



Notice of Ordinary Meeting

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 19 December 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.

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 five 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 Councillors.

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 Keith Johnson.

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 November 2013 were distributed with the business paper.

RECOMMENDATION

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

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 DA 2010/962 - Highway Service Centre - Section 96 Amendment

8. Development and Environmental Health Group Reports

8.1 DA 2010/962 - Highway Service Centre - Section 96 Amendment

Applicant	Sj Connelly CCP Pty Limited (on behalf of Ballina HSC Pty Ltd)
Property	Lot 11 DP 1011575 River Street (Old Pacific Highway) West Ballina
Proposal	Application under Section 96 (1A) of the EP&A Act to Modify Development Consent DA 2010/962 – Highway Service Centre
Effect of Planning Instrument	The land is zoned part RU2 under the provisions of the Ballina LEP 2012 and part 2(a) Living Area Zone under the provisions of the Ballina LEP 1987

Introduction

Council, at its Ordinary Meeting of 23 June 2011, resolved to grant deferred commencement conditional consent to the Construction of a Highway Service Centre comprising Service Station, associated Fast Food Restaurants, Auto Repair Centre, associated Vehicular Accesses (including a round-about intersection on the existing Pacific Highway alignment), Car and Truck Parking, Infrastructure Works, Filling, Landscaping, Earthworks and Advertising Structures upon Lot 11 DP 1011575, Pacific Highway (now known as No. 565-589 River Street, West Ballina) and a Two (2) Lot Subdivision (Lot 1 – Highway Service Centre & Lot 2 – Agricultural Residue).

This report seeks Council determination of an application under Section 96 (1A) of the Environmental Planning & Assessment Act 1979 (Amendment Application No 10) to amend the following conditions:

- No. 2.1 relating to the revised flood report prepared by BMT WBM
- No. 3.4 relating to the size and number of floodway culverts to be established under River Street (the “Old Pacific Highway”)
- No. 2.9 which requires that no additional fill be imported to the site until the flood culverts under River Street and the internal spine road are completed
- Nos. 4.28 & 4.29 relating to flood proofing the development and
- Nos 10.10, 10.11, & 10.12 relating to the finished floor heights as proposed in the above amended conditions 4.28 & 4.29.

Council has determined a number of other applications under Section 96 (1A) of the *Environmental Planning and Assessment Act* 1979 in relation to the subject development consent. The following applications to modify the consent have been determined:

8.1 DA 2010/962 - Highway Service Centre - Section 96 Amendment

Amendment No.1 – Consented to 23 February 2012 (Council)

- *To amend the amount of developer contributions payable under Condition Nos. 5.23 & 5.24 and specified in Schedule 1 of the Consent.*

Amendment No.2 – Consented to 21 February 2012 (Delegated authority)

- *To amend conditions 1.10, 3.7, 4.2, 4.11, 4.12, 4.13 & 5.1, to accord with the expert advice from geotechnical consultants, Coffee Geotechnics in relation to detailed specifications for site settlement.*

Amendment No.3 – Consented to 7 February 2012 (Delegated authority)

- *To amend condition No. 1.14 to extend the period of compliance with the deferred commencement conditions of consent from twelve months from the date of consent to twenty four months of the date of consent.*
- *To amend condition No. 3.3(i) in relation to terms (j) and (k). Both these items were amended to enable the construction of an asphaltic concrete road pavement in relation to road works on River Street as opposed to a concrete road pavement.*

Amendment No.4 – Withdrawn 17 October 2013

Amendment No.5 – Consented to 7 February 2013 (Delegated Authority)

1. *To amend the description of the development by deleting reference to the two lot subdivision.*
2. *Revised conditions of consent relating to;*
 - *Change in reference from RMS to Council, as Council will be the approval authority under Section 138 Roads Act approvals in relation to Off-site construction activities;*
 - *Change reference to Principal Certifying Authority as opposed to Council for certification of works;*
 - *Delete duplicated conditions;*
 - *Delete generic conditions relating to approvals for works that are already stipulated within other Acts & Regulations, Australian Standards . i.e. POEO Act, WorkCover, Roads Act, BCA, EP&AAct, Local Government Act etc.*

Amendment No.6 – Refused 8 March 2013 (Council)

- *To amend the provisions of Condition 3.3(ii) of DA 2010/962 in relation to the construction of a shared footpath/cycleway on the northern side of River Street and the reduced construction standard of the footpath from concrete to bitumen.*

Amendment No.7 – Withdrawn 17 October 2013

Amendment No. 8 – Approved 22 August 2013 (Council)

- *To amend the Section 94 contributions for the roads contribution levy associated with the development.*

Amendment No. 9 – Approved 11 July 2013 (Delegated Authority)

1. *To delete conditions relating to;*
 - *deferred consent conditions that have already been complied with;*
 - *provision of a dewatering plan for approval to the Principal Certifying Authority prior to the issue of the Construction Certificate; and*
 - *the provision of preload settlement reports to the Principal Certifying Authority indicating compliance with the Coffey geotechnical report “Interim Geotechnical Design for Preload Works: Ballina Highway Service Centre, West Ballina” dated 30 September 2010 (pp 14-15).*

2. *To amend the conditions:*
 - *by deleting the words from relevant conditions “applicable at the time of construction” and “(as current at the time of construction)”, “This will require a pavement design which includes a minimum 40mm asphaltic concrete wearing surface” and “(as current at the time of construction works commencing)”;*
 - *to refer to the installation of underground fuel tanks as opposed to the incorrect reference to the culvert banks; and*
 - *relating to the application of the differential settlement standard of 100mm as opposed to the originally required 25mm settlement for all buildings on-site.*

Reportable Political Donations

Details of known reportable political donations are as follows:

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

Report

In determining this application to modify DA 2010/962 (Amendment No. 10), Council must assess the proposed modifications against the heads of consideration as contained in Sections 79C and 96 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as are of relevance to the application.

Council may grant consent to modify this consent under Section 96 (1A) if;

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*

- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).*

The original consent for DA 2010/962 granted approval for the Construction of a Highway Service Centre comprising Service Station, associated Fast Food Restaurants, Auto Repair Centre, associated Vehicular Accesses (including a round-about intersection on the existing Pacific Highway alignment), Car and Truck Parking, Infrastructure Works, Filling, Landscaping, Earthworks and Advertising Structures upon Lot 11 DP 1011575, Pacific Highway (now known

8.1 DA 2010/962 - Highway Service Centre - Section 96 Amendment

as No. 565-589 River Street, West Ballina) and a Two (2) Lot Subdivision (Lot 1 – Highway Service Centre & Lot 2 – Agricultural Residue).

The proponents have been methodically working through the consent requirements in order to determine the viability of the project and a timing sequence for commencement of works on the subject lands.

During the preconstruction stage a number of requests have been received for amendments to be made to conditions of consent.

The amendment under Section 96 (1A) of the Environmental Planning & Assessment Act 1979 (as amended) that is the subject of this report is to reassess the floodway design, fill sequence, fill height and floor height conditions.

In support of their requested amendment, the proponents have submitted reports from Molino Stewart – Environment & Natural Hazards consultants and BMT WBM detailing a Flood Risks Assessment for the proposed development of the Highway Service Centre.

The Molino report indicated that placement of additional fill on the subject land would have a flood impact on the catchment, however both the Molino and BMT WBM reports concluded that the impact would not be as significant as first assessed.

Upon review of the submitted reports, Council commissioned BMT WBM (as Council's consultant) to review the overall flood impact resulting from the filling of Lot 1 DP 238009. This engagement has resulted in the formulation of the West Ballina Flood Relief Optimisation Study (the 'study') (copy attached). The study outlines the mitigation works required for the floodway that runs from north to south through the site and under River Street to Emigrant Creek. The design aspects of the flood relief have been identified in the study and include floodway levels, culvert dimensions and the provision of floodgates to restrict tidal intrusion.

The original development proposal included modeling which determined the preliminary number of culverts (10) and sizing for the culverts (BMT WBM – Flood Impact Assessment for Lot 1 DP 238009 – January 2009). Subsequent modeling conducted in the study for this development site identified that two culverts were required to mitigate the effects of the proposed filling of Lot 1 DP 238009, the Ballina Highway Service Centre (BHSC) site. The ultimate scenario of up to 10 culverts under River Street would need to be considered at a later date when further modeling and assessment is undertaken with reference to the pattern and timing of other development in the catchment.

It is important for Council to be aware that River Street is a public road and the infrastructure will remain a public asset.

Any future works to upgrade the access road culverts (the spine road) should not be at the expense of the public, as this development is proposing a private access road across the floodway and the access road will become a road on private land which crosses the easement containing the floodway.

The study has considered both local and Richmond River dominated floods for the 20 year and 100 year ARI magnitudes.

The outcomes of the study are as follows:

- Peak flood level impacts caused by complete site filling can be compensated using a two cell culvert arrangement for the River Street culverts (two cells of 1.2m high by 3.6m wide), with an invert level of 0m AHD.
- Culverts for the internal access road should have a maximum invert level of 0.5m AHD to allow for future excavation of the floodway reserve. To minimise afflux associated with these culverts, the soffit should be above the 100 year ARI flood level (i.e. minimum of 2.0m AHD).
- A 40m wide floodway reserve at natural ground level must be maintained upstream from the access road culverts to connect with the floodplain to the north of the site.
- There is a significant benefit in lowering the upstream floodway (from the access road culverts to the northern property boundary) to its ultimate design level of 0.6m AHD.
- A minimum 40m wide floodway must be provided between the River Street and access road culverts. The invert level of the floodway is to match the invert levels of the upstream and downstream culverts.
- A drop structure is required at the upstream face of the access road culverts. The form of the drop structure is preferred to be a batter with rock protection.
- Backflow prevention is required in the form of hinged floodgates fitted to the downstream side of the River Street culverts

Regardless of the number of culverts at River Street, the 40m wide floodway north from the River Street culverts is to remain unrestricted at all times to enable the efficient flow of flood waters. The proposed access road over the floodway (located entirely on private property) is to be designed such that it does not impede the ultimate design capacity of the 40 m wide floodway.

The following existing conditions of consent will ensure the integrity of the floodway:

Spine Road Construction

- 4.23 The size of the Spine road culverts crossing the floodway corridor are to be constructed such that they convey the 100yr design flows (as identified in the BMT WBM Flood Impact Assessment for Lot 1 DP 238009 dated January 2009) with a 300mm freeboard to the soffit/obvert of the culvert. Details and hydraulic analysis is to be submitted to and approved by Principal Certifying Authority prior to issue of the applicable On-site Construction Certificate.

Flooding

4.24 Floodway Corridor Construction

The construction of the floodway corridor and all associated infrastructure is to be at the full cost of the developer, and to be designed such that the 100yr design flows (as identified in the BMT WBM Flood Impact Assessment for Lot 1 DP 238009 dated January 2009) are contained and conveyed within the floodway corridor with a

8.1 DA 2010/962 - Highway Service Centre - Section 96 Amendment

300mm freeboard to the discharge point and do not flow outside the floodway as a result of scour or meandering. Details are to be submitted to and approved by Principal Certifying Authority prior to issue of the On-site Construction Certificate.

Amendment No. 10 (being the subject of this report)

This amendment application under Section 96 (1A) of the Environmental Planning & Assessment Act 1979 is to amend the following conditions:

- No. 2.1 relating to the revised flood report prepared by BMT WBM
- No. 2.9 which requires that no additional fill be imported to the site until the flood culverts under River Street and the internal spine road are completed
- No. 3.4 relating to the size and number of floodway culverts to be established under River Street (the "Old Pacific Highway") and the internal access road to be constructed over the proposed floodway
- No's. 4.28 & 4.29 relating to flood proofing the development and
- No's 10.10, 10.11, & 10.12 relating to the finished floor heights as proposed in the amendments to conditions 4.28 & 4.29.

Condition 2.1 (existing)

Development being carried out generally in accordance with the plans and associated documentation lodged by or on behalf of the applicant, including Drawing No.'s A04.01DA & A00.02DA Issue B Dated 1/3/11, A-A&G-06.01DA Issue A, A-B & C – 06.01DA Issue A, A-E&F- 06.01DA Issue A, A60.01DA Issue A Dated 2/11/2010 and Drawing No. 6151-001 revision A, drawing 6151-006 revision A, drawing 6151-007 revision A dated 18/03/11 prepared by Cardno Eppell Olsen, BMT WBM Flood Impact Report dated Jan 2009 and associated document dated 13/9/10, Coffey Geotechnical Report & plans "Interim Geotechnical Design for preload works: Ballina Highway Service Centre dated 30 September 2010, and Landscape Plan prepared by Jackie Amos, except as modified by any condition in this consent, and by the reports/details & plans to be carried out in accordance with the deferred commencement conditions of this consent.

Condition 2.1 (proposed)

Development being carried out generally in accordance with the plans and associated documentation lodged by or on behalf of the applicant, including Drawing No.'s A04.01DA & A00.02DA Issue B Dated 1/3/11, A-A&G-06.01DA Issue A, A-B & C – 06.01DA Issue A, A-E&F – 06.01DA Issue A, A60.01DA Issue A Dated 2/11/2010 and Drawing No. 6151-001 revision A, drawing 6151-006 revision A, drawing 6151-007 revision A dated 18/03/11 prepared by Cardno Eppell Olsen, *as modified by Cardno drawings "Floodway Culvert Schematic sketches B1009/23", sheet 7 Rev B, sheet 8 Rev C, sheet 9 Rev B & sheet 10 Rev B - dated July 2013*, BMT WBM Flood Impact Report dated January 2009 and associated document dated 13/09/10, *BMT WBM report entitled "West Ballina Flood Relief Optimisation Study" dated 1st December 2013*, Coffey Geotechnical Report & plans "Interim Geotechnical Design for preload works: Ballina Highway Service Centre dated 30 September 2010, and Landscape Plan prepared by Jackie Amos, except as modified by any condition in this consent, and by the reports/details & plans to be carried out in accordance with the deferred commencement conditions of this consent.

Comment

The BMT WBM West Ballina Flood Relief Optimisation Study dated December 2013 has made recommendations about the floodway design including the levels required for the culvert structures and floodway. The applicant's consultant Cardno has produced revised drawings titled Floodway Culvert Schematic sketches B1009/23", sheet 7 Rev B, sheet 8 Rev C, sheet 9 Rev B & sheet 10 Rev B dated July 2013 which are consistent with the requirements of the study.

Condition 2.9 (existing)

No site filling (*other than utilising the existing stockpiles on the subject land*) or associated works are to occur on proposed Lot 1 (the Highway Service Centre Site) until all works associated with the construction and establishment of the flood culverts under the Pacific Highway (Off-site), the associated highway works and the establishment of a construction access to the site, the floodway and the spine road culvert/bridge(On-site), have been completed in accordance with the design criteria as specified within the BMT WBM Flood Impact Assessment Report and associated documents, to the satisfaction of the *Roads & Traffic Authority, Industry & Investment NSW* and Council.

Condition 2.9 (proposed)

No site filling or associated works are to occur on proposed Lot 1 (the Highway Service Centre Site) until all works associated with the construction and establishment of the flood culverts under *River Street* (Off-site), the associated *River Street* works and the establishment of a construction access to the site, the floodway and the spine road culvert/bridge(On-site) have been completed in accordance with the design criteria as specified within the BMT WBM Flood Impact Assessment Report for Lot 1 DP 238009 *dated January 2009, BMT WBM West Ballina Flood Relief Optimisation Study dated December 2013* and associated documents to the satisfaction of Council and *NSW Department Primary Industries (Fisheries)*. *Alternatively if the filling of the site is to be carried out in conjunction with the construction of the culverts, a Flood Gap Strategy Report is to be submitted to and approved by Council prior to the issue of the Construction Certificate for on-site works or the issue of the Section 138 Certificate for the off-site works.*

Comment

The purpose of this amendment is to assist with timing for the development and to enable both the culvert sites and the service centre site to be filled concurrently and to ensure no worsening of flooding will occur by requiring the culverts under River Street and the access road to be in place prior to site filling. If filling on-site and off-site is proposed to occur concurrently, the applicant must prepare and submit a 'Flood Gap Strategy Report'.

This Flood Gap Strategy Report is a risk assessment and management plan which describes when, how much and by what method sufficient fill can be removed should a flood event occur. This strategy considers rainfall data, issued flood warnings and a corresponding action plan to remove the specified section of preload fill at a certain time. A similar strategy was developed and implemented by Ballina Bypass Alliance for a section of filling works associated with the Ballina Bypass project.

Condition 3.4 (existing)

The size of the floodway culverts (including tide flaps) under River Street (the 'Old' Pacific Highway) are to be constructed such that they convey the 100yr design flows (as identified in the BMT WBM Flood Impact Assessment and reports for Lot 1 DP 238009) with a 300mm freeboard to the soffit/obvert of the culvert. The invert level is to be above mean high water level (MHWL) of the connecting channel/outlet but low enough to drain completely. Details and hydraulic analysis is to be submitted to and approved by Council prior to issue of the Section 138 Roads Act approval.

Condition 3.4 (proposed)

The size of the floodway culverts (including tide flaps) under River Street (the 'Old' Pacific Highway) are to be constructed *in accordance with Cardno drawings Floodway Culvert Schematic sketches B1009/23, sheet 7 Rev B, sheet 8 Rev C, sheet 9 Rev B & sheet 10 Rev B dated July 2013. Detailed construction plans* are to be submitted to and approved by Council prior to issue of the Section 138 Roads Act approval, and/or the issue of the Construction Certificate.

Comment

The number and size of the culverts under River Street has been addressed in the BMT WBM West Ballina Flood Relief Optimisation Study dated December 2013 and details are shown on the above mentioned plans by Cardno. The ultimate scenario of the up to 10 culverts under River Street, as identified in the BMT WBM Flood Impact Assessment Report for Lot 1 DP 238009 dated January 2009, would need to be considered at a later date when further modeling and assessment is undertaken with reference to the pattern and timing of development in the catchment.

Condition 4.28 (existing)

The Highway Service Centre site west of the floodway (inclusive of the spine road) must be filled to a minimum level of RL 2.7 metres AHD except where floodway hydraulics and environmental hazards prevail. Masonry retaining walls and dish gutters shall be constructed, and wholly contained, within side and rear boundaries of the site, such that no stormwater is discharged from the site onto the adjoining properties. The adjoining properties shall be drained at the common boundary with the site via a concrete dish drain such that no water ponds on any neighbouring properties due to filling of the site. The stormwater drainage shall be discharged to Council's drainage system. Details are to be submitted to and approved by Principal Certifying Authority prior to the issue of the On-site Construction Certificate.

Condition 4.28 (proposed)

The Highway Service Centre site west of the floodway (inclusive of the spine road) must be filled to a minimum level of RL 2.4 m AHD and the Highway Service Centre buildings, underground fuel tanks and fuel bowser areas shall have a minimum fill level of 2.7m AHD and the finished floor level of the buildings shall be RL 2.9 m AHD except where floodway hydraulics and environmental hazards prevail. Masonry retaining walls and dish gutters shall

be constructed, and wholly contained, within side and rear boundaries of the site, such that no stormwater is discharged from the site onto the adjoining properties. The adjoining properties shall be drained at the common boundary with the site via a concrete dish drain such that no water ponds on any neighbouring properties due to filling of the site. The stormwater drainage shall be discharged to Council's drainage system. Details are to be submitted to and approved by Council prior to the issue of the On-site Construction Certificate.

Condition 4.29 (existing)

The portion of the allotment associated with the Highway Service Station, underground fuel tanks, and fuel sales must be filled to a minimum level of RL (3.2) metres AHD. Details are to be submitted to and approved by Principal Certifying Authority prior to the issue of the On-site Construction Certificate.

Condition 4.29 (proposed)

The portion of the allotment associated with the Highway Service Centre buildings, underground fuel tanks and fuel bowser area must be filled to a minimum level of RL 2.7m AHD. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the on-site Construction Certificate.

Comment

This request to Council is to reduce the minimum fill levels for the site.

The current condition 4.28 requires a minimum fill level for the whole site of 2.7m AHD. It should be mentioned the reference to the fill level in condition 4.29 as per the original consent of 3.2m AHD, should read 2.7m AHD.

The request is to reduce the minimum fill level for the car parking and vehicular access areas to 2.4m AHD and the minimum fill level under buildings, fuel bowser, fuel delivery and fuel storage areas to remain unchanged at 2.7m AHD.

The request is also to reduce the minimum floor level to 2.9m AHD.

Applicant's Contention

The applicant is requesting a variation to the minimum fill level and floor level requirements as stipulated within Ballina Shire Development Control Plan 2012 Chapter 2b – Flood Plain Management.

Council's current DCP identifies the site as vacant rural zoned land and requires a minimum fill level of 2.7m AHD. The request to vary this minimum fill level to 2.4m AHD for the carpark and access road areas of the site is consistent with how the policy is interpreted for these types of areas.

Further to this, Council's recently exhibited Draft DCP "Flood Risk Management" (not adopted by Council) did provide some discussion about contemporary fill requirements for commercial developments of this nature.

8.1 DA 2010/962 - Highway Service Centre - Section 96 Amendment

The Draft DCP requirements were as follows:

1. The minimum surface level of open car parking spaces shall be as high as practical, and not below FPL2 (being the 50 year ARI for 2100 Climate Change model). Therefore minimum car park level can be 2.4m AHD.
2. The minimum floor level shall be equal to or greater than FPL 4 (being the 100yr ARI for 2100 climate change being 2.7m AHD plus 0.2m freeboard). Therefore the minimum floor level can be 2.9m AHD.

The draft policy suggested the minimum fill requirements remain, however the freeboard requirement of 500mm may be reduced to 200mm for commercial/industrial developments. This suggestion acknowledges commercial and industrial developments are non habitable, generally constructed from more flood compatible materials, property and goods are generally stored off the floor on shelving and racks and the 500mm freeboard can be more cost effective to achieve in commercial and industrial developments.

Comment

It is acknowledged that the reduction in minimum floor level from 500mm to 200mm freeboard above the minimum fill level for commercial/industrial developments has merit due to the following:

- size and nature of the building types for commercial/industrial developments
- the internal construction and fit out of a commercial/industrial developments are more flood compatible than residential buildings
- reduced development costs and
- ease of pedestrian access to the building

Discussions with Council's Civil Services Group indicated that the proposed Draft Flood Risk Management DCP that is to be placed on public exhibition in 2014 will include provisions for reducing the minimum floor level requirements for non-residential developments.

Council in its deliberations over this proposed amendment should consider whether it is reasonable to vary Ballina Shire Development Control Plan 2012 Chapter 2b – Flood Plain Management to permit the departure from the 500mm freeboard to permit the proposed amendment to the consent.

Condition 10.10 (existing)

The whole allotment is to be filled to a minimum level of RL 2.7 m AHD with the finished floor height of the building at RL 3.2 metres AHD. A Surveyor's Certificate verifying compliance with this requirement is to be submitted to the Principal Certifying Authority at completion of footings/slab formwork (prior to concrete pour) or completion of the timber floor.

Condition 10.10 (proposed)

The whole allotment is to be filled to a minimum level of RL 2.4 m AHD and the Highway Service Centre buildings, underground fuel tanks and fuel bowser area shall have a minimum fill level of 2.7m AHD and a finished floor height of the buildings at RL 2.9 m AHD. A Surveyor's Certificate verifying compliance with this requirement is to be submitted to the Principal Certifying Authority at completion of footings/slab formwork (prior to concrete pour) or completion of the timber floor.

Condition 10.11 (existing)

All site filling shall be to a minimum fill level of RL 3.2 m AHD for the service station and fuel tank portion of the development and shall be in compliance with the requirements of Level 1 geotechnical testing for:

AS 2870 – 1996 Residential Slabs and Footings Code
AS 3798 – 1996 Guidelines on Earthworks for Commercial and Residential Developments.

Condition 10.11 (proposed)

All site filling shall be to a minimum fill level of RL 2.7 m AHD for the service station, underground fuel tank and fuel bowser portion of the development and shall be in compliance with the requirements of Level 1 geotechnical testing for:

AS 2870 – 1996 Residential Slabs and Footings Code
AS 3798 – 1996 Guidelines on Earthworks for Commercial and Residential Developments.

Condition 10.12 (existing)

The finished floor height of buildings (other than those referred to in condition No.10.11) are to be constructed at a minimum RL of (3.2) metres AHD. A Surveyor's Certificate verifying compliance with this height is to be submitted to the Principal Certifying Authority at completion of slab formwork stage, prior to concrete pouring, or upon completion of the timber floor prior to work proceeding beyond this stage. Where filling is utilised to raise the slab level and extends to the outside of the building, such filling is to be adequately retained and drained to the stormwater drainage system, to ensure stormwater is not directed onto adjoining properties.

Condition 10.12 (proposed)

The finished floor level of buildings *are to be constructed at a minimum RL of 2.9 m AHD*. A Surveyor's Certificate verifying compliance with this height is to be submitted to the Principal Certifying Authority at completion of slab formwork stage, prior to concrete pouring, or upon completion of the timber floor prior to work proceeding beyond this stage. Where filling is utilised to raise the slab level and extends to the outside of the building, such filling is to be adequately retained and drained to the stormwater drainage system, to ensure stormwater is not directed onto adjoining properties.

Comment

These conditions provided certification that minimum levels have been obtained during construction works and are to be amended to reflect the changes to conditions 4.28 & 4.29.

Conclusion

The Section 96(1A) Application currently before Council for consideration to amend Development Application DA 2010/962 (The Highway Service Centre) for the amendment to the land filling, the finished floor levels and the reduction in the number of flood culverts required should be supported on the following grounds:

- The proposal results in a development that is substantially the same as that approved by the Council
- The revised culvert configuration is consistent with the latest flood modeling and
- The revised minimum fill levels are consistent with Council's implementation of the current policy in relation to commercial/industrial development within the Shire.

RECOMMENDATIONS

That the Application under S96 (1A) of the Environmental Planning and Assessment Act to amend the provisions of Conditions 2.1, 2.9, 3.4, 4.28 & 4.29, 10.10, 10.11 & 10.12 of DA 2010/962 in relation to the land filling, the finished floor levels and the reduction in the number of flood culverts be **APPROVED** subject to compliance with the specified amended conditions as set out below:

- 2.1 Development being carried out generally in accordance with the plans and associated documentation lodged by or on behalf of the applicant, including Drawing No.'s A04.01DA & A00.02DA Issue B Dated 1/3/11, A-A&G-06.01DA Issue A, A-B & C – 06.01DA Issue A, A-E&F – 06.01DA Issue A, A60.01DA Issue A Dated 2/11/2010 and Drawing No. 6151-001 revision A, drawing 6151-006 revision A, drawing 6151-007 revision A dated 18/03/11 prepared by Cardno Eppel Olsen, as modified by Cardno drawings "Floodway Culvert Schematic sketches B1009/23", sheet 7 Rev B, sheet 8 Rev C, sheet 9 Rev B & sheet 10 Rev B dated July 2013, BMT WBM Flood Impact Assessment Report dated January 2009 and associated document dated 13/09/10, BMT WBM report entitled "West Ballina Flood Relief Optimisation Study" dated 1st December 2013, Coffey Geotechnical Report & plans "Interim Geotechnical Design for preload works: Ballina Highway Service Centre dated 30 September 2010, and Landscape Plan prepared by Jackie Amos, except as modified by any condition in this consent, and by the reports/details & plans to be carried out in accordance with the deferred commencement conditions of this consent.

- 2.9 No site filling or associated works are to occur on proposed Lot 1 (the Highway Service Centre Site) until all works associated with the construction and establishment of the flood culverts under River Street (Off-site), the associated River Street works and the establishment of a construction access to the site, the floodway and the spine road culvert/bridge(On-site) have been completed in accordance with the design criteria as specified within the BMT WBM Flood Impact Assessment Report for Lot 1 DP 238009 dated January 2009, BMT WBM West Ballina Flood Relief Optimisation Study dated December 2013 and associated documents to the satisfaction of Council and NSW Department Primary Industries (Fisheries). Alternatively if the filling of the site is to be carried out in conjunction with the construction of the culverts, a Flood Gap Strategy Report is to be submitted to and approved by Council prior to the issue of the Construction Certificate for on-site works or the issue of the Section 138 Certificate for the off-site works.
- 3.4 The size of the floodway culverts under River Street (the 'Old' Pacific Highway) and the internal access road are to be constructed in accordance with Cardno drawings Floodway Culvert Schematic sketches B1009/23, sheet 7 Rev B, sheet 8 Rev C, sheet 9 Rev B & sheet 10 Rev B dated July 2013. Detailed construction plans are to be submitted to and approved by Council prior to issue of the Section 138 Roads Act approval.
- 4.28 The Highway Service Centre site west of the floodway (inclusive of the spine road) must be filled to a minimum level of RL 2.4 m AHD and the service station, underground fuel tank and fuel bowser areas shall have a minimum finished fill level of 2.7m AHD and a minimum finished floor level of RL 2.9m AHD except where floodway hydraulics and environmental hazards prevail. Masonry retaining walls and dish gutters shall be constructed, and wholly contained, within side and rear boundaries of the site, such that no stormwater is discharged from the site onto the adjoining properties. The adjoining properties shall be drained at the common boundary with the site via a concrete dish drain such that no water ponds on any neighbouring properties due to filling of the site. The stormwater drainage shall be discharged to Council's drainage system. Details are to be submitted to and approved by Council prior to the issue of the On-site Construction Certificate.
- 4.29 The portion of the allotment associated with the Highway Service Centre buildings, underground fuel tanks and fuel bowser area must be filled to a minimum level of RL 2.7m AHD. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the on-site Construction Certificate.
- 10.10 ***Minimum fill and floor levels***
- The whole allotment is to be filled to a minimum level of RL 2.4 m AHD and the Highway Service Centre buildings, underground fuel tanks and fuel bowser area shall have a minimum fill level of 2.7m AHD and a finished floor height of the building at RL 2.9 metres AHD. A Surveyor's Certificate verifying compliance with this requirement is to be submitted to the Principal Certifying Authority at completion of footings/slab formwork (prior to concrete pour) or completion of the timber floor.

10.11 All site filling shall be to a minimum fill level of RL 2.7 m AHD for the service station, underground fuel tank and fuel bowser portion of the development and shall be in compliance with the requirements of Level 1 geotechnical testing for:

AS 2870 – 1996 Residential Slabs and Footings Code

AS 3798 – 1996 Guidelines on Earthworks for Commercial and Residential Developments.

10.12 The finished floor level of buildings are to be constructed at a minimum RL of 2.9 m AHD. A Surveyor's Certificate verifying compliance with this height is to be submitted to the Principal Certifying Authority at completion of slab formwork stage, prior to concrete pouring, or upon completion of the timber floor prior to work proceeding beyond this stage. Where filling is utilised to raise the slab level and extends to the outside of the building, such filling is to be adequately retained and drained to the stormwater drainage system, to ensure stormwater is not directed onto adjoining properties.

Attachment(s)

1. West Ballina Flood Relief Optimisation Study

8.2 DA 1995/274 - Section 96 Application - Stoker's Quarry

8.2 DA 1995/274 - Section 96 Application - Stoker's Quarry

Applicant	Ardill Payne & Partners
Property	Lot 10 DP 712025, Bruxner Highway Alstonville (Stoker's Quarry)
Proposal	To Modify Development Consent 1995/274 to Extend the Operational Life of the Existing Quarry by a further 10 years
Effect of Planning Instrument	The land is zoned RU1 under the provisions of the Ballina LEP 2012
Locality Plan	The subject land is depicted on the locality plan attached

Introduction

This report seeks Council's determination of the subject S.96 modification application. Council at its Ordinary Meeting of 24 August, 1995 resolved to grant conditional consent to Development Application No. 1995/274 for the following use:

Extractive Industry – continued operation of Stoker's Quarry for the extraction of coarse gravel. Extraction rates will approximate 14,000 cubic metres per annum, with an average annual growth rate of 2 per cent.

The development proposed under DA 1995/274 constituted designated development. An Environmental Impact Statement (EIS) was therefore prepared to accompany the development application. The EIS was prepared by Jim Glazebrook and Associates and was dated 26 May, 1995.

Stoker's Quarry produces coarse gravel for the use in general construction and fill. The demand for such resources determines supply and typically quarrying is conducted intermittently as demand warrants. The subject allotment which contains the quarry has an area of 8.5ha. The land is situated in close proximity to the intersection of Gap Road and the Bruxner Highway. Site access is via a bitumen sealed right-of-way off Gap Road. The quarry working is a large open face on a slope that generally falls from the south (Bruxner Highway) down to the north (Chilcotts Creek).

Condition five of the consent enables a total extraction of 330,000m³ or the quarrying on site for not more than 20 years, whichever is achieved first. The 20 year period expires on the 11th of September 2015, and the total amount of material extracted to date stands at 99,500m³, well below the approved amount.

Proposed amendment

Council is requested to grant consent to modify condition five of the original consent such that the approved extractive operational life of the quarry is extended from 20 years to 30 years, whilst maintaining the total permissible extractable amount of 330,000m³. Condition five of DA 1995/274 currently reads:

5. *This consent enables a total extraction of 330,000 cubic metres or the quarrying on site for no more than 20 years, whichever is achieved first.*

The proposed condition five is as follows:

5. *This consent enables a total extraction of 330,000 cubic metres or the quarrying on site for no more than 30 years, whichever is achieved first.*

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The application was placed on public exhibition in accordance with the Environmental Planning and Assessment Regulations. The application was on exhibition from 2 October 2013 to 18 October 2013 and received one submission on behalf of nine nearby property owners to the proposed development. A copy of the submission is attached. The main grounds of objection are summarised as follow:

- Inappropriate application of Section 96 of the EP & A Act 1979

Comment: The submission contends that extending the operational life of the quarry by 10 years results in a development that is not substantially the same as that originally consented to. It is considered the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified. This matter is further discussed later in the report under the heading 'Environmental Planning and Assessment Act 1979'.

- The application has not been advertised correctly

Comment: The application was placed on public exhibition in accordance with the Act and associated Regulations.

- An Environmental Impact Statement and an Independent Compliance Audit should be undertaken

8.2 DA 1995/274 - Section 96 Application - Stoker's Quarry

Comment: An Environmental Impact Statement is not required to accompany this modification application. Further, in accordance with Council's ongoing Annual Compliance Programs, this quarry, together with all quarries in the Shire, has been the subject of a compliance audit.

- Concerns relating to site access and security

Comment: This matter has been considered throughout the assessment of the original development application. The primary access point to the Quarry is a right of carriage way through a neighbouring property. The gate used to access the site is kept locked. Access to the northern boundary is limited by Chilcotts Creek. Site access and security is appropriate for the size and location of the facility. Independent of this or any other application, Council, as the landowner, can take steps as it sees fit to address any safety or security issues that may arise.

- Bush fire prone land

Comment: The existing land use is not considered an activity problematic when situated on bush fire prone land and is not a land use specifically identified for which a "special fire protection purpose" approval is required from the NSW Rural Fire Service. Hazard reduction measures such as monitoring blasting events occur on the site which makes the possibility of a fire unlikely.

- Environmental factors: air quality, noise and vibration, surface and ground water flora and fauna

Comment: To ensure the quarry is managed and operated in accordance with current environmental standards and legislation, a condition requiring the submission of a new Environment Management Plan (EMP), demonstrating compliance with current environmental standards must be submitted to the Principal Certifying Authority for approval at least six months prior to the expiry of the existing approved operation, being 11 March 2015.

To address issues of water quality and stormwater management, a condition has been proposed to be incorporated into the modified consent that requests on-site stormwater to comply with the requirements of the current Environmental Management Plan. Alternatively, if the stormwater management requirements outlined in the Environmental Management Plan are inadequate or for other reasons not suitable, an amended stormwater management plan must be submitted.

The operation of equipment used in the extraction and transportation of the resources is undertaken in accordance with the approved hours of operation. There will not be any change to, or amplification of noise from the quarry as a result of this application.

- Traffic and Transport

Comment: The proposed modification was referred to the NSW Roads and Maritime Services who replied that they had no objection or further comment other than what was requested by the Regional Development Committee in 1995. Council's Development Engineers commented that the existing external road network is constructed to a suitable standard to service the proposed development.

8.2 DA 1995/274 - Section 96 Application - Stoker's Quarry

- Visual impact

Comment: The visual impact is isolated to a few local properties. The subject land is located in a rural environment surrounded by established vegetation with the extractive operations not being highly visible in the context of the broader landscape.

From a visual impact perspective, the approved extraction footprint of the quarry shall remain the same and the operation will still be subject to the same staged extraction and same site rehabilitation requirements and final land use.

- Social and economic considerations and loss of amenity

Comment: Whilst the modification, if approved, will extend the working life of the quarry, the operating conditions and approved footprint remains the same. The continued operation of this quarry, which is located in close proximity to major roads, allows this resource to be realised. The land was zoned for extractive industry under the BLEP 1987 and is permissible under the BLEP 2012.

- Cumulative impact from potential concurrent operation of Westbridge Lane quarry.

Comment: Although the operation of Stoker's quarry has been intermittent, there is the potential for there to be some cumulative impact on the occasion that both quarries are operational simultaneously. However, both quarries are under strict environmental licensing regulation of the EPA that mitigates the quarries' respective environmental impacts. Both quarries have alternate access routes to the Bruxner Highway that shall reduce impact on residents from haulage.

Further discussion on the above matters is contained in this report.

Report

The application has been assessed in accordance with the heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979. The following are the pertinent matters for Council's consideration.

Environmental Planning and Assessment Act 1979

Section 96(2) enables a consent authority to modify a consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

- (c) *it has notified the application in accordance with:*
- (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (c) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*
- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.*
- a) It is considered that the development as proposed to be modified would be substantially the same development as the development for which consent was originally granted considering:
- The existing approved land use will not change
 - The approved total extraction volume and extraction footprint will not change
 - The modified consent will enable the potential extraction of the approved 330,000m³ from within the current approved footprint of the existing quarry for a further period of 10 years
 - The existing extractive operations, practices and procedures will not change from that approved in the original consent and be subject to a new environmental management plan
 - The approved site rehabilitation, final landform and use will not change.
- b) No condition has been imposed as a requirement of a concurrence authority to the consent or in accordance with general terms of an approval granted by an approval body.

Comment was sought from the NSW Roads and Maritime Services who had no objection to the proposed modification and/or additional conditions.

- c) The application was notified in accordance with the Regulations.
- d) One submission on behalf of nine nearby property owners was received during the notification period. A copy of the submission is attached and considerations addressed in the Public Exhibition section above and throughout the report.

Ballina Local Environmental Plan 2012 (BLEP 2012)

The site is zoned RU1 Primary Production under the provisions of the Ballina LEP 2012.

Pursuant to BLEP 2012 the proposed use would be defined as an '*extractive industry*' which is as follows:

“extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.”

An ‘*extractive industry*’ is permissible with consent in the RU1 Primary Production zone.

The objectives of the RU1 Primary Production zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the rural, cultural and landscape character of the locality.*
- *To enable development that is compatible with the rural and environmental nature of the land.*
- *To ensure that there is not unreasonable or uneconomic demands for the provision of public infrastructure.*

The above zone objectives have been considered during the assessment of the application.

Environmental Planning and Assessment Regulation 2000

Development Application 1995/274 constituted Designated Development under the provisions of the Environmental Planning and Assessment Act 1979.

Schedule 3 – Designated Development

Part 2 – Are alterations and additions designated development?

Clause 35 provides that Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.

Clause 36 outlines the criteria to be considered in concluding whether the alteration(s) significantly increase the environmental impacts of the total development. In forming an opinion as to whether or not development is designated development, a consent authority is to consider:

- (a) *the impact of the existing development having regard to factors including:*
- (i) *previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and*
 - (ii) *rehabilitation or restoration of any disturbed land, and*
 - (iii) *the number and nature of all past changes and their cumulative effects, and*

- (b) *the likely impact of the proposed alterations or additions having regard to factors including:*
- (i) *the scale, character or nature of the proposal in relation to the development, and*
 - (ii) *the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and*
 - (iii) *the degree to which the potential environmental impacts can be predicted with adequate certainty, and*
 - (iv) *the capacity of the receiving environment to accommodate changes in environmental impacts, and*
- (c) *any proposals:*
- (i) *to mitigate the environmental impacts and manage any residual risk, and*
 - (ii) *to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.*

No serious breaches of consent or complaints regarding operation of the quarry have been recorded to date. In accordance with Council's Annual Compliance Program an audit of the quarry was undertaken, including a site inspection on the 20th November 2008. Two issues were identified:

- non payment of Section 94 contributions for heavy vehicle haulage rates; and
- Dust emissions from vehicle movements (there was a further complaint regarding dust in 2011).

Council's Compliance Coordinator reported the following on the above issues:

With respect to the dust emissions, additional measures were proposed during the site inspection and subsequently installed by the operator, including water to the crushing machines and the use of a water tanker, which adequately addressed this issue Environmental Health Officer(s) dealt with this matter and I haven't seen any complaints in this regard since that time.

With respect to the Section 94 contributions, Council's latest Section 94 contribution report does not reveal any outstanding contributions being owing for the quarry (as at 13 August 2013). On that basis, I do not believe that there are any current issues with the operation of this quarry.

There are no proposed changes to the approved quarry operations, footprint, staging, final landform, site rehabilitation and haulage routes. The proposed modification enables the approved volume of resources to be extracted for a further 10 year period. Given the site's location and its close proximity to the Bruxner Highway the impacts of this proposed modification are not likely to significantly increase the environmental impact of the total development.

Conclusion

The proposed modification to development consent 1995/274 to extend the operational life of the existing quarry by a further 10 years is considered substantially the same development and suitable for a Section 96(2) modification.

The existing approved land use will not change and the modified consent will enable the potential extraction of the approved 330,000m³. The existing extractive operations, practices and procedures are not proposed to change from that approved in the original consent. It is considered that the application will not significantly increase the environmental impacts of the total development compared with the existing or approved development.

The proposed use is permissible in the zone and having regard for Section 79C of the Environmental Planning and Assessment Act 1979 is considered to warrant the support of Council.

RECOMMENDATIONS

That the Application under S96(2) of the Environmental Planning and Assessment Act 1979 to modify development consent 1995/274 to extend the operational life of the existing quarry by a further 10 years be **APPROVED** subject to the following:

1. Condition 5 amended to read:

5. This consent enables a total extraction of 330,000 cubic metres or the quarrying on site for no more than 30 years, whichever is achieved first.

2. Insert the following additional condition numbers 7 and 8:

7. The management of on-site stormwater is to comply with the requirements of the current Environmental Management Plan, Environmental Management Plan Stoker's Quarry Gap Road, Uralba, NSW prepared by Aspect North dated 22 April 2004 and the Environmental Impact Statement Stoker's Quarry Continued Gravel Operation at Uralba Ballina Shire Council, prepared by Jim Glazebrook dated 22 April 1995. Alternatively, if the stormwater management requirements outlined in the Environmental Management Plan are inadequate, or for other reasons not suitable, an amended stormwater management plan must be submitted to the Principal Certifying Authority for approval within three months of this consent being issued.

Once the submitted stormwater management plan has been approved and issued, any required works must be carried out within two months of receiving notification of approval.

8. A new Environment Management Plan for Stoker's Quarry, demonstrating compliance with current environmental standards and legislation must be submitted to the Principal Certifying Authority for approval at least six months prior to the expiry of the existing approved operation, 11 March 2015.

Once the submitted environmental management plan has been approved, the operation and management of the quarry must then be carried out in accordance with this plan.

Attachment(s)

1. Locality Plan
2. Submission

8.3 Swimming Pools - Barrier Inspection Program

8.3 Swimming Pools - Barrier Inspection Program

Delivery Program Building Services

Objective To determine a swimming pool barrier inspection program.

Background

In October 2012 the NSW Government introduced the *Swimming Pool Amendment Act 2012* which requires all swimming pools installed within NSW to be registered with the NSW Government on-line.

The deadline for the registration of all existing pools was 29 October 2013 and all new pools are to be registered once completed.

As part of the legislation, councils are required to develop and introduce a swimming pool barrier inspection program in consultation with their communities.

Councils are also required to inspect all higher risk pools (multi-residential, tourist facilities, motels and child care facilities) at three year intervals, commencing no later than 29 April 2014. Under the adopted programs, councils may choose to inspect the mandatory higher risk pools only, or all pools at various intervals.

In order to effectively assess the number of pools within the Ballina Shire, a combination of Council's electronic recording system and the NSW Division of Local Government's (DLG) register has been used. Until recently, the DLG register has not been accessible for this purpose due to problems at their end that has caused delays in Council preparing our program and this report.

Access to the NSW register, identifying the number and addresses of pools registered in each council area is now available. Council as at 28 November 2013 has 2,218 pools registered on the NSW system.

The following report provides a brief overview of the legislation, results of the community survey undertaken and recommendations for the type of program to be introduced.

Key Issues

- Legislative requirements
- Community expectations
- Public safety
- Economic impacts

Information

Briefly, the legislation requires the following:

- Development and implementation of the NSW Government on-line register by 29 April 2013

8.3 Swimming Pools - Barrier Inspection Program

- Pool owners are required to register their pools on the register by 29 October 2013; penalties of \$220 apply for failure to register
- Councils are required to develop and implement a swimming pool barrier inspection program in consultation with their communities by 29 October 2013
- Councils are to report annually on the number of pool inspections undertaken, the level of compliance and requirements for compliance
- Owners of properties containing pools associated with sales or leases will have to provide a valid pool Compliance Certificate after 29 April 2014; councils or other privately accredited certifiers can issue these Compliance Certificates
- Commencing no later than 29 April 2014, councils must inspect higher risk pools associated with tourist facilities, multi-residential developments, motels and child care facilities; thereafter inspections are to be made at three year intervals
- Councils can charge a maximum initial inspection fee of \$150 and an additional \$100 for one re-inspection where required

Community Consultation

Under the inspection program, rather than only inspecting the higher risk pools as required, councils may choose to inspect all pools within their area at various intervals providing they have consulted with their communities.

Regarding the pool inspection program and community consultation, we undertook a survey through the local newspapers, requesting submissions be made on-line or over the counter.

The survey included a brief description of the program and also included the following options and question:

1. If you wish to contribute to how Ballina Shire Council should implement the program for the inspection of swimming pool barriers, please tick the relevant box below:
 - Inspect only the higher risk pools every three years, not all pools (54%)
 - Inspect all pools every three years (14%)
 - Inspect all pools every five years (15%)
 - Inspect all pools every ten years (17%)
2. Do you have any other comments to make?

The response to the survey resulted in 78 submissions being received. Thirty seven of these respondents also provided additional comments regarding question two above.

The bracketed percentage figures above indicate the preferred option as a result of the total number of submissions received. As depicted, the preferred option from the respondents was to inspect only the higher risk mandatory pools, being the multi-residential buildings, tourist facilities, child-care facilities and motels.

As a comparison, we have been advised that other nearby councils received the following number of submissions from their community consultation surveys:

8.3 Swimming Pools - Barrier Inspection Program

- Lismore 94 responses
- Tweed 200 responses
- Byron N/A (community not provided with options)

A summary of the additional comments raised by the 37 respondents is as follows:

- All pools are a risk and need to be inspected, complete aerial and street surveys, contract out the inspection process, charge a \$120 inspection fee and \$30 administration fee
- Only do inspections on sale of properties and rentals, not all pools
- Money grab for councils, full responsibility rests with the pool owners to ensure their pool complies
- Over regulation, we are a nanny State, responsibility rests with property owners
- Waste of ratepayer's money, parent supervision is the issue
- Inspection fees are onerous, pensioners can't afford more fees
- Focus resources only on unregistered pools and fine them
- Fear rates will rise to cover costs, pool owners need to cover the full costs
- Focus on old pools firstly
- Private contractors should never be used for inspections
- Only pools without final inspections under the Development Application (DA) process should be inspected
- Costs are an unjustifiable impost
- Education of pool owners is the answer, not the inspection process as the obligation rests with the pool owner
- Only inspect pools when property sold or at final inspection stage
- Injuries can occur as well as drowning
- If pool inspected at final stage, no need for further inspections
- Inspections will make little difference, don't bother
- Inspection of low risk pools has resourcing issues for Council
- Should be yearly inspections as things change

As can be seen above, although the sample is small, there are mixed views on the operation of the program.

Records management

Regarding the recording of pools within our Shire, we only have those pools constructed after 1990 within our electronic records management system. As an indication on pool numbers, the number of pool Development Applications retrieved from the electronic data system is 2,230 for the 1990 to August 2013 period. We currently do not have any other means of retrieving records for those pool applications received prior to 1990.

The number of Ballina Shire pools currently registered on the NSW DLG register is 2,218. Having regard to the above 1990-2013 statistics, this figure suggests there are additional pools not yet registered on the system. We have advertised the need for pool registrations on our web page and in both the local papers, our local Community Connect newsletter and at a Master Builders' Association seminar.

8.3 Swimming Pools - Barrier Inspection Program

In comparison, Lismore Council currently has approximately 2,300 pools registered on the NSW DLG register whilst Byron Council advises they have approximately 2,200 pools known in their Shire.

Tweed has advised they currently have 4,587 pools registered on the NSW DLG system, although suspect they have approximately 8,000-10,000 pools within their Shire.

As part of our program and in order to identify unregistered pools, we intend to carry out a cross check of pools currently recorded in both our electronic records management system (1990-2013 period) and the NSW DLG register.

Regarding other pools prior to 1990, we may be able to identify those properties containing pools and not registered through Council's GIS Mapping system.

Alternatively, there are private companies that use a similar GIS mapping system to the Council that will provide details of all pools in a particular shire size area similar to Ballina, at a cost of approximately \$2,000-\$3,000.

Program Recommendation

Separate to the current requirement for the introduction of the Swimming Pool Barrier inspection program, Council has been proactively involved in an alternative swimming pool inspection program over recent years, although not required by legislation.

This program has been aimed at finalising Development Applications (DA) for pools where owners or applicants have not called for final inspections on their pools or where outstanding issues remain.

The period we have been focusing on is the year 2008 to the present and it is intended to be a continuous program, with most outstanding applications now finalised up to the current period. The on-going progress of this program, however, is dependent upon workloads and resourcing.

The operation of any proposed new program and degree of inspection is dependent upon resourcing and should a full "belt and buckle" approach be adopted, being the inspection of all pools on a regular basis (say across a five year period), additional resources will be required.

The administrative costs for running the program also need to be considered, where debtor's invoices are required to be sent out to recover inspection costs.

Council can also consider using private contractors to inspect premises for compliance, however further scoping work would need to be undertaken regarding the true cost and implications of such a process.

There are some concerns regarding the likely public perception of private companies being involved in a regulatory compliance function, involving the issue of notices/orders and penalties.

As can be seen by some of the community comment, there are concerns with the cost of running any program and the potential impost on residents, particularly those that are law abiding or on lower incomes.

8.3 Swimming Pools - Barrier Inspection Program

Many of the pools will be finalised with our current DA final inspection process and with the sale or rental of properties. In addition, councils must inspect the higher risk pools as described earlier, commencing the program no later than 29 April 2014.

We have commenced preparing a list of the higher risk pools and at this stage have identified approximately 50-60 properties that will be required to be inspected and finalised over the next four months.

In order to move forward with the implementation of a suitable program, it is important to have all of the pools registered on the NSW DLG register to enable full consideration of pool numbers, the frequency of inspections, and resourcing.

Due to our electronic records retrieval system only covering the 1990-present period and the apparent lack of full pool registrations on the register, we will have to allocate both financial and human resources to this area.

This will involve cross-checking our electronic records with the NSW DLG register and the use of our mapping system to identify pools within our Shire. As stated earlier, we may choose to use the services of a private company to identify all pools in our Shire at an approximate cost of \$2,000-\$3,000, dependent upon funding availability. We also intend to implement a detailed pool register in our records management system once total pool numbers are established.

Due to the current available staff resources and the need for further information gathering, it is recommended we proceed immediately with the following suggested interim program and the matter be further reported to Council in May 2014, when the operation of the program can be reviewed and decisions made on its future delivery and resourcing.

Suggested interim program:

1. Commence cross checking all pools registered on the NSW DLG register and our electronic records management system (1990-present)
2. Identify and take action on all pools not registered on the NSW DLG register via our GIS mapping system or through the services of a private company offering similar services
3. Once all pools are identified, establish a pool register in our electronic Authority system
4. Commence inspection of all identified higher risk pools in our Shire, to be finalised by April 2014
5. Commence inspection of pools not registered on the NSW DLG register
6. Continue to inspect outstanding pools subject to the DA process under our current program (2008-present)
7. Inspect pools subject to lease or sale as required under the legislation, commencing 29 April 2014 or as requested sooner
8. Investigate the pros and cons, including costs, of providing an inspection service through a private consultant individual or company.

Alternatively, Council may resolve to adopt a minimalist program compliant with the legislation, one that only involves the mandatory inspection of the higher risk pools and properties subject to sale or lease, to be commenced by 29 April 2014.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Public safety, minimizing the risk of child drownings
- **Economic**
Cost of inspection, service delivery, and potential non-compliance penalties

Legal / Resource / Financial Implications

The potential for litigation regarding non-compliance issues exist. Additional human and financial resourcing for the operation of the adopted inspection program may be required.

Consultation

The community has been consulted on the delivery of the program in accordance with the legislation.

Options

The following options are considered to be available to Council:

1. Adopt the suggested interim program as outlined earlier with a further report being tabled to Council in May 2014, at which time the delivery of the program can be further assessed and determined.
2. In accordance with the legislation, adopt a program that involves only the mandatory inspection of those pools identified as higher risk, being multi-unit residential, motels, tourist facilities, child care facilities and properties subject to lease or sale, to be commenced by 29 April 2014; Under this program, Council staff will continue to also finalise pools under its existing DA program (2008-present).

Option one is the preferred option as the intention of the legislation is to encourage councils to implement programs involving the inspection of all pools at various stages during their lifetime.

Pool barriers do deteriorate over time and can be altered by owners and occupiers. It is acknowledged that parental supervision is paramount and some owners are more diligent than others in maintaining pool barriers. Drowning incidents do occur through defective barriers.

RECOMMENDATIONS

1. That Council take the following actions in respect to the Swimming Pool Inspection Program:
 - a) Commence cross checking all pools registered on the NSW Division of Local Government register and our records management system
 - b) Identify and take action on all pools not registered on the NSW Division of Local Government register through Council's GIS mapping system or through the services of a private company offering similar services
 - c) Establish an electronic pool register
 - d) Commence an inspection program for all identified higher risk pools, to be finalised by April 2014
 - e) Commence an inspection program for pools not registered on the NSW Division of Local Government register
 - f) Continue to inspect outstanding finalisations for pools subject to the DA process
 - g) Inspect pools subject to lease or sale, as required under the legislation, commencing 29 April 2014 or as requested sooner by applicants and
 - h) Investigate the advantages of providing an inspection service through the private sector.
2. That Council receive a further report by 31 May 2014 to review the operation and delivery of the Swimming Pool Barrier Inspection program actions undertaken, as per point one above.

Attachment(s)

Nil

8.4 Policy (Review) - Enforcement

8.4 Policy (Review) - Enforcement

Delivery Program Development Services

Objective To review Council's Enforcement Policy.

Background

All Council policies are progressively reviewed to ensure they continue reflect contemporary practices and legislative requirements. The purpose of this report is to review the Enforcement Policy.

Council first adopted this policy in November 2009. The policy provides guidelines to assist staff in dealing with unlawful activity within the shire, particularly in relation to planning matters.

Key Issues

- Whether the policy meets the requirements of Council and current legislation.

Information

This review of this policy identified only minor changes as follows:

- The template for Council policies has changed since this policy was adopted and the new template includes information on definitions, policy, history, etc.

Otherwise the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended.

The changes have been marked in yellow and a copy of the revised policy is included as an attachment to this report.

Sustainability Considerations

- **Environment**
Promote compliance with environmental regulations.
- **Social**
Appropriate enforcement action supports a cohesive society.
- **Economic**
Compliance actions can result in significant costs to Council and any action needs to be balanced against the cost.

Legal / Resource / Financial Implications

Nil

Consultation

As the changes are only minor 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 proposed changes to the policy. The changes included are largely of a house keeping nature therefore it is recommended that the policy be adopted as presented.

It is also recommended that if no submissions are received from the exhibition process, the policy be adopted with no further actions required.

RECOMMENDATIONS

1. That Council adopts the amended Enforcement Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be reported back to Council. If no submissions are received then no further action is required.

Attachment(s)

1. Enforcement Policy

8.5 Financial Assistance - Research Project

8.5 Financial Assistance - Research Project

Delivery Program Environmental and Public Health

Objective To determine whether Council is prepared to financially support a research project aimed at assessing the feasibility of minor habitat modification near nominated residential areas.

Background

The amenity of residents and visitors to Ballina Shire can periodically be impacted by mosquito nuisance.

A feasibility study undertaken in 2002, *Mosquito Management in Ballina Shire: a Feasibility Study*, Wright 2002, found a comprehensive mosquito control program cost prohibitive. A mid range level of mosquito management, costed at \$210,000 initially and approximately \$350,000 per annum, was considered too costly to implement at that time.

Consequently management of mosquito nuisance and hazard in Ballina Shire has centred on planning controls and education, with Council's Development Control Plan requiring the issue be addressed.

Key Issues

- Currently limited scope for addressing and reducing the impact of mosquitoes in developed parts of the Shire
- Funding

Information

There is presently limited scope for addressing and reducing the impact of mosquitoes in developed parts of the Shire. Mosquitoes that breed in wetland and modified lowland (including the saltmarsh mosquito that can travel many kilometres from breeding sites) are known vectors of Ross River and Barmah Forest Virus disease. These can cause debilitating illness and are known to affect a number of residents and visitors each year.

There is concern with global warming that species not currently present in this climate zone may become established here in future causing other forms of disease including dengue fever. Managing mosquitoes may then become a more significant issue for the local community.

Council has been approached by researchers at Griffith University to be a partner in a two year Australian Research Council Linkage Grant commencing in 2014. The grant will research passive means of mosquito control in selected wetland areas near residential areas.

The following has been submitted as the proposal.

8.5 Financial Assistance - Research Project

“The research proposal *New Approaches for Managing Coastal Wetlands* builds on initial work involving habitat based control methods for the saltmarsh mosquito. One of the researchers, Prof Pat Dale pioneered a technique of reducing mosquito hazard in saltmarsh areas known as runnelling. The minor manipulations of the hydrology in mangrove back basin wetland following the same minimal intervention techniques.

Work in the Tweed local government area (LGA) has demonstrated that strategically installing a small number of runnels (less than 100mm deep) can increase tidal flushing within the mangrove back basin to frequencies that substantially limit the opportunity for saltmarsh mosquitoes to successfully emerge from their eggs.

Other partners include Tweed Shire Council (\$20,000 + in kind), Fisheries NSW (in kind), Moreton Bay Regional Council (\$20,000 in negotiation) and Sunshine Coast Regional Council (\$30,000 in negotiation) in SE Queensland.

Each of these is part of the Mosquito Arbovirus Research Committee (\$35,000) which includes Queensland Health, also a partner of the project. Ballina commercial fishers (\$6,000) have also become a partner”.

Research sites in Ballina Shire

Three potential sites have been identified in Ballina Shire for further investigation and application of the hydrological model as part of the ARC Linkage research, if Council becomes a partner to the program.

A description of each of these sites is included in the first attachment to this report; being:

- Northumberland Drive SEPP14 Wetland
- Angels Beach Drive Chickiba SEPP14 Wetland
- Mangrove basin west of the sewer treatment plant SEPP14 Wetland (private land)

Outcomes for Ballina Shire

Initial investigations into the present tidal regime at each of the sites would form the basis of a recommendation report (an example is included as the second attachment report for Bosun Boulevard, a site in Tweed Shire LGA).

Often historic manipulations of mangrove wetlands can create or exacerbate mosquito hazard.

Chosen sites in Ballina Shire have a mosquito breeding potential, but the opportunity to address it due to SEPP14 Planning Controls necessitate an EIS be completed prior to works being undertaken. The recommendation report would form a key component of an EIS if modifications to tidal regimes at the sites were recommended.

Ideally once modifications were undertaken further monitoring would continue to record the success of the techniques.

8.5 Financial Assistance - Research Project

A broader outcome arising from refining these runnelling techniques in mangrove back basins is the development of endorsed techniques that could be incorporated into future planning codes.

Contribution being sought:

Three sites have been identified in Ballina Shire. The project is seeking a \$15,000 contribution from Council, essentially \$5,000 per site.

Council might also be involved in seeking approvals where necessary and in-kind contribution by way of physical works within the wetlands, although these costs to Council would be offset by the Ballina Mullet Haul commercial fisher's contribution as they have agreed to contribute \$6,000 to physical works repairing at least one Ballina coastal wetland.

Two of the three sites proposed are in public ownership. The third near the Ballina Sewage Treatment Works is on land privately owned by Tekcadl Investments Pty Ltd.

It will not be recommended that Council support research on land that is privately owned.

The research may lead to a suggested outcome on the private land and if modified return an advantage to Council as its employees are potentially exposed to mosquito nuisance from the nominated area whilst performing their work, but there is no guarantee that if the research is positive that the suggested work would ever eventuate.

Sustainability Considerations

- **Environment**
Passive mosquito control work as this is, especially on modified sites, can restore natural water movement thus removing mosquito habitat without the need for chemical control. This is far preferable to chemical application that may be necessary during a disease emergency that inevitably leads to the destruction of non target species.
- **Social**
If the research proves that on ground work will be beneficial and Council were to follow through gaining approvals and conducting on ground work some benefit in terms of mosquito reduction in the localities may accrue. Council will be seen to be undertaking more than monitoring and education (as it currently does) in relation to this potential public health problem.
- **Economic**
Arbovirus disease causes absenteeism in the work place and a serious problem for the self employed. Any work that eventually reduces mosquito numbers should be encouraged.

Legal / Resource / Financial Implications

If Council is prepared to support this project it will be recommended that it support work in the two publicly owned areas committing to contribute \$10,000 from its 2014/15 budget.

8.5 Financial Assistance - Research Project

For the purposes of preparing the 2014/15 budget direction from Council is needed as to whether or not Council supports this proposal.

Consultation

The project has the support of Fisheries NSW Department of Primary Industries Fisheries Conservation Manager (North) who has promoted the project to Council's officers. No additional consultation has been undertaken nor would it appear to be necessary if the research is confined to public land.

Options

The options are to decline to participate or support the project by contributing from the 2014/15 budget the sum of \$10,000 for the research to be undertaken on the Angels Beach Drive and Northumberland Drive Sites.

Griffith University requires a response this year as they wish to commence the project. Therefore if Council wishes to support the project it will be necessary to include \$10,000 in the 2014/15 budget to fund this work.

From an environmental health perspective the preference is to fund this work, however from a financial perspective it is not considered good practice for one project to be included in the budget, in isolation, when there are many more projects that will not be included once the preparation of the 2014/15 budget starts in 2014.

As the role of Councillors is to determine the allocation of scarce financial resources both options are included as recommendations as it is difficult for staff to assess the weighting, or value, Council wishes to place on the project as outlined in the report.

RECOMMENDATIONS

Option A

That Council supports the *New Approaches for Managing Coastal Wetlands* project by contributing from the 2014/15 budget the sum of \$10,000 for the research to be undertaken on the Angels Beach Drive and Northumberland Drive Sites.

OR

Option B

That Council declines to support the *New Approaches for Managing Coastal Wetlands* project as the allocation of the \$10,000 requested for the 2014/15 budget, in isolation, is not considered to be good financial management practice and could result in other more worthwhile projects being excluded from the 2014/15 budget.

Attachment(s)

1. Potential Habitat Modification of Mangrove Basins Report
2. Proposed Management of the Mangrove Wetland at Bosun Blvd Report

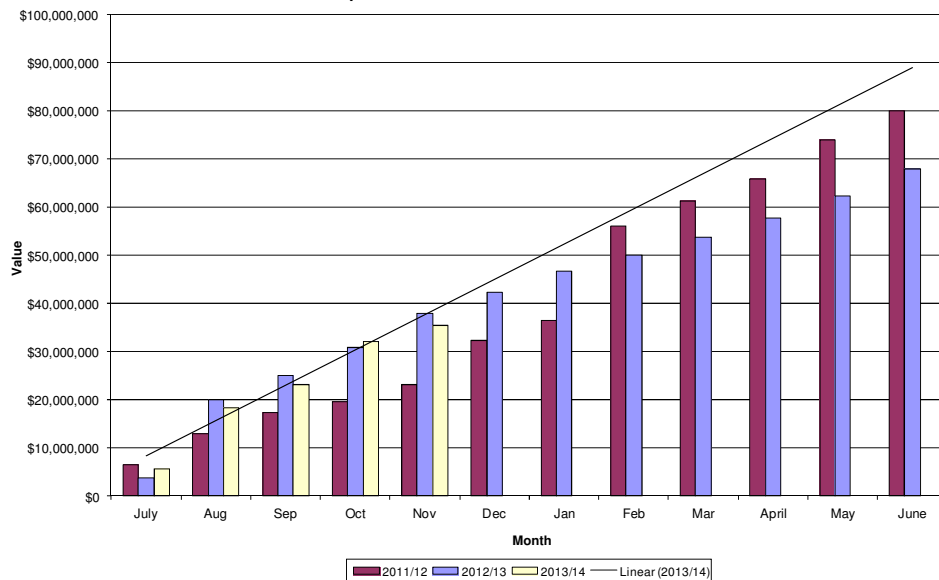
8.6 Development Consent Statistics - November 2013

8.6 Development Consent Statistics - November 2013

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

Number of Applications	Value of Work
32 Other Building Related	\$ 1,334,070
7 Dwelling/Duplexes/Residential Flat Buildings	\$ 2,136,000
3 General Developments	\$ 0
Total Value	\$ 3,470,070

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 November 2013 to 30 November 2013.

Attachment(s)

Nil

8.7 Development Applications - Works in Progress - December 2013

8.7 Development Applications - Works in Progress - December 2013

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

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

DA No.	Date Rec'd	Applicant	Proposal	Status
2011/320	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 ² to 773m ² , associated road, earth and	Awaiting Additional Information

8.7 Development Applications - Works in Progress - December 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
			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.	Determination Pending
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	Being Assessed
2013/355	18/09/2013	Ardill Payne & Partners	To undertake site filling - 540 Pimlico Road, Pimlico	Determination Pending
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	Referred to Government Department
2013/369	25/09/2013	Nicole Samm	Alterations and Additions to an Existing	Referred to Government Department

8.7 Development Applications - Works in Progress - December 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
			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	
2013/381	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 above. The Proposal Seeks to Dedicate Land for Foreshore Public Access,	Awaiting Additional Information

8.7 Development Applications - Works in Progress - December 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
			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	Being Assessed
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	Referred to Government Department
2013/446	18/11/2013	Newton Denny Chapelle	To undertake a boundary adjustment subdivision, demolition of existing dwelling house, erection of residential accommodation comprising 20 multi dwelling housing units and associated earthworks, access driveway, services, tree removal and car parking. The development is to be	On Exhibition

8.7 Development Applications - Works in Progress - December 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
			undertaken in a staged manner - 209 & 195 Ballina Road, Alstonville	
2013/453	21/11/2013	Paul R Gray Architect	Temporary Change of Use from a Shop to Medical Centre – 63 Main Street, Alstonville	Being Assessed
2013/466T	27/11/2013	Richard Lutze & Associates	To Remove Four Trees - 1697-1699 Pacific Highway, Knockrow	Being Assessed
2013/467	28/11/2013	T Donovan	Illuminated Business Identification Sign - 77-83 Ballina Street, Lennox Head	Being Assessed

Regional Development (Determined by Joint Regional Planning Panel)

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

8.7 Development Applications - Works in Progress - December 2013

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
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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 December 2013.

Attachment(s)

Nil

9.1 Koala Habitat Study and Plan of Management

9. Strategic and Community Facilities Group Reports

9.1 Koala Habitat Study and Plan of Management

Delivery Program Strategic Planning

Objective To outline the findings of the Ballina Shire Koala Habitat Study.

Background

In July 2012, the Council resolved to endorse the preparation of a Comprehensive Koala Plan of Management (CKPOM) for Ballina Shire based on funding provided by the NSW Office of Environment and Heritage (OEH) [Minute No. 260712/8].

The first phase of the CKPOM process has been the preparation of a Koala Habitat Study for the shire. The core objective of the study has been to obtain scientific information about the nature and extent of the koala population in Ballina Shire.

The Ballina Shire Koala Habitat Study has now been completed and this report outlines the findings of the project.

Key Issues

- Outcomes of the Koala Habitat Study
- Preparation of a Comprehensive Koala Plan of Management

Information

Council engaged Biolink Ecological Consultants Pty Ltd in November 2012 to prepare the Ballina Shire Koala Habitat Study (KHS). The KHS is a scientific assessment of the koala population in Ballina Shire. It is designed to provide technical information about the koala population and habitat in the shire to underpin the preparation of a CKPOM. As such, the KHS is the first phase in the preparation of a CKPOM. A copy of the study has been provided to Councillors under separate cover.

The study is the first systematic assessment of koala distribution and abundance across the Ballina local government area. The study is founded in the analysis of historical koala records, a literature review and field work. Consultation with stakeholders including local wildlife groups and landholders also provided important background information for the study.

9.1 Koala Habitat Study and Plan of Management

As part of the preparation of the study, Council formed a project reference group (PRG) comprised of representatives from various stakeholder groups to assist in the delivery of the project. The PRG, which met on three occasions during the project, included representatives from the Ballina Environment Society, Friends of the Koala, NSW Farmers' Association, Macadamia Society of Australia, Office of Environment and Heritage, Department of Planning and Infrastructure, Roads and Maritime Services, Rural Fire Service and Southern Cross University. Councillor Cadwallader has chaired the meetings by the appointment of the Council.

The key findings of the study can be summarised as follows:

- Historic records indicate that:
 - Koalas have occupied Ballina Shire for more than a century
 - Koalas have increased their range in Ballina Shire since 1995, with much of this increased extent of occupancy occurring on the Alstonville Plateau
 - The proportion of available habitat occupied has grown since 1995
 - The southern part of the shire (including the localities of Bagotville, Meerschaum Vale, Coolgardie and Wardell), in association with land in the vicinity of Uralba and Lynwood, incorporates a major source population for koalas.
- Field surveys indicate that:
 - There has been a reduction in the level of occupancy of available koala habitat in the last koala generation (six years)
 - Preferred koala feed trees in the shire are Swamp Mahogany, Tallowwood and Forest Red Gum
 - Notwithstanding limitations in available mapping with respect to koala feed tree species, there is approximately 1,500 – 2,000 hectares of preferred koala habitat remaining in the shire (although some areas are significantly fragmented);
 - The size of the koala population is likely to be in the range of 285 – 300 animals, with more than half occurring in the southern part of the shire.
- The current area occupied by koalas is considered to be less than the optimal value of approximately 50% of available habitat.
- Key threats to the koala population in Ballina Shire include road deaths, fire, logging, urban expansion and domestic dog attack. More specifically, hazards associated with the upgrade of the Pacific Highway are a key issue in relation to further fragmentation of habitat and koala mortalities.
- The Bagotville, Meerschaum Vale, Coolgardie, Wardell, Uralba and Lynwood localities combined have a koala population assessed as being of national significance for the purposes of the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act* (EPBC Act). The population is described as an important population under the Act because it is a source population for breeding and/or dispersal and it is likely to be an ancestral source population for koalas inhabiting the Lismore LGA and lower parts of the Byron LGA.

9.1 Koala Habitat Study and Plan of Management

In summary, the historic record indicates long term occupation of the shire by koalas and expansion of the population since 1995, particularly onto the Alstonville Plateau (likely correlating with increased maturity of Tallowood trees planted as wind breaks for farming activities). However, field work undertaken for the study indicates a decline in the population over the last koala generation (being six years). The reasons for decline are uncertain, although habitat fragmentation and unsustainable road mortalities are potential causes. This raises concerns about the long term koala population trend in the shire and reinforces the potential to realise benefits from completing a CKPOM.

The koala population contained in the areas between Bagotville and Uralba has been assessed as being of national significance. Significantly, the proposed Pacific Highway upgrade between Wardell and Ballina traverses centrally through the habitat area for this important population. Therefore, in addition to general recovery and management initiatives, there is also a need for specific consideration of the implication of the highway on the known population and opportunities for mitigation of impacts.

In addition to the outcomes of the assessment undertaken, Biolink has also made eight recommendations. The recommendations and comments in relation to the application of each (*in italics*) are summarised below.

- Recommendation 1: In the absence of a CKPOM or other suitable planning instrument, preferred koala habitat associated with generational persistence (as illustrated in the study) be regarded as core koala habitat for the purposes of State Environmental Planning Policy 44 – Koala Habitat Protection and the *Native Vegetation Act*.

The findings of the study can be used to inform decisions as to whether a plan of management is required in relation to individual development proposals until such time as a CKPOM has been prepared.

Note: This recommendation arises because Council's available vegetation mapping does not provide enough detail regarding the presence of koala feed trees to enable comprehensive habitat mapping to be completed at this time.

- Recommendation 2: That the area generally encompassing Bagotville, Meerschaum Vale, Wardell, Coolgardie, Uralba and Lynwood (as defined in the study) be considered as supporting an important koala population for the purposes of the EPBC Act.

In advance of preparing a CKPOM, Council can share the findings of the study with decision makers in relation to development proposals that relate to the area defined as containing an important koala population. In this regard, it is recommended that Council immediately engage with NSW Roads and Maritime Services (RMS) on this matter.

- Recommendation 3: That mapping of preferred koala habitat be further refined to support a CKPOM.

Staff are currently examining options, including additional mapping targeted at koala feed trees, to enhance available mapping as part of the CKPOM process.

9.1 Koala Habitat Study and Plan of Management

- Recommendation 4: In collaboration with RMS, Council should pursue evaluation of mitigation measures for koalas in relation to the Pacific Highway Upgrade and especially in the vicinity of the Wardell bypass section.

In advance of preparing a CKPOM, Council can engage with RMS to share and discuss the findings of the study. It is recommended that Council immediately engage with RMS on this matter and seek examination of mitigation options. It is noted that RMS has been represented on the project reference group so there should not be any "surprises" for the authority in relation to the work conducted to date.

- Recommendation 5: Council should develop and install mitigation measures on roads that are the responsibility of Council, especially in the area containing an important koala population.

Mitigation options for Council road assets can be considered as part of the CKPOM process. However, the CKPOM process does not prevent mitigation measures being installed in the meantime where opportunities present.

- Recommendation 6: Council should prepare and implement development control measures to seek best practice outcomes for the koala population in relation to development.

Planning provisions can be considered as part of the CKPOM process. However, the CKPOM process does not prevent mitigation measures being implemented in relation to development proposals in the meantime where opportunities present.

- Recommendation 7: Council should consider engaging with landholders and other stakeholders to establish a long term management strategy for koala feed trees associated with farming activity on the Alstonville Plateau.

Processes for engaging with landholders and other stakeholders can be examined in detail as part of the CKPOM. In the meantime, the findings of the habitat study can be made publicly available, and the findings of the project communicated through the media to support discussion about the project and management options.

- Recommendation 8: Council should develop minimum data set assessment standards to support high level assessment by ecological consultants in the shire.

Development of assessment tools and standards can be considered as part of the CKPOM process. This matter can also be advanced more broadly within the Council as resources permit (at this stage, a project of this nature would be difficult to advance as a stand alone project within existing resources).

Sustainability Considerations

- **Environment**

The preparation of a CKPOM provides an opportunity to enhance ecological information and associated management measures available to Council and other stakeholders in relation to koalas in the shire.

9.1 Koala Habitat Study and Plan of Management

- **Social**

The preparation of a CKPOM provides an opportunity to increase community awareness and knowledge with respect to koalas in Ballina Shire.

- **Economic**

The preparation of a CKPOM provides an opportunity to improve and support the development assessment process in relation to koala management. Further, enhanced knowledge and understanding of koalas in the shire may also provide economic opportunities associated with tourism.

Legal / Resource / Financial Implications

The Koala Habitat Study was prepared with \$50,000 (exclusive of GST) in funding from the OEH, and managed within available staff resources. It has been prepared to support a CKPOM consistent with the provisions of SEPP 44. The OEH has committed a further \$30,000 (exclusive of GST) for Council to complete the CKPOM.

Consultation

A project reference group (PRG) was convened to participate in the oversight of the Koala Habitat Study. As outlined above, the PRG included a range of stakeholders and met three times during the project. The group has been kept fully apprised of the work undertaken by the consultant during the key phases.

Landholders in selected areas of the shire were asked to provide the opportunity for inspection of their properties for the presence of koalas, entirely at their discretion. Many landholders allowed property access and also provided background information to Council's consultant as the field work phase was undertaken.

It is planned that further community engagement will occur as part of the CKPOM phase of the project.

Options

The Ballina Shire Koala Habitat Study has been prepared as a technical reference document to underpin preparation of CKPOM for the LGA. This report has been prepared to provide Council with an overview of the outcomes from the scientific assessment of the koala population in Ballina Shire. Given this, this report recommends that Council receive and note the Koala Habitat Study, acknowledging that its findings and recommendations will be used in the next phase of the project, being the preparation of a CKPOM (to be completed in accordance with Council's July 2012 resolution).

With respect to the PRG, it is anticipated that the current group will be retained as the basis for the CKPOM process.

9.1 Koala Habitat Study and Plan of Management

The CKPOM phase of the project involves consideration of a variety of management options, for both private and public land, having regard for the specific issues associated with the shire's koala population. Notwithstanding this, it is recommended that Council take immediate steps to share the findings of the Koala Habitat Study with Roads and Maritime Services and other relevant agencies.

This is important to enable consideration of the information in planning for the Pacific Highway upgrade on the basis that an important population for the purposes of the EPBC Act has been identified and the Preferred Infrastructure Report for the project is currently on public exhibition.

It is also recommended that Council seeks examination of mitigation options by the RMS in light of the study findings.

Alternatively to the above, Council may elect to seek further information before proceeding to prepare the CKPOM or cease further progress on this project. This approach is not recommended on the basis that the CKPOM process provides an opportunity to complete a comprehensive analysis of koala management options in Ballina Shire and establish a local planning and management framework that is responsive to the specific circumstances associated with koalas in the shire.

RECOMMENDATIONS

1. That Council notes the contents of this report on the Ballina Shire Koala Habitat Study, along with the next steps for the preparation of a Comprehensive Koala Plan of Management for Ballina Shire.
2. That Council provide a copy of the Ballina Shire Koala Habitat Study to Roads and Maritime Services and other relevant agencies for consideration in planning the Woolgoolga to Ballina Pacific Highway Upgrade project, and seeks the Services' examination of mitigation options having regard for the study findings.

Attachment(s)

1. Ballina Shire Koala Habitat Study (Biolink 2013) (Under separate cover)

9.2 Festival and Event Funding Program - 2014/15

9.2 Festival and Event Funding Program - 2014/15

Delivery Program Tourism

Objective To invite the Council's further consideration of funding distribution under the Festival and Events Support Program for 2014/15.

Background

This report follows on from a report titled *4WD Caravan, Camping and Marine Show - Relocation* that was tabled at the Council's November 2013 Ordinary Meeting.

The resolution was to provide in-principle support for a cash contribution of \$20,000 to the 4WD Caravan, Camping and Marine Show for a period of up to three years.

This report relates to Council's Festival and Event Support Program and the allocation of funding in the 2014/15 financial year. A Councillor briefing was held on Thursday 5 December 2013 to discuss funding options available to support festivals and events in the Ballina Shire for 2014/15. The report that follows canvasses options for the allocation of these funds.

Key Issues

- Equity in the provision of financial support for festivals and events
- Budget limitations

Information

At the recent Councillor briefing it was generally agreed to defer calling for new expressions of interest for funding support in the 2014/15 year, and instead concentrate on the events that have been previously conducted, with evidence of strong community support.

This decision is based on the premise that the program is already oversubscribed.

The following table below outlines a number of events that have previously received Council funding by way of the Festival and Event Support Program. It also includes those events that have sought funding through Council's Community Donations Program; they include the Lennox Head Carols and Riverside Carols and Alstonville New Years Eve.

In order to provide direction into this discussion suggested funding, based on the views of staff, has been included in the table. The allocations are based on information provided in the respective events' acquittal reports. This information includes attendance numbers, financial information and size, nature and scale of the event.

Whilst it is recognised this is somewhat subjective, it is essentially the only information available to assist in coming to a view about the future program, whilst recognising the extent of the available budget.

Table One – Funding Option for 2014/15

Event	Funding for 2014/15 (\$)	Approved Funding 2013/14 (\$)
Ballina Fine Food & Wine Affair	5,000	5,000
Ballina Coastal Country Music Festival	20,000	25,000
Country Fair	5,000	10,000
Skullcandy Oz Grom Open	10,000	10,000
Ballina Boat & Leisure Show	3,000	5,000
Lennox Head Carols	5,000	5,000
Riverside Carols, Ballina	5,000	8,000
Alstonville New Years Eve	15,000	15,000
4WD Caravan and Camping Show	20,000	0
Ballina Prawn Festival	25,000	10,000 (plus grant of \$25,000)
TOTAL	113,000	93,000 (excl grant)

The Ballina Prawn Festival and the 4WD Caravan, Camping and Marine Show have not been subject to the same analysis as the other events as they have previously not received funding via Council's Festival and Event Support Program and have not undergone an acquittal process. Consequently, it is difficult to ascertain or verify the extent of assistance the respective organizers desire.

The Ballina Prawn Festival organisers have advised that at least \$35,000 of ratepayer's or alternatively sourced funds will be required in order to sustain a 2014 event.

In its inaugural year, the Ballina Prawn Festival was the beneficiary of Council assistance via a one-off allocation of \$10,000 to recognise and celebrate the 40th anniversary of the landing of the Las Balsas rafts. Council also secured a Federal grant from the program titled *Your Community Heritage Program* for \$25,000 which was also forwarded to the event organisers of this festival.

Council recently resolved to provide in-principle support for a cash contribution of \$20,000 to the 4WD Caravan, Camping and Marine Show from the 2014/15 Festival and Event Support Program for a period of up to three years. Unfortunately, at the time of finalising this report, it is not known if the organisers intend to proceed with their proposal to relocate the event from Lismore to Ballina, although it is hoped that this information will be available by the Council meeting.

In considering its options for funding support, the Council might also be mindful of the Ballina Fair Go Skateboarding event which is held in December each year. This event has an allocation of \$10,000 from Council's operational budget. Council has an agreement in place with Skateboarding Australia, the event organisers, for a period of three years dated 28 June 2012. The funding for this event is shown elsewhere in Council's Tourism Program.

9.2 Festival and Event Funding Program - 2014/15

Also as discussed at the Councillor briefing the organisers of the Skullcandy Oz Grom Open have been provided with certain verbal commitments that Council may be in a position to provide \$20,000 in event funding for 2014/15, which would in turn assist with the provision of a large screen to improve viewing for spectators. It is understood that the organisers are proceeding on the basis that the \$20,000 will be provided and the large screen forms part of their planning for 2014/15.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Events create a sense of place for residents and visitors.
- **Economic**
Events generate economic benefits to the Ballina Shire.

Legal / Resource / Financial Implications

As previously reported Council's long term financial plan (LTFP) has \$60,000 allocated for the Festivals and Events funding program for 2014/15. In addition to this the LTFP has \$67,000 allocated for community donations.

If it is accepted that the three events funded from community donations for 2013/14 will again be sourced from that budget allocation, this represents funding of \$25,000 which can be sourced from that budget.

This means there is \$85,000 in funding available for Festivals and Events, leaving a shortfall of \$28,000 from the recommended funding in table one (\$113,000).

The Prawn Festival was partly funded from Council's Civic Functions budget in 2013/14 and the LTFP has \$8,000 in this budget for 2014/15. This budget could be reduced to \$5,000 to provide another \$3,000 for the Festivals and Events program. This then leaves a shortfall of \$25,000.

In reviewing budgets of a similar nature in the tourism and donations program, options to fund the shortfall of \$25,000 include:

- a) Reduce the community donations budget further – the revised budget in the LTFP is \$42,000 once the \$25,000 is deducted as mentioned above
- b) Reduce or cease the SCU scholarship program – this budget is currently \$15,000, which is based on three students per annum, at \$5,000 per student, on a rolling basis. Scholarships have not actually been awarded for two of the years the program has been running, which means Council is in a position to reduce the budget to \$10,000 for the next three years.
- c) Reduce the Tourism Destination and Marketing budget – this budget is currently \$103,000 in the LTFP. Works funded from this budget typically include items such as the dining guide, visitor guide, interpretative signage, highway billboard, travel shows, seasonal flags and banners, tourism awards etc.

9.2 Festival and Event Funding Program - 2014/15

In order to finance the shortfall of \$25,000 the preferred approach is to source the funding as follows:

- a) \$7,000 from community donations – this leaves a revised budget of \$35,000
- b) \$5,000 from SCU scholarship - revised budget of \$10,000
- c) \$13,000 from the Tourism Marketing budget – Based on current projects it is proposed not to renew the highway billboard, which costs \$10,000 per annum, when it is due for renewal in December 2014 – Revised budget of \$90,000.

Consultation

A Councillor briefing was held on Thursday 5 December 2013 to discuss funding options available to support festivals and events in the Ballina Shire for 2014/15.

Options

There are a number of options available in relation to the allocation of funds under this program. Fundamentally, judgments need to be made about the capacity of the respective organisers to plan and implement events that are going to attract extensive “buy-in” from our shire community and our visitors. Fortunately, Councillors have the benefit of observing these events on several occasions to assist in applying this judgment.

Table one provides the preferred option from a staff perspective with the funding for that option also identified in the recommendation that follows.

RECOMMENDATIONS

1. That Council confirms that it will not be conducting an expression of interest process for the 2014/15 Festivals and Events funding program, with the funding to be allocated as follows:

Event	Funding for 2014/15 (\$)
Ballina Fine Food & Wine Affair	5,000
Ballina Coastal Country Music Festival	20,000
Country Fair	5,000
Skullcandy Oz Grom Open	10,000
Ballina Boat & Leisure Show	3,000
Lennox Head Carols	5,000
Riverside Carols, Ballina	5,000
Alstonville New Years Eve	15,000
4WD Caravan and Camping Show	20,000
Ballina Prawn Festival	25,000
TOTAL	113,000

2. As Council's long term financial plan only provides \$60,000 in 2014/15 for the Festivals and Events program, the following budgets are to be amended in that plan to finance the increased allocation for this program:
 - Civic Functions – reduce by \$3,000 to revised budget of \$5,000
 - Community donations – reduced by \$32,000 to \$35,000
 - SCU Scholarship program – reduced by \$5,000 to \$10,000
 - Tourism Destination Marketing/Development – reduced by \$13,000 to \$90,000

Attachment(s)

Nil

10.1 Use of Council Seal

10. General Manager's Group Reports

10.1 Use of Council Seal

RECOMMENDATION

That Council affix the Common Seal to the following document.

US13/27	<p>Lease - Ballina Shire Council to Specsavers Pty Ltd lease of 155 River Street, Ballina (Specsavers). Five year lease with five year option.</p> <p>Explanation: Council has been negotiating with Specsavers Pty Ltd regarding a longer term lease for 155 River Street, Ballina due to Council opting for refurbishment of the Wigmore Arcade complex.</p> <p>The current lessees have now requested the lease be issued to Specsavers as the Franchisee.</p> <p>Council had previously resolved to approve a lease to J W Walo, D M Launderers & J L Shoesmith lease for 12 months, but following clarification on the future of the Arcade the lessess have approved the lease to be held directly with Specsavers, based on a five plus five year term.</p>
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Attachment(s)

Nil

10.2 Investment Summary - November 2013

10.2 Investment Summary - November 2013

Delivery Program Governance and Finance

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

Background

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

Council's investments are all in accordance with the Act, the Regulations and Council's Investments Policy. The balance of investments as at 30 November 2013 was \$73,837,000. This represents a decrease from October of \$4,986,000.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 30 November 2013, was \$3,236,360.

Council's investments as at 30 November are at an average (weighted) rate of 3.81% which is 1.23% above the 90 Day Bank Bill Index of 2.58%.

The majority of the approximately \$74 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
Total		100%

* Based on reserves held as at 30 June 2013

Key Issues

- Investment return
- Compliance with Investment Policy

10.2 Investment Summary - November 2013

Information

The Reserve Bank has left the cash rate on hold for the fourth consecutive month at its December meeting. With inflation well contained within the target range, the main worry for the bank is that the Australian dollar is 'still uncomfortably high'. The next board meeting is not until February 2014.

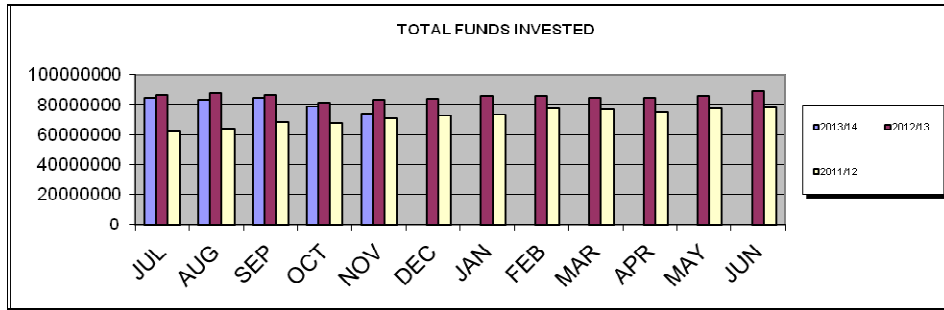
Analysts said the RBA would be keeping a close watch on the movements in the Australian dollar, capital expenditure levels, housing and labour market figures and possible moves by the US Federal Reserve to reduce its bond-buying program. The local currency declined by 3.7% in November, in part due to sustained calls for a weaker dollar by the central bank.

The RBA's non-movement, which was tipped by economists and financial markets, came as better than expected retail sales figures for October boosted expectations that previous rate cuts were supporting growth in non-mining industries.

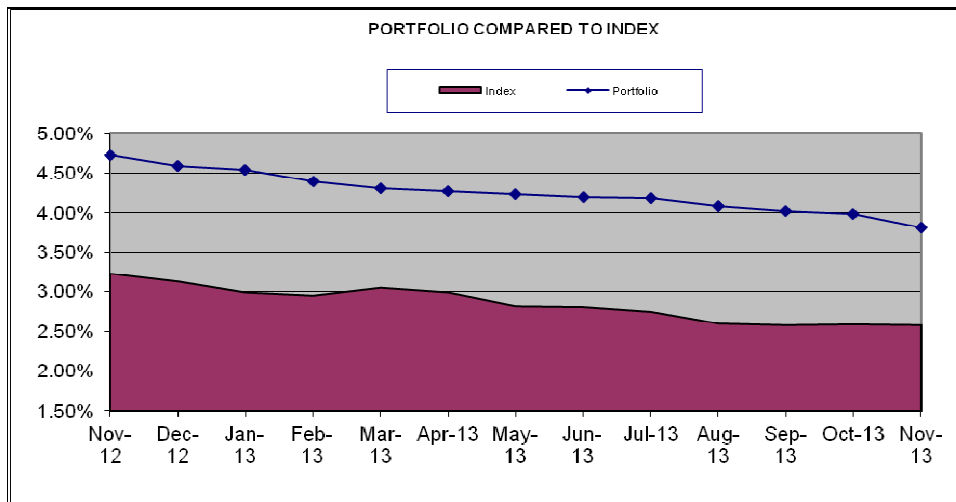
A. Summary of investments by institution

Funds Invested With	ADI Rating	Previous Month (\$'000)	Current Month (\$'000)	Quota %	% of Total	Total
Grandfathered Investments						
Deutsche Bank	A+	4,000	4,000	0	5.4	
Goldman Sachs	AA-	1,000	1,000	0	1.4	
National Australia Bank	AA-	1,788	1,788	0	2.4	
National Wealth M'tment Holding	A	2,000	2,000	0	2.7	12%
Rated Institutions						
Bank of Queensland	BBB+	7,000	5,000	10	6.8	
Commonwealth Bank of Aust	AA-	5,035	7,049	20	9.5	
Defence Bank Ltd	BBB+	3,000	1,000	10	1.4	
Greater Building Society	BBB	2,000	2,000	10	2.7	
Heritage Bank	BBB+	7,000	7,000	10	9.5	
Illawarra Mutual Bld Soc	BBB	2,000	2,000	10	2.7	
ING Bank Ltd	A	15,000	14,000	20	19.0	
Members Equity Bank	BBB	7,000	5,000	10	6.8	
National Australia Bank	AA-	10,000	10,000	20	13.5	
Newcastle Perm Bld Society	BBB+	2,000	2,000	10	2.7	
Rural Bank Ltd	A-	2,000	2,000	10	2.7	
Suncorp Metway Bank	A+	7,000	7,000	20	9.5	
Westpac Banking Corporation	AA-	1,000	1,000	20	1.4	88%
Unrated ADI's				\$1m	0.0	
Total		78,823	73,837			100%

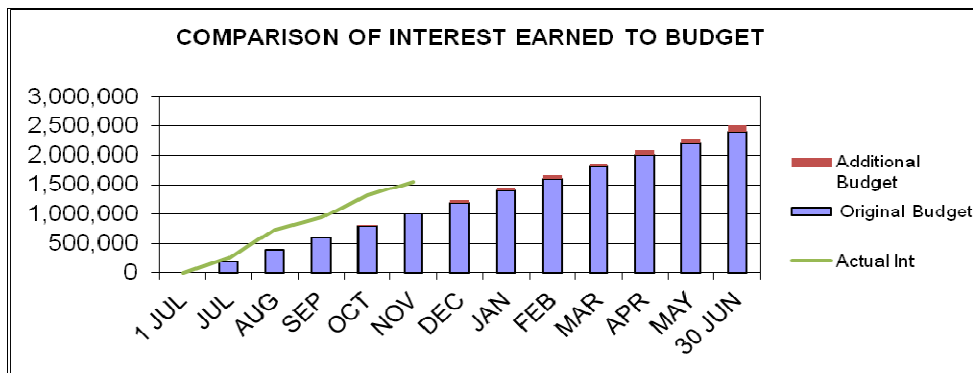
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



10.2 Investment Summary - November 2013

E. Investments held as at 30 November 2013

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
23/04/04	Deutsche Bank	FRN	3.59%	23/04/14	2,000	1,997
23/04/04	Deutsche Bank	FRN	3.59%	23/04/14	2,000	1,997
20/09/04	National Australia Bank (ASX Listed) perp	FRN	3.83%	Perpetual	1,788	1,319
12/04/06	Goldman Sachs	FRN	3.09%	12/04/16	1,000	988
16/06/06	National Wealth M'ment Holdings	FRN	3.21%	16/06/16	2,000	1,912
17/12/08	Commonwealth Bank Of Australia	FRN	3.78%	17/12/13	1,000	1,001
17/12/08	Commonwealth Bank Of Australia	FRTD	5.93%	17/12/13	999	1,001
at call	Commonwealth Bank Of Australia	FND	2.45%	at call	3,059	3,059
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	1,997
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
05/06/13	National Australia Bank	FRTD	3.86%	05/06/15	2,000	2,000
07/06/13	Greater Bld Society	FRN	4.02%	07/06/16	2,000	2,000
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
24/07/13	ING Bank Ltd	TD	4.00%	20/01/14	1,000	1,000
30/07/13	ING Bank Ltd	FRTD	4.05%	30/07/14	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
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
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
01/11/13	National Australia Bank	TD	3.70%	30/01/14	2,000	2,000
06/11/13	Bank of Queensland	TD	3.80%	06/05/14	1,000	1,000
06/11/13	Newcastle Permanent Bld Society	TD	3.60%	04/02/14	2,000	2,000
13/11/13	National Australia Bank	TD	3.75%	13/05/14	1,000	1,000
22/05/13	Bank of Queensland	TD	3.80%	22/05/14	3,000	3,000
25/11/13	Suncorp-Metway Bank	TD	3.65%	25/05/14	2,000	2,000
26/11/13	Bank of Queensland	TD	3.80%	27/05/14	1,000	1,000
26/11/13	ING Bank Ltd	TD	3.81%	26/05/14	1,000	1,000
	Totals				73,837	73,309
	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 November 2013.

Attachment(s)

Nil

10.3 Recognition of Long Serving Employees

10.3 Recognition of Long Serving Employees

Delivery Program Human Resources

Objective To formally recognise long serving Council employees.

Background

Council has a practice of annually recognising employees who have completed either 10, 20, 30 and 40 years of service by providing an annual presentation at the December Council meeting, along with joining the Councillors for morning tea.

Key Issues

- Acknowledgment of the service of employees.

Information

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

30 years

Peter Bruggy
Patrick Writer
Bruce Mulholland

20 years

Janelle Snellgrove
Paul Busmanis
Paul O'Brien
Tony Webb
Cathy Welsh
Robert Dalli

10 years

Will Bennett
Stuart Hynes
Aaron Matthew
Sue Boardman
James Brideson
Roberto Kenk
Paul Hickey

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

10.3 Recognition of Long Serving Employees

Sustainability Considerations

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

Legal / Resource / Financial Implications

Nil

Consultation

This report is provided to publicly recognise long serving employees.

Options

This report recognises long servicing employees.

RECOMMENDATION

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

Attachment(s)

Nil

10.4 Flat Rock Tent Park - Adoption of Fees and Charges 2014/15

10.4 Flat Rock Tent Park - Adoption of Fees and Charges 2014/15

Delivery Program Commercial Services

Objective Setting of fees and charges for Flat Rock Tent Park for 2014/15

Background

Council resolved to advertise a set of draft Flat Rock Tent Park fees and charges, and associated notes, for 2014/15 for public comment at the 24 October, 2013 meeting. The purpose of this report is to comment on any submissions received.

Key Issues

- Increases in fees and charges
- Conditions attached to the fees

Information

The draft fees and charges and associated notes have been on public exhibition for the required twenty eight days and as a result of the exhibition process no submissions were received.

Sustainability Considerations

- **Environment**
Council needs to operate the tent park in a sustainable manner, taking into account any environmental impacts.
- **Social**
The tent park plays a major social role in that people holidaying in the tent park come from broad socio-demographic groups, this creates a large social interaction of people.
- **Economic**
The tent park provides economic benefits to both Council and the broader business community.

Legal / Resource / Financial Implications

Council is legally required to exhibit and adopt its fees. The tent park budget is formulated as part of Council's annual budget deliberations

Consultation

The documents were subsequently placed on public exhibition from 13 November 2013 to 11 December 2013.

The documents were exhibited to encourage public comment and exhibited at Council's normal consultation points (administration centre and libraries) and on the Council website.

Options

1. Council adopts the fees and charges for the 2014/2015 year as exhibited and detailed in the October 2013 business paper.

This option is recommended as no submissions were received during the public exhibition period. The increased fees and charges improve the profitability of the park.

2. Council does not adopt the fees and charges for the 2014/2015 year as exhibited and detailed in the October 2013 business paper.

This option is not recommended as no submissions were received in opposition to the proposed fees and charges during the public exhibition period. Not adopting the increased fees and charges fails to recognize the increasing costs of running the park.

A copy of the fees is available on Council's website as per the October 2013 report.

RECOMMENDATION

That Council adopts the draft Flat Rock Tent Park fees and associated notes, as presented to the October 2013 Ordinary meeting and subsequently exhibited, for 2014/15.

Attachment(s)

Nil

10.5 Building Better Regional Cities Program - Rebate Expansion

10.5 Building Better Regional Cities Program - Rebate Expansion

Delivery Program Commercial Services

Objective To determine whether Council wishes to expand the land areas that may be eligible for rebates under the Building Better Regional Cities (BBRC) Program.

Background

Council has been approached by the owners of the Ferngrove Estate, Ballina (Rayshield Pty. Ltd.) asking that the existing BBRC Program be amended to allow the rebates available to be expanded to other land holdings in the Ballina Shire. The concern Rayshield has with the BBRC program is that it creates unfair competition in the market place in that the eligible land at Wollongbar and Ballina Heights is able to be sold to eligible low to moderate income earners with a \$25,000 rebate, potentially making it more attractive than other properties for sale in the Shire.

The report that follows provides further background to this matter along with an evaluation of the options available to Council.

Key Issues

- Federal Government guidelines and determination of eligible properties

Information

Council was successful through the Federal Government's BBRC program in obtaining grant funding of \$5 million to assist with the construction of Ballina Heights Drive and \$4.496 million to assist with the construction of the Wollongbar Sports Fields.

The objective of the BBRC program was to bring forward infrastructure that may not have been delivered in the near future, without the BBRC funding, thereby allowing additional land to be brought onto the market. The increased availability of land was designed to improve land affordability and Council was also required to create an incentive for eligible low to moderate income earners to purchase land.

To achieve this incentive the agreed conditions for the two grants require Council to provide a \$25,000 rebate to the landowner, for Section 94 and Section 64 contributions previously paid by the owner, when residential land is sold to a eligible low to moderate income earner. This rebate is passed onto the eligible purchaser through a reduction of \$25,000 in the price they have to pay for the land.

In total Council is required to provide 96 rebates for Wollongbar (\$2.4 million) and 120 rebates for the Ballina Heights Estate (\$3 million) (216 rebates totaling \$5.4 million). The status of this rebate process is as follows:

10.5 Building Better Regional Cities Program - Rebate Expansion

Item	Ballina Heights	Wollongbar
No of rebates issued	6	24
No awaiting settlement	7	11
Total	13	35

As the grant conditions required a nexus between the infrastructure being funded by the BBRC grant and the rebates on offer, Council's signed agreement identifies that the eligible land for Ballina Heights relates to the properties associated with Ballina Heights and CURA A, and for Wollongbar it is the land included in the Wollongbar Urban Expansion Area.

The first and second attachments to this report provide the eligible land areas included in Council's agreement with the Federal Government.

Rayshield has raised objections with Council regarding the impact of the rebates on their own sales, since early 2013. Prior to the 2013 Federal Election, discussions with staff from the Federal Government Department overseeing the program resulted in Council receiving advice that the program could not be expanded to include other residential areas.

Rayshield has recently contacted Council advising that with a new Federal Government there is now an opportunity to expand the eligible land for the rebates. A copy of this correspondence from Rayshield, which includes correspondence from the Minister for Social Services, is included as the third attachment to this report.

As per that correspondence, if Council wishes to change this program, we need to write to the Federal Government seeking that change, although the correspondence from the Minister highlights that any expansion would need to be "limited to the proposed subdivisions that were not under development prior to the granting of the program's funding".

Recent discussions with staff from the Department of Social Services have confirmed that the Department will assess the merits of any application from Council to expand the eligible land areas. In undertaking that assessment the Department will seek to determine whether the additional land areas meet the objectives of the BBRC program, particularly in respect to land being brought forward for release to the public, due to the availability of the rebate.

Assuming Council wishes to consider an amendment to the existing BBRC agreements, the two main options appear to be:

- a) Expand the program to include all residential land release areas in the Shire, subject to that land being a relatively new subdivision; or
- b) Limit the expansion to areas that have some proximity to the infrastructure being funded by the BBRC program.

In respect to option a) this creates the most competition in the marketplace in that all new subdivisions in the Ballina Shire would then be eligible for the rebate.

Discussions with Council's planning staff indicate that the newer, or planned, major land releases in the Shire are:

10.5 Building Better Regional Cities Program - Rebate Expansion

- 1) Wollongbar Urban Expansion Area (already in BBRC program)
- 2) Ballina Heights Estate (already in BBRC program)
- 3) Pacific Pines Estate, Lennox Head
- 4) Riveroaks and Ferngrove, North Ballina

Each of these land releases form part of major 100 plus lot subdivisions with large parts of those subdivisions still to be developed. Also there is new community infrastructure being provided as part of these developments (i.e. all four have to provide sports fields)

Other smaller, or existing, land release areas include:

- 1) Rancher Court, Wollongbar
- 2) Meadows Estate, Lennox Head
- 3) Aspects, Lennox Head
- 4) Elevation, Lennox Head
- 5) North Angels Beach, Ballina

These areas are considered to be smaller land releases, or areas already substantially developed, with limited community infrastructure being provided.

In looking at this option of expanding the program to all major land release areas, possible advantages and disadvantages are:

Advantages

- Maximises competition
- Possible faster finalisation of the program resulting in more timely benefits for low to moderate income earners

Disadvantages

- Difficulties in justifying the nexus between BBRC infrastructure and expanded areas and justification may be difficult
- Additional administration in formalising agreements with all landowners
- Potential for more disputes due to different scenarios

The other key issue with this is that the \$25,000 rebates provided are based on Section 94 and Section 64 contributions paid, or to be paid, by the land owners. This means it is essential to ensure that adequate funds are held or will be collected from each area to finance the individual rebates.

The other option to amend the program is to limit the expansion to specific areas.

For example, for the Ballina Heights Estate, the expansion could be limited to the Ferngrove and Riveroaks developments, both of which are large residential estates, providing community infrastructure and in relatively close proximity to Ballina Heights.

The advantages and disadvantages of this proposal are:

Advantages

- There is some nexus between the competing land areas and the infrastructure being delivered
- Increased competition between residential estates located in close proximity

10.5 Building Better Regional Cities Program - Rebate Expansion

- There can be set criteria for which areas are included (i.e. within five kms of the BBRC infrastructure, 100 plus lots, community infrastructure being provided as part of the development)
- Limits the additional administration needed to formalise agreements, track rebates and obtain approvals from the Federal Government.

Disadvantages

- The criteria for inclusion could be seen as arbitrary
- May not maximise competition

Another positive of this option for Ballina Heights is that it would increase the number of currently active property owners from two to four, thereby increasing competition.

For Wollongbar, Council could consider that there is adequate competition with five landowners already, or close to, marketing their land. There would be no change to this level of competition under the criteria outlined, as there are no new land release areas within five kms of the Wollongbar Urban Expansion Area that meet the specified criteria (i.e. 100 plus lots, community infrastructure etc).

Rebates

The other key issue that needs to be considered in respect to eligibility is in respect to the funding of the rebates. As mentioned earlier the \$25,000 rebates are financed from Section 94 and Section 64 contributions paid by the land owners.

In looking at the Riveroaks and Ferngrove developments the consents for these subdivisions relate to a Council issued consent reference 2002/566, along with a Major Project approval issued in 2008 by the Minister for Planning (Council reference 2007/677).

In respect to the 2008 Minister's consent, which is for the Ferngrove component of the land (i.e. the land to the western side of Ferngrove Drive as per attachment four with a consent for 239 lots – Riveroaks is located on the eastern side with a consent for 93 lots), the contributions applicable, as per page 21, of that consent are as follows:

Plan	Rate Per Lot (\$)	Total (\$) 238 Lots
Community Facilities (1993)	1,110	261,960
Roads – North and West Ballina	1,965	417,547
North Ballina Sewer	6,611	1,556,807
North Ballina Water	3,052	720,272
Rous Water	3,600	849,600
Total	16,338	3,816,186

10.5 Building Better Regional Cities Program - Rebate Expansion

The rate per lot figure in this table represents the 2008 values and the 2013/14 contribution rates are as per follows:

Plan	Rate Per Lot (\$)
Community Facilities (1993)	1,361
Roads – North and West Ballina	2,033
North Ballina Sewer	7,474
North Ballina Water	3,450
Rous Water	4,016
Total	18,334

The Riveroaks' consent is liable for the same contributions per lot.

Rous Water has previously advised Council that it is not participating in the rebate program, which means based on current contributions the maximum contribution that can be collected by Council per lot is \$14,318 (i.e. \$18,334 less \$4,016).

There are no open space contributions applicable to these consents as the developments are required to provide sports fields and open space areas. Also the consents were issued prior to Council's 2010 Roads Contribution Plan being adopted, and under the new Roads Plan the road contributions per lot are now in excess of \$10,000.

The contributions, as per both consents, apply to the entire 332 lots approved, which means that Council does not have an opportunity to levy current Section 94 and Section 64 contributions, which would be in excess of \$25,000 per lot for these developments.

Therefore both developments are well under the \$25,000 in respect to the payment of contributions.

This same issue arose at Ballina Heights, which also had a very old consent. In that case Council looked at the total contributions that in part, had been paid over the years by the developers and identified that they had paid the following amounts.

Plan	Wastewater	Water	Com Facils	Total Paid
Paid	\$1,701,441	\$545,043	\$327,095	\$2,573,579

It was also recognised that there were new stages of the Ballina Heights development that would be paying the current contribution rates (i.e. total of \$27,839). Therefore Council resolved that initial rebates for Ballina Heights would be paid from existing contributions collected, on the understanding that this would change as contributions started to be collected as per Council's existing contribution plans.

As mentioned earlier the difficulty with the Ferngrove Estate is that the entire 238 lots, as per the Minister's consent, will be based on the old Section 94 and Section 64 Plans. Similarly the Riveroaks consent for 93 lots is based on the old plans.

To date Ferngrove has been levied the following for stages one (44 lots) and two (58 lots) of the estate (excluding Rous Water contributions).

10.5 Building Better Regional Cities Program - Rebate Expansion

Stage One – 44 lots issued in 2009/10	2009/10 Rate Per Lot (\$)	Total Levied (\$)
Community Facilities (1993)	1,234	54,296
Roads – North and West Ballina	2,153	48,539 (1)
North Ballina Sewer	6,744	296,736
North Ballina Water	3,113	136,972
Total	12,194	536,543

(1) The amount levied for roads included a reduction of \$46,197 in recognition of land dedicated to the Western Arterial Road as per the Minister's consent. Therefore the actual cash amount paid per lot was \$1,103.

Stage Two – 58 lots issued in 2013/14	2013/14 Rate Per Lot (\$)	Total Levied (\$)
Community Facilities (1993)	1,361	78,938
Roads – North and West Ballina	2,033	117,914
North Ballina Sewer	7,474	433,492
North Ballina Water	3,450	200,100
Total	14,318	830,444

The stage one amounts have been paid in full, whereas to date payment has only been received for 12 lots for stage two. It is important to acknowledge that Council has an agreement with Rayshield where contributions are only paid on sale of the land. This is different to other subdivisions where the contributions are paid up front as part of the release of the linen plan.

Council has fully expended all the old Community Facilities (1993) monies collected to date which means we are not in a position to draw on those funds to meet the full rebate of \$25,000. Council still holds some funds in the old Roads contributions funds and also in the North Ballina Sewer and water catchments.

Therefore an approach Council could follow for Ferngrove would be to finance any rebates as follows:

Item	Amount (\$)	% of Contribution Rebated
Contributions Paid As Per Stage Two Sales Progress		
Community Facilities (1993)	1,361	100
Roads – North and West Ballina	2,033	100
North Ballina Sewer	7,474	100
North Ballina Water	3,450	100
Sub Total	14,318	100
Contributions Sourced from Stage One Payments		
Roads – North and West Ballina	825	75
North Ballina Sewer	6,744	100
North Ballina Water	3,113	100
Sub Total	10,682	97
Total	25,000	99

Under this scenario, 100% of the sewer and water contributions paid in stage one form part of the rebate and approximately 75% of the roads contribution is rebated.

10.5 Building Better Regional Cities Program - Rebate Expansion

The major difficulty with this proposal is that the Riveroaks Estate is a new development and Council is not in a position to draw on funds previously paid by that component of the estate. Therefore we are not in a position to apply the same proposal for both estates, which would then result in an inequity between the estates.

This being the case the preferred option is for Council to only offer a rebate of \$14,000 as this represents the approximate net contributions that are being collected per residential lot, once the Rous Water contributions are excluded. This is less than the \$25,000 offered elsewhere but it at least provides some increased competition for the Riveroaks and Ferngrove developments.

As these estates are some distance from the BBRC infrastructure there is also some logic in providing a lower rebate as the benefits of the infrastructure may not be as great for these estates.

Based on this arrangement Council would allow rebates of \$14,000 for these areas and \$25,000 for Ballina Heights, with the maximum rebates paid not to exceed the total amount originally proposed; i.e.

- Current proposal - 120 lots at \$25,000 = \$3 million
- Revised proposal – Maximum rebates of \$3 million - The \$3 million could then be delivered in a number of ways dependent on market demand; eg.

Ballina Heights – 100 lots at \$25,000 = \$2.5 million
Riveroaks / Ferngrove – 36 lots at \$14,000 = \$504,000

This represents a total of \$3,004,000 which is marginally higher than the \$3 million required to be rebated. This is an example only.

Rayshield may still consider this to be unfair competition however the counter argument to that is that the other developers are paying the higher contribution rates, which in turn is increasing the development costs for those estates.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The BBRC program has been an excellent program in helping to deliver essential community infrastructure and more affordable land for low to moderate income earners.
- **Economic**
The BBRC program has provided an economic stimulus to the Ballina Shire both through the construction of the community infrastructure along with increased residential development.

10.5 Building Better Regional Cities Program - Rebate Expansion

Legal / Resource / Financial Implications

There are significant financial impacts to Council through the funding of the BBRC rebates. Council's long term financial plan includes rebates based on the estimated land sales as per Council's agreement with the Federal Government.

An expansion in the eligibility in the land for the rebates may amend the cash flows, however as long as the Section 94 and Section 64 contributions are held by Council, the rebates can be financed from those contributions.

Consultation

There has been limited consultation with the Federal Government to date.

Options

The options available to Council are as follows:

- a) Not amend the existing agreement with the Federal Government - From Council's perspective the existing BBRC scheme is working reasonably well with the construction of the Wollongbar Sports Fields and Ballina Heights Drive underway and a total of 48 rebates either paid or close to being settled. The only negative to the scheme to date appears to be the complaint from the owners of the Ferngrove Estate about the impact the scheme is having on their land sales.
- b) Amend the existing agreement to include all new major land release areas – This option maximizes competition however it also removes any nexus between the infrastructure being delivered and the beneficiaries.
- c) Amend the existing agreement to include all new major land releases, in close proximity to the infrastructure. In this case the criteria would be new land releases, with lots in excess of 100, providing major community infrastructure (i.e. sports fields) and within five kms of the BBRC infrastructure. The only land releases that currently meet these criteria are Ferngrove and Riveroaks. The recommended rebate for these areas is \$14,000 based on the Section 94 and Section 64 contribution rates being paid by those estates for each residential allotment.

In summing up from a staff perspective the existing scheme is considered to be operating relatively well, especially in Wollongbar where 35 rebates should be finalised shortly, which represents almost 40% of the 96 available. With the scheme working well there is a reluctance to change the current arrangements.

There are concerns that making the program available to every major land release area in the Shire may in fact be distancing the rebates too far from the infrastructure being delivered. It is also unclear as to whether or not the Federal Government would approve such a variation to our existing agreements.

10.5 Building Better Regional Cities Program - Rebate Expansion

On balance it is considered that the option to amend the existing agreements to land releases that meet set criteria has some merit to assist in providing competition for similar locations and there is the possibility that this amendment would be approved by the Federal Government.

The criteria discussed in this report for this amendment is as follows:

- a) The development must form part of a major land release area – i.e. greater than 100 lots
- b) The development must be providing major community infrastructure such as sports fields and other open space
- c) The development must have some proximity to the infrastructure being funded by the BBRC program. A five kilometer radius is considered to be a relatively short distance for nexus purposes.

Based on current land releases this option would result in Ferngrove and Riveroaks providing some competition to the Ballina Heights Estate, where there are only two land owners currently active in the market.

The recommendation that follows is to support this amendment with Council to write to the Federal Government to determine whether or not they wish to amend the existing agreement with Council.

The proposal is also based on a \$14,000 rebate for the Ferngrove and Riveroaks developments as this reflects the level of Section 94 and Section 64 contributions being paid by those developments.

In recommending this option Council needs to carefully consider whether or not this is fair and equitable to other land owners. For example the developer of Rancher Court, Wollongbar, which is directly opposite the Wollongbar Urban Expansion Area, could reasonably ask why they are not included in the program, as they are in close proximity to the Wollongbar Sports Fields and they are paying Section 94 contributions towards those fields.

The other option to address concerns such as this would be to include all new developments within a set radius of the key infrastructure being delivered. This is a reasonable option Council may also wish to consider. This option again highlights the difficulty in trying to vary the existing BBRC agreements.

Finally no matter what Council decides it will be the Federal Government that determines whether a new land release area can be included in the existing BBRC program.

RECOMMENDATIONS

1. That Council authorises the General Manager to make a submission to the Federal Government to amend the existing agreements for the Building Better Regional Cities (BBRC) program to include additional residential land releases that meet the following criteria:
 - a) The release area must be a relatively new area having a yield of 100 or more residential lots
 - b) The release area must be providing major community infrastructure such as sports fields
 - c) The release area is to be within a five kilometre radius of the infrastructure being delivered by the BBRC program
2. Based on point one it is Council's understanding that the only currently eligible land release areas are the Ferngrove and Riveroaks Estates, with the rebate applicable for these estates to be \$14,000 based on the current level of Section 94 and Section 64 contributions being paid.
3. The \$14,000 rebate is to be financed from 100% of the water (currently \$3,450), sewer (\$7,474) and roads (\$2,033) contributions paid with the balance (currently \$1,043) financed from the Community Facilities contributions applicable to these developments.
4. Any amendment to the existing agreements for the BBRC program is to ensure that the maximum total rebates paid by Council do not increase from the existing maximums (i.e. \$3 million for Ballina Heights and \$2.4 million for Wollongbar).

Attachment(s)

1. Plans showing BBRC Wollongbar area
2. Plans showing BBRC Ballina Heights area
3. Letter from Rayshield and attachment from Minister for Social Services
4. Locality Plan showing Ferngrove and Riveroaks Estates

10.6 Governance Options - Waste and Commercial Services

10.6 Governance Options - Waste and Commercial Services

Delivery Program Governance and Finance

Objective To seek Council endorsement to undertake further research into governance options for the management of waste at a regional level and for the management of Council's commercial activities.

Background

There is currently work being undertaken into governance options for Council in respect to two matters;

1. Waste – The NOROC councils and their respective General Managers have previously endorsed a proposal to investigate options for the management of our waste disposal activities on a regional basis. The work undertaken to date has identified significant financial benefits that could be gained by implementing a regional waste disposal facility (i.e. landfill or an alternative waste disposal option). As part of investigating this regional approach discussion has also focused on the preferred governance model. Morrison Low Pty. Ltd. was engaged by Richmond Valley Council to investigate governance options and they have now prepared a presentation that recommends the NOROC councils sign a memorandum of understanding (MOU) to further advance these investigations.
2. Commercial Activities – Recommendation 10 from the Organisation Structure Review that was completed for Council earlier this year, by de Chastel and Associates, was for “Council to consider the establishment of a council owned company to operate its commercial activities”. As Morrison Low has expertise in governance options, and as they were already undertaking work for the NOROC councils they were engaged to provide a report to Council on the steps that should be followed by Council in considering this recommendation.

Morrison Low provided a briefing to Councillors on both of these items on Wednesday 27 November, 2013 and the report that follows seeks Council direction on how, and if, these matters are to be advanced.

Key Issues

- Governance options

Information

As per the background information this report deals with two specific governance matters, being the governance options for the management of regional waste and for Council's commercial activities.

The information section of this report is split into the two different items as they are independent of each other.

10.6 Governance Options - Waste and Commercial Services

The two attachments to this report are the presentations provided by Morrison Low to the Councillor briefing held 27 November 2013.

Waste Management

The first attachment to this report, being the briefing from Morrison Low titled "Regional Waste Governance Model – Update November 2013" provides a comprehensive overview of the actions taken to date and why this matter is now being reported to Council.

In summary that presentation highlights that there appears to be significant benefits to the NOROC councils by operating our landfills (or any other waste disposal system) on a regional basis and the recommended governance structure for that entity is through a Council owned company.

At this point in time Council is not being asked to commit to that outcome but rather to sign an MOU with the other NOROC councils to further investigate this proposal.

No funds are being asked to commit to this process albeit that some investigations may require funds to be expended. At this stage any expenditure is likely to be minor and could be sourced from the existing waste budgets.

Overall there appears to be significant benefits to be gained from a regional waste approach and the recommendation is to authorise the signing of an MOU with the NOROC councils to allow these investigations to continue.

The MOU has not been finalised as yet and it will be an in principle document, rather than a document that commits Council to any funding or associated liabilities.

Commercial Activities

The second attachment to this report is the presentation from Morrison Low regarding a preferred governance structure for Council's commercial activities.

As per the presentation, the option of a Council owned company being created to operate Council's commercial activities was a recommendation from the organisation structure review and the presentation outlines benefits that could be gained by operating under such a structure.

The last slide in the presentation highlights the steps that need to be addressed as part of further investigations into the formation of a Council owned company. The final point in that slide is most likely the most pertinent, in that discussion should be held early with the Minister for Local Government to ascertain whether or not he would support the formation of a company.

This being the case the preference, at this point in time, is to write to the Minister to determine whether or not there is support for this proposal. If the Minister is supportive further analysis can then be undertaken on matters such as structure, board members, framework, costs etc.

10.6 Governance Options - Waste and Commercial Services

By seeking the Minister's opinion Council is not committing to this proposal but rather any feedback we receive should then put Council in a better position to determine whether additional research should be undertaken.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
This report has an economic focus in that the options under consideration are designed to provide improved returns to Council through more efficient governance structures for commercially focused activities such as waste and Council's commercial property portfolio.

Legal / Resource / Financial Implications

There is no direct resource and financial implications arising from this report and any future actions taken will need to be guided by legal advice.

Consultation

On-going consultation with the Division of Local Government will be required if either of these proposals advance.

Options

The options available include:

- a) Decline to advance both matters
- b) Advance one, or
- c) Advance both.

Both matters are only proposing that Council further investigate, with those investigations likely to confirm potential benefits along with structures, costs etc that would be involved in forming any commercial entity(s).

This being the case the recommendation is to support further investigation and research into both matters.

RECOMMENDATIONS

1. That Council authorises the Mayor and / or General Manager to sign an MOU with the NOROC councils to further investigate the establishment of a Council owned company to operate a regional waste disposal facility. The Council seal is authorised to be attached to the MOU.
2. That Council authorises the Mayor and / or General Manager to write to the Minister for Local Government (including Division of Local Government) to determine whether the Minister would be supportive of the establishment of a Council owned company to manage Council's commercial activities.

Attachment(s)

1. Presentation from Morrison Low - Waste
2. Presentation from Morrison Low - Commercial Services

11.1 Pedestrian Access and Mobility Plan - Review

11. Civil Services Group Reports

11.1 Pedestrian Access and Mobility Plan - Review

Delivery Program Engineering Works

Objective To seek endorsement of a revised priority program of works for Council's Pedestrian Access and Mobility Plan (PAMP).

Background

The Pedestrian Access and Mobility Plan (PAMP) is a framework developed by the Roads and Maritime Services of NSW to be adapted by councils for their individual local government areas. The PAMP provides a comprehensive and integrated framework for developing coordinated, convenient and safe pedestrian networks within Ballina Shire's towns and villages.

Council's initial PAMP was adopted in 2004. In 2010 a new PAMP was developed and this was adopted by Council in November 2010.

In preparing the PAMP, in excess of 200 community suggestions were assessed. A Priority Program of Works for the period 2011/12 to 2019/20 was determined using these assessments. This program was based on an annual program budget of approximately \$200,000.

As the current PAMP was adopted three years ago, it was considered an appropriate time to undertake a review of the Priority Program of Works taking into account works that have been completed and potential changes in priorities. In addition, a recent review of Council's cycleways and shared paths identified possible improvements.

Key Issues

- Adopt a revised PAMP Program of Works for the period 2013/14 to 2019/20

Information

A copy of the Program of Works adopted in November 2010 is included as attachment one to this report.

The review process included the following:

- A review of the Priority Scores for uncompleted projects included in the 2010 Priority Program of Works.
- An assessment of other projects identified in the 2010 PAMP that were not high enough priorities at the time to be included in the 2010 Priority Program of Works.

11.1 Pedestrian Access and Mobility Plan - Review

- An assessment of improvements and/or improvements within the existing network identified during a recent review of Council's cycleways and shared paths undertaken by Council's Road Safety Officer.

The second attachment to this report is revised Program of Works. This attachment records the works completed to date and comments are added for other projects included in the original program, where relevant. Some projects have been deferred from the original Program of Works for reasons noted in the comments.

Priority Scores for all projects, including those carried over from the old Program, were calculated using the same methodology as the old Program. In a number of cases the new scores varied from the old because of changes in the interpretation of the scoring criteria. However, this did not significantly alter the priorities of these projects.

The remaining attachments to this report highlight the various works as per the PAMP for the major population centres.

Sustainability Considerations

- **Environment**
Walking and cycling are healthy and sustainable forms of transport and provision of safe and convenient routes will facilitate reduced car use, resulting in environmental benefits.
- **Social**
Pedestrian networks provide enhanced social connectivity, and there are social benefits from recreational walking for individuals and groups. Pedestrian and cycleway networks also enhance recreational opportunities.
- **Economic**
A major benefit of the PAMP process is that it aims to reduce the trauma and costs associated with traffic accidents. In addition, walking and cycling are low cost forms of transport, which result in an economic benefit.

Legal / Resource / Financial Implications

The provision of the PAMP Program of Works is linked to the recurrent budget allocation for footpaths and shared paths in the capital works program. This is approximately \$200,000 per annum.

The revised Program of Works is for the period through to 2019/20, which aligns with the old 2010 Program of Works.

11.1 Pedestrian Access and Mobility Plan - Review

Consultation

Preparation of the 2010 PAMP involved extensive public consultation, including exhibition for public comment. No additional public consultation has been undertaken during this review of the Program of Works, however the recommendation to this report notes that the program of works, if adopted, will be advertised as part of the process followed to develop the next Operational Plan and Delivery Plan.

Options

The revised Priority Program of Works is based on an assessment of the current network and a review of priorities based on contemporary information. Council has the option of adopting this program or amending it.

The Council can also retain the current Priority Program of Works adopted in 2010 if it wishes. Council also has the option of advertising the revised program for further feedback.

Overall the preference is to adopt the revised program as presented. It is considered that this program represents the latest evaluations for the various works, it reflects previous community feedback and there is an opportunity for the community to comment on the four year works program as part of the annual exhibition process for the Delivery Program.

RECOMMENDATION

That Council adopt the revised Pedestrian and Access Mobility Plan (PAMP) 2013 Priority Program of Works, presented as attachment two to this report, and this program be used to inform the preparation of the draft 2014/15 Delivery Program and Operational Plan.

Attachment(s)

1. 2010 PAMP Review - 10 Year Delivery Plan
2. 2013 Pamp Review - Priority Program of Works
3. Alstonville Delivery Plan - Map
4. Ballina Island Delivery Plan - Map
5. East Ballina Delivery Plan - Map
6. Lennox Head North Delivery Plan - Map
7. North Ballina Delivery Plan - Map
8. West Ballina Delivery Plan - Map
9. Wollongbar Delivery Plan - Map

11.2 Coastline Shared Path and Recreational Walk - Funding Allocation

11.2 Coastline Shared Path and Recreational Walk - Funding Allocation

Delivery Program Environmental and Public Health

Objective To seek Council's approval to progress a further stage of the Coastline Shared Path project.

Background

Council has previously adopted its preferred route for the Coastline Shared Path (Cycleway) and Recreational Walk Projects. To advance these projects, documentation has been prepared and submitted for environmental planning assessment by Council's Development and Environmental Health Group. A program for the detailed engineering design is also well advanced.

Previously staff have advised Council that once development approval is achieved and the design is completed, Council needs to consider its funding options for the delivery of the project, including establishing a preferred staging program.

At the time of writing this report, the Group Manager – Development and Environmental Health, has advised that development consent for the section of the shared path west of the Coast Road is likely to be issued under delegated authority in the very near future. Some of these works have received endorsement for funding from the NSW Government.

In response to this, and to ensure timely commencement of an early stage, the purpose of this report is to seek Council's approval to construct certain works now, being ahead of the priority discussion of the Council referred to above.

Key Issues

- Early delivery of a stage of works for the project

Information

Council has made a number of applications for funding for both the Shared Path and the Recreational Path. Council has received advice from the RMS that one of our applications has been successful. The details of this are set out below.

The grant is for works identified as Stages 1 and 2 and is for an amount of \$300,000.

Stage 1 refers to the construction of a 2.5 metre wide asphalt shared path along the western side of the Coast Road between North Angels Beach roundabout and opposite the Flat Rock Intersection. The estimated cost of this stage is \$120,000.

11.2 Coastline Shared Path and Recreational Walk - Funding Allocation

Stage 2 refers to the same type of construction as Stage 1 and will extend from opposite the Flat Rock intersection to Headlands Drive. The cost for this stage is \$480,000. The total length of these two stages is approximately 1.5 kilometres.

As the grant is for \$300,000, Council will need to contribute the same amount to meet the expected project costs of \$600,000.

The detailed design for these works is expected to be completed at the end of December 2013. Resources have been programmed to enable the construction to commence in February, subject to Council's endorsement of the recommendation to this report.

As well as the availability of the grant, the reason these works are considered suitable as a high priority is the connectivity that will be provided between East Ballina and Skennars Head. Both of these residential areas contain major schools and furthermore from North Angels Beach there is strong connectivity to other parts of the Council's shared path network.

It is therefore suggested that it is beneficial to commence the construction of these stages early in 2014 and once the detailed design is finalised for the remainder of the project, Council will be in a position to discuss further priorities for the program and their alignment to the remaining available funds.

Sustainability Considerations

- **Environment**
The works have been designed and approved to minimise the impact to the environment.
- **Social**
This project is a high priority for the Council because of the social benefits that it will provide.
- **Economic**
The shared path is considered to be a potentially iconic infrastructure that will attract tourism and provide other economic benefits.

Legal / Resource / Financial Implications

Council has previously allocated \$300,000 from reserve funds to this project in the September 2013 quarterly budget review. With the grant funds this means there is \$600,000 available to immediately commence the works.

Council also has another \$384,900 in funding included in the 2013/14 budget for work on the Shared Path / Recreational Path project with \$216,300 expended to date this year, on either physical works (i.e. improvements to Pat Morton) or the on-going approval and design processes.

In addition to this there is a balance of \$187,400 held in reserve funds for additional works and Council's long term financial plan has approximately \$200,000 allocated to this project in 2014/15. A grant has also been received for \$100,000 for works on the coastal reserve component of the Shared Path / Coastal Walk.

11.2 Coastline Shared Path and Recreational Walk - Funding Allocation

All up this means there is approximately another \$650,000 to \$700,000 available for additional stages of the project, excluding any further grant funds that may become available.

As indicated on previous occasions, once approvals are obtained, particularly for the eastern segments of the project, a more comprehensive report will be needed to determine the priority and funding program for the entire project.

Consultation

No consultation has been undertaken in the preparation of this report. There has been substantial consultation in respect of the route options and development approval phases.

Options

The recommendation to this report is to approve the delivery of the works described above.

The alternate position is for Council to defer the works until a review of the staging of the whole project is determined by Council. The reason this is not preferred is because of the availability of grant funds, the availability of resources to commence work in February and this project extends the existing network in Ballina to a major residential estate justify this project to be commenced.

Furthermore, completing this stage now will allow further stages to follow more immediately when the approvals are achieved for the remaining parts of the project.

RECOMMENDATIONS

1. Council authorises the General Manager to commence the construction of Stages 1 and 2 of the Shared Path (Coastline Cycleway) project, as detailed within this report, to take advantage of grant funding and the impending approval for this component of the overall project.
2. Council notes that following development consent and detail design completion, a further report will be presented to Council for the purpose of Council determining its preferred staging program for the remaining elements of the Shared Path (Coastline Cycleway) and Recreational Path projects.

Attachment(s)

Nil

11.3 Porter Park - Embellishment

11.3 Porter Park - Embellishment

Delivery Program Asset Management

Objective To seek Council endorsement for community feedback to be invited in response to a design proposal to embellish Porter Park.

Background

The Council's current delivery program has an allocation of approximately \$100,000 to assist in the embellishment of Porter Park. The purpose of these funds is to improve the amenity and functionality of the park.

To identify the potential options that may be considered for this project a community consultation program was undertaken. Details of this consultation and the findings are discussed in this report. Based on the findings of that consultation a local landscape architect was engaged to prepare a concept design.

The purpose of this report is to seek Council's endorsement to conduct a further round of consultation, inviting feedback on the proposed concept design.

Key Issues

- Design options

Information

Community Consultation Process

Earlier this year Council conducted a community consultation with residents adjoining the park. Having regard to the concerns raised by some sections of the community during the process to develop the community child care centre located on a portion of the site, an independent facilitator was engaged to conduct the consultation. Council staff did attend the various consultation activities to assist the facilitator and represent Council.

While staff had a range of ideas that could represent options to embellish Porter Park, to ensure the community understood the Council's strong interest in exploring local views, rather than presenting options for feedback, the consultation was structured with the park area being presented as a "blank canvas".

A report entitled "Make Your Mark on Porter Park: Consultation Report" was prepared to record the consultation process and the findings. A copy of that report is provided as attachment one to this report.

The consultation methods are discussed in the report, however it is noted staff gave careful consideration to ideas to encourage participation by the local residents.

11.3 Porter Park - Embellishment

This included providing family fun activities in the park as part of the consultation, evening group discussion sessions, door knocking and letter box drops.

The feedback from these discussions is fully documented in the report. The key finding in the report was there is a majority of interest in retaining the park as an open grassed area to support passive and informal recreation.

Draft Concept Layout Plan

Based on the consultation feedback, a concept layout plan has been prepared. A copy of this draft is provided as attachment two. The plan provides two options.

The difference in the options is the inclusion in option two of an illustration of how a children's playground and half court multi-purpose surface could be included as additional features to option one.

Both options support the preferred open grass area and the provision of perimeter shade trees to improve the appearance and amenity of the park.

The budget available for this project is not able to support all of the features in option two. For the purposes of consultation, it is recommended that the preferred staging is to complete the elements within option one first, being the tree planting, cricket pitch relocation, picnic shelters and shared path. This would leave the children's play area in a second stage to be completed when funds are able to be made available.

The reason for this recommendation is that it is preferred to improve the overall amenity, which in turn would enable the proper integration of the proposed option two works. Furthermore, option one supports improvements for a broader range of the community who may wish to use the park.

Some preliminary design and costing of playground options has been undertaken. Supply and installation of the preferred play equipment selections indicate the majority of the available funds would be required to support the installation of these now.

Next Steps

The recommendation to this report seeks Council's endorsement to continue the consultation by seeking feedback from the local residents in response to the draft concept layout plan.

It is proposed to complete this consultation by letterbox drop with return feedback forms or email. Participants who registered in the earlier process will be contacted directly and general advertising of the proposal will also occur.

It is suggested to conduct the consultation in January and February. January may present an opportunity for those on leave from work, school and other commitments to be available to respond. An extension of the consultation period throughout February enables a full four week period to be provided under more regular circumstances.

The feedback from this process will be reported to Council.

Sustainability Considerations

- **Environment**
The proposed concept layout plan represents opportunities to improve the environment of this locality.
- **Social**
The embellishment of Porter Park presents an opportunity to enhance the social environment in this locality.
- **Economic**
Council has funding allocated for these works.

Legal / Resource / Financial Implications

Funds are available that would support the implementation of option one in the concept layout plan. Alternatively the children's playground within option two could be implemented.

The options can be independently staged allowing the deferred option to be implemented when funds are able to be provided in the future.

Consultation

The report provides information in respect of the consultation undertaken to date for this project. The recommendation to this report proposes further consultation be undertaken now that a draft concept plan is available.

Options

The Council has been presented with a draft concept layout plan to embellish Porter Park. The concept layout plan includes two options, however these options primarily show staging options to support the current funding for the project. Council can propose amendments to the draft concept plan. Council can also decline to endorse it for further use and seek alternative proposals for the embellishment of the park. As the plan is based on the feedback from residents following a community consultation process, it is recommended that the plan be used for further consultation with the local community.

RECOMMENDATIONS

1. That Council endorses the draft concept layout plan, as attached to this report, for the purposes of seeking further community feedback for the embellishment of Porter Park.
2. That a consultation process be conducted during January and February 2014 to invite a response from the community in relation to the draft plan endorsed in point one above.

Attachment(s)

1. Porter Park Consultation Report (Under separate cover)
2. Concept Layout Plan

11.4 DA 2011/506 - Review of Developer Contributions

11.4 DA 2011/506 - Review of Developer Contributions

Delivery Program Asset Management

Objective To review a proposed condition of development consent in relation to contributions.

Background

At the November 2013 meeting a report was presented to Council dealing with the assessment of a development application (2011/506) for the South Ballina Beach Caravan Park. In response to this report, the Council determined its' position in relation to the application, however Council also requested a review be undertaken in relation to the proposed approval condition imposing certain developer contributions to mitigate the impacts of the development.

In making this request, the Council expressed concern that the distance from the caravan park too many of the Shire's services were circumstances that potentially justified a reduction in the contribution.

The purpose of this report is to respond to the request for a review.

Key Issues

- Justification for development contributions
- Magnitude of contributions

Information

The application before the Council was seeking approval to a undertake the expansion of the existing caravan park by the creation of an additional 123 short term camp sites, associated indoor recreation hall/amenities building, additional deck and office area, an on site manager's cabin, associated facilities and infrastructure and rehabilitation works.

The applicable plans for this development are the Ballina Shire Roads Contributions Plan 2010 (the Roads Plan) and the Ballina Shire Contributions Plan 2008 (the Open Space & Community Facilities Plan).

General Application of Plans

In previous matters, some time ago, Council was provided general advice from our lawyers that contributions can only be levied in accordance with a plan. The reason for this position is to ensure equity, consistency and certainty for developers, as well as ensuring the condition is lawful and has a reasonable basis.

It is however discretionary for the Council in regards to whether or not it applies a condition requiring developer contributions.

That is, once the Council elects to levy a contribution, it must do so in accordance with the relevant plans.

11.4 DA 2011/506 - Review of Developer Contributions

To manage this question of discretion, Council has included certain exemption clauses in its plans to guide staff in assessing applications and advising developers.

Clause 2.16 of the Open Spaces and Community Facilities Plans and Clause 2.7 of the Roads Plans are the same and are reproduced below.

The following developments or components of developments are exempted from the requirement to make a contribution under this plan:

- *development for drainage, utility, open space or community facilities to be provided by State Government or the Council; and*
- *any development that in the opinion of Council does not increase the demand for the categories of public facilities and services addressed by this plan.*

These clauses also include the following.

In order for an exemption to be approved, any such development will first need to make a comprehensive submission arguing the case for exemption.

It is noted here that the applicant has not made such a submission to the Council.

Based on the above, the information below comments on whether or not the development increases the demand for public facilities. Where the assessment says yes it does, explanation is provided in regards to how the contribution was calculated in accordance with the plan. It is noted here however that these calculations do not apply a reduction for isolation as this is not contemplated in either of the plans.

Roads Plan

Council requires contributions from developments that generate additional vehicle movements to help Council meet the additional cost burden of providing and maintaining a safe and convenient road network.

The plan sets out:

- the relationship between expected development and the road infrastructure required to meet that increased demand
- the formulas used to determine contributions
- how different rates apply to different development areas
- the work schedules for infrastructure identified in the plan
- the administrative arrangements for the plan

The plan separates development into two main groups being residential development and employment development. In accordance with the plan, the residential group includes residential dwellings and tourist accommodation.

11.4 DA 2011/506 - Review of Developer Contributions

This separation of residential and employment is important as a significant discount is applied to employment development. The reason for the discount is that the plan acknowledges that residential development has already made a contribution and the traffic demand from businesses, is in fact in response to the demand from these residences and they have already paid.

It is for this reason that tourist accommodation is included in residential, as the majority of traffic demand from these facilities will be created by visitors external to the Shire, where no previous contribution can be recognised.

A daily trip rate is calculated with each type of development to reflect the typical demand generated by the development. That is, the lower the demand, the lower the trip rate. A monetary value is attached to each trip which forms the basis for the contribution payable to Council. A trip is a movement from one place to another, for example, if a person staying at this caravan park drives to town and back, that is two trips.

The proposed 123 new sites with a daily trip rate of 2 trips per site will equal a total of 246 additional daily trips for the new development. It is difficult to justify a smaller number as to do so would be assuming a visitor enters the site on a day and doesn't leave again at all. While that may happen on occasion, it is likely that those users would represent a small proportion of total users.

Both Brisbane City Council and Gold Coast City Council apply a trip rate of two trips /day / site to caravan park sites.

It is the case that occupancy rates will determine the traffic generated for the site. Even if current occupancy rates are less than the 123 sites, the difficulty for Council is that the application provides for this number of sites and the long term future business operations may well operate at close to full occupancy during for extended periods within the economic life of the infrastructure provided by the contributions plan.

The daily trip rate of 2, however also provides, in effect, recognition of the occupancy rate by its differentiation of the type of use. For example, the trip rate for a 1 or 2 bedroom tourist accommodation is 3.9 per unit, and for a residential lot the trip rate is 6.45.

The contribution for this development is \$414,756, where as the equivalent 123 tourist units would be \$808,725 and 123 residential lots would be \$1,337,502 reflecting that the trip rates for a caravan park development are about 50% of a tourist unit development and 30% of a residential dwelling.

Trip rates have not been allocated to other parts of the development application.

In conclusion, for the roads plan, it is recommended that the contribution remain as per the previous report.

The reason for this recommendation is that this is a substantial development that will generate traffic demands on the Shire network for a long period of time and the rates used in accordance with the plan are the most conservative possible.

11.4 DA 2011/506 - Review of Developer Contributions

Furthermore, the plan does not provide the ability to reduce the contribution based on location and the former advice to Council is that it should not reduce contributions unless the plan provides a basis to do so.

Open Space and Community Facilities Plan

Similar to the Roads Plan, this plan requires contributions from developments that generate additional demand for open space, recreation and community facilities throughout the Shire.

The plan sets out:

- the relationship between expected development and the public amenities and services required to meet the needs of that development
- the formulas used to determine contributions
- how different rates apply to different development areas
- the maps showing locations of the proposed facilities and the work schedules for those works
- the administrative arrangements for the plan

The users of tourism developments generate a demand for public services and amenities. The proposed facilities are allocated into three main groups being local, district and regional facilities.

The plan recognises a tourist will not generate the same level of demand for facilities in this plan as a resident. To deal with this the plan has assumed a typical level of tourist bed occupancy is 50% and that tourist demand is two-thirds that of a permanent resident. Therefore, contributions rates for tourist development are 0.33 persons per single tourist bed ($0.5 * 0.66 = 0.33$).

The following component contributions were calculated for this development under the plan. As this development is in a rural area no local park contribution was applied. The contribution amount is calculated by applying the unit rate for a site, to the number of sites and to the contribution amount for each equivalent residential allotment for each of the following components.

Ballina District Parks	\$17,609.23
Ballina Playing Fields	\$22,944.77
Regional Open Space Facilities	\$16,925.19
Open Space Administration	\$ 664.50
Ballina District Community Facilities	\$33,381.32
Regional Community Facilities	\$75,635.67
Community Facilities Administration	\$ 1,387.63

Similar to the roads plan, this plan does not provide for further reductions for location and has already accounted for the different demands generated by a tourist compared to a resident.

It is an option for the Council to apply the exemption clause described above to the individual components of the plan. On this basis it can be argued that it is reasonable to not apply a contribution for playing fields for this development based on an assumption that it is likely the development will not create a significant demand for additional services from playing fields. A similar argument can be made in respect of Ballina District Parks. The major works in

11.4 DA 2011/506 - Review of Developer Contributions

the plan for the Ballina District Parks is an upgrade to Pop Denison Park. The works proposed for Ballina under the Regional Open Spaces facilities are also sport related being the regional sport facility, clubhouse and amenities, and a synthetic hockey field.

It is more difficult to make this argument for the other community facilities components of the plan. At the district level, the plan proposes a community hall and improvements to amphitheatre at Missingham Park. The regional level includes projects such as the new community centres, community gallery, library upgrades, new surf club, expansion of the Council administration offices and a new performance space.

In conclusion for the Open Space and Community Facilities Plan, it is an option to reduce the contribution by an amount of \$58,143.69 by not applying the following;

Ballina District Parks	\$17,609.23
Ballina Playing Fields	\$22,944.77
Regional Open Space Facilities	\$16,925.19
Open Space Administration	\$ 664.50

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The purpose of developer contributions are to ensure the broader community is not exposed to unreasonable detrimental impacts from development.
- **Economic**
The Council needs to be mindful of ensuring costs for development are reasonable to ensure sustainable economic development.

Legal / Resource / Financial Implications

The purpose of the Council's contributions plans are to ensure the community has the capacity to respond to the demands for new infrastructure created by new development. Reductions in reasonable contributions will result in the reduction of funds available to Council to implement the works schedules within its contribution plans.

The relevant legislation is Section 94 of the Environmental Planning and Assessment Act. In summary, this section empowers the Council to require the payment of developer contributions. The key points in the statute are that a contribution needs to be reasonable in the circumstances and the condition is applied in accordance with a lawful contributions plan.

Consultation

No consultation has been undertaken in the preparation of this plan.

Options

The recommendations to this report are based on the advice above which indicates it is not possible for the Council to vary the calculation methodology set out in the plans.

As the plans do not account for location this has not been done. It is possible for the Council to grant an exemption.

For the Roads Plan and Community Facilities this is not recommended as the development will generate demand for services. However, there is an argument that it is unreasonable to levy a contribution for the Open Space components.

It is noted that the contribution is a significant amount because this is a significant development. Furthermore the plans have taken into account the type of use of the development and how that compares to other developments.

The options to Council are;

1. Retain the contributions as per the previous report to Council.
2. Apply the exemption clause to the roads plan.
3. Apply the exemption clause to components of the open space and community facilities plan.

As per the report, it is recommended to apply the exemption to the open space components and reduce the applicable contribution, currently calculated as a reduction of \$58,143.69.

RECOMMENDATION

In relation to DA 2011/506, it is Council's opinion that this development does not increase the demand for local, district or regional open space facilities and therefore no developer contributions under the Open Space and Community Facilities Plan are required to be levied in respect of these items.

Attachment(s)

Nil

12. Public Question Time

12. Public Question Time

13.1 Notice of Motion - Adaptable Housing Provisions in Council's DCP

13. Notices of Motion

13.1 Notice of Motion - Adaptable Housing Provisions in Council's DCP

Councillor Cr Cadwallader

I move

That Council receive a report on the implications of existing Adaptable Housing Provisions in Council's Development Control Plan in relation to unit development in Ballina Shire.

Councillor Comment

Progress in developing small apartment blocks appears to be prohibitive under council's current Adaptable Housing Policy. The policy states that 10% of a complex must have adaptable housing. Councils DCP state 10% or 1 unit, whichever is the greater. That means every complex from 3 to 9 units must have one adaptable unit. An example was given to me recently for a 3 unit complex where the developers would live in the units and do not require modified housing. This project related to private housing not public housing and was for 2 storeys with bedrooms upstairs, so no person with a disability would even consider them.

Staff Comment

Even though staff do not entirely agree with the comment that development of small apartment blocks is prohibitive a review of the DCP is planned for early 2014 to assess how the DCP has been operating since its introduction approximately one year ago.

This review will address the issue raised in this notice of motion.

COUNCILLOR RECOMMENDATION

That Council receive a report on the implications of existing Adaptable Housing Provisions in Council's Development Control Plan in relation to unit development in Ballina Shire.

Attachment(s)

Nil

13.2 Notice of Motion - Lake Ainsworth Management Plan

13.2 Notice of Motion - Lake Ainsworth Management Plan

Councillor

Cr Cadwallader

I move

That Council form a Committee to oversee the implementation of the Lake Ainsworth Management Plan with membership consisting of representatives from the following organisations:

- Council staff (as appointed by the General Manager)
- NSW Sport and Recreation
- Lake Ainsworth Caravan Park Management (i.e. North Coast Holiday Parks)
- NSW Fisheries
- Wetland Care
- Other relevant organisations as agreed by the members of the Committee

The terms of reference for the Committee are to include:

- implementing actions from the Lake Ainsworth Management Plan
- sourcing funding opportunities
- investigation of alternate strategies if science has changed or deterioration greater than existed at the time of the existing Management Plan
- collate and monitor all records relating to the ongoing lake health and to take appropriate actions. This is to include but not be limited to blue green algae, faecal coliforms, edge erosion rates, riparian zone condition and lake biology.

Councillor Comment

Various researchers place the age of Lake Ainsworth up to 120,000 years. It is a very precious asset. The 2002 Independent Inquiry into Coastal Lakes Commission rated Lake Ainsworth catchment health in the lowest category "Targeted Repair".

It has been 11 years since any action has taken place of any significant management plan recommendations.

Local residents have always given the health of the lake their highest priority so it is time that council, in conjunction with other stakeholders, focus on ensuring this valuable asset continues to serve today's public and future generations.

COUNCILLOR RECOMMENDATIONS

1. That Council form a Committee to oversee the implementation of the Lake Ainsworth Management Plan with membership consisting of representatives from the following organisations:
 - Council staff (as appointed by the General Manager)
 - NSW Sport and Recreation
 - Lake Ainsworth Caravan Park Management (i.e. North Coast Holiday Parks)
 - NSW Fisheries
 - Wetland Care
 - Other relevant organisations as agreed by the members of the Committee

2. The terms of reference for the Committee are to include:
 - implementing actions from the Lake Ainsworth Management Plan
 - sourcing funding opportunities
 - investigation of alternate strategies if science has changed or deterioration greater than existed at the time of the existing Management Plan
 - collate and monitor all records relating to the ongoing lake health and to take appropriate actions. This is to include but not be limited to blue green algae, faecal coliforms, edge erosion rates, riparian zone condition and lake biology.

Attachment(s)

Nil

13.3 Notice of Motion - 2014 Country and Regional Living Expo

13.3 Notice of Motion - 2014 Country and Regional Living Expo

Councillor

Cr Cadwallader

I move

1. That Council participate in the 2014 Country and Regional Living Expo.
2. That Council seek partnerships with the Ballina Chamber of Commerce and participating local businesses to share costs.

Councillor Comment

The role of the Country & Regional Living Expo is to assist the economic development of regional areas. NSW Government has funded this Expo for now 11 years.

Ballina residential and commercial real estate are currently experiencing a down turn, largely caused by the discounting of prices on commercial and residential properties.

The Expo will assist in the economic development of our shire via a new platform. It offers the opportunity to talk face to face with people who attend the event. Often it is their first port of call when considering relocating their business and or living outside of Sydney. There has never been a better time to promote what is on offer in our shire to Sydneysiders with the enhanced Government Relocation Allowances and the New Skilled Incentive Scheme, not forgetting the Sydney Real Estate market moving skywards.

The new venue at Sydney Olympic Park has drawn a very different demographic, younger and more affluent which is reflected in the static chart in Expo 2014 presentation. With only a 0.64% rise in population growth last year it is evident that growth in the shire is sluggish.

Over the past 11 years there has been a strong link between Tourism and the Destination marketing of Regional Development and Economic Development with plans to expand into Destination Tourism, promoting places such as Ballina & Nambucca Heads. This coming year the Foundation is off to the show to promote Regional NSW and their communities to a potential audience of 800,000.

Further details and benefits of the Expo are available on their website www.crlexpo.co.au

Staff Comment

Council last considered this matter in 2005 following attendance at the 2004 Expo. A copy of that report and resolution is attached. Following that report a regional approach was undertaken in 2005 and it is understood that since that date there has been limited attendance by councils in the NOROC region.

13.3 Notice of Motion - 2014 Country and Regional Living Expo

NOROC has had direct approaches from the organisers to attend but that approach has not been supported by NOROC.

It is understood that the Tweed Economic Development Corporation do attend on a regular basis.

From a staff perspective there has been reluctance to attend the Expo due to the cost involved and the lack of demonstrated evidence that benefits will be gained from attending.

If the costs of the Expo can be shared with other Chambers of Commerce and businesses then that would help to support any cost / benefit analysis. Council has also had no direct experience with the Expo at its new venue.

COUNCILLOR RECOMMENDATIONS

1. That Council participate in the 2014 Country and Regional Living Expo.
2. That Council seek partnerships with the Ballina Chamber of Commerce and participating local businesses to share costs.

Attachment(s)

1. Resolution and Report from Ordinary meeting 23 June 2005

14.1 Facilities Committee Minutes - 9 December 2013

14. Advisory Committee Minutes

14.1 Facilities Committee Minutes - 9 December 2013

Attendance

Cr Ben Smith – in the Chair), Sharon Cadwallader, Keith Williams, Susan Meehan, Ken Johnston, Paul Worth, Robyn Hordern and David Wright.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Rod Willis (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Chris Allison (Projects and Contracts Co-ordinator) and Sandra Bailey (Secretary) were in attendance.

There were five people in the gallery at this time.

1. Apologies

Apologies were received from Crs Jeff Johnson and Keith Johnson.

RECOMMENDATION

(Cr Paul Worth/Cr Robyn Hordern)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

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

2. Declarations of Interest

Nil

3. Deputations

- **Dominic Finlay-Jones, Architect** – spoke in relation to Item 4.1 – Marine Rescue Centre – Design and Costing Update.

4. Committee Reports

4.1 Marine Rescue Centre - Design and Costing Update

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council endorses for the purposes of lodging a planning application, the revised design, as attached to this report, for the Marine Rescue Centre, with this design providing for the refurbishment of the public toilet facility (including the removal of the upper floor), a revised site layout for pedestrian / cyclist traffic, construction of car park and demolition of the old tower.
2. That Council authorises a \$300,000 increase in the total budget for this project, with this increase to be included in the 2014/15 financial year. The \$300,000 is to be sourced from additional external contributions (i.e. State and Federal Government grants and / or external fundraising opportunities such as those currently being undertaken by the Marine Rescue Volunteers).
3. That Council authorises the Mayor and General Manager to continue to pursue funding opportunities for this project with our local State and Federal Members, along with confirming the financial contributions to the project from the Ballina Marine Rescue Volunteers.

FOR VOTE - All Councillors voted unanimously.

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

MEETING CLOSURE

4.18 pm

RECOMMENDATION

That Council confirms the minutes of the Facilities Committee meeting held 9 December 2013 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

14.2 Commercial Services Committee Minutes - 9 December 2013

14.2 Commercial Services Committee Minutes - 9 December 2013

Attendance

Crs David Wright (Mayor - in the chair), 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), Rod Willis (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Paul Tsikleas (Commercial Services Manager) and Sandra Bailey (Secretary) were in attendance.

There were two people in the gallery at this time.

1. Apologies

Apologies were received from Crs Jeff Johnson and Keith Johnson.

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

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

2. Declarations of Interest

Cr Paul Worth – declared an interest in Item 4.1 - Wollongbar Residential Estate – Master Plan Proposal. (Nature of Interest: non pecuniary – he is an owner of a nearby residential estate). He will be remaining in the meeting while the matter is discussed and voting on the matter.

3. Deputations

Nil

4. Committee Reports

4.1 Wollongbar Residential Estate - Master Plan Proposal

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council authorises the lodgment of a planning proposal generally in accordance with the Newton, Denny, Chapelle concept master plan as contained in attachment three, which proposes that the area of land referred to as Option A be zoned "R3 – Medium Density" for use as a childcare facility.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Susan Meehan, Cr Ken Johnston and Cr Robyn Hordern

AGAINST VOTE - Cr Keith Williams, Cr Paul Worth and Cr Ben Smith

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

5. Confidential Session

RECOMMENDATION

(Cr Susan Meehan/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 Lennox Head Cultural and Community Centre - Insurance Claim Update

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 this matter is the subject of on-going legal negotiations and the release of any information relating to this matter prior to the finalisation of those negotiations could prejudice the ability of Council to maximise the settlement returned to the community.

5.2 Lease - Shop 151 River Street, 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 it would put Council at a competitive disadvantage in attempting to maximise the commercial return to the community for this property and there is a risk that Council could lose this tenant to another commercial property owner.

5.3 Land Sale - Russellton Tennis Court Site, Wollongbar

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 by having the report in confidential session Councillors are able to debate the merits of any proposed selling price in the knowledge that the details of that discussion will not prejudice any future sale of the land.

5.4 Land Sale - Road Reserve - Alstonville Shopping Plaza

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 negotiating the sale price in open Council will prejudice Council's ability to maximise the selling price of the land and thus limit the return to the community from the sale.

5.5 Land Sale - North Creek Road, 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 Council is in the process of negotiating a price for the sale of the land and the discussion of price options in open council could impact on Council's ability to maximise the return to the community from the sale of this land.

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

(The Council moved into Confidential Session at 5.04 pm).

Open Council

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

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

(The Council moved into Open Council at 5.52 pm).

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

5.1 Lennox Head Cultural and Community Centre - Insurance Claim Update

RECOMMENDATION

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That Council notes the contents of this report in respect to the status of Council's insurance claim to recoup additional costs incurred by Council during the construction of the Lennox Head Cultural and Community Centre.
2. That Council approves a budget allocation of \$50,000 for on-going legal expenses incurred in respect to Council's insurance claim for additional costs incurred by Council during the construction of the Lennox Head Cultural and Community Centre, with that budget funded from the Commercial Opportunities Reserve.

FOR VOTE - All Councillors voted unanimously.

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

5.2 Lease - Shop 151 River Street, Ballina

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council approves the lease of 151 River Street, Ballina subject to the terms and conditions set out in the report.
2. That Council authorises the Council seal to be attached to the lease documentation and any other related documents.

FOR VOTE - All Councillors voted unanimously.

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

5.3 Land Sale - Russellton Tennis Court Site, Wollongbar

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council place the proposed Lot 201 being part of Lot 2 DP 135399 (described as the Russellton Tennis Court site) on the market for sale by private treaty at the price as identified within this report.
2. That upon Council staff negotiating a sale with a prospective purchaser, the sale be referred back to Council for approval.

FOR VOTE - All Councillors voted unanimously.

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

5.4 Land Sale - Road Reserve - Alstonville Shopping Plaza

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

1. That Council authorises the General Manager to execute all documents required for the sale of the portion of road reserve, as identified in yellow in this report, with the sale details as per this report.
2. That Council authorises the use of the Common Seal on all sale and associated documents.

FOR VOTE - All Councillors voted unanimously.

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

5.5 Land Sale - North Creek Road, Ballina

RECOMMENDATION

(Cr Ben Smith/Cr Keith Williams)

1. That Council confirms the sale of Part Lot 2 DP 1172175, as per option one of this report and authorises the General Manager to finalise the contract variations required for the sale as per the report.
2. That the use of Council's Common Seal be approved to be affixed to the contract for sale, transfer, plan of subdivision, 88B Instrument and any other documentation required to complete the sale of the land.
3. Points one and two are subject to any action that Council may take in relation to any other relevant land purchases that could impact on the sale proposed in point one.

FOR VOTE - All Councillors voted unanimously.

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

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

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

MEETING CLOSURE

5.54 pm

RECOMMENDATION

That Council confirms the minutes of the Commercial Services Committee meeting held 9 December 2013 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

15.1 Mayoral Meetings

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

15.1 Mayoral Meetings

Councillor David Wright

Activities since the November 2013 Ordinary meeting:

<u>Date</u>	<u>Function</u>
30/11/13	Volunteer Thank You at Surf Club
30/11/13	Community Gallery Launch
30/11/13	Community Gallery Volunteers Thank You
1/12/13	RRCC at Bangalow
3/12/13	Alstonville Wollongbar Chamber Meeting
4/12/13	Interpretative Signage Project – Ballina's Historic Waterfront Trail
4/12/13	Christmas Tree Light Up Ballina
5/12/13	Clean Beaches Presentation at Surf Club
5/12/13	Internal Audit Committee
3/12/13	Meeting Phil Tonge
5/12/13	Councillor Briefing on Festivals and Events Funding
7/12/13	Le-Ba Presentation
8/12/13	Ballina Shire Concert Band – RSL
8/12/13	Lennox Head Carols in the Park
9/12/13	Facilities Committee
9/12/13	Commercial Services Committee
10/12/13	Briefing on Cultural Plan
11/12/13	Property Inspection
11/12/13	A.L.E.C. - Alstonville
11/12/13	Wollongbar Progress Association
12/12/13	Councillor Briefing on CCT
12/12/13	Ballina Rotary Club - Speaking
13/12/13	Macadamia Castle Night
14/12/13	Launch of Bert Elliott book
17/12/13	Meeting with Kevin Hogan - Biochar
19/12/13	December Council Meeting

RECOMMENDATIONS

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

Attachment(s)

Nil

16. Questions Without Notice

16. Questions Without Notice

17. Confidential Session

17. Confidential Session

Nil Items