



Notice of Ordinary Meeting

Notice is hereby given that an Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street, Ballina on **Thursday 25 July 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. Development and Environmental Health Group Reports
9. Strategic and Community Facilities Group Reports
10. General Manager's Group Reports
11. Civil Services Group Reports
12. Public Question Time
13. Notices of Motion
14. Advisory Committee Minutes
15. Reports from Councillors on Attendance on Council's behalf
16. 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

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 27 June 2013 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 June 2013.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 DA 2012/337 - Removal of Teak Tree (S82A Review)

8. Development and Environmental Health Group Reports

8.1 DA 2012/337 - Removal of Teak Tree (S82A Review)

Applicant	Ardill Payne & Partners
Property	Lots 23 & 24 DP 1162144, No.'s 13 & 15 Clovelly Place, Wollongbar
Proposal	Request for a Section 82A Review of Determination of DA 2012/337 – To Undertake the removal of one Teak Tree (<i>flindersia australis</i>) from a Common Property Boundary
Effect of Planning Instrument	The land is zoned R3 – Medium Density Residential under the provisions of the Ballina LEP 2012
Locality Plan	The subject land is depicted on the locality plan attached

Introduction

On 3 May 2013, Council received a request via Section 82A of the Environmental Planning and Assessment Act 1979 to review its determination of Development Application 2012/337 (To undertake the removal of 1 Teak Tree – *flindersia australis* from a common property boundary). On 7 November 2012, Council issued a Notice of Determination by way of Refusal for DA 2012/337. The reasons for refusal were stated as:

1. The Teak tree is in good health.
2. Building envelopes have been established on each of the allotments and it is considered that the lots are of such a suitable size and configuration to facilitate the construction of a dwelling house(s) within the building envelope without impacting on the Teak tree.
3. The removal of the Teak tree is not in the public interest.

Refer to Attachments 2 and 3 for an aerial photograph of the subject lots and a photograph of the Teak tree.

Background

On 10 December 2008, the Land and Environment Court issued consent orders to Development Application 2007/876 (Torrens Title Subdivision to Create 143 Residential Allotments, One (1) x Open Space Allotment and One (1) x Residue (Future Development) Allotment and Road and Infrastructure Works). Refer to Attachment 4 for a copy of the consent orders. In relation to DA 2007/876 and the subject Teak tree:

- The tree was shown on the development plans submitted with the DA (lodged 25 June 2007). The plans depict the tree as being retained and straddling the boundary of two proposed duplex lots.
- The stamped approved plan for the development (refer to Attachment 5) does state in relation to the subject tree, “Existing Tree to be Retained if Possible”.

8.1 DA 2012/337 - Removal of Teak Tree (S82A Review)

- The Building Control Plan (required via condition 3.9) for the Stage 1 Land Release shows the subject tree to be retained (refer to Attachment 6).

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Report

General comments on the proposed removal of the Teak Tree

In summary, the applicant has provided the following points in support of the review of determination for DA 2012/337:

- The health of the tree is not of particular relevance to the proposed development as the proposal to remove the tree is not based/premised on its state of health.
- The proposal to remove the tree is based on its inappropriateness in the urban residential context, particularly as a consequence of its location (on the common boundary of two medium density residential lots) and its size and spread. The tree has a trunk diameter of greater than 1 metre, a spread of approximately 17 metres and a height of 27 metres and is situated on the northern side of the subject lots.
- Both lots have the ability to contain 2 x detached dwellings (dual occupancy) under the Ballina Local Environmental Plan 2012 and as approved via DA 2007/876. Building envelopes have been established on each lot and the size of such should be able to accommodate a detached dual occupancy. However, the size and spread of the tree and potential for impact into building zones and on future dwellings from the tree's overhanging branches was not previously fully realised.
- The tree will be impacted as a result of future construction activities – substantial pruning of branches, impacts upon root system from excavation and driveway construction.
- The tree will impact upon the future development of the land – boundary fencing, root damage to foundations, concrete surfaces, underground infrastructure (water and sewer pipes).
- There is no real tangible public interest issue as the tree is situated on private property and is not such that it contributes greatly to local landscape, streetscape or amenity of the subdivision or locality.
- The tree was a singular paddock tree on a cattle grazing property and was retained over the years largely to provide shade for cattle. The visual character and setting of the land has and is continuing to change and be transformed from rural to urban residential and will thus be characterised by roads, residential buildings, improvements and domestic landscaping.
- If the tree is removed and both lots are developed for dual occupancy purposes, the sites will be landscaped with more appropriate domestic type and scale vegetation and thus there will be a net floristic gain on the land in the longer term.
- The location of the tree, on the common boundary of Lots 23 and 24 has the potential to result in future on-going neighbour conflicts, due to uncertainties as to the ownership and/or control of the tree – responsibilities in relation to potential claims by impacts from falling limbs,

8.1 DA 2012/337 - Removal of Teak Tree (S82A Review)

pruning, maintenance, root damage to buildings and infrastructure will become problematic.

- It is possible that there may be disputes between future residents of Lots 23 and 24 (total of 4) dwellings with a likely outcome (via the Trees (Disputes Between Neighbours) Act 2006) to remove the tree. This can be avoided if the tree is removed now.
- The tree is of much larger spread than envisaged by the Building Control Plan and the root system is likely to encroach further into the building envelope on the allotments and also Council's sewerage infrastructure traversing the front of the lots.
- The existence of the tree is contrary to the Ballina Urban Garden Guide, due to its height and location relative to 4 future dwellings, potential to block winter sun and sunlight to solar energy devices (in winter) and it is not listed as a suitable species within suburban blocks.

The applicant's submission in support of the review of determination of DA 2012/337 is provided within Attachment 7.

An assessment of the requested review of determination and the subject Teak tree has been undertaken by Council's Acting Vegetation Maintenance Officer. The following advice has been received.

Life Expectancy

The general life expectancy of Teak trees is 100 to 200 years, depending on conditions and genetics. However, given the multitude of variations, it can be difficult to define overall life expectancy. In the case of the subject Teak tree, it could have a useful life expectancy of another 100 years or more if not disturbed or damaged. The disturbance and damage applies to both the above and below ground parts of the tree.

The Australian Standard AS4970-2009 "Protection of Trees on Development Sites" contains more information regarding this including Tree Protection Zones, Critical Root Zones and incursions into these areas. The more the tree is protected and cared for, the longer its life expectancy.

Vulnerability

The tree is relatively isolated and whilst it does not have other trees around it to offer it protection from storms etc, its level of vulnerability would not necessarily lead to death. Trees are self-optimising, the Teak tree will have adjusted to its current situation since the removal of any other previous surrounding trees and will continue to adjust over time. This could possibly affect the trees lifespan, but if so, it will not be significant.

Safety Issues

Teak trees are considered very robust, with a dense, heavy wood grain, not prone to borers or decay. Teak trees are not known for high or even moderate branch failure rate. It is noted that no branches were lost from the subject tree in the January/February storms of this year. There are safety issues with all trees that exist in urban environments, but the probability of failure and level of risk, is most often extremely low. I have not seen any evidence in the subject Teak tree that would indicate an unacceptable risk. There are no pests or disease present, defects and decay are minimal, wound wood production is good and the tree shows good symmetry and balance.

Contribution to Landscape

The Teak trees overall contribution to the landscape is very important. As the Alstonville/Wollongbar area becomes increasingly urbanised, and native vegetation is lost in the process, wildlife corridors and refuges are being depleted and fragmented. Mature native trees, such as this one, provide food and shelter for hundreds of birds and other animals daily.

In addition, large isolated trees in urban environments provide “stopovers” for smaller birds that range in the area. Removal of such trees can cause major disruptions in feeding, mating and travel behaviours in birds and other animals and there are trickle down effects of this in local wildlife communities. Furthermore, interpretation of the aerial photograph reveals that the tree is located between larger stands of trees to the east and to the west.

In addition, there are the other more obvious benefits that humans derive from large trees in developed areas such as shade, amenity, carbon storage, toxin and particulate filtration, reduction of glare, reduction in wind speed and a reduction in cooling costs. Given the nature of the urban environment in this area of Wollongbar and the limited amount of mature vegetation, I would consider a large healthy native tree positioned at the northern end of two blocks a fantastic asset.

Mature Vegetation in the Wollongbar Urban Expansion Area

From an inspection of the site and also from within the Avalon Estate and surrounding estates approved within the Wollongbar Urban Expansion Area (Killarney Park Residential Estate, Spring Creek Place Estate and Wollongbar Park Estate), the subject Teak tree is one of the only mature trees to be retained within the urban/residential zoned land.

It is noted that similar issues, with respect to the retention of mature trees within residential allotments, have arisen in the assessment of the development applications for the Killarney Park Residential Estate (DA 2010/453) and the Wollongbar Park Estate (DA 2009/664).

In both instances, Council staff questioned the ability to successfully retain mature vegetation within residential allotments of these estates, given insufficient buffer areas had been provided between the vegetation and the proposed building envelopes.

8.1 DA 2012/337 - Removal of Teak Tree (S82A Review)

In the instance of DA 2009/664, the application originally sought the retention of a Teak tree located adjacent to the western boundary of the property. The tree was to be retained within two residential allotments, and the drip line (foliage) of the tree protruded into a third residential allotment.

The Teak tree's proposed buffers affected the three lots and Council staff considered that the buffers were not sufficient to afford suitable long term protection of the Teak tree and/or permit suitable dwelling envelopes to allow for the construction of a dwelling.

Council staff requested that the developers consider consolidating the allotments to enable successful long term protection of the tree, however the developers argued that this would reduce the minimum densities for the area required by Council's DCP and elected to remove the tree.

This was accepted by Council staff in the determination of the application, given the extensive landscaping and rehabilitation of environmental protection areas proposed within the estate and the resulting loss of dwelling density if the allotments were to be consolidated in order to retain the Teak tree.

In the instance of DA 2010/453, the application proposed to retain a number of mature trees within the street system and within residential allotments. As part of the approval of the estate, Council staff imposed conditions upon the consent requiring the submission of a Vegetation Management Plan (VMP) prior to the issue of the Construction Certificate for Stage one of the estate.

The VMP is required to detail all native trees and shrubs of a height greater than three metres that are to be retained for amenity purposes. The plan is required to demonstrate that the retained vegetation is located sufficiently clear of all essential infrastructure and provides for an appropriately sized building envelope on each residential lot in the development in accordance with applicable Australian Standards for the protection of trees on building sites and the construction of residential slabs and footings. The requirements of these conditions are yet to be satisfied by the developers.

In relation to the Avalon Estate, the application proposed to retain three mature native trees within urban/residential zoned land, being the subject Teak tree and two *Macadamia Tetraphylla* (Rough Shelled Bush Nut), which are classed as threatened species. The *Macadamia Tetraphylla* are significantly smaller than the subject Teak tree and are located in the Avalon Avenue road reserve, adjacent to Lot 10.

The application also proposed rehabilitation and management works within the environmental protection zoned areas of the estate (along its northern boundary within Lot 141) which is to be dedicated to Council upon completion. Conditions have been imposed on the consent orders for DA 2007/876 in relation to the rehabilitation and embellishment of this area of the estate (Lot 141).

It must be noted that on 7 June 2013 Council received a Section 96AA Application to Modify Development Consent 2007/876. This proposed modification includes the consolidation of Lot 141 within three residential allotments and subsequent deletion of the requirement to rehabilitate the environmental protection zoned land.

8.1 DA 2012/337 - Removal of Teak Tree (S82A Review)

At the time of preparing this report, the S96AA Application is still within the public exhibition phase and Council officers are undertaking an assessment of the proposed modifications.

However, should the proposed modifications within the S96AA Application be supported, the environmental protection zoned land will no longer be rehabilitated or embellished. This will result in an overall decrease the amount of native vegetation provided by the developers within the Avalon Estate.

Relevant issues to be considered in reviewing DA 2012/337

The following table provides an assessment of the relevant issues for Council to consider in its review of DA 2012/337.

Arguments for Retaining the Teak Tree	Comment
The subject Teak tree is one of the only mature existing trees to be retained within the approved residential estates in the Wollongbar Urban Expansion Area (WUEA)	<p>In relation to the Avalon Estate, the developers have only identified two other existing trees to be retained as part of DA 2007/876, as detailed above. These trees are Macadamia Tetraphylla (threatened species) and are significantly smaller than the subject Teak tree.</p> <p>In relation to other approved residential estates in the WUEA, an existing Teak tree is to be removed as part of DA 2009/664 (given its location within residential allotments). DA 2010/453 has proposed the retention of a number of mature native trees, some of which are located within residential allotments. However, detailed justification for the retention of those trees is yet to be submitted as a condition of consent.</p> <p>It is considered that the subject Teak tree does provide an important linkage to the previous use of the land, being a paddock tree within a former grazing farm, and this is beneficial in considering the overall evolution of the landscape from a rural to an urban environment.</p>
The subject Teak tree is considered to provide considerable and significant value to the urban landscape and amenity of the neighbourhood.	<p>The subject Teak tree is the largest tree within urban/residential zoned land within the Avalon Estate. Its stature is impressive in the landscape and it provides relief in the overall urbanised environment. As previously stated, the existence of the tree does provide an insight into the previous use of the land and is remnant of its past life.</p> <p>As commented by Council's Acting Vegetation Maintenance Officer, the subject Teak tree has a range of benefits to humans.</p>
The subject Teak tree is in good health, is not showing any signs of deterioration or decay and with care could have a life expectancy of another 100	<p>The current health of the tree is such that it has not been impacted as a result of the development of the Avalon Estate. If the tree is continued to be cared for, the tree could remain on the land for another 100 years, which speaks for the robustness of the species.</p>

8.1 DA 2012/337 - Removal of Teak Tree (S82A Review)

Arguments for Retaining the Teak Tree	Comment
years or more.	As commented by Council's Acting Vegetation Maintenance Officer, Teak trees are not prone to borers or decay and they are not known for high or moderate branch failure rate.
The subject Teak tree does and would provide habitat for local birdlife.	As commented by Council's Acting Vegetation Maintenance Officer, mature native trees, such as the subject Teak tree, provide food and shelter for hundreds of birds and other animals daily. In addition, large isolated trees in urban environments provide "stopovers" for smaller birds that range in the area. Removal of such trees can cause major disruptions in feeding, mating and travel behaviours in birds and other animals.
The development of the two allotments for residential development is still able to occur.	<p>The applicant/developers identified building envelopes during the assessment of DA 2007/876 and subsequent to its approval, in their preparation of a Building Control Plan (to be appended to Council's DCP). As part of their preparation of the Building Control Plan (as required via consent conditions 3.9 and 3.10), the applicant/developers were required to clearly identify building envelopes and setbacks for all residential lots. The plan was prepared on the basis of retaining the subject Teak tree and provides a 5.4m setback from the common lot boundary (in terms of the width of the tree – trunk diameter of 1 metre and a spread of 17 metres).</p> <p>Despite the developer's intention to sell and have Lots 23 and 24 developed for dual occupancy dwellings (total of 4 dwellings), this may not be achievable (depending on the size of the proposed dwellings) or even desirable by future owners, given the location and presence of the tree.</p> <p>It is noted that Lot 23 has an area of 869.6m² and Lot 24 has an area of 980.7m². As the allotments are of such a substantial size, smaller dual occupancy dwellings would be able to be located on both allotments, whilst enabling retention of the subject Teak tree.</p> <p>It is not considered that the lots are undevelopable, simply that the density of the development of the 2 lots may be less than originally proposed, or as permitted under Council's current planning instruments, given the location and size of the subject Teak tree.</p>

Arguments Against Retaining the Teak Tree	Comment
The location of large mature trees within residential allotments may not be appropriate.	Large mature trees located within residential allotments can cause a range of problems for residents. In the case of the subject Teak tree, in hindsight it would have been better located within one larger residential allotment or within an open space (small park) lot, thereby having limited ability to cause damage to future development (or be damaged by future development) or to be requested for removal. It is acknowledged the subject Teak tree is very large, with a trunk diameter of greater than 1 metre, a spread of approximately 17 metres and height of 27 metres.
The location of subject Teak tree (on the common boundary of 2 residential allotments) may impact upon the sale of the subject lots.	It is possible that the developers may not achieve their desired sale price for Lots 23 and 24 due to the presence and location of the subject Teak tree. The retention of the Teak tree will have financial implications for the developers in this regard.
The subject Teak tree may impact upon and hinder the future development of the land.	The arguments put forward by the applicant/developers are agreed with. There is potential for the roots of the tree to (over time) damage foundations, concrete surfaces and underground infrastructure services (particularly water and sewer pipes). However this does depend on where future development is sited on the allotments (and it's size and scale).
The subject Teak tree may be impacted upon by the future development of the land.	The arguments put forward by the applicant/developers are agreed with. There is potential for future construction and building works on site to adversely impact the tree's root system. The Teak tree may require substantial pruning to enable dual occupancy dwellings to be constructed on Lots 23 and 24. Such pruning may compromise the integrity of the tree. However, as previously stated, this does depend on where future development is sited on the lots (and it's size and scale).
The subject Teak tree may cause neighbourhood disputes due to it's location on the common boundary of Lots 23 and 24.	The location of the subject Teak tree does have the potential to result in future on-going neighbour conflicts, due to uncertainties as to the ownership and/or control of the tree. The tree may lead to disputes between the future residents of Lots 23 and 24 (with potential for 2 residences on each lot) with a possible outcome of those disputes (via the Trees (Dispute Between Neighbours) Act 2006) being an order to remove the tree. The subject Teak tree is located such that it will interfere with the construction of future boundary fencing.

Conclusion

The premise of the applicant/developer's proposal to remove the subject Teak tree is that it is inappropriate in its urban residential context. This is due to the location of the tree on the common boundary between two medium density residential allotments. It is acknowledged that the tree has the ability to create problems and issues for future owners in their design and construction of future residences etc. on the land.

However, there a range of benefits in retaining the subject Teak tree as identified within this report. These include its value to the landscape, the amenity it will provide for residents in the Avalon Estate and it's value and usefulness to local birdlife. Despite the applicant/developer's argument that the health of the tree is not of particular relevance to their proposal, it must be noted that subject Teak tree is in good health, is not showing any signs of deterioration or decay and with care could have a life expectancy of another 100 years or more.

It is considered that Lots 23 and 24 are still able to be developed for residential dwellings, however not in the manner that vacant/treeless allotments can be. In this regard, the allotments may not appeal to as wide a range of prospective purchasers.

Despite the developers intention to sell and have the lots developed for dual occupancy dwellings (total of 4 dwellings), this may not be achievable (depending on the size of the proposed dwellings) or even desired by future owners, given the location and presence of the tree.

As mentioned within this report, Lots 23 and 24 are of such a substantial size that smaller dual occupancy dwellings would be able to be located on both allotments, whilst enabling retention of the subject Teak tree.

It may be the preference of future owners to develop the lots for single dwellings, as been the case elsewhere in the Avalon Estate, despite their zoning and approved density.

It is and has always been the case that the developers could arrange their proposed lot sizes and boundaries to suitably address the protection of the subject Teak tree if it was, and is, their genuine intention. To date, the Council has accepted their residential subdivision on face value, as having being developed from a professional consideration of suitable designs to accommodate the retention of this major landscape element.

In view of the matters raised above, it is recommended that Council confirm the refusal of DA 2012/337.

RECOMMENDATION

That Council confirms the determination of Development Application 2012/337 (To remove one Teak Tree) at Lots 23 and 24 DP 1162144, No.'s 13 and 15 Clovelly Place, Wollongbar as **REFUSAL** for the reasons stated in the Notice of Determination dated 7 November 2012.

Attachment(s)

1. Locality Plan
2. Aerial Photograph of No.'s 13 and 15 Clovelly Place, Wollongbar
3. Photograph of subject Teak tree
4. DA 2007/876 consent orders
5. DA 2007/876 approved plan
6. DA 2007/876 Building Control Plan Stage 1
7. DA 2012/337 Applicant's submission in support of review of determination

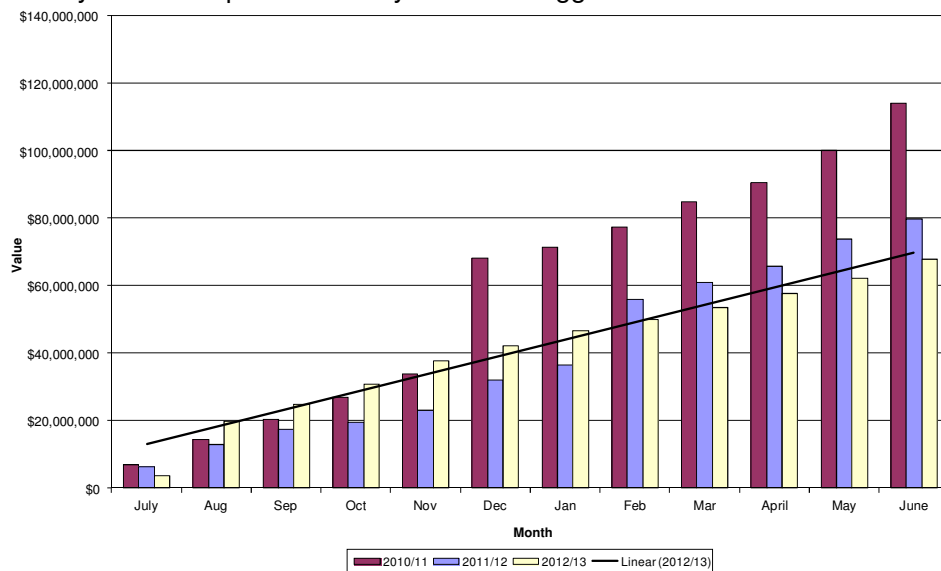
8.2 Development Consent Statistics - June 2013

8.2 Development Consent Statistics - June 2013

During the period of 1 June 2013 to 30 June 2013 the Development and Environmental Health Group issued Development Consent comprising of:

Number of Applications	Value of Work
28 Other Building Related	\$ 1,642,500
11 Dwelling/Duplexes/Residential Flat Buildings	\$ 3,982,000
1 General Developments	\$ 0
Total Value	\$ 5,624,500

The following chart details the cumulative consent figures for 2012/13 as compared to 2011/12 and 2010/11. This report provides the final figures for 2012/13 and the overall results for the year were below 2010/11 and 2011/12. Clearly the development industry remains sluggish at best.



RECOMMENDATION

That Council notes the contents of the report on development consent statistics for 1 June 2013 to 30 June 2013.

Attachment(s)

Nil

8.3 Development Applications - Works in Progress - July 2013

8.3 Development Applications - Works in Progress - July 2013

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

Please note that 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 and Further Amended 19/4/2013)	SJ Connelly CPP Pty Ltd	Eight lot residential subdivision and 15 unit town house development and associated works - Condon Drive, East Ballina (North Angels Beach)	Awaiting Additional Information
2011/320	22/07/2011 (Application Amended 27/6/2013)	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	On Re-Exhibition
2011/506	23/11/2011	C Lonergan	Regularise and expand existing caravan park from 55 Sites to 178 sites and construct new amenities block and recreation building, 440 South Ballina Beach Road, South Ballina	Being Assessed

8.3 Development Applications - Works in Progress - July 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
2011/515	30/11/2011	Newton Denny Chapelle	Staged development - 5 x lot subdivision for future cluster housing development and construction of public road, No. 565-589 River Street, West Ballina	Being Assessed
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
2012/481	15/11/2012 (Application Amended 15/4/2013)	RW Edols	Erection of a tourist facility including 8 villas and associated facilities and infrastructure and a dual occupancy dwelling - 259 Keith Hall Lane, Keith Hall	Being Assessed
2013/80	14/03/2013	Ballina Region Community College Inc	To undertake the erection of one business identification sign - 494 Bruxner Highway, Alstonville	Determination Pending
2013/112	11/04/2013	Newton Denny	Alterations and additions to the	Determination Pending

8.3 Development Applications - Works in Progress - July 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
		Chapelle	Federal Hotel and Colonial Arcade including construction of a permanent enclosed pavilion between the Hotel building and the Colonial Arcade, conversion of unit 2 of the Colonial Arcade to a café which will also function as the kitchen for the Hotel, modifications to the layout of the car park and boundary adjustment subdivision - 75-77 Main Street, Alstonville	
2013/161	17/05/2013	TSA Management Pty Ltd	Alterations and additions to an existing residential aged care facility (RSL LifeCare) including demolition of the Remembrance Wing, construction of a two storey building containing 22 services self-care apartments, construction of two separate garage buildings, construction of on-site visitor	Referred to Government Department

8.3 Development Applications - Works in Progress - July 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
			car parking and driveway access off Hackett Lane and associated works - 60 Owen Street, 11 Hackett Lane, 58-63 Owen Street and 17 Hackett Lane, Ballina	
2013/194	3/06/2013	Ballina Shire Council	Lennox Head Shared Pathways - Lot 5 DP 241434, The Coast Road, Lennox Head	On Exhibition
2013/195	3/06/2013	Ballina Shire Council	Lennox Head Shared Pathways – Various Roads and Reserves between East Ballina and Lennox Head.	On Exhibition
2013/211	14/06/2013	Logan Architecture	Alterations and Additions to Existing Restaurant - 23 Compton Drive, East Ballina	On Exhibition
2013/212	17/06/2013	Newton Denny Chapelle	Change of Use – Recreation Facility (Indoor) - Gymnasium - 78B Main Street, Alstonville	Being Assessed
2013/216	19/06/2013	KC Moore	To Remove One Tree - 1/60 Anderson Street, East Ballina	Being Assessed
2013/221	21/06/2013	Newton Denny Chapelle	Proposed Erection and Strata Title Subdivision of a Multi Dwelling Housing Development Comprising Four	On Exhibition

8.3 Development Applications - Works in Progress - July 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
			Residential Units - 18 Gibbon Street, Lennox Head	
2013/245	9/07/2013	Ballina Shire Council	Proposed Café within Existing Surf Clubhouse Building – 65 Lighthouse Parade, East Ballina	Being Assessed

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2012/334	17/08/2012	Ballina Shire Council	The construction of Hutley Drive connection to the Pacific Pines Estate via a round-about, connection to Elevation Estate & vegetation clearance in SEPP 14 affected area – North Creek Road, Lennox Head	Awaiting Additional Information
2013/162	17/05/2013	Ardill Payne	Extractive Industry (Sand Quarry) with a total extractable resource amount of 610,000m ³ (in situ) - Lot 32 DP 1151612, Newrybar Swamp Road, Lennox Head	On Exhibition

Major Development (Determined by Minister)

Major Project No./DA No.	Date Rec'd	Applicant	Proposal	Status
None				

RECOMMENDATION

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

9.1 Planning Proposal - Skennars Head Coastal Village - Submission

9. Strategic and Community Facilities Group Reports

9.1 Planning Proposal - Skennars Head Coastal Village - Submission

Delivery Program Strategic Planning

Objective To outline the proposed Skennars Head Coastal Village rezoning and seek direction from the Council with respect to the making of a submission on the matter to the Northern Region Joint Regional Planning Panel.

Background

Council has been considering a proposal to rezone land between Skennars Head and East Ballina (land known generally as the Stewart Farm) since 2004. More recently, Council considered reports on this matter in July 2011, November 2011, December 2011, May 2012, July 2012 and August 2012.

The August 2012 report to Council advised that the Minister for Planning and Infrastructure was considering the appointment of an alternate planning authority to process the amendment (historically known as draft Ballina LEP Amendment No.90 - Stewart Farm).

In response, the Council resolved as follows [Minute No. 230812/13]:

- "1. That Council notes the contents of this report regarding the processing of draft Ballina Local Environmental Plan Amendment No.90.
2. That Council acknowledges that based on the contents of this report, the maintenance of its present position may result in the Minister for Planning and Infrastructure "calling in" this Amendment."

The effect of the above resolution was to maintain Council's approach to the amendment as determined at its July 2012 Ordinary Meeting. Council resolved as follows at that meeting [Minute No.260712/15]:

- "1. That Council endorse the concept of a dedication of the land on the eastern side of The Coast Road, in the vicinity of the Sharpes Beach car park that is the subject of lease arrangements between Council and the Stewart family, at a maximum period of approximately 20 years after the rezoning of the land.
2. That subject to point one being agreed with the proponents and landowners, Council endorses the finalisation of the environmental study associated with Draft Ballina LEP Amendment No.90 - Stewart Farm.
3. That the outcomes of points one and two be reported to the Council for consideration with respect to the potential public exhibition of Draft Ballina LEP Amendment No.90.
4. That in respect to point one that the previous conditions as reported to Council be retained as Council's minimum conditions for a Voluntary Planning Agreement."

9.1 Planning Proposal - Skennars Head Coastal Village - Submission

Essentially, Council's resolution required the dedication of land located east of The Coast Road, adjacent to Sharpes Beach, into public ownership as an outcome of the rezoning process. This dedication formed a central element of Council's consideration of the amendment.

Following the August 2011 Ordinary Meeting, Council was advised by Elton Consulting, acting on behalf of the rezoning proponent (WaveBreak Properties) that agreement regarding the dedication of the land east of The Coast Road could not be reached with the landholder (Dr and Mrs Stewart). Given this, the requirements of Council's resolution could not be met.

Subsequently, the Minister for Planning and Infrastructure appointed the Northern Region Joint Regional Planning Panel (JRPP) to process the LEP amendment further. The Gateway determination for the proposal was also amended to omit all of the land east of The Coast Road from consideration as part of the planning proposal.

The Department of Planning and Infrastructure (DP&I) has been assisting the JRPP in its consideration of the proposed rezoning since September 2012. The matter has now progressed to public exhibition and Council is able to make a submission on the proposed rezoning to the JRPP.

This report outlines some of the key aspects of the exhibited planning proposal from the perspective of staff and seeks direction from the Council in relation to the making of a submission to the JRPP on this matter.

Key Issues

- Implications of the proposed residential (and other) zoning of land south of Skennars Head
- Identification of matters considered to be in the public interest to be communicated to the JRPP

Information

Since Council's consideration of the proposed rezoning (known as Amendment No.90 Stewart Farm), the proponent, WaveBreak Properties, has revised elements of their proposal and the rezoning is now referred to as the Skennars Head Coastal Village Planning Proposal. In considering the planning proposal, it is important to note that Council's understanding is that WaveBreak Properties is separate from the current owners of the land, being Dr and Mrs Stewart.

A copy of the planning proposal, including mapping showing the location of the land the subject of the amendment, is contained in Attachment One.

Under the terms of the Ballina LEP 2012, the land is zoned part RU1 Primary Production and Part RU2 Rural Landscape. Parts of the land that correlate with environmental protection zones adopted by Council (but excised from the LEP by the Minister for Planning and Infrastructure) are identified as deferred matters.

9.1 Planning Proposal - Skennars Head Coastal Village - Submission

These areas are subject to a 7(d) Environmental Protection (Scenic Escarpment) zone located along the western side of The Coast Road, a combination of a 1(d) Rural (Urban Investigation) zone and 7(a) Environmental Protection (Wetlands) zone in the north west corner of the subject land and a 7(a) Environmental Protection (Wetlands) zone in the south western corner of the site.

In summary, the proposal involves the rezoning of the land to apply a mixed zoning arrangement comprising an R2 Low Density Residential zone over the northern part of the site (approximately 35 ha according to the planning proposal), a B1 Neighbourhood Centre zone near Headlands Drive, an RU2 Rural Landscape zone in the south west of the site and an E2 Environmental Conservation zone in the north west of the site and along The Coast Road and southern site boundary.

Information provided in a media release indicates that the residential area could accommodate up to 500 lots.

Staff has undertaken a review of the proposed rezoning documentation and prepared a draft submission to the JRPP (Attachment Two) having regard for Council's previous decisions relating to the proposal and the outcomes of a Councillor briefing session held in relation to the matter on 10 July 2013.

Broadly, the submission acknowledges that the proposal is generally consistent with local and State urban land release planning policy, but that there are several areas of concern associated with the proposal in its exhibited form. The submission raises some objections to the proposed rezoning in its current form based on the issues identified and discussed.

Sustainability Considerations

- **Environment**

The proposal to rezone land between Skennars Head and East Ballina for residential development involves a number of significant environmental, social and economic considerations, particularly given the location of the land along the coastline and its scenic prominence, the establishment policy approach to provide an urban break between Skennars Head and East Ballina and the proximity of the proposed development to the existing Skennars Head locality. Given this, it is recommended that Council makes a submission to the JRPP highlighting issues of concern that are considered to be matters of public interest for the JRPPs consideration.

- **Social**

As above.

- **Economic**

As above.

Legal / Resource / Financial Implications

Council is no longer the relevant planning authority for the processing of the Skennars Head Coastal Village Planning Proposal. Given this, Council is not obligated to make a submission to the JRPP or engage any further in relation to this matter. However, the making of a submission to the JRPP is considered to be in the public interest, and therefore warranted.

The draft submission contained in Attachment One has been prepared within Council's available resources and an associated deputation to the JRPP can also be accommodated by staff within existing resources.

Consultation

The DP&I placed the Skennars Head Coastal Village Planning Proposal on public exhibition between 1 July 2013 and 29 July 2013. Council has assisted the DP&I in its exhibition by distributing exhibition materials to Council's standard exhibition locations in Ballina and Lennox Head.

Submissions in response to the public exhibition close on 29 July 2013.

Options

Given that Council is no longer the planning authority responsible for processing the proposed rezoning, Council is essentially a stakeholder in the process and may make a submission as such. Therefore, Council's options are to either make a submission to the JRPP or to remain passive in the process and not make representations to the JRPP.

It is recommended that Council makes a submission to the JRPP (both written and verbal) because there are aspects of the exhibited planning proposal that staff have identified as being of concern. These matters are outlined in the draft submission contained in Attachment One. It is considered to be in the public interest for Council to make a submission to raise the identified issues with the JRPP for its consideration in determining whether the rezoning will proceed. In considering the draft submission, it is open to Council to make amendments as considered appropriate.

Council may consider it advantageous to remain neutral in the process by not making a submission and letting the amendment process run its course. However, the disadvantage of this approach is that the issues identified by Council may not be raised by others and ultimately, Council will be required to manage outcomes associated with future residential development on the land (should it proceed), such as road infrastructure, servicing and environmental management.

Deferral of this matter is not considered to be a viable option in the circumstances as submissions close on Monday 29 July 2013.

RECOMMENDATIONS

1. That Council endorses the correspondence contained in Attachment Two as a submission to the Northern Region Joint Regional Planning Panel in relation to the Skennars Head Coastal Village Planning Proposal.
2. That the Council authorises the General Manager to appoint a member of staff to make a verbal submission to the Northern Region Joint Regional Planning Panel in relation to the Skennars Head Coastal Village Planning Proposal based on the Council's endorsed submission.

Attachment(s)

1. Skennars Head Coastal Village Planning Proposal - Elton Consulting on behalf of WaveBreak Properties
2. Draft Submission to JRPP - Skennars Head Coastal Village Planning Proposal

9.2 LEP Amendment Request - Mt Moriah Subdivision, Wollongbar

9.2 LEP Amendment Request - Mt Moriah Subdivision, Wollongbar

Delivery Program Strategic Planning

Objective To invite the Council to initiate a planning proposal to recognise the intended residential development outcome for an approved subdivision located off Plateau Drive at Wollongbar.

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 provide flexibility and allow the 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 BLEP 2012 and the Ballina Shire Development Control Plan (DCP 2012).

Notwithstanding the above, Council was not able to recognise the intended zoning outcome for all lots that had been approved, but not created, during the introduction of the new LEP. That is, where lots were not created at the time the LEP zone provisions were applied, such lots were not subject to analysis regarding the most suitable residential zone type on an individual lot basis (the individual lots did not exist in Council's property information system at the time zones were applied). Several such lots have recently been identified in the Wollongbar Urban Expansion Area, being lots approved, but not created, pursuant to the Ballina LEP 1987 during the interim period of the introduction of the Ballina LEP 2012.

9.2 LEP Amendment Request - Mt Moriah Subdivision, Wollongbar

This planning proposal relates to 30 approved (but not created) allotments of land located at Wollongbar, on parent parcel Lot 31 DP 1183600. Council has received a request from the landholder to amend the BLEP 2012 to reflect the development outcomes envisaged by the subdivision approval (Attachment 1).

The planning proposal contained in Attachment 2 seeks to amend the LEP to acknowledge the development consent for the subdivision of the land by the application of the R2 Low Density Residential zone to 27 proposed allotments.

An R3 Medium Density Residential zone is to be retained for 3 lots of land, designated as duplex lots (now known as dual occupancy under the Ballina LEP 2012) in the development consent.

This report outlines the proposed amendment and seeks Council's direction with respect to the progress of the matter.

Key Issues

- Residential development potential
- Consistency with strategic planning intent

Information

Land parcels

The LEP amendment request relates to Lot 31 DP 1183600. The land is owned by Mt Moriah Pty. Ltd. The location of the subject land is shown in Figure 1 of the planning proposal documentation contained in Attachment 2. As shown, the land is located within the Wollongbar Urban Expansion Area.

The subject land is currently partly zoned R3 Medium Density Residential under the terms of the BLEP 2012. The land also includes an area of land deferred from the BLEP 2012, having been proposed for zoning for environmental management (E3) purposes during the preparation of the BLEP 2012 (the open space lot). The area the subject of the deferred matter is currently zoned 7(d) Environmental Protection (Scenic/Escarpment) under the Ballina LEP 1987. Zoning under the BLEP 2012 is shown in Attachment 2.

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 approved subdivision of Lot 31 DP 1183600 (DA 2009/633 as amended) comprises the following:

- 16 x Low density lots (lots less than 1000m²);
- 11 x Low density lots (lots greater than 1000m²);
- 3 x Dual occupancy lots; and
- 1 Open space allotment.

9.2 LEP Amendment Request - Mt Moriah Subdivision, Wollongbar

The planning proposal seeks to acknowledge the approval by the application of residential zonings compatible with the approval relating to the land, as outlined above.

The R2 Low Density Residential zone will permit only dwellings and secondary dwellings on the land with development consent, whereas the current R3 Medium Density Residential zone would permit a broader range of residential development types than intended under the development approval relating to the land. An E3 Environmental Management zone is also proposed over part of the land (consistent with Council's adoption of the BLEP 2012).

The E3 zone may not be able to be applied depending on the status of the Department of Planning and Infrastructure's review into 'E' zones in relation to this LEP amendment proposal. It is noted that the planning proposal also involves minor realignment of zone boundaries to reflect the configuration of the approved lot boundaries.

Council understands that the subject subdivision plan is currently progressing towards registration. It is reasonable under the circumstances, therefore, that this matter be addressed promptly in order for future residents to have certainty regarding the intended residential development outcomes for the land.

As a consequence of the above, a planning proposal that would have the effect of rezoning the subject (prospective) allotments from R3 Medium Density Residential zone to R2 Low Density Residential zone, under the terms of the BLEP 2012 has been prepared. As noted above, the planning proposal also involves minor realignment of zone boundaries to the approved lot boundaries. The planning proposal is contained in Attachment 2.

This report recommends that the Council 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 then reported back to the Council for further consideration and/or endorsement.

Sustainability Considerations

- **Environment**

The rezoning of the land from medium residential to low density 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 the existing subdivision approval for 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 (as contained in Attachment 2) to the next step in the rezoning process. This step involves a review of the proposal by the NSW Department of Planning and Infrastructure and Gateway determination.

It is recommended that Council proceed to forward the planning proposal to the Department of Planning and Infrastructure for Gateway determination primarily because the rezoning provides for consistency in the BLEP 2012 with previous decisions of Council in relation to the subdivision of the subject land. It should be noted that the Gateway determination may or may not allow the rezoning to proceed.

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 at present.

Where Council proceeds to submit a planning proposal for Gateway determination, Council has the option of requesting delegation of certain plan making functions from the Department. Under these delegations, Council would perform some of the plan making functions that are otherwise completed by the Department.

Although there may be occasion where the application of the delegations is of benefit to Council, typically the exercise of the delegation shifts tasks to Council, shifts risk in the plan making process to Council and removes a Departmental review point (which has historically been beneficial in the LEP amendment process). Submission of a request to the Department to allow Council to exercise the delegations is not recommended in this instance.

RECOMMENDATIONS

1. That the Council endorses the application of an R2 Low Density Residential zone to land within the approved subdivision of Lot 31 DP1183600 as the basis for a planning proposal (as shown in Map 3 of the planning proposal contained in Attachment 1).
2. That the Council submit the planning proposal relating to various approved residential lots in the Wollongbar Expansion Area to the NSW Department of Planning and 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. Correspondence from Ardill Payne - Request to amend the BLEP 2012.
2. Planning Proposal (Council Report) - Mt Moriah Subdivision Plateau Drive Wollongbar.

0.0 Planning Proposal - BSCPP 13/001 - Subdivision Provisions

0.0 Planning Proposal - BSCPP 13/001 - Subdivision Provisions

Delivery Program Strategic Planning

Objective To outline the outcomes of the public exhibition of BSC Planning Proposal 13/001 regarding various subdivision provisions and seek direction with respect to the finalisation of the proposal.

Background

Ballina Shire Council Planning Proposal 13/001 relates to the insertion of additional subdivision provisions within the Ballina Local Environmental Plan 2012 (BLEP 2012). The planning proposal relates to all land within the Ballina Shire.

The planning proposal (Attachment 1) intends to amend the BLEP 2012 in the following ways:

- To add a clause to enable boundary adjustments in rural areas (in relation to lots that are less than the minimum lot size shown on the Lot Size Map) that do not adversely impact on agricultural or environmental attributes of land and do not create additional opportunities for the establishment of dwelling houses.
- To add a clause to enable the creation of residual allotments that are less than the minimum lot size shown on the Lot Size Map, where their creation is associated with planned urban growth.
- To add clauses to enable the creation of lots that are less than the minimum lot size shown on the Lot Size Map that promote environmental protection and management outcomes in association with urban development in planned urban growth areas.

As a background, during the preparation of Council's Standard Instrument LEP (now known as the BLEP 2012), Council identified several concerns relating to the subdivision of land zoned for rural or environmental protection purposes. The concerns arose in relation to the form and function of the State-prepared mandatory provisions that establish the framework for subdivision in the Standard Instrument LEP.

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

Council was unable to address the subdivision issues identified in this report during the preparation of the BLEP 2012 due to Department of Planning and Infrastructure (DP&I) uncertainty about the manner in which the issues could be addressed under the terms of the Standard Instrument LEP. However, the DP&I informally advised Council in late 2012 that it would allow Council to proceed to draft provisions to address the concerns raised.

0.0 Planning Proposal - BSCPP 13/001 - Subdivision Provisions

In response to this informal advice, a planning proposal was prepared and presented at Council's Ordinary Meeting held on 20 December 2012. With respect to the proposal, the Council resolved as follows (Minute No. 251012/9):

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

Accordingly, the proposal was forwarded to the Department of Planning & Infrastructure (DP&I) for Gateway determination, with the Gateway enabling the proposal to proceed. This report seeks the Council's direction with respect to the finalisation of the proposed LEP amendment.

Key Issues

- LEP amendment processing
- Outcomes of consultation with public authorities and public exhibition
- Incorporation of more flexible subdivision provisions in Council's LEP

Information

The intent of the proposed provisions is to provide a greater degree of flexibility in relation to rural boundary adjustment subdivision, creation of residual rural or environmental zoned lots arising from urban subdivision, creation of lots for environmental protection purposes and creation of lots with part environmental protection and part urban zones. The present form of the Standard Instrument LEP establishes significant limitations for subdivision in relation to the matters listed above.

In relation to boundary adjustment subdivision, Council is of the view that the structure of the Standard Instrument does not permit boundary adjustment subdivisions where one or more allotments involved is less than 90% of the minimum lot size specified for subdivision. Under the current Standard LEP provisions, it appears that adjustments between two lots that are already below the minimum lot standard are unable to be approved. This is considered to be too restrictive. The proposed amendments seek to provide greater flexibility and enable merit based assessment within defined parameters, having regard for agricultural and environmental attributes of land.

With respect to subdivision associated with new urban areas, the Standard Instrument LEP does not enable the creation of residual lots, split zoned lots or lots for environmental purposes where the lot area is not at least 90% of the minimum standard. This means that routine practices such as excising the balance of a farm after a stage of an urban subdivision, inclusion of environmental protection zoned land in urban lots or separation of areas of

0.0 Planning Proposal - BSCPP 13/001 - Subdivision Provisions

environmental values in urban subdivision areas typically cannot be undertaken unless the lots are at least 36ha in area. Additional flexibility to consider the above on merit, within set criteria, is considered to be warranted.

Although Council is aware that other councils have similar concerns regarding subdivision, it appears that Council is breaking new ground in relation to the format of the proposed changes, the scope of the issues identified and the integrated approach to the consideration of the identified subdivision issues. It is, however, noted that other councils have sought to address aspects of the issues raised and several councils in the North Coast region have sought information about Ballina Shire Council's proposed approach. Lismore City Council recently resolved to progress a planning proposal of a nature similar to Ballina Shire's approach.

Pre Exhibition

In accordance with the requirements of the Gateway determination, the following steps were undertaken prior to public exhibition of the planning proposal:

- The inclusion of an 'explanation of provisions' in the planning proposal to advise that the proposed clauses to be inserted are indicative only and are subject to change during the drafting of the BLEP 2012.
- Consultation with the Rural Fire Service (RFS).

The DP&I also requested that the planning proposal be amended to refer to 'potential urban growth areas' instead of 'strategic urban growth areas' to maintain consistency with the BLEP 2012. This was not done as strategic is the consistent term within the BLEP 2012.

The RFS were consulted prior to public exhibition commencing. This public authority responded in March 2013, requesting that Council address the requirements of 'S117 Direction 4.4 Planning for Bushfire Protection' within the public exhibition documents. Further changes were made to the planning proposal in response to the RFS comments to address the requirements of the S117 Direction.

Exhibition

The planning proposal was placed on public exhibition between 24 April and 13 May 2013. A number of public authorities were notified of the planning proposal including the RFS (notifying this authority of the changes to the planning proposal as requested), the Office of Environment and Heritage (OEH) and the Department of Primary Industries (DPI). The DP&I were also notified of the public exhibition period.

During the exhibition, six submissions were received (Attachment 1). These submissions were from the general public, local planning consultants and public authorities. The submissions are examined in this report in Attachment One.

Included within these submissions was advice from the RFS that the exhibited planning proposal (as amended) satisfies S117 Direction 4.4 Planning for Bushfire Protection.

0.0 Planning Proposal - BSCPP 13/001 - Subdivision Provisions

A submission from a landowner raised no objection to the planning proposal, subject to the new provisions not restricting dwelling opportunities upon allotments created for environmental purposes. This issue is discussed below.

Council's Development and Environmental Health Group were also consulted during the exhibition process to ensure the intent of the amendments were reflected within the drafting from a development control perspective and to draw on practical experience in the application of subdivision provisions in the formation of the proposed provisions.

Two submissions were received from local planning consultants and supported the proposed subdivision provisions, particularly in regard to boundary adjustment subdivisions. One of the two submissions did, however, raise the following matters:

- The proposed amendments to subdivision provisions need to ensure that lots proposed to be created for environmental protection and management outcomes are not rejected or refused on the basis that they will result in the automatic creation of a dwelling entitlement.
- Consistent with the drafting note detailed within the planning proposal, it may be appropriate to amend the current dwelling entitlement Clause 4.2A within the BLEP 2012 to include lots created in accordance with these provisions within "E" zones, following the inclusion of these zones into the current LEP.
- It is known that the E2 Environmental Conservation and E3 Environmental Protection zones have been deferred from the BLEP 2012. However, the draft amendments to the subdivision provisions should be worded to ensure allotments that exceed the minimum allotment size provisions are also excluded from obtaining a dwelling entitlement, where they are created specifically for environmental purposes.
- Consideration should also be given to including similar provisions in Ballina Local Environmental Plan 1987, depending on the timeframe for the completion of the review of the environmental zones.

Overview of Provisions and Proposed Amendments

Each of the proposed provisions is discussed below having regard for the submissions received, feedback from Council's Development and Environmental Health Group and associated analysis of the provisions that has been undertaken by staff.

In considering the information below, it is important to note that it is likely that the current wording of the provisions (as exhibited) will be altered during the drafting process by Parliamentary Counsel. Therefore, it is important to focus on the intent of the additional provisions rather than focussing on the specific wording in the example clauses. If the intent of the provisions is supported by Council, staff will seek close consultation with Parliamentary Counsel during the drafting of the provisions to ensure Council's intent is reflected in the final composition of the amendments.

- *Exception to minimum lot size standard - boundary adjustment subdivision (boundary adjustment)*

0.0 Planning Proposal - BSCPP 13/001 - Subdivision Provisions

As outlined above, Council has held a view that the structure of the Standard Instrument does not permit boundary adjustment subdivisions where one or more allotments involved is less than 90% of the minimum lot size specified for subdivision. Under the current Standard LEP provisions, it appears that adjustments between two lots that are already below the minimum lot standard are unable to be approved.

This is a significant issue in that the majority of rural lots within the shire are below the minimum subdivision lot standard and Council often receives applications for boundary adjustments based on the merits of particular situations. There can be a number of reasons why a boundary adjustment subdivision can be beneficial. For example, it may assist in achievement of larger agricultural production units, enable creation of more logical property boundaries, or provide opportunities for enhanced agricultural production or diminution of land use conflict.

The intent of this clause is to provide the opportunity for a boundary adjustment to occur between two or more rural lots that are currently below the minimum size shown on the lot size map. Such boundary adjustments are not to have an adverse agricultural or environmental outcome upon the land and surrounding locality or result in any additional lots and/or any additional dwelling opportunities.

The submissions received during the exhibition period and the feedback from the Development and Environmental Health Group supported the insertion of this clause into the BLEP 2012. The clause is considered an essential element in achieving positive environmental and agricultural outcomes in the Ballina local government region.

Based on feedback and further analysis, the following minor adjustment to the exhibited provision is proposed to the example clause to better illustrate the intent:

Insert reference to 'both' as follows:

- (i) *the subdivision will not result in the creation of any additional lots or the opportunity for additional dwellings **or both**, and*

This insertion of "or both" to the proposed wording is intended to clarify that any development consent for a boundary adjustment issued in accordance with this clause shall not create any additional lots, or the opportunity for an additional dwelling. The aim of the additional words is to remove any ambiguity from the clause in relation to this matter.

The limitation on the creation of new lots or dwelling entitlements is designed to ensure that boundary adjustment subdivision is not used as a means to circumvent other established provisions in the LEP in relation to dwelling entitlements.

- *Exception to minimum lot size standard - residual lots associated with urban development (residual lots)*

The BLEP 2012 establishes minimum lot standards for the subdivision of rural land and creation of lots below the minimum standard (generally 40ha). It is considered that there are some defined circumstances where additional flexibility is warranted.

0.0 Planning Proposal - BSCPP 13/001 - Subdivision Provisions

The intent of the residual lot clause is to allow the orderly progression of larger urban subdivisions in a staged manner that may create a series of residual lots, particularly when the land involves multiple parent lots. It is intended that these parent lots would be provided with a mechanism to create a residual lot not for urban purposes that is below the minimum lot standard. The excising of these lots is not currently addressed within the BLEP 2012, unless the residual lots meet the minimum lot standard.

This clause would also facilitate land identified as unsuitable or not yet planned for urban development to be excised from planned urban release/development areas.

Having regard to submissions and feedback from Council's Development and Environmental Health Group, the clause requires clarity regarding the definition of a residual lot. As outlined above, the intent of the clause is to facilitate the excising of land that may result in lots below the minimum lot standard in association with the progress of an urban subdivision. These lots may be created for environmental protection or agricultural purposes. It is proposed that refinement of the provision to clarify the term 'residual lot' would include the recognition of the specific zones applicable to such lots (i.e. rural and environmental protection zones) and provision for one residual lot per parent lot.

It is intended that the creation of these lots shall not be impeded by the minimum lot size standard within the BLEP 2012 where it is demonstrated that the subdivision relates to planned urban development and meets criteria associated with environmental and agricultural outcomes. The ability to create these lots will assist in facilitating sound environmental and agricultural outcomes associated with urban subdivision and the overall roll out of urban development over time.

This clause is considered an essential tool for a consent authority during the assessment of large urban subdivisions for the creation of residual lots that are not of an urban zoning. It is intended that regulators will have a merit assessment basis to ensure the residual lots, although below the specified minimum lot size, are suitable for an environmental protection or agricultural purpose.

In addition to the above, it is also recommended that an additional sub-clause be included during the drafting process. This additional clause is intended to ensure that lots created for environmental purposes must be suitable for a dwelling house. Applicant's may be required to demonstrate where upon a residual lot a dwelling could be situated without adversely impacting upon the environmental features of the site. This is to ensure that lots that are not capable of supporting a dwelling house are not created so as to avoid pressure for a dwelling on such land in the future.

- *Exception to minimum lot size standard - lots for environmental protection purposes associated with urban development (environmental lots)*

The intent of this clause is to enable the creation of relatively small allotments within new urban subdivisions with environmental attributes. It is proposed that these lots would not have a dwelling entitlement due to their specific creation for environmental purposes and the associated sensitive nature of the land.

To reinforce the environmental outcomes sought and to address the public interest in terms of long term land management and tenure, it is proposed that the clause also includes a requirement to demonstrate how the environmental land is to be managed following the completion of the subdivision works. Regulators would be required to assess the proposed means of management of these small parcels and to be satisfied that the proposed approach is acceptable. Council may wish to manage the land, or alternatively the proponents would be required to provide an appropriate management procedure for the land to ensure the ongoing environmental viability of that parcel.

It is likely that this clause (if acceptable to the DP&I and Parliamentary Counsel) would come into effect following the resolution of the current deferral of all environmental zones from the BLEP 2012.

- *Exception to minimum lot size standard - lots comprising an environmental protection zone and at least one other urban zone (split lots)*

Split lots are allotments of land that contain more than a single zoning within the lot boundary. The proposed provision provides for split lots that contain an area of environmental protection zoned land and a portion of land zoned for urban purposes.

This clause provides for the creation of split zoned lots where the minimum lot size standard for the urban zone portion is compliant, while the other component of the lot being, an "E" zone, does not meet the minimum lot size standard pursuant to the BLEP 2012. The purpose of this clause is to provide a mechanism for the creation of split zoned lots with environmental attributes to support positive environmental outcomes.

This clause is an alternative to the creation of small lots containing only environmental zones. It could be used if it is determined that these small lots cannot be appropriately managed in isolation or by Council, or there are better outcomes arising from provision of part urban and part environmental zoned land parcels.

The clause does not incorporate limitations on the erection of a dwelling house on such lots or on the types of urban land uses that are able to be pursued on the urban zoned part of the lot.

It is likely that this clause (if acceptable to the DP&I and Parliamentary Counsel) would come into effect following the resolution of the current deferral of all environmental zones from the BLEP 2012.

Dwelling Entitlements

Six submissions were received during the exhibition period. While each submission supported the provisions of the planning proposal in principle, three of the submissions raised issues in relation to the creation of additional dwelling opportunities upon lots approved in accordance with these provisions.

Individual Property Owner

A submission from a property owner within the proposed Cumbalum release area provided support for the creation of lots for environmental purposes, subject to a dwelling opportunity being available for that lot, despite not meeting the minimum lot size standard. In this case, there are a number of potential outcomes from this scenario, utilising these provisions and assuming the "E" zones are eventually included within the BLEP 2012. It is anticipated that the clause associated with the creation of residual lots that do not meet the minimum lot size standard will permit dwelling opportunities upon the residual environmental and rural lots. However, any lot created for environmental protection as a residual lot would need to demonstrate positive environmental outcomes would result from the creation of this lot and a suitable location is available onsite for the erection of this dwelling.

In the alternative, the proposed split lot clause would allow a split zoned lot to be created with inclusion of a portion of residential zoned land that would provide a dwelling opportunity. Overall, the proposed provisions provide various options in relation to subdivision, with opportunities for dwellings provided for in certain circumstances.

It is not the intent of the proposed clauses to provide an opportunity to create a multitude of additional dwelling opportunities within a rural or environmental zone. It is the intent of the provisions to provide positive outcomes for the ongoing management of non-urban land, which may include additional dwelling opportunities in certain instances. Therefore, proponents would be required to give due consideration to the purpose of any lot proposed where it is below the minimum lot size.

Office of Environment and Heritage

The OEH support the additional flexibility that the proposed clauses provide. However, the OEH was of the view that "subdivisions should not inadvertently lead to additional dwelling entitlements on the lots so created". As discussed above, the intent of the boundary adjustment and environmental lot clauses is not to provide any additional dwelling opportunities for these allotments.

The intent of the residual lot and split lot clauses is to provide a mechanism to facilitate the orderly release of urban development in planned urban growth areas and the promotion of agricultural, environmental protection and environmental management outcomes in association with urban growth areas. As such, these clauses are intended to provide for dwelling house opportunities where the requirements of the clauses are met.

Lots created in accordance with the split zoned lot clause must have an associated component of urban zoned land that is compliant with the minimum lot standard. Therefore, this clause is consistent with the standard instrument provisions and will not create any additional dwelling opportunities that would otherwise not be available during the subdivision process.

The residual lot clause is intended to provide a mechanism for the creation of lots below the minimum lot size standard in association with new urban areas. The intent of the provision is to require proponents to demonstrate that the proposed subdivision will result in sound environmental and/or agricultural outcomes. These outcomes may include dwelling opportunities. For

example, the excision of the balance of a farm after a stage of an urban subdivision would include an opportunity for a dwelling on the land. This is considered a reasonable outcome to ensure the ongoing management of that land. However, the provision is not intended to facilitate the excision of a number of rural undersized lots within a single parent lot, each with a dwelling opportunity.

It is intended that Council will engage in close consultation with Parliamentary Counsel during the drafting of the provisions to assist in ensuring the wording is consistent with the intent of each clause.

Having regard to the intent of these clauses and the likely scenarios during the development assessment process, it is considered that the concerns of the OEH have been satisfactorily addressed.

Local Planning Consultancy

A submission received by a local planning consultancy firm concurs that as the drafting note suggests, it may be appropriate to amend the dwelling entitlement provision of the BLEP 2012 (Clause 4.2A) to exclude lots created in accordance with the environmental lot clause. This submission also states that consideration should be given to the provisions for the creation of lots for environmental protection purposes being broadened to address lots that exceed the minimum lot size too. The submission is also concerned that lots proposed to be created for environmental protection and management outcomes maybe rejected or refused on the basis that they will result in the automatic creation of a dwelling entitlement.

In regards to the rejection or refusal of a proposed subdivision on the basis that such will result in an automatic creation of a dwelling opportunity, this is not the intent of the provisions. The determination of any proposal by the consent authority will be relative to the circumstances of the particular case and how a proposal meets the intended objectives and intent of the relevant clause.

The removal of a dwelling opportunity from environmental lots that meet the minimum lot standard or that are created as a result of the excision of a residual lot would be a significant departure from historical practices regarding subdivision approvals and contrary to the current BLEP 2012. This is not considered to be consistent with the intent of these proposed provisions.

The submission also suggested an amendment to the BLEP 1987. However, the inclusion of these provisions into the BLEP 1987 is not considered a priority at this time as this instrument currently caters for boundary adjustment subdivisions and other outcomes as envisaged by the provisions.

Sustainability Considerations

- **Environment**

The proposed provisions seek to promote flexibility in relation to subdivision, where such subdivision either does not adversely impact on or supports environmental attributes and outcomes.

- **Social**

The provisions promote planning flexibility, increasing the potential for positive social outcomes, including planned urban growth outcomes, environmental protection and agricultural activity.

- **Economic**

The proposed provisions seek to enable consideration of subdivision outcomes that support agricultural activity and planned urban growth. They also seek to enhance flexibility and clarity which supports positive economic outcomes.

Legal / Resource / Financial Implications

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

Consultation

Consultation on this matter has been undertaken with the community through the public exhibition process. The RFS was consulted prior to the public exhibition period and again during the public exhibition period.

These engagements have been undertaken in accordance with the requirements of the DP&I's Gateway determination, the *Environmental Planning and Assessment Act* and attendant Regulation.

While not required by the Gateway determination, the OEH and the DPI were also invited to comment on the planning proposal.

The outcomes of the consultation are outlined above and in Attachment 1.

Options

1. Proceed to Finalise the Planning Proposal.

That Council forward the planning proposal including the amendments proposed in this report (as contained in Attachment One) relating to new subdivision provisions in the BLEP 2012 to the Department of Planning & Infrastructure for review and finalisation.

Given that there are no outstanding planning issues identified by staff as being of concern and the flexibility afforded by the proposed provisions, this is the recommended course of action. This approach will progress the planning proposal (as contained in Attachment One) to allow the DP&I to review the proposed LEP amendments and take the necessary steps to incorporate the amendments into the BLEP 2012.

It is intended that the provisions contained within the planning proposal prepared by Council and submitted to the DP&I and Parliamentary Counsel for finalisation are indicative only and may be altered during the finalisation of the LEP amendment. The final wording will be determined by Parliamentary Counsel in association with Council staff.

0.0 Planning Proposal - BSCPP 13/001 - Subdivision Provisions

Council should note that the “E” zone related provisions may not be included until DP&I “E” zone review is completed.

2. Cease the Planning Proposal.

This is not recommended as a detailed assessment has concluded that the provisions will provide suitable mechanisms within the BLEP 2012 for flexible lot sizes for the purposes of boundary adjustments and during the subdivision of large urban release areas.

3. Defer the Planning Proposal.

This is not recommended for the reasons outlined in relation to option two. Furthermore, the deferral of this planning proposal will have a significant negative impact on the ability of proponents to reasonably undertake certain forms of subdivision in circumstances that are considered to be reasonable and practical.

RECOMMENDATIONS

1. That Council endorses the insertion of four new subdivision provisions relating to boundary adjustment subdivision, residual lots and environmental protection zoned lots (as identified in the planning proposal contained in Attachment 1) within the Ballina Local Environmental Plan 2012.
2. The Council proceed to submit the planning proposal, BSCPP 13/001 - Subdivision Provisions, to the NSW Department of Planning and Infrastructure for finalisation.

Attachment(s)

1. Attachment 1 - BSC Planning Proposal 13/001 - Subdivision Provisions

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 documents.

US13/15	<p>Council to Telstra Corporation Limited – 10 year Option period Lease for the telecommunications aerial array and equipment hut at the Lennox Head water reservoir site off North Creek Road, Lennox Head – Council land classified as 'operational land' - Lot 2 DP 517111.</p> <p>Explanation: The initial 10 year lease to Telstra Corporation Limited at the Lennox Head water reservoir expires on 24 November, 2013, and the tenant has notified Council that they will take-up the option for the following 10 year term 25 November 2013 to 24 November 2023. The option is a tenant option. Current rental is \$29,475.24 pa + GST and a rental review to market will be undertaken prior to the lease being finalised.</p>
US13/16	<p>Deed of Settlement between Council and National Australia Bank Limited for the recovery of a Bank Guarantee to the value of \$135,675.</p> <p>Explanation: Sepa Wastewater Treatment Pty Ltd were engaged by Council in 2006 to undertake works to the Diffused Air Filtration Plant at the Ballina Wastewater Treatment Plant. The company went into liquidation and were unable to complete the works, hence recovery of the Bank Guarantee.</p>

Attachment(s)

Nil

10.2 Investment Summary - June 2013

10.2 Investment Summary - June 2013

Delivery Program Governance and Finance

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

Background

In accordance with the Local Government Financial Regulations, the responsible accounting officer of a council must provide a monthly report (setting out all money Council has invested), to be presented at the ordinary meeting of Council, immediately following the end of the respective month. This report has been prepared for the month of June 2013.

Council's investments are all in accordance with the Act, the Regulations and Council's Investments Policy. The balance of investments as at 30 June 2013 was \$88,684,000. This represents an increase from May of \$3,029,000.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 30 June 2013, was \$2,367,963.

Council's investments as at 30 June are at an average (weighted) rate of 4.20% which is 1.39% above the 90 Day Bank Bill Index of 2.81%.

The majority of the approximately \$89 million of investments held by Council are restricted by legislation (external) and Council (internal) uses for the following purposes:

Reserve Name	Internal/External Restriction	Approx % of Portfolio*
Water Fund (incl developer contributions)	External	14
Wastewater Fund (incl developer contributions)	External	14
Wastewater Fund (unexpended loan)	External	24
Section 94 Developer Contributions	External	9
Bonds and Deposits	External	2
Other External Restrictions	External	6
Land Development	Internal	9
Employee Leave Entitlements	Internal	2
Carry Forward Works	Internal	8
Miscellaneous Internal Reserves	Internal	11
Unrestricted		1
Total		100%

* Based on reserves held as at 30 June 2012

Key Issues

- Investment return
- Compliance with Investment Policy

10.2 Investment Summary - June 2013

Information

The RBA held rates steady at its meeting on 2 July 2013 however the accompanying statement suggests they would still like a looser setting of monetary policy. It also expressed the opinion that it thought the AUD would fall further over time.

In the statement they wrote "The Australian dollar has depreciated by around 10 percent since early April, although it remains at a high level. It is possible that the exchange rate will depreciate further over time, which would help to foster a rebalancing of growth in the economy."

Our investment portfolio stands at almost \$89 million at 30 June 2013 (\$78 million 2012). Most of these funds are restricted and some of the unusual amounts we are holding are: unexpended wastewater loan \$13 million, Ballina Heights Drive grant \$3 million, Wollongbar Sports Field grant \$1.5 million, prepaid Financial Assistance grant \$1.8 million and unexpended airport loan \$4.5 million.

Interest income for all funds finished the year at \$4,008,064 which is \$797,000 above budget. This is a significant variation to budget and efforts will be made to improve the accuracy of this forecasting going forward.

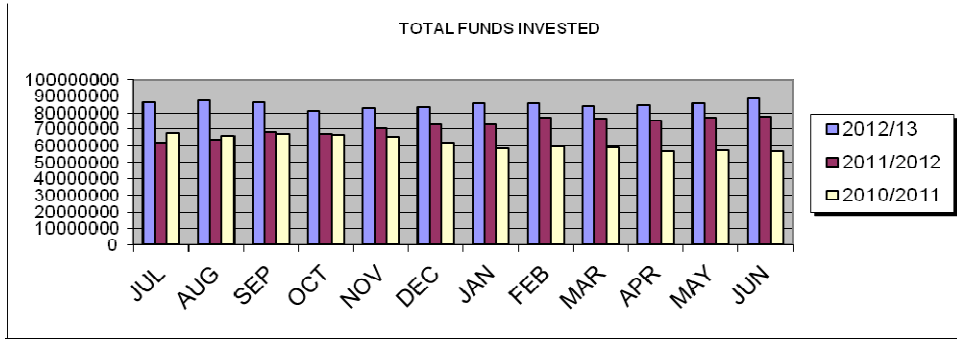
The additional funds compared to budget are essentially due to capital works not being completed as per forecast and grant and loan monies received well in advance of expenditure, which is unusual. The additional revenue to forecast mainly relates to the unexpended wastewater loan, Wollongbar Sports Field grant, unexpended grants and loans associated with roads/airport capital works and the prepayment of the Financial Assistance Grant.

A. Summary of investments by institution

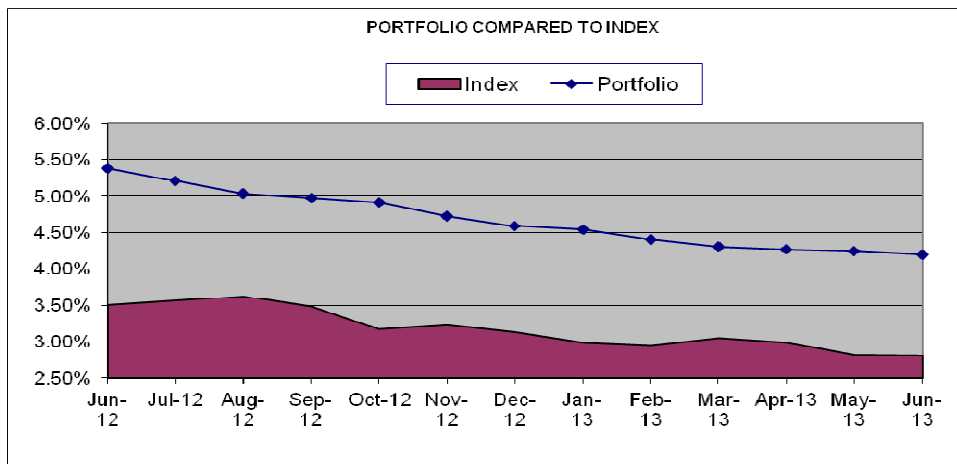
Funds Invested With	ADI Rating	Previous Month (\$'000)	Current Month (\$'000)	Quota %	% of Total	Total
Grandfathered Investments						
Deutsche Bank	A+	4,000	4,000	0	4.5	
Goldman Sachs	AA-	1,000	1,000	0	1.1	
Longreach Capital Markets 28*	AA+	1,000	1,000	0	1.1	
National Australia Bank	AA-	1,788	1,788	0	2.0	
National Wealth M'tment Holding	A	2,000	2,000	0	2.3	11%
Rated Institutions						
ANZ Bank	AA-	24	28	20	0.0	
Bank of Queensland	BBB+	7,000	7,000	10	7.9	
Bank of Western Australia	AA-	1,000	1,000	20	1.1	
Bendigo & Adelaide Bank	A-	2,000	2,000	10	2.3	
Commonwealth Bank of Aust	AA-	6,003	4,018	20	4.5	
Defence Bank Ltd	BBB+	1,000	1,000	10	1.1	
Greater Building Society	BBB	0	2,000	10	2.3	
Heritage Bank	BBB+	3,000	3,000	10	3.4	
Illawarra Mutual Bld Soc	BBB	2,000	2,000	10	2.3	
ING Bank Ltd	A	14,000	14,000	20	15.8	
Members Equity Bank	BBB	7,000	8,000	10	9.0	
National Australia Bank	AA-	13,000	15,000	20	16.9	
Newcastle Perm Bld Society	BBB+	2,000	2,000	10	2.3	
Rural Bank Ltd	A-	4,000	4,000	10	4.5	
Suncorp Metway Bank	A+	12,850	12,850	20	14.5	
Westpac Banking Corporation	AA-	1,000	1,000	20	1.1	89%
Unrated ADI's				\$1m	0.0	
Total		85,665	88,684			100%

* Rating is on Capital only by Citigroup Pty Ltd

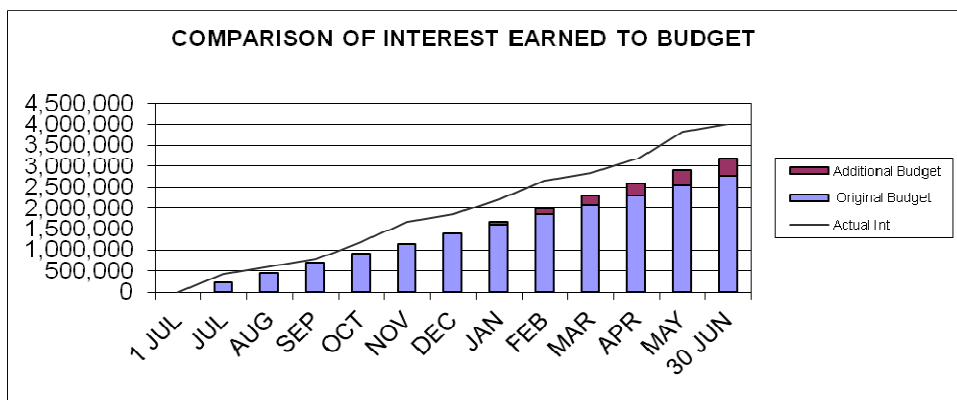
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



10.2 Investment Summary - June 2013

E. Investments held as at 30 June 2013

Purchase Date	Issuer	Type	Rate%	Call or Maturity Date	Purchase Value \$'000	Fair Value \$'000
23/04/04	Deutsche Bank	FRN	3.99	23/04/14	2,000	1,988
23/04/04	Deutsche Bank	FRN	3.99	23/04/14	2,000	1,988
20/09/04	National Australia Bank (ASXlisted)	FRN	4.06	Perpetual	1,788	1,252
12/04/06	Goldman Sachs	FRN	3.57	12/04/16	1,000	973
16/06/06	National Wealth M'ment Holdings	FRN	3.41	16/06/16	2,000	1,901
28/06/07	Longreach Series 28	FND	0.00	27/06/14	1,000	988
17/12/08	Commonwealth Bank of Australia	FRN	3.98	17/12/13	1,000	1,005
17/12/08	Commonwealth Bank of Australia	FRTD	5.93	17/12/13	999	1,013
at call	Commonwealth Bank of Australia	FND	2.70	At Call	28	28
at call	ANZ Bank	FND	2.50	At call	28	28
24/01/12	ING Bank Ltd	FRTD	4.92	24/01/17	1,000	1,000
06/02/12	Westpac Bank	FRN	4.55	06/02/17	1,000	1,038
21/01/13	Suncorp-Metway Bank	TD	4.40	22/07/13	4,000	4,000
25/01/13	Commonwealth Bank of Australia	TD	4.36	25/01/18	1,991	1,979
25/01/13	ING Bank Ltd	TD	4.44	24/07/13	2,000	2,000
29/01/13	Suncorp-Metway Bank	TD	4.40	29/07/13	2,000	2,000
05/02/13	Members Equity Bank	TD	4.40	05/08/13	2,000	2,000
11/02/13	ING Bank Ltd	TD	4.39	12/08/13	2,000	2,000
18/02/13	Members Equity Bank	TD	4.40	19/08/13	2,000	2,000
25/02/13	Bank of Queensland	TD	4.40	25/07/13	3,000	3,000
28/02/13	Bank of Queensland	TD	4.40	28/08/13	1,000	1,000
06/03/13	Suncorp-Metway Bank	TD	4.20	02/09/13	2,000	2,000
06/03/13	ING Bank Ltd	TD	4.29	04/07/13	2,000	2,000
18/03/13	ING Bank Ltd	TD	4.40	16/09/13	1,000	1,000
02/04/13	Members Equity Bank	TD	4.45	01/07/13	1,000	1,000
03/04/13	Bankwest	TD	4.15	02/07/13	1,000	1,000
10/04/13	National Australia Bank	TD	4.35	09/07/13	2,000	2,000
10/04/13	National Australia Bank	TD	4.42	10/10/13	2,000	2,000
17/04/13	National Australia Bank	TD	4.37	14/10/13	4,000	4,000
17/04/13	National Australia Bank	TD	4.25	15/08/13	1,000	1,000
24/04/13	Rural Bank Ltd	TD	4.40	21/10/13	2,000	2,000
29/04/13	National Australia Bank	TD	4.25	29/10/13	2,000	2,000
29/04/13	Suncorp-Metway Bank	TD	4.20	29/07/13	850	850
01/05/13	National Australia Bank	TD	4.20	01/11/13	2,000	2,000
01/05/13	Bendigo & Adelaide Bank	TD	4.50	30/07/13	2,000	2,000
02/05/13	Bank of Queensland	TD	4.45	31/07/13	1,000	1,000
02/05/13	Illawarra Mutual Bld Society	TD	4.20	29/10/13	2,000	2,000
07/05/13	ING Bank Ltd	TD	4.32	07/11/13	1,000	1,000
07/05/13	Heritage Bank	TD	4.30	07/05/14	3,000	3,000
08/05/13	Bank of Queensland	TD	4.35	08/08/13	2,000	2,000
10/05/13	Suncorp-Metway Bank	TD	4.10	08/05/13	2,000	2,000
14/05/13	Newcastle Permanent Bld Society	TD	4.10	12/08/13	2,000	2,000
20/05/13	Defence Bank	TD	4.45	20/05/14	1,000	1,000
21/05/13	Members Equity Bank	TD	4.35	19/08/13	2,000	2,000
28/05/13	Rural Bank Ltd	TD	4.18	25/09/13	2,000	2,000
28/05/13	Suncorp-Metway Bank	TD	4.15	25/11/13	2,000	2,000
30/05/13	ING Bank Ltd	TD	4.27	26/11/13	1,000	1,000
05/06/13	National Australia Bank	FRTD	4.08	05/06/15	2,000	2,000
07/06/13	Greater Bld Society	FRN	4.25	07/06/16	2,000	1,995
18/06/13	ING Bank Ltd	TD	4.25	16/09/13	3,000	3,000
18/06/13	Members Equity Bank	TD	4.30	16/09/13	1,000	1,000
20/06/13	ING Bank Ltd	TD	4.21	20/01/14	1,000	1,000
Totals:					88,684	88,026
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 June 2013.

10.3 Ward Committees - Membership

10.3 Ward Committees - Membership

Delivery Program Governance and Finance

Objective To obtain approval to amend the membership of the "A" and "B" Ward Committees

Background

At the September 2012 Ordinary meeting Council resolved to retain the existing Committee structure and membership of the three Ward committees. Council also resolved to call expressions of interest for additional membership of the Ward committees, particularly from sporting bodies. Expressions of interest were called and closed on 23 November 2012 with a number of nominations received. Further nominations received were reported to Council's December 2012, February and March 2013 Ordinary meetings.

A further nomination has been received for the "A" and "B" Ward Committees from the newly formed Cumbalum East Community Precinct Steering Committee.

Key Issues

- Suitability for membership

Information

A nomination has been received from the Cumbalum East Community Precinct Steering Committee. The Committee was established following a public meeting held on 2 June 2013. Ballina Heights & Summerhill residences established a "Cumbalum East Community Precinct Steering Committee" to represent the area. The initial Committee comprises five members of "B" Ward and one from "A" Ward. Approval is being sought for one member to join "A" and "B" Ward meetings.

The minutes from the first Committee meeting and the Committee's Objectives, Roles and Responsibilities are attached to the report.

Legal / Resource / Financial Implications

Nil

Consultation

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

10.3 Ward Committees - Membership

Options

The options are to approve or not approve the nomination. There does appear to be a recent trend for newly formed local community groups having an interest in joining our Ward Committees, which is a pleasing trend, as the Ward Committees are one of the primary avenues for community members to provide direct feedback to Councillors and staff.

Council does need to be careful to manage any membership of the Ward Committees from very small groups that may only be pursuing one specific action or may have very limited membership as the Ward Committees may not be the right avenue to address those sorts of issues.

Even though the membership of the Cumbalum East Community Precinct Steering Committee is relatively small (nine), the entire Cumbalum Precinct is one of the major growth areas for Council for the next 20 years and as such the nominations are recommended for approval.

RECOMMENDATION

That Council approves an additional membership to the "A" and "B" Ward Committees from the Cumbalum East Community Precinct Steering Committee.

Attachment(s)

1. Email request from the Cumbalum East Community Precinct Steering Committee
2. Minutes of Cumbalum East Community Precinct Steering Committee - 14 June 2013
3. Committee's Objectives, Roles & Responsibilities

10.4 Donations - 2013/14 Rates and Charges

10.4 Donations - 2013/14 Rates and Charges

Delivery Program Administration

Objective To obtain Council approval to donate 2013/14 rates and charges in accordance with our “Donations – Rates and Charges” policy. To amend the current policy as a result of property circumstance changes since 2012/13.

Background

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

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

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

Key Issues

- Annual donations
- Proposed changes to the existing policy

Information

The following tables provide details of specific rates and charges proposed to be donated for the 2013/14 rating year based on the guidelines provided within Council’s current “Donations – Rates and Charges” policy. Note that all amounts have been rounded to the nearest dollar.

Changes to some specific properties since 2012/13 have affected Council donations in some form and these are outlined as follows:

- **State Emergency Service SES – Angels Beach Dr – Assessment 179273**

During 2012/13 new funding arrangements for SES operating costs were put in place for local SES units. In regard to rates and charges, the SES is to pay user based costs (eg waste/recycling/organic material collection, water consumption, and wastewater usage charges). This arrangement makes the donation requirement redundant as Council is required to pay fixed based rates and charges levied upon the property. These Council payments will be processed together with all other rates and charges payments made for Council properties. This SES assessment now requires removal from the donation policy.

10.4 Donations - 2013/14 Rates and Charges

- **Richmond Christian College** – Gallans Rd – Assessment 166181

Richmond Christian College is one of three “donation” properties located within our 2008 to 2010 backlog wastewater (sewer) extension program.

On 28 March 2008, Council resolved to waive the individual sewer (now wastewater) charge for a period until the cumulative financial assistance granted matches the backlog sewer charge. The original backlog wastewater capital works contribution debt for this property was \$14,500 and was settled in full via the Council donation for the final quarterly billing period of 2012/13.

As the full debt has now been settled and is no longer an encumbrance on the land, the assessment is not listed in the 2013/14 proposed donations. The donation policy requires noting that the donation requirement by Council for wastewater backlog was finalised in 2012/13. A notation is preferable to removal due to the association with the two other backlog wastewater donation properties that have not yet been finalised.

- **Wardell War Memorial Hall** – Richmond St – Assessment 232013

Council is in the process of acquiring the Wardell War Memorial Hall. This Hall has met our donation policy guidelines in previous years and the change in ownership will not affect the donation qualification. As a result, the Hall will be included as usual in the proposed donations listing for Council’s consideration.

It should be noted that the previous owners have not paid their proportion of rates and charges for the past few years and as at 30 June 2013, these arrears total \$1,871.92. A significant portion of this debt is attributable to higher than usual water consumption charges caused by a water leak at the property.

It is unlikely that Council will be able to recover these overdue amounts during the sale settlement process. Assuming the arrears are not paid it will become Council’s responsibility and will affect the 2013/14 Hall expense budget.

- **New Ballina Lighthouse and Lismore Surf Life Saving Club SLSC**
Lighthouse Beach – Assessment 402074

Council policy in respect to surf clubs is to donate 100% of all rates and charges levied. Construction of the new SLSC building has only recently been completed, which has made estimating the total 2013/14 donation of charges towards this property difficult because;

- a. At the time of writing this report, water metering of different sections of the building and property is still being finalised (eg café and kiosk proposed private lease areas) and this affects fixed water and wastewater access charges.
- b. The water consumption for the areas not leased is difficult to predict. This affects estimates for water consumption and wastewater usage charges.

10.4 Donations - 2013/14 Rates and Charges

Any significant variance to the 2013/14 estimates provided within the following tables will be reported to Council during 2013/14.

The following table provides **details of specific fixed rates and charges** proposed to be donated for the 2013/14 rating year.

Table One –Donations – 2013/14 Determined Levies

Assess No.	Organisation	Ordinary Rate	Water Access	Waste-water Access	Storm -water	On Site Sewage	Waste and Recycle	Total (\$)
Category A - 100% of all rates and charges donated								
402074	Ballina Lighthouse & Lismore SLSC**	0	734	1,645	0	0	498	2,877
120347	Lennox/Alstonville SLSC**	0	713	1,774	0	0	0	2,487
295613	Ballina/Lismore Jnr SLSC**	0	556	553	0	0	666	1,775
173390	CWA of NSW (Ballina)**	0	178	553	0	0	333	1,064
295168	CWA of NSW (Lennox)**	0	178	553	0	0	0	731
Category B - 100% of all fixed rates and charges donated (excludes measurable user pays charges)								
145397	Biala Special School	0	178	553	0	0	831	1,562
145363	Fox Street Preschool	0	178	553	0	0	996	1,727
172661	Ballina Playgroup	0	178	553	0	0	333	1,064
172679	River Street Childrens Centre	0	178	553	0	0	831	1,562
213734	Lennox Head Community Preschool	0	178	553	0	0	498	1,229
232429	Jumbunna Community Preschool	1,462	178	553	25	0	498	2,716
288323	Wollongbar Community Preschool	0	178	553	0	0	663	1,394
151966	Rainbow Children's Centre	4,051	178	553	0	0	2,449	7,231
115643	Alstonville Agricultural Society	3,827	734	2,171	25	0	0	6,757
235231	Meerscham Vale Hall	852	178	0	0	27	0	1,057
254780	McLeans Ridges Hall	1,588	0	0	0	27	0	1,615
250346	Newrybar Hall	1,283	0	0	0	27	0	1,310
191267	Northlakes Community Centre	1,853	178	553	0	0	333	2,917
250663	Pearces Creek Hall	1,093	0	0	0	27	0	1,120
239675	Pimlico Hall	692	0	0	0	27	0	719
234170	Rous Mill Hall Trustees	1,312	0	0	0	27	0	1,339
230045	Tintenbar School of Arts Trustees	1,191	0	0	0	27	0	1,218
232013	Wardell War Memorial Hall	2,981	178	553	25	0	0	3,737

10.4 Donations - 2013/14 Rates and Charges

Assess No.	Organisation	Ordinary Rate	Water Access	Waste-water Access	Storm-water	On Site Sewage	Waste and Recycle	Total (\$)
186115	Wigmore Hall Committee	0	178	553	0	0	0	731
112140	West End Hall	1,266	178	553	0	0	333	2,330
264036	Alstonville RSL Sub Branch Hall	1,266	178	553	25	0	498	2,520
213726	Lennox Scouts	0	178	553	0	0	333	1,064
253556	Alstonville Scouts	0	0	0	0	27	333	360
294243	Ballina Scouts	0	178	553	0	0	0	731
334289	Ballina Jetboat Surf Rescue	620	178	0	0	0	0	798
Category C - 100% of all wastewater charges until backlog wastewater program capital contribution is paid in full								
126822	Ballina Sea Bird Rescue	0	0	553	0	0	0	553
119956	Jehovah Witness ^{^^^}	0	0	1,350	0	0	0	1,350
TOTALS (Category A, B, C):		25,337	6,119	17,447	100	216	10,426	59,645
<i>** Water consumption and wastewater usage charges to be added to donation quarterly following future water meter readings</i>								
<i>^^^ Wastewater usage charges to be added following future water meter readings</i>								
<i>Due to ATO tax ruling 2013/1, GST is payable on non domestic waste and recycling charges from 2013/14. The total amount shown above for waste and/or recycling charges includes GST.</i>								

The following table provides **estimates of water consumption based charges** that are proposed to be donated on a quarterly basis during 2013/14 in addition to the fixed annual charges provided in the previous table. Actual amounts donated are determined by future quarterly water meter readings.

Table Two – Donations – 2013/14 Estimated Volumetric Based Charges

Assessment Number	Organisation	Estimated Water Consumption	Estimated Wastewater Usage	Estimated TOTAL (\$)
402074	Ballina Lighthouse & Lismore SLSC	1,500	500	2,000
120347	Lennox/Alstonville SLSC	900	625	1,525
295613	Ballina/Lismore Jnr SLSC	1,500	250	1,750
173390	CWA of NSW (Ballina)	100	90	190
295168	CWA of NSW (Lennox)	50	40	90
119956	Jehovahs Witness	0	120	120
TOTALS (Estimates):		4,050	1,625	5,675

The following table provides a comparison between the proposed total of 2013/14 rates and charges donations and total rates and charges donated during the 2012/13 rating year.

10.4 Donations - 2013/14 Rates and Charges

Table Three – Donations – Comparison between 2013/14 and 2012/13

Rate or Charge Description	2013/14 Donations	2012/13 Donations	Difference (\$)	Difference (%)
Ordinary Rates	25,335.56	23,811.90	1,523.66	6.4%
Water Access Charges	6,119.00	5,322.00	797.00	15.0%
Water Consumption Charges	4,050.00	3,465.00	585.00	16.9%
Wastewater Access Charges	15,544.15	13,298.50	2,245.65	16.9%
Wastewater Usage Charges	1,625.00	1,950.00	-325.00	-16.7%
Waste or Recycling Charges	10,426.00	8,708.00	1,718.00	19.7%
On Site Sewage Management Fees	216.00	208.00	8.00	3.8%
Stormwater Management Charges	100.00	100.00	0.00	0.0%
Backlog Wastewater Charges	1,902.95	6,855.90	-4,952.95	-72.2%
TOTALS:	65,318.66	63,719.30	1,599.36	2.5%

Note 1. Water and wastewater increases mainly due to new Ballina Lighthouse and Lismore SLSC charges in 2013/14.

Note 2. Backlog wastewater reductions due to Richmond College donations being completed in 2012/13.

Sustainability Considerations

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

Legal / Resource / Financial Implications

These donations have been budgeted for in the 2013/14 Operational Plan.

Consultation

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

Options

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

RECOMMENDATIONS

1. That Council approves the donation of the 2013/14 rates and charges, as detailed within tables one and two of this report, which includes future estimated water consumption and wastewater usage charges, pursuant to section 356 of the NSW Local Government Act 1993.
2. That Council amend the “Donations – Rates and Charges” policy as suggested within this report by removing the State Emergency Service property and by noting that the Richmond College property backlog wastewater donation has been finalised.

Attachment(s)

Nil

10.5 Donations - Community and Public Halls

10.5 Donations - Community and Public Halls

Delivery Program Community Planning

Objective To approve the community and public hall donations for 2013/14

Background

The 2013/14 Operational Plan includes an allocation of \$65,000 for community donations and \$40,000 to assist with capital works for halls. The details of how these funds are to be allocated are included in the following Council policies (both accessible on our website):

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

At the June 2013 Ordinary meeting Council approved the donation budgets. A working party convened on 8 July 2013 to provide a recommendation on the allocation of the funds available, based on the submissions received during the preparation of the 2013/14 Operational Plan. The purpose of this report is to consider the working party's recommendations.

Key Issues

- Fair and equitable allocation of Council donations

Information

Details of the submissions received for donations were distributed to all Councillor's Ipads for the meeting of the working party. The submissions are lengthy therefore they have not been reproduced for this meeting. A complete copy of all the submissions will be available at the Council meeting, or if a copy is required prior to the meeting, please contact the General Manager's office.

The donations working party met on Monday 8 July 2013 and table one provides a summary of the various submissions for general donations and the final column is the working party's recommendations.

10.5 Donations - Community and Public Halls

Table One: Recommendations for Funding Assistance

Ref	Organisation / Person	Project / Activity	Requested (\$)	Recommended (\$)
1	NSW Rural Doctors Network	Bush Bursaries CWA Sponsorships	3,300	0
2	N/Rivers Kids Counselling Service	Room hire costs LHCCC to hold workshops	255	0
3	Ballina Shire Concert Band Inc (see also No. 12)	Maintenance/purchase instruments, insurance, electricity and water rates	2,000	2,000
4	Richmond Valley Anglers Action Group Inc	Finance a study of the Richmond River	2,500	0
5	Ballina Senior Citizens Inc	Fund 2013 Christmas Party	2,200	2,000
6	Realising Every Dream (Red Inc)	Attendance at Day of People with Disabilities	1,675	0
7	Ballina Lighthouse RSL Day Club	Transporting members to events	2,820	1,000
8	Northern Rivers Branch Ulysses Club	Traffic Control for 2013 Toyrun	650	650
9	Lifeball	Room hire costs LHCCC	1,680	0
10	Ballina Sub Section Naval Assoc of Aust	Traffic Control for 2013 Ships Reunion	1,650	1,650
11	Wollongbar Garden Club	Assemble arrangements for Maranoa residents	250	250
12	Ballina Shire Concert Band Inc (see also No. 3)	Specifically for electricity costs for band room at Wigmore Hall	825	0
13	Apex Club of Alstonville	Costs associated with holding NYE Family Festival	15,000	15,000
14	Ballina Jet Boat Surf Rescue	Fuel and products associated with maintaining crafts	2,700	2,700
15	Ballina Breast Cancer Support Group	Room hire Kentwell CC (6mths) plus m/teas	407	250
16	Ballina General Cancer Support Group	Room Hire Kentwell CC & Surf Club (12mths)	645	250
17	Tom Muir	Costs associated with providing goods and travel for Suicide Memorial Ceremony	1,500	0
18	Lions Club of Lennox Head Inc	Room hire to hold 30 x 2hr meetings/year	1,500	0
19	Wardell Recreation Ground Trust	Purchase of Ride on Mower(s)	10,000-20,000	0
20	Apex Club of Alstonville Inc	Traffic Control / Advertising for Alstonville Show	2,100	1,500
21*	Australasian Native Orchid Society Far North Coast Inc	Costs of annual show and ongoing operational costs	600	0
22	Ballina Coastcare Incorporated	Costs to update and reprint visitors brochure "East Ballina's Bushland Treasures"	600	600
23	CSG Free Ballina Shire	Room and equipment hire LHCCC plus movie rights for information forum	465	0
24*	Alstonville Red Cross	100 year celebrations	500	0
25	Rainbow Region Dragon Boat Club	Costs associated with inaugural Dragon Boat Regatta at Pop Denison Park	1,500	750

10.5 Donations - Community and Public Halls

Ref	Organisation / Person	Project / Activity	Requested (\$)	Recommended (\$)
26	Alstonville Agricultural Society Inc	Completion of ring fence, enlargement of rodeo arena and alterations to stock holding yards	15,000	5,000
27	Rainbow Children's Centre Inc	Room hire Richmond Room or Ballina Surf Club for vacation care program (12 weeks per year)	7,500	0
28	Lennox Head View Club	Costs associated with International Women's Day breakfast March 2014	1,200	1,000
29	Ballina District Ministers Association Inc	Costs associated with Riverside Carols by Candlelight Event	8,000	8,000
30	Ballina and District Riding for the Disabled	Costs of setting up new Equestrian Centre at Booyong, waiving of council DA fees and cost of tanks, fencing, pumps	60,000	0
31	North Coast Academy of Sport	Fund the Academy's service to sport in our region	4,800	3,000
32	Lifeline Northern Rivers	Support training costs of one volunteer	1,500	1,500
33	Lennox Arts Board	Film festival	1,500	1,500
34	Lennox Head Chamber of Commerce	Carols in the park	6,200	5,000
35	Rous Public School P & C	Running costs Rous Bonfire night	500	0
36	Tintenbar Branch Australian Red Cross	Tipping fees associated with their annual Trash & Treasure sale	100	100
37	Lennox Head Residents Association (Coastcare Group)	Materials, tools and insurance	1,600	1,600
	Total			55,300

*(Items 35, 36 and 37 were received after the period for acceptance of submissions closed)
(Item 34 was omitted from the original report and was subject to discussion by email following the working party meeting).*

The community hall recommendations are outlined in table two.

Table Two: Recommendations for Community Halls

Ref:	Organisation	Project / Activity	Project Value (\$)	Amount Requested (\$)	Amount Recommended (\$)
1	Wollongbar Community Hall	Various Landscaping works including redirecting stormwater and installing stormwater channel along back verandah	5,379	2,689	2,689
2*	Wardell & District War Memorial Hall	Replace water damaged cupboards, walls, panels, renovate toilets	13,984	6,992	0
3	Northlakes Community Centre	Repaint hall interior	3,500	1,750	1,750
4	Rous Mill & District Memorial Hall Inc	Construct partition wall, pergola & weatherproof awning and upgrade fencing and gates	20,360	10,000	5,000
5	McLeans Ridges Hall Committee Inc	Replace lattice with slat boards & paint exterior of hall	11,330	5,665	5,665
6	Newrybar Community Hall	Additional facilities for kitchen, landscaping items, new verandah etc	23,000	10,000	9,000

10.5 Donations - Community and Public Halls

Ref:	Organisation	Project / Activity	Project Value (\$)	Amount Requested (\$)	Amount Recommended (\$)
7	Tintenbar Community Hall	Reimbursement for additional modifications/additions requested by BSC after inspection of verandah work	15,000 – 20,000	9,117	9,000
8	Meerschaum Vale Community Hall	Repairs to timber, damage caused by termite infestation	2,500	1,250	1,250
9	Ballina Senior Citizens	Wigmore hall –sanding of floor	6,500	6,500	6,500
Totals			86,553	53,963	40,854

(Item 9 was received after the period for acceptance of submissions closed)

Comments and principles applied in the allocation of the donations included:

- in some instances it would be preferable if two or three quotes were included with the application to verify the cost of the proposed works – this feedback will be provided to the applicants
- as a general approach fees to use Council owned community facilities have not been donated. The facilities already have a lower fee structure for community groups and this is the level of support that Council provides
- in some instances the letter responding to applicants will include issues raised by the working party.

Administration of the donations process going forward will incorporate the first two points.

Other Donations

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

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

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

Council Section	Benefiting group/type of donation	Approx (\$)
Strategic	Breast cancer screening van	4,000
Strategic	Indigenous community programs - NAIDOC week	8,000
Strategic	Volunteer groups assistance	3,000
Strategic	Skaters- Fair Go Skate competition	12,000
Strategic	Community festivals and events	50,000
Development	Ballina Meals on Wheels - Food Preparation Inspection	25,000
Civil	Wardell Sports ground trust - mowing sports field	7,000
Civil	Alstonville Show Society - mowing sports ground	3,000
Civil	Various land care groups-insurance/other	4,000
GMs Group	Ballina Lighthouse Club- set up of tables and chairs	5,000
GMs Group	Rates donated	70,000
GMs Group	Naval Cadets - property rental waiver	42,000
GMs Group	Rainbow Children's Centre - property rental waiver	35,000
GMs Group	Fox Street Pre School - property rental waiver	20,000
GMs Group	Ballina Lighthouse & Lismore SLSC (Shed) - property rental waiver	2,000

10.5 Donations - Community and Public Halls

Council Section	Benefiting group/type of donation	Approx (\$)
GMs Group	Ballina & District Equestrian Club - property rental waiver	20,000
GMs Group	Ballina Aero Club - property rental waiver	1,000
GMs Group	Northlakes Community Centre - property rental waiver	15,000
GMs Group	Ballina Lions Club (West End Hall) - property rental waiver	10,000
GMs Group	Crawford House - property rental waiver	30,000
GMs Group	Wollongbar Community Pre School - property rental waiver	5,000
GMs Group	Alstonville Tennis Club - property rental waiver	115,000
GMs Group	Wollongbar Rural Fire Service - property rental waiver	3,000
GMs Group	Lennox Head Rural Fire Service - property rental waiver	18,000
GMs Group	Pimlico Hall - property rental waiver	5,000
GMs Group	Ballina Players Theatre - property rental waiver	5,000
GMs Group	Ballina Youth Management Centre - property rental waiver	5,000
GMs Group	Ballina Girl Guides - property rental waiver	5,000
GMs Group	Ballina Senior Citizens - property rental waiver	5,000
GMs Group	Ballina Concert Band - property rental waiver	5,000
GMs Group	Ballina Rugby Club - property rental waiver	5,000
GMs Group	Rotary Club of Ballina (Defibrillator) - property rental waiver	5,000
GMs Group	Alstonville & District Football Club - property rental waiver	5,000
GMs Group	Wollongbar Rugby Union Club - property rental waiver	5,000
GMs Group	Wollongbar Rural Fire Service - property rental waiver	5,000
GMs Group	Wollongbar Progress Association - property rental waiver	5,000
GMs Group	Lennox Head Community Preschool - property rental waiver	5,000
GMs Group	Lennox Head Football Club - property rental waiver	5,000
GMs Group	Newrybar Community Hall	5,000
Total		582,000

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

Sustainability Considerations

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

Legal / Resource / Financial Implications

Council has total funding available of \$105,000 (\$65,000 for general donations and \$40,000 for halls) and the total funding recommended in tables one and two equals \$96,154.

The remaining funds in the donations budget can be applied to applications that may be received during the year.

Consultation

Council advertised for donation submissions during the exhibition of the 2013/14 Delivery Program and Operational Plan.

Options

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

RECOMMENDATION

That Council approves the community and public hall donations for 2013/14, as outlined in tables one and two of this report.

Attachment(s)

Nil

10.6 Port Ballina Taskforce - Update

10.6 Port Ballina Taskforce - Update

Delivery Program Governance and Finance

Objective To provide an update on the status of the Port Ballina Taskforce and to obtain Council endorsement for the future direction of the committee.

Background

Council established a Dredging Taskforce in 2011 to pursue the dredging of the Ballina Bar, dredging of the Ballina Trawler Harbour and improvements to the overall health of the Richmond River. This taskforce currently consists of representatives from Council, the Ballina Chamber of Commerce and the Ballina Fishermen's Co-op.

At the March 2013 Council meeting Cr Williams submitted a notice of motion asking for the Taskforce to be renamed the Port Ballina Taskforce and proposing that the terms of the reference be broadened to cover a wide range of marine based activities.

Council subsequently resolved as follows:

That due to the high value that our community places on the Richmond River and associated marine infrastructure that Council replace the existing Dredging Taskforce with a more contemporary and broader based committee, know as the Port Ballina Taskforce, meeting three monthly or as required, the details of which are to be confirmed at a Council workshop.

The workshop was held 8 May 2013 where it was generally agreed by the attendees that the proposal as presented to Council was supported, subject to further feedback from the existing members of the Taskforce. The Taskforce met in early July and there was again general agreement on how the Taskforce should move forward. The purpose of this report is to now confirm the future direction of the Taskforce.

Key Issues

- Membership and terms of reference

Information

The minutes from the most recent meeting of the Taskforce are included as an attachment to this report. As per those minutes there is a wide range of matters currently being considered / pursued; i.e.

- Dredging North Creek
- Dredging Ballina Bar
- Dredging Trawler Harbour
- Regatta Avenue Precinct Improvements
- North Wall Rectification
- Fawcett Park – Sale of Fresh Seafood

10.6 Port Ballina Taskforce - Update

The members of the Taskforce acknowledge that Council has very little, if any, authority over many of these matters however there is consensus that there is a role for the Taskforce to promote marine based activities with the relevant government agencies and within the local community (both business and residents).

In respect to membership, the March 2013 notice of motion had recommended the following structure:

- Mayor
- Councillors (two - to be elected following adoption of resolution)
- Ballina Chamber of Commerce (one)
- Ballina Fishermen's Co-operative (one)
- Ballina Marine Rescue (one)
- NSW Department of Primary Industries (primary government department responsibly for marine infrastructure, dredging, lands etc) (one - with other people as needed)
- Community representatives (two) (one from business and one private individual - These two people to be appointed following an EOI process, with the Taskforce members approving the appointments)

Following the recent Taskforce meeting, which included input from senior representatives of the Division of Crown Lands, the preferred membership is now as follows:

- Mayor
- Councillors – Two - Cr Williams and Cr Worth have indicated their interest in joining the Taskforce and have attended the two recent meetings.
- Ballina Chamber of Commerce – Two - This provides an opportunity for one person to be absent.
- Ballina Fishermen's Co-operative – Two - Again provides an opportunity for one person to be absent.
- State Government – One from the Department of Premier and Cabinet - Due to the wide range of State Government Agencies involved in marine activities the preferred option was to appoint the person in the position of Senior Regional Co-ordinator for the NSW Department of Premier and Cabinet. That position is currently held by Mr Mike Pearce and his role is to co-ordinate the various State Agencies in their interaction with local government and the broader community.
- Community representative – One - The preference was to appoint a local community person (or possibly two, dependent on the level of response and expertise) with a relevant background in marinas and / or marine related activities. It was agreed that this person should be appointed following an expression of interest (EOI) process

This provides a total membership of nine which is considered more than a reasonable size for a committee of this nature.

10.6 Port Ballina Taskforce - Update

In respect to the appointment of the community representative the preferred approach is to call for EOIs with there being selection criteria determining the suitability of the respondents.

As it is always difficult to select from community representatives in a Council meeting the recommendation is to delegate that appointment to the General Manager, based on a recommendation from the Taskforce.

It was also suggested that the community representation could be extended to two, if there were a number of highly suitable respondents.

In respect to the terms of reference the details provided in the original notice of motion were as follows:

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

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

With any terms of reference it is important to provide clear terms to ensure that the Taskforce / Committee focuses on the activities endorsed by Council. At the same time those terms should not limit the Taskforce from pursuing activities that would most likely be supported by Council.

The suggested terms, to provide that right balance, are as follows:

The objective of the Port Ballina Taskforce is to improve the overall marine infrastructure and marine environment for Ballina, through the promotion and lobbying of activities that result in improvements to:

- a) *Overall health of the Richmond River*
- b) *Safer boating*
- c) *Marine infrastructure both commercial and public*
- d) *Tourism and business opportunities*
- e) *Recognising and preserving Ballina's maritime history*
- f) *Implementation of existing strategies and studies such as the Ballina Foreshore Master Plan*

These six points cover a wide range of actions that will assist in delivering improved marine outcomes for Ballina. The Ballina Foreshore Master Plan is a document prepared in 2009, in conjunction with the then Department of Crown Lands, which provides a recommended list of marine infrastructure for the Richmond River.

10.6 Port Ballina Taskforce - Update

It is still considered to be a relevant document for this Taskforce and the document is located on Council's website under "*Planning & Development / Planning for the Future / Local Strategies and Master Plans*".

Importantly the terms of reference do limit the activities of the Taskforce to items that directly benefit Ballina, which means issues, for example, such as coastal erosion at Lennox Head would not fall within the gambit of the Taskforce. The Taskforce's major focus should be on Ballina, particularly as the Ballina Chamber of Commerce is the primary business representation.

Sustainability Considerations

- **Environment**
The Port Ballina Taskforce will be considering activities that have a range of environmental, social and economic impacts.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

It is anticipated that this Taskforce will not consume a large amount of resources as its main role will be to promote, lobby and canvass issues with State Government Agencies and the broader community. There may be actions arising that will require the allocation of resources and in those instances the matters will be reported back to Council.

No delegations are recommended for the Taskforce with any actions to be taken under the existing delegations of the General Manager.

Consultation

The Taskforce provides an opportunity for consultation amongst a wide range of stakeholders and the appointment of the community representative(s) is subject to a public exhibition process.

Options

The options are to endorse the Port Ballina Taskforce terms of reference and membership as outlined in this report or amend the proposal. The recommendation is as per the contents of this report, as it is considered that the Taskforce will and is assisting Council in pursuing marine related outcomes for the community.

RECOMMENDATIONS

That Council endorses the following membership and terms of reference for the Port Ballina Taskforce:

Membership

- a) Mayor
- b) Councillors – Two - Cr Williams and Cr Worth
- c) Ballina Chamber of Commerce – Two
- d) Ballina Fishermen's Co-operative – Two
- e) State Government – One from the Department of Premier and Cabinet
- f) Community representative – One (with an option to increase to two) – This position(s) is to be appointed by the General Manager based on a recommendation from the existing Port Ballina Taskforce members following an expression of interest process.

Terms of Reference

The objective of the Port Ballina Taskforce is to improve the overall marine infrastructure and marine environment for Ballina, through the promotion and lobbying of activities that result in improvements to:

- a) Overall health of the Richmond River*
- b) Safer boating*
- c) Marine infrastructure both commercial and public*
- d) Tourism and business opportunities*
- e) Recognising and preserving Ballina's maritime history*
- f) Implementation of existing strategies and studies such as the Ballina Foreshore Master Plan.*

Attachment(s)

- 1. Dredging Taskforce Minutes - 10 July 2013

10.7 Surf School Licences - Allocation

10.7 Surf School Licences - Allocation

Delivery Program Open Spaces & Reserves

Objective To determine how Council wishes to manage the future allocation of licences for surf schools and related commercial activities.

Background

Council has a "Commercial Activities on Public Land" policy that outlines what commercial activities may be carried out on public land and how those activities are to be regulated and managed. This policy allows staff to manage the various proposals that come forward in respect to the commercial use of public land.

A key component of the policy is clarification as to how many commercial licences are to be issued for beach related activities and how those licences are to be allocated. In particular the policy states that the following licences are to be issued by open tender:

- Surf Schools (classes of up to 20 clients) – five licences allowed
- Elite Surf Coaching (classes of up to seven clients) – four allowed
- Stand Up Paddle Boarding (classes of up to 14 clients in the Richmond River, seven at Seven Mile Beach north of Lake Ainsworth and three in Lake Ainsworth, Shaws Bay and Prospect Lake) - two allowed

The existing three year licences for these activities expire on 31 January 2014 and prior to proceeding to tender it is essential that Councillors and staff have a clear understanding as to how the tender process is to be managed.

Key Issue

- Confirmation of the preferred approach for the allocation of licences

Information

The Commercial Activities on Public Land policy (copy attached and also available in the policy section of Council's website) provides a comprehensive list of the types of activities allowed on Council owned and controlled public land. The licences allowed include fitness groups, sky diving, wind surfing schools, tours, dog training etc.

The policy is supported by guidelines that determine the operating conditions for licences (i.e. qualifications, insurance, buffers between operators etc). The guidelines are also available on Council's website.

The policy and guidelines are important as Council owned and controlled land (i.e. beaches, foreshores etc) represents some of the most prime and popular locations in the Shire. The use of this land for commercial purposes has a value to the operator and Council needs to ensure that the amenity of the public is not compromised by any commercial use.

10.7 Surf School Licences - Allocation

In respect to the fees for commercial activities, Council's fees and charges document includes the following structure:

Description	Amount (\$)
New - Application Fee	155
Annual Licence Fees	
Very Low Impact	130
Low Impact	590
Medium Impact	1060
High Impact	1770

The Commercial Activities Policy clarifies impact levels as follows:

Very Low

Ecotourism tours
Personal fitness trainers
Horse riding access to South Ballina Beach

Low Impact

Hot air ballooning
Dog training classes
Kitesurfing
Kayaking and canoeing
Wind surfing
4WD fishing tours
Guided bike tours
Sailing schools
Pony Rides for Private Parties

Medium Impact

Bike hire
Skydiving
Hang gliding and paragliding
Group fitness training
Commercial fishermen
Beach horse riding
Commercial use of public wharves and pontoons

High Impact

Sea plane rides
Helicopter rides

Due to the difficulties in establishing a pricing structure for Surf Schools (including Elite Surf Coaching and Stand Up Paddle Boarding), all of which can be substantial business activities, many councils have used a tender or expression of interest (EOI) process to effectively let the market set the price.

A tender process also has the benefit of providing other operators an opportunity to enter the market, as historically licences have been issued on a first in basis.

10.7 Surf School Licences - Allocation

Ballina Shire Council undertook such a process during 2010/11 and based on the results of that process the current annual fees for these licences are as follows (GST inclusive):

- Surf Schools - \$3,151 (original licence figure was \$2,700 subject to CPI)
- Elite Surf Coaching - \$1,125 (original figure was \$1,000 plus CPI)
- Stand Up Paddle Boarding - \$1,125 (original figure was \$1,000 plus CPI)

The fees charged are based on standardising the figures that were received during the 2010/11 tender process.

The actual tender figures received during that process were as follows:

Surf School Respondents	Tender (\$)
Surfing Byron Bay	830
Summerland Surf School	2,000
Kool Katz	2,100
East Point Surf School	3,700
Mojo Surf	4,000
Cheyne Horan	4,500

Elite Surf Coaching Respondents	Tender (\$)
Jenny Boggis	200
Cheyne Horan	500
Mojosurf	1,000
Rubbersoul Boardriding	1,090

Stand Up Paddle Boarding	Tender (\$)
Byron Bay Standup Paddle Boarding	495
Mojosurf	500
Rubbersoul Boardriding	1,090

The tender for the Surf Schools was based on three licences being awarded with the original agreed tender price being \$4,500 for a total income of \$13,500. However, following a number of complaints from tenderers who originally missed out on a licence, Council eventually resolved to issue five licences at \$2,700 resulting in the same total income (i.e. \$13,500). The five, three year Surf School licences, were subsequently issued to:

- Summerland Surf School – Gloria Street, South Golden Beach
- Kool Katz – Shirley Street, Byron Bay
- Soul Surf School (renamed from East Point Surf School) – Bay Street, Byron Bay
- Mojo Surf - PO Box 507, Byron Bay
- Cheyne Horan School of Surf – Dress Circle Drive, Lennox Head

Surfing Byron Bay withdraw from the tender process as they were not prepared to pay a higher fee than what they original tendered.

In respect to Elite Surf Coaching, four licences were allowed in the tender process, with all four respondents being provided a licence at \$1,000 each. The licences were awarded to:

- Jenny Boggis Surf Coaching – Stonehenge Place, Lennox Head
- Cheyne Horan School of Surf
- Mojo Surf
- Rubber Soul Boardriding – Ross Lane, Lennox Head

10.7 Surf School Licences - Allocation

Cheyne Horan School of Surf surrendered their licence approximately halfway through the term.

In respect to Stand Up Paddle Boarding, three licences were allowed in the tender process with all three respondents being offered a licence at \$1,000 each.

Only Rubber Soul Boardriding and Mojo Surf accepted the licence as Byron Bay Stand Up Paddle Boarding was not prepared to pay the \$1,000 licence fee.

The policy was later amended to only allow two Stand Up Paddle Boarding licences.

This background information is important as almost every tender or expression of interest process conducted by any council along the east coast for these types of licences, has resulted in disputes typically due to:

- a) Existing operators being outbid by new operators
- b) Existing operators under the pressure of losing a business they may have had in place for many years
- c) Disagreements as to how much weighting should be applied to price as compared to local experience
- d) Larger corporate entities becoming more and more involved in the operation of these licences.

During the last tender process for Ballina Shire, two of the then existing Surf School operators, being Kool Katz and Summerland Surf, were not recommended to be issued a licence as their submitted tender prices were well below other tenderers, as outlined earlier, and the Council policy, at the time, only recommended the issuing of three licences.

Following numerous submissions from these operators to Council and complaints to various agencies such as Crown Lands, Council then extended the number of licences on offer and reduced the agreed licence fee for each operator (i.e. from \$4,500 to \$2,700).

Even though there were threats of legal action by the licence holders who had been originally accepted in the tender process, due to the increase in licences on offer, thereby impacting negatively on their business, no legal action eventuated.

If Council wishes to conduct another tender process there must be a commitment amongst Councillors to accept that existing business operators could lose their business, especially if there are only a limited amount of licences on offer.

The Commercial Activities on Crown Land Policy identifies limits on the number of licences for these activities to ensure that the amenity of the public is not impacted by over use of the Council beaches by commercial activities.

10.7 Surf School Licences - Allocation

In 2010/11 the recommendation from staff, as included in the then policy, was to only issue three Surf School licences. This was considered to be adequate for the locations where the operators are allowed to operate (i.e. Surf Schools are permitted to operate at all beaches north of the Richmond River up to the Shire border at Seven Mile Beach, Lennox Head including the Richmond River and its tributaries, however they are not permitted to operate in Shaws Bay or Lake Ainsworth).

With five licences having now operated for approximately three years there have been minimal complaints from the public or from the operators about excessive use of the beaches. To date the only times there have been concerns over crowding issues, is in times of flooding and / or poor weather, as often the operators all have to use the same location, which is typically Seven Mile Beach.

Overall the preference for Surf Schools is not to increase the number of licences above five, due to the risk of amenity concerns, however this is an option that Council may wish to consider.

In respect to the Elite Surf Schools the feedback from Open Spaces staff is that these schools are very low impact with classes often being for only one or two people. The existing policy allows for four licences, with three currently issued and only two operators active. The Open Spaces staff, who directly manage this activity, have suggested that the number of Elite Surf School licences could be increased, with six being the recommended figure.

Due to the lesser impact of these smaller classes Council could even potentially provide an unlimited number of licences and effectively allow the market to regulate itself, as happens with other activities identified in the Commercial Activities policy.

In respect to Stand Up Paddle Boarding, these classes often have very few in a class, however the boards are very large and can represent a hazard to other swimmers. Council could consider increasing the number of licences on offer from the existing two, although the feedback from Open Spaces staff is that two is preferred due to the potential impact of these classes and the boards.

The issue of tendering is a key consideration in this report and the difficulties that can arise with a tender process have been identified by Mr Terry Hannon from Kool Katz. Mr Hannon has written to Council (copy attached) recommending that Council not go to tender but rather just increase the existing annual fees. The correspondence also states that if any licence holder wishes to sub-let or surrender their licence then that licence should go to tender.

In association with this, Council has been approached by a person working for Mojo Surf who is looking at buying the Summerland Surf School licence and they have asked that that licence be transferred to Mojo Surf.

Currently the Commercial Activities policy states on page six (clause 5.10 (b)) that the licences are not tangible assets and cannot be transferred to a new operator. However, as this is a policy, Council could override this clause and approve the transfer.

10.7 Surf School Licences - Allocation

This then raises the question as to whether or not it would be more appropriate for any vacant licence to be offered on the open market to ensure a fair and transparent process.

This is what is being suggested by Kool Katz.

This reason behind not allowing the transfer of licences, which over the years has largely been driven by Crown Lands, is that we do not want these licences to be on-sold, for large monetary values, which in turn creates a significant expectation from the business owner that the licence will continue and at some point in time they will also be allowed to on-sell the business.

In reality a licence allows the operator to access and utilise community land, typically a Crown Reserve and the beach, for a commercial return. This provides a significant benefit to the operator in that they are using the natural assets of the Shire to generate profits.

If licences are transferred, or renewed, without going to tender then there is limited opportunity for other people who may be interested in creating their own business from this activity. Council needs to determine whether that is acceptable or not as we have had approaches from other operators.

In looking at other commercial activities on community or crown land one comparison that Council has is for activities such as cafes / restaurants. Typically these operations have leases in place that can be on-sold, subject to the approval of the lessor, and the most relevant recent example for Ballina Shire, is the sale of the Shelly Beach café. Council did not object to that sale proceeding.

It could be argued that the difference between this type of operation and surf schools is that cafes / restaurants have significant infrastructure constructed on the community land, which means that it is impractical to call tenders each time a lease expires. However, some councils do follow that process, as it is understood that Byron Shire has indicated it will call tenders for the operation of the Fishheads Café at Main Beach once the existing licence expires.

The practicality of doing this when there are such large fitout costs for cafes is questionable.

Generally for cafes / restaurants, Ballina Shire Council has obtained independent market valuations for the rental value at the expiry of any lease and then renewed that lease based on the market value.

Surf Schools do not expend significant monies on the actual community land in operating their business and in reality they can operate their business on any area of the beach identified in the licence.

Another example that is somewhat related is the licences that Council provides for footpath dining. Council's Commercial Use of Footpath Approval states that:

10.7 Surf School Licences - Allocation

“The approval to conduct business from within the approval area is vested solely with the approval holder. Should the business be sold/transferred, the approval to conduct business from within the approval area will transfer to the new business owner when Council is formally notified in writing of the change in ownership.”

This allows Council staff to ensure that the new proprietor has the necessary insurance requirements and we have their details for invoicing etc.

The difference with this is that this licence is being sold with the business directly associated with the licence. Therefore it is somewhat similar to the café / restaurant example. With a Surf School licence, what is effectively being sold is the licence, as there is no infrastructure directly connected to that licence.

There are a myriad of issues that Council needs to consider in respect to the management of these commercial licences and any decision needs to be guided by clarifying the objective(s) that Council is trying to achieve from the licences.

Possible objectives include:

- a) Transparency – a tender process allows a transparent process to be conducted, however it creates the risk of operators losing their business
- b) Determining market value – As there is a limited competition to determine the value of these licences the tender process allows the market, albeit limited, to determine the licence value
- c) Tourism Promotion – For the Surf Schools the majority of their clientele is sourced from Byron Bay and then transported to beaches in the Ballina Shire for a lesson and then immediately transported back to Byron Bay. It has also been stated that the licence holders in Ballina Shire are in effect operators who have missed out on the more valuable licences that have been offered by Byron Shire Council.

This then raises the question as to whether there is any real tourism value in these businesses to Ballina Shire. Ideally it would be beneficial if any licence included clauses that required promotion of Ballina Shire, or a presence in Ballina Shire, as part of that licence. The practicalities of doing this could be questionable.

- d) Management of Amenity – By setting a limit on the number of licences Council is taking a pro-active approach to managing the public amenity of our beaches.

By not taking this approach and having unlimited licences Council could eventually have a situation where there are significant impacts on amenity and it is then extremely difficult to rectify the situation when there are already a large number of licence holders in place.

Sustainability Considerations

- **Environment**
By managing the licences Council is taking steps to minimise any negative impacts on the environment.
- **Social**
Surf school licences provide a social activity for participants.
- **Economic**
Council generates a return on the licences and there may be some tourism benefits by having the licences available.

Legal / Resource / Financial Implications

The implications are entirely dependent on the course of action Council wishes to follow. There is no direct expenditure of Council resources outlined in this report.

Consultation

There has been extensive consultation on this issue in the past and the recommendation for this report is for further consultation.

Options

The primary objective of this report is for Council to determine how it wishes to manage the renewal of the licences for the Surf Schools, inclusive of the Elite Surf Schools and Stand Up Paddle Board licences. The options are:

Not proceed to tender and for Council to determine the new licence fee

This is administratively straight forward and the only subjective issue is the value of the licences. In respect to pricing the options include:

- a) CPI increases – easy to implement but may not reflect current value of the licences
- b) Higher than CPI increases – Council could apply increases higher than CPI (eg 5% per annum). The logic being that this may have some effect in determining the real market value of these licences and what level of licence is sustainable.

Higher than CPI increases could force existing operators to re-assess whether they wish to retain their licences and over time could result in the market setting a sustainable number of licences.

There are already some licence vacancies, which indicates that the existing fee structure may be close, or even slightly above, the market value of the business, for certain licences.

- c) Entirely new fee – This would need to be determined by a valuer or by consultation with other councils. The problem with this is that it is a very limited market and comparisons are difficult to obtain.

10.7 Surf School Licences - Allocation

- d) New pricing structure – Pricing could be related to items such as actual turnover. The difficulty with this is the auditing of those figures.

Since the original tender was conducted the level of international and domestic tourism has declined, partially in response to the high Australia dollar. Similarly there have been limited increases, if any, in the value of businesses and the overall economic climate remains uncertain.

Therefore it is highly unlikely that there has been any significant gain in the value of these licences and on that basis the preferred option, under this approach, would be to increase the existing licence fees by CPI.

Proceed to tender

This option is only preferred if it is accepted by all parties that existing operators could lose their business, which in some cases may be their livelihood, and the criteria for determining the preferred operator is clearly defined.

If Council wished to proceed along this path the recommended approach would be for the tender to be evaluated in a two stage process based firstly on capability and secondly on price.

This means that in the first stage all tenders would be assessed on their capability. This assessment would not be weighted but would simply be a matter of assessing yes or no, they are capable.

All capable tenders would then move to stage two, where the sole determinant would be price. The highest prices would then receive the licences.

This is considered to be the only way in which a tender could be evaluated without there being high levels of subjectivity. Such an approach could mean an operator losing their business for a few dollars less than another party, but that would be a risk any tenderer would accept in submitting a price.

The inclusion of other criteria such as the nature of the business, location etc is all very subjective when balanced against price, and it is these issues that have resulted in difficulties for councils in previous tender assessments.

Change the Number of Licences Available

A number of activities in the Commercial Activities on Council Land Policy do not have a limit on the number of licences issued (i.e. fitness training groups) and a similar approach could be taken for these licences.

It is considered that the Surf Schools, which can take up to 20 clients per class, have the potential to impact significantly on the local amenity and five licences is considered to be the maximum for this activity.

For Elite Surf Coaching the feedback from staff is that this could be increased to six licences, as the licences are very low impact, whereas for Stand Up Paddle Boarding the preference is to retain the licences at the existing level of two.

10.7 Surf School Licences - Allocation

Call Tenders for Vacancies Only

Currently it appears that Summerland Surf wish to transfer their Surf School licence and there is one vacancy for Elite Surf Coaching and possibly three if the number of licences is increased to six.

The recommendation from Mr Terry Hannon from Kool Katz, is for Council not to call tenders at the end of any existing licence, however where a licence becomes vacant the Council could call expressions of interest for that licence. Such an expression of interest process could not be based on price, as it would be unreasonable to have a different price for these licences, as compared to the existing licences. Therefore we would need to look at more subjective criteria such as experience, expertise, resources etc.

However in saying this Byron Shire Council does have different prices for these licences based on the individual responses to their tender process.

The concern with not using price in any tender process is trying to assess the difference between respondents based solely on subjective selection criteria. The key question is how will a tender assessment for a commercial proposal determine a preferred operator if price is not a consideration?

In looking at options the one outcome staff would like to see as part of any new licence would be a greater focus, promotion or presence for Ballina Shire and this could be considered as a major selection criterion. This would be one point of difference that may assist in determining a preferred operator over another.

The one negative with only calling tenders / expressions of interest for vacant licences is that it does limit the opportunities for other operators to enter the market. It is understood that some staff who work with existing operators are interested in establishing their own business and this will be difficult to achieve when the vacancies are limited.

Multiple Licences

Another issue is whether Council wants licences concentrated with the one operator. Mojo Surf is building quite a large business by obtaining a number of licences from councils and there is a risk that concentration in one operator could result in reduced competition and a decrease in the value of the licence fees.

Currently the Commercial Activities on Public Land guidelines states that any operator can have a maximum of two licences for each activity. This means one operator could effectively have a total of six licences (i.e. two for Surf Schools, Elite Surf Schools and Stand Up Paddle Boarding).

To encourage competition the preference is to only allow an operator to have one licence per activity. There does not seem to be any community benefit in one operator having two licences for the one activity.

10.7 Surf School Licences - Allocation

Preferred Approach

In determining the preferred approach there is a real reluctance to proceed to a tender / EOI for all licences as there is little doubt that it will result in the risk of an existing operator losing their livelihood, even if they have a proven long term track record.

This scenario has been very difficult to handle in a political environment in the past and terminating a person's livelihood, for possibly a few hundred dollars, is not a desired outcome at any level. Importantly the currently licences do not need to be renewed until early 2014 so Council has any opportunity to exhibit any proposal for public comment prior to making a final decision.

On balance the preferred approach is as follows.

a) Pricing

Based on the overall economic climate since the original prices were established the preferred approach is to index the existing licence fees by CPI for the term of any new licences (i.e. three years is the current term and the same period is recommended for any renewal).

Rather than having a set method of determining the prices at the end of the licence period, it may be more appropriate for Council to assess all the variables that impact on price, such as economic conditions, tourism levels, growth rates etc and then determine how best at that time to set the price.

To incorporate this change clause 5.14 (Nature and Determination of fees and charges), sub-clause (f) of the existing policy would need to be changed from:

Council will be calling for tenders for the available Commercial Activities Licences for Surf Schools, Stand-up Paddle Boarding and Elite Surf Schools and fees will be set as part of this process.

to the following:

For Surf Schools, Elite Surf School and Stand Up Paddle Boarding, which are all offered longer term licences (typically three years) Council will determine the preferred method of confirming the value of these licences towards the end of the term of the licence. Options for determination will include, but not be limited to, indexing at or above CPI, independent valuation, price based on turnover or calling fresh tenders for the licence.

b) Renewal of Existing Licences

The downside of trying to allocate existing licences through a formal tender process is considered to outweigh any benefits to be gained. As such the preference is to renew any existing licences with the current operator.

10.7 Surf School Licences - Allocation

Based on this it is recommended that the policy be amended to state that the existing licence holders **may** be renewed based on satisfactory performance and subject to the application of any updated licence fees. The word may is recommended as ultimately it is a matter for the Council of the day to determine the best way forward at the end of each licence period.

c) Number of Licences

The feedback from staff who directly manage this activity is that the number of Surf Schools (five) and Stand Up Paddle Board (two) licences should remain as is, with an increase in the number of Elite Surf School licences to six. This change is recommended due to the overall low impact of the Elite Surf Schools.

d) Allocation of Vacant or New Licences

Despite the concerns expressed in this report over tendering, to ensure transparency, the preferred option to allocate any new licence is to call tenders / expressions of interest. Even though there are downsides to this approach it is preferred rather than having licences just offered to the first person approaching Council or to a person who may be buying the licence from another operator.

If Council proceeds to call tenders, as outlined earlier, the preference is to include promotion / initiatives that benefit Ballina Shire as one of the key criterion in this assessment.

e) Transfer of Licences

As per item d) to ensure transparency the recommendation is to call tenders for the transfer of any licences.

f) Licences Per Operator

To maximise competition the preference is to amend the existing policy to include a reference to only allow one licence per operator per activity for these licences. Currently the Commercial Activities guidelines include a reference to allowing two licences and that reference will also need to be deleted.

The recommendation that follows supports the exhibition of these changes to the existing policy for public comment prior to final endorsement by Council, along with writing to all existing licence holders seeking their feedback on the proposals.

RECOMMENDATIONS

1. That Council approves the public exhibition of the following draft amendments to the existing Commercial Activities on Public Land Policy and associated guidelines:

10.7 Surf School Licences - Allocation

- a) licences for the Surf Schools, Elite Coaching and Stand Up Paddle Boards, may be renewed, if requested by existing licence holders, without proceeding to tender, subject to satisfactory performance by the operator and subject to determination by Council
- b) if an existing licence holder does not wish to renew their licence or surrenders their licence during the licence period, expressions of interest (EOI) will be called for that vacant licence
- c) the term of the licences will be for a three year period, or part thereof, when a licence becomes vacant
- d) the EOI process in point b) will identify that the licence fee will remain the same as the other licences provided by Council to ensure equity in licence fees
- e) a key criterion in the EOI selection process in point b) will be for new operators to have a strong focus on direct promotional / tourism benefits to Ballina Shire
- f) the number of Elite Surf School licences available is to be increased from four to six
- g) the number of licences allowed per operator is one licence per activity (i.e. one operator is allowed to have a maximum of one licence for a Surf School, one for the Elite Surf Schools and one for Stand Up Paddle Boarding).
- h) the licence fee on renewal of these licences is to be determined as follows (currently clause 5.14 (f))

For Surf Schools, Elite Surf School and Stand Up Paddle Boarding, which are all offered longer term licences (typically three years) Council will determine the preferred method of confirming the value of these licences towards the term of the licence. Options for determination will include, but not be limited to, indexing at or above CPI, independent valuation, price based on turnover or calling fresh tenders for the licence.

2. That Council write to the existing licence holders to obtain their feedback on this proposal, as part of this consultation process.
3. That Council receive a further report on this issue following the close of the exhibition period.

Attachment(s)

1. Commercial Activities on Public Land Policy
2. Email from Kool Katz

10.8 Legal Matters - Update

10.8 Legal Matters - Update

Delivery Program Governance

Objective To provide an update on legal matters involving Council.

Background

As a public authority Council is regularly involved in legal matters. This report provides an update on matters that have been subject to court action or may result in court action and represents the final report for the 2012/13 financial year.

Key Issues

- Type and cost of litigation

Information

This report provides an opportunity to examine legal matters in which the Council is, or has been, involved, with reference being to the current or previous financial year. The report has been provided in open Council to ensure the information is available to the public. Details of the current case(s) are as follows:

Solicitor for Council	Parties	Case Description	Original Cost Estimate	Costs Paid to Date
Blake Dawson	Oshlack v Ballina Shire Council & Ors	Land & Environment Court - ref. no. 2010/40570 - Challenge to approval of Marom Creek fluoridation plant - Rous Council and Lismore also joined in this case - Class Four	\$100,000	\$176,200
Comments <p>Mr Oshlack appealed the process followed by Rous, Lismore and Ballina councils in approving fluoridation. Rous Council engaged Blake Dawson Solicitors and Ballina Council agreed for that firm to also represent Ballina Council with costs to be shared. Lismore City Council engaged a separate firm to act as their solicitors and only tendered a submitting appearance. The decision of the Court was eventually published on 16 May 2012 with the appeal being dismissed and Rous and Ballina Councils being awarded costs.</p> <p>The time limitation for appeal of the original decision expired on Thursday 16 August, with Mr Oshlack lodging an appeal. The appeal process commenced with the appellant and the respondents (Council and Rous Water) appearing in a directions hearing in mid October 2012. The directions hearing determined that the appellant was to file and serve his written submissions by 17 October 2012. As respondents our submission was required by 21 November 2012. The matter was listed for call over, for the purpose of allocating a hearing date, on 4 December 2012. The actual hearing date was in May 2013 with the judgment announced during June 2013.</p> <p>Ballina Shire Council and Rous Water were successful in defending the appeal and both councils were awarded costs. Any future actions in respect to the recovery of costs will be guided by our solicitors.</p> <p>It has also recently been reported in the media that Mr Oshlack will not be pursuing any further appeal.</p> <p>The NSW Department of Health allowed Council and Rous Water to fund the costs of the appeal from the interest earned on the original project's capital grant.</p>				

10.8 Legal Matters - Update

Legal / Resource / Financial Implications

This next section of this report provides an update on the legal costs for 2012/13 along with a comparison to the previous four financial years.

Description	2008/09 Actual	2009/10 Actual	2010/11 Actual	2011/12 Actual	2012/13 Actual
Planning Legals					
Avalon	86,000	0	0	0	0
Bryson and Blake	33,000	57,000	0	0	0
Greenwood Grove	53,000	44,000	7,000	0	0
Lennox Head Apartments	0	26,000	0	0	0
Ramada	0	51,000	364,000	2,000	0
Rich and Rich	0	16,000	1,000	0	0
Simpson	125,000	0	0	0	0
Stockpile – Temporary	0	0	66,000	0	0
Advice - Riverside Suites	95,000	35,000	4,000	7,000	0
Advice - North Angels	0	7,000	4,000	0	0
Advice - Service Centre	0	0	37,000	0	0
Advice - Demolition	0	0	0	0	5,600
Advice – Verna Wall	0	0	0	0	11,000
Advice – 84 Kerr St	0	0	0	0	11,400
Advice – Grinberg	0	0	0	6,000	7,400
Advice / Insurance - Misc	44,000	43,000	61,000	53,000	22,300
Sub Total	436,000	279,000	544,000	68,000	57,700
Property Legals					
Gunundi	139,000	23,000	3,000	0	0
Homeworld	215,000	110,000	4,000	0	0
Lennox Head Comm Ctre	0	0	0	55,000	73,200
Sub Total	354,000	133,000	7,000	55,000	73,200
Water Legals					
Oshlack – Fluoride	0	0	159,000	13,000	4,200
Total Expenses	790,000	412,000	710,000	136,000	135,100
Expenses Recouped					
Freedden	52,000	0	0	0	0
Jacobson / McMillan	103,000	0	0	0	0
Stubberfield	0	29,000	29,000	0	0
Gunundi	0	0	71,000	0	0
Homeworld	0	0	190,000	0	0
Ramada	0	0	8,000	0	0
Greenwood Grove	0	0	15,000	0	0
Stockpile Temporary	0	0	37,000	7,000	0
Miscellaneous	6,000	0	3,000	1,000	18,800
Total Income	161,000	0	353,000	8,000	18,800
Net Cost	629,000	412,000	357,000	128,000	116,300
Fund Summary – Net					
General Fund	629,000	412,000	198,000	115,000	112,100
Water Fund	0	0	159,000	13,000	4,200

The expenditure budget summary for 2012/13 is as per the following table.

Item	Budget	Actual	Balance
Planning Legals	105,000	57,700	47,300
Property Legals - LHCC	72,000	73,200	(1,200)
Total General Fund	177,000	130,900	46,100
Water	5,000	4,200	800
Total Budget	182,000	135,100	46,900

10.8 Legal Matters - Update

With the judgment on the Oshlack case, the one remaining major legal matter, which is really more an insurance claim, is the Lennox Head Cultural and Community Centre (LHCCC) professional indemnity claim.

In respect to this claim, arbitration proceedings re-commenced in June 2013, with the Arbitrator giving orders for the directors of GHP (the architect) to produce relevant documentation to the case, with the next hearing date set down for 18 July 2013. On 2 July 2013 Maddocks (Council's solicitor) received an "Offer to Settle". That offer is currently being reviewed by Maddocks and a confidential report will be submitted to Council once that advice is received to determine the preferred course of action.

Consultation

This report is provided in open Council to ensure the community is informed on legal matters involving Council.

Options

This report is provided for information purposes.

RECOMMENDATION

That Council notes the contents of this legal matters update.

Attachment(s)

Nil

10.9 Delivery Program and Operational Plan - Quarterly Review

10.9 Delivery Program and Operational Plan - Quarterly Review

Delivery Program Governance and Finance

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 final review for 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 30 June 2013. As this is the final report for 2012/13 it provides a good overview of the accomplishments Council has achieved during 2012/13.

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.

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

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.

10.9 Delivery Program and Operational Plan - Quarterly Review

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.

The two attachments highlight the various 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 final 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	22	2	14	10	48
Amber	4	3	6	4	17
Red	0	0	5	1	6
Total	26	5	25	15	71

Program Actions Overview - By Percentage

Group / Status	GM	Regulatory	Civil	Strategic	Total
Green	85	40	56	67	68
Amber	15	60	24	27	24
Red	0	0	20	6	8
Total	100	100	100	100	100

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

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

- *Progress Coastline Shared Path and Recreational Path (page 1)* – The planning applications are now submitted to the Development and Environmental Health Group for assessment and if approvals can be obtained works on major segments can be commenced in 2013/14.
- *Finalise Coastline and Floodplain Management Plans (page 4)* – These projects involve complex modelling and rely heavily on external parties and progress remains steady at best. Both projects have been carried forward in the 2013/14 Operational Plan.
- *Completion of Pool Inspection Programs (page 6)* – This work is well advanced, although again it is slightly behind the original schedule.
- *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.

10.9 Delivery Program and Operational Plan - Quarterly Review

In respect to the service delivery targets, there are a total of 78 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	18	18	17	3	56
Amber	9	2	6	1	18
Red	0	0	4	0	4
Total Tasks	27	20	27	4	78

Service Delivery Targets Overview - By Percentage

Group / Status	GM	Regulatory	Civil	Strategic	Total
Green	67	90	63	75	72
Amber	33	10	22	25	23
Red	0	0	15	0	5
Percentage Total	100	100	100	100	100

The variances of note are:

- Airport – Total number of passengers – 356,740 (target > 360,000) (page 1 of second section of attachment) – Total numbers were just under the target primarily due to lower than expected loads for Virgin Australia. Load factors for Virgin for the past five years are as follows:
 - 08/09 load factor of 82%
 - 09/10 load factor of 81%
 - 10/11 load factor of 79%
 - 11/12 load factor of 80%
 - 12/13 load factor of 68%

Virgin had retained higher fares than Jetstar in an effort to increase their yield. This has not worked as anticipated and they are now working with Council staff to increase numbers, based on a lower fare structure, with the aim being to again target a load factor of 80%.

- Asset Management – Percentage of DA referrals completed within 21 days – 45% (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.
- Commercial Services – Vacancy Rate for Council commercial properties – 33% (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 8% 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.

10.9 Delivery Program and Operational Plan - Quarterly Review

- Community Facilities – Casual Hiring of the Richmond Room – 133 (target 250) (page 2 of second section) – The Richmond Room remains poorly utilised as Council continues to fully investigate all options.
- Public and Environmental Health – Number of existing on site effluent disposal systems inspected – 167 (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 – 429,123 (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.

Options

This report provides an overview of the performance of Council to the end of June 2013. Overall Council has achieved a number of significant outcomes during 2012/13, with, as usual, still lots of work to do into the future. As this is the final report for 2012/13 the only real option is to note the report contents.

RECOMMENDATION

That Council notes the contents of the 30 June 2013 review of the Delivery Program and Operational Plan.

Attachment(s)

1. Delivery Program - 30 June 2013 (Under separate cover)

10.10 Financial Review - Period ended 30 June 2013

10.10 Financial Review - Period ended 30 June 2013

Delivery Program Financial Management

Objective To provide a preliminary overview of the 2012/13 financial year operating results.

Background

In accordance with the Local Government Act the responsible accounting officer of a council must, not later than two months after the end of each quarter, prepare and submit to the council a budget review statement that shows a revised estimate of the income and expenditure for that year.

However under the Division of Local Government's Integrated Planning and Reporting requirements council is not required to submit a quarterly review for the June quarter.

Even though there is no requirement it is reasonable for Council to receive an update on the interim financial results for the financial year, prior to receiving the audited financial results which are typically not presented until October.

The report that follows provides the preliminary results for 2012/13, albeit that some of these results may vary as there may be further accruals raised prior to the finalisation of the audited financial results. Despite the possibility of these further adjustments the report still provides a reasonable indication of the final operating results for 2012/13.

Key Issues

- Overall results

Information

The focus of the report is on the operating result, being operating revenues and expenses.

A review of capital expenditure for the year is outlined in the next report in this agenda.

The information provided outlines the operating revenues and expenses for each Fund (General, Water and Wastewater) and is useful in determining whether the Fund is operating at a surplus or deficit (before and after depreciation).

The operating performance for each activity within the General Fund is also able to be monitored by matching income and expenses.

The figures are provided as per the original budget, each quarterly review and the June actual results. The variance figure represents the difference between the estimated March review results and the actual results as at 30 June.

General Fund

10.10 Financial Review - Period ended 30 June 2013

This first section deals with Council's General Fund operations. Tables one and two provide the original budget, along with the quarterly review adjustments and the June actual results, for the General Fund Operating Revenues and Operating Expenses.

General Fund - Statement of Operating Revenues and Expenses (by Activity)
Table One: General Fund - Operating Revenues (\$'000)

Operating Revenue	Original Budget	Sept Review	Dec Review	March Review	June Actual	Variance to March
Strategic and Community Facilities						
Strategic Planning	383	406	306	322	342	20
Community Facilities	195	230	260	313	335	22
Community Gallery	59	59	63	71	71	0
Tourism	36	92	92	137	145	8
Sub Total	673	787	721	843	893	50
Development and Environmental Health						
Development Services	312	322	322	308	356	48
Building Services	670	670	635	635	597	(38)
Public and Env Health	191	191	194	194	188	(6)
Admin and Public Order	78	87	90	129	116	(13)
Sub Total	1,251	1,270	1,241	1,266	1,257	(9)
Civil Services						
Asset Management	163	200	316	339	380	41
Stormwater and Env Prot	290	293	303	303	303	0
Roads and Bridges	0	1,534	1,582	6,557	6,575	18
Ancillary Transport Services	713	729	749	623	587	(36)
Roads and Maritime Services	1,050	1,010	760	760	677	(83)
Open Space and Reserves	762	769	788	802	911	109
Fleet Mgmt and Workshop	4,022	4,022	4,022	3,722	3,653	(69)
Rural Fire Service	263	263	263	263	248	(15)
Quarries and Sandpit	324	324	325	386	411	25
Swimming Pools	291	291	291	316	322	6
Landfill and Resource Mgmt	6,927	6,677	6,717	6,832	6,867	35
Waste-Domestic	6,925	6,985	7,045	6,983	7,081	98
Sub Total	21,730	23,097	23,161	27,886	28,015	129
General Manager's Group						
Administrative Services	33	33	28	23	19	(4)
Financial Services	20,658	18,814	18,834	18,867	21,307	2,440
Regional Library	95	115	115	115	116	1
Information Services	4	4	5	5	4	(1)
Human Resources and Risk	104	136	181	254	306	52
Property Management	2,743	2,655	2,729	3,033	2,798	(235)
Ballina Byron Airport	3,786	4,260	4,080	4,100	4,005	(95)
Sub Total	27,423	26,017	25,972	26,397	28,555	2,158
Total Operating Revenues	51,077	51,171	51,095	56,392	58,720	2,328

10.10 Financial Review - Period ended 30 June 2013

Table Two: General Fund - Operating Expenses (\$'000)

Operating Expenses (excluding depreciation)	Original Budget	Sept Review	Dec Review	March Review	June Actual	Variance to March
Strategic and Community Facilities						
Strategic Planning	966	1,249	1,265	1,265	995	270
Community Facilities	712	761	808	856	801	55
Community Gallery	174	172	176	184	167	17
Tourism	650	703	698	765	711	54
Sub Total	2,502	2,885	2,947	3,070	2,674	396
Development and Environmental Health						
Development Services	1,313	1,303	1,299	1,221	1,156	65
Building Services	780	780	780	785	775	10
Public and Env Health	701	707	707	692	638	54
Admin and Public Order	1,053	1,068	1,068	1,041	1,002	39
Sub Total	3,847	3,858	3,854	3,739	3,571	168
Civil Services						
Asset Management	2,922	3,185	3,194	3,294	3,199	95
Stormwater and Env Prot	655	907	1,034	1,133	689	444
Roads and Bridges	4,915	3,902	4,038	4,032	5,285	(1,253)
Ancillary Transport Services	1,572	1,736	1,719	1,594	1,601	(7)
Roads and Maritime Services	1,050	1,087	837	837	730	107
Open Space and Reserves	3,652	3,973	4,026	4,046	3,769	277
Fleet Mgmt and Workshop	2,863	2,759	2,759	2,519	2,480	39
Rural Fire Service	413	460	448	438	397	41
Quarries and Sandpit	55	104	104	104	71	33
Swimming Pools	696	686	686	713	755	(42)
Landfill and Resource Mgmt	5,633	5,398	5,407	5,456	5,583	(127)
Waste – Domestic	6,399	6,209	6,209	6,440	6,433	7
Sub Total	30,825	30,406	30,461	30,606	30,992	(386)
General Manager's Group						
Governance	1,198	1,214	1,239	1,210	1,163	47
Administrative Services	785	763	755	750	714	36
Financial Services	(3,105)	(3,095)	(3,089)	(3,089)	(3,117)	28
Regional Library	1,324	1,408	1,408	1,414	1,355	59
Information Services	1,356	1,346	1,346	1,356	1,338	18
Human Resources and Risk	1,684	1,723	1,625	1,730	1,014	716
Property Management	1,747	1,799	1,766	2,410	2,012	398
Ballina Byron Airport	2,741	2,971	3,004	3,100	3,224	(124)
Sub Total	7,730	8,129	8,054	8,881	7,703	1,178
Total Operating Expenses	44,904	45,278	45,316	46,296	44,940	1,356
Result Before Depreciation	6,173	5,893	5,779	10,096	13,780	3,684
Depreciation Expense	14,343	14,344	14,345	14,346	14,346	0
Net Operating Result	(8,170)	(8,451)	(8,566)	(4,250)	(566)	3,684

Comments - General Fund Operating Budget

There have been savings across a number of programs and items where there have been over-expenditures are often offset by savings from other items in the programs, outstanding grants and / or reserve transfers. A more detailed report on the net cash position of Council will be presented once all accruals and reserve movements have been finalised.

In general it is a satisfactory outcome in what has been quite a difficult year given the downturn in the construction industry. Brief comments on items where there are material differences between the March Review and the June Actual columns for the preliminary operating revenues and operating expense statement are as follows.

General Fund – Operating Revenues

Strategic Planning

Revenue is above budget due to increased planning fees (\$12,000 higher than forecast), interest on section 94 contributions (\$14,000+) whereas grants were under budget due to Council not receiving an \$8,000 heritage grant as no private heritage projects were pursued during the year.

Community Facilities

Revenue is above budget primarily due to income from the Lennox Head Community Centre being \$12,000 higher than forecast (total income of \$105,000).

Development Services

In respect to fees and charges the actual result was right on budget (\$303,000 forecast with actual revenue of \$304,000) however Council recouped \$18,000 in legal expenses and \$30,000 from a grant for the electronic housing code project that helped to push total revenues above budget.

Building Services

During the year the revenue budget was adjusted down from \$670,000 to \$635,000 with the actual result being \$597,000. The lack of activity in the building industry is impacting on this service with the net result for this section of Council showing a total loss of \$178,000 for the year.

This continues a recent trend where the section lost \$221,000 in 2011/12, after previously generating a cash surplus of \$38,000 in 2010/11.

Staff numbers have not been reduced despite this reduction in activity with the Building Surveyors focusing on other tasks such as pool inspections and providing assistance to the Development Services section, while also being encouraged to take leave.

The workload for this section will need to be monitored to determine whether or not Council wishes to reduce the level of resources allocated or transfer resources to another section within Council.

10.10 Financial Review - Period ended 30 June 2013

Asset Management

Council is able to charge the Roads and Maritime Services (RMS) for administration overheads on certain projects. An account was issued for all applicable works towards the end of the year and it exceeded expectations by \$32,000.

Ancillary Transport Services

Ferry revenues were \$374,000 against a budget of \$411,000. Overall the ferry incurred a loss of \$256,000 as compared to a loss of \$244,000 in 2011/12. The income figure of \$374,000 was actually less than 2011/12 (\$385,000) which could be a reflection of the poor weather during the past six months or some price resistance to the current fee structure.

Roads and Maritime Services (RMS)

Even though this is under budget expenses for the year will be matched either by reserve transfers or journals to raise income outstanding to Council. Essentially expenditure on RMS roads is matched by income.

Open Spaces and Reserves

Grant income that had not been forecast, totalling \$74,000, was received for three different vegetation management projects and grants for Council's disabled crews were approximately \$24,000 above budget.

Fleet Management and Workshop

Revenue was down on budget by \$70,000 however this is roughly offset by operating expenses being \$60,000 less than forecast. This primarily relates to the internal charging and distribution of expenses for the operation of Council's plant fleet.

Landfill and Resource Management (LRM)

Operating revenue was very close to budget which is an excellent result for a program of this magnitude.

Domestic Waste Management (DWM)

As per LRM, revenue was very close to budget which again is an excellent result for a program of this magnitude.

Financial Services (General Purposes Revenues)

This item was above budget as Council has received an advance payment for the financial assistance grant of \$1,790,000. This revenue will be transferred to reserve at the end of 2012/13 to then finance expenditure in 2013/14.

Interest exceeded budget by approximately \$700,000 and this is explained in detail in the monthly investment report elsewhere in this agenda.

10.10 Financial Review - Period ended 30 June 2013

Property Management

Revenue is down by \$235,000 primarily as Council has budgeted for \$286,000 for section 64 contribution reimbursements for the BBRC scheme and as at the time of doing this report no reimbursements had been recorded in Council's financial records. This is essentially an internal transaction recognising any reimbursements to the BBRC scheme from water and wastewater.

Airport

Revenue was below budget primarily due to lower passenger numbers than forecast by Virgin. This is explained in further detail in the Delivery Program Review report included elsewhere in this agenda

Operating expenses were also over budget resulting in the net operating surplus for the year (exclusive of depreciation) being \$219,000 less than forecast. The following provides a summary of the preliminary cash results for this operation:

Table Three: Airport 2012/13: March Forecast Compared to June (\$'000)

Description	March Estimate (\$'000)	June Actual (\$'000)	Variance (\$'000)
Operating Revenues	4,100	4,005	(95)
Less Operating Expenses	3,100	3,224	(124)
Surplus (excl depreciation)	1,000	781	(219)
Less Loan Principal Repaid	532	532	0
Add Capital Grant Income	2,344	2,344	0
Add Capital Loan Income	7,300	7,300	0
Less Capital Expenditure	5,784	5,784	0
Cash Result	4,328	4,109	(219)
Less Unexpended Loan	4,392	4,392	0
Unrestricted Cash Result	(64)	(283)	(219)

The balance of the airport reserve was \$87,000 as at 1 July 2012, therefore with a reduction in the reserve of \$283,000 during 2012/13, the reserve will now be \$196,000 overdrawn as at 30 June 2013. However unexpended loan funds of \$4,392,000 are still held by Council which means on a strict cash basis the reserve balance will be \$4,196,000 (i.e. \$196,000 overdrawn plus \$4,392,000).

The forecast cash result for 2013/14 is a \$1,191,400 operating surplus which must then be used to finance loan principal repayments of \$838,700 plus a capital expenditure program of \$4,917,000. If this program proceeds as per the current budget the estimated cash reserve for the airport will be overdrawn by another \$173,000 as per the follow table.

Table Four: Airport 2013/14: Current Forecast (\$'000)

Description	Estimate (\$'000)
Operating Revenues	4,477
Less Operating Expenses	3,286
Surplus (excl depreciation)	1,191
Less Loan Principal Repaid	839
Add Capital Loan Income	4,392
Less Capital Expenditure	4,917
Cash Result	(173)

10.10 Financial Review - Period ended 30 June 2013

This will result in the reserve being overdrawn by a total amount of \$369,000.

Council's preference is not to have this reserve overdrawn as due to our on-going expenditure of the property reserves we are less able to finance this overdraft from other reserves.

This being the case the Airport Manager has been asked to review his operating and capital budgets for 2013/14 to bring the reserve back to a zero balance (i.e. identify savings of \$369,000). It is proposed to review this as part of the tender that is currently being called for the runway overlay. When that tender is reported to Council the entire airport budget will be reviewed as part of accepting that tender.

General Fund - Operating Expenses

Strategic Planning

Expenditure savings in this program relate to projects not finalised or activities where the funds were not fully expended. This includes the Captain Cook Master Plan (\$55,000), LEP renewal (\$55,000) and private rezoning (\$65,000). Any unexpended funds relating to on-going projects will be carried forward to the next financial year.

Community Facilities

The savings in this program relate to incomplete grant projects.

Tourism

Some tourism promotional projects are still underway and any unexpended funds will be carried forward to 2013/14.

Development Services

This saving is predominantly due to legal fees which approximately \$50,000 under budget.

Public and Environmental Health

Savings in salaries were achieved during the year largely due to leave being taken.

Administration and Public Order

As with Environmental Health savings in salaries were achieved due to staff taking leave.

Asset Management

As with Environmental Health savings in salaries were achieved due to staff taking leave.

10.10 Financial Review - Period ended 30 June 2013

Stormwater and Environmental Protection

The saving to budget relates to environmental studies that are in progress. This includes Ballina Flood Modelling, Third Party Flood Modelling and Council's contribution of \$120,000 to the Blackwater research for the Richmond River which has not been paid as at the time of this report.

Roads and Bridges

The two major reasons for the large over expenditure in this area relate to

1. Expenditure of \$585,000 on bypass handover related works. This expenditure is offset by monies transferred to Council however as the budget had not been raised at the March review this shows as an over-expenditure
2. Expenditure over budget of \$630,000 for storm damage relating to the January and February 2013 storms. Council has not yet received confirmation of payment for these storm claims however our claims have been submitted to the relevant government agencies and it is anticipated that the majority of the claims will be approved. Any amount of a claim not approved will need to be funded from engineering works reserves.

Open Spaces and Reserves

Savings to budget relate to primarily to grant based projects in Vegetation Management (approximately \$180,000) and unexpended budgets will be carried forward to 2013/14.

Swimming Pools

Operating expenses were over budget largely due to Council water charges towards the end of the financial year.

Landfill and Resource Management

Expenses are over budget primarily due to disposal costs being \$168,000 higher than budget.

Governance

Savings in salaries budgets due to staff taking leave.

Administrative Services

Advertising and salaries were below budget and contributed to a net saving of \$36,000.

Regional Library

Unexpended funds relate to special purpose grants from the State Library and these balances will be carried forward to 2013/14.

10.10 Financial Review - Period ended 30 June 2013

Human Resources and Risk Management

Employee leave accruals still need to be finalised for 2012/13 which currently results in an under expenditure for this program.

Property Management

As per the income item for this program the BBRC contributions are \$375,000 under budget resulting in this net saving.

Airport

The over expenditure relates to salaries (\$21,000) – staff taking less leave than anticipated, loan interest (\$7,000) – actual interest on loan, building maintenance (\$16,000) – considered to be essential expenditure and increased promotion (\$32,000) which was needed to support jet services.

Water Operations

This next section of the report deals with Council's water operations.

Table Seven: Water - Statement of Operating Revenues and Expenses (\$'000)

Item	Original Budget	Sept Review	Dec Review	March Review	June Actual	Variance to March
Operating Revenues	8,572	8,692	9,042	9,311	9,633	322
Operating Exps (excl. dep)	8,529	8,624	8,629	8,766	8,554	212
Net Operating Result Before Depreciation	43	68	413	545	1,079	534
Depreciation Expense	2,300	2,300	4,600	4,600	4,600	0
Net Operating Result from Continuing Operations	(2,257)	(2,232)	(4,187)	(4,055)	(3,521)	534

The preliminary result for Water Operations is pleasing as in comparison to the March forecast it has improved by \$534,000 due to operating revenues being above budget and operating expenses under budget.

The main reasons why operating revenues exceeded budget include:

- interest income was \$84,000 over budget. This is primarily due to anticipated capital expenditure not occurring
- consumption charges exceeded budget by \$136,000 and
- connection fees were \$70,000 in excess of budget.

The main reasons why operating expenses were under budget include:

- BBRC contributions not yet paid
- Other maintenance expenses were generally slightly under budget across all the various maintenance programs.

Even with this pleasing result, the real operating result inclusive of depreciation is a loss of \$3.5 million.

Therefore plenty of work is still needed to achieve a sustainable (i.e. funding depreciation) result.

10.10 Financial Review - Period ended 30 June 2013

Wastewater Operations

This next section of the report deals with wastewater operations.

Table Nine: Wastewater - Statement of Operating Revenues and Expenses (\$'000)

Item	Original Budget	Sept Review	Dec Review	March Review	June Actual	Variance to March
Operating Revenues	12,823	12,823	13,213	13,424	13,788	364
Operating Exps (excl. dep)	11,257	11,517	11,597	11,847	11,327	520
Net Operating Result Before Depreciation	1,566	1,306	1,616	1,577	2,461	884
Depreciation Expense	4,411	4,411	4,411	4,411	4,411	0
Net Operating Result from Continuing Operations	(2,845)	(3,105)	(2,795)	(2,834)	(1,950)	884

The preliminary result, similar to Water, is also pleasing with operating revenues above budget and operating expenses below budget.

In respect to income the main improvement relates to interest on investments which exceeded forecast by \$306,000. This is due to the fact Council was receiving loan income, in varying fixed instalments, with there being a lag between the receipt of that income and the capital expenditure.

Savings to budget in expenditure occurred across a number of areas with the major contributor being the BBRC contributions currently being \$237,000 under budget.

However, again as per Water, the real operating result inclusive of depreciation is a loss of \$1.9 million. With high loan repayments now beginning to impact on the business lots of work still needs to be done to strive towards achieving a sustainable (i.e. funding depreciation) result.

Sustainability Considerations

- **Environment**

This report encompasses the entire Council budget and as such has implications for environmental, social and economic outcomes. Council needs to bear in mind the implications of allocating or not allocating resources to particular works and services.

- **Social**

As above

- **Economic**

As above

Legal / Resource / Financial Implications

This report informs Council of actual results to date in comparison to budget. These results are subject to audit and certain end of year accruals.

Consultation

This report has been prepared to inform the community of any budget variations.

Options

Overall the preliminary operating results appear positive in comparison to the March 2013 estimates. Further information will be available as part of the audited financial reports which are typically submitted to the October Council meeting however, at this point in time, it is reasonable to state that the final outcomes should be close to or better than budget.

Financial Matters – 2013/14

There are two matters relating to the 2013/14 budget that also need consideration as part of this report.

1. Constitutional Recognition of Local Government

LGNSW is co-ordinating a campaign to promote the positive impacts of the referendum. This campaign requires financial contributions from NSW councils. Ballina Shire Council's resolved position on this is that we were reluctant to make a contribution unless there is bipartisan support for the referendum as referendums almost always fail unless there is bipartisan support.

LGNSW has recently forwarded Council three invoices in respect to our first, second and third instalments to this campaign. The invoice amounts are \$6,865.46 each (total of \$20,596.38).

Council has previously written to LGNSW advising that we are not supporting the campaign without bipartisan support. This matter is somewhat complicated now in that it appears the referendum is not supported by the Liberal / National Party coalition at a State Government level, however at a Federal level there is some, perhaps, reluctant support.

LGNSW advises we are now only one of eight councils not making a contribution and they have written directly to Council asking that we reconsider our position. That correspondence is included as an attachment to this report.

Overall it does appear that the referendum does have some level of bipartisan support and on that basis the recommendation is to include this funding in the 2013/14 budget. Please note this will have a direct impact on the bottom line as there is no funding available for this expenditure.

Therefore the second recommendation is for Council to now support this campaign.

2. Organisation Structure

One of the key recommendations in the recent organisation structure review, as adopted by Council, was that Council establish a new management position of Manager – Community Facilities and Customer Service. This position is to be included in the Strategic and Community Facilities Group and oversee a wide range of functions including customer service, community centres, tourism, non commercial property, swimming pools etc.

10.10 Financial Review - Period ended 30 June 2013

A number of the other recommendations in the organisation structure review are dependent on the establishment of this position and with the recent retirement / resignation of three section managers (Open Spaces, Operations Support, Water and Wastewater) there is an opportunity to review the existing positions and help establish this new position with minimal impact on existing staff.

A management position of this nature will attract a salary of approximately \$90,000 to \$100,000 or \$130,000 once Council oncosts (i.e. superannuation, workers compensation, leave entitlements etc) are included.

It is estimated that approximately \$30,000 of this total cost can be recouped from Council's self funded areas of water, waste, wastewater etc as the customer service function of this role will oversee all of Council's customer service operations. This then leaves a direct cost to the General Fund of \$100,000.

In order to fund this cost it is proposed to not replace a vacant junior position in the Development Assessment program (estimated saving \$68,000) and help offset the loss of this resource by reallocating existing resources in the Building Section to development assessment related matters. As outlined earlier in this report the Building Section is showing a loss of \$178,000 for 2012/13, after losing \$221,000 in 2010/11. Total income for this section has decreased from a high of \$760,000 in 2007/08 down to the 2012/13 figure of \$597,000 without any reduction in staff resources.

The junior planning position has been vacant for a period of approximately two months and discussions with the Group Manager – Development and Environmental Health have confirmed that the building surveyors can assist with development assessment related matters until there is a recovery in the building market. The building surveyors are undertaking a range of building activities, including the implementation of the new State Government swimming pool compliance programs, however the reallocation of the \$68,000 is considered a higher priority based on the current workloads and the overall direction of Council.

In respect to the remaining \$32,000 it is proposed to finance this saving through re-evaluations of the vacant manager positions, which may result in some small dollar savings and then recoup the balance from savings in operating budgets. There will also be significant savings during 2013/14 due to the time normally taken to replace the three vacant manager positions and the fact that the new Manager – Community Facilities and Customer Service will most likely not commence for another three to four months.

The third recommendation for this report seeks Council approval to establish the new position of Manager – Community Facilities and Customer Service and if Council supports this recommendation the standard industrial processes will need to be followed to allow the recruitment of the position.

RECOMMENDATIONS

1. That Council notes the contents of the preliminary financial report for the 2012/13 Financial Year.
2. That based on the latest available information Council authorises the payment of the financial contributions to the Local Government NSW campaign for the constitutional recognition of local government campaign.
3. That Council approves the establishment of the position of Manager – Community Facilities and Customer Service with this position is to be funded through a combination of savings in the Development Assessment Section salaries budget (approximately \$68,000), contributions from self funded operations (\$30,000) and savings in existing salaries and other operating budgets (\$32,000).

Attachment(s)

1. Request from LGNSW re constitutional recognition

10.11 Capital Expenditure - Quarterly Update

10.11 Capital Expenditure - Quarterly Update

Delivery Program Financial Management

Objective To provide the final quarterly update on the status of Council's capital works program for 2012/13.

Background

Council has a major capital works program included in the annual Operational Plan and due to the scale and magnitude of the program it is important that updates are provided on a regular basis. The current practice is to provide a quarterly status report on all the major capital works included in the plan. This status report provides details on key milestone dates, along with a comparison between budget and actual expenditure.

This report is to 30 June 2013 and represents the final report for the 2012/13 financial year.

Key Issues

- Status of works

Information

To assist in understanding the status of the capital works the attachments to this report provide information on the following items:

- Estimate 2012/13 - Represents the budget as per Council's adopted Operational Plan
- Carry Forwards - Represents budgets carried forward from the previous financial year that were approved by Council at the August 2012 Ordinary meeting
- Approved Variations – Other variations previously approved by Council resolution through a Quarterly Budget Review or a separate report on a particular project
- Latest Estimate - Sum of the original budget plus budget changes (Approved and New)
- Expenditure to Date - Expenditure to date of report (i.e. 30 April 2013 in this case)
- % Expended - Percentage of budget expended to date
- Milestone Dates - Represents target dates for completion of the major milestones
- Status - Allows additional comments to be provided, where necessary

The attachments are split into the main sections within the Council undertaking the works: i.e. Open Spaces, Engineering Works, Operations Support, Commercial Services, Water, Waste and Wastewater.

10.11 Capital Expenditure - Quarterly Update

Points of note in respect to the attachments are as follows.

Open Spaces

All major works are completed as planned excluding the Pat Morton Headland Toilets and the Saunders Oval extension. The remaining works for the Pat Morton toilets are the installation of the on site sewerage management system (OSSMS), the installation of the remaining components of the solar power system and the commissioning of the OSSMS. The contractors have indicated that the works will be completed by the end of July. It is fair to say that the delay in finalising this project has been disappointing.

The Saunders Oval works are being carried out by Council staff and the on-going wet weather has made it nearly impossible to access these fields.

The other major project still underway is the construction of the Wollongbar Sports Fields which have a due date for completion of June 2014.

Engineering Works

Drainage

As previously reported there are concerns that failures for drainage are increasing and the Civil Services Group are undertaking more detailed assessment of certain areas to determine the condition of the drainage infrastructure. Rectification works are being carried out in respond to failures.

Urban and Rural Roads

The majority of the projects have been completed or have commenced with the projects to be finalised in the early part of the 2013/14 financial year.

Shared Paths and Footpaths

The major delay in this program relates to the Coastal Shared Path with planning applications for the approval process now submitted to Council and on public exhibition.

Any unexpended funds will be transferred to 2013/14, which when combined with the 2013/14 budget and funds held in reserves, will provide significant funding for construction works, once any approvals are obtained.

Operations Support

The major capital project incomplete in this program relates to the new animal pound. That tender was accepted at the May Ordinary meeting with work now commenced. In respect to new plant, the replacement program remains behind schedule due to long lead times that follow the placement of an order.

Commercial Services

The majority of the projects in this program are largely complete with the Ballina Surf Club (total project cost of \$5.5m) and the Airport Apron Extension (total of \$5.5m) being the larger projects.

10.11 Capital Expenditure - Quarterly Update

Tenders are still to be finalised for the refurbishment of the Fawcett Park café.

Water, Waste and Wastewater

Council let the tender for the construction of the Ballina Heights Reservoir at the November 2012 Ordinary meeting, with that work now underway. A variation in one or two months can make a major difference to the amount expended due to the magnitude of this contract.

Biochar represents the major project for Waste, with significant research still to be undertaken before Council makes a final determination as to whether it will proceed with the project.

Wastewater expenditure continues to be significant due to the Ballina and Lennox Head Wastewater Treatment plant upgrade contract, along with the contract for the recycled water infrastructure, which is also now well advanced.

In summary, as per the following table there has been an extremely high level of capital expenditure incurred during 2012/13.

Capital Works Summary – 30 June 2013 (\$'000)

Section	Budget (%)	Expended (%)	Percentage
Open Spaces	2,566,200	2,297,200	90
Engineering Works	17,775,200	13,895,500	78
Operations Support	4,118,100	1,617,800	39
Commercial Services	14,675,000	12,170,800	83
Water	1,892,000	865,000	46
Waste	1,050,000	430,500	41
Wastewater	27,054,100	25,287,500	93
Total	69,130,600	56,564,300	82

Overall the majority of projects have been completed or commenced during the year and the areas where the expenditure is significantly less than budget often relates to timing issues for contracts or delays in approvals.

For example the wastewater under expenditure relates largely to the contracts for the dual reticulation and treatment plant upgrades and one or two months can represent variations in contract payments in the millions of dollars.

The under expenditure in Operations Support relates largely to delays in fleet purchases, which means that there is no actual delay in the provision of community infrastructure, but rather a delay in the provision of updated equipment for staff.

The Waste expenditure is primarily due to the bichoar project, which is a very complex project and significant investment is being made in research and evaluation prior to the project proceeding in full.

Sustainability Considerations

- **Environment**
Many of the works listed have positive environmental outcomes

10.11 Capital Expenditure - Quarterly Update

- **Social**
Certain items provide significant social benefits (i.e. surf club)
- **Economic**
Improved infrastructure can benefit the local economy.

Legal / Resource / Financial Implications

This report is largely for information with some minor budget amendments also recommended.

Consultation

This report is presented for public information.

Options

This report is largely for information purposes and with Council incurring capital expenditure of over \$55 million this represents a significant amount of work undertaken during 2012/13.

RECOMMENDATION

That Council notes the contents of the final Capital Expenditure - Quarterly Update report for the 2012/13 financial year.

Attachment(s)

1. Capital Expenditure - General Fund - Open Spaces (one page - A3 attachment)
2. Capital Expenditure - General Fund - Engineering Works (two pages - A3 attachment)
3. Capital Expenditure - General Fund - Operations Support (one page - A3 attachment)
4. Capital Expenditure - General Fund - Commercial Services (one page - A3 attachment)
5. Capital Expenditure - Water and Waste Operations (one page - A3 attachment)
6. Capital Expenditure - Wastewater Operations (two pages - A3 attachment)

11.1 Mountain Bike Park

11. Civil Services Group Reports

11.1 Mountain Bike Park

Delivery Program Open Spaces and Reserves

Objective To advise Council of a request for the development of a mountain bike facility on Council land and to seek support for the project.

Background

In early 2012 some residents requested Council assistance in finding land that would be suitable for the development of a mountain bike facility.

Mountain bike riding is a very popular sport and there are currently no formal facilities in Ballina Shire. The riders had been using local nature reserves such as the Uralba Nature Reserve but these areas are no longer available for this purpose.

The residents have since been able to formalise their association and are now known as the Dirty Wheels Mountain Bike Club. Discussions were held between staff and club members to try and identify land that would be suitable for the development of a mountain bike facility.

A number of possible locations were considered, however the only site that was identified as suitable is Council land described as Lot 12 DP 814359, adjacent to Stokers Quarry. Attachment One shows the location of the land.

In response to identifying this site, the Club then prepared a proposal which was submitted to Council in July 2012. A copy of this proposal is provided as Attachment Two.

In summary, the proposal provides details of how the site would be used and maintained. The proposal also identifies the benefits that such a facility would provide.

Consideration of this request was delayed to enable the completion of the future quarry strategy for Tuckombil and Stokers Quarries. The outcome of the study is a matter reported elsewhere in this agenda.

However it is noted here that the report does not identify any immediate intention to change the strategic intentions for the use of the land at Stokers Quarry meaning, if the Council was inclined to support the Club's request, it could do so subject to a requirement that the site be vacated by the Club should development consent be granted for quarrying on Lot 12.

This report considers the Club's proposal.

11.1 Mountain Bike Park

Key Issues

- Appropriate use of Council land
- Possible future use of this land

Information

The proposed site for the Mountain Bike Park is Lot 12 DP 814359 and is primarily zoned 1(e) Rural – Extractive and Mineral Resources under the Ballina LEP 1987 (because the subject land is subject to deferral from the new LEP as an environmental protection zone was proposed on the site).

The proposed use of this land appears to be one which is not subject to a specific definition under the LEP and so it would fall in the 'advertised development only with development consent' category as 'any other purpose'.

Therefore if this project is supported then a development application (advertised development) will be required.

The land is also classified as Operational Land. As noted the recently completed quarry report identifies that the proposal can be accommodated without constraining the future intentions of the quarry operations.

Sustainability Considerations

- **Environment**
The appropriate management of bush land areas can enable the use of the areas and also assist to protect and enhance the environmental attributes of the areas.
- **Social**
Sporting and special interest groups provide an important social and health outcomes.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

At this stage there is no resource or financial implications to Council regarding the recommendation to this report.

Consultation

To date the consultation on this matter has been limited to the discussions with the Dirty Wheels Mountain Bike Club. No consultation has been undertaken with other community groups, adjoining residents or the broader community.

11.1 Mountain Bike Park

Options

1. Council may resolve to authorise to provide land owners consent to enable the Dirty Wheels Mountain Bike Club to prepare and submit a development application for the use of the subject land for a Mountain Bike Park.
2. Council may resolve to decline to make the above authorisation.

Option one is recommended on the basis of the positive social and community benefits associated with the proposal, the Council does not have any immediate alternative needs for the land, and tenancy agreements can be put in place that are conditional in respect of requiring the land to be vacated at Council's discretion if it requires the land for quarrying purposes.

There is always a risk that it will be difficult for a future Council to terminate this use at a future date due to any negative public feedback, however on balance this is considered to be a low risk and the current benefits are considered to outweigh that risk.

RECOMMENDATIONS

1. That Council authorises the General Manager to provide land owner's authority for the Dirty Wheels Mountain Bike Club to submit a development application for a Mountain Bike Park to be established on Lot 12 DP 814359.
2. That subject to formal development consent Council provides in principle support for the lease / licensing of this land to the Dirty Wheels Mountain Bike Club for use of the land as a Mountain Bike Park.

Attachment(s)

1. Application from Northern Rivers Dirty Wheels Mountain Bike Club
2. Proposed Site Mountain Bike Park Map

11.2 Smith Drive Water Main Renewal - Options Assessment

11.2 Smith Drive Water Main Renewal - Options Assessment

Delivery Program Water and Wastewater

Objective To determine the Council's preferred approach in respect to the renewal of the Smith Drive Water Main.

Background

Water services to customers in Pimlico and Uralba are supplied through an above ground pipe which was constructed circa 1936.

These pipes are known to contribute significantly to water loss and potentially account for up to 16% of the total water loss in the Ballina Shire water network.

Council staff regularly perform reactive maintenance by repairing leaking joints along the length of the main, however this only provides a temporary repair and does not stop all the leaks.

A condition assessment, carried out in May 2013 (Beca May 2013), confirmed that the assets have deteriorated to a level where ongoing reliability of the supply to customers cannot be guaranteed at satisfactory levels. This finding is consistent with the age of the assets.

A number of options exist to provide a reliable supply to customers in Pimlico and Uralba and a subsequent study to assess those options was recently completed. The study is titled "Smith Drive Pipeline - Options Report" (Beca July 2013) and a copy has been included as a separate attachment for the information of Councillors. Appendix B – Customer Surveys of the document has been removed as it contains personal information about residents. Councillors can obtain a copy of this section by contacting the Group Manager Civil Services.

The findings of the study are discussed as follows.

Key Issues

- Reliable water supply
- Reduction of water loss from the water supply system
- Options

Information

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 to be achieved through the implementation of Pressure Management Zones (PMZs) and District Metered Areas (DMAs). Water loss in the Smith Drive area was identified and quantified by the commissioning of the West Ballina PMZ in August 2011.

11.2 Smith Drive Water Main Renewal - Options Assessment

The attached report provides a comprehensive summary of the various options considered as part of the assessment. The preferred option, or solution, as per page 36 of the document, has been identified as the construction of an above ground pipeline alongside the existing pipeline. The estimated cost of this option is \$947,000 (page 8).

It is important to acknowledge that the Options Assessment report is only canvassing the engineering solutions to the water main issue. The other option that is not canvassed in the report is to disconnect this service to the existing customers and provide an alternative option (i.e. tanks etc). This is considered further in the options section of this report.

Sustainability Considerations

- **Environment**
Reduced water loss means less extraction of water from the natural environment.
- **Social**
Equitable access to water supply
- **Economic**
Investment now will reduce operating costs for the water supply

Legal / Resource / Financial Implications

The estimated cost of the recommended option in the attached report is \$947,000. For budgeting purposes \$1 million would be a reasonable allowance as page 38 of the report identifies specific items not included in the estimate.

Council's forward financial plan for our water operations includes a recurrent capital budget of approximately \$412,000 for main renewals. This means the \$1 million is well above that current budget.

However it should be noted that later in this agenda is a report titled "Financial Review – Period Ended 30 June 2013", which provides the preliminary operating results for the 2012/13 financial year. As per that report Council's water operations is currently showing a surplus on operations of approximately \$534,000 above the estimated results, due to higher than expected operating revenues and lower than expected operating costs.

Similarly the report titled "Capital Expenditure – Quarterly Update", also later in this agenda, identifies that the main renewals capital budget for 2012/13 was under expended by approximately \$285,000.

This means that with an existing mains renewal budget of \$410,000, plus the improved preliminary operating result of \$535,000, combined with the under expenditure of \$285,000 in the 2012/13 budget, all up Council has in excess of \$1.232 million in funding available for this project, and also for any other main renewals, without impacting on the current long term financial plan for our water operations.

Therefore funding this entire project is a viable option.

11.2 Smith Drive Water Main Renewal - Options Assessment

Consultation

Community consultation was undertaken as part of this project in the form of surveys for individual properties along the west end of the Smith Drive Water Main. The purpose of the community consultation was to survey the residents/owners of the key properties along the pipeline to establish their service requirements and any other information required for the development and refinement of suitable options for consideration.

The results from these surveys assisted to assess:

- how vital the water supply was for the properties
- the most appropriate pipe size to meet current and future needs
- residents' attitude to an alternative water supply.

The results of these surveys were incorporated into the assessment of each option. The key findings of the surveys were strong community resistance against disconnecting properties from the Smith Drive Water Main.

Details of the community consultation are included in the report.

Options

1. Maintain Existing Service Levels

The options report investigates a number of ways of achieving this and has identified the replacement of the asset with an above ground asset as the most advantageous option to Council.

The exact nature of the design of the replacement, above ground or below ground, would be the subject of detailed design investigations.

The issue that Council needs to consider is whether or not this level of expenditure, approximately \$1million, can be justified for the relatively few customers benefiting from the service.

2. Reduce Service Levels – Remove Customers

There are relatively few customers in Pimlico and Uralba in proportion to the capital cost to replace the asset servicing them. Removing these customers from the service area would require the provision of alternatives which may include, for example, rain water tanks for each property (possibly \$10,000 to \$20,000 per property including re-plumbing etc) and along with possible compensation to property owners (i.e. loss of land value or potentially business, albeit that this may be debatable).

The items included in the cost estimate as per the options report (page 37) that could potentially be saved by not constructing the entire main are considered to be:

- Above ground 150mm DICL pipe with supports, thrust blocks, air valves, hydrants and scours West of Emigrant Creek - \$ 312,000
- Directional Drilling - \$13,000
- Reduction to Survey, Establishment, Connections and Others - \$25,000

11.2 Smith Drive Water Main Renewal - Options Assessment

- Pro-rata reduction of other items, including indirect costs (environmental assessment / project management etc) of around \$100,000

Overall this represents a saving of approximately \$450,000. Offsetting this would be the additional cost of providing the alternate water supplies to the nine properties identified as being west of Emigrant Creek, along with any compensation. Assuming a replacement cost of \$20,000 per property, plus a contingency of 10%, the replacement cost would represent approximately \$200,000.

This means there could be the potential to provide a net capital saving of \$300,000 to \$350,000 by not extending the main west of Emigrant Creek.

Section 144 of the Local Government (General) Regulation 2005 allows for disconnection of services for various reasons, mostly punitive due to failure to pay bills or follow orders from Council or for circumstances outside Council's control (e.g. drought).

However there does not appear to be any direct clause in the Local Government Act 1993 or Regulation concerning the removal of water services from willing or un-willing customers for other reasons. Therefore if the Council was inclined for this option to be its preference, prior to making any further decisions Council would need to obtain legal advice about its powers and any compensation rights for the property owners.

Advice would also need to be sought from NSW Health about the retraction of the water supply area.

Community consultation indicated that the residents do not want to be converted to rain water tanks, with a particular emphasis on properties that have businesses supported by town water. This is outlined on page seven of the report which states as follows:

“On the west of Emigrant Creek, most properties have residential and agricultural use. Agricultural uses for this section of the Smith Drive Water Main include sugar cane and cattle farming as well as orchard farming for hobby use.”

Some of these businesses have indicated that they are reliant on the town water supply for their operation. Notwithstanding this, Council has the option to engage further with the residents about compensatory measures for disconnection from the town water supply.

3. Extension of Services – Provide Fire Services and/or Increase Customers

The current water main does not have fire hydrants installed and subsequently fire flows are not provided from the main. Council has the option to investigate and include the provision for fire flows as a performance criterion for the new main however this has the impact of increasing the cost of the replacement. Also, there are other properties in Pimlico and Uralba that do not have access to town water that are not dissimilar in usage and proximity to the water main to those that do. It appears that properties adjacent to the old supply main from Duck Creek Weir were given supply, and others were not.

11.2 Smith Drive Water Main Renewal - Options Assessment

Council could extend to the supply to other customers in the area as a 'backlog' program. This has not been costed but could be provided on a cost neutral basis to Council (where accepted by the community) where those connected would fund the capital and headwork's costs to connect to the water network

This option could be progressed in conjunction with option one, with a minor hydraulic assessment to be undertaken prior to finalising the size of the new water main.

Conclusion

In respect to the cost / benefit currently Rous Water is charging Council approximately \$1.54 per kilolitre for water. Council is losing around 25% of the water purchased with the latest estimate of water purchased at 3,529,000 kilolitres per annum. As mentioned in the background section to this report the loss from the Smith Drive main is estimated at 16% of our total water loss, which means that the potential saving in water loss from this work is estimated at 141,000 kilolitres per annum (i.e. 16% x 25% x 3,529,000).

Based on a purchase price of \$1.54 the resultant cost saving is estimated at \$185,000 per annum. This equates to a payback period of 5.4 years on the \$1 million capital outlay, which represents a return on investment of 18%. On this basis the work should proceed immediately.

Therefore the key issue for Council is not about doing the work, but rather whether or not Council is prepared to avoid a proportion of the one-off capital cost, estimated at a net cost of around \$300,000, by removing customers, on the western side of Emigrant Creek, from the network.

In favour of the retention of the customers is the fact that they are, in part, business operations which may be problematic to transfer to another source. Some businesses have also indicated that their business is dependent on the supply of this water. This could leave Council vulnerable to a potential damages claim. There can also be a greater justification in providing water to businesses due to the economic benefit to the broader community.

In the alternative, option two reduces the upfront capital costs, which is the primary benefit. Council's water billing section advises that the average total consumption for the nine properties west of Emigrant Creek for the past four years is 6,216 kilolitres; as per the following summary:

Property No.	Average Kilolitres Per Annum
1	2,398
2	402
3	261
4	188
5	813
6	776
7	144
8	287
9	947
Total	6,216

11.2 Smith Drive Water Main Renewal - Options Assessment

Based on the 2013/14 water pricing structure the annual consumption income from these properties is estimated at approximately \$15,000. Remembering that the \$15,000 is the gross revenue, which means water purchase and production costs need to be deducted from that revenue, it is clearly evident that solely on a financial basis the provision of the supply west of Emigrant Creek cannot be justified.

In determining the recommended option the preference is not too rely entirely on the financial analysis. There is no doubt many areas of the Shire, where on a purely financial basis Council would not supply certain services such as water, wastewater, waste or even roads. However, as a public authority, Council has a role to provide minimum standards of infrastructure and public health benefits and as this service is currently being provided to these customers, and can be funded from the existing financial base, on balance, option one is recommended. The additional capital will provide a service for many years and there is the potential for uncertain ramifications (i.e. legal action) if the service is discontinued as per option two.

The overall project will provide significant financial benefits to Council and with a payback period of less than six years, the expenditure of the monies is well justified.

In respect to option three (extension) if option one is preferred a preliminary analysis along with consultation can be undertaken as part of implementing option one.

Rather than adjusting the water budget to finance option one, at this point in time, the recommendation is only to approve the preferred approach. This will then allow staff to call tenders for the work.

Once those tenders are assessed and submitted to Council for approval, with the confirmed tender price, the tender report can then confirm the funding for the project.

The benefit of this is that by that date the final audited financial results for 2012/13 should be available, which will then allow Council to make a fully informed assessment on the tender, with a confirmed tender price, along with up to date funding options based on the latest information in respect to the overall financial position of the water business.

RECOMMENDATIONS

1. That Council confirms that in respect to the replacement of the Smith Drive Water Main that it wishes to maintain existing service levels for the supply of water to the Smith Drive precinct through the implementation of the Smith Drive Water Main Renewal Project.
2. The Council authorises the General Manager to call tenders for this work with the funding for the project to be confirmed when the tender assessment is reported to Council.

Attachment(s)

1. BECA Report - Smith Drive Pipeline Options Report (Under separate cover)

11.3 Tuckombil and Stokers Quarry - Strategic Options

11.3 Tuckombil and Stokers Quarry - Strategic Options

Delivery Program Operations Support

Objective To present a report to Council on the future development strategy for Council owned quarries.

Background

Council operates two quarries, Tuckombil Quarry, located on the corner of Gap Road and Teven Road Alstonville, and Stokers Quarry, located on Gap Road at Uralba.

These quarries are approaching the final stages of extraction on their current development consents, and it was considered timely to investigate future potential for quarrying on the sites and options for post closure uses.

A specialist firm of quarrying consultants was engaged to investigate the remaining resource on the sites, advise on future potential for the sites as quarries and suggest possible end uses for the sites.

A workshop was held on 28 May 2013 with Councillors to present the draft report. The study has now been completed and the final report "Tuckombil and Stokers Quarry Evaluation and Strategic Options Report" is presented for Councils consideration. A copy of the report has been provided to Councillors under separate cover.

Key Issues

- Options for future development and management

Information

As this matter was the subject of a workshop and the study, as attached, is comprehensive, this report does not aim to provide further detailed analysis with the exception of the following brief comments.

Tuckombil and Stokers are long established quarries that produce high quality materials and are well located with respect to population centres and transport routes.

Site investigations including further exploratory drilling were undertaken and the report advises that further significant reserves of basalt exist at Tuckombil.

The review of Stokers indicates that whilst it is of lower strategic importance than Tuckombil, it is still of economic importance and complements and enhances the value of the Tuckombil operation.

11.3 Tuckombil and Stokers Quarry - Strategic Options

The report canvasses four options:

- Option One - Continuation of extractive industry on both sites
- Option Two - Close both quarries and rehabilitate the land
- Option Three - Close both quarries and redevelop the land into alternative post extractive land uses
- Option Four - Total exit strategy or alternatives.

The report demonstrates that the highest and best use of the sites is for option One, continuation of extraction on both sites, and concludes that a significant income stream would result from the development of both sites.

If Council supports the recommendation for option one, an extended drilling campaign will need to be undertaken to confirm the resource and a Quarry Development plan prepared prior to commence the environmental assessment process.

Sustainability Considerations

- **Environment**
A full environmental assessment will be required to be undertaken for both sites.
- **Social**
To ensure that the highest and best use for Councils assets are obtained
- **Economic**
Considerable economic benefit will accrue for the community from the continuation of operation on these sites.

Legal / Resource / Financial Implications

The report suggests that a significant value of resource exists in these quarries which may be realised for the communities benefit.

In anticipation of the findings of this review, Council has already allocated \$300,000 in the 2013/14 budget towards the implementation of the strategy.

Consultation

The attached report has been subject to significant analysis of the information available.

Options

Option One - Continue extractive industry on both sites (this is the option recommended by the report and the preferred option).

Option Two - Close both quarries and rehabilitate the land.

Option Three - Close both quarries and redevelop the land into alternate post extractive land uses.

11.3 Tuckombil and Stokers Quarry - Strategic Options

Option Four - Total exit strategy.

Option one is preferred as the report clearly identifies that both quarries provide substantial resource opportunities for Council well into the 21st century.

RECOMMENDATIONS

1. That Council notes the contents of the "Tuckombil and Stokers Quarry Evaluation and Strategic Options" as distributed under separate cover with this report.
2. That Council endorses option one, being the continuation of extraction from both sites, as Council's preferred strategy in response to the strategic options study.
3. That Council authorises the existing budget allocation of \$300,000 to be applied, to the extent necessary, to prepare a Quarry Development Plan for both sites, including a drilling campaign.
4. That Council authorises the existing budget allocation of \$300,000 to be applied, to the extent necessary, to prepare the necessary environmental assessment required for continuing extraction and to submit the necessary applications for any relevant planning and regulatory approvals.

Attachment(s)

1. Report - Tuckombil and Stokers Quarry Evaluation and Strategic Options (Under separate cover)

11.4 Rous Water Demand Management Strategy 2012-2016.

11.4 Rous Water Demand Management Strategy 2012-2016.

Delivery Program Water and Wastewater

Objective To allow Council to consider adopting the Rous Water Demand Management Strategy Plan for 2012- 2016.

Background

Rous Water has requested that Ballina Shire Council formally adopt the 2012 – 2016 Rous Water Demand Management Plan.

The original plan was developed with the intent of reviewing it once the Future Water Strategy is completed by Rous Water as that strategy will have implications on demand management. The Future Water Strategy is programmed for completion later this year.

Council is also working with Rous Water and the other constituent councils to review the Water Supply Agreement where the approach to demand management within the region will also be reviewed.

Rous Water has therefore requested that Ballina Shire Council:

- Adopt the current Demand Management Plan, and work through the Rous Region Water Supply Agreement Liaison Committee to coordinate implementation, and
- Participate in a review of the Demand Management Plan after completion of the Future Water Strategy and in accordance with the revised Water Supply Agreement.

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

Key Issues

- Contents of the Rous Water Regional Demand Management Plan

Information

Historically Rous Water and each constituent Council have achieved substantial compliance with the NSW Office of Water Best Practice Management of Water Supply and Sewerage Guidelines through the adoption and implementation of one demand management plan prepared by Rous Water.

Under the current Water Supply Agreement with Rous Water there is also a condition which requires each party to prepare its own demand management plan. The adoption of this Demand Management Plan will satisfy this requirement.

11.4 Rous Water Demand Management Strategy 2012-2016.

The purpose of the Demand Management Plan is to provide a strategic set of actions designed to achieve a range of demand management objectives. The plan outlines those measures that Rous Water is proposing to implement between 2012 and 2016. It provides an approach that addresses the demand side issues in a holistic and comprehensive manner.

The plan acknowledges the governance framework in which it operates and seeks to progress toward achievement of best practice in accordance with the Best Practice Water Supply and Sewerage Guidelines (Best Practice Guidelines).

This report will allow Council to consider the elements of the Rous Demand Management Programs that may impact Council.

What is Demand Management

Water demand management is about developing and maintaining a flexible, adaptive and effective approach to efficient water use in order to support secure supply. The Rous Water plan says *'it is about achieving outcomes in water efficiency and conservation, alternative water sources and water loss minimisation over the long term, taking account of economic, social and environmental benefits'*.

The tools by which they will achieve this objective involve education and water efficiency initiatives, which are included in the demand management plan.

Benefits of Demand Management

Since 1990 the overall level of consumption has increased marginally whilst at the same time the number of connections has almost doubled. In 1990 the average consumption per connection per annum was approximately 530kl and in 2010 this figure had dropped to 290kl.

The benefits of demand management are economic, social and environmental. Reduced water consumption leads to lower water bills for residents. By producing less water for consumption Rous reduce their cost for power consumables whilst reducing the need to upgrade supply. There will also be improved environmental outcomes from the ability to maintain environmental flows which will improve river health. By reducing the use of power for pumping and treatment there will be a subsequent reduction in greenhouse gas emissions.

Demand management is also a good tool for involving the community as it engages people and gives residents ownership of water management and protection.

Elements of the Demand Management Plan

The aim of the plan is to identify and deliver programs to reduce per capita demand from residential and non-residential consumption each year.

The tools that will be used to pursue this target include:

- Ongoing development and understanding of water demand trends and behaviours

11.4 Rous Water Demand Management Strategy 2012-2016.

- Demonstrated sustained water savings by customer types over time shown by continued uptake of effective water conservation projects and behaviours
- Continue to embed a water conservation culture by fostering an engaged, educated and water aware community
- Increased level of uptake of water efficient products and projects
- Minimize losses in the distribution network
- Reduce demand through adoption of sustainable alternative water supplies
- Improve monitoring, evaluation and reporting mechanisms and
- Continue to foster effective governance partnerships.

The strategies and action plan reflect the 5 E's of demand management being:

1. Engineering – Having effective technology to assist with water saving efficiency eg products such as dual flush toilets, smart metering, water efficient white goods and recycling technologies
2. Enforcement – the application of legislation, guidelines or other requiring achievement of water conservation targets or installation of water efficient fixtures or fittings
3. Encouragement – providing incentives and rewards for water efficiency or water conservation actions or projects
4. Education/engagement – providing people with the right information to make informed choices
5. Economics – the price and cost signals related to water and the financial consequences associated with high water demand.

The Rous Water Demand Management Strategies are:

- Strategy One – Undertake a program of work to develop greater understanding of the water demand profile
- Strategy Two – Implement programs to achieve sustained water savings by residential customers
- Strategy Three – Implement programs to achieve sustained water savings by non-residential customers
- Strategy Four – Undertake education and awareness programs to embed water conservation culture in the Rous community
- Strategy Five – Implement programs to reduce and monitor water losses

11.4 Rous Water Demand Management Strategy 2012-2016.

- Strategy Six – Reduce demand through adoption of sustainable alternative water supplies
- Strategy Seven – Improve monitoring, evaluation and reporting mechanisms and
- Strategy Eight - Invest in effective governance partnerships.

Sustainability Considerations

- **Environment**

The programs as proposed in the Rous Water Demand Management Plan will help to support the environment by reducing the demands on the rivers and other sources.

- **Social**

By managing demand for water Council lessen the impact that increases in fees and charges have on residents.

- **Economic**

Demand management will help to put off major water supply infrastructure upgrades thus reducing costs to Council and residents.

Legal / Resource / Financial Implications

By adopting the Rous Water Demand Management Plan Council would be committing to delivering the program and providing like resourcing for the Wardell area which is not part of the Rous Water Supply. There is sufficient funds in the 2013/14 budget for this commitment to be met.

Consultation

Ballina Council officers have consulted with other Councils involved in the Rous County Council and with Rous Water in developing the Rous Water Demand Management Plan. Rous Water provides an update on demand management quarterly to the Rous Water Supply Agreement Liaison Committee.

Options

Council has the option to adopt the Rous Water Demand Management Plan and to maintain the provision of similar measure for the area supplied and managed by Ballina. By doing this Council will negate the need to prepare a separate demand management plan for Ballina. This is the preferred option.

Council may elect to not adopt the Rous Plan, but as a result would need to develop and adopt a demand management plan in order to be compliant with the Best Practice Guidelines.

11.4 Rous Water Demand Management Strategy 2012-2016.

Once the Future Water Strategy is finalised, Council may also wish to request that Rous Water update their demand management strategies to recognise program initiatives by Ballina Shire Council that will reduce demand including the use of recycled water and the adoption of pressure reduction zones to reduce water loss. Council could then seek to have Rous Water assist in the funding of these measures within the Shire.

RECOMMENDATION

That Council adopts the Rous Water 2012-2016 Demand Management Plan and agrees to maintain similar measures for the Ballina Shire Council managed water network.

Attachment(s)

1. Rous Water Demand Management Plan 2012-2016 (Under separate cover)

11.5 Regional Bulk Water Supply Strategy

11.5 Regional Bulk Water Supply Strategy

Delivery Program Water and Wastewater

Objective To inform Council of the draft NOROC Regional Bulk Water Supply Strategy.

Background

The Northern Rivers Regional Organisation of Councils (NOROC) has resolved to develop a long-term (50-year) regional water supply strategy in order to evaluate the potential benefits to future water supply security resulting from a regionally integrated system. The regional water supply strategy was envisaged to inform, but not drive, the process of water supply planning for each council.

Subsequently, planning processes such as Ballina's Urban Water Management Strategy and Rous Water's Future Water Strategy would consider the recommendations of the Draft NOROC Report as part of the water supply planning process (called the Integrated Water Cycle Management process by the Office of Water or IWCM).

On behalf of NOROC, the General Managers' Group requested Rous Water to manage the development of this strategy. A project steering committee was formed with each of the participating councils providing one or more attendees with the specific role of water strategy at their council.

This report seeks to present the *Draft Northern Rivers Regional Bulk Water Supply Strategy* to Council and provide advice regarding its findings. A copy of that report is provided as an attachment to this report.

Key Issues

- Regional Collaboration
- Water Supply Planning
- Economic Efficiency

Information

The report identified that "the key water supply security issues for the region are:

- Current sources are heavily dominated by surface water storages
- There is increasing uncertainty into the future with climate change, but the consensus is that the yield of surface water sources will decrease
- Population will continue to grow, particularly within Tweed and Ballina Shires
- Despite historical reduction in water use per connection, there will be a significant regional supply deficit by 2060 and

11.5 Regional Bulk Water Supply Strategy

- Although demand management and source substitution are likely to result in some benefits into the future, major augmentation of potable water supplies is required throughout the region in the coming decades. (Hydrosphere 2013)

This report has identified five potentially feasible water supply scenarios which warrant further consideration to enable development of a preferred option for the region. The potentially feasible water supply scenarios identified in the report are:

1. Regional desalination plant with interconnection of Tweed water supply scheme with the Rous Water scheme.
2. Construction of a 50,000ML dam near Dunoon and raising of Clarrie Hall Dam plus interconnection of Tweed water supply scheme with the Rous Water water supply scheme.
3. Construction of an 85,000ML dam near Dunoon plus interconnection of water supply scheme with the Rous Water water supply scheme.
4. Use of Toonumbar Dam by raising 20m and connection to the Rous Water water supply scheme plus interconnection of Tweed with the Rous Water water supply scheme.
5. Use of Toonumbar Dam by raising 10m and connection to the Rous Water water supply scheme as well as raising Clarrie Hall Dam plus interconnection of Tweed with the Rous Water water supply scheme.

The regional scenarios all involve the interconnection of the two largest water supply networks (Tweed and Rous Water) as well as interconnection of the smaller town water supplies to this larger network.

The Draft NOROC Report also notes that, parallel to planning for supply augmentation, Council should continue initiatives to reduce water loss and improve demand management initiatives. This includes Council's Pressure and Leakage Management Plan (water loss) and the Recycled Water Master Plan (demand management).

The Draft NOROC Report recommends regional investigations of;

- inter-connection options
- desalination and
- yield studies for Clarrie Hall Dam and raising Toonumbar Dam.

And that Council's undertake;

- Groundwater investigations
- yield studies of existing supplies
- improve monitoring of supply and demand
- improve water loss management and demand management.

Ballina Shire Council has progressed significantly the development of the third and fourth dot points, through:

11.5 Regional Bulk Water Supply Strategy

- Development of a Water Quality Database, which is due for completion in the near future, this will allow centralized storage and reporting of all Council data
- Endorsement by Council of the Pressure and Leakage Management Plan, which will include increase monitoring as well as reduced water loss, and
- The Recycled Water Master Plan

It is expected that Ballina would consider groundwater investigations and yield studies as part of the on-going review of our water supply planning practices (Ballina's Urban Water Management Strategy).

Furthermore, Rous Water is finalising a project to prepare a Future Water Strategy for the Rous Water Supply. It is expected that Rous Water will be consulting with Council about this project over the next few months. The processes to develop the Rous Water Future Water Supply Strategy and the Northern Rivers Regional Bulk Water Supply Strategy have been informed by each other.

Sustainability Considerations

- **Environment**
Efficient use of environmental assets
- **Social**
Social impacts related to dam construction and extension for some options
- **Economic**
Ability to stage, share and defer capital

Legal / Resource / Financial Implications

This report was funded through NOROC and there is potential to continue funding of the recommendations of the report through NOROC. Subsequently, this process may increase the efficiency of the water supply planning process for Ballina as Ballina will have the information contained in the Draft NOROC Reports (and any subsequent reports) to inform its Urban Water Management Strategy.

The Draft NOROC Report does not place any legal obligation on Council to consider any of the options or recommendations in its planning or operations. However Council should consider them as part of best practice water supply planning and deliberately disregarding the body of this report may compromise future planning practices which required state approval or referral (such as the Urban Water Management Strategy).

Consultation

The Draft NOROC Report was developed by Rous Water, in consultation with strategic water planning staff from each of the constituent Councils. NSW Office of Water also attended the project steering committee meetings and have provided input to this process.

11.5 Regional Bulk Water Supply Strategy

The Draft NOROC Report will be considered by NOROC prior to any further action is taken.

Options

The formation of this report has provided an opportunity for councils to work collectively to progress water supply planning for the region.

There are advantages to Ballina and to the region for continued collaboration, which includes; streamlining water supply planning through the IWCM process as well as the potential for an improved social, environmental and economic outcome for the region when water supply augmentation is required.

It is not necessary for Council to adopt the report. Unless the Council has any major objections to the findings or recommendations, it is proposed that Council note the report with the intention of continuing to participate in the regional collaboration efforts that attempt to further investigate and develop the potential initiatives that have been identified.

RECOMMENDATIONS

1. That Council notes the contents of this report on the Draft Northern Rivers Regional Bulk Water Supply Strategy, April 2013 report, as attached.
2. That Council continue to work in collaboration with NOROC in regards to the further investigation and review of the options identified for potential implementation in the Regional Bulk Water Supply Strategy.

Attachment(s)

1. Hydrosphere - NOROC - Northern Rivers Regional Bulk Water Supply Strategy Rev 1 (Under separate cover)

11.6 Recycled Water - Pricing Structure

11.6 Recycled Water - Pricing Structure

Delivery Program Water and Wastewater

Objective To discuss a preferred pricing structure for the recycled water service.

Background

The following report was presented to Council at the last meeting. The Council determined to defer a decision to enable a workshop to be held. The workshop was convened on 16 July 2013 and the previous report has been amended to include a discussion of the information presented to the workshop. The new comments are identified in italics.

Council adopted its Urban Water Management Strategy (UWMS) in 2004. The policy was reviewed in 2012 and the outcomes of this review reported to Council. From this report an update to the UWMS has been prepared and will be reported to Council for adoption shortly.

In developing the UMWS, there was a very strong view in the community that wastewater was to be considered as a resource and be reused rather than discharged to the marine environment. In response to this the UWMS proposed a number of targets in respect of the reuse of wastewater and one of the major strategies that is being implemented to assist in achieving the targets is the Council's ambitious urban dual reticulation scheme.

In accordance with the Ballina Lennox Head Recycled Water Master Plan, as adopted by Council in September 2007, the urban dual reticulation (UDR) will be installed in all new major subdivisions in the Ballina and Lennox Head areas. This will mean the provision of recycled water to an estimated 7,242 new lots by 2026. This water will be used for garden watering, toilet flushing and the cold water tap to washing machines.

There are already approximately 600 properties plumbed with dual reticulation infrastructure and services. These properties are currently being supplied with drinking water to their recycled water service.

The upgrades to the Lennox Head and Ballina Waste Water Treatment Plants (WWTP) and the construction of the distribution infrastructure are scheduled for completion by the end of 2013. Once this work is complete and following a period of verification and testing, Council will be able to commence distributing the high quality, fit for purpose recycled water for use in residential lots fitted with dual reticulation.

Now that we are getting close to the introduction of the service, it is an appropriate time for Council to consider its fees for this service. The consideration of this issue is the purpose of this report.

Key Issues

- Price for recycled water
- Comparison to potable water

11.6 Recycled Water - Pricing Structure

Information

A number of councils and water utilities in Queensland, NSW and Victoria have introduced the supply of recycled water for use for domestic and industrial purposes.

Queensland and Victoria have introduced a rating system based on the level of treatment and quality of the recycled water in order to assist users in determining the quality of the water. This rating system outlines the purposes for which the recycled water can be used for. These grades typically align with the level of treatment the water has had, with the highest level treatment being classified as A (Vic) and A+ (QLD).

Council currently provides recycled water of varying quality for a number of purposes including the watering of sporting fields, use in nurseries and for use at the race track and golf course; with the water treatment typically aligning with the Class B type of water in both Victoria and QLD, that is, tertiary treated water as per the Australian Government National Water Commission Guideline.

The treatment plant upgrades will ensure that the discharge water from the Ballina and Lennox Head WWTPs will align with the Class A level in that the water will be treated using membranes, UV and have chlorine residual. This will ensure the water is fit for dual reticulation.

UDR is classified as direct potable replacement effectively offsetting up to 40% of a typical household's demand for drinking water. This will significantly reduce the demand on the water supply from growth making development more sustainable, thus helping to put off the need for upgrades to regional water supply infrastructure.

There is a cost in providing recycled water in this way. Along with capital and operating costs, Council needs to ensure education and regulation of the supply is provided for. This will entail additional staff and resources, and the recycled water will be supplied in lieu of drinking water that would have generated income.

Cost of production

Recycled water typically costs more than raw water from a river source to process for use as a secondary water supply for household. However in making this comparison, only those costs for production above the level that would have been required to allow that water to be discharged to the environment should be considered.

It is also important to recognise the benefits to the water supply from the displaced demand which reduces or defers the need for water supply capital works.

The water that is being processed for reuse at the Ballina and Lennox Head WWTPs has required the addition of chlorination and additional infrastructure to pump the water to allow supply, and the Ballina supply is likely to need to be further treated using Reverse Osmosis to reduce salinity.

11.6 Recycled Water - Pricing Structure

New properties have had additional costs to plumb them to accept the recycled water and there will be a need to monitor and inspect properties to minimise the chance of cross connection and contamination of the drinking water supply.

During the early stages of any new scheme the cost will also be higher given the limited uptake.

Ballina's supply will initially only cater for about 10% of the proposed capacity of the system, with the unit cost of supply decreasing with development and increased usage of the scheme.

Pricing Principles

The National Water Commission paper, *Pricing Principles for Recycled Water and Stormwater Reuse* proposed 'that recycled water prices must be set in a way that is consistent with the efficient, sustainable pricing of the products and services for which the recycled water is a substitute'.

This means that Council needs to consider the cost of the water that is being replaced when making the pricing decision.

The price also needs to be compatible with the achievement of the overall objectives and goals of Council in relation to the need to provide an incentive to use this resource and to preserve drinking water.

At other water utilities the price has been set to encourage its use. As opposed to potable water, where it is more sustainable to reduce demand, with recycled water, its use is encouraged to avoid discharge to the marine environment.

Pricing also recognises that recycled water may be viewed as a lesser quality product, albeit one that is suitable for the proposed purpose for which it is to be used.

The ability to provide and use recycled water during drought and whilst supply restrictions are in place is also a considerable benefit which may be used to offset any perceived quality issues.

A further matter to consider is that while the recycled water is only distributed to new subdivision areas, the scheme is a benefit to all residents in terms of managing our wastewater (avoided discharge) and water supply (deferred or avoided capital works).

Typically this Council has not sought to apply fees and charges with a geographic difference even though the costs to supply, collect, and treat may be different in each locality.

Pricing in other organisations

The table below lists other organisations that produce and/or sell recycled water and the relativity of the price charged for recycled water to their drinking water.

11.6 Recycled Water - Pricing Structure

Organisation	Base rate drinking water Per KI	Recycled water charge Per KI	Recycled water as a % of base drinking water rate
Gold Coast City Council	3.2692	1.6791	51.36%
South East Water Melbourne	1.7511 (1 st 440 l per day, 2.1266 440l – 880l per day, 3.4401 above 880l per day)	1.6635	95%
Sydney Water	2.13	1.70*	79.8%
Ballina Shire Council	1.77	N/A	N/A
Pitt Town Water	2.25	2.03	90%

As shown by the table the price charged for recycled water ranges between 51% and 95% of the rate charged for potable (drinking) water with most charges being around the 90% rate, albeit this is a small sample.

It is understood the Gold Coast Council opted for the lower charge as issues in the implementation phase meant there was a need to build some trust within the community regarding the value of the scheme.

At the workshop information was provided to Council that around 43% of the household consumption can be expected to be drawn from the recycled scheme. If a typical residential water bill is taken to be around \$314, it is expected in the first year of the scheme the foregone revenue to Council would around \$9,500 for a charge of 90% of the potable water charge and \$47,200 for the 50%. By 2035 it is estimated (in today's dollars) the revenue foregone would be \$98,500 for the 90% option and \$343,830 for the 50%.

It was also noted that it costs more to produce the recycled water, however it is important to recognise that these costs also provide benefits towards the Council meeting its wastewater objectives.

The Council does not differentiate geographically in respect of its other water and wastewater services even though the services are provided in different catchments with different costs and there is an argument that the pricing of recycled water should be consistent with this philosophy.

Based on this, and the relative small impacts in terms of foregone revenue, it is suggested the issues for Council to consider is the perceived value and acceptance of the service rather than its cost.

Councillors were interested in ensuring the water in the scheme was used to its maximum potential to ensure the Council meets its objective to reduce to the extent possible marine and estuary discharges from its wastewater treatment facilities.

Two important aspects to consider are price and planning controls.

In regards to price, the price elasticity of demand is difficult to assess, although the following point was noted at the workshop. Even with the 50% subsidy, the saving to the customer is around \$54 with the typical residential charge expected to \$300 at 90% and \$246 at 50%. At a dollar a week it is unlikely that pricing will have a significant impact on use of the scheme for most customers.

11.6 Recycled Water - Pricing Structure

The scheme has been supported by planning controls that only allow houses to be plumbed with one external potable tap. Therefore the choices available to residents in respect of which supply they use for garden and other purposes are limited. Furthermore, Council has an education program to ensure residents understand the objectives of the scheme and the safety and quality of the recycled water.

Sustainability Considerations

- **Environment**

The principles in the UMWS were to develop the most appropriate approach in terms of environmental sustainability for water, wastewater and stormwater services. The UDR scheme avoids discharges to the marine environment and it reduces demands on the potable water supply.

- **Social**

The provision of recycled water to new developments will ensure the availability of services in a sustainable and affordable manner. Recycled water will be available in periods of drought and this will assist residents connected to the scheme maintain their outside areas.

- **Economic**

The adoption of a charge for recycled water will ensure it is valued appropriately to recognise the resource value of the product.

Legal / Resource / Financial Implications

The Council will need to meet the statutory requirements in terms of the establishment of a fee and charge.

Depending on the water rate selected, it is possible that the revenue to Council can change compared to the current situation where Council is receiving revenue based on the water supply rate.

Consultation

Staff consulted with a number of other Local Water Utilities that were providing recycled water in NSW, QLD and Victoria. The National Pricing Principles for recycled water and stormwater reuse (October 2010) were also used in the formulation of this report.

Options

Council can either:

1. Choose to model and charge the full cost of producing recycled water however this would likely lead to a cost significantly higher than the cost of potable water.
2. Establish a price to residential and commercial customers for recycled water based on a percentage of the cost of potable water. This will help to encourage the use of recycled water thus preserving potable (drinking) water.

11.6 Recycled Water - Pricing Structure

The workshop did not settle on a final consensus although there appeared to be a majority of support for in the range between 75 and 90 percent of the drinking water price.

This scheme is considered to have a range of environmental and water supply benefits that are to the advantage of the whole community, not just the recipients of the service. Furthermore, it is important to encourage the use of the scheme. For these reasons, option two is preferred.

If Council is inclined to support this view, then the question becomes is the rate as a proportion of the water rate. As per the earlier table above, the price charged has varied at the other organisations that have implemented recycled water for use in dual reticulated systems, with the charge typically established at between 80 – 95% of the charge for potable water and only the Gold Coast electing to go at a substantially lower level (50%).

The lower the figure, for example 80%, says the following;

- the Council is encouraging the use of the water, however it is noted that it is unlikely the price elasticity of demand is sensitive to this degree
- the water does not have all the uses of the potable supply
- drought supply is not a significant or material benefit

However, in the alternative, a figure closer to 100% has

- The advantage of additional revenue
- Retains the equity approach with the broader community with the cost of all water and wastewater services being shared.

This is a subjective decision and one for the Council to determine. For the purposes of making a recommendation, it is considered appropriate to recognise a discount as the water is not available for all uses however for the proposed use of the water this is not a significant disadvantage. Therefore achieving equity in pricing and service across the Shire is preferred. *As noted above the workshop attendees held different opinions in the range of 75 -90%.*

The recommendation only seeks an in principle decision at this point in time. The reason for this is the implementation is still at least six months away and a community information program will be delivered to ensure householders understand all the elements of participating in the scheme. Through this program staff will be able to assess any feedback in relation to the proposed pricing and this can be reported to Council.

The actual setting of the charge will require formal advertising at the appropriate time. Having an in principle decision will allow staff to indicate to the community a direction of Council which they can then comment on. Although it is noted, when asking about price, a typical response will be to support the least expensive charge.

There is also an option for Council to levy a charge against open space customers (i.e. racecourse, golf course, Council sports fields) however this may discourage use and the uptake of this is a key element of the UWMS objectives relating to diversion. The maintenance of our open spaces is also important in respect of preserving the amenity of the local area.

11.6 Recycled Water - Pricing Structure

It is generally considered that, at this point in time where we are in the process of rolling out the service to residential customers, that we should be not suddenly charging for this service to the open space customers, especially where that service has been provided for many years at no cost. This will only result in significant negative feedback to Council which in turn could impact on the effectiveness of our roll out to residential customers. Rather than charging now, the preference is to bed down the roll out to residential customers and once that system is operating effectively revisit the issue of charging our open space customers.

The staff recommendation to the original report was 90%. Based on the feedback from the workshop there appeared to be a consensus for 80% and on that basis a revised recommendation has been listed for consideration by Councillors.

RECOMMENDATIONS

1. That Council confirms, for the purposes of the community education program and current financial modelling that the pricing of the recycled water for the urban dual reticulation system is to be based on 80% of the potable water price.
2. The principles Council has endorsed in confirming this preferred pricing structure include:
 - a) A recognition that as this is a new service to the public and there may be a perception that it is a lower quality product than potable water
 - b) To assist in overcoming this perception Council is prepared to provide a lower pricing structure to encourage use of the recycled water and to highlight the benefits of the service
 - c) Council accepts that as the service relates to areas such as toilets, washing machines and outside areas that demand may not be price elastic, but at the same time a lower price is a recognition by Council that the service is new and needs to be integrated into the community over time
 - d) Council acknowledges that due to the actual high quality of this product that over time the price should move closer to parity with the potable water supply.
3. That confirms that it will continue to provide recycled water to open space customers at no charge, subject to this being reviewed following the rollout of the recycled water program.
4. That Council receive a further report providing details of the community feedback in relation to point one, to enable Council to then make a final decision prior to formally exhibiting the proposed charge for recycled water.

Attachment(s)

Nil

11.7 Coastal Zone Management Plan for the Ballina Shire Coastline

11.7 Coastal Zone Management Plan for the Ballina Shire Coastline

Delivery Program Engineering Works

Objective Report on the public exhibition process of the Draft Coastal Zone Management Plan.

Background

A draft Coastal Zone Management Plan (CZMP) was presented to Council's Ordinary Meeting on 28 February 2013 for the purpose of seeking approval for public exhibition.

Council's resolution (280213/22) comprised:

- 1. That Council approves the exhibition of the draft Coastal Zone Management Plan for public comment.*
- 2. That Council hold a Councillor workshop on the draft Coastal Zone Management Plan prior to it being placed on public exhibition.*
- 3. That a public information session be held during the exhibition period.*

In summary the above resolution was actioned as follows:

1. The public exhibition of the draft CZMP occurred between 6 April 2013 and 20 May 2013. A six week period.
2. A Councillor workshop was held on the afternoon of 21 March 2013. Council's consulting team, Geolink Pty Ltd and BMT WBM Pty Ltd, was represented by Mr C Hewitt.
3. A public "drop in" information session was held on the morning of Saturday 4 May at Lennox Head village.

The remainder of this report will deal with the feedback during and after the public exhibition period.

Key Issues

- Draft Coastal Zone Management Plan and completion of public exhibition
- NSW Government Coastal Reform process and Office of Environment and Heritage (OEH) feedback

Information

The exhibition process for the draft CZMP included a number of communication strategies:

- Formal advertising (twice) during the six week exhibition process.
- Hardcopy availability of CZMP at Council's five community Access Points plus website access.

11.7 Coastal Zone Management Plan for the Ballina Shire Coastline

- Special mailbox address for direct email reply.
- Meeting attendance at Lennox Head Chamber of Commerce and Lennox Head Residents Association.
- “Letter-box drop” of CZMP information sheet to Lennox Head residents affected by CZMP hazard lines (north of Byron Street and west of Pacific Parade).
- Direct mail-out to Community Reference Group (CRG) members previously engaged with the project.
- Open day public information (drop-in) session at Lennox Head village (Saturday morning session).

Submissions received during the formal exhibition process comprised:

- Three responses from individuals.
- Four responses from community groups (being Lennox Head Landcare, Lennox Head Residents Association, Ballina Environment Society and Northern Beaches Users Club)

Table One below provides a summary of the above submissions. A copy of the submissions is also provided as Attachment Two.

Table One – Summary of Submissions

Organisation / Person	Comments
Lennox Head Landcare	Supports CZMP but questions ability to fund Supports Boulder Beach stabilization Should investigate existing southern dunes
Lennox Head Residents	Supports CZMP but questions ability to fund Supports Boulder Beach stabilization Should investigate existing southern dunes and seawall and Sport & Rec seawall
Ballina Environment Society	Supports protection and suggests lack of integration with other planning documents Feasibility of beach nourishment questioned Should investigate stormwater discharges and alternatives Does not support dune removal to build seawalls Questions reporting that pocket beaches are not regressing Consider impacts of paths and proposed paths
Northern Beaches Users Club	Objects to need to manage 4WD access to Angels / Sharpes beaches Queried not being included in original CRG
B Fitzhenry	Questions funding of sand nourishment by government and supports incremental approach
J & C Leete	Supports protection option and sand nourishment and beach amenity
J Stewart	Supports seawall and incremental approaches

Council’s consulting team has also provided a brief summary report regarding the consultation phase of the CZMP. In particular feedback from the

11.7 Coastal Zone Management Plan for the Ballina Shire Coastline

community group meetings and the information session is provided. A copy of this report is provided as Attachment One.

Overall, a review of the attached submissions finds there is general support for the coastal protection approach, however, there is concern regarding government funding and implementation from all levels of government.

There are also questions raised about some detail elements of the plan. The plan includes actions around further investigations and development of details into the future. Therefore it is considered that the questions raised in the submissions can be retained and be incorporated into the future investigation actions.

Office of Environment and Heritage

Council's CZMP process has been supported by the Office of Environment and Heritage (OEH), with grant funding provided for the study and plan.

Regional OEH staff have been actively involved with the preparation of the CZMP, and more recently with State Government legislation changes since 2009.

The Council report of February 2013 provided a brief summary of the history of the project, and this is included as Attachment Three.

OEH had indicated they would be responding to the final exhibition version of the CZMP, however, resourcing issues and further coastal reform processes has delayed a response.

Verbal advice from OEH is their response is likely to consider contemporary direction dealing with the coastal management reforms currently being considered by State Government. For example, OEH has referred to the current requirement for CZMP's to evaluate and implement recurrent beach nourishment as a difficult task when considering the State's coastline as a whole. It is likely that a "de-coupling" of beach nourishment as a prerequisite to other elements of the CZMP may be an outcome in line with the current State Government review.

In view of the above informal advice, it is suggested a Councillor briefing be held with OEH staff to better understand the State Government direction. It is suggested this is the preferred approach at this stage rather than immediately adopting the CZMP.

Crown Lands

As part of the CZMP exhibition process NSW Crown Lands were advised of the exhibition being a member of the previously established CRG. A response from NSW Lands has just been received, some six weeks after close of the exhibition period. This response is included as Attachment Four. In part the NSW Lands' response also refers to clarification of State Government policy regarding beach nourishment. It is suggested NSW Lands be invited to attend the Councillor briefing session.

Sustainability Considerations

- **Environment**
The draft CZMP is prepared in accordance with the principles set out in the Coastal Protection Act 1979 which includes environmental values.
- **Social**
The draft CZMP is prepared in accordance with the principles set out in the Coastal Protection Act 1979 which includes social values.
- **Economic**
The draft CZMP is prepared in accordance with the principles set out in the Coastal Protection Act 1979 which includes economic values.

Legal / Resource / Financial Implications

The preparation of the current CZMP is a requirement of Council. It has previously been reported the completion of the draft CZMP for the Lennox Head precinct is a Ministerial requirement by December 2013.

Resource and financial implications are significant considerations into the future, and will need to be included within further studies, planning and design development.

The completion of the plan should allow ongoing funding support from the OEH for further studies, planning and design development.

Consultation

The purpose of this report is to advise of the public exhibition process. As indicated in the body of this report, the OEH has advised of ongoing coastal reform within State Government. It is suggested a Councillor briefing be conducted with OEH (and Crown Lands)

Options

Council may wish to support the recommendations of this report and undertake a Councillor briefing with OEH and NSW Lands.

Alternatively, Council may wish to adopt the CZMP (the extent of public feedback would not preclude this) and submit the CZMP to the Minister as required. This would likely initiate a more formal reply or instruction from the State Government.

The option to receive a briefing is preferred as the second option will remain available to Council following the briefing if an unsatisfactory way forward is not established from the engagement with the agencies.

RECOMMENDATIONS

1. That Council notes the contents of this report regarding the response to the public exhibition process for the draft Coastal Zone Management Plan.
2. That Council hold a Councillor briefing with the State Government (OEH and NSW Lands) to receive an update on coastal reform processes and ascertain how this may impact the draft Coastal Zone Management Plan.

Attachment(s)

1. Feedback from community group meetings
2. Submissions
3. Copy of Council Report from February 2013
4. Response from NSW Crown Lands

11.8 Tender - Remedial Mechanical Works - 89 Tamar Street Ballina

11.8 Tender - Remedial Mechanical Works - 89 Tamar Street Ballina

Delivery Program Commercial Services

Objective To obtain Council approval to award the contract for remedial mechanical works to the building at 89 Tamar Street, Ballina

Background

Tenders were advertised in May 2013 for remedial mechanical works to the air conditioning systems to the building at 89 Tamar Street Ballina.

At the close of the tender period on 12 June 2013, three submissions were received. One tender was received after the stated closing time and was not considered as part of the evaluation.

This report provides the outcomes from the tender evaluation process.

Key Issues

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

Information

Tender submissions were received from:

- Atlas Air Conditioning - \$344,300.00 (incl GST)
- Frigid Air Pty Limited - \$314,270.00 (incl GST)
- Hinterland Air Conditioning Pty Ltd - \$289,289.00 (incl GST)
- Northern Air - \$333,876.00 (incl GST)

Northern Air submitted their tender after the stated closing time and failed to submit the technical requirements of the tender and therefore this tender was considered non-conforming and not considered further in the evaluation process.

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

- Total Price 60%
- Capability & Experience 20%
- Quality, Safety & Works Program 20%

The tender evaluation panel, consisting of one Council staff and two consultants then assessed each of the tenders against the above criteria and a summary of the rankings follows.

11.8 Tender - Remedial Mechanical Works - 89 Tamar Street Ballina

Evaluation Criteria	Atlas Air Conditioning	Frigid Air Pty Limited	Hinterland Air Conditioning
Total Price	48.6%	54.8%	60.0%
Capability & Experience	16.0%	19.0%	20.0%
Quality, Safety & Works Program	16.0%	19.0%	20.0%
Total	80.6%	92.8%	100.0%

The estimate budget for the remedial works was \$300,000. Details relating to the funding and justification of works have been previously received by Council in a report to the Commercial Services Committee meeting held 24 June 2013 and adopted by Council at the June Ordinary meeting.

Hinterland Air Conditioning has scored the highest in the tender evaluation and has submitted the lowest priced conforming tender.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
The tendered rate is consistent with the budget for the project.

Legal / Resource / Financial Implications

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

The tendered price is within the allocated budget for this project being \$330,000. This includes a contribution of \$150,000 from the tenant, along with increased rental income.

Consultation

A public tender process has been undertaken and Council has consulted with the department of Community Services.

Options

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

1. Council may determine not to accept any of the tenders received and invite fresh tenders.

11.8 Tender - Remedial Mechanical Works - 89 Tamar Street Ballina

2. Council may award the contract to Hinterland Air Conditioning to undertake the remedial mechanical works to the air conditioning systems to the building at 89 Tamar Street Ballina.

Option one is not recommended as Council has undertaken the tender process in accordance with the Local Government (General) Regulations 2005.

Option two is recommended as the preferred option as the tender assessment indicates that a reliable market has been established and the assessment by the evaluation panel has determined the preferred tenderer.

RECOMMENDATIONS

1. That Council accepts the tender for the remedial mechanical works to the air conditioning systems to the building at 89 Tamar Street Ballina from Ernest Peake Pty Ltd T/A Hinterland Air Conditioning for the amount of \$289,289 (inc GST).
2. That Council authorises the Council seal to be attached to the contract documents

Attachment(s)

Nil

11.9 Tender - Supply and Delivery of Pre-Mixed Concrete 2013/2015

11.9 Tender - Supply and Delivery of Pre-Mixed Concrete 2013/2015

Delivery Program Engineering Works

Objective To provide Council with the results of a tender for the Supply and Delivery of Pre-Mixed Concrete for a Two year period to 30 June 2015.

Background

The following report was presented to Council at the last meeting. The report was deferred to enable staff to review a submission received the day prior to the meeting. The submission related to ongoing discussions about a tender that was received after the close of the tender period. The late tenderer was expressing concerns about the notification arrangements for this tender.

Therefore the following report contains the same content as per the previous report, with the exception that further information is presented in regards to the issue of the late tender.

Tenders were advertised for Supply and Delivery of Pre-Mixed Concrete, closing on the 29 May 2013. The tender is initially for a two year period until 30 June 2015, but the tender documentation enables scope for extending the contract a further one year period up until 30 June 2016, subject to approval from the General Manager or delegate.

The following tenders were received:

- Hanson Construction Materials
- Holcim (Australia) P/L
- Boral Country Concrete & Quarries

Key Issues

- Access the tenders in accordance with the Local Government (General) Regulations 2005.

Information

Council recently called tenders for the Supply and Delivery of Pre-Mixed Concrete. This report provides details of the tender results. A précis of the tender results, including ex plant prices, is included as Attachment One and full details are available to Councillors on request, from the Group Manager Civil Services.

All the tenderers have supplied Pre-Mixed Concrete to Council over recent years and have proven to be reliable and competent.

11.9 Tender - Supply and Delivery of Pre-Mixed Concrete 2013/2015

A comparison of tender rates requires consideration of the product cost (ex plant) and haulage costs. General guidance on rate comparisons is provided in Attachment Two, which summarises the preferred supplier for the most common products used by Council, being 20 MPa Ready Mixed Concrete and Kerb Mix.

The assessment sheet was developed based on a lowest price comparison that included both product cost ex plant and haulage cost to different locations within the Shire.

In accordance with current practice, it is intended that rates will be checked at the time of construction works at a particular site to ensure that Council utilises the supplier who is available to meet program requirements and achieves the lowest overall supply and deliver cost to Council.

Late Tender

Nucon Pty Ltd, a current supplier to Council did not submit a tender however they contacted Council approximately 28 hours after the closing time, stating that they did not become aware of the tender until after the closing date and requested that they be able to submit a tender. Nucon were advised that as this was a public tender, with advertisements placed in three newspapers, as well as being uploaded to the Council electronic tendering web site and that given the time that had elapsed since the tender closed that Council would not be in a position to accept a late tender.

On 3 June 2013 a letter was received from the Chief Executive Officer of Nucon Pty Ltd further requesting that the company be allowed to submit a late tender, a copy is attached for reference. Nucon Pty Ltd included a late tender detailing their pricing with this letter. Following receipt of this submission, staff advised Nucon that the tender could not be accepted, Nucon have requested that this matter be referred to Council.

Relevantly, the Local Government (General) Regulation 2005 says the following at section 177.

177 Consideration of tenders

(1) As soon as practicable after the tenders for a proposed contract have been opened, the council must assess the tenders.

(2) A council must not consider a tender that is not submitted to the council by the deadline for the closing of tenders. This subclause is subject to subclauses (4) and (5).

(3) A council must consider a tender transmitted to it by facsimile machine or electronic means, but only if:

(a) in the case of transmission by electronic means, that means of transmission was specified in the relevant tender documents, and

(b) the transmission was received before the deadline for the closing of tenders, and

(c) the tender is complete.

11.9 Tender - Supply and Delivery of Pre-Mixed Concrete 2013/2015

(4) However, if a council has specified in the relevant tender documents issued by the council that a tender will not be considered unless formal tender documents are submitted to the council, then (despite subclause (3)), the council is not obliged to consider a tender transmitted to it in accordance with that subclause (being a tender that does not include formal tender documents) unless:

(a) the tenderer is able to satisfy the council that formal tender documents and all other requisite essential information were posted or lodged at a Post Office or other recognised delivery agency before the deadline for the closing of tenders, and

(b) the council actually receives those documents within such period as it decides to be reasonable in the circumstances.

(5) A council must also consider a tender received within such period after the deadline for the closing of tenders as it decides to be reasonable in the circumstances if the tenderer satisfies the council that the tender documents and all other requisite essential information were posted or lodged at a Post Office or other recognised delivery agency in sufficient time to enable the documents to have been received by the council in the ordinary course of business before that deadline.

As noted above further correspondence from Nucon Pty Ltd has been received immediately prior to the last Council meeting and subsequent to that meeting. Copies of these letters are attached.

In the correspondence Nucon Pty Ltd make the point that they were reliant on the Council's electronic tendering system which has a notification process for registered users. A review of the electronic tendering system has identified that Nucon had not correctly set up their account with the electronic system, which resulted in them not receiving notification. It is the opinion of staff that the legislative requirements for notification through public advertisement had been met and the failure to receive the electronic notification was not the fault of Council.

To assist to review this issue, staff have made inquiries to the specialist officers at NSW Local Government Procurement. In summary, this advice says that in the opinion of NSW Local Government Procurement, based on the information provided by Council, the tender should be rejected because:

- the tenderer appears not to have completed the e-tendering alert process correctly
- the submitted late tender was very late
- the other tenderers submitted their tenderers correctly and with no problems or issues
- the tenderer had multiple ways to access the tender, (1 x Sydney newspaper, plus 2 x local newspapers plus the council e-tendering website)
- there appears to have been no technical issues surrounding the tender close
- the prices of the other tenderers have been made public
- and in the end, tenderers need to be "self- informed".

11.9 Tender - Supply and Delivery of Pre-Mixed Concrete 2013/2015

Having regard to the above, staff have not evaluated the Nucon submission and the pricing provided by Nucon Pty Ltd have not been included in Attachment Two.

Council has had previous similar experience with this contract with another company. On that occasion the company was not accepted as a tender however they have made a new submission at this renewal.

If the Council was inclined to support the representation from Nucon, then the Council would need to decline all tenders, publically state a reason and call for fresh tenders. The test to be met to exercise that option requires the Council to be of the opinion that the market or pricing is unsatisfactory and a more appropriate result would be achieved from re-advertising.

The difficulty with this approach is the Council has received three tenders, with a relatively small spread in pricing suggesting Council has achieved a satisfactory market response. Furthermore, the price under this contract for 20MPa Concrete and Kerb Mix has not increased significantly since the 2010/2013 tenders.

While best value and pricing are issues to consider, it is also essential that Council's management of tendering ensures confidence in the market place that consistent, predictable and fair processes and outcomes will be delivered. Making exceptions to the process for individual businesses when Council is not at fault can reduce confidence in the Council and its reputation.

The tender allows for Council to seek pricing outside of the tender on occasions. Typically this is done when the quantity required means there is likely better value for money for Council to seek a job specific quotation. Nucon can be invited to price in those circumstances.

Sustainability Considerations

- **Environment**
All plants are required to operate in accordance with an environmental management plan.
- **Social**
This tender will assist in the maintenance and construction of the road network and associated infrastructure and thereby support the community's transport needs.
- **Economic**
This tender will provide competitive prices for materials used in the maintenance and construction of the road network and associated infrastructure, an essential asset for economic development.

Legal / Resource / Financial Implications

This report aims to assist Council to meet its statutory and other legal obligations. Purchases made utilising this tender will be costed against applicable project and program budgets.

11.9 Tender - Supply and Delivery of Pre-Mixed Concrete 2013/2015

The tender from Boral Country Concrete & Quarries includes several departures from Council's tender documents. Boral included similar departures in another recent tender and these were referred to Council's solicitor for advice. Based on that advice, Council did not accept the amendments. The recommendations to this report deal specifically with this issue.

The price under this contract for 20MPa Concrete and Kerb Mix has not increased significantly since the 2010/2013 tenders.

Consultation

A public tender process was conducted.

Options

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

1. Council may determine not to accept any of the tenders received and invite fresh tenders.
2. Council may accepted all suitable tenders and adopted a list of preferred contractors.
3. Council include the submission from Nucon Pty Ltd

Option One is not recommended as Council has undertaken the tender process in accordance with the Local Government (General) Regulations 2005.

Option Two is recommended as the preferred option as the tender assessment indicates that a reliable market has been established and the assessment by the evaluation panel has determined the preferred tenderers.

On previous occasions, Council has accepted all suitable tenders and adopted a list of preferred contractors. This allows Council the opportunity to use the contractor most advantageous to program requirements applying at the time.

Option Three would be to review the submission from Nucon Pty Ltd for the inclusion of Nucon Pty Ltd on the list of preferred contractors. This option is not recommended as the Local Government (General) Regulations 2005 does not allow for the consideration of late tenders.

RECOMMENDATIONS

1. That Council accepts the tenders of Hanson Construction Materials and Holcim (Australia) P/L as preferred contractors for the supply of pre-mixed concrete for the period from 1 July 2013 to 30 June 2015, with the preferred supplier for each order determined by an assessment undertaken by staff having regard to cost and program requirements applicable at the time of the order.
2. That Council also accept as per point one above the tender from Boral Country Concrete & Quarries, as a preferred contractor for the supply of pre-mixed concrete for the period from 1 July 2013 to 30 June 2015, subject to the tenderer's acceptance of the terms and conditions in Council's documentation.
3. In accordance with the terms of the Contract, the General Manager or delegate be authorised to extend the contract period to 30 June 2016, if that arrangement is to the best advantage of Council.
4. That Council authorises the Council seal to be attached to the contract documents.
5. That Council advises Nucon Pty. Ltd. that it was not prepared to accept their late tender, or to decline all tenders for the reasons outlined in this report.

Attachment(s)

1. Precis of Tendered Rates
2. General Comparison of Tendered Rates
3. Correspondence from Nucrush dated 5 June 2013
4. Response to Nucrush dated 12 June 2013
5. Correspondence from Nucrush dated 13 June 2013
6. Response to Nucrush dated 25 June 2013
7. Correspondence from Nucrush dated 26 June 2013
8. Response to Nucrush dated 9 July 2013
9. Correspondence from Nucrush dated 10 July 2013
10. Response to Nucrush date 12 July 2013

11.10 Bushland Reserves Signage Policy - Review

11.10 Bushland Reserves Signage Policy - Review

Delivery Program Open Spaces and Reserves

Objective To undertake a review of Council's Bushland Signage Policy.

Background

Council adopted the Bushland Reserve Signage Policy on 26 March 2009. The objective of the policy was to manage signage that was being installed in the Shire's bushland and foreshore reserves. The policy provided guidance to the community in regards to what signage is considered appropriate and how to seek consent for a proposal.

This policy is now due for review and a copy is attached for the information of Councillors.

Key Issues

- Benefits of policy
- Contents of policy

Information

Since the adoption of the Bushland Reserve Signage Policy in 2009 new planning controls, specifically Ballina LEP 2012, SEPP 64 – Advertising Signage and the Ballina Development Control Plan 2012, have established how the placement of signs on public land is managed. Essentially, consent must be provided by Ballina Shire Council for the placement of signage on public land and the planning controls provide guidance on when a development application is required.

To avoid confusion and further regulation, the recommendation to this report suggests to Council to extinguish the policy and rely on the planning controls to manage signage in public places.

Sustainability Considerations

- **Environment**
Preserve the amenity of bushland, foreshore and environmentally sensitive reserves by managing the placement of signage in these areas.
- **Social**
Not Applicable
- **Economic**
Not Applicable

11.10 Bushland Reserves Signage Policy - Review

Legal / Resource / Financial Implications

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

Consultation

There has been no consultation relating to this matter, however the earlier mentioned LEP and DCP were subject to significant community consultation.

Options

1. Update and renew the policy
2. Rescind the policy

For the reasons outlined rescinding the policy is recommended as it simplifies the information available to the public in respect to this issue.

RECOMMENDATION

That Council rescind the Bushland Reserve Signage Policy as it has now been superseded by the contents of Ballina LEP 2012, the introduction of SEPP 64 – Advertising Signage and the Ballina Development Control Plan 2012.

Attachment(s)

1. Policy - Bushland Reserves Signage

12. Public Question Time

12. Public Question Time

13.1 Notice of Motion - Vaccination Support for Northern Rivers

13. Notices of Motion

13.1 Notice of Motion - Vaccination Support for Northern Rivers

Councillor Cr Meehan

I move

That Council contact the NSW Health Minister, Ms Jillian Skinner and NSW Minister for the North Coast, Mr Don Page along with The Australian Minister for Health and Medical Research, the Hon. Tanya Plibersek to voice our objection to the winding back of Pertussis (whooping cough) vaccination opportunities for mothers and families, particularly in the Northern Rivers of NSW (11 July 2013). Previous vaccination regimes must be maintained in our region.

Councillor Comment

NSW Health are no longer subsidising the free whooping cough vaccine for new mothers via GP's. This is the press release issued by NSW Health on Friday: http://www.health.nsw.gov.au/news/2013/20130711_00.html Instead they are looking to target mothers pre-conception or in their third trimester. For our region this is devastating news.

We have had deaths from babies too young to be vaccinated, in our own Ballina Shire. I believe we need a special arrangement for the Northern Rivers area, because our levels of take up are so low, another death is inevitable if something is not done soon.

I am sure we are all aware from recent media coverage that the Northern Rivers has the lowest vaccination rates in the whole of Australia and indeed lower than some developing countries. Please see this link: <http://www.nhpa.gov.au/internet/nhpa/publishing.nsf/Content/Child-immunisation-rates-Postcode-level-data-NSW-2011-12>

On a national level, Senator di Natale has become aware of the need for misinformation and scaremongering to cease, as this stops people from vaccinating. Bob Brown at the weekend has also come out in support. Senator di Natale's webpage regarding this here: <http://richard-di-natale.greensmps.org.au/content/news-stories/science-and-public-health> And Bob Brown's support for vaccination here: <http://www.northernstar.com.au/news/former-greens-leader-changes-view-on-avn/1944562/>

No matter your political opinion, the facts are clear, young families in the Northern Rivers must be encouraged and given the choice and opportunity to keep their children and our community of children, safe from this serious disease which is all too common in our region.

13.1 Notice of Motion - Vaccination Support for Northern Rivers

COUNCILLOR RECOMMENDATION

That Council contact the NSW Health Minister, Ms Jillian Skinner and NSW Minister for the North Coast, Mr Don Page along with The Australian Minister for Health and Medical Research, the Hon. Tanya Plibersek to voice our objection to the winding back of Pertussis (whooping cough) vaccination opportunities for mothers and families, particularly in the Northern Rivers of NSW (11 July 2013). Previous vaccination regimes must be maintained in our region.

Attachment(s)

Nil

14. Advisory Committee Minutes

14. Advisory Committee Minutes

Nil Items

15.1 Mayoral Meetings

15. Reports from Councillors on Attendance on Council's behalf

15.1 Mayoral Meetings

Councillor David Wright

Activities since the June 2013 Ordinary meeting:

<u>Date</u>	<u>Function</u>
28/6/13	Waves and Waterways Art Exhibition Opening
29/6/13	East Ballina Lions Changeover
1/7/13	Tour West Ballina Wastewater Treatment Plant
1/7/13	Biochar Briefing
2/7/13	Alstonville/Wollongbar Chamber of Commerce
2/7/13	Public Art Advisory Committee
3/7/13	Councillor Briefing – Development Servicing Plans
3/7/13	Rotary Club of Alstonville Changeover
4/7/13	Meeting with Federal Minister for Health
5/7/13	Airing of the Quilts – Crawford House
5/7/13	Meeting Ballina Environment Society
5/7/13	Multi-task Function
6/7/13	Love Lennox
6/7/13	Skullcandy OZ Grom Open– Lennox Head
7/7/13	NAIDOC Week Gallery Launch
7/7/13	Skullcandy OZ Grom Open– Lennox Head
8/7/13	NAIDOC Week Walk – Flag Raising
8/7/13	Skullcandy OZ Grom Open– Lennox Head
8/7/13	Councillor Inspection of Ballina Treatment Plant
8/7/13	Councillor Workshop on Income Diversification
8/7/13	Donations Working Party
9/7/13	Skullcandy - Lennox Head - Presentation
9/7/13	'A' Ward
10/7/13	Dredging Taskforce – Port Ballina
10/7/13	Bullinah Gathering Luncheon
10/7/13	Briefing – Stewart Farm
11/7/13	North Coast Regional Planning Meeting – Lismore
11/7/13	Meeting – Wollongbar Rugby Club
11/7/13	'C' Ward
11/7/13	Rotary Club – Ballina on Richmond Changeover
15/7/13	'B' Ward
16/7/13	Councillor Briefing – Pricing Re-cycled Water
17/7/13	Meeting – Wollongbar Rugby Club
19/7/13	BACCI Gallery Opening
19/7/13	Frankenstein Performance – Lismore City Hall
22/7/13	Councillor Briefing – Pacific Pines
25/7/13	July Council Meeting

RECOMMENDATION

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

16. Questions Without Notice

16. Questions Without Notice

17. Confidential Session

17. Confidential Session

Nil Items