



## 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 28 November 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**

The National Anthem will be performed by Cabbage Tree Island School.

**2. Acknowledgement of Country**

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

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

**3. Apologies**

An apology has been received from Cr Sharon Cadwallader.

**4. Confirmation of Minutes**

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 October 2013 were distributed with the business paper.

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 October 2013.

**5. Declarations of Interest and Reportable Political Donations**

**6. Deputations**

**7. Mayoral Minutes**

Nil Items

## **8.1 DA 2011/506 - South Ballina Beach Caravan Park**

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### **8. Development and Environmental Health Group Reports**

#### **8.1 DA 2011/506 - South Ballina Beach Caravan Park**

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<b>Applicant</b>	Chris Lonergan – Town Planner
<b>Property</b>	Lot 1712 DP 597523 & Lot 1 DP 1186674, No. 440 South Ballina Beach Road, South Ballina
<b>Proposal</b>	To Undertake the expansion of the existing Caravan Park comprising the creation of an additional 123 short term camp sites, associated indoor recreation hall/amenities building, additional deck and office area adjoining the existing kiosk/reception building, on-site manager's cabin, associated facilities, infrastructure and rehabilitation works
<b>Effect of Planning Instrument</b>	The land is zoned 7(f) – Environmental Protection (Coastal Lands) as a “Deferred Matter” under the provisions of the Ballina LEP 2012
<b>Locality Plan</b>	The subject land is depicted on the locality plan attached

#### **Introduction**

Council is in receipt of DA 2011/506 seeking consent for the staged expansion, intensification and rectification of an existing caravan park known as “South Ballina Beach Holiday Village” (the park).

The existing license approval to operate for the park is valid until 16 December 2013 and currently relates to a total of 55 sites (comprising 36 long-term sites and 19 camp sites).

The current proposal seeks to triple the number of existing sites to a total of 178 sites, i.e. an additional 123 sites (immediately west of the existing sites).

Although on face value this is a significant increase, all additional 123 sites are short term accommodation with 65 of these being identified as caravan/recreational vehicles sites and 58 being camp sites for tents.

Consequently, there are no additional moveable dwellings (i.e. cabin buildings) and/or permanent occupation sites proposed in addition to those existing within the park.

The current proposal also seeks to construct a 200m<sup>2</sup> recreation hall (with associated sanitary facilities) along the northern boundary of the park bounded by additional camping sites. If approved, this will be the second recreation hall on the site, with the existing southern-most recreation hall approved via DA 2011/321. Council should note that an additional indoor recreational hall was approved via DA 1979/491 to be attached to the existing kiosk/reception building (although such has not been constructed to date).

## **8.1 DA 2011/506 - South Ballina Beach Caravan Park**

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The recreation hall is proposed to be utilised by guests and their visitors staying at the caravan park for general recreational activities whilst at the park. It is not intended that the recreational hall (or any other buildings/structures within the park) will be utilised by the general public not staying at the park and/or as a separate commercial activity.

Additionally, the proposal seeks to rectify unauthorised building works comprising the additional 80m<sup>2</sup> deck area surrounding the kiosk/reception building and additional attached office area.

The recognition of a detached manager's residence (similar to a cabin) is also proposed immediately east of the kiosk/reception building as the existing kiosk/reception building was originally approved for part use as a one bedroom manager's residence and has been converted to additional storage area and expanded kiosk area.

The park was originally approved via DA 1976/271 (45 sites, amenities building and administration/manager's residence) and has been operating since 1978/1979.

There have been various improvements to the park approved via subsequent applications.

The park is located in a sensitive area adjacent to the Richmond River Nature Reserve and Crown Lands (i.e. adjacent to the South Ballina Beach dune system and immediately south of the Richmond River estuarine system) and has no reticulated water or sewerage services available.

Although the proposed additional sites and works are within the existing western portion of the park which has primarily been cleared of vegetation, Council should note that the majority of the clearing works were undertaken by or on behalf of a previous park owner.

A site plan indicating the existing buildings and park sites, the proposed additional sites and proposed buildings is attached.

### **Reportable Political Donations**

Details of known reportable political donations are as follows:

Nil

### **Public Exhibition**

The application, as originally submitted (not as further revised), was placed on public exhibition in early 2012.

Nine submissions (including one confidential) either objecting to the proposal or providing comments were received (copies attached – other than the confidential submission).

The objections and/or comments were based on the following matters:

- Potential impact on the adjoining ecologically sensitive lands including the Richmond River Nature Reserve and its management.

## **8.1 DA 2011/506 - South Ballina Beach Caravan Park**

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- Potential for impact on threatened species and habitats from increased:
  - (a) guests (and their dogs) and the implementation of the NSW Fox Threat Abatement Plan
  - (b) vehicles, boats and jet skis
- Over development of the site (scale and density not consistent with local community and environment).
- Traffic, access and safety issues (both along South Ballina Beach Road and to South Ballina Beach).
- Aboriginal heritage.
- Sea level rise and how this will affect wastewater from the OSSM and increased loading impact on the Nature Reserve.
- Fire management.
- Flooding impact.
- Stormwater runoff/pollution/erosion and sediment control concerns.
- Failure of Council's compliance system resulting in this retrospective application.
- Current and proposed prohibited uses.
- Use of the Crown Road Reserve as part of the development.

These matters will be considered throughout this report.

The most recent revised application included adjustments to the layout of the additional sites, access tracks and recreation hall to minimise any clearing/lopping of existing vegetation and to address the Glossy Black Cockatoo feed trees and required additional plantings. It has not been publically notified as the number of proposed additional sites had not increased and the revised application was principally the same.

### **Applicable Planning Instruments**

Although the Ballina Local Environmental Plan 2012 (BLEP 2012) is currently in force, Clause 1.8A requires that applications lodged prior to the gazettal of the BLEP 2012 be determined as if the BLEP 2012 had not commenced.

This report will only have regard for the relevant provisions of the Ballina Local Environmental Plan 1987 (BLEP 1987) as the subject land is part of the Deferred Matters from the 2012 Plan.

### **Report**

The application (as revised) has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, and is recommended for conditional approval.

The proposed expansion of the park will be compatible with the rural locality due to the current use of the site as a caravan park contributing to the character of the local area.

Although the further expansion of the development on land zoned for environmental purposes has the potential for adverse environmental impact including on the adjoining sensitive Nature Reserve and/or Crown Lands, any additional impact from the expansion and intensification on an on-going basis can be minimised by applying suitable conditions of development consent.



## Zoning

### Ballina Local Environmental Plan 1987 (BLEP 1987)

The zoning of the site under the BLEP 1987 is:

Zone No. 7(f) – Environmental Protection (Coastal Lands).

Under the provisions of the BLEP 1987, Council may have regard for both a “camping ground” or a “caravan park” and a “recreation facility” within the 7(f) Zone, but only if it is satisfied that such a use is consistent with the objectives of the zone.

A “camping ground” is defined as:

“...does not include land used to accommodate caravans or mobile homes.”

58 of the proposed additional 123 sites proposed by this application are nominated for use as camping only (i.e. tents).

A “caravan park” is defined as:

*“... means land used to accommodate a moveable dwelling within the meaning of section 288A of the Local Government Act 1919.”*

The Local Government Act 1919 has been repealed and replaced with The Local Government Act 1993 and Section 288A is no longer relevant to a moveable dwelling.

A “moveable dwelling” is defined as:

*“(a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or  
(b) a manufactured home, or  
(c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.”*

These provisions have now been included in Part 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005.

Sixty five of the proposed additional 123 sites proposed by this application are nominated for use of caravan/recreational vehicles.

Council should note that none of the proposed additional 123 sites are nominated for the placement of cabins and/or manufactured homes.

A “recreational facility” is defined by the adopted Model Provisions 1980 as:

*“...means a building or place used for indoor recreation. A billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation and whether used for the purpose of gain or not, but does not include a place of assembly.”*

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The proposal includes a 200m<sup>2</sup> recreational hall (with associated amenities) for guests and their visitors to use.

As previously mentioned in this report, the site has been approved for use as a caravan park since the late 1970's which now includes on-site cabins and an existing recreational hall. Council may consider the expansion, intensification of the park subject to the objectives of the zone.

The primary objectives of the 7(f) zone are –

*(a) to protect environmentally sensitive coastal lands, and*

### **Comment:**

It is considered that with appropriate conditions the proposal can operate within the site without unreasonable impacts on the sensitive coastal lands. This is due to a number of factors including the existing approved use of the site, the limited cleared area of the land, the informal and likely infrequent future use of the additional sites and their location (including access tracks) within existing cleared areas. The site itself is not identified as containing State Environmental Planning Policy No. 14 – Coastal Wetlands (although immediately adjoining to the north) or State Environmental Planning Policy No. 26 – Littoral Rainforest.

There will be net environmental and ecological gains/benefits which will be derived as a consequence of the proposed environmental management and rehabilitation measures proposed on-site.

Further explanation of this is contained in this report (refer to Glossy Black Cockatoo and Domestic Dogs at the Park sections).

This is consistent with the primary objectives (a) of the zone.

*(b) to prevent development which would adversely affect or be adversely affected, in both the short and long term, by the coastal processes.*

### **Comment:**

The site is not identified as being affected by coastal processes (from the WBM Oceanic's report). It should also be noted that although the locality is flood prone, the site itself is not flood prone.

This is consistent with the primary objective (b) of the zone.

*The secondary objectives is to enable the development of public works and recreation amenities where such development does not have significant detrimental effect on the habitat, landscape or scenic quality of the locality.*

### **Comment:**

The proposal includes recreation amenities (i.e. hall) along the northern (front) cleared boundary of the park bounded by the proposed additional sites.

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With appropriate conditioning (i.e. relating to external finishes and use), it is considered that the proposed building and use is consistent with the secondary objective (B) and will not have a significant detrimental effect on the habitat, landscape or scenic quality of the locality.

Consequently, these land use(s) are permissible in the 7(f) Zone. It is considered that the proposal is consistent with the objectives of the zone on various grounds and therefore that it is consistent with Clause 9(7) of the BLEP 1987.

**Clause 17 - Limitation on Building Height** restricts buildings to a height of 6.4 metres. The proposed recreation building (amenities building), existing office/reception building and the existing cabin to be utilised as the manager's residence are all single storey construction and comply.

**Clause 23 – Development within Zone 7(f)** is not applicable to this application as no additional clearing works are proposed and appropriate conditions have been recommended to be applied regarding any filling of land for the recreation hall and vehicular tracks (if approved).

**Clause 28 - Tourist Accommodation** of the BLEP restricts the development of caravan/camping parks on rural land. Specifically, this clause permits a maximum of 25 sites per hectare on an allotment that has a land area of greater than 5 hectares. The land area of the subject lot(s) is 7.62 hectares. An additional 123 sites or a total of 178 sites are proposed. Therefore, although the proposal is close to the maximum density allowed (being a total of 190 sites) and although approximately half of the allotment is constrained due to existing vegetation, the proposal is still consistent with the provisions of this Clause.

**Clause 32 – Concurrence of the Director – Zone No. 7(f)** is not relevant as concurrence is no longer required from the Department of Planning and Infrastructure. Notwithstanding this, the application assessment and this report have taken into consideration the environmental issues, required safeguards and rehabilitation measures to protect the environment and whether or not the development complies with the objectives of the zone.

### **Clause 36 – Development on land identified on Acid Sulfate Soils Planning Maps**

Although the applicant states no acid sulfate soils are present at the site, there is no reference to any data to confirm this. The park is mapped as Class 3 soils and appropriate standard conditions are recommended to be applied to address this issue should the application be approved (primarily due to the recreation hall construction).

### **Ballina Local Environmental Plan 2012 (BLEP 2012)**

The subject site is located on land that is identified as a DM – Deferred Matter under the BLEP 2012. Consequently, the provisions of the BLEP 1987 apply.

**North Coast Regional Environmental Plan (NCREP)**

**Clause 12** of Division 1 of the NCREP reads as follows:

*The council shall not consent to an application to carry out development on rural land unless it has first considered the likely impact of the proposed development on the use of adjoining or adjacent agricultural land and whether or not the development will cause a loss of prime crop or pasture land.*

The impacts of the proposed development on the use of adjoining or adjacent agricultural land have been considered in the assessment of this development proposal.

It is considered that efforts can be made to minimise and mitigate against the amenity impacts of the proposal on adjoining and adjacent properties and land use conflicts are unlikely to be generated, particularly due to the heavily vegetated surrounding properties and separation distances to any surrounding agricultural pursuits.

The proposal will not result in any substantial loss of prime crop or pasture land on the subject land as the siting of the proposed additional sites is over an area already cleared and grassed.

**Clause 29A – Natural Areas and Water Catchment**

No vegetation removal is required for the development due to previously conducted clearing in the development footprint. The additional sites will be contained within the existing disturbed areas and revegetation works will be required for the Glossy Black Cockatoo feed trees.

The NSW RFS have been advised on the sensitivities of the existing vegetation and the required plantings.

Council's Environmental Scientist was satisfied with this requirement and it will also provide an improvement to the regional corridor.

No direct beach access to/from the development site is recommended to be permitted. Beach access is gained from the existing vehicular and pedestrian access track immediately to the east of the park. This is also considered beneficial to the surrounding natural areas (and will also assist with the rehabilitation of the Nature Reserve and Crown Lands and any potential scenic impact from the surrounding locality).

**Clause 32B – Coastal Lands**

This development will not impede public access to the beach. Vehicular and pedestrian access will still be maintained immediately to the east of the park across the Nature Reserve and Crown Lands.

The park is not identified as being affected by coastal processes (from the WBM Oceanics report). The park is setback sufficiently so that its buildings and structures will not overshadow the foreshore.

**Clause 75 – Tourism Development**

The proposal is considered to be of medium to large scale. The additional sites will triple the number of existing sites.

No permanent residential accommodation is proposed (other than in the existing cabin nominated for the manager's residence).

The proposed development will have minimal impact on the scenery. It is considered that the additional sites and recreation hall will have no greater impact on the scenery of the natural environment than the existing sites and buildings on the site (which are located at similar elevations/setbacks to the buildings/sites proposed).

The existing road access to the site is considered to be satisfactory and the entrance will potentially only require some widening and improvement.

The development is to be serviced by rainwater harvesting storage tanks and an existing bore. The consent is recommended to be conditioned to allow the further provision of this service to Council's satisfaction. The proposed on-site sewage management system has been assessed by Council's OSSMS Officer and has been considered satisfactory, subject to conditional approval (refer to comments later in this report).

**Clause 81 – Development adjacent to the ocean or a waterway**

The visual impact is considered reasonable and is in accordance with the provisions of DCP 2012 – Chapter 7 – Rural Living and Activity.

The proposed works and additional sites will not obstruct or restrict public access to the foreshore area and the buildings will not overshadow public open space area (i.e. the Nature Reserve).

**State Environmental Planning Policy No. 21 – Caravan Parks**

The proposal is generally consistent with the matters to be considered by Council under Clause 10 by virtue of the existing park.

There is no further subdivision for lease purposes proposed.

In accordance with SEPP No. 21, due regard has been given to the relevant provisions of the *Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993*, now known as the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* as part of the assessment of this application.

**State Environmental Planning Policy No. 55 – Remediation of Land**

The proposal involves minimal land disturbance and is not a high risk contamination matter. The applicant provided some additional information relating to site history and a letter from a previous occupant of the land (Mrs C Deaves) confirming that her father owned the land. The risk is considered very low and the proposed works do not warrant further assessment of land contamination at this time. Standard cautionary conditions are recommended to be applied if the application is approved.

**State Environmental Planning Policy No. 71 – Coastal Lands**

The park is located within the coastal zone and as such SEPP 71 applies. The park is in a sensitive coastal location for the purpose of the SEPP as it is located closer than 100 metres from the mapped SEPP 14 Coastal Wetlands immediately to north.

The proposed development (as revised and conditioned) is considered to be generally consistent with the aims and objectives within Clause 2 of the SEPP and the matters for consideration within Clause 8 of the SEPP.

The proposed development footprint is removed from the coastal and foredune areas and is considered to be situated on land that has been subject of previous/past disturbance. The additional sites will not be visible from coastal foreshore areas.

In terms of Aboriginal heritage issues, Jali have raised no objection to the additional sites, subject to being on-site when works commence.

Conditions are to be placed on any consent in relation to ground disturbance, excavation and monitoring.

Other existing formalised and recognised public accesses external to the site will need to be utilised by guests to access the beach.

Given the location of the proposed development footprint, there will be no overshadowing impacts upon the coastal foreshore or any significant loss of views from a public place to the coastal foreshore.

No vegetation is to be removed as part of the proposed development (due to clearing previously undertaken prior to lodgement of the application). Based on the threat mitigation and the proposed rehabilitation and weed management it has been assessed by Council's Environmental Scientist that the proposed development will not have a substantial impact on the ecology of the locality.

The site of the proposed development is located away from the coastal foreshore. In this regard, there is not expected to be significant impacts of coastal processes or hazards on the proposed development and vice versa.

The imposition of conditions of consent in relation to environmental management and construction should reduce any potential impacts from the proposed development upon the coastline and water quality of coastal water bodies.

**State Environment Planning Policy (Rural Lands) 2008**

The proposed development is of such a temporary type (i.e. no permanent structures/buildings other than the recreation hall) and screened location that it will have minimal adverse impact on the agricultural production, or rural character of the locality.

The proposal is considered consistent with the rural planning principles listed in this policy.

The park site is not classified as "State or Regionally significant land".

## **8.1 DA 2011/506 - South Ballina Beach Caravan Park**

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In accordance with the "Living and Working in Rural Areas: A Handbook for Managing Land Use Conflict Issues on the NSW North Coast" (DPI Publication), a 'LUCRA' has not been undertaken by the applicant.

Notwithstanding this, the available buffers from the proposed sites are still considered reasonable in this instance and will maintain reasonable separation distances. This is due to the existing topography of the park to the adjoining neighbouring properties/dwellings and the existing vegetative buffers in relation to adjoining agricultural land uses.

The sites will not adversely affect the use of the land or any of the uses within the locality. The existing uses of the site will remain unaltered and are not incompatible with adjoining uses.

### **Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005**

The relevant factors for consideration before approval is granted under these Regulations will be considered as part of the five yearly licensing approvals.

Notwithstanding this, the Council assessment has had due regard for the relevant provisions as part of this assessment under the Environmental Planning and Assessment Act 1979 and it is considered that the proposed expansion is and/or can be designed, constructed, maintained and operated in accordance with these requirements. The issue of any subsequent licenses (due 16 December 2013) will not conflict with the specific consent conditions proposed (if approved).

It should be noted that 100 of the proposed 123 additional sites will only be capable of use until the required additional amenities are provided within the proposed recreation hall as outlined within the Regulations.

### **Glossy Black Cockatoos (Threatened Species TSC Act)**

At various stages of the assessment process Council staff requested a suitable ecological assessment, including a Section 5A Assessment for impacts on a threatened fauna species, particularly the Glossy Black Cockatoo (GBC).

Observations during site inspections by Council staff and the applicants' ecological consultants and reports from the park management have confirmed that at least one pair of GBC's regularly utilise the Black She-Oak feed trees within the park and adjoining road reserve. It has not been possible to determine whether more than two GBC's have been using the site, nor whether bird visitation varies in relation to peak camping periods.

Aspects of the proposal that will potentially affect the GBC and habitat include:

- Disturbance to birds and habitat by campers, dogs, usage of the new recreational hall, and park management.

Disturbance to the birds is of potential high importance should it restrict their feeding time or prevent access to a tree with characteristics preferred by the birds, especially when food resources are scarce in the surrounds. The birds need to feed for high proportions of the day (depending on sex and breeding status), and are energetically limited in the extent they can fly for long distances between foraging sites.

- Clearing of vegetation for bush fire protection purposes. It is understood that clearing of trees/shrubs/vines has been restricted to exotic species and dead material, but the proposed use of the site requires that the ground layer be managed in a manner that removes and suppresses regeneration of both exotic and native species.
- How the proposal affects the vulnerability to storm damage of existing preferred feed trees, and requirements for tree removal for safety purposes of surrounding camp sites. Trees may require removal prematurely if there are safety concerns, given the proposed use.
- Long term implications for habitat, including the availability of regeneration sites. Ground storey vegetation and litter will require continuous management and camping, vehicle and foot traffic will act together to prevent natural regeneration over most of the site.
- Fire management at the park and surrounds in relation to the longevity of existing trees and regeneration ecology of the feed trees.

Trees in the site will be well protected from fire. Surrounds include the RRNR, where existing fire management is not geared to promote GBC habitat. Future ecological burning in the surrounds will be constrained by the proximity of the park development footprint.

The ecological reports provided were originally lacking and contained uncertainties and inaccuracies in relation to the impacts of the proposal. This caused delays in the assessment of the application.

The ecological reports have recently been supplemented outlining actions aimed at managing GBC and habitat as follows:

1. Tree planting plan (compensatory planting) describing where approximately 49 Black She-oak (*Allocasuarina littoralis*) will be planted on the site and maintained through establishment and development to maturity.

Although this may seem to be a lot of trees, approximately half of the trees planted will be male and of the female trees, it is likely to be less than half that will have preferred feed tree characteristics, i.e. approximately twelve suitable feed trees.

2. When GBC's are observed feeding:
  - trees will be temporarily fenced off (with explanatory signage); and
  - maintenance works in close proximity will be postponed.
3. For any feed tree (currently understood as Trees T1-8):
  - surrounding camp sites will be filled last;



- pets are not to be tied to the tree, or under the tree; and
  - guy ropes (or the like) are not to be attached to the tree.
4. All park staff and guests are to be made aware of management actions through interpretative materials to be made available at front office (site specific leaflet and OEH species profile).

There are currently eight active feed trees within the park (with a further two trees in the road reserve to the north and others in adjoining vegetation to the south west of the park).

Five of the eight feed trees are either directly within and/or bordering the proposed additional camp sites.

The extent of food resource in the surrounds is uncertain, but is obviously limited to a fraction of the existing native vegetation (i.e. surrounds are mostly cane lands).

While ecologists consulted broadly agree that the birds will tolerate disturbance, such as human activity and passing motor traffic, there are limits to such tolerance and they recommend minimizing disturbance and/or the provision of buffers around the feed trees. The proposal (as revised) does not indicate buffering possibilities but includes measures for minimizing disturbance.

Council has requested consideration of options for buffering the existing eight active feed trees. This is not unreasonable given the recommendation of Glossy Black Conservancy 2010 for a 50 metre buffer. Such a buffer has been implemented at the Koala Beach development on the Tweed Coast to maximize the likelihood that birds will continue to use the site.

Buffering of feed trees is considered desirable at the park as clumps of vegetation will be less subject to wind damage than isolated trees and safety may be less of a concern e.g. if a senescing tree is contained behind a planted/regenerating buffer, it could potentially be retained for longer periods to prolong food resource values.

Discussion regarding buffers was not accepted by the applicants due to a perceived bush fire hazard management impediment.

The NSW Rural Fire Service has confirmed that minor buffering works would be acceptable around the identified feed trees, thereby creating isolated clumps of vegetation scattered throughout the park, if so desired by Council.

Whilst the applicant's ecological consultant views the open planting situations proposed as being entirely positive (to produce spreading crowns with accordingly large cone crops), the advantages of open plantings must be weighed against the disadvantages of storm exposure.

The likelihood of success of plantings is high and can be considered a reliable technique for habitat restoration. The Black She-Oak is widely and successfully propagated and planted in horticultural and restoration situation, however the plantings will take over 10 years to reach maturity suitable for feeding by GBCs.

If approved, there will be elements of the recommended conditions that will be difficult to define (feed trees) and enforce, and will rely to a substantial extent on the positive intentions of the park management over a substantial period of time.

Following approval, occupancy rates may increase and ownership and management may change at any time. The habitat, bird visitation and conditions in the surrounds will change with time for reasons that are within a level of control of park management, and for others that are not related to the park (i.e. storms, bush fires etc.) at all.

Given the difficulties in predicting appropriate management in changing circumstances in the short to medium term, it is recommended that a monitoring, reporting and management adaptation program be established to ensure, as best as possible, that habitat is protected and enhanced and GBC's are afforded the best likelihood of continuing their use of the park feed trees.

Any conditional consent needs to include threat mitigation measures that extend as far as reasonably possible to the circumstances of the proposal.

Consequently, based on the additional information provided and the proposed threat mitigation and compensation measures (as conditioned), Council's Environmental Scientist has concluded a finding of no significant impact and that an SIS is not required (following the Department of Environment and Heritage's gazetted '*Threatened species assessment guidelines: The assessment of significance*' and available background information).

#### **Domestic Dogs at the Park**

The issues associated with the potential impact of dogs on GBC's utilising feed trees within the park and minimization of disturbance (i.e. dogs not to be tied to, or under, feed trees) has been outlined previously in this report. However, additional issues have been raised in a submission from the NSW Office Environment and Heritage (OEH), Far North Coast National Parks Association of NSW, the Ballina Environment Society and several others in relation to the adjoining Richmond River Nature Reserve (RRNR) and South Ballina Beach environs (particularly in relation to vulnerable shorebirds).

It appears from the park's website that guest's dogs are required to be kept on a leash at all times, except for the owners' cattle dog "Victor" which has free range of the park.

The OEH's submission lists concerns about indirect impacts of the proposal on the adjacent RRNR, other sensitive coastal environments, threatened biota and migratory fauna, noting:

*"...In addition, despite any rules the caravan park may impose, the presence of straying domestic dogs within the RRNR represents a significant impediment to the FoxTAP program, which has been designed specifically to enhance prospects for shorebird breeding at critical times. Note that no fox baiting stations are placed within one kilometre of the adjacent caravan park, to minimize the risk to domestic dogs of sickness or death from 1080 fox baits, while statutory signage and public notification for the fox control program*

*comply with the requirements of the Pesticides Act 1999. However, these signs and general regulatory signs are subject to frequent vandalism in the reserve and require regular replacement by NPWS staff. Again, the documentation provided in support of this proposal makes no mention of this aspect of reserve management and the possibility that the proposal may contribute to impacts upon the threatened shorebird conservation program.”*

Further to this submission, Ms Holly North a NSW National Parks and Wildlife (NPWS) Ranger for the adjoining RRNR has further advised that there are currently impediments to the effectiveness of the baiting program. NPWS have moved the bait stations further away from the park as more dogs have been observed on the beach at this location each year. Ms North has advised that law enforcement is the best deterrent for the dog issue but there are not enough resources to do this properly (Council's Rangers are not responsible for patrolling the RRNR or South Ballina Beach).

Public relations around the baiting program are always difficult and it is essential for NPWS to minimize the risk of a dog getting a bait, even if they are illegally on the beach or within the RRNR. The consequences of such an event would likely force a review of baiting on the entire beach.

Council's Development Control Plan 2012, Chapter 7 – Rural Living and Activity (DCP) specifically recognizes this issue for the South Ballina locality and clearly outlines the special area planning objectives and development controls in relation to potential dog impacts.

The planning objectives are:

- a) Minimise impacts of development on threatened species including the Pied Oystercatcher
- b) Enhance the effectiveness of the South Ballina Regional Wildlife Corridor, and
- c) Minimise risk to humans and domestic animals associated with the use of toxic substances utilised to manage Red Foxes and Bitou Bush.

The development controls require that applications include details with respect to an appropriate fenced dog enclosure. The enclosure must be designed in accordance with the following:

- In reasonable proximity to the dwelling there shall be constructed and maintained a fenced enclosure which is designed and constructed so as to provide a secure enclosure for keeping dogs
- Any gate forming part of the fenced enclosure shall be a self-closing gate
- No gate to the fenced enclosure shall be propped open or otherwise kept open other than for the purpose of passing through; and

Where an applicant does not propose to keep domestic dogs, the applicant must demonstrate that an appropriate location exists on the site for the provision of an enclosure that meets the above requirements.

## **8.1 DA 2011/506 - South Ballina Beach Caravan Park**

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Council has never formally recognized/approved the park as being “pet friendly” and this has evolved over time and would have been dependent on the owner(s) and/or management attitude.

Ideally, dogs would not be permitted within the park at any time due to the environmentally sensitive nature of the park and the locality.

Council’s DCP clearly discourages and restricts the keeping on dogs on lands adjoining the RRNR due to their recognised potential impact on the Pied Oystercatcher and requirements associated with the fox baiting program undertaken in the locality.

The DCP recommends that restrictions be placed on the title of the land under Section 88E of the Conveyancing Act 1919 prohibiting the keeping of dogs. In the event that a proponent wishes to keep a dog, the requirements documented above apply (i.e. a fenced dog enclosure).

The application has not proposed a fenced dog enclosure (or any additional fencing for that matter).

The advertised current and proposed policy of the park (other than for “Victor”) is that dogs be on a leash at all times while within the park. If successfully implemented and enforced this policy would contribute to removing the impediment to the OEH’s FoxTAP program.

In addition, dogs would also need to be leashed when off the site, except for example, when on the dog friendly Patches Beach some 18 kilometres to the south of the park. Leashed dogs must not be walked or otherwise led through any part of the RRNR (fines would apply) and are not permitted on adjacent designated dog-free beaches.

The compliance issues associated with management of dogs on the property are difficult, particularly in peak holiday periods, where full occupancy could result in 550 people being on-site. Dogs outside of the park (or even still within the park but not within the development footprint) are even more difficult for park management to monitor (particularly within a 7 hectare allotment with various scattered informal tracks and vegetated areas).

Even though it may be possible to condition that visiting dogs be leashed, and their owners adequately informed about their responsibilities; these measures coupled with monitoring for effectiveness conducted by management is not considered sufficient due to the sensitivities of the park and surrounds.

Conditioning any consent this way would also place an additional burden on Crown Lands or NPWS compliance staff to enforce within the RRNR and along South Ballina Beach. It is also inconsistent with Council’s DCP.

Consequently, the requirement for a fenced dog enclosure, as set out in the DCP, is proposed to be conditioned for the manager’s resident dog “Victor” immediately adjacent to the nominated manager’s residence/cabin.

A fenced dog enclosure for numerous unrelated visiting dogs of guests (which could be up to 550 people during peak periods) is simply impractical.

If approved the draft conditions of consent (attached) require that guests' and their visitors' dogs not be permitted at the park during fox control operations (i.e. July to December inclusive). This is not considered to be too onerous as these exclusion months are outside of the peak January and Easter holiday periods for the park.

The exclusion of dogs during these months will also be beneficial to the threatened Glossy Black Cockatoos that frequent the feed trees within the park as outlined within previous sections of this report.

### **Traffic, access and safety issues**

The proposed development will generate increased traffic along South Ballina Beach Road. Traffic generation rates range from two to four trips per day per site. Figures from the Brisbane/Gold Coast region suggest two trips per day per site are generally appropriate.

Notwithstanding this increase, it is considered that South Ballina Beach Road has the capacity and construction standard as a rural road to cope with the proposed increase in traffic generated by this proposal.

Any parking of vehicles outside the park grounds (as raised in submissions) must be done legally and in accordance with the road rules. Should parking overflow become a concern it is a traffic matter for the local police to enforce, however Council will be requiring the provision of additional formalised on-site parking in accordance with the Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 should the application be approved. Use of the associated buildings/facilities within the park will be conditioned for guests and their visitors only and not for the general public.

The speed zone of 60km/h adjacent to the park is considered suitable for the rural locality due to the few residences in that area. The number of reported traffic accidents or incidents at this location is minimal and therefore would not warrant specialised traffic calming devices. If it is established there are speed issues, then the local police would be responsible to enforce the speed zone.

South Ballina Beach Road is shared by all vehicle types including cars with caravans, school buses and heavy vehicles (i.e. from the sandpit in the immediate locality). Council has assessed the condition of the road surface and alignment and the suitability for all road users of this rural road (including the traffic generated by the proposed development) with regular heavy patching between the quarry and River Drive conducted.

The existing 4WD track to access South Ballina Beach (immediately to the east of the park) is partly on the RRNR administered by the NPWS and Crown Land. The signage and use of the track is not monitored by Council and any requests for additional signage or restriction of vehicles/pedestrians needs to be forwarded to the appropriate authority.

### **Use of Crown Road Reserve**

The application as originally submitted included sites and improvements within the adjoining Crown Lands to the north-east of the park (Lot 1 DP 1186674 being 4928m<sup>2</sup> in area).

During the assessment of the application, the owner(s) of the park have negotiated the purchase of this allotment from the Crown and it is now under the ownership of Merkat Investments Pty Limited (i.e. the current owner(s) of the park).

Consequently, Council and a submitter's previous concerns regarding encroachments and use of this allotment is no longer relevant. If approved, the existing park entrance sign will still be located within the road reserve and will need to be relocated to be wholly within the park site. This can be suitably conditioned. No additional sites are proposed within this allotment as part of this revised proposal.

### **Bush Fire**

The entire park and surrounding locality is identified as being bush fire prone. The development involves tourist accommodation and comprises integrated development, being a "special fire protection purpose" under Section 100B of the Rural Fires Act 1997.

Council referred the application as originally submitted to the NSW Rural Fire Service (RFS) for comment and any general terms of approval (GTAs). The RFS granted its GTAs on 30 January 2012.

Due to the various revisions to the proposal over the assessment period and the required additional plantings to cater for additional feed trees for the Glossy Black Cockatoos, Council requested a review of the previous GTAs issued.

The RFS were also made aware of the environmental sensitivities within and surrounding the park. It appears that the recently updated GTAs (particularly required asset protection zones) can be applied, maintained and managed with minimal impact.

These will be applied as conditions if the proposal is approved.

### **Aboriginal Heritage**

Although the submitted Aboriginal cultural heritage documentation was considered deficient in relation to the NSW OEH Due Diligence Code/Guidelines, Jali Local Aboriginal Land Council Site Officers inspected the park and have confirmed in writing that the proposal can be supported subject to their Cultural and Heritage Officer being on-site when works commence.

This will be suitably conditioned if the proposal is approved.

### **Sea Level Rise/Flooding Impact**

As previously mentioned within this report (whilst discussing the 7(f) zone objectives), the park is not identified as being either subject to flooding or coastal erosion.

**Stormwater, Pollution, Erosion & Sediment Control**

Council's Engineers and Environmental Health Officers are satisfied that these issues can be suitably addressed via consent conditions if approved.

**Wastewater (On-Site Sewage Management)**

The current on-site sewage management system (OSSM) was approved by Council and installed in 2004. This system was designed to treat a maximum of 31.2KL of wastewater per day and achieve the nominated advanced effluent quality standard. The proposal now is to increase the number of camping sites (with other improvements) and consequently the potential maximum wastewater treatment volume will increase from 31.2KL/day to 44KL/day. For this reason Council, as part of the assessment process, has required certification from the original designer of the OSSM or other suitably qualified person that the existing OSSM will be capable of treating the potential increase in wastewater volume while still achieving the advanced effluent quality standard nominated.

Council has received confirmation from a suitably qualified consultancy, Simmonds & Bristow, that based on the information provided it appears that the existing OSSM is capable of treating 550EP (equivalent persons) at 80L/EP/Day (which equates to 44KL/day).

To ensure in practice under peak occupancy conditions that the OSSM will treat the maximum wastewater volume and achieve the nominated advanced effluent quality standard, suitable conditions will be required for on-going monitoring and validation (if approved).

A proposed condition will require the park owner(s) and/or management to arrange for a validation and verification effluent quality compliance monitoring program to be performed during a peak occupancy period (e.g. 4 week Christmas holiday period) and submit a report to Council detailing the results. If the results do not comply with the approved design standard criteria then further works may be required to achieve compliance.

In addition a condition is required to ensure that the current OSSM system Operation and Management Plan is reviewed by an appropriate suitably qualified person and amended as necessary. The Operation and Management Plan will need to include a treatment flow chart, critical control points, servicing, reporting requirements, auditing, etc., and is also required to be submitted to and reviewed by Council.

Council would then reissue the OSSM Approval to Operate with appropriate amendments and include conditions to ensure that the ongoing operational requirements are satisfied.

It is considered that the OSSM system can continue to operate effectively within the park without impacting on the Nature Reserve as raised by the OEH submission.

**Failure of Council's Compliance Systems**

The Ballina Environment Society have made a submission that is concerned about:

“...the failure of Council’s Compliance system in not having recognised and addressed the illegal developments already undertaken on this site which have led to this retrospective DA being lodged.”

This statement is considered incorrect. As Councillors are aware, there has been an approved Compliance Work Plan endorsed each financial year since 2008 for the proactive activities of the Compliance Unit. Further, the Compliance Unit will respond to complaints as received for unauthorised activities.

Since 2009, Council’s Compliance staff have identified a number of non-compliances with respect to the operation of the park. These include a proposal to operate an unauthorised music festival, vegetation removal, unauthorised advertising signage, encroachments into the road reserve, the provision of unapproved facilities within the park, (including a trapeze) as well as the matters currently the subject of this report, which have come to light as a result of a proactive investigation and response by Council.

With respect to the matters that are the subject of this report, as part of any statutory process, there are a number of steps that Council is required to take prior to the commencement of litigation for any identified breach. It is also the legal right of the current owner(s) to submit a development application seeking to legitimise an unauthorised use that Council has identified. This is what has occurred in this instance.

Any consideration of legal proceedings for the matters identified in this report has been held in abeyance pending the assessment and determination of this application.

**Permissibility of Land Uses/Prohibition**

This has been addressed under the zoning (BLEP 1987) section of this report.

As outlined previously, the proposed rectification of aspects of the existing park use has evolved due to a number of identified non-compliances.

It appears that the owners and/or management have extended and interpreted approved land uses differently to Council Officers.

The kiosk was approved within the combined administration and manager’s residence building under DA 1979/491 and BA 625/80.

The kiosk floor area was combined with the office area in these applications and only totalled approximately 27m<sup>2</sup>. This area has grown to include the use of the kitchen area (approved for the manager’s residence and which has been expanded), part of the approved storage, bedroom, living area and has added an additional 80m<sup>2</sup> covered deck area that has also been used as a refreshment room (café/restaurant). The remainder of this building is no longer used as the manager’s residence (which is now within a separate cabin type building) and is utilised predominately for the café/restaurant operations. The kiosk has grown from a small, ancillary convenience store of 27m<sup>2</sup> to almost 200m<sup>2</sup> (inclusive of the deck area) without approval.



Consequently, should the application be approved and as Council will be authorising the revised floor layout and use of this building, conditions of consent will require that the use remain for the provision of basic conveniences to visitors and their guests only. The use of the building should not continue as a café/restaurant for the general public and/or for functions.

Additionally, Council will not be approving the existing trapeze structure within the park under this development application as no structural engineering details have been provided.

### **Overdevelopment**

Having regard for the existing approved development, the rural locality, the constraints of the site outlined in this report, and the density permitted pursuant to clause 28 of the BLEP 1987, it is considered reasonable to conclude that the proposed development is not an overdevelopment of the site and that it can complement the existing development without exhausting or outgrowing the site.

The use of this area for anything else, particularly agriculture, is constrained and the temporary use for informal camping (which could present as a vacant area for periods) is considered reasonable in the circumstances. It is important that if approved, Council makes it clear that the use of the kiosk and the recreation hall is not for functions and/or separate commercial activities as this may result in an overdevelopment of the park and was not the intent of either the current application or previous approvals.

### **Monetary Contributions**

The payment of monetary contributions has been specifically highlighted to the applicant through the assessment process.

If approved, Council's Contributions Plans need to be applied to this development and the additional demand generated by 123 sites and office area has been assessed as follows:

### **Roads**

The additional 123 sites have been designated as one bedroom equivalent accommodation facilities under the Roads Contribution Plan 2010.

The one bedroom unit is the smallest residential accommodation component within the plan. Accommodation is considered as residential development and therefore does not receive the reductions associated with employment development from trips external to the Shire. This is in accordance with the plan.

The additional 20m<sup>2</sup> office area attracts roads contributions as employment development.

The Roads Contribution component currently equates to a total of \$421,698.63 towards shire roads.

### **Open Space & Community Facilities**

Under the provisions of the Open Space & Community Facilities Contributions Plan 2008, having regard to the average level of tourist bed occupancy (50%) and that tourist demand for facilities is assumed to be two thirds (0.66) that of a permanent resident, contribution rates for tourist development are calculated as follows:

Each site is assessed at 50% occupancy rate and 66% equivalent demand on facilities,  $0.5 \times 0.66 = 0.33$  demand for each single bed. These sites have been considered as 1 bed sites for this assessment.

This currently equates to a total of:

\$58,143.69 towards open space; and  
\$110,404.62 towards community facilities.

### **General**

The proposed amenities and recreation hall have been assessed for the exclusive use of park guests and their visitors only. Therefore, these facilities do not contribute to increased demand on services provided in the contribution plans and no contributions have been applied.

The unauthorised 80m<sup>2</sup> deck area associated with the existing shop/kiosk has also been assessed for the exclusive use of park guests and their visitors only.

These facilities are for the exclusive use of the park guests and therefore do not contribute to increased demand on services provided in the contribution plans and no contributions have been applied.

The manager's residence/cabin has been included in the total number of new additional sites and has not had separate contributions applied.

On face value the monetary contributions may seem excessive, however with the substantial increase in the number of sites (i.e. 123 sites or up to 550 people) the amounts are in accordance with Council's current Contributions Plan.

### **Consultation with Applicant**

Following their finalisation, Council staff furnished the applicants with copies of the Draft Proposed Conditions of development consent in order to afford them an opportunity to identify and/or clarify any matters that may have been misunderstood in the assessment and to comment on any areas where they considered proposed conditioning was unreasonable.

The applicants specifically raised issue with proposed Condition No's. 5, 8, 10, 11(b) (iv), 11(c) and 34.

## **8.1 DA 2011/506 - South Ballina Beach Caravan Park**

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### Condition 5 - Removal of advertising signage from the public road

The applicants contend that all signage is within land they lease from the Crown for sign purposes. If this is the case, the condition would have no impost and the applicants have been advised that the recommendation will stand for the reasons outlined in the report as the positioning of the sign is uncertain from Council's assessment.

### Condition 8 – Kiosk/Refreshment Room Restaurant

The applicants are of the view that the original approval for the kiosk covered public restaurant use. This is not supported by the Council records and the applicant was not in position to present their case on this matter. They have indicated that they will seek to have this disagreement addressed in future. The condition should remain.

### Condition 10 – Perimeter Fencing

The original Draft Condition 10 would have required the erection of internal fencing to protect the Park's and adjoining Nature Reserve's environmental areas consistent with the aims the Council's Development Control Plan (DCP) and with consent conditions applied recently to DA 2012/481.

DA 2012/481 approved eight holiday cabins just to the south of the land that is the subject of this application.

It has been agreed that, in the particular circumstances of the Park, signage directing guests and their visitors to remain on the established walking tracks would be as effective and less costly. Draft Condition 10 has been modified in the recommendation.

### Condition 11 (b) (iv) and 11(c) – Public Positive Covenant

The effect of these Draft Condition provisions would be to have management's dogs within a fenced enclosure and to prevent guests and their visitors bringing dogs to the park between the months of July to December inclusive when the National Parks and Wildlife Service (NPWS) fox baiting program is active on the adjoining beach and nature reserves.

The Park currently operates as a "pet friendly" park all year round.

The conditioning arises from the provisions of the Council's DCP (see attachment for the relevant excerpt from the DCP) that support the NPWS fox baiting and migratory shorebird protection programs for South Ballina Beach. These were included in the DCP following extensive development of the programs by the Service and its consultations with the Council.

The critical issues at stake for the program in relation to dogs in the locality are outlined earlier in this report in the Section "Domestic Dogs in the Park", DCP excerpt and the submission of the Office of Environment and Heritage (OEH) - (NPWS).

From the applicant's perspective, they have been operating a "pet friendly" facility for a lengthy time and the conditioning would substantially disrupt their operations. They advise that they provide comprehensive material to their guests about the Park's expectations for dog management and the responsibilities of their guests in this regard.

## **8.1 DA 2011/506 - South Ballina Beach Caravan Park**

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The applicants are of the view that the NPWS has accommodated their park and its operations in their program and that the Service does not oppose them continuing providing a dog friendly park into the future.

The OEH (NPWS) submission (attached) on face value, requests that the Council uphold the protection of its programs and restrict dogs from being brought to the area between July and December inclusive. The Service does not, however, advise that it will provide active material support to the Council in upholding these condition provisions.

Essentially, this is a matter of judgement for the Council to make and the recommendation remains on the basis that it is consistent with the aims of the Council's DCP and the requests of the OEH.

### Condition 34 – Developer Contributions

The applicants are extremely concerned about the level of contributions that have been calculated to apply to the development under the provision of the Council's plans.

The Draft Conditions totalled the contributions at \$590,000 in round terms.

The applicants considered that contributions towards Ballina District and Regional Open Space, Parks, and Playing Fields should not apply to their type of tourist facility and, in particular, not to a South Ballina Park removed from Ballina Township.

The applicants consider that their type of park, particularly given its remote location, should not be levied for Community Facilities as their guests are highly unlikely to utilise the Shire's facilities.

Additionally, even if they were to be levied, their Park records show an occupancy rate of 5% for camping sites and less than 20% for longer term/caravan sites for a year. They contend, therefore, that the trip estimates per site have been over-estimated.

With regard to the Roads Plan Calculations, the applicants contend that the Plan does not identify caravan parks or camping grounds and does not apply to their development. Additionally, if it does apply, the Park's occupancy rates would dictate a substantially lower contribution calculation.

In response, Council's Infrastructure Planning Manager advises:

### **Ballina Shire Contributions Plan 2008 (the Plan) - Contributions for Open Space & Community Facilities**

#### **Should this plan apply to short term accommodation?**

The plan identifies this type of accommodation development (see the plan sec.2.6) and states s94 contributions may be applied.

**The nexus is slim (between our development and the requirements of the plan) and we are an isolated park. Aren't we different?**

All plans apply contributions when a development may impact on or use infrastructure. All caravan parks are considered equal regardless of their location, just as all businesses are treated equal based on rooms/GFA/site area etc depending on the type of development. It is difficult to apply different sets of criteria to like businesses just because they are located/sized/managed differently.

**Initial advice indicated that no contributions from the plan apply. Is that advice correct?**

Attached is the email sent to Bernard Grinberg outlining contributions back in April 2013. This was an explanation of the contributions as assessed by our development engineer (see TRIM 12/39804) in September 2012. This assessment indicated there were no contributions applicable under the Ballina Shire Contributions Plan 2008 and my advice in the email conveyed that message.

Since that time it has been acknowledged that the Contributions Plan 2008 is applicable to this type of development and the draft determination notice reflects this.

**The park has occupancy rates of 5% for camping and <20% for long term stays. Can this be factored in?**

A business is assessed on the type of business and not on location/management/promotion etc or what its occupancy rates are. The plan takes into account the nature of the business and section 3.2.2 of the plan shows how occupancy rates and tourist demand is less than permanent residential. This results in only 33% of the contributions applicable for permanent residential being applied to this development.

**Roads Plan**

**Does the roads plan apply to caravan parks & camping grounds? They are not specified in the plan?**

The roads plan applies to all development in the shire (section 2.5) where Council assesses a development to result in a net increase in the number of vehicle trips on the surrounding road network (section 2.6). The roads plan does not list every possible land use and the RMS guide to Traffic Generating Development is the base document for determining trip generation rates.

**Did the assessment use 100% occupancy rate?**

The trip rate adopted is based on trip data obtained from typical caravan parks. The roads plan includes an assumed trip rate of 3.9 trips per day for a 1 bed accommodation site. Our trip figures for caravan parks is about 50% of this at 2 trips per site per day. It is fair to say the lower trip rate reflects the lower occupancy rate.

**The roads contribution equates to 38 three bedroom dwellings. Is this right?**

The calculated 38 ERA reflects the equivalent trips attributed to the proposed 123 sites.

The draft approval provides for up to 550 persons at the park. That is many times more than the number of persons who would normally occupy 38 three bedroom houses.

**Is there a reasonableness test applied?**

There are many variables which determine why similar businesses provide different commercial outcomes, such as location, facilities, management etc. Therefore, it is very difficult to apply a test. However, the plan is designed to apply across all businesses as an average of how that type of business impacts on road infrastructure.

The recommendation has retained the proposed condition and calculations.

**Conclusion**

As can be seen from the issues outlined within this report, the park is set in a site/locality that is environmentally sensitive and which should be protected.

Through appropriate mitigation measures and on-going monitoring proposed via conditions, Council Officers consider that the expansion of the park and proposed improvements are reasonable and can be supported.

The park, either through previous or current owner(s) and/or management(s) has over time sought to extend and to “value add” to its services and amenity without seeking required formal approvals.

Council has been proactive in its attempt to address these activities and this has resulted in the current application before Council. If approved the resultant consent conditions will reinforce and provide clarity in relation to the approved buildings and land uses on-going. This will also provide clear direction to current or prospective owner(s) and/or management and compliance officers (if required).

Having regard for the outcomes of the assessment undertaken, Council has the following options with regard to determining the subject application:

**Option 1**

That Council approve the development application subject to standard conditions of consent for this type of development and those specifically outlined due to environmental sensitivities. Should Council elect to proceed with this option, it must be satisfied that the proposed development is consistent with the objectives of the 7(f) – Environmental Protection (Coastal Lands) Zone under the provisions of the Ballina Local Environmental Plan 1987, is consistent with relevant provisions of the North Coast Regional Environmental Plan, and is consistent with the relevant State Environmental Planning Policies, or

**Option 2**

That Council refuse the development application, in consideration that the proposed expansion cannot be reasonably constrained to minimise the environmental impact and is consequently inconsistent with the applicable zone objectives, the provisions of the North Coast Regional Environmental Plan, the provisions of State Environmental Planning Policies.

Option one is the recommended approach for the reasons outlined in this report.

**RECOMMENDATION**

That DA 2011/506 to undertake the expansion of the existing Caravan Park comprising the Creation of an additional 123 short term accommodation sites (65 being caravan/recreational vehicle sites and 58 being camping sites), indoor recreation hall and associated amenities building, additional deck adjoining the existing kiosk/shop and office/reception, manager's cabin, associated facilities, infrastructure and rehabilitation works on Lot 1712 DP 597523 & Lot 1 DP 1186674 (previously containing a road enclosure permit), No. 440 South Ballina Beach Road, South Ballina be **APPROVED** subject to the imposition of the attached recommended conditions to minimise any environmental impacts.

**Attachment(s)**

1. Locality Plan
2. Proposed Caravan Park Site & Stage Plan
3. Proposed Caravan Park Plantings Overlay
4. Proposed Recreation & Amenities Floor Plan
5. Proposed Elevations & Sections Plan
6. Existing Kiosk Floor Plan
7. Existing Kiosk Elevations & Sections Plan
8. Existing Managers Residence Floor Plan
9. Existing Managers Residence Elevations Plan
10. Office of Environment & Heritage Referral Comments
11. Jali Referral Comments
12. Submission 9 March 2012 - National Parks Association of NSW
13. Submission 13 March 2012 - National Parks Association of NSW
14. Submission - Glen Wright, Seabreeze Holiday Park
15. Submission - Harford
16. Submission - Middleton
17. Submission - Ballina Environment Society
18. Submission - Birdlife Northern NSW
19. Submission - Confidential (Name withheld)
20. DCP Chapter 7 Part 4 - Special Area Controls
21. Email to Bernard Grinberg dated April 2013 re Developer Contributions
22. Recommended Conditions of Consent

## **8.2 DA 2013/298 - Attached Dual Occupancy, Lennox Head**

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### **8.2 DA 2013/298 - Attached Dual Occupancy, Lennox Head**

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<b>Applicant</b>	K Barron and S Crumlin
<b>Property</b>	Lot 20 DP 29654 No. 13 Dress Circle Drive Lennox Head
<b>Proposal</b>	Attached Strata Title Dual Occupancy
<b>Effect of Planning Instrument</b>	The land is zoned R3 Medium Density Residential under the provisions of the Ballina LEP
<b>Locality Plan</b>	The subject land is depicted on the locality plan attached

#### **Introduction**

Council is in receipt of a Development Application for a proposed strata title Dual Occupancy at the above property. The 505.9m<sup>2</sup> site is situated within the Lennox Head Village area and currently contains a part two-storey dwelling fronting Dress Circle Drive. It is intended to construct a new attached two-storey residential dwelling to the rear portion of the allotment.

The initial plans that accompanied the application contained certain planning control departures and as a consequence there was significant nearby neighbour interest and objection. This has resulted in the plans being modified on three occasions. The most recent plans are those that are assessed in this report.

As a result of the neighbour interest, Council at its Ordinary Meeting on the 24 October 2013 resolved to determine the application.

#### **Reportable Political Donations**

Details of known reportable political donations are as follows:

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

#### **Public Exhibition**

The original application was notified in writing to affected neighbours, with six submissions being received.

Adjoining and nearby neighbours were again notified in writing of the latest amended plans with three written submissions being received from adjoining residents to the south and south/west.

The issues raised by the objectors which will be discussed later in the report, relate to overshadowing, privacy, off street parking, building compatibility, scale/bulk, Building Height Plane (BHP) requirements and associated view loss under Chapter 4 of Council's Development Control Plan (DCP) 2012.



### **Applicable Planning Instruments**

The site is zoned R3 Medium Density Residential Development under the Ballina LEP 2012 where attached dwellings are permitted with consent.

The objectives of the zoning are to:

- provide for the housing needs of the community within a medium density residential development;
- provide a variety of housing types within a medium density environment;
- enable other land uses that provide facilities or services to meet the day to day needs of residents;
- provide development that is compatible with the character and amenity of the surrounding neighbourhood;
- encourage housing and infrastructure that supports the ageing population;
- provide for development that meets the social and cultural needs of the community;
- encourage development that achieves the efficient use of resources such as energy and water.

Having regard to the above objectives, the proposed dual occupancy is considered to satisfy the criteria.

Under the Ballina LEP Dwelling Density Map, a minimum 250m<sup>2</sup> of land area per residential unit is required. The site is 505.9m<sup>2</sup> in area, therefore two attached strata title dwellings are permissible development on the land.

Chapter 4 of Council's Development Control Plan 2012 requires dual occupancies to be attached where the total site area is less than 600m<sup>2</sup>. The applicant proposes to link the dwellings through the construction of an enclosed storeroom at ground floor level, between both buildings. The DCP does not require the buildings to be roofed at roof level which would be difficult in any case for sloping sites.

### **Report**

The site is situated on the western side of Dress Circle Drive, fronting the street. The Dress Circle Drive subdivision consists of numerous battle-axe allotments, each competing for sea views over Lennox Head Seven Mile Beach.

The existing part two-storey dwelling on the site is an aged brick veneer building that is proposed to be rendered and painted to match the new building; including the roofing tiles. A colour scheme has been submitted indicating the two buildings will be coloured with subdued grey tones, being integrated as one development.

## 8.2 DA 2013/298 - Attached Dual Occupancy, Lennox Head

The proposed new building is two-storey in design, consisting of lower floor living, bed two, bed three, bathroom and laundry areas. The first floor level consists of a lounge, bed one, kitchen, ensuite and deck areas. Due to the existing dwelling size and floor space ratio limitations, the new building is not large in floor area, being a total of approximately 132 m<sup>2</sup> (including stairwell areas).

The applicants have modified the plans to those originally submitted due to issues with the floor space ratio and Building Height Plane (BHP) provisions contained within CH 4 of the DCP. This has resulted in a reduction in size of the upper floor area and lowering of the roof pitch. These modifications do reduce the impact on and protect the sea views of some surrounding properties, however it is acknowledged some residents will experience a degree of sea view loss if consent is given to the application.

The applicants have also made modifications to window treatments through the use of obscure glazing to address privacy issues raised by neighbours.

The following table assesses the development for compliance with the design controls contained within both the Ballina LEP and DCP 2012 CH4.

Issue	BLEP/DCP requirement	Proposal	Comments
Building Height	8.5 metres overall height permissible.	Maximum height to top of roof as follows:  NE corner-6.56 m  SE corner-5.62m  NW corner-5.60m  SW corner-5.33m	Complies.  The applicant has provided survey levels to Australian Height Datum (AHD) confirming the existing natural ground and roof levels at the corners of the building.
Building Height Plane (BHP)	Applicable to side and rear boundaries; within a 45° plane as measured 1.8 metres above side and rear boundaries (measured to wall/eave junction).	Upper floor setback to wall of northern and southern elevations is 4.815 metres and 3.58 metres respectively.	Complies.  The applicant has submitted survey levels to AHD at the boundaries, confirming compliance with the BHP.
Floor Space Ratio	0.5:1 required.	0.47:1 proposed.	Complies.

**8.2 DA 2013/298 - Attached Dual Occupancy, Lennox Head**

Issue	BLEP/DCP requirement	Proposal	Comments
Building Line	4.6 metre building line to Dress Circle Drive.	3.0 metre setback proposed to the double carport.	Does not comply, however consideration to carports forward of building line can be given under DCP CH4 (refer following comments within report).
Off Street Carparking	Minimum two spaces/unit (stacked spaces permissible, however one space/unit must be covered).	Two spaces to each unit provided; one uncovered stacked car space provided to unit 2.	Complies, with only one stacked space to unit 2 being uncovered.
Solar Access	<p>Various design controls within Element "J" of DCP CH4.</p> <p>Living areas facing north and east; no unreasonable overshadowing of adjoining premises; roofing designs and aspect to accommodate solar panels.</p>	<p>Design accommodates solar access.</p> <p>Shadow diagram submitted indicates the overshadowing of the adjoining residence is not unreasonable.</p>	Complies.
Private Open space	25% of site landscaped surfaces; private open space min. 24m <sup>2</sup> area /unit with min. width 4x4m, gradient 1:10; located at ground level and accessible from living areas.	<p>Both units have open space areas at ground level.</p> <p>Unit 2 contains a small upper floor courtyard area to the east and two front eastern grassed yard areas accessed via a stair.</p>	<p>Generally complies, however access from unit 2 is via a stair and not unreasonable.</p> <p>Applicant will be providing landscaping to enhance privacy to these yard areas.</p>

**Issues raised by Objectors**

The following issues are raised in the submissions made by the objectors and comments are provided:

*Overshadowing*

Recent discussions between Council and the adjoining neighbours to the south have revealed that they are predominantly concerned with any overshadowing of their solar panels which are roof mounted on their two-storey dwelling. The shadow diagram submitted by the applicants' consultant indicates the panels will not be shadowed by the development.

There are no significant overshadowing issues with the proposal, however the objectors do make mention of the proposed high screen planting to the southern boundary. This landscaping matter has been discussed with the applicants and they have no issue in deleting this high landscaping and replacing with lower plantings. This requirement could be conditioned on any issued development consent.

*Privacy*

Within their design, the applicants have addressed issues of privacy that have been previously raised by some of the objectors during the exhibition of the application. This has resulted in modifications to the plans including the provision of obscure glass to all of the upper floor southern elevation windows and upper floor western elevation ensuite window.

The applicants are also proposing additional screen planting to that which already exists.

It is further noted that existing dwellings to the rear of the subject land, including those owned by the objectors, have extensive windows and balcony areas overlooking other properties.

There are no significant issues regarding privacy and the applicants have attempted to minimise any impacts.

*Building Height Plane (BHP)*

The BHP as required under CH4 of DCP 2012, is a 45° height plane as measured at a height of 1.8 metres from any point on the side or rear boundaries. Concessions within the DCP are given to the northern and eastern boundaries, being the non shadowing elevations.

The applicants' initial two submissions did not comply with the height plane provisions and no concessions were considered appropriate due to the existing two-storey dwelling already exceeding the BHP requirements.

Subsequently, the applicants have modified their plans to fully meet the DCP requirements which have improved the outlook for some residents due to the upper floor being reduced in width and height. The upper floor eastern and western wall elevation width is 8.5 metres approximately.

Survey levels, prepared by a registered surveyor (Ardill Payne and Partners) have been supplied by the applicants that indicates the levels to AHD at the boundaries adjacent the proposed dwelling. The objectors have made comment that in their opinion the levels are not in accordance with an earlier survey site plan submitted by the applicants. This earlier plan, believed to be surveyor created at least 20 years ago, has now been found to contain one inaccurate spot level, which happens to be at the south east corner of the proposal. It is believed this is a typographical error, as it is the only level on the plan which appears to be approximately one metre lower than the other cited levels (actually 10.75m AHD rather than 11.75m AHD).

All other levels on the old survey plan appear to be consistent with the recent levels provided by Ardill Payne and Partners. The recent survey levels provided have been confirmed in writing by Ardill Payne and Partners as being accurate. Their written submission suggests a drafting error has occurred with the old survey plan, unless significant localized site filling had occurred.

Recent site inspections of the subject site has revealed the ground levels to appear to be in their natural state, similar to the adjoining lands with no evidence of past site filling or excavation.

Accordingly, the proposal is considered to comply with the BHP requirements.

#### *Building Height Compliance and View Loss*

The Ballina LEP sets a maximum overall building height of 8.5 metres. As stated above, one of the objector's consultant appears to have used the old incorrect spot level as a reference point. As tabled above, the ground survey levels to AHD provided at the corners of the building indicate the building to have a maximum height of 6.56 metres, being 1.94 metres below the maximum height permitted under the Ballina LEP.

Any issued development consent will contain conditions relating to compliance with the approved plans and the checking of these building heights during construction.

There will be some view loss experienced by some residents who are located to the rear of the development site. Due to the battle-axe subdivision arrangement, the potential for view loss is a reality and expected when sites directly fronting Dress Circle Drive are developed or re-developed. In fact the view loss could perhaps be greater with a total re-development of the whole site.

#### *Car Parking*

As detailed in the above table, the car parking provided complies with DCP 2012 CH4. The issue for consideration is the proposed double carport to unit two being forward of the building line, with a setback of three metres rather than the required 4.6 metres to Dress Circle Drive.

DCP CH4 states that carports forward of the building line will be considered subject to the following criteria:

- No other suitable location is available on site behind the building line;

## 8.2 DA 2013/298 - Attached Dual Occupancy, Lennox Head

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*Comment:* limited area is available on site to accommodate the required carparking to unit two.

- Carport located a minimum 900mm from side boundary;  
*Comment:* plan depicts 800mm setback, however a minimum 1000mm is required for pedestrian access to unit two and any issued development consent will be conditioned accordingly.
- Front of carport to be open form;  
*Comment:* complies.
- Carport posts to be a minimum two metres from the street boundary;  
*Comments:* Complies, three metre setback proposed.
- Carport roof does not significantly impact on the streetscape;  
*Comment:* the low skillion roof will not have any adverse impact on the street or adjoining residents.
- The carport roof is to be non-trafficable;  
*Comment:* complies.
- Carport width does not exceed 33% of the street frontage allotment width, or six metres, whichever is the lesser;  
*Comment:* lot has a frontage of 16.765 metres, therefore a 5.6 metre wide carport is permissible where a 5.0 metre carport is proposed.
- Any side or rear enclosure is to have 50% permeability;  
*Comment:* open form to both sides, complies.

The carport is a minor construction and its location and design will not have any negative impacts on the streetscape. Regarding off-street parking, two footpath gutter crossings are intended to service the carparking areas, and the combined width of these gutter crossings will be 5.7 metres. This width is similar to a maximum six metre permissible width for a dual occupancy or single dwelling development, therefore the proposal will have minimal impacts on street parking availability.

### *Building Compatibility*

The applicant has submitted a colour scheme for the development, indicating both dwellings will be coloured in grey tones. The existing building is also to be upgraded through the rendering and painting of the external brick walling and painting of the tiled roof to match the proposed roofing colour of the new building.

When viewed from the street, the new dwelling will not be highly visible due to the street level being considerably lower than the building and the existing dwelling screening much of the view.

The designer has attempted to integrate the development with the existing building. Although the existing dwelling contains a dual hip roof design, the applicants have chosen a low skillion roof design over the new dwelling to minimise any view loss to neighbours.

## **8.2 DA 2013/298 - Attached Dual Occupancy, Lennox Head**

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The development will not be out of character with the surrounding development which is a mix of large two-storey dwellings and residential units of similar or greater scale.

### **Conclusion**

Due to the fact the application involves the addition of a new attached dwelling to an existing two-storey dwelling, the applicants have encountered difficulties in designing a building to fit within the parameters of our planning controls.

This has resulted in modifications to the design where issues raised by surrounding neighbours have also been considered by the applicants and designer. The applicants are attempting to maximise their own sea views over the roof line of their existing dwelling.

They have however, attempted to keep the proposed new roof profile as low as possible within reason (4.5°), to minimise any impacts on surrounding residents. Some of the nearby residents appear to have been accepting of the applicants' efforts in addressing privacy concerns and reducing the scale of the building to comply with our planning controls.

It is considered the approval of the development is reasonable with the proposal being permissible regarding the zoning and dwelling density provisions that apply to the locality. Through three plan modifications, the applicants have considered and met our planning controls. The proposal will not have any negative impact on street views and is in keeping with the surrounding mix of single and multi-residential development.

### **Options**

Council has the option to refuse the application or approve it subject to the following conditions:

- a) All landscaping to the southern boundary is to be of low plantings, below the existing 1.8 metre fence height level
- b) The building is to be constructed in accordance with the approved plans having a maximum height of RL 17.795 metres AHD. Certification from a registered surveyor is to be submitted to Council at completion of the framing stage, prior to wall and roof cladding being installed, verifying compliance with the levels on the approved plans
- c) The coloured finish to the buildings is to be in accordance with the submitted approved colour scheme
- d) The northern carport posts are to be a minimum 1,000mm from the northern boundary to provide adequate pedestrian access from unit two to the street.

It is recommended that Council approve the application, as per these conditions, for the various reasons outlined within this report.

**RECOMMENDATION**

That Development Application No. 2013/298 be **APPROVED** subject to the following conditions:

- a) All landscaping to the southern boundary is to be of low plantings, below the existing 1.8 metre fence height level
- b) The building is to be constructed in accordance with the approved plans having a maximum height of RL 17.795 metres AHD. Certification from a registered surveyor is to be submitted to Council at completion of the framing stage, prior to wall and roof cladding being installed, verifying compliance with the levels on the approved plans
- c) The coloured finish to the buildings is to be in accordance with the submitted approved colour scheme
- d) The northern carport posts are to be a minimum 1,000mm from the northern boundary to provide adequate pedestrian access from unit two to the street.

**Attachment(s)**

1. Locality Plan
2. Covering Letter regarding Amended Plans
3. Site and Floor Plans
4. Floor Space Ratio
5. Elevations and Section
6. Shadow Diagram
7. Supporting Documentation Confirming Survey Levels
8. Letter of Objection (and supporting documentation) - Fryer
9. Letter of Objection - Lee
10. Letter of Objection - Elliott-Smith



### 8.3 Development Consent Statistics - October 2013

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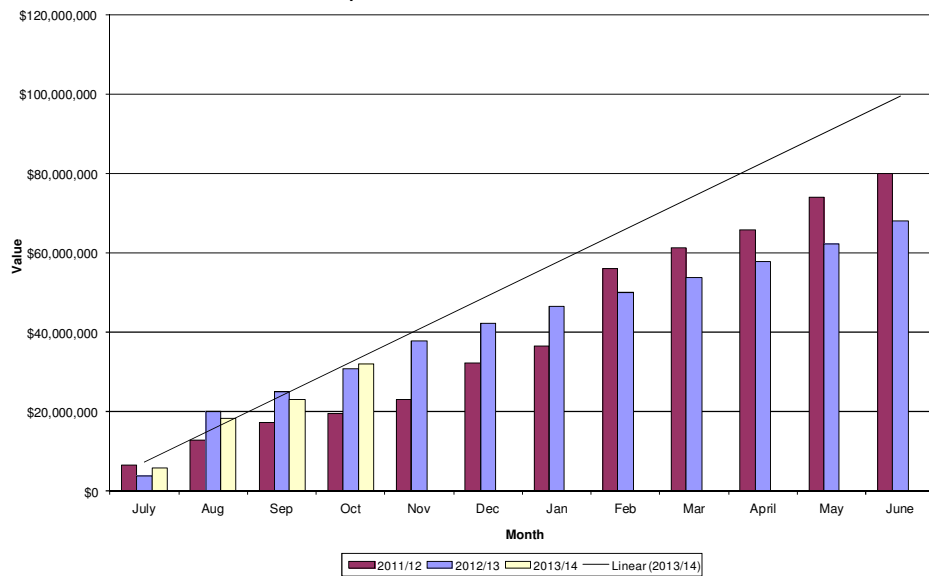
### 8.3 Development Consent Statistics - October 2013

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During the period of 1 October 2013 to 31 October 2013 the Development and Environmental Health Group issued Development Consent comprising of:

<b>Number of Applications</b>	<b>Value of Work</b>
43 Other Building Related	\$ 2,979,000
10 Dwelling/Duplexes/Residential Flat Buildings	\$ 4,745,000
9 General Developments	\$ 1,276,000
<b>Total Value</b>	<b>\$ 9,000,000</b>

The following chart details the cumulative consent figures for 2013/14 as compared to 2012/13 and 2011/12. A trend line has also been provided for 2013/14 to assist in the comparison.



### RECOMMENDATIONS

That Council notes the contents of the report on development consent statistics for 1 October 2013 to 31 October 2013.

### Attachment(s)

Nil

#### 8.4 Development Applications - Works in Progress - November 2013

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#### 8.4 Development Applications - Works in Progress - November 2013

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

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

DA No.	Date Rec'd	Applicant	Proposal	Status
2011/320	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	Awaiting Additional Information
2011/515	30/11/2011	Newton Denny Chapelle	Staged development - 5 x lot subdivision for future cluster housing development and construction of public road - No. 565-589 River Street, West Ballina	Awaiting Additional Information
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 <sup>2</sup> to 773m <sup>2</sup> , associated road, earth and	Awaiting Additional Information

**8.4 Development Applications - Works in Progress - November 2013**

<b>DA No.</b>	<b>Date Rec'd</b>	<b>Applicant</b>	<b>Proposal</b>	<b>Status</b>
			infrastructure servicing works, creation of a public road and one 6.4 hectare Torrens Title residue lot - 565-589 River Street, West Ballina	
2013/194	3/06/2013	Ballina Shire Council	Lennox Head Shared Pathways - Lot 5 DP 241434, The Coast Road, Lennox Head	Awaiting Additional Information
2013/195	3/06/2013	Ballina Shire Council	Lennox Head Shared Pathways – Various Roads and Reserves between East Ballina and Lennox Head.	Awaiting Additional Information
2013/354	18/09/2013	Ardill Payne & Partners	Erection of Second Dwelling to form a Detached Dual Occupancy and Strata Title Subdivision (Stage 1), Vegetation Removal and associated works - 35 Bridge Drive, Wardell	Referred to Government Departments
2013/355	18/09/2013	Ardill Payne & Partners	To undertake site filling - 540 Pimlico Road, Pimlico	Awaiting Additional Information
2013/364	20/09/0013	Northern Rivers Dirty Wheels Mountain Bike Club Inc	To establish a mountain bike facility and associated works - Bruxner Highway, Alstonville	Being Assessed
2013/369	25/09/2013	Nicole Samm	Alterations and Additions to an Existing	Awaiting Additional Information

**8.4 Development Applications - Works in Progress - November 2013**

<b>DA No.</b>	<b>Date Rec'd</b>	<b>Applicant</b>	<b>Proposal</b>	<b>Status</b>
			Dwelling House and Establishment of a Bed and Breakfast Facility and Remedial Massage Business and Erection of a Shed, Car Parking, Vehicular Access Upgrade and associated works - 21 Old Pacific Highway, Newrybar	
2013/370	25/09/2013	Peter Turner & Associates	Alterations and Additions to Existing Hotel - 19 Pacific Parade, Lennox Head	Determination Pending
2013/381	02/10/2013	Planners North	To Demolish the Existing Sundowner Motel and Restaurant and to Erect and Strata Title a Multi-level Mixed Commercial and Residential Building with an Overall Height of Approximately 23 metres. The Development Comprises Commercial Premises at Ground Level Fronting River Street and a Restaurant Fronting the River with 36 Residential Apartments	Awaiting Additional Information

**8.4 Development Applications - Works in Progress - November 2013**

<b>DA No.</b>	<b>Date Rec'd</b>	<b>Applicant</b>	<b>Proposal</b>	<b>Status</b>
			above. The Proposal Seeks to Dedicate Land for Foreshore Public Access, Retain Two Existing Trees, Comprising One Norfolk Island Pine and One Pandanus and Incorporate Two Levels of Car Parking Within the Building - 274 River Street, Ballina	
2013/406	17/10/2013	G Hinrichsen	Change of Use and Alterations and Additions to an Existing Industrial Unit - 3/8 Cessna Cr, Ballina	Awaiting Additional Information
2013/411	18/10/2013	Ardill Payne & Partners	Alterations & Additions to the Essential Energy Depot - 36 Temple Street, Ballina	Being Assessed
2013/427T	30/10/2013	B Hannah	To prune two trees – 18 Elliot Avenue, Alstonville	Determination Pending
2013/441	11/11/2013	Ardill Payne & Partners	To establish a recreation facility (outdoor) for the purposes of an equestrian centre (Riding for the Disabled) - 377 Houghlahans Creek Road, Booyong	On Exhibition

## 8.4 Development Applications - Works in Progress - November 2013

### Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2012/334	17/08/2012	Ballina Shire Council	The construction of Hutley Drive connection to the Pacific Pines Estate via a round-about, connection to Elevation Estate & vegetation clearance in SEPP 14 affected area – North Creek Road, Lennox Head	Referred to Government Departments
2013/162	17/05/2013	Ardill Payne	Extractive Industry (Sand Quarry) with a total extractable resource amount of 610,000m <sup>3</sup> (in situ) - Lot 32 DP 1151612, Newrybar Swamp Road, Lennox Head	Referred to Government Department
2013/286	5/08/2013	Ballina Shire Council	Establishment and Operation of a Biochar and Waste-to-Energy Facility - 167 Southern Cross Drive, Ballina	Awaiting Additional Information

### Major Development (Determined by Minister)

Major Project No./DA No.	Date Rec'd	Applicant	Proposal	Status
Nil				

### RECOMMENDATION

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

### Attachment(s)

Nil

## **9.1 4WD Caravan, Camping and Marine Show - Relocation**

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### **9. Strategic and Community Facilities Group Reports**

#### **9.1 4WD Caravan, Camping and Marine Show - Relocation**

**Delivery Program** Tourism

**Objective** To consider a request from the organisers of the 4WD Caravan, Camping and Marine Show to host the event in Ballina for 2014 onwards.

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#### **Background**

This report is prepared for the Council to consider a request from the organisers of the 2014 4WD Caravan, Camping and Marine Show (the Show), Westpac Life Saver Rescue Helicopter Service, to move the event from Lismore to Ballina.

Historically, the Show is held annually at the Lismore Showground over three days. In 2013, it attracted approximately 13,000 people and showcased 200 exhibitors. The date for the 2014 event is scheduled from 4 to 6 July.

The Show is a major fundraiser for the Westpac Life Saver Rescue Helicopter, a subsidiary of Surf Life Saving Australia. Seventy percent of its annual operating budget is reliant on fundraising efforts.

According to the organisers, the impetus to move the event is to address a number of issues with the existing venue, attract new sponsors and increase attendance numbers.

#### **Key Issues**

- Equity in the provision of financial and in-kind support for festivals and events in the Ballina Shire
- Potential economic benefits generated from the event and impact on businesses
- Impacts of the Show on existing events in the Ballina Shire that are similar in nature
- Regional co-operation

#### **Information**

The organisers of the Show approached Ballina Shire Council in September this year. Their proposal is to move the Show from Lismore to Ballina for the 2014 event and onwards, subject to a number of conditions including financial contributions from Council.

The site proposed for the event in Ballina is Kingsford Smith Sports Fields. The organisers have been to the site and believe it is an adequate size for their requirements with the added benefit of being in a high profile location.

The disadvantages with the site are the lack of infrastructure, namely fencing and toilet facilities, and the potential negative impacts for adjacent residents.

## 9.1 4WD Caravan, Camping and Marine Show - Relocation

A large portion of revenue raised from the Show is via ticket sales, so it is important the entire site is secured by fencing.

The Show organizers have requested Council cover the cost for this infrastructure. Council staff has investigated these costs which are approximately \$7,500.

The Show organisers have also requested a significant amount of funds (\$15,000) for the promotion of the Show at the new location. The following table outlines the request to Ballina Shire Council from the Show organisers:

<b>Nature of request</b>	<b>Approx Value (\$)</b>
Hire of grounds	Nil (community group)
Temporary fencing	7,500
Toilet facilities	5,000
Waste facilities including daily removal (subject to usage)	TBC
Promotional costs	15,000
Remedial works to grounds (subject to weather conditions)	2,000
Electricity (subject to usage)	4,500
<b>Total</b>	<b>34,000</b>

The above table is approximate costs only and, even though preliminary, represents a significant investment of ratepayer funds. The Show organisers have since advised they are willing to negotiate the financial support, and after discussions have stated they would withdraw their \$15,000 request for promotions. This would mean the request to Council by the Show organisers is a financial contribution of approximately \$20,000.

Should Council proceed with the proposal, consideration needs to be given as to how to fund this event. Council could forward-allocate \$20,000 of the Festival and Event Support Program, as it has done in previous years. Councillors would be aware that there is an increasing number of festivals and events in the shire that will be seeking funding via this Program in 2014/15.

As advised by Show organisers, a decision is required by Council prior to the Festival and Event Support Program being opened in December 2013.

The main issue Council has with the option of forward-allocating monies is the equity in providing financial support to Ballina Shire events. In the 2013/14 financial year Council has funded the following events:

<b>Event Name</b>	<b>Council contribution (\$)</b>
Ballina Boat & Leisure Show	5,000
Ballina Fine Food & Wine Festival	5,000
Skullcandy Oz Grom Open	10,000
Summerland House Country Fair	10,000
Ballina Coastal Country Music Festival	25,000
<b>Total</b>	<b>55,000</b>

It is anticipated the events listed will be seeking funding via the Festival and Event Support Program in 2014/15, with the possible addition of the Ballina Prawn Festival. Council provided \$10,000 in financial support to the Prawn



## 9.1 4WD Caravan, Camping and Marine Show - Relocation

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Festival along with \$25,000 in grant funds resulting in a total cash contribution of \$35,000.

In addition to these events Council also provided financial support to the following events through the annual donations program:

Event Name	Council contribution (\$)
Apex Club of Alstonville – New Years Eve	15,000
Lennox Head Chamber of Commerce - Carols	5,000
Ballina District Ministers Association Inc - Carols	8,000
<b>Total</b>	<b>28,000</b>

The organisers of the Show have also requested Council support in preparing all necessary paperwork for application and approval of the Show. Given the Tourism Section is responsible for issuing approvals for events on public land, it is not entirely appropriate for Council event staff to assist in preparing an application to use public land on behalf of the Show organisers, with the staff then assessing the application. Support can be provided albeit that the Council staff should be providing advice and not completing the application.

If the Show proceeds to relocate to Ballina, existing events such as the Ballina Boat and Leisure Show and the Skullcandy Oz Grom Open could be impacted.

The organisers of the Ballina Boat and Leisure Show may choose to re-evaluate their event, given the comparable nature of the two.

The Skullcandy surfing competition is to be scheduled over a similar timeframe in July 2014, which may or may not be an issue given the two events draw on different demographics.

In terms of benefits to the Ballina Shire, the Show could generate significant economic returns as a result of re-locating. Based on a Tourism Research Australia (TRA) calculation that on average, a visitor to an event will spend \$246 per night, the injection into the Ballina Shire could be well over \$1 million. This is based on the assumption that half of the attendees reside outside the Ballina Shire.

Before a determination is made, Councillors need to be aware that the Show organisers have met with both Ballina Shire Council and Lismore City Council. The General Managers of both councils have corresponded and are in support of a regional approach. In other words, we do not want the organisers of the Show approaching Ballina and then using our offer to try and increase the funding provided by Lismore.

This matter was raised with the organisers and the verbal advice they have provided is that they are serious about moving to Ballina, as they feel Kingsford Smith provides a better venue, however to make that decision by early December, they need to know what support there is from Ballina Shire Council.

### Sustainability Considerations

- **Environment**  
Not Applicable
- **Social**  
Events create a sense of place for residents and visitors.
- **Economic**  
The Show is likely to generate significant economic benefits to Ballina Shire via increase in visitor numbers in July.

### Legal / Resource / Financial Implications

There will be significant financial implications in supporting the event. Further, there will be impacts on Council staff resources.

### Consultation

Given the preliminary nature of the investigation, community consultation has not occurred at this time.

### Options

The introduction of Council's Festival and Events Support program is proving to be an outstanding success. By providing seed funding, more and more events are being created and held in the Ballina Shire and there is little doubt that these events are providing an economic benefit and a social benefit through the involvement of the community.

Council's long term financial plan has \$60,000 allocated for the Festivals and Events Program in 2014/15 with this figure then indexed by CPI in future years. Council's Donations Program has \$67,000 allocated in 2014/15 with that funding also indexed by CPI in future years.

Assuming Council wanted to continue to support the existing events, along with supporting the Prawn Festival and the 4WD Caravan, Camping and Marine Show the minimum funding we would need would be approximately \$128,000 as per the following table.

Event Name	Council contribution (\$)
Ballina Boat & Leisure Show	5,000
Ballina Fine Food & Wine Festival	5,000
Skullcandy Oz Grom Open	10,000
Summerland House Country Fair	10,000
Ballina Coastal Country Music Festival	25,000
Apex Club of Alstonville – New Year's Eve	15,000
Lennox Head Chamber of Commerce - Carols	5,000
Ballina District Ministers Association Inc – Carols	8,000
Ballina Chamber of Commerce – Prawn Festival	(estimate only) 25,000
4wd Caravan, Camping and Marine Show	20,000
<b>Total</b>	<b>128,000</b>

## 9.1 4WD Caravan, Camping and Marine Show - Relocation

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If we assume the New Year's Eve and Christmas Carol Events (\$28,000) are funded from the donations program, this means the total funding we have currently allocated in our 2014/15 budget is \$88,000 (i.e. \$60,000 in Festivals and Events and \$28,000 from the Donations Program).

This leaves a shortfall of \$40,000, without considering any new events that may come forward as part of the Festivals and Events application program.

Expressions of interest for that program are advertised during December to February with that process to commence shortly.

In respect to options there are a number available with the main options being:

**Option One** – Advise the organisers to apply as part of our Festival and Events Program.

Even though the organisers want a decision now, from a fairness and equity perspective it may be more appropriate to ask them to apply as part of the advertised program. This then allows Council to make a decision based on having information on all the events being proposed for the Ballina Shire.

The difficulty with this option is timeframes as the Show organisers want to commence planning for the 2014 event.

Council has faced the same difficulty with the Ballina Coastal Country Music Festival who have had funding approved, prior to the formal advertising process, as they need to market their event at the January Country Music Festival in Tamworth.

**Option Two** – Confirm Council financial support of \$20,000 for the Show.

The Show does match a lot of the tourism and marketing aspects of Ballina Shire (i.e. camping, the water and coast theme, large number of caravan parks, quieter time of year etc) and is an excellent fit with our Festivals and Events Program.

The difficulty with this option is that all the other events are still to be considered along with the limited funding available in total.

It would be ideal if Council could increase the existing budget and support all of the events listed, however Council needs to be realistic in ensuring that we do not continue to increase our operating costs for activities such as this, which take funds away from our core objective of maintaining and providing infrastructure.

Recognising that we need to control operating costs one option could be:

- a) Reallocate funds from the cash donations program to the Festivals and Events Program
- b) Review the cash contributions for existing events downwards and
- c) Leave a small amount of funding for any new events.

## 9.1 4WD Caravan, Camping and Marine Show - Relocation

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An example of this is shown in the following table:

<b>Event Name</b>	<b>2014/15 (\$)</b>
Ballina Boat & Leisure Show	4,000
Ballina Fine Food & Wine Festival	4,000
Skullcandy Oz Grom Open	8,000
Summerland House Country Fair	8,000
Ballina Coastal Country Music Festival	12,000
Apex Club of Alstonville – New Year's Eve	12,000
Lennox Head Chamber of Commerce - Carols	4,000
Ballina District Ministers Association Inc – Carols	4,000
Ballina Chamber of Commerce – Prawn Festival	20,000
4wd Caravan, Camping and Marine Show	20,000
Seed Funding for New Event(s)	9,000
<b>Total</b>	<b>105,000</b>

This revised program would then be funded from the Festivals and Events Program (\$60,000), a reduction in the Donations budget by \$40,000 and a reduction in the Council Civic Functions budget from \$10,000 to \$5,000.

In respect to the Donations budget the 2014/15 figure is \$67,000 with \$28,000 having been allocated in 2013/14 to the three events listed in this table. By reallocating \$40,000 we are in essence reducing the budget by a net \$12,000.

The Civic Functions budget is mentioned as this budget funded the Prawn Festival in 2013/14. This \$10,000 budget is used for any Civic Functions held during the year and for 2013/14 no other functions can be conducted as it has all been allocated to the Prawn Festival. The budget could be reduced to \$5,000 in future years to offset the cost of the Festival and Events Program.

The problem with this proposal is that some of the events listed may argue they need at least the same funding, if not more for 2014/15, and to date there has been no consultation with those organisers.

Overall it is difficult to determine a recommendation for this report as there are many unknowns. It is also uncertain as to whether or not the Show organisers will even accept any proposal from Council, as Lismore City Council may ultimately increase their current support for the Show.

Also any decision that Council makes now could impact on our 2014/15 Festivals and Events Program, which is scheduled to be advertised shortly.

On balance based on the scale and magnitude of the 4WD Show it is considered to be an event that Council should or could support. Therefore the first recommendation is to provide a commitment of \$20,000.

In respect to the overall Festivals and Events funding it is critical that Council not over commit to this program and this being the case any increase should be offset by savings in other budgets.

Therefore the second recommendation is to offset any increase in the Festivals and Events Program by matching reductions in the Donations and Civic Functions Programs.

## **9.1 4WD Caravan, Camping and Marine Show - Relocation**

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Finally rather than confirming funding allocations to other events at this point in time, the final recommendation is that Council proceed with the calling of expressions of interest for the 2014/15 Festivals and Events Program, with an acknowledgment to any applicant that the continued success of the program will most likely result in a reduction in the funding available for individual events for 2014/15.

### **RECOMMENDATION**

1. That Council provides its in principle support for a cash contribution of \$20,000 to the 4WD Caravan, Camping and Marine Show from the 2014/15 Festivals and Events Program.
2. That Council confirms that any increase above CPI in the Festivals and Events Program for 2014/15 onwards is to be funded by a matching reduction in the Donations and Civic Function Programs.
3. That Council authorises the calling of expressions of interest for the 2014/15 Festivals and Events Program, with all applicants to be advised that the continued success of this program may result in a need to reduce the amount allocated to individual events in previous years. Applicants will need to be mindful of this when submitting applications for the program.

### **Attachment(s)**

Nil

## 9.2 Environmental Action Plan - 2013 Update

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### 9.2 Environmental Action Plan - 2013 Update

**Delivery Program** Strategic Planning

**Objective** To provide the Council with an update of our organisational environmental performance during the financial year 2012/13

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#### **Background**

During 2010, Council developed an Environmental Action Plan (EAP) which documents the many and varied activities of Council which impact on our local environment. The EAP identifies Council projects which are having a positive impact on the environment, as well as those which attempt to minimise any adverse impacts on the environment arising from Council activities.

The EAP is updated annually to record progress on individual projects and Council's progression toward its goal of a 'Healthy Environment'.

#### **Key Issues**

- Completed environmental actions

#### **Information**

The EAP is provided at Attachment 1 to this report (under separate cover).

As a summary, key achievements include the following:

- All street-lighting in the shire is now energy efficient
- Completion of Beachwatch Monitoring Program for summer of 2011/12
- Establishment of a Contaminated Lands Register
- Installation of four 'doggy poo' dispensers at Lennox Head, with two more to come
- Adoption of the Coastal Zone Management Plan for Ballina coastline
- Collation of the first Regional State of the Environment Report
- Completion of rehabilitation works at Pat Morton Lookout
- Savings of over \$330,000 achieved in reducing loss from water mains
- Attracted over \$185,000 in grant funds for vegetation and Koala management programs

Council's full EAP is publicly available on its website via the following link:  
[www.ballina.nsw.gov.au/Environment](http://www.ballina.nsw.gov.au/Environment).

### **Sustainability Considerations**

- **Environment**  
The EAP shows how Council is contributing toward environmental improvements in the shire across all areas of operation.
- **Social**  
The EAP provides an extra opportunity for community members to contribute to our Operational Plan as well as detail the benefits of existing projects.
- **Economic**  
A number of actions within the EAP are forecast to provide budget savings in the longer term, although there may be an upfront cost associated with their initial implementation.

### **Legal / Resource / Financial Implications**

The EAP details actions which are included in the Delivery Program and Operational Plan and these actions are separately funded through the annual budget allocation process.

Other actions have been paid for through project funds or within existing budgets.

### **Consultation**

The EAP reflects Council's broader consultation on various issues, as well as legislative requirements and operational priorities.

### **RECOMMENDATION**

That Council notes the contents of this update on the Environmental Action Plan for 2012/13.

### **Attachment(s)**

1. Environmental Action Plan - Annual Update 2013 (Under separate cover)

**10.1 Use of Council Seal**

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**10. General Manager's Group Reports**

**10.1 Use of Council Seal**

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**RECOMMENDATION**

That Council affix the Common Seal to the following documents.

US13/25	Temporary licence agreements for the Ballina Surf Club Café and Kiosk  Explanation: These are two 12 month temporary licenses to allow the operator to occupy the café and kiosk whilst surveys and plan registrations are completed for the lease documentation.
US13/26	Plan of Consolidation of Lots 1 and 2, DP 1061771 – Fawcett Street Café.  Explanation: The Fawcett Street Café currently straddles two lots and it is proposed to tidy this up for lease purposes.

**Attachment(s)**

Nil



## 10.2 Investment Summary - October 2013

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### 10.2 Investment Summary - October 2013

**Delivery Program** Governance and Finance

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

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#### 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 October 2013.

Council's investments are all in accordance with the Act, the Regulations and Council's Investments Policy. The balance of investments as at 31 October 2013 was \$78,823,000. This represents a decrease from September of \$5,292,000.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 31 October 2013, was \$1,293,005.

Council's investments as at 31 October are at an average (weighted) rate of 3.99% which is 1.40% above the 90 Day Bank Bill Index of 2.59%.

The majority of the approximately \$79 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	12
Wastewater Fund (incl developer contributions)	External	34
Section 94 Developer Contributions	External	6
Bonds and Deposits	External	1
Other External Restrictions	External	16
Land Development	Internal	8
Employee Leave Entitlements	Internal	2
Carry Forward Works	Internal	12
Miscellaneous Internal Reserves	Internal	8
Unrestricted		1
<b>Total</b>		<b>100%</b>

\* Based on reserves held as at 30 June 2013

#### Key Issues

- Investment return
- Compliance with Investment Policy

## 10.2 Investment Summary - October 2013

### Information

The RBA again left the cash rate on hold at its October meeting.

The following points are evident from the accompanying statement:

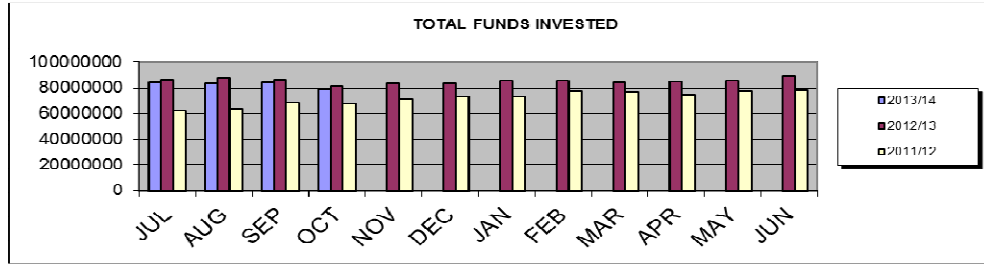
Global growth:	A bit below average this year, with reasonable prospects of a pick up next year. Commodity prices have declined from their peaks, but generally remain at high levels by historical standards. Inflation in most countries remains well contained.
Financial markets:	Overall, global financial conditions remain very accommodative. Volatility in financial markets has abated recently. Long-term interest rates remain very low and there is ample funding available for credit worthy borrowers.
Domestic economy:	The economy has been growing a bit below trend over the past year. This is likely to persist in the near term, as the economy adjusts to lower levels of mining investment. Further ahead, private demand outside the mining sector is expected to increase at a faster pace, though considerable uncertainty surrounds this outlook. There has been an improvement in indicators of household and business sentiment recently, but it is still too soon to judge how persistent this will be. Public spending is forecast to be quite weak.
Inflation:	Recent data on prices show inflation consistent with the medium-term target. The Bank's assessment is that this is likely to remain the case over the next one to two years.

### A. Summary of investments by institution

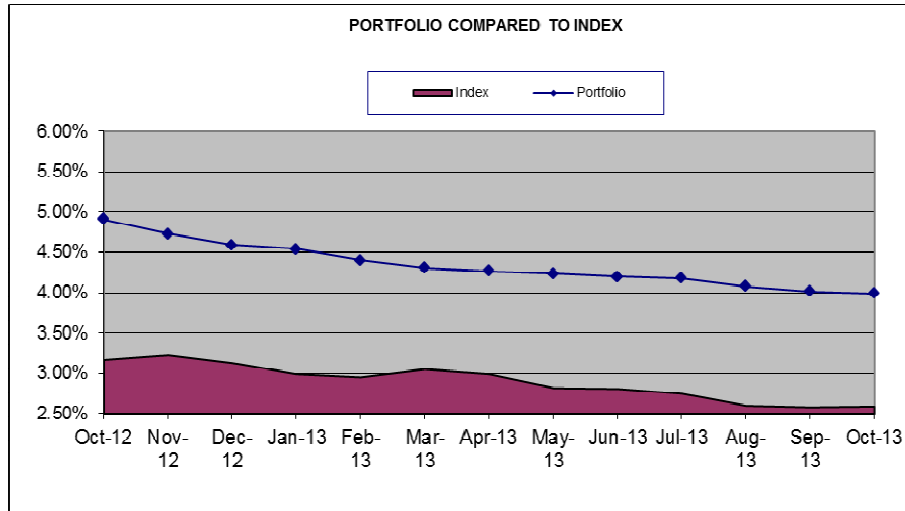
Funds Invested With	ADI Rating	Previous Month (\$'000)	Current Month (\$'000)	Quota %	% of Total	Total
<b>Grandfathered Investments</b>						
Deutsche Bank	A+	4,000	4,000	0	5.1	
Goldman Sachs	AA-	1,000	1,000	0	1.3	
National Australia Bank	AA-	1,788	1,788	0	2.3	
National Wealth M'ment Holding	A	2,000	2,000	0	2.5	11%
<b>Rated Institutions</b>						
Bank of Queensland	BBB+	8,000	7,000	10	8.9	
Commonwealth Bank of Aust	AA-	5,327	5,035	20	6.4	
Defence Bank Ltd	BBB+	3,000	3,000	10	3.8	
Greater Building Society	BBB	2,000	2,000	10	2.5	
Heritage Bank	BBB+	5,000	7,000	10	8.9	
Illawarra Mutual Bld Soc	BBB	2,000	2,000	10	2.5	
ING Bank Ltd	A	15,000	15,000	20	19.0	
Members Equity Bank	BBB	8,000	7,000	10	8.9	
National Australia Bank	AA-	13,000	10,000	20	12.7	
Newcastle Perm Bld Society	BBB+	2,000	2,000	10	2.5	
Rural Bank Ltd	A-	4,000	2,000	10	2.5	
Suncorp Metway Bank	A+	7,000	7,000	20	8.9	
Westpac Banking Corporation	AA-	1,000	1,000	20	1.3	89%
<b>Unrated ADI's</b>				\$1m	0.0	
<b>Total</b>		<b>84,115</b>	<b>78,823</b>			<b>100%</b>

10.2 Investment Summary - October 2013

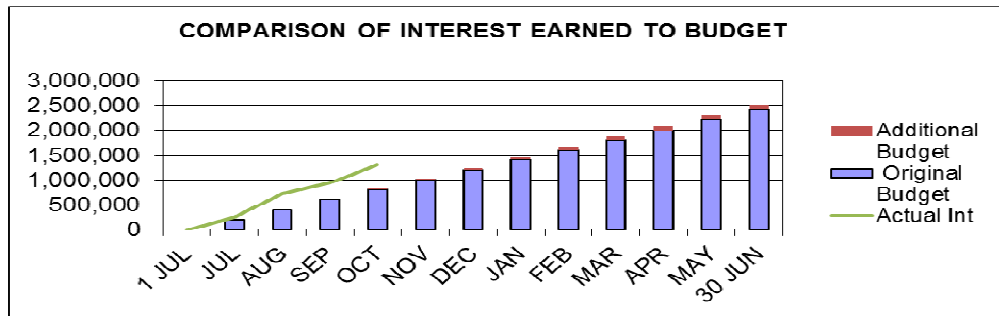
**B. Monthly Comparison of Total Funds Invested**



**C. Comparison of Portfolio Investment Rate to 90 Day BBSW**



**D. Progressive Total of Interest Earned to Budget**



Actual interest is trending above forecast.

This was mentioned in the September Quarterly Review report and it is likely that budgets will be adjusted as part of the December review.

## 10.2 Investment Summary - October 2013

### E. Investments held as at 31 October 2013

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000	
23/04/04	Deutsche Bank	FRN	3.58%	23/04/14	2,000	1,998	
23/04/04	Deutsche Bank	FRN	3.58%	23/04/14	2,000	1,998	
20/09/04	National Australia Bank (ASX Listed)	FRN	3.87%	Perpetual	1,788	1,263	
12/04/06	Goldman Sachs	FRN	3.09%	12/04/16	1,000	987	
16/06/06	National Wealth M'ment Holdings	FRN	3.21%	16/06/16	2,000	1,909	
17/12/08	Commonwealth Bank Of Australia	FRN	3.78%	17/12/13	1,000	1,006	
17/12/08	Commonwealth Bank Of Australia	FRTD	5.93%	17/12/13	999	1,025	
	at call Commonwealth Bank Of Australia	FND	2.70%	at call	1,045	1,045	
24/01/12	ING Bank Ltd	FRTD	4.55%	24/01/17	1,000	1,000	
06/02/12	Westpac Bank	FRN	4.24%	06/02/17	1,000	1,038	
25/01/13	Commonwealth Bank Of Australia	TD	4.36%	25/01/18	1,991	1,991	
01/05/13	National Australia Bank	TD	4.20%	01/11/13	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	
20/05/13	Defence Bank	TD	4.45%	20/05/14	1,000	1,000	
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	3.82%	05/06/15	2,000	2,000	
07/06/13	Greater Bld Society	FRN	4.02%	07/06/16	2,000	1,997	
20/06/13	ING Bank Ltd	TD	4.21%	20/01/14	1,000	1,000	
04/07/13	ING Bank Ltd	TD	4.14%	30/01/14	2,000	2,000	
22/07/13	Defence Bank	TD	4.15%	22/11/13	2,000	2,000	
24/07/13	ING Bank Ltd	TD	4.00%	20/01/14	1,000	1,000	
25/07/13	Bank of Queensland	TD	4.10%	22/11/13	3,000	3,000	
30/07/13	ING Bank Ltd	FRTD	4.05%	30/07/14	2,000	2,000	
05/08/13	Members Equity Bank	TD	4.20%	04/11/13	2,000	2,000	
08/08/13	Bank of Queensland	TD	4.00%	06/11/13	3,000	3,000	
08/08/13	Newcastle Permanent Bld Society	TD	3.81%	06/11/13	2,000	2,000	
12/08/13	ING Bank Ltd	TD	3.94%	10/02/14	2,000	2,000	
12/08/13	Heritage Bank	TD	4.10%	10/02/14	2,000	2,000	
15/08/13	National Australia Bank	TD	3.79%	13/11/13	1,000	1,000	
19/08/13	Members Equity Bank	TD	3.95%	17/02/14	2,000	2,000	
19/08/13	Members Equity Bank	TD	3.95%	17/12/13	2,000	2,000	
28/08/13	Bank of Queensland	TD	4.00%	26/11/13	1,000	1,000	
02/09/13	Suncorp-Metway Bank	TD	3.85%	03/03/14	3,000	3,000	
05/09/13	Suncorp-Metway Bank	TD	3.75%	04/03/14	2,000	2,000	
16/09/13	ING Bank Ltd	TD	3.71%	17/03/14	1,000	1,000	
16/09/13	ING Bank Ltd	TD	3.72%	14/04/14	3,000	3,000	
16/09/13	Members Equity Bank	TD	3.95%	14/01/14	1,000	1,000	
25/09/13	Rural Bank Ltd	TD	3.80%	23/01/14	2,000	2,000	
14/10/13	National Australia Bank	TD	3.70%	13/01/14	3,000	3,000	
28/10/13	Heritage Bank	TD	3.65%	25/02/14	1,000	1,000	
29/10/13	National Australia Bank	TD	3.67%	26/02/14	2,000	2,000	
29/10/13	Illawarra Mutual Bld Society	TD	3.50%	28/04/14	2,000	2,000	
31/10/13	Heritage Bank	TD	3.80%	31/10/14	1,000	1,000	
<b>Totals</b>					<b>78,823</b>	<b>78,257</b>	
FND = Managed Fund		FRN = Floating Rate Note					
TD = Term Deposit		FRTD = Floating Rate Term Deposit					

### RECOMMENDATION

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

### Attachment(s)

Nil

### **10.3 Tender - Banking Services**

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#### **10.3 Tender - Banking Services**

**Delivery Program** Governance and Finance

**Objective** To obtain Council approval to accept a tender for Banking Services.

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#### **Background**

For many years Council has received transactional banking services from the Commonwealth Bank. The current arrangement is due to expire at the end of the calendar year and a joint tender was prepared with other local councils for banking services. Tenders were received from the National Australia and Commonwealth Banks. A tender assessment panel was formed to evaluate the tenders received.

The panel consisted of members from Clarence Valley, Lismore City, Ballina Shire, Kyogle Shire, Tweed Shire, Byron Shire, Rous County, Richmond River County and Far North Coast County councils and North Coast Weeds Advisory Committee. The purpose of this report is to accept the tender most advantageous to Council.

#### **Key Issues**

- Price and service

#### **Information**

In an effort to secure the best possible outcome and in the interests of resource sharing arrangements, a regional approach was adopted with respect to the Banking Service Facility. Finance staff from the Clarence to the Tweed participated in various meetings and exchanges of information. The Finance Manager from Clarence Valley Council coordinated this process, which included packaging the total transactions for all councils in the region.

The tender was for transactional services only and did not include investment of surplus funds or borrowings. These activities are market tested every time an investment is placed or loan funds are taken up.

Tenders were received from the National Australia Bank and the Commonwealth Bank. Rates were provided for payments received and payments made by Council (cash, debit and credit cards and electronic funds transfers). The banks also outlined the services they could provide including on-line banking, statement details, overdraft facilities etc.

All services offered were reasonably similar so the main focus to separate the tender was the charges levied to provide services. Rates varied from the two banks for each of the different types of transactions. In Ballina Shire Council's case transactions for the previous financial year were obtained and modeled against the rates for the two banks.

### **10.3 Tender - Banking Services**

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Following this analysis the Commonwealth was assessed to be the most cost effective by a close margin to the National Australia Bank. All other councils in the joint meeting also concluded that the Commonwealth Bank was the best option. A copy of the joint tender evaluation report is attached.

#### **Sustainability Considerations**

- **Environment**  
Not Applicable
- **Social**  
Not Applicable
- **Economic**  
It is essential that Council utilises best practice banking processes from both efficiency and customer service perspectives.

#### **Legal / Resource / Financial Implications**

Ballina Shire Council currently pays approximately \$40,000 per annum for transactional banking services. Based on the new rates it is estimated that the cost to Council will remain very close to current costs depending on transaction levels; i.e. tendered rates have remained very similar to the current rates.

This is an excellent outcome and one of the benefits derived from a joint tender process is the massive transaction volume makes it an attractive proposition to the service provider. The Commonwealth Bank has offered a five year contract from 1 January 2014 to 31 December 2018.

#### **Consultation**

Tenders were advertised regionally, in Sydney and on tenderlink.

#### **Options**

The current arrangement for banking services expires in December. Two tenders were received and both were of a very high standard. Either bank could satisfactorily provide the services required, however the recommendation is that the tender from the Commonwealth Bank be accepted as this is recommended as follows.

#### **RECOMMENDATION**

That Council accepts the tender from the Commonwealth Bank for Banking Services as detailed within this report.

#### **Attachment(s)**

1. Tender Evaluation Report

## **10.4 Policy (Review) - Councillor Expenses and Facilities**

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### **10.4 Policy (Review) - Councillor Expenses and Facilities**

**Delivery Program** Governance

**Objective** To review the Councillor Expenses & Facilities policy.

---

Council at the 26 September 2013 Council meeting resolved to place on public exhibition the Councillor Expenses & Facilities Policy with an amendment to Clause 3.2.1 with the changes aiming to clarify and update the technology provided to Councillors. The clause was amended to clarify that the multi-function machine provided to Councillors provides for a telephone and answering machine.

The draft policy was placed on public exhibition with the closing date of 6 November 2013. No submissions were received.

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

#### **Key Issues**

- Changes to policy

#### **Information**

The policy submitted to the September Ordinary meeting included minor amendments to the Related Documentation section and rates were updated in the table in Clause 2.1.2 in accordance with the latest Australian Taxation Office Declaration – reference number 2013/16.

In respect to Travel Outside the Region (clause 2.2.2) Council had received advice from ICAC in respect to the misuse of Council resources and one issue raised was that frequent flyer points should not be accumulated for personal benefit (i.e. council travel should not be associated with an individual's personal frequent flyer account). This sentence was included in the revised document.

The draft policy document was exhibited for a period of 28 days to allow for public comment. The exhibition was notified via Council's website and by way of advertisement in the local newspaper. Copies of the document were made available at Council's Community Access Points.

No submissions were received.

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

#### **Sustainability Considerations**

- **Environment**  
Not Applicable

## **10.4 Policy (Review) - Councillor Expenses and Facilities**

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

### **Legal / Resource / Financial Implications**

Nil.

### **Consultation**

The Local Government Act requires changes to the Expenses Policy to be exhibited for public comment.

### **Options**

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

### **RECOMMENDATION**

That Council adopts the Councillor Expenses and Facilities Policy, as exhibited, and as attached to this report.

### **Attachment(s)**

1. Councillor Expenses and Facilities Policy, as exhibited



## 10.5 Community Donations

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### 10.5 Community Donations

**Delivery Program** Governance

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

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#### **Background**

Council approved a large number of donations at the July 2013 Ordinary Meeting for the 2013/14 financial year. Since that time additional requests have been received and generally applicants are advised to reapply next financial year to allow Council to assess all applications at the one time.

However there are certain requests that are considered meritorious for the current year and on that basis, as allowed by the Council policies, they are submitted to Council for consideration.

Two requests are presented for consideration. Both requests were initially denied by staff because they were received after the final date for applications. The applicants have queried that decision so they are presented to Council for determination. Copies of the applications are attached.

#### **Key Issues**

- Community benefit
- Funding available

#### **Information**

##### ***Alstonville Community Preschool Inc.***

The organising committee of the Alstonville Community Preschool are working with the community to set up a playground and are asking Council for financial assistance to purchase mulch for the playground. They advise they have been quoted approximately \$400 for six cubic metres of mulch.

##### ***Northern NSW Local Health District***

NSW Health staff occupies a room at the Lennox Head Cultural and Community Centre (LHCCC), one day each week, and this has occurred since the Centre was opened. Within this room, health practitioners deliver child and family-related health nursing services (immunisations for example).

When the LHCCC opened Council staff took over negotiating with many groups that had previously used the former hall, along with groups that had been consulted through the construction of the building.

## 10.5 Community Donations

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At that time there was what can only be described as a 'general understanding' that the Early Childhood Nurse service had not and would not be charged for providing their services. They apparently never had historically, and they had been through an entire consultative process in which a room was designed and designated for them and they were of the opinion that changing to a pay per use agreement had never been discussed with them.

An agreement was then reached that they would pay to install approximately 10 high quality block out blinds into this room at a cost that would have been at least equal to the room hire, if not more. At that time NSW Health was able to find money for that purchase, but not for room hire.

In the subsequent period after this it was clarified with the Community Facilities staff that all variations to the fees and charges had to go before Council. Unfortunately, the Early Childhood service was overlooked in the 2012/13 donations process and the previous arrangement was continued until they applied for the 2013/14 donations program.

NSW Health then wrote to Council asking that the normal hire fee for the space continue to be waived. The letter containing this request was not received in time for it to be considered when Councillors were selecting recipients under the Donations Policy. The organisation was subsequently advised (by letter dated 11 July) that, regrettably, its request was not able to be accommodated. This latest letter from the Department advises that they will remove the service if the fee is not waived, as per the attachment.

Council's adopted fees and charges for the casual hire of its community facilities provide for a differential rate to be applied, depending on the nature of the use. Not-for-profit or community-based organisations pay an amount which is half of what commercial users are charged. Given the nature of the services provided by NSW Health at the LHCCC, it would be charged at the concessional rate which is presently \$40.00 per day for this space.

The services are delivered one day each week with the exception of school holiday periods. Typically, this means that the amount that NSW Health would be requested to pay if the current request is declined is in the order of \$1,500 - \$1,600 per annum (using the 2013/14 charges as a basis).

On the one hand, it can be argued that this is not a significant amount of money for a State Authority and that it should be requested to make the payment, recognising that Council's charging structure already subsidises not-for-profit/community-based activities.

On the other hand, it can be argued that, given the relatively small amount of money involved, Council should "do the right thing" in the interests of the Lennox Head community and waive the charge. This would send the message to NSW Health, albeit in a modest way, that Council recognises the value of a collaborative approach in relation to this particular service. With this view, it can be seen as another example of cost-shifting by the State Government.

When considering donations in July the general principle adopted by Councillors was that the reduced fee structure for not for profit groups was the extent of the benefit to be provided.

## 10.5 Community Donations

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This was viewed as a general principle and there are examples where some organisations have received donations towards the reduced fee structure (cancer support groups and Lennox Head Lions - approximately 50% of concessional fee donated), however most groups are paying the concessional fee (or were denied a donation) including Red Cross Blood Bank, Lifeball and Northern Rivers Kids counselling service.

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

### **Legal / Resource / Financial Implications**

The current status of the donation budgets for 2013/14 is as follows:

<b>Items</b>	<b>Budget</b>	<b>Allocated</b>	<b>Balance</b>
Donations (General)	65,000	59,642	5,358
Donations (Halls)	40,000	40,854	(854)
Donations (DA Fees)	4,000	600	3,400
<b>Net Amount Available</b>			<b>7,904</b>

The available balance has increased by \$1,650. This amount was donated to the Naval Association for a street parade. They have advised that a ship will not be in port so the parade will not proceed.

### **Consultation**

The annual donations program is subject to formal public exhibition and Council attempts to ensure that all donations are considered at the same time to ensure there is equity in the allocation process.

### **Options**

The options are to approve or not approve the requests. Both options are provided as the allocation of donations is a matter for the elected Council.

### **RECOMMENDATIONS**

#### **Option A**

That Council approves the following requests for donations as per this report

- a) Alstonville Community Preschool – Approximately \$400 for mulch
- b) Northern NSW Local Health District – Approximately \$1,500 to \$1,600 for room hire at the Lennox Head Cultural and Community Centre for the 2014/15 financial year.

OR

#### **Option B**

That Council refuse the requests as detailed within this report as it is more appropriate for donations to be included as a collective group in July each year to ensure that funds are allocated equitably and also the concessional rate for the use of Council's Community Facilities already provides a significant donation to users of those facilities.

#### **Attachment(s)**

1. Letter from Alstonville Community Preschool Inc
2. Letter from Northern NSW Local Health District

## 10.6 Financial Statements 2013

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### 10.6 Financial Statements 2013

**Delivery Program** Financial Management

**Objective** Section 419 of the Local Government Act requires that the audited financial statements be formally presented to the public. The report that follows looks to satisfy this requirement.

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#### **Background**

Council considered the annual financial statements for the financial year ended 30 June 2013 at the October Ordinary meeting. The principal auditor, Mr Kevin Franey of Thomas Noble and Russell, also addressed Council at that meeting.

The audit opinion was that Council's accounting records had been kept in accordance with the requirements of the Local Government Act and Australian accounting standards. The records fairly presented the Council's financial position and the results of operations. The audit was unqualified. Council subsequently endorsed the reports.

In accordance with Section 418 of the Local Government Act the Council must then formally present the financial reports to the public. This public presentation must be advertised. The advertising process has now been completed and this report complies with that section of the Local Government Act.

#### **Key Issues**

- Compliance with the Local Government Act
- Content of the financial reports
- Submissions to the advertised reports

#### **Information**

In accordance with the Local Government Act and Council's resolution the reports were advertised for public comment. No submissions were received.

Councillors may wish to bring their copy of the annual financial reports, as distributed at the October meeting, in case there is any further discussion on the matter.

The attachment to this report provides further supporting information to that presented to the October Ordinary meeting, with the aim of this attachment being to break the statements down into a more user friendly form.

#### **Sustainability Considerations**

- **Environment**  
Not Applicable

## 10.6 Financial Statements 2013

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- **Social**  
Not Applicable
- **Economic**  
The Financial Statements summarise the financial position of Council at the end of the financial year.

### **Legal / Resource / Financial Implications**

The annual financial statements detail the financial position of Council as at 30 June 2013 and the financial performance of Council over the twelve months

### **Consultation**

Notice of the reports was advertised in the local paper, on council's website and at community access points. The community was invited to make submissions.

### **Options**

Council may adopt the annual financial reports for presentation to the public or choose not to adopt the reports. The recommendation is to adopt the reports.

### **RECOMMENDATION**

That the annual financial reports and auditor's reports for the financial year ended 30 June 2013, as publicly advertised, be adopted and presented to the public.

### **Attachment(s)**

1. 2012/13 End of Year Financial Analysis

## **11.1 Policy (Draft) - Dual Water Supply Plumbing**

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### **11. Civil Services Group Reports**

#### **11.1 Policy (Draft) - Dual Water Supply Plumbing**

**Delivery Program** Water and Wastewater

**Objective** To replace Council's Ballina Heights Dual Water Supply Plumbing Guidelines with a Dual Water Supply Plumbing Policy.

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#### **Background**

The purpose of this report is to review Council's Ballina Heights Dual Water Supply Plumbing Guidelines. Council first developed these Guidelines in October 2003.

With the provision of a dual water supply into Ballina Shire's new residential commercial and industrial developments expected in 2014, a review has been undertaken to ensure the guidelines reflects contemporary practices and legislative requirements.

#### **Key Issues**

- Ensure the policy meets current legislation

#### **Information**

The purpose of the draft policy is to provide the information necessary to correctly plumb houses located in designated dual water supply areas. A copy of the revised policy is attached.

There is information in the policy itself explaining the background and purpose of the policy. For this reason, no further discussion regarding the policy details has been provided in this report.

The review of this document included consultation with Council's Development and Environmental Health Group and legal advice was obtained to develop the necessary planning related changes.

The policy is based on existing guidelines which are referred to as the *Ballina Heights Dual Water Supply Plumbing Guidelines*. The draft policy is named the *Dual Water Supply Plumbing Policy* to recognise its broader geographic application within the Shire.

The policy is considered to represent contemporary practice and is consistent with current legislation.

### Sustainability Considerations

- **Environment**  
The Dual Water Supply Plumbing Policy promotes opportunity for greater efficiencies to be realised through the adoption and use of recycled water.
- **Social**  
The Dual Water Supply Policy is a safeguard for public health and will aid Council's delivery of a high quality, safe and compliant recycled water that reduces consumer demand for drinking water.
- **Economic**  
Not Applicable

### Legal / Resource / Financial Implications

The review, public exhibition and implementation of this policy can be accommodated within existing resources.

The implementation of this policy is consistent with Council's current legal responsibilities with regards to obtaining NSW Office of Water approval for the Ballina – Lennox Head Recycled Water Scheme.

### Consultation

It is recommended that Council adopt the policy as presented, however the document will also be exhibited for public comment. If any submissions are received they can be reported back to Council however there will not be a need for any further report if there is no public comment.

### Options

Council may accept or amend the draft policy.

If Councillors are interested in discussing further details, or need clarification of elements of the policy, a briefing can be arranged prior to, or during, the exhibition period. The recommendation is to adopt the policy as presented, with a public exhibition to also be conducted.



**RECOMMENDATIONS**

1. That Council adopts the Dual Water Supply Plumbing Policy, as attached to this report, which replaces the existing Ballina Heights Dual Water Supply Plumbing Guidelines.
2. That Council exhibit the Dual Water Supply Plumbing Policy for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then the policy is deemed to be adopted..

**Attachment(s)**

1. Draft Dual Water Supply Plumbing Policy

## **11.2 Waste Water Treatment Plants Upgrade - Update**

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### **11.2 Waste Water Treatment Plants Upgrade - Update**

**Delivery Program** Water and Wastewater

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

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#### **Background**

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

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

Given the size of this contract, quarterly progress reports have been provided to ensure Council is able to monitor the project. The following report is information in relation to the most recent reporting period.

#### **Key Issues**

- To inform Council of the progress of the works within the Contract

#### **Information**

##### *Work Completed for Reporting Period*

The work completed during the reporting period for the West Ballina site includes the following:

- The new MBR wastewater treatment plant is in service, with all incoming sewage being treated in the new plant
- The chemical storage areas and dosing systems are completed and are in service
- The UV plant is complete, and is currently being commissioned ready to test the recycled water supply
- The old plant has been decommissioned and demolished
- The internal access roads have been completed
- The sludge handling and storage buildings are complete, and the sludge handling facilities are fully in service
- The ebb-tide and recycled reservoirs construction is complete, however these are not fully in service until the external recycled water pipes are completed
- The operation of the plant is being fine-tuned by the Contractor in conjunction with Council, with the works to be soon handed over to Council
- Training of Council operating and maintenance staff is occurring.

For the Lennox Head site, the following site works occurred during the reporting period:

## 11.2 Waste Water Treatment Plants Upgrade - Update

- The new ocean discharge UV is in service
- New foundations and concrete flooring have been constructed in the existing building
- All components of the recycled water plant have been installed in the building
- Electrical cabling and connection works are complete – power to all new switchboards has been achieved
- The recycled water plant is currently being commissioned
- The RW concrete reservoir is fully completed
- The foul water pump station is complete
- The chemical storage area and dosing systems to the existing aeration tanks are now in service
- The emergency generators have been commissioned and test run during a planned power outage to the site.

### Cost of Work Completed

\$46,329,430 inclusive of GST.

### Approved Variations

	Details	Cost (inc. GST)
1	Modifications to inlet works to divert all flows through the manual bar screen to the storm detention pond.	\$17,532.90
2	Supply and Install an Isolating Valve to the existing bund in the Chemical Delivery area.	\$677.60
3	Supply Biofilter in lieu of Deodorising Bed	- \$51,615.00
4	Deletion of additional Amenities Building at the Lennox Head RWP location	- \$24,603.48
5	Concept Design for revised Effluent Streams due to requirement of NOW	\$33,250.80
6	Currency Fluctuation (as per Contract Conditions)	- \$39,311.00
7	Re-inclusion of Telemetry requirements for the sites	\$51,515.75
8	Back-up Level sensor for the Inlet Works	\$9,168.17
9	Disabled Access due to change in BCA	\$173,212.60
10	10. Install Electrical conduits and Cable pit for PS controls At Lennox	\$8,765.86
11	DA Certificate requirements	\$16,976.30
12	LP Sewer Connection to WWTP	\$10,502.80
13	Effluent Streams Modifications	\$2,275,488.02
14	Supply temporary Ferric tank and Convert existing Ferric tank to Alum	\$50,045.90
15	Additional Ballina Is main diversion and valving	\$21,225.82
16	Future RO return main and electrical conduits	\$28,941.14
17	Relocation of grease waste facility sampler and associated equipment	\$38,081.12
18	Supply and install PRV in existing RW system	\$26,199.71
19	Administration building security upgrade	\$16,988.40
20	Delay costs associated with the Effluent streams Modification variation	\$319,200.00
21	Access ladders for Pump Stations/Tanks	\$30,286.30
22	Automatic Greasing system for Belt Press	\$17,659.95
23	Salinity Reduction Options Report	\$21,973.60
24	Additional Salinity Option	\$1,584.00
	<b>Total</b>	<b>\$3,053,747.26</b>

## **11.2 Waste Water Treatment Plants Upgrade - Update**

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The majority of the cost of the variations is the work associated with the effluent stream modifications. This element has previously been reported to Council and related to a regulatory requirement issued to the Council following the award of the contract that changed the scope. The possibility of this change of scope was understood at the tender award time, however it was determined that it was more efficient to deal with the issue as a variation to enable the project to proceed in a timely manner.

### Progress to Schedule

The current Contract completion date is 29 November 2013. Progress is slightly behind schedule due to resolving commissioning issues, however it is noted that with further extensions due to inclement weather likely, a completion date for the Contract is expected to be toward the middle of December 2013.

The new Ballina plant has been constructed in two stages. Firstly the new WWTP component was constructed and placed in service – then the old plant was decommissioned and demolished so that the remainder of the works can be completed. The second component includes the sludge handling facilities, along with the recycled water reservoir and pump station, the ebb-tide discharge reservoir, remaining road and site civil and electrical works.

### Other Matters

1. The NSW Office of Water (NOW) will approve the recycled water scheme though its Section 60 requirements. To achieve approval, the treatment process requires validation that it will produce recycled water to the required quality and then be verified by a testing regime prior to approval. NOW sets this testing regime, and this can only be completed when all construction work is complete and all systems are proven. Recycled water cannot be made available to urban dual reticulation until all testing, reporting, audits and approvals have been completed.

An independent auditor has been appointed, and the first stage of verification testing is planned to commence on Monday 25 November 2013.

A program for the audit work is currently being established by the auditor.

2. The sewer network in the low lying areas of Ballina is subject to infiltration of salt water. Council has been completing a lining program of much of the network as part of its Asset Management Strategy to ensure longevity of the system. As previously reported the program had three objectives.

Firstly, the relining is a form of asset renewal addressing age and conditions issues. Secondly, was to reduce operating costs by reducing the amount of water pumped and treated from the reduction in infiltration. The third objective was to see if we could reduce the amount of salinity infiltration, and hence reduce the salinity of the recycled water that will be produced. Unfortunately the salinity has not reduced at the Ballina WWTP to the levels that Council has adopted as part of its Urban Water Management Strategy for the supply of recycled water.

## **11.2 Waste Water Treatment Plants Upgrade - Update**

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Therefore, Council has completed an Options Report on the salinity to determine a strategy to manage or reduce it. A detailed review of the report is required to recommend the preferred option, however it is likely that a small reverse osmosis (RO) plant, as per the original concept design and resolution of Council's meeting of 22 October 2009 will be required to reduce the salinity to the desired level. The options report will be presented to Council for determination in the near future.

Increased levels of salinity limit the value and acceptance of recycled water for irrigation purposes having regard to the potential impact on some lawns and plants.

### **Sustainability Considerations**

- **Environment**

Timely construction of the contract works will ensure the WWTP's in Ballina and Lennox Head have adequate capacity and the environment is protected from the risk of overflows. The upgrade of the facilities and reuse of effluent will assist in improving discharge qualities and the water quality in the estuaries.

- **Social**

The upgrade of the WWTP's will accommodate growth and provide an alternative source of high grade recycled water which will limit the need to upgrade alternative means of water supply thus putting back the costly upgrades such as dams and desalination.

- **Economic**

The construction of the WWTPs will allow capacity in the network to further develop the Ballina and Lennox Head areas in a timely manner.

### **Legal / Resource / Financial Implications**

For the Haslin Constructions contract, there have been 24 approved variations to date for a sum of \$3,053,747.26. As detailed above there was a significant variation required for the changes to the effluent streams. It is anticipated that further variations will be within the contingency for this contract and no variation is required to the budget.

### **Consultation**

This report is provided for the public record.

### **Options**

This report is for information only.

## **11.2 Waste Water Treatment Plants Upgrade - Update**

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### **RECOMMENDATION**

That Council notes the contents of the progress report on the upgrade of the Ballina and Lennox Head Waste Water Treatment Plants.

### **Attachment(s)**

Nil

## 11.3 Coastal Public Safety Risk Assessment

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### 11.3 Coastal Public Safety Risk Assessment

**Delivery Program** Open Spaces and Reserves

**Objective** To review the outcomes of a Coastal Public Safety Risk Assessment.

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#### **Background**

Surf Life Saving New South Wales has been undertaking a significant statewide drowning prevention project known as “Project Blueprint”. This project has been made possible through funding from the “Water Safety Black Spots Fund”.

Ballina Shire was included in the first year of “Project Blueprint”. The project enabled the development of a report entitled “*The Coastal Public Safety Risk Assessment Main Report – Risk Assessment and Treatment Plan Ballina Local Government Area July 2013*”. A copy of the report is included as an separate attachment to this report.

Council is not required to respond to the report, and as noted in this report, the risk assessment reflects the opinion of the auditor only.

The report also recognises that Council has to consider water safety issues within the broader context of all of the Council’s responsibilities and budget.

However, the ongoing assessment and management of water safety risks is important and for this reason the outcomes of this study are reported to Council for information and to provide support and guidance for future decision making.

#### **Key Issues**

- Risk management and safety on beaches

#### **Information**

The recommendations from the report are as follows and a comment from staff is provided. Further explanation of each recommendation can be found in the full report.

#### Strategic Coordination

*1.1 Beach usage and incident data (e.g. drowning incidents, emergency callouts, lifesaving and lifeguards statistics) should be used when making informed decisions about the implementation of risk treatments for coastal safety.*

Response: Agreed. This information is already used to assist in decision making and is collated annually in the Surf Life Saving Life Guard Season Report.

### **11.3 Coastal Public Safety Risk Assessment**

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1.2 *There is the opportunity for a local Beach Safety Liaison Committee to be developed. This committee would be an effective forum which raises coastal safety issues and implements drowning prevention strategies in the Ballina Local Government Area. It is recommended that the committee have a standing item on all future meeting agendas titled "coastal risk management – status and issues" or similar. Recommendations found in this report can be addressed in this agenda item.*

Response: This recommendation is supported as it would assist in the coordination and communications between key stakeholders within an interest in this issue as well as being an opportunity to be proactive in risk management. This committee can be established at an operational level.

1.3 *Treatment options in this report should be implemented using a staged/prioritization approach, based on evidence.*

Response: Agreed

#### Education

1.4 *Existing education and awareness programs within and around the Ballina Local Government Area should continue to be implemented and reviewed.*

Response: Agreed, subject to continued resources being made available. This is an ongoing action and the proposed Beach Safety Liaison Committee could be used to review future programs.

1.5 *Education and awareness programs should include standardized key safety messages which are recognized by the aquatic industry (e.g. NSW Water Safety website, "watersafety.nsw.gov.au").*

Response: Agreed.

1.6 *Display safety information (e.g. posters) which promotes key water safety messages at amenity blocks and visitor information displays directly located around coastal beach access.*

Response: Agreed. Staff will seek material resources from the relevant government agencies.

1.7 *Peak coastal water safety agencies currently provide surf education to local schools and community groups upon request. The Ballina Shire Council should work with these agencies to promote these programs and encourage enhanced participation at a local level.*

Response: The proposed Beach Safety Liaison Committee could assist with this activity.



## 11.3 Coastal Public Safety Risk Assessment

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### Signage

1.8 *Standardised water safety signage that aligns to Australian Standards and best practice “style” should be implemented at the locations listed in “Appendix C”. This may include the maintenance and upgrade of existing signage through planned works schedules, the consolidation of multiple existing signs into a single sign (less signs) or the removal of unnecessary signage.*

Response: Council currently uses the Statewide Mutual Best Practice Manual for Signs. Signs are currently in position at all the locations listed in “Appendix C”. This recommendation will be sent to our insurer for their comment.

1.9 *Temporary signage should be used at locations where there is a higher risk of injury due to temporary hazards such as dangerous access/beach erosion and debris.*

Response: Temporary signage is already being used by Council as required.

### Access

1.10 *Formal access paths identified in “Appendix A” should continue to be regularly maintained through ongoing infrastructure and capital works programs. This will encourage formal access use (rather than informal), enhance the effectiveness of water safety signage and minimize the quantity of signage needed.*

Response: Paths have been formalised and are regularly inspected. Maintenance requirements are prioritised in response to available resources.

1.11 *Informal access paths identified in “Appendix A” should be considered for redirection or consolidation in order to promote/facilitate the use of formal access.*

Response: Paths are redirected and closed however, ongoing public access and uses means these tracks are continued to be opened.

### Surveillance and Supervision

1.12 *Explore the means to fund the lifeguard service at Lighthouse Beach and Seven Mile Beach/Lennox Head to cover both the New South Wales and Queensland School Holiday periods.*

Response: Council has previously considered a risk audit and adopted service levels based on the findings of that report and available funds. This recommendation will be costed and information presented to Council as part of the process to prepare the next budget.

1.13 *When the volunteer lifesaving service returns to Lighthouse Beach, Ballina Shire Council should explore the means to fund the expansion of the lifeguard services at Shelly Beach to cover seven days a week during the spring, summer and autumn school holidays.*

### **11.3 Coastal Public Safety Risk Assessment**

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Response: Presently Council only funds one lifeguard for Shelly Beach during the summer NSW School holidays, seven days a week, 9.00am to 5.00pm. This recommendation will be examined further as per the process suggested above for item 1.12.

*1.14 When the volunteer lifesaving service returns to Lighthouse Beach, Ballina Shire Council should explore the means to fund the expansion of the lifeguard service at Lighthouse Beach, to reflect the same patrol periods and hours covered by the service at Seven Mile Beach/Lennox Head.*

Response: Presently Council funds 2 lifeguards for Seven Mile Beach for seven months, five days a week, 9.00am to 5.00pm (6.00pm during summer holidays), Monday 23 September 2013 – Thursday 24 April 2014. Presently Council funds two lifeguards for Lighthouse Beach five days a week, 9.00am to 5.00pm (6.00pm during summer holidays) and only for the spring, summer and autumn NSW school holidays. Further reporting is proposed as per 1.12 and 1.13 above.

#### Emergency Response

*1.15 The Ballina Local Emergency Management Committee to coordinate the relevant emergency services and local surf life saving assets to conduct annual training scenarios at the Ballina Bar.*

Response: This recommendation will be referred to the Ballina Local Emergency Management Committee for their consideration.

#### Monitor and Review

*1.16 In consultation with relevant stakeholders this document should be reviewed annually to measure the effectiveness of any risk mitigation strategies and drowning prevention initiatives that have been implemented.*

Response: The proposed Beach Safety Liaison Committee could assist Council to undertake this recommendation.

*1.17 All drowning prevention strategies should be documented and incorporated into the relevant strategic and management plans. This will ensure consistency throughout the management area and a structured approach to maintenance.*

Response: Agreed, staff will examine how this is best achieved within the Council's current approach to Integrated Planning and Reporting.

#### **Sustainability Considerations**

- **Environment**

The implementation of the treatment options will assist in conserving the dune system from informal access and exposure to ongoing beach hazards.

### **11.3 Coastal Public Safety Risk Assessment**

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- **Social**

The implementation of the treatment options are intended to have a positive effect of minimising social risk to beach and water safety hazards.

- **Economic**

The economic cost of drowning and accidents needs to be considered against the costs required for mitigation and management strategies to prevent incidents.

#### **Legal / Resource / Financial Implications**

There is no direct legal, resource or financial implications associated with the report.

While Council does not strictly have to respond to the report, it is important that Council does document its consideration of the findings, firstly to ensure it is aware of possible improvement opportunities in regards to its approach to water safety, and secondly, to demonstrate its due diligence if the audit report is ever used in a legal proceeding.

Most of the recommendations can be implemented over time with the general resources made available for this program. A further report is proposed in regard to the financial implications of the recommendations in relation to surf life saving resources.

#### **Consultation**

No external consultation has been undertaken in preparing this report.

#### **Options**

This report is primarily for information and the recommendation seeks Council's endorsement of the proposed response actions listed above. It is open to the Council to determine response actions that it may prefer in the alternative.

#### **RECOMMENDATIONS**

1. That Council notes the contents of this report regarding the Coastal Public Safety Risk Assessment Study.
2. That Council confirms its support for the actions in response to the study as detailed within the report.

#### **Attachment(s)**

1. Coastal Public Safety Risk Assessment Report (Under separate cover)

12. Public Question Time

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**12. Public Question Time**

### **13.1 Rescission Motion - Lennox Head Market Location**

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## **13. Notices of Motion**

### **13.1 Rescission Motion - Lennox Head Market Location**

**Councillor** Cr Smith  
Cr Worth  
Cr Keith Johnson

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We move that Resolution 220813/7, as follows, be rescinded:

- 1 That the Lennox Head markets be permanently relocated from Lake Ainsworth to the Lennox Head Cultural and Community Centre.
2. That the rugby field be roped off on market days to ensure that no market stalls or cars encroach onto the playing surface.
3. That Council require the Market Co-ordinator to facilitate the development of a partnering agreement between key stakeholders.

#### **Councillor Comment**

The community consultation report presented at the August ordinary council meeting made it clear that in the end the majority of the Lennox Head community wanted to keep the markets at the current location on Lake Ainsworth.

It's been clear in recent weeks that since the announcement of the change has been made that the report is accurate judging by the response from the community for the change.

Further to this, the two key arguments for moving the market look less convincing in light of further examination.

The case of CBD benefits isn't so clear cut and as such the new Lennox Head Chamber of Commerce executive share a diverse view on the issue and aren't fully supportive of such a move.

Further to this, the environmental and coast care groups are divided on the specific level of environmental impact the markets, particularly as it's an event that occurs only 12 out of the 356 days of the year.

On this basis, if the rescission motion is successful it's proposed that the original recommendation as per the August ordinary meeting replaces it, which is as follows:

1. *That Council, based on the feedback from the key stakeholder consultation workshop, take no further action in respect of considering options to relocate the Lennox Market from its current location.*
2. *That Council confirms its support for the current practice to relocate the market to the Community Centre and Williams Reserve when the road beside the lake is flooded and during the peak summer period.*

### **13.1 Rescission Motion - Lennox Head Market Location**

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3. *That Council require the Market Co-ordinator to facilitate the development of a partnering agreement between key stakeholders directly impacted when the market is relocated to the Community Centre and Williams Reserve.*
4. *That Council review the Management Plan for the Lake and surrounding areas to identify mitigation measures that may be able to be accelerated to assist with the protection of the lake and riparian zone.*

#### **Staff Comment**

In respect to resolution 220813/7 Council staff have been working with the Market Co-ordinator to organise the relocation of the markets with the first market planned for this new precinct on Sunday 29 December 2013 (fifth Sunday of the month). The markets are normally held on the second and fifth Sunday from 8am to 2pm.

The current proposal from the Market Co-ordinator is to operate at this new location with approximately 90 stalls, down from the normal number of approximately 130. The site layout plan for the 90 stalls is included as an attachment to this rescission motion.

There is adequate room for additional stalls to be located on Williams Reserve, however as the Lennox Head Combined Sports Association has always expressed concerns over the use of Williams Reserve for other activities, the preference has been to take a more gradual approach to the use of the reserve.

The other issue still to be considered by Council is the request from the Westpac Helicopter Rescue Service for the donation of the fees applicable for the use of the Lennox Head Cultural and Community Centre. As reported to the October 2013 Ordinary Council meeting the Rescue Service is now liable for hire charges of \$325 each time they use the centre for the markets. This is a charge they did not have to pay prior to the relocation.

#### *Additional background information*

A number of Councillors have requested a significant amount of information in respect to Lake Ainsworth during the last few weeks and the majority of that information is included as follows.

The Lake Ainsworth Processes Study undertaken in 1996 by Australian Water and Coastal Studies P/L (now Manly Hydraulics Laboratory) was the foundation for the Lake Ainsworth Management Plan (LAMP) and that study contains the majority of the science behind the LAMP.

The LAMP, which evolved from an initial Management Study, was adopted by Council in 2002. The Committee that oversaw the development of the LAMP was disbanded by Council in 2004 following a general review of the Council Committees.

The biggest "culprit" identified in the Processes Study and the LAMP, in relation to algal blooms, is the high loading of nutrients in the sediments in the

### **13.1 Rescission Motion - Lennox Head Market Location**

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lake floor. It was identified that the major contributor to the high loading of nutrients was laundry water and septic waste in the ground water. This has been substantially reduced over time by the sewerage of Lennox Head.

At the time of the adoption of the LAMP, Council moved quickly to install a destratification scheme designed to inhibit the release of sediment bound nutrients back into the water column and in the event algae forms, reducing its ability to remain on the surface to photosynthesise. This scheme still operates throughout summer.

Surface water can still introduce nutrients from the surrounding catchment, especially after a long dry period when the lake level is low. Grass clippings, dog waste and human activity in the proximity of the lake all make a contribution.

Fertiliser use was curtailed in both the Sport and Recreation precinct Council's area of control once this issue was identified.

The Caravan Park operators have also distributed leaflets to advise holiday makers of this issue and Council signage aims to minimise any impacts on the lake.

Council Rangers police the taking of dogs into the lake and the horse riding access to the beach has been removed from the immediate lake vicinity, along with the four wheel drive track.

A Sport and Recreation Centre underground fuel storage has also been decommissioned and removed. It has been replaced with a much smaller banded above ground facility.

A submission from the Lennox Head Dune Care Group (with which Council staff assisted) to the then Country Energy to underground the power line was unsuccessful.

The LAMP also made recommendations about realigning the eastern road in Section D - Pages 41 – 45, primarily to improve safety and provide for some stormwater management. The eastern road is not a legally designated public road, but rather a sealed access way across the public reserve.

To address this road issue and provide a more detailed plan for this precinct, Council, in conjunction with the Crown, prepared the Lake Ainsworth Reserve Masterplan in 2006. Sections D1-D4 of that Council adopted plan confirms closure of the eastern road, with the preferred replacement road being on the unformed road reserve, which runs through the middle of the Crown Reserve Caravan Park.

The Masterplan envisages the provision of a proper access via the west as the first step in implementing works that would then allow subsequent work on the eastern access. Apart from implementing parking controls and preventing vehicular access to the foreshore on both the eastern and southern foreshores, other road work has been minimal to date.

Currently the eastern road provides access to services including power, water main and sewer rising mains as well as emergency access, so some form of all weather trafficable access must remain available through that area.

### **13.1 Rescission Motion - Lennox Head Market Location**

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In response to the adopted Masterplan designs for the proposed western road were completed by Council.

The estimated \$700,000 cost of this work was the subject of two submissions to the then Department of Land and Water Conservation for subsidy under the Estuary Management Scheme. Neither application was successful. These designs incorporated surface drainage management (to trap pollutants) including that from the road and the caravan park.

Even though the Masterplan, as adopted by Council, included the proposed western road through the caravan park, this option is not supported by Crown Lands. From a caravan park management perspective they do not support a road through the middle of the caravan park.

Council wrote to Crown Lands in October 2011 seeking written clarification as to their formal position on this issue and their response to date is that this matter will be reassessed as part of the review of the Ballina Coastal Reserve (BCR) Plan of Management. A copy of their correspondence to Council, dated 21 December 2011, is attached.

As per that correspondence the review of the BCR Plan of Management was to provide an appropriate strategic platform for the future management of the whole Lake Ainsworth precinct. However, as has been previously reported to Council, the review of the BCR Plan of Management is well behind schedule and Crown Lands are having difficulties progressing this matter.

Council has also recently let a contract with Complete Urban Pty. Ltd. to examine the preferred approach to implement the eastern precinct of the Lake Ainsworth Masterplan, along with examining the best option for the future management of the Lennox Head Surf Club building (i.e. refurbish or replace).

The outcomes of that consultation and analysis are due to be reported to Council in the near future. Total funding of approximately \$1.35m is available for implementation, being the proceeds from the sale of land Council owned in this precinct, albeit part of those funds are being expended on the existing consultancy.

Finally the Council is the Reserve Trust Manager for the land immediately surrounding Lake Ainsworth, along with the neighbouring beach and foreshore areas. The Crown directly manages the Lake Ainsworth Caravan Park, along with the land on which the Sport and Recreation Centre is located.

In respect to the actual lake itself, the water body is not the responsibility of Council but the Crown, albeit that as the lake is largely surrounded by land under the control of Council, any actions we take in respect to the surrounding land can impact on the health of the lake.



## **13.1 Rescission Motion - Lennox Head Market Location**

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### **COUNCILLOR RECOMMENDATIONS**

That Resolution 220813/7, as follows, be rescinded:

1. That the Lennox Head markets be permanently relocated from Lake Ainsworth to the Lennox Head Cultural and Community Centre.
2. That the rugby field be roped off on market days to ensure that no market stalls or cars encroach onto the playing surface.
3. That Council require the Market Co-ordinator to facilitate the development of a partnering agreement between key stakeholders.

### **Attachment(s)**

1. Site Map
2. Crown Lands letter dated 21 December 2011

## **13.2 Notice of Motion - Sister City Relationship**

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### **13.2 Notice of Motion - Sister City Relationship**

**Councillor** Cr Johnson

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I move

1. Ballina Council gives in principle support for the creation of a sister city relationship with the city of Guayaquil in Ecuador to acknowledge the special connection that has been created due to the arrival of the Las Balsas rafts into Ballina 40 years ago.
2. That an official invitation be sent to the Mayor of Guayaquil.
3. That the Mayor write to Mr Raul Gangotena, Ecuador's Ambassador to Australia to thank him for his support of the Las Balsas 40th year Reunion celebrations and to seek his support and assistance to help form a closer friendship between Ballina and the city of Guayaquil.

#### **Councillor Comment**

The recent Prawn Festival and 40<sup>th</sup> Anniversary Celebration of the Las Balsas expedition was a huge success. Ballina was honoured to have three of the original crew as well as Ecuador's Ambassador to Australia, Mr Raul Gangotena in attendance. The three raftsmen were all very impressed by the festival and the recognition and kindness that they received from the people of Ballina.

The Las Balsas expedition is the longest raft voyage in recorded history. The fact that our Naval and Maritime Museum houses one of the rafts along with other items including a DVD of the voyage is a significant treasure for Ballina that should receive greater recognition both within Australia and around the world.

There are many ways that Ballina Council can further promote the Las Balsas expedition. I have noted many of these actions in a previous report to Council (March 2013 Ordinary Meeting). The formation of a sister city relationship with Guayaquil would be a great step to formally acknowledge this historic connection between our two towns/cities.

I have spoken to Mr Raul Gangotena about the prospect of forming a sister city relationship with Guayaquil and he has given it his full support, and has even offered to assist. Mr Gangotena is also keen to ensure greater recognition of the Las Balsas raft and expedition throughout Australia and Ecuador.

It has been acknowledged that the building housing the Las Balsas raft and other maritime treasures is in a state of disrepair and would ideally be replaced with a new building. I can see a future with a new building with glass walls so that the Las Balsas raft can be seen by passing boats and people relaxing in the neighbouring park/marina. A major obstacle for this project is funding.

## **13.2 Notice of Motion - Sister City Relationship**

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To increase the likelihood of Federal or State Government grant funding for the redevelopment of the Maritime Museum we need to increase its visitor numbers significantly.

A sister city relationship with Guayaquil will promote Ballina to an international audience and ensure that the story of Las Balsas and our Museum is a 'must see' local attraction for a growing number of locals and tourists alike.

### **COUNCILLOR RECOMMENDATIONS**

1. Ballina Council gives in principle support for the creation of a sister city relationship with the city of Guayaquil in Ecuador to acknowledge the special connection that has been created due to the arrival of the Las Balsas rafts into Ballina 40 years ago.
2. That an official invitation be sent to the Mayor of Guayaquil.
3. That the Mayor write to Mr Raul Gangotena, Ecuador's Ambassador to Australia to thank him for his support of the Las Balsas 40th year Reunion celebrations and to seek his support and assistance to help form a closer friendship between Ballina and the city of Guayaquil.

### **Attachment(s)**

Nil

### **13.3 Notice of Motion - Ballina Quays Land Classification**

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### **13.3 Notice of Motion - Ballina Quays Land Classification**

**Councillor**

Cr Meehan

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I move

That Council receive a report on the current state of the created lakes and canals in Ballina along with associated budgets to ascertain when it is likely to be appropriate to remove silt build up.

#### **Councillor Comment**

Residents around our created lakes and canals have been notified of the need to change the status of the waterways from 'Community' to 'Operational' to ensure the permissibility and continued enjoyment of structures such as jetties and pontoons on those waterways. This change of classification will be at no cost to any resident.

There has been a degree of concern generated by this action, where some residents are anxious that Council will abrogate its responsibilities regarding maintenance of the waterways. Council has no plans to change our current maintenance program and indeed funds are set aside each year to allow for dredging of the waterways, when required.

A report on where the dredging is up to, along with clarifying Council's position will address some public anxiety on this matter.

#### **COUNCILLOR RECOMMENDATION**

That Council receive a report on the current state of the created lakes and canals in Ballina along with associated budgets to ascertain when it is likely to be appropriate to remove silt build up.

#### **Attachment(s)**

Nil

#### **13.4 Notice of Motion - Cumbalum Access Ramps**

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#### **13.4 Notice of Motion - Cumbalum Access Ramps**

**Councillor**

Cr Meehan

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I move

That Council writes to Minister for Roads and the Minister for the North Coast to seek their commitment for the delivery of a full highway interchange off the Pacific Highway at Cumbalum.

#### **Councillor Comment**

The interchange constructed at Ballina Heights is a half interchange with south facing ramps. This means traffic from this local area can only access the highway at this location to head north. Those wishing to travel south on the highway either need to travel north first to the Ross Lane Interchange or alternatively, drive through Ballina to the Teven Interchange.

While only a half interchange has been built, the design provides for adaption to a full interchange at a later date. This is considered important having regard to the future population growth expected in the Cumbalum area. Given the demands for upgrades to the Pacific Highway elsewhere, this resolution is important to ensure there is Government commitment to the project and to establish a requirement for the Roads and Maritime Services to report to our community how the development of this interchange has been integrated into the planning for the Pacific Highway Project Upgrade.

#### **COUNCILLOR RECOMMENDATION**

That Council writes to Minister for Roads and the Minister for the North Coast to seek their commitment for the delivery of a full highway interchange off the Pacific Highway at Cumbalum.

#### **Attachment(s)**

Nil

## **14.1 Facilities Committee Meeting Minutes - 19 November 2013**

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### **14. Advisory Committee Minutes**

#### **14.1 Facilities Committee Meeting Minutes - 19 November 2013**

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##### **Attendance**

Cr Ben Smith – in the Chair), Jeff Johnson, Sharon Cadwallader, Keith Williams (arrived at 4.25 pm), Susan Meehan, Ken Johnston, Paul Worth, Robyn Hordern and David Wright.

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

There were no people in the gallery at this time.

#### **1. Apologies**

An apology was received from Cr Keith Johnson.

##### **Absent**

Cr Keith Williams

#### **RECOMMENDATION**

(Cr David Wright/Cr Paul Worth)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

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

#### **2. Declarations of Interest**

**Cr Sharon Cadwallader** – declared an interest in Item 4.1 – Ballina Surf Club – Fees and Charges Amendments. (Nature of Interest: she is a civil celebrant who performs weddings). She will be remaining in the meeting while the matter is discussed and voting on the matter.

#### **3. Deputations**

Nil

**4. Committee Reports**

**4.1 Ballina Surf Club - Fees and Charges Amendments**

**RECOMMENDATION**

(Cr Robyn Hordern/Cr Susan Meehan)

1. That the changes to Council's adopted Fees and Charges for the Ballina Surf Club, as outlined in this report, relating to the introduction of a recreation hire rate and alternative peak period hire rates, be exhibited for public comment. If no submissions are received, the revised charges will be taken to be adopted. If submissions are forthcoming, the matter will be reported to the Council for further consideration.
2. That the General Manager consider the provision of a bond for cleaning and other related matters.

FOR VOTE - All Councillors voted unanimously.

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

**4.2 Public Amenities - Improvement Program**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council endorses the Public Amenities Improvement Program, as per tables two and three of this report, for inclusion in the Delivery Program and Long Term Financial Plan.

FOR VOTE - All Councillors voted unanimously.

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

4.3 **Ballina Naval and Maritime Museum - Improvement Program**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr David Wright)

That Council indicates its preference is to seal the existing asbestos roof pending further information.

Cr Keith Williams arrived at the meeting at 04:25 pm.

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

AGAINST VOTE - Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Keith Johnson

4.4 **Ballina Town Centre - Beautification Program**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council approves a reduction in the Ballina Heights Drive budget from \$9m to \$8 million with the works funded as follows:

<b>Item</b>	<b>General</b>	<b>Wastewater</b>	<b>Total</b>
Ballina Heights Drive	7,740,000	260,000	8,000,000
<b>Funding</b>			
BBRC Grant	5,000,000	0	5,000,000
BBRC Grant Interest	12,800	0	12,800
Wastewater Dual Ret	0	260,000	260,000
Section 94 Roads	2,339,200	0	2,339,200
Developer Payment	388,000	0	388,000
<b>Total</b>	<b>7,740,000</b>	<b>260,000</b>	<b>8,000,000</b>

2. That Council approves the inclusion of the following projects and budgets in the 2013/14 financial plan:

<b>Item</b>	<b>Total</b>
River / Moon Streets Roundabout to Fawcett Street	1,300,000
Other Road Projects - Subject to further report	550,000
<b>Total</b>	<b>1,850,000</b>

<b>Funding</b>	
Local Infrastructure Renewal Scheme (LIRS) Loan	1,200,000
Section 94 Road Contributions	650,000
<b>Total</b>	<b>1,850,000</b>

3. That Council approves an application to the Division of Local Government to reallocate the LIRS loan from Ballina Heights Drive to the Ballina Town Centre Beautification projects identified in point two.



## **14.1 Facilities Committee Meeting Minutes - 19 November 2013**

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

### **4.5 Wollongbar Sports Fields - Funding Review**

#### **RECOMMENDATION**

(Cr Sharon Cadwallader/Cr David Wright)

That Council approves the following funding sources for the Wollongbar Sports Fields project:

<b>Description</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>	<b>Total</b>
Estimated Expenditure	1,758,000	5,247,000	148,000	7,153,000
<b>Funding</b>				
BBRC Grant	1,758,000	2,738,000	0	4,496,000
Interest Accrued on Grant	0	141,000	0	141,000
Commercial Opportunities Reserve	0	1,684,000	0	1,684,000
Sports Fields Capital Budget	0	0	148,000	148,000
Ballina Heights Loan Reserve	0	284,000	0	284,000
Property Development Reserve	0	400,000	0	400,100
<b>Total</b>	<b>1,758,000</b>	<b>5,247,000</b>	<b>148,000</b>	<b>7,153,000</b>

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

#### **MEETING CLOSURE**

4.56 pm

#### **RECOMMENDATIONS**

That Council confirms the minutes of the Facilities Committee meeting held 19 November 2013 and that the recommendations contained within the minutes be adopted.

#### **Attachment(s)**

Nil

## **14.2 Commercial Services Committee Minutes - 19 November 2013**

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### **14.2 Commercial Services Committee Minutes - 19 November 2013**

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#### **Attendance**

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

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

There was one person in the gallery at this time.

#### **1. Apologies**

An apology was received from Cr Keith Johnson.

#### **RECOMMENDATION**

(Cr Ben Smith/Cr Sharon Cadwallader)

That such apology be accepted.

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

#### **2. Declarations of Interest**

Nil

#### **3. Deputations**

Nil

**4. Committee Reports**

**4.1 Lennox Developments Pty Ltd - Land Owner Authority Request**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council authorises the General Manager to provide landowner's consent to the request from Lennox Developments Pty Ltd to enable them to lodge a development application for residential land subdivision. Upon development consent being granted, the General Manager is authorised to negotiate a deed of agreement with Lennox Developments Pty Ltd setting out each party's obligations and the basis for any compensation or cost sharing. Upon reaching agreement the matter will be referred back to Council for approval.

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

**4.2 Crown Reserves - Head Leases to Council**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council accepts the terms and conditions for Lease 493147 for "Business Purposes" at Lot 2 DP 1153927 and Lease 450458 for "Business Purposes" at Lot 321 DP 755745 and Lot 7003 DP 92641.
2. Council authorises the use of seal to be attached to the lease documents for each of the properties.

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

**4.3 Cafe Negotiations - Update**

**RECOMMENDATION**

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of this report in respect to the on-going negotiations for the cafes identified within the report, along with the need to reallocate \$50,000 from the Shellys on the Beach compulsory land acquisition to the Fawcett Park café refurbishment.

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

5. Confidential Session

**RECOMMENDATION**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A(2) of the Local Government Act 1993.

5.1 **Property Acquisition - West Ballina**

**Reason for Confidentiality**

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as this report provides details of a property that Council may be interested in acquiring and discussing the property in open Council would prejudice Council's ability to purchase that property at a fair market price.

5.2 **Property Acquisition - North Ballina**

**Reason for Confidentiality**

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as this report provides details of a property that Council may be interested in acquiring and discussing the property in open Council would prejudice Council's ability to purchase that property at a fair market price.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

(The Council moved into Confidential Session at 5.17 pm).

**Open Council**

**RECOMMENDATION**

(Cr Robyn Hordern/Cr Jeff Johnson)

That Council move into Open Council and out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Ken Johnston

(The Council moved into Open Council at 5.56 pm).

The General Manager reported to the Open Meeting the recommendations made while in Confidential Session:

**5.1 Property Acquisition - West Ballina**

**MOTION**

(Cr Paul Worth/Cr Susan Meehan)

That Council notes the contents of this report and confirms that based on our available resources that we will not be proceeding with the acquisition of the property identified within the report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

**5.2 Property Acquisition - North Ballina**

**RECOMMENDATION**

(Cr Ben Smith/Cr Keith Williams)

That Council notes the contents of this report in respect to a possible strategic land acquisition with the report considered to be for information purposes only.

Cr Ken Johnston left the meeting at 05:44 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Ken Johnston

**Adoption of Recommendations from Confidential Session**

**RECOMMENDATION**

(Cr Robyn Hordern/Cr Keith Williams)

That the recommendations made whilst in Confidential Session, be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Ken Johnston

**MEETING CLOSURE**

5.59 pm

**RECOMMENDATIONS**

That Council confirms the minutes of the Commercial Services Committee meeting held 19 November 2013 and that the recommendations contained within the minutes be adopted.

**Attachment(s)**

Nil

## 15.1 Mayoral Meetings

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### 15. Reports from Councillors on Attendance on Council's behalf

#### 15.1 Mayoral Meetings

**Councillor** David Wright

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Activities since the October 2013 Ordinary meeting:

<u>Date</u>	<u>Function</u>
26/10/13	Alstonville Show
26/10/13	Book launch - 'An Udder Story'
1/11/13	Meeting Alstonville Cricket Club – re Wollongbar
1/11/13	Launch of North Coast Digital Strategy
1/11/13	NOROC Meeting
1/11/13	Meeting with Lyn Walker – re Lennox Markets
1/11/13	Northern Rivers Community Gallery launch
1/11/13	Novaskills Presentation Awards
1/11/13	Launch Prawn Festival – Nightcap Cafe
2/11/13	North Coast Academy of Sport – Shane McBurney
2/11/13	Teven/Tintenbar Country Fair
2/11/13	Relay for Life – Ballina
4/11/13	Las Balsas Meeting
6/11/13	Airport Ambassador Thank you – Gallery Cafe
7/11/13	Briefing – Kerr Street/River Street DA
7/11/13	Aboriginal Advisory Committee
9/11/13	Alstonville Soccer Club – re Crawford Park
9/11/13	Combined Sports – Tooheys New Crew – Williams Reserve – Lennox Head
10/11/13	Lennox Markets
10/11/13	Fashion Parade – Crawford House
11/11/13	Remembrance Day – Alstonville
12/11/13	'A' Ward meeting
13/11/13	RRCC Meeting – Lismore
14/11/13	Meeting Charles Wood
14/11/13	Port of Ballina Interviews
14/11/13	'C' Ward Meeting
15/11/13	Las Balsas 40 <sup>th</sup> Anniversary Dinner – Ballina RSL
16/11/13	Ballina Prawn Festival
18/11/13	'B' Ward meeting
19/11/13	Facilities Committee
19/11/13	Commercial Services Committee
19/11/13	Opening of Woolworths – River Street
21/11/13	Meeting – Country Music Festival
27/11/13	Councillor Briefing – Regional Waste Facility
28/11/13	November Council Meeting

#### **RECOMMENDATION**

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

16. Questions Without Notice

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**16. Questions Without Notice**



**17. Confidential Session**

In accordance with Section 9 (2A) of the Local Government Act 1993, the General Manager is of the opinion that the matters included in the Confidential Business Paper, and detailed below are likely to be considered when the meeting is closed to the public.

Section 10A(4) of the Local Government Act, 1993 provides that members of the public are allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

A brief summary of each of the reports recommended for consideration in confidential session follows:

17.1 Seabreeze Holiday Park - Update on Compliance Matters

This report contains an update in respect to the compliance action being taken for the Seabreeze Caravan Park at South Ballina. It contains an overview of the history of the action taken, along with recommendations for future action.

**RECOMMENDATION**

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

**17.1 Seabreeze Holiday Park - Update on Compliance Matters**

**Reason for Confidentiality**

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

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the advice from Council's insurers is that any matters associated with the on-going compliance action being taken in respect to the Seabreeze Holiday Park should be discussed by Council in confidential session to minimise the risk of legal actions being taken against Council.