overheads | 151,000 | 155,600 | 155,600 | 155,600 |
| Sthn Cross – Development | 242,000 | 0 | 0 | 0 |
| Sthn Cross - Stage 14 | 40,000 | 0 | 0 | 0 |
| Sthn Cross - Master Plan | 50,000 | 110,000 | 0 | 0 |
| Russellton - Operating Exps | 9,500 | 11,000 | 11,400 | 11,800 |
| Russellton – Overheads | 84,000 | 86,600 | 89,200 | 91,900 |
| Russellton – Development | 70,000 | 600,000 | 0 | 0 |
| Sub Total | 970,000 | 1,480,600 | 814,500 | 808,500 |
| Closing Balance | 4,411,500 | 3,630,100 | 4,554,700 | 4,055,300 |

10.3 Building Better Regional Cities Program - Grant

Property projects that may need funding from these two reserves include:

- Wigmore Arcade re-development – Ideally this will be funded by an external party through a long term lease, however if Council completes an expression of interest process and there is no interest in such a proposal, self funding any re-development will be an option for consideration
- Southern Cross Industrial Estate - Master Plan – Dependent on the priorities identified in an update of the existing master plan Council may well need to expend significant amounts of monies in providing the new link road to the airport, plus any associated works. It is not expected that Council would undertake this work unless there are forward land sale commitments, however even with commitments, funding from these reserves will be needed to support our cash flows
- Russellton Industrial Estate – The 2012/13 budget has \$600,000 allocated for development works. This is a very preliminary estimate of the works needed for the next stage, and once final quotations are confirmed this estimate may need to be increased. Any expenditure will be subject to Council approval.
- Wollongbar Urban Expansion Area – As mentioned earlier Council will need financing to develop our own land and a total of 50 lots would cost around \$3.5 million. In reality the development will be staged, probably in 10 lot increments, so the funding needed will be around \$700,000 in the initial stages.

In addition to these property based projects other major community infrastructure priorities include the redevelopment of the swimming pools, the continuation of the main street upgrades, the proposed regional sports centre and the Lennox Head surf club.

In respect to these two reserves the Commercial Opportunities Reserve (as per Table Four) has already financed the purchase of this land (\$166,000 deposit in 2010/11 and \$1.49 million acquisition balance in 2011/12) and ideally this funding should have been sourced from the Community Infrastructure Reserve as the sports fields are community infrastructure.

The reason the Commercial Opportunities Reserve was chosen is because there is an opportunity from the development of the Wollongbar Sports Fields to relocate the existing Wollongbar Tennis Courts and sell the residual land at the Russellton Industrial Estate. The value of that land sale is estimated at \$2 million.

Similarly the provision of these sports fields also assists in releasing Council's WUEA land holding for sale as residential land.

Considering these two points, a preferred approach is for the Commercial Opportunities Reserve to finance any difference between the grant funding and the cost of building the Wollongbar Sports Fields, with the revenue from the sale of the tennis court land then providing a substantial reimbursement to the reserve. The net revenues from the sale of the WUEA land should also then be transferred back to the Commercial Opportunities Reserve as and when they occur.

10.3 Building Better Regional Cities Program - Grant

This process of reimbursement would proceed until the Commercial Opportunities Reserve is reimbursed in full for the outlays it has incurred.

Overall this is considered to be a good use of this reserve as the reserve funds will have allowed the sports fields to be developed, which in turn has freed up the opportunity for Council to develop our WUEA land holding, remembering that originally our WUEA land was earmarked for the sports fields.

The following table provides a revised cash flow for the Commercial Opportunities based on these principles, with an assumption of ten lots per year being developed and then sold the following year.

**Table Six - Cash Flow
Commercial Opportunities Reserve - 2011/12 to 2016/17 (Revised)**

| Item | 2011/12 (Estimate) | 2012/13 (Estimate) | 2013/14 (Estimate) | 2014/15 (Estimate) | 2015/16 (Estimate) | 2016/17 (Estimate) |
|--------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Opening Balance | 3,536,500 | 2,466,200 | 289,100 | 2,675,100 | 4,750,100 | 5,855,100 |
| Add: Revenues | | | | | | |
| Interest Accrued | 290,000 | 62,000 | 7,000 | 67,000 | 119,000 | 146,000 |
| WUEA - Sales – 10 Lots PA | 0 | 0 | 1,700,000 | 1,751,000 | 1,751,000 | 1,751,000 |
| Sales - Tennis Court Land | 0 | 0 | 1,000,000 | 1,000,000 | 0 | 0 |
| Sale - Balance Skennars Hd | 0 | 0 | 400,000 | 0 | 0 | 0 |
| Int Loan Repaid - St Lighting | 58,000 | 104,000 | 0 | 0 | 0 | 0 |
| Int Loan Repaid - Flat Rk | 49,500 | 23,100 | 0 | 0 | 0 | 0 |
| Int Loan Repaid – Airport | 68,700 | 0 | 0 | 0 | 0 | 0 |
| Int Loan Repaid – Plant | 33,500 | 33,800 | 0 | 0 | 0 | 0 |
| Sub Total | 499,700 | 222,900 | 3,107,000 | 2,818,000 | 1,870,000 | 1,897,000 |
| Less: Expenditure | | | | | | |
| Field - Wollongbar – Purchase | 1,520,000 | 0 | 0 | 0 | 0 | 0 |
| Field - Wollongbar – Embellish | 0 | 0 | 1,700,000 | 0 | 0 | 0 |
| Field - Skennars – Approvals | 50,000 | 0 | 0 | 0 | 0 | 0 |
| WUEA - Develop - 10 Lots PA | 0 | 700,000 | 721,000 | 743,000 | 765,000 | 788,000 |
| Sub Total | 1,570,000 | 2,400,000 | 721,000 | 743,000 | 765,000 | 788,000 |
| Closing Balance | 2,466,200 | 289,100 | 2,675,100 | 4,750,100 | 5,855,100 | 6,964,100 |

The next table provides a summary of the inflows and outflows for this reserve for the entire Wollongbar sports field project.

**Table Seven - Cash Flow for Wollongbar Sports Field Project and Related Works
Impact on Commercial Opportunities Reserve - 2011/12 to 2016/17**

| Item | 2011/12 (Estimate) | 2012/13 (Estimate) | 2013/14 (Estimate) | 2014/15 (Estimate) | 2015/16 (Estimate) | 2016/17 (Estimate) |
|--------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Revenues | | | | | | |
| WUEA - Sales – 10 Lots PA | 0 | 0 | 1,700,000 | 1,751,000 | 1,751,000 | 1,751,000 |
| Sales - Tennis Court Land | 0 | 0 | 1,000,000 | 1,000,000 | 0 | 0 |
| Sub Total | 0 | 0 | 2,700,000 | 2,751,000 | 1,751,000 | 1,751,000 |
| Less Expenditure | | | | | | |
| Field - Wollongbar – Purchase | 1,520,000 | 0 | 0 | 0 | 0 | 0 |
| Field – Deposit – 2010/11 | 260,800 | 0 | 0 | 0 | 0 | 0 |
| Field - Wollongbar – Embellish | 0 | 1,700,000 | 0 | 0 | 0 | 0 |
| WUEA - Develop - 10 Lots PA | 0 | 700,000 | 721,000 | 743,000 | 765,000 | 788,000 |
| Sub Total | 1,780,800 | 2,400,000 | 721,000 | 743,000 | 765,000 | 788,000 |
| Net Annual Cash Flow | (1,780,800) | (2,400,000) | 1,979,000 | 2,008,000 | 986,000 | 963,000 |
| Cumulative Cash Flow | (1,780,800) | (4,180,800) | (2,201,800) | (193,800) | 792,200 | 1,755,200 |

What table seven highlights is that it is not until 2015/16 that the Commercial Opportunities Reserve is reimbursed in full for the outlays provided for the sports fields. This is entirely hypothetical as the cash flow is based on a number of assumptions that may prove to be either conservative or optimistic; i.e. ten lots developed each year and sold the following year, the Wollongbar tennis court land is sold over two years etc.

The key issue with this proposal is that if the Commercial Opportunities Reserve is the preferred funding source then really this means the reserve is locked away for at least the next 12 to 18 months and the funds are not available for any other projects, until at least some revenues are returned to the reserve.

From an overall property project management perspective this means the Community Infrastructure Reserve and Commercial Opportunities Reserve both have no funds available for other projects, leaving the Industrial Land Development Reserve as the only funding source for new or planned projects.

Consultation

The entire Wollongbar Urban Expansion Area has been subject to significant consultation and planning over many years. The development application for the sports fields was also subject to community consultation.

Options

In summary the BBRC funding of \$100 million was available for 47 eligible cities, including major population centres such as the Gold Coast, Newcastle, Wollongong and the Sunshine Coast. Ballina Council has been able to source \$4.5 million of that funding, which considering our population base, is an extremely high percentage of the total funding available.

At this preliminary stage the options for Council are therefore to either accept the funding agreement for Council's application for the BBRC Program or alternatively decline the offer. As outlined in this report the \$4.5 million will provide a significant infrastructure boost to Wollongbar and Ballina Shire and the first recommendation is to accept the funding.

The funding agreement has actually already been signed by staff as there was a need to meet some relatively tight Federal Government timelines for the funding. If Council does not wish to accept the funding it should be a straight forward matter of writing to the Federal Government asking that the funding be allocated to another region.

The second recommendation for this report is to place the majority of the development contribution waiver on water and sewer contributions, due to the fact that these services are not restricted by rate pegging, and to write to Rous County Council seeking their support for the waiver of their developer charges.

The third and fourth recommendations are to endorse the preliminary funding program for the balance of the funding needed between the grant funds and the likely development costs as per tables six and seven of this report, which identifies the Commercial Opportunities Reserve as the funding source.

10.3 Building Better Regional Cities Program - Grant

The last recommendation is in respect to the eligible purchaser(s), which are considered to be low to moderate income earners. As mentioned in the report this definition has been confirmed, however it will also be important to clarify the documentation and the guidelines as to how the rebate is approved for these purchasers. Council will need to be very careful that the rebate is not manipulated which means we will need a number of checks and balances in place. Those checks and balances will need Council endorsement.

Finally councils have a history of infrastructure projects such as this increasing in cost, often as a result of the community desiring additional facilities or services. The pleasing aspect of this project is that the development consent sets out the works planned, the land has no flooding or environmental issues and Council is in a position to immediately undertake what is a relatively well defined works program.

RECOMMENDATIONS

1. That Council confirms its acceptance of the \$4.5 million grant from the Federal Government's Building Better Regional Cities Program for the construction of the Wollongbar Sports Fields as detailed within this report.
2. That Council supports, in principle, the majority of the waiver of the developer contributions being apportioned to water and sewer charges, as these services are not subject to rate pegging limitations. The General Manager is also authorised to write to Rous Council asking for Rous to support the waiver of their development contribution, for eligible purchasers, as an acknowledgement of their support for this project.
3. That Council confirms that the Commercial Opportunities Reserve is to finance any shortfall between the grant funding and the development costs for the Wollongbar Sports Fields, with the revenue from the future sale of the existing Wollongbar Tennis Courts land to be allocated back to this Reserve, to help offset the acquisition and development costs funded by the Reserve.
4. That consistent with point three, Council adopts the revised cash flow for the Commercial Opportunities Reserve, as detailed in table six of this report, for future financial planning purposes.
5. That Council receive a further report confirming the definition of eligible property purchasers, along with the eligibility criteria and guidelines surrounding each purchase.

Attachment(s)

Nil

10.4 Caretaker Provisions – Local Government Elections

10.4 Caretaker Provisions – Local Government Elections

Delivery Program Administration

Objective To seek approval from Council for the General Manager to write to the Minister for Local Government in respect to the management of certain items that may require a Council decision during the election caretaker period from 10 August to 8 September 2012.

Background

The NSW State Government has enacted legislation (Section 393B of the Local Government (General) Regulation) that requires that a council must not exercise the following functions during the four week preceding an ordinary election:

- 1) Entering into any contract or undertaking involving an expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger).
- 2) Determining a controversial development application, except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period. The term "controversial development application" is defined as one for which at least 25 persons have made submissions by way of objection.
- 3) Appointing or renewing the appointment of the General Manager or terminating their employment. (This does not include the appointment of an acting or temporary General Manager).

However this section of the regulation also states that:

"In particular cases these functions may be exercised with the approval of the Minister".

There are certain actions currently underway that may require a Council decision during the caretaker period, which is from Friday 10 August to Saturday 8 September 2012.

The purpose of this report is to seek Council approval to write to the Minister for approval to consider those matters during the caretaker period.

Key Issues

- Timing of certain projects and impact a delay may have on those projects

10.4 Caretaker Provisions – Local Government Elections

Information

There are considered to be four projects that may require a decision from the elected Council during August that are currently not allowed under the caretaker provisions. These projects are:

- a) Tender for the reconstruction of the Ballina Surf Club – Council will be aware that there are tight time frames in place for this project, largely due to the Federal Government funding of \$2.3 million. The tender is currently on exhibition and is due to close on Wednesday 25 July 2012. The tender value will be in the vicinity of \$4 million. The preference of staff is to have this tender determined at the August meeting as this will allow the successful tenderer to commence works around September / October. This is not considered to be a controversial tender and as such it is recommended that Council seek the Minister's exemption to allow this matter to be determined at the August Council meeting.
- b) Tender for the airport apron extension – This project is similar to the surf club in that there are time imperatives on the Federal Government funding of \$4.5 million. The tender will shortly be placed on exhibition and may be ready for the August meeting. The tender value will be in the vicinity of \$4 million and again the preference of staff is to have this tender determined at the August meeting, if ready, to avoid any unnecessary delays.
- c) Application for the re-development of Woolworths, River Street, Ballina – Council is well aware that there is significant community support for this application to be assessed as quickly as possible. It is not yet known whether or not the application will meet the definition of controversial (being 25 or more objectors) and whether or not the assessment will be finalised in time for the August Council meeting. Nevertheless to ensure that there are no unnecessary delays for this project it is recommended that Council authorise the consideration of this application, subject to the Minister's approval (if needed), at the August meeting.
- d) Application for the re-development of Thai Restaurant, 45-49 Ballina Street, Lennox Head. This application has already received 11 objections. The proposal is of such a scale and magnitude in relation to the economic development of Lennox Head, that it is considered worthy of an exemption by the Minister, subject to the 25 objections threshold being reached.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
The items listed largely relate to negative financial and / or economic impacts that may occur if there are delays in the Council approval process.

Legal / Resource / Financial Implications

There are no direct implications from this report, albeit there could be indirect financial implications through delays in the projects listed.

Consultation

All the projects identified will have been through a public tender process or a public exhibition process in respect to the development applications.

Options

The options are to provide approval to write to the Minister for the exemptions, or not provide that approval. Overall it is considered that the items listed are of such significance to the Ballina Shire community that the Minister's approval should be sought, albeit that for some of the projects, it may not be needed.

RECOMMENDATIONS

That Council authorises the General Manager to write to the Minister for Local Government to seek his approval, if needed, for an exemption under the caretaker provisions that will allow Council to determine the following matters at the August 2012 Ordinary meeting:

- a) Tender – Ballina Surf Club
- b) Tender – Airport Apron Extension
- c) Development Application – Woolworths River Street, Ballina
- d) Development Application – Thai Restaurant, 45-49 Ballina Street, Lennox Head

Attachment(s)

Nil

10.5 Policy (Review) - Councillor Expenses and Facilities

10.5 Policy (Review) - Councillor Expenses and Facilities

Delivery Program Governance

Objective To comply with the Local Government Act by undertaking an annual review of the Councillor Expenses and Facilities Policy.

Background

Section 252(1) of the Local Government Act requires that within five months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.

The policy was last reviewed in October 2011 and a copy of the current document is attached.

Key Issues

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

Information

This review, which is mandatory, has not identified any need to amend the existing policy. This policy will be reviewed following the Council election to determine whether it meets the needs of the newly elected Council.

Sustainability Considerations

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

Legal / Resource / Financial Implications

Nil

Consultation

If any changes are proposed the changes will need to be exhibited for public comment.

10.5 Policy (Review) - Councillor Expenses and Facilities

Options

The options are to amend the existing policy or leave the policy as is. No matters have been identified requiring review, therefore no changes are recommended.

RECOMMENDATIONS

That Council adopt the existing Councillor Expenses and Facilities Policy, as attached, without change.

Attachment(s)

1. Existing Cr Expenses & Facilities policy

10.6 Land Classification

10.6 Land Classification

Delivery Program Commercial Services

Objective To declare property recently purchased by Council as Operational Land for the purpose of the Local Government Act 1993.

Background

Council at its June meeting considered a report on classifying two parcels of land recently acquired by Council for operational purposes.

The lots were described as Lot 1 DP 1171927 at Cumbalum and 3.286 hectares of land formerly described as Part Lot 2 DP 788088, and now consolidated within Lot 244 DP 1775317. Unfortunately the description of the last lot was incorrect and should have read Lot 244, DP 1175317. This report is to correct that error. Lot 1 DP 1171927 will remain as being classified as operational from the resolution passed on 28 June 2012.

Key Issues

- To declare the land purchased as operational under the terms of the Local Government Act, 1993
- Nature and use of the land

Information

Following the prior resolutions of Council, negotiations progressed and were finalised for the purchase of the properties.

After settlement, and in accordance with the requirements of the Local Government Act, an advertisement was placed in the Advocate on 26 April 2012 notifying the public that Council resolved to purchase the land parcel for the purpose airport operations, and that upon acquisition the land would be classified as operational in accordance with Section 31(2) of the Local Government Act 1993.

Public submissions were invited up until Friday 24 May 2012 and no submissions were received.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The land was purchased for operational purposes at Ballina Byron Gateway Airport.
- **Economic**
Not Applicable

10.6 Land Classification

Legal / Resource / Financial Implications

Classification of Part Lot 2 DP 788088, and now consolidated within Lot 244 DP 1175317, as operational land pursuant to the Local Government Act 1993 provides Council with appropriate and readily available options for operational purposes for the Ballina Byron Gateway Airport.

Consultation

In accordance with Section 31(2) of the Local Government Act 1993, a public notice was placed within a local newspaper that Council had resolved upon purchase of Part Lot 2 DP 788088 to classify the land as operational land. The notice appeared in the Advocate on 26 April 2012.

Options

Council may resolve to classify the abovementioned parcel of land as operational land or as community land. Operational land is the preference as it allows for operational matters to be undertaken at the Ballina Byron Gateway Airport. The land is being used for operational purposes.

RECOMMENDATION

That Council classify the 3.286 hectare parcel of land formerly described as part Lot 2 DP 788088 and now consolidated within Lot 244 DP 1175317 as operational land under the provision of the Local Government Act 1993.

Attachment(s)

Nil

10.7 Donations - 2012/13 Rates and Charges

10.7 Donations - 2012/13 Rates and Charges

Delivery Program Administration

Objective To obtain Council approval to donate 2012/13 rates and charges in accordance with our “Donations – Rates and Charges” policy.

Background

Council’s “Donations – Rates and Charges” policy was developed to provide clear guidelines for the management of rates and charges donations to community based service providers.

The policy underwent a significant review during 2010/11 with the outcome being a focus on broad categories of properties that are used to provide a community service only, and to ensure that the donations provided are equitable and consistent across those categories. Council adopted the current policy following a public exhibition period on 24 March 2011.

Even though a policy has been adopted, it serves as a guideline only and Council must still make a resolution annually to donate specific rates and charges in accordance with section 356 of the Local Government Act 1993 (LGA).

Key Issues

- A Council resolution is required to donate 2012/13 rates and charges.

Information

The following table provides details of specific fixed rates and charges proposed to be donated for the 2012/13 rating year based on the guidelines provided within Councils current “Donations – Rates and Charges” policy. Note that all amounts have been rounded to the nearest dollar.

Table One –Donations – 2012/13 Determined Levies

| Assess No. | Organisation | Ordinary Rate | Water Access | Sewer Access | Storm -water | On Site Sewage | Waste and Recycle | Total (\$) |
|---|-------------------------------------|---------------|--------------|--------------|--------------|----------------|-------------------|------------|
| Category A - 100% of all rates and charges donated | | | | | | | | |
| 402074 | Ballina Lighthouse & Lismore SLSC** | 0 | 165 | 0 | 0 | 0 | 0 | 165 |
| 120347 | Lennox/Alstonville SLSC** | 0 | 660 | 1,628 | 0 | 0 | 0 | 2,288 |
| 295613 | Ballina/Lismore Jnr SLSC** | 0 | 516 | 508 | 0 | 0 | 584 | 1,608 |
| 173390 | CWA of NSW (Ballina)** | 0 | 165 | 508 | 0 | 0 | 292 | 965 |
| 295168 | CWA of NSW (Lennox)** | 0 | 165 | 508 | 0 | 0 | 0 | 673 |
| 179273 | State Emergency | 0 | 165 | 508 | 0 | 0 | 292 | 941 |

10.7 Donations - 2012/13 Rates and Charges

| Assess No. | Organisation | Ordinary Rate | Water Access | Sewer Access | Storm -water | On Site Sewage | Waste and Recycle | Total (\$) |
|--|--|---------------|--------------|--------------|--------------|----------------|-------------------|------------|
| | Service** | | | | | | | |
| Category B - 100% of all fixed rates and charges donated (excludes measurable user pays charges) | | | | | | | | |
| 145397 | Biala Special School | 0 | 165 | 508 | 0 | 0 | 728 | 1,401 |
| 145363 | Fox Street Preschool | 0 | 165 | 508 | 0 | 0 | 872 | 1,545 |
| 172661 | Ballina Playgroup | 0 | 165 | 508 | 0 | 0 | 292 | 965 |
| 172679 | River Street Childrens Centre | 0 | 165 | 508 | 0 | 0 | 728 | 1,401 |
| 213734 | Lennox Head Community Preschool | 0 | 165 | 508 | 0 | 0 | 436 | 1,109 |
| 232429 | Jumbunna Community Preschool | 1,374 | 165 | 508 | 25 | 0 | 436 | 2,508 |
| 288323 | Wollongbar Community Preschool | 0 | 165 | 508 | 0 | 0 | 580 | 1,253 |
| 151966 | Rainbow Children's Centre | 3,801 | 165 | 508 | 0 | 0 | 1,888 | 6,362 |
| 115643 | Alstonville Agricultural Society | 3,591 | 681 | 2,019 | 25 | 0 | 0 | 6,315 |
| 235231 | Meerschaum Vale Hall | 803 | 165 | 0 | 0 | 26 | 0 | 994 |
| 254780 | McLeans Ridges Hall | 1,493 | 0 | 0 | 0 | 26 | 0 | 1,519 |
| 250346 | Newrybar Hall | 1,207 | 0 | 0 | 0 | 26 | 0 | 1,233 |
| 191267 | Northlakes Community Centre | 1,741 | 165 | 508 | 0 | 0 | 292 | 2,706 |
| 250663 | Pearces Creek Hall | 1,029 | 0 | 0 | 0 | 26 | 0 | 1,055 |
| 239675 | Pimlico Hall | 653 | 0 | 0 | 0 | 26 | 0 | 679 |
| 234170 | Rous Mill Hall Trustees | 1,234 | 0 | 0 | 0 | 26 | 0 | 1,260 |
| 230045 | Tintenbar School of Arts Trustees | 1,121 | 0 | 0 | 0 | 26 | 0 | 1,147 |
| 232013 | Wardell War Memorial Hall | 2,798 | 165 | 508 | 25 | 0 | 0 | 3,496 |
| 186115 | Wigmore Hall Committee | 0 | 165 | 508 | 0 | 0 | 0 | 673 |
| 112140 | West End Hall | 1,191 | 165 | 508 | 0 | 0 | 292 | 2,156 |
| 264036 | Alstonville RSL Sub Branch Hall | 1,191 | 165 | 508 | 25 | 0 | 436 | 2,325 |
| 213726 | Lennox Scouts | 0 | 165 | 508 | 0 | 0 | 292 | 965 |
| 253556 | Alstonville Scouts | 0 | 0 | 0 | 0 | 26 | 292 | 318 |
| 294243 | Ballina Scouts | 0 | 156 | 508 | 0 | 0 | 0 | 673 |
| 334289 | Ballina Jetboat Surf Rescue | 586 | 165 | 0 | 0 | 0 | 0 | 751 |
| Category C - 100% of all sewer charges until backlog sewer program capital contribution is paid in full | | | | | | | | |
| 126822 | Ballina Sea Bird Rescue | 0 | 0 | 508 | 0 | 0 | 0 | 508 |
| 166181 | Richmond Christian College ^{^^} | 0 | 0 | 5,109 | 0 | 0 | 0 | 5,109 |
| 119956 | Jehovas | 0 | 0 | 1,239 | 0 | 0 | 0 | 1,239 |

10.7 Donations - 2012/13 Rates and Charges

| Assess No. | Organisation | Ordinary Rate | Water Access | Sewer Access | Storm -water | On Site Sewage | Waste and Recycle | Total (\$) |
|---|------------------------|---------------|--------------|---------------|--------------|----------------|-------------------|---------------|
| | Witness ^{^^^} | | | | | | | |
| TOTALS (Category A, B, C): | | 23,812 | 5,322 | 20,154 | 100 | 208 | 8,708 | 58,304 |
| <i>** Water consumption and sewer usage charges to be added to donation quarterly following future water meter readings</i> | | | | | | | | |
| <i>^^^ Sewer usage charges to be added to backlog sewer donation quarterly following future water meter readings</i> | | | | | | | | |

In the 24 May 2012 Ordinary Council meeting, Council adopted a resolution to purchase the **Wardell and District War Memorial Hall** providing certain conditions were met. At the time of writing this report, the sale had not been finalised and as a result, rates and charges traditionally donated to the hall have been included in this report for adoption by Council.

Providing the sale is finalised during the 2012/13 year, the rates and charges will become payable by Council as the owner of the land. As a result, the hall assessment will no longer require Council donation approval.

The following table provides estimates of water consumption based charges that are proposed to be donated on a quarterly basis during 2012/13 in addition to the fixed annual charges provided in the previous table. Actual amounts donated are determined by future quarterly water meter readings.

Table Two – Donations – 2012/13 Estimated Volumetric Based Charges

| Assessment Number | Organisation | Estimated Water Consumption | Estimated Sewer Usage | Estimated TOTAL (\$) |
|----------------------------|-----------------------------------|-----------------------------|-----------------------|----------------------|
| 402074 | Ballina Lighthouse & Lismore SLSC | 350 | 0 | 350 |
| 120347 | Lennox/Alstonville SLSC | 940 | 645 | 1,585 |
| 295613 | Ballina/Lismore Jnr SLSC | 2,000 | 555 | 2,555 |
| 173390 | CWA of NSW (Ballina) | 80 | 70 | 150 |
| 295168 | CWA of NSW (Lennox) | 50 | 40 | 90 |
| 179273 | State Emergency Service | 45 | 35 | 80 |
| 166181 | Richmond Christian College | 0 | 520 | 520 |
| 119956 | Jehovahs Witness | 0 | 85 | 85 |
| TOTALS (Estimates): | | 3,465 | 1,950 | 5,415 |

10.7 Donations - 2012/13 Rates and Charges

The following table provides a comparison between the proposed total of 2012/13 rates and charges donations and total rates and charges donated during the 2011/12 rating year.

Table Three – Donations – Comparison between 2012/13 and 2011/12

| Rate or Charge Description | 2012/13 Donations | 2011/12 Donations | Difference (\$) | Difference (%) |
|--------------------------------|-------------------|-------------------|-----------------|----------------|
| Ordinary Rates | 23,811.90 | 22,190.22 | 1,621.68 | 7.3% |
| Water Access Charges | 5,322.00 | 5,031.00 | 291.00 | 5.8% |
| Water Consumption Charges | 3,465.00 | 3,730.00 | -265.00 | -7.1% |
| Sewer Access Charges | 13,298.50 | 12,908.30 | 390.20 | 3.0% |
| Sewer Usage Charges | 1,950.00 | 2,695.00 | -745.00 | -27.6% |
| Waste or Recycling Charges | 8,708.00 | 8,674.00 | 34.00 | 0.4% |
| On Site Sewage Management Fees | 208.00 | 200.00 | 8.00 | 4.0% |
| Stormwater Management Charges | 100.00 | 100.00 | 0.00 | 0.0% |
| Backlog Sewer Charges | 6,855.90 | 6,407.75 | 448.15 | 7.0% |
| TOTALS: | 63,719.30 | 61,936.27 | 1,783.03 | 2.9% |

Note 1. Water consumption and sewer usage charges decrease from 2011/12 mainly due to Ballina Lighthouse & Lismore SLSC reduced water consumption estimate and no longer connected to sewer.

Note 2. Negligible increase for waste charges as Lennox/Alstonville SLSC discontinued wheelie bin collection services.

Sustainability Considerations

- **Environment**
Not Applicable.
- **Social**
Provide support to community based organisations to enable them to deliver services for the benefit of the local community.
- **Economic**
Provide financial assistance to community organisations, allowing them to spend more money on providing their specific service to the local community.

Legal / Resource / Financial Implications

These donations have been budgeted for in the 2012/13 Operational Plan.

Consultation

Applications for financial assistance pursuant to section 356 of the LGA are advertised during the draft Operational Plan exhibition process.

Options

The options are to approve, or not approve, the rates and charges donations for each of the assessments detailed within this report. The donations listed are consistent with Council policy and the recommendation is to approve the donations.

RECOMMENDATIONS

That Council approves the donation of the 2012/13 rates and charges, as detailed within tables one and two of this report, which includes future water consumption and sewer usage charges not yet known, but estimated, pursuant to section 356 of the NSW Local Government Act 1993.

Attachment(s)

Nil

10.8 Donations - Community and Public Halls

10.8 Donations - Community and Public Halls

Delivery Program Community Planning

Objective To approve the community and public hall donations for 2012/13

Background

The 2012/13 Operational Plan includes an allocation of \$60,000 for community donations and \$40,000 to assist with capital works for halls. The details of how these funds are to be allocated are included in the following Council policies:

- Donations - Financial Assistance
- Donations - Community Halls - Capital Works Assistance

At the June 2012 Ordinary meeting Council approved the formation of a donations working party to provide a recommendation on the allocation of the funds available, based on the submissions received during the preparation of the 2012/13 Operational Plan. The purpose of this report is to consider the working party's recommendations.

Key Issues

- Fair and equitable allocation of Council donations

Information

Details of the submissions received for donations were distributed to all Councillor's Ipads for the meeting of the working party. The submissions are lengthy therefore they have not been reproduced for this meeting.

One complete copy of all submissions will be available at the Council meeting, or if a copy is required prior to the meeting, contact the General Manager's office.

The donation's working party met on Monday 16 July 2012 and table one provides a summary of the submissions and the final column is the working party's recommendations in respect to the general community donations.

Table One: Summary of Submissions for Funding Assistance and Recommendations

| Ref: | Organisation / Person | Project / Activity | Request (\$) | Recomm (\$) |
|------|--------------------------------------|--|---------------|-------------|
| 1 | NSW Rural Doctors Network | Medical Student Sponsorship | 3,000 | 0 |
| 2 | Wollongbar Public School P & C Assoc | Alst/Woll Fun Run Challenge | Not specified | 0 |
| 3 | Fitness Matters Lennox Head | Personal Training Fees for persons with depression | 2,280 | 0 |
| 4 | Wollongbar Garden Club Inc | Annual flower shows | 150 | 150 |

10.8 Donations - Community and Public Halls

| Ref: | Organisation / Person | Project / Activity | Request (\$) | Recomm (\$) |
|------|---|--|--------------|-------------|
| 5 | Ballina & District Orchid Society | Annual flower shows | 500 | 500 |
| 6 | Friends of Ballina Shire Libraries | Waive tip fees for discarded books | 500 | 500 |
| 7 | Ulysses Motorcycle Club - N/Rivers | Traffic control for 2012 toy run | 900 | 500 |
| 8 | Ballina Lighthouse RSL Day Club | Transport for taking members to and from meetings | 3,168 | 1,000 |
| 9 | Ballina Breast Cancer Support Group | Operational costs | 350 | 350 |
| 10 | National Association of Left-Handed Golfers | Promotional brochures for tournament | 500 | 0 |
| 11 | Le-Ba Boardriders | Council resolved to fund through the Festival & Grants Program | Not required | 0 |
| 12 | TS Lismore Naval Cadets (Lessees) 26 Endeavour Close | Waive rates | 12,357 | 0 |
| 13 | Ballina Senior Citizens | 2012 Christmas Party | 2,000 | 2,000 |
| 14 | Ballina Sub Section Naval Assoc of Aust | Traffic control for 'All Ships Reunion' parade 2012 | 2,000 | 2,000 |
| 15 | Tintenbar Branch - Australian Red Cross | Tip fees for annual Trash & Treasure sale | 100 | 100 |
| 16 | Alstonville Red Cross | Attending 2012 zone conference | 500 | 500 |
| 17 | Westpac Life Saver Rescue Helicopter | Purchase Custom Pilot's Alpha Eagle Helmet | 1,000 | 1,000 |
| 18 | Statewide Eyesight Preschooler Screening (StEPS) | Waive fee for hire of LHCCC | 230 | 0 |
| 19 | Probus Club of Ballina Waters | Purchase audio visual equipment | 1,402 | 0 |
| 20 | Paddle for Life | Annual Lismore to Ballina Paddle | 2,000 | 2,000 |
| 21 | Kawaihae Outrigger Canoe Club, Ballina | Ballina Paddling Weekend | 5,000 | 2,500 |
| 22 | Wardell Sports Trust Ground | Donation of ride on mower | 6,500 | 0 |
| 23 | Ballina Tennis Club | Resurfacing 2 synthetic courts, associated earthworks, erection of root barrier system for adjacent fig tree | 20,000 | 20,000 |
| 24 | North Coast Academy of Sport | Costs associated with training and education | 5,090 | 3,000 |
| 25 | Ballina Lions Club | Operational costs associated with fundraising for charitable organisations | 2,790 | 1,000 |
| 26 | Ballina Jet Boat Surf Rescue | Fuel, lubricants, cleaning products, grease, oils associated with running 4WD, jet boat and jet skis | 2,500 | 2,500 |
| 27 | Alstonville Agricultural Society Inc | Concrete floor of poultry shed, maintenance & refurbishment of pony club shed, construction of wood chopping arena | 5,000 | 4,000 |
| 28 | Lennox Head Residents Assoc Inc | Operational costs for Coastcare activities | 1,800 | 1,800 |
| 29 | Wollongbar Public School (Dance | Attending the Schools | Not | 0 |

10.8 Donations - Community and Public Halls

| Ref: | Organisation / Person | Project / Activity | Request (\$) | Recomm (\$) |
|------|---|--|---------------|---------------|
| | Group) | Spectacular | Specified | |
| 30 | Ballina & District Ministers Assoc Inc | Fees associated with erecting/dismantling banners for Riverside Carols event | 390 | 390 |
| 31 | Ballina District Community Services Ass | Waive fees to hire rooms at LHCCC to run youth program | 2,716 | 2,000 |
| 32 | Australian Seabird Rescue Inc | Operational costs | 2,000 | 1,000 |
| 33 | Ballina & District Ministers Assoc Inc | Running Riverside Carols event | 8,000 | 4,000 |
| 34 | Lennox Head Landcare | Operational costs | 450 | 450 |
| 35 | Lennox Head Chamber of Commerce | Running Lennox Head Carols | 2,000 | 1,000 |
| 36 | Ballina Relay for Life (for Cancer Council) | Operational costs to run event | 5,000 | 1,000 |
| 37 | The Developing Foundation | Operational costs to run event | 6,212 | 0 |
| 38 | Ballina Community Gardens Inc | Pre-fabricated toilet building plus landscaping | 15,870 | 0 |
| 39 | Northern Rivers Dirty Wheels Mountain Bike Club | Establishment of biking facility in Ballina Shire | 1,800 | 1,800 |
| 40 | Lennox Arts Board Inc | Operational costs | 2,500 | 1,250 |
| 41 | East Ballina Lions Club | Refurbish storage shed | 5,500 | 5,500 |
| *42 | Fripp Oval Sporting Cooperative | Replace hot water system in clubhouse with solar system | 1,402 | 1,402 |
| *43 | Lennox Head Playgroup | Enlarge outdoor play area at LHCCC | 2,500 | 2,500 |
| 44 | Pearces Creek Public Hall Inc | Painting, security for doors, ramp for access to hall | 5,780 | 5,000 |
| *45 | Lennox Head Evening View Club | Operational costs | Not specified | 1,000 |
| *46 | NSW Police Force | Waive fees for Kentwell Centre to hold domestic violence clinics | 551 | 551 |
| | Total | | | 74,243 |

(Items 42, 43, 45 and 46 were received after the June Council meeting)

Table two, as follows, details the community hall submissions with the last column providing the recommendations.

Table Two: Submissions for Community Halls and Recommendations

| Ref: | Organisation | Project / Activity | Project Value (\$) | Requested (\$) | Recomm (\$) |
|------|------------------------------|---|--------------------|----------------|---------------|
| 1 | Northlakes Community Centre | Solar water system and/or panels for roof | 6,000 | 3,000 | 3,000 |
| 2 | Wollongbar Progress Assoc | Toilet suites | 5,500 | 5,500 | 5,500 |
| 3 | Newrybar Community Hall | New verandah | 26,629 | 10,000 | 10,000 |
| 4 | Tintenbar School of Arts Inc | Covered entrance and verandah | 41,843 | 10,000 | 10,000 |
| | Total | | | | 28,500 |

10.8 Donations - Community and Public Halls

Council has total funding available of \$100,000 (\$60,000 for general donations and \$40,000 for halls) and the total funding recommended in tables one and two equals \$102,743.

The major reason for this over expenditure relates to the Ballina Tennis Club donation of \$20,000, which is subject to a matching contribution from the Club.

The general consensus from the working party was that some or all of this contribution should be funded from Council's infrastructure monies or reserves. With the total donations budget, based on the recommendations, over expended by \$2,743 it is recommended that Council source \$5,000 of the Tennis Club contribution from Council's Community Infrastructure Reserve.

The majority of this reserve has been allocated to major projects, however the allocation of \$5,000 will have a minimal overall impact on that reserve.

This transfer then leaves Council with \$2,257 remaining in the donation's budget for the balance of 2012/13. This funding can assist in helping any essential donation requests that arise during the year.

Late Donation Requests

Since the working party met there have been two late requests for donations.

- a) Lennox Head Chamber of Commerce – Request to waive fees at the Lennox Head Community Centre for a meet the candidate's night. The value of this waiver is approximately \$70 to \$100 dependent on the rooms hired.
- b) Mental Health Support Group – Contribution to liability and volunteer insurance - \$1,300

Copies of both these applications are attached and the final recommendations for this report include the option to approve or not approve these late requests.

Other Donations

Council has previously asked for information on the other services, provided free of charge by Council, to other sections of the community that are not typically represented in the donations process.

This information is shown in table three and it helps to highlight the significant community support provided by Council.

Table Three - In-kind Contributions from Council to other Organisations

| Council Section | Benefiting group/type of donation | Approx (\$) |
|------------------------|--|--------------------|
| Strategic | Breast cancer screening van | 4,000 |
| Strategic | Indigenous community programs -Naidoc week | 8,000 |
| Civil | Wardell Sports ground trust - mowing sports field | 7,000 |
| Civil | Alstonville Show Society - mowing sports ground | 3,000 |
| Civil | Various land care groups-insurance/other | 4,000 |
| GMs Group | Ballina Lighthouse Club- set up of tables and chairs | 12,000 |

10.8 Donations - Community and Public Halls

| Council Section | Benefiting group/type of donation | Approx (\$) |
|-----------------|---|----------------|
| GMs Group | Volunteer groups assistance | 3,000 |
| GMs Group | All Girls surf club- All girls surf competition | 2,000 |
| GMs Group | Local Skaters-Fair go Skate competition | 12,000 |
| GMs Group | Volunteer group- Naidoc walk | 2,500 |
| GMs Group | Various groups- Community events | 50,000 |
| Civil/GMs Group | Total rates donated | 62,000 |
| GMs Group | Naval Cadets - property rental waiver | 42,000 |
| GMs Group | Rainbow Children's Centre - property rental waiver | 35,000 |
| Regulatory | Ballina Meals on Wheels - Food Preparation Inspection | 25,000 |
| GMs Group | Fox St Pre School - property rental waiver | 20,000 |
| GMs Group | Ballina Lighthouse & Lismore SLSC (Shed) - property rental waiver | 2,500 |
| GMs Group | Ballina & District Equestrian Club - property rental waiver | 20,000 |
| GMs Group | Ballina Aero Club - property rental waiver | 1,000 |
| GMs Group | Northlakes Community Centre - property rental waiver | 15,000 |
| GMs Group | Ballina Lions Club (West End Hall) - property rental waiver | 10,000 |
| GMs Group | Crawford House - property rental waiver | 30,000 |
| GMs Group | Wollongbar Community Pre School - property rental waiver | 5,000 |
| GMs Group | Alstonville Tennis Club - property rental waiver | 115,000 |
| GMs Group | Wollongbar Rural Fire Service - property rental waiver | 3,000 |
| GMs Group | Lennox Head Rural Fire Service - property rental waiver | 18,000 |
| GMs Group | Pimlico Hall - property rental waiver | 5,000 |
| GMs Group | Ballina Players Theatre - property rental waiver | 5,000 |
| GMs Group | Ballina Youth Management Centre - property rental waiver | 5,000 |
| GMs Group | Ballina Girl Guides - property rental waiver | 5,000 |
| GMs Group | Ballina Senior Citizens - property rental waiver | 5,000 |
| GMs Group | Ballina Concert Band - property rental waiver | 5,000 |
| GMs Group | Ballina Rugby Club - property rental waiver | 5,000 |
| GMs Group | Rotary Club of Ballina (Defibrillator) - property rental waiver | 5,000 |
| GMs Group | Alstonville & District Football Club - property rental waiver | 5,000 |
| GMs Group | Wollongbar Rugby Union Club - property rental waiver | 5,000 |
| GMs Group | Wollongbar Rural Fire Service - property rental waiver | 5,000 |
| GMs Group | Wollongbar Progress Association - property rental waiver | 5,000 |
| GMs Group | Lennox Head Community Preschool - property rental waiver | 5,000 |
| GMs Group | Lennox Head Football Club - property rental waiver | 5,000 |
| GMs Group | Newrybar Community Hall | 5,000 |
| Total | | 586,000 |

Some of these figures are subjective (i.e. foregone rentals etc) but nevertheless they do provide a rough guide as to the overall level of in-kind support provided by Council.

Schools

At the June 2012 ordinary meeting Council resolved as follows;

'That council receive a report on managing requests for donations to Schools'

In addressing this matter it is appropriate to contemplate the guidelines for selection that form part of the existing donations policy.

Guidelines for Selection

- *The recipient organisation will be not for profit and provide a community service within the Ballina Local Government area.*
- *Assess the level of benefit that the project or service will have on the community or on disadvantaged groups within the community.*

10.8 Donations - Community and Public Halls

- *Assess the number of proposed beneficiaries from the proposed project or service.*
- *Where the project has a smaller number of proposed beneficiaries, consider the relative disadvantage of that group of people (eg; low income, youth, disability, etc).*
- *Consider the availability of other funding sources.*
- *Consider the equity of support to other groups across the local government area.*

A school does arguably meet these guidelines however one area of contention is the availability of funding from other funding sources. Schools are the province of higher government tiers and it could be questioned why the State Government is not providing the funding sought by the school, or indeed the parents who pay fees to the school.

No doubt schools will never have sufficient funding to provide all the facilities and services that they would like (as with councils). Local teachers and parents will try to improve standards or opportunities for their children and it is a matter of how this fits in to the Council's vision of priorities for our limited donation funding.

There is also the issue of who is actually asking for the assistance; i.e. is it the school or is it the parent and friends association or perhaps a sporting/cultural group that is associated with the school? Should a distinction be made between the school and an associated group?

Also a distinction could be drawn in respect to the purpose for which the donated Council funds are to be applied. For example if the funds are to be used to construct or purchase an asset that then belongs to the school, is that different from assisting a school based dance troop perform in Sydney?

There is likely to be varied opinion in answering these questions and Council needs to either adopt a policy position on donations for schools, or continue to assess them on an individual basis, as currently occurs. In respect to policy direction options could include:

- a) Council will not fund school related programs as they have other funding sources available
- b) Council will only fund activities co-ordinated by the parent and teacher associations
- c) Council will only fund activities for smaller rural based schools

These are examples only and if Council wishes to adopt a policy position then the preferred direction needs to be clarified. Without that direction applications will continue to be assessed on a case by case basis, although the difficulty with this is that it can lead to ad hoc decision making.

Applications from schools in recent years are shown in table four, as follows, and as a general rule donations have only been provided for relatively small items, and often on an in-kind basis; i.e. use of Council plant, stock from Council's nursery etc.

10.8 Donations - Community and Public Halls

Table Four: Applications from Schools

| Date | Applicant | Details of Request | Decision |
|----------|---|---|--|
| 07/06/12 | Wardell Public School | Line marking for Athletics Carnival | Completed (Open Spaces) |
| 31/05/12 | Wollongbar Public School | 12 students attending Schools Spectacular | \$5,700 denied |
| 09/05/12 | Newrybar Public School P&C | Floodlight for Fireworks night fundraiser | \$350 denied |
| 27/10/11 | Ballina Public School | Band & choir attending Sydney Schools Spectacular | Denied |
| 23/08/11 | Alstonville High School | Donor for prize awards for Presentation Nights | \$15-\$50 denied |
| 15/08/11 | Ballina High School Marine Discovery Centre | Float marine truck to Lismore for RTA check | \$360 donated |
| 18/05/11 | Ballina Primary School | 2 Worm farms | \$234 denied |
| 10/09/10 | Alstonville High School | Prize Awards for Presentation nights | Denied |
| 16/08/10 | Holy Family Primary School | Worm farms | \$117 donated |
| 10/08/10 | Southern Cross School K-12 | Book Prize for Yr 12 Presentation Ceremony | \$50 |
| 06/08/10 | Lennox Head Public School P&C Assoc | Donation of old library building | Structure on Departmental land |
| 03/08/10 | Alstonville High School P&C Assoc | Sponsorship for Big Night Out Fundraising event | Denied |
| 06/05/10 | Rous Public School P&C Assoc | Use of large lights for Bonfire and Fireworks night | \$250 donated |
| 18/12/09 | Southern Cross School K-12 | Plants and mulch donated | Donated |
| 09/11/09 | Dunoon Public School | Subsidy for Alstonville Swimming Pool entry | Denied (outside shire) |
| 19/10/09 | St Josephs School Alstonville | Subsidy for Alstonville swimming pool entry | All schools within shire get a subsidy for learn to swim |
| 11/09/09 | Alstonville High School | Prize awards for Presentation nights | \$15-\$50 denied |
| 29/07/09 | Southern Cross School | Book prize for Presentation Ceremony | \$50 |
| 11/12 | Rotary Club on behalf of SCU | Science & Engineering Challenge | \$500 donated |
| 11/12 | Rous Public School | Waive fees for hire of mobile light tower | \$250 donated |

Based on this information, possible guidelines for assessing donation applications from schools are shown as follows. The guidelines are premised along the lines that the priority of the application will diminish where it is considered that there is a stronger source of alternate funding.

10.8 Donations - Community and Public Halls

Guidelines for Selections – Schools

- *lower priority will be given to applications looking to purchase or construct an asset*
- *lower priority will be given to applications coming directly from the school*
- *lower priority will be given to applications that are curriculum oriented*
- *higher priority will be given to applications that are of an extra curricular in nature.*

The difficulty with these criteria is that it still leaves a level of subjectivity and without a definitive policy position on schools, there will always be ad hoc decisions for these requests.

In reality Council may need to accept that the entire donation allocation process has a high level of subjectivity and as occurs with the general community donations, Council needs to examine each application on a case by case basis to determine whether or not the application should be approved.

Community Hall Policy

The Council's current community hall capital works assistance policy includes the following halls:

Current List of Public Halls on Crown Land (Council controlled)

*Lennox Head Hall
Meerschaum Vale Hall
McLeans Ridges Hall
Pearces Creek Hall
Rous Mill Hall
Tintenbar School of Arts
Wardell District War Memorial Hall*

Current List of Public Halls on Council Land

*Wigmore Hall
Wollongbar Hall
Newrybar Hall
Northlakes Community Centre
Pimlico Hall
West End Hall*

The principle of this policy is that Council will provide funding assistance to halls that we either control or own. However there are two anomalies in this list in that:

- a) the Wardell Hall is not on Council owned or controlled land, albeit that it may well be in the near future, following Council's decision to have the hall transferred from the current trustees to Council, subject to certain conditions being met; and
- b) the Pearces Creek Hall, which is actually in the name of Pearces Creek Hall Inc., is not actually Council owned or controlled.

Both of these halls have been seen as public halls for many years which is the reason why they are included in the policy. The issue Council now needs to consider is whether they should be removed from the policy (Wardell may only be on an interim basis until the ownership is transferred, if it proceeds) or whether the policy wording should be amended to recognise halls that are not owned or controlled by Council.

10.8 Donations - Community and Public Halls

The difficulty with expanding the policy is that it could well be argued that there are other halls in the shire, that are used by the public, which are not owned or controlled by Council, that should be included in the policy.

The key criterion that stands out with the Wardell Hall and the Pearces Creek Hall is that even though they are not owned or controlled by Council, they do not have a dominant tenant, as do many of the other public buildings in the shire (i.e. CWA building, Scouts etc).

This means that it may well be an option to expand the policy to include a third type of hall, which is not Council controlled or owned, with the key inclusion criteria being along the lines of public halls owned and / or controlled by other Public Trustees, with the facilities being available for hire by all members of the public, without a dominant tenant.

This category would then allow the Wardell District War Memorial Hall and Pearces Creek Hall to be included into the current policy.

Sustainability Considerations

- **Environment**
If approved some of the donations support community groups that provide environmental works.
- **Social**
Donations provide financial support for local community groups.
- **Economic**
Injection of financial support into community groups also contributes to the local economy.

Legal / Resource / Financial Implications

Council has provided \$60,000 for community donations and \$40,000 for halls in the 2012/13 Operational Plan.

Consultation

Council advertised for donation submissions during the exhibition of the 2012/13 Delivery Program and Operational Plan.

Options

The options are to either support the recommendations or to amend the recommendations from the working party. The recommendation that follows is to support the recommendations as this process has worked effectively for a number of years.

The other matters raised in this report are:

- a) the need to finance \$5,000 of the donations funding for the Ballina Tennis Club from the community infrastructure reserve – this is included in the recommendations that follow

10.8 Donations - Community and Public Halls

- b) the two late donation requests – the option to approve or not approve these two requests is listed in the recommendations
- c) other in-kind donations – it is recommended that Council note the value of in-kind services provided across the shire
- d) schools – The recommendation is to note the contents of this report in respect to the commentary on schools, due largely to the difficulty in determining any set criteria, other than Council having a policy position of not supporting schools
- e) public halls – It is recommended that the existing policy be amended to cover the situation that currently exists with respect to the Wardell and Pearces Creek Halls not being Council owned or controlled.

RECOMMENDATIONS

1. That Council adopts the Donation Working Party's recommendations for the allocation of the community and public halls donations budget for 2012/13, as outlined in tables one and two of this report.
2. That Council approves a transfer of \$5,000 from the Community Infrastructure Reserve to assist in funding the \$20,000 donation to the Ballina Tennis Club, as outlined in table one.
3. That Council approves / refuses the donation request from the Lennox Head Chamber of Commerce to waive fees at the Lennox Head Community Centre for a meet the candidate's night.
4. That Council approves / refuses the donation request from the Mental Health Group for a contribution towards insurance.
5. That Council notes the comments in this report in respect to the significant value of in-kind donations provided across the shire.
6. That Council notes the comments in this report in respect to the management of donations to schools and acknowledges that applications will continue to be assessed on a case by case basis.
7. That Council approves an amendment to the Donations – Community Halls – Capital Works Assistance Policy, that allows for another category of public hall, which ensures that the Wardell and Pearces Creek Halls are included in the policy based on their current ownership and operating arrangements.

Attachment(s)

1. Letter from Lennox Chamber of Commerce
2. Letter from Mental Health Support Group

10.9 Ferry Fees for Bicycles - Operating Arrangements

10.9 Ferry Fees for Bicycles - Operating Arrangements

Delivery Program Administration

Objective To clarify the operating arrangements for the payment of fees for bicycle riders using the Burns Point Ferry.

Background

Council resolved at the June 2012 Ordinary meeting to introduce a \$1 fee for bicycle riders using the Burns Point ferry, along with the introduction of a \$25 annual fee.

In introducing that fee a few administrative matters have arisen that require clarification from Council.

Key Issues

- Clarification of operating arrangements for the bicycle fee

Information

Bicycle users of the ferry have been advised that the \$1 fee will commence from 1 August 2012, with July being used as a period of information and education for the users. An annual ticket has also been introduced with that ticket being printed at Council's Administrative Offices.

Two matters that require further clarification in respect to this new fee are:

- a) Does Council wish to provide an exemption for school or young children? The point has been made that there are school children in South Ballina who ride to school and the payment of this fee can be onerous on younger people. This is considered to be a reasonable point and it is recommended that the fee not apply to children.

The definition of a child for the Council operated swimming pools is 18 years and under or attending school and a similar approach could be followed for the ferry. There will be some difficulties for the ferry drivers in confirming who is a child and items such as bus passes and student identifications may occasionally be needed.

- b) Currently there is a \$25 annual fee however there is no reduction if that fee is paid sometime during the year. It does appear unreasonable for someone to have to pay the same \$25 late in the year and on that basis it is considered that the annual fee be tiered as follows:

Fee paid 1 July to 30 September - \$25
Fee paid 1 October to 31 December - \$20
Fee paid 1 January to 31 March - \$15
Fee paid 1 April to 30 June - \$10

This proposal allows a gradual reduction during the year.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
This report aims to recognise some of the administrative matters that may arise in respect to the ferry fee.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The overall cost / benefit of the introduction of the bicycle ferry fee remains unclear, and the two proposals outlined in this report are designed to make the fee more equitable.

Consultation

This report has been prepared in response to a number of community representations. An example of one such representation is included as the attachment to this report.

Options

The options are to endorse, amend or decline the two changes outlined in this report. It is considered that the introduction of an exemption for school aged children and a tiered annual fee provides a fairer and more equitable fee structure and the recommendation supports that approach.

RECOMMENDATION

That Council approve the following operating arrangements in respect to the \$1 fee for bicycle riders using the Burns Point Ferry:

- a) Children 18 years and under or attending school are exempt
- b) The annual fee of \$25 is to be tiered as follows:

Fee paid 1 July to 30 September - \$25
Fee paid 1 October to 31 December - \$20
Fee paid 1 January to 31 March - \$15
Fee paid 1 April to 30 June - \$10

Attachment(s)

1. Submission

10.10 Delivery Program and Operational Plan - 30 June Review

10.10 Delivery Program and Operational Plan - 30 June Review

Delivery Program Governance

Objective To review how Council performed against the adopted Delivery Program and the 2011/12 Operational Plan

Background

Under the Integrated Planning and Reporting requirements Section 404 (5) of the Local Government Act states as follows:

Delivery Program

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

This report represents the final review of the 2011/12 - 2014/15 Delivery Program and the 2011/12 Operational Plan, with reviews being conducted on a quarterly basis. The information contained in the report is based on work undertaken up to 30 June 2012, being the end of the financial year.

The review information is included as a separate attachment to this report and the document provides an overview of all the programs included in the Delivery Program and Operational Plan, with comments provided by the relevant group and section manager.

Key Issues

- Compare actual results against the goals and priorities adopted

Information

The Delivery Program and Operational Plan are the two key corporate documents that establish Council's goals and priorities for the term of the Council and the current financial year.

The attachment to this report provides a comprehensive overview of the actions being progressed, with the information also being linked to Council's Community Strategic Plan (CSP) Objectives. The attachment has two main sections being:

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

Generally many of the actions are completed or on track and the report does highlight the wide range of activities undertaken by Council.

10.10 Delivery Program and Operational Plan - 30 June Review

In respect to the Operational Plan there are a total of 62 major actions listed in the Plan and the following two tables provide an overview of the status of those actions on a number and percentage basis.

Program Actions Overview - By Number of Tasks

| Group / Status | GM | Reg | Civil | Strategic | Total |
|--------------------|-----------|----------|-----------|-----------|-----------|
| Green | 19 | 3 | 6 | 10 | 38 |
| Amber | 0 | 0 | 10 | 1 | 11 |
| Red | 4 | 0 | 7 | 2 | 13 |
| Total Tasks | 23 | 3 | 23 | 13 | 62 |

Program Actions Overview - By Percentage

| Group / Status | GM | Reg | Civil | Strategic | Total |
|-------------------------|------------|------------|------------|------------|------------|
| Green | 83 | 100 | 27 | 77 | 61 |
| Amber | 0 | 0 | 43 | 8 | 18 |
| Red | 17 | 0 | 30 | 15 | 21 |
| Percentage Total | 100 | 100 | 100 | 100 | 100 |

Major projects that deserve special mention during the year include:

- Council endorsement of preferred routes for the coastal shared path and recreational path
- Major on-going improvements to the airport, including significant Federal Government grant funding of \$3.5 million
- The State Government conducting feasibility studies for dredging the Ballina bar and the Boatharbour
- Endorsement of the new shire wide LEP
- Further updates to the Ballina Floodplain Risk Management Plan
- Progress on the Cumbalum Precincts A and B planning proposals
- Wollongbar Sports Fields acquisition, approval and Federal Government funding of \$4.5 million
- Continued progress in the water and sewer infrastructure upgrades
- Successful operation of the green waste service, along with Federal Government grant funding of \$4.3 million for biochar
- Completion of the Aboriginal Heritage Study
- Approval of the new Ballina Surf Club
- Recent approvals of low interest loans from the State Government for \$9.3 million (\$2.3 million for roads and \$7 million for the airport).

This is a small sample only and the August Ordinary meeting will provide a review of how Council has performed against its four year Delivery Program.

In respect to the Service Delivery Targets there are a total of 78 targets identified in the Operational Plan and the following two tables provide an overview of how Council is performing against those targets, again on a number and percentage basis.

10.10 Delivery Program and Operational Plan - 30 June Review

Service Delivery Targets Overview - By Number of Activities

| Group / Status | GM | Reg | Civil | Strategic | Total |
|--------------------|-----------|-----------|-----------|-----------|-----------|
| Green | 17 | 17 | 13 | 4 | 51 |
| Amber | 6 | 4 | 10 | 0 | 20 |
| Red | 3 | 0 | 4 | 0 | 7 |
| Total Tasks | 26 | 21 | 27 | 4 | 78 |

Service Delivery Targets Overview - By Percentage

| Group / Status | GM | Reg | Civil | Strategic | Total |
|-------------------------|------------|------------|------------|------------|------------|
| Green | 65 | 81 | 48 | 100 | 65 |
| Amber | 23 | 19 | 37 | 0 | 26 |
| Red | 12 | 0 | 15 | 0 | 9 |
| Percentage Total | 100 | 100 | 100 | 100 | 100 |

As with the program actions many of the targets are being met and where an amber or red light is shown either the target is unrealistic or actions are being implemented to meet the agreed target.

Sustainability Considerations

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

Legal / Resource / Financial Implications

The Operational Plan identifies the allocation of Council's resources and finances.

Consultation

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

Options

The report is primarily for information purposes. In summary, considering the overall level of resources and capacity of Council to deliver outcomes to the community, the level of compliance with the Delivery Program and Operational Plan is considered to be satisfactory. A more comprehensive report on Council's progress during the four year term of this Council will be submitted to the August Council meeting.

RECOMMENDATIONS

That Council notes the contents of the 30 June 2012 review of the Delivery Program and Operational Plan.

Attachment(s)

1. Delivery Program Report as at 30 June 2012 (Under separate cover)

11.1 Urban Stormwater Management Plan

11. Civil Services Group Reports

11.1 Urban Stormwater Management Plan

Delivery Program Water Services

Objective Present the draft Urban Stormwater Management Plan and endorse a public exhibition process.

Background

Council has in place an Environmental Action Plan (EAP) which documents actions that aim to improve our local environment through improving Council's operations and activities.

The EAP aims to improve planning and priority setting as a whole organisation in regard to environmental initiatives. The EAP informs the operational plan and delivery program. The EAP includes an action to "update and implement the Urban Stormwater Management Plan (USMP)".

Earlier this year Hydrosphere Consulting were appointed, following a tender process, to update Council's USMP. The EAP process had identified the existing urban stormwater management strategy (2002) was aged and required updating.

A workshop was held with Councillors and Hydrosphere Consulting on 19 June 2012 where initial findings of this update study were presented. This report follows on from the workshop and formally presents the draft report and seeks endorsement for public exhibition.

The draft USMP has been prepared to improve the sustainability and amenity value of the Ballina Shire urban stormwater management systems. The Plan builds on Council's 2002 Urban Stormwater Management Strategy and focuses on providing an overall framework for stormwater management and providing a clear implementation path to address priority issues. The Plan seeks to review and improve Council's management and planning processes to ensure that stormwater systems are designed, constructed and maintained to best practice standards and in locations that will maximise their environmental, social and economic benefits to the community.

The Plan brings together the available information to identify the urban stormwater management issues and formulate management actions. Volume 1 of the USMP provides an Implementation Plan for the priority management actions and Volume 2 provides the background information.

Key Issues

- Undertake action from Council's Environmental Action Plan.
- Present draft Urban Stormwater Management Plan.
- Endorse public exhibition of draft Urban Stormwater Management Plan for further public comment.

Information

The overall aim of urban stormwater management in Ballina Shire is:

To provide sustainable and effective urban stormwater systems and assets that protect the natural, social and economic values of the Richmond River and its tributaries and the Ballina coastline.

The urban stormwater management plan identifies objectives required to contribute to this aim are:

- Stormwater systems are effective in removing stormwater from urban areas;
- Stormwater assets limit impacts on receiving environments to acceptable levels;
- Stormwater assets are integrated into the planned landscape, e.g. provide habitat and natural systems in appropriate places and increase surrounding land values by providing aesthetic and natural appeal; and
- Management of stormwater systems is efficient and cost effective through the whole asset life cycle.

A range of issues were identified through a review of existing documentation and stakeholder input. Many of these issues are being addressed through existing Council actions, however, improved management systems are required to ensure efficient resolution of existing problems and avoidance of future issues. The stormwater management issues are generally:

- Related to the efficiency and/or effectiveness of existing administration and management;
- Significant localised stormwater management issues which are expensive to address or require resolution of other issues before they can be addressed; or
- Minor in nature, but occur throughout the Shire and will require a coordinated approach to achieve the best outcome for stakeholders.

In addition to this, the impacts of climate change will add to the complexity of the current issues.

Best practice in urban stormwater management is recommended by the report and is achieved through a Council-wide Water Sensitive Urban Design (WSUD) approach that covers all aspects of the water cycle at all phases of land use and infrastructure planning. With an integrated WSUD approach, the linkages between the related water, wastewater and stormwater aspects of urban development are strengthened and duplication in planning and decision-making is avoided. The total water cycle approach also requires increased emphasis on the ecosystem health aspects of urban development. For urban stormwater management, this includes runoff water quality, erosion and sedimentation control and hydrological impacts. Increased consideration of these issues at the land use planning and development stages would provide better outcomes for future asset management and ecosystem health.

11.1 Urban Stormwater Management Plan

Development of a WSUD framework is consistent with Council's strategic direction and policies and is directly linked to other strategic priorities such as risk management, planning for climate change, floodplain management as well as the Coastal Zone Management Plan (CZMP) for the Richmond River estuary.

The urban stormwater management component of the WSUD framework requires:

- Improved Council administration and management of stormwater functions;
- Improved direction and guidance for Council staff and developers regarding stormwater management considerations for:
 - land use planning;
 - development services;
 - asset management (design, construction, asset transfer, maintenance and rectification/ renewal); and
 - protection of ecosystem health (protected vegetation, habitat and waterway impacts);
- Increased funding to implement stormwater management initiatives;
- Community education and understanding of urban stormwater functions and impacts.

The proposed framework for the Plan (see attachment Urban Stormwater Management Plan, Volume 1, Figure 7) reflects the documentation required to support the urban development process from planning through to asset maintenance. Much of the required documentation exists through Council's current guidelines and can be supplemented by best-practice approaches provided by other government agencies such as Water by Design (south-east Queensland Healthy Waterways Partnership)

Sustainability Considerations

- **Environment**
Improvements in the management of urban stormwater will have positive benefits for the Shire's environment.
- **Social**
The Plan identifies the need for continued community education as an instrument for positive behavioural changes.
- **Economic**
Implementation of the Plan's 10-year Implementation Program will provide a sound financial basis for the long-term management of stormwater assets.

Legal / Resource / Financial Implications

Historically, funding allocated to stormwater management by Council and from external sources has been undertaken to repair assets, and this has limited actions in regard to the protection of natural resources, public safety and infrastructure. This Plan recommends that Council increase the share of internal funding for stormwater management activities in recognition of the need for action and in accordance with Council's strategic priorities.

The major financial implications identified in the Plan are: the creation of the new permanent position of WSUD Manager; use of external consultancies (as required) to assist the WSUD Manager; and the carrying out of urban stormwater rectification actions (on-ground works) for priority sub-catchments.

Management strategies have been compiled into a ten-year Implementation Program (see attachment Urban Stormwater Management Plan, Volume 1, Table 1). Internal staff support across all Council functions will also be required to assist the WSUD Manager. Indicative budgets are included in the Implementation Program. The USMP aims to address identified issues through holistic management actions and through site-specific management actions. A prioritisation process has been undertaken to identify the key risks and allocate appropriate management actions. The USMP aims to show where funding should be directed to the stormwater management areas with the highest overall risk within the short-term.

The Plan identifies opportunities for achieving sustainable sources of funding, which are:

- review the application of the stormwater management service charge for businesses;
- investigate the potential to provide additional mechanisms to improve developer and landholder responsibilities for management and maintenance of stormwater assets;
- include stormwater management works in the next review of the Contributions Plan for established areas or if the limit on contributions is raised;
- investigate the potential to levy additional developer contributions for stormwater works for green field developments; and
- develop a long-term funding program for stormwater asset management.

Consultation

Consultation has to date included: a media release; advertisements in the Council notice pages of local newspapers; a workshop with Council staff; consultation with external stakeholders including state government agencies, fishing groups, aquaculture groups and community groups; an online community survey; and a project webpage detailing the project, its progress and outcomes.

It is also proposed to publicly exhibit the draft Plan for a period of four weeks.

Options

1. Not proceed with the draft Urban Stormwater Management Plan.

This option will not realise the potential positive improvements arising from the introduction of the Urban Stormwater Management Plan. It will mean that Council will continue to utilise existing resources and rely on a less integrated approach to the planning, design, installation and maintenance of stormwater infrastructure. On balance this approach is not recommended.

2. Proceed to exhibit the draft Urban Stormwater Management Plan.

This is the preferred option as it will invite comment on an integrated approach to stormwater management across all areas of Council operations. The plan will lead to better outcomes in the planning, design, installation and maintenance of stormwater infrastructure. It will also provide greater efficiencies in resource allocation while delivering improved social and environmental outcomes with respect to stormwater management.

Public exhibition of the draft Plan, as attached to this report, is the recommended approach.

RECOMMENDATIONS

1. That Council approves the exhibition of the draft Urban Stormwater Management Plan for public comment.
2. That the Council notes that in adopting the Urban Stormwater Management Plan, based on current budget allocations, it is not able to fund all of the recommended actions at this time. Therefore the plan will be used to inform future reviews of the Council budgets and to access grant opportunities as they arise. As there are financial constraints it will also be necessary for staff to provide regular updates to Council in respect of the delivery of the plan against the actions.
3. That in the event of submissions being received in response to the public exhibition a further report is to be presented to Council. If no submissions are received, the plan will be adopted by this resolution, without further action.

Attachment(s)

1. Figure 7 from Volume 1
2. Urban Stormwater Management Plan - Volume 1 (Under separate cover)
3. Urban Stormwater Management Plan - Volume 2 - Background Information (Under separate cover)

11.2 Waste Water Treatment Plants Upgrade - Update

11.2 Waste Water Treatment Plants Upgrade - Update

Delivery Program Wastewater

Objective To provide an update on the progress of the upgrade of the Ballina and Lennox Head Waste Water Treatment Plants

Background

At the February 2011 meeting Council considered a report detailing the tender assessment for a contract for the upgrade of the Ballina and Lennox Head Treatment Plants.

At that meeting, Council resolved to accept the tender of Haslin Constructions Pty Ltd for RFT/Contract Number 0902774 being for the Design and construction of an MBR Waste Water Treatment Plant (WWTP) at Ballina, and a Recycled Water Plant at Lennox Head WWTP for an amount of \$45,437,315 including GST.

Given the size of this contract, progress reports are being presented to Council on a quarterly basis to ensure Council is able to monitor the project.

Key Issues

- Progress of the works within the Contract.

Information

Work Completed for Reporting Period

Detailed design of the main structures, mechanical and electrical equipment of the WWTP is complete, with the exception of the sludge management system.

The following site works are completed:

- The construction of the MBR, Aeration and Anoxic tanks have been completed, with the fitout of mechanical equipment well advanced
- The concrete construction for the inlet works have been completed, with the fitout of the mechanical equipment in place
- The blower room and switchboard room have been completed, with the installation of the blowers commenced
- The amenities building structure is complete, with the internal fitout (electrical and plumbing) being completed
- The chemical storage areas and UV systems are well advanced
- One of the existing sludge lagoons has been decommissioned and civil works commenced to convert it to an aerobic digester for the new plant
- The main electrical switchboard construction is completed and installed, a new transformer installed on the site, and is now powered up
- Electrical conduit installation is complete, and the running of the site cabling well advanced
- The majority of site underground pipes have been installed
- Civil works have commenced on the internal access roads.

11.2 Waste Water Treatment Plants Upgrade - Update

The contractor has now also established on the Lennox Head site, with the following site works completed:

- The existing UV has been installed in a temporary location until the new UV is constructed
- New foundations and concrete flooring have been constructed in the existing UV building
- The new mechanical and electrical components of the recycled water plant are being installed in the building, with the joining pipework being completed
- The RW reservoir concrete construction has been completed – epoxy coating of the chlorine contact tank will commence in the next month
- Civil works for the chemical storage area has commenced, and concrete bunds are being constructed.

Cost of Work Completed

\$26,791,685 inclusive of GST.

Approved Variations

| | Details | Cost (incl. of GST) |
|----|---|-----------------------|
| 1 | Modifications to inlet works to divert all flows through the manual bar screen to the storm detention pond. | \$17,532.90 |
| 2 | Supply and Install an Isolating Valve to the existing bund in the Chemical Delivery area. | \$677.60 |
| 3 | Supply Biofilter in lieu of Deodorising Bed | - \$51,615.00 |
| 4 | Deletion of additional Amenities Building at the Lennox Head RWP location | - \$24,603.48 |
| 5 | Concept Design for revised Effluent Streams due to requirement of NOW | \$33,250.80 |
| 6 | Currency Fluctuation (as per Contract Conditions) | - \$39,311.00 |
| 7 | Re-inclusion of Telemetry requirements for the sites | \$51,515.75 |
| 8 | Back-up Level sensor for the Inlet Works | \$9,168.17 |
| 9 | Disabled Access due to change in BCA | \$173,212.60 |
| 10 | 10. Install Electrical conduits and Cable pit for PS controls At Lennox | \$8,765.86 |
| 11 | DA Certificate requirements | \$16,976.30 |
| 12 | LP Sewer Connection to WWTP | \$10,502.80 |
| 13 | Effluent Streams Modifications | \$2,275,488.02 |
| 14 | Supply temporary Ferric tank and Convert existing Ferric tank to Alum | \$50,045.90 |
| 15 | Additional Ballina Is main diversion and valving | \$21,225.82 |
| 16 | Future RO return main and electrical conduits | \$28,941.14 |
| 17 | Relocation of grease waste facility sampler and associated equipment | \$38,081.12 |
| 18 | Supply and install PRV in existing RW system | \$26,199.71 |
| 19 | Administration building security upgrade | \$16,988.40 |
| | Total | \$2,663,043.41 |

11.2 Waste Water Treatment Plants Upgrade - Update

The last report to Council dealt with item 13 above being a major variation. A claim for Delay Costs was also forwarded by the Contractor due to this variation. This claim has been rejected, however the Contractor believes they have a justifiable claim. There are processes available in the contract for the parties to review the appeal by the Contractor to this decision. Those processes are currently being followed. Separate to the costs of the delay claim a revised completion date may need to be negotiated.

Sustainability Considerations

- **Environment**

Timely construction of the contract works will ensure the WWTP's in Ballina and Lennox Head have adequate capacity and the environment is protected from the risk of overflows. The upgrade of the facilities and reuse of effluent will assist in improving discharge qualities and the water quality in the estuaries.

- **Social**

The upgrade of the WWTP's will accommodate growth and provide an alternative source of high grade recycled water which will limit the need to upgrade alternative means of water supply thus putting back the costly upgrades such as dams and desalination.

- **Economic**

The construction of the WWTPs will allow capacity in the network to further develop the Ballina and Lennox Head areas in a timely manner.

Legal / Resource / Financial Implications

For the Haslin Constructions contract, there have been nineteen approved variations to date for a sum of \$2,663,043.41. As detailed above there was a significant variation required for the changes to the effluent streams. At this time it is anticipated that further variations will be within the contingency for this contract and no variation would currently be required to the budget.

Consultation

This report has been provided for the information of the public.

Options

This report is for information only.

RECOMMENDATIONS

That Council notes the contents of the progress report on the upgrade of the Ballina and Lennox Head Waste Water Treatment Plants.

Attachment(s)

Nil

12. Public Question Time

12. Public Question Time

13.1 Rescission Motion - LEP Amendment No. 90 - Stewart Farm

13. Notices of Motion

13.1 Rescission Motion - LEP Amendment No. 90 - Stewart Farm

Councillor Cr Silver
 Cr Brown
 Cr Moore

We, the above Councillors, move that Resolution 240512/7 of the 24 May 2012 Ordinary meeting, as follows, be rescinded:

1. *That Council re-affirm the resolution of December 2011 concerning LEP Amendment No 90.*
2. *That the General Manager continue discussion with Dr and Mrs Stewart concerning the proposed dedication as per 1(d) of the December 2011 resolution and convey to them that Council is prepared to accept conditional dedication of said land that requires Council to not, at any time, undertake development on the land that is inconsistent with the present 7 (f) zoning.*
3. *That Council not progress any further work on this rezoning until point two is resolved to the satisfaction of Council. If agreement cannot be reached on point two Council accepts that the rezoning will cease.*
4. *That legal advice be sought on the means to limit future development on the eastern side of the Coast Road.*

If carried, we give notice of the intention to move the following motion:

1. That subject to the extend of land on the west side of the Coast road being dedicated to Council and the extent of the buffer zone on the southern edge of the subject land being satisfactory to Council then Council endorses the finalisation.
2. That subject to these issues being agreed with the proponents and landowners, Council endorses the finalisation of the environmental study associated with Draft Ballina LEP Amendment No. 90 - Stewart Farm.
3. That the outcome of point one be reported to the Council for consideration with respect to the potential public exhibition of Draft Ballina LEP Amendment No. 90.

COUNCILLOR RECOMMENDATIONS

That Resolution 240512/7 of the 24 May 2012 Ordinary meeting, as follows, be rescinded:

1. *That Council re-affirm the resolution of December 2011 concerning LEP Amendment No 90.*
2. *That the General Manager continue discussion with Dr and Mrs Stewart concerning the proposed dedication as per 1(d) of the December 2011 resolution and convey to them that Council is prepared to accept conditional dedication of said land that requires Council to not, at any time, undertake development on the land that is inconsistent with the present 7 (f) zoning.*
3. *That Council not progress any further work on this rezoning until point two is resolved to the satisfaction of Council. If agreement cannot be reached on point two Council accepts that the rezoning will cease.*
4. *That legal advice be sought on the means to limit future development on the eastern side of the Coast Road.*

Attachment(s)

Nil

13.2 Rescission Motion - NOROC - Structural Reform

13.2 Rescission Motion - NOROC - Structural Reform

Councillor Cr Smith
 Cr Silver
 Cr Meehan

We, the above Councillors, move that Resolution 280612/29, as follows, be rescinded:

That Council notes the recommendation from the University of Technology, Sydney and refers the report to the Minister for Local Government.

If successful, we give notice of the intention to move the following motion:

1. That Council confirms its desire to have a single entity responsible for the Natural Resource Management issues of the Richmond River and its Catchment.
2. That the UTS report be referred to the Minister for Local Government and that Council records its support for Option 7.

COUNCILLOR RECOMMENDATIONS

That Resolution 280612/29, as follows, be rescinded:

That Council notes the recommendation from the University of Technology, Sydney and refers the report to the Minister for Local Government.

Attachment(s)

Nil

13.3 Notice of Motion - Pop Up Galleries

13.3 Notice of Motion - Pop Up Galleries

Councillor

Cr Jeff Johnson

I move

That Council seek expressions of interest (EOI) from local artists or artist groups (BACCI) to establish a 'pop up gallery' in one or more of the Council owned shops in the Wigmore Arcade.

Councillor Comment

Ballina Council owns the Wigmore Arcade. Currently there are a number of vacant shops in the Wigmore Arcade including two that front River St. Given that Council is considering redevelopment options for the Wigmore Arcade, due mainly to the expiry of all lease agreements at the end of this year, Council is not in a position to offer a long term commercial lease.

Instead of having vacant shops in the heart of the CBD, Council could 'lease' these vacant shops to local artists on either a three or six month 'lease' as a way of encouraging people back into the Ballina CBD. An artist collective like BACCI could organize a number of exhibitions and workshops that would have a flow on affect for the surrounding businesses. It would also provide support for our local artists and the creative industries.

COUNCILLOR RECOMMENDATIONS

That Council seek expressions of interest (EOI) from local artists or artist groups (BACCI) to establish a 'pop up gallery' in one or more of the Council owned shops in the Wigmore Arcade.

Attachment(s)

Nil

13.4 Notice of Motion - Ageing Strategy

13.4 Notice of Motion - Ageing Strategy

Councillor

Cr Meehan

I move

That Council receive a report outlining the steps proposed to prepare the shire wide ageing strategy, which is a key outcome in our 2012/13 Operational Plan. This report should canvass issues such as the formation of a committee to assist in the preparation of that strategy, along with comments on actions taken by other councils to promote a positive approach to ageing.

COUNCILLOR RECOMMENDATIONS

That Council receive a report outlining the steps proposed to prepare the shire wide ageing strategy, which is a key outcome in our 2012/13 Operational Plan. This report should canvass issues such as the formation of a committee to assist in the preparation of that strategy, along with comments on actions taken by other councils to promote a positive approach to ageing.

Attachment(s)

Nil

14. Advisory Committee Minutes

14.1 Environmental & Sustainability Committee Minutes - 17 July 2012

Attendance

Crs Phillip Silver (Mayor - in the chair), Sharon Cadwallader, Ben Smith, Keith Johnson, David Wright, Jeff Johnson, Alan Brown and Susan Meehan.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Steve Barnier (Strategic & Community Services Group Manager), Simon Scott (Strategic Planner) and Sandra Bailey (Secretary) were in attendance.

There were 23 people in the gallery at this time.

1. Apologies

An apology was received from Cr Robyn Hordern.

Absent

Cr Peter Moore

RECOMMENDATION

(Cr Ben Smith/Cr Keith Johnson)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore, Cr Robyn Hordern

2. Declarations of Interest

Nil

3. Deputations

- Terry Lavis, Item 4.2 - Precinct B
- Dayne Mearns, Ross Lane
- Samantha Miller, Item 4.2 – Precinct B
- Jo George, Item 4.2 – Precinct B
- Dr Richard Freihart, Item 4.2 – Precinct B
- Neil Johnstone, Item 4.1 – Precinct A
- Chris Pratt, Item 4.2 – Precinct B
- Enid Mead, Item 4.2 – Precinct B
- Anthony Potter, Items 4.1 and 4.2 – Precincts A & B
- Jan Lavis, Item 4.2 – Precinct B
- Bill Payne, Item 4.1 – Precinct A
- Steve Connelly, Item 4.2 – Precinct B

4. Committee Reports

Committee of the Whole

RESOLVED

(Cr Keith Johnson/Cr David Wright)

That the Committee move into Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Robyn Hordern

RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

That the Committee move out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Robyn Hordern

4.1 Cumbalum Precinct A Planning Proposal

A **Motion** was moved by Cr Keith Johnson and seconded by Cr Ben Smith

1. That Council proceed to finalise the Cumbalum Precinct A Planning Proposal, subject to the following:
 - a) The proponents providing a signed Voluntary Planning Agreement (or agreement is reached on a suitable alternative mechanism) that satisfies the Council's requirements with respect to securing future infrastructure delivery obligations; and
 - b) Council's Civil Services Group advising that a stormwater management system can be designed that is capable of servicing the subject land, without having an adverse impact on downstream private properties and ecology.
2. That where items 1(a) and 1(b) are not resolved in a period of three months, the matter be reported to Council for further consideration.

Cr Alan Brown left the meeting at 05:26 pm and returned at 05:30 pm.

An **Amendment** was moved by Cr Alan Brown

1. That Council proceed to finalise the Cumbalum Precinct A Planning Proposal, subject to the following:
 - a) Council's Civil Services Group advising that a stormwater management system can be designed that is capable of servicing the subject land, without having an adverse impact on downstream private properties and ecology.
2. That where items 1(a) and 1(b) are not resolved in a period of three months, the matter be reported to Council for further consideration.

The **Amendment LAPSED**.

The **Motion** was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Robyn Hordern

RECOMMENDATION

(Cr Keith Johnson/Cr Ben Smith)

1. That Council proceed to finalise the Cumbalum Precinct A Planning Proposal, subject to the following:
 - a) The proponents providing a signed Voluntary Planning Agreement (or agreement is reached on a suitable alternative mechanism) that satisfies the Council's requirements with respect to securing future infrastructure delivery obligations; and

14.1 Environmental & Sustainability Committee Minutes - 17 July 2012

- b) Council's Civil Services Group advising that a stormwater management system can be designed that is capable of servicing the subject land, without having an adverse impact on downstream private properties and ecology.
2. That where items 1(a) and 1(b) are not resolved in a period of three months, the matter be reported to Council for further consideration.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Robyn Hordern

Committee of the Whole

RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That the Committee move into Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Robyn Hordern

RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That the Committee move out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Robyn Hordern

4.2 Cumbalum Precinct B Planning Proposal

A **Motion** was moved by Cr David Wright and seconded by Cr Alan Brown

1. That Council proceed to finalise the Cumbalum Precinct B Planning Proposal, subject to the following:
 - a) The proponents providing a signed Voluntary Planning Agreement (or agreement is reached on a suitable alternative mechanism) that satisfies the Council's requirements with respect to securing future infrastructure delivery obligations; and
 - b) Council's Civil Services Group advising that it is satisfied that a stormwater management system can be designed that is capable of servicing the subject land, without having an unreasonable adverse impact on downstream private properties and ecology.
2. That where items 1(a) and 1(b) are not resolved in a period of three months, the matter be reported to Council for further consideration.
3. That Council amend the planning proposal in accordance with the table of minor amendments contained in this report.
4. That a Section 94 plan be developed for improvements to Ross Lane above those outlined in the current planning proposal.
5. That Council receive a report on the long term upgrade options for Ross Lane, along with funding options.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Johnson, Cr David Wright and Cr Alan Brown

AGAINST VOTE - Cr Phillip Silver, Cr Ben Smith, Cr Jeff Johnson and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Robyn Hordern

The **Motion** was **LOST** for want of a majority.

MEETING CLOSURE

6.52 pm

RECOMMENDATIONS

That Council confirms the minutes of the Environmental & Sustainability Committee meeting held 17 July 2012 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

Attendance

Cr Ben Smith (Chair) and Crs Phillip Silver (Mayor), Sharon Cadwallader, Keith Johnson, Peter Moore, David Wright, Jeff Johnson and Susan Meehan (arrived at 5.20 pm).

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Rod Willis (Regulatory Services Group Manager), Steve Barnier (Strategic & Community Services Group Manager), Chris Allison (Projects and Contracts Co-ordinator), Peter Morgan (Finance Manager) and Sandra Bailey (Secretary) were in attendance.

Mac Stirling and Trent Watson from PDT Architects were also in attendance.

There were five people in the gallery at this time.

1. Apologies

An apology was received from Crs Robyn Hordern and Alan Brown.

Absent

Cr Peter Moore
Cr Susan Meehan

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Johnson)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore, Cr Robyn Hordern, Cr Alan Brown and Cr Susan Meehan

2. Declarations of Interest

Nil

3. Deputations

- **Eva Ramsey** - spoke in relation to Item 4.1 - Ballina Sports and Events Centre - Options.
- A presentation was given by Mac Stirling and Trent Watson from PDT Architects.

Cr Susan Meehan arrived at the meeting at 5.20 PM

4.01 Committee of the Whole

RESOLVED

(Cr David Wright/Cr Sharon Cadwallader)

That the Committee move into Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore, Cr Robyn Hordern and Cr Alan Brown

RESOLVED

(Cr David Wright/Cr Keith Johnson)

That the Committee move out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore, Cr Robyn Hordern and Cr Alan Brown

4. Committee Reports

4.1 Ballina Sports and Events Centre - Options

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council investigate the suitability of the former depot site for a large scale community facility up to a four court stadium.

FOR VOTE - Cr Phillip Silver, Cr Sharon Cadwallader, Cr Jeff Johnson and Cr David Wright

AGAINST VOTE - Cr Ben Smith and Cr Keith Johnson, Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Peter Moore, Cr Robyn Hordern, Cr Alan Brown

MEETING CLOSURE

6.17 pm

RECOMMENDATIONS

That Council confirms the minutes of the Facilities Committee meeting held 18 July 2012 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

14.3 Commercial Services Committee Minutes - 23 July 2012

14.3 Commercial Services Committee Minutes - 23 July 2012

The Minutes will be distributed prior to the meeting.

RECOMMENDATIONS

That Council confirms the minutes of the Commercial Services Committee meeting held 23 July 2012 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 Phillip Silver

Activities since the June 2012 Ordinary meeting:

| <u>Date</u> | <u>Function</u> |
|-------------|--|
| 29/6/12 | Book Launch, Southern Cross University "Councils in Co-operation" in Lismore |
| 2/7/12 | NAIDOC march in Ballina |
| 5/7/12 | DCP workshop at Council |
| 8/7/12 | Ballina Jet Boat Rescue opening in Ballina |
| 9/7/12 | General Manager's Performance Review at Council |
| 10/7/12 | Prime TV, economic development in Ballina |
| 11/7/12 | Dredging Taskforce meeting at Council |
| 12/7/12 | Building Better Regional Cities announcement at Wollongbar |
| 13/7/12 | BACCI Art show opening at Northern Rivers Community Gallery |
| 16/7/12 | Deputation with staff re Cumbalum B Precinct at Council |
| 16/7/12 | Donations Working Party meeting at Council |
| 17/7/12 | Internal Audit Committee at Council |
| 17/7/12 | Prime TV, infrastructure borrowings, at Council |
| 17/7/12 | Ballina Hospital Auxiliary AGM at Ballina Hospital |
| 17/7/12 | Environmental & Sustainability Committee at Council |
| 18/7/12 | Rous Water July meeting in Lismore |
| 18/7/12 | ABC Radio, Airport noise ANEF |
| 18/7/12 | Facilities Committee at Council |
| 19/7/12 | Deputation with staff re Wollongbar rezoning at Council |
| 22/7/12 | CSG petition and rally at Rocky Creek Dam |
| 23/7/12 | Deputation re County Council reform at Council |
| 23/7/12 | Commercial Services Committee at Council |
| 24/7/12 | Partnership in Placemaking seminar with staff in Brisbane |

RECOMMENDATIONS

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

Attachment(s)

Nil

16. Questions Without Notice

16. Questions Without Notice

17. 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:

17.1 Legal Action - Failure to Comply with Development Consent

This report contains information relating to non compliance with development consent conditions for privately operated quarries.

17.2 General Manager - Performance Review

This report contains information relating to the General Manager's performance for the period 2011/12.

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.

17.1 Legal Action - Failure to Comply with Development Consent

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 report canvasses alternative legal options for the Council to take.

17.2 General Manager - Performance Review

Reason for Confidentiality

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

- a) personnel matters concerning particular individuals (other than councillors)

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 discussion may involve specific details of the employee's performance.