



Notice of Ordinary Meeting

Notice is hereby given that an Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street, Ballina on **Wednesday 24 April 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
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1. Australian National Anthem

The National Anthem will be performed by Sing Australia.

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 March 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 March 2013.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 NSW Companion Animals Act 1998 - Dangerous Dog Declaration

8. Regulatory Services Group Report

8.1 NSW Companion Animals Act 1998 - Dangerous Dog Declaration

Delivery Program Environmental & Public Health

Objective To determine whether or not a Dangerous Dog Declaration made under Section 34 of the Companion Animals Act 1998 is to be revoked.

Background

Council has received a request to consider the revocation of a Dangerous Dog Declaration that was made under Section 39 (1) of the Companion Animals Act 1998 (the Act) in relation to a Bull Terrier (Staffordshire) named "Sparky" with Microchip No. 900006000071556 owned by Ms Candy Baker from Brooklet.

The meaning of "dangerous" is defined under Section 33 of the Act and is outlined below:

- (1) For the purposes of this Division, a dog is *dangerous* if it:
- (a) has, without provocation, attacked or killed a person or animal (other than vermin), or
 - (b) has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin), or
 - (c) has displayed unreasonable aggression towards a person or animal (other than vermin), or
 - (d) is kept or used for the purposes of hunting.

- (2) A dog is not, for the purposes of subsection (1) (d), to be regarded as being kept or used for the purposes of hunting if it is used only to locate, flush, point or retrieve birds or vermin. *Vermin* for the purposes of this subsection includes small pest animals only (such as rodents).

The Declaration was made after Council's Ranger (being the appropriate authorised officer under the Act) was satisfied that "Sparky" had acted within the meaning of a dangerous dog following an attack where "Sparky" displayed unreasonable aggression to a neighbour's cat on 17 February 2012, the injuries of which resulted in the death of the cat.

At the time of the attack and the issuing of the Declaration, Council also issued a Penalty Infringement Notice (PIN) to the dog owner, Ms Candy Baker, for being "in charge of a dog which attacked person or animal – not dangerous dog". The PIN was not challenged and has been paid and closed by the State Debt Recovery Office.

As a consequence of the Declaration being issued, Ms Candy Baker lodged an appeal within the 28 day appeal period following the date of Declaration in the Local Court against the terms of the declaration.

8.1 NSW Companion Animals Act 1998 - Dangerous Dog Declaration

Subsequently, Council sought legal advice on proceeding with the matter in Court but the appeal was withdrawn by Ms Candy Baker.

The current request to revoke the Declaration is supported by a submission from a dog behavioural trainer who has been working with “Sparky” and his owner. The request also includes a letter from “Sparky’s” vet, Dr Ian King, and letters of support from people who know and have had dealings with “Sparky” over the past 12 months or more.

The Declaration has been made with good reason and if Council is to revoke the declaration it needs to be convinced that it is appropriate to do so and the report that now follows outlines the matters to be considered regarding a dangerous dog and revocation of a declaration.

Key Issues

- Public Safety and Public Interest
- Potential repercussion should the declaration be lifted and there is another incident involving “Sparky”

Information

Dangerous dog declarations impose mandatory requirements on the owners of such dogs. The requirements are designed to protect public safety and the safety of other animals. The requirements substantially restrict the freedom of the dog and hence the lifestyle of the owner and the ability to enjoy the dog.

A dangerous dog declaration can only be revoked by a resolution of Council and not until after the expiration of a period of 12 months following the date on which the dog was declared to be dangerous. Section 39(2) of the Act stipulates that Council must be satisfied that it is appropriate to revoke a dangerous dog declaration before doing so, and hence this report.

The owner of a dog can appeal to the Local Court against a refusal by a council to revoke a declaration that the dog is dangerous, within 28 days of the notice by the council that it has refused to revoke the declaration.

A declared dog must be desexed, and as a result of the subject Declaration “Sparky” has been desexed.

Council has also issued a “Compliance Certificate” as required under the Act for the enclosure that “Sparky” must be kept in whilst the Declaration is in force.

In addition to the incident on 17 February 2012, Council’s Ranger has investigated two other incidents involving “Sparky” and altercations with a neighbour’s dog on 5 April 2012 and 30 April 2012. As a result of these incidents dog fights did occur, and following one of the incidents “Sparky” sustained injuries that resulted in extensive veterinary care. The other dog involved in the incidents has been euthanised by its owner.

8.1 NSW Companion Animals Act 1998 - Dangerous Dog Declaration

The extent of “Sparky’s” involvement in these incidents and the actual events that caused the dog fights are uncertain as neither dog was under effective control by a competent person at the time and both incidents occurred on private land.

Council is not aware of any other incidents involving “Sparky” since, and to the best of its knowledge “Sparky” has been kept in accordance with the Declaration.

An opinion was sought from the Council Ranger who issued the original Declaration. His view is that the Declaration should be lifted and that a formal warning letter be sent to the dog owner regarding the on going management and the keeping of “Sparky” in accordance with the recommendations from the dog behavioural trainer as well as the standard requirements of a responsible dog owner under the Act.

Council’s Ranger has reviewed and noted the statements from various people regarding “Sparky” and the training that has been given to the dog and the advice provided by the dog behavioural trainer to Council.

The dog behavioural trainer who has been working with the owner and “Sparky” has found him to be friendly and polite, both towards humans and other dogs. It has been recommended that “Sparky” continue to remain on lead when off his property, and that his owner ensure that all fencing remains secure and that “Sparky” not be allowed to roam freely or wander off his property unsupervised.

Additionally, Council's Insurance Claims Agent has been consulted in relation to Council's position should it revoke the Declaration. Essentially, the Agent indicated verbally that in light of this report and the accompanying submissions, it appears that the subject dog is no longer a dangerous dog, and as such, it is open to the Council to remove the Declaration.

The submission from “Sparky’s” owner, including the information from the dog behavioural trainer, is attached to this report.

Other supporting material, including photographs and a DVD of “Sparky” are available to Councillors before the meeting by arrangement with Council’s Regulatory Services Group.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The imposition of a dangerous dog declaration has a significant affect on the life of both a dog and its owner.

Dangerous dogs are a significant risk to other animals and the public and the companion animal legislation was created in response to the number, frequency, and severity of dog attacks across the State

- **Economic**
Not Applicable

8.1 NSW Companion Animals Act 1998 - Dangerous Dog Declaration

Legal / Resource / Financial Implications

Should Council refuse to revoke the Declaration, the applicant may appeal the decision in the Local Court. With Council's Ranger supporting the revocation, the appellant would undoubtedly call him as a witness. Should the appeal be successful, this would inevitably result in costs being made against Council.

If the Declaration is upheld by Council then there is a continuing resource cost in keeping the dangerous dog register regularly reviewed and the subsequent conditions of the declarations audited.

Consultation

Consultation has occurred with the dog behavioural trainer in seeking further information, and with Council's Insurance Claims Agent in relation to the risk associated with a decision to revoke the Declaration.

Options

The options available to Council are to revoke the declaration or to refuse the request. The recommendation is to support the revocation due to the efforts made by the owner and the support of Council's Ranger.

RECOMMENDATIONS

1. That Council, based on the evidence presented in this report, approves the revocation of the Dangerous Dog Declaration dated 21 March 2012 issued to "Sparky", Microchip No. 900006000071556.
2. That the owner of "Sparky" and the Director General for Local Government be advised that the declaration has been revoked as per Section 40 of the Companion Animals Act 1998.
3. That Council issue a Formal Warning letter to the owner of "Sparky" highlighting the responsibilities as a dog owner under the Act and the recommendations from the dog behavioural trainer regarding the on going management of "Sparky".

Attachment(s)

1. Dangerous Dog Declaration dated 21 March 2012
2. Submission by Ms Candy Baker to revoke Declaration dated 21 March 2013

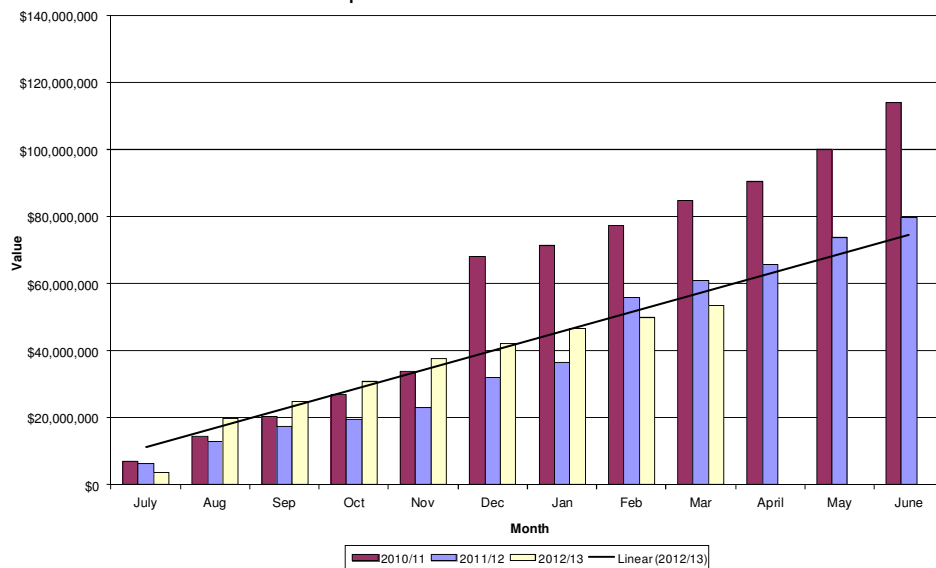
8.2 Development Consent Statistics - March 2013

8.2 Development Consent Statistics - March 2013

During the period of 1 March 2013 to 31 March 2013 Council's Regulatory Services Group issued Development Consents comprising of:

Number of Applications	Value of Work
29 Other Building Related	\$ 1,245,500
6 Dwellings/Duplexes/Residential Flat Buildings	\$ 2,382,000
8 General Developments	\$ 11,000
Total Value	\$ 3,638,500

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 concerning development consent statistics for the period 1 March 2013 to 31 March 2013.

Attachment(s)

Nil

8.3 Development Applications - Works in Progress - April 2013

8.3 Development Applications - Works in Progress - April 2013

The following schedule sets out current development applications that have not yet been determined, 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 Connolly 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 (Engagement of Ecologist to conduct peer review of Flora & Fauna Assessment)
2011/506	23/11/2011	C Lonergan	Regularise and expand existing caravan park from 55 Sites to 178 sites and construct new amenities block and recreation building, 440 South Ballina Beach Road,	Awaiting Additional Information

8.3 Development Applications - Works in Progress - April 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
2011/515	30/11/2011	Newton Denny Chapelle	South Ballina 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 Connolly 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, West Ballina	Being Assessed
2012/346	27/08/2012	Australian	The erection of	Being

8.3 Development Applications - Works in Progress - April 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
		Fishing Tournaments Pty Ltd	a temporary sign for the Boat and Leisure Show - 319-321 River Street, Ballina	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	Awaiting Additional Information and Referred to Government Departments
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	Being Assessed
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 business - 152 Newrybar Swamp Road, Knockrow	Awaiting Additional Information
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	Awaiting Additional Information

8.3 Development Applications - Works in Progress - April 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
			– 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 an emergency services facility (NSW Rural Fire Service) and associated access road - Henderson Drive, Lennox Head	
2013/44	14/02/2013	Ardill Payne	To undertake vegetation clearing, site filling and stockpiling of soil – Lot 137 Barlows Rd, West Ballina	Awaiting Additional Information
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	Awaiting Additional Information
2013/64	27/02/2013	S & C Cranitch	To extract fill material from site for approved house envelope - Boundary Creek Road, East Wardell	Determination Pending
2013/68	01/03/2013	Civiltech	Demolition of	Being

8.3 Development Applications - Works in Progress - April 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
		Consulting Engineers	existing building and construction of a car park for public use - 74 Tamar Street, Ballina	Assessed
2013/69	01/03/2013	Civiltech Consulting Engineers	Demolition of existing building and expansion of adjoining public car park including the construction of an amenities building and relocation of the access and egress of the existing car park - 78, 80-84 Tamar Street, Ballina	Being Assessed
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
2013/80	14/03/2013	Ballina Region Community College Inc	To undertake the erection of one business identification sign - 494 Bruxner Highway, Alstonville	Being Assessed

8.3 Development Applications - Works in Progress - April 2013

Regional Development (Determined by Joint Regional Planning Panel)

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

Major Development (Determined by Minister)

Major Project No./DA No.	Date Rec'd	Applicant	Proposal	Status
MP 07_0026 MOD 4 (DA 2008/510)	01/08/2012	Geolink (on behalf of The Royal Bank of Scotland)	To modify the approved concept plan and project application layout - Hutley Drive, Lennox Head	Modification No. 4 in regard to the Concept Plan and Project Approval has been determined by the granting of an amended consent on 13/3/2013

RECOMMENDATIONS

That Council notes the contents of the report on the status of outstanding development applications for April 2013.

Attachment(s)

Nil

9.1 Development Control Plan - Chapter 2A Vegetation Management

9. Strategic & Community Services Group Reports

9.1 Development Control Plan - Chapter 2A Vegetation Management

Delivery Program Strategic Planning

Objective To advise Council in relation to the operation and function of the adopted vegetation management controls in Chapter 2A of the Ballina Development Control Plan 2012.

Background

At its Ordinary Meeting held on 20 December 2012, the Council resolved to adopt the Ballina Shire Development Control Plan 2012 (DCP) (Minute No. 201212/13). The DCP commenced operation in conjunction with the new *Ballina Local Environmental Plan 2012* (BLEP 2012) on 4 February 2013. Included as part of the above resolution was the following:

That Council receive a further report regarding the outcomes of the changes in respect to Chapter 2A.

Chapter 2A of the DCP establishes the Council's policy relating to the management of significant vegetation in urban areas of the shire. This chapter superseded the provisions previously applied by Council under the Lennox Head Vegetation Management Order, as adopted by the Council in 2004. Chapter 2A is also intended to operate in conjunction with the provisions of clause 5.9 of the BLEP 2012.

Chapter 2A has provided a number of additional and changed regulatory requirements in relation to the removal and management of certain vegetation in the shire that was previously regulated under the former Lennox Head Vegetation Management order and *Ballina Local Environmental Plan 1987* (BLEP 1987). This report addresses the relevant changes to regulation of vegetation works in the urban parts of the shire based on the adoption of DCP Chapter 2A.

Key Issues

- Regulation of vegetation management works in Ballina Shire.

Information

Historically, Council has sought to manage the removal of identified significant vegetation through regulatory controls. Prior to 1987, Council had made various Tree Preservation Orders (TPO) that identified particular tree species requiring Council assessment and approval prior to their removal. These TPOs were repealed following the commencement of the *Ballina Local Environmental Plan 1987* (BLEP 1987) which contained a number of provisions regulating the clearing and removal of vegetation in specific zones,

9.1 Development Control Plan - Chapter 2A Vegetation Management

as well as general development consent requirements for the clearing of native vegetation.

In 2004, the Council adopted the Lennox Head Vegetation Management Order (VMO) which applied additional regulatory controls on the removal and management of vegetation in the district of Lennox Head.

The BLEP 2012, which commenced operation in February 2013, contains a standard clause (clause 5.9) which relates to the preservation of trees and vegetation. Clause 5.9 is part of the Standard Instrument LEP and established a new regulatory framework for vegetation management within the State. The clause enables councils to regulate vegetation works through a development control plan (DCP) but also specifies limitations on the application of vegetation controls adopted through that DCP. As clause 5.9 is a standard provision introduced by the State Government, Council has been required to implement its new planning provisions consistent with this clause.

The commencement of BLEP 2012 resulted in the removal of the previous regulatory controls applying to vegetation across much of the shire. In preparation for this, Council resolved in December 2012 to adopt Chapter 2A of the Ballina Development Control Plan 2012 to serve as its primary regulatory control for vegetation management works in conjunction with clause 5.9 of the new LEP. Chapter 2A of the DCP had the effect of modifying and extending the provisions of the former Lennox Head VMO to other areas of the shire, and as such, the VMO was repealed upon commencement of the DCP in February 2013.

It should be noted that, due to the restrictions and exemptions specified in clause 5.9 of the BLEP 2012, and the Minister's deferral of environmental protection zones from the LEP, the provisions of DCP Chapter 2A may only be applied to urban areas of the shire at this point in time.

In drafting the recommended set of regulatory controls for vegetation management works that are now contained in Chapter 2A, and having regard for the outcomes of our workshop sessions with Councillors at that time, staff considered a number of key factors. Particular attention was given to identifying vegetation assessed as being visually or ecologically significant in urban areas of the shire and how development controls might best be applied to regulate works potentially affecting this vegetation.

It was also considered important to not over-regulate vegetation management works and tree removal such that it unnecessarily restricted landowners and occupiers from undertaking gardening, landscaping and routine maintenance works on their land. In reviewing the significant vegetation in the urban areas of the shire, two key components were identified:

- Large and prominent vegetation that contributes to streetscapes and the amenity of urban areas, and
- Stands of contiguous significant native urban bushland that contributes to the amenity and character of urban areas.

Having regard for the above, the controls which were adopted into Chapter 2A require prior Council consent for vegetation management works involving the following (unless a specified exclusion applies):

- Large and prominent vegetation: any tree (either native or non-native) with a height of 6m or greater, and

9.1 Development Control Plan - Chapter 2A Vegetation Management

- Significant urban bushland: any works affecting vegetation identified on the Significant Urban Bushland Map.

In addition to the above, some circumstances were identified where more specific vegetation controls would be appropriate. These are:

- Development consent required for works involving Pandanus trees 3 metres high or greater in East Ballina, Lennox Head and Skennars Head due to the significant contribution these trees make to the character of these localities; and
- Development consent required for works potentially impacting trees or shrubs 3 metres high or greater on sites containing items of environmental heritage to enable an assessment of the extent of impact on the character of identified heritage items.

It should be noted that the controls detailed above only apply to vegetation works on private land and/or public land not under the control or management of Council. Vegetation works on public land under Council's management and control, such as public reserves and public roads, is exempt from the requirements of Chapter 2A. This is because these works are regulated and managed under Council's *Urban Vegetation & Tree Management on Public Land Policy* adopted on 26 August 2010.

The vegetation management controls incorporated into DCP Chapter 2A may be seen as representing a departure from the standards established in the Lennox Head VMO which required consent for the removal or destruction of "any species of native tree, fern or palm exceeding 3 metres in height" (with some exceptions). The rationale for increasing the general height for works on vegetation requiring consent from 3 to 6 metres is outlined below.

The proportion of favourable determinations for vegetation works issued by Council during the life of the Lennox Head VMO from 2004 to 2013 and also for the rest of the shire over the same period is substantial. Figures from the analysis of determined development applications are shown in Table 1 below.

	Total Determinations	Approved		Refused	
Lennox Head area (VMO)	166	156	94%	10	6%
Rest of shire (1987 LEP)	52	49	94%	3	6%
Overall Total	218	205	94%	13	6%

Table 1 – Analysis of Determined Vegetation Removal Applications 2004-2013

It can be seen that of the 166 of applications received, assessed and determined by Council staff over the life of the VMO, only 10 (6%) of these were refused. This comparison is further illustrated in Figure 1.

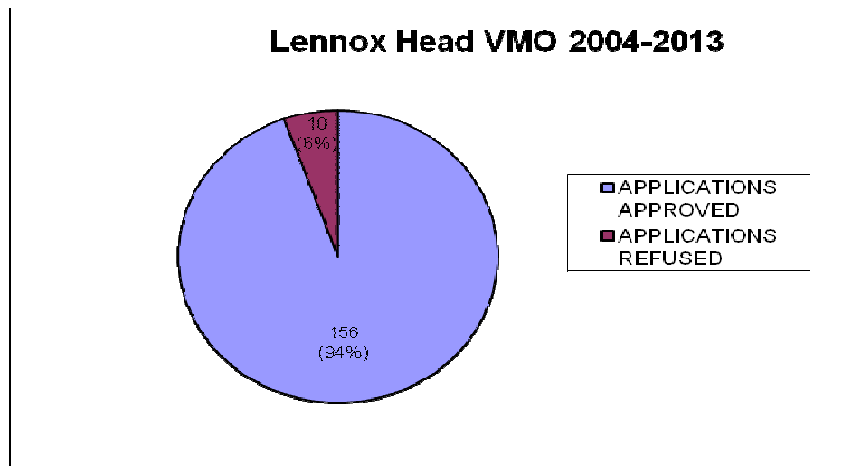


Figure 1 – Comparison of Approvals and Refusals, Lennox Head VMO

A similar analysis of applications for works relating to vegetation across the rest of the shire (outside the VMO area) over the same period reveals the same trend. This means that the majority of applications were given consent under delegated authority for what can generally be considered to be low impact activities. Given the efforts required to prepare, lodge, receive, process, assess and determine these applications, combined with the high approval rate, further consideration was given to the merits of regulating such activities for what could be considered a negligible public interest return.

Council is only able to receive minimal application fees for vegetation related applications, and in the case of the VMO, the application fee was set at only \$15 per application. This has meant the commitment of a substantial level of Council resources in the processing, assessing and determining of applications with little measurable or material public return.

It should also be noted that under Council's current assessment policy and delegation structure, most applications for vegetation removal are not publicly notified and are approved or refused under delegated authority. As such, there are very few circumstances where applications relating to vegetation removal or modification would be notified for public comment and/or reported to the elected Council for determination under present policy.

To refine and increase the effectiveness and efficiency of Council's vegetation management regulations, a review of the applications refused under the VMO was undertaken. This review found that the majority of these applications were refused on grounds that the trees were of a significant size, in good condition and contributed to the amenity of the locality. This led to the proposal to apply controls only to vegetation identified as being significant and likely to contribute to the urban fabric and amenity of a locality. In this regard, it was considered reasonable to specify a general requirement for all trees having a height of 6 metres or greater, or for vegetation within identified areas of significant bushland, to require consent. The rationale for choosing the 6 metre benchmark is based generally on what can be considered to be a large tree, as tall as a two storey house, that is likely to contribute to the amenity of a locality.

9.1 Development Control Plan - Chapter 2A Vegetation Management

Given the diversity of vegetation growing within the shire and the mix of significant contributory trees in the urban fabric, it was considered more appropriate and all-encompassing to specify this general requirement to cover trees outside identified significant urban bushland areas rather than identifying a limited list of specific tree species and/or excluding non-native vegetation. In essence, this means that vegetation works, including the removal, destruction or pruning, relating to any tree greater than 6 metres in height, as well as any vegetation in identified significant urban bushland areas, require Council's consent before those works may commence. This approach is also designed to be relatively easy for the general public to interpret and apply.

Where development consent is required under the vegetation management provisions, Council officers undertake a merit assessment of the impacts the proposed vegetation removal or modification may have on a locality, particularly in relation to visual amenity and the contribution a tree or vegetation may make to the quality, character and fabric of the urban environment. In assessing the merits of these applications, Council officers also consider the health and safety of the tree/s, ecological values and implications associated with adjacent buildings and infrastructure.

Council has the option to either expand or reduce the regulatory controls on vegetation management currently contained in DCP Chapter 2A. As detailed above, these controls currently apply on private land to large trees (6 metres high or greater) in urban areas and to identified significant urban bushland areas. There are two exceptions, where a 3 metre height threshold is applied: to Pandanus trees in East Ballina, Lennox Head and Skennars Head and to vegetation located on the site of an identified heritage item.

The option exists to expand the controls to include more urban vegetation by lowering the height threshold below 6 metres or to specify additional species that require consent for removal when higher than a specified threshold. As detailed in this report, the analysis of the Lennox Head VMO, which had a 3 metre height threshold, reveals that this regulation has minimal regulatory effect and results mainly in a burden, for both the community and Council, with a significant majority of applications assessed and approved under delegated authority.

Given the short period of operation of Chapter 2A to date, it is difficult to analyse and quantify the outcomes of the newly introduced provisions at present. Consequently, it is the recommendation of this report that the current controls applied in Chapter 2A of the DCP be permitted to operate for a period of approximately twelve months. After this time, a further analysis of the effects and outcomes of the controls can be reported to Council. This window will also allow feedback from the community about the adequacy or appropriateness of what has been applied.

Sustainability Considerations

- **Environment**

Council's regulatory controls for vegetation management in DCP Chapter 2A apply primarily to protect and preserve the contribution significant vegetation makes to the ecological, visual and amenity values in the shire's urban environment.

- **Social**

Council's current vegetation management regulatory controls apply to private land in urban zones. These controls may have indirect positive benefits to the social sustainability of the community through the protection and preservation of significant vegetation.

- **Economic**

Council's current vegetation management regulatory controls apply to private land in urban zones. These controls may have indirect positive benefits to the economic sustainability of the community through the protection and preservation of significant vegetation.

Legal / Resource / Financial Implications

Under the standard statutory provisions of the recently commenced *Ballina Local Environmental Plan 2012*, clause 5.9 allows Council to regulate to preserve trees and other vegetation by a development control plan, in certain circumstances. Chapter 2A of the Ballina Development Control Plan 2012 comprises Council's regulatory standards for the preservation of significant trees and bushland in urban areas. As detailed in this report, these controls have been developed to target the regulation of identified significant trees and vegetation while endeavouring to minimise the burden of regulation and resourcing for both Council and the wider public.

Consultation

Consultation was undertaken during the development and subsequent public exhibition of the DCP in 2012. Chapter 2A was developed and drafted in consultation with Council's Regulatory and Strategic and Community Services Groups and a panel of local consultant planners. No direct external feedback was received from the community in relation to vegetation management controls during the public exhibition of the DCP in 2012. This report is submitted to the Council in response to its resolution of 20 December 2012 and no additional consultation beyond the development and exhibition of the draft DCP has been made in relation to this matter.

Options

Based on the contents of this report, Council has a number of options with respect to vegetation management and regulation in the shire.

1. Retain the DCP 2012 provisions as adopted

The Council can retain the controls currently contained in Chapter 2A of the DCP which seek to achieve a balance between regulating to preserve significant urban vegetation on private land while minimising the regulatory burden on Council and the community in relation to routine gardening and landscape maintenance activities.

It is recommended that the provisions of Chapter 2A be permitted to operate for a further twelve months following which an evaluation can be undertaken and the findings reported to Council for further consideration and direction.

9.1 Development Control Plan - Chapter 2A Vegetation Management

2. Amend the DCP 2012 provisions

It is open to the Council to consider the expansion or other modification of the current regulatory controls for the preservation of vegetation on private land in urban areas contained in Chapter 2A of the DCP. This is not recommended at this time for the reasons outlined in this report.

However, further consideration of possible expansion or modification of the regulatory controls could be undertaken following the twelve month review as promoted in Option 1. If the option to expand or otherwise modify the regulatory controls is considered appropriate by the Council at this time, it is recommended that a workshop be held to further discuss the merits and appropriate levels of change to the controls so that Councillor issues or preferences may be clearly articulated and understood.

RECOMMENDATIONS

1. That Council notes the contents of this report concerning the current methods and extent of vegetation management within the urban areas of Ballina Shire.
2. That Council receive a report on the operation of Chapter 2A of the Ballina Shire Development Control Plan 2012 after the chapter has operated for a period of approximately twelve months.

Attachment(s)

Nil

9.2 LEP Amendment - Dual Occupancy Lots, Lennox Head

9.2 LEP Amendment - Dual Occupancy Lots, Lennox Head

Delivery Program Strategic Planning

Objective To invite the Council to initiate a planning proposal to enable dual occupancy residential development under the Ballina LEP 2012 on various properties in Lennox Head.

Background

The Ballina Local Environmental Plan 2012 (BLEP 2012) provides for the following residential zones:

- R2 Low Density Residential Zone – provides for low density residential development forms including dwellings and secondary dwellings/“granny-flats” (and other compatible uses);
- R3 Medium Density Residential Zone – provides for a broad range of residential development forms including dual occupancies, residential flat buildings, multi dwelling housing and the like (and other compatible uses).

The introduction of the BLEP 2012 involved the identification of existing residential allotments with appropriate zoning under the LEP either through application of an R2 Low Density Residential or R3 Medium Density Residential zone. Typically, existing low density lots received an R2 zone and existing duplex and medium density lots received an R3 zone.

Land within proposed urban release areas, for which allotments had not been created, were generally (but not always, depending on the circumstances) zoned R3 Medium Density Residential under the new plan to allow the subdivision development assessment process to determine the appropriate mixture of low and medium density residential forms within these areas. Under this approach, the potential for development of the various residential forms is mainly determined by the size of the allotments created, with reference to development standards provided in the Ballina LEP 2012 and the Ballina Shire Development Control Plan (DCP 2012).

It has recently been identified that several allotments in Lennox Head, designated for ‘dual occupancy’ in the respective development approvals that have previously been granted by Council, were not designated as such in the Ballina LEP 2012 (these lots were known as duplex lots under the former planning framework – dual occupancy is the equivalent land use in the Ballina LEP 2012). These lots require zoning as R3 Medium Density Residential in the LEP to enable dual occupancy development to occur, as intended.

This matter appears to have arisen due to the interim stage of the developments and the various ‘hold points’ of the LEP maps during key stages of the negotiations and implementation of the new plan. That is, the lots identified were not created at the time the LEP zone provisions were applied and so were not subject to analysis regarding the most suitable residential zone type on an individual lot basis (the individual lots did not exist

9.2 LEP Amendment - Dual Occupancy Lots, Lennox Head

in Council's property information system at the time zones were applied). The planning proposal contained in Attachment 1 seeks to amend the LEP to acknowledge the past approvals for dual occupancy development on certain land by the application of the R3 Medium Density Residential zone to the land. The proposal also includes the application of a minimum lot standard for subdivision of 800m² for consistency with lot size standards applied in similar circumstances in Lennox Head.

Key Issues

- Residential development potential.
- Consistency with strategic planning intent.

Information

Land parcels

This planning proposal relates to four existing allotments of land and three approved (but not created allotments) at Lennox Head as described below:

- Existing allotments described in real property terms as Lots 182, 183 & 184 DP 1165078 and Lot 168 DP 1166175.
- Two approved lots under development consent No 2008/628 within existing Lot 177 DP 1172682 and one approved lot under development consent No 2007/503 within existing Lot 20 DP1121759 and Lot 3 DP 253428.

The location of the subject land is shown in Figure 1 of the planning proposal contained in Attachment 1. As shown, the land is located within the Lennox Meadows and Elevation Estates in Lennox Head.

Planning Context

The Ballina Shire Growth Management Strategy 2012 provides the strategic planning context for urban development in Ballina Shire. The development of the land, to which this matter relates, is consistent with Council's Growth Management Strategy.

The development approvals applying to the subject land acknowledge that dual occupancy development is to occur on the lots created (or, in three instances, to be created). The application of the R3 Medium Density zone is, therefore, consistent with the planning context for the land.

Council understands that a number of the subject allotments have recently been sold or are currently on the market. It is reasonable under the circumstances, therefore, that this matter be addressed promptly.

As a consequence of the above, a planning proposal that would have the effect of rezoning the subject (existing and prospective) allotments from R2 Low Density Residential zone to R3 Medium Density Residential zone, under the terms of the BLEP 2012 has been prepared. The planning proposal is contained in Attachment 1.

9.2 LEP Amendment - Dual Occupancy Lots, Lennox Head

The Council is invited to endorse the planning proposal for referral to the NSW Government for 'Gateway' determination. Following the Gateway determination, the planning proposal would be placed on public exhibition in accordance with the Gateway requirements and reported back to the Council for further consideration and/or endorsement.

Sustainability Considerations

- **Environment**

The rezoning of the land from low density to medium residential uses is, under the circumstances, a minor matter and as such it is not likely to have any significant implications from an environmental, social or economic perspective. The rezoning is consistent with existing approvals for dual occupancy development on the land.

- **Social**

As above.

- **Economic**

As above.

Legal / Resource / Financial Implications

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

Consultation

It is envisaged that following referral to the NSW Government's Gateway panel, the planning proposal, if allowed to advance, will be placed on public exhibition in accordance with the Gateway determination. The period and method of community consultation will be stipulated by the Gateway.

Options

1. That Council advance the proposed rezoning and submit the planning proposal to the NSW Department of Planning and Infrastructure for Gateway determination; or
2. That Council not commence the rezoning process.

Option one is the preferred course of action on the basis that it will progress the planning proposal to the next step in the rezoning process which is to enable a review 'in principle' by the NSW Department of Planning and Infrastructure and Gateway determination to proceed. Such action is based on the extent to which the land's rezoning will be consistent with planning context and development history of the land. Essentially, the rezoning constitutes "housekeeping" to ensure consistency with previous decisions of Council in relation to the subdivision of the subject land, and with community expectations.

9.2 LEP Amendment - Dual Occupancy Lots, Lennox Head

Due to the relatively minor nature of the proposal and its consistency with the planning context of the land, it is recommended that the planning proposal be forwarded to the Department of Planning and Infrastructure to commence the rezoning process. It is noted that the Department may or may not accede to this request.

The primary disadvantage of the planning proposal not proceeding is the inconsistency that arises between the approved and anticipated use of the subject lots and the zoning under the LEP. The current zoning under the BLEP 2012 prevents the land being used for its approved purpose, being dual occupancy development.

RECOMMENDATIONS

1. That the Council endorses the application of an R3 Medium Density Residential zone and associated minimum lot standard for subdivision of 800m² as the basis for a planning proposal applying to the following land:
 - Lots 182, 183 & 184 DP 1165078 and Lot 168 DP 1166175.
 - Two approved lots under development consent No 2008/628 within existing Lot 177 DP 1172682 and one approved lot under development consent No 2007/503 within existing Lot 20 DP1121759 and Lot 3 DP 253428 (as shown in Figure 1 of the planning proposal contained in Attachment 1).
2. That the Council submit the planning proposal relating to various approved dual occupancy lots in Lennox Head to the NSW Department of Planning & Infrastructure for review and Gateway determination.
3. That upon an affirmative Gateway determination being received from the Department of Planning & Infrastructure, the procedural steps associated with progression of the planning proposal, including public exhibition, be undertaken.
4. That a further report be presented to the Council in relation to this matter following mandatory community consultation.

Attachment(s)

1. Planning Proposal - Dual Occupancy Lots Lennox Head (Gateway)

9.3 Skate Park Facilities - Alstonville and Wollongbar Areas

9.3 Skate Park Facilities - Alstonville and Wollongbar Areas

Delivery Program Community Planning

Objective To provide Council with further information regarding the key issues and resource implications associated with the provision of skate park facilities in Alstonville and Wollongbar areas.

Background

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

A report presented to the December 2012 Ordinary Meeting provided an assessment of potential locations for skate park facilities in the Alstonville and Wollongbar areas based on site safety, site accessibility, site facilities, residential proximity and site planning controls. In response to that report, Council resolved as follows at the meeting (Minute No. 201212/15):

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

This report seeks to provide Council with additional information in regard to the key issues and resource implications associated with the provision of a skate park facility at the preferred sites nominated, being Lumley Park, Alstonville and the Wollongbar Urban Expansion Area regional park. It also seeks to provide additional information on the key identified issues and resource implications associated with the provision of a temporary skate park facility at the Russellton Industrial Estate (Kays Lane).

Key Issues

- Resourcing
- Provision of community infrastructure and youth facilities
- Balanced land use

Information

Wollongbar Urban Expansion Area regional park

There is currently a master planning process underway for the Wollongbar Urban Expansion Area park (part of the former drive-in theatre site). This matter was considered by the Council's Commercial Services Committee at its meeting held on 26 March 2013.

This process will involve canvassing appropriate uses, including recreational facilities, for the proposed park. A skate park is considered an important component for this location, and could be built into the overall design of the park to ensure it suits the layout for the site and future nearby development, and keeps construction costs low. The estimated costs for installing a skate park at this site can be addressed through the master plan process. Councillors will continue to be updated on the development of a skate park in this location through consultation associated with the preparation of the master plan.

Russellton Industrial Estate

The former basketball court in Kays Lane in the Russellton Industrial Estate has been previously nominated as a site worthy of further investigation for the temporary installation of modular skate boarding equipment. This site was flagged as providing a more immediate and interim option until the Wollongbar Urban Expansion Area regional park is established.

Further inspection of the Kays Lane land has indicated that current access to the site is difficult due to the adjacent busy road and high proportion of heavy vehicles using it. Limited safe and convenient vehicle parking at the site is also identified as a negative factor. Regular maintenance work to the pump station located within the fenced site is also required. This involves trucks accessing the site, therefore increasing the potential risk to safety of the users of a skate facility on the land.

Installing modular skate boarding equipment at this site, even temporarily, will involve substantial costs. If this equipment is to be relocated in the longer term, further resources will need to be sourced to reinstall it elsewhere. These factors, together with the safety issues regarding traffic and parking, deem the site unsuitable for the installation of a skate park facility in staff's opinion.

Lumley Park

Council has previously determined that the potential benefits of providing a skate park facility at Lumley Park warrant further investigation. Attachment 1 provides a location map of the area. As previously indicated, Lumley Park is Crown Land with Council appointed as Reserve Trust manager for the land. The park is defined as a “public reserve” under the provisions of the Local Government Act 1993, and it is understood a skate park facility within Lumley Park is permissible on the land without the need for development consent.

It is suggested the installation of a skate park at this site would occur within the area currently used as a car park. This is to avoid any damage to the existing established trees in Lumley Park.

It was identified in the previous report to Council that the car park adjacent to the tennis courts is in poor condition and could benefit from redevelopment in conjunction with the installation of a skate park. The formalisation of this car park would also maximise the available area for a skate park facility.

A preliminary concept design for the redevelopment of this area has been prepared by Council’s Civil Services Group to provide a general guide of the proposed siting of the skate park in relation to the car park and tennis courts (Attachment 2). It is understood that final designs may vary from the initial concept following the input of an experienced skate park designer. Formalising the car park would accommodate approximately nine car parking spaces. This would potentially result in a minor reduction in current car park spaces. However, additional and convenient parking to service tennis club and park users is available in nearby Park Avenue.

Council’s engineers estimate the cost of undertaking preliminary site works to redevelop the car park, mitigate drainage and establish an area for a skate park at around \$70,000. The additional cost to install a skate park at this site will obviously depend on the type and scale of the facility proposed for the site.

There is a variety of different skate park styles that can be installed at this site. These include constructed on-site concrete parks or modular arrangements where individual pieces of pre-manufactured skate boarding equipment made from precast concrete, steel or composite material are secured to a concrete pad.

As a rough guide, constructed inbuilt concrete skate parks tend to be more expensive than modular skate park facilities. However, modular facilities require a concrete pad to be constructed before additional equipment can be installed. It is estimated that the cost of these options may range between approximately \$120,000 and \$250,000. The cost of the final design would be based on quotes provided by experienced skate park designers that will determine a design that best suits the site and its users, and Council’s available budget.

Sustainability Considerations

- **Environment**

In relation to both the Wollongbar and Alstonville sites, it is suggested new facilities can be provided without impacting unreasonably on the amenity of these areas, subject to detailed design considerations.

In relation to the Kays Lane land, it is concluded that this site has limited suitability for a skate facility, even temporarily, due to its relative isolation, access limitations for young people and proximity to a busy road with a high level of use by heavy vehicles.

- **Social**

Skate parks provide opportunities for active recreation and social interaction for the community, especially young people in the shire.

- **Economic**

Whilst providing important and popular recreational community infrastructure, the provision of skate parks add considerable expense to the Council's capital works program.

Legal / Resource / Financial Implications

The provision of skate park facilities will require the commitment of reasonably substantial financial resources. Preliminary costings are provided in this report with more detailed costings to be provided at the detailed design phase if Council decides to continue. Council has no specific funds set aside for these projects. Once designs and costs have been determined, projects will be subject to the budgetary process. Staff will also pursue external funding sources, where available, once Council commitment to these facilities is in place.

Consultation

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

Options

1. Cease further investigations.

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

9.3 Skate Park Facilities - Alstonville and Wollongbar Areas

2. Continue to progress investigations for the development of a skate park on the preferred sites.

Investigations into the provision of a skate park facility within the proposed Wollongbar Urban Expansion Area park can continue through the master planning process for this location. Consideration can be given to the siting, design and budget for a skate park within this master plan. It is therefore recommended that investigations for a skate park at this location continue through this process.

Provision of a skate park at the former basketball court at Kays Lane in the Russellton Estate was considered potentially suitable as a temporary option until a skate park facility at the Wollongbar Urban Expansion Area park was established. As discussed earlier in the report, this site is considered unsuitable for further investigation and resource commitment for a skate park facility. In addition, planning for the Wollongbar Urban Expansion Area regional park has advanced to a master planning phase since Council last considered this matter. It is therefore recommended that investigations do not continue into the provision of a temporary skate park facility in this location.

Preliminary investigations of the Lumley Park location in Alstonville have indicated that site improvements to the car park area are considered desirable before a skate park could be installed. It is estimated by Council's Civil Services Group that the cost for undertaking preliminary site works will be around \$70,000. Once these site works are complete, the cost for constructing a skate park would depend on the type of facility selected for the site, but could range from \$120,000 to \$250,000. If Council chooses to continue and investigate designs suitable for a skate park on this site, a further report detailing the design options and budget allocation would be provided by Council's Civil Services Group.

As a consequence of the information provided above, and in the absence of a substantial allocation of current funds from Council towards the installation of a skate park at Lumley Park, it is acknowledged that skate park facilities will not be available to the youth of Alstonville and Wollongbar in the short term.

RECOMMENDATIONS

1. That Council continue to progress the investigations into the provision of a skate park facility in the Wollongbar Urban Expansion Area park through the master planning process for this location.
2. That Council receive a further report detailing the design options and budget allocation for the formalisation of the car park and installation of a skate park facility within Lumley Park, Alstonville.
3. That Council not commit to the provision of upgraded skate park infrastructure within the Kays Lane site for the time being, on the basis of this land being assessed as unsuitable for a skate park facility. Further, that a skate park facility can be planned for in an alternative location to service the needs of the Wollongbar community.

Attachment(s)

1. Lumley Park - Proposed skate park location
2. Concept Layout - Proposed skate park Lumley Park

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.

US13/08	<p>Deed of Lease for the 5 year Option Period 1 August 2013 to 31 July 2018 - Ballina Shire Council to RR & S MacDonald Lots 2 & 3 DP 854149 & Lot 1 DP 865860 – Ballina Turf Farm located on Kays Road, Wardell.</p> <p>Explanation: Council entered into a 3 + 5 + 5 year term of lease with Mr & Mrs MacDonald that commenced on 1 August 2005. The initial three year period expired on 31 July 2008, and the first of the two five year option periods is now due to expire this year on 31 July 2013, with the second and final five year option period to commence on 1 August 2013. The option is a tenant option, and Mr & Mrs MacDonald have formally requested the new five year term.</p>
US13/09	<p>Council as Reserve Trust Manager of the Old Library Reserve Trust (Reserve D540014), Temporary Licence Agreement and Agreement for Sub-Lease to Paradise FM Community Radio Association Incorporated for occupancy of part Crown Reserve D540014, being situated upon Lot 2 DP 1153927. Paradise FM occupy part of Lot 2 DP 1153927, being part of the Old Ballina Shire Library building.</p> <p>Explanation: In 2012, Ballina Shire Council formally applied to the Crown to become head lessee of Lot 2 DP 1153927 which is the site of the old Ballina Library on Cherry Street. When the Deed of Lease (the Head Lease) is executed, the intent is for Council as the then head lessee, to enter into a sub-leasing arrangement with Paradise FM Community Radio Association Incorporated. The Temporary Licence Agreement and Agreement to Sub-Lease permit Paradise FM to remain on site and operational pending formalisation of the head lease.</p>

Attachment(s)

Nil

10.2 Investment Summary - March 2013

10.2 Investment Summary - March 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 March 2013.

Council's investments are all in accordance with the Act, the Regulations and Council's Investments Policy. The balance of investments as at 31 March 2013 was \$84,028,000. This represents a decrease from February of \$1,543,000.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 31 March 2013, was \$1,101,584.

Council's investments as at 31 March are at an average (weighted) rate of 4.30% which is 1.25% above the 90 Day Bank Bill Index of 3.05%.

The majority of the approximately \$84 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

Comment

As was expected, the Reserve Bank again left the cash rate unchanged at 3% at its 2 April meeting. Again, the accompanying statement by Governor Stevens was almost identical to the February and March meetings.

Deputy RBA Governor, Philip Lowe, speaking in Sydney on 19 March 2013 had some interesting thoughts on Australia's economic outcomes over the last three years: "Output in the Australian economy has increased by 9%. The number of people with jobs has risen by over half a million. The unemployment rate today at 5.4% is exactly the same as it was three years ago. And underlying inflation has averaged 2.5% over this period, which is the midpoint of the medium-term inflation target.

By the standards of most other countries, this represents a very good outcome and a high degree of internal balance. Remarkably, we have achieved this balance despite experiencing the biggest boom in business investment and the largest rise in the terms of trade for over one hundred years. In the past, much smaller investment and terms of trade booms caused outbreaks of inflation and the emergence of other imbalances in the economy."

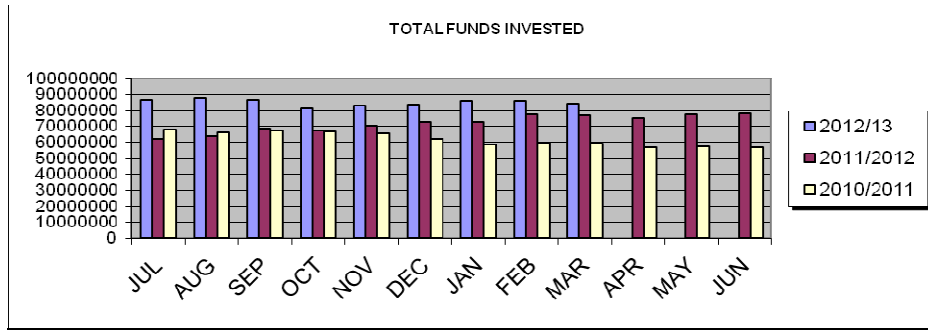
He went on to point out two of the main factors in this result were the flexible exchange rate and the increase in household savings. Both have a downside and have created difficulties for many businesses (exporters and retailers), but have been critical to Australia's good macroeconomic performance.

A. Summary of investments by institution

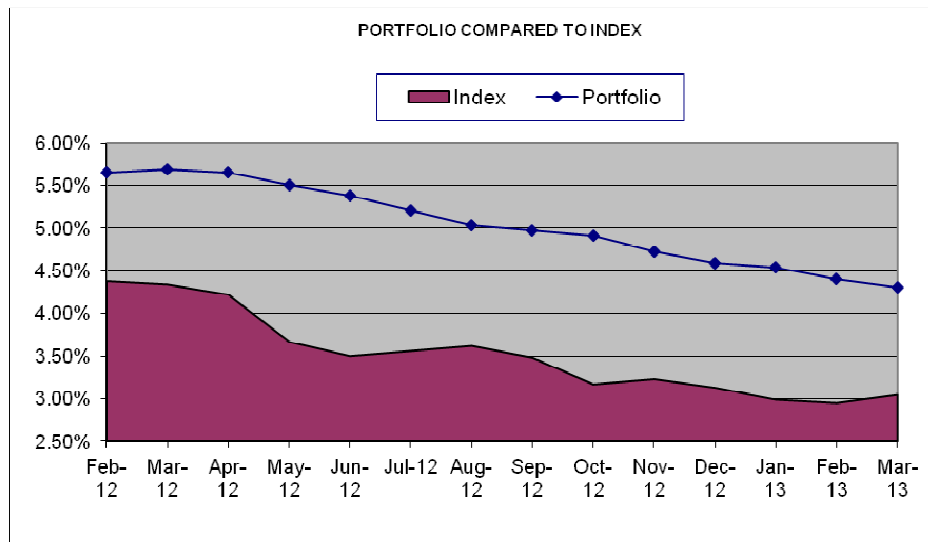
Funds Invested With	ADI Rating	Previous Month (\$'000)	Current Month (\$'000)	Quota %	% of Total	Total
Grandfathered Investments						
Deutsche Bank	A+	4,000	4,000	0	4.8	
Goldman Sachs	AA-	1,000	1,000	0	1.2	
HSBC Australia	AA-	1,000	0	0	0.0	
Longreach Capital Markets 28*	AA+	1,000	1,000	0	1.2	
National Australia Bank	AA-	1,788	1,788	0	2.1	
National Wealth M'tment Holding	A	2,000	2,000	0	2.4	12%
Rated Institutions						
ANZ Bank	AA-	64	20	20	0.0	
Bank of Queensland	BBB+	7,000	7,000	10	8.3	
Bank of Western Australia	AA-	1,000	3,000	20	3.6	
Commonwealth Bank of Aust	AA-	6,089	6,590	20	7.8	
Heritage Bank	BBB+	2,000	2,000	10	2.4	
Illawarra Mutual Bld Soc	BBB	8,000	4,000	10	4.8	
ING Bank Ltd	A	13,000	14,000	20	16.7	
Members Equity Bank	BBB	7,000	7,000	10	8.3	
National Australia Bank	AA-	12,000	10,000	20	11.9	
Newcastle Perm Bld Society	BBB+	2,000	2,000	10	2.4	
Suncorp Metway Bank	A+	14,630	16,630	20	19.8	
Westpac Banking Corporation	AA-	1,000	1,000	20	1.2	87%
Unrated ADI's						
Defence Bank Ltd		1,000	1,000	\$1m	1.2	
Total		85,571	84,028			100%

* Rating is on Capital only by Citigroup Pty Ltd

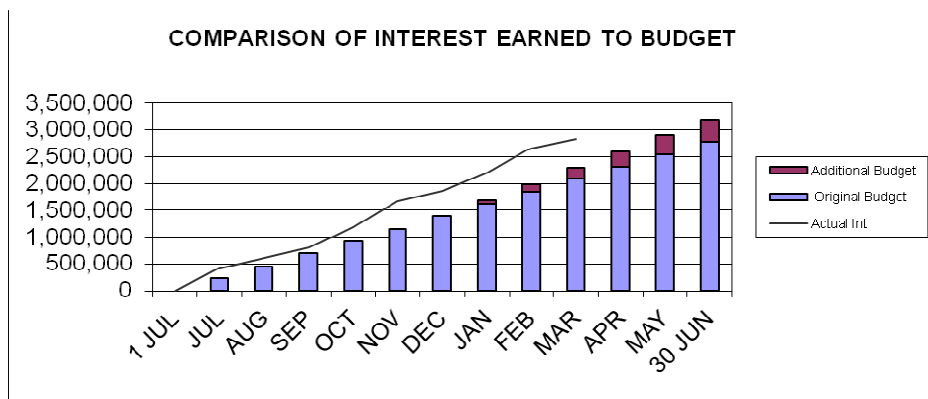
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



10.2 Investment Summary - March 2013

E. Investments held as at 31 March 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	3.66	16/06/16	2,000
28/06/07	Longreach Series 28	FND	0.00	27/06/14	1,000
17/12/08	Commonwealth Bank of Australia	FRTD	4.23	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	2,601
20/07/11	ANZ Bank	FND	2.50	At call	20
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
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
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
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
06/03/13	Suncorp-Metway Bank	TD	4.20	02/09/13	2,000
06/03/13	ING Bank Ltd	TD	4.29	04/07/13	2,000
18/03/13	ING Bank Ltd	TD	4.40	16/09/13	1,000
25/03/13	BankWest	TD	4.15	02/05/13	2,000
Totals:					84,028
TD=Term Deposit		FRN=Floating Rate Note		FND=Managed Fund	
ELN= Equity Linked Note		FRTD= Floating Rate Term Deposit			

RECOMMENDATION

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

Attachment(s)

Nil

10.3 Councillor Attendance

10.3 Councillor Attendance

Delivery Program Governance

Objective To provide Councillors with professional development.

Background

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

Cr Meehan is seeking approval to attend the National General Assembly of Local Government from 16 – 19 June 2013 in Canberra and the NSW Country Mayors Association meeting in Sydney on 21 June 2013.

Key Issues

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

Information

A conference program for the National General Assembly of Local Government is attached. Registration is \$999 per delegate, plus dinner costs of \$230. Flights, cab fares, accommodation and some meals would be in addition to this cost. Cr Meehan has indicated that she would seek private accommodation in Sydney between these meetings.

The NSW Country Mayors Association meets quarterly in Sydney. There is no registration fee to attend these meetings. Cr David Wright has indicated that he will not be attending this meeting, so it is appropriate for the Deputy Mayor to attend.

Sustainability Considerations

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

Legal / Resource / Financial Implications

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

10.3 Councillor Attendance

Consultation

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

Options

Approve or not approve the travel and respective attendances for Cr Meehan. The recommendation is for approval.

RECOMMENDATIONS

1. That Council authorises the attendance of Cr Meehan at the National General Assembly of Local Government from 16 – 19 June 2013 in Canberra.
2. That Council authorises the attendance of Cr Meehan at the NSW Country Mayors Association Meeting on 21 June 2013 in Sydney.

Attachment(s)

1. National General Assembly Conference Program

10.4 Rates Write Off and Possessory Title Application - Lock - Pimlico Road

10.4 Rates Write Off and Possessory Title Application - Lock - Pimlico Road

Delivery Program Financial Management

Objective To seek Council's approval to support a ratepayer's possessory land title application for old closed roads and to approve the write off of rates and charges levied upon the subject land.

Background

This report seeks approval to support a ratepayer's possessory title land claim for two parcels of old closed road at Pimlico, and approval to write off historical rates levied upon the subject parcels of land.

In the year 2000, the Valuer General's Office performed a review of privately owned land that was not valued. Several such parcels of land were identified within Ballina Shire and as a result, Council received land valuations for them. These parcels were all portions of old closed road and did not have an associated dwelling entitlement.

In accordance with the Local Government Act 1993, Council commenced levying ordinary land rates on these assessments from the 2001/02 rating year. All of the registered owners of these assessments had passed away many years ago.

Most of these parcels are being utilised by the adjoining owner and most of the adjoining owners Council has made contact with over the years have been unaware that they do not own the land. These parcels were obviously overlooked during historical sale settlement processes.

Most of these parcels have now had their ownership rectified and are being valued and rated together with the primary adjoining parcel of land. It should be noted that these processes have taken staff considerable time to rectify.

There are still eight assessments that staff have been unable to rectify over the years and this report attempts to resolve one of these.

Key Issues

- Support possessory title land claim
- Write off of rates and charges

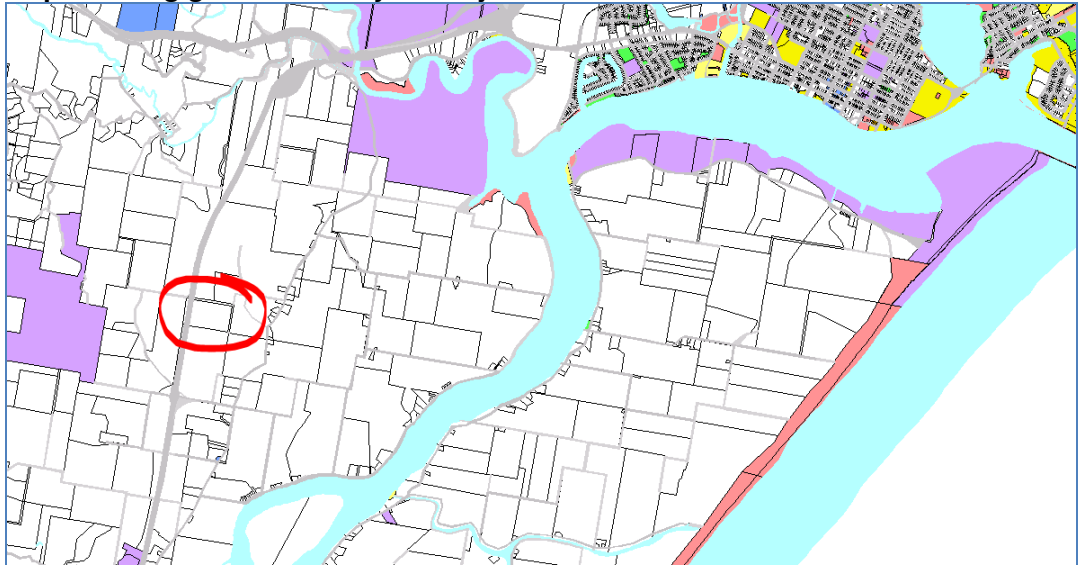
10.4 Rates Write Off and Possessory Title Application - Lock - Pimlico Road

Information

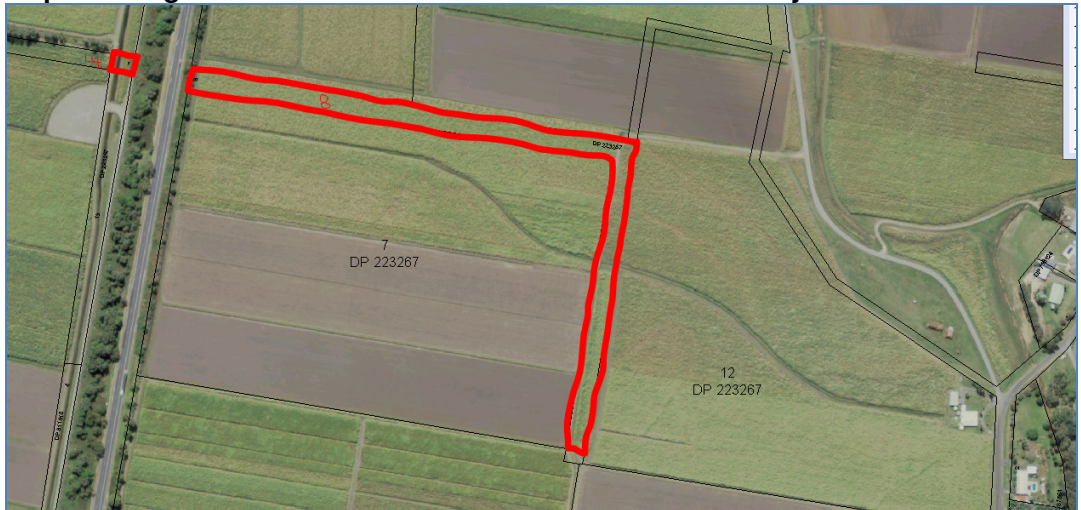
A review of the ownership of the subject two parcels of land was instigated by representations to Council by McVittie Legal who are acting on behalf of Mr Alfred Lock. We believe that Mr Lock has revisited rectifying the ownership issue as a result of recent dealings with Roads and Maritime Services (previously RTA), who are in the process of conducting Pacific Highway surveying.

The two land parcels to which this report relates are described as lots 8 (being an area of 1.619 hectares) and 14 (being 4806 square metres) in deposited plan (DP) 223267, which are lots currently owned by Ms Florrie Hayter who died in 1964. They are valued and rated together under rates assessment No 240317 with a 2011 base date land valuation of \$3,000. They are both parcels of old closed road adjoining land owned by Alfred Lock located between the Pacific Highway and Pimlico Road at Pimlico. Refer to the following maps for the location of these parcels.

Map showing general locality of subject lots



Map showing lots 8 and 14 – Note lots 7 and 12 are owned by Mr Lock



10.4 Rates Write Off and Possessory Title Application - Lock - Pimlico Road

Mr Lock claims that the two lots were overlooked during the sale process in 1979. Mr Lock was unaware for many years that the lots were not in his ownership as he has been using them since his land purchase in 1979. His land is primarily used for sugar cane farming. The transfer oversight was confirmed by Somerville Laundry Lomax & Co solicitors at the time we previously attempted to resolve ownership issues in 2006 and again in 2007. Unfortunately the solicitors have never completed the process to change ownership.

It should be pointed out that Mr Lock assumed he was always paying rates on the two subject land parcels as some of his historical Rates & Charges Notices between the years of 1980 and 2002 listed a total area of land assessed of 40.37 hectares, which is around 2 hectares more than his primary land holdings. This additional land area related to an old lot resumed by Roads and Maritime Services some years ago, coincidentally around the same size in area of the combined total of lots 8 and 14.

Obviously we are reliant upon the cooperation of the adjoining owner to transfer the ownership of old closed road parcels. This is because the land is usually being utilised by the adjoining owner and is not attractive to anyone else to acquire.

The other major problem for Council is that rates continue to accrue in perpetuity until the adjoining owner can be convinced to acquire the land. It is also unlikely that rates will ever be paid.

As a result, it is in the best interest of Council and ratepayers to encourage adjoining owners to acquire ownership of old closed roads. Part of this encouragement is to offer to write off accrued rates on the closed roads pending registration of the change of ownership with Land and Property Information NSW. It could also be argued that attempting to recover all the rates levied on closed roads from adjoining owners following ownership changes is not fair.

This is because the closed roads attract a minimum or base amount as it is a separately rateable assessment. If the closed road was valued and rated together with adjoining land it would not attract a separate minimum or base amount and rates would be simply calculated on the land valuation. For example, the two subject lots attracted ordinary land rates totalling \$402.57 in 2012/13 and if we rated the land value portion only, the ordinary land rates would have been just \$4.57.

In previous such cases that have been resolved, the Council at the time approved write offs and paid for processing and legal costs to result in the adjoining owner acquiring the land, therefore releasing Council and ratepayers from the burden of perpetual unpaid rates.

In this specific case, Mr Lock is willing to pay the legal costs to engage his solicitor to process a possessory title application. Through his legal team he is asking the Council to provide written support of his possessory title application to be lodged with NSW Land and Property Information (Land Titles Office) and to write off accrued ordinary land rates historically levied on lots 8 and 14 following the registration of the change of ownership. This procedure takes some months to process.

10.4 Rates Write Off and Possessory Title Application - Lock - Pimlico Road

The recommendation to the Council is to provide written support to Mr Lock's application and to approve a write off of rates accrued on assessment No 240317 (lots 8 and 14) following the registration of the ownership change. At the time the ownership is changed, lots 8 and 14 will be valued and rated together with Mr Lock's primary land holding from the commencement of the following rating year.

The annual Council rates and charges levied and remaining unpaid for the subject assessment are provided in the following table.

Rates and Charges – Assessment No 240317							
Rating Year	Ordinary Rate - Base Amount	Ordinary Rate (Land Value rate in the Dollar)	Total Ordinary Land Rate	Domestic Waste Charge - Vacant Land	Interest Charges	TOTAL	Rating Structure Type
2001/02	0.00	333.00	333.00	15.00	44.86	392.86	Minimum
2002/03	0.00	344.00	344.00	15.00	44.86	403.86	Minimum
2003/04	0.00	370.00	370.00	15.00	44.87	429.87	Minimum
2004/05	0.00	383.00	383.00	16.00	114.78	513.78	Minimum
2005/06	293.00	20.45	313.45	16.50	147.81	477.76	Base
2006/07	309.00	22.89	331.89	18.00	178.49	528.38	Base
2007/08	322.00	24.17	346.17	22.00	235.38	603.55	Base
2008/09	340.00	25.51	365.51	25.00	271.83	662.34	Base
2009/10	341.00	3.20	344.20	28.00	278.95	651.15	Base
2010/11	354.00	3.31	357.31	30.00	313.30	700.61	Base
2011/12	374.00	3.51	377.51	32.00	420.03	829.54	Base
2012/13	398.00	4.57	402.57	35.00	247.89	685.46	Base
TOTAL	2,731.00	1,537.61	4,268.61	267.50	2,343.05	6,879.16	

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
A loss of expected income will result if the Council approves the write off recommended within this report. The amount of write off however, is not significant when compared to total general income received annually.

Legal / Resource / Financial Implications

The outcome of this matter relies upon Mr Lock's legal team being successful with their possessory title application in the first instance.

10.4 Rates Write Off and Possessory Title Application - Lock - Pimlico Road

Minimal staff resources will be required to finalise this matter providing Mr Lock's above application is successful.

Council will forgo approximately \$6,900 in rates and charges previously levied on the subject property if the recommendation within this report is approved. However, if the land is not amalgamated with Mr Lock's property, Council will continue to levy rates that will never be paid, in all probability.

Consultation

Not Applicable

Options

Ultimately, the Council must decide whether or not to support Mr Lock's possessory title application and approve the write off of accrued rates.

RECOMMENDATIONS

1. That Council provide written support to accompany Mr Alfred Lock's possessory land title application to acquire lots 8 and 14 DP 223267 to be lodged with NSW Land and Property Information via his legal team, McVittie Legal.
2. That Council approve the write off of all accrued rates, charges and interest charges on assessment No 240317 following the registration of the change of ownership of lots 8 and 14 DP 223267 into the name of Alfred Lock, up to and including the rating year in which the ownership is changed.

Attachment(s)

Nil

10.5 Community Donations

10.5 Community Donations

Delivery Program Governance

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

Background

Council approved a number of general and capital assistance donations at the July 2012 Ordinary 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 the policy does allow applications to be submitted to Council where there may be exceptional circumstances.

This is considered to be one of those instances as it relates to a matter that Council has previously supported and to one of Council's own properties.

Key Issues

- Nature of request
- Community benefit
- Funding available

Information

Ballina Community Men's Shed

Ballina Community Men's Shed has now received planning approval for the works they plan to undertake on Council's property at 44 Fishery Creek Road, Ballina. Unfortunately they are now faced with the planning fees associated with that approval and they are seeking Council support to waive those fees.

A copy of their application is attached, along with an overview of their entire project. In looking at their application the fee details are as follows:

- a) Development application fees and compliance levy (total of \$995) – These are the types of fees normally waived by Council as per our donation policies
- b) Advertising and Planning Reform Levy (total of \$475) – External costs incurred by Council
- c) Professional fees (\$550) – Costs to assist with flood modelling
- d) Further costs (\$3,417) – Various fees for services provided by Council staff
- e) Civil Inspection Fee (\$7,500) – Quote only for staff time involved in inspecting the work
- f) Bond (\$12,500) – Refundable
- g) Development Contributions (\$37,385) – Development contributions payable to Council or Rous Water for change in use of the property.

10.5 Community Donations

The issue Council now needs to consider is the level of further support it wishes to provide to the Men's Shed, remembering that the property has already been provided at no cost. At the same time, the works being undertaken will also benefit Council's property.

Where fees are for Council services being provided, there is no real cost to Council other than income foregone. However, for items where Council has to pay or transfer funds (i.e. Rous Water contribution) there is a direct cost to Council and the community.

- **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	80,100	(600)
Donations (Halls)	28,500	28,500	0
Donations (DA Fees)	3,000	3,000	0
Net Amount Available			(600)

As per this table the annual allocation has been over expended.

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.

Options

The options are to approve all or part of the application or not to provide any further donation due to the significant contribution that has already been made through the provision of the building.

As donations are somewhat subjective this is a matter for Councillors to determine.

RECOMMENDATION

That Council determine its position in respect to the application for a donation to the Ballina Community Men's Shed.

Attachment(s)

1. Application from Ballina Community Men's Shed
2. Ballina Community Men's Shed - Overview of Project

10.6 Delivery Program and Operational Plan - Quarterly Review

10.6 Delivery Program and Operational Plan - Quarterly Review

Delivery Program Governance

Objective To provide a quarterly review on the implementation of the actions identified in the Delivery Program and Operational Plan.

Background

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

Delivery Program

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

Even though Council is only required to receive six monthly progress reports the preferred practice has been to receive more timely quarterly reports. This report represents the third review of the 2012/13 - 2015/16 Delivery Program and the 2012/13 Operational Plan, with the information contained in the report based on work undertaken up to 31 March 2013.

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

In reviewing this information it is important to recognise that many of the benchmarks are based on the full 12 months, whereas the information included is for nine months of the year. Therefore a program can still be on target even though on a pro-rata basis it may appear behind, as a large part of the actions or work may be undertaken during the remainder of the year.

For reference purposes copies of the current Delivery Program and Operational Plan are available on Council's web site and also accessible by Councillors on their ipads.

Key Issues

- Compare actual results against the adopted goals and priorities

10.6 Delivery Program and Operational Plan - Quarterly Review

Information

The Delivery Program and Operational Plan are the two key corporate documents that establish Council's goals and priorities for the term of the Council and the current financial year. The attachment to this report provides a comprehensive overview of the actions being progressed, with the information also linked to Council's Community Strategic Plan (CSP) Objectives.

The attachment has two main sections being:

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

Generally, many of the actions are on track and the report highlights the wide range of activities undertaken by Council.

In respect to the Operational Plan, there are a total of 71 tasks listed in the Plan and the following two tables provide an overview of the status of those tasks on a number and percentage basis.

Program Actions Overview - By Number of Tasks

Group / Status	GM	Regulatory	Civil	Strategic	Total
Green	23	2	18	13	56
Amber	2	3	6	2	13
Red	1	0	1	0	2
Total	26	5	25	15	71

Program Actions Overview - By Percentage

Group / Status	GM	Regulatory	Civil	Strategic	Total
Green	88	40	72	87	79
Amber	8	60	24	13	18
Red	4	0	4	0	3
Total	100	100	100	100	100

Tasks are listed as green if they are on target as per the agreed target date, amber if they are progressing but behind schedule and red if they are either unable to be completed, or are unlikely to be completed for a lengthy period of time.

As per these tables, the majority of these tasks are either green or amber with some key points of interest being:

- *Progress Coastline Shared Path and Recreational Path (page 1)* – All the necessary research and consultation has been completed to allow the planning applications to be submitted, with Regulatory Services staff currently reviewing the documents to ensure that there are no omissions in the information. Tenders are also being called for the detailed design as this component of the work can proceed in conjunction with the planning assessments.

10.6 Delivery Program and Operational Plan - Quarterly Review

- *Finalise Coastline and Floodplain Management Plans (page 4)* – These projects involve complex modelling and reliance on external parties and progress remains steady at best.
- *Complete Update of Urban Water Management Strategy and Develop an education package and delivery plan to ensure safe roll out of recycled water from the Ballina and Lennox Head Wastewater Treatment Plants (page 6)* – Both of these projects are showing as amber as work is being progressed, albeit that at a slower rate than originally anticipated.
- *Completion of Pool Inspection Programs (page 6)* – This work is well advanced, although again it is slightly behind the original schedule.
- *Prepare Master Plan for Kingsford Smith Precinct (page 7)* – This project is not scheduled to proceed due to Council's recent decisions on the events / sports centre, with the preferred locations appearing to be the Old Depot site or possibly the Ferngrove Estate.
- *Finalise Open Space Asset Management Plan (page 11)* – This project is not scheduled to be completed in the near future as the part resource available for the preparation of the plan is now allocated to the implementation of the new Asset Management module from Civica. This is considered to be a higher priority from an overall asset management perspective.

In respect to the service delivery targets, there are a total of 77 identified in the Operational Plan and the following two tables provide an overview of how Council is performing against those targets, again on a number and percentage basis.

Service Delivery Targets Overview - By Number of Activities

Group / Status	GM	Regulatory	Civil	Strategic	Total
Green	21	17	19	3	60
Amber	5	2	6	0	13
Red	0	1	2	1	4
Total Tasks	26	20	27	4	77

Service Delivery Targets Overview - By Percentage

Group / Status	GM	Regulatory	Civil	Strategic	Total
Green	81	85	70	75	78
Amber	19	10	22	0	17
Red	0	5	8	25	5
Percentage Total	100	100	100	100	100

Most are on track as per the agreed targets with the variances of note being:

- Asset Management – Percentage of DA referrals completed within 21 days – 55% (target > 70%) (page 1 of second section of attachment) – This is the Development Engineering assessment section of Council and it remains a key area where improvements need to be made either in processes or the addition of extra resources to meet the agreed benchmark. The results for the first two quarters were 45% and 36% so the referral times are improving.

10.6 Delivery Program and Operational Plan - Quarterly Review

- Commercial Services – Vacancy Rate for Council commercial properties – 37% (target <20%) (page 2 of second section of attachment) – As Council is aware there are a number of vacancies in the Wigmore Arcade. It is interesting to note that on a total floor area the vacancy rate is only 9% and this is a measure more commonly used for occupancy of commercial space. The reason for this figure being so low is due to the large floor areas for 89 Tamar Street (Department of Community Services) and the ARC building. If one of these buildings became vacant the total floor area vacant percentage would increase significantly.
- Community Facilities – Casual Hiring of the Richmond Room – 133 (target 250) (page 2 of second section) – The Richmond Room remains poorly utilised and the recent decision to terminate hiring by 31 December 2013 will only exacerbate this further.
- Public and Environmental Health – Number of existing on site effluent disposal systems inspected – 35 (target 250) (page 3 of second section) – Progress is slow due to the high failure rates for each inspection which then results in staff having to do more and more checking of the failed systems.
- Libraries – Total library loans per annum – 317,117 (target 460,000) (page 4 of second section) – Recent trends are confirming a flattening out of book borrowing with more members using e-services. The indicators for 2013/14 will now include usage of computers and wireless services to provide a complete picture of usage for the libraries.

Sustainability Considerations

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

Legal / Resource / Financial Implications

The Delivery Program and Operational Plan outline the allocation of Council's resources and finances.

Consultation

This report provides the community with information on how Council is performing in respect to the Delivery Program and Operational Plan.

10.6 Delivery Program and Operational Plan - Quarterly Review

Options

This report provides an overview of the performance of Council to the end of March 2013. Overall the majority of programs are proceeding as scheduled with Council, as usual, undertaking a wide variety of works and services across the Shire. The options are to note the contents of the report or identify any changes to the approved tasks and targets.

RECOMMENDATION

That Council notes the contents of the 31 March 2013 review of the Delivery Program and Operational Plan.

Attachment(s)

1. Delivery Program - 31 March 2013 (Under separate cover)

10.7 Delivery Program and Operational Plan - Exhibition

10.7 Delivery Program and Operational Plan - Exhibition

Delivery Program Governance

Objective To obtain Council approval to exhibit the draft Delivery Program and Operational Plan.

Background

The Division of Local Government's (DLG's) Integrated Planning and Reporting Framework requires councils to review the Delivery Program and prepare a new Operational Plan each financial year.

The purpose of this report is to obtain Council approval to exhibit the draft documents for public comment.

Key Issues

- Format and content of documents
- Ensuring the documents reflect the objectives of Council, particularly for 2013/14

Information

The DLG's Integrated Planning and Reporting Framework outlines a range of information that must be included in the Delivery Program and the Operational Plan.

A summary of the major elements for each document are as follows.

Delivery Program

- A council must have a Delivery Program, detailing the principal activities it will undertake to achieve the objectives established in the Community Strategic Plan, within the resources available under the Resourcing Strategy.
- The Delivery Program must include a method of assessment to determine the effectiveness of each principal activity detailed in the Delivery Program in achieving the objectives at which the activity is directed.
- A council must prepare a new Delivery Program after each ordinary election of councillors to cover the principal activities of the council for the four year period commencing on 1 July following the election.
- The General Manager must ensure that progress reports are provided to the council, with respect to the principal activities detailed in the Delivery Program, at least every six months.
- A council may review its Delivery Program each year when preparing the Operational Plan, albeit that it is not mandatory to change the Delivery Program, and it can remain static for the entire term of Council.

10.7 Delivery Program and Operational Plan - Exhibition

Operational Plan

- Council must have an annual Operational Plan, adopted before the beginning of each financial year, outlining the activities to be undertaken that year, as part of the Delivery Program.
- The Operational Plan must be publicly exhibited for at least 28 days and submissions can be made to Council during the period.
- The exhibition must be accompanied by a map showing where the various rates will apply within the local government area.
- Council must accept and consider any submissions made on the draft Operational Plan before adopting the Operational Plan.
- Council must post a copy of the Operational Plan on the website within 28 days after the plan is adopted.
- The Operational Plan will include the Statement of Revenue Policy, which includes details of:
 - Estimated income and expenditure
 - Ordinary rates and special rates
 - Proposed fees and charges
 - Council's proposed pricing methodology
 - Proposed borrowings.

In respect to the Delivery Program, as per the earlier information, a council must review the document each financial year. The advice from the DLG is that the document, when being reviewed, can be retained as per the original for the four year period to which it relates, or alternatively it can be amended to reflect the next four year period. The preference from staff is to update the Delivery Program each year so that it continues to reflect the next four year period. This then assists in ensuring that the document remains contemporary.

The draft Delivery Program, provided as a separate attachment to this report, has been reviewed to reflect the recently adopted CSP and to incorporate the various priorities that have been raised by Councillors through the induction program that has been running for the past six months. The Delivery Program is a fairly broad document that outlines the major activities being undertaken by Council on a more macro level.

On the other hand the draft Operational Plan focuses strongly on actions that Council is currently undertaking or new priorities for the 2013/14 financial year.

10.7 Delivery Program and Operational Plan - Exhibition

Particular attention must be paid to the Operational Plan (also a separate attachment to this report), as it is this document that will be reported on quarterly. Any specific goals or actions that Councillors wish to see achieved in 2013/14 need to be incorporated into the Operational Plan as this plan will form the staff workload for 2013/14.

It is paramount that Councillors have their priorities included in this document as this then assists in ensuring that ad hoc notices of motion for the pursuit of other actions are not lodged during the year.

Notices of motion can result in the redirection of staff resources towards other projects which then impact on planned priorities. The Operational Plan should be the document that reflects the Council's goals for the year and through its public exhibition and formal adoption the community is then in a position to measure how Council is performing against those goals.

Certain elements of both documents, as per the separate attachments, are still to be finalised as they are dependent on the final budget document and the formatting still needs some fine tuning. All this work will be completed prior to exhibition.

Legal / Resource / Financial Implications

Council is legally required to review the Delivery Program and exhibit the Operational Plan for public comment. The documents provide an overview of how Council's resources are allocated and a summary of our finances.

In respect to finances, there are two matters that require determination by Council as they have not yet been addressed in any of the Finance Committee meetings held to date.

1. Library Expansion into Richmond Room – The report to the 25 March 2013 Finance Committee identified an estimated cost of \$226,000 for this project with \$70,000 to be contributed from the Ballina Friends of the Library and \$20,000 from a State Library Grant. This leaves a shortfall of \$136,000 and with Council resolving to cease hiring the Richmond Room by 31 December 2013 a funding source for this expenditure is now required.

As this property is on Crown land one option to finance this shortfall is from an internal reserve that Council has in place, which has been generated from Crown reserve property rentals. This reserve has a current balance of approximately \$170,000. The reserve assists with the maintenance of various Crown reserve properties and even though funding a library expansion is not a preferred use of the reserve, as the funds are being accumulated to assist with other property improvements, it does provide a solution to this funding shortfall.

There are concerns in respect to the ability of Council to collect the \$90,000 (\$70,000 plus \$20,000) in other contributions mentioned and this expansion project should not proceed until the \$90,000 is confirmed and provided to Council.

10.7 Delivery Program and Operational Plan - Exhibition

2. Naval Museum Roof – Grant – Council has recently been notified that we have received funding of \$94,981 from the NSW State Government through their Community Building Partnership program (CBP) for asbestos roof replacement at the Ballina Naval Museum. Council actually applied for \$110,000 based on a total project cost of \$220,000. It is unclear as to what the terms are with this reduced funding of \$94,981, however it is safe to say Council will need to at least match the grant. Therefore funding of at least \$95,000 is required.

The only real viable option is from the recurrent budget for asset management works. Council approved a program of works for this funding at the 25 March Finance Committee meeting based on the following priorities:

<i>Item</i>	<i>2013/14</i>	<i>2014/15</i>	<i>2015/16</i>	<i>2016/17</i>
Asset Management Program Total	198,000	204,000	210,000	216,000
Administration Building	154,000	40,500	0	216,000
Alstonville Leisure & Entertainment Centre	0	0	40,500	0
Crawford House	33,000	0	0	0
CWA Ballina	11,000	0	0	0
Ferry Shed	0	25,000	0	0
Library – Ballina	0	55,000	0	0
Naval Museum	0	0	174,000	0
Players Theatre	0	19,000	0	0
Shelley Beach SLSC	0	64,500	0	0
Lennox Head Community Centre	0	0	36,000	0

Details of the works to be undertaken each year, are as follows:

<i>Item</i>	<i>Dissection</i>	<i>2013/14</i>	<i>2014/15</i>	<i>2015/16</i>	<i>2016/17</i>
Administration Building		154,000	40,500		216,000
Preliminaries	3,500				
Exterior Cleaning	30,000				
Exterior Repainting	39,000				
Scaffolding & height	48,000				
Garden pruning for scaffold	3,200				
Allowance for tree lopping	3,200				
Expansion joints to panels	27,100				
Contingency and related works	40,500				
Air conditioning (staged)	216,000				
Visitor Information Centre			40,500		
Roof Repairs	40,500				
Crawford House		33,000			
Preliminaries	5,000				
Exterior painting	20,000				
Carpentry works	8,000				
CWA - Ballina		11,000			
Exterior Painting	8,000				
Fire door replacement	3,000				
Ferry Shed			25,000		
Roof replacement	6,000				
Re-stump works	15,000				
Painting works	4,000				
Library – Ballina			55,000		
Roof screw replacement	10,000				
Painting works	38,000				
A/C Unit roof leaks	5,000				
Flag pole pulley replacement	2,000				
Naval Museum				174,000	
Roofing, walls & Asbestos etc	174,000				

10.7 Delivery Program and Operational Plan - Exhibition

<i>Item</i>	<i>Dissection</i>	<i>2013/14</i>	<i>2014/15</i>	<i>2015/16</i>	<i>2016/17</i>
Players Theatre			19,000		
Exterior painting	19,000				
Shelley Beach SLSC			64,500		
Preliminaries & access	11,000				
Rendering of brickwork	19,500				
Exterior painting	15,000				
Eaves replacement, plus asbestos	14,000				
Aluminium gates	5,000				
Lennox Head Community Centre				36,000	
Public Address System	36,000				

In order to allow \$95,000 worth of works to be completed on the Naval Museum in 2013/14 it is proposed to revise the four year program as follows:

Revised Works Program

<i>Item</i>	<i>2013/14</i>	<i>2014/15</i>	<i>2015/16</i>	<i>2016/17</i>
Asset Management Program Total	198,000	204,000	210,000	216,000
Administration Building	103,000	40,500	86,500	216,000
Alstonville Leisure & Entertainment Centre	0	0	40,500	0
Crawford House	0	35,000	0	0
CWA Ballina	0	12,000	0	0
Ferry Shed	0	0	25,000	0
Library – Ballina	0	33,000	22,000	0
Naval Museum	95,000	0	0	0
Players Theatre	0	19,000	0	0
Shelley Beach SLSC	0	64,500	0	0
Lennox Head Community Centre	0	0	36,000	0

Essentially a number of projects have been put back one year, and the funding for the Administration Centre has been reduced in 2013/14. There are numerous components to the Administration Centre works that can be completed on a stand alone basis, which allows this funding to be spread over more than one year.

In respect to the actual nature of the works planned for the Naval Museum, Council has previously resolved to appoint a consultant to examine the overall state of the building and to provide a plan for future improvements to the facility. Even though the grant was for the roof it is the intention to wait for this consultancy report prior to undertaking any works. If the roof is not considered to be the highest priority we will need to write to the State Government asking for an amendment to the grant conditions.

Consultation

The Delivery Program and Operational Plan will be exhibited for public comment following approval by Council. The exhibition will occur during May and early June, with the outcomes from the exhibition period then reported to the June meeting.

Council normally holds public meetings at Lennox Head, Alstonville, Wardell and Ballina to discuss the contents of the documents. Council may wish to review the staging of these meetings as generally they have not been well attended, unless there is a controversial topic included in the draft documents. Typically Wardell and Lennox Head have a reasonable attendance (five to twenty people) whereas often no one has attended the Ballina and Alstonville meetings.

10.7 Delivery Program and Operational Plan - Exhibition

There is not considered to be any matters of great controversy in the documents and as such the recommendation is to only hold two meetings, being Lennox Head and Wardell. This provides a reasonable opportunity for any residents interested in the documents to attend a meeting.

Due to the large number of actions included in both documents Council may also wish to hold an informal workshop prior to or during the exhibition period to review the contents of both documents. This can be held at any time.

Options

Council is required to exhibit the documents therefore the options are to exhibit as presented, or exhibit inclusive of any amendments arising from this meeting. The recommendation allows for any amendments to be included.

Council may also like to address the issue of the public meetings and whether an informal workshop is required with Councillors to review the documents prior to or during the exhibition period.

Finally it is also recommended that Council approve the identified funding sources for the Ballina Library expansion and the Naval Museum works.

RECOMMENDATIONS

1. That Council approves the exhibition of the Draft Delivery Program and Draft Operational Plan, as included as separate attachments to this report, inclusive of any amendments arising from this meeting and subject to the finalisation of both documents.
2. That Council confirms for the exhibition period it will hold public meetings at Lennox Head and Wardell to present the contents of the documents.
3. That Council approves an allocation of \$140,000 from the Crown reserve property rentals reserve to finance our contribution to the expansion of the Ballina Library into the Richmond Room.
4. That Council approves the following amendment to the forward plan for the Asset Management recurrent funding to allow the Naval Museum works to proceed in 2013/14:

<i>Item</i>	<i>2013/14</i>	<i>2014/15</i>	<i>2015/16</i>	<i>2016/17</i>
Asset Management Program Total	198,000	204,000	210,000	216,000
Administration Building	103,000	40,500	86,500	216,000
Alstonville Leisure & Entertainment Centre	0	0	40,500	0
Crawford House	0	35,000	0	0
CWA Ballina	0	12,000	0	0
Ferry Shed	0	0	25,000	0
Library – Ballina	0	33,000	22,000	0
Naval Museum	95,000	0	0	0
Players Theatre	0	19,000	0	0
Shelley Beach SLSC	0	64,500	0	0
Lennox Head Community Centre	0	0	36,000	0

10.7 Delivery Program and Operational Plan - Exhibition

Attachment(s)

1. Draft Delivery Program (Under separate cover)
2. Draft Operational Plan (Under separate cover)

11.1 Local Traffic Committee Report - April 2013

11. Civil Services Group Reports

11.1 Local Traffic Committee Report - April 2013

Delivery Program Asset Management

Objective Consideration of items referred to the Local Traffic Committee meeting held in April 2013

Background

The Local Traffic Committee (LTC) met on 10 April 2013. A copy of the agenda was distributed to all Councillors. This report provides the recommendations of the Committee to Council.

Key Issues

- Consideration of recommendations from the LTC

Information

The agenda contained nine business items of which four items require referral to Council for determination. A copy of the minutes of the meeting will be forwarded to Councillors once finalised.

Items Referred to Council

The following items are referred to Council for determination. Further background details are available in the LTC agenda previously distributed to Councillors.

a) Request Speed Zone Reduction – Newrybar

The Committee reviewed a request seeking to lower the speed limit in Newrybar from 60kph to 50kph. The recommendation for Council to request the RMS to complete the speed zone review was endorsed.

b) Request Closure – Alstonville Anzac Day

The Committee reviewed a request to undertake the closure of Main Street, Alstonville for the annual Anzac Day parade on Thursday 25 April 2013. The recommendation to approve the road closure in accordance with the Traffic Management Plan was endorsed.

c) Request Closure – Ballina Anzac Day

The Committee reviewed a request to undertake the closure of River Street, Ballina for the annual Anzac Day parade on Thursday 25 April 2013. The recommendation to approve the road closure in accordance with the Traffic Management Plan was endorsed.

d) Road Closures - Byron Bay Triathlon

The Committee reviewed a request applying for road closures and traffic modification for the 2013 Byron Bay Triathlon. The recommendation to approve the road closures and modifications in accordance with the Traffic Control Plan was endorsed.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Traffic matters typically have social impacts.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Council has statutory requirements in terms of the management of its delegations from the RTA, including the management of the LTC. There is no resource or financial implications directly associated with the recommendations to this report.

Consultation

Public participation in LTC processes is determined by the RMS Guidelines for the Management of Local Traffic Committees. Council has determined to use its meeting code arrangements for public access wherever it is consistent with the guidelines.

Options

The Council can either accept or reject the recommendations. Council's acceptance or rejection of the recommendations is reported to the next meeting of the TLC.

In rejecting a recommendation it is the preferred practice to advise the LTC of the Council's reason for the rejection and invite the Committee to reconsider the matter having regard to the comments of Council, Following that process, if that matter remains unresolved, Council can elect to refer the matter to the Regional Traffic Committee.

RECOMMENDATIONS

1. That Council request the RMS to complete a speed zone review to assess the proposal to reduce the speed zone from 60km/h to 50km/h for Newrybar.
2. That Council approves the closure of Main Street, Alstonville (Budgen Avenue to Elizabeth Anne Brown Park) for the purpose of the annual ANZAC Day parade, subject to the event being held in accordance with the submitted Traffic Management Plan.
3. That Council approves the closure of River Street, Ballina (Martin to Grant Streets) for the purpose of the annual ANZAC Day parade, subject to the event being held in accordance with the submitted Traffic Management Plan.
4. That Council approves the road closure of MR545 (Byron Bay Road/Coast Road) for the Byron Bay Triathlon subject to the event being held in accordance with the submitted Traffic Control Plan.

Attachment(s)

1. Traffic Management Plan - Alstonville Anzac Day
2. Traffic Management Plan - Ballina Anzac Day
3. Traffic Control Plan - Byron Bay Triathlon

11.2 East Ballina Cemetery - Draft Master Plan

11.2 East Ballina Cemetery - Draft Master Plan

Delivery Program Open Spaces & Reserves

Objective To seek endorsement from Council to place the draft East Ballina Cemetery Master Plan on public exhibition

Background

A draft East Ballina Cemetery Master Plan has been prepared to guide the future direction for development and management of the cemetery. The plan will also assist in determining the priority for items in the future works program and inform the financial plan.

A landscape architect was contracted to prepare the draft master plan and a copy of the draft plan is attached to this report.

The management and development of the cemetery has a long history. Initially, each of the religious groups or churches managed their sections of the cemetery and consequently, there has been limited formal coordinated planning of the layout of the cemetery. This approach generally continued when Council became responsible for the cemetery in the early 1980s.

The Council's management responsibilities were essentially undertaken by Geaghan Funerals for many years. In 2003 Council assumed a more active management role by coordinating the burials at the cemetery. In 2005 Council purchased the unused niches in the niche walls developed by Geaghan Funerals, enabling the Council to also manage these walls. A further change was made in 2010 when Council determined it would provide grave digging and maintenance services at the cemetery using internal resources rather than contract.

These changes have allowed Council to improve the presentation and service levels for maintenance of the cemetery as well as implement contemporary management systems.

The cemetery presents in a neat and tidy condition and it is timely for the embellishment of the cemetery to now be considered.

Key Issues

- Endorsement of a draft East Ballina Cemetery Master Plan for the purpose of public exhibition
- Planning for the future of the East Ballina Cemetery

Information

To assist in the preparation of the plan, staff has audited all the burials in the cemetery, documented vacant burial sites and identified suitable expansion areas.

The draft master plan has been prepared to address three primary issues of concern:

- Embellishment and maintenance of the cemetery
- Layout and future planning for the cemetery
- Access to existing niche walls in the cemetery

These issues are discussed further below.

Embellishment and Maintenance of the Cemetery

The cemetery is located on land with very sandy soils. The site is also exposed to coastal winds and is steeply undulating in places. These conditions, together with the need to be mindful of ongoing future maintenance costs, has meant that embellishment considerations have been focused towards the two entrances to the cemetery.

The provision of two landscaped focal points is considered to be cost effective, yet sufficient to support regularly and well maintained cemetery grounds.

Layout and Future Planning for the Cemetery

The draft master plan includes a site strategy that shows the layout of the cemetery and addresses improvements that can be made to the existing burial areas. This includes closure of some of the tracks, resurfacing of some of the asphalt tracks, tree planting and installation of bollards.

The plan also identifies areas for potential future expansion or use. The ANZAC burial section is nearing capacity and the plan identifies additional areas that can be used to extend the burial capacity of this area.

Area seven in the site strategy has been identified as suitable for the location of a path and the provision of options for the interment of ashes in a natural woodland setting. This would involve the conservation and rehabilitation of the existing Callitris woodland area and the provision of options for memorials and plaques where ashes have been placed.

Area 12 in the site strategy has been identified for the construction of niche walls on terraced walks, as well as a path through the existing native vegetation at the bottom of the slope. The path through the bushland area would accommodate sympathetically located niche walls as well as offering the opportunity for the placement of ashes and memorials in the bushland setting. This again conserves and retains the existing native vegetation. Sheet seven of the master plans provides conceptual details of the proposed works.

11.2 East Ballina Cemetery - Draft Master Plan

The provision of a variety of opportunities for the placement of ashes will help to satisfy the various requirements of the community which range from more formal means of placing ashes to those who would like to place ashes in gardens or in native areas.

It is envisaged that the planned provision of niche walls and options for the placement of ashes will enable the cemetery to continue to operate for at least the next 50 years.

Trends are showing there is an increasing preference for cremation over burial.

The cemetery currently has unused burial sites that are being incrementally taken up to maximise the life of the facility. There are also larger areas that are yet to be used for burials. The number of available burial sites has not been established and will not be known until all the vacant areas have been set out and grave sites can then be counted.

The time will come when it will be recommended that the cemetery be closed to burials, however the extensive provision of niche walls and other options for the placement of ashes will prolong the life of the cemetery for many years.

Access to Existing Niche Walls

The niche walls that were constructed on the eastern side of the cemetery are located within the steepest section of the facility. This has presented access difficulties for many members of the community. Area 11 on the site strategy plan shows this area.

The master plan provides details on page six for the provision of a path along this edge of the cemetery. Some of the walls will remain difficult to access, however the path will at least provide improved access to most walls.

Implementation of Master Plan

The implementation of the master plan will need to be staged as funding is available and when demand exists for the works.

With the construction of the new niche walls along the western access road the construction of further niche walls is not likely to be required for some time.

The construction of the planned path to address the access issues discussed above is seen as a high priority.

The planting of trees, installation of bollards and closing of roads can be implemented alongside the maintenance program. Similarly, the marking of future burial areas can be carried out by staff when time permits.

The preparation of the extension of the ANZAC burial area will need to be commenced to ensure that it is available when all the other sites have been utilised.

11.2 East Ballina Cemetery - Draft Master Plan

The proposed prioritised order for works is as follows:

- Construction of the eastern path
- Setting out of new burial areas so that they are ready for use
- Tree planting, installation of bollards and closing of roads
- Preparation of the new ANZAC burial area
- Landscaping and installation of signage at the two entries to the cemetery
- Callitris Forest Memorial Walk – construction of paths and bush regeneration
- Development of Area 12 – terraced niche walls and bushland walk.

Sustainability Considerations

- **Environment**
Planned and considered options for burials and internment of ashes will assist in minimising the future space required for cemeteries.
- **Social**
The provision of cemeteries with appropriate burial options will meet the needs of the community.
- **Economic**
The works envisaged under the plan will assist in deferring very substantial capital costs for acquisition, planning and development of future cemetery facilities.

Legal / Resource / Financial Implications

There are no legal implications relating to this matter.

If the Council adopts the Master Plan, then annually available funds from the cemetery reserve can be allocated to enable the implementation of the plan.

Consultation

No consultation has been carried out in the preparation of this plan. The community will be provided with the opportunity to comment on the draft master plan when it is placed on public exhibition.

Options

Council may choose to endorse the draft East Ballina Cemetery Master Plan for public exhibition. Alternatively, the Council can decline to proceed with the plan, or may nominate changes to be incorporated into the plan. Immediate public exhibition is the preferred and recommended option.

RECOMMENDATIONS

That Council endorses the draft East Ballina Cemetery Master Plan for the purposes of a public exhibition.

Attachment(s)

1. East Ballina Cemetery Draft Master Plan

11.3 Draft Ballina Landscape Entry Treatment Master Plan

11.3 Draft Ballina Landscape Entry Treatment Master Plan

Delivery Program Open Spaces & Reserves

Objective To present the draft Ballina Landscape Entry Treatment Master Plan to Council and seek endorsement to place the plan on public exhibition.

Background

The Council has proposed to improve the visual amenity of the Ballina town entrances. Further interest in this action has emerged following the completion of the Ballina Bypass and the changes to the former Pacific Highway.

Initially the object of this project was to implement tree planting along the northern and southern entries to Ballina. However the investigation of the options suggested there was an opportunity to provide a master plan that connected the former Pacific Highway with the entrance treatments.

Landscape architectural services were engaged to prepare a master plan. The master planning process reviews the options that could be used to enhance the landscape experience for the selected areas. These options aim to include tree planting where possible but also include a range of other possibilities. The plan was to consider a staged implementation of works that could be carried out as funding was available.

A draft master plan has been prepared and workshopped with Councillors. The feedback from the workshops has been incorporated and the final draft Ballina Landscape Entry Treatment Master Plan is now prepared. A copy of the master plan is attached to this report.

Key Issues

- Enhancing the entry landscapes to Ballina.

Information

The draft master plan covers approximately eight kilometres of the former Pacific Highway, extending from the Teven Road roundabout in the south, along River Street, Kerr Street and Tamarind Drive out to Bicentennial Park in the north.

The road configuration varies from a two lane road to a four lane road with a large section of River Street incorporating a centre median of approximately three metres in width.

11.3 Draft Ballina Landscape Entry Treatment Master Plan

In visual terms the southern approach to Ballina is over a flat (river floodplain) landscape. The entry to Ballina is characterised by a diverse range of strip development. Historical development standards combined with predominantly traffic related functions of the road, and a proliferation of signage and powerlines, creates a visually poor entry experience.

The challenge for the draft master plan is to identify simple and cost effective measures to improve the visual entry experience.

The key principles that underpin the draft master plan are:

- Measures should be visually bold and of a scale that is consistent with the visual elements with which they will need to compete for attention;
- Elements utilised as part of the scheme should exhibit a consistency of form and colour so as to engender a strong visual identity;
- The proposals should say something about Ballina;
- The proposals should, as much as possible, be designed and implemented by local people, to keep money in the town.

To meet these principles, five measures have been identified to create the concept for the draft master plan.

1. A Comprehensive Tree Planting Program.

It is proposed that large distinctive trees be planted in road edges, road verges and in the centre median, wherever possible, along the entry road route. Smaller trees would be planted where there are conflicts with overhead powerlines.

2. A Sculpture Program.

Nine locations for entry sign/sculptures or sculptures are identified along the entry route. Sign/sculptures are to be of large scale, unique to Ballina and designed and constructed using regional artists. It is recommended that this program should be implemented over time through a detailed arts program established specifically for the project.

3. Tidying Up Road Verges.

This includes more frequent maintenance of road sides, especially where trees can not be planted.

4. The Reuse of the Big Prawn.

This iconic entry element is currently being represented as part of the Bunnings Development and is supported.

5. Encouraging Appropriate Future Development of Properties along the route.

This approach includes the co-ordination of signage. In this regard, Council's recently adopted new development control plan (commenced operation on 4 February this year) embraces this principle for the land comprising the zoned enterprise corridor in West Ballina.

11.3 Draft Ballina Landscape Entry Treatment Master Plan

The tree species recommended for use in the draft master plan are:

- Large tree for centre median planting – *Brachychiton acerifolius* Flame Tree.
- Large tree for roadside planting – *Caesalpinia ferrea* Leopard Tree.
- Small tree for roadside planting – *Buckinghamia celissima* Ivory Curl Flower.

Sustainability Considerations

- **Environment**
Implementation of the plan will significantly enhance the urban environment of Ballina.
- **Social**
The attractive presentation of the entries to Ballina will promote a sense of place and foster local residents' pride in our town.
- **Economic**
The attractive presentation of the entries to Ballina will provide a positive impression of the town and may encourage people to stop and spend time in the area thus providing economic benefits to businesses.

Legal / Resource / Financial Implications

There are no legal implications relating to this matter.

There will be resource and financial implications should the master plan be implemented.

Consultation

There have been two workshops with Councillors to assist in the development of the draft master plan, but no other consultation has occurred. Public input will be received when the draft plan is placed on public exhibition.

Options

The draft Master Plan is placed on exhibition for community comment and a further report prepared in relation to responses received. At that stage, the order in which works are to be carried out under the plan may be determined by Councillors.

Alternatively, the Council may determine not to endorse the draft master plan for exhibition, and/or suggest modifications to it.

Immediate public exhibition is the preferred and recommended option.

RECOMMENDATIONS

1. That the draft Ballina Landscape Entry Treatment Master Plan be placed on exhibition for community comment.
2. That following the exhibition period, a further report is presented to the Council which assesses the preferred staging options for the Plan.

Attachment(s)

1. Draft Ballina Landscape Entry Treatment Master Plan

11.4 Lennox Head Community Market - Relocation Consultation

11.4 Lennox Head Community Market - Relocation Consultation

Delivery Program Open Spaces & Reserves

Objective To identify if there is interest from the Council in consulting with the community in regard to a proposal to relocate the Lennox Head Community Market to the Lennox Head Cultural and Community Centre.

Background

The current site for the regular Lennox Head Community Market (the market) on the eastern road adjacent to Lake Ainsworth has some constraints. The construction of the Lennox Head Cultural and Community Centre (LHCCC) has provided an alternate option as a venue that can be used to conduct the market.

Siting of the market and using Williams Reserve for this purpose has previously been a matter of considerable community interest. The purpose of this report is to invite the Council to determine whether or not it would like to establish a consultation process to examine the question of a potential relocation of the market.

This report has been prompted by feedback from residents and businesses that support the concept of the LHCCC being the preferred location for the market. It is also acknowledged other key stakeholders object to the proposal.

Key Issues

- Consultation regarding the proposal to relocate the Lennox Head Community Market to the Lennox Head Cultural and Community Centre.

Information

The market has been operating in different locations adjacent to Lake Ainsworth for many years. The market was initially located on the southern end of the lake along the road that services Camp Drew and the 4WD access track to the beach. The stalls were located adjacent to tents in the caravan park and, during busy holiday periods, the market impacted on the campers and restricted access to Camp Drew and the 4WD track.

In response to these problems the market was relocated to the eastern side of the lake. In this location the market's impact on campers is reduced and the Camp Drew Road is kept open. Access to the Sport and Recreation Camp is available from an access point on the Camp Drew Road.

However, the limited availability of parking around the lake, the intermittent flooding of the eastern road, concerns regarding the environmental impacts on the lake and the congestion and conflict with the various users of the lake precinct represent constraints for the use of this site.

11.4 Lennox Head Community Market - Relocation Consultation

The LHCCC can accommodate the market stalls, both within the centre and outside and around the building. The northern edge of the sports field can be used for smaller stalls.

In response to road flooding, the market was relocated to Williams Reserve and the LHCCC for the recent December and January market days. The stalls were located inside the centre, around the concrete apron of the building and in the carpark on the western side of the centre. There were also stalls located on the northern edge of the Williams Reserve sports fields. Attachment 1 shows the location and the extent of Williams Reserve that was used, and is suggested, should this proposal proceed further.

The area on the grass is used as an overflow area for additional stalls and accommodates small, low impact tents. The area is accessed from the adjacent carpark with vehicles confined to this area. Heavy vehicles are located in the adjacent sealed carpark.

The proposal to relocate to the LHCCC offers several benefits. In wet weather the stalls would be limited to the sheltered and sealed areas around the centre or inside the building. The grassed area would not be used in wet weather to ensure there is no damage to the sports field.

While parking will still be in high demand, there are more parking opportunities in and around the village in contrast with the single access situation at Lake Ainsworth.

The market will not need to be relocated when the lake is in flood, when the caravan park is heavily utilised or when there are surf carnivals. Nor will the market need to be cancelled in inclement weather. This provides the market with improved continuity and security.

Experience has shown that visitors to the market at LHCCC also visit the adjacent village centre.

The relocation of the market will address the stated concerns regarding deleterious affects on the lake and its surrounds.

The small area of Williams Reserve that will be used to accommodate stalls is considered not to impact on the use of the sports fields by the sporting groups.

Current Feedback

The proposal to permanently relocate the market to LHCCC was informally discussed at the March 2013 B Ward Committee Meeting. In response, a number of the community group representatives in attendance reported their interest in the proposal. The Lennox Head Combined Sports Association and the Lennox Cricket Club have provided written responses in opposition to the proposal. Copies of these letters are attached.

Consultation is discussed further below.

Sustainability Considerations

- **Environment**

The relocation of the market from the Lake Ainsworth foreshore would lessen the likelihood of environmental impact on the lake and surrounding vegetation. On the other hand, it is suggested that the relocation of the market to Williams Reserve is unlikely to cause any material environmental concerns.

- **Social**

Markets provide opportunities for social interaction and entertainment.

- **Economic**

Markets attract visitors who may stay in the area and support other businesses. Markets also provide opportunities for small businesses to operate in low cost environments.

Legal / Resource / Financial Implications

There are no legal implications regarding this report.

There may be some minor financial implications with the installation of a power access for stalls located outside the LHCCC.

Consultation

The site of the markets in Lennox Head has been a matter of keen interest to key stakeholders and the local community. There are conflicting opinions about the preferred location.

The purpose of this report is to invite the Council to determine if it would like to examine the proposal to relocate from the current Lake Ainsworth site on an ongoing basis. If the answer to that question is yes, then it is recommended that the next step be to establish a formal community consultation process.

Options

1. Note the contents of this report and take no further action.
2. Establish a consultation process to examine the proposal to relocate the market.

Whilst the concerns of the sporting groups are acknowledged, this report also outlines the potential benefits from the proposal. Staff believe it would be beneficial to further investigate the option of relocation to the LHCCC/Williams Reserve site and seek feedback from key stakeholders and the broader community through a formal consultation process. Option Two is recommended on this basis.

RECOMMENDATIONS

That Council undertake a formal consultation process with key stakeholders and the broader community to investigate the option to relocate the regular Lennox Head Community Market to the Lennox Head Cultural and Community Centre, including the use of the northern portion of Williams Reserve.

Attachment(s)

1. Location Map - Williams Reserve
2. Correspondence - Lennox Head Combined Sports Association
3. Correspondence - Lennox Head Cricket Club

11.5 PAMP Priority Report - Chickiba Drive and Tuckeroo Drive

11.5 PAMP Priority Report - Chickiba Drive and Tuckeroo Drive

Delivery Program Engineering Works

Objective To advise Council of revised priorities for the PAMP delivery program

Background

The Council, at its Ordinary Meeting held on 28 March 2013, considered a Notice of Motion regarding the proposed pathway on Beachfront Parade, East Ballina. Council resolved as follows:

“That this work be deferred and that Council receive a further report on the PAMP priorities and the possible inclusion of a further pathway from the Chickiba end of the pathway from Beachfront Parade to Tuckeroo Drive, to Southern Cross School along Chickiba Drive in the PAMP”.

This report provides the results of the review of the Pedestrian Access and Mobility Plan (PAMP) priorities.

Key Issues

- Assess the priority of a pathway along Tuckeroo Drive using the PAMP weighting criteria scoring system
- Assess the priority of a pathway along Chickiba Drive using the PAMP weighting criteria scoring system
- Review the PAMP 10 year Priority Program of Works, based on these assessments

Information

Council's initial PAMP was prepared in 2004. In 2010 Council undertook a review of the PAMP, which involved extensive community consultation. Following the review, Council adopted the PAMP and a 10 year Priority Program of Works, commencing 2011/12.

The Tuckeroo Drive and Chickiba Drive pathways were not suggested as improvements to the path network during community consultation or updating of the PAMP during 2010.

However, in accordance with the above resolution, the pathways along Tuckeroo Drive and Chickiba Drive have now been assessed using the PAMP criteria, which resulted in the following Priority Scores:

- Tuckeroo Drive – Priority Score 50
- Chickiba Drive – Priority Score 57

The proposed pathway in Chickiba Drive extends from Tuckeroo Drive to the eastern boundary of Southern Cross K12 School. Refer Attachment 1.

11.5 PAMP Priority Report - Chickiba Drive and Tuckeroo Drive

The above scores are high enough to warrant inclusion in the PAMP Priority Program of Works. A revised Priority Program of Works including these pathways is attached to this report. Refer Attachment 2.

Councillors will recall that RMS grant funding was accepted for the Beachfront Parade project. Given the high priority score for Chickiba Drive and to a lesser extent Tuckeroo Drive, and in anticipation of Council resolving this way, it is suggested a combined project be urgently nominated to replace the Beachfront Parade project. It is proposed that RMS be requested to increase its grant from \$32,500 to \$45,000 to provide for 50% of the project. Council's matching funds of \$45,000 will be sourced from the capital works program.

Similarly, in 2011, the PAMP was also reviewed following a resolution of Council to assess a proposed western footpath in Williams Reserve, Lennox Head. The result was reported to Council through the Bulletin system (having a high priority score of 59) with advice that the PAMP priority program of works would be updated. This report offers the opportunity to have this project formally including in the program of works.

The staff advice in response to the Notice of Motion is recorded here. That advice was that the Beachfront Parade project was developed separately to the Coastline Shared Path and deferral or implementation of the project will neither defer nor bring forward the Coastline Shared Path project at Angels Beach. Staff also expressed concerns that the Notice of Motion did not provide an opportunity for others, who may be in favour of the retention of this project in the current program, to comment.

Based on the expressed preference of the Council, and the relative scoring of the alternative projects, this report does not further assess a comparison of these priorities. The attached revised program simply notes the Beachfront Parade project as deferred on the basis that the timing of the implementation of the Coastline Shared Path project at this location is not certain.

Sustainability Considerations

- **Environment**
Paths and shared paths promote travel options which reduce reliance on motor vehicles.
- **Social**
Paths and shared paths provide a safer environment for pedestrians and cyclists and promote a healthy lifestyle.
- **Economic**
Paths and shared paths provide low cost commuting and potentially reduce the costs associated with traffic accidents.

Legal / Resource / Financial Implications

The provision of a PAMP program of works is directly linked to the recurrent budget allocation for "Footpaths, Shared Paths and PAMP" which is included in Council's Delivery Program. This annual budget allocation is approximately \$200,000. The reallocation of projects does not affect the forward delivery program, however it does take the opportunity to respond to RMS grant funding for PAMP projects for 2012/2013.

Consultation

The 2010 PAMP review involved extensive community consultation. There has been no specific community consultation in relation to pathways on Tuckeroo Drive and Chickiba Drive. A deputation has been received regarding the deferral of Beachfront Parade at the March 2013 Ordinary Council Meeting. As noted above, other residents in Beachfront Parade have not directly been invited by Council to provide their feedback on the proposed deferral.

Options

Council has the following options:

1. Retain the existing PAMP Priority Program of Works, which includes the earlier decision to include the western pathway at Williams Reserve, Lennox Head, and bring forward the next likely project to receive 2012/2013 RMS grant funding as the Grant Street path.
2. Adopt the revised PAMP Priority Program of Works, which includes pathways in Chickiba Drive and Tuckeroo Drive as well as the western pathway at Williams Reserve, and nominate Chickiba Drive and Tuckeroo Drive for 2012/2013 RMS grant funding.

RECOMMENDATIONS

1. That Council adopt the revised PAMP Program of Works, which includes pathways in Chickiba Drive and Tuckeroo Drive, as well as the western pathway at Williams Reserve.
2. That Council is satisfied the priority score ranking of the Chickiba Drive and Tuckeroo Drive projects substantiates their substitution for Beachfront Parade for the RMS PAMP grant for 2012/13 with staff to negotiate a grant increase if possible.

Attachment(s)

1. Aerial Photograph - Proposed Footpath Chickiba Drive, East Ballina
2. PAMP Priority Program of Works

11.6 Pressure and Leakage Management Plan - Reticulation/Mains Water Supply

11.6 Pressure and Leakage Management Plan - Reticulation/Mains Water Supply

Delivery Program Water Services

Objective To facilitate the budgeting and implementation program for pressure and leakage management on the reticulation and mains water supply.

Background

The Council was recently briefed at a workshop regarding our water loss program. As this is an important issue, and one where our progress overtime should be specifically monitored, it was considered appropriate to follow the workshop with a formal report to record the details of the program.

Key Issues

Reduction of water loss from the water supply system.

Information

Ballina Shire Council's Pressure and Leakage Management Plan (PMLP) is designed to improve the environmental and economic sustainability of water supply through reducing water loss and the frequency of infrastructure failure.

Sustainability is achieved through the implementation of Pressure Management Zones (PMZs) and District Metered Areas (DMAs).

The characteristics and capabilities of these two areas are summarised in Table One.

Table One - Features of different supply zones

Zone	Pressure Management Zone	District Metered Area
Required Infrastructure	<ul style="list-style-type: none">• Pressure Reduction Valve (PRV)• Flow Meter• Pressure Monitoring• Communications	<ul style="list-style-type: none">• Flow Meter• Pressure Monitoring• Communications
How the zone addresses water loss	<ul style="list-style-type: none">• Reduction of pressure acts to reduce water loss through leaking joints / cracks etc• Monitoring of flow meters and pressure indicates significant mains breaks and growth in 'background water loss'	<ul style="list-style-type: none">• Monitoring of flow meters and pressure indicates significant mains breaks and growth in 'background water loss'
How the zone reduces infrastructure failure	<ul style="list-style-type: none">• Reduced pressure in susceptible areas	<ul style="list-style-type: none">• n/a

11.6 Pressure and Leakage Management Plan - Reticulation/Mains Water Supply

Constraints	<ul style="list-style-type: none"> • topography (high points in network limits the amount of pressure reduction) • network configuration (must have a single trunk main into the area of the network) 	<ul style="list-style-type: none"> • network configuration (must have a single trunk main into the area of the network)
Other features	<ul style="list-style-type: none"> • Reduced pressure also acts to reduce some consumer demand as less flow is provided to customers (demand management) 	<ul style="list-style-type: none"> • n/a

As part of the NSW Water Loss Management Program 2006 – 2011 (administered by the NSW State Government), Council constructed three trial PMZs, being West Ballina, Jameson Avenue in East Ballina and Lennox Head. The trial was completed in 2012 after the construction of the Fishery Creek Underbore Project which enabled the implementation of the West Ballina PMZ. These zones were found to save 134 ML per year at a cost of \$1,255 per ML per year saved. The savings were mostly through the discovery of a major leak in the Jameson Avenue PMZ. Not included in that result is that the completion of the under bore project enabled the detection of significant water loss through the Smith Drive water main, which is currently being investigated for replacement.

The trial program demonstrated the economic benefits of the investment in achieving reduced water loss.

Subsequently, in 2012, Council completed a desktop planning and business case study on expanding the existing pressure and leakage management scheme. The main driver for this expansion is to further develop achievements in financial savings from reductions in leakage, to reduce the requirements for future bulk water supply and to ensure a precious resource is not wasted.

The analysis considered the constraints above (Table 1) and found that it was possible to develop a total of eight Pressure Management Zones (PMZ) and three District Metered Areas (DMA) in Ballina Shire's drinking water network. This is in addition to the three existing PMZs.

The estimated leakage savings were quantified for the eight PMZs using the Water Service Association of Australia's (WSAA) latest LAPMET software (Version 1A) and Council's historical water balances and burst records.

Values for leakage savings in DMAs were not estimated as there is currently no accurate means of calculating expected savings without completing flow logging in the field.

A summary of the zones and calculated savings are provided in the following table.

11.6 Pressure and Leakage Management Plan - Reticulation/Mains Water Supply

Zone	Leakage Savings (ML / Year)	Pipe Burst Reduction (No. / Year)	Service Burst Reduction (No. / Year)
Henderson Lane PMZ	6	1	4
Kellie-Ann Crescent PMZ	9	0	2
Lumleys Lane PMZ	17	1	3
Southern Cross Drive PMZ	16	2	11
Anderson Street PMZ	11	1	7
Fox Street PMZ	18	8	42
Temple Street PMZ	16	8	41
Owen Street PMZ	41	12	56
Basalt Court DMA	-	-	-
Silver Gull Drive DMA	-	-	-
Seaview Street DMA	-	-	-

Business Case

The report considers the economics of implementing each zone. The economics vary due to:

- The calculated leakage in each area
- The existing pressures. If pressure is high then pressure management will have a higher impact
- The cost of infrastructure necessary to establish the network

The business case was based on a Net Present Value of the capital investment after a 10 year period of operation. This means that the capital investment is 'paid off' by the reduced operating costs due to reduced leakage (bulk water supply). 10 years was selected as a reasonable period to perform this calculation due the expected life of the infrastructure (10 to 15 years).

Two options were developed; firstly 'economical zones only', which represents best 'bang for buck' and implementation of all zones, even the ones which do not return a 'dividend' to the operating budget. A further option is to implement economic zones first and then complete all zones after further investigation.

Scope	Economic zones only	All Zones
Capital Investment	\$1.2M	\$1.7M
10 Year NPV	\$1.4M	\$1.1 M to \$1.2 M
Payback Period	3 years	5 to 6 years
Pros	<ul style="list-style-type: none"> • Quickest payback 	<ul style="list-style-type: none"> • leakage monitoring for 95% of the network • pressure management for 60% of the network • this increases the possibility of catching major and sudden leaks which may occur anywhere in the network at any point in time.

11.6 Pressure and Leakage Management Plan - Reticulation/Mains Water Supply

Staging of Construction

Staging of the program is proposed for two reasons.

1. Pressure Loss During Peak Flows

Hydraulic modelling has shown, since the 2004 Infrastructure Planning Report, that augmentation is required in Ballina Island to facilitate peak flows during high consumption periods. Until that issue is resolved the Fox Street, Temple Street and Owen Street zones cannot be activated.

This can either be resolved by constructing pipelines as shown in the 2004 Infrastructure Plan (~\$2M), or through modification to the Motorised Control Valve (MCV) in Bicentennial Park (Water Wheels). There are current negotiations between Rous Water and Ballina Shire Council to hand over operation and ownership of the MCV on the supply main which would facilitate this.

2. Implementation of the non-economic zones

Three zones were identified by WBWC as being non-economic over a 10 year period. They are; Henderson Lane, Kellie-Ann Crescent and Anderson Street.

It is proposed that after the construction of the initial zones (FY 2015) a new study is completed which will summarise the impacts/benefits of the works to date. This can inform a decision whether or not to continue the investment.

Conversion of Current PRZs to “Telemetry” Enabled Sites

Council’s current PRZ utilise GSM connectivity (mobile phone) to send data to a computer at the Council depot. This computer is monitored by the Team Leader, Water and Wastewater however, this system is not located within Council’s core “telemetry” network (a radio network) and does not generate alarms out of hours or provide notification of failed sensors, flat batteries etc.

The current system was implemented as part of a trial for Council under the NSW Water Loss Management Project. It is proposed to include in the current budget funding to convert these existing sites to be telemetry enabled. This will include:

- Supply of radios and weatherproof housing
- Installation of power (or solar panels or batteries)
- Programming of the Citect Telemetry system

This cost is estimated at \$40,000 per unit and there are three existing zones.

Leveraging available data with PressureWatch

A recent and innovative product has been released in Australia which is able to detect anomalous events in the water network and provide advance warning to operators when the events are detected. Examples of such events include:

11.6 Pressure and Leakage Management Plan - Reticulation/Mains Water Supply

- Reservoirs failing to empty or fill (similar to recent events in Lennox Head and Wardell)
- Boundary valves between zones incorrectly left open (which has occurred in Lennox Head)
- Breaks / loss of water (staff will not need to rely on customer complaints to identify major breaks or water outages, such as was the case for Lennox Head and Uralba/Pimlico)
- Gradual growth in leakage over weeks and months

The software is installed along side the Telemetry system and develops statistical models of reservoir levels, flows and pressure readings. Council already collects this information but it is not used to its full potential due to the sheer amount of data and the difficulty of picking out anomalous events to the naked eye.

PressureWatch automatically reads and analyses incoming real-time field data, instantly updates the calibrated network model and predicts hydraulic behaviour. It then compares this data with natural variation of historical data (based on time of day, day of the week, season of the year, etc.) and uses advanced mathematical, statistical and network solving techniques to pinpoint the onset of anomalous hydraulic events.

As the software is new to Australian water utilities, there is a risk of the following unknowns:

- What are the resources required to maintain the system?
- Will it over-alarm and be a nuisance?
- Will it pick up the events we need it to?
- Is it worth the money?

The supplier, Innovyze, has offered to allow Council to trial the software prior to purchase with the trial to be for a period of three months. This offer has also been extended to Tweed Shire Council, Byron Shire Council and Lismore City Council who are jointly investigating the system.

The joint regional assessment will inform the purchase decision prior to procurement. The software will cost approximately \$40,000 with an additional \$30,000 to be spent on instrumentation to provide notification of network issues.

Expected Outcomes of Preferred Option

The attachment to this report sets out the proposed or preferred works program.

The PRZs and DMAs that are already funded have been incorrectly assigned to 2017 financial year prior to implementation. This report seeks to bring that funding forward.

11.6 Pressure and Leakage Management Plan - Reticulation/Mains Water Supply

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 expenditure is not sufficient to materially alter the modelling that Council approved at the 4 March 2013 Finance Committee meeting.

Based on this implementation plan (and assuming 'non-economical' zones are constructed), the potential savings, based on pressure management only, are:

Year	2015	2016	2017
Projected Water Savings (ML)	33	108	134
Projected Cost Savings (per year) ¹	\$38,000	\$125,000	\$155,000

¹The relationship between water savings and costs savings is not direct and depends on consumption levels from other councils. In fact, if all councils keep pace with Ballina Shire's water loss management then savings would be realised as a halt in the increase of costs to Ballina Shire. These calculations are based on \$1.16/kL

Sustainability Considerations

- **Environment**
Reduced water loss means less extraction of water from the natural environment.
- **Social**
Not Applicable
- **Economic**
The efficient and affordable provision of infrastructure to the community supports economic development.

Legal / Resource / Financial Implications

The financial implications of this report are discussed above. The work completed to date has assessed the potential pay back period from investments in water loss reduction.

Consultation

No external consultation has been undertaken in preparing this report. Responsible system management is a reasonable general expectation of the community.

Options

1. Implement economic zones only

This has the highest NPV and is best designed to protect the water fund.

2. Implement all zones

This provides the greatest operational advantage and maximises the potential to identify 'hidden' water loss. This has been calculated to save 26 ML per year more than Option 1.

11.6 Pressure and Leakage Management Plan - Reticulation/Mains Water Supply

3. Implement economic zones and receive a further report about the non-economic zones after implementation (potential construction year of non-economic zones 2017)

This allows the 'unknown benefits' to be measured after expansion of the program and will allow a renewed economical and environmental assessment. The delay in construction of these zones compared to Option 2 (three years) will result in an additional calculated water loss of 78 ML over the three year period (~\$90,000 at \$1.16 per kL saved).

The later report would also consider a further \$500,000 of capital investment to construct the three non-economical zones.

Option three is essentially a staged approach to option two. Therefore it is preferred as it allows the Council to progressively implement the program, manage cashflows, monitor the outcomes and be in a strong position to make future investment decisions at the appropriate time.

RECOMMENDATIONS

1. That Council note the information contained in the above report.
2. That Council endorse the implementation plan of Option Three as outlined in the above report with required adjustments to be made to the 2013/14 budget and the Water Fund Long Term Financial Plan.
3. That point two above include an allocation of \$220,000, to be provided over three years to:
 - a. convert the existing sites to telemetry monitoring
 - b. purchase *PressureWatch* hydraulic warning system
 - c. develop a further report on the outcomes of the implementation of the first phases of the program.

Attachment(s)

1. Table - Implementation Plan of Option 3

12. Public Question Time

12. Public Question Time

13.1 Notice of Motion - North Wall

13. Notices of Motion

13.1 Notice of Motion - North Wall

Councillor Cr Meehan

I move:

1. That Ballina Shire Council contact the local State Member for Ballina and Minister for the North Coast, Mr Don Page and the Minister for Lands to clearly state our disappointment with the visual impact and outlook resulting from the recent replenishment work on the Richmond River North Breakwall.
2. We ask that a viewing platform similar to those built in recycled plastic along our beaches be provided at the end of that breakwall.

Councillor Comment

While acknowledging the recent works at the North Breakwall of the Richmond River may have been necessary for stabilisation, and acknowledging that the primary task of the breakwall is not parkland or walkway, we must have visual access to the sea restored.

Ballina's North Wall over the decades has become synonymous with our town, visitors and residents alike love using it to fish, walk or ride and enjoy our magnificent coast. It is hugely popular with hundreds of folk, young and old enjoying it daily. Those folk are EXTREMELY disappointed with the current situation.

Provision of a viewing platform in a product able to withstand the exposed nature of the area would be an inexpensive way for the NSW State Government to go some way to restoring the amenity in the area. At least people would be elevated enough to see over the top of the forest of massive, ugly concrete shapes and we might again share delights such as whale and dolphin watching from the end of the wall.

COUNCILLOR RECOMMENDATIONS

1. That Ballina Shire Council contact the local State Member for Ballina and Minister for the North Coast, Mr Don Page and the Minister for Lands to clearly state our disappointment with the visual impact and outlook resulting from the recent replenishment work on the Richmond River North Breakwall.
2. We ask that a viewing platform similar to those built in recycled plastic along our beaches be provided at the end of that breakwall.

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14. Advisory Committee Minutes

14.1 Finance Committee Minutes - 8 April 2013

Attendance

Cr Susan Meehan (Deputy Mayor - in the chair), Jeff Johnson, Sharon Cadwallader, Keith Williams, Keith Johnson, Ken Johnston, Paul Worth, Ben Smith and Robyn Hordern.

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

There were six people in the gallery at this time.

1. Apologies

An apology was received from Cr David Wright.

Absent at this stage

Cr Sharon Cadwallader

RECOMMENDATION

(Cr Ben Smith/Cr Robyn Hordern)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr David Wright

2. Declarations of Interest

Nil

3. Deputations

Nil

(Cr Cadwallader arrived at the meeting at 4.03 pm)

4. Committee Reports

4.1 Organisation Structure - Review

A **Motion** was moved by Cr Keith Johnson and seconded by Cr Ben Smith

1. That Council endorses the attached Organisation Structure Review report, as prepared by De Chastel and Associates, and authorises the General Manager to implement the recommendations identified within the report.
2. For the purposes of Section 333 of the Local Government Act Council adopts the updated organisation structure and associated functions as outlined in the options section of this report.

An **Amendment** was moved by Cr Ken Johnston and seconded by Cr Jeff Johnson

That Council endorses the attached Organisation Structure Review report, as prepared by De Chastel and Associates and places the report on public exhibition before the General Manager is authorised to implement the recommendations identified within the report.

The **Amendment** was **LOST**.

FOR VOTE - Cr Jeff Johnson and Cr Ken Johnston

AGAINST VOTE - Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

The **Motion** was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

ABSENT DID NOT VOTE – Cr David Wright

RECOMMENDATION

(Cr Keith Johnson/Cr Ben Smith)

1. That Council endorses the attached Organisation Structure Review report, as prepared by De Chastel and Associates, and authorises the General Manager to implement the recommendations identified within the report.
2. For the purposes of Section 333 of the Local Government Act Council adopts the updated organisation structure and associated functions as outlined in the options section of this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT DID NOT VOTE – Cr David Wright

4.2 Local Infrastructure Renewal Scheme and Asset Management Reviews

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of the reports from the NSW Treasury Corporation and Division of Local Government in respect to Council's long term financial plan and asset management practices.

FOR VOTE - All Councillors voted unanimously.
ABSENT DID NOT VOTE – Cr David Wright

4.3 Waste Operations - Pricing for Recycled Waste

A **Motion** was moved by Cr Cr Jeff Johnson

That Council removes the charge for self-haul recycled materials.

The **Motion LAPSED**.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That Council notes the contents of this report into the proposed charges for self haul recycled material and domestic waste management gate fee for recyclates.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr David Wright

4.4 **Energy Reduction Projects**

RECOMMENDATION

(Cr Keith Williams/Cr Keith Johnson)

1. That Council notes the contents of this report in respect to the status of the Customer Service Centre lighting retrofit
2. That Council approves funding in the 2012/13 and 2013/14 budgets for the following projects based on their relatively short pay back periods

Project	Total Cost	Net Cost	2012/13 Budget	2013/14 Budget
Works Depot Lighting	57,000	43,000	Solar Rebates - \$16,000 EAP Reserve - \$11,600 Water, Waste and Wastewater - \$27,600 Total of \$55,200	
Ballina Library Lighting	31,000	28,500		Environmental Action Plan Allocation - \$20,000
Public Amenity Lighting	16,200	14,400		Other Council Properties Reserve - \$27,200
Depot Wash-down bays	5,600	5,600		Depot Capital Expenditure Budget

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr David Wright

4.5 **Christmas Decorations**

A **Motion** was moved by Cr Ben Smith and seconded by Cr Susan Meehan

1. That Council apply the additional funding of \$10,000 in the draft 2013/14 budget to the decorating of the Norfolk Pine tree at the Visitor Information Centre.
2. That the Ballina Shire Band and the Ballina High School Band be invited to perform carols at this location closer to Christmas. That Council thank the other community groups who responded to the expression of interest process and inform them of how the funding will be allocated to determine whether they are still in a position to assist with the allocation and installation of any Christmas decorations across the shire.

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr Jeff Johnson

1. That Council apply the additional funding of \$10,000 in the draft 2013/14 budget to the decorating of the Norfolk Pine tree at the Northern Rivers Community Gallery.
2. That the Ballina Shire Band and the Ballina High School Band be invited to perform carols at this location closer to Christmas. That Council thank the other community groups who responded to the expression of interest process and inform them of how the funding will be allocated to determine whether they are still in a position to assist with the allocation and installation of any Christmas decorations across the shire.

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3. That Council provide an extra \$4,000 for improved decorations in Alstonville and Lennox Head.

Cr David Wright arrived at the meeting at 05:34 pm. Cr Sue Meehan, Deputy Mayor remained in the Chair.

The **Amendment** was **LOST**.

FOR VOTE - Cr Jeff Johnson and Cr Sharon Cadwallader

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

Cr Jeff Johnson left the meeting at 05:39 pm.

The **Motion** was **CARRIED**.

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

AGAINST VOTE - Cr Sharon Cadwallader and Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Jeff Johnson

RECOMMENDATION

(Cr Ben Smith/Cr Susan Meehan)

1. That Council apply the additional funding of \$10,000 in the draft 2013/14 budget to the decorating of the Norfolk Pine tree at the Visitor Information Centre.
2. That the Ballina Shire Band and the Ballina High School Band be invited to perform carols at this location closer to Christmas. That Council thank the other community groups who responded to the expression of interest process and inform them of how the funding will be allocated to determine whether they are still in a position to assist with the allocation and installation of any Christmas decorations across the shire.

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

AGAINST VOTE - Cr Sharon Cadwallader and Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Jeff Johnson

4.6 Ballina-Byron Gateway Airport - Long Term Financial Plan

RECOMMENDATION

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of this report in respect to the Airport long term financial plan and approves the inclusion of the plan in the draft 2013/14 budget.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

4.7 Rangers - Permanent Part Time Officer for Parking

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Robyn Hordern)

1. That Council approves the appointment of a 2.5 day per week Parking Officer position within the draft 2013/14 budget with the additional expense of this position to be offset by additional fine income.
2. That the General Manager continues to ensure that the entire Ranger's Team undertake enforcement of the Council's parking surveillance programs.

Cr Keith Johnson left the meeting at 06:22 pm.

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

4.8 Staff Resources - Additions

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council approves the extra position of Information Services Officer (Training and Support) as outlined in this report.
2. That Council approves the extra position of Strategic Procurement as outlined in this report.
3. That Council approves the extra position of the Depot Administration Assistant as outlined in this report.

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

4.9 Draft Budget - 2013/14 to 2016/17

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses the draft operating budget, as per the separate attachment to this report, for inclusion in the draft 2013/14 Operational Plan, including any adjustments resulting from this meeting and the March Ordinary meeting.
2. That Council's delegates to the Richmond River County Council seek urgent clarification as to whether or not the other member councils will be contributing to the Southern Cross University's research into blackwater in the Richmond River.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Johnson

4.10 Delivery Program and Operational Plan - Exhibition

This item had been withdrawn from the meeting and will be considered at the April Ordinary meeting.

MEETING CLOSURE

6.51 pm

RECOMMENDATION

That Council confirms the minutes of the Finance Committee meeting held 8 April 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 March 2013 Ordinary meeting:

<u>Date</u>	<u>Function</u>
3/4/13	TAFE Excellence awards – Ballina RSL
5/4/13	Lennox Head Art Space opening
8/4/13	Council Finance Committee Meeting
9/4/13	Alstonville Wollongbar Chamber of Commerce
9/4/13	Tourism Campaign Launch – Visitor Information Centre
10/4/13	Northern Rivers Community Gallery – Opening
10/4/13	Wollongbar Progress Association AGM
11/4/13	CSPC Police meeting – Lismore
11/4/13	Meetings – Craig Copeland/Wigmore
12/4/13	Meeting Ballina Surf Club/Rescue Helicopter
15/4/13	Meeting RRCC General Manager
15/4/13	Meeting Southern Cross University Researcher
15/4/13	Councillor Workshop – Draft Budget
17/4/13	Far North Coast Regional Strategy Review - Lismore
17/4/13	Wardell Progress Association Meeting
19/4/13	NOROC Workshop – Lismore
19/4/13	Art Opening - Ballina RSL
21/4/13	Book launch – Crawford House
22/4/13	Community Forum - Lismore 'Our Communities'
23/4/13	Ex Services Village ANZAC Service
24/4/13	April Council Meeting

RECOMMENDATIONS

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

Attachment(s)

Nil

16. Questions Without Notice

16. Questions Without Notice

17. Confidential Session

17. Confidential Session

Nil Items