



Notice of Ordinary Meeting

Notice is hereby given that an Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, Cnr Cherry & Tamar Streets, Ballina on **Thursday 28 March 2013 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 Richmond Christian College.

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 28 February 2013 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 February 2013.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 DA 2003/413 - Section 96 Application Ballina Heights Estate

8. Regulatory Services Group Report

8.1 DA 2003/413 - Section 96 Application Ballina Heights Estate

Applicant	Ardill Payne & Partners (on behalf of Vixsun Pty Ltd and the Catholic Church – St. Francis Xavier’s Parish)
Property	Lot 319 DP 1167397, Unara Parkway, Cumbalum Lot 330 DP 1166991, Chilcott Circuit, Cumbalum
Proposal	To seek modification to DA 2003/413 – 189 Urban (Residential) Allotments, being Stages 5 to 8 of the Ballina Heights Estate (amend Condition 1.3A – provision of Structured Open Space Area)
Effect of Planning Instrument	The land is zoned part RU1 – Primary Production, part R2 – Low Density Residential, part R3 – Medium Density Residential and part B2 – Local Centre under the provisions of the Ballina LEP 2012 and zoned part 2(b) – Village Area and part 7(l) – Environmental Protection (Habitat) under the continuing provisions of the Ballina LEP 1987
Locality Plan	The subject land is depicted on the locality plan attached

Introduction

On 7 February 2013, Council received a Section 96 Application to Modify Development Consent 2003/413 [189 urban (residential) allotments, being Stages 5 to 8 of the Ballina Heights Estate] to amend Condition 1.3A.

Condition 1.3A currently states:

1.3A The proposed Structured Open Space Area (as defined in Policy Statement No. 14 – Ballina Heights Estate of Chapter 1 – Urban Land within the Ballina Shire Combined Development Control Plan) shall be completed and dedicated to Council prior to the issue of the Subdivision Certificate for the 399th residential lot or no later than 31 March 2013.

The applicant has proposed modifications to Condition 1.3A, such that Condition 1.3A is to read as follows:

1.3A The proposed Structured Open Space Area (as defined in Section 5.4 – Ballina Heights Estate, Cumbalum of Chapter 3 – Urban Subdivision within the Ballina Development Control Plan 2012) shall be completed and dedicated to Council prior to the issue of the Subdivision Certificate for the 399th residential lot or no later than 30 September 2014.

Refer to Attachment 2 – extract from Section 5.4 – Ballina Heights Estate, Cumbalum of Chapter 3 – Urban Subdivision (Ballina Heights Structure Plan, July 2010) which shows the location of the Structured Open Space Area (sporting field cell).

Background

On 24 November 2011, Council received a report to the November 2011 Ordinary Meeting in relation to extending the timeframe for the provision of the Structured Open Space Area. This report related to a Section 96 Application to Modify Development Consent 2003/413 that had been lodged by the applicant in October 2011. Refer to Attachment 3 – copy of Council report November 2011.

A number of other conditions reference and directly relate to Condition 1.3A, being:

- 1.62A The amenities building, car parking spaces, sports field lighting and the installation of playground equipment required for the proposed Structured Open Space Area by the provisions of Policy Statement No. 14 – Ballina Heights of Chapter 1 – Urban Land within the Ballina Shire Combined Development Control Plan shall be constructed and completed in accordance with Condition 1.3A, in accordance with the construction plans approved by Council prior to Council accepting dedication of the land.
- 1.63 An amenities building shall be required that provides a minimum of:
- Male and female ablution facilities (WC's and showers).
 - Two designated lockable storage rooms of nominal dimensions of 4m x 4m.
 - An awning/verandah for the perimeter of the building.
 - A canteen.
 - The building being constructed such that a second storey is capable of being erected thereon.
- 1.64 Suitable public all weather access shall be provided to the proposed Structured Open Space area as required by Condition 1.3A.
- 1.67 The playing fields shall be constructed in accordance with the consent conditions such that:
- a. The size of the fields can accommodate a full sized turf pitch cricket oval in summer and two rectangular full sized fields for winter sports (i.e. rugby league, union, soccer).
 - b. The orientation of the fields is to be between true north and 15 degrees east of north.
 - c. The playing fields shall be graded with cross fall with an optimum surface slope of 1 in 70.
 - d. The playing surface shall consist of a clean topsoil or nominal 150mm depth and within a pH range of 6.0-7.0, which is to be sourced, if possible, from another area of the development. The clean topsoil shall be laid upon a further 150mm of free draining sand medium. The mixing of topsoil with sand will depend on the quality of the soil (subsequent to an inspection between Council staff and the developers).
 - e. Sports field lighting shall be installed in accordance with the relevant Australian Standards to the main cricket/2 football fields.
 - f. The playing fields, curtilage and site on which facilities are to be located, shall be developed and filled to a level of 1 in 10 year ARI for stormwater (as per Council's resolution dated March 2004),

with the only filling to occur above this level, being for field design and drainage purposes (i.e. shaping of the fields).

The developer shall actively maintain, mow, water and further embellish the playing field surface in the period between commencement of construction and dedication. A bond shall be lodged with Council at the time of dedication, which may be used to maintain, repair or rectify works that are failing. The bond will be refunded after a 12 month period, should no rectification works be required.

Reportable Political Donations

Details of known reportable political donations are as follows:

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

Report

General comments on modification

In summary, the applicant has provided the following points in support of the proposed modification:

- The construction of the playing fields is complete and has been undertaken in accordance with Condition No. 1.67. Both the senior and junior fields have been constructed and are currently under maintenance by the developers until hand-over to Council.
- The status of the amenities precinct (to service the playing fields) is as follows:
 - Power Drive construction commenced November 2012 with completion expected in April 2013.
 - Spectator mounds and drainage swales around the playing fields have been constructed.
 - The building and car parking areas have been trimmed to near final levels (some further relatively minor works are likely required).
 - The development consent for the amenities building and car parking area was approved by Council under the terms and conditions of DA 2012/261 (on 25 September 2012). A Construction Certificate Application for this development was lodged with Council on 28 February 2013.
- Once Construction Certificate approval for the amenities and car parking area has been received, tenders will be called for construction. It is expected that the construction period will be around 4-6 months. If construction was to commence in April 2013, completion would be expected around October/November 2013.
- It is proposed to extend the period for completion and handover to the 30 September 2014, to provide for any unforeseen delays that may be experienced, and in particular, as a consequence of protracted wet weather/flooding over the first half of the year (which has already been problematic in 2013).

8.1 DA 2003/413 - Section 96 Application Ballina Heights Estate

- The developers are anxious to complete the sports precinct as soon as practicable, and, if dedication is possible prior to 30 September 2014, it will be completed as soon as practicable.
- The development of Ballina Heights thus far, has generally been concentrated in the eastern catchment, primarily on the eastern side of The Ridgeway. So as to provide open space facilities that are proximate to the existing resident population, the land known as Casual Open Space No. 2 and the adjacent water quality control pond (WQCP) have been developed as an integrated open space area. This area has a water park theme that is based around the WQCP and contains a mixture of active and passive open space areas (viewing platforms, shelters, walkways, seating, exercise equipment/course, BBQ etc). This open space area has been completed and is available for use by the Ballina Heights residents and supplements the playing fields.

Council's Technical Officers have undertaken an assessment of the proposal, with consideration given to the current status of the development of the Structured Open Space Area.

It is evident from the information submitted to Council and from inspection of the subject site that the construction and development of the sporting fields has advanced since the determination of the previous Section 96 application (November 2011). It is acknowledged that the construction of the playing fields is complete and that the fields are under maintenance until dedication and handover to Council.

In relation to the remainder of works required to be completed as part of the Structured Open Space Area, it is acknowledged that the construction of Power Drive has commenced (as approved via DA 2011/383 on 24 April 2012) and that Council has issued development consent for the amenities building and car parking area (via DA 2012/261 on 25 September 2012). The completion of these works appears to be the delay in relation to achieving the current required timeframe within Condition 1.3A (31 March 2013).

Council's Civil Services Group have assessed the proposed modification and have objected to the proposed completion date of 30 September 2014 on the basis that the sporting fields need to be available for use for the commencement of the 2014 soccer season.

In this regard, the Civil Services Group has proposed a completion date of 1 March 2014 to enable sufficient time for a football club to occupy the amenities building and prepare for the commencement of the season. It has been argued that a deadline of 1 March 2014 is achievable, given the applicants' claim that once construction certificate approval is issued for construction of the amenities building and car parking area, the development of such would take a maximum of six months (as previously stated in this report).

With the timeframes provided by the applicant, this aspect of the Structured Open Space Area may be completed by November 2013. A completion and dedication date of 1 March 2014 (an additional 3 months) should allow for any further delays due to poor weather or other construction issues.

The applicant and developers have been informed (via email) of Council's preferred completion date (1 March 2014) for the Structured Open Space Area. The applicant has advised that the Ballina Heights Estate Developers accept the proposed reduced term of 1 March 2014. In this regard, it is proposed that Condition 1.3A should read as follows:

- 1.3A The proposed Structured Open Space Area (as defined in Section 5.4 – Ballina Heights Estate, Cumbalum of Chapter 3 – Urban Subdivision within the Ballina Development Control Plan 2012) shall be completed and dedicated to Council prior to the issue of the Subdivision Certificate for the 399th residential lot or no later than 1 March 2014.

The applicant has also commented that there have been significant delays experienced in the construction and completion of the Structured Open Space Area/facilities, including poor weather, delays in processing of Construction Certificates etc. and that in order to obviate the need for repeated modifications to extend the time period for compliance, the original proposal for completion date of 30 September 2014 was to provide contingency for any future unexpected delays that may occur in construction and delivery of the required facilities.

In accepting Council's preferred completion date of 1 March 2014, the developers have requested that Council expedite the processing and issue of the Construction Certificate for the amenities building and car parking area and finalise and issue the pump station approval, as soon as possible, as there have been a number of significant delays in obtaining relevant approvals and documentation from Council.

Council's Civil Services Group acknowledge that the developers of the Ballina Heights Estate have, to date, experienced delays in relation to the completion of the Structured Open Space Area. These projects have been delayed due to a number of factors, including:

- Delays by the developer in submitting the development applications and construction certificate applications to Council for approval.
- Delays in the design approval due to a difference in opinion between Council staff and the developers in relation to several design requirements for future public infrastructure.
- Wet weather during construction.

In relation to the pump station approval, the existing pump station in the western area of the Estate (adjacent to Power Drive) is required to be modified due to stormwater inundation issues.

At the time of preparation of this report, the design of the modified pump station had not been finalised as the developers and Council's Civil Services Group have been unable to reach an agreement in relation to safety issues (confined spaces, poor ventilation and light) for the maintenance of the pump station.

In relation to the Construction Certificate Application for the amenities building, car parking area and associated landscaping, Council's Civil Services Group have reviewed the submitted design and will be providing comment to the applicant/developers in relation to a number of matters which require modification prior to issue of the Construction Certificate.

Current status of lot/land release in the Ballina Heights Estate

At the time of preparation of this report, a total of 322 residential allotments have been registered as part of DA 2001/128 (Stages 1 to 4), DA 2003/413 (Stages 5 to 8), DA 2010/892 (Cell C8 – Ahern Circuit & Kirby Place, Cell C2 – Perkins Close & Lindsay Avenue and Cell C1 – Unara Parkway & Ballina Heights Drive), DA 2012/118 (Cell S2 – Deadman’s Creek Road) and DA 2012/351 (Cell C3 – Liffey Avenue) for the Ballina Heights Estate.

Construction Certificates have been issued by Council for subdivision works associated with Stages 7a, 8b-1, Cell C8/Stage 9a (total of 78 lots). Construction works have commenced for Stage 7a. Construction Certificates are yet to be lodged with Council for subdivision works associated with Stages 8a, 8b-2 & Cells C1, C2, C3 and S2 (remainder of 67 lots).

Matters for consideration – Section 96 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979)

Under the provisions of Section 96 (3) of the EP&A Act 1979, the following points are made in relation to the assessment of the application:

- The proposed modification is permitted with development consent and is consistent with the provisions of the Ballina Local Environmental Plan (BLEP) 2012 and Ballina Local Environmental Plan (BLEP) 1987.
- The proposed modification is considered to be generally consistent with the provisions of the Ballina Shire Development Control Plan 2012. In terms of Section 5.4 – Ballina Heights Estate, Cumbalum within Chapter 3 – Urban Subdivision, the proposed modifications are not contrary to the provisions contained therein. Section 5.4.3 B (Active Open Space and Sports Club House) (i) states:
 - (i) The developer shall provide a minimum of 8.6 hectares of embellished active open space within the sporting field precinct. The construction and embellishment of the active open space is to be in accordance with conditions of consent documented in DA No. 2013/413 and DA 2001/128.
- The proposed modification should not impact on any feature, process, quality etc. of the natural coastal environment. The proposal is consistent with the provisions of the NSW Coastal Policy.
- It is considered that the proposed modification will have minimal impact upon both the natural and built environments.
- The proposed modification is considered suitable for the subject site.

Conclusion

The proposed modification to Condition 1.3A of DA 2003/413 is considered to be consistent with the provisions of the BLEP 2012, BLEP 1987 and the Ballina Shire Development Control Plan 2012.

The construction and development of the Structured Open Space Area has advanced since the determination of the previous Section 96 Application (November 2011). As stated previously within this report, the construction of the playing fields is complete and the fields are under maintenance until dedication and handover to Council. In relation to the remainder of works to be undertaken as part of the Structured Open Space Area, Council's Civil Services Group have advised that an eleven month extension to the current timeframe within Condition 1.3A would provide sufficient time for the works required via Condition 1.62A to be completed. The applicant and developers have agreed to a new deadline of 1 March 2014.

In considering the previous Section 96 Application, Council staff were of the opinion that the deadline of 31 March 2013 (a 12 month extension to the previous Condition 1.3A) would provide a reasonable timeframe for all aspects of the Structured Open Space Area to be completed. This has not been able to occur due to poor weather and also delays with both the applicant (preparation of satisfactory documentation) and Council (assessment and issuing of the required approvals).

If Council is mindful to grant consent to the proposed modification, a concerted effort needs to be made by both the developers and Council to ensure the remainder of the works to be undertaken as part of the Structured Open Space Area are delivered to the community in accordance with the required standards for public infrastructure prior to the proposed deadline of 1 March 2014. It is considered that any additional delay of the provision of these facilities will further disadvantage the new estate's residents and is contrary to the original Master Plan approval for the Ballina Heights Estate (as issued via DA 2001/128).

In view of the matters discussed above, it is recommended that the proposed modifications to Condition 1.3A be granted consent.

RECOMMENDATIONS

1. That Council grant consent to the proposed modification to Condition 1.3A of Development Consent 2003/413 (To Undertake a Torrens Title Subdivision to Create 189 Urban (Residential) Allotments, Being Stages 5 to 8 of the Ballina Heights Estate) at Lot 319 DP 1167397, Unara Parkway and Lot 330 DP 1166991, Chilcott Circuit, Cumbalum.

2. The amended Condition 1.3A is to read as follows:

The proposed Structured Open Space Area (as defined in Section 5.4 – Ballina Heights Estate, Cumbalum of Chapter 3 – Urban Subdivision within the Ballina Development Control Plan 2012) shall be completed and dedicated to Council prior to the issue of the Subdivision Certificate for the 399th residential lot or no later than 1 March 2014.

Attachment(s)

1. DA 2003/413 - Locality Plan
2. DA 2003/413 - Ballina Heights Structure Plan
3. DA 2003/413 - Council Report - November 2011

8.2 Urban Residential and Tourist Development - Roofing Colours

8.2 Urban Residential and Tourist Development - Roofing Colours

Delivery Program Building Services

Objective Council determination on the use of roofing colours for Urban Residential and Tourist development in the Shire

Background

For reasons of reflectivity, Council has imposed metal roofing colour restrictions for new residential building developments within the shire for many years. Where a development application is lodged for a new building, particularly within residential and prominent rural areas, a condition of consent is generally applied preventing the use of certain roof colours.

Current NSW legislation for Exempt and Complying Development and our newly introduced Development Control Plan (DCP) 2012 Chapter 4, are silent on the issue of roofing colours for urban area residential and tourist type buildings.

Council's direction is now sought on the matter as to whether we continue to place restrictions on the use of roofing colours for residential developments within urban areas.

Key Issues

- Current and past practices and whether they are aligned with the current legislation
- Potential impacts of roofing colours and the expectations of residents regarding the preservation of their amenity.

Information

Council has held a long standing view on the use of roof colours for new residential developments, where the use of higher reflective colours such as unpainted zincalume, white and off white are not permitted or are generally discouraged in urban and prominent rural areas.

Generally, the prevented colours are two contained within the Colorbond trade range, known as "*Surfmist*", being an off-white colour, and "*Shale Grey*", being a light grey colour. Unpainted zincalume also has generally not been permitted.

These restrictions have never been formally adopted through the planning DCP process, but rather through practise in response to zone objectives of the Shire Plan.

The restriction is usually applied to development consents via the following condition:

8.2 Urban Residential and Tourist Development - Roofing Colours

“Any roofing material used on the proposed development shall have low reflective index characteristics and the colour shall not be prominent against the background. Finishes should comprise earthy or subdued tones. Unpainted zincalume, white, off-white and light grey are not acceptable.”

Our development assessment officers in the past have been in receipt of many requests to utilise both the “*Surfmist*” and “*Shale Grey*” Colorbond but such requests have generally been denied.

There are also instances where staff and Councillors have permitted the installation of light coloured roofing contrary to the condition of consent, where the merits of the case are assessed.

There have also been situations where, following a breach of a development consent condition, neighbour complaints have arisen and roofs have been required to be repainted. Where complaints have arisen with these non compliant lighter coloured roofs, it has proven difficult to determine the extent of the impact the roof may have on adjoining properties.

Once enforcement action is taken due to the breach of consent, invariably a slightly darker replacement Colorbond colour is chosen, such as “*Shale Grey*” to “*Dune*” having very similar reflective qualities.

During the assessment phase of a Development Application (DA) by the assessment officer, the requirement for roof colour restrictions can be subjective. The assessment of a particular roof colour impact on the amenity of adjoining or nearby residents is difficult to determine. Often staff are fearful of the possible ramifications of not applying the restriction and therefore liberally apply it to many or all developments.

Assessment staff also have concerns in applying roof colour restrictions to development consents where they do not have the support of the relevant written planning legislation.

To complicate the matter, in 2008 the NSW Government introduced the State Environmental Planning Policy (SEPP Exempt and Complying Development Codes) 2008, which permits Complying Development such as single residential housing, secondary dwellings and group homes. These types of development can be approved by either councils or accredited private certifiers, where the development meets pre-determined design standards.

The NSW Government prescribed conditions of approval for Complying Development under the NSW Codes SEPP contain no reference to restrictions on roofing or other external building component colours and finishes. This matter was asked about with the NSW Department of Planning and Infrastructure (DoPI) who advise the restriction on colours were deliberately avoided in the NSW Codes SEPP. We were further advised that should councils desire to place such restrictions on particular development, it should be done so through their local planning processes including the introduction of exclusion zones for Complying Development in visually sensitive areas.

The re-cladding of existing roofs, including any colour changes is also Exempt Development under the SEPP, and therefore do not require any approval from the Council.

8.2 Urban Residential and Tourist Development - Roofing Colours

In recent years, assessment staff have granted approval to the construction of two new two-storey dwellings in the Lennox Head urban foreshore area within 300 metres of each other. Both applications were submitted and designed by the same architect. One dwelling was approved as Complying Development under the NSW Codes SEPP with there being no roof colour restrictions applicable, whilst the other was approved under Council's local DA process with the roof colour restriction condition of consent applying.

Unfortunately, the applicant for the development approved under the DA process was required during construction to repaint the roof due to non compliance with the condition of consent and neighbour objection ("*Surfmist*" colour chosen). The other dwelling, approved under the NSW Codes SEPP was completed with an off white ("*Surfmist*") roof colour. Although both roof designs differed in their degree of prominence, the difficulties and frustration that exists for both assessment staff and applicants is clear.

In addition, in 2004 the NSW Government introduced the BASIX (Building Sustainability Index) scheme for residential housing relating to energy efficiency. All dwellings are required to meet the BASIX requirements as contained in the Environmental Planning and Assessment Act Regulation 2000. The BASIX system encourages the use of lighter coloured roofs to reflect light and minimise roof heat absorption. The medium and darker coloured roofs have a higher absorption index and are less energy efficient in warmer climate zones.

Regarding the recent introduction of Council's DCP 2012 Chapter 4 Residential and Tourist Development, there is no reference to roofing colour restrictions within urban areas. The matter was considered at the draft DCP planning stages, however it was determined the issue not be included in the DCP development controls. This decision was consistent with the NSW Codes SEPP for Exempt and Complying Development with both planning documents being silent on roofing colours.

The issue of external material colours for the rural landscape is separately addressed under Chapter 7 of Council's DCP, where natural colours (greys, greens and browns) are encouraged in these areas.

Should Council determine to continue the practise of treating particular urban residential development on merit, there is concern that there continues to be no written statutory documentation to support any applied roofing colour restriction. Should the current practise be amended and we permit all coloured roofing, its impact on amenity will perhaps be revealed in the future.

It is noted that where non compliant roofs have been repainted to comply with the condition of approval, there has been minimal improvement regarding roof reflectivity. This is largely due to the finish applied to the metal Colorbond product rather than the colour, which is produced using a protective polyester coating system. Once the material oxidises over the years, this reflective sheen finish diminishes.

8.2 Urban Residential and Tourist Development - Roofing Colours

In conclusion, Council's direction is requested as to whether staff continue with the current practise of conducting a subjective merit assessment of each application, or the matter of roofing colours be no longer considered as a relevant development control issue for residential and tourist development within the urban areas of the Shire.

Accordingly, Council has two options in relation to the determination of the matter.

Options

1. To continue with its current practise of treating each application on merit and applying the roof colour restriction on urban residential and tourist development where it is considered warranted; or
2. Amend our past practise where roofing colours for urban residential and tourist developments are no longer considered to be a relevant development control standard. Consents issued for these types of development are not required to contain conditions of consent regarding a restriction on roofing colours.

Due to both the NSW Government Codes SEPP 2008 for Exempt and Complying Development and Council's DCP 2012 Chapter 4 being silent on the issue of roofing colours within urban residential areas, option two is the preferred option.

Should option one be adopted, it is recommended Council also consider amending DCP Chapter 4 to include restrictions on roofing colours for urban residential and tourist developments.

RECOMMENDATION

That Council no longer seek to apply the requirement for roofing colour restrictions as a development control standard for urban residential and tourist developments within the Shire and such roof colour restrictions not generally be applied as conditions of development consent.

Attachment(s)

Nil

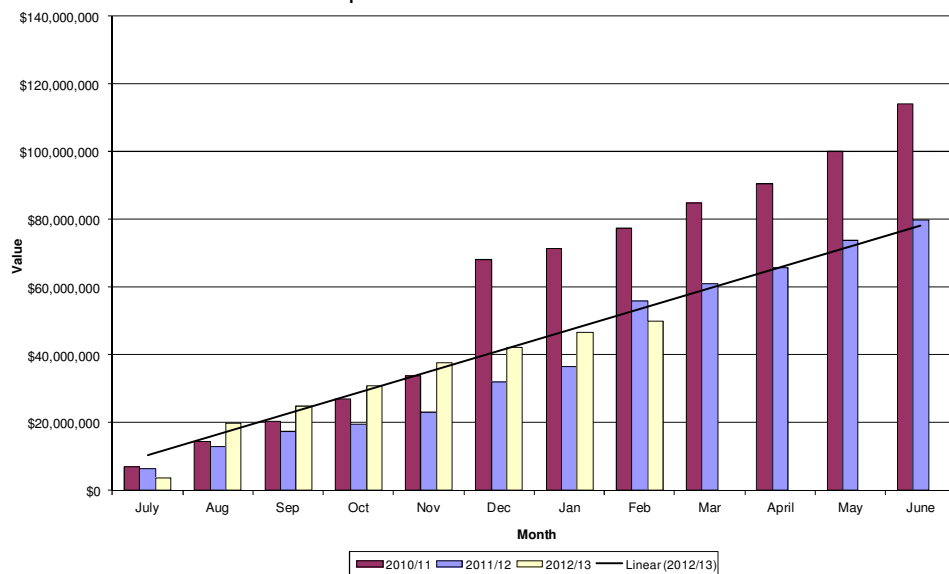
8.3 Development Consent Statistics - February 2013

8.3 Development Consent Statistics - February 2013

During the period of 1 February to 28 February 2013 the Regulatory Services Group issued Development Consent comprising of:

Number of Applications	Value of Work
27 Other Building Related	\$ 1,689,000
5 Dwelling/Duplexes/Residential Flat Buildings	\$ 1,745,000
3 General Developments	\$ 4,000
Total Value	\$ 3,438,000

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.



RECOMMENDATIONS

That Council notes the contents of the report on development consent statistics for 1 February 2013 to 28 February 2013.

Attachment(s)

Nil

8.4 Development Applications - Works in Progress - March 2013

8.4 Development Applications - Works in Progress - March 2013

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
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)	Awaiting Additional Information
2011/320	22/07/2011	Ballina Shire Council	To change the method of extraction of an existing Extractive Industry "Ballina Airport Sandpit" from dry (excavation) to wet (dredging) and to change the end use of the pit from a landfill for dry/inert waste to the retention as a flooded pit as part of the rehabilitation works - (Ballina Airport Sandpit) Southern Cross Drive, Ballina	Being Assessed
2011/506	23/11/2011	C Lonergan	Regularise and Expand existing Caravan Park from 55 Sites to 178 Sites and construct new Amenities Block and Recreation Building, 440 South Ballina	Being Assessed

8.4 Development Applications - Works in Progress - March 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
			Beach Road, South Ballina	
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	Being Assessed
2011/541	20/12/2011	Ballina Shire Council	Construction of a Surf Club Storage Building, 78 space carpark, bulk earthworks and landscape works; Cedar Crescent, Light House Parade & Compton, Drive East Ballina	Awaiting Additional Information
2012/271	10/07/2012	SJ Connelly CPP Pty Ltd	Two Lot Subdivision to create 1 x 42ha and 1 x 24ha 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 , 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	Being Assessed

8.4 Development Applications - Works in Progress - March 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
2012/346	27/08/2012	Australian Fishing Tournaments Pty Ltd	Ballina 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
2012/357	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 & M Harley	Erection of General Store and associated Residence and special purpose subdivision -13 Fig Tree Hill Drive, Lennox Head	Awaiting Additional Information
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	Awaiting Additional Information
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	On Exhibition
2012/517	11/12/2012	SJ Connelly CPP Pty Ltd	Alterations & Additions to Caretaker's Residence - 7 Shelly Beach	Determination Pending

8.4 Development Applications - Works in Progress - March 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
			Road, East Ballina	
2012/522	13/12/2012	Newton Denny Chapelle	Staged consent for a two lot subdivision to create 1 x 0.2 ha allotment (Proposed Lot A – special purpose lot) and 1x 7.7 ha residue allotment and associated public road reserve and conceptual approval (subject to a future development application) for the development of Proposed Lot A for an emergency services facility (NSW Rural Fire Service) and associated access road - Henderson Drive, Lennox Head	Awaiting Additional Information
2012/534	21/12/2012	Ardill Payne	Change of Use involving the establishment of a motor showroom, spray booth, workshop and alterations and additions to the existing building - 2 Owens Crescent, Alstonville	Determination Pending
2013/15	24/01/2013	The Owners Corporation SP70272	To undertake the removal of one tree – 4-10 Grandview Street, East Ballina	Determination Pending

8.4 Development Applications - Works in Progress - March 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
2013/44	14/02/2013	Ardill Payne	To Undertake vegetation clearing, site filling and stockpiling of soil – Lot 137 Barlows Rd, West Ballina	Being Assessed
2013/48	15/02/2013	Ardill Payne	To construct a motel, caretaker's dwelling, in-ground swimming pool and signage – 276-278 River St and corner of Kerr St & Camoola Ave, Ballina	Being Assessed
2013/56T	22/02/2013	Ardill Payne	To undertake the removal of Three Trees - Ballina Heights, Cumbalum	Determination Pending
2013/63	26/02/2013	J O'Brien	To remove nominated vegetation - 22 Greenfield Road, Lennox Head	Being Assessed
2013/64	27/02/2013	S & C Cranitch	To extract fill material from site for approved house envelope - Boundary Creek Road, East Wardell	Being Assessed
2013/68	01/03/2013	Civiltech Consulting Engineers	Demolition of existing building and construction of a car park for public use - 74 Tamar Street, Ballina	On Exhibition
2013/69	01/03/2013	Civiltech Consulting Engineers	Demolition of existing building and expansion of adjoining public car park including the construction of	On Exhibition

8.4 Development Applications - Works in Progress - March 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
			an amenities building and relocation of the access and egress of the existing car park - 78, 80-84 Tamar Street, Ballina	
2013/74	07/03/2013	GM Project Development & Management	To Undertake Additions to an Existing Bulk Storage Facility, Involving the Erection of 48 Additional Mini Storage Sheds and Associated Infrastructure - 33 Smith Drive, West Ballina	Being Assessed
2013/75	08/03/2013	Civiltech Consulting Engineers	Proposed site filling and rock retaining wall – 1 Camden St, 3 & 5 Camden Ln and 2 Skinner St, Ballina	Awaiting Additional Information

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

8.4 Development Applications - Works in Progress - March 2013

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 March 2013.

Attachment(s)

Nil

9.1 Development Control Plan - Amendment No. 1 General Adjustments

9. Strategic & Community Services Group Reports

9.1 Development Control Plan - Amendment No. 1 General Adjustments

Delivery Program Strategic Planning

Objective To advise Council in relation to proposed amendments to the Ballina Development Control Plan 2012 and seek direction in relation to the public exhibition of the proposed amendments.

Background

At its Ordinary Meeting held on 20 December 2012, Council resolved to adopt the Ballina Shire Development Control Plan 2012 (DCP) (Minute No. 201212/13). The DCP commenced operation in conjunction with the *Ballina Local Environmental Plan 2012* (LEP) on 4 February 2013. The new DCP superseded an earlier version which had operated to regulate development within the shire for many years.

The LEP establishes the overarching local planning policy of Council, with a focus on land use permissibility and development standards that direct land use outcomes.

The DCP operates in a secondary role and complements the LEP in providing a greater level of detail in relation to preferred development outcomes. The DCP incorporates a variety of planning objectives and development guidelines that form Council's local planning policy when used in conjunction with the LEP.

Since the commencement of the new DCP on 4 February 2013, a number of issues have been identified that relate to the optimal function and application of several intended development outcomes.

The proposed amendments, as detailed in this report, seek to address these issues in order to reinforce intended outcomes and achieve a consistent and desirable level of planning control for development across the shire.

Key Issues

- Reinforcement of intended planning outcomes
- Consistency in planning controls for development across the shire.
- Public exhibition of Draft Amendment No. 1 to the *Ballina Shire Development Control Plan 2012*

Information

Details of the proposed amendments to be included in Draft Amendment No. 1 to the DCP are itemised as follows.

9.1 Development Control Plan - Amendment No. 1 General Adjustments

In addition to these, a number of miscellaneous minor amendments to correct typographical errors and incorporate routine updates are included as detailed in the schedule contained in Attachment 1.

Tourist and Visitor Accommodation

Chapter 4 of the DCP contains a combined set of development objectives and outcomes for both residential accommodation (permanent residential dwellings) and tourist and visitor accommodation (short term holiday accommodation) in all business and residential zones within the shire.

Generally, this chapter seeks to apply the same standards to both forms of accommodation except in circumstances where differences are warranted. Discrepancies have been identified in the adopted provisions of Chapter 4 where objectives and controls are not clearly applied to residential accommodation and tourist and visitor accommodation, as was intended. This preferred approach was confirmed when the draft document was the subject of earlier Councillor workshops.

This is inconsistent with the intended objective under the DCP, being to standardise the requirements for certain residential and tourist related developments. A number of recommended changes to the content of the general controls for building elements in section 3.1 of Chapter 4 seek to resolve this issue to clarify the types of development the objectives and controls apply to. The recommended amendments to Chapter 4 as detailed below are contained in Attachment 2 (highlighted yellow).

Element C - Building Envelopes

The current standards specified in Element C require the application of a building envelope for residential accommodation and tourist and visitor accommodation to achieve suitable setbacks to first floor (above ground) levels of buildings.

It is the intention under the DCP that the building envelope controls only apply within residential zones (R2 Low Density Residential and R3 Medium Density Residential) and not within business zones (subject to separate development controls in Chapter 6). The current wording in the Element C controls incorrectly implies that the building envelope controls apply in all zones. It is recommended that this be corrected by specifying that the building envelope controls only apply to development within the R2 and R3 zone.

Element D – Articulation Zone

The current standards in Element D seek to ensure the facades of buildings contribute to the character of the streetscape through articulation of building features. It is currently not specified which developments or in which zones these controls are intended to apply to.

However, it can be interpreted that they are intended to apply to all residential accommodation and tourist and visitor accommodation developments in all business and residential zones.

9.1 Development Control Plan - Amendment No. 1 General Adjustments

It is recommended, for clarity, that it be specified that the controls in Element D apply to both residential accommodation and tourist and visitor accommodation. Because Chapter 6 has specific development controls and design standards applicable to buildings in business zones, it is further recommended that the articulation requirements in Element D be specified to only apply to development in residential zones.

Element E – Building Lines

The DCP contains standards establishing building lines in certain areas to ensure buildings are setback from road frontages and other boundaries to promote the visual quality of the streetscape and open space. The building line provisions in the DCP are currently supported by maps that specify the required building line or setback for a development from its applicable street, road or other frontage.

Although it is intended that the building line provisions apply to both residential accommodation and tourist and visitor accommodation, the current wording of the controls can be read such that the provision only applies to residential accommodation.

It is recommended that the wording be changed to reinforce that the building line provisions apply to both residential accommodation and tourist and visitor accommodation.

Element G – Landscaping and Open Space

Development standards for the provision of landscaping as a key component of development are currently contained in Chapter 4 of the DCP. These standards specify the minimum requirements for landscaped areas and private open space (outdoor living areas) that are to be provided for various forms of residential and tourist oriented development.

The current landscaping and private open space standards in Element G are oriented generally to residential developments. While it is intended that these standards are applied to some forms of tourist oriented developments, the current specifications in Element G do not clearly provide for this. It is recommended that the standards in Element G be modified to include requirements for the provision of landscaping and open space for tourist and visitor accommodation generally.

It is also recommended that general landscaping standards be added to Element G for developments such as backpacker's accommodation, bed and breakfast accommodation, farm stay accommodation and hotel or motel accommodation, where provision of private open space is not normally required.

Element J – Solar Access

The DCP development standards for solar access seek to ensure new dwellings are designed to achieve adequate exposure to sunlight and to ensure existing buildings are not unreasonably restricted from access to sunlight from new development.

9.1 Development Control Plan - Amendment No. 1 General Adjustments

As with Element G, the current solar access standards in Element J are also oriented generally to developments for residential accommodation. While it is intended that these standards are applied to some forms of tourist and visitor accommodation, the current specifications in Element J do not clearly provide for this.

It is recommended that the standards in Element J be modified to include requirements for the provision of solar access for tourist and visitor accommodation generally, with exceptions for developments such as backpacker's accommodation, bed and breakfast accommodation, farm stay accommodation and hotel or motel accommodation, where compliance with solar access requirements is not normally required.

Element P – Slope Sensitive Design and Element Q - Earthworks

The slope sensitive design and earthworks requirements in the DCP seek to ensure development on sloping land is appropriately sited and designed to minimise the need for excavation and filling.

The content of these current standards and controls for slope sensitive design and earthworks are similar and are applied generally only to residential development without clearly including tourist oriented development.

It is recommended that the standards and controls for slope sensitive design and earthworks be amalgamated for clarity. It is also recommended that the wording is adjusted to reinforce the application of the provisions to both residential developments and tourist oriented developments.

Residential Development with Lane Frontage

The adopted development standards for residential development and tourist oriented development in Chapter 4 of the DCP allow for development to have direct frontages to urban lanes. In addition, the subdivision provisions in Chapter 3 of the DCP allow for the potential subdivision of lots with an urban lane frontage only.

The regulation of development fronting lanes under the former Ballina Shire Combined DCP 2006 included a requirement for the provision of a minimum 1.2 metre wide pedestrian access pathway to the street frontage of the site for any dwelling fronting a lane. These standards were applied to both urban subdivision and any subsequent residential or tourist oriented development on land with a frontage to an urban lane.

These requirements were to ensure that all dwellings were provided with adequate access to essential services such as waste collection and postal delivery. At the time the 2006 DCP was adopted, many urban lanes were not provided with waste collection and postal delivery services.

The intensification of urban development fronting lanes since 2006 has resulted in a significant number of urban lanes, particularly in Ballina and Lennox Head, being now provided with waste collection and postal delivery services to their lane frontages. Based on this, it is considered no longer essential that a pedestrian access pathway be required for residential development fronting lanes where all essential services are provided.

9.1 Development Control Plan - Amendment No. 1 General Adjustments

The current development standards for residential and tourist oriented development fronting lanes do not require the provision of a pedestrian access to the street frontage for each dwelling. In addition, there are no specific requirements to ensure residential and tourist oriented developments fronting a lane have access to essential services such as waste collection and postal delivery, although this is implied through the relevant objectives.

There are a number of urban lanes in the shire that are currently not provided with waste collection or postal delivery services. Because of this, it is considered appropriate that in such circumstances all dwellings or occupancies in a residential or tourist oriented development are provided with practical and legal pedestrian access to the street frontage of the site to enable access to these services.

It is recommended that an objective and development control be added to Chapter 4, Section 3.1.3, Element F to specifically require any development with a lane frontage to be adequately serviced. It is also recommended that a specific development control be added to the subdivision services and infrastructure requirements in Chapter 3 to ensure any subdivision for lots with a frontage to an urban lane is adequately serviced.

These controls would require any development proposal for residential or tourist oriented uses or for subdivisions with lots that front an urban lane to demonstrate that the lane frontage currently has vehicular access and is serviced by waste collection and postal delivery vehicles.

In cases where waste collection and postal delivery services are not currently provided or are not available to the lane frontage of the site, a 1.2 metre wide pedestrian access pathway is to be provided on the site to allow each dwelling access to the street frontage of the site. Draft amendments reflecting the above in relation to DCP Chapter 4 are contained in Attachments 2 (highlighted yellow). As outlined above, comparable provisions are also recommended for inclusion in DCP Chapter 3 with respect to subdivision.

Dwelling Density in Residential Zones

Chapter 4 (Section 3.1.3, Element N) of the DCP applies minimum lot areas for various forms of residential accommodation which seeks to regulate urban density by ensuring appropriate lot sizes for medium density residential development (see Table 1).

In addition, the DCP also incorporates the maximum residential density ratio provisions for existing urban areas as contained in the former 2006 DCP (see Table 2) and extends these provisions to also include undeveloped expansion areas (such as the Wollongbar Urban Expansion Area and the Pacific Pines area at Lennox Head).

9.1 Development Control Plan - Amendment No. 1 General Adjustments

Table 1 - Minimum Lot Areas for Residential Accommodation	
Type of Residential Accommodation	Minimum Lot Area
<i>Dwelling house</i>	450m ² 550m ² - corner lots
<i>Dual occupancy</i>	450m ² - attached 600m ² - detached
<i>Semi-detached dwelling</i> (per dwelling)	300m ²
<i>Attached dwelling</i> (per dwelling)	300m ²
<i>Multi dwelling housing</i>	1000m ²
<i>Residential flat building</i>	1000m ²

Table 2 – Maximum Residential Density	
Locality	Maximum Residential Density
Ballina, Cumbalum, East Ballina & West Ballina	1 dwelling per 200m ² site area
Lennox Head & Skennars Head	1 dwelling per 250m ² site area
Alstonville, Wardell & Wollongbar	1 dwelling per 300m ² site area

The combination of these two standards has the unintended effect of weakening the preferred minimum lot size for medium density residential developments (Table 1) in new urban expansion areas that are not yet subdivided.

The maximum residential density ratios have been retained to preserve density provisions in existing and established urban areas but are not considered appropriate in newly established or undeveloped urban areas where it is desired that the minimum lot size provisions prevail. The application of the minimum lot size provisions sends a signal as to the type of development that can be expected on a lot and as result, are a key planning provision for new urban areas.

On this basis, it is recommended that the maximum residential density provisions in the 2012 DCP be modified to strengthen the effect of the minimum lot size standards. This can be achieved by amending the Dwelling Density Map referenced in the controls for Element O – Dwelling Density contained in section 3.1.3 of Chapter 4.

Amending the Dwelling Density Map to remove the density ratio requirements for certain newly established and establishing areas allows the minimum lot size provisions to regulate development type and density as originally intended.

In these areas, density (in terms of the number of dwellings possible on a site) will be determined based on the merit of a proposal and application of other relevant planning provisions such as car parking, setbacks and landscaped area.

9.1 Development Control Plan - Amendment No. 1 General Adjustments

The areas where it is proposed to remove the dwelling density provisions are as follows:

- Wollongbar Urban Expansion Area
- Ballina Heights Estate, Cumbalum
- Henderson Farm area, Lennox Head
- Pacific Pines Estate, Lennox Head
- Lennox Palms Estate (off Kellie-Ann Crescent), Lennox Head
- RMS Depot, West Ballina
- Ferngrove Estate, Ballina
- Riveroaks Estate, Ballina
- North Angels Beach Estate, East Ballina

Building Lines in Residential Areas

As stated above, the 2012 DCP establishes building lines to ensure buildings are set back from road frontages to promote the visual quality of the streetscape and open space. The building line provisions in the DCP are currently supported by maps that specify the required building line to which buildings must be set back from specified boundaries in rural and residential areas of the shire.

The building line provisions for rural areas are detailed in section 3.7 of Chapter 7 of the DCP which provides standard minimum building setbacks except where otherwise specified on the Building Line Map. There are currently no such default building lines for residential areas.

Although the current Building Line Map is intended to comprehensively cover all residential areas of the shire and clarify specific building line requirements, it is recommended that a default set of building lines be added to Element E (see Table 3) for residential areas similar to those for rural areas in Chapter 7.

Table 3 - Minimum Building Line – R2 & R3 Zone	
Boundary	Building Line (distance from boundary)
Primary Road	6.0m
Parallel Road	6.0m
Public Reserve or Foreshore	6.0m
Lane	3.5m
Side or Rear	None specified

In addition to the above, planning proposal BSCPP12/001 has recently resulted in the rezoning of No. 160-190 North Creek Road Lennox Head to R3 Medium Density Residential and planning proposal BSCPP12/004 is proposing the application of an R2 Low Density Residential zone to land on Blue Seas Parade at Lennox Head (see separate item elsewhere in this business agenda). It is recommended that a 6.0m building line be applied to these properties on the building line maps within the DCP to reflect the residential land use (assuming BSCPP12/004 proceeds) and for consistency with the surrounding locality.

9.1 Development Control Plan - Amendment No. 1 General Adjustments

Eco-tourist Facilities

During the exhibition of the Draft Ballina Development Control Plan 2012, a submission was received requesting further consideration of eco-tourist provisions in Chapter 7 – Rural Living and Activity. The attachment to the report presented to Council's Ordinary Meeting held on 20 December 2012 included the recommendation that clause 3.3 of Chapter 7 relating to Rural Tourist and Visitor Accommodation be amended to address eco-tourism facilities. The recommendation was that information would be added to Chapter 7 following the further review of definition-related matters.

While eco-tourism is a defined land use in the LEP, no development standards have been adopted for this type of use and, as such, eco-tourist facilities are not a permissible land use in the current instrument. Notably though, tourist and visitor accommodation, which can include nature-based tourism, is permitted widely in the shire.

One of the reasons for the request to include provisions for eco-tourist facilities in the DCP relates to bush fire protection requirements. Section 100B of the *Rural Fires Act 1997* specifies certain development proposals that must be issued with a bush fire safety authority by the NSW Rural Fire Service (RFS).

These developments include those defined as a 'special fire protection purpose' under the *Rural Fires Act 1997*. 'Hotel, motel or other tourist accommodation' are identified as a 'special fire protection purpose' and, for the purposes of the *Rural Fires Act 1997*, eco-tourist facilities are included as a form of tourist development, within this definition. The RFS document *Planning for Bushfire Protection 2006* contains the guidelines and standards for the issue of a bush fire safety authority and specifies a number of concessions for developments identified as eco-tourist facilities.

For a development proposal to be eligible for these concessions, the RFS has advised that it is the responsibility of Council to determine whether or not a development proposal constitutes eco-tourism prior to any proposal being submitted to the RFS for a bush fire safety authority.

However, because eco-tourist facilities are not a permissible land use under the current provisions of the BLEP 2012, any development requesting recognition as an eco-tourist facility, even if only for the purposes of obtaining a bush fire safety authority, is considered to be in conflict with the provisions of the BLEP 2012.

Accordingly, it is not considered appropriate that the DCP provide any certainty or expectation to potential applicants for an eco-tourist facility proposal where Council confirmation may be sought as to whether or not a development proposal comprises an eco-tourist facility for the purposes of a RFS bush fire safety authority assessment.

To address this issue it is recommended that a note be added to Section 3.3.3 of Chapter 7 - Rural Living and Activity to advise prospective applicants as to why development cannot be determined as eco-tourist facilities for the purposes of the RFS Planning for Bushfire Protection provisions.

9.1 Development Control Plan - Amendment No. 1 General Adjustments

Planning Provisions – B5 Business Development Zone

Under planning proposal BSCPP12/003, Council is considering the application of a B5 Business Development zone to land in the Southern Cross Industrial Estate in Ballina. This item is the subject of a separate report elsewhere in this business agenda.

If the B5 zone is applied, the DCP will need to be adjusted to ensure suitable planning provisions apply to development in this zone. Given this, it is suggested that text identifying that development in the B5 Business Development zone is subject to the provisions of Chapter 5 be inserted into the DCP.

This will have the effect of applying the planning provisions for industrial development to bulky goods and large format retailing development and other related uses in the proposed B5 Business Development zone on Boeing Avenue in the Southern Cross Industrial Estate.

The industrial provisions have been identified on the basis that the B5 zone is within the Southern Cross Industrial Estate and it is intended that bulky goods development in this locality be compatible with the character of the estate.

In the event that BSCPP12/003 does not proceed, this aspect of the DCP amendment can be withdrawn.

Savings Provisions

The DCP 2012 has been introduced on the basis that it applies to development applications lodged after the introduction of the plan. Applications lodged prior to the introduction of the DCP 2012 are assessed under the provisions of the Ballina Shire Combined DCP 2006. This is consistent with the manner in which the new LEP is applied.

For clarity, it is suggested that a savings provision be added to Part 1 of the DCP stating its application to development applications lodged after the date of the DCP's implementation.

Sustainability Considerations

- **Environment**

The 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. The implementation of Draft Amendment No. 1 to the DCP will improve the application of these sustainability considerations.

- **Social**

As above.

- **Economic**

As above.

9.1 Development Control Plan - Amendment No. 1 General Adjustments

Legal / Resource / Financial Implications

The preparation of Draft Amendment No. 1 to the Ballina Shire Development Control Plan 2012 will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and its associated Regulation. The amendment can be completed within existing available staff and financial resources.

Consultation

A number of the proposed amendments have resulted from direct feedback from both internal and external sources following the commencement and operation of the DCP.

If the public exhibition of the Draft Amendment No. 1 to the DCP is endorsed by Council, a public exhibition over a period of at least 28 days duration will be undertaken in accordance with the requirements of the EP&A Act and associated Regulation.

Options

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

This approach would involve the public exhibition of Draft Amendment No. 1 to the DCP, either generally as presented in this report to Council or with any amendment(s) as specified by Council.

Following public exhibition of Draft Amendment No. 1 to the DCP, a report on submissions received would be presented to the Council to provide a further opportunity for the Council to consider the amendments prior to their finalisation and adoption.

This approach is recommended as it will enable further consideration of the proposed amendments that seek to improve the function, interpretation and operation of the DCP.

2. Cease preparation of Draft Amendment No. 1 to the Ballina Shire Development Control Plan 2012.

It is open to Council to cease further progress on Draft Amendment No. 1 to the DCP. This option is not recommended as there are substantial advantages in proceeding with the amendments to ensure the optimal function and operation of the DCP in relation to development outcomes for the shire.

3. Defer the endorsement of Draft Amendment No. 1 to the Ballina Shire Development Control Plan 2012 and hold a workshop to enable Councillors to review the components of Draft Amendment No. 1 in greater detail.

9.1 Development Control Plan - Amendment No. 1 General Adjustments

Whilst clearly available, this approach is not recommended prior to the endorsement and public exhibition of Draft Amendment No. 1 as there is an imperative to address the identified issues promptly to ensure the optimal function and operation of the DCP. Furthermore, the proposed amendments are of a “housekeeping” nature and will not materially change the Council’s adopted policy document.

However, if a workshop is desirable, it is suggested that a Councillor workshop be scheduled during, or at the conclusion of the public exhibition of Draft Amendment No. 1.

RECOMMENDATION

That Council proceed to undertake the public exhibition of Draft Amendment No. 1 to the Ballina Shire Development Control Plan 2012, to achieve the particular planning outcomes identified in the attachments to this report, in accordance with the terms of the *Environmental Planning and Assessment Act* and the associated Regulation.

Attachment(s)

1. Attachment 1 - Schedule of Minor Amendments - DCP Amendment No.1
2. Attachment 2 - Draft Revisions to DCP Chapter 4 Residential and Tourist and Visitor Accommodation Development

9.2 Planning Proposal BSCPP12/001 - 40 Blue Seas Parade

9.2 Planning Proposal BSCPP12/001 - 40 Blue Seas Parade

Delivery Program Strategic Planning

Objective To determine whether to proceed to finalise the planning proposal to apply an R2 Low Density Residential zone to land located at Lot 1, DP 1173776, 40 Blue Seas Parade, Lennox Head.

Background

This report relates to the recently exhibited Planning Proposal BSCPP 12/004. This planning proposal relates to the rezoning of land at No. 40 Blue Seas Parade, Lennox Head (Attachment 1). Specifically, the rezoning relates to the eastern part of Lot 1 DP 1173776. The lot has a total area of 1162m² with the subject land being 640m².

Lot 1 DP 1173776 is the result of a recent consolidation of allotments arising from a purchase of part of a Crown road reserve with an adjacent parcel that was the most northern lot of the approved Coastal Grove subdivision at Lennox Head.

Lot 1 DP 1173776 is currently zoned part R2 Low Density Residential and part RU1 Primary Production under the terms of the Ballina Local Environmental Plan (LEP) 2012. There is also a small portion of the land that is identified as a deferred matter under the Ballina LEP 2012 and as such, is currently zoned 1(d) Rural (Urban Investigation) under the Ballina LEP 1987.

The subject planning proposal seeks to amend the recently made Ballina LEP 2012, rezoning part of the subject lot from RU1 to R2 and applying a 600m² minimum lot size for subdivision to this land. This will be consistent with the adjoining residential zone applied to the Coastal Grove subdivision under the Ballina LEP 2012.

The Council considered the planning proposal at its Ordinary Meeting held on 25 October 2012. With respect to the proposal, the Council resolved as follows (Minute No. 251012/9);

- 1. That Council submit the planning proposal relating to Lot 1 DP 1173776, Blue Seas Parade, Lennox Head 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 the Council in relation to this matter following mandatory community consultation.*

9.2 Planning Proposal BSCPP12/001 - 40 Blue Seas Parade

Accordingly, the proposal was forwarded to the Department of Planning & Infrastructure (DP&I) for Gateway determination, with the Gateway enabling the proposal to proceed. The subject application was placed on public exhibition between 13 February 2013 and 13 March 2013. This report seeks the Council's direction with respect to the finalisation of the proposed LEP amendment.

Key Issues

- Environmental impacts
- Implications for neighbouring properties
- LEP amendment processing

Information

Planning Context

The application of a residential zone to the subject land is generally consistent with both Council and State Government urban land release planning policy. The following provides an overview of the proposed amendment with respect to key planning policy documents.

Far North Coast Regional Strategy (FNCRS)

The subject land is identified as a 'proposed future urban release area'. Accordingly, the application of a residential zone to the land is consistent with this strategy.

Ballina Shire Growth Management Strategy 2012 (GMS)

The subject land is recognised as a strategic urban growth area under the policy and as such, the application of a residential zone to the land is consistent with the policy.

Lennox Head Structure Plan 2004

Whilst the subject land is not identified as a candidate release area under the structure plan, it directly adjoins the existing and planned urban area in the vicinity of Blue Seas Parade. This is not considered to be a significant inconsistency, particularly as the subject land is identified under the higher order FNCRS and the GMS as a potential urban area.

Ballina LEP 2012

The subject land is zoned part R2 Low Density Residential and part RU1 Primary Production under the provisions of the Ballina LEP 2012. The Lot Size Map under the Ballina LEP 2012 applies a 600m² minimum lot size to the portion of the site zoned R2 Low Density, whilst a 40ha minimum lot size is applied to the portion of the site zoned RU1 Primary Production. The RU1 zoned part of the site is also identified on the Strategic Urban Growth Areas Map as being a "strategic urban growth area".

9.2 Planning Proposal BSCPP12/001 - 40 Blue Seas Parade

The RU1 zoned portion of the subject land was previously zoned 1(d) Rural (Urban Investigation) Zone under the terms of the Ballina LEP 1987. Council has typically applied rural zones under its Ballina LEP 2012 to areas previously zoned 1(d) as there is no zone equivalent to the 1(d) zone under the standard instrument. Under this approach, potential urban release areas are identified in the relevant strategic planning policy documents.

During the mapping of zone boundaries for Ballina LEP 2012, a small portion of Lot 1, DP 1173776 was not included within the RU1 Primary Production zone. This portion of land, previously zoned 1(d) Rural (Urban Investigation) pursuant to Ballina LEP 1987, became a “deferred matter” following the commencement of the BLEP 2012. It is proposed that this small portion be included within the R2 Low Density Residential zone, consistent with the site boundary of Lot 1 DP 1173776.

Key Site Issues

- Bushfire

The planning proposal was forwarded to the NSW Rural Fire Service for comments. A response was received from this authority with no concerns or issues raised in relation to bushfire.

- Land Contamination

Prior to placing the subject planning proposal on exhibition, Council reviewed the proposal with regard to SEPP 55 - Remediation of Land (Contaminated Lands). Part of the subject lot was assessed in relation to potential contamination during the Coastal Grove residential subdivision. This assessment concluded there is no information or suggestion that the subject land has been used for a potentially contaminating land use in the past. The remaining portion of the lot is undeveloped former road reserve. Given the above, the land is considered suitable for the proposed residential zone with respect to land contamination.

- Land Use Conflict

The rezoning of the eastern portion of the lot to residential will extend the current residential allotments along Blue Seas Parade, with the adjoining rural lot used for cattle grazing. However, this is not likely to create an increased risk of land use conflict and suitable buffer distances between urban and rural land uses can be achieved.

Submissions

No submissions were received in response to the public exhibition of this planning proposal.

Sustainability Considerations

- **Environment**
Development of the subject land would have minimal implications for the natural environment of the site and its locality. The proposal provides for “infill” development on a site that is located within an existing residential neighbourhood.

- **Social**

The rezoning of the land for residential uses is minor and as such it is not likely to have any significant implications from a social perspective.

- **Economic**

The rezoning of the land for residential uses is minor and as such it is not likely to have any significant implications from an economic perspective.

Legal / Resource / Financial Implications

The rezoning investigations have been undertaken at the proponent's cost, in accordance with Council's adopted fees and charges schedule. There are no significant legal, resource or financial implications associated with the completion of the proposed LEP amendment.

Consultation

Consultation on this matter has been undertaken with the community through the public exhibition process. The Rural Fire Service was consulted prior to the public exhibition period. These engagements have been undertaken in accordance with the requirements of the DP&I's Gateway Determination, the *Environmental Planning and Assessment Act* and attendant Regulation.

Options

1. That Council forward the planning proposal (Attachment 2) to rezone the eastern portion of Lot 1 DP 1173776, No. 40 Blue Seas Parade, Lennox Head R2 – Low Density Residential to the Department of Planning & Infrastructure for review and finalisation. This option also involves applying a minimum lot size of 600m² for subdivision to the land and adjusting the Strategic Urban Growth Areas Map to remove the land from the “strategic urban growth area” categorisation; or
2. That Council cease the rezoning process; or
3. That Council request the modification or deferral of the planning proposal and subsequent reconsideration of the matter.

Given that there are no outstanding planning issues identified by staff as being of concern, option one is the recommended course of action. This approach will progress the planning proposal (as contained in Attachment 2) to allow the DP&I to review the proposed LEP amendment and take the necessary steps in finalising the rezoning of the land. As outlined above, the R2 Low Density Residential zone is recommended for reasons including that:

- The land is presently identified in local and State planning strategies as a potential urban area;
- The R2 zone is consistent with the residential zoning in the locality; and
- The land has been assessed as being capable of supporting residential development in terms of its physical characteristics and infrastructure availability.

RECOMMENDATIONS

1. That Council endorse the application of an R2 Low Density Residential zone and 600m² minimum lot size for subdivision to part Lot 1, DP 1173776, No. 40 Blue Seas Parade, Lennox Head under the Ballina Local Environmental Plan 2012.
2. The Council proceed to submit the planning proposal BSCPP12/004, relating to No. 40 Blue Seas Parade Lennox Head, to the NSW Department of Planning and Infrastructure for finalisation.

Attachment(s)

1. Locality Plan
2. Ballina Shire Council Planning Proposal 12/004 March 2013 - Lot 1 DP 1173776, 40 Blue Seas Parade, Lennox Head - Final

9.3 Planning Proposal BSCPP 12/003 - Southern Cross Estate

9.3 Planning Proposal BSCPP 12/003 - Southern Cross Estate

Delivery Program Strategic Planning

Objective To determine whether to proceed to rezone land for the purpose of a bulky goods retailing precinct at the Southern Cross Industrial Estate

Background

In response to representations made in relation to the permissibility of bulky goods and large format retailing on certain land during the preparation of Ballina Local Environmental Plan 2012 (BLEP 2012), Council identified bulky goods retailing as a matter requiring further and more detailed consideration as part of the LEP renewal program.

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

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

- 1. That Council notes the contents of the Ballina Shire Bulky Goods Retailing Investigation Report prepared by Hill PDA.*
- 2. That Council proceed to implement a strategic planning framework for bulky goods retailing in Ballina Shire consistent with the recommendations in the Ballina Shire Bulky Goods Retailing Investigation report prepared by Hill PDA.*
- 3. That Council proceed to prepare a planning proposal for the application of a suitable zone over Lot 951 DP 1165266 and the proposed Lots 2 and 3 (as shown in attachment 2) at the Southern Cross Industrial Estate to facilitate a bulky goods retailing precinct.*
- 4. That in the preparation of a planning proposal in accordance with point three, options be canvassed in relation to the co-location of large format retail uses with bulky goods premises.*

9.3 Planning Proposal BSCPP 12/003 - Southern Cross Estate

In May 2012, GeoLINK was engaged by Council to prepare an options report and planning proposal to facilitate an LEP amendment in order to implement the strategic planning framework recommended in the Ballina Shire Bulky Goods Retailing Investigation report prepared by Hill PDA and in particular, progress items 3 and 4 of the Council's earlier resolution. The planning work undertaken by GeoLINK recommended the rezoning of Lot 951 and proposed Lots 2 and 3 (encompassing part Lot 952 DP 1165266 and part lots 2, 3, 4 & 5 DP 123781) from an IN1 Industrial Zone to a B5 Business Development Zone under the BLEP 2012. The land the subject of the planning proposal is identified in Attachment 1.

GeoLINK's work was reported to the Council's Ordinary Meeting held on 26 July 2012, at which the Council resolved as follows [Minute no. 260712/21]:

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

Accordingly, the proposal was forwarded to the Department of Planning & Infrastructure (DP&I) for Gateway determination, with the Gateway determining the proposal should proceed. The planning proposal was placed on public exhibition between 17 January 2013 and 22 February 2013.

This report seeks the Council's direction with respect to the finalisation of the proposed LEP amendment.

Key Issues

- Exhibition of planning proposal.
- Implementation of Council's strategic planning framework for bulky goods retailing in Ballina Shire.

Information

The planning proposal to rezone Lots 951, part Lot 952 DP 1165266 and part lots 2, 3, 4 & 5 DP 123781 from an IN1 Industrial Zone to a B5 Business Development Zone under BLEP 2012 was placed on public exhibition between 17 January 2013 and 22 February 2013. No submissions were received in relation to the planning proposal. A map of the proposed zoning is included in the planning proposal documentation contained in Attachment 1.

The proposed application of a B5 Business Development Zone to the land is consistent with the recommendations of the Ballina Shire Bulky Goods Retailing Investigation prepared by Hill PDA (January 2012). The recommendations of the Hill PDA Report include clustering bulky goods and large format retailing (LFR) land uses in the Southern Cross Precinct and incorporating a zoning which supports bulky goods uses.

9.3 Planning Proposal BSCPP 12/003 - Southern Cross Estate

The Gateway Determination issued by the DP&I required Council to consult with Transport for NSW – Roads and Maritime Services (RMS) in relation to the suitability of road access to the proposed development along the old Pacific Highway access. The Gateway Determination also required that consultation be undertaken prior to the commencement of the exhibition.

The public exhibition and government agency consultation undertaken in relation to the planning proposal have not resulted in any issues arising that indicate that Council's strategic policy framework for bulky goods requires revision.

Sustainability Considerations

- **Environment**
No significant adverse environmental impacts are likely to result from the planning proposal.
- **Social**
Bulky goods retailing is a significant, and apparently growing, part of the retail sector in the shire. This planning proposal provides an opportunity for Council to recognise this aspect of retailing and the potential benefits to the community through its local planning framework.
- **Economic**
The planning proposal is consistent with Council's resolution to plan for the projected demand for bulky goods retailing having regard for economic activity and outcomes in the shire.

Legal / Resource / Financial Implications

Should Council resolve to proceed with the finalisation of the planning proposal, further processing of the planning proposal can be accommodated within existing available resources.

Consultation

The planning proposal has been publicly exhibited as required in accordance with the Gateway Determination. As previously noted, no submissions were received. Consultation with the NSW Roads and Maritime Services was also undertaken as required in accordance with the Gateway Determination.

Options

1. That Council forward the planning proposal to apply the B5 Business Development Zone under BLEP 2012 to land comprising part Lots 951 & 952 DP 1165266, Boeing Avenue, Southern Cross Industrial Estate, Ballina to the Department of Infrastructure & Planning (DP&I) for finalisation; or
2. That Council cease or defer the planning proposal process in relation to land comprising part Lots 951 & 952 DP 1165266, Boeing Avenue, Southern Cross Industrial Estate.

9.3 Planning Proposal BSCPP 12/003 - Southern Cross Estate

Option one is the preferred option on the basis that it is consistent with the current Council policy position in relation to bulky goods and LFR. This option will progress the planning proposal (as contained in Attachment 1) to the next step in the rezoning process which is to allow DP&I to review the planning proposal and take necessary steps to finalise the rezoning of the subject land.

With respect to this approach, it should be noted that the LEP amendment also includes the application of a 1 hectare minimum lot size for subdivision to the land to provide for retention of relatively large lots in the area, compared to the surrounding industrial estate. This is consistent with the large floor area requirements of the type of development envisaged in the B5 zone.

Significantly, proceeding to finalise the planning proposal involves the introduction of a new zone into the BLEP 2012, being the B5 Business Development zone.

It is noted that the DP&I and the Minister for Planning & Infrastructure may or may not agree to the finalisation of the LEP amendment.

Option two is not the preferred approach as it will conclude the progression of the planning proposal and would be inconsistent with the current adopted policy position of Council in relation to bulky goods retailing and LFR.

RECOMMENDATIONS

1. That Council endorse the introduction of the B5 Business Development zone into the Ballina Local Environmental Plan 2012.
2. That Council endorse the application of a B5 Business Development zone and a 1 hectare minimum lot size for subdivision to Lot 951 DP 1165266, part Lot 952 DP 1165266 and part lots 2, 3, 4 & 5 DP 123781, Boeing Avenue, Southern Cross Industrial Estate, Ballina under the Ballina Local Environmental Plan 2012.
3. The Council proceed to submit the planning proposal, BSCPP12/003 Southern Cross Industrial Estate Bulky Goods Precinct, to the NSW Department of Planning and Infrastructure for finalisation.

Attachment(s)

1. Attachment 1 - Planning Proposal BSCPP12/003 Southern Cross Industrial Estate Bulky Goods Precinct - Final

9.4 Regional Affordable Housing Strategy

9.4 Regional Affordable Housing Strategy

Delivery Program Strategic Planning

Objective To provide the Council with an overview of the Draft Northern River Regional Affordable Housing Strategy

Background

The Draft Northern Rivers Regional Affordable Housing Strategy (the draft strategy) is the product of a resource sharing project endorsed by NOROC in November 2011 with an allocated project budget of \$100,000 sourced from NOROC reserves. Clarence Valley Council managed the project.

The lack of affordable housing has become a major issue for the Northern Rivers region in the past decade. The NOROC General Managers' Group identified the potential for a project that builds upon the work already completed by individual councils. Notably, Council adopted the Ballina Shire Affordable Housing Strategy in March 2010.

A Regional Affordable Housing Steering Group was established with representatives from NOROC councils, the NSW Department of Planning and Infrastructure and Housing NSW to oversee the development of the draft strategy. Consultants were engaged to prepare the document which included:

- Undertaking a housing analysis of the seven local government areas
- Desktop research, collating existing data from local government housing strategies
- Reference to data from the 2011 Census
- Identifying recent changes to the Affordable Rental Housing State Environmental Planning Policy
- Identifying planning mechanisms that can be used to support affordable housing opportunities and
- Providing a draft strategy and action plan that identifies specific strategies/actions for increasing the supply of affordable housing.

A report on the Draft Regional Housing Strategy was presented at the December 2012 meeting of the NOROC General Managers' Group. At the meeting it was resolved that the draft strategy be placed on the agenda for the NOROC Mayors' meeting scheduled for 1 February 2013, with a view to being endorsed and sent to NOROC member councils for consideration.

At the NOROC Mayors' meeting in February, it was resolved that the report be received and noted and that each council be requested to put the draft strategy on their meeting agenda for consideration.

Following consideration by each council, it is intended that the strategy will be reconsidered at a future NOROC meeting.

9.4 Regional Affordable Housing Strategy

Key Issues

- Affordable housing
- Social equity
- Resource sharing
- Regional co-operation

Information

Ballina Affordable Housing Strategy 2010

Ballina Shire Council's Affordable Housing Strategy was endorsed by the Council on 25 March 2010. Council's strategy explores the key factors influencing the affordability of housing, including the demand and supply factors outlined below:

Demand Side Factors:	Supply Side Factors:
<ul style="list-style-type: none">• population growth	<ul style="list-style-type: none">• the availability of appropriately zoned land
<ul style="list-style-type: none">• rising real incomes	<ul style="list-style-type: none">• the availability of infrastructure to service development
<ul style="list-style-type: none">• the availability of credit	<ul style="list-style-type: none">• ownership, finance and incentives associated with land development
<ul style="list-style-type: none">• the influence of taxation	<ul style="list-style-type: none">• house production costs
<ul style="list-style-type: none">• expectations of capital gains	

Council's strategy concludes that the demand side factors listed above are largely beyond the direct influence of local councils and are influenced more by Government policy at the State and Federal level. Supply side factors are, however, more amenable to local influence. As a consequence, Council's strategy focuses on influencing supply side factors where possible.

Council's strategy acknowledges that the nature of the challenge is one for which Council has limited ability to directly intervene and 'fix'. As a consequence, Council's strategy focuses on 'facilitation' of affordable housing outcomes, as reflected in the strategy's objectives:

- 1. To engage in affordable housing policy, consulting with appropriate stakeholders to identify and develop opportunities to increase the availability of affordable housing.*
- 2. To seek to improve Council's systems, procedures and frameworks to facilitate better affordable housing outcomes.*
- 3. To facilitate partnerships between Government, private sector and community sector partners to increase the affordability of housing opportunities.*

In recognition of the above objectives, Council seeks to address affordable housing supply side factors through the following:

9.4 Regional Affordable Housing Strategy

- Maintaining an adequate supply of residential zoned land, through implementation of the Ballina Shire Growth Management Strategy and Council's strategic land use planning program
- Providing a staged infrastructure delivery program to service projected demand with shared infrastructure
- Continually reviewing and improving Council's internal processes to reduce development costs, where possible, associated with information and time and
- Facilitating, where opportunities arise, affordable housing projects by bringing together State or Federal subsidies with Council's infrastructure delivery program and development activities. The most recent example of this is the Wollongbar Affordable Housing Rebate Scheme under the Federal Government's Building Better Regional Cities (BBRC) Program. This scheme involves the subsidisation of new allotments in the Wollongbar Urban Expansion Area for households that meet certain income criteria.

Draft Northern Rivers Regional Affordable Housing Strategy

The draft strategy has been prepared as a regional project with the assistance of a local consultancy firm. A copy of the draft strategy is provided as Attachment 1 to this report.

The actions of the strategy are typically broad, focussing on the following key areas:

- Encouraging regional cooperation
- Providing education to local councils and industry
- Investigating local affordable housing incentives
- Developing land use planning initiatives to facilitate affordable housing
- Setting local affordable housing benchmarks/targets
- Employing local housing officers and
- Establishing specialised development application assessment and referral processes for affordable housing proposals.

The full list of actions is ambitious and includes a number of lower-priority actions relating to undertaking research, protecting existing affordable housing, mapping of Council and Crown land that may be used for affordable housing projects, lobbying the State Government in relation to increasing the supply of social housing and the transfer of State housing to local community housing providers, and investigating the establishment of a regional housing fund and incentives scheme.

The delivery of the strategy hinges upon the appointment of a Regional Affordable Housing Co-ordinator to further progress the strategy's actions, including the refinement of many aspects of the strategy, in consultation with the constituent councils.

9.4 Regional Affordable Housing Strategy

Whilst the objectives of the strategy are laudable, Council staff are concerned regarding a number of aspects of the draft strategy, mostly notably those set out below:

- Lacks important detail in some areas while being overly-prescriptive or pre-emptive in others

For example Action 9 proposes the establishment of 'performance benchmarks', but which appear to reference various proscriptive 'development standards', without adequate explanation as to the mechanism by which such 'benchmarks' could reasonably be achieved.

Action 7 seeks to introduce an 'incentives package' including reduction or deferral of development contributions and rates, and the classification of secondary dwellings, 'accessible dwellings' and 'shop top housing' as exempt or complying development. These proposals appear pre-emptive, as the draft strategy does not appear to have demonstrated consideration of matters such as the potential impact of such policies on council finances and their impact on urban planning outcomes more broadly.

It is further noted that several of the actions appear to encourage the relaxation of development standards and reduction of development contributions (Actions 7 & 11) whereas other actions appear to encourage the reverse (Actions 9 & 12), without explanation of the logic underlying these actions or of the apparent contradiction.

- Does not clearly demonstrate a nexus between many of the policy actions and the underlying cause that those actions are seeking to respond to. In many cases the underlying cause being targeted is unstated;

An example of this is Action 14 'protecting existing affordable housing'. It is conceivable that, rather than improve housing affordability, such a policy could have an adverse impact if imprudently implemented, such that the development of affordable housing could be discouraged if there was a perception that future redevelopment may be hindered by such protections. Further, the strategy does not indicate by what mechanism such protection would be afforded (other than reference to a repealed SEPP in an accompanying background report);

- Often does not reflect the statutory context within which local councils operate.

A notable example of this is Action 11 which seeks to '*investigate the means to create flexibility in the regional planning system that facilitates local innovative solutions in affordable housing*'. As Councillors will be aware, the NSW Government is currently undertaking a comprehensive review of the planning system in NSW, including a comprehensive re-write of the planning legislation (to replace the *Environmental Planning & Assessment Act 1979*). It is also noted that the planning system currently provides little scope within which local councils are able to create 'local innovative solutions' to planning issues, due to the standardisation of local plans by the State Government. Under these circumstances, it appears (at least) pre-emptive to incorporate such actions in a regional strategy.

It is further noted, with respect to the particular action referred to above, that a great deal has been written about affordable housing over the last decade. Consequently, if the draft strategy was not able to provide workable examples of how the planning system could be improved to address affordable housing, it is difficult to see the benefit of identifying a further research based action in this regard.

Further, Action 11 point 1 includes the action of *'Active support by councils of development allowable under the Affordable Rental Housing SEPP'*. Whilst it is important for consent authorities to not be socially prejudiced when dealing with affordable housing proposals, it is noted that councils are bound by their statutory obligations to consider development proposals on their merits, regardless of how well intended the proponent or proposal is. As a consequence, the role of councils as a planning authority could be compromised should councils be seen to 'take sides' on development proposals before they have been the subject of the statutory development assessment process.

Further, a number of the actions recommended in the strategy lack practical mechanisms for their implementation and as a consequence do not provide clear pathways for delivery of the intended outcomes.

- Does not indicate how many of the actions are to be resourced.

For example, Action 11 suggests *'commencing a limited number of pilot projects for local innovative affordable housing, through an expression of interest process'*, without providing adequate explanation as to how such projects are to be assessed or funded. Further, Action 15 proposes the establishment of an affordable housing advisory service, without adequate explanation as to how such services would be provided (by whom) or how they would be funded.

- Some of the actions appear ill-conceived as policy prescriptions.

For example, Action 11 suggests *'small lot subdivision with some relaxation on existing development controls'*, *'temporary use of land for affordable housing'*, *'development of suitable rural land for rural rental housing similar to rural landsharing communities'*, and *'development on land that is adjacent to existing towns, particularly land that may traditionally have been subject to large lot subdivision'*.

It is noted that Council's development standards and planning policies have been established following thorough consideration of the advantages and disadvantages of those policies, including (where relevant) considering the implications for housing affordability. It would be simplistic to assume that a relaxation of development standards or the abandonment of good planning practice would inevitably result in improved housing outcomes, with respect to affordability and liveability. Further, to the extent that any of the above strategies can be pursued, it is argued this should occur as the result of a balanced and broad consideration of the implications of such policies, not as a result of an overriding concern with any single policy imperative.

9.4 Regional Affordable Housing Strategy

Many of the key demand and supply factors affecting housing affordability are outlined in Council's adopted Affordable Housing Strategy (2010) and are summarised in the introductory sections of this report. Whilst some of these factors can be influenced by the actions and policies of local councils, councils' scope for addressing affordable housing, directly or indirectly, is inherently limited. As a consequence, the development of effective affordable housing policy needs to acknowledge these limitations and reflect the different roles and responsibilities of local councils and the State Government with respect to this matter.

It is noted that Council seeks to improve affordable housing outcomes in Ballina Shire through the implementation of its Affordable Housing Strategy (2010) in the manner outlined in the introductory sections of this report. In light of this, and as a consequence of the above observations, it will be recommended that the draft Northern Rivers Regional Affordable Housing Strategy be noted. The use of the strategy as a basis for change to Council's current approach to affordable housing is not recommended.

Regional Affordable Housing Co-ordinator

It is noted that the strategy is ambitious with respect to the range and magnitude of the proposed actions. Delivery of the strategy would, therefore, require the substantial resources including staff resources and project funding. Consequently, it appears doubtful that much could be achieved without such resources being available.

The draft strategy recommends the appointment of a Regional Affordable Housing Co-ordinator to progress the actions outlined in the strategy. As outlined above, NOROC allocated \$100,000 to the project at its commencement. Approximately \$35,000 of this has been expended on the preparation of the strategy.

It was noted at the NOROC Mayors' meeting in February that NOROC does not have the capacity to fund the position of Regional Housing Officer entirely out of its budget, although it may be able to make a contribution, with the possibility of the remaining budget of \$65,000 being used to employ a part-time (21 hours per week) Regional Affordable Housing Coordinator to implement portions of the draft strategy which have no costs. It is understood that this would, however, require an additional contribution of approximately \$30,000 across the constituent councils to fully fund the part-time position for the first year. Under this scenario, an additional task for the Housing Coordinator would be preparing funding submissions to implement portions of the strategy that do have a cost and to fund the position beyond the first year.

Due to the lack of clear direction provided by the draft strategy, the uncertainty associated with receiving grant funding, the limitations on local government in relation to affordable housing and the many other competing demands on Council's budget, the allocation of further NOROC and Council funds towards this project is not recommended.

Memorandum of Understanding

A Memorandum of Understanding (MOU) has been proposed in association with the draft strategy. A copy of the MOU is provided as Attachment 2 of this report.

9.4 Regional Affordable Housing Strategy

The objectives of the MOU are as follows:

1. *Develop an agreed approach to encouraging affordable housing opportunities in the seven local government areas of the Northern Rivers.*
2. *Share information, knowledge and resources.*
3. *Facilitate, in a timely manner, the provision of good quality and appropriately designed affordable housing through a coordinated approach to affordable housing proposals.*
4. *Develop and embed affordable housing planning policies in planning for the region; and*
5. *To support the delivery of the Northern Rivers Regional Affordable Housing Strategy (The Strategy)*

It is noted that Council currently seeks to improve affordable housing outcomes in Ballina Shire through the implementation of its Affordable Housing Strategy (2010) in the manner outlined in the introductory sections of this report. Further, Council continues to co-operate on a regional basis, where it is able, with regard to regional issues as issues arise. In light of the above, it is recommended only that the Regional Affordable Housing Memorandum of Understanding be received and noted.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The provision of affordable housing is an important social issue impacting on the wellbeing of the community.
- **Economic**
A lack of affordable housing can have adverse economic impacts associated with decreasing discretionary spending within the local economy and increasing pressure on labour prices and therefore on general business costs.

Legal / Resource / Financial Implications

The continued support for the Regional Affordable Housing Strategy, through the recruitment of a part-time Regional Affordable Housing Co-ordinator, would likely require provision of additional 'top-up' funds from the Council. Such funding is not currently budgeted.

Consultation

The draft strategy was prepared through a consultative steering committee arrangement composed of local government representatives with the assistance of a local consultancy firm.

9.4 Regional Affordable Housing Strategy

Options

1. That the Draft Northern Rivers Regional Affordable Housing Strategy and Memorandum of Understanding be received and noted. For the reasons outlined in this report, this option is recommended.
2. That the Draft Northern Rivers Regional Affordable Housing Strategy and Memorandum of Understanding be endorsed as the basis for ongoing regional collaboration regarding affordable housing. Having regard for the issues raised in this report, this option is not recommended.

RECOMMENDATION

That this report on the Draft Northern Rivers Regional Affordable Housing Strategy and proposed Memorandum of Understanding prepared on NOROC's behalf be noted with the General Manager to further liaise with the NOROC councils on options to address the concerns expressed within this report.

Attachment(s)

1. Draft Northern Rivers Regional Affordable Housing Strategy
2. Regional Affordable Housing Memorandum of Understanding (MOU)

9.5 Aboriginal Community Advisory Committee

9.5 Aboriginal Community Advisory Committee

Delivery Program Community Planning

Objective To invite the Council's consideration of a proposal to establish a Ballina Shire Aboriginal Community Advisory Committee.

Background

For quite some time, Council staff members, with the support of the General Manager, have been liaising with members of the Shire's Aboriginal community with a view to improving Council's consultation and engagement with that community.

Initially, it was thought that a memorandum of understanding, a protocol or similar instrument might be prepared as a basis for an agreement about how Council and our shire Aboriginal residents might discuss matters of mutual interest.

Several workshops were convened with reasonable levels of participation, though clear outcomes were not achieved.

More recently, staff received an invitation to liaise with staff of Tweed Shire Council to discuss that council's community engagement methods, with particular focus on the operation of the Tweed Shire Aboriginal Advisory Committee. It is this model that is further discussed in the following report.

In essence, the Council is invited to indicate whether it wishes to establish an Aboriginal Advisory Committee, to engage with residents in a culturally appropriate way in terms of Council business. It is suggested that such engagement has the potential to improve Council's awareness and recognition of key matters of importance to our Aboriginal community.

Key Issues

- Improved community and stakeholder engagement
- Diversity of views to assist in the Council's decision making.

Information

In recent years Council has developed a growing awareness of the importance of the need to recognise and engage our local Aboriginal community in culturally appropriate ways when conducting Council business. This awareness has been influenced by a number of factors, including:

- Requests from members and representatives of the Ballina Shire Aboriginal community to address issues of recognition and engagement processes
- Growing awareness within Council and the broader community of the importance and sensitivities of Aboriginal cultural values, past occupation and use of the land, and of traditional practices

9.5 Aboriginal Community Advisory Committee

- An acknowledgement by governments and communities of the relative disadvantage of some Aboriginal communities and an increasing desire to “close the gap”.

In general terms, Council’s method of engagement with our Aboriginal community has tended to be on an issue-by-issue basis. Examples of this are in relation to development application assessment and public infrastructure projects. On occasions, there has also been criticism of Council’s procedures, including that insufficient time was given for consultation, or that the scope of the consultation was inadequate.

It is suggested that an alternative engagement model should be explored, with a preference identified for the establishment of a Ballina Shire Aboriginal Community Advisory Committee. This of course presumes that such an approach is endorsed by our Aboriginal residents.

The model suggested is based on feedback staff has received from liaising with representatives of Tweed Shire Council. To assist the Council’s deliberations, a draft Terms of Reference has been prepared as a basis for discussion. A copy of this document is attached to this business agenda.

Initially, an invitation would be extended to Aboriginal organisations operating in Ballina Shire to comment on Council’s initiative. If supportive, the organisations would be asked to indicate their preparedness to participate on the committee. The outcomes of this consultation would be reported to the Council to confirm its intention to proceed.

Subsequently, interested organisations would be asked to nominate their particular representatives, and Council would also seek to recruit (through a separate EOI process) two Aboriginal Elders and two young people who may not necessarily be affiliated with any family or organisation.

The draft Terms of Reference suggests that the Mayor and two Councillors would be members of the committee. Voting on issues (where necessary) would however, be limited to Aboriginal members. It is suggested that the committee would operate in a manner similar to Council’s Ward Committees in that it would make recommendations and furnish opinions and advice in relation to the Council’s affairs affecting, or of interest to, the Shire’s Aboriginal community.

Sustainability Considerations

- **Environment**

The proposed committee would potentially work with Council to continue to promote broader community awareness of Aboriginal cultural and heritage values as intrinsic environmental attributes of the Shire.

9.5 Aboriginal Community Advisory Committee

- **Social**

The purpose of establishing a committee is to improve Council's governance by better connecting with shire residents whose views and concerns are often not expressed through Council's established engagement processes and practices. The committee would complement the roles of the Youth Council and Council's Access Committee.

- **Economic**

Not Applicable

Legal / Resource / Financial Implications

The administration of the proposed committee would be absorbed into Council's existing operations without need for additional resources.

Consultation

If the Council endorses the desirability of establishing the committee it is intended to consult with Aboriginal organisations to assess their level of support in the first instance. On the basis of a favourable response, recruitment of community members would then occur.

Options

The Council may either support or not support the formation of the committee. If the Council is supportive, it is open to use the draft Terms of Reference presented with this report as a basis for the committee's operation, or amend that document as the Council sees fit.

The recommendations which follow are to commence the process of forming a committee, with the outcomes of the initial consultation reported back for the Council's further deliberations.

RECOMMENDATIONS

1. That Council supports the establishment of a Ballina Shire Aboriginal Community Advisory Committee;
2. That the draft Terms of Reference, as attached to this report, be used as a basis for the operation of the Committee;
3. That the General Manager consults with Aboriginal organisations operating within Ballina Shire to assess the level of support for this initiative.

Attachment(s)

1. General Draft Terms of Reference for the Ballina Shire Aboriginal Community Advisory Committee

10.1 Use of Council Seal

10. General Manager's Group Reports

10.1 Use of Council Seal

RECOMMENDATIONS

That Council affix the Common Seal to the following document.

US13/07	<p>Sublease Agreement: Department of Family and Community Services as head lessee to the Bunjum Aboriginal Cooperative Limited as sublessee for the operation of an Aboriginal Child and Family Centre. Sublease of Lot 1 DP 1181025 being a part area of Porter Park, Ballina.</p> <p>Explanation: Clause 25.2 of the Lease Agreement between Council and the Department of Family and Community Services permits the assignment, sublease or licence of the Agreement and that the lessor shall not unreasonably refuse, if, inter alia, 25.2 (b) , as in this case, the proposed sublessee is a public sector entity not forming part of the NSW Crown or a non-for-profit entity of sound financial status; and, 25.2 (c) the leased premises will continue to be used for the permitted use or, with the lessor's consent, a similar use.</p> <p>The Department of Family and Community Services (FaCS) engaged Bunjum Aboriginal Cooperative Limited to deliver family and children services to the Ballina community through the Aboriginal Child and Family Centre. As the incorporated legal entity responsible for Aboriginal Child and Family Centre, Bunjum Aboriginal Cooperative Limited, has responsibility for the overall operation of the Aboriginal Child and Family Centre. FaCS have confirmed that the Bunjum Aboriginal Cooperative Limited satisfy the required criteria pursuant to Clause 25.2 (b) of the lease, and have confirmed that use of the premises will continue as an Aboriginal Child and Family Centre in accordance with the permitted use requirements.</p>
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Attachment(s)

Nil

10.2 Investment Summary - February 2013

10.2 Investment Summary - February 2013

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 February 2013.

Council's investments are all in accordance with the Act, the Regulations and Council's Investments Policy. The balance of investments as at 28 February was \$85,571,000. This represents an increase from January of \$56,000.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 28 February 2013, was \$3,078,780.

Council's investments as at 28 February are at an average (weighted) rate of 4.40% which is 1.45% above the 90 Day Bank Bill Index of 2.95%.

The majority of the approximately \$85 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

Key Issues

- Investment return
- Compliance with Investment Policy

10.2 Investment Summary - February 2013

Information

As was widely expected the Reserve Bank left the cash rate unchanged at 3.0 per cent at its 5 March meeting. The accompanying statement by Governor Stevens was almost identical to the statement he made on 5 February, so there has been little change in those four weeks from the Governor's perspective.

National Australia Bank senior economist, David de Goris, said some elements of the RBA's statement suggested they were less convinced of the need to ease over the next few months.

"They are pointing to a modest increase in the next financial year in investment outside the mining sector. That's a key lynchpin of the story from here. We're not convinced of that at this stage and it will take time to play out. But it's going to depend on how quickly the mining investment story peaks and tails off. That would suggest to me that they are prepared to sit on their hands for a little while longer yet, depending on what news we get over the next month."

There have no cuts in the official interest rate however Council is receiving about 20 basis points less on its investments now than in early January. This suggests that the markets are not chasing deposits as keenly. Indeed some second tier banks and building societies have dropped their rates well below those of higher rated institutions.

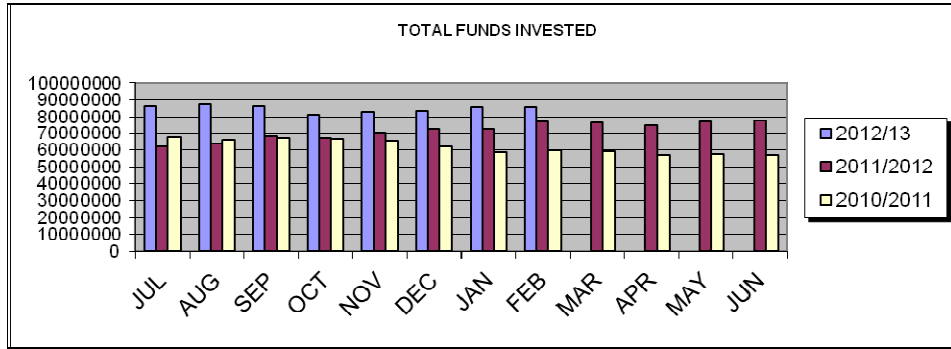
A. Summary of investments by institution

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	4.7	
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	2.1	
National Wealth M'ment Holding	A	2,000	2,000	0	2.3	13%
Rated Institutions						
ANZ Bank	AA-	19	64	20	0.1	
Bank of Queensland	BBB+	7,000	7,000	10	8.2	
Bank of Western Australia	AA-	6,000	1,000	20	1.2	
Commonwealth Bank of Aust	AA-	6,078	6,089	20	7.1	
Heritage Bank	BBB+	0	2,000	10	2.3	
Illawarra Mutual Bld Soc	BBB	8,000	8,000	10	9.3	
ING Bank Ltd	A	13,000	13,000	20	15.2	
Members Equity Bank	BBB	7,000	7,000	10	8.2	
National Australia Bank	AA-	12,000	12,000	20	14.0	
Newcastle Perm Bld Society	BBB+	0	2,000	10	2.3	
Suncorp Metway Bank	A+	14,630	14,630	20	17.1	
Westpac Banking Corporation	AA-	1,000	1,000	20	1.2	86%
Unrated ADI's						
Defence Bank Ltd		0	1,000	\$1m	1.2	
Total		85,515	85,571			100%

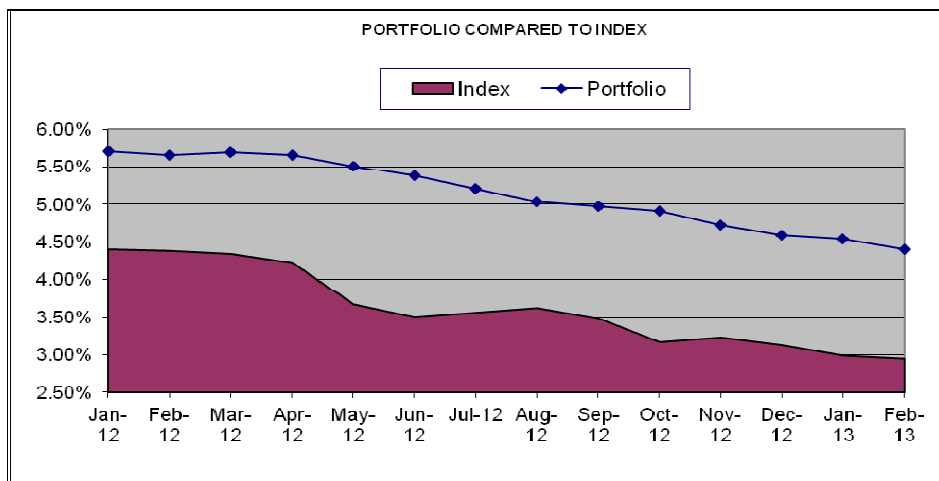
* Rating is on capital only by Citigroup Pty Ltd

10.2 Investment Summary - February 2013

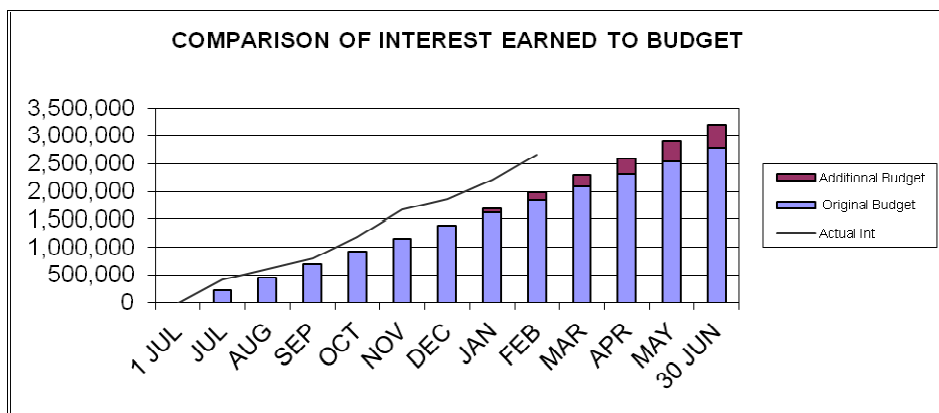
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



10.2 Investment Summary - February 2013

E. Investments held as at 28 February 2013

Purchase Date	Issuer	Type	Rate%	Call or Maturity Date	Purchase Value \$'000
23/04/04	Deutsche Bank	FRN	3.98	23/04/14	2,000
23/04/04	Deutsche Bank	FRN	3.98	23/04/14	2,000
20/09/04	National Australia Bank	FRN	4.17	Perpetual	1,788
12/04/06	Goldman Sachs	FRN	3.56	12/04/16	1,000
16/06/06	National Wealth M'ment Holdings	FRN	3.73	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	5.30	14/03/13	1,000
17/12/08	Commonwealth Bank of Australia	FRTD	4.30	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	2.95	At Call	2,100
20/07/11	ANZ Bank	FND	2.50	At call	64
24/01/12	ING Bank Ltd	FRTD	4.93	24/01/17	1,000
06/02/12	Westpac Bank	FRN	4.59	06/02/17	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
29/10/12	National Australia Bank	TD	4.50	29/04/12	3,000
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
06/11/12	ING Bank Ltd	TD	4.55	06/03/13	2,000
18/12/12	ING Bank Ltd	TD	4.75	18/06/13	3,000
24/12/12	Suncorp-Metway Bank	TD	4.60	23/04/13	3,000
24/12/12	Illawarra Mutual Bld Society	TD	4.50	25/03/13	4,000
02/01/13	Bank of Queensland	TD	4.70	02/05/13	1,000
21/01/13	Suncorp-Metway Bank	TD	4.40	22/07/13	4,000
25/01/13	Commonwealth Bank of Australia	TD	4.36	25/01/18	1,991
25/01/13	ING Bank Ltd	TD	4.44	24/07/13	2,000
29/01/13	Suncorp-Metway Bank	TD	4.40	29/07/13	2,000
29/01/13	Suncorp-Metway Bank	TD	4.40	29/04/13	1,630
30/01/13	ING Bank Ltd	TD	4.34	30/05/13	1,000
31/01/13	BankWest	TD	4.20	03/04/13	1,000
01/02/13	Illawarra Mutual Bld Society	TD	4.20	02/05/13	2,000
01/02/13	Illawarra Mutual Bld Society	TD	4.10	31/05/13	2,000
05/02/13	Members Equity Bank	TD	4.40	05/08/13	2,000
05/02/13	Heritage Bank	TD	4.55	07/05/13	2,000
06/02/13	Bank of Queensland	TD	4.30	06/05/13	2,000
07/02/13	Suncorp-Metway Bank	TD	4.35	10/05/13	2,000
11/02/13	ING Bank Ltd	TD	4.39	12/08/13	2,000
13/02/13	Newcastle Permanent Bld Society	TD	4.20	14/05/13	2,000
18/02/13	Members Equity Bank	TD	4.40	19/08/13	2,000
18/02/13	Defence Bank	TD	4.35	20/05/13	1,000
19/02/13	Members Equity Bank	TD	4.40	20/05/13	2,000
20/02/13	ING Bank Ltd	TD	4.29	20/06/13	1,000
25/02/13	Bank of Queensland	TD	4.40	25/07/13	3,000
27/02/13	Suncorp-Metway Bank	TD	4.20	28/05/13	2,000
28/02/13	Bank of Queensland	TD	4.40	28/08/13	1,000
Totals:					85,571
TD=Term Deposit		FRN=Floating Rate Note		FND=Managed	
ELN= Equity Linked Note		FRTD= Floating Rate Term Deposit		Fund	

RECOMMENDATIONS

That Council notes the record of banking and investments for February 2013.

Attachment(s)

Nil

10.3 Ward Committees - Membership

10.3 Ward Committees - Membership

Delivery Program Administration

Objective To obtain approval to amend the membership of the "A" Ward Committee

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. Further nominations received were reported to Council's December 2012 and February 2013 Ordinary meetings.

A further nomination has now been received for the "A" Ward Committee from the Ballina & District Citizens and Ratepayers Association Inc.

Key Issues

- Suitability for membership

Information

A nomination has been received from the Ballina & District Citizens and Ratepayers Association Inc to become a member of the "A" Ward Committee. The organisation is a not for profit group with approximately 30 members.

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 nomination. The recommendation is to approve the nomination.

RECOMMENDATION

That Council approves an additional membership to the "A" Ward Committee from the Ballina & District Citizens and Ratepayers Association Inc.

Attachment(s)

Nil

10.4 Councillor Expenses

10.4 Councillor Expenses

Delivery Program Governance

Objective To seek Council support for the payment of expenses for Councillors.

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). Also the reimbursement of expenses is clarified in that policy.

The report that now follows deals with Councillor travel and reimbursement for Councillor related expenses.

Key Issues

- Benefit of the function and cost
- Compliance with Expenses Policy

Information

Cr Cadwallader – Travel

Cr Cadwallader is currently Country Vice President and Executive member of the NSW Branch of the Australian Local Government Womens Association (ALGWA).

At Council's September 2012 Ordinary meeting it was resolved that Cr Cadwallader be authorised to run for the Executive of the ALGWA and that she be given approval to attend the ALGWA Executive meetings until re-election in March 2013.

The term of Country Vice President is a two year term. Cr Cadwallader has served one year in that role and again nominated for this position at the ALGWA Annual Conference held on 16 March in Gosford and was successful in being elected.

Approval is now sought for approval for Cr Cadwallader to attend ALGWA Executive meetings until March 2014.

The Executive meets, on average, four times per annum and it is expected that at least three of these meetings will be outside of this region, albeit that Cr Cadwallader may not attend every meeting.

Prior to Cr Cadwallader's attendance at the ALGWA Annual Conference in March, all Councillors were emailed seeking their views on payment of travel expenses for Cr Cadwallader's second year of her term as Country Vice President, with only one Councillor expressing concern with the payment of these travel expenses.

10.4 Councillor Expenses

Cr Hordern – Expense Reimbursement

Cr Robyn Hordern is seeking Council approval to reimburse telephone line rental expenses incurred from April to October 2012 of \$489.65.

Clause 2.1.1 of Council's Expenses & Facilities Policy states in part "To ensure claims are submitted promptly and accurately any claim submitted in excess of three months of the time of expenditure will not be approved". Unfortunately due to some home office omissions Cr Hordern was unaware that these accounts had not been claimed. Approval is now being sought for the reimbursement.

Sustainability Considerations

- **Environment**
Environmental, social and economic matters may be discussed at ALGWA meetings.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

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

Consultation

Council's expenses policy states that these matters must be reported to Council for approval.

Options

1. Approve or not approve the travel for Cr Cadwallader. The recommendation is for approval.
2. Approve or not approve the reimbursement of telephone line rental for Cr Hordern. The recommendation is for approval.

RECOMMENDATIONS

1. That Council authorise the attendance of Cr Cadwallader at ALGWA Executive meetings until the end of her current term as Country Vice President, being March 2014.
2. That Council authorise the reimbursement of telephone line rental expenses from April to October 2012 of \$489.65 for Cr Hordern.

Attachment(s)

Nil

10.5 Policy (Final) - Councillor Expenses & Facilities

10.5 Policy (Final) - Councillor Expenses & Facilities

Delivery Program Governance

Objective To adopt the recently exhibited Councillor Expenses & Facilities Policy

Background

Council at the 24 January 2013 Council meeting resolved to place on public exhibition the Councillor Expenses & Facilities Policy with changes to Clauses 2.1.2 and 3.2.1 with the changes aiming to clarify and update the technology provided to Councillors.

The draft policy was placed on public exhibition with the closing date of 7 March 2013. No submissions were received.

The purpose of this report is to now adopt the changes as exhibited.

Key Issues

- Changes to policy

Information

The updated clauses, as exhibited, were as follows:

Clause 2.1.2 Establishment of Monetary Limits and Standards

Telephone and Tablets

Councillors will be reimbursed for Council related telecommunication charges (ie: landline, mobile phone, internet etc) up to a maximum figure of \$80 per calendar month (with line rental and connection charges to be provided as additional reimbursements), upon receipt of a copy of the tax invoice(s) and a declaration by that Councillor that the amount claimed relates to Council related activities.

*If the cost of calls made from a Council provided phone are less than \$5.00 for any one month, that cost will **not** be deducted from the Councillor's allowance as the administrative cost of deducting that charge more than offsets the return to Council.*

Where Council provides a telephone service to Councillors, that number will be available for publication in Council documents and media.

Any excess data charges incurred on smart phones or tablets shall be deducted from a Councillor's allowance.

10.5 Policy (Final) - Councillor Expenses & Facilities

3.2.1 Telecommunications and Auxiliary Equipment

Each Councillor shall be entitled to:

- *Provision of a smart phone (1GB limit per month) including a suitable hands free device for the Councillor's private vehicle (one only)*
- *Provision of tablet technology (i.e. IPAD or similar with a 3GB limit per month)*
- *Installation of one home telephone line*
- *Provision of a laser multi-function centre device that allows scanning, copying and printing (excluding facsimile) along with consumables such as cartridges and paper for printing.*

The above equipment will be provided to a standard as determined by the General Manager in accordance with Council approved budgets and the communication needs of Council. Internet services, in accordance with the Council's corporate internet service provider plan, will be available to Councillors through the provision of the Council supplied smart phone and / or tablet computer.

The draft policy document was exhibited for a period of 28 days to allow for public comment. The exhibition was notified via Council's website and by way of advertisement in the local newspaper. Copies of the document were made available at Council's Community Access Points. The policy was also exhibited through Council's new electronic newsletter Community Connect eNews, with a link to an online feedback form.

No submissions were received.

A copy of the amended policy is included as an attachment to this report.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The Expenses Policy aims to ensure there is adequate support for Councillors.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Nil.

Consultation

The draft policy was placed on public exhibition with the closing date of 7 March 2013.

10.5 Policy (Final) - Councillor Expenses & Facilities

Options

Council can adopt the policy as exhibited, seek further amendments or not proceed. The recommendation is to adopt the policy as exhibited.

RECOMMENDATION

That Council adopt the Councillor Expenses & Facilities policy, as exhibited, and as attached to this report.

Attachment(s)

1. Draft Councillor Expenses & Facilities policy

10.6 Community Donations

10.6 Community Donations

Delivery Program Governance

Objective To invite Council to consider two requests for financial assistance.

Background

Council approved a number of general and capital assistance donations at the July 2012 meeting for the 2012/13 financial year. Since that time additional requests have been received. Generally Council staff advise the applicants to reapply next financial year. However two groups have been supported by Council in the past and it was considered that Council may wish to review the requests.

Key Issues

- Nature of request
- Community benefit
- Funding available

Information

Details of the requests are as follows:

Marine Rescue NSW Ballina Unit

Marine Rescue NSW Ballina Unit intend to hold a fundraising art and fine craft exhibition in June 2013. They would like to hold it at the Richmond Room and have asked that the hire fees be waived to improve their anticipated profits. The cost would be \$480 (incl GST) for a three day hire.

The Richmond room does have a fee structure that is set to assist not for profit groups which is \$160/day. The commercial user rate is \$500/day so over the three days there is a saving of \$1,020 in comparison to commercial users. Community centre staff enforce the not for profit hire fee as it must be remembered that Council will still incur costs including cleaning and utilities usage.

Jali Local Aboriginal Land Council

The request is on behalf of the newly formed Cabbage Tree Island Descendants Rugby League Club seeking to provide a platform for older and younger generations towards forming a competitive rugby league team to enter the NSW and QLD Aboriginal Rugby League Knockouts.

Jali LALC is hoping to hold a fundraising Mother's Day Luncheon at the Richmond Room in May 2013 and have asked that the room hire cost could be waived.

10.6 Community Donations

Jali has indicated they would only need the room for a half day (6 hours) and the fee for not for profit groups is set at \$120/half day. The commercial user rate is \$275/half day so there is a saving of \$155 in comparison to commercial users.

- **Environment**
Not Applicable
- **Social**
Donations can provide significant community benefits
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The current status of the donation budgets for 2012/13 is as follows:

Items	Budget	Allocated	Balance
Donations (General)	79,500	79,500	0
Donations (Halls)	28,500	28,500	0
Donations (DA Fees)	3,000	3,000	0
Net Amount Available			<u>0</u>

The last of the funds remaining in the overall donations budget was allocated at the December 2012 Council Meeting.

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 these requests.

Going forward it is proposed to advise applicants that the 2012/13 financial year donations are fully expended and invite an application to be considered for the 2013/14 financial year.

Options

The options are to approve or decline the requests.

As there are no funds left in the 2012/13 donations budget and because the fees are already structured to assist not for profit groups it is recommended that the requests be denied.

It is also suggested that the two groups consider paying the charges in 2012/13 and then ask for a reimbursement as part of the 2013/14 donations program. This will be exhibited in May / June for public submissions.

Alternatively if Council wishes to approve the donations the budget will need to be increased and this will impact on the overall operating result for 2012/13.

RECOMMENDATIONS

1. That Council declines the donation request from Marine Rescue NSW Ballina Unit, as the 2012/13 donations budgets have been fully expended and the proposed hire rate is already offered at a significant subsidy.
2. That Council declines the donation request from Jali Local Aboriginal Land Council, as the 2012/13 donations budgets have been fully expended and the proposed hire rate is already offered at a significant subsidy.
3. In declining the requests Council also advise the applicants that funding under Council's 2013/14 donations program will be advertised during May / June this year and the applicants may wish to make a submission for a reimbursement of these costs as part of that program.

Attachment(s)

1. 2012/2013 Community Donations Application Form - Marine Rescue NSW Ballina Unit
2. Email from Jali Local Aboriginal Land Council

10.7 Policy (Draft) - Community Event Signage

10.7 Policy (Draft) - Community Event Signage

Delivery Program Community Planning

Objective To consider the use of public land for promotional and directional signage for community events.

Background

An internal staff team was tasked to review Council's current position on community event signage and to identify a series of locations where signage could be permitted. This was in response to concerns from community groups that Council's signage policies were too restrictive in respect to community based events.

As part of this review possible locations for signage have been identified and reviewed by Council's Regulatory Services Group. The locations and the infrastructure required are defined as exempt development.

To manage this issue a Community Event Signage Policy has been prepared to ensure there is equitable access for community event organisers.

The report that follows outlines this draft policy and the locations recommended for the signage infrastructure.

Key Issues

- Council's regulatory framework and current legislation
- Fair and equitable access to signage infrastructure

Information

Council supports and encourages events that deliver significant social, cultural and economic benefits. Since the inception of the Festival and Event Support Program, community event organisers have expressed a need to promote their events by way of signposting.

In the current Ballina Shire Combined Development Control Plan, community event signage is permitted only within the grounds of the event site. This is restrictive and limits exposure.

In order to address this issue, a number of preferred sites have been identified to promote community events via signposting.

The preferred sites, following significant internal discussions, are as follows:

- 1) Cnr Bangalow Road & Angels Beach Drive, Ballina – opposite Kentwell Community Centre
- 2) Missingham Park, Ballina – off Kingsford Smith Drive near entrance to park

10.7 Policy (Draft) - Community Event Signage

- 3) Cnr River Street & Burns Point Ferry Road – south-eastern corner adjacent to roundabout
- 4) Tamarind Drive, Ballina – at Bicentennial Park (specific location to be determined following master plan completion)
- 5) The Coast Road, Lennox Head – on embankment at western end of surfers' car park
- 6) Cnr Byron Street & Byron Bay Road (Coast Road), Lennox Head – in vicinity of existing welcome sign
- 7) Ballina Road, Alstonville – on fence at Geoff Watt Oval
- 8) Cnr Lismore Road & Smiths Lane, Wollongbar – adjacent to reserve, eastern side
- 9) Wardell – final site TBA following consultation (either Fitzroy Park or Memorial Hall)
- 10) Old Pacific Highway, Newrybar – at frontage of Newrybar Hall

Basic infrastructure will need to be built to accommodate these signs at the specified locations, which will allow community groups to install and take down their own signage with limited public risk, thereby mitigating labour costs to Council.

All of the sites identified are high profile and will benefit the community groups and the structures and signs can be installed at minimal inconvenience. There is no dedicated budget to construct the structures needed for the signs and it is envisaged that Council's Open Spaces and Tourism sections would work together to gradually provide these structures, over time, from existing budget allocations.

The infrastructure needed is relatively simple, being framework only, and the Council workshop staff would build and design the structures. The exact cost per structure is unknown but a preliminary estimate is \$1,500.

The draft policy document, as attached, confirms that the display of any sign at a location will be subject to approval from Council. The signs must promote an upcoming community event that is being held within the shire and must encourage a high level of community participation and / or benefits to the community.

Community event signage should also be visually attractive and provided in a uniform manner so that they are easily identified, located and understood by motorists and foot pedestrians.

It is neither desirable nor practical to install information signs for every event or activity that may occur in our Shire. As such, the proposed Community Event Signage Policy seeks to set guidelines for eligible applicants, booking preferences, application process, conditions of use, signage design, fees and charges and non-compliance.

10.7 Policy (Draft) - Community Event Signage

The second attachment to this report is a draft set of guidelines that staff will use to manage the policy.

In respect to fees it is recommended that Council not introduce a charge for this service for not for profit community groups. If the structures allow installation by the community groups and the signage has been approved by Council for a community event it is reasonable to provide this service free of charge.

The policy does allow signage to be installed by commercial organisations promoting community based events. An example of this could be Newcastle Permanent and their annual "Cinema under the Stars". Even though this is a community based event there is a commercial element to it in that it is promoting the sponsor. Therefore a fee is reasonable in respect to these instances.

The actual magnitude of the fee is not easy to determine and it needs to be at a reasonable level to cover administrative costs for managing the fee. Rather than having a daily fee the proposal would be to have a weekly fee per location. As to the magnitude of that fee a recommended figure is \$55 (GST inclusive) per location per week. There is no real market to compare this fee however it is considered to be a more than reasonable charge to provide access to some very high profile locations in the shire for a commercial organisation.

There are also options to have seasonal variations in the fee with higher fees being charged during the holiday seasons. At this point in the time the preference is to monitor its implementation and then conduct a review after it has been operating to determine whether there are options to improve the fee structure.

Sustainability Considerations

- **Environment**
Appropriate management of signage reduces potential impacts to the environment.
- **Social**
Events promote social activities and inclusion. This report seeks to support community groups conducting events in the shire.
- **Economic**
Events have the potential to generate economic benefits for the shire. This policy is seeking to support the promotion of events.

Legal / Resource / Financial Implications

This draft policy aims to ensure events coordinated are compliant with Council's regulatory framework and legislative requirements.

There are some financial implications associated with the adoption of this policy such as the cost of infrastructure to house the signs.

It is anticipated the cost will be met by existing budgets.

10.7 Policy (Draft) - Community Event Signage

Consultation

Council departments have been consulted in the formulation of this policy including Regulatory Services, Strategic and Community Services, Civil Services and senior management.

Community event organisers will have the opportunity to review the policy as part of the standard exhibition period.

Options

The options are to approve or not approve the exhibition of the draft policy.

Overall it is considered that this policy will provide significant benefits to community groups and will minimise staff time in having to deal with complaints in respect to illegally installed signage for events. Therefore the recommendation is to approve the policy for public comment. If no submissions are received it is also recommended that Council endorse the policy as adopted.

Council also has the option of approving or amending the proposed fee structure for access to this service.

RECOMMENDATIONS

1. That Council endorse the draft Community Event Signage Policy and Guidelines, as attached to this report and approves the exhibition of the policy for public comment. If no submissions are received, the policy will be considered to be adopted.
2. That in conjunction with the exhibition of this draft policy Council approves the exhibition of the following fees for access to the signage infrastructure locations outlined in the policy:

Not for profit community organisations – No charge
Commercial organisations - \$55 per location per week

Attachment(s)

1. Draft - Community Event Signage Policy
2. Draft - Community Event Signage Guidelines

10.8 Festival and Event Support Program - 2013/14

10.8 Festival and Event Support Program - 2013/14

Delivery Program Community Planning

Objective To confirm the allocation of funding for the Festivals and Events Support Program for 2013/14

Background

The Festival and Event Support Program is now in its fourth year. The program provides a \$50,000 allocation of funding to community groups coordinating events in the Ballina Shire. Applications under the 2013/14 program provide funding to events held between July 2013 and June 2014. Applications for funding opened Monday 10 December 2012 and closed Friday 15 February 2013.

The purpose of this report is to consider the applications for the Festival and Event Support Program for 2013/14, re-visit the application process timeline, and amend some outdated items in the Festival and Events – Council Support Policy.

Key Issues

- To allocate funds in a fair and equitable manner
- Application timeline
- Update the Festival and Events – Council Support Policy

Information

Council called for applications for the Festival and Event Support Program by way of advertisement in the local newspaper, home page of Council's website, Council's electronic newsletter Community Connect, Tourism section's e-newsletter, Paradise FM community announcements and media releases. A letter/e-blast was sent to previous applicants inviting them to submit an application.

Applications for funding opened Monday 10 December 2012 and closed Friday 15 February 2013. Applications were made available online and applicants were encouraged to read the revised Festival and Events Support Policy in conjunction with the application. A total of eight applications were received; the following table provides a summary of those applications.

10.8 Festival and Event Support Program - 2013/14

Organisation	Name of Festival/Event	Requested Contribution (\$)
Ballina Bowling & Recreation Club Ltd	2013 Summerland Series	15,000
Westpac Life Saver Rescue Helicopter	2014 Ballina to Byron Bay Charity Walk	7,500
Volunteer Marine Rescue NSW Ballina Unit	2013 Ballina Boat & Leisure Show	10,000
Rotary Club of Ballina on Richmond Inc	2013 Ballina Fine Food & Wine Festival	10,000
The Lennox Arts Board Inc	2013 Dslr Independent Film Festival	19,200
Cancer Council NSW	2013 Ballina Shire Relay for Life	5,000
LE-BA Boardriders Inc	2013 Skullcandy Oz Grom Open	20,000
Summerland House Farm	2013 Country Fair	12,000
TOTAL REQUESTED		98,700

Council convened an internal staff team to review and assess the applications based on eligibility and responses to each criterion. Their recommendations and comments are outlined in the options section of this report.

In respect to the assessment process, the three clauses from the *Festival and Event Support Program Policy* that are of most relevance include:

Clause 8 – To be eligible for support the total cost of the festival / event must be estimated at over \$20,000 with a minimum of \$15,000 allocated towards cash expenses, excluding the Council contribution.

Clause 9 – Council's contribution offers funding of up to 50% of the total cash expenses from the festival/event organiser. Council may exceed the 50% threshold in extenuating circumstances i.e. kerbing of anti-social behaviour.

Clause 10 – Funding from this program will not be provided for the following items:

- capital expenditure
- contributions to charities
- on-going operational/administrative costs not directly related to the festival/event
- retrospective projects

Application Timeline

Applications typically open in December and close in February, with recommendations for funding reported to the March Ordinary meeting. This March timeline allows Council staff to report the findings in line with the Finance Committee budget reports. This timeline generally suits festival organisers as it:

- Allows event organisers approximately five – eight months lead time before their event.
- Allows event organisers to complete their acquittal documentation from the current year
- Allows organisers to review their recent event and to adequately plan for the following year's program.
- Gives Council a good indication of how the funds were exhausted (via the acquittal process) before allocating future funds.

10.8 Festival and Event Support Program - 2013/14

Outside of the program, Council has approved significant funding for the Ballina Coastal Country Music Festival, typically in October/November each year. This money is only available from July the following financial year, regardless of when the resolution is made.

Festival & Event Support Policy

The policy states that, 'Following adoption of the Operational Plan Council will appoint a minimum three Councillors to a committee, with each ward represented'. It is proposed to delete this line in the Policy, as it is not an accurate reflection of how the process is determined. Historically, a Councillor workshop is held, providing an opportunity for all elected members to review the applications for funding. The discussions from the workshop are then reported to a Council Ordinary meeting as per this report.

Inclusion of time limit in Festival & Event Support Policy

At the recent Councillor workshop, some Councillors questioned if there was a time limit for organisations to apply for recurrent funds. Under the existing policy, there is no time restriction or limit. However the intent behind the policy was to seed fund events that were of benefit to the community.

Council staff have considered capping events that have applied to the program for more than five consecutive years. However given the quality of applications received this year, it would be difficult to recommend funding if that were the case, as many of the applicants would be deemed ineligible.

By way of comparison, Destination NSW (NSW Tourism and Events organisation) has a Regional Flagship Events Program. This program funds events that deliver significant tourism benefits to the local community. It supports events by way of one-off payments of up to \$10,000 or triennial funding of \$20,000 per annum. The maximum application period of funds is three years in this instance.

Many of the events applying for funding from Council may never be self-funding and there is the risk that if funding is not on-going then the events may cease. An alternative strategy could be to not increase the funding provided to an event each year to at least ensure that in real terms the event is becoming steadily more self-reliant.

There is no recommendation in respect to this issue, albeit that it is an option Council may wish to consider.

Sustainability Considerations

- **Environment**
Environmental, social and economic factors all form part of the assessment criteria for allocating the funding available.
- **Social**
As above.
- **Economic**
As above.

10.8 Festival and Event Support Program - 2013/14

Legal / Resource / Financial Implications

Council resolved at the Ordinary Meeting on 22 November 2012 to approve \$25,000 for the Ballina Coastal Country Music Festival in 2013.

Consequently, there is \$25,000 remaining to be allocated, subject to the final budget allocation for 2013/14.

Consultation

Consultation was undertaken to encourage submissions for the 2013/14 year as outlined in the information section of this report. The funding has been subject to a thorough public exhibition process.

Options

The recommended allocation from the evaluation panel for the remaining \$25,000 is as per the following table.

Organisation	Name of Festival/Event	Council Contributions (\$)
Ballina Bowling & Recreation Club Ltd	Summerland Series	0
Westpac Life Saver Rescue Helicopter	Ballina to Byron Bay Charity Walk (2014)	0
Volunteer Marine Rescue NSW Ballina Unit	Ballina Boat & Leisure Show	0
Rotary Club of Ballina on Richmond Inc	Ballina Fine Food & Wine Festival	5,000
The Lennox Arts Board Inc	Dslr Independent Film Festival	0
Cancer Council NSW	Ballina Shire Relay for Life	0
LE-BA Boardriders Inc	Skullcandy Oz Grom Open	10,000
Summerland House Farm	Country Fair	10,000
TOTAL FUNDING		25,000

There was consensus on the preferred outcome from the panel with the major points of discussion being as follows:

Eligible – Recommended Events

Rotary Club of Ballina on Richmond – Ballina Fine Food & Wine Festival

There was agreement that this event was performing well and attracting large crowds. However concerns were raised over the additional Council support that was provided in 2012 including; waiving of marquee hire fees (\$550) and additional cash sponsorship obtained from Ballina Byron Gateway Airport. Concerns were also raised over the necessity of the funds, with an estimated \$97,500 income and close to \$29,000 profit, including Council support. It is recommended to continue with the same level of funding as last year as this is an important event for the Ballina Shire.

Summerland House Farm – Country Fair

There is strong support for this growing event, with consensus that it was consistent with the Council objectives of creating a signature event. It is anticipated that 6,000 people will attend this one day event, with 5,000 people in attendance last year. This event combines entertainment, activity and educational value and is low cost for families. It has enormous support from the local community and is important in showcasing the best of the region's rural communities whilst encouraging investment in the local economy.

10.8 Festival and Event Support Program - 2013/14

As the event grows it is likely to incur Development Application Fees for additional shade and amusement ride inspection fees, which is the basis of increased Council support this year. This was a stand out submission, with clear and detailed plans of management. The consensus is this event is becoming the signature event for the Shire.

LE-BA Boardriders Inc – Skullcandy Oz Grom Open

There was agreement that this event was successful in its inaugural year and well supported by the community. The 2013 event will incorporate additional program elements which are supported but will need to be adequately managed by the committee. Given the event attracts approximately 1,000 people; the review committee does not support their request of \$20,000 funding.

It is noted that approximately a third of the expenses (\$11,630) is allocated towards salaries. It is recommended to continue with the same level of funding as last year, being \$10,000.

Ineligible / Not recommended

Cancer Council NSW – 2013 Ballina Shire Relay for Life

General consensus that as this event is largely a charity fundraiser it is not consistent with the policy objectives and funding is not supported. Council has its general community donation's budget available if it wishes to provide funding to charities.

Westpac Life Saver Rescue Helicopter – 2014 Ballina to Byron Bay Charity Walk

As per the Cancer Council.

Ballina Bowling & Recreation Club Ltd – Summerland Series

General consensus that a direct request for \$15,000 for 'prize money' is not consistent with the policy objectives.

Volunteer Marine Rescue NSW Ballina Unit - Ballina Boat & Leisure Show

Whilst there is strong support for this event and Council have provided funding for three years under the program, it was agreed that the event does not have the capacity to become a signature event for the Shire.

The overall objective of the policy is to provide funding to support events in their initial years, with the plan that they become self funded. Note, in 2011, \$16,725 was allocated by Council and only \$6,781.51 was utilised, and \$10,000 was returned. In 2012, \$7,000 was allocated by Council and only \$5,111.00 was utilised, with \$2,000 returned. It is recommended that an application for support is made under the annual Community Donations Program.

10.8 Festival and Event Support Program - 2013/14

The Lennox Arts Board Inc - Dslr Independent Film Festival

General consensus was to support the event concept however concerns were raised over the applicant's request for \$19,200 funding, for an anticipated attendance of 200 – 300 people.

It is also outlined in their application that the event will attract an online audience of 1,000 people, which fails to bring people into the Shire.

Film making is very much a specialised field therefore concerns were raised of the event's ability to become a signature event for the Shire.

It is recommended that an application is made under the annual Community Donations Program and should the event be successful in its first year that an application is made under the 2014/15 for the Festival and Event Support Program.

Wardell Sporting and Recreation Club – New Years Eve

This application was received on Monday 19 February, after the closing date of Friday 15 February. There was no specific request amount detailed, however upon further investigation, they have advised that the event costs \$10,000 to run.

The Club advised attendance figures from the most recent New Years Eve is 200 people.

It is recommended that an application for support is made under the annual Community Donations Program as this does not appear to meet the guidelines for funding under the Event Support Program.

Application Timeframe

It is recommended that the current application timeline is maintained:

Applications open:	December
Application close:	February
Determination:	March Council Ordinary Meeting

Whilst it has been discussed, bringing the application process forward any earlier would not allow event organisers adequate time to review their events and properly plan for the following year. An earlier process may also mean some of the funded events may yet to have taken place in which an application for future year funding would not be a priority. It is noted that community groups do not have access to the funds until the following financial year.

It is recommended to keep the same application timeline and that the organisers of the Ballina Coastal Country Music Festival are made to comply.

By allocating funding to this event prior to the other events being considered in some ways undermines the confidence of other event organisers in applying for funding.

10.8 Festival and Event Support Program - 2013/14

Festival & Event Support Policy

It is recommended that Council delete this sentence in the Festival & Events Support Program policy:

'Following adoption of the Operational Plan Council will appoint a minimum three Councillors to a committee, with each ward represented'.

To replace with (or something similar):

"A Councillor workshop will be held to provide an opportunity for all Councillors to review the applications for funding. The discussions from this workshop will then be reported to a Council Ordinary meeting as part of the evaluation process for the applications."

RECOMMENDATIONS

1. That Council support the funding allocation for the 2013/14 Festival and Event Support Program, based on \$25,000 being available as follows:

Ref	Organisation	Name of Festival/Event	Council Contributions (\$)
1	Ballina Bowling & Recreation Club Ltd	Summerland Series	0
2	Westpac Life Saver Rescue Helicopter	Ballina to Byron Bay Charity Walk (2014)	0
3	Volunteer Marine Rescue NSW Ballina Unit	Ballina Boat & Leisure Show	0
4	Rotary Club of Ballina on Richmond Inc	Ballina Fine Food & Wine Festival	5,000
5	The Lennox Arts Board Inc	Dslr Independent Film Festival	0
6	Cancer Council NSW	Ballina Shire Relay for Life	0
7	LE-BA Boardriders Inc	Skullcandy Oz Grom Open	10,000
8	Summerland House Farm	Country Fair	10,000
TOTAL FUNDING			25,000

2. That the Wardell Sports and Recreation Club and the other unsuccessful applicants be thanked for their applications and encouraged to apply for funding through Council's Community Donations Program for 2013/14.

3. That Council retain the current application timeline:

Applications open: December
Application close: February
Determination: March Ordinary Council Meeting

4. That the Ballina Coastal Country Music Festival be advised that funding for 2014/15 will only be available through the adopted application process and timeline.

10.8 Festival and Event Support Program - 2013/14

5. That Council delete the existing sentence in the Festival & Event Support Policy 'Following adoption of the Operational Plan Council will appoint a minimum three Councillors to a committee, with each ward represented' replace it with: ""A Councillor workshop will be held to provide an opportunity for all Councillors to review the applications for funding. The discussions from this workshop will then be reported to a Council Ordinary meeting as part of the evaluation process for the applications." (or words to this effect).

Attachment(s)

Nil

10.9 Las Balsa Landing - Celebrating the 40 Year Anniversary

10.9 Las Balsa Landing - Celebrating the 40 Year Anniversary

Delivery Program Community Planning

Objective To review Community Expressions of Interest for the 40 Year Anniversary of the La Balsa Landing

Background

Council resolved in December 2012 to receive a report outlining options to commemorate the 40th Anniversary of the Las Balsa's arrival in Ballina from Ecuador in November 2013.

As part of this resolution, a Councillor workshop was held on Wednesday 30 January 2013, to determine how the Council/community could best celebrate and promote this event. The Councillors present at this workshop discussed the options available and there was general agreement that the staging of a civic function recognising the landing would be the preferred approach. The costs of such a reception would including advertising and any necessary equipment hire such as marquees, stages etc.

As an outcome from this workshop it was also agreed to send a letter out to the community seeking expressions of interest to determine whether there is interest in assisting Council with this anniversary.

The purpose of this report is to review the community submissions and determine how the 40th anniversary of the Las Balsa landing will be celebrated by Council.

Key Issues

- Community involvement
- Budgetary considerations

Information

In November 1973, two La Balsa rafts arrived in Ballina after a six month voyage from Ecuador. Initially three rafts had left Ecuador heading for Mooloolaba in Queensland, with two of the rafts reaching Ballina and a third being lost at sea. A composite of the two rafts that reached Ballina, being the Atzlan and the Mooloolaba, is now housed at the Ballina Naval and Maritime Museum. This composite raft forms an important part of the museum's collection and the history of Ballina Shire.

Due to this history, Council is now examining options to recognise the anniversary of this expedition, with the current preference being for a civic function to celebrate this achievement. Council are hopeful of having members of the original crew in Ballina for this event, along with representatives from Ecuador in attendance. At this stage a preferred date would be sometime in November, however a final date is still to be confirmed. The following table provides a summary of the responses to Council's correspondence.

10.9 Las Balsa Landing - Celebrating the 40 Year Anniversary

Organisation	Proposal	Staff Comment
Ballina CSG Roads Free Community Action Group	<ul style="list-style-type: none"> - CSG Education stall which would also include a local produce display to illustrate the rich bounty grown in our local area. The stall would be manned by our own local volunteers and would not require any financial contribution from Council. 	<ul style="list-style-type: none"> - Educational stalls could be set up at the civic ceremony location. - Community organisations to provide own infrastructure. - No cost to Council. - Concerns raised over appropriateness of a political action group at a civic occasion.
Ballina High School	<ul style="list-style-type: none"> - The SRC would like to participate in a raft race. Councillors have contacted Mr Andrew Playford at the school to ask if he could organise the event. - The Ballina High School Marine Discovery and Resource Centre may also be involved but will need to know of further details before committing staff and resources to the anniversary celebration. 	<ul style="list-style-type: none"> - This activity would need to be solely coordinated and insured by Ballina High School. - There are significant risks involved in the activity, given it would take place on the water and involve young children. - Roads & Maritime approval may be required.
Rotary Club of Ballina-Richmond Inc	<ul style="list-style-type: none"> - Willing to work in association with other clubs and organisations to make this a truly memorable event. - Small club without the manpower to fully co-ordinate all the events that we suggest but have been in contact with Ballina Surf Life Saving, Marine Rescue, SES and others and feel that with the right leadership all the groups can work together and focus their strengths in on particular activity/event of the long weekend. Our suggestions: - Civic reception for Ambassador plus any of the original crew of the rafts etc, - Friday i.e. South/Central American theme dinner and dance with Salsa demonstrations with Tim, Leyla and Friends (South American band) at RSL Club. Contact has been made with RSL. - Saturday i.e. subject to the Naval Association activities, possibly have a market at Fawcett Park and have boat races, being dragonboats, surfboats and the outriggers and maybe something with the fishing trawlers as they were heavily involved with the rescue; - Sunday i.e. Street parade and raft race. We suggest that the community are invited to take part in the race and construct (using their own materials) unpowered rafts to uniform size and specification which would then be paraded down River Street to Shaws Bay where the race will be held. At the completion at the Shaws Bay Hotel beach prize giving will take place and a South 	<ul style="list-style-type: none"> - Strong support for a collaboration of clubs to coordinate event activities. However a lead applicant would need to be determined for insurance purposes. - Whilst some of the activities suggested have potential, they also require a substantial budget. Rotary Club of Ballina on Richmond have not expressed any willingness to contribute funding. - A themed dinner at the RSL Club is supported however it unclear how this event would be financed. There are substantial costs in running a dinner however these could be recovered by selling ticket to the event. This could limit the attendance of the community. - The idea of a market at Fawcett Park could be organised by Rotary at minimum cost. They would need to coordinate stall holders and sporting groups and liaise with the Roads & Maritime Services in order to gain consent. A formal event application would be required through the Events on Public Land Policy. Council could assist by way of marquees; however a budget would need to be allocated to cover these costs (\$55.00 per marquee).

10.9 Las Balsa Landing - Celebrating the 40 Year Anniversary

Organisation	Proposal	Staff Comment
	<p>American BBQ held.</p> <ul style="list-style-type: none"> - Should be a fundraising weekend (FUN) with the proceeds going towards the Marine tower, we have not discussed this with the Naval Associations or any of the other groups mentioned but feel that it is very much a mutual interest. - National media, women's magazines, television etc done early enough will hopefully get enough interest to encourage people to come to town and find people were either crew or had something to do with the rafts. - Made contact with the Ecuadorian Ambassador Mr Raul Gangotena and confirm he has accepted our invitation to attend the celebrations. His confirmation email reads 'As for your suggestion and invitation to join the celebration, I am very happy to attend and our Diplomatic Mission will plan, if appropriate, a contribution with a photographic exhibit of the Galapagos Inland; eventually a pictorial exhibition and a movie show or a music performance that the people of Ballina may appreciate. 	<ul style="list-style-type: none"> - A street parade from River Street to Shaws Bay is not supported. This is too lengthy and cost prohibitive. An alternative suggestion is the rafts are put on display in Fawcett Park, where a market and outdoor civic reception could be held. - A substantial budget would be required for national media coverage. Funds could be better allocated into programming for the community. - A music performance by the Diplomatic Mission could be performed at the civic reception.
Alstonville Plateau Historical Society Inc	<ul style="list-style-type: none"> - Support the idea of a special civic function and would certainly have delegates attend and perhaps, assist our colleagues from the Maritime Museum on that day and with some of the lead up work. 	<ul style="list-style-type: none"> - Support noted. - Society to be advised on event program once formally adopted by Council.
Empire Vale Primary School	<ul style="list-style-type: none"> - The Senior Class have compiled a wide range of ideas to help inspire plans for its 40th anniversary including; design and making, sports fitness and active fun, the arts, general knowledge quiz night, social, creative writing and maths. 	<ul style="list-style-type: none"> - A great selection of ideas outlined. - Support for a school challenge to design a raft and place on display at Fawcett Park. Also for the school to be invited to perform at the civic reception. - Support for creative writing competitions run through the local newspaper in order to create some public interest in the weeks leading up to the event. A small marketing budget would need to be determined by Council.
Ballina Shire Concert Band	<ul style="list-style-type: none"> - Offer of services - Require a marquee for protection 	<ul style="list-style-type: none"> - Support for proposal. - Will need to provide a marquee. - Minimal cost to Council for marquee hire fees.
CWA – Ballina Branch	<ul style="list-style-type: none"> - Would be interested in helping with the celebrations. - Members suggested that we could serve morning tea in the C.W.A. rooms (possibly Devonshire tea) and also hold a cake/craft stall as well. 	<ul style="list-style-type: none"> - Support for proposal. - CWA to be invited to assist in providing morning tea at the conclusion of the civic reception.

10.9 Las Balsa Landing - Celebrating the 40 Year Anniversary

Organisation	Proposal	Staff Comment
Marine Rescue Ballina	<ul style="list-style-type: none"> - Would like to be involved in the celebrations. - Information stand, or open to discussion on what you feel you require from us. 	<ul style="list-style-type: none"> - Educational stalls could be set up at the civic ceremony location. - Community organisations to provide own infrastructure. - No cost to Council
Quota International Inc. Alstonville-Wollongbar	<ul style="list-style-type: none"> - Our community group is interested in participating. We will liaise with the relevant people to offer our assistance to make this a community event. 	<ul style="list-style-type: none"> - Support noted. - Society to be advised on program once formally adopted by Council.
East Ballina Lions Club	<ul style="list-style-type: none"> - Provide a BBQ at the celebration 	<ul style="list-style-type: none"> - Support for proposal - Lions Clubs to be invited to provide a BBQ depending on the location and timing of the civic ceremony.
Lennox Head Landcare	<ul style="list-style-type: none"> - Acknowledge the importance of this event and the efforts being made by Councillors and community members in planning this event. At this time our Landcare group is not interested in participating in the event. 	<ul style="list-style-type: none"> - Comments noted.
Ballina Public School	<ul style="list-style-type: none"> - Would like to be involved in the celebrations. Possible projects include music, artwork and research. The P & C may also be available to provide refreshments such as cakes and slices etc. 	<ul style="list-style-type: none"> - Support for proposal - Ballina Public School may also like to be invited to assist in providing morning tea at the conclusion of the civic reception.
Ballina Scope Club	<ul style="list-style-type: none"> - Would like to advise interest in this project. Require further information as to time and place of festival, but are always interested in community events. 	<ul style="list-style-type: none"> - Support noted. - Scope Club to be advised on event program once formally adopted by Council.

External Event Funding

There are limited external funding opportunities available for grants with the main opportunities being the Regional Flagship Program and Your Community Heritage Program.

Regional Flagship Program - Funded by Destination NSW, the Regional Flagship Events Program supports the marketing of events that play an important role in bringing visitors to regional NSW.

To be funded under the Regional Flagship Events Program, events must have tourism potential and reflect the character and culture of an area.

The events act as a 'flagship' for their region. In order to be eligible for consideration, the event must be operating for two years prior. A one-off celebration like Las Balsa Anniversary would be ineligible for funding.

Your Community Heritage Program – This Federal Government funding is available under five sub-programs:

10.9 Las Balsa Landing - Celebrating the 40 Year Anniversary

- Protecting National Historic Sites
- Recovering from Natural Disasters
- Commemorating Eminent Australians
- Sharing Community Heritage Stories and
- Celebrating Community Heritage.

The Celebrating Community Heritage sub-program focuses on enhancing community engagement and building capacity in local communities. Grants will be made available to promote a sense of pride and connection to local heritage places, including community heritage celebrations. Grants of \$2,500 to \$25,000 (GST exclusive) are available. Applications closed on 21 March 2013.

Council staff lodged an application under this program seeking funding of \$21,000. If successful the funding would be used to support entertainment, on the day activities, and marketing of the anniversary.

Sustainability Considerations

- **Environment**
Any event would have minimal impact on the environment.
- **Social**
Events provide an opportunity to bring together members of the community.
- **Economic**
Events can have an economic benefit to a region but there is also an associated cost.

Legal / Resource / Financial Implications

There is currently no budget allocation for the Las Balsa Anniversary celebrations. Council's recurrent budget normally has an allocation of \$10,000 for civic functions that occur during the year.

If Council wishes to support a civic function for the anniversary this budget could be increased to \$15,000 in 2013/14, with \$10,000 allocated to the Las Balsa Anniversary.

The \$10,000 would cover the direct costs of Council staging a basic civic function on the selected day, however \$10,000 can be expended extremely quickly. For example over \$20,000 was expended on the 2013 Australia Day function, as reported to the February 2013 Ordinary meeting, with the major costs for that event as follows:

Item	Cost (\$)
Marquee	5,000
Ambassador Melanie Schlanger	3,000
Marketing and Promotion	3,800
Pool Party i.e. gate entry etc	3,500
Hire equipment	1,800
Outdoor Staff Assistance	1,000
Catering / Marquees for morning tea	1,000
Sound Technician	800
Overnight Security	500

10.9 Las Balsa Landing - Celebrating the 40 Year Anniversary

For the Las Balsa civic function, as compared to Australia Day there would be savings with the pool party and the ambassador, albeit that Council may wish to pay for any notable attendees attending. Even with these costs removed, the total cost of Australia Day was still over \$13,000 so the \$10,000 figure may be inadequate even for a limited civic function.

The actual event could possibly be held in the Richmond Room to further reduce costs, however that the maximum seating for Richmond Room is 250, whereas a hired marquee can hold more than 500 people, depending on the space available.

Consultation

A letter was sent to community groups, sporting organisations and schools, seeking expressions of interest to determine whether there is interest in assisting Council with this celebration by way of a proposal. There has been a reasonable response to that correspondence, albeit that there is no direct funding available for a major event.

Separate to this a number of community members have already formed a group to work towards staging a celebration of the anniversary.

Options

There are a number of options available to Council. These include:

1. Council support a civic reception with the annual civic function budget to be increased by \$5,000 to \$15,000 for 2013/14, with \$10,000 of that funding allocated to a reception for the landing. This option was supported at the January workshop and a number of the respondents from the community groups could help support this reception through BBQs etc.
2. Council support a larger celebration either by staging an event or providing funding to a community group. This option is not supported as Council policy is to support events through its Festival and Event Support Program, and as per the report elsewhere in this business paper, the applications for that funding are well over subscribed.
3. Council support the civic function as per point one and if the grant application to the Your Community Heritage Program is successful Council would then assist with staging an event within that grant funding allocation. In this instance staff would work with the various community groups to stage the larger event. Potentially the grant funding could be allocated to a group such as the Rotary Club of Ballina-on-Richmond Inc to run a program of activities for Las Balsa celebrations (not including the civic function). Rotary has the administrative and volunteer systems in place to manage this level of funding and they could work in partnership with the community groups who identified their support and involvement as per the submissions received. This would be subject to submitting a proposed program of activities in line with the budget allocation to Council for endorsement. The outcome from the Your Community Heritage funding application is not anticipated to be known until the commencement of the 2013/14 financial year.

10.9 Las Balsa Landing - Celebrating the 40 Year Anniversary

Councillors have already expressed an interest in option one and this approach is supported in the recommendation that follows.

Option two is not supported as per the earlier comments.

Option three is supported however it is subject to the grant application being successful. The grant funding will assist with a reasonable event, albeit that \$21,000 can also be expended very quickly with event entertainment etc. The difficulty with this funding could be the lead time and the timing of the announcement of the grant. However if Rotary, or any of the other community groups, are already working towards a celebration of some type the availability of that funding should only help to assist with their plans.

In respect to the responses from the community groups it is proposed to write to them and advise of the final decision of Council and if the civic reception is supported there will be opportunities for those groups to conduct their activities in conjunction with Council.

RECOMMENDATIONS

1. That in respect to the 40th Anniversary of the Las Balsa Landing Council approves an increase in the Civic Functions recurrent budget from \$10,000 to \$15,000 in 2013/14, with \$10,000 of this funding to be allocated to the staging of a civic function for the Las Balsa. The date of that function is to be determined following further discussions with the community groups interested in supporting the recognition of this landing.
2. That Council notes that an application for funding has been submitted under the Federal Government's Your Community Heritage Program. If this application is successful the General Manager is authorised to liaise with the other community groups to determine how these funds will be coordinated and expended as part of the recognition of this anniversary. The approval of the preferred methodology and allocation of the grant funds will be subject to a further report to Council.

Attachment(s)

1. Community Submissions

10.10 Recreational Vehicles (RV) - Facilities

10.10 Recreational Vehicles (RV) - Facilities

Delivery Program Tourism

Objective To respond to a Council resolution asking for information to improve recreational vehicle (RV) facilities.

Background

At the December 2012 Ordinary Council meeting a report on RV Futures Forum was presented by Cr Cadwallader following her attendance at the RV Futures Forum held in Boonah QLD.

A recommendation from the report was for Council to receive information on options to improve RV facilities in the Ballina Shire to encourage greater visitation and associated tourism benefits.

Following a Councillor Workshop on 5 March 2013, it was noted that Bicentennial Park was a possible location for the provision of RV facilities in Ballina.

The report that follows considers these issues.

Key Issues

- Economic cost / benefit to Ballina Shire
- Equity for approved Caravan and Camping businesses

Information

The Campervan and Motorhome Club of Australia (CMCA), which is a supporter of RVs, has previously engaged consultants to undertake research on travellers using non-commercial forms of accommodation (i.e. free camping and rest areas), focusing on regional QLD.

The research found that non-commercial accommodation was an integral part of the accommodation mix for RV Travellers in regional Queensland (QLD). The research concluded that if rural and outback communities wanted to maximise the value of the RV market, then offering non-commercial accommodation needs to be considered.

The CMCA has established a program called 'RV Friendly Towns' which promotes RV tourism related services across Australia. The CMCA advise that in order to be recognised as an RV Friendly Town the following essential provisions need to be made:

- Provision of appropriate parking within the town centre, including access to a general shopping area with groceries or fresh produce
- Provision of short term (24/48 hour) parking for self-contained vehicles, no more than 5km from the post office or agency

10.10 Recreational Vehicles (RV) - Facilities

- Access to potable water
- Access to a free dump point within the town precinct

The CMCA also advise that the following desirable provisions may also be needed to qualify for this program:

- Provision of long term parking for self-contained vehicles
- Access to medical facilities or an applicable evacuation plan
- Access to a pharmacy or a procedure to obtain pharmaceutical products.
- Visitor Information Centre (VIC) with appropriate parking facilities within a reasonable distance.
- VIC to provide a town map showing essential facilities such as hospital, medical services, fuel, shopping area, dump point, fresh water, etc.
- RV Friendly Town signs to be erected within the town precinct.

As mentioned the research conducted by CMCA was undertaken in rural QLD and the conclusions relate to outback and rural communities where the availability of accommodation in these regions is, at times, insufficient. This is in contrast to the Ballina Shire, where there are over ten caravan / holiday parks and accommodation is readily available.

Bicentennial Park in Ballina has been mentioned as a potential location for the provision of the RV Friendly Town services. The land is crown land and is currently zoned RE 1 (Public Recreation) under the Ballina Local Environmental Plan 2012. Under this zone, camping grounds, caravan parks and car parks are permitted with development consent.

In addition to relevant planning approvals, consent must also be obtained from the land owner, being the NSW Crown Lands Division. Crown Lands may also require Council to apply fees and charges for providing this service.

Ballina already meets the majority of the essential criteria for a RV Friendly Town with the exception being *access to a free dump point within the town precinct* as the dump pits available are all within caravan parks.

Council's Water and Wastewater Section has advised that the cost to provide a provisional dump point infrastructure at Bicentennial Park will be in the vicinity of \$10,000. There would also be ongoing fees and charges associated with the disposal of the liquid trade waste, as well as management and maintenance costs. They also advise that Bicentennial Park would not be a suitable location for a dump point given that it is not actively managed and has the potential for misuse (i.e. illegal dumping by commercial users). Misuse of this infrastructure could also introduce hazardous waste into the system.

The advice from Water and Wastewater is that if Council is going to provide a dump point it should be in a site managed by Council such as the treatment plants or the waste centre. The treatments plants would not be easily accessible for RVs although the waste centre could be a viable option.

10.10 Recreational Vehicles (RV) - Facilities

Council would have to sign post other stop off areas used by RVs to highlight the availability of the dump point.

The newly formed regional tourism body, North Coast Destination Network (NCDN) Board of Directors made the following statement at their December 2012 Board Meeting with respect to RV friendly towns and free camping. 'The North Coast Destination Network supports RV friendly towns and recognises the importance of this market segment to the North Coast but does not support free camping'.

Council's Tourism Section believes the RV market is important and provides economic benefits to the Ballina Shire. The section also believes that the RV market will continue to visit the Ballina Coast & Hinterland regardless of a dump point or RV friendly status. It is also difficult to justify the provision of infrastructure when there is no readily available measure to account for the economic benefit of this market. More importantly, the provision of 'free camping' could negatively impact on established caravan and camping businesses.

Sustainability Considerations

- **Environment**

Council's Civil Services Group has advised that a dump point at Bicentennial Park has the potential to be misused if it is not actively managed. Misuse of this infrastructure could introduce hazardous waste into the system.

- **Social**

RVs is an important social activity for the "grey nomads".

- **Economic**

There would be economic benefits from the RV market, although Council needs to balance this against the established accommodation providers in the shire.

Legal / Resource / Financial Implications

There would be financial and resource implications should Council proceed with implementing further RV friendly infrastructure.

Consultation

Consultation was undertaken with Council's Civil Services, Strategic & Community Services and Regulatory Services Groups.

The Regional Tourism Organisation, North Coast Destination Network was contacted to provide their viewpoint on the provision of RV infrastructure. This has been included in the information section of this report.

The State Tourism Organisation, Destination NSW has been contacted and requested to provide a policy statement. No statement has been received to date.

Options

10.10 Recreational Vehicles (RV) - Facilities

Ballina Shire and Ballina is already RV friendly with available car parking, good services and an accessible VIC. The one major deficiency is the provision of free dump point facilities.

This means the options available are to provide such a facility, possibly at Bicentennial Park, or at another location, at a cost of \$10,000 plus maintenance, or alternatively accept that existing accommodation providers are a major part of the tourism industry and we should not be encouraging free dumping or camping in the Shire.

On balance the preferred option is to support the existing accommodation providers and not provide incentives for free camping. The majority of the caravan parks have adequate facilities for camping and it is reasonable to support those businesses in their operations.

If Council does wish to provide a dump point facility, Bicentennial Park is one option as part of any future upgrade of that park, however the preferred location identified by Council's Civil Services Group would be a Council managed site such as the treatment plants or the waste centre. The waste centre is the most accessible of these options.

RECOMMENDATIONS

1. That Council acknowledges that as a coastal shire Ballina has a large number of licensed caravan and camping options available and already provides significant facilities of benefit to recreational vehicles (i.e. adequate parking, good services, accessible visitor information centre etc).
2. Based on point one, Council resolves not to support the provision of free camping and dump point facilities within the Shire due to the negative impact this may have on existing licensed operators.

Attachment(s)

Nil

10.11 Integrated Planning & Reporting - Community Strategic Plan

10.11 Integrated Planning & Reporting - Community Strategic Plan

Delivery Program Governance

Objective To adopt the draft Community Strategic Plan (CSP) following the exhibition period.

Background

As part of the new Integrated Planning and Reporting (IPR) requirements from the Department of Local Government (DLG) councils must review and adopt a Community Strategic Plan (CSP) before June following the election (section 402).

At the January 2013 Ordinary meeting Council approved the exhibition of the draft CSP and the purpose of this report is to consider the submissions received and adopt the final document.

A copy of the draft document, as exhibited, is included as an attachment to this report.

Key Issues

- Feedback from the submission process

Information

The IPR Framework includes the Community Strategic Plan (CSP), Delivery Program and Operational Plan. These documents must be updated and adopted by 30 June 2013.

The first phase of the process (preparing the CSP) was based on extensive consultation undertaken by Council. Consultation included:

- Community Satisfaction Survey (500 people)
- Youth Council and Youth Forum (just under 100 people)
- Two specialised forums undertaken by the firm who completed the Community Survey (16 people)
- Feedback from Community Connect and other publications of Council
- Councillor feedback from the briefings held to date
- Existing strategies and plans
- Consultation with Council staff.

Details of the entire consultation process are formally documented in a Community Engagement Strategy.

The second phase of the process was the exhibition of the draft CSP for public comment.

The draft CSP was exhibited through the following methods:

- Advertised weekly in the Ballina Shire Advocate

10.11 Integrated Planning & Reporting - Community Strategic Plan

- Distributed via Community Connect eNews
- Media release distributed to local print, television and radio media. With item broadcast on Paradise FM and printed in the Ballina Shire Advocate.
- Direct mail to all the government agencies and community groups.
- Inclusion in Ward Committee Agendas.
- Direct email to residents who provided input into the vision statement.

The final phase of the process is the consideration of the submissions received during the exhibition period.

Although limited in number, the majority of submissions received were extensive and highlighted that the draft CSP had been studied closely. Copies of all the public submissions are attached to this report. The submissions generally provide constructive feedback on the draft CSP but also include suggestions for consideration when preparing Council's Delivery Program and Operational Plan.

Comments on the submissions received are as follows:

Ron Brown – Mr Brown provided a wide variety of comments and overall was reasonably supportive of the document. A number of the actions listed are more related to the Delivery Program and Operational Plan documents and as such no changes are recommended.

Dr James Cowley – Dr Cowley acknowledges the majority of his comments are more related to the Delivery Program and Operational Plan. Probably his strongest comments are in respect to the measuring our success section of the document with a recommendation that we strengthen our economic indicators. Dr Cowley's points regarding "we need a much better measure use of data on full time work/part time work/casual/ unemployed and the trend occurring in order to understand what is really happening" is supported and the recommendation is for such a measure to be included in the document, if available. Other indicators such as the unemployment level are important but they are not necessarily required in the CSP.

Ballina Lighthouse RSL Day Club – This correspondence supports the Club in their endeavours to meet the outcomes identified in the CSP.

Lennox Head Residents Association – This submission is more a commentary on a range of matters that reflects the Association's experiences with Council. As the submission is extensive it is not practical to comment on every point made, however some of the key points are:

- Connected Community – Page 21 – Asking for a recognition of the past – This is supported and can be accommodated on this page.
- Shire's Youth involvement in tertiary education – The Association mentions the "Young Adult Brain Drain". It is a fact that in regional and rural areas many of the youth leave for the capital cities for further education and increased employment opportunities. The positive that Ballina has is its close proximity to Brisbane and the Gold Coast meaning that many parents can stay connected with their children.

10.11 Integrated Planning & Reporting - Community Strategic Plan

The Australian Bureau of Census figures provide percentage figures on educational qualifications received, with the 2011 figures for Ballina Shire showing 45.8% of the population having a qualification compared to a regional NSW average of 41.6%. The Ballina figure has increased from the 2006 census where the figure was 40.7%.

The exact figures for youth are unknown but it is agreed that all regional areas need to retain their youth, where possible, albeit that this is not an easy task. Clearly employment and educational opportunities are one of the main drivers for youth retention.

Many of the other comments are broad ranging and no other changes to the document are recommended.

NSW Planning & Infrastructure – No changes recommended.

NSW Department of Primary Industries – Asks for increased consideration of the farming community and agriculture. To address this issue it is recommended that Council amend the Prosperous Economy outcomes and indicators to better reflect the agricultural community of the Shire.

Ballina Environment Society – This is another comprehensive submission where it is not practical to address all the points raised in this report. Some key points made in the submission include:

- The need for further information on how the CSP was prepared could be included in the document. This is supported.
- Page 8 – it is agreed the word environment could be included in the first main paragraph as are many other items such as education, health etc. listed.
- Page 15 – Our Leadership - The reference to small interest groups can be deleted without impacting on the meaning of the paragraph
- Page 25 – It is agreed that the phrase we are all valued customers could be amended to read we are all valued citizens.
- Many of the other points ask for detail or actions and that is not the role of the CSP. Further detail will be provided on Council's actions in the Delivery Program and Operational Plan.

Marelle Lee – This submission focuses on environmental and heritage issues. It is an extensive submission and comprises commentary and requests for more specific detail which is not the role of the CSP. This submission will be considered when drafting the Delivery Program and Operational Plan.

Australian Red Cross (Ballina Branch) – This submission is not CSP focused but supports the need for continued use of community facilities/rooms for the Red Cross and the CWA. This submission will be considered when drafting the Delivery Program and Operational Plan.

Northern NSW Local Health District (NNLHD) - This submission generally supports the CSP. The Health Service acknowledges it needs to consider how it will meet the challenge of providing services to the growing and ageing population of Ballina Shire. The NNLHD reviewed the CSP using the NSW Government's 'Healthy Urban Development Checklist'. Key considerations from this review will be incorporated in the development of our Delivery Program and Operational Plan

Other Feedback

There has been feedback from a number of Council staff in respect to the document and changes recommended based on this feedback are as follows:

Page 17 - Our Vision - Remove "*We are*" so the vision reads "Serving the community of today while preparing for the challenges of tomorrow". The "*we are*" is not needed.

Page 22 - Amend Outcome CC1.1 to include "*safety*" - Actively promote crime prevention and *safety* strategies - When Council staff looked at integrating all our actions into this document there appeared to be a deficiency in respect to safety.

Page 22 - Amend Outcome CC3.2 - Provide young people with a range of leisure activities along with opportunities for personal development – Improved wording.

Page 23 - Add to other relevant documents - Visitor Economic Taskforce Report (State)

Page 23 - Amend Outcome PE1.3 – Change minimise the costs and '*legislative requirements*' for doing business **to** '*regulatory requirements*'. Our ability to minimise '*legislative requirements*' is beyond the power of local government, but we can seek to minimise '*regulatory requirements*' instead

Page 24 - Amend Outcome HE2.2 - Reduce, reuse and recycle our resources – Improved wording.

Page 24 – Amend Outcome HE3.2 – Maximise positive impacts on the natural environment – Improved wording to make this a positive statement.

Page 25 - Remove EL1.3 and EL3.1 - When Council staff looked at integrating all our actions into the CSP no specific actions or activities were identified for these two outcomes. Essentially they are both an adjunct to all the various other activities Council undertakes and it is recommended that they be removed.

Page 27 - Additional information to be provided to reinforce that the targets are aspirational measures that we cannot always control.

Page 27 - Additional Indicator to be included to measure housing stress. Affordable housing is a key indicator for our region.

Page 28 - Amend Indicator for Contribution to the Northern Rivers GRP - Decrease target to steady. Contribution to the Northern Rivers GRP of 20% appears ambitious given that Ballina Shire currently comprises 14.5% of the population of the Northern Rivers Region, but this is projected to increase to only 15.1% by 2036 as per the following:

LGA as % of Regional Population

LGA	2011	2036
Ballina	14.5%	15.1%
Byron	11.1%	11.9%
Kyogle	3.2%	2.4%
Lismore City	15.2%	13.2%
Richmond Valley	7.7%	6.8%
Tweed	30.9%	35.4%
Clarence Valley	17.4%	15.2%
Total	100.00%	100.00%

Page 28 - Amend Native Vegetation Cover Target - Increase Target from 21% to 25%; Measure = 10 years. Although measured every four years in the Regional State of the Environment Report 20% of vegetation cover to 25% of vegetation cover is only an extra 24 hectares, so it is achievable.

Priority locations could be lowland rainforest on the floodplain, littoral (salt) rainforest and the big scrub).

Page 28 - Add River Health Indicator - River Health. Current Indicator = Fair; Target = Good; Source = Ecohealth Report prepared by Richmond River Council; Measure = 5 years.

A river health indicator would be useful in that it then incorporates the Coastal Zone Management Plan for the Richmond River and allows us to examine fish kills, activities in water quality and planning.

Sustainability Considerations

- **Environment**
The CSP is Council's overarching document that broadly considers Environmental, Social and Economic issues.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

Council is required to adopt a new CSP by 30 June 2013 to ensure it complies with the new Integrated Planning and Reporting Framework from the Division of Local Government.

Consultation

The draft CSP was exhibited extensively as per the information section of this report.

Options

The options are to adopt the CSP, as exhibited and as amended as per this report, or to make further changes.

A number of changes have been recommended within this report and it is difficult to list all of these in the final recommendation. The changes recommended are largely fine tuning the document based on the feedback received and on this basis it is recommended that Council adopt the document, as exhibited, subject to the changes identified within this report.

If there are any other particular changes or improvements that Councillors would like to see implemented, or that may have been missed from the submissions provided, they should be added to the recommendation.

RECOMMENDATION

That Council adopts the Community Strategic Plan, as exhibited and attached, subject to the changes identified within this report.

Attachment(s)

1. Ron Brown - submission
2. Dr James Cowley - submission
3. Ballina Lighthouse RSL Day Club - submission
4. Lennox Head Residents' Association - submission
5. NSW Planning & Infrastructure - submission
6. NSW Department of Primary Industries - submission
7. Ballina Environment Society - submission
8. Marelle Lee - submission
9. Australian Red Cross (Ballina Branch) - submission
10. Northern NSW Local Health District - submission
11. Draft Community Strategic Plan as exhibited (Under separate cover)

11.1 Tender - Water Meter Reading Services

11. Civil Services Group Reports

11.1 Tender - Water Meter Reading Services

Delivery Program Water Services

Objective To obtain Council approval to award the contract for water meter reading services.

Background

Council currently engages a contractor to read water meters in the Ballina Shire. The current contract expires at the end of March 2013.

Tenders were advertised on 22 January 2013 for the meter reading services on a quarterly basis for a three year period commencing 1 June 2013.

At the close of the tender period on 26 February 2013, only one submission was received.

The report that follows outlines the options available to Council in respect to this tender.

Key Issues

- Award the tender in accordance with the Local Government (General) Regulations 2005.
- Engage suitably qualified and experienced contractors that having regard to all the circumstances provides the most advantageous tender.

Information

At the close of the tender period on 26 February 2013, only one submission was received, that being from:

- AMRS (Aust) Pty Ltd (Trading as Service Stream Energy and Water)

The tender documentation defined three areas, by which each tender would be assessed:

- Total Price 75%
- Capability & Industry Experience 15%
- Management & Financial 10%

As only one tender submission was received the tender evaluation panel was concerned with the competitiveness of the tender.

11.1 Tender - Water Meter Reading Services

A review of the tender process indicated that all procedures relevant to Section 55 of the Local Government Act 1993 and the Local Government (General) Regulations have been complied with during the tender period. The tender advertisement was placed in three newspapers including a daily Sydney newspaper. A further review of the process showed five tender documents were issued during the tender period.

AMRS (Aust) Pty Ltd is the current provider of water meter reading services to Council and has delivered a high level of service to Council over the past seven years.

The only exception to this was the provision of erroneous readings by an employee / contractor of AMRS to Council for a period of time and to AMRS's credit once this was identified by Council they assisted with all rectification actions and paid damages of approximately \$13,000 to Council. As a result of this incident AMRS also provided improved audit procedures of their processes to Council.

The tender price submitted is identical to the rate currently being paid. Council undertook an evaluation to determine the cost of providing this service in house and the impact of this would have been greater than the cost of this contract.

Whilst the tender process did not provide a competitive listing of tenderers, the cost of the proposed contract relative to Council's cost to undertake the service in house would suggest that Council has received a competitive offering and one that is value for money

Sustainability Considerations

- **Environment**
Timely and accurate reading of meters assists with Council 's overall water demand strategies.
- **Social**
Not Applicable
- **Economic**
Council has approximately 13,000 meters in its water meter fleet, with associated consumption charges generating some \$4.9 million dollars per annum in revenue from consumption charges.

Legal / Resource / Financial Implications

This report is provided to assist Council meet its statutory requirements in regard to tendering and procurement.

The tender as submitted includes non-conformances relating to standard terms and conditions relevant to contractor liability. Essentially AMRS are trying to remove their responsibility if a similar situation occurs to the erroneous readings where AMRS as a company was also defrauded by one of their employees/contractors.

11.1 Tender - Water Meter Reading Services

Legal advice has been provided on the variations to the terms sought by the tenderer. The legal advice to Council advised that the proposed changes should not be accepted and correspondence to that effect has been forwarded to the tenderer asking them to withdraw this request for modification.

A response has not yet been forthcoming.

Consultation

A public tender process was conducted.

Options

Under the Local Government (General) Regulations 2005 Council must either accept the tender that “appears to be the most advantageous” or decline to accept any of the tenders.

- Council may award the tender to AMRS (Aust) Pty Ltd.
- Council may determine not to accept any of the tenders received and invite fresh tenders.

The tender process has demonstrated a lack of contractors willing to undertake meter reading services. Although AMRS (Aust) Pty Ltd was the only tenderer, previous experience has shown they are capable of undertaking the works for Council. The company is also contracted to several other councils, confirming their ability to undertake the works.

The recommendation is to accept the tender from AMRS, subject to the removal of the non-conformances. If these negotiations are unsuccessful a further report will need to be submitted to Council to determine the preferred option to move forward. The main options will be to undertake the service by Council staff or call for fresh tenders.

RECOMMENDATIONS

1. That Council authorises the General Manager to accept the tender for the provision of reading of water meters for a three year period from AMRS (Aust) Pty Ltd based on the standard terms of the contract as offered by Council during the tender process.
2. That a further report be put to Council should negotiations on the terms be unsuccessful.
4. That Council authorises the Council seal to be attached to the contract documents, subject to the negotiations being successful.

Attachment(s)

Nil

11.2 Drinking Water Management System

11.2 Drinking Water Management System

Delivery Program Water Services

Objective To seek endorsement of the new Drinking Water Management System and adoption of the Implementation Plan.

Background

Ballina Shire Council, in co-operation with Rous Water, Lismore City, Kyogle and Richmond Valley Council, recently engaged Viridis Consulting to prepare a Drinking Water Management System (DWMS).

Viridis reviewed Council's documentation and data and held consultation risk assessment workshops with:

- Council Water engineers and management
- Council Water operations staff
- Council Public Health Officers
- Rous Water
- NSW Health
- NSW Office of Water

The DWMS comprises risk assessments, procedures, training and improvement activities to support the delivery of quality drinking water to customers and the public. Having completed the DWMS, endorsement is now sought for its implementation, including the allocation of appropriate funds to facilitate the necessary improvement activities.

Council must also submit the DWMS to NSW Health for their approval.

Key Issues

- Management of Drinking Water Quality
- Compliance with Legislation
- Human Health
- Risk Management
- Operating Procedures

Information

Public Health Act 2010

Section 25 of the Public Health Act (2010) Quality assurance programs states that "a supplier of drinking water must establish, and adhere to, a quality assurance program". The program "must address the elements of the Framework for Management of Drinking Water Quality (as set out in the Australian Drinking Water Guidelines (ADWG) published by the National Health and Medical Research Council)." (Regulations). The framework comprises 12 elements as below:

11.2 Drinking Water Management System

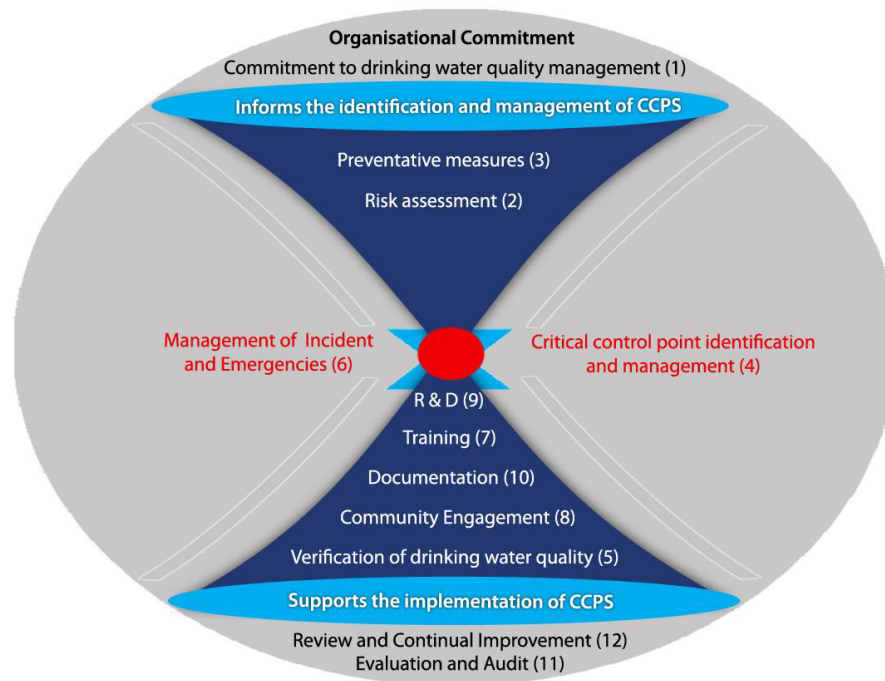


Figure 1 - Diagram showing relationship of the Framework Elements (source *Draft NSW Guidance on Drinking Water Management Systems*, NSW Health)

In order to comply with the Act, Council must have its quality assurance program, called the Drinking Water Management System, approved by the NSW Health prior to September 2014.

Council's Water Quality Policy

Council adopted a Drinking Water Quality policy in 22 September 2011 (Resolution No. 220911/27) and this policy states that "Ballina Shire Council will implement and maintain a drinking water quality management system consistent with the Australian Drinking Water Guidelines to effectively manage the risks to drinking water quality".

Having a policy statement helps to address the first element of the ADWG Framework.

Improvement Activities

The risk assessment workshop, facilitated by Viridis, identified 32 improvement activities required by Council in the short term (twelve months) and long term (four years). The time frames within the plan are risk based and to "adhere" to its DWMS Council must have those activities progressed within the nominated time frames, though the time frames begin after approval of the DWMS by NSW Health.

Table 1 (Attachment 1) summarises the "Improvement Plan" into a set of 13 discrete projects (some of which are ongoing), and includes resourcing and cost estimates. Some of the projects require an investigation stage prior to any augmentation and budgets are not able to be accurately predicted until after the investigation. In fact the investigation may show that the action nominated is an impractical way to manage the risk.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Improved practices in managing Drinking Water Quality
- **Economic**
Expenditure in action plan will not cause a significant financial burden to the Water Fund

Legal / Resource / Financial Implications

There are a number of legal requirements in managing drinking water quality. The Legal and Other Requirements Register (Appendix C of the DWMS) summarises the key regulatory requirements for Ballina Shire Council and how Council complies with those requirements.

Once approved by NSW Health, Ballina Shire Council will be compliant with the 2010 amendment to the Public Health Act.

The total potential cost of this program is essentially unknown and may be cost prohibitive. However the report seeks to implement an improvement plan at an estimated cost of \$96,000 over five years as detailed at the bottom of table one (Attachment 1).

In terms of the impact on Water Fund the total expenditure is not considered to be material although any additional expense for a fund that has been and is forecast to continue running recurrent operating losses is not ideal. The extra expense, if approved, will need to be factored into our future financial modelling. It is considered that this can be undertaken without any impact on fees (i.e. by pursuing matching savings in other areas of the business's operations).

Consultation

The DWMS was prepared in consultation with Council water operations staff, engineers, management, environmental health officers, the NSW Office of Water, NSW Health and Rous Water.

Consultation on the implementation plan took place with Finance section of Council and comments have incorporated into this report.

Options

1. That Council endorses the plan, submits it to NSW Health for approval and funds the improvement plan as detailed in the attachment.

This is the recommended option for this report.

2. That Council delay sending the DWMS to NSW Health until some later point in time.

11.2 Drinking Water Management System

Council is required to have a DWMS approved by NSW Health by September 2014. There are no advantages to this option.

RECOMMENDATIONS

1. That Council notes the contents of this report on the Drinking Water Management System (DWMS).
2. That Council approves the allocation of the estimated \$96,000 required for the plan, over five years, to fund the activities as per Attachment One.
3. That a further report be put to Council detailing the outcome of investigations and requesting further budget allocation if required.
4. That Council submit the DWMS to NSW Health for approval.

Attachment(s)

1. Table 1 - Action Plan to Support the DWMS
2. Drinking Water Management System 1.0 (Under separate cover)
3. Appendix A - Risk Assessment Report 1.0 (Under separate cover)
4. Appendix B - Policy 1.0 (Under separate cover)
5. Appendix C - Legal and other requirements register 1.0 (Under separate cover)
6. Appendix D - Critical Control Point Procedures 1.0 (Under separate cover)
7. Appendix E - Monitoring Plan 1.0 (Under separate cover)
8. Appendix F - Improvement Plan 1.0 (Under separate cover)
9. Appendix G - Awareness Training 1.0 (Under separate cover)

12. Public Question Time

12. Public Question Time

13.1 Rescission Motion - Tintenbar to Ewingsdale (T2E) - Road Naming

13. Notices of Motion

13.1 Rescission Motion - Tintenbar to Ewingsdale (T2E) - Road Naming

Councillor Cr Cadwallader
Cr Ken Johnston
Cr Williams

That Part One of Resolution 280213/21, as follows, be rescinded:

“That Council adopts Saddle Road as the name for the extension of Saddle Road”.

If the above motion is carried, we propose to move the following:

That Council exhibit the following alternate option for Saddle Road being Alcorn Road.

Councillor Comment

There has been correspondence from residents in this location expressing concerns that they have not been listened to in respect to the naming of this road. The point has been made that roads should be appropriate to the physical, historical or cultural setting and this road is not on or near a “saddle” in the geographic sense i.e. a ridge between two peaks.

The preferred option appears to be Alcorn Road - to acknowledge the contribution to this area of a local family.

COUNCILLOR RECOMMENDATION

That Part One of Resolution 280213/4, as follows, be rescinded:

“That Council adopts Saddle Road as the name for the extension of Saddle Road”.

Attachment(s)

Nil

13.2 Rescission Motion - LEP Amendment Request - Masters Development

13.2 Rescission Motion - LEP Amendment Request - Masters Development

Councillor Cr Williams
Cr Cadwallader
Cr Hordern

That Resolution 280213/4, as follows, be rescinded:

1. That Council advise the Director General of the NSW Department of Planning and Infrastructure that a review of its previous decision to decline to proceed with a planning proposal to facilitate a Masters Home Improvement Store on part of Lot 11 DP 1011575, River Street, West Ballina, has been undertaken at his request.
2. That Council advise the Director General that the outcome of the review is that it is satisfied with its previous decision to decline to proceed with the preparation of a planning proposal for the reasons cited at that time.

If the above motion is carried, we propose to move the following:

1. That Council advise the Director General of the NSW Department of Planning and Infrastructure that a review of its previous decision to decline to proceed with a planning proposal to facilitate a Masters Home Improvement Store on part of Lot 11 DP 1011575, River Street, West Ballina, has been undertaken at his request.
2. That Council advise the Director General of the Department of Planning and Infrastructure and the applicant that the outcome of the review is that the Council is satisfied that the requested amendment to BLEP 2012 can be initiated subject to:
 - The submission of a revised planning proposal
 - The reporting of the revised planning proposal to the council for further consideration, prior to it being forwarded to DP&I for Gateway determination.
 - The submission of detailed information addressing flooding, stormwater, geotechnical issues, traffic generation and access, visual impacts, and the propose dedication of land to Council, following the Gateway determination but prior to the public exhibition of the planning proposal.
3. That Council notes that, in the event that the matters identified as being of important to the Council are not able to be addressed to its satisfaction (either before or after the Gateway determination), Council may resolve to discontinue the planning proposal.

COUNCILLOR RECOMMENDATION

That Resolution 280213/4, as follows, be rescinded:

1. That Council advise the Director General of the NSW Department of Planning and Infrastructure that a review of its previous decision to decline to proceed with a planning proposal to facilitate a Masters Home Improvement Store on part of Lot 11 DP 1011575, River Street, West Ballina, has been undertaken at his request.
2. That Council advise the Director General that the outcome of the review is that it is satisfied with its previous decision to decline to proceed with the preparation of a planning proposal for the reasons cited at that time.

Attachment(s)

Nil

13.3 Notice of Motion - Town Centre Management

13.3 Notice of Motion - Town Centre Management

Councillor

Cr Cadwallader

I move

That Council receive a report on the merit and options available to implement the actions outlined in the Jenny Rand and Associates report on Town Centre Management from 2002.

Councillor Comment

With Council having completed the second stage of the River Street upgrade now is an opportune time to revisit the Jenny Rand report which was part of the original beatification program. This report identified a number of actions that could possibly be implemented as part of a town centre revitalisation program and with Council having completed road reconstruction works, little Woolies under construction and Council considering options for Wigmore Arcade, it is a good time to revisit this report to assess whether or not there are actions we would like to pursue as a Council.

COUNCILLOR RECOMMENDATION

That Council receive a report on the merit and options available to implement the actions outlined in the Jenny Rand and Associates report on Town Centre Management from 2002.

Attachment(s)

1. Town Centre Management Study - Jenny Rand - July 2002

13.4 Notice of Motion - Quarrying of Black Head

13.4 Notice of Motion - Quarrying of Black Head

Councillor

Cr Meehan

I move

That Council research the history surrounding the quarrying of Black Head by the State Government to ascertain if there was a commitment at any stage to rehabilitation of the site.

If there was a commitment, Ballina Shire Council is to be active in requesting the State Government and the Local Government Minister to follow through with rehabilitation to a reasonable standard.

Councillor Comment

Recently media has brought this issue forward. It seems there have been a few occasions over the years where State may have reneged on making this site acceptable to the public. At a minimum, grading the area, turfing and road/parking is warranted. Further investigation is necessary.

COUNCILLOR RECOMMENDATIONS

That Council research the history surrounding the quarrying of Black Head by the State Government to ascertain if there was a commitment at any stage to rehabilitation of the site.

If there was a commitment, Ballina Shire Council is to be active in requesting State Government and the Local Government Minister to follow through with rehabilitation to a reasonable standard.

Attachment(s)

Nil

13.5 Notice of Motion - Pathway - Beachfront Parade

13.5 Notice of Motion - Pathway - Beachfront Parade

Councillor

Cr Keith Johnson

I move

That the footpath programmed for construction on the western side of Beachfront Parade be deferred until after the recreational pathway planned for the eastern side of Beachfront Parade is completed, and further, that a pathway from the Chickiba end of the pathway from Beachfront Pde to Tuckeroo Drive, to Kingsford Smith School along Chickiba Drive be installed under the PAMP program.

Councillor Comment

Building two pathways that service essentially the same residential area appears unwarranted, especially given the limited utility of the one on the western side. It would be prudent to leave the building of this western path until the eastern one is completed and used at which time the need /or otherwise , of the second path can be evaluated.

Meanwhile, the installation of a path as described above will go a long way to providing a safer route to the Southern Cross School from a wide area of the Chickiba estate. Also by continuing the existing path into Chickiba from the Beachfront area a more useful connection than at present is created. Indeed a couple of short spurs off the proposed Chickiba path to the recreational area north of Chickiba proper will also better serve the estate population .

COUNCILLOR RECOMMENDATION

That the footpath programmed for construction on the western side of Beachfront Parade be deferred until after the recreational pathway planned for the eastern side of Beachfront Parade is completed, and further, that a pathway from the Chickiba end of the pathway from Beachfront Pde to Tuckeroo Drive, to Kingsford Smith School along Chickiba Drive be installed under the PAMP program.

Attachment(s)

Nil

13.6 Notice of Motion - Port of Ballina

13.6 Notice of Motion - Port of Ballina

Councillor

Cr Williams

I move

That due to the high value that our community places on the Richmond River and associated marine infrastructure that Council replace the existing Dredging Taskforce with a more contemporary and broader based committee based on the following structure:

Name: Port Ballina Taskforce

Members

Mayor

Councillors (two - to be elected following adoption of resolution)

Ballina Chamber of Commerce (one)

Ballina Fishermen's Co-operative (one)

NSW Department of Primary Industries (primary government department responsibly for marine infrastructure, dredging, lands etc) (one - with other people as needed)

Community representatives (two) (one from business and one private individual - These two people to be appointed following an EOI process, with the Taskforce members approving the appointments)

Chair: Mayor

Meeting Frequency: Three monthly or as required

Terms of Reference:

To actively pursue improvements to the overall health of the Richmond River and to develop the business case for increased Government investment in the provision of critical marine infrastructure, including not limited to:

- a) Dredging of the Ballina bar
- b) Evaluation of possible changes to the north and south wall that may result in improvements to the Ballina bar
- c) Establishment of a marina(s) in previously identified precincts such as Regatta Avenue and /or the existing Ballina Boatharbour
- d) Marine Rescue infrastructure
- e) Dredging within the estuary, including Ballina Boatharbour, North Creek and Emigrant Creek
- f) Supporting increased business and tourism opportunities for Ballina
- g) Improving the health of the Richmond River and the estuary
- h) Recognising and preserving Ballina's maritime history

This committee will also provide an opportunity through the name Port Ballina for the Ballina township to be more readily identified as a marine destination.

Secretariat: Provided by Council

Councillor Comment

Ballina Shire Council, State agencies and local industry have for some time been pursuing a number of Marine industry related projects in the Richmond River Estuary.

These include:

- Dredging the Ballina Bar
- Replacement of the Coastguard Tower
- Construction of new marina facilities
- Supporting our fishing and tourism industries
- Increasing commercial use of the Port to develop long term income
- Dredging within the Estuary (eg. North Creek)
- Provision of facilities for recreational users
- Development of the Marine Industrial Precinct at Emigrant Creek
- Providing career pathways for young people studying TAFE Maritime courses and marine studies at High School
- Refurbishment of Ballina Maritime Museum
- Improvement of Richmond River Health and fishery productivity

At present all of these projects are being pursued (or not) on an individual basis, with slow progress to date frustrating many participants. There is a great deal of good will and desire to progress these matters but resource limitations and a lack of inter-governmental cooperation has hampered efforts to date.

The Port Ballina Taskforce aims to integrate these projects into an overall strategy that is capable of:

- Bringing together all the major stakeholders and agencies
- Developing a clear plan of action
- Securing resources for investigations
- Developing a business model to demonstrate the effectiveness of investment in projects
- Co-ordinating Local, State and Federal support and investment.

The rationale behind linking these projects is to highlight the potential economic importance of the Port to the local and regional economy, build momentum and provide a focus for an investment strategy attractive to public and private stakeholders.

Key Elements

Dredging of the Bar

Dredging the bar remains a key project that is required to underpin all other strategies. A lack of safe passage (Ballina has the reputation of the most dangerous Bar on the Coast) is the single greatest obstacle to further development in the Port. Based on the the Dredging Feasibility study there are few environmental impediments but maintenance of the Bar will require a long-term investment or source of funding.

13.6 Notice of Motion - Port of Ballina

Commercial Marina

A well located and constructed Marina has the capacity to attract a significant number of vessels should the Bar be capable of providing safe passage. To date most effort has been focussed on the existing boat harbour at Fishery Creek. Given the failure to progress this site, a new location needs to be considered, ideally within the Town reach.

The most obvious alternate location is in the River, adjacent to Regatta Ave, extending eastwards towards the Richmond River Sailing Club and incorporating the small boat harbour. This site would be adjacent to swimming pool, library, supermarket and the range of services available in the CBD. Increased use of this area by visitors would be a major economic stimulus to the CBD. The adjoining land is almost entirely Crown land, some of which is managed by Ballina Shire Council. Following an initial feasibility study, this project could be subject to tender to design, construct and operate. Licensing fees to the Crown would provide a source of income to meet the costs of maintaining Port facilities, including dredging the Bar.

The Marina should provide facilities to meet existing, local demands and to attract private and commercial vessels to the Port. As the closest Port to Byron Bay (the largest regional tourism destination in NSW), considerable opportunities exist for increased tourism usage (eg. Whale watching) and attracting large private vessels - Superyachts. There are no facilities for Superyachts in the region and with daily flights to and from Sydney, Ballina would be a most attractive location. Greater use of the Port by private and commercial vessels would also stimulate demand for the services available within the marine industrial precinct.

Replacement of the Coast Guard Tower

An effectively operating Coast Guard is integral to the safety of the Bar and its users. The case for the replacement of the Tower is unarguable. Securing the funding to ensure completion is less certain.

Richmond River Health

The health of the river and its capacity to provide a productive fishery is of interest to all professional and recreational users. It is also of significant economic value. Recent flooding has highlighted a high rate of failure in flood gate mechanisms on the river system with less than 50 of the more than 300 gates on the system under active management by the Richmond River County Council. Upgrading or replacing defective flood gates is regarded as the highest priority works required for improving river health.

Refurbishment of Ballina Maritime Museum

The Maritime Museum occupies a special place in Ballina, both geographically and culturally. Asbestos in the roof must be removed/treated and urgent works are required to protect the vessels PV Richmond and The Florrie from further deterioration.

It is also worth noting that Council's community survey had the marine rescue tower as number one community infrastructure priority and the overall health of the Richmond river as the third highest priority in respect to service delivery after roads and crime prevention.

13.6 Notice of Motion - Port of Ballina

The formation of a Port Ballina Taskforce to progress those matters is seen as the logical first step to adopting a more business oriented focus on the development of marine industry and facilities within the Shire.

COUNCILLOR RECOMMENDATIONS

That due to the high value that our community places on the Richmond River and associated marine infrastructure that Council replace the existing Dredging Taskforce with a more contemporary and broader based committee based on the following structure:

Name: Port Ballina Taskforce

Members

Mayor

Councillors (two - to be elected following adoption of resolution)

Ballina Chamber of Commerce (one)

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Community representatives (two) (one from business and one private individual - These two people to be appointed following an EOI process, with the Taskforce members approving the appointments)

Chair: Mayor

Meeting Frequency: Three monthly or as required

Terms of Reference:

To actively pursue improvements to the overall health of the Richmond River and to develop the business case for increased Government investment in the provision of critical marine infrastructure, including not limited to:

- a) Dredging of the Ballina bar
- b) Evaluation of possible changes to the north and south wall that may result in improvements to the Ballina bar
- c) Establishment of a marina(s) in previously identified precincts such as Regatta Avenue and /or the existing Ballina Boatharbour
- d) Marine Rescue infrastructure
- e) Dredging within the estuary, including Ballina Boatharbour, North Creek and Emigrant Creek
- f) Supporting increased business and tourism opportunities for Ballina
- g) Improving the health of the Richmond River and the estuary
- h) Recognising and preserving Ballina's maritime history

This committee will also provide an opportunity through the name Port Ballina for the Ballina township to be more readily identified as a marine destination.

Secretariat: Provided by Council

Attachment(s)

Nil

13.7 Notice of Motion - Aboriginal Liaison Officer

13.7 Notice of Motion - Aboriginal Liaison Officer

Councillor

Cr Jeff Johnson

I move

1. That the position of Aboriginal Liaison Officer be reinstated.
2. That this position be filled by a local Bundjalung representative.

Councillor Comment

Ballina Shire Council until recently employed an Aboriginal Liaison Officer. I believe that it is important for Council to re-establish this important position and to make the position available to a local Bundjalung representative.

COUNCILLOR RECOMMENDATIONS

1. That the position of Aboriginal Liaison Officer be reinstated.
2. That this position be filled by a local Bundjalung representative.

Attachment(s)

Nil

13.8 Notice of Motion - Flying the Aboriginal Flag in the Council Chambers

13.8 Notice of Motion - Flying the Aboriginal Flag in the Council Chambers

Councillor

Cr Jeff Johnson

I move

That the Aboriginal flag be proudly displayed alongside the Australian flag in the Council Chambers.

Councillor Comment

I feel that it's important to have the Aboriginal flag next to the Australian flag in the Council Chambers. Council during the last term of Council introduced an 'Acknowledgement of Country' into the introduction to our Ordinary Meetings. I feel it's important to increase the recognition of our Aboriginal community by proudly displaying the flag.

COUNCILLOR RECOMMENDATION

That the Aboriginal flag be proudly displayed alongside the Australian flag in the Council Chambers.

Attachment(s)

Nil

13.9 Notice of Motion - Improving Consultation with the Aboriginal Community

13.9 Notice of Motion - Improving Consultation with the Aboriginal Community

Councillor

Cr Jeff Johnson

I move

1. That Council receive a report investigating the adequacy of the current approach to consulting the Aboriginal community on matters that concern them and their heritage, with recommendations for improvements if the investigation should indicate that such might be needed.
2. That this report
 - (a) survey the local Aboriginal community through its elders and lead organisations to ascertain their views
 - (b) report on ways by which the Councils of other shires having a substantial Aboriginal population have successfully set up consultation structures that involve the full aboriginal community and
 - (c) report on what recommendations the Local Government Department and other relevant State Government bodies have made for effective Aboriginal consultation at the Shire level

Councillor Comment

A question was asked at the last Council meeting in regards to flying the Aboriginal flag at the Council's official Australia Day Celebrations. The response to that question was along the lines of 'we don't know whether that would be appropriate and there may be mixed feelings in the Aboriginal community with regards to that suggestion'. This is one of many examples that highlight the need for a more formal consultation mechanism to ascertain the views and wishes of the Aboriginal Community. This motion seeks a report that would provide information about how other Councils engage the Aboriginal Community with the goal of improving the way Ballina Shire Council consults and engages in this important area of community consultation.

13.9 Notice of Motion - Improving Consultation with the Aboriginal Community

COUNCILLOR RECOMMENDATIONS

1. That Council receive a report investigating the adequacy of the current approach to consulting the Aboriginal community on matters that concern them and their heritage, with recommendations for improvements if the investigation should indicate that such might be needed.
2. That this report
 - (a) survey the local Aboriginal community through its elders and lead organisations to ascertain their views
 - (b) report on ways by which the Councils of other shires having a substantial Aboriginal population have successfully set up consultation structures that involve the full aboriginal community and
 - (c) report on what recommendations the Local Government Department and other relevant State Government bodies have made for effective Aboriginal consultation at the Shire level

Attachment(s)

Nil

13.10 Notice of Motion - Increasing Visitor Numbers to the Ballina Naval and Maritime Museum

13.10 Notice of Motion - Increasing Visitor Numbers to the Ballina Naval and Maritime Museum

Councillor

Cr Jeff Johnson

I move

1. That Council receive a report looking at various ways to increase the visitor numbers at the Ballina Naval and Maritime Museum after consultation with major tourist operators, tourist bodies and business chambers
2. That this report consider various options to raise the profile and recognition of the Las Balsas raft as detailed in the business paper.
3. Council acknowledge the unique opportunity the Las Balsas raft can play in increasing tourism to Ballina and the flow on economic benefits that this will bring.

Councillor Comment

The Las Balsas vision.

The Las Balsas raft is the most valuable possession in the Ballina Council asset register. It cannot be replaced replicated or recreated. It is an educational treasure and a testimony of the incredible journey by three rafts across the Pacific from Ecuador to Australia in 1973. It is the view of a large percentage of community that the council has so far missed the opportunity to capitalise on Las Balsas.

The Kontiki raft which made it half way across the Pacific is in the Museum in Oslo and attracts 2 million visitors per year and an entry fee of approximately \$13 each, generating \$26 million in income. The Las Balsas is housed in the Maritime Museum which attracts about 10,000 visitors at \$5 each, generating \$50,000. (The Macadamia Castle the largest private tourism asset by comparison attracts 300,000 visitors per year.)

Closing the gap and getting Las Balsas to 50,000 visitors in 5 years and 100,000 visitors in 10 years is not rocket science. Based on each visitor to Ballina spending about \$100 per day an extra 50,000 visitors would add \$5,000,000 to the Ballina economy.

It would also go a long way to helping Ballina achieve its stated objective of increasing tourist visits by 200,000 per annum. We wonder if council has a plan that has similar potential to attract visitors from all over Australia?

The vision for Las Balsas is much larger than an anniversary celebration. We see the anniversary celebration as a reason to focus on Las Balsas this year. It will directly increase town and museum visits and revenue.

13.10 Notice of Motion - Increasing Visitor Numbers to the Ballina Naval and Maritime Museum

The key initial opportunity of course though is the celebration planned for November 2013 celebrating the 40th year anniversary. Events will include

- The Maritime Museum have agreed to construct an interpretive display to follow the tour voyage over a six-month period commencing May 27.
- Invite all surviving crew (we think we can locate seven) to join activities.
- Some sister city tie-up between Ballina and an Ecuadorian city.
- Many schools have shown interest and are planning in class activities and education.
- A Marine parade down the Richmond River with crowds lining the banks.
- A visit by the H.M.A.S Labuana is planned for November 2013. This is the ship that brought the three rafts to safety and is pure coincidence that it will be arriving again visiting Ballina in November. This an opportunity not to miss.
- A children's raft building competition. This is based on the very successful formula used at the Hobart Wooden Ships Festival with teams are chosen from all around the region to reproduce a raft on day one. On day two of the competition they decorate the raft on day three of the competition they sail their rafts in the race. We are thinking of Shaws Bay as a location for this re-enactment with one side of the water as Australia and one side as Ecuador. The Rotary club have expressed keen interest in running this event.
- A family fun and celebration day/evening on the same day as the children's raft building competition. This would culminate in a musical event and fireworks display.
- The Ecuadorian Embassy have shown interest in the event and are prepared to send up delegates. They will also help us with music.
- Displays around shopping centres in the region using models and the spare sail and a video.
- Possible coverage by 60 minutes who filmed the first arrival.

There are many other events in discussion/planning.

The event would be the focal point for the year but the ultimate goal is to rebrand Ballina to be associated with its major asset.

We see the potential to rebrand Ballina as“ **Ballina.home of Las Balsas**”

Elements include

- Redesigning Ballina logo as Ballina home of Las Balsas
- Signs on the Pacific Highway, North and South pointing to Ballina inviting people to exit the freeway and visit the home of Las Balsas.
- A good display at the airport with a model of Las Balsas and a video loop of the voyage.
- Active marketing to Byron Bay visitors to do a day trip to Ballina.
- Free postcards and postage for Las Balsas postcards (placed in a box at the museum)

13.10 Notice of Motion - Increasing Visitor Numbers to the Ballina Naval and Maritime Museum

Longer term we believe that an architect designed Museum/Visitor centre could be constructed either at the existing location or in the precinct. A retired Navy vessel (possibly the Labuan) could also be stationed there to provide an additional attraction. Over time this has the possibility of attracting 500,000 people per year (at \$10 per year that would generate an income of \$5 million for Council and provide a huge economic boost for Ballina). It would obviously need some major funding assistance probably from the Federal Government. That however is a few years down the track and requires planning and funding. The key to attracting eventual Federal funding is to boost the number of visitors to the Ballina Naval and Maritime Museum.

There is much however that can be done now and cheaply. We own the asset but are not utilising it.

Support from the council for the event is an investment that will have a quick pay back via increased visitations to the town and entry fees to the Museum.

The 40th Birthday events will be managed and funded by community organisations. There is an urgent need for an events coordinator and marketer. That person would also raise funds via sponsorships and partnership marketing. Jeff Johnson has presented a motion to April Council General meeting to further this plan.

As a first step, Council should investigate all possible grant funding that could go towards the celebrations, ie RDA (regional development), , Essential Energy, Community grants, TIRF Regional tourism promotion grants, NSW Environmental Trust etc. The grant could be lodged by the Museum to promote events with the goal of increasing visitations.

Council's tourism/events manager and GM could also assist the Steering Committee and Rotary/Community Groups with the planning of a community (schools, community groups, corporate) raft race and Maritime Parade.

COUNCILLOR RECOMMENDATIONS

1. That Council receive a report looking at various ways to increase the visitor numbers at the Ballina Naval and Maritime Museum after consultation with major tourist operators, tourist bodies and business chambers
2. That this report consider various options to raise the profile and recognition of the Las Balsas raft as detailed in the business paper.
3. Council acknowledge the unique opportunity the Las Balsas raft can play in increasing tourism to Ballina and the flow on economic benefits that this will bring.

Attachment(s)

Nil

13.11 Notice of Motion - Las Balsa celebrations

13.11 Notice of Motion - Las Balsa celebrations

Councillor

Cr Jeff Johnson

I move

1. That Council seek grant funding to assist with the coordination and promotion of the proposed Las Balsas Celebration Events being planned for November this year.
2. That the results of these applications and any other funding sources be reported to the April Council meeting.
3. That Council's tourism manager and the General Manager liaise with the Las Balsas Celebration Steering Committee to assist with the co-ordination and promotion of these events.

COUNCILLOR RECOMMENDATIONS

1. That Council seek grant funding to assist with the coordination and promotion of the proposed Las Balsas Celebration Events being planned for November this year.
2. That the results of these applications and any other funding sources be reported to the April Council meeting.
3. That Council's tourism manager and the General Manager liaise with the Las Balsas Celebration Steering Committee to assist with the co-ordination and promotion of these events.

Attachment(s)

Nil

14.1 Finance Committee Minutes - 4 March 2013

14. Advisory Committee Minutes

14.1 Finance Committee Minutes - 4 March 2013

Attendance

Cr David Wright (Mayor - in the chair), Jeff Johnson (arrived at 4.01 pm), Sharon Cadwallader, Keith Williams, Keith Johnson, Ken Johnston, Paul Worth, Ben Smith (arrived at 4.01 pm) 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), Peter Morgan (Finance Manager) and Sandra Bailey (Secretary) were in attendance.

There were eight people in the gallery at this time.

1. Apologies

An apology was received from Cr Susan Meehan.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That such apology be accepted.

Absent at this Stage

Cr Ben Smith
Cr Jeff Johnson

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Susan Meehan and Cr Ben Smith

2. Declarations of Interest

Nil

Cr Ben Smith arrived at 04:01 pm.
Cr Jeff Johnson arrived at 04:01 pm.

3. Deputations

- **Tom Bowers** – spoke in support of Item 4.6 – Community Infrastructure Projects – Priorities – and particularly in regard to the Sports and Events Centre.
- **Annie Lewis** – spoke in support of Item 4.6 - Community Infrastructure Projects – Priorities – and particularly in regard to a 25 metre indoor swimming facility.

4. Committee Reports

4.1 Election of Chair

A nomination was received for Cr David Wright, Mayor.

There being only one nomination, the General Manager declared Cr David Wright elected as Chairperson.

4.6 Community Infrastructure Projects - Priorities

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That Council resolve into Committee of the Whole to allow discussion to occur on the preferred community project priorities for this term of Council.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Susan Meehan

RECOMMENDATION

(Cr Ben Smith/Cr Paul Worth)

Cr Jeff Johnson left the meeting at 05:28 pm.

That Council move out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Susan Meehan

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

Sports and Events Centre

That Council confirms its support for a four court indoor sporting facility.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith
AGAINST VOTE - Cr Keith Johnson
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Susan Meehan

RECOMMENDATION

(Cr Ben Smith/Cr Keith Williams)

1. That Council confirms high priorities for the 2013/14 budget of a \$200,000 allocation for an indoor swimming facility at Ballina and \$50,000 for works at Alstonville Swimming Pool.
2. That based on the discussions held the General Manager prepare a priority listing for the future major capital works that is subject to funding sources becoming available (i.e. grants, land sales etc).

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Susan Meehan

Cr Ben Smith and Cr Sharon Cadwallader left the meeting at 05:48 pm.

4.2 Financial Performance Indicators and Benchmarks

RECOMMENDATION

(Cr Keith Johnson/Cr Robyn Hordern)

1. That Council notes the contents of this report in respect to the Financial Performance Indicators and Benchmarks.
2. That Council receive a further report on amending the existing benchmarks to reflect latest industry advice and realistic goals.

Cr Keith Williams left the meeting at 05:55 pm.

There was no quorum at this stage.

Cr Keith Williams returned to the meeting at 05:56 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Susan Meehan and Cr Ben Smith

4.3 **Rating Structure - Ordinary Land Rates**

RECOMMENDATION

(Cr Keith Williams/Cr Robyn Hordern)

1. That Council, for the purposes of the 2013/14 Draft Operational Plan, endorses a base rating structure modelled on the following principles:
 - a) Marginally less than 50% of the rate income for the residential category of properties being generated from the base amount
 - b) Business, farmland and mining categories to have the same base amount as the residential base amount
 - c) A total of 20% income from the rate yield to be sourced from the business category properties
 - d) The mining category rate in the dollar to be set as the same rate as the business category (currently no mining category properties exist within the shire).
2. Preliminary figures for this rating structure for 2013/14, as per tables two and three within this report, are outlined below:

Table Two: Proposed 2013/14 Rating Structure

Rate Category	5.9% Increase	
	Base Amount	Rate in Dollar
Residential	420	0.161054
Business	420	0.575440
Farmland	420	0.130375
Mining	420	0.575440

Table Three: Proposed 2013/14 Income per Category 5.9%

Rate Category	2012/13			2013/14		
	6.1% increase	% of total	Ave Rate	5.9% increase	% of total	Ave Rate
Residential	11,972,439	72.15	799	12,722,924	72.19	841
Business	3,318,583	20.00	2,632	3,525,028	20.00	2,793
Farmland	1,302,099	7.85	1,225	1,377,220	7.81	1,287
Mining	0	0.00	0	0	0.00	0.00
Total	16,593,121	100.0	958	17,625,172	100.0	1,010

FOR VOTE - All Councillors voted unanimously.
 ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Susan Meehan and Cr Ben Smith

14.1 Finance Committee Minutes - 4 March 2013

4.4 Water Operations - Long Term Financial Plan

RECOMMENDATION

(Cr Keith Johnson/Cr Robyn Hordern)

That Council approves the inclusion of the following water charging structure in the draft 2013/14 Operational Plan.

Charge Type	2012/13	2013/14	% Increase
Water Access Charge 20mm meter (1)	165	178	8
Water Consumption under 350kl	1.77	1.91	8
Water Consumption over 350kl	2.66	2.87	8
Vacant Land Charge	165	178	8

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Susan Meehan and Cr Ben Smith

4.5 Wastewater (Sewer) Operations - Long Term Financial Plan

RECOMMENDATION

(Cr Keith Johnson/Cr Robyn Hordern)

That Council approves the inclusion of the following wastewater charging structure in the draft 2012/13 Operational Plan.

Charge Type	2012/13	2013/14	% Increase
	674	728	8

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Susan Meehan and Cr Ben Smith

MEETING CLOSURE

6.12 pm

RECOMMENDATION

That Council confirms the minutes of the Finance Committee meeting held 4 March 2013 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

14.2 Commercial Services Committee Minutes - 26 March 2013

14.2 Commercial Services Committee Minutes - 26 March 2013

The Minutes will be distributed prior to the meeting.

RECOMMENDATION

That Council confirms the minutes of the Commercial Services Committee meeting held 26 March 2013 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 February 2013 Ordinary meeting:

<u>Date</u>	<u>Function</u>
1/3/13	Chorus Line at RSL
2/3/13	Presentation of National Service medals RFS – Ocean Shores
3/3/13	Clean-up Australia Day – Alstonville
3/3/13	Music at the Community Gallery
4/3/13	Citizenship Ceremony
4/3/13	Funeral – John Felsch – Former Ballina Shire Councillor
4/3/13	Finance Meeting
5/3/13	Dredging Taskforce meeting
5/3/13	Workshop Entry treatment – Bi-Centennial Gardens
5/3/13	Alstonville/Wollongbar Chamber of Commerce
6/3/13	Meeting with Wollongbar Preschool
7/3/13	Opening Ballina Byron Gateway Airport Apron Extension
7/3/13	Meeting with proponent and staff re Alstonville Markets
8/3/13	Combined Service Clubs Scholarship Dinner – Ballina RSL
12/3/13	'A' Ward Meeting
13/3/13	Meeting Ken Delaney – Marine Rescue – Boat and Leisure Show
13/3/13	Meeting Las Balsas
13/3/13	ALEC Meeting
14/3/13	'C' Ward Meeting
18/3/13	'B' Ward Meeting
19/3/13	Marine Tower design Meeting
20/3/13	Quota Dinner
21/3/13	Internal Audit Committee Meeting
21/3/13	Coastal Management Plan Meeting
25/3/13	Income Diversification Meeting
25/3/13	Finance Meeting
26/3/13	Commercial Services Meeting
28/3/13	March Council Meeting

RECOMMENDATION

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

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 Tender - Design of the Marine Rescue Centre

This report contains information relating to tender evaluation for the contract to design the Marine Rescue Centre. As Council is currently in the process of evaluating preferred tender options, with architectural design being an important component of that evaluation it is important for Council to discuss those design proposals in confidence to protect the intellectual property of the tenderers.

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 Tender - Design of the Marine Rescue Centre

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 Council is currently in the process of evaluating preferred tender options, with architectural design being an important component of that evaluation.