



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, 40 Cherry Street, Ballina on **Thursday 20 December 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

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.

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1. Australian National Anthem

The National Anthem will be performed by RSL Lifecare Choir.

2. Acknowledgement of Country

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

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

3. Apologies

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 November 2012 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 November 2012.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 DA 2012/333 - Parkview Funeral Home, River Street, Ballina

8. Regulatory Services Group Report

8.1 DA 2012/333 - Parkview Funeral Home, River Street, Ballina

Applicant	Newton Denny Chapelle
Property	Lot 1 DP 506118, No. 338 River Street, Ballina
Proposal	To Undertake a Change of Use from Motor Showroom to Funeral Home incorporating Chapel, Office, Showroom, Function Centre, Car Parking, Landscaping & Advertising Signage
Effect of Planning Instrument	The land is zoned 3 – Business under the provisions of the Ballina LEP
Locality Plan	The subject land is depicted on the locality plan attached.

Introduction

Council is in receipt of a development application for the change of use of a Motor Showroom to a Funeral Home, incorporating a Chapel, Office, Showroom, Function Centre, Car Parking, Landscaping and Advertising Signage. This report is seeking the Council's determination of the application, as a number of objections were received during the exhibition process. The key issues for Council's consideration are traffic generation, noise, residential amenity and compatibility with the surrounding locality.

The development application involves the internal reconfiguration of the building to allow it to be utilised as a funeral home with associated chapel, office and showroom area, and to provide for the inclusion of a function centre for refreshments following services.

The subject site is approximately 2,106m² in area. The existing building has a footprint of 416.5m². The proposed development will increase the gross floor area of the building by 140.5m², being the addition of new garage/workshop amenities for the storage of vehicles associated with the business. It is not intended to undertake vehicle repairs in the garage/workshop area. Only detailing and parking of vehicles associated with the business are proposed. A covered walkway and porte cochere are also proposed to be constructed on the northern façade of the building, having an area of approximately 186.4m².

Thirty car parking spaces are to be provided on the site, and the site will be accessed via a new driveway from Henry Philp Avenue. The existing garage space at the rear of the chapel will be utilised for company vehicles transporting coffins to the premises, and will utilise the existing access via Bolding Lane.

8.1 DA 2012/333 - Parkview Funeral Home, River Street, Ballina

The proposal also provides for associated alterations and additions to the existing built form, being the creation of a formal entry to the building through a porte cochere and covered walkway which links through to the proposed car parking area. In addition, bi-fold doors to the northern façade will be installed, and the existing windows on the southern elevation will be removed and replaced with rendered masonry. One new window is to be installed on the southern elevation for the office.

A bin storage area will be provided within the garage/workshop. No trade waste is proposed to be generated.

Landscaping and signage comprising a single pole sign and two fascia signs are also proposed on the site.

Refer to the **attached** plans that detail the proposed development.

The chapel proposes to seat a maximum of 80 people at any given service. The applicant has advised that the facility will average one service per day and will operate 8.30am – 6.00pm Monday to Friday, and 8.30am – 12.30pm on Saturday. No burials, cremations, or the storage or preparation/dressing of the deceased will occur at the site as this will occur at other premises.

A refreshment room is proposed as part of the facility, and will provide light refreshments i.e. sandwiches, cake, tea, coffee etc to guests following services in the chapel. The refreshment room will not be licensed and is to be used solely in association with a service held at the facility.

As part of the proposed development, the stormwater management facilities on the site will also be upgraded. A bio-retention treatment pond is proposed to be located in the north-eastern corner of the subject site to provide 10m² of treatment and attenuation.

The subject site was previously used as a motor showroom.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The proposed development was placed on exhibition in accordance with Council's policy for the period of 6 September 2012 to 21 September 2012. During this period, 10 submissions were received from surrounding landowners and residents.

The main grounds of objections can be summarised as follows:

- Traffic generation
- Access & car parking
- Drainage infrastructure
- Compatibility with surrounding locality
- Noise
- Decreased property values & loss of tenants
- Loss of tourists

These issues are addressed further under the heading 'Report'.

Applicable Planning Instruments

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

Ballina Local Environmental Plan 1987

The proposed development is defined as a "commercial premises", in accordance with the Ballina Local Environmental Plan 1987, being:

"commercial premises means a building or place used as an office or for other business or commercial purposes, but does not include a building or place specifically defined for the purposes of this plan, or a building or place at which a land use so specifically defined is carried on."

The subject property is located within the 3 – Business Zone.

The objectives of the 3 – Business Zone are:

- A. *The primary objectives are:*
 - a. *To regulate the subdivision and the use of land within the zone to maintain the status of the Ballina Central Business District as the retail, commercial and administrative centre of the Shire of Ballina,*
 - b. *To allocate sufficient land for retail, commercial and administrative purposes within the Shire of Ballina and to regulate the subdivision and use of that land so that it is developed in accordance with a commercial hierarchy,*
 - c. *To permit a wide range of uses within the zone that are associated with, ancillary to, or supportive of the retail and service facilities within the zone, particularly tourist developments and industries referred to in Schedule 2, and*
 - d. *To permit development where it is compatible with the commercial character of the zone and provides its residents with appropriate leisure facilities to ensure a high level of residential amenity.*
- B. *The secondary objectives are:*
 - a. *To ensure there is adequate provision for car parking facilities within the vicinity of the zone, and*
 - b. *To minimise conflicts between pedestrians and vehicular movement systems within the vicinity of the zone.*

C. The exception to these objectives is development of land within the zone for public works and services outside the parameters specified in the primary and secondary objectives.

Commercial premises are permissible with development consent within the 3 – Business Zone in accordance with Clause 9 of the BLEP.

The proposed development is to be undertaken within an existing commercial building upon commercially zoned land. The proposed alterations and additions have been designed to be in the same scale, nature and style of the development. It is therefore considered that the proposed development is consistent with the objectives of the 3 – Business Zone.

Clause 36 of the BLEP relating to Acid Sulfate Soils is also applicable in the assessment of the proposal.

The subject land is identified on Council's Acid Sulfate Soils Planning Maps as being Class 2 Acid Sulfate Soils. Development consent is required for works on Class 2 mapped land. There is approximately 400mm of fill on the site. Should construction works intend to disturb the natural ground level, an Acid Sulfate Soils Management Plan will be required to be prepared and implemented. This can be appropriately conditioned.

State Environmental Planning Policy 55 – Remediation of Land

The proposed development is for a funeral home. The previous landuse on the subject site was a car dealership and workshop.

An assessment of the Preliminary Contaminated Land Assessment submitted with the development application has been undertaken.

Ten surface samples (0 – 200mm depth) and four depth samples (200mm – 400mm) were collected and analysed. The results of the hydrocarbon analysis in 2 locations exceeded the threshold limit identified by NSW Environment Protection Authority (1994). In addition, sampling for aromatic and aliphatic Total Petroleum Hydrocarbon (TPH) in 1 location was found to exceed the threshold limit.

Should the development be approved, a Stage 2 Assessment and Remedial Action Plan will be required to identify the nature, extent and degree of contamination of the land. This can be conditioned appropriately.

State Environmental Planning Policy 71 – Coastal Protection (SEPP 71)

The subject site is located within the coastal zone and is thus subject to the provisions of SEPP 71.

The proposed development has been assessed against the provisions of Clause 8 of this SEPP which contains matters for consideration for development proposals within the coastal zone.

The subject land is physically and spatially separated from the foreshore of any waterway or waterbody. The proposed development will not impair any public foreshore access.

The proposed development will not have any impacts upon flora and fauna or the scenic qualities of the locality and will not impact upon the environment of any coastal foreshore.

Draft Ballina Local Environmental Plan 2011

The subject land is proposed to be zoned B4 – Mixed Use under the Council Adopted Draft BLEP 2011.

The proposed development would be defined as a ‘funeral home’, being:

“funeral home means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.”

A funeral home is permissible under within the B4 Zone under the Draft BLEP 2011.

Clause 4.3 – Height of Buildings is applicable to the proposed development. This clause provides that buildings are not to exceed the maximum height shown on the Height of Buildings Map. The Height of Buildings Map shows that the maximum building height on the subject site is 8.5m. The building height definition within the Draft LEP provides *“building height means the vertical distance between the ground level and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.”*

The maximum height of the proposed building as defined under the DBLEP 2011 is 7 metres. The proposed development complies with this clause.

Clause 5.5 – Development within the Coastal Zone also applies to the proposed development. As previously discussed, there is not expected to be any unreasonable impacts on the coastal zone as a result from the proposed development.

Clause 7.2 – Earthworks and Drainage is applicable to the proposed development. Earthworks will be required to be undertaken to construct the car park, footings of alterations and additions and stormwater management works. Appropriate conditions of consent can be applied, should the development be approved to mitigate any sediment and erosion impacts that may occur as a result of earthworks on the subject site.

Clause 7.3 – Acid Sulfate Soils is applicable in the assessment of the proposed development. As previously discussed, the subject site is identified as Class 2 Acid Sulfate Soils, and therefore requires development consent for the proposed development. If approved, this can be appropriately conditioned.

Clause 7.6 – Flood Planning is applicable to the proposed development. The subject site is identified as a “Flood Planning Area” on the Flood Planning Map. As the proposed development essentially only involves the change of use of an existing building, it is considered unreasonable to require the filling of the site to the current fill levels.

Clause 7.7 – Essential Services is also applicable to the proposed development. The subject site is currently connected to reticulated water and sewage services which are capable of catering for the proposed development.

It is therefore considered that the proposed development is consistent with the above relevant clauses of the Draft Ballina Local Environmental Plan 2011.

Ballina Shire Combined Development Control Plan (DCP)

The proposed development is located within the C1 – Ballina Business District Control Plan Area under the provisions of DCP Chapter No. 1 – Urban Land. The preferred uses within the C1 Control Plan Area are:

Wide range of retail, commercial, community and residential activities.

The proposed development involves the change of use of an existing motor showroom and workshop to a funeral home and associated uses. It is considered that the proposed development is consistent with the preferred land uses of the C1 – Ballina Business District Control Plan Area.

The C1 Control Plan Area Objectives are:

- *To reinforce the Ballina Business District as the principal commercial centre in the Shire by encouraging higher intensity of site usage and competitive retail and commercial services.*

The proposed development is considered to be consistent with the commercial use of the site, further strengthening the commercial district and gateway into the Ballina Town Centre. In this regard, it is considered that the proposed development is consistent with the C1 – Ballina Business District Control Plan Area Objectives.

Policy Statement No. 2 – Car Parking & Access

Policy Statement No. 2 provides that the car parking rate for commercial premises outside of the core Ballina Business District are at a rate of 1 space per 40m² gross floor area. Policy Statement No. 2 is silent regarding a car parking rate specifically for a funeral home.

The car parking rates in Policy Statement No. 2 has been reviewed as part of the preparation of the Draft DCP 2012. A rate of 2 spaces plus 1 space per 30m² of gross floor area or 1 space per 5 seats, whichever is the greater, has been drafted as a suitable rate of parking for a like use as is proposed.

The proposed development has a gross floor area of 557m² and a proposed maximum seating capacity of 80 seats and two staff. The greater car parking rate is based on the gross floor area of the building, requiring 21 car parking spaces. The application proposes 30 on-site car parking spaces in the northern portion of the site to be constructed, inclusive of one disabled car parking space. A further two staff spaces are provided in the proposed garage/workshop. Overflow parking will be directed to the street system. Nearby residents have raised concerns with overflow parking and additional traffic flow in the street system, which is discussed further in the 'Report' section.

8.1 DA 2012/333 - Parkview Funeral Home, River Street, Ballina

The subject site is bounded by Henry Philp Avenue and fronts River Street. Public access to the site is proposed via Henry Philp Avenue.

A right turn is available at the intersection of Henry Philp Avenue onto River Street for departing traffic however, due to the high traffic volumes on River Street, this turn has been identified as being difficult to achieve. It may also be difficult for vehicles attending services to form a funeral cortege turning right onto River Street from Henry Philp Avenue. An alternative route is available through Camoola Avenue. Some residents have expressed concern over the possible detriment a funeral cortege would have on Camoola Avenue.

It is expected by the applicants that the premises would average about 1 service per day. Funeral corteges are slow moving and in this case would be moving west to east on Camoola Ave and connecting streets through to the River/Kerr Streets signalised intersection. Camoola Ave is a 6 metre wide sealed road and Council's engineers advise that this and the other connecting streets are constructed to a capacity that would serve the development. Any traffic delays caused by a service would only be transitory.

The applicant has proposed that as a condition of consent, a vehicle management plan should be required to be prepared and approved by Council prior to issue of a construction certificate. This plan should demonstrate how funeral corteges would not unreasonably impact on those intersections parallel to River Street and identify the preferred route. This is considered to be a reasonable request and can be incorporated into a consent document, should approval be granted.

In addition, as an option it has been recommended that the number of attendees to a funeral service at the site be limited to 80, due to the constraints on the site having regard for access and car parking. This is not supported as the nature of funerals do not lend themselves to limiting attendees and the application indicates that it would only be an uncommon occurrence for a service at the proposed chapel to exceed this number. Reasonable overflow parking is available in the street system of the immediate locality notwithstanding such may be inconvenient to residents at times.

The application proposes the construction of a new property access from Henry Philp Avenue, between the 2 existing driveway accesses. The existing accesses will be required to be closed and reinstated with kerb and gutter.

Developer contributions are applicable as a result of the proposed development and, if approved, will be suitably conditioned.

Policy Statement No. 3 – Urban Building Lines

The subject site is located within the C1 – Ballina Business District Control Plan Area of the DCP.

A zero building line setback is permitted within the Ballina Commercial Area.

The existing building is setback 18.5 metres from the northern boundary of the site, which fronts River Street.

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The new garage/workshop area is proposed to be built on the western boundary of the site, and will be setback 13 metres from River Street.

Policy Statement No. 6 – Landscaping Guidelines

Submitted plans show landscaping is proposed in the north-eastern corner of the site and a central landscaping and lawn area being established between the existing building and the car park, comprising a total area of 128.2m².

This is considered to be adequate for the use and will improve the aesthetics of the site.

Policy Statement No. 11 – Flood Levels

The subject site is identified as being flood prone land, with a fill height of 2.0m AHD and a floor level of 2.5m AHD required.

Clause 3.3(iii) of Policy Statement 11 provides the following:

“Alterations and additions to existing buildings and swimming pools will be considered on their individual merits. Council may not require fill or floor levels to meet the adopted standards for the locality depending on circumstances and practicality.”

Building works associated with the proposed development are limited to a reconfiguration of the internal floor area, and the construction of a garage/workshop area and porte cochere/covered walkway.

Given the minor nature of the proposed building works and their relationship to the existing buildings it is not considered practical in this instance to require the filling of the site or to stipulate that the garage/workshop area have a higher floor level.

Chapter 2 – Ballina Town Centre

Clause 3.10 of Chapter 2 identifies the subject site as being within the Highway Strip Precinct of the Ballina Town Centre. The subject site is not shaded as being part of the land area subject to specific building envelope provisions of Part 3 of Chapter 2. As the proposed development relates to the change of use of an existing building, these provisions are not applicable.

The proposed external building works will contribute to the building presenting an active street frontage to the Highway Precinct area and this is addressed in the Applicant's Statement of Environmental Effects. The proposal is considered to be consistent with the General Design and Development Controls contained in Part 4 of Chapter 2.

Chapter 13 – Stormwater Management

The impervious area of the site will increase as a result of the proposed development.

A stormwater management plan was submitted with the development application, and proposes the provision of a bio-retention treatment pond in the north eastern corner of the subject site which will provide 10m² of treatment and attenuation capacity.

Council's Development Engineer has reviewed the submitted stormwater management plan and advises that the proposed treatment is adequate for the site. The provision of the controls recommended within the stormwater management plan can be conditioned appropriately if the application is approved.

Chapter 14 – Advertising Signage

The proposed development seeks to incorporate three advertising structures, being two wall/fascia signs and one pylon sign, as shown on the attached plans.

The proposed wall signs are to be located on the gables of the entrance to the building and the garage. The pole sign is proposed to be located in the north-eastern corner of the site, fronting River Street.

Section 3.2 of Chapter 14 provides the following requirements for wall signs:

- a) *Only one sign per elevation; and*
- b) *Does not project above or beyond the parapet or eaves; and*
- c) *Does not protrude more than 300mm from the wall, unless OH & S standards require a greater protrusion;*
- d) *Does not extend over a window or other opening, or significant architectural feature;*
- e) *Size, shape and location determined by façade grid analysis;*
- f) *Must not have an area greater than:*
 - o *10% of the building elevation, if the elevation is greater than 200m²;*
 - o *20m² if the building elevation is greater than 100m² but less than 200m²;*
 - o *20% of the building elevation if the elevation is less than 100m²*

Both wall signs are proposed on the northern elevation. The northern elevation has an area of approximately 104.8m².

The area of the largest sign, above the entrance to the site is 8.3m². The wall sign proposed above the garage has an area of approximately 3.5m², providing a total signage area of 11.8m² on the northern elevation. The proposed signage complies with all the development requirements of a wall sign, with the exception of the number of signs. Two signs are proposed on the northern elevation. It is considered that the second sign contributes to the presentation of the building to River Street, and, as it is not overly large, the variation to this requirement within Chapter 14 is reasonable in this instance.

Section 3.2 of Chapter 14 provides the following requirements for pole signs:

- a) *Must be located wholly on private land; and*
- b) *Maximum advertising area of 8m²; and*
- c) *Maximum height 7.5m to the top of the sign, above natural ground level; and*

d) Keep within the established heights of similar types of signs in the locality

The proposed pole sign is to be located within the north-eastern corner of the subject site, fronting River Street. The sign is to be located wholly on private land. The advertising area of the sign is 7.5m² and is 6.5m in height. The proposed sign is within the established heights of similar types of signs in the locality. No engineering report has been submitted with the development application indicating that the proposed structure is structurally sound. This can be appropriately conditioned if approved.

Report

As outlined above, the proposed development is consistent with the relevant environmental planning instruments and DCP provisions.

During the exhibition, a number of objections were received from surrounding landowners. Discussions on the issues raised in the submissions are provided below:

Traffic Generation, Access & Car Parking

Concerns have been raised by adjoining residents regarding the potentially high traffic volumes generated in the locality by the proposed development.

The Parkview Funeral Home currently averages one service per day and is proposing to operate 8.30am to 6.00pm, Monday to Friday and 8.30am to 12.30pm on Saturday. The average number of patrons attending a service has been estimated at 55. Up to a maximum of 80 patrons/seats has been catered for in the chapel. When there is no service being held, the site will be utilised for general office uses associated with the running of the business.

If consented to, the refreshment room component of the business will be utilised solely in association with a service held at the funeral home and will not be available for any other third party activities.

30 car parking spaces have been provided on site, including one disabled car parking space. Parking for two staff members has also been provided in the garage.

Access to the site from Henry Philp Avenue is currently available via two driveways. A new driveway between the existing driveway entrances is proposed to be constructed, with the existing accesses extinguished and reinstated with kerb and gutter.

It is expected that, in the main, vehicles will access the site via Henry Philp Ave by turning left & right from River Street. The alternate approach is to gain access via the River-Kerr Street traffic lights, and travel west along Camoola Ave, Greenhalgh Street and Bolding Street.

Given the difficulties in making right hand turns onto River Street from Henry Philp Ave, vehicles exiting the site would either turn left onto River Street (west-bound traffic) or travel along Camoola Ave.

8.1 DA 2012/333 - Parkview Funeral Home, River Street, Ballina

Alternatively, funeral cortege traffic could be directed to turn left onto River Street from Henry Phillip Avenue, and conduct a U-turn at the Barlow's Road roundabout. This, however, is not assessed as being either a convenient or practical option.

Only vehicles associated with the funeral home business will utilise the existing entrance to the garage via the dead end section of Bolding Lane.

The subject site was previously utilised as a motor showroom and workshop, (a higher traffic generating use) which was accessed via the same arrangement. That development operated at varying levels of business activity over many years and, whilst at times there were issues relating to the use of Bolding Lane for workshop access, there were no traffic type problems that couldn't be resolved to a reasonable level.

A traffic management plan has been proposed to be designed to identify the best route for corteges and to minimise the impact of traffic on existing intersections for all roads intersecting River Street.

Council's Development Engineer has advised that the existing road network is constructed to a suitable standard to service the proposed development and no upgrading works are required on surrounding roads.

The applicant has provided the following options to assist in alleviating traffic impacts on the area:

- Incorporate a directional map indicating access to the site being directed from the River/Kerr Streets traffic light intersection through Camoola Avenue/Richmond Avenue/Greenhalgh Street/Henry Philp Avenue to the site. This map would be contained in documentation provided to families utilising the facility, and families would be requested to advise guests attending the service. It is also proposed to include this information on the funeral home's website.
- Erect a "No Left Turn" sign at the property exit so as to direct vehicles towards the Kerr Street intersection.

Drainage infrastructure

One submission received by Council highlighted the failure of the existing drainage system on the property, due to damaged internal stormwater infrastructure. As part of the proposed stormwater management treatments proposed for the site, all down pipes on the building will be rectified as part of the proposed building works. It is considered that these works will adequately address the issues raised within the submission.

Compatibility with surrounding locality

The surrounding land uses in the locality comprise predominantly residential housing. River Street adjoins the site to the north, with commercial development located on the northern side of River Street.

The subject site is zoned 3 – Business under the provisions of the BLEP and is located within the C1 – Ballina Business District Control Plan Area under the DCP. As previously discussed, the preferred land uses within the C1 area are a "wide range of retail, commercial, community and residential activities".

8.1 DA 2012/333 - Parkview Funeral Home, River Street, Ballina

The subject site has previously been utilised as a motor showroom and workshop, which are commercial uses.

No storage, dressing of the deceased or cremations are to be undertaken at the premises. All bodies are to be stored, dressed and cremated at the company's premises in Goonellabah. The deceased will be transported to the subject premises for the service only.

The application seeks to utilise the existing commercial building for Chapel Services and refreshments for families following funeral services. Office amenities and a showroom are also to be provided within the building.

A small increase in floor area is proposed, following the internal reconfiguration of the building as described earlier in this report.

As previously discussed, the subject site is proposed to be zoned B4 – Mixed Use under the provisions of the Draft BLEP 2011, and a funeral home is a permissible use within the zone.

The nature of the business is such that offensive noise is not generated and the hours of operation are commensurate with normal business hours. Traffic impacts have previously been discussed in this report.

It is noted that a funeral home is in operation in Kalinga Street, which directly adjoins residentially zoned and developed land. To date, Council has not received any reports of conflicts with adjoining neighbours about this development regarding amenity.

Noise

Concerns have been raised regarding noise from the subject premises, particularly from amplified music and singing during services.

As previously discussed, the proposed funeral home will operate from 8.30am to 6.00pm Monday to Friday, and 8.30am to 12.30pm on Saturday. The funeral home will not be open on Sundays.

The applicant has advised that the premises will average one service per day. Typically, services are one hour or less, and refreshments follow. It is expected that amplified music and singing will form part of services held at the premises.

Bi-fold doors are to be installed on the northern façade of the building. Noise generated from the use of the building will be directed towards River Street with existing windows on the southern elevation being removed.

Given the quiet nature of funerals, it is not thought that any conditions would be needed to be applied to restrict the level of music or associated noise so as to minimise impacts on surrounding properties.

The building is proposed to be air conditioned. No details of the location of mechanical plant for the air conditioning units have been provided. Air conditioning units have the potential to impact on the surrounding neighbourhood by the generation of noise. If approved, a condition can be applied requiring the design and location of all external plant and equipment, noise level emissions and if required, design of noise control measures to be submitted to and approved by Council.

The proposed development is not expected to unreasonably impact on surrounding properties through the use of amplified music and singing during services.

Decreased Property Values & Loss of Tenants

Council is unable to regulate the fluctuations in property values or retention of rental tenants in private properties. In this case it is hard to see how the proposed use would have a significant adverse affect on the overall local real estate economy. As stated earlier, the proposed use is permissible in the Business Zone in which it is located.

Loss of Tourists

It is noted that the subject site is located in a visually prominent area. The proposed development involves a substantial refurbishment to the external appearance of the building. The continued commercial use of the building is not expected to have any impact on the numbers of tourists visiting Ballina.

Conclusions

The proposed development is permissible with the consent of Council under the provisions of the Ballina Local Environmental Plan 1987 and the Draft Ballina Local Environmental Plan 2011 and is consistent with the applicable environmental planning provisions relevant to the site and proposed development.

This report is seeking the Council's determination of the application.

The issues of traffic generation, car parking, access, drainage, stormwater, noise, loss of tourists and decreased property values raised in submissions from local residents are the main areas of consideration within this report.

Council has two options in relation to determining the subject application:

1. To grant conditional consent to Development Application 2012/333 in accordance with the submitted plans and matters raised within this report;
or
2. To refuse Development Application 2012/333 as submitted, on the grounds that the development proposes unreasonable impacts on the amenity of the neighbourhood via traffic generation.

On balance, Option One is considered to be the preferred approach for the reasoning detailed in this report.

RECOMMENDATION

That Development Application 2012/333 To Undertake a Change of Use from Motor Showroom to Funeral Home incorporating Chapel, Office, Showroom, Function Centre, Car Parking, Landscaping and Advertising Signage on Lot 1 DP 506118, No. 338 River Street, Ballina be **APPROVED** subject to the appropriate planning, environmental and engineering conditions.

Attachment(s)

1. DA 2012/333 - Locality Plan
2. DA 2012/333 - Submitted Plans
3. DA 2012/333 - Public Submissions

8.2 Plumbing and Drainage Act 2012 - Delegation of Functions

8.2 Plumbing and Drainage Act 2012 - Delegation of Functions

Delivery Program Building Services

Objective To determine whether Council wishes to accept the Instrument of Delegation to enable staff to carry out plumbing and drainage functions.

Background

On 9 November 2011 the NSW Parliament passed the *Plumbing and Drainage Act 2011* to regulate the operation of plumbing and drainage works (excluding Council infrastructure) throughout NSW. The single regulator for these works is now NSW Fair Trading.

Historically in NSW regional areas, the approval, overseeing and inspection of plumbing and drainage activities has been regulated by the relevant local councils. Under this new program, NSW Fair Trading must now delegate these functions to councils who undertake the important regulatory role of plumbing and drainage activities.

The Council is now in receipt of an Instrument of Delegation for consideration, which if accepted, will enable our officers to continue with the Council's role in the approval and inspection of plumbing and drainage works in the Shire.

Key Issues

- Need for delegation

Information

The *Plumbing and Drainage Act 2011* was enacted by NSW Parliament on the 9 November 2011, introducing a single scheme of regulation for all plumbing and drainage works carried out in NSW.

The legislation is being implemented in two stages, the first stage having been the commencement of the Act on 1 July 2012 accompanied by the introduction of the Plumbing Code of Australia 2012, being the new technical standard for NSW.

On commencement of the Act, NSW Fair Trading became the regulator of schemes controlled by the Sydney Water Corporation, Hunter Water Corporation and other licensed utility operators under the *Water Industry Competition Act 2006*. Local councils in other regional areas have continued to maintain their approval, compliance, and inspection roles relating to plumbing and drainage work. The Act mandates certain regulatory activities that must be carried out, including inspection and verification of compliance.

8.2 Plumbing and Drainage Act 2012 - Delegation of Functions

The second stage of the program commences on the 1 January 2013, when NSW Fair Trading becomes the single regulator across NSW. However, it was always intended to delegate certain functions to local councils who undertake the regulation of plumbing and drainage works within their local government areas.

Accordingly, Section 21 of the Act permits the regulator to delegate any of its functions to a local council or any person the regulator considers has the necessary skills, knowledge and experience to exercise this function. Councils may sub delegate these functions in accordance with the Act.

It has been the practise within Ballina Shire Council that the roles of approval, inspection and compliance, have been carried out by the Council's Plumbing and Drainage officers who are employed within the Regulatory Services Group. This function includes consultation with licensed plumbers, environmental consultants and hydraulic engineers relating to various designs and installations.

Our officers are also involved in the approval of various plumbing and drainage applications, including those in non-sewered areas relating to on-site sewage management. Inspections of laid drainage lines, stack work and water service lines are also regularly carried out for compliance. The officers also record and maintain sewerage layout diagrams and ensure drainage works are carried out by licensed tradespeople in accordance with relevant Australian Standards and codes.

We are now in receipt of the attached Instrument of Delegation together with a request that the delegation be submitted to staff. Acceptance of this delegation is required to enable each individual council to continue to maintain its regulatory activities regarding plumbing and drainage works. Should the Council accept this delegation prior to 1 January 2013, the General Manager will then sub-delegate the authority to the Council officers involved in plumbing and drainage approval and inspection.

Council's Plumbing and Drainage officers have for many years been involved with the important regulatory control of plumbing and drainage carried out in the Shire. For many years this service has ensured plumbing and drainage works are carried out to a proper trades standard and in a consistent manner. The service is valued by both the plumbing and professional services industries and by the general community.

A copy of the Instrument of delegation is attached.

Sustainability Considerations

- **Environment**

The protection of the environment is relevant with the overseeing of plumbing and drainage activities including faulty system rectification and wastewater recycling schemes, ensuring works are carried out in accordance with relevant codes and Australian Standards.

- **Social**

There is an expectation from the general public that plumbing and drainage works are being installed correctly to protect public health and amenity. This work is currently carried out by independent Council staff and it is envisaged the public would expect this role to continue.

- **Economic**

Relevant in ensuring plumbing and drainage activities are carried out correctly and consistently, at a true cost to the owner and industry.

Legal / Resource / Financial Implications

Council currently charges a fee for service in regulating the plumbing and drainage industry.

Consultation

NSW Fair Trading is consulting with councils on this issue. The preferred response date for this delegation was Friday 29 November, however Council has written to Fair Trading advising that due to our meeting cycle a response will not be forthcoming until after the December meeting.

Options

The options are to accept or not accept the Instrument of Delegation. As the delegation has worked in practice for many years, the recommendation is for Council to accept the delegation.

RECOMMENDATION

That Council confirms its acceptance of the Instrument of Delegation for the functions under the Plumbing and Drainage Act as detailed in the attachment to this report.

Attachment(s)

1. Instrument of Delegation

8.3 Legal Proceedings - Verna Kathleen Wall and Chambers Constructions

8.3 Legal Proceedings - Verna Kathleen Wall and Chambers Constructions

Delivery Program Development Services

Objective To advise Council of the completion of legal proceedings.

Background

On 26 April 2012, Council resolved to commence legal proceedings against Verna Kathleen WALL and Chambers Constructions Pty Ltd for the unauthorised dumping of waste material at Lot 2, DP 578543, being Nos 883-891 Pimlico Road, Wardell (“the subject premises”).

The legal actions outlined in the report to that meeting were as follows:

1. *Local Court Prosecution against Mrs Verna Kathleen Wall for the unlawful dumping of waste materials within the subject premises; and*
2. *Two Penalty Infringement Notices to Chambers Constructions Pty Ltd:*
 - *One Penalty Notice for Cause permit transport more than 1 cubic metre or 2 tonnes to unlawful waste facility – Corporation (@ \$5,000);*
 - *One Penalty Notice for Development not accord consent - other - Corporation (@ \$3,000) (Specific condition on DA 2010/313 requiring waste to be transported to an approved waste facility);*
3. *As an alternative to item two above and should sufficient evidence and circumstances permit, Council authorise additional legal action in the form of Option 4 (Local Court Prosecution) against Chambers Constructions Pty Ltd in the event that Council’s legal representative is of the opinion that this Option is the more appropriate course of action; and*
4. *One Formal Warning for transport more than 1 cubic metre or 2 tonnes to unlawful waste facility - Individual (to be issued to the individual driver, Paul Werner Barrett, who transported the waste).*

This report provides an update on the outcomes from these actions.

Key Issues

- Ongoing non-compliance with formal Notices as served by Council
- Evidence of commission of similar environmental offences being committed over an extended period of time by the owner / occupant
- Deterrent for ongoing offences being committed by owner / occupant
- General deterrent to the local community and residents of the Ballina Shire

8.3 Legal Proceedings - Verna Kathleen Wall and Chambers Constructions

Information

By way of further background information, Council is advised that on Monday 16 May and Tuesday 17 May 2011, Council received complaints alleging that waste materials, including bricks and concrete were being deposited at the subject premises.

On Tuesday 17 May 2011, Compliance staff attended the subject premises and observed a number of piles of what appeared to be bricks and concrete blocks in piles within the subject premises. Compliance staff were subsequently able to intercept the transporter of the waste materials prior to the dumping of additional materials within the subject premises.

Two parties were subsequently identified as being involved in the unauthorised waste dumping, namely:

1. Chambers Constructions Pty Ltd, ACN 059 471 135 as the transporter of the waste materials; and
2. Mrs Verna Kathleen WALL as the owner/occupant of the subject premises.

Subsequent investigations revealed that the waste materials were sourced from the demolition works at the proposed Kmart / Coles Liquor Store pursuant to development consent DA 2010/313.

On 20 May 2011, following an investigation into these complaints, Council served formal Clean-up Notices, pursuant to section 91, *Protection of the Environment Operations Act 1997* (NSW) on both Chambers Constructions Pty Ltd and Mrs Verna Kathleen WALL requiring the removal of the waste materials and transporting those materials to an approved waste facility.

On 30 June 2011, advice was received from Chambers Constructions Pty Ltd that all of the unlawfully deposited waste materials had been removed from the subject premises and deposited within a waste transfer facility accredited to accept that waste.

Under the objectives of the *Protection of the Environment Operations Act 1997* (NSW), the protection of the environment and the prevention of pollution are the main requirements, with any subsequent prosecution or penalty being listed as a secondary consideration. As the pollution event had been appropriately dealt with, the Confidential Report was referred to Council to determine whether to commence legal proceedings for the initial importation and dumping of the waste materials within the subject premises and the failure to comply with requirements of the Clean-up Notice as served on Mrs Verna Kathleen WALL and/or Chambers Constructions Pty Ltd.

Chambers Constructions Pty Ltd

On 26 July 2012, the matter of Ballina Shire Council v Chambers Constructions Pty Ltd was heard at Ballina local Court. Council is advised that at a previous mention on 28 June 2012, Chambers Constructions had entered a plea of guilty to the offence of "*Transport Waste to a Facility not authorised to Receive Waste*" pursuant to section 143 of the *Protection of the Environment Operations Act 1997* (NSW).

8.3 Legal Proceedings - Verna Kathleen Wall and Chambers Constructions

On receipt of this guilty plea, Council withdrew the charge of *“Development Not Accord with Development Consent”* pursuant to section 76 (1) (A), *Environmental Planning and Assessment Act 1979* (NSW). Council’s legal advice was that it was prudent to withdraw this charge as the waste dumping offence was:

- 1) The more severe penalty offence; and
- 2) This charge was the same charge as has been laid against Verna Kathleen WALL.

In his sentencing remarks, the Magistrate took into account:

- (a) The plea of guilty at the first available opportunity
- (b) The Clean Up Action taken by Chambers Constructions to remove all waste from the property
- (c) The contrition shown by Chambers Constructions
- (d) The statements made to Council in respect to the activities of Verna Wall in this matter
- (e) The lack of previous criminal history of Chambers Constructions and
- (f) The actions to date and willingness of Chambers Constructions to give evidence on behalf of Council against Verna Wall in her prosecution.

The Magistrate formally found Chambers Constructions guilty of the offence as charged. The Magistrate recorded a criminal conviction against Chambers Constructions Pty Ltd, imposed a monetary fine to the value of \$6,000, Court Costs of \$83 and ordered Chambers Constructions to pay Council’s Professional Legal Costs of \$550.

Verna Kathleen WALL

On 26 October 2012, following a number of adjournments at the instigation of Mrs WALL, the matter of Ballina Shire Council v Verna Kathleen WALL was heard at Ballina Local Court. Mrs WALL was self represented.

Verna Kathleen WALL was subsequently found guilty of the charge of *“Cause or Permit the Transport of Waste to a Facility Not Authorised to Receive Waste”*, pursuant to section 143 of the *Protection of the Environment Operations Act 1997* (NSW).

In his sentencing remarks, the Magistrate took into account:

- (a) Previous history of Mrs WALL
- (b) Circumstances of the offence as committed by Mrs WALL
- (c) History of this matter before the Court
- (d) The lack of contrition by Mrs WALL and
- (e) Limited ability of Mrs WALL to pay any fine.

The Magistrate formally found Verna Kathleen WALL guilty of the offence as charged.

8.3 Legal Proceedings - Verna Kathleen Wall and Chambers Constructions

The Magistrate recorded a criminal conviction against Verna Kathleen WALL, imposed a monetary fine to the value of \$7,500, Court Costs of \$89 and ordered Verna Kathleen WALL to pay Council's Professional Legal Costs of \$3,800.

Sustainability Considerations

- **Environment**
All actions are aimed at protecting the environment.
- **Social**
Not Applicable
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

As a result of these proceedings, Council has been granted a total of \$13,500 in fines and Council has been awarded \$4,350 in professional legal costs, totalling \$17,850.

Generally, any successful prosecution would only result in two thirds or 66 per cent of professional legal costs being awarded. In these two successful prosecutions, Council was awarded 100 per cent of professional legal costs.

Consultation

This report is provided for public information.

Options

This report is for information only.

RECOMMENDATION

That Council notes the contents of this report in respect to legal proceedings involving Verna Kathleen Wall and Chambers Constructions Pty. Ltd.

Attachment(s)

Nil

8.4 Development Applications - Works in Progress - December 2012

8.4 Development Applications - Works in Progress - December 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	6/02/2008	A Koellner	Erection of a Shed for Steel Fabrication - No. 21 Cumbalum Road, Cumbalum	Awaiting Additional Information
2011/166	15/04/2011 (Application Amended 8/11/2012)	SJ Connelly CPP Pty Ltd	Eight Lot Residential Subdivision and 15 Unit Town House Development and Associated Works - Condon Drive, East Ballina (North Angels Beach)	Amended Application on Exhibition
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 rehabilitation works - (Ballina Airport Sandpit) Southern Cross	Being Assessed

8.4 Development Applications - Works in Progress - December 2012

DA No.	Date Rec'd	Applicant	Proposal	Status
2011/506	23/11/2011	C Lonergan	Drive, Ballina 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
2011/541	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
2012/271	10/07/2012	SJ Connolly CPP Pty Ltd	Two Lot Subdivision to create 1 x 2ha and 1 x 40ha allotments - 142 Martins Lane, Knockrow	Awaiting Additional Information
2012/291	23/07/2012	Newton Denny Chapelle	To undertake a staged 47 Lot Community Title residential subdivision with lots ranging in size from 303m ² to 773m ² ,	Referred to Government Departments

8.4 Development Applications - Works in Progress - December 2012

DA No.	Date Rec'd	Applicant	Proposal	Status
			associated road, earth and infrastructure servicing works, creation of a public road and one 6.4 hectare Torrens Title residue lot - 565-589 River Street, East Ballina	
2012/325	15/08/2012	SJ Connelly CPP Pty Ltd	To Undertake a Two Lot Boundary Adjustment Subdivision to Create 1 x 1ha allotment (Proposed Lot 1) and 1 x 88.54ha allotment (Proposed Lot 2) - 61 Jorgensens Lane, Brooklet & 145 Brooklet Road, Newrybar	Determination Pending
2012/346	27/08/2012	Australian Fishing Tournaments Pty Ltd	The erection of a temporary sign for the boat and leisure show - 319-321 River Street, Ballina	Being Reconsidered – Subject to Special Event Signage Policy
2012/351	28/08/2012	Ardill Payne & Partners	The establishment of a 21 lot residential subdivision and residual lot - Unara Parkway, Cumbalum	Determination Pending
2012/357	30/08/2012	Newton Denny Chapelle	The subdivision of 4 Lots into 5 Lots and a Road Reserve - Hutley Drive & Henderson Drive, Lennox Head	Being Assessed
2012/369	7/09/2012	MJ Hickey &	Erection of	Being

8.4 Development Applications - Works in Progress - December 2012

DA No.	Date Rec'd	Applicant	Proposal	Status
		M Harley	General Store and associated Residence and special purpose subdivision -13 Fig Tree Hill Drive, Lennox Head	Assessed
2012/402	3/10/2012	WM & MM Godfrey	Removal of Camphor Laurel vegetation - 169 Pearces Creek Road, Alstonville	Being Assessed
2012/406	5/10/2012	G E Latta	Removal of a Fig Tree - 174 McLeans Ridges Road, McLeans Ridges	Awaiting Additional Information
2012/407	5/10/2012	Peter Turner & Associates	Alterations to Existing Hotel – 19 Pacific Parade, Lennox Head	Being Assessed
2012/429	15/10/2012	C E Simpson	Use of Existing Shed for Worker's Amenities/ Lunchroom – Uralba Road, Uralba	Awaiting Additional Information
2012/432	16/10/2012	SJ Connelly CPP Pty Ltd	Two Lot Boundary Adjustment Subdivision to create 1 x 10ha and 1 x 60.4ha allotments – 13 Edward Place & Newrybar Swamp Road, Knockrow	Awaiting Additional Information
2012/452	26/10/2012	D Roberts	Erection and Use of a New Building and Existing Dwelling House for the purposes of a Community Building – 44 Fishery Creek Road, Ballina	Awaiting Additional Information

8.4 Development Applications - Works in Progress - December 2012

DA No.	Date Rec'd	Applicant	Proposal	Status
2012/460	31/10/2012	Ji Huang	Change of Use – Commercial Premises (Chinese Medicine Clinic) – 25/60-70 River Street, Ballina	Being Assessed
2012/465	5/11/2012	SJ Connelly CPP Pty Ltd	To establish a tourist facility comprising a two bedroom holiday cabin involving the conversion of an existing building - 841 Fernleigh Road, Brooklet	Referred to Government Departments
2012/476	14/11/2012	Newton Denny Chapelle	Two Lot Rural Subdivision to create 1 x 13ha and 1 x 26ha allotments - 68 Howards Road, Alstonville	Referred to Government Departments
2012/478	14/11/2012	E Strang	To Establish a Home Business – Naturopathy/Acupuncture Clinic - 6 Karalauren Court, Lennox Head	Determination Pending
2012/481	15/11/2012	RW Edols	Erection of a tourist facility including 12 villas and associated facilities and infrastructure and a dual occupancy dwelling - 259 Keith Hall Lane, Keith Hall	On Exhibition
2012/482	16/11/2012	Ardill Payne	Two lot boundary adjustment subdivision to create 1 x 775m ² and 1 x 1031m ² allotments - 1	Being Assessed

8.4 Development Applications - Works in Progress - December 2012

DA No.	Date Rec'd	Applicant	Proposal	Status
			Daley Street, Alstonville	
2012/484	19/11/2012	Newton Denny Chapelle	Erection of Two Multi-Grow (igloo) Structures - 253 Wardell Road, Lynwood	Being Assessed
2012/493	26/11/2012	G & G Campbell	To Remove One Banksia Tree 3 Tresise Place, Lennox Head	Being Assessed
2012/495	26/11/2012	Newrybar Public School P&C Association	To conduct weekly farmers' markets - 10 Broken Head Road, Newrybar	On Exhibition
2012/497	27/11/2012	Kwaka Pty Ltd	Change of Use - Industry (Repair and Replacement of Car Tyres) - 22 Ray O'Neill Crescent, Ballina	Being Assessed
2012/499	29/11/2012	Paul R Gray Architect Pty Ltd	To erect storage sheds for the purpose of the bulk storage of plant and equipment associated with the existing scaffold - 152 Newrybar Swamp Road, Knockrow	Awaiting Additional Information
2012/501	29/11/2012	AE Buchan	To enable permanent residential use of existing short term holiday accommodation units - Units 1&2/9A Rayner Lane, Lennox Head	On Exhibition
2012/503	29/11/2012	The Signcraft Group	Erection of one Pylon Sign and Fascia Signage - 450-460 River Street, West	Being Assessed

8.4 Development Applications - Works in Progress - December 2012

DA No.	Date Rec'd	Applicant	Proposal	Status
2012/507	30/11/2012	N Smith C/- Presbyterian Church	Ballina Alterations and Additions to Existing Church - 54-56 Crane Street, Ballina	Being Assessed

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2012/334	17/08/2012	Ballina Shire Council	The construction of Hutley Drive connection to the Pacific Pines Estate via a round-about, connection to Elevation Estate & Vegetation clearance in SEPP 14 affected area – North Creek Road, Lennox Head	Awaiting Additional Information

Major Development (Determined by Minister)

Major Project No./DA No.	Date Rec'd	Applicant	Proposal	Status
MP 07_0026 MOD 4 (DA 2008/510)	01/08/2012	Geolink (on behalf of The Royal Bank of Scotland)	To modify the approved concept plan and project application layout - Hutley Drive, Lennox Head	Council issued a written response to Department of Planning 2/11/2012. Awaiting Minister's Determination

RECOMMENDATIONS

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

Attachment(s)

Nil

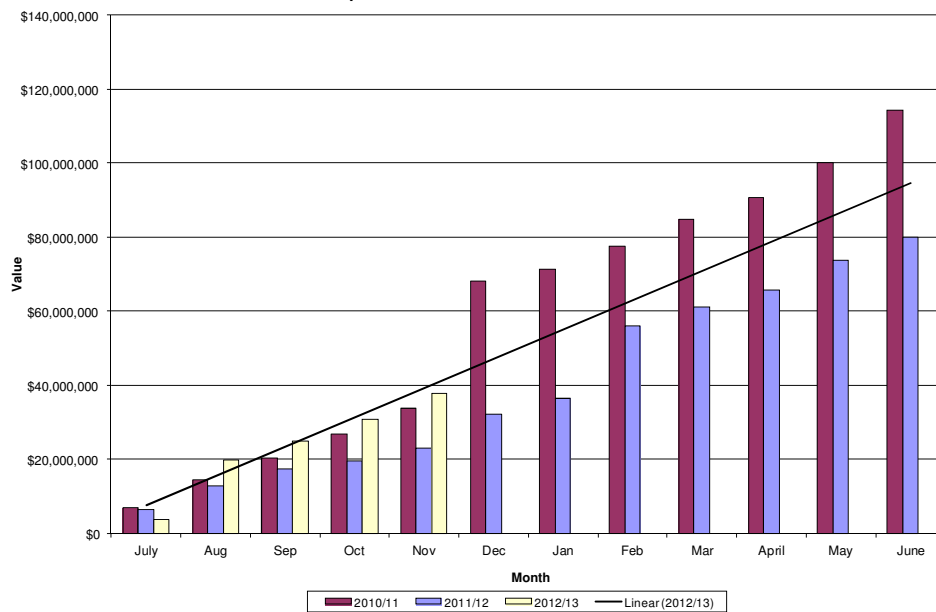
8.5 Development Consent Statistics - November 2012

8.5 Development Consent Statistics - November 2012

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

Number of Applications	Value of Work
33 Other Building Related	\$ 1,971,00
15 Dwelling/Duplexes/Residential Flat Buildings	\$ 5,150,000
6 General Developments	\$ 8,000
Total Value	\$ 7,129,000

The following chart details the cumulative consent figures for 2012/13 as compared to 2011/12 and 2010/11. A trend line has also been provided for 2012/13 to assist in the comparison.



RECOMMENDATION

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

Attachment(s)

Nil

9.1 Ballina Shire Development Control Plan - Comprehensive Review

9. Strategic & Community Services Group Reports

9.1 Ballina Shire Development Control Plan - Comprehensive Review

Delivery Program Strategic Planning

Objective To advise Council in relation to the outcomes from the public exhibition of the Draft Ballina Shire Development Control Plan 2012 and seek direction with respect to the adoption and implementation of the plan.

Background

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 2012 (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. Council considered the Draft DCP at its July 2012 Ordinary Meeting and resolved to proceed to public exhibition [Minute No. 260712/20].

This report provides an overview of the exhibition outcomes and submissions and seeks direction from Council with respect to the finalisation of the DCP for implementation.

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.

9.1 **Ballina Shire Development Control Plan - Comprehensive Review**

- Public exhibition of Draft Ballina Shire Development Control Plan 2012.
- Finalisation of the Draft Ballina Shire Development Control Plan 2012.

Information

Legislative Framework for Development Control Plans

The *Environmental Planning & Assessment Act* (EP&A Act) enables the application of DCPs by councils in relation to development assessment. DCPs are intended to provide a framework for development consistent with higher order planning policies (LEPs and SEPPs). DCPs essentially describe how to go about undertaking a development that is enabled by the LEP or State policies.

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 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.

The NSW Government has recently indicated a concern with DCP provisions on the basis of such provisions at times being considered to have the same or greater weight than the provisions of an LEP. The EP&A Act has historically established that this is not the role of a DCP, with non compliance with a DCP not itself being a reason to refuse development consent. This is also reflected in Court judgements.

To clarify the role of DCPs, new legislation has very recently been passed by Parliament that clearly indicates that DCPs should be applied flexibly, and consent authorities must allow for alternate solutions to DCP requirements so that otherwise permissible development may be carried out. The new provisions refer to DCPs facilitating development rather than controlling it. Fundamentally, the role of a DCP is to give effect to an environmental planning instrument (EPI) by supporting the aims of the instrument, the range of permitted development under the EPI and the objectives of applicable land use zones.

9.1 Ballina Shire Development Control Plan - Comprehensive Review

Overall, DCPs are to provide guidance on the application of EPIs and the provisions of a DCP are not to be considered as statutory requirements (like those in an EPI). DCPs are, however, a significant 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.

9.1 Ballina Shire Development Control Plan - Comprehensive Review

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.

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.

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Essentially, the DCP is comprised of a series of planning objectives that development is required to conform to. With respect to the objectives, the DCP contains a series of development controls which are designed to provide for compliance with the planning objectives. However, it is open to applicants to propose alternate means of achieving the planning objectives that differ from the development controls identified. In this way, the DCP provides guidance and direction but provides for the development assessment process to remain open to innovative approaches to development and differing perspectives.

Public Exhibition and Submissions

The Draft DCP 2012 was publicly exhibited for six weeks between 13 September 2012 and 25 October 2012.

In response to the exhibition, Council received eight submissions from government agencies and five submissions from the local consulting industry and individuals (Attachment 1). Council's Regulatory Services and Civil Services Groups were also invited to provide further feedback in relation to the draft DCP and both of these Groups provided additional comment and suggestions for consideration. The Strategic and Community Services Group also identified various issues for further consideration as an outcome of the exhibition process.

The internal and external submissions received are summarised in Attachment 2. The summaries also include recommendations regarding the address of the issues raised. The Draft DCP 2012 has been amended to reflect the recommendations set out in Attachment 2. The revised Draft DCP 2012 (referenced as Attachment 3) has been provided to Councillors under separate cover. Notably, the recommended changes are extensive and as such they are documented in Appendix 2 rather than being individually listed in the body of this report.

In addition to the exhibition, staff also held two industry workshops and five formal internal staff briefings involving Council's development assessment, environmental health, building, development engineering and compliance portfolios.

The feedback provided to Council via the submissions and workshops has been constructive and has resulted in a substantial number of recommended adjustments to the draft DCP.

Overview of Draft DCP 2012 Content

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 1 also houses the map sets that support the provisions of the DCP.

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 Council endorsed 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, previously considered by the Council.
- Introduction of a defined requirement for certain development to undertake assessment with respect to Crime Prevention Through Environmental Design (CPTED) principles.

Chapter 2 also incorporates provisions associated with waste management. These provisions are intended to address the establishment of local waste management planning controls in accordance with Environment Protection Authority requirements associated with Council's access to State Government funding for waste management. More specifically, these provisions seek to address Council's February 2012 resolution to simplify and streamline waste management provisions in the DCP [Minute No.230212/22].

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

9.1 Ballina Shire Development Control Plan - Comprehensive Review

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 a workshop held in May 2012.

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.

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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. Further consideration of DCP based flood policy is required in relation to overall floodplain management planning policy before proceeding to amend the existing provisions.

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 will need to be resourced.

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 addresses Council's resolution of July 2009 to review the planning policy applicable to changes between tourism and residential uses in buildings [Minute No.230709/3].

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.

Chapter 6 - Commercial Development

Chapter 6 largely incorporates existing policy of Council with respect to commercial areas in the shire. There has 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 locality based provisions contained in chapters 6a, 6b, 6c and 6d apply in substitute or addition to the generic provisions.

Chapter 6a – Commercial Development Ballina Town Centre

Chapter 6a establishes locality specific provisions for the Ballina Town Centre based on the existing DCP for the area. The provisions have been simplified where possible. Importantly, the provisions that have been carried forward from the existing DCP into the new plan are based on a detailed urban design analysis completed in conjunction with the preparation of the present Ballina Town Centre DCP.

Chapter 6b – Commercial Development Alstonville

Chapter 6b establishes locality specific provisions for the Alstonville village centre based on the existing requirements in the area. The provisions have been simplified where possible.

Chapter 6c – Commercial Development Lennox Head

Chapter 6c establishes locality specific provisions for the Lennox Head village centre based on the existing requirements in the area. The provisions have been simplified where possible and it is important to note that some elements of the preferred land use outcomes in the current DCP have not been carried forward due to inconsistencies with the Council endorsed Draft LEP.

Chapter 6d – Commercial Development West Ballina Enterprise Corridor

In preparing Chapter 6d, 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.

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.

Relationship of Draft DCP 2012 to Council's Standard Instrument LEP

The Draft DCP 2012 is designed specifically to align with Council's endorsed Draft LEP. Importantly, the Draft DCP has been revised to ensure consistency in terminology with the new LEP based planning framework and to support the planning provisions expressed in Council's new LEP. The existing DCP does not relate well to the new LEP and as such, it is considered critical that the revised DCP framework be in place at the time the new LEP comes into operation. If this does not occur, it is likely that there will be significant confusion, inconsistency and ambiguity, adversely impacting on Council's assessment and determination of development applications.

Although Council has no formal advice from the DP&I on the likely timing for implementation of the new LEP, it has become evident that the final review of the LEP by Parliamentary Counsel will likely be completed in December 2012 or January 2013. This means it is likely that the new LEP will be ready for implementation in the very short term (subject of course to the Minister's consideration of the matter). Council has, however, requested that the LEP commences operation no earlier than 4 February 2013 to allow sufficient time to complete the DCP and update internal systems such as the section 149 planning certificate system. To match this timing, Council would need to endorse the DCP for implementation no later than at its Ordinary Meeting in January 2013. Unfortunately, Council cannot significantly influence the timing

9.1 Ballina Shire Development Control Plan - Comprehensive Review

for completion of the new LEP beyond the requested deferred commencement date.

The recommendation of this report enables the implementation of the DCP in association with the new LEP. In considering this, it is important to note that all of the development control provisions in the DCP are variable provided that the objectives relating to each topic area are met. This means that Council may make adjustments to its DCP policy to enable innovative and practical developments outcomes without the need to formally amend the policy. The significance of this is that where Council is unsure about a provision in the Draft DCP 2012 it can be implemented and tested in its current form, and varied if desirable, without the need for delay to overall implementation of the revised DCP.

Having regard for the above, it is considered that a delay in implementation of the DCP poses a greater risk to the orderly function of Council's planning framework than the adoption of the DCP for implementation as recommended in this report, even where Council remains uncertain about the suitability of some provisions. Where there is uncertainty, Council may either adopt an amendment to the DCP in endorsing the document or, key concerns could be identified and prioritised for review whilst still enabling the DCP to commence operation in the meantime.

Alternatively, Council could seek to workshop any identified concerns and reconsider the matter at its January Ordinary Meeting. The disadvantage of this approach though, is that the timeline for implementation becomes very short should the LEP commence operation as anticipated in early 2013.

Also of relevance is the potential for Council to be required to maintain operation of the Ballina LEP 1987 over some areas of the shire due to the Minister for Planning's decision to defer E zoned land from the new LEP. In this regard, it is considered that the new DCP adequately incorporates the local planning provisions applicable to such areas. As such, it is not considered necessary to retain the Ballina Shire Combined DCP upon commencement of the new DCP. However, in association with the repeal of the existing DCP, it is suggested that Chapter 1 of the new DCP incorporates text to make it clear that it has application to all land in the shire regardless of the applicable LEP.

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.

Importantly, the DCP has been prepared to align with Council's endorsed draft Standard Instrument LEP. If the new LEP is implemented in the absence of the revised DCP, significant difficulty is anticipated in the application of local DCP based planning policy to development proposals. That is, the existing DCP is not likely to function well in association with the new LEP.

Consultation

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

The Draft DCP 2012 has also been exhibited for public comment for 6 weeks, in excess of the requirements of the EP&A Act and associated Regulation.

Responses arising from the engagement undertaken have been carefully considered and suggestions have been incorporated into the draft document, where appropriate.

Options

1. Adopt the Development Control Plan for Implementation

This option would involve Council adopting the Ballina Shire Development Control Plan 2012 for implementation in conjunction with Council's Standard Instrument LEP. Under this approach, it is recommended that Council adopt the DCP in accordance with the recommended amendments set out in Appendix 2. However, it is also open to Council to identify any further amendments considered appropriate.

If this approach is endorsed, it is also recommended that Council repeal the application of the Ballina Shire Combined Development Control Plan (currently in operation) at the time the new DCP commences its operation.

This approach is recommended to ensure that Council's DCP aligns with the new LEP to avoid uncertainty, ambiguity and inconsistency that will likely arise in the absence of the revised DCP provisions.

If Council is concerned about the suitability of any of the draft DCP provisions, it is suggested that adjustments be incorporated into the Council's resolution, or alternatively, that Council identifies items where review post adoption could be prioritised.

The finalisation and implementation of the DCP under this approach would also involve the correction of any typographical and grammatical errors, and presentation and mapping enhancements.

9.1 Ballina Shire Development Control Plan - Comprehensive Review

Option 1 is the recommended approach.

2. Defer Adoption of the Development Control Plan

Council may defer the finalisation and adoption of the new DCP pending further information. Such information could be considered via a workshop.

This option is not recommended given the disadvantages associated with the new LEP commencing operation in advance of the revised DCP. As outlined above, the absence of the new DCP in association with the new LEP may cause substantial loss of functionality in the local planning framework and development assessment process.

Importantly, the provisions of the DCP are open to variation, and as such, innovative ideas and approaches that meet Council's planning objectives can be considered regardless of the development controls specified.

3. Cease Further Consideration of the DCP Renewal

This option would mean retention of the existing Ballina Shire Combined DCP. This approach is not recommended given the disadvantages associated with the new LEP commencing operation without the availability of the revised DCP.

RECOMMENDATIONS

1. That Council adopt and proceed to implement the Ballina Shire Development Control Plan 2012 in accordance with the recommended amendments contained within this report.
2. That the Ballina Shire Development Control Plan 2012 commences operation on the date on which the Ballina Shire Standard Instrument Local Environmental Plan commences its operation.
3. That upon the commencement of the operation of the Ballina Shire Development Control Plan 2012, the Ballina Shire Combined Development Control Plan is repealed.

Attachment(s)

1. Attachment 1 - Government Agency, Consulting Industry and Individual Submissions
2. Attachment 2 - Submission Summaries and Recommendations
3. Attachment 3 - Draft Ballina Shire Development Control Plan (Amended in accordance with the recommendations contained in Attachment 2) (Under separate cover)

9.2 LEP Amendment - Subdivision Provisions

9.2 LEP Amendment - Subdivision Provisions

Delivery Program Strategic Planning

Objective To seek direction with respect to the progress of a planning proposal that aims to improve flexibility and certainty in relation to subdivision of land in particular circumstances.

Background

During the preparation of Council's Standard Instrument LEP (presently known as the draft Ballina Local Environmental Plan 2012), Council identified several concerns relating to the subdivision of land zoned for rural or environmental protection purposes. The concerns arose in relation to the form and function of the State-prepared mandatory provisions that establish the framework for subdivision in the Standard Instrument LEP.

Specifically, a number of significant limitations have been identified that restrict subdivision outcomes that may otherwise have positive agricultural, environmental and/or urban growth outcomes. The reports regarding the preparation of the draft LEP to Council's Environmental and Sustainability Committee in May 2011 and December 2011 provide more detail about Council's previous consideration of this matter.

Council was unable to address the subdivision issues identified in this report during the preparation of its draft LEP due to Department of Planning and Infrastructure (DP&I) uncertainty about the manner in which the issues could be addressed under the terms of the Standard Instrument LEP. However, the DP&I has informally advised that Council is now able to proceed to draft provisions to address the concerns raised.

A planning proposal (Attachment 1) has now been prepared in response to the issues identified. The purpose of the planning proposal is to incorporate additional subdivision related provisions into Council's new LEP to provide for greater flexibility and certainty with respect to subdivision of land in particular circumstances.

This report seeks Council's direction with respect to the submission of the planning proposal to the DP&I's LEP Gateway Panel for determination.

Key Issues

- Subdivision provisions within Council's Standard Instrument LEP.
- Progress of planning proposal addressing certain subdivision issues.

Information

The planning proposal in Attachment 1 outlines four provisions proposed to address various subdivision related issues arising in relation to the Standard Instrument LEP. The planning proposal contains background information and further detail with respect to the proposed provisions.

Table 1 provides a summary of the proposed provisions.

Table 1: Summary of Proposed Subdivision Provisions

Provision Summary	Reason and Key Elements
<p>Enable <u>boundary adjustment subdivision</u> on rural land where lot sizes do not meet minimum lot size standards (or existing exceptions).</p> <p><i>Example: A circumstance where a farmer wishes to adjust a boundary to acquire adjoining land for agricultural expansion.</i></p>	<p>The Standard Instrument LEP significantly limits the potential boundary adjustment subdivision in rural areas. Given boundary adjustment subdivision is a common form of subdivision in rural areas and has the potential to provide for improved agricultural and/or environmental outcomes, more flexibility and merit based assessment is proposed.</p> <p>The provision would deliver more opportunity for boundary adjustment subdivision to be considered by Council subject to a proposal not resulting in:</p> <ul style="list-style-type: none"> • creation of additional lots or opportunities for dwellings; or • adverse impact on agricultural or environmental attributes of the land or surrounds.
<p>Enable <u>creation of residual rural/ environmental zoned lots</u> associated with urban development where lot sizes do not meet minimum lot size standards (or existing exceptions).</p> <p><i>Example: A circumstance where the balance of a farm is subdivided from an area rezoned for residential development.</i></p>	<p>The Standard Instrument LEP limits the creation of residual rural or environmental zoned lots arising from urban subdivision to being greater than 90% of the minimum lot standard. Not all lots created for this purpose exceed the standard and as such, the current framework may limit the progress of planned urban development.</p> <p>The provision provides for the creation of rural and environmental zoned lots less than the minimum lot size standard where such lots are an outcome of planned urban growth and the lots are suitable for an environmental or agricultural purpose. This approach enables land identified as unsuitable or not yet planned for urban development to be excised from planned urban release/ development areas.</p>
<p>Enable <u>creation of lots for environmental protection purposes</u> where lot sizes do not meet minimum lot size standards (or existing exceptions).</p> <p><i>Example: A circumstance where an area of vegetation is to be subdivided from a development area and dedicated to Council.</i></p>	<p>The Standard Instrument LEP limits the creation of environmental zoned lots arising from urban subdivision to being greater than 90% of the minimum lot standard. Not all lots created for this purpose meet the standard and as such, the current framework may limit the ability of proponents and Council to create lots that support positive environmental outcomes.</p> <p>The provision potentially enables the creation of environmental protection zoned lots less than the minimum lots size standard where such lots are an outcome of planned urban growth.</p>

9.2 LEP Amendment - Subdivision Provisions

Provision Summary	Reason and Key Elements
<p>Enable <u>creation of lots with a part environmental protection and part urban zone</u> where lot sizes do not meet minimum lot size standards (or existing exceptions).</p> <p><i>Example: A circumstance where a suburban house lot includes vegetation zoned for environmental protection purposes.</i></p>	<p>The Standard Instrument LEP limits the creation of lots incorporating environmental protection zones arising from urban subdivision to being greater than 90% of the minimum lot standard. Not all lots created for this purpose exceed the standard and as such, the current framework may limit the ability of proponents and Council to create lots that support positive environmental outcomes.</p> <p>The provision provides for the creation of 'split' zoned lots where the urban lot size standard is met, the creation of the lots relates to an environmental purpose and supports improvement or management of environmental attributes and the lots are created in association with planned urban development.</p>

The proposed provisions are designed to:

- reflect the existing planning framework under the Ballina LEP 1987;
- remove current ambiguity in subdivision provisions under the Standard Instrument LEP;
- provide flexibility for merit-based consideration of subdivision proposals under the new LEP;
- specifically define the circumstances where a consent authority is able to consider exceptions to the subdivision framework established by the Standard Instrument LEP.
- enable Council to maintain the integrity of its minimum lot standards in rural areas (not subject to the defined circumstances) to limit the potential for fragmentation of agricultural land.

Sustainability Considerations

- **Environment**
The proposed provisions seek to promote flexibility in relation to subdivision, where such subdivision either does not adversely impact on or supports environmental attributes and outcomes.
- **Social**
The provisions promote planning flexibility, increasing the potential for positive social outcomes, including planned urban growth outcomes, environmental protection and agricultural activity.
- **Economic**
The proposed provisions seek to enable consideration of subdivision outcomes that support agricultural activity and planned urban growth. They also seek to enhance flexibility and clarity which supports positive economic outcomes.

Legal / Resource / Financial Implications

There are currently no significant resourcing or financial implications associated with the further processing of this LEP amendment. Processing of the matter can be accommodated within the existing Strategic and Community Services Group work program.

Consultation

There has been no consultation undertaken with either the community or government agencies in relation to this LEP amendment request to date. However, should the matter continue to proceed, public exhibition of the proposal will be required prior to completion of any amendment to Council's LEP. Community engagement would occur following the DP&I's consideration of the matter through the Gateway determination process.

Options

1. Proceed with the planning proposal.

The planning proposal seeks to improve flexibility and certainty and allow for a greater degree of assessment of subdivision proposals on their merit in circumstances where agricultural, environmental and urban planning objectives can be met.

This approach would authorise the submission of the planning proposal contained in Attachment 1 to the DP&I for Gateway determination. If supported by the DP&I, the proposal will be subject to a public exhibition period prior to further consideration by Council.

This is the recommended approach.

2. Defer or amend the planning proposal.

This approach is not recommended given that the maintenance of the current Standard LEP framework may limit the consideration of subdivision proposals that deliver positive agricultural, environmental and urban growth related outcomes.

This approach is not recommended.

3. Cease further action in relation to the planning proposal.

For the same reasons outlined in relation to option 2, this approach is not recommended.

RECOMMENDATIONS

1. That Council submit the planning proposal relating to new subdivision provisions in Council's Standard Instrument Local Environmental Plan to the NSW Department of Planning & Infrastructure for review and Gateway determination.
2. That upon an affirmative Gateway determination being received from the Department of Planning & Infrastructure, Council staff will carry out the procedural steps associated with the progress of the planning proposal, including public exhibition.
3. That a further report be submitted to Council in relation to this matter following mandatory community consultation.

Attachment(s)

1. Planning Proposal - Subdivision Provisions

9.3 Crawford Park, Alstonville - Land Categorisation

9.3 Crawford Park, Alstonville - Land Categorisation

Delivery Program Strategic Planning

Objective To advise the Council of the outcomes of the community engagement process for the recategorisation of part of Crawford Park, Alstonville for the proposed Alstonville Community Preschool and to obtain the Council's direction on the preferred site for the preschool.

Background

At the Council's Ordinary Meeting held on 24 November 2011 it was resolved as follows [Minute No. 241111/10]:

1. *That Council authorises the General Manager to conduct a community consultation process, as required by the Local Government Act, in respect to a proposal to alter that part of Crawford Park that would be required for the Alstonville Pre-school from sports ground to general community use.*
2. *This consultation is to be conducted following discussions with the proponents of the pre-school and the sporting clubs currently utilising Crawford Park to determine the appropriate size and location of the area for the pre-school.*
3. *That Cooke Park be removed from the list of potential sites for the proposed Alstonville Preschool.*

Crawford Park and the nominated preschool site (see locality map in Attachment 1) is Council-owned public land classified as "community land" in accordance with the provisions of the *Local Government Act 1993* (the LG Act). The LG Act requires all community land to be subject to a management plan and to be categorized based on its predominant or expected use in accordance with the provisions prescribed in the LG Act. The plan of management applicable to Crawford Park is Council's *Principal Generic Plan of Management for Community Land* (Plan of Management).

In order to effect Council's resolution from the meeting held on 24 November 2011, it is necessary to amend the Plan of Management as it applies to Crawford Park to designate an area for the future Alstonville Community Preschool facility. A draft amendment (Draft Amendment No. 7) to the Plan of Management has been prepared and comprises the recategorisation of approximately 4,000m² of land on the northern edge of Crawford Park from "park" and "sportsground" to "general community use". The amendment also involves the insertion of special provisions to enable the establishment and leasing of the proposed Alstonville Community Preschool.

9.3 Crawford Park, Alstonville - Land Categorisation

The subject area is located adjacent to the Alstonville Swimming Pool and adjoining squash courts complex and, although currently categorised mostly as “sportsground”, is not actively used for sporting activities. It is, however, used for informal car parking in association with the use of the adjoining sporting facilities. A map illustrating the current configuration of the Crawford Park land use categorisations comprises Attachment 2.

The recategorisation will not result in the loss of any areas currently actively used as sporting facilities within Crawford Park, nor will it impinge on the area containing the existing playground equipment known as “Apex Park”. A map depicting the proposed categorization boundaries is provided in Attachment 3. Attachment 4 includes a concept plan showing the possible configuration of a proposed future allotment and formalised car parking area for a preschool that could occupy the recategorised section of Crawford Park.

Draft Amendment No. 7 (see copy in Attachment 5) was placed on public exhibition from 23 August to 8 October 2012. In response to the public exhibition, Council received fifty-one written submissions including a petition containing twenty three names. The submissions are addressed in detail later in this report.

The *Local Government Act* 1993 (LG Act) requires a public hearing to be held as part of the community consultation process for the draft amendment and the outcomes from that process also form part of this report. The LG Act also requires that an independent presiding officer be appointed to conduct the hearing and submit a report to Council regarding the hearing. Ms Clarissa Huegill of Clarissa Huegill & Associates was appointed as the presiding officer for the hearing, in accordance with the provisions of the LG Act and with Council’s adopted procedure for Community Consultation – Public Hearings. The public hearing was held on 1 November 2012 at the Alstonville Plateau Bowls & Sports Club with an estimate of over 100 persons in attendance. A copy of Ms Huegill’s report comprises Attachment 6, the key contents of which are addressed later in this report.

Based on the outcomes of the public exhibition and public hearing undertaken in relation to the draft amendment, Council is now in a position to determine whether it wishes to adopt the draft amendment to the Plan of Management and to confirm that the nominated site within Crawford Park is the preferred site for the proposed Alstonville Community Preschool.

Key Issues

- Response to the community consultation process
- Site options for the Alstonville Community Preschool
- Whether Council wishes to proceed with the amendment to the POM and facilitate the construction of the preschool facility on the subject site

Information

The matter relating to the relocation of the Alstonville Community Preschool has been reported to Council several times since 28 July 2011. The preschool currently occupies premises on Wardell Road, Alstonville owned by the Baptist Churches of NSW. Representatives of the preschool have requested Council's assistance in identifying a suitable property on which to relocate the preschool from when it vacates its current premises at the end of 2013. Council has previously resolved to provide in-principle support for the relocation of the Alstonville Community Preschool and in 2011 established a working party comprising the then C Ward Councillors and the Mayor to investigate options.

The working party considered a total of twenty privately and publicly owned sites in and around Alstonville as potential suitable sites for the relocated preschool. Of this list of sites, six were shortlisted and further investigation as to the suitability of these sites was undertaken. The details of the six shortlisted sites were reported to Council at its Ordinary Meeting held on 22 September 2011 where two potential preferred sites were identified, one being within the Alstonville Showground and the other being on Council-owned parkland at the corner of Cooke Avenue and Parkview Circle. Both of the abovementioned preferred sites were subsequently found to be unavailable and, in response, the Crawford Park site was nominated by the Council.

Consequently, as a result of Council's resolution on 24 November 2011, the prerequisite steps have been undertaken in order to amend Council's *Principal Generic Plan of Management for Community Land* (Plan of Management) to enable the recategorisation of the nominated section of Crawford Park. This recategorisation from part "sportsground" and part "park" to "general community use" will allow the future consideration of a development application for the erection of a preschool and the subsequent lease of the site by Council to the Alstonville Community Preschool.

Response to Formal Consultation Process

As detailed above, in accordance with the provisions of the LG Act, the draft amendment to the Plan of Management was publicly exhibited and a public hearing held in relation to the proposed recategorisation of the nominated section of Crawford Park to enable the future consideration of the site for the Alstonville Community Preschool.

The draft amendment to the Plan of Management was placed on public exhibition from 23 August to 8 October 2012. A total of 51 submissions (including 1 late submission) were received comprising 44 (84%) in support and 15 (16%) in opposition, in which concerns were raised. One of the submissions against the proposal comprised a petition containing 23 names. The majority (42) of the submissions made in support of the proposal were made via Council's online feedback form. Copies of the submissions received in response to the public exhibition of the draft amendment are contained in Attachment 7 and will be provided to Councillors under separate cover.

9.3 Crawford Park, Alstonville - Land Categorisation

The required public hearing into the matter was held on 1 November 2012 at the Alstonville Plateau Bowls & Sports Club, with Ms Clarissa Huegill appointed as presiding officer. A copy of Ms Huegill's report is contained in Attachment 6. It is estimated that over 100 people were in attendance at the hearing, with 32 people making representations. These representations comprised 28 speakers in favour of the proposal and 4 against. The issues raised both for and against the proposal, both in response to the public exhibition and at the public hearing, are summarised as follows:

FOR

- Preschool is essential service in community
- High value of providing preschool service
- Alstonville would move backwards if preschool lost
- Area of Crawford Park underused and site of antisocial behaviour
- Site within walking distance for many families
- Site would contribute to village character
- Chance to improve/enhance this part of Crawford Park
- Central location/would keep younger families in Alstonville
- Facility would be great benefit to community
- Site meets current and future needs for preschool
- Allows appropriate design for preschool facility
- Loss of preschool detrimental to the community

AGAINST

- Site has poor drainage
- Poor access/traffic conflicts
- Will result in adverse impacts to Alstonville Swimming Pool
- Overuse of locality
- Loss of shade-giving camphor laurel tree
- Loss of car parking area for soccer fields
- Limits future expansion of soccer facilities
- Alternative sites for preschool have not been considered
- Impacts on preschool from fast-flowing drains
- Mosquito impacts on operation of preschool
- Noise impacts on preschool from activities/carnivals at swimming pool
- Concentration of traffic into quiet residential area
- Use of open space to build preschool and carpark
- Alienation of public land for use of select few
- Loss of value to surrounding land
- Insufficient community consultation on all possible sites

Two of the submissions were made by community groups which raised concerns in relation to the proposal and warrant further consideration.

Alstonville Swimming Club Inc

Representatives of the Alstonville Swimming Club made a written submission raising concerns relating to the potential impacts of the proposal on future upgrades to the Alstonville pool complex. The club's particular concerns relate to vehicle access and car parking which, it is feared, may intrude on land that could be used for future pool upgrades. Concern is also raised in relation to the possible removal of the large camphor laurel tree located adjacent to the swimming pool site and the loss of shade and greenery this would cause. In conclusion, the submission from the swimming club has made the request that a concept plan be created for the future development of the swimming pool site and the area of Crawford Park adjacent in order to

9.3 Crawford Park, Alstonville - Land Categorisation

adequately provide for future facilities in the area and to enable a whole-of-community approach. This matter is addressed further later in this report.

Alstonville & District Football Club

The Alstonville & District Football Club (the soccer club) is a dominant user of the existing soccer fields and clubhouse facility located in Crawford Park. The area nominated for the preschool and the subject of this report is currently utilised as an informal car parking area by the club and concern is raised over the loss of this area for car parking. The submission highlights the constraints of the residual area of the reserve and its limitation for use as car parking due to the presence of the open drainage area. The submission raises the issue of the club's past representations to Council in relation to requests for improvements to the access and parking for this part of Crawford Park, making the issue of access and car parking for Crawford Park an ongoing and outstanding issue.

While a number of concerns have been raised in response to the public exhibition of the proposed amendment, it should be noted that the proposal currently before the Council is to determine whether or not to recategorise part of Crawford Park in accordance with the requirements of the LG Act. The purpose of the proposed amendment is to set aside land that will allow it to be considered for the future location of a preschool. It is also important to note that no specific proposals for the future preschool are before the Council for consideration. The matters of the design, location, orientation, access, impact assessment etc. and many of the issues raised in the public submissions received would be addressed in relation to the future preschool building at a later date and as part of a separate process. The decision that is before the Council now is firstly to consider whether or not the recategorisation of part of Crawford Park for the proposed use is appropriate and can be supported and secondly, whether or not the issues raised in the public submissions received are capable of being addressed and satisfactorily removed or ameliorated as part of any future proposal to construct a preschool facility on the subject site.

History of Crawford Park

The land comprising today's Crawford Park was part of the larger "Crawford Park Estate" which was developed by the former Tintenbar Shire Council in the 1970s. The history and development of the Crawford Park area was confirmed in a telephone conversation between one of Council's technical officers and former Tintenbar Shire Engineer, Mr Peter Thorpe, on 29 November 2012. At the time of the development, land in the Crawford Park area was set aside for a number of specific community uses in demand at the time, such as the swimming pool, squash courts, fire station, telephone exchange etc. The land set aside as the green space that is today's Crawford Park was intended to act as a combination of passive and active open space, an area for the preservation of remnant rainforest trees and an area to operate as a natural overland drainage path. The later development of parts of Crawford Park for more formalised active open space uses, such as the soccer club facilities, has resulted in the channelization of the stormwater flow paths. The current Crawford Park land uses are generally delineated by the current categorisation boundaries (see Attachment 2) with the eastern and western extremities of the park categorised as "park" and the central area occupied by the soccer fields and facilities categorised as "sportsground".

Open Space Considerations

The area nominated for the future preschool site is currently informally used as a car parking area, predominantly during soccer club events and training, and outside those times as general open space. The site has never been formally set aside as a car parking area and like many designated active open space areas in the shire, has limited or no provision for on-site structured car parking. One of the issues that has been raised, and will need to be determined, is how best to utilise and manage the various areas of open space in Crawford Park based on the current and future needs of the community.

Should Council determine in favour of the draft amendment, it will not only have the effect of allocating a site for the future preschool, but will also require the additional investment of public resources to improve the access arrangements and car parking facilities for the remainder of Crawford Park. Should the provision of improved car parking be considered adjacent to the subject site, it will have the additional requirement of accommodating the existing stormwater drainage system that traverses the site. The cost of providing a formalised car parking area for this section of Crawford Park has been estimated by Council's Civil Services Group at a minimum of \$350,000. It is acknowledged that no design work has been prepared to verify this figure.

It should be noted that even if Council elects to not proceed with the draft amendment, and does not support the establishment of the preschool on the subject site, the issue of access and car parking for existing users of Crawford Park remains and the decision whether or not to allocate resources toward the improvement of these facilities will still need to be considered.

Siting of Alstonville Community Preschool

As detailed earlier in this report, and as previously reported to Council, extensive efforts have been undertaken to date in relation to securing a suitable site for the Alstonville Community Preschool on Council-owned or controlled land. For various reasons, all alternative sites previously considered have been found to be unsuitable or unavailable. Given the investigations already undertaken, and the limited availability of land within the existing urban footprint of the village, it is suggested that should the nominated Crawford Park site be determined to be unsuitable, alternative options on public land appear to be extremely restricted. While Council is under no statutory obligation to make any of the land under its ownership or control available for a preschool facility, if an appropriate site is not secured for the preschool, there is considerable risk that the critical service that the Alstonville Community Preschool provides to the community will be lost.

Public Hearing Presiding Officer's Report

A public hearing in accordance with the requirements of the LG Act was held on 1 November 2012. The presiding officer appointed for the hearing was Ms Clarissa Huegill. While Ms Huegill's firm is a member of Council's "legal panel", she was identified as an appropriate person to conduct the hearing as a practising professional and a highly respected member of the local community. Ms Huegill's report in relation to the hearing was submitted to Council on 6 December 2012 and was made available to the public in accordance with the LG Act provisions. Public notification of its availability was also provided, though this was not required.

9.3 Crawford Park, Alstonville - Land Categorisation

The presiding officer's report has considered and addressed the various issues raised in response to the public exhibition of the proposal and those issues raised during the public hearing. The report reaches a number of conclusions, which are summarised as follows:

- The risks associated with the preschool site must be examined and removed or ameliorated prior to issuing development consent.
- Risks and adverse effects aside, the site appears ideal.
- There are current risk factors present that should be addressed as soon as possible.
- The need for a preschool outweighs the need for parking for the soccer club.
- The need for a preschool outweighs the disadvantages that might flow to surrounding residents, particularly if existing issues are addressed.

Based on the above conclusions, the report makes a recommendation in support of the proposed amendment, but also makes several supplementary recommendations as follows:

- That the present circumstances concerning entry speed into Freeborn Place, lack of pedestrian access around and through Freeborn Place and general safety concerns for users of Freeborn Place should be referred to Council's Local Traffic Committee.
- That consideration be given to upgrading the residual area of the reserve surrounding the preschool site to provide safe vehicle access and car parking.
- That consideration be given to developing a concept plan for the overall improvements, upgrading and future uses of Crawford Park in its entirety.

It is now the opportunity for the Council to determine whether this section of Crawford Park is the preferred site for the proposed preschool based on an assessment of the information available. It is reiterated that this matter relates solely to amending the Plan of Management to provide for the recategorisation of part of Crawford Park to allow for the future consideration of the establishment of a preschool. The final design and construction of the preschool facility will be subject to the development application and assessment process that will require any risks and impacts associated with the development to be either removed or ameliorated to Council's satisfaction. It should also be noted that Council will be invited to determine what level of financial support it is able to give to improvements to the access and car parking in this section of Crawford Park that are needed regardless of whether or not the preschool development proceeds on the site.

Sustainability Considerations

- **Environment**

There are no direct environmental considerations as part of the draft amendment process. Indirectly however, the draft amendment will have the consequential effect of allowing for the future development of community facilities in the nominated section of Crawford Park. Further consideration of the environmental impacts of these activities will be undertaken as part of the approval process for any future building or infrastructure works.

9.3 Crawford Park, Alstonville - Land Categorisation

- **Social**

If Council determines the draft amendment favourably, a strong positive social benefit can be expected to the Alstonville community through allowing future provision of community facilities and the associated improvements to the infrastructure of Crawford Park.

It is noted that some members of the Alstonville community, particularly some who reside near the reserve, are concerned their amenity will be negatively impacted if a preschool facility is established. Although this would be considered in more detail in future planning stages, it is suggested that these impacts would not be excessive, particularly having regard for the nature of activities already occurring in the vicinity of the site.

- **Economic**

It is likely that in the long-term, a positive economic impact on the community would result through the provision of improved community facilities.

Legal / Resource / Financial Implications

The proposed amendment to the Plan of Management is in response to a request to Council by the Alstonville Community Preschool for assistance in finding a suitable location for new children's facilities in Alstonville. To allow for the future use of the subject site for a preschool, the Plan of Management must be amended. Should the amendment be determined favourably, it will then allow Council to consider the necessary approvals, construction and leasing of the site to the Alstonville Community Preschool as a community facility. Council is under no statutory obligation to make any public land available for the proposed use and would be doing so mainly to support the provision of a highly desirable service in the community.

As detailed in this report, the allocation of the site for the preschool would include the additional expectations of Council's commitment to improving car parking, access facilities and stormwater management in this section of Crawford Park. The extent of the level of resources and finances that are committed to this project are matters that Council must determine. It is suggested that there would be little likelihood of indentifying external funding sources (eg government grants) to carry out these infrastructure works.

Should support be given to the preparation of a master plan for the current and future community uses and improvements required in Crawford Park, as recommended by the presiding officer of the public hearing, Council will also need to give consideration to the allocation of resources to facilitate the preparation of such a plan. This is expected to involve a level of community consultation to gauge the current and future desires and needs of the community and the subsequent preparation and presentation to Council of a master plan. The need for this would have to be weighed against other competing demands in future Council budgets.

Consultation

The draft amendment has been the subject of significant consultation with the community, both in a formal and informal manner, and in accordance with the statutory requirements detailed earlier in this report.

Options

The primary purpose of reporting this matter is for the Council to determine whether or not to proceed with the amendment to the Plan of Management to allow the future consideration of a preschool on part of Crawford Park. During the public exhibition of the proposal a number of separate but related issues for the subject site have arisen which might also be considered by Council.

In relation to the amendment to the Plan of Management, the options are:

1. Resolve not to adopt the draft amendment and advise the Alstonville Community Preschool that options for the establishment of the new facility on Council-owned or controlled land have now been exhausted.

The adoption of this option would result in this section of Crawford Park being removed as a potential site for the Alstonville Community Preschool and would conclude Council's consideration of suitable sites in its ownership or control for use by the preschool.

2. Resolve not to adopt the draft amendment and consider alternative site options for the facility.

If this option is considered, the Council would be invited to identify the sites (either new or which have been previously considered), commit resources toward further investigation, and determine the preferred extent of community involvement in this process.

3. Resolve to adopt the draft amendment and authorise the Alstonville Community Preschool to commence detailed site investigation.

This option is to proceed as per the exhibited amendment. This allows the project to progress to the next stage, which is the preparation and lodgement of a development application, and assessment of that application by Council planning staff. This is the preferred option, and is recommended to the Council.

It is emphasised that if this option is selected, it does not mean that the Council is predisposed toward the grant of consent for a new facility on the land. Council will objectively assess and determine a development application for a new preschool if and when such an application is forthcoming.

In relation to the additional issues arising from the existing and future uses of Crawford Park, the options are:

9.3 Crawford Park, Alstonville - Land Categorisation

- a) Resolve to refer the matters of traffic movement, vehicle speed and pedestrian safety issues at the entrance to and in Freeborn Place to Council's Local Traffic Committee for consideration as soon as practicable. Alternatively, Council could defer this referral until it receives a development application for the preschool. The benefit of this is that it would give the Committee an opportunity to review the situation more holistically.

Of course, if the local residents believe that the current traffic situation is unacceptable, they may initiate their own referral to the Committee, as happens in other circumstances.

- b) Resolve to consider in future budgets the allocation of sufficient resources to enable improvements to the access and car parking facilities for this section of Crawford Park.
- c) Resolve to consider in future budgets the allocation of funds to prepare a draft master plan for the entire area of Crawford Park that incorporates the current and future needs and expectations of the community.
- d) Any combination of all or none of the above.

The preferred approach in respect to the Plan of Management options, as mentioned, is option three.

RECOMMENDATION

That Council adopt Draft Amendment No. 7 to the Ballina Shire Principal Generic Plan of Management for Community Land to recategorise approximately 4000m² of land on the northern edge of Crawford Park from "park" and "sportsground" to "general community use" and the insertion of special provisions to enable the establishment of the proposed Alstonville Community Preschool.

Attachment(s)

1. Attachment 1 - Crawford Park, Locality Map
2. Attachment 2 - Crawford Park, Current Categorisation
3. Attachment 3 - Crawford Park, Proposed Categorisation
4. Attachment 4 - Preschool Facility, Concept Plan
5. Attachment 5 - Draft Amendment No. 7
6. Attachment 6 - Public Hearing Presiding Officer's Report
7. Attachment 7 - General Submissions Set (Under separate cover)

9.4 Skate Park Location Options - Alstonville and Wollongbar.

9.4 Skate Park Location Options - Alstonville and Wollongbar.

Delivery Program Community Planning

Objective To provide Council with location options for a skate park in the Alstonville and Wollongbar areas.

Background

At Council's August 2012 Ordinary Meeting, Council resolved to "receive a report identifying possible site locations for a skate park in both Alstonville and Wollongbar" (Minute No. 230812/12).

This report provides an assessment of potential locations for skate park facilities in the Alstonville and Wollongbar areas. A number of factors are considered in the assessment to determine the appropriateness of each site for this facility. These factors are:

- Site safety - Sites that provide opportunities for passive surveillance are more desirable, as this can assist in deterring antisocial behaviour that could occur at locations that are more isolated.
- Site accessibility - Proximity of the location to the pathway network is highly desirable as it increases access to the site by bike, foot and skateboard.
- Site facilities - Proximity of the site to additional facilities such as toilets, shade and water.
- Residential proximity - The site's proximity to nearby residential buildings is relevant as the construction of a skate park in an existing residential area may not be supported by nearby residents based on concerns such as vandalism, noise issues and antisocial behaviour, especially after dark.
- Site planning controls - Areas where the land classification and zoning are consistent with skate parks as a land use are considered desirable (although not essential).

Key Issues

- Suitability of potential sites for a skate park.
- Provision of community infrastructure.
- Balanced land use.

Information

Table 1 provides a preliminary assessment of the potential sites identified to date in Alstonville and Wollongbar. Each of these sites has been assessed with respect to those aspects outlined above. Planning controls have been assessed under both the current Local Environmental Plan 1987 (LEP 1987) and the draft Council endorsed Ballina Local Environmental Plan 2012 (BLEP 2012).

Maps identifying the sites outlined below are provided as Attachments 1 - 8.

9.4 Skate Park Location Options - Alstonville and Wollongbar.

Table One: Potential Skate Park Sites

Site	Accessibility & Safety	Facilities and Residential Proximity	Planning Controls*	Other Site Considerations
1. Russellton Industrial Estate	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Access by bike paths from Alstonville and Wollongbar. <input checked="" type="checkbox"/> Good visibility from the exit ramp (Bruxner Highway and Kays Lane). 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> No existing toilets or water available, however, services can be extended to the site. <input checked="" type="checkbox"/> No neighbouring residential properties. 	<p>Council owned Community Land - General Community Use</p> <p>Currently zoned 4 Industrial</p> <p>Proposed zone in Draft BLEP 2012 - RE1 Public Recreation</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> This land is currently being used by youth for skating activities and basketball. <input checked="" type="checkbox"/> Previous requests for a skate facility have centred round this site. <input checked="" type="checkbox"/> Can provide an immediate option through the provision of portable (fully installed but removable) equipment for current users of the site.
2. Wollongbar Urban Expansion Area Regional Park	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Good access from Wollongbar via pathway network. <input checked="" type="checkbox"/> Good passive surveillance. <input checked="" type="checkbox"/> Centrally located. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Skate park can be integrated with planned open space, play equipment and amenities as part of the initial development. <input checked="" type="checkbox"/> The construction of a skate park prior to the construction of houses may reduce opposition from nearby residents. 	<p>Council owned Operational Land</p> <p>Currently zoned 6(a) Open Space</p> <p>Proposed zone in Draft BLEP 2012 - RE1 Public Recreation and R3 Medium Density Residential</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> New development area and as such the site is not likely to be available for use for several years.
3. Wollongbar Sports Field Development	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Will have pathway access to site. <input checked="" type="checkbox"/> Isolated site, limited surveillance when sports fields are not in use. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Amenities planned as part of redevelopment. <input checked="" type="checkbox"/> No nearby residential properties. 	<p>Council owned Operational Land</p> <p>Currently zoned 7(i) Environmental Protection (Urban Buffer)</p> <p>Proposed zone in Draft BLEP 2012 - E3 Environmental Management**</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Soon to commence construction. <input checked="" type="checkbox"/> Limited space for a skate park due to land slope and facilities already planned for site.
4. Geoff Watt Oval	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Central location in Alstonville. <input checked="" type="checkbox"/> Accessible by pathways. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Existing amenities in close proximity. <input checked="" type="checkbox"/> Residential properties nearby. 	<p>Council owned Community Land - Sportsground</p> <p>Currently zoned 6(a) Open Space</p> <p>Proposed zone in Draft BLEP 2012 - RE1 Public Recreation</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Confined space could only accommodate a small skate park. <input checked="" type="checkbox"/> Reduction to current car parking spaces.
5. Gap Road Sports Fields	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Isolated site. <input checked="" type="checkbox"/> Poor surveillance from Gap Road. <input checked="" type="checkbox"/> No pathway access. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Existing amenities in close proximity. <input checked="" type="checkbox"/> No nearby residential properties. 	<p>Council owned – Operational Land</p> <p>Currently zoned 1(e) Rural Extractive and Mineral Resources</p> <p>Proposed zone in Draft BLEP 2012 - E3 Environmental Management **</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Currently site targeted for vandalism.
6. Cawley Park	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> High visibility from surrounding streets and neighbouring properties. <input checked="" type="checkbox"/> Accessible by pathways. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> No existing toilets or water available however services can be extended to the site. <input checked="" type="checkbox"/> Residential properties in close proximity. 	<p>Council owned Community Land - Sportsground</p> <p>Currently zoned 6(a) Open Space</p> <p>Proposed zone in Draft BLEP 2012 - RE1 Public Recreation</p>	

9.4 Skate Park Location Options - Alstonville and Wollongbar.

Site	Accessibility & Safety	Facilities and Residential Proximity	Planning Controls*	Other Site Considerations
7. Crawford Park – Ballina Road	<input checked="" type="checkbox"/> Central location in Alstonville. <input checked="" type="checkbox"/> Accessible by pathways.	<input checked="" type="checkbox"/> Existing amenities in close proximity. <input checked="" type="checkbox"/> Residential properties in close proximity.	Council owned Community Land - Sportsground, Park Currently zoned 6(a) Open Space Proposed zone in Draft BLEP 2012 - RE1 Public Recreation	<input checked="" type="checkbox"/> Stormwater management issues will need to be resolved.
8. Lumley Park (east side)	<input checked="" type="checkbox"/> Good visibility from surrounding streets and tennis club. <input checked="" type="checkbox"/> Accessible by pathways.	<input checked="" type="checkbox"/> No immediately adjoining residential properties. <input checked="" type="checkbox"/> Existing amenities in close proximity, including toilets and shade.	Crown Reserve with Council as Trust Manager. Currently zoned 6(a) Open Space Proposed zone in Draft BLEP 2012 - RE1 Public Recreation	<input checked="" type="checkbox"/> Stormwater management issues will need to be resolved.

* An assessment of these planning controls is discussed in the following section.

** Land zoned E1, E2 or E3 under the draft BLEP 2012 may remain the same as its current zoning under the current LEP 1987 subject to the Minister for Planning's final decision on E zones in the new Ballina LEP.

Land Use Planning Considerations

Although each of the identified sites may be considered for the construction of a skate park, the ownership, classification (under the Local Government Act) and zoning (under the Ballina LEP) influences the planning pathway for provision of skate park infrastructure.

In the case of Council owned Community Land, skate park infrastructure may be considered under State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) as a land use that is permitted without development consent. In a circumstance where the ISEPP can be applied, Council (as the proponent) would need to assess environmental impacts under the requirements of Part 5 of the *Environmental Planning & Assessment Act 1979* but a development application would not be required. It may also be possible to apply a similar approach in relation to the Lumley Park Crown Land but this would require further consideration having regard for the particular location of any infrastructure and the compatibility of its design with the purpose of the reserve and its planning (alternatively, a development application may be necessary).

Sites occurring on Council owned Operational Land relate to the Wollongbar Urban Expansion Area regional park, the new Wollongbar sports field development and the Gap Road sports fields. The current classification and zoning of this land enables the development subject to development consent. For these sites, a development application would be required.

With respect to the Council endorsed draft LEP 2012, skate park infrastructure is permitted with development consent in each of the applicable zones. It is also important to note that the ISEPP will continue to prevail over the new LEP and hence the approach outlined above in relation to the ISEPP would remain applicable under the new LEP. Therefore, there are no significant issues raised by the application of the new LEP.

9.4 Skate Park Location Options - Alstonville and Wollongbar.

Each of the sites identified in Table 1 may accommodate skate park infrastructure based on the ownership, classification and zoning applicable to the land. As indicated above, the key points of difference relate to the applicable assessment processes.

Consultation with Youth

Council staff recently met with 14 students from Alstonville High School ranging in age from 12 - 18 years to gather feedback on the proposed locations for skate park facilities. This meeting was part of the recent Youth Forum hosted by Ballina Shire Council's Youth Council. Although not all of these young people are skaters, they listed aspects to be considered during the selection of a skate park site as:

- Far enough way from residents and businesses so as not to be annoying but still in a populated area with access to other facilities.
- Easy to get to.
- Good access for emergency vehicles.
- Doesn't impact on the natural environment.

In considering the potential sites, students felt that the Gap Road sports field and Wollongbar sport field development sites are too remote. Cawley Park was not considered suitable as the site is too close to neighbours.

The Geoff Watt Oval, Crawford Park, Lumley Park and the Wollongbar Urban Expansion Area sites were identified by the young people attending this session as the most suitable options for a skate park based on the considerations listed above.

Preferred Site Options

There are a number of suitable options based on the above assessment that considers safety, accessibility and parking, visibility/surveillance, planning controls and young people's perception of each of the identified sites. However, on balance, there appear to be two sites that are preferred locations for permanent skate park facilities.

As a new urban development, the Wollongbar Urban Expansion Area regional park (commonly known as the former drive-in theatre site), provides a suitable location for the construction of a skate park in the Wollongbar locality. The installation of a skate park prior to the construction of houses in this vicinity may lead to improved community acceptance or conversely, reduce the potential for objection from those nearby. A skate park facility at this location can be integrated into the open space and recreational planning for the initial development to ensure it has appropriate amenities and maximises accessibility and safety.

However, the site will not be available for immediate use as the development of the land is not expected to commence for some time. As a more immediate and interim option until the Wollongbar Urban Expansion Area regional park is established, the Russellton Industrial Estate site offers the opportunity to provide portable (fully installed but removable) skating equipment. This land is currently being used by youth for skating activities who set up their own jumps on the basketball court. Previous requests for a skate facility have centred

9.4 Skate Park Location Options - Alstonville and Wollongbar.

round this site. Although this location does not have existing toilets or water nearby, existing services could be extended to the site.

With regard to a preferred location for a skate park in the Alstonville area, it would appear likely that any site located in close proximity to residential properties will attract significant community opposition, should planning proceed. Of the two sites identified that are not located in close proximity to residential properties, Lumley Park is considered more appropriate as the Gap Road sports fields is an isolated site that has no connecting pathway network.

The site option in Lumley Park at the northern end of the car park adjacent to the Alstonville Tennis courts is located a short distance from houses and is centrally located in Alstonville. The site has facilities and good surveillance from Bugden Avenue, Pearces Creek Road and the tennis courts. The car park adjacent to the tennis courts is in poor condition and could also benefit from a redevelopment in conjunction with the construction of a skate park. Although this redevelopment may result in a loss of car parking spaces, convenient parking is available in Park Avenue. Construction of a skate park in this location would require further investigations to determine how stormwater management issues at the site could be resolved. The pursuit of the Lumley Park site would also be subject to agreement from the Reserve Trust and possibly the NSW Crown Lands Office, given the land is Crown Land under Council's management.

If Council is supportive of these sites being the preferred locations for a skate park, further investigations, community consultation and detailed site planning and design would need to be undertaken. It is proposed that site arrangements and improvement works, including funding options, would then form the subject of a further Council report or workshop prior to applications being prepared for formal regulatory assessment. This approach would allow Council to further consider the concept before proceeding to seek the relevant approvals. It is also important to note that these steps would be completed before Council would be invited to consider allocating funds for construction.

Sustainability Considerations

- **Environment**

Not Applicable

- **Social**

Skate parks provide active recreational opportunities for the community, especially young people in the shire.

9.4 Skate Park Location Options - Alstonville and Wollongbar.

- **Economic**

The provision of skate park facilities will require financial resources. Further detail regarding costings will be provided if Council identifies preferred sites for more detailed consideration.

Legal / Resource / Financial Implications

This report provides a preliminary assessment of the various site options identified for a skate park facility. Detailed planning would need to be carried out for the preferred sites to determine the project costs of these options. Once designs and costs have been determined, projects would be subject to the budgetary process.

Where Council nominates sites for further review, the financial implications of any site improvement works that may be required in conjunction with skate park facilities will be the subject of a further report or workshop to the elected Council.

Consultation

Council staff discussed the skate parks with a number of young people in relation to preferred site options for skate facilities in Alstonville and Wollongbar at the recent Youth Forum. While this group did not directly represent the local skating community, participants did provide views from a youth perspective. Further, more targeted engagement with the community would be undertaken should Council proceed with the steps outlined above.

Options

1. Cease further investigations.

It is open to Council to conclude that the concept of skate park facilities in the Alstonville and Wollongbar areas does not warrant further consideration. In doing so without undertaking more detailed investigation, Council may be seen as not adequately considering or providing for suitable youth facilities in this area. As such, this is not the preferred or recommended approach.

2. Nominate preferred site/s for further investigation.

Council can identify preferred sites for more detailed consideration in relation to provision of skate park infrastructure. Although the construction of skate park facilities can attract community opposition, especially from immediate neighbours, factoring this consideration into the site selection stage may help minimise these potential impacts. Others in the community see skate parks as valuable facilities that engage youth in constructive and recreational activities. Therefore, on balance it is suggested that there are broader public benefits to be derived from the construction of a skate park.

9.4 Skate Park Location Options - Alstonville and Wollongbar.

For these reasons the recommendations that follow nominate the site options discussed above as the preferred locations for skate park facilities in the Wollongbar and Alstonville areas for further investigation. In summary, the recommended approach is to:

- Identify the Wollongbar regional park (being part of the Wollongbar Expansion Area) for further investigation in relation to provision of skate park infrastructure for Wollongbar; and
- Further investigate the installation of a temporary skate park facility at the Russellton Industrial Estate (Kays Lane) until a more permanent facility can be established in the Wollongbar area; and
- Identify Lumley Park (eastern side of Pearces Creek Road) for further investigation in relation to provision of skate park infrastructure for Alstonville (with further analysis being subject to the agreement of the Reserve Trust).

Having regard for the above, it is open to the Council to add or remove sites in relation to further investigation. Council may also elect to have a workshop to further discuss options for skate park locations in the Alstonville and Wollongbar areas if there are additional issues or sites Councillors would like to consider before proceeding further.

Importantly, Council may consider alternate locations, cease further consideration of the provision of skate park infrastructure in Alstonville and Wollongbar or focus on provision of a combined skate park facility on the Alstonville Plateau following the further and more detailed site analysis that is recommended.

RECOMMENDATIONS

1. That Council provides in-principle support for the Wollongbar Urban Expansion Area Regional Park and Lumley Park (eastern side of Pearces Creek Road) in Alstonville as preferred sites to be further investigated for permanent skate park facilities to service the Wollongbar and Alstonville villages.
2. That Council receive a further report outlining the key issues and resource implications associated with the provision of a skate park facility as part of the Wollongbar Urban Expansion Area regional park.
3. That Council receive a further report on the key issues and resource implications associated with the provision of a temporary skate park facility at the Russellton Industrial Estate (Kays Lane).
4. That Council receive a further report outlining the key issues and resource implications associated with the provision of a skate park facility in Lumley Park (eastern side of Pearces Creek Road) Alstonville.

9.4 Skate Park Location Options - Alstonville and Wollongbar.

Attachment(s)

1. Site 1 - Existing basketball court, Kays Lane, Russellton Industrial Estate, Alstonville
2. Site 2 - Future open space, Wollongbar Urban Expansion Area
3. Site 3 - Future Wollongbar sports complex
4. Site 4 - Geoff Watt Oval, Alstonville
5. Site 5 - Gap Road sports fields, Alstonville
6. Site 6 - Cawley Park, Alstonville
7. Site 7 - Crawford Park, Alstonville
8. Site 8 - Lumley Park, Alstonville

9.5 Environmental Action Plan - Annual Review

9.5 Environmental Action Plan - Annual Review

Delivery Program Strategic Planning

Objective To inform Council of recent environmental achievements as documented in the 2012 review of Council's Environmental Action Plan.

Background

This report reviews Council's achievements in relation to the implementation of its endorsed Environmental Action Plan (EAP). The EAP provides Council, the community and staff with a record of Council's activities and initiatives in relation to environmental projects, and their outcomes. The EAP identifies Council actions in progress, actions completed, and ideas for action that are identified to have a positive environmental impact.

The EAP is reviewed and updated annually and provides a snapshot of the many actions Council undertakes to improve environmental performance and support positive environmental outcomes.

Key Issues

- Actions completed

Information

Council's full EAP is publicly available on our website by following the links at www.ballina.nsw.gov.au/Environment.

Attachment 1 to this report provides a summary brochure outlining Council's major achievements for this calendar year. Attachment 2 provides a full list of completed actions for the calendar year and Attachment 3 provides a summary of all 'Ideas for Action' which remain to be actioned at this time.

As a summary, key achievements include the following:

- Adoption of the Companion Animals Management Plan.
- Completion of Beachwatch Monitoring Program for summer of 2011/12.
- Native trees planted under new Street Tree Planting Program.
- Ballina Climate Action Strategy endorsed.
- Shire street lighting retrofitted with energy efficient fittings.
- Coastal Zone Management Plan for the Richmond River finalised.
- Adoption of Urban Stormwater Management Plan.
- Biodiesel available at Council's works depot for use by heavy plant.
- Beach access points stabilised using recycled plastic tracking.

Sustainability Considerations

- **Environment**

All actions included in the EAP have a positive environmental impact, either by improving an existing practice or by implementing a new practice or project.

- **Social**

Many of these actions provide an opportunity for community involvement or assist our community to address an environmental issue.

- **Economic**

Financial savings are associated with some of the actions detailed within the plan.

Legal / Resource / Financial Implications

Items included in the EAP generally detail those which are being undertaken within Council's normal course of operations. Most actions derive multiple benefits across various Council operations and responsibilities and are not undertaken only for their environmental benefit.

There is a number of actions included in the 'Ideas for Action' section of the EAP which have not commenced due to the availability of resources to enable implementation. With respect to these items, staff monitor grant funding opportunities and work program commitments, and seek opportunities for resource efficiencies to assist in delivery of these projects over time.

Consultation

This document identifies actions relating to Council's operations and as such, consultation in preparing the EAP is limited. However, the document is publicly available on Council's website as noted above, and the community is able to input into the plan's content at any time for consideration in the annual review process.

It is important to note, however, that Council's consultation effort in relation to the EAP is directed to the project delivery. Many of the individual actions documented within the EAP have been the subject of public, agency and/or Councillor consultation in their implementation.

Options

This report is submitted for the information of the Council.

RECOMMENDATION

That Council notes the contents of this report on the annual review of the Environmental Action Plan.

Attachment(s)

1. Environmental Action Plan - Outcomes 2012
2. Environmental Achievements 2012 (Complete List)
3. Ideas for Environmental Action (as at December 2012)

9.6 Regional State of the Environment Report 2012

9.6 Regional State of the Environment Report 2012

Delivery Program Governance

Objective To provide Council with an overview of the 2012 Regional State of the Environment Report

Background

In late 2009, the then Department of Premier and Cabinet convened a number of meetings seeking co-operation with local government to prepare a regional State of the Environment Report for 2012. A State of the Environment Report must be prepared under the requirements of the Local Government Act (1993) and the Local Government Amendment (Planning and Reporting) Act 2009.

It was envisaged a regional approach would add value to the State of the Environment reporting process by providing regional comparison of local issues as well as ease the individual reporting burden on each local government entity.

Ballina Shire Council contributed \$5,000 to the employment of project officer within the Northern Rivers Catchment Management Authority who has been responsible for the development of the Regional State of the Environment (RSoE) report. The report covers local government authorities from Port Macquarie to the Tweed, east of the Great Dividing Range, and includes the three county councils of Rous Water, Richmond River County Council and Far North Coast Weeds.

The report that follows provided an overview of this inaugural regional report.

Key Issues

- Compliance with Local Government Act reporting requirements.
- Form and content of State of the Environment reporting.
- Regional comparison of environmental trends and outcomes.

Information

A summary of the Regional State of the Environment (RSoE) report is contained in Attachment 1. The full RSoE report has been uploaded to Councillor iPads, and is also available on the Council's website. A summary of several key points of interest is provided below.

The RSoE report highlights some interesting comparison data. Some of this data includes:

Energy efficiency and CO₂ equivalent emissions

Energy use per capita in Ballina Shire is comparable with that of the other North Coast local government areas (LGAs). Given that approximately 20% of households within the Ballina Shire now have solar panels on their roofs, energy use per capita will hopefully fall over the next four years.

Council's consumption per capita is also comparable with other LGAs. These results recognise a forecast drop by one-third to one-half in energy use attributable to street lighting, with the introduction of new light fittings on all of Council's streetlights during 2012. It is also likely that electricity usage will be reduced over the next reporting period with the implementation of the planned lighting refit of Council's Customer Service Centre and Works Depot.

Biodiversity

Ballina and Lismore LGAs have comparatively much less native vegetation remaining than other North Coast LGAs. This is because the Big Scrub vegetation community was logged extensively for its rainforest timbers, and to facilitate the introduction of agricultural enterprises. Where LGAs have much higher remaining remnant vegetation, historically that timber has been less attractive for forestry or has been less accessible.

A follow-on effect of the lack of remaining vegetation within the Ballina and Lismore LGAs is that the Ballina Shire community is sometimes at a disadvantage in that Council and other entities are not able to attract as much investment in the local area for managing and revegetating natural areas compared to more vegetated LGAs.

Land Use and Soils

The RSoE report notes that soils on the Alstonville Plateau are in generally good to very good condition, with the exception of sheet erosion. Interestingly, land management of these soils is noted as only fair for sheet and gully erosion and acidification.

Both floodplain and acid sulfate soils have low levels of organic carbon, affecting their productivity. Whilst the floodplain soils attract a 'good to very good' rating for management, acid sulfate soils are rated as being managed poorly to very poorly for wind erosion, acidification, organic carbon decline, soil structure decline and salinity or water logging. These management issues are reflected in some of the poor water quality events the Richmond River experiences after warm summer floods, where low dissolved oxygen has contributed to large fish kills.

Water

The Beachwatch program rates water quality at popular swimming areas each year. In most cases, the beaches and lakes of Ballina Shire rate as good to very good. Due to poor water exchange between Shaws Bay and the main Richmond River, water quality in Shaws Bay was rated as poor during the exceptionally wet 2011/2012 reporting period. This is mostly due to stormwater entering Shaws Bay and being unable to be flushed out quickly.

Groundwater usage is another aspect of water management in Ballina Shire. Generally speaking, allocation of groundwater in most zones is well within annual extraction limits at 1- 4% of the calculated annual extraction limit. However, in the Alstonville and Tuckean Swamp areas, extraction is currently licensed at 120.5% and 121% of the annual extraction limit. This is due to an historical oversight by the responsible government department, and was the subject of a water reform process in the late 1990s and early 2000s.

Both areas have indicated stress in the past, with the Alstonville aquifer declining significantly in pressure and water levels until the recent La Nina weather patterns provided greater than average annual recharge amounts several years in a row. The Tuckean Swamp area is already a source of blackwater post warm summer flood events and also a source of acid discharge. These issues can be exacerbated by the over allocation of access to groundwater.

Sustainability Considerations

- **Environment**

The report provides a regional comparison of environmental issues from Port Macquarie to the Tweed.

- **Social**

The regional nature of the report provides valuable context for our community in their consideration of the natural environment.

- **Economic**

The report highlights a number of areas where greater investment in our natural environment would provide a more favourable comparison with other local government areas.

Legal / Resource / Financial Implications

Council contributed the amount of \$5,000 to the development of the Regional State of the Environment Report. Staff time to compile information was also required, although this requirement was less than in previous years. Overall, it is suggested that the contribution required by the project has been a valuable investment in a comprehensive document that was developed collaboratively but with much less effort from the councils when compared to previous years.

Further, the usefulness of the document is substantially enhanced by the regional perspective, and it is anticipated that there will be a much wider audience for the document. It may also provide a strong basis for future grant proposals by virtue of the regional collaboration.

Importantly, the report meets Council's obligations for State of the Environment reporting under the Local Government Act. It is noted that the next RSoE report is due in 2016.

Consultation

The RSoE report provides a valuable basis for future consultation with the community on natural resource management issues. It contains factual information on the state of various natural resources and the management of Council's own projects.

Options

This report is submitted for the information of the Council. On this basis, options are not provided

RECOMMENDATIONS

That Council notes the contents of this report in relation to the Regional State of the Environment Report 2012.

Attachment(s)

1. Summary Regional State of the Environment Report 2012

10.1 Use of Council Seal

10. General Manager's Group Reports

10.1 Use of Council Seal

RECOMMENDATION

That Council affix the Common Seal to the following documents.

US12/31	<p>Ballina Shire Council as Reserve Trust Manager for the Old Tintenbar Shire Council Chambers Reserve Trust, Reserve No. 57675: Temporary Licence Agreement to Thea Woznitza to occupy Areas 3 & 4 of the Old Tintenbar Shire Council Chambers.</p> <p>Explanation: Areas 3 & 4 of the Old Tintenbar Shire Council Chambers were recently vacated by Mr Norm Smith, a Bowen Therapist, following the expiration of his licence agreement. Ms Woznitza is a registered Bowen Therapist and Remedial and Relaxation Massage Therapist. The proposed 12 month Temporary Licence Agreement will enable Ms Woznitza to commence her practice from Areas 3 & 4 whilst matters regarding a proposal for Council to be appointed as head lessee of Reserve 57675 are considered.</p>
US12/32	<p>Request to remove encumbrance on land: The Council of the Shire of Tintenbar to Alfred Claude Walker – Mowing encumbrance on Lot 46 DP 246774 being 46 Wardell Road, Alstonville – Pending sale of house and land, Williams to Herman.</p> <p>Explanation: A mowing encumbrance was placed upon the land such that while ever the land remained vacant, the owner was to pay Council an annual mowing fee. The charging of the fee ceased once a dwelling was erected upon the land.</p>
US12/33	<p>Temporary Licence Agreement to occupy Crown land: Ballina Shire Council as Reserve Trust Manager of The Old Tintenbar Chamber Reserve Trust to 'Adrienne Kniha Childrens Physiotherapist'.</p> <p>Explanation: Staff have negotiated the occupation of the building known as the Old Alstonville Hall and situated at 4B High Street, Alstonville, behind the Old Tintenbar Shire Council Chambers building. The premises was vacated by the Cerebral Palsy Alliance earlier this year. The Temporary Licence Agreement is offered to enable Ms Kniha to commence her children's physiotherapy practice to relocate and commence at the site from 1 February, 2013. A market rental has been negotiated and agreed. Council his applying for the grant of a head lease over the Crown Reserve site, which, if granted, will enable Ms Kniha to be offered a sub-lease for a term beyond the 12 months Temporary Licence term.</p>
US12/34	<p>Temporary Licence Agreement for 12 month period, Ballina Shire Council as Manager of The Old Tintenbar Council Chambers Reserve Trust and Coffey Geotechnics Pty Ltd, for the occupancy of Area 2 of the Old Tintenbar Shire Council Chambers, Alstonville.</p> <p>Explanation: Coffey Geotechnics Pty Ltd has occupied Area 2 of the Old Tintenbar Shire Council Chambers since 9 January, 2012, and has requested that their term be extended a further 12 months. On discussing the matter with the Crown, no objection has been raised. Council his applying for the grant of a head lease over the Crown Reserve site, which, if granted, will enable Coffey to be offered a sub-lease for a term beyond the 12 months Temporary Licence term if desired.</p>

Attachment(s)

Nil

10.2 Investment Summary - November 2012

10.2 Investment Summary - November 2012

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 November 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 November was \$83,090,000. This represents an increase from October of \$1,402,000.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 30 November 2012, was \$2,343,565.

Council's investments as at 30 November are at an average (weighted) rate of 4.73% which is 1.50% above the 90 Day Bank Bill Index of 3.23%.

The majority of the approximately \$83 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	14
Wastewater Fund (incl developer contributions)	External	14
Wastewater Fund (unexpended loan)	External	24
Section 94 Developer Contributions	External	9
Bonds and Deposits	External	2
Other External Restrictions	External	6
Land Development	Internal	9
Employee Leave Entitlements	Internal	2
Carry Forward Works	Internal	8
Miscellaneous Internal Reserves	Internal	11
Unrestricted		1
Total		100%

* Based on reserves held as at 30 June 2012

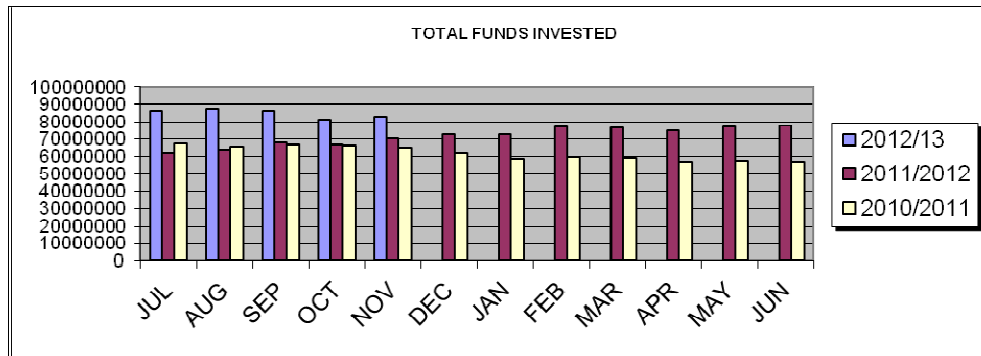
10.2 Investment Summary - November 2012

A. Summary of investments by institution

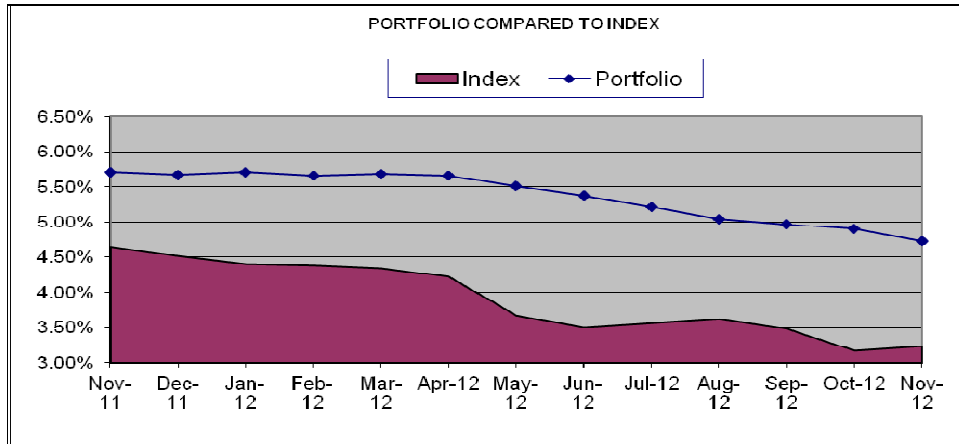
Funds Invested With	ADI Rating	Previous Month (\$'000)	Current Month (\$'000)	Quota %	% of Total	Total
Grandfathered Investments						
Deutsche Bank	A+	4,000	4,000	0	4.8	
Goldman Sachs	AA-	1,000	1,000	0	1.2	
HSBC Australia	AA-	1,000	1,000	0	1.2	
Longreach Capital Markets 28*	AA+	1,000	1,000	0	1.2	
National Australia Bank	AA-	1,788	1,788	0	2.2	
National Wealth M'ment Holding	A	2,000	2,000	0	2.4	13%
Rated Institutions						
ANZ Bank	AA-	29	26	20	0	
Bank of Queensland	BBB+	8,000	7,000	10	8.4	
Bank of Western Australia	AA-	12,000	6,000	20	7.2	
Commonwealth Bank of Aust	AA-	3,871	8,276	20	10.0	
Illawarra Mutual Bld Soc	BBB	4,000	4,000	10	4.8	
ING Bank Ltd	A	8,000	13,000	20	15.6	
Members Equity Bank	BBB	8,000	7,000	10	8.4	
National Australia Bank	AA-	12,000	12,000	20	14.4	
Suncorp Metway Bank	A+	14,000	14,000	20	16.8	
Westpac Banking Corporation	AA-	1,000	1,000	20	1.2	87%
Total		81,688	83,090			100%

* Rating is on capital only by Citigroup Pty Ltd

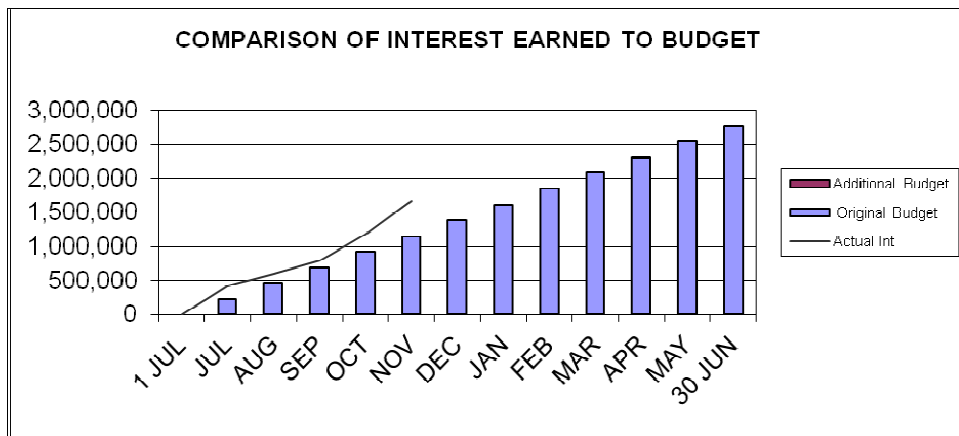
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



Comment

As widely expected, the Reserve Bank Board reduced the cash rate by 0.25% to 3.00% at its December 4 meeting.

The accompanying statement by the Governor has the following paragraph which appears to be the main reason for a further cut – given that inflation remains within the target range.

'In Australia, most indicators available for this meeting suggest that growth has been running close to trend over the past year, led by very large increases in capital spending in the resources sector, while some other sectors have experienced weaker conditions. Looking ahead, recent data confirms that the peak in resources investment is approaching. As it does, there will be more scope for some other areas of demand to strengthen.' It seems that the building and construction (non-mining) sectors are the target here.

Graph "D" above shows that interest earned is again rising well above budget this year, and as occurred last year, this is largely due to the large amount of unexpended sewer loan funds (approximately \$17m) on hand. The extra interest earned will primarily benefit the Sewer Fund operating surplus.

10.2 Investment Summary - November 2012

E. Investments held as at 30 November 2012

Purchase Date	Issuer	Type	Rate%	Call or Maturity Date	Purchase Value \$'000
23/04/04	Deutsche Bank	FRN	4.12	23/04/14	2,000
23/04/04	Deutsche Bank	FRN	4.12	23/04/14	2,000
20/09/04	National Australia Bank	FRN	4.53	Perpetual	1,788
12/04/06	Goldman Sachs	FRN	3.71	12/04/16	1,000
16/06/06	National Wealth M'ment Holdings	FRN	4.16	16/06/16	2,000
28/06/07	Longreach Series 28	FND	0.00	27/06/14	1,000
14/03/08	HSBC Australia Ltd	FRN	5.73	14/03/13	1,000
17/12/08	Commonwealth Bank of Australia	FRTD	4.73	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	3.20	At Call	6,278
20/07/11	ANZ Bank	FND	2.50	At call	26
24/01/12	ING Bank Ltd	FRTD	5.08	24/01/17	1,000
06/02/12	Westpac Bank	FRN	4.81	06/02/17	1,000
24/07/12	Suncorp-Metway Bank	TD	5.10	21/01/13	4,000
30/07/12	ING Bank Ltd	TD	5.18	30/01/13	1,000
01/08/12	Suncorp-Metway Bank	TD	5.15	29/01/13	2,000
09/08/12	Members Equity Bank	TD	5.10	05/02/13	2,000
13/08/12	BankWest	TD	5.10	13/02/13	3,000
16/08/12	Suncorp-Metway Bank	TD	5.00	14/12/12	2,000
20/08/12	ING Bank Ltd	TD	5.06	18/12/12	4,000
28/08/12	ING Bank Ltd	TD	5.03	25/01/13	1,000
28/08/12	Bank of Queensland	TD	5.20	28/02/13	1,000
04/09/12	Bank of Queensland	TD	5.10	02/01/13	1,000
11/09/12	National Australia Bank	TD	4.96	11/03/13	2,000
03/10/12	Members Equity Bank	TD	4.95	02/04/13	1,000
19/10/12	National Australia Bank	TD	4.55	17/04/13	4,000
19/10/12	National Australia Bank	TD	4.55	17/04/13	1,000
22/10/12	Members Equity Bank	TD	4.85	19/02/13	2,000
23/10/12	ING Bank Ltd	TD	4.62	20/02/13	1,000
29/10/12	National Australia Bank	TD	4.50	29/04/12	3,000
31/10/12	Suncorp-Metway Bank	TD	4.45	29/01/13	2,000
01/11/12	National Australia Bank	TD	4.51	01/05/13	2,000
05/11/12	ING Bank Ltd	TD	4.64	07/05/13	1,000
05/11/12	Illawarra Mutual Bld Society	TD	4.54	01/02/13	2,000
05/11/12	Illawarra Mutual Bld Society	TD	4.54	01/02/13	2,000
06/11/12	Bank of Queensland	TD	4.75	06/02/13	2,000
06/11/12	ING Bank Ltd	TD	4.55	06/03/13	2,000
09/11/12	Suncorp-Metway Bank	TD	4.55	07/02/13	2,000
13/11/12	ING Bank Ltd	TD	4.63	11/02/13	2,000
19/11/12	Members Equity Bank	TD	4.70	18/02/13	2,000
18/11/12	BankWest	TD	4.45	31/01/13	1,000
22/11/12	BankWest	TD	5.10	05/02/13	2,000
26/11/12	Bank of Queensland	TD	4.80	26/02/13	3,000
27/11/12	Suncorp-Metway Bank	TD	4.60	27/02/13	2,000
Totals:					83,090
TD=Term Deposit		FRN=Floating Rate Note		FND=Managed	
ELN= Equity Linked Note		FRTD= Floating Rate Term Deposit		Fund	

RECOMMENDATION

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

Attachment(s)

Nil

10.3 Staff Presentations

10.3 Staff Presentations

Delivery Program Human Resources

Objective To formally recognise long serving employees

Background

Council has had a practice of annually recognising employees who have completed either 15 or 25 years of service by providing an annual presentation at the December Council meeting, along with joining the Councillors for morning tea. This practice has been reviewed internally by staff where it was agreed that a preferred approach would be to formally recognise staff after 10, 20, 30 and 40 years of service, with the staff reaching the 20 year onwards milestones to be recognised at the December meeting. This has resulted in a transition period for some employees given the changeover in years of service and the staff eligible for recognition are listed in this report.

Key Issues

- Acknowledgment of the service of employees.

Information

At 10.30 am Council will recognise the service of the following employees:

45 years

Loyd Troughton

30 years

Paul Outerbridge

Greg Heathwood

25 years

Tim Godbee

20 years

Robert Hunter

Helen Joblin

Jim McCulloch

Steve Ansoul

Vince Hunt

Mark Stenning

Robert Stoker

David Kelly

Phillip Donoghoe

Judy Butson

Leanne Harding

Jeff Nicholson

Peter O'Keefe

10.3 Staff Presentations

The majority of the employees will be present at the meeting.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Long term employees make a significant contribution to the expertise, tradition and social fabric of the council.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Nil

Consultation

This report is provided to publicly recognise long serving employees.

Options

The only option is to recognise the employees.

RECOMMENDATION

That Council acknowledges and congratulates the staff members outlined in this report on their long service with Council.

Attachment(s)

Nil

10.4 Ward Committees - Membership

10.4 Ward Committees - Membership

Delivery Program Administration

Objective To obtain approval to amend the membership of the Ward Committees

Background

At the September 2012 Ordinary meeting Council resolved to retain the existing Committee structure and membership of the three Ward committees. Council also resolved to call expressions of interest for additional membership of the Ward committees, particularly from sporting bodies.

Expressions of interest were called and closed on 23 November 2012 with a number of nominations received. The purpose of this report is to consider those nominations.

Key Issues

- Suitability for membership

Information

As a result of Council writing to sporting organisations and also advertising the following nominations were received:

A Ward

Ballina Bears Cricket Club
Ballina Rugby Club
Ballina Coastal Country Music Festival

B Ward

Tintenbar East Ballina Football Club

C Ward

Alstonville Wollongbar Rugby Club
Alstonville & District Cricket Association
Alstonville Football Club

All of these organisations are not for profit groups and on that basis are suitable as members of the Ward Committees.

Sustainability Considerations

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

10.4 Ward Committees - Membership

- **Economic**
As above

Legal / Resource / Financial Implications

Nil

Consultation

Expressions of interest were called and closed on 23 November 2012.

Options

The options are to approve or not approve the nominations. The recommendation is to approve the nominations.

RECOMMENDATION

That Council approves the following additional membership to the Ward Committees

A Ward

Ballina Bears Cricket Club
Ballina Rugby Club
Ballina Coastal Country Music Festival

B Ward

Tintenbar East Ballina Football Club

C Ward

Alstonville Wollongbar Rugby Club
Alstonville & District Cricket Association
Alstonville Football Club

Attachment(s)

Nil

10.5 Councillor Attendance

10.5 Councillor Attendance

Delivery Program Governance

Objective To provide Councillors with professional development opportunities.

Background

The Councillor Expenses and Facilities Policy requires Council approval for attendance by councillors, excluding the Mayor, at conferences outside the region (Richmond, Tweed, Clarence).

Cr Cadwallader is seeking approval to attend the National Sea Change Taskforce Australian Coastal Councils' Conference to be held from 25 to 27 March 2013 in Adelaide. In November this year, Cr Cadwallader nominated and was elected to fill a casual vacancy that arose as a NSW representative on the National Sea Change Taskforce Committee of Management. Cr Cadwallader will hold this position until the next Taskforce Annual General Meeting (AGM), which will be due in the second half of 2013.

The casual vacancy on this Taskforce was not reported to Council largely due to time constraints, however once information is available on permanent vacancies prior to the AGM, all Councillors will be notified to determine whether there is any interest in nominating.

As Cr Cadwallader is a representative on the Taskforce, airfares and two night's accommodation for the conference are paid for by the Taskforce. If Cr Cadwallader's attendance is approved Council will need to only pay the cost of registration for the conference (\$1,155 if paid before 25 January 2013) and one night's accommodation.

Key Issues

- Benefit of the conference and cost

Information

A copy of the conference program is attached to this report.

Sustainability Considerations

- **Environment**
Environmental, social and economic issues are likely to be considered at this conference.
- **Social**
As above
- **Economic**
As above

10.5 Councillor Attendance

Legal / Resource / Financial Implications

Funds are available within the Council's professional development budget to finance these expenses.

Consultation

Provided for public information.

Options

Approve or not approve the travel. The recommendation is to approve attendance, particularly as a large part of the cost is paid for by the Sea Change Taskforce, resulting in a significant reduction in the cost of the conference to Council.

Council may also wish to approve the attendance of any other Councillors to the conference.

RECOMMENDATION

That Council authorises the attendance of Cr Cadwallader at the National Sea Change Taskforce Australian Coastal Councils Conference to be held from 25 to 27 March 2013 in Adelaide, with Council meeting the cost of registration and one night's accommodation.

Attachment(s)

1. Conference Program

10.6 Community Group Lease - Ballina Youth Centre

10.6 Community Group Lease - Ballina Youth Centre

Delivery Program Commercial Services

Objective To determine if Council wishes to offer a community group lease to the Ballina and District Community Services Association for the Ballina Youth Centre.

Background

Council currently has a number of community and sporting groups that have a licence or lease over Council property classified as either community land or operational land in accordance with the Local Government Act 1993. The lease agreement for No. 32 Swift Street, Ballina known as the "Ballina Youth Centre" expired on 30 June 2012. This Centre is on community land described as Lot 13 and 14 DP 1714, No. 30 Swift Street, Ballina.

Key Issues

- Lease terms and conditions

Information

The community group lease for the Ballina Youth Centre expired on 30 June 2012. Council staff have been negotiating with the current occupier of the Centre, being Ballina and District Community Services Association (BDCSA) for a number of months to ensure any new lease meets everyone's needs.

The current lessee of the property is listed as the Ballina Youth Centre Management Committee. This committee was originally formed when the building was relocated to 32 Swift Street, Ballina and was made up of a number of community representatives. Over time the Committee has disbanded and BDCSA have now taken over the management of the centre. BDCSA have requested that the new lease agreement be in their name.

With regard to the agreements on Community Land under the Local Government Act, Council is required to advertise the application for renewal, write to adjoining owners and place a sign on the property advising of the request for renewal. These notifications have been undertaken.

Council has received no objections to the proposed grant of the new agreement.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The services offered by the community group enhance the social fabric of the shire.

10.6 Community Group Lease - Ballina Youth Centre

- **Economic**
Currently, no rental is charged to community groups.

Legal / Resource / Financial Implications

In regard to the lease/licence fees, Council has not made a practice of charging rental to the applicable community groups. If Council wishes to review this situation a separate report on the matter will be prepared.

Consultation

In accordance with the Local Government Act, the proposal to renew the agreement on community land was advertised, adjoining owners notified and a sign placed on the subject property. No objections have been received.

Options

The options are to offer a new lease for four years, at no rental, offer a lease for a different term at a rental or not offer a lease.

The preferred option is to renew the lease, with the BDCSA, as they provide a very valuable community service from this property.

RECOMMENDATIONS

1. That Council approves a new lease / licence for No. 32 Swift Street, being the Ballina Youth Centre, to the Ballina and District Community Services for a period of four years, at no rental.
2. Council authorises the Council seal to be attached to the relevant lease / licence agreement.

Attachment(s)

Nil

10.7 Community Donations

10.7 Community Donations

Delivery Program Governance

Objective To determine whether Council wishes to approve a community donation request.

Background

Council is in receipt of one application for a donation that, as per Section 356 of the Local Government Act, requires a Council resolution.

The request is to donate the hire charges of Council's Low Loader (Plant No. 17) to transport parts for the Ballina High School's Lighter Amphibious Resupply Cargo (LARC) vehicle from Sydney to Ballina. The spare parts have been donated by the Australian Army to the Ballina High School's Marine Discovery and Resource Centre. The LARC is used by students at the Marine Discovery and Resource Centre for educational purposes.

Key Issues

- Whether the donation is appropriate and funding

Information

Council has adopted a donations policy. The policy outlines the procedure for the granting of donations such that it follows a similar time line to the annual Operational Plan. If applications are received outside that time line typically the applicants are advised to apply again the following year. However, the policy does allow Councillors and the General Manager to consider applications outside that timeline, where there may be extenuating circumstances. The nature of this donation meets the extenuating circumstances criteria.

Council has for many years provided the benefit of our low loader to transport the Ballina High School's LARC vehicle between Ballina, the Council depot and sometimes Lismore for maintenance. There is an existing resolution for this service, from the March 2009 Ordinary meeting, which states as follows:

That Council approves the use of its low loader vehicle (Plant #17) for the transportation of a Lighter Amphibious Resupply Cargo (LARC) from Moorebank, Sydney to Ballina Shire to be used by the Ballina High School Marine Discovery and Resource Centre and also authorises the on-going use of Council equipment to assist with maintaining this item and associated equipment, subject to the staff time being provided on a voluntary basis, with the funds to be allocated from the donations budget.

This resolution has been used for staff to approve the use of Plant #17 primarily for local transportation. However Ballina High School has now approached Council again regarding transportation between Sydney and Ballina.

10.7 Community Donations

The information provided by Ballina High School is as follows:

After many years of planning the Ballina High School Marine Discovery and Resource Centre was successful in gaining approval for the acquisition of an Lighter Amphibious Resupply Cargo (LARC) from the Army, which also required approval from the US Department of State. This amphibious vehicle is used by students of the Marine Studies Unit undertaking marine and coastal studies. The vehicle complements the other off road ex Army vehicles used to transport students to various coastal and marine study sites.

As the vehicle is unique and spares are difficult to obtain, the US State Department previously authorised the transfer of a second LARC to the Ballina High School Marine Discovery and Resource Centre to be used as spare parts and Council donated the use of the low loader to collect the spare vehicle in 2009. The School has now been advised that additional spare parts are available and seeks a donation of the hire of Council's low loader to collect the items.

The parts are located at Moorebank in Sydney and requires transporting to Ballina by heavy haulage.

Council workshop staff have indicated they would volunteer their time to transport the parts from Sydney, using the Council's low loader.

The Ballina High School has offered to donate the fuel for the low loader. An estimate of Council's internal hire rates for the requested donation is \$2,488, being 24 hours hire at \$103.70 per hour, less the cost of any fuel supplied.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Donations such as those requested provide invaluable support to community groups.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The current status of the donations budget for 2012/13 is as follows:

Items	Budget	Allocated	Balance
Donations (General)	76,500	77,012	(512)
Donations (Halls)	28,500	28,500	0
Donations (DA Fees)	3,000	0	3,000
Net Amount Available			2,488

The expected cost of using Council's vehicle is \$2,488. The fact that this exactly equals the remaining balance is purely coincidental!

Consultation

The annual donations program is subject to formal public exhibition and generally Council attempts to ensure that all donations are considered at the same time to ensure there is equity in the allocation process. There has been no specific consultation in respect to this application.

Options

The options are to approve or to decline the request outlined in this report. The recommendation is to approve, due to the long standing relationship that exists between Council and Ballina High School in respect to the LARC and due to the fact that the donations budget has funding available (albeit from the DA fees component). Also this is more an in-kind contribution from Council as the cost to the donations budget is actually an internal charge.

RECOMMENDATIONS

1. That Council approves the donation request from the Ballina High School to provide transportation services for spare parts for the School's Lighter Amphibious Resupply Cargo vehicle between Ballina and Moorebank, Sydney, with Ballina High School responsible for all fuel costs.
2. That Council thanks the workshop staff for donating their own time to this service.

Attachment(s)

1. Request from Ballina High School Marine Discovery

10.8 Loan Borrowings - 2012/13

10.8 Loan Borrowings - 2012/13

Delivery Program Financial Management

Objective To obtain Council approval to take out loan borrowings relating to the 2012/13 financial year.

Background

Council approval must be obtained prior to entering into a loan agreement. Financial institutions require a specific resolution and minute number to include as part of the loan agreement.

Typically Council's loan borrowings are taken out towards the end of the financial year once the full extent of the expenditure required to be funded by loans is known. This report deals with two Local Infrastructure Renewal Scheme (LIRS) subsidised loans which must be drawn down now to obtain the maximum subsidy.

Key Issues

- Approval for loan funding for Ballina Town Centre, Road Rehabilitation and Ballina Airport
- Benefits from the LIRS

Information

Council's 2012/13 Operational Plan includes General Fund loan borrowings of \$15.5 million for the following projects.

Project	Value of Loan \$
Ballina Town Centre	1,800,000
Ballina Heights Drive	1,200,000
Road Rehabilitation	1,000,000
Ballina Airport	7,300,000
McLeay Culvert	1,700,000
Cumbalum Interchange	2,500,000
Total	15,500,000

At the November meeting Council gave approval to take up loans in respect to the McLeay Culvert and Cumbalum Interchange. Approval is now required to take up loans totalling \$9.6m. These loans are through the NSW State Government's LIRS, with Council receiving a 4% rebate on the interest paid on these loans. The \$9.6 million relates to:

Project	LIRS Loan \$
Ballina Town Centre	1,300,000
Road Rehabilitation	1,000,000
Ballina Airport	7,300,000
Total	9,600,000

10.8 Loan Borrowings - 2012/13

Council has signed agreements with the State Government for the LIRS subsidy related to those loans and the loan funds are required to be drawn now as the 10 year subsidy period has commenced and expires after 10 years, therefore the longer the loans are delayed, the less subsidy that Council is able to claim.

With loan interest rates for councils now around 5.5%, and with interest investment rates around 4%, once the 4% subsidy is deducted Council will actually be making a positive return on these loan funds. This is important as the loan funds, particularly for the airport, will not be fully expended for a number of months.

Once the LIRS loans are taken out the remaining loans for 2012/13 relate to:

- Ballina Town Centre – Balance of \$500,000 (\$1.8 m in total with \$1.3m sourced from the LIRS) – This project is virtually complete and the intention is to carry the \$500,000 as part of our normal operations with the loan to be taken out in June 2013. This minimises the cash flow impacts of any loan repayments during 2012/13.
- Ballina Heights Drive - \$1.2m – This project remains under review as the original tenders were far in excess of budget. The Council budget for this project is \$4 million with the funding sourced from loans (\$1.2 million), section 94 contributions held (\$2 million) and an advance on section 94 contributions from the land owners / developers (\$800,000). Revised tenders are in the process of being called for this work and the report to Council on that tender will also review the funding options available.

The loans subject to the LIRS are the Ballina Town Centre and Road rehabilitation (\$2.3m in total) over 10 years and \$7.3m for the Ballina Airport, also over 10 years.

The loans will be sourced in the normal manner from the market at the market interest rate. The LIRS subsidy is claimed back from the State Government each six months, in May and November, in arrears.

The LIRS subsidy agreements have been signed and returned. The agreements are financially very beneficial to Council, however some issues have been raised with the Division of Local Government (DLG), namely:

- We are awaiting a tax ruling to determine if we will lose 10% of the value of the subsidy due to poor GST clauses. It was intended that the reimbursement be GST free and this was the way the proposal was put to Council. However the wording of the agreement is such that we may now be required to remit 10% to the ATO
- Prohibiting the use of day labour to work on the projects to which the loan funds are applied. This restriction does not make sense but the position of the DLG is that we must like it or lump it

10.8 Loan Borrowings - 2012/13

- Council may miss out on the final subsidy payment as the agreement is for 10 years commencing when signed, the clock is already ticking and the final loan payment will be outside the expiry date. This issue can be avoided by making the last payment two months early however it again reflects a document that is not in accord with the spirit of the original proposal.

Council has applied to the DLG for a deed of variation such that the agreement commences in December which is the same start date as the loans.

Legal / Resource / Financial Implications

The 2012/13 budget assumes loan borrowings to fund these projects. Although it was originally planned to take up these loans in June 2013, the terms of the LIRS funding agreement make it more economical to take up the loans as soon as possible.

Consultation

The Draft Delivery Program included details of borrowings for these projects. This document was advertised for public comment during May 2012. No submissions were received in respect to the borrowing proposal.

Options

Council may choose to approve the raising of external loans to \$9.6m or not. If the borrowing does not take place it will be necessary to locate an alternative funding source or reduce the works program.

RECOMMENDATIONS

1. The Council authorises the General Manager to select the best rate quoted for the borrowing of \$9.6 million for the financing of the Ballina Town Centre, Road Rehabilitation and Ballina Airport projects.
2. The use of the Council seal is authorised on all loan documentation associated with these loans.

Attachment(s)

Nil

10.9 Wardell and District War Memorial Hall

10.9 Wardell and District War Memorial Hall

Delivery Program Commercial Services

Objective For Council to further consider the acquisition of the Wardell and District War Memorial Hall.

Background

At the Ordinary Meeting of Council held 24 May 2012, a report on whether Council should assume ownership of the Wardell and District War Memorial Hall was considered, and the following resolution adopted:-

- 1. That Council notify the Trustees of the Wardell and District War Memorial Hall that it is prepared, in principle, to accept the Trustees' offer to assume ownership of the Property, as per the contents of this Report.*
- 2. That prior to Council proceeding with to assume ownership, Council seek expressions of interest from the community for the formation of a management committee to oversee the operation of this hall, as occurs with the various other community halls in the Shire.*
- 3. That if point 2 can be implemented to the satisfaction of the General Manager, the General Manager is authorised to proceed with the contract for sale only upon receipt of a further building report concerning the condition of the hall, with the General Manager being satisfied that the general condition of the hall and the scope of any remedial works are acceptable.*
- 4. That the General Manager is authorised to affix the Council Seal to documentation associated with the contract for sale, subject to points one, two and three.*

The purpose of this report is to provide an update on the implementation of this resolution.

Key Issues

- Financial and other costs of assuming ownership of a public hall.

Information

In accordance with items numbered one and two of the adopted resolution of Council of 24 May, 2012 the Trustees' of the Wardell and District War Memorial Hall were notified by letter and an advertisement was placed in the local press calling expressions of interest from the community to serve as honorary representatives on a management committee intended to be established to oversee operations and day-to-day management of the hall.

Resulting from the call for expressions of interest from the community, the following two responses were received:-

10.9 Wardell and District War Memorial Hall

- a) Mr Pat Carney; and
- b) A letter from the Wardell War Memorial Hall Committee nominating five persons: Boyd and Jodi Wilcox, Ron Rosolyn, Mike Bardell and Barry Clifford. It is noted that Messrs Rosolyn and Clifford are two of the three Trustees' of the Hall (the remaining Trustee being a Mr D Delaney).

Following on from the receipt of the expressions of interest from community members, and in accordance with item three of the adopted resolution staff engaged an independent consultant, Tecton, to re-inspect the hall to provide a "further building report concerning the condition of the hall...". A pest inspection of the hall was also commissioned.

As requested, Tecton undertook a Condition Assessment Report of the hall and a copy of that report is attached. Keys points of that report are summarised as follows:

- the building is approximately 85 years old and as such it will require significant ongoing maintenance;
- significant repairs are urgently required to ensure that the building remains serviceable and that ongoing maintenance costs are reduced to a minimum;
- building regulations associated with the use of public halls and places of assembly have changed significantly over the years and as such the hall does not comply with contemporary building regulations, particularly in regards to fire and disabled access.

The Maintenance Schedule annexed to the Condition Assessment Report includes an estimate of \$60,596 to undertake repairs to bring the hall up to a satisfactory and serviceable standard. It is noted that this figure is the consultant's estimate of costs, and not a formal quote.

The consultant's report has prioritised works to be undertaken, with items numbered 1 being high priority, down to 5 being of a lower priority. Items numbered 1 and 2 total \$30,426 and require immediate attention; the remainder (Items numbered 3 to 5) could be undertaken over the next couple of financial years.

It is emphasised that the consultant's cost estimate of \$60,596 does not include allowances for fire safety and access for the disabled. Advice from the Regulatory Service Group indicates that compliance with these standards is not mandatory unless a development application lodged for a change of use or alterations are made to the existing building.

Council maintenance staff have also undertaken an assessment of the hall and prepared the following indicative cost estimates for works to be undertaken to meet fire safety issues, provide access for the disabled and remove or manage hazardous materials.

These works have been categorised as follows:

10.9 Wardell and District War Memorial Hall

Type of Works	Estimate (\$)	Totals (\$)
High Priority		
Fire upgrade	20,000	
Electrical assessment	1,000	
Electrical rewire	20,000	
Sub total		41,000
Other		
Replace non-compliant stairs	10,000	
Replace non-compliant ramps	15,000	
Carparking for the disabled	15,000	
Access for the disabled	60,000	
Asbestos removal & replacement	150,000	
Lead based paint abatement works & disposal	40,000	
Sub total		290,000
Total		331,000

The total estimated cost of all works to bring the hall up to a satisfactory and serviceable standard is in the order of \$400,000. This estimate includes the estimate of \$331,000 made by Council maintenance staff and the estimate of \$60,596 made by Tecton.

Based upon the information obtained, staff estimate that approximately \$70,000 is required to undertake works requiring immediate attention.

Item	Amount (\$)
Tecton Condition Assessment Report	30,000
Council Maintenance Staff	40,000
Total	70,000

A pest inspection of the hall has also been undertaken that indicates:

- No active subterranean termites (live specimens) found
- Evidence of subterranean termite workings/damage was found
- Visible evidence of borers of seasoned timbers was found
- Evidence of damage by wood decay (rot) fungi was found
- No evidence of previous termite treatment found and
- Not all areas/sections of the building were accessed
- Annual termite management treatment is recommended at a cost of \$1,595 p.a.

The Tecton Condition Assessment Report highlights that, notwithstanding the best efforts and intent of the current (and past) hall committees, maintenance, repair and compliance issues have not been adequately managed over the years.

Furthermore, there is the issue over whether there is a need by the local community for a facility such as this hall, and whether the hall can be managed to generate the funds required to meet annual operating costs such as electricity, insurances, Council rates, etc. and regular maintenance costs.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Community halls can provide a focal point for community interaction.
- **Economic**
Whilst community halls may be considered a social asset, they can be a financial liability to Council, particularly if a hall committee is not active, resourceful and entrepreneurial enough to maximise hall hire and use to meet annual operating and ongoing maintenance costs.

This is of particular relevance as another hall within close proximity to the Wardell Hall, being Pimlico Hall, is currently struggling to maintain numbers. The Committee of that hall have advised Council that they may not be in a position to renew their lease which expires on 30 June 2013. This would leave Council in a position of assuming full responsibility of ongoing maintenance and management of the facility.

Legal / Resource / Financial Implications

Legal

There is no impediment to Council assuming ownership of the hall/property.

Resources

If the hall committee does not take a proactive role in managing and running the hall, such responsibilities will fall to Council staff.

Financial

The total estimated cost to bring the hall up to satisfactory and serviceable standard is in the order of \$400,000. Alternatively, Council could spend approximately \$70,000 to undertake works of a high priority. Funding would have to be sourced from Council's Property Reserves, however these reserves are under considerable pressure to fund other projects.

Consultation

Members of staff have met with and discussed the proposal with representatives of the current Wardell War Memorial Hall Committee.

Options

1. Council can assume ownership of the Wardell and District War Memorial Hall and allocate \$70,000 to undertake those works identified in this report requiring urgent attention. Council can also then agree to form a management committee to manage the facility. Normal practice is for Council to enter lease or licence agreements with incorporated associations for the management of the public halls and this would be the preferred approach if Council assumed ownership. Council could provide assistance with the establishment costs for the incorporated association.

In assuming ownership Council should also resolve to classify the property as operational land under the provisions the NSW LGA 1993, thus giving it the option of selling the property at some stage in the future should ownership be no longer required.

This option is not recommended due to the significant financial outlay required to bring the building up to a satisfactory and serviceable standard, and the ongoing financial cost to maintain and possibly manage the facility.

2. Council can resolve not to assume ownership of the Wardell and District War Memorial Hall.

This option is recommended given the significant cost to upgrade the facility to a satisfactory and serviceable standard and the burden of ongoing maintenance and management costs.

This preferred option may not be popular, however Councillors have a responsibility to ensure that the limited resources available are allocated in a reasonable and appropriate manner. There has been little evidence provided to Council that there is on-going demand for a hall of this size and age in Wardell and in taking on ownership, Council will be attracting a significant financial liability. We are already struggling to pro-actively manage all our existing halls and buildings, and this extra hall will only result in the limited resources being stretched further.

Even though we may not take ownership it is recommended that staff continue to liaise with interested members of the community in an attempt to improve the existing operations of the hall. For example Council staff may be in a position to assist with ideas for marketing, management etc.

RECOMMENDATIONS

1. That Council thanks the community members for nominating to the Hall Committee, however due to the significant cost to upgrade the facility to a satisfactory and serviceable standard and the burden of ongoing maintenance and management costs, Council resolves not to assume ownership of the Wardell and District War Memorial Hall.
2. Council authorises the General Manager and Council staff to provide any in-kind assistance to the community in helping with improving the existing operations of the hall.

Attachment(s)

1. Condition Assessment Report

10.10 Australian Research Council Grant - Southern Cross University

10.10 Australian Research Council Grant - Southern Cross University

Delivery Program Environmental & Public Health

Objective To determine how Council wishes to proceed with the request for support of a research program examining the health of the Richmond River.

Background

At the September 2012 Ordinary meeting Council considered a report outlining funding that had been made available to the Richmond River County Council (RRCC) to undertake further studies examining the health of the Richmond River. Unfortunately the grant funding of \$320,000 from the Australian Research Council (ARC) requires funding from the constituent councils of RRCC of \$120,000 for three years (2012/13 to 2014/15). As a result of this report Council resolved as follows:

- 1. That in respect to the Australian Research Council grant for the Richmond River Council confirms its support for the project and that representations be made to Richmond River County Council requesting that the financial contribution be managed by the County Council in consultation with the constituent councils.*
- 2. That Council invite representatives from Southern Cross University to provide an update to Councillors regarding this project.*
- 3. That Richmond River County Council be contacted to place this item on their first meeting agenda for consideration.*

Professor Leigh Sullivan from Southern Cross GeoScience at Southern Cross University and Mr Michael Wood from RRCC provided the presentation, as per point two, to Councillors on Tuesday 4 December 2012 and the purpose of the report that now follows is to determine whether Council wishes to commit to the required funding.

Key Issues

- Benefits of the project
- Equity in contributions
- Funding of Council's contribution

Information

The objective of the study, which has received the approved funding from the ARC, is to “develop practical management options to reduce de-oxygenation of the Richmond River”. As reported to the September meeting, SCU advise that the project will provide the following outcomes:

10.10 Australian Research Council Grant - Southern Cross University

The project will investigate better ways to manage water quality in the Richmond River, especially during summer floods when blackwaters draining from coastal wetlands devastate the river system by causing widespread deoxygenation events and fish kills. The geochemistry of deoxygenation events in the Richmond River is poorly understood despite regular major flood events in the Northern River region. A major cause of dead zones in our estuaries is the formation and release of blackwaters from coastal wetlands.

The Southern Cross GeoScience research team will use cutting-edge geochemical techniques to get a better understanding of the chemical nature of the compounds being exported as blackwaters into the river during flood events and of the landscape features and management practices that influence the production of these compounds. Entitled 'Episodic estuarine hypoxia: resolving the geochemistry of coastal floodplain blackwaters', the project will investigate the combination of soil, land use and vegetation factors that create deoxygenated dead zones.

This information will be brought together into a comprehensive model to allow local councils and state agencies to further optimise land use decisions to help minimise the intensity and duration of deoxygenation events in the Richmond.

A copy of the powerpoint presentation provided to Councillors is included as the attachment to this report. The presentation is fairly technical however a few of the key points include:

- De-oxygenation occurs typically from four days after the peak of the flood
- Large fish kills are seen about five to six days after the peak, as the dead fish take one or two days to float to the surface
- The key areas contributing to the de-oxygenation appear to be in the middle sub-catchments of the Richmond being the Tuckean, Rocky Mouth Creek and Bungawalbin backswamps, all of which are below Coraki
- Main outcomes from the project include:
 - Production of a map of the deoxygenation pollution (DOP) across the mid and upper estuary of the Richmond to enable rational prioritisation of land management strategies
 - Identify major DOP production characteristics of the main floodplain vegetation under summer inundation, which will allow RRCC to target the types of vegetation that should be encouraged in these areas
 - Produce drainage hydrology for each of the three key backswamp areas which will allow RRCC to determine the amount of DOP at each drainage level
 - All of this information will assist in determining how much of the backswamp area needs to remain wet and for how long, during periods of flood, to reduce the level of DOP
- In summary the project will provide further details on how the backswamp areas contribute to de-oxygenation along with identifying the remediation strategies. This will then assist with implementing the remediation strategies, along with obtaining grant funds for these strategies
- Total value of the project is approximately \$1.5 million, consisting of the following funding:

10.10 Australian Research Council Grant - Southern Cross University

ARC - \$325,000 (cash)
SCU - \$600,000 (in-kind)
Monash University - \$60,000 (in-kind)
RRCC - \$180,000 (in-kind)
RRCC (and the constituent councils) - \$360,000 (cash - \$120,000 PA).

Sustainability Considerations

- **Environment**
This initiative represents an opportunity to address a significant environmental issue.
- **Social**
Blackwater events and fish kills result in a range of issues impacting on the social amenity within Ballina.
- **Economic**
The fish kills have significant impacts on the fishing and tourism industries.

Legal / Resource / Financial Implications

The major issue with this project is funding. To date, Council has not been able to obtain any support from the other constituent councils of RRCC (Lismore and Richmond Valley) to assist.

Council has no recurrent budget of this magnitude (i.e. \$120,000 per annum) to fund this project. This means the only real option available is to use reserves. Rather than identifying the reserve(s) in this report, the preferred option is, if there is support for the project, for Council's finance staff to provide a recommended course of action, potentially from a number of reserves, as part of the December quarterly budget review. It is also intended to examine other areas of Council's operations where savings may be able to be made, perhaps on a temporary basis, to help fund this project.

Even though there has been reluctance from the other constituent councils to fund this project, particularly as their 2012/13 budgets are already in place, those councils should be strongly encouraged to contribute equally for 2013/14 and 2014/15. Equal contributions would save Ballina Shire Council \$160,000 in total contributions for the two years (i.e. \$80,000 per annum). As a fall back position, Council could potentially contribute half the annual contribution with the other two councils providing 25% of the total each.

The only other point that needs to be made is in looking at the total project value of just over \$1.5 million the contributions from the other parties (SCU, Monash and RRCC) are all in-kind. This is well and good, however in-kind in reality just reflects existing salaries and the level of in-kind contribution actually provided is a difficult figure to measure. It would have been far more equitable for these organisations to at least assist with some level of cash contribution, to help alleviate the magnitude of the contribution required by Ballina Shire Council. It remains disappointing that we are the only organisation, besides the ARC, making a cash contribution to the project.

10.10 Australian Research Council Grant - Southern Cross University

Consultation

This proposal has been developed in consultation with the RRCC and Southern Cross University.

Council's Community Research Survey in August 2012 identified the Overall Health of the Richmond River as the third highest priority for the community.

Council's delegates to RRCC have raised the funding of this project with the other constituent councils, and unfortunately there has been no support to date.

Options

The options are to either support the project funding or not. There is consensus amongst Council and the community that improving the overall health of the Richmond River is a very high priority for Ballina Shire, particularly as we are at the end of the river.

This being the case the preferred option is for Council to agree to provide the required funding. However in making this recommendation it is also recommended that Council's RRCC delegates make a very strong case to the other RRCC constituent councils that they should be providing an equal contribution to the project for 2013/14 and 2014/15.

RECOMMENDATIONS

1. That in respect to the Australian Research Council grant for the Richmond River, Council confirms its will provide the \$120,000 contribution for the 2012/13 financial year.
2. The preferred options for the sourcing of this funding are to be included in the December 2012 Quarterly Budget Review, which will be presented to Council at the February 2013 Council meeting.
3. That in respect to the contributions required for 2013/14 and 2014/15 Council confirms its preference is for these contributions to be shared equally amongst the constituent councils of the Richmond River County Council (RRCC), with the General Manager and RRCC delegates to make strong representations to RRCC in support of this equal sharing of the cost.

Attachment(s)

1. Powerpoint presentation from Southern Cross University

10.11 Organisation Structure - Review

10.11 Organisation Structure - Review

Delivery Program Governance

Objective To consider options to review the Council organisation structure as per Section 333 of the Local Government Act.

Background

A key principle of the Local Government Act is that councillors are responsible for policy formulation with the General Manager then responsible for employing the staff to implement that policy. Even though the General Manager employs the staff the elected council is responsible for determining the organisation structure. This is outlined in section 332 of the Local Government Act, which states as follows:

332 Determination of structure

- 1) *A council must determine:*
 - *an organisation **structure***
 - *those positions within the organisation **structure** that are senior staff positions*
 - *the resources to be allocated towards the employment of staff.*
- 2) *A council may not determine a position to be a senior staff position unless:*
 - a) *the responsibilities, skills and accountabilities of the position are generally equivalent to those applicable to the Executive Band of the Local Government (State) Award, and*
 - b) *the total remuneration package payable with respect to the position is equal to or greater than the minimum remuneration package (within the meaning of Part 3A of the Statutory and Other Offices Remuneration Act 1975) payable with respect to senior executive office holders whose positions are graded Level 1 (General Management).*
- 3) *For the purposes of subsection (2) (b), the total remuneration package payable with respect to a position within a council's organisation structure includes:*
 - a) *the total value of the salary component of the package, and*
 - b) *the total amount payable by the council by way of the employer's contribution to any superannuation scheme to which the holder of the position may be a contributor, and*
 - c) *the total value of any non-cash benefits for which the holder of the position may elect under the package, and*

10.11 Organisation Structure - Review

- d) *the total amount payable by the council by way of fringe benefits tax for any such non-cash benefits.*

In addition to Section 332, Section 333 also states as follows:

333 Re-determination of structure

The organisation structure may be re-determined by the council from time to time. It must be re-determined within 12 months after any ordinary election of the council.

As per Section 333 the Council must re-determine the organisation structure within 12 months of the election. The purpose of this report is to confirm the approach Council wishes to follow in respect to a review of the structure.

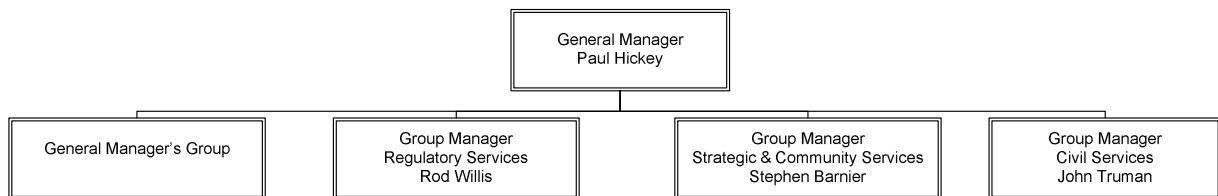
Key Issues

- Clarification of structure
- Overview of current structure
- Options for review

Information

In determining and reviewing the organisation structure it is essential that all parties are clear what is meant by structure. The advice, over many years, from the Division of Local Government, is that organisation structure refers to the major groups and sections within a council. It is not, as occasionally has happened, an opportunity for Councillors to review which staff report to whom and at what level. Rather it is the broad organisation structure and how the staff resources are allocated within that structure.

The existing, adopted organisation structure is as follows:



The major benefits of this structure are:

- a) Clear separation between Council's regulatory role and its strategic planning function. Sometimes in councils these functions are within the same section which can, occasionally, cause conflict between strategic planning outcomes and development assessment difficulties
- b) Engineering functions all consolidated within the Civil Services Group
- c) The Commercial Services unit (i.e. property section) has been created as a stand alone unit within the General Manager's Group.
- d) Corporate functions consolidated within the General Manager's Group.

10.11 Organisation Structure - Review

There are numerous organisation structures in place for councils primarily as councils provide such a wide range of services. There are, at times, difficulties in moulding like for like services within groups and the core issue for any council is to ensure there is strong communication between the various groups to maximise the integration of council service delivery.

In respect to the organisation structure review, there are three main options

- a) Completed by General Manager in consultation with Councillors – The advantage of this option is that it has no external costs, with input provided from people actually involved in managing the organisation. The disadvantage is that there can be seen to be vested interests in the process which may not achieve the best outcome for the community
- b) Low to medium level of assistance through an external consultancy – The benefit of this option is that an independent consultant consults with the identified parties and brings their experience from other organisations and reviews to the process. Council staff have obtained quotations from two consultants with experience in this type of review and the lowest quotation is approximately \$20,000. This consultancy involves meetings with the Councillors, senior management and line managers with a final recommendation delivered to Council by March 2013. The preferred consultant is de Chastel and Associates whom have experience with Lismore, Sunshine Coast and Ipswich Councils in recent years.
- c) High level of assistance through a comprehensive review by an external consultant. This type of consultancy would undertake a detailed review of the entire organisation to examine operating systems, efficiencies etc. The estimate for this type of review would be somewhere between \$50,000 to \$100,000 if not more. From a staff perspective this is not the preferred option as the role of staff is to drive these efficiencies and as such this option is not recommended.

Sustainability Considerations

- **Environment**
Organisation structure options should consider maximising environmental, social and economic outcomes to the community.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

The recommendation has financial implications through the use of an external consultancy to assist with this review. It is proposed that the consultancy be funded from Council's employee leave entitlements reserve, which has adequate funds available (\$1.74 million as at 30 June 2012).

10.11 Organisation Structure - Review

Consultation

The information section of this report recommends consultation with staff and Councillors in considering organisation structure improvements.

Options

The preferred option is to undertake the organisation structure review, with a low to medium level of assistance from an external consultant. The benefits of this option are that:

- a) It provides a level of independent advice and feedback on other models
- b) All Councillors, senior staff and section managers are consulted in the process
- c) It is affordable and
- d) Council, at any time, can resolve to undertake a more detailed review, if needed

RECOMMENDATIONS

1. That Council notes the contents of this report in respect to the existing organisation structure and approves the engagement of an external consultancy to assist in completing a contemporary review of the structure.
2. The external consultancy, which is to be funded from the Employee Leave Entitlements Reserve, is to provide opportunities for consultation with all Councillors, Senior Management and Section Managers, feedback on effective models from other councils and recommendations for improvements to Ballina Shire Council's existing structure. The estimated cost of this consultancy is anticipated to be approximately \$20,000 (excluding GST).

Attachment(s)

Nil

11.1 Fleet Replacement Program

11. Civil Services Group Reports

11.1 Fleet Replacement Program

Delivery Program Asset Management

Objective To present a report regarding the replacement of fleet and plant items for Council's consideration.

Background

Council owns and operates a wide range of mechanical plant, vehicles and small plant items to meet its operational needs, and in addition calls tenders every two years for hire of plant(with operator) to supplement its own fleet. The major plant fleet includes graders, excavators, rollers, trucks, backhoes, street sweeper, loaders, waste compactors, tractors, mowers etc and special purpose items.

After a major review, in April 2011, Council endorsed an expansion of the plant fleet to purchase additional items to reduce the number of items on hire and these new items are being procured or have now been delivered.

To maintain Council fleet in a serviceable condition and to optimize fleet operation costs, an annual rolling replacement program is undertaken based on staff assessment and industry recommended replacement intervals of age and hours/kilometres operated and plant condition. This report presents a forward replacement program for 2013/14 to 2020/21 for Council's endorsement.

Key Issues

- Equipment replacement program
- Funding

Information

Attached to this report is a draft Plant Replacement Program (2013/14 to 2020/21). This program excludes light motor vehicles.

This program is based on a staff assessment and industry recommended replacement intervals and plant condition. As these factors change over time, along with operational needs, variations to the program are expected. Therefore the forward program is a guide and is used each year to inform the adoption of the Operational Plan and Delivery Program by Council. The program includes includes general fund plant, water, sewer and domestic waste fund plant.

The program provides for replacement and does not allow for any growth in the fleet. Any additional plant items required would need external funding for their purchase with subsequent renewals then managed by the internal fleet hire arrangements.

11.1 Fleet Replacement Program

The light fleet (utilities and passenger vehicles) replacement program is based on renewal at five years or 125,000 km and operates on a rolling priority based on vehicle age, kilometres, condition and operational need.

This replacement program is completed each year on a priority basis to the extent of funds available to the program.

Industry reference material and advice has been sourced to inform the plant and light fleet replacement and the annual depreciation amounts required. The program is also developed by having regard to the predictions in the available plant fund reserve balance.

The annual income and expense for plant operations is adjusted to support the demands for these planned changeovers by transferring a sufficient surplus to reserve.

The values shown are estimated change over values (i.e. net values) at the time of replacement.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
The efficient management of Council's plant fleet is essential for the cost effective delivery of services.

Legal / Resource / Financial Implications

The replacement of plant is internally funded from the plant reserve. Income is generated from internal plant hire rates and the surplus (equivalent to depreciation) is transferred to the reserve for this purpose.

The annual program is adopted as part of the Delivery Program process.

Consultation

Consultation has been undertaken with internal staff regarding the proposed replacement program.

Options

For Council to deliver its programs and services, a substantial, contemporary, appropriate and serviceable plant fleet is required.

The report provides an updated plant replacement program. This program can be amended by Council if desired. The draft is the preferred option and is submitted for endorsement. Importantly this program is subject to annual review as part of the budget deliberations.

RECOMMENDATION

That Council endorses the update of the Plant Replacement Program, as attached to this report, for the purposes of guiding the preparation of the annual budget and long term financial plan.

Attachment(s)

1. Plant Replacement Program 2013/14 to 2020/21

11.2 Lennox Head Rural Fire Service - Land Offer

11.2 Lennox Head Rural Fire Service - Land Offer

Delivery Program Operational Support (Engineering)

Objective To advise Council of an offer of land for a future Rural Fire Station in Lennox Head and to determine how Council wishes to proceed.

Background

Prior to the construction of the Lennox Head Community Centre, the Lennox Head RFS occupied a shed situated on Williams Reserve.

The shed was relocated on a temporary basis to a site opposite on the corner of Mackney Lane and Byron Street whilst planning for permanent relocation to the then-preferred site on the Coast Road progressed. Following concerns expressed by JALI in relation to cultural heritage matters this site was placed on hold.

Numerous other sites were then considered however none of these were found to be suitable for a permanent RFS shed. The matter was most recently considered by Council on 25 January 2012 where it was resolved that the Coast Road site remained Council's preferred site, however if negotiations with JALI remained unsuccessful, the resolution approved the lodging of a development application for the RFS shed to remain in its current location.

Due to Council not reaching agreement with JALI a development application was lodged and consent granted on 12 November 2012 for the current shed to be upgraded and remain in its current location for a maximum of 10 years. This 10 year period is to provide a sufficient period in which to locate a suitable site and build a contemporary RFS station for Lennox Head.

The approval for the current site will allow the construction of a mezzanine floor for storage and the provision of shower and toilet amenities that will meet current standards. The approval also will mean the visual amenity of the shed will be enhanced by providing landscaping, a fence to mitigate headlight nuisance from the car park, and the sealing of the parking area and driveways. The current site is centrally located and the improvements will provide a reasonable short to medium accommodation while other options are considered. This approval is available to be used for ten years.

On 24 August 2012 an offer to dedicate an alternative site situated on the Coast Road (opposite Cooloola Ave) was received from Lennox Developments Pty Ltd (copy of correspondence attached).

11.2 Lennox Head Rural Fire Service - Land Offer

The offer provides for dedication of the land and access road to Council for the consideration of \$1, with Council being responsible for the construction of the access road and lodgement of a development application for the construction of the RFS shed within five years.

This report considers the merits of that proposal.

Key Issues

- Provision of a suitable site for Lennox RFS
- Benefits and costs of the land offer

Information

Funding for the construction of Rural Fire Stations is provided under the Rural Fire Fighting Fund program, which is sourced from contributions from Local Government, State Government and Insurance Levies. Applications for construction funds are placed in priority order and are funded based on the availability of funds which can take many years from application to approval and construction.

Funding for the land for fire stations is not eligible under this program and must be provided by councils, hence the general use of unused community land and road reserves for this purpose.

If Council accepts the land offer, Council will be responsible for construction of the access and servicing the site prior to construction of the station.

An initial investigation for site servicing requirements has been made, and it will be necessary for Council to undertake:

- Construction of intersection access to the Coast Road
- Construction of access road
- Provision of services (Water, Sewer, Electricity) to the site
- Site filling

A preliminary estimate for this work is \$350,000. These costs have been estimated on the likely requirements that would arise from development approval. It may be possible to reduce these costs if an application is successful with reduced engineering standards. Regardless, it is likely that significant costs would be involved.

Sustainability Considerations

- **Environment**
Bush fire management is important to protect the environment.
- **Social**
The Rural Fire Service is an essential service to enhance community safety.
- **Economic**
Bush fires can result in considerable economic losses for the community and individuals.

11.2 Lennox Head Rural Fire Service - Land Offer

Legal / Resource / Financial Implications

Acceptance of this offer would require the provision of approximately \$350,000 to service the site in approximately four years time.

Council has funding of \$55,000 in the 2012/13 budget to provide improvements to the current shed at Mackney Lane, with approximately \$5,000 of these funds expended to date on matters related to the development application.

If Council does not proceed with the alternative offer these funds will be expended complying with the development consent.

Consultation

Consultation has been undertaken with the Lennox Head RFS volunteers through the Manager, Far North Coast Team of the RFS, Inspector Dave Cook who advises that the site would be suitable.

Options

1. Council can accept the offer from Lennox Developments Pty Ltd and commit to providing sufficient funds to service the site and lodge a development application for the construction of the station prior to the time limit specified in the agreement.
2. Council can decline the offer and continue to seek alternative sites on the basis that the occupation of the current site has a 10 year approval.

Option one requires a significant commitment that may not eventually be to Council's best advantage. Option one may be suitable in the future after further analysis of the operational needs of the unit and other alternate sites. Further servicing and other development costs to Council may be reduced in time if development advances adjacent to the location of the offer. This is important to acknowledge as this location may provide a major entrance to future resident land owned by Lennox Head Developments Pty. Ltd. Therefore by Council providing this infrastructure and entrance there may also be significant benefits gained by Lennox Head Developments.

Option two provides a timeframe of 10 years for Council to find another site. In the mean time funds can be expended on complying with the recently issued development consent and tidying up and improving aesthetically the existing site.

In the medium term one of the preferred sites remains the Council owned land (i.e. sports fields and residual Henderson Farm) adjacent to the Pacific Pines Estate. Once Hutley Drive is extended to the sports fields Council will be able to provide a rural fire shed on Council owned land that will not be in close proximity to residential housing.

Alternatively in the medium to long term the Barrett land between the Coast Road and Ross Lane will also see land dedicated to Council, if rezoned, and this may provide a suitable site. However the time frame for that rezoning could be longer than 10 years.

11.2 Lennox Head Rural Fire Service - Land Offer

In summary, even though the offer of land outlined in this report appears on the surface to be an attractive proposition, it is not considered on balance to be the best outcome for Council.

RECOMMENDATION

That Council express its appreciation to Lennox Developments Pty Ltd for the land offer as outlined in this report and advise that at this point in time Council will decline to accept the offer due to likely development costs and the timeframe restrictions.

Attachment(s)

1. Correspondence from Lennox Developments Pty Ltd

11.3 Ballina Bypass - Handover

11.3 Ballina Bypass - Handover

Delivery Program Asset Management

Objective For Council to consider the Road & Maritime Service (RMS)'s offer to handover assets associated with the Ballina Bypass project.

Background

At its Ordinary meeting held 27 September 2012, Council considered a report on the Road & Maritime Service's offer to hand over assets associated with the Ballina Bypass project. A copy of the report is attached.

At the meeting, Council resolved to defer the matter to a workshop. The workshop was held on 28 November 2012. This report provides details of that workshop.

Key Issues

- New road arrangements following completion of the Ballina Bypass
- Potential Council liability

Information

At the workshop, consensus was reached on the following matters:

1. That Council make a submission to the Minister for Roads and Ports and the Local Member requesting that River Street, from the Teven roundabout, to the intersection with Kerr Street, be reclassified as a State Road rather than the Regional Road classification proposed by RMS
2. That the scope of works for outstanding maintenance on the old Pacific Highway, as detailed in the proposed maintenance diaries for Separable Portions 1 & 2 (SP1 & SP2), is acceptable. SP1 extends from the Cumbalum interchange north to the Ross Lane interchange, and SP2 extends from the Teven interchange north to the Cumbalum interchange. (Copies of the maintenance diaries are attached to this report.)
3. That Council ceases to provide services to the RMS for the maintenance of state roads, through the Road Maintenance Council Contract (RMCC)

These three outcomes were consistent with the recommendations of the previous report.

RMS was advised of the outcome of the workshop, and that a report would be re-presented to the December 2012 Ordinary meeting for endorsement.

In particular, with reference to item 1) above, the RMS have reaffirmed their position regarding the road re-classification and have issued a further letter (copy attached).

11.3 Ballina Bypass - Handover

During the workshop, Councillors expressed concern regarding the unkempt condition of the vegetation in the roundabouts constructed as part of the bypass project. The roundabouts at Ross Lane are now Council's responsibility and arrangements have been made to undertake some maintenance before the holiday season. The maintenance will include replanting to reduce future maintenance costs.

The roundabouts at Cumbalum and Teven are, at this stage, RMS responsibility and a request has been forwarded to RMS to carry out maintenance.

A recommendation to this report seeks to confirm Council's requirement that the handover include funds for Council to change elements of the landscaping at the roundabouts to reduce future maintenance liabilities.

Plans showing the delineation of the future responsibilities for maintenance of the various roundabouts are attached.

Sustainability Considerations

- **Environment**

The Ballina Bypass will remove a great number of heavy vehicles and through traffic from Ballina and create a safer and quieter environment. Handover arrangements aim to establish the most appropriate governance arrangements to manage the public assets into the future.

- **Social**

As above

- **Economic**

As above

Legal / Resource / Financial Implications

The handover arrangements will result in additional liabilities to Council. However the RMS policy seeks to provide a reasonable basis for compensation for these issues.

Consultation

Ongoing consultation has taken place between the RMS and Council in regard to the handover.

Options

As indicated in the attached report to Council, there are options around Council accepting the handover and other related matters. The recommendations presented represent the consensus reached at the November workshop in respect to continuing to pursue River Street as a State Road, maintenance of the roundabouts, acceptance of the handover funds and discontinuation of the Road Maintenance Contract.

RECOMMENDATIONS

1. That Council make a submission to the Minister for Roads and the Local Member to allow the classification of River Street as a State Road.
2. That Council record its requirement that the roundabouts, their approaches and other associated landscaping be assessed with the RMS and that funds be included in the formal handover offer to enable the Council to amend the landscaping to reduce future maintenance costs.
3. That following an assessment of the response to the submission in points one and two, the General Manager is authorised to finalise the handover of assets associated with the Ballina Bypass, subject to the formal offer from the RMS being generally in accordance with the terms outlined in the report to the September Council meeting, as attached.
4. That the full amount of the funds received from the RMS be placed in a reserve and allocations be transferred to the roads budget annually to meet the future maintenance and renewal requirements for these acquired assets.
5. That Council confirms it will cease to provide services to the RMS through the Road Maintenance Council Contract arrangements as the contract is no longer considered economically viable.

Attachment(s)

1. Report to Council - 27 September 2012
2. Maintenance Diaries for SP1 & SP2
3. Plan - Cumbalum Interchange
4. Plan - Ross Lane Interchange
5. Plan - Teven Road Interchange
6. Correspondence from RMS

11.4 Asset Management - System Integration Program

11.4 Asset Management - System Integration Program

Delivery Program Asset Management

Objective To seek Council's approval to develop a project to implement an integrated asset management system.

Background

Council entered into a contract with Civica Pty Ltd, the largest supplier of local government software solutions in the world, in 2009 for the supply and implementation of the Authority Local Government software suite. This contract included both the core local government application, Authority, and the Authority Assets Management (AM) module.

Due to the complexity of the implementation of the AM module it was necessary to defer its implementation until such time as the core components of the Authority suite were installed and operating correctly.

This report now seeks Council's approval to commence a project to implement the AM module.

Key Issues

- Benefits and cost

Information

Council currently maintains several asset registers in a myriad of software systems and whilst the information maintained is of a reasonable standard, collection and storage in disparate systems reduces efficiencies and prevents effective analysis and integration with other systems.

Recently Council was one of a small sample of councils audited by the NSW Division of Local Government in respect to Asset Management practices. The purpose of that audit program is to assess where local government is in respect to asset management across the State.

The audit report is not yet available, however it is expected that the primary weakness that will be identified in Council's report, is this lack of integration. It is agreed that this is an issue that should be addressed and the auditor was advised of the current status of our planning to develop the AM module function in 2013.

The Civica AM module is fully integrated with the core Authority suite, and as such provides seamless connectivity with existing purchasing, work orders, customer requests, general ledger and payroll modules. This connectivity is important in that currently the processing of significant amounts of asset management information is duplicated, or triplicated into various sub-ordinate systems. The AM module will allow information sourced from areas such as payroll, creditors and plant to be automatically integrated with the asset

11.4 Asset Management - System Integration Program

management information. This will eliminate almost all of the double handling that currently occurs.

Other key benefits from the AM module include improved:

- Customer request management as an asset's history can be more efficiently tracked
- Maintenance and works management via integration with other Authority modules
- Management of Asset inspections, with all information recorded and integrated
- Maintenance of defects through an integrated register
- Risk management information linked to the asset
- Financial management with integration between the financial and asset systems
- Asset valuations due to the information all being recorded in the one location
- Spatial integration with Council's geographic information systems (GIS)
- Mobile data collection as Council staff will be able to update the asset information from the field.

The AM module will also satisfy the requirements of the NSW Division of Local Government regarding the management of Council asset information in an integrated database management system.

Sustainability Considerations

- **Environment**
Contemporary, fully integrated information system solutions provide Council with information technology tools to assist in the better management of environmental, social and economic outcomes by way of improved information flow.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

Council is contracted to purchase the Authority AM module, and has included the implementation of the same in Council's adopted Asset Management Strategy.

The original tender value for the Authority Local Government Software was approximately \$1.3 million and the additional one off cost of the AM module is approximately \$250,000.

This figure includes the software licensing, professional services provided by Civica Pty Ltd (in excess of 100 days consulting), travel and accommodation charges and a 10% project contingency.

11.4 Asset Management - System Integration Program

The implementation costs represent the original 2009 tender price, plus indexed CPI, plus \$5,000. Software vendors rarely restrict their annual price increases to CPI only, and given the development and functionality improvements that have occurred within the product since 2009, it is considered that this increase over and above CPI is reasonable.

In respect to the one-off software cost it was originally intended to finance this purchase in 2013/14 however with the Division of Local Government continuing to push, and rightly so, improved asset management strategies, there is an opportunity for Civica to commence the integration of the AM module this financial year. This point is important in that as Civica has more than 300 local government clients in Australia and New Zealand it can be difficult to co-ordinate the implementation and training associated with the installation of major modules.

There is now an opportunity for Council to commence this implementation in the first half of 2013 and to achieve this outcome the recommendation is to fund the initial acquisition from Council's water and wastewater operations. Both of these programs have large asset databases and both are in a position, due to their financial reserves, to fund the proposed implementation program.

Importantly the \$250,000 will be spread over two financial years with the estimated expenditure for 2012/13 expected to be in the order of \$150,000. This expenditure would be allocated equally across water and wastewater representing an allocation of \$75,000 per operation. For 2013/14 we would then be looking for further contributions to the remaining \$100,000 from the other major asset areas, being roads, drainage and building.

The combined turnover for the water and wastewater functions is approximately \$21 million (excluding depreciation) and to minimize any impact on the overall budget it is recommended that any approval for the AM module funding also include a condition that staff pursue savings to try and match this increased expenditure.

Staff are confident that savings can be made by either reducing budgets or deferring works and the recommendation is to include those savings in the December Quarterly budget review, which will be submitted to Council at the February 2013 Ordinary meeting.

Consultation

Staff have been discussing this program with Council's external auditor and the auditor from the Division of Local Government. There has also been extensive consultation within Council particularly between Financial Services, Information Services and the Civil Services Group. Council's internal audit program has also identified the need to improve our asset management systems.

11.4 Asset Management - System Integration Program

Options

During the past three months a number of presentations and external advisers have focused on the need to pro-actively manage our assets and to ensure that information on assets is accurately maintained. An opportunity has now arisen to bring forward the implementation of the Authority AM module.

External audits and the NSW Division of Local Government have stated that to effectively manage Council's substantial assets it is imperative that an integrated corporate system be implemented.

On this basis it is suggested that Council has two options:

1. Council authorise the expenditure and proceed with the implementation in the 2012/13 and 2013/14 financial years.

2. Council defer the implementation until 2013/14 and 2014/15.

For the various reasons outlined in the report option one is preferred to allow Council to commence implementation in the first part of 2013. This will then ensure we are more pro-actively managing our assets at an earlier date. This project also represents a key milestone in delivering Council's asset management strategy.

RECOMMENDATIONS

1. That Council authorises the General Manager to proceed with the implementation of the Civica Pty Ltd Authority Assets Management module at a total estimated cost of \$250,000 (including contingency) with the costs of this program for 2012/13 (estimated at \$150,000) to be allocated equally to the Water and Wastewater operations.
2. That the General Manager identify savings in the water and wastewater operations to offset this expenditure as part of the December 2012 Quarterly financial review.

Attachment(s)

Nil

12. Public Question Time

12. Public Question Time

13.1 Notice of Motion - 40th Anniversary of the Las Balsa Arrival in Ballina

13. Notices of Motion

13.1 Notice of Motion - 40th Anniversary of the Las Balsa Arrival in Ballina

Councillor Cr Jeff Johnson

I move that

1. Council receive a report outlining options to commemorate the 40th Anniversary of the Las Balsa's arrival in Ballina from Ecuador next year.
2. That this report be discussed at a Councillor workshop to determine how the Council/community can best celebrate and promote this event.

Councillor Comment

The unexpected arrival of the Las Balsa raft in Ballina 39 years ago is something unique to Ballina and should be promoted as such. The Los Balsa raft is located at the Ballina Naval and Maritime Museum. The 40th Anniversary of the voyage provides a wonderful opportunity to promote Ballina as a unique coastal destination.

I was fortunate to meet with Mr Gabriel Salas, one of the crew members a couple of years ago when he was visiting Ballina. Mr Salas is very keen to promote this significant event. Crossing the Pacific Ocean on a raft has only been done once so it is an adventure that has world significance.

If promoted well, the 40th Anniversary provides an ideal opportunity to promote this event and Ballina to national and international media. This could provide a tourism boom for Ballina at a time when tourism and retail industries could greatly benefit from such an event/promotion.

The 40th Anniversary could be the last time that surviving crew members can visit Ballina and assist the community with promoting such an occasion. A Council workshop has been arranged to discuss the future of the Ballina Naval and Maritime Museum during January. The 40th Anniversary of the Las Balsa arrival should also be discussed at this time, or at a separate workshop with input from the community encouraged, including from the Ballina Chamber of Commerce and local tourism groups.

COUNCILLOR RECOMMENDATIONS

1. Council receive a report outlining options to commemorate the 40th Anniversary of the Las Balsa's arrival in Ballina from Ecuador next year.
2. That this report be discussed at a Councillor workshop to determine how the Council/community can best celebrate and promote this event.

13.2 Notice of Motion - Council Income Diversification Strategy

13.2 Notice of Motion - Council Income Diversification Strategy

Councillor Cr Smith

I move –

1. That Council setup an income diversification committee for the purpose of finding new innovative ways to generate revenue to continue to meet the current and future needs of the Ballina Shire population.
2. That Council receive an independent report regarding the options and commercial viability of entering the retail electricity market as an addition to our existing service offerings.

Councillor Comment

The objective of this motion is to:

- Setup an income diversification committee, consisting of councillors and staff to get council as a whole, strategically, to start thinking more about the income side of the balance sheet.
- To look into one option (Retail electricity), that may be a viable option for council to improve its existing business model and increase its revenue available for the general fund by between \$3.5-8 million per annum, depending upon the take-up.

In relation to the Income Diversification Committee:

Since the start of the new council term, council has been reviewing its operations and non-recurrent capital works programs, trying to determine how to ensure we deliver the most infrastructure and services possible with our continually limited resources.

To deliver on council's current capital works priorities, as identified last week, council would need to find up to \$30 million to deliver on the communities aspirations. Money that just doesn't exist.

While dealing with the fundamental problem of unlimited wants and limited resources is no new concept to government, the local government model in particular has unsustainable constraints on revenue raising that are non-existent in both state and federal models.

Further to this, state government continually demands more of council, often requiring council to take on responsibilities of the state government with no additional resources or discussion on how to manage the additional responsibilities.

In order to continue to meet and deliver on the shire's expectations council needs to find new, innovative ways of increasing revenue without continually creating new burdens on the shire's population.

13.2 Notice of Motion - Council Income Diversification Strategy

Setting up an committee focused purely on income diversification, in my view, is the first step.

With regards to receiving a report on the viability and options of council entering the retail electricity market:

Understandably, many councillors may feel the concept of council being involved in the retail electricity market is somewhat alien. However, as a form of diversification, it couldn't be more natural.

Council currently supplies core water, sewer and waste services throughout Ballina shire, electricity is the only core utility council does not provide.

Council already has quarterly billing systems in place, and has a number of resources that could be better maximised with such a diversification. In addition to this new opportunities would be made available to council, including further cross subsidisation of the general fund and synergies with councils waste to energy projects.

Finally, council's commitment to retail energy can be limited in scope, there are many retail electricity providers in existence that have zero infrastructure in place, providers such as Dodo for example have diversified into electricity, simply utilising their existing billing and staffing platform from their internet service, such models that council could potentially adopt would require minimal upfront cost, with plenty of benefit.

Without pre-empting the outcome of a report, I've completed a brief pro's/con's analysis below.

Potential Proposal Benefits:

- A Retail electricity offering is a natural diversification for a business offering already offering other core services such as waste, water and sewer.
- Allows further Cross subsidisation of existing financial services business unit.
- Enhances the continued viability of councils waste business by providing additional profit generating opportunities through councils existing waste business, making waste-energy initiatives more viable.
- Power companies billing cycles are consistent with councils billing cycles, increasing potential profitability without necessarily increasing day to day costs.
- Council already has an existing customer base.
- Such a proposal could provide customers with complete bill consolidation, combining their core services all under one bill.
- The proposal would give council more direct control over achieving its environmental action plan's and shire wide power conversation strategies.
- Council could use such a business to pay for many of its environmental initiatives freeing up additional funds from the general fund.
- Council has existing brand loyalty with its current core service offering. People ultimately trust council with providing their water, waste and sewer services.

13.2 Notice of Motion - Council Income Diversification Strategy

- The Retail electricity business is similar to many existing council services which are regulated and managed by state government.
- In entering the market council would not be competing with any local or regional retail businesses (since the closure of country energies retail arm).

Potential Issues

- While consistent with councils existing business, it could be perceived as diverging away from councils primary business too much.
- The concept has no precedent, there have been examples of community based telco's before but retail power companies has never been considered by a council, therefore without understanding the finer details could be perceived as high risk.
- While council has experience with similar businesses, council would potentially have to employ new staff with skills and knowledge of the electricity business.
- Upfront costs may be prohibitive, depending upon what level of involvement council commits to i.e. purely as a reseller or as a supplier/generator/retail.
- Breakeven point before council reaches profitability may deem the proposal unviable.

COUNCILLOR RECOMMENDATIONS

1. That Council setup an income diversification committee for the purpose of finding new innovative ways to generate revenue to continue to meet the current and future needs of the Ballina Shire population.
2. That Council receive an independent report regarding the options and commercial viability of entering the retail electricity market as an addition to our existing service offerings.

Attachment(s)

Nil

13.3 Notice of Motion - Infrastructure for Cyclists

13.3 Notice of Motion - Infrastructure for Cyclists

Councillor

Cr Cadwallader

I move

That Council receive a report on the feasibility of attaching bike stands to sign posts to improve the infrastructure for bicycle users in the Shire.

Councillor Comment

It has been brought to my attention that some councils are attaching metal bike stands to sign posts. From the information available it appears that these stands cost less than \$250, do not require development consent, and can be installed quickly and efficiently. Further information on the stands is available from the following web link and web address which directs you to a manufacturer used by Sydney City Council, Liverpool and Penrith Councils.

http://www.ledasecurity.com.au/media/pdfs/page%20management/Leda_Securabike_FINAL_04_07.pdf (page 32)

The website is www.ledasecurity.com.au

As we are all trying to encourage more bicycle use, which provides both health and environmental benefits, and with cycle ways coming up as one of the highest priorities in our Community Survey, this relatively inexpensive infrastructure could provide significant benefits to the community.

COUNCILLOR RECOMMENDATIONS

That Council receive a report on the feasibility of attaching bike stands to sign posts to improve the infrastructure for bicycle users in the Shire.

Attachment(s)

Nil

14.1 Environmental & Sustainability Committee Minutes - 11 December 2012

14. Advisory Committee Minutes

14.1 Environmental & Sustainability Committee Minutes - 11 December 2012

Attendance

Cr David Wright (Mayor - in the chair), Sharon Cadwallader (arrived at 4.03 pm), Keith Williams (arrived at 4.06 pm), Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth, Ben Smith and Robyn Hordern.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Rod Willis (Regulatory Services Group Manager), Steve Barnier (Strategic & Community Services Group Manager), Simon Scott (Strategic Planner) and Sandra Bailey (Secretary) were in attendance.

There were 20 people in the gallery at this time.

1. Apologies

An apology was received from Cr Jeff Johnson.

Absent at this stage

Cr Sharon Cadwallader
Cr Keith Williams

RECOMMENDATION

(Cr Ben Smith/Cr Robyn Hordern)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader and
Cr Keith Williams

2. Election of Chair

A nomination was received for Cr Wright.

There being no other nominations Cr Wright was declared Chairperson of the Environmental & Sustainability Committee for the term of the current Council until September 2016.

(Cr Cadwallader arrived at 4.03 pm)

3. Declarations of Interest

Cr Paul Worth – declared an interest in Items 5.1 and 5.2. (Nature of Interest: non significant non pecuniary – on the basis that he has a small development ending its completion in the Wollongbar area). He will be remaining in the meeting while the matters are discussed and voting on the matters.

Cr Keith Williams arrived at 4.06 pm

4. Deputations

- Bill Payne
- Steve Connelly
- Colin Beddoes
- Anthony Potter
- Dayne Mearns

5. Committee Reports

5.1 Cumalum Precinct A Planning Proposal

RECOMMENDATION

(Cr Keith Johnson/Cr Susan Meehan)

1. That Council defer the Precinct A Planning Proposal until such time as the proponents can satisfy the Council that adequate arrangements can be made for the provision of essential infrastructure to service the development in a way that would not impose an inappropriate burden on the Council for the provision of that infrastructure.
2. The developers are invited to submit a detailed implementation plan of their proposal for undertaking the development in a way that avoids an inappropriate burden on the Council for the provision of that infrastructure.
3. That the Minister for Planning & Infrastructure be invited to meet with Council before February 2013.

FOR VOTE - Cr David Wright, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Robyn Hordern

AGAINST VOTE - Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Jeff Johnson

5.2 Cumalum Precinct B Planning Proposal

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council execute the Cumalum Precinct B Voluntary Planning Agreement by affixing the Council Seal.
2. That following receipt of advice from NSW Land and Property Information that the Precinct B Voluntary Planning Agreement has been registered to the respective titles of the land, Council refer the Precinct B Planning Proposal to the Department of Planning and Infrastructure to be made.
3. That in finalising the Precinct B Planning Proposal, the Department of Planning and Infrastructure be requested to implement the rezoning as follows:
 - As amendment to the Ballina Standard Instrument LEP - Those parts of the planning proposal that relate to land proposed to be zoned R2, R3 & RU2; and
 - As amendment to the Ballina LEP 1987 – Those parts of the planning proposal that relate to land proposed to be zoned E2 & E3, via equivalent zones and provisions.
4. That Council immediately commence the review of relevant section 94 plans to incorporate aspects of infrastructure delivery not addressed by the Precinct B Voluntary Planning Agreement, as outlined in the Council report.
5. That Council immediately commence the preparation of a development control plan, for the Cumalum Precinct B Strategic Urban Release Area, that addresses those matters set out in clause 6.3 of the Ballina Standard Instrument LEP.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

AGAINST VOTE - Cr Keith Williams and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Jeff Johnson

MEETING CLOSURE

5.25 pm

RECOMMENDATIONS

That Council confirms the minutes of the Environmental & Sustainability Committee meeting held 11 December 2012 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

14.2 Facilities Committee Minutes - 18 December 2012

14.2 Facilities Committee Minutes - 18 December 2012

The Minutes will be distributed prior to the meeting.

RECOMMENDATIONS

That Council confirms the minutes of the Facilities Committee meeting held 18 December 2012 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

14.3 Commercial Services Committee Minutes - 18 December 2012

14.3 Commercial Services Committee Minutes - 18 December 2012

The Minutes will be distributed prior to the meeting.

RECOMMENDATIONS

That Council confirms the minutes of the Commercial Services Committee meeting held 18 December 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 David Wright

Activities since the November 2012 Ordinary meeting:

<u>Date</u>	<u>Function</u>
24/11/12	Ballina Lions – 60 th Birthday
26/11/12	Meeting Wigmore arcade
26/11/12	'B' Ward Meeting
28/11/12	Reserve Trust
28/11/12	Workshop – Highway and Flooding
28/11/12	Wollongbar Progress association
29/11/12	Ballina Meals on Wheels
30/11/12	Plateau Senior Citizens
1/12/12	Gallery launch – Summer Exhibition
2/12/12	Ballina Shire Concert band – RSL
2/12/12	Lennox head Carols By Candlelight
3/12/12	Meeting Mick Veitch – Shadow minister
3/12/12	GM Performance Review
4/12/12	RRCC Presentation
4/12/12	Council Induction – Youth council
5/12/12	Meeting Brad Hazard – Planning Minister – Lismore
6/12/12	Cumbalum A Presentation
6/12/12	Meeting Consultant – Ballina landscape entry
7/12/12	Shire Bus Tour
10/12/12	Council Induction – Delivery Program Four Year Priorities
11/12/12	RRCC Presentation – Lismore
11/12/12	Environmental & Sustainability Committee Meeting
12/12/12	Councillor Induction – Delivery Program
12/12/12	Wardell Progress Association
15/1/2/12	Alstonville Chamber Christmas Markets
18/12/12	Developer Control Plan Drop-in Session
18/12/12	Facilities Committee
18/12/12	Commercial services Committee
19/12/12	International Volunteers Day – Gallery
20/12/12	December Ordinary Meeting

RECOMMENDATIONS

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

Attachment(s)

Nil

15.2 ALGWA National Bi-Annual Conference 8 -10 November 2012

15.2 ALGWA National Bi-Annual Conference 8 -10 November 2012

Councillor

Sharon Cadwallader

Firstly I wish to thank the Council for affording me the opportunity to attend the conference.

This report provides information on the Australian Local Government Women's Association (ALGWA) the peak body representing the interests of women in local government as elected members and also staff.

Local Government Councillors and staff came together from all over Australia including the Tiwi Islands for the ALGWA National Conference in Ipswich. We heard from some inspirational speakers including Ms Therese Rein (Founder & Managing Director – Ingeus), Hon. Margaret Reynolds (Chair, Australian Centre of Excellence for Local Government).

Libby Davies (CEO – White Ribbon) spoke about how Councils can take a proactive role as employers by putting in place policies to support staff.

Mayor Steve Jones and Mr Jamie Simmonds (Lockyer Valley Regional Council, Queensland) gave us a presentation on how to rebuild a better community after their devastating floods.

Mr Rum Charles (Author and Interpersonal Relationship Specialist) rounded off the first day with an energetic and thought provoking presentation that left the room buzzing.

Dr Terrance Fitzsimmons (University of Queensland) gave us some sobering statistics on women in leadership roles.

While, Mayor Lynette de Santis, Tiwi Islands Shire Council shared her personal story on her local government. Some information on White Ribbon: **White Ribbon** has more than 1900 Ambassadors across Australia and has established Programs in schools and workplaces.

More than 400 events are held around Australia every year and more than 50,000 people are involved in the online campaign. They had 1600 media mentions in November alone "...any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life." 1993 United Nations Declaration on the domestic violence family violence wife bashing intimate violence sexual violence sexual assault rape marital rape date rape indecent assault sexual harassment incest elder abuse genital mutilation enforced prostitution enforced abortion enforced motherhood verbal abuse put downs emotional abuse financial abuse spiritual abuse forced isolation from forced isolation from family friends.

One Australian woman is killed every week by a current or former partner. One in three women over the age of 15 report physical or sexual violence at some time in their lives. One in four young people have witnessed violence against their mother or step-mother. Domestic and Family Violence is a major cause of homelessness for women and their children. Two thirds of women who experience domestic or family violence are in paid work.

Violence against women and their children costs the Australian economy \$13.6 billion in 2009

How the campaign works in Australia

Raising awareness through Primary Prevention Programs to bring about attitudinal and behavioural change Amongst Men. Ambassador Program In schools. Breaking the Silence Program In Workplaces. The White Ribbon Workplace Program **Violence against women.**

The Grantham Event 10th January 2011

Over 1000 vehicles destroyed - \$220 million damage in Council's road infrastructure - 119 homes had severe damage or were swept away - 19 people lost their lives. Intensive community consultation was lead by Jude Munro - Delivered on what the people wanted - Not just relocating people, but creating a safe & sustainable community The Plan March 2011.

Council acquired a 935-acre land parcel adjacent to the Grantham township and outside the flood-zone to relocate residents in an Australian-first voluntary land swap. Site works commenced in June only five months after the floods fast-tracking a process that would normally take years. Time was critical so roads were pushed out before the detailed designs were finished. It was clear to the people that it was going to happen - Hope was brought back to the community. A policy had to be created and a equitable ballot process - There was no template, it had to be made up - Like for like swap, family's got a new block and Council took the old block - Over 70 lots were allocated in the first ballot in August 2011. The Opening in Dec 2011 saw families living in their homes only 11 months after the disaster - Delivered over 120 lots with water, sewer, NBN, extensive parkland - Almost 50 homes under construction or finished in the new estate. **The Learning's** When dealing with a disaster recovery: - On-the-ground action is vital - Keep your eye on the big picture - Don't accept no for an answer.

Dr Terrance Fitzsimmons In speaking with over 120 people engaged as chairs and CEOs in ASX Listed companies there are some common themes pointing to the need for fundamental change: **Gender Fatigue.** Organisations often feel that they have 'Done gender to death'. Failed experiences with EEO initiatives and awareness campaigns create fatigue with little if any improvement (and often some damage). **Commitment versus Compliance.** In many organisations, the act of engaging in an initiative is often seen as sufficient evidence that they 'have dealt with the issue'. **At least we're not the worst!** Most organisations are content to focus upon not being the worst, rather than attempting to be the best.

What can be done?

1. Give our daughters the same experiences, opportunities and values as our sons.
2. Provide access for girls to more non-traditional female role models.
3. Stop and think every time we are about to make a 'pink and blue' decision.
4. Voice our concerns when we see gender differential behaviours.
5. Try to acknowledge that we all have unconscious biases and these need to be addressed

What can we do – schooling

1. Provide exemplars of non-traditional female role models.
2. Partner with industry to promote non-traditional careers.
3. Ensure that school curriculum's deliver the same classes and activities for boys and girls.
4. Recognise biology and create an early awareness of the need for women to plan for children and the need to discuss the sharing of domestic responsibility with prospective spouses.
5. Provide comprehensive career guidance.
6. Assessment of Career Relevant Capital.
7. Include gender studies in the curriculum

What can we do -Government?

1. Look at moving the focus of new legislation toward 'promotion' rather than 'participation'.
2. Ensure that gender issues are addressed throughout the National Curriculum.
3. Take a 21st Century view of Childcare and recognise the need for childcare hours to extend beyond the outdated 9-5 view of the workplace.
4. Put gender issues higher on the public policy agenda generally.
5. Re-examine the effect Pay Setting mechanisms can have upon the gender pay gap.

What can we do - Business?

1. Identify, train and promote by talent.
2. Ensure talented females are moved early in their career into line roles regardless of where they start in an organisation.
3. Provide effective 'family friendly' benefits such as in-house childcare beyond the hours of traditional child care facilities.
4. Diversity initiatives and succession planning must be linked from junior positions through to the executive, in order to measure success.
5. Make gender equity a Key Performance Indicator at all levels of management.
6. Support networking opportunities such as industry association membership and attendance at industry functions.
7. Ensure equal access to mentoring opportunities.

Hon. Margaret Reynolds (Chair, Australian Centre of Excellence for Local Government).

Some recent publications from the Australian centre of Excellence that councillors may be interested in reading- Community Engagement in Rural-remote and Indigenous Local Government in Australia- Australian Mayors: What Can and Should They Do?- Political Management in Australian Local Government: Exploring Roles and Relationships between Mayors and CEOs- Innovation, Ingenuity and Initiative: The adoption and application of new ideas in Australian local government- Connecting with Communities: How Local Government is Using Social Media to Engage with Citizens

At the Conference dinner there was a presentation ceremony where I was presented with Ballina Shire Council's Gender Equity Bronze Award which has been given to Council.

RECOMMENDATION

That Council notes the contents of the report from Cr Cadwallader on the ALGWA National Bi-Annual Conference.

Attachment(s)

Nil

15.3 RV Futures Forum 19 October 2012

15.3 RV Futures Forum 19 October 2012

Councillor

Sharon Cadwallader

Firstly I wish to thank the Council for affording me the opportunity to attend the Forum. It was a long drive but I managed to get there and back in one day without incurring any accommodation costs.

This report provides information on the R V Market.

The Forum was held in Boonah Queensland where the 27th National RV Rally was being held from the 15th October to the 21st October 2012 by the Campervan Motorhome Club of Australia which has 63,500 members. At the conclusion of the Forum attendees were taken on an inspection of the Rally site where 1100 RV's were camped on the Boonah Showground.

Approximately 200 delegates, both elected Councillors and staff from the various councils around NSW attended this very successful Forum.

A presentation was given by Mr Colin Balfour, Balfour Consulting on the Growth and Socioeconomic Contribution of RV Travellers.

Some interesting points were made:

Not all RV travellers are retirees – in fact 10% are families that home school their children.

RV travellers are the biggest spending tourist in Queensland. They spend between \$500-\$900 per week and \$15K to \$20K over the course of their travels which are on average 150 days.

These visitors spend directly into the community, not necessarily like tourists, but just like they are at home, spending \$3.2 billion per year with fuel obviously being their largest expense.

34% of these folk stay in caravan parks with 16% more akin to a more nature based experience. 50% use a mixture of the two. The longer travellers stay in the region the more chance there is of staying on in a caravan park. There is an absolute need for commercial and non commercial sites. It was identified that there is a shortage of sites with dump facilities.

RV Regional Benefits Case Study

Gwyder Shire spent \$15K upgrading power and water infrastructure at Bingera to get the 2008 RV Rally. 260 volunteers turned up to help out. Retailers and ATM's needed to stock up. As Bingera only had a population of 1300 it saw it's population double. After a 10 year drought it was just what the town needed. Free camping was given along the Gwyder River at the Showground. The upgrade of the site has now enabled many events to take place and has added substantially to the economy.

RV Futures and Maximising the Potential of RV Tourism

The caravan, motorhome and camping industry is making a significant contribution to the Australian economy.

The industry is the fastest growing domestic tourism sector in Australia and has been for the past 15 years.

The industry is worth \$6.5 billion nationally and currently provides for 620,000 holidays per annum.

Caravan and holiday parks annual income grew from 848 million in 2006 to 1.135 billion in 2010.

RV Manufacturing doubled in Australia over the past 10 years to 22,083 and is projected a further 110,000 vehicles will be manufactured over the next 5 years. The demand for new caravans, campervans, motorhomes and camper trailers is extraordinary. For many manufacturers there is up to a six month waiting time to fulfill orders.

RV purchasers are discerning consumers either entering the market for, or upgrading to larger and more luxurious units, with a strong trend towards self contained (toilet & shower) amenities. These types of vans cost in the range of \$55K. Baby boomers in particular are spending up on expensive rigs. A 4 wheel drive and a self contained caravan represent a potential capital investment of between \$11K and \$150K. Campervan and motor homes range from \$80K to \$600K.

Visitors utilising caravan and camping accommodation are making a significant contribution to domestic tourism. In 2011, visitors using commercial/noncommercial camping and caravan accommodation accounted for about 10% of all visitor nights in Australia. Seniors are strongly represented and their numbers are growing. In 2011 25% of domestic camping and caravan visitors were seniors over 55 years of age.

The number of tourists using RV's is growing There is currently more than 400K RV's registered in Australia with a projected increase by 20% over the next 5 years.

RV tourists generate significant economic benefits The market is worth \$5.3 billion a year

RV tourists also generate community and environmental benefits a high proportion of grey nomads are able to contribute to voluntary or paid work opportunities in the regional communities they visit. Nearly all current RV models are highly self contained facilitating a minimal environmental impact. CMCA has a Code of Conduct Leave No Trace which demonstrates to councils and other authorities that self-contained vehicles need not have a negative impact on the environment, even if a campsite has no facilities. CMCA also have a Bush Camping Code.

CMCA & KEA Campers have a Dump Point Subsidy Scheme

This subsidy program has been created to develop self-contained tourism infrastructure by expanding the Dump Point network throughout Australia.

CMCA also have the RV Friendly Town Scheme initiative aimed at assisting RV tourists as they journey throughout this wonderful country.

15.3 RV Futures Forum 19 October 2012

Should anyone be interested in further information please do not hesitate to ask.

Finally I think that Council should again consider whether it wishes to provide improved RV facilities in the Shire. For example a waste dumping facility at Bicentennial Park has been discussed a number of times over the years. There may be other options to consider. A report to Council on this issue could identify options for Council to consider in our future Delivery Program. This report could be prepared by the Tourism Section based on their feedback from visitors to the Shire.

RECOMMENDATIONS

1. That Council notes the contents of this report from Cr Cadwallader on the RV Futures Forum.
2. That Council receive a report on options to improve RV facilities in the Ballina Shire to encourage greater visitation and associated tourism benefits.

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 - Unlawful Dumping

This report contains information relating to ongoing investigations by NSW Environment Protection Authority and Ballina Shire Council.

17.2 Compliance Issues - Caravan Park

This report contains information relating to compliance action and potential litigation.

17.3 Tender - Management of ALEC

This report contains a recommendation in respect to this tender.

17.4 Industrial Update

This report contains information relating to as the matter may involve discussions regarding individual staff members.

17.5 General Manager - Performance Review

This report contains information relating to the General Manager's performance review.

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 - Unlawful Dumping

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 due to current ongoing investigations by NSW Environment Protection Authority and Ballina Shire Council.

17.2 Compliance Issues - Caravan Park

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(e) 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 matter is subject to on-going compliance action and potential litigation..

17.3 Tender - Management of ALEC

Reason for Confidentiality

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

- d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the Council discussions will examine commercial information provided as part of the tender process.

17.4 Industrial Update

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 the matter may involve discussions regarding individual staff members..

17.5 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.