



## 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 28 March 2019 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. Planning and Environmental Health Division Reports
9. Corporate and Community Division Reports
11. Civil Services Division Reports
12. Public Question Time
13. Notices of Motion
14. Advisory Committee Minutes
15. Reports from Councillors on Attendance on Council's behalf
16. 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**

- (a) 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. Deputations will be limited to a maximum of two items on the agenda per person.

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.

Deputations on the same matter will be listed together with the opposition first and the speaker in affirmation second.

- (b) Members of the public are advised that any documents tabled or given to Councillors during the meeting become Council documents and access may be given to members of the public in accordance with the requirements of the Government Information (Public Access) Act 2009.
- (c) 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.
- (d) To avoid conflicts of interest, real or perceived, deputations will not be accepted from:
- Tenderers during a public tender or request for quotation
  - Persons or representatives from organisations seeking financial support from Council that involves an expression of interest
  - Consultants who are engaged by Council on the matter the subject of 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 any position in the public gallery.

**The non-confidential parts of Council's meetings are broadcast live to the web and are recorded for future reference. Recordings are made available on Council's website. In accordance with our Code of Meeting Practice, the recording or taking of photos by other people during the meeting is not permitted unless permission has been granted from the meeting.**

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1. Australian National Anthem
  2. Acknowledgement of Country
  3. Apologies
  4. Confirmation of Minutes
  5. Declarations of Interest & Reportable Political Donations
  6. Deputations
  7. Mayoral Minutes
- 

**1. Australian National Anthem**

The National Anthem will be performed by Sing Australia.

**2. Acknowledgement of Country**

In opening the meeting the Mayor provided an Acknowledgement of Country.

**3. Apologies**

**4. Confirmation of Minutes**

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 February 2019 were distributed with the business paper.

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 February 2019.

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

**6. Deputations**

**7. Mayoral Minutes**

Nil Items

## **8.1 Land Acquisition - Healthy Waterways Program**

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### **8. Planning and Environmental Health Division Reports**

#### **8.1 Land Acquisition - Healthy Waterways Program**

**Delivery Program** Environmental and Public Health

**Objective** To provide background information in relation to the possible acquisition of land in connection with Council's Healthy Waterways Program.

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#### **Background**

At various times there are opportunities for Council to acquire land in the Shire that is of a strategic nature or is particularly beneficial to a program or project being undertaken by Council.

Discussions about such land acquisitions are appropriately held on a confidential basis to ensure that if Council does wish to acquire any such parcel the land is purchased on the most favourable terms.

The purpose of this report is to indicate that a confidential report has been included in this agenda in respect to the possible purchase of land to support Council's Healthy Waterways Program.

#### **Key Issues**

- Nature of property
- Benefit to community

#### **Information**

As per the background information with the confidential information included in the report later in this agenda.

#### **Sustainability Considerations**

- **Environment**  
The aim of this acquisition will be to improve environmental outcomes, particularly with respect to our waterways.
- **Social**  
Healthy waterways provide positive impacts from a social perspective.
- **Economic**  
Healthy waterways can encourage tourism and support economic development.

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

Any purchase will have financial implications.

**Consultation**

This report confirms that a confidential report relating to the potential acquisition of land has been included elsewhere in this agenda.

**Options**

This report is for the information of Councillors and the community.

**RECOMMENDATION**

That Council notes that a confidential report has been included in this agenda in respect to a strategic land purchase for Council's Healthy Waterways Program.

**Attachment(s)**

Nil

## 8.2 Development Applications - Works in Progress - March 2019

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### 8.2 Development Applications - Works in Progress - March 2019

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The following schedule sets out current development applications that have not yet been determined for the reasons cited.

Dwelling house and dual occupancy applications are not included in this report.

DA No.	Date Rec'd	Applicant	Proposal	Status
2017/223	5/5/2017	Ardill Payne & Partners	Two lot residential subdivision to create 1 x 1,157sqm and 1 x 1,145sqm allotments and associated works – 31 Tara Downs, Lennox Head	Awaiting additional information
2018/51	2/2/2018	Ballina Island Development Pty Ltd	Subdivision of land to create 103 residential lots and seven super lots, construction of roads, stormwater management and drainage (including detention basins and piping of creek), infrastructure servicing, earthworks, vegetation clearing, open space and temporary signage – 20 North Creek Road, Lennox Head	Awaiting additional information
2018/74	13/2/2018	Ardill Payne & Partners	Demolition of Existing Residential Flat Building and Erection and Strata Title Subdivision of a Six Storey Residential Flat Building Containing 14 dwellings, associated car parking and works. The proposed building has a height of 18.4m with the lift over run at a height of 19.3m which is above the building height allowance of 18m under the Ballina Local Environmental Plan 2012 – 8 Grant Street, Ballina	Awaiting additional information
2018/432	26/7/2018	Ardill Payne & Partners	Two Lot Subdivision by way of a Boundary Adjustment to create one 1080m <sup>2</sup> and one 776m <sup>2</sup> allotments and construction of a shed on Proposed Lot 1 - 2 Old Pacific Highway, Newrybar	Being assessed

## 8.2 Development Applications - Works in Progress - March 2019

2018/437	23/7/2018	P Lloyd	Alterations to Child Care Centre (Seeds Early Learning Centre) - 58-62 Westland Drive, West Ballina	Being assessed
2018/447	25/7/2018	D Trainor	Staged Erection and Strata Title Subdivision of a part Two Storey Multi Dwelling Housing Development comprising Four Detached Dwellings, Demolition of Existing Dwelling and Consolidation of Lot Boundaries - 58 Cherry Street, Ballina	Awaiting additional information
2018/454	27/7/2018	Ardill Payne & Partners	Alterations and Additions to Existing Industrial Tenancy including use of a mezzanine floor - 3/7 Piper Drive, Ballina	Determination pending
2018/482	10/8/2018	P & G Smith	To establish a home business comprising a cooking class conducted within an existing holiday cabin – 841 Fernleigh Road, Brooklet	Awaiting additional information
2018/554	13/9/2018	Ardill Payne & Partners	Change of Use to Establish a Depot – Removalist Business and Associated Signage – 6 Waverley Place, West Ballina	Awaiting additional information
2018/597	26/9/2018	Ardill Payne & Partners	Establishment and operation of a water supply system including the construction of shed and associated works – Lot 15 Ellis Road, Rous	Referred to Government Departments  Councillor briefing to be held – date to be advised  To be reported to Council
2018/603	5/10/2018	Balanced Systems Planning Consultants	Alterations and Additions to Existing Conference Centre and Associated Buildings and Works - 70 Shelly Beach Road, East Ballina	Being assessed
2018/612	9/10/2019	R & J Harris Consulting P/L	Staged construction of 12 storage silos (10 metres in height) for the handling and storage of local agricultural produce prior to transporting, and associated earthworks – 540 Pimlico Road, Pimlico	Determination pending

## 8.2 Development Applications - Works in Progress - March 2019

2018/616	9/10/2018	Northern Rivers Land Solutions	To undertake bulk earthworks associated with the subdivision consented to under DA 2016/184 – 658 Tamarind Drive, 33 Mitchell Close, 52 Albert Sheathers Lane & 88 Sandy Flat Road, Cumbalum	Awaiting additional information
2018/631	17/10/2018	GM Project Management	Proposed two lot subdivision to create one x 574sqm and one x 708sqm allotments and partial demolition and reconstruction of existing dwelling house – 7 Evelyn Villa Drive, Alstonville	Awaiting additional Information
2018/674	6/11/2018	Ardill Payne & Partners	Two Lot Subdivision to create 1 x 1200m <sup>2</sup> and 1 x 1948m <sup>2</sup> lots, associated works and removal of seven trees – 51 Greenfield Avenue, Lennox Head	Being assessed
2018/702	19/11/2018	Ardill Payne & Partners	Boundary adjustment subdivision of two existing lots to create two modified lots – Proposed Lot A 1.95ha and Proposed Lot B 29.9ha – 140 Broken Head Road, Newrybar	Awaiting additional information
2018/730	29/11/2018	Surf Life Saving Far North Coast	Operation of a kiosk from the ground floor of the Shelly Beach Surf Life Saving Club building, and associated building works – 11 Shelly Beach Road	Awaiting additional information
2018/735	30/11/2018	Anthony De Ridder	Alterations and Additions to Industrial Development – 38-44 Piper Drive, Ballina	Awaiting additional information
2018/737	4/12/2018	Northern Rivers Animal Services	Additions to animal boarding or training establishment comprising the construction of a new building to accommodate a maximum of 18 cats, and associated signage – 61 Piper Drive, Ballina	Being assessed
2018/741	5/12/2018	Ardill Payne & Partners	Stage 2 of a Seniors Housing Development (Alstonville BaptistCare/Maranoa) comprising 15 self-contained dwellings, tree removal, car parking, infrastructure and associated works - 15-19 The Avenue, Alstonville	Awaiting additional information

## 8.2 Development Applications - Works in Progress - March 2019

2018/746	5/12/2018	Ardill Payne & Partners	Alterations and Additions to the Ballina Central Shopping Centre, comprising the addition of two pad sites, new outdoor dining space, new commercial floor space and alterations to the car parking area, including a new car parking shade structure – 44 Bangalow Road, Ballina	Awaiting additional information
2018/747	6/12/2018	Ardill Payne & Partners	Staged Torrens Title Subdivision and Boundary Adjustment to create 18 x residential lots, 1 x residual lot, 1 x drainage reserve, associated infrastructure works, earthworks and revegetation/rehabilitation works (Avalon Estate Stages 6a and 6b) - Rifle Range Road & 22 Scarlett Court, Wollongbar	Awaiting additional information
2018/753	7/12/2018	Newton Denny Chapelle	Staged Torrens Title Subdivision comprising 31 x residential lots, 1 x open space lot, extension to an existing drainage reserve and associated infrastructure works, earthworks and vegetation management works - Avalon Avenue, 55 Avalon Avenue, 93 Rifle Range Road, Wollongbar	Being assessed
2018/778	19/12/2018	GR Hayes	Vegetation management works involving the removal of one gum tree – 33 Karalauren Court, Lennox Head	Awaiting additional information
2018/780	20/12/2018	Newton Denny Chapelle	Alterations and Additions to an existing Macadamia Nut Processing Plant, involving the erection of eight new nut storage/drying silos, the erection of perimeter security fencing, construction of a new driveway and associated civil and infrastructure work and vegetation management works involving the removal of one teak tree – 1-3 Northcott Crescent, Alstonville	Awaiting additional information

## 8.2 Development Applications - Works in Progress - March 2019

2018/781	20/12/2018	Balanced Systems Planning Consultants	Alterations and additions to a conference centre, associated dormitory accommodation, associated amenities building, landscaping works, vegetation removal and temporary site office. The subject application has been lodged in addition to the works proposed in DA 2018/603 – 70 Shelly Beach Road, East Ballina	Being assessed
2018/783	20/12/2018	Balanced Systems Planning Consultants	Construction of a driveway and associated earthworks – North Teven Road, Teven	Being assessed
2019/1	3/01/2019	N Samm (Byron Highlander Estate Pty Ltd)	Change of Use of an Approved Dwelling House to a Tourist Facility (Accommodation) in addition to its use in conjunction with the Place of Assembly (Function Centre and Refreshment Room) approved as part of DA 2017/557 – North Teven Road, Teven	Referred to Government Departments
2019/9	24/12/2018	Ardill Payne & partners	Construction of Ballina community Men's Shed – 36 Racecourse Road, Ballina	Awaiting additional information
2019/19	17/1/2019	Matt Walker Town Planning	Change of use to a Recreation Facility (indoor) Comprising a 24 hour Gymnasium and Associated Advertising – 92 Tamar Street, Ballina	Being assessed
2019/21	21/1/2019	Ardill Payne & Partners	Establishment of a detached dual occupancy involving the relocation of a dwelling and tourist and visitor accommodation comprising the change of use of an existing studio to a holiday cabin and the erection of a new holiday cabin and associated works – 208 Fernleigh Road, Tintenbar	Awaiting additional information
2019/24	21/1/2019	GK Thomas	Vegetation management works comprising the removal of seven trees – 49 Henderson Drive, Lennox Head	Awaiting additional information

## 8.2 Development Applications - Works in Progress - March 2019

2019/30	24/1/2019	Newton Denny Chapelle	Staged development involving the temporary use of the land for five years as a function centre for the purpose of hosting wedding ceremonies. It is proposed to host a maximum of 20 ceremonies in any 12 month period catering for a maximum of 120 people. The proposal also involves staged development of eight holiday cabins and associated amenities and infrastructure – 43 Tuckombil Lane, Tuckombil	Awaiting additional information
2019/31	25/1/2019	Ardill Payne & Partners	Change of Use of Existing Shop T25 to a Recreation Facility Indoor (Jetts Fitness) and Associated Fitout and Alterations to Layout, Shop Frontage and Signage – Shop T25, 44 Bangalow Road, Ballina	Being assessed
2019/34	29/1/2019	Newton Denny Chapelle	Temporary above ground fuel storage tank – 246-250 Lismore Road, Wollongbar	Awaiting additional information
2019/40	31/1/2019	Platinum Planning Solutions	Alterations and additions to existing commercial tenancy - 155 River Street, Ballina	Being assessed
2019/45	4/2/2019	M Stevenson	Vegetation management works comprising the removal of one tree - 18 Treelands Crescent, Ballina	Being assessed
2019/66	7/2/2019	Elton Consulting	Temporary Sales Office (5 years) ancillary to the Skennars Head Residential Subdivision (DA 2017/244) with associated car parking and new driveway access off Headlands Drive. The sales office will operate between 9am and 5pm seven days a week – Lot 6 The Coast Road, Skennars Head	On exhibition
2019/67	8/2/2019	Ardill Payne & Partners	Three lot Torrens Title subdivision comprising one 784sqm and two x 619sqm allotments, demolition of existing dwelling house and shed and installation of associated infrastructure service – 17 Bath Street, Wardell	On exhibition

## 8.2 Development Applications - Works in Progress - March 2019

2019/73	8/2/2019	Vision Town Planning	Change of use of existing dwelling house to home business involving alterations to the dwelling house, removal of swimming pool, construction of car parking area and associated works - 33 Martin Street, Ballina	On exhibition
2019/74	11/2/2019	Daley's Gourmet Meats	Vegetation management works comprising the pruning of one tree - 49 Pine Avenue, East Ballina	Being assessed
2019/79	11/2/2019	P R Small	Construction of farm dam - 54-78 Blue Seas Parade, Lennox Head	Being assessed
2019/109	25/2/2019	Ardill Payne & Partners	Two lot boundary adjustment subdivision – 189 Uralba Road, Uralba	On exhibition
2019/113	26/2/2019	G P Antonioli	Vegetation Management works – 2 Swamp Street, Wardell	Being assessed
2019/123	28/2/2019	Newton Denny Chapelle	Demolition of all structures on-site and erection and Strata Title subdivision of a mixed use development comprising a three storey 9.7m high building (above the 9.0m height of buildings development standard) including food and drink premises and retail premises at ground and second floors, business premises at second floor and shop top housing consisting of two residential dwellings on the third floor, on-site car parking, vegetation removal and associated works - 74 Ballina Street, Lennox Head.	On exhibition
2019/133	4/3/2019	Ardill Payne & Partners	Residential Subdivision to create eight residential lots and one residual rural lot – 44-52 Blue Seas Parade, Lennox Head	On exhibition

## 8.2 Development Applications - Works in Progress - March 2019

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

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/2	4/1/2016	21st Century Builders Pty Ltd	Amended Proposal: To undertake the first stage of the urban subdivision of the new Cumbalum Urban Release Area – Precinct B comprising a total of 166 allotments and including road construction and intersection works at Ross Lane, extensive earthworks, stormwater management, infrastructure works, vegetation removal and other associated subdivision works - 246 Ross Lane, 47 Dufficys Lane & Ross Lane, Kinvara	Awaiting additional information
2016/524	16/9/2016	Planners North	Amended Proposal: Seniors Living Development pursuant to SEPP (Housing for Seniors and People with a Disability) 2004 comprising amended layout, 170 (previously 211) serviced, self-care housing (previously 210) with associated clubhouse, recreation facilities, roads and associated infrastructure and environmental management and protection works – 67 Skennars Head Road, Skennars Head	Being assessed
2016/746	23/12/2016	Ringtank Pty Ltd	Erection of three dwelling houses, 10 site caravan park, equine facilities including stables, veterinary facility, quarantine stalls, horse float and equipment shelters and two equestrian exercise lawns, private outdoor recreation facilities including go-kart track, shooting range, associated buildings, roadworks, earthworks including dam and landscaping - Carrs Lane, Empire Vale Road, Reedy Creek Road- Keith Hall/Empire Vale	Referred to Government Departments
2017/600	30/10/2017	Newton Denny Chapelle	Expansion of an Existing Resource Recovery Facility - 19-21 Northcott Crescent, Alstonville	On exhibition 13/2/2019 to 18/3/2019

## 8.2 Development Applications - Works in Progress - March 2019

2018/321	13/6/2018	PalmLake Works Pty Ltd	Staged erection of an extension to an existing Seniors Housing Development under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 comprising of 156 self-care dwellings, recreation facilities and associated car parking, infrastructure works, site filling and associated works – 120 North Creek Road, Ballina	Subject to Land and Environment Court appeal
2018/756	11/12/2018	Newton Denny Chapelle	Construction of a Multi-Purpose Hall at Emmanuel Anglican College, comprising two indoor sports courts, associated gymnasium and amenities, a stage and retractable seating. The proposed building is to front River Street, is to have a maximum height of 12.6 metres and is to be used during and outside school hours, 7 days a week. The development also involves an increase in student numbers, earthworks, infrastructure works, car parking and vegetation management works – 62 Horizon Drive, West Ballina	Being assessed

### 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 March 2019.

### Attachment(s)

Nil

### 8.3 Development Applications – Variation to Development Standards

### 8.3 Development Applications – Variation to Development Standards

In accordance with the Department of Planning's Circular PS18-003, the following information is provided with regards to development applications where a variation to development standards (via the BLEP 1987 or BLEP 2012) has been approved.

DA No.	Date Approved	Applicant	Proposal and Address	EPI and Land Zoning	Development Standard and Approved Variation	Justification for Variation
2018/405	21/1/2019	Town Planning Studio Pty Ltd	Two lot subdivision to create one x 41.35 hectare and one x 37 hectare allotments - 425 Ross Lane, Lennox Head	RU2 Rural Landscape BLEP 2012	CI 4.1 BLEP 2012 – Minimum subdivision lot size – Proposed Lot 1 seeks to vary the development standard by 3 hectares - 7.5% variation	Proposed Lot 1 has an area of 37 hectares and is naturally separated from proposed Lot 2 by an existing watercourse (Newrybar Drain/North Creek). Proposed Lot 1 is entirely dedicated to agricultural use (sugar cane).
2018/697	20/2/2019	Ardill Payne & Partners	Alterations, additions and change of use of an existing garage building and Strata Title subdivision of an existing attached dual occupancy – 32 Castle Drive, Lennox Head	R2 Low Density Residential – BLEP 2012	CI 4.1 BLEP 2012 – 600m <sup>2</sup> Minimum lot size – Proposed Strata Lot 1 is 573sqm - 4.38% variation	The proposal relates to an existing lawful attached dual occupancy and the variation is a minor departure from the minimum lot size requirement. There will be no change to the existing density or land use and the development remains compatible with the character and amenity of the surrounding locality.

#### RECOMMENDATION

That Council notes that there have been two applications approved under delegation for variations to development standards of 10% or less for January – March 2019.

#### Attachment(s)

Nil

## 9.1 Investment Summary - February 2019

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### 9. Corporate and Community Division Reports

#### 9.1 Investment Summary - February 2019

**Delivery Program** Financial Services

**Objective** To provide details of Council's cash and investments portfolio breakup and performance.

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#### **Background**

In accordance with the Local Government Financial Regulations, the responsible accounting officer of a Council must provide a monthly report (setting out all money Council has invested), to be presented at the Ordinary meeting of Council, immediately following the end of the respective month. This report has been prepared for the month of February 2019.

#### **Key Issues**

- Compliance with Investment Policy and the return on investments.

#### **Information**

Council's investments are all in accordance with the Local Government Act, the Regulations and Council's Investment Policy. The balance of investments as at 28 February was \$87,038,000. This represents an increase of \$10 million from December. Council's investments, as at 28 February, are at an average (weighted) rate of 2.91%, which is 0.93% above the 90 Day Bank Bill Index of 1.98%.

The balance of the cheque account at the Commonwealth Bank, Ballina, as at 28 February 2019, was \$4,776,991. This balance is higher than the balance of \$3,829,015 as at 31 January 2019. The combined movement of investments and bank balances was an increase of \$10,947,976. This overall increase is attributable to \$3 million in developer payments, \$5 million in rates and \$0.5 million in grant payments.

The majority of Council's investment portfolio is restricted by legislation (external) and Council (internal) uses for the following purposes:

Reserve Name	Restriction	% Portfolio*
Wastewater Fund (incl developer contributions)	External	10.8%
Water Fund (incl developer contributions)	External	21.8%
Section 94 Developer Contributions	External	11.2%
Bonds and Deposits	External	2.7%
Other External Restrictions	External	5.1%
Carry Forward Works	Internal	3.5%
Bypass Maintenance Funding	Internal	4.6%
Landfill and Resource Management	Internal	2.1%
Employee Leave Entitlements	Internal	3.7%
Quarries	Internal	1.0%
Property Reserves	Internal	5.9%
Plant and Vehicle Replacement	Internal	1.4%
Road Works	Internal	6.8%
Swimming Pools Capital	Internal	0.2%
Indoor Sports Centre	Internal	3.7%
Miscellaneous Internal Reserves	Internal	7.1%
Financial Assistance Grant in Advance	Internal	2.8%
Unrestricted		5.6%
<b>Total</b>		<b>100%</b>

\* Reflects reserves held as at 30 June 2018.

## 9.1 Investment Summary - February 2019

### A. Summary of Investments by Institution

Funds Invested With	Fossil Fuel Aligned	ADI Rating *	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
<b>Grandfathered Investments</b>							
National Australia Bank	Yes	BBB	1,788	1,788	0	2.1%	<b>2%</b>
<b>Rated Institutions</b>							
AMP Bank	Yes	A	11,500	10,500	20%	12.1%	
Auswide Bank	No	BBB	1,500	1,500	10%	1.7%	
Bank of China	Yes	A	12,000	12,000	20%	13.8%	
Bank of Queensland	Yes	BBB+	2,000	0	10%	0.0%	
BankWest	Yes	AA-	8,000	12,000	20%	13.8%	
Bendigo & Adelaide Bank	No	BBB+	0	3,000	10%	3.4%	
Beyond Bank	No	BBB	0	2,000	10%	2.3%	
Commonwealth Bank of Australia	Yes	AA-	4,000	8,000	20%	9.2%	
Credit Union Australia	No	BBB	5,100	4,100	10%	4.7%	
Defence Bank Ltd	No	BBB	4,500	4,500	10%	5.2%	
Greater Bank Limited	No	BBB	2,000	2,000	10%	2.3%	
Heritage Bank	No	BBB+	2,000	2,000	10%	2.3%	
ME Bank	No	BBB	1,750	1,750	10%	2.0%	
My State Bank Ltd	No	BBB+	7,500	6,500	10%	7.5%	
Newcastle Permanent Bld Society	No	BBB	1,700	4,700	10%	5.4%	
Rural Bank Ltd	No	BBB+	1,000	0	10%	0.0%	
Teachers Mutual Bank Limited	No	BBB	1,700	1,700	10%	2.0%	
Westpac Banking Corporation	Yes	AA-	9,000	9,000	20%	10.3%	<b>98%</b>
<b>Total</b>			<b>77,038</b>	<b>87,038</b>		<b>100%</b>	
<b>Credit Rating Summary as per the Investment Policy</b>							
	<b>Maximum Allowed</b>		<b>Value</b>	<b>Value</b>	<b>%</b>	<b>%</b>	
	<b>%</b>	<b>Value</b>	<b>Previous</b>	<b>Current</b>	<b>Previous</b>	<b>Current</b>	
A- or Higher	100%	87,038	44,500	51,500	58%	59%	
BBB	60%	52,223	32,538	35,538	42%	41%	
Total			77,038	87,038	100%	100%	

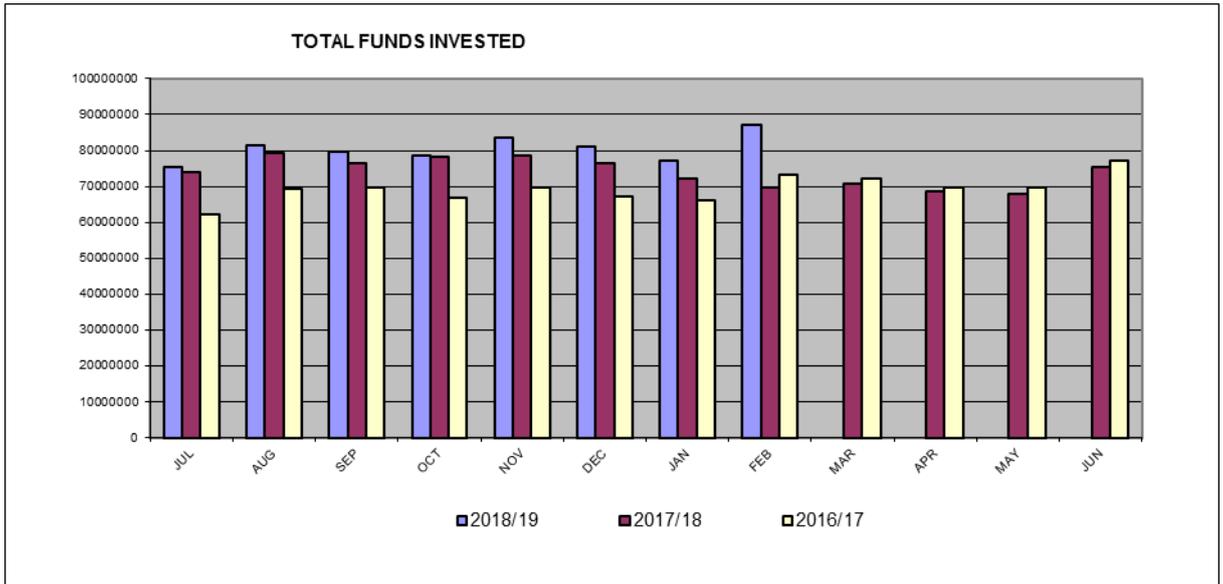
### B. Summary of Investments Fossil Fuel Aligned

	Previous Month	Current Month
<b>Fossil Fuel Aligned</b>	48,288 <b>63%</b>	53,288 <b>61%</b>
<b>Non-Fossil Fuel Aligned</b>	28,750 <b>37%</b>	33,750 <b>39%</b>
<b>Not Classified</b>	0 <b>0%</b>	0 <b>0%</b>
<b>Total</b>	77,038 <b>100%</b>	87,038 <b>100%</b>

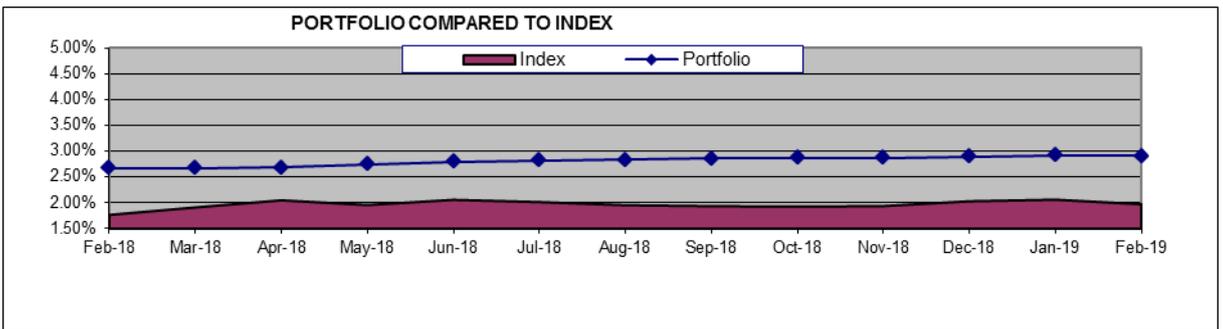
Classification based on advice from 'Market Forces'.

**9.1 Investment Summary - February 2019**

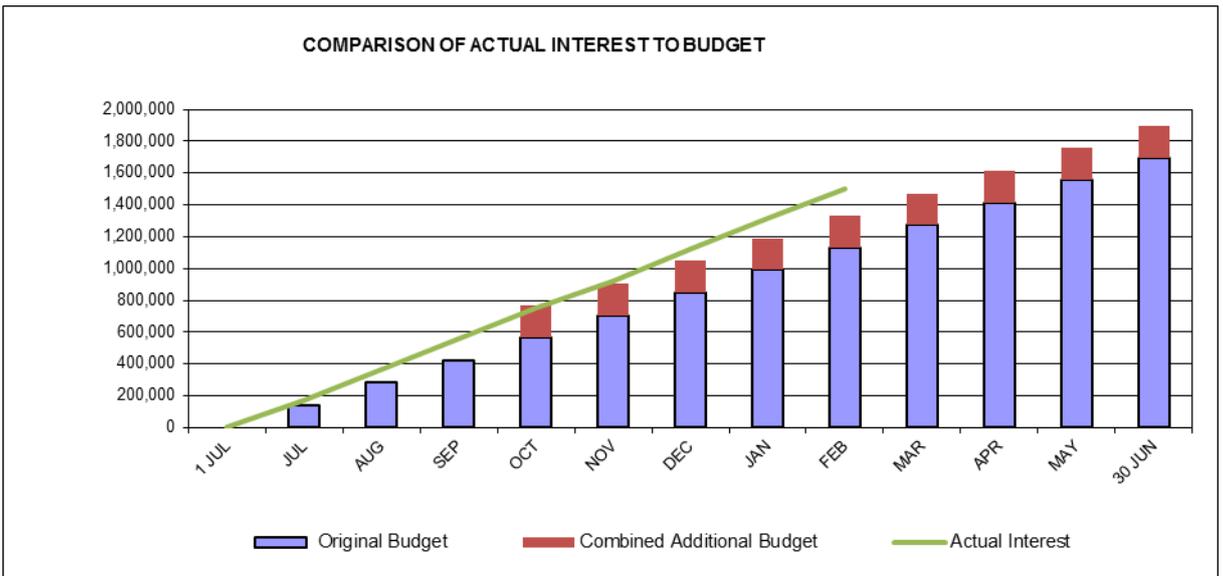
**C. Monthly Comparison of Total Funds Invested**



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



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



## 9.1 Investment Summary - February 2019

### F. Investments held as at 28 February 2019

PURCH DATE	ISSUER	TYPE	RATE	NEXT MATURITY	PURCH VALUE \$'000	FAIR VALUE \$'000
29/05/18	AMP Bank	TD	2.83%	05/03/19	3,000	3,000
09/09/18	Credit Union Australia	FRN	3.23%	06/03/19	600	601
01/06/18	AMP Bank	TD	2.90%	11/03/19	1,000	1,000
09/03/18	Westpac Banking Corporation	TD	2.65%	11/03/19	2,000	2,000
10/09/18	AMP Bank	FRN	3.07%	11/03/19	1,500	1,500
05/06/18	My State Bank Ltd	TD	2.83%	13/03/19	3,000	3,000
17/06/16	Commonwealth Bank of Australia	FRN	3.07%	17/03/19	1,000	1,000
06/06/18	AMP Bank	TD	2.83%	19/03/19	1,000	1,000
19/06/18	Auswide Bank	TD	2.88%	26/03/19	1,500	1,500
29/06/17	Teachers Mutual Bank Limited	FRN	3.51%	29/03/19	1,000	1,004
30/06/16	Commonwealth Bank of Australia	FRN	3.13%	30/03/19	1,000	1,000
28/02/19	Commonwealth Bank of Australia	TD	2.25%	01/04/19	4,000	4,000
02/07/18	Teachers Mutual Bank Limited	FRN	3.45%	02/04/19	700	700
10/07/18	Defence Bank Ltd	TD	2.90%	09/04/19	1,000	1,000
11/01/19	Commonwealth Bank of Australia	FRN	3.19%	11/04/19	1,000	1,007
26/02/19	BankWest	TD	2.55%	24/04/19	4,000	4,000
26/07/16	Commonwealth Bank of Australia	FRN	3.13%	26/04/19	1,000	1,000
31/07/18	Westpac Banking Corporation	FRN	3.00%	30/04/19	1,000	1,000
31/07/18	Westpac Banking Corporation	FRN	3.00%	30/04/19	1,000	1,000
03/08/17	Westpac Banking Corporation	FRN	3.09%	03/05/19	2,000	2,000
06/09/18	Newcastle Permanent Bld Society	FRN	3.42%	06/05/19	1,000	1,001
06/02/18	Newcastle Permanent Bld Society	FRN	3.42%	06/05/19	700	700
08/02/19	Westpac Banking Corporation	FRN	3.06%	08/05/19	2,000	2,000
09/11/17	ME Bank	FRN	3.24%	09/05/19	750	752
07/08/18	BankWest	TD	2.80%	14/05/19	4,000	4,000
20/09/04	National Australia Bank (ASX Listed)	FRN	3.19%	15/05/19	1,788	1,558
18/08/17	Westpac Banking Corporation	FRN	2.99%	20/05/19	1,000	1,000
21/02/19	Newcastle Permanent Bld Society	FRN	2.94%	21/05/19	2,000	2,000
22/02/19	Newcastle Permanent Bld Society	FRN	2.94%	22/05/19	1,000	1,000
14/08/18	BankWest	TD	2.81%	21/05/19	4,000	4,000
24/02/17	Greater Bank Limited	FRN	3.34%	24/05/19	1,000	1,001
27/06/18	Heritage Bank	TD	3.05%	24/06/19	2,000	2,000
30/08/16	Greater Bank Limited	FRN	3.42%	30/05/19	1,000	1,002
05/02/19	Bendigo & Adelaide Bank	TD	2.80%	06/08/19	3,000	3,000
16/08/18	AMP Bank	TD	2.85%	16/08/19	1,000	1,000
28/08/18	Defence Bank Ltd	TD	2.85%	27/08/19	1,000	1,000
07/09/18	ME Bank	TD	2.75%	05/09/19	1,000	1,000
02/10/18	Bank of China	TD	2.86%	01/10/19	2,000	2,000
15/10/18	Bank of China	TD	2.83%	10/10/19	2,000	2,000
18/10/18	AMP Bank	TD	2.83%	17/10/19	1,000	1,000
02/11/18	My State Bank Ltd	TD	2.85%	01/11/19	2,500	2,500
06/11/18	Bank of China	TD	2.86%	06/11/19	1,500	1,500
08/11/18	Defence Bank Ltd	TD	2.85%	07/11/19	1,500	1,500
19/02/19	AMP Bank	TD	2.85%	19/11/19	2,000	2,000
22/11/18	Defence Bank Ltd	TD	2.85%	22/11/19	1,000	1,000
27/11/18	Bank of China	TD	2.87%	26/11/19	2,000	2,000
29/11/18	Bank of China	TD	2.88%	29/11/19	3,000	3,000
03/12/18	Credit Union Australia	TD	2.86%	03/12/19	3,500	3,500
24/12/18	Bank of China	TD	2.87%	23/12/19	1,500	1,500
15/01/19	My State Bank Ltd	TD	2.86%	15/01/20	1,000	1,000
12/02/19	Beyond Bank	TD	2.81%	11/02/20	2,000	2,000
<b>Totals</b>					<b>87,038</b>	<b>86,826</b>
CDA = Cash Deposit Account		FRN = Floating Rate Note				
FRTD = Floating Rate Term Deposit		TD = Term Deposit				

**RECOMMENDATION**

That Council notes the record of banking and investments for February 2019.

**Attachment(s)**

Nil

## 9.2 Australia Day 2020

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### 9.2 Australia Day 2020

**Delivery Program**      Communications

**Objective**              To review the categories for the Australia Day Awards.

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#### **Background**

Following a report to the February 2019 Council meeting, a Councillor briefing was convened in March to review the Australia Day Award program.

The purpose of this report is to clarify the ideas presented at the briefing, and to provide direction on the Australia Day Award program for 2020.

#### **Key Issues**

- Ballina Shire Australia Day Award categories
- Event program and venue

#### **Information**

The last major review of Australia Day Award categories was in 2015 with the current categories being:

1. Young Citizen of the Year
2. Senior Citizen of the Year
3. Local Hero
4. Sports Award
5. Arts/cultural Award
6. Community Event of the Year
7. Citizen of the Year (selected from the other categories)

There were a number of new ideas proposed at the briefing. The topics included:

*Removing the category Senior Citizen of the Year* - there was some discussion around the need for a 'senior' category and possibly including that as part of a Citizen of the Year category. The senior citizen category is always very popular with a relatively large number of nominations.

*Maintaining the Local Hero category* – however it being available only in cases where there is demonstrated evidence of a 'heroic' act. From an operational perspective, this may be hard to achieve as the category would most likely not be promoted in the nomination form, therefore it may be difficult to hear from any worthy 'heroic' acts.

*Including an Environment category to the award program* - a number of other regional councils have this as a category in their awards program. The category is also suggested as a guide by the NSW Australia Day Council.

## 9.2 Australia Day 2020

While it does not form part of the national awards program, it could be considered a worthy inclusion. The disadvantage of adding further categories is the potential to dilute other categories.

*Reinstating the category Volunteer of the Year* - this was a very popular category when it existed prior to 2015 and it was replaced by the Local Hero category to ensure consistency with the national awards.

If Council chose to remove the Local Hero category, reinstating it with the Volunteer of the Year Award, would make sense.

The following table outlines the Australia Day categories for three of our neighbouring council areas, as well as the Australia Day Awards program run by the National Australia Day Council.

<b>Byron Shire</b>	<b>Lismore City</b>	<b>Tweed Shire</b>	<b>National Awards</b>
Citizen of the Year	Citizen of the Year	Citizen of the Year	Australian of the Year
Senior Citizen of the Year	Young Citizen of the Year	Arts and Culture Award	Senior Australian of the Year (over 65)
Volunteer of the Year	Aboriginal Citizen of the Year	Volunteer of the Year	Young Australian of the Year (16 - 30)
Community Event of the Year	Services in the Community – Individual	Sporting Achievement	Australia's Local Hero
Sportsperson of the Year	Services in the Community – Group	Community Event of the Year	
Creative Artist of the Year	Sportsperson (Senior and Junior)	Young Achiever in Community Service	
Environmental Project of the Year	Sports Team		
	Sustainable Environment		
	Arts / Cultural		

With regard to a venue for the Australia Day Awards, the Lennox Community Centre will close in the second half of 2019 for renovations. This timeframe could impact the availability of the venue for Australia Day 2020.

In terms of a contingency, the Ballina Indoor Sports Centre has been identified as a venue that could host the awards ceremony in the event the Lennox facility was unavailable.

This remains an option only until further details on both projects are made available.

### **Sustainability Considerations**

- **Environment**  
Not Applicable
- **Social**  
The Awards recognize important contributions to our community.

- **Economic**  
Not Applicable

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

There are no resource implications as a result of this report.

### **Consultation**

No community consultation has been undertaken in respect to the contents of this report. The Awards are advertised extensively during the year.

### **Options**

There are a number of options available in considering the Australia Day Award categories. Points to consider in determining the preferred categories include:

- ensuring we don't have too many categories that potentially overlap and cause uncertainty for people submitting nominations
- when the Citizen of the Year was a category, at times there was a reluctance to nominate for that category due to the overall status of that Award, which meant that people would often nominate for a theoretically less important category
- selecting Citizen of the Year by the Councillors has worked well in allowing Council to select what it sees as the "best" nomination
- if Council is going to have a Citizen of the Year category the preference is to have less categories to avoid confusion as to where a person should be nominated.
- Senior Citizen of the Year could potentially be deleted, although we do receive a large number of nominations for that category.

Overall there are two main options preferred, being retaining the existing categories with the Local Hero Category changed to Volunteer of the Year; i.e.

#### **Option One**

1. Young Citizen of the Year (under 30)
2. Senior Citizen of the Year (over 65)
3. Volunteer of the Year
4. Sporting Achievement Award
5. Arts and Culture Award
6. Community Event of the Year
7. Citizen of the Year (selected by Councillors from all nominations).

Discussion on volunteer of the year at the briefing discussed the situation where someone in their employment made a significant contribution to the community. Nominations of this nature are rare, however the Volunteer of the Year criteria could be expanded to include that type of nomination as typically such a person would be contributing, or volunteering, their time well in excess of their normal duties.

OR

Option Two

If Council is looking for alternatives or improvements the Tweed Shire Council approach would be supported; i.e.

1. Young Citizen of the Year (under 30)
2. Volunteer of the Year
3. Sporting Achievement Award
4. Arts and Culture Award
5. Community Event of the Year
6. Citizen of the Year

This is very similar to Council's existing categories with the main differences being the removal of the Senior Citizen and the Local Hero is replaced with Volunteer of the Year. The other difference is that Citizen of the Year is based on actual nominations.

This option has merit, however there remain concerns that an excellent nomination could be submitted for another category and then not be considered for Citizen of the Year, although Councillors can still make such a determination, if considered appropriate.

In determining a preferred option, option one has been recommended as the existing process has been working relatively well with large numbers of nominations, and the only change is the renaming of Local Hero to Volunteer of the Year.

Option two also has strong merit and is worth considering if Council is looking for a change to the existing processes.

### **RECOMMENDATIONS**

1. That Council confirms the Ballina Shire Australia Day Award Categories for 2020 are as follows:
  - Young Citizen of the Year
  - Senior Citizen of the Year
  - Volunteer of the Year
  - Sporting Achievement Award
  - Arts and Culture Award
  - Community Event of the Year
  - Citizen of the Year (as determined by Council)
2. The Ballina Shire Australia Day 2020 ceremony venue is to be either the Lennox Head Community Centre or the Ballina Indoor Sports Centre, to be determined by the General Manager, pending the completion timeframe for the Lennox Head Community Centre upgrade.

### **Attachment(s)**

Nil

### 9.3 Donations - Australian Representation

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### 9.3 Donations - Australian Representation

**Delivery Program**      Communications

**Objective**                      To consider an application for funding under the 'Donations - Australian Representation' Policy.

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#### **Background**

Council occasionally receives requests to financially support athletes who reside in the Ballina Shire if they are selected to represent Australia in their chosen field of sport. Council has a policy *Donations – Australian Representation* that provides guidance to these requests.

The following request is considered justifiable in reporting to Council based on the reasons outlined in the report.

#### **Key Issues**

- Community benefit

#### **Information**

##### ***Australian Representation – Ms Jan Saul***

Ms Saul has been a resident in the Ballina Shire for 30 years. She was recently selected as part of the Australian Masters team to play in the Trans-Tasman series at the Gold Coast Hockey Centre in May 2019.

The application is attached to this report.

Council has a policy, *Donations - Australian Representation* that states Council may provide a \$246 contribution for applicants representing Australia overseas (this figure is indexed by CPI each year). The policy also states that selection of an entire team will only result in one donation.

#### **Sustainability Considerations**

- **Environment**  
Not Applicable
- **Social**  
Donations support community groups and individuals in the Ballina Shire.
- **Economic**  
Not Applicable

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

There is no specific budget allocation for Australian Representation policy as the donation requests are typically ad hoc and the funds donated are relatively minor in comparison to Council's overall budget.

At the July 2018 Ordinary meeting Council did over-allocate the available community donations budget, with that over-expenditure being funded from the under-expenditure in the Community Sporting Groups Capital Assistance program. The remaining funds in that capital assistance program were then approved for transfer to the sports field maintenance budget.

### **Consultation**

There has been no specific consultation in respect to this request.

### **Options**

The options are to approve or decline the request.

The application complies with the Council policy and on that basis the recommendation is for approval.

### **RECOMMENDATION**

That Council approves the request from Ms Jan Saul for a donation of \$246 towards the cost of Australian selection as per Council's Donations - Australian Representation Policy.

### **Attachment(s)**

1. Request for Financial Assistance for Australian Representation - Ms Jan Saul

## 9.4 Donations - Assistance with Council Fees for Community Groups

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### 9.4 Donations - Assistance with Council Fees for Community Groups

**Delivery Program** Communications

**Objective** To consider requests from the Ballina Rugby Club Inc. and St Vincent de Paul Society NSW to waive / refund fees for development applications 2018/153 and 2018/467.

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#### Background

Council's annual budget includes funding for donations to community groups relating to Council fees for capital works and major funding raising events.

This funding is supported by Council Policy *Assistance with Council Fees for Community Groups*.

The 2018/19 adopted Council budget provided an allowance of \$2,400 for these fees (which is exhausted).

Council has now received requests to waive and reimburse development application fees on behalf of two organizations (attached to this report).

The report that follows provides a summary of the requests.

#### Key Issues

- Community benefit
- Funding available

#### Information

##### ***Ballina Rugby Club Inc.***

The rugby club has recently completed alterations and additions to the Ballina Rugby Clubhouse located at Quays Reserve, Kalinga Street in West Ballina.

Their development application (2018/153) was paid for in March 2018 and the Club is seeking reimbursement of the fees. The total amount is as follows.

<b>Fee Description</b>	<b>Amount (\$)</b>	<b>Comments</b>
DA fee	326.00	Paid / Council fee
Plumbing and drainage inspection fee	590.00	Paid / Council fee
Building inspection fee	900.00	Paid / Council fee
Compliance levy – Plan	51.30	Paid / Council fee
Construction Certificate - commercial	450.00	Paid / Council fee
Wastewater Plan Admin fee	65.00	Paid / Council fee
Section 68 Application Fee (Sewer)	175.00	Paid / Council fee
IT Service Fee	35.91	Paid / Council fee
Long Service Levy	179.00	Paid / Third party
NSW Govt Plan First Levy	33.28	Paid / Third party
<b>Total</b>	<b>2,805.49</b>	

## 9.4 Donations - Assistance with Council Fees for Community Groups

The fees are largely Council expenses (\$2,593.21) and are associated with the processing of the application or a service needed to progress the application provided by Council.

The Long Service Levy and Plan First Levy (\$212.28) are passed onto third parties by Council.

In terms of policy implications, the request is consistent with the policy *Donations – Assistance with Council Fees for Community Groups*.

The nature of the works is capital and the applicant is a not for profit operating a service within the Ballina Shire and the works are located on public land.

### **St Vincent de Paul Society NSW**

St Vincent de Paul Society of NSW is a registered charity in NSW, which aims to work with socially disadvantaged people throughout NSW.

They have recently lodged a development application (2018/467) for a day centre and boarding house in Ballina which will address homelessness in the region.

Before they commence, they are requesting Ballina Shire Council consider waiving fees and contributions outlined below.

Note that some of the fees were paid in August 2018 at the time of lodging their application.

<b>Fee Description</b>	<b>Amount (\$)</b>	<b>Comments</b>
Advertising Fee	360.00	Paid
DA Fee	374.00	Paid
Compliance Levy	68.00	Paid
IT Service Fee	47.60	Paid
NSW Govt DA Plan First	43.52	Paid
Inspection Fee Residential	720.00	Unpaid / Council fee
Plumbing and Drainage Inspection Fee	600.00	Unpaid / Council fee
Construction Certificate	530.00	Unpaid / Council fee
Wastewater Plan Admin Fee	65.00	Unpaid / Council fee
Section 68 Application Fee (sewer)	185.00	Unpaid / Council fee
Cont Ballina Island Wastewater Services	3,539.01	Unpaid / Contribution
Cont Ballina Island Water Supply	1,507.95	Unpaid / Contribution
Contribution Rous Water	3,864.60	Unpaid / Third party
<b>Total</b>	<b>11,011.56</b>	

The fees and contributions that St Vincent de Paul NSW is subject to are broken down into the following categories:

1. Council expense (\$2,100) – these are fees associated with the processing of the application or a service needed to progress the application. They are an expense to Council and are unpaid.
2. Ballina Island Wastewater Services (\$3,539.01) – not for profit organisations can seek an exemption for these contributions, and the Contributions Plan states that all applicants seeking exemption are to be referred to Council for a determination.

## 9.4 Donations - Assistance with Council Fees for Community Groups

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3. Ballina Island Water Supply (\$1,507.95) - not for profit organisations can seek an exemption for these contributions, and the Contributions Plan states that all applicants seeking exemption are to be referred to Council for a determination.
4. Rous Water (\$3,864.60) - these monies are forwarded by Council to Rous County Council.

The waiver of developer contributions is not recorded as a donation (expense) in Council's financial records, as the amounts are typically significant and well beyond the allocated donations budget.

Essentially the contributions are waived and not charged to the applicant.

With the Rous Water contribution, that is a matter for Rous County Council to determine, and they normally make a decision consistent with Council.

Council has previously waived or reimbursed developer contributions for Biala Support Services and Alstonville Community Preschool in recent years.

In terms of policy implications, the request is broadly consistent with the policy *Donations – Assistance with Council Fees for Community Groups*, with one exception to the guidelines.

The nature of the works is capital and the applicant is a not for profit operating a service within the Ballina Shire. There is however inconsistency in that the capital works will not be located on public land.

The policy clearly states that:

### *Guidelines*

1. *Fee reimbursements/waivers for capital works must be provided on Council owned or controlled land.*
2. *The event or works shall occur on public land.*

The owner of the land at 64 Treelands Crescent is the Roman Catholic Church, and is not Council or Council controlled land.

In respect to the waiver of developer contributions the *Donations – Assistance with Council Fees for Community Groups Policy*, states as follows:

### *Strategies*

3. *As a guide fees to be reimbursed will normally relate to development applications (excluding developer contributions and fees paid to external parties such as advertising and long service levies), waste charges, entrance fees, provision of Council products and hire charges*

Developer contributions do not actually form part of that policy, due to their high value, and the waiver of contributions is a matter determined by Council, as per the contributions plans, which allows Council to waive charges for not for profit organisations.

### Sustainability Considerations

- **Environment**  
NA
- **Social**  
The donation request will provide community benefits to the people of Ballina Shire.
- **Economic**  
Any donation will represent income foregone by Council or an expense incurred by Council.

### Legal / Resource / Financial Implications

Any donation or waiver of fee will represent income foregone by Council or an expense incurred by Council.

### Consultation

The requests have not been the subject of community consultation.

### Options

Council can approve the requests, not approve or approve a lesser amount.

The Ballina Rugby Club request is consistent with the policy and the recommendation is to approve the refund, excluding the fees paid to external bodies (i.e. Long Service Levy and Plan First Levy).

The St Vincent de Paul Society request is inconsistent with the *Donations – Assistance with Council Fees for Community Groups Policy*, and no refund of the Council processing fees is recommended. However the request is consistent with the waiver of developer contributions and the waiver of those charges is recommended.

It is acknowledged that the Council fee waivers will exceed the allocated budget and this will negatively impact the forecast operating result for 2018/19. As the recommended amount is consistent with the policy, this will need to be managed as a budget variation.

**RECOMMENDATIONS**

1. That Council approves the reimbursement of Council processing fees of \$2,593.21 relating to DA 2018/153 for the Ballina Rugby Club Inc., as per the attached request.
2. That Council does not approve the reimbursement of the Council processing fees relating to DA 2018/467 for the St Vincent de Paul Society NSW, as per the attached request, as the proposed works are not on Council owned or controlled land and therefore inconsistent with the Donations – Assistance with Council Fees for Community Groups Policy.
3. That Council approves the waiver of the Council developer contributions relating to DA 2018/467, totalling \$5,046.96, for the St Vincent de Paul Society NSW, as per the attached request, as this request is consistent with the Developer Contribution Plans, as the organisation is for not for profit.
4. That Council write to Rous County Council seeking their support to waive the contributions payable by St Vincent de Paul Society NSW to the Rous Water Contributions Plan with the total amount being \$3,864.60

**Attachment(s)**

1. Ballina Rugby Club - Assistance with Council Fees (DA 2018/153)
2. Donations – Assistance with Council Fees for Community Groups Policy
3. St Vincent de Paul - request to waive fees paid on DA - 64 Treelands Crescent - DA 2018/467

## 9.5 Policy (Review) - Code of Meeting Practice - Adoption

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### 9.5 Policy (Review) - Code of Meeting Practice - Adoption

**Delivery Program**      Communications

**Objective**                      To adopt the Code of Meeting Practice following the public exhibition of the draft document.

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#### **Background**

At the January 2019 Ordinary meeting, Council considered a report advising that the Office of Local Government (OLG) had released an updated Model Code of Meeting Practice and all councils have six months from the date of prescription (14 December 2018 to 14 June 2019) to adopt the Model Code.

Section 361 of the Local Government Act requires councils to exhibit any draft Code of Meeting Practice for not less than 28 days inviting public submissions and a total of 42 days must be allowed for submissions to be received.

The submission period has now closed and the purpose of this report is to adopt the updated Code of Meeting Practice.

#### **Key Issues**

- Changes to the existing Code of Meeting Practice

#### **Information**

The updated Code of Meeting Practice, as exhibited, is included as Attachment 1 to this report.

As per the report to the January 2019 Ordinary meeting, the Model Code provided by the OLG included mandatory items, printed in black font, whereas the information listed in red was optional and councils are able to exclude the red font or adopt it in an amended form.

The blue font applies to Joint Organisations and is not relevant for Council.

Council included a number of changes in red font, largely to reflect our current practices, and the numbering in the Model Code was maintained to avoid confusion in the document.

Council did not receive any submissions during the exhibition period and the document as exhibited can now be adopted. This means it will operational from the next Council or Committee meeting.

## 9.5 Policy (Review) - Code of Meeting Practice - Adoption

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The main changes from our existing practices in the updated document are as follows:

- Clauses 5.19 to 5.22 – Webcasting of Meetings – All Ordinary, Extraordinary and Committee meetings (where all members are Councillors) will now be webcast and recorded. This now includes the Commercial Services Committee, Finance Committee etc.
- Clause 10.22 – Five minutes is the maximum time per speaker.
- Clause 17.10 – Rescission motions for development applications – Clarifies that the notice of determination can be issued after a period of four days, if no rescission motion is lodged.

### Sustainability Considerations

- **Environment**  
Not Applicable
- **Social**  
The Code of Meeting Practice helps to ensure appropriate standards and to clarify how matters are to be handled during Council meetings.
- **Economic**  
Not Applicable

### Legal / Resource / Financial Implications

Council has a statutory responsibility to ensure that it adopts the Model Code of Meeting Practice, as a minimum standard, by 14 June 2019.

One other legal point with respect to the Code of Meeting Practice is that Section 374 (e) of the Local Government Act states that a failure to comply with the Code of Meeting Practice does not invalidate a Council decision.

There may be times when Council doesn't 100% comply with the Code and importantly that does not invalidate a decision.

### Consultation

The draft Code was exhibited for at least 28 days, with 42 days allowed for submissions. No submissions were received.

### Options

Council has the option of adopting the Code, as exhibited, or further amending the document. Section 362 (2) of the Local Government Act does state that:

*If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.*

## **9.5 Policy (Review) - Code of Meeting Practice - Adoption**

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Minor changes do not need re-exhibition, whereas more major changes would require another 42 days exhibition for public submissions.

The new Code has very limited changes to Council's existing practices and the recommendation is to adopt the document as exhibited.

### **RECOMMENDATION**

That Council adopts the draft Code of Meeting Practice, as per Attachment 1, as exhibited.

### **Attachment(s)**

1. Ballina Shire Council - Code of Meeting Practice (exhibited)

## **10.1 Wollongbar - Alstonville - Skate Park Site Options**

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### **10. Civil Services Division Reports**

#### **10.1 Wollongbar - Alstonville - Skate Park Site Options**

**Delivery Program**      Open Spaces and Reserves

**Objective**              To review the site options for the proposed Wollongbar - Alstonville Skate Park.

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#### **Background**

Council has considered the provision of skate park facilities on the Alstonville Plateau, and more specifically Wollongbar, on multiple occasions for many years.

Several sites have been investigated, at different times, and to varying degrees, including:

- Russellton Industrial Estate (Kays Lane)
- Plateau Drive District Park
- Geoff Watt Oval (Ballina Road)
- Crawford Park (Ballina Road)
- Lumley Park (Pearces Creek Road)
- Cawley Park (Coral and Ashland Streets)
- Gap Road Sports Fields
- Wollongbar Sports Fields.

In respect to more recent decisions regarding the skate park, at the Ordinary meeting held on 25 May 2017, Council resolved as follows:

1. *That Council authorises the General Manager to commence detailed design and construction of the Alstonville Wollongbar skate park in accordance with concept design Option B at the Wollongbar Sports Field site.*
2. *The Council authorises the General Manager to lodge the required application to support point one above.*

In response, Council's Civil Services Division prepared a Development Application (DA 2017/554) for construction of the skate park facility at the Wollongbar Sports Field site.

A report seeking Council's determination of the application was subsequently presented to the Ordinary meeting on 23 August 2018; with the report recommending refusal.

The Council resolved as follows:

1. That DA 2017/554 for the Construction of a Skate Park facility at Lot 2 DP 1168781, Elvery Lane, Alstonville (Wollongbar Sporting Fields) be **REFUSED** as the proposed development does not provide for adequate pedestrian infrastructure to access the skate park facility.
2. That Council make representations to the State Government in respect to establishing a partnership on the Wollongbar TAFE site for a skate park.

In respect of item 2 - representations to the Wollongbar TAFE – these were unsuccessful.

Following refusal of the development application, staff undertook a review of the original site options.

The advantages and disadvantages of the various sites were presented at a Councillor briefing on 29 October 2018. The consensus at that meeting was that staff prepare a report to enable a formal debate in respect of the options currently available.

Additional information requested by Councillors who attended the briefing included:

- Development of a possible concept plan for the Plateau Drive site, inclusive of the skate park, to help understand the impact of the skate park on the use of the site
- Noise assessment for that site to assess whether a skate park is a viable option
- Additional site details for Geoff Watt Oval and Crawford Park given their relative visibility and easy access by paths and cycleways from both Alstonville and Wollongbar.

The purpose of this report is to seek direction from Council on how to proceed.

### Key Issues

- Optimizing the skatepark design and environs
- Site access, noise, safety and security

### Information

Based on the feedback from the Councillor briefing a concept plan has been prepared for the Plateau Drive site, as per Attachment 1 to this report.

The plan includes a vision “to provide a parkland to service the broader district which offers fun and fitness opportunities for all”. The concept plan proposes five key precincts which are represented spatially in the plan.

## 10.1 Wollongbar - Alstonville - Skate Park Site Options

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These are:

Precinct One	Rainforest Mini-Arboretum (or natural edge)
Precinct Two	Produce and Picnic Area
Precinct Three	Group Fitness and Amenities
Precinct Four	Skate and Ride
Precinct Five	Multi-functional Open Space

Page four of the plan shows further details for each precinct.

The key features include:

- Car Parking for 24 spaces
- Park Interpretation Footpath
- Public Art
- Toilet Building
- Rainforest with walking trail and education information
- BBQ and Picnic Area
- Community Orchard
- Fitness Equipment
- Climbing Net (Children and Adults)
- Multipurpose Pathway and Running Track
- Skate Facility
- Open Space
- Multi-court

As mentioned a staff review of previously investigated alternative sites was also undertaken and each site's pros and cons were presented at the Councillor briefing on 29 October 2018.

A copy of the information presented to the briefing is included as Attachment 2.

As per that attachment all sites have advantages and disadvantages – there is no perfect site.

As also requested at the briefing, more detailed site plans for Geoff Watt Oval and Crawford Park sites have also been prepared (see Attachments 3 and 4).

The attachment for Geoff Watt Oval (Attachment 3) shows three possible locations for a skate park, built to similar dimensions to the previous proposals for the sportsfield and the Plateau Drive sites.

The attachment also shows the relationship between these sites and flooding and the existing uses of the land.

The attachment for Crawford Park (Attachment 4) shows drainage flow paths and positioning of a skate park on this land.

### Noise

A noise assessment for the Plateau Drive site has been undertaken, as per Attachment 5.

## 10.1 Wollongbar - Alstonville - Skate Park Site Options

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The results indicate that with appropriate mitigation measures (i.e. an earth mound along the southern side of the skate park), noise levels are predicted to be within the adopted daytime and evening *Intrusiveness Noise Criteria* at all nearby existing and future residential lots.

This report has helped prepare the concept design and will form part of a development application, if Council selects this site as the preferred location.

Noise is also an issue at several other sites including Geoff Watt Oval, Crawford Park, Lumley Park and Cawley Park.

While no formal noise reporting has been prepared for these sites, noise mitigation is likely to be problematic given the proximity of nearby residences.

Noise is not an issue at sites that are well away from residences, namely the Gap Road Sports Fields and the Russellton Industrial Estate.

The relative isolation of these two sites from residential areas creates other problems, such as accessibility and lack of passive surveillance.

### Drainage

Stormwater drainage is an issue at several sites, namely Russellton Industrial Estate, Geoff Watt Oval, Crawford Park and Lumley Park.

Addressing drainage could require additional works and if not managed properly could exacerbate flooding elsewhere.

For Geoff Watt Oval, Councilors asked whether drainage is a factor for the potential sites at this location.

Council's stormwater engineer has prepared an assessment and the required waterways are shown in Attachment 3.

This confirms substantial new drainage infrastructure would be required for a skate park to be installed on Geoff Watt Oval (assuming the skate park is not proposed for the existing sporting fields).

### Conflict with Existing Uses

Cawley Park and the Russellton Industrial Area are relatively small sites where siting of a skate park is likely to conflict with other uses and/or essential services.

Spatially it is not possible to develop a skate park at these sites with the dimensions that have been previously confirmed as preferred, based on community consultation and feedback.

Of the three potential skate park locations identified at Geoff Watt Oval (Attachment 3), two appear to be impacting on spectator areas.

This oval is well utilised by existing sporting groups who have not been consulted over the possibility of constructing a skate park on the site.

### Antisocial behavior

Passive surveillance is one factor that can help reduce antisocial behavior. Plateau Drive, Geoff Watt Oval and Cawley Park are all well positioned to allow passive surveillance.

A multi-disciplinary approach (known as Crime Prevention Through Environmental Design (CPTED)) has been applied in the concept plan for the Plateau Drive site to assess community safety issues, which in turn led to design improvements. This assessment would inform a development application if Council decided to proceed.

### **Sustainability Considerations**

- **Environment**

Any design will need to take into account environmental impacts.

- **Social**

The embellishment of open space areas and provision of a skate park facility will provide valuable social benefit for the Alstonville-Wollongbar community, especially the youth.

This report seeks to find the site with the overall best balance between the benefits of providing a skatepark where the potential impacts can be reasonably mitigated.

- **Economic**

Infrastructure supports economic development.

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

The *Ballina Shire Open Space and Community Facilities Contributions Plan 2016* has a project for the Wollongbar District Park embellishments (including skate park) at the Plateau Drive site.

Estimated cost is \$1m with the funds becoming available as monies are collected.

In 2016 Council tendered for construction of the skate park at the Plateau Drive site. The resultant preferred tender price was \$350,000 (excl GST).

At that time, basic landscaping and embellishment of the surrounding community areas were budgeted at \$150,000 although this estimate would vary depending on the final skate park design and a more detailed evaluation of site constraints.

The budget did not include improved road or footpath connections to the site, nor open space embellishments beyond basic paths, turf and trees.

Council allocated a property reserve funded budget of \$500,000 to this project and there is currently \$465,000 remaining in that budget, after expenditure on the previous development application, consultant reports etc.

## **10.1 Wollongbar - Alstonville - Skate Park Site Options**

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The Plateau Drive District Park concept plan will need a funding strategy put in place as the embellishments proposed are well in excess of the current budget.

### **Consultation**

Extensive public consultation has been undertaken throughout the process for development of a skate park in the Alstonville / Wollongbar area, including several reports to Council and the previous development application.

The current concept design for the District Park site has been prepared but has not yet been subject to public exhibition.

A development application will provide further opportunity for public submissions.

### **Options**

No site is completely devoid of potential constraints therefore Councillors need to make a determination on a preferred site, recognizing those constraints.

The only other alternative is not to proceed with the skate park and allocate the \$465,000 remaining to embellishments for the district park, or alternatively an extension to the Ballina skate park.

Based on the feedback from the Councillor briefing, Crawford Park, Geoff Watt Oval and the Plateau Drive site were identified as possible options.

The constraints at Crawford Park in respect to stormwater drainage impacts, available space, car parking and noise impacts are of such significance that further investigation is not warranted, as compared to Geoff Watt Oval and Plateau Drive.

The constraints at Geoff Watt Oval could possibly be overcome however more detailed investigations into stormwater drainage impacts, noise impacts and conflicts with existing uses would be required before a development application was considered.

Based on the information available now, in respect of stormwater drainage impacts, at worst the impacts cannot be feasibly managed and at best it is likely significant infrastructure would be required to mitigate the impacts of a skatepark on the drainage system.

Two of the three sites are in close proximity to residences and all sites have the potential to conflict with existing users of the oval.

With the noise impacts of the Plateau Drive site able to be mitigated, a detailed development application could be prepared to further assess the suitability of this site.

In respect to other sites, the one regularly suggested is the Russellton Industrial Estate. As per Attachment 2, the RMS own approximately one third of the site on which the current court is located.

From a staff perspective the limited parking, location in an industrial estate and the existence of Council wastewater infrastructure on the site, make it a less suitable option than Geoff Watt Oval and Plateau Drive.

## **10.1 Wollongbar - Alstonville - Skate Park Site Options**

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An internal assessment of potential uses for the site, in response to a resolution of Council from September 2017, also recommended the site remain as is, with that information distributed to Councillors through a Councillor bulletin.

Therefore the options available to Council in respect to identifying a preferred site include:

1. Endorse the concept plan for Plateau Drive for community consultation
2. Seek a further report assessing in more detail the feasibility of developing a skate park facility on Geoff Watt Oval
3. Select another one of the other sites referenced in this report for further analysis, or identify another site for further evaluation.

Option two is not recommended as it is unlikely a reasonable outcome can be achieved at Geoff Watt Oval, particularly with the level of existing use.

Option three is not recommended as Council has been attempting to find a suitable site for a number of years and no other satisfactory site has been identified.

Option one, the Plateau Drive site, is feasible and the concept plan confirms that Council can potentially deliver an integrated facility to meet the broad needs of the community.

If Council is supportive of this plan it is important that we invite community feedback. As well as those with an interest in the skatepark, it is expected community members who may not be specifically interested in the skatepark would like to comment on the proposal for the district park.

Based on this it is recommended that Council commence a community consultation process in respect to the proposed concept plan for Plateau Drive.

That consultation should take approximately three months, allowing the feedback to be reported to the June 2019 Ordinary meeting.

### **RECOMMENDATION**

That Council approves a public exhibition process to seek community feedback on the draft concept design for the district park at Plateau Drive, as per Attachment 1, inclusive of the proposed skatepark.

### **Attachment(s)**

1. Concept Design - Plateau Drive - District Park
2. Site Options - Advantages and Disadvantages (Under separate cover)
3. Geoff Watt Oval - Site Plan
4. Crawford Park - Site Plan
5. Noise Impact Assessment - Rifle Range Road (Under separate cover)

## **10.2 Tender - Boeing Avenue and Airport Boulevard - Earthworks and Fill**

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### **10.2 Tender - Boeing Avenue and Airport Boulevard - Earthworks and Fill**

**Delivery Program** Commercial Services

**Objective** To select a contractor to source fill material and undertake bulk earthworks and filling of Lots 2 and 3 Boeing Avenue and Airport Boulevard, Ballina.

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#### **Background**

At the Commercial Services Meeting held 1 May, 2018, a report was presented addressing the issue of funding high priority development projects such as the Wollongbar Urban Expansion Area - Stage Three and the release of additional industrial land at the Southern Cross Industrial Estate, in particular Lots 2 and 3 Boeing Avenue.

Feasibility assessments for each project were contained in that report which indicated each project was viable based upon certain criteria.

The recommendation arising from that report in relation to Lots 2 and 3 Boeing Avenue is noted as follows:

- 2. That Council provides in principle support for the progress of the Boeing Avenue Lots Two and Three project, subject to further reports being submitted on the viability of the project once there is more certainty in respect to major costs such as the fill required for the development. The cash flows as per Attachment Four to this report are also to be included in the 2018/19 Delivery Program and Operational Plan.*

One critical element in the development of Lots 2 and 3 Boeing Avenue is the cost to undertake bulk earthworks and fill the sites to the required level.

To progress this project and Airport Boulevard, detailed engineering designs were prepared to enable tenders to be called to undertake the bulk earthworks and site filling.

Given the scope of each project, actual pricing of the proposed works would be the only accurate way to determine cost and viability.

It was also an opportune time to incorporate into the scope of works the removal of overburden from Tuckombil Quarry and in so doing enable access to the hard rock material should Council wish to recommence quarrying operations.

If viable to do so, the successful tenderer could remove the overburden and haul it to Boeing Avenue for use as fill material.

## **10.2 Tender - Boeing Avenue and Airport Boulevard - Earthworks and Fill**

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In February 2019 Council called tenders for the “Construction of Bulk Earthworks, Drainage & Associated Components at Southern Cross Industrial Estate Stage 2 (Site A) and Airport Boulevard (Site B)” to win Tuckombil overburden (including processing) and also source other approved fill to allow the construction of bulk earthworks (including drainage and associated components) for Airport Boulevard.

The development sites are described in more detail as:

- Site A - Proposed Lots 2 and 3, Boeing Avenue, Southern Cross Industrial Estate Stage 2 (DA2009/258)
- Site B - Airport Boulevard (Part V Approval 22.2018/6) - Extension of the existing end of Boeing Avenue and join it with Airport Boulevard that will connect North Creek Road to Ballina Byron Gateway Airport.

An aerial photo plan is included as Attachment 1.

Tuckombil Quarry fill material could be used on Site A (Boeing Avenue) or alternatively fill material from other sources identified by the tenderer could be used.

The Scope of Works in the tender documents notes that the decision to use Tuckombil Quarry fill material will be at the discretion of Council.

This report provides an overview of the tenders received along with recommendations.

### **Key Issues**

- Compliance with the Local Government (General) Regulation 2005
- Achieve best value for money

### **Information**

In February 2019 tenders were called to undertake civil construction works to complete bulk earthworks for Site (Proposed Lots 2 and 3, Boeing Avenue, Southern Cross Industrial Estate Stage 2) and Site B (Airport Boulevard).

Five tenders were received which have been reviewed and assessed by Council staff. The five tenders being:-

- CD Excavations
- FK Gardner
- Hynash
- See Civil
- See Civil (non-complying alternative)

The evaluation criteria and weightings were determined in accordance with Council's “Tenders and Quotations – Evaluation Criteria Policy” and applied in accordance with the approved Tender Evaluation Plan:

## 10.2 Tender - Boeing Avenue and Airport Boulevard - Earthworks and Fill

### Weighted Criteria

- Pricing Structure 65 %
- Capability 20 %
- Social and Community 15 %

Pricing information has been provided by separate memorandum to Councillors. The tender from CD Excavations is highest ranked when the non-priced and priced evaluation criteria are combined.

### **Sustainability Considerations**

- **Environment**  
Environmental impacts have been assessed as part of the approval for the project.
- **Social**  
Not Applicable
- **Economic**  
The development of Lots 2 and 3 Boeing Avenue will provide land suitable for serviced industrial lots which are in short supply in the Ballina Shire at present, and in so doing assist in stimulating economic activity and employment. The construction of Airport Boulevard will provide a second access to Ballina Byron Gateway Airport and provide a catalyst for development of the Southern Cross Expansion precinct.

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

Council has undertaken a public tender process in accordance with the Local Government (General) Regulations 2005.

As noted earlier a report was presented at the Commercial Services Committee meeting held on 1 May, 2018. That report included a feasibility assessment of developing Lots 2 and 3 Boeing Avenue to create about 20 serviced industrial lots.

The feasibility assessment included in the report presented to the Commercial Services Committee on 1 May, 2019, has been updated based upon the costs quoted by CD Excavations, as follows:

Item	Assumption	Item	Amount (\$)	Totals (\$)
<b>Forecast Sales</b>	<b>31</b>	<b>Lots</b>	<b>14,331,000</b>	
Less : Commission and Marketing	3.00%		430,000	
Less: Legals	\$1,500	Per Lot	46,500	
<b>Net Proceeds</b>				<b>13,854,500</b>
<b>Less : Development Costs</b>				
Earthworks, civil, services	\$158,000	Per Lot	4,898,000	
Electrical and communications	\$16,600	Per Lot	515,000	
Professional fees	\$180,000	Total	180,000	
Council rates and charge for period	\$12,000	Total	12,000	
Council contributions	\$35	Per m2	1,877,000	
<b>Sub Total</b>				<b>7,482,000</b>
Contingency	10.0%			748,000
<b>Total Development Costs</b>	<b>291,000</b>	<b>Per Lot</b>		<b>8,230,000</b>

## 10.2 Tender - Boeing Avenue and Airport Boulevard - Earthworks and Fill

<b>Result exc Interest and Land Value</b>				<b>5,624,500</b>
Less: Interest on Borrowings				410,000
<b>Return on Total Development Costs</b>				<b>5,214,500</b>
Less: Englobo Land Value (as a % of sales revenue).	20.00%			2,771,000

The assessment indicates the project remains viable, and may return a cash surplus of \$5,214,500 after allowing for interest on borrowings.

As noted in the report of 1 May, 2018, it is proposed to fund development of this project through short term borrowings as per Councils adopted Long Term Financial Plan.

### Consultation

A public tender process was undertaken.

### Options

The options for Council are set out in Part 7 Section 178 of the Local Government (General) Regulations 2005, which says the following:

1. After considering the tenders submitted for a proposed contract, the council must either;
  - a) *Accept the tender that, having regard to all the circumstances, appears to be the most advantageous, or*
  - b) *Decline to accept any of the tenders.*

Tender submissions are based on preliminary design documentation and ecological (wallum Froglet) protection plans.

Detailed construction certificate and ecological (wallum Froglet) protection requirements have now been completed that were not available during the tender process.

Due to a change in quantities and additional ecological schedule items, the recommendation to this report is to decline to accept any of the tenders and enter further negotiations with the preferred tenderer.

Sections 178 (3) and (4) of the regulations (reproduced below) provides further direction in the circumstances where a Council declines to accept any tenders in accordance with section 178 (1)(b).

- (3) *A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:*
  - (a) *postpone or cancel the proposal for the contract,*
  - (b) *invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*

## **10.2 Tender - Boeing Avenue and Airport Boulevard - Earthworks and Fill**

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- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
  - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
  - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
  - (f) carry out the requirements of the proposed contract itself.*
- (4) If a council resolves to enter into negotiations as referred to in subclause (3) (e), the resolution must state the following:*
- (a) the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*
  - (b) the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).*

For the reasons set out in the confidential memorandum to Councillors, CD Excavations are recommended as the preferred tenderer for further negotiations.

The recommendations have been presented to comply with the regulations.

### **RECOMMENDATIONS**

1. That Council, in accordance with the *Local Government (General) Regulation 2005 Section 178 (1)(b)*, declines to accept any tenders for the *Construction of Bulk Earthworks, Drainage & Associated Components at Southern Cross Industrial Estate Stage 2 (Site A) and Airport Boulevard (Site B)*.
2. That Council, in accordance with the *Local Government (General) Regulation 2005 Section 178 (3)(e)* authorises the General Manager to enter into negotiations with CD Excavations with a view to entering into a contract.
3. That in accordance with the *Local Government (General) Regulation 2005 Section 178(4)(a)* the Council records the following reasons for declining to invite fresh tenders:
  - the tenders were completed using preliminary design documentation
  - detailed design for construction certificate approval has varied the construction schedule quantities, the tender schedule rates may still apply
  - ecological (wallum Froglet) protection plans have required additional construction schedule items, these costs may be negotiated with a contractor
  - retendering exposes Council and the market to unnecessary cost and inconvenience
  - pricing and other terms are expected to remain in accordance with the tender schedule costs

## **10.2 Tender - Boeing Avenue and Airport Boulevard - Earthworks and Fill**

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- it is expected Council will be able to execute a contract on terms generally very consistent with the original tenders
  - the preferred tenderer has submitted pricing that is the most competitive for the project
  - it is unlikely retendering would result in a better advantage for Council.
4. That in accordance with the *Local Government (General) Regulation 2005 Section 178(4)(b)* the Council records it has determined to enter negotiations with CD Excavations as they are the preferred tenderer following assessment against the mandatory and weighted evaluation criteria established for this tender, as per the confidential information provided to Councillors.
  5. That, upon the conclusion of any successful negotiations, Council authorises the General Manager to execute and affix the Council seal to the relevant contract documents.

### **Attachment(s)**

1. Aerial Photo Plan - Lots 2 and 3 Boeing Avenue and Airport Boulevard

11. Public Question Time

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**11. Public Question Time**

## **12.1 Rescission Motion - Notice of Motion - Boral Plant, Gap Road Alstonville**

### **12. Notices of Motion**

#### **12.1 Rescission Motion - Notice of Motion - Boral Plant, Gap Road Alstonville**

**Councillor**                      Cr Eoin Johnston  
                                            Cr Willis  
                                            Cr Parry

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We move that Resolution 280219/6, as follows, be rescinded:

#### **Notice of Motion - Boral Plant, Gap Road Alstonville**

*That Council convene a meeting with Boral to determine an exit strategy and/or options to improve the current operating conditions to the benefit of local residents.*

In the event that the above rescission motion is carried, we intend to move the following alternative motion:

1. With respect to the uncertainty and conflict of views surrounding the effects, if any, that noise and air pollutants, emanating from the Boral hot mix plant on Gap Road, Alstonville, may have on surrounding residential properties, that Council take immediate action to obtain accurate and impartial data.
2. That Council engage an independent contractor to obtain accurate and impartial data on noise and air pollutants with information to be forwarded to the EPA, with funds expended not to exceed income received from Boral for the leasing of the plant and Council write to the State Government seeking reimbursement for the costs incurred.
3. That Council initiate discussions with Boral Senior Management pertaining to a potential exit strategy from the five year lease option and/or options to improve the current operating conditions to the benefit of local residents, such as relocation to an Industrial Estate.

#### **Staff Comment**

With respect to the engagement of an independent contractor to obtain air quality and noise data, staff have undertaken preliminary research into the cost of monitoring and reporting.

It is estimated that the cost of the required work would be in the order of \$40,000 to \$45,000.

The Boral lease income is approximately \$45,000 (ex GST).

It is difficult to determine the scope of the work and monitoring timeframe as this will be dependent on a variety of factors such as weather conditions, seasonal variations and details of the materials being utilised at the plant.

## **12.1 Rescission Motion - Notice of Motion - Boral Plant, Gap Road Alstonville**

If the Council approves the expenditure staff can progress the engagement of the consultants immediately.

### **COUNCILLOR RECOMMENDATION**

That Resolution 280219/6, as follows, be rescinded:

#### **Notice of Motion - Boral Plant, Gap Road Alstonville**

*That Council convene a meeting with Boral to determine an exit strategy and/or options to improve the current operating conditions to the benefit of local residents.*

### **Attachment(s)**

Nil

## **12.2 Notice of Motion - Ballina Ocean Pool**

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### **12.2 Notice of Motion - Ballina Ocean Pool**

**Councillor**

Cr Meehan

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I move

That Council, as part of the April 2019 Ordinary meeting, receive an update report on the development of the planning application for the Ballina Ocean Pool. The report should include information on the issue of Native Title, design and engineering plans, the use of and balance of the \$50,000 preliminary works grant, together with an overview of other necessary components of the application.

#### **Councillor Comment**

It is around six months since Council last received information on this project.

In that time legal advice has been sought and provided on the issue of Native Title. This advice and ensuing actions should be provided to Council for understanding and consideration.

The Ocean Pool Committee stated in late 2018 that a Sydney company were to be engaged for the development of design and engineering plans etc. It is important for Councillors to be kept up to date with this part of the project, as occurred with the Ballina Indoor Sports Centre.

It is now two years since Council received the \$50,000 preliminary works grant. As this a committee of a Council, it is important that Councillors are aware of the use and balance of the budget, just as in other areas of Council's overall budget.

Currently, Council has approved the development of a planning application for the proposed ocean pool. However, many Councillors, including myself, would not understand the various aspects necessary for such an application. An overview of this will enable Councillors to better understand the issues and possible complexities of the project.

#### **COUNCILLOR RECOMMENDATION**

That Council, as part of the April 2019 Ordinary meeting, receive an update report on the development of the planning application for Ballina Ocean Pool. The report should include information on the issue of Native Title, design and engineering plans, the use of and balance of the \$50,000 preliminary works grant, together with an overview of other necessary components of the application.

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

Nil

### **12.3 Notice of Motion - Naming of Beach at Shaws Bay**

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### **12.3 Notice of Motion - Naming of Beach at Shaws Bay**

**Councillor**

Cr Cadwallader

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I move

1. That Council invite submissions for the naming of the small beach area to the immediate east of the northern end of Missingham Bridge.
2. That once submissions are closed Council receive a report on the preferred option for Council endorsement.

#### **Councillor Comment**

This small beach area is extremely popular and often referred to by locals and visitors as Shaws Bay or The Kiosk Beach. To avoid confusion for visitors with the newly upgraded beaches along Shaws Bay and to assist with locators on maps it would be helpful if the beach had a specific name. It would also provide another opportunity for marketing Ballina.

#### **Staff Comment**

Council has a Naming of Roads, Bridges and Places policy that outlines the process to be followed in respect to naming a location.

The process includes the involvement of the Geographic Names Board (GNB) as any name must meet their criteria and also have the support of Council.

If submissions are called for, people will need to be made aware of the GNB guidelines for place names, to ensure appropriate suggestions are submitted. GNB has the final say on the naming.

#### **COUNCILLOR RECOMMENDATIONS**

1. That Council invite submissions for the naming of the small beach area to the immediate east of the northern end of Missingham Bridge.
2. That once submissions are closed Council receive a report on the preferred option for Council endorsement.

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

Nil

## **12.4 Notice of Motion - Dementia Friendly Community**

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### **12.4 Notice of Motion - Dementia Friendly Community**

**Councillor**

Cr Cadwallader

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I move

That Council receive a report on the strategies and actions we can put in place to be defined as a Dementia Friendly Community.

#### **Councillor Comment**

The Dementia Friendly Communities Program is an Australian Government funded program administered by Dementia Australia.

Information on the program is available on their website - [dementiafriendly.org.au](http://dementiafriendly.org.au)

With our population ageing and Ballina Shire being a popular place for retirees it is important that we support our elderly residents and it will be interesting to see what actions we can take, within our limited resources, to deliver a dementia friendly community.

#### **Staff Comment**

With Council in the process of preparing the 2019/20 Operational Plan (and 2019/20 to 2022/23 Delivery Program) and the preferred approach would be to include this item as an action in the Operational Plan. This then ensures the action is monitored and reported on regularly as part of the quarterly Operational Plan review.

A recommendation consistent with that approach would be as follows:

*That Council include in the 2019/20 Operational Plan a task to evaluate the benefits, costs and actions that can be undertaken to become a Dementia Friendly Community.*

#### **COUNCILLOR RECOMMENDATION**

That Council receive a report on the strategies and actions we can put in place to be defined as a Dementia Friendly Community.

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

Nil

**13. Advisory Committee Minutes**

**13.1 Commercial Services Committee Minutes - 11 March 2019**

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**Attendance**

Crs David Wright (Mayor - in the chair), Phillip Meehan, Sharon Parry, Jeff Johnson, Eoin Johnston, Stephen McCarthy, Keith Williams, Sharon Cadwallader and Ben Smith.

Paul Hickey (General Manager), John Truman (Director - Civil Services Division), Matthew Wood (Director, Planning and Environmental Health Division), Paul Tsikleas (Manager Commercial Services) and Sandra Bailey (Secretary) were in attendance.

Other staff in attendance – Caroline Klose (Manager Communications), Linda Coulter (Manager Financial Services and Leanne Harding (Coordinator Property and Airport Administration).

There were three people in the gallery at this time.

**1. Apologies**

Apologies were received from Crs Stephen McCarthy, Nathan Willis and Ben Smith.

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Keith Williams)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

**2. Declarations of Interest**

Nil

**3. Deputations**

Nil

4. **Committee Reports**

4.1 **Community Land - Lease to Telstra**

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Eoin Johnston

That Council advise Telstra that it does not wish to lease Part Lot 11 DP 627149 North Creek Road, Lennox Head due to the restrictive covenant on title and concerns expressed by members of the community.

A **Motion** was moved by Cr Phillip Meehan

That the motion be put to the vote.

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

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston and Cr Sharon Cadwallader

AGAINST VOTE - Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council advise Telstra that it does not wish to lease Part Lot 11 DP 627149 North Creek Road, Lennox Head due to the restrictive covenant on title and concerns expressed by members of the community.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

**4.2 Lennox Head Community Sports Club - Rent Review**

**RECOMMENDATION**

(Cr Phillip Meehan/Cr Sharon Cadwallader)

1. That Council authorises the General Manager to finalise negotiations with Lennox Head Community Sports and Recreation Club Limited for a lease over a portion of the King Street road reserve consistent with the remaining lease term over 10 Stewart Street.
2. That Council applies a discount of 50.00% to the market rentals assessed for 10 Stewart Street and the portion of the King Street road reserve.
3. That Council authorises the Council seal to be attached to the documents outlined above.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

**4.3 153 River Street, Ballina - Lease Variation**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council notes the contents of this report in respect to the variation request for the lease of 153 River Street, Ballina.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

**5. Confidential Session**

**RECOMMENDATION**

(Cr Phillip Meehan/Cr Jeff Johnson)

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

**5.1 153 River Street, Ballina - Lease Variation - Details**

**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 due to the ongoing commercial negotiations and the release of any information could prejudice those negotiations.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

(The Committee moved into Confidential Session at 4.13 pm).

**Open Council**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Sharon Parry)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

(The Committee moved into Open Council at 4.14 pm).

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

**5.1 153 River Street, Ballina - Lease Variation - Details**

**RECOMMENDATION**

(Cr Phillip Meehan/Cr Sharon Parry)

1. That Council adopts option one as detailed within this report and accepts the variation to lease agreement terms and conditions negotiated with L Rizzo for an additional five year option at 153 River Street Ballina based on the terms and conditions outlined.
2. That Council authorises the General Manager to finalise negotiations and execute all relevant lease documentation and attach the Council seal to same.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

**Adoption of Recommendations from Confidential Session**

**RECOMMENDATION**

(Cr Keith Williams/Cr Sharon Parry)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

**MEETING CLOSURE**

4.15 pm

**RECOMMENDATION**

That Council confirms the minutes of the Commercial Services Committee meeting held 11 March 2019 and that the recommendations contained within the minutes be adopted.

**Attachment(s)**

Nil

**Attendance**

Crs David Wright (Mayor - in the chair), Phillip Meehan, Sharon Parry, Jeff Johnson, Eoin Johnston, Stephen McCarthy, Nathan Willis, Keith Williams, Sharon Cadwallader (arrived at 4.04 pm) and Ben Smith.

Paul Hickey (General Manager), John Truman (Director Civil Services Division), Matthew Wood (Director Planning and Environmental Health Division) and Sandra Bailey (Secretary) were in attendance.

Other Staff in Attendance – Craig Brown (Manager Community Facilities), Paul Tsikleas (Manager Commercial Services), Kylie Hardy (Coordinator Security - Airport), Linda Coulter (Manager Financial Services) and Caroline Klose (Manager Communications).

There were three people in the gallery at this time.

**1. Apologies**

Nil

**2. Declarations of Interest**

**Cr Nathan Willis** – declared an interest in Item 4.5 – Alstonville Preschool – Camphor Laurel Tree Management. (Nature of Interest: non significant, non pecuniary – he is a former Board member of the previous structure of the Alstonville Preschool). He will be remaining in the meeting while the matter is discussed and voting on the matter.

**Cr Sharon Cadwallader** – later in the meeting – declared an interest in Item 4.2 – Economic Development and Business Support. (Nature of Interest: non significant, non pecuniary – she is a tourism operator and a previous Manager of the Northern Rivers Business Chamber). She will be remaining in the meeting while the matter is discussed and voting on the matter.

**Cr Sharon Cadwallader** – later in the meeting – declared an interest in Item 4.11 – Water Pricing Structure. (Nature of Interest: pecuniary – she is the owner of a property affected by extra water charges for additional tenements). She will be departing the meeting while the matter is discussed.

**3. Deputations**

- **Jess Price-Purnell, Alstonville Community Preschool** - spoke in opposition to Item 4.5 – Alstonville Preschool – Camphor Laurel Tree Management.

Cr Sharon Cadwallader arrived at the meeting at 04:04 pm.

4. Committee Reports

4.5 Alstonville Preschool - Camphor Laurel Tree Management

**RECOMMENDATION**

(Cr Phillip Meehan/Cr Ben Smith)

That Council implement a pruning program of the camphor laurel tree to only remove branches that overhang the pool structure (the water), with the tree inspected by Council's Arborist on a regular basis.

FOR VOTE - All Councillors voted unanimously.

4.1 Ballina - Byron Gateway Airport - Long Term Financial Plan

**RECOMMENDATION**

(Cr Nathan Willis/Cr Keith Williams)

That the Committee move into Committee of the Whole.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader

AGAINST VOTE - Cr Phillip Meehan and Cr Ben Smith

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Sharon Parry)

That the Committee move out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

**RECOMMENDATION**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council approves the inclusion of the Long Term Financial Plan for the Ballina – Byron Gateway Airport, as per this report, in the draft 2019/20 to 2022/23 Delivery Program and Operational Plan.
2. That Council authorises the Mayor to make on-going representations to the State and Federal Governments in respect to the urgent need to secure funding for the runway widening project as per the Long Term Financial Plan.

FOR VOTE - All Councillors voted unanimously.

At this stage, Cr Sharon Cadwallader made the following declarations of interest:

**Cr Sharon Cadwallader** – declared an interest in Item 4.2 – Economic Development and Business Support. (Nature of Interest: non significant, non

pecuniary – she is a tourism operator and a previous Manager of the Northern Rivers Business Chamber). She will be remaining in the meeting while the matter is discussed and voting on the matter.

**Cr Sharon Cadwallader** – declared an interest in Item 4.11 – Water Pricing Structure. (Nature of Interest: pecuniary – she is the owner of a property affected by extra water charges for additional tenements). She will be departing the meeting while the matter is discussed.

**4.2 Economic Development and Business Support**

A **Motion** was moved by Cr Eoin Johnston and seconded by Cr Sharon Parry

1. That Council approves the inclusion in the draft 2019/20 Operational Plan an action to undertake a business community survey to help identify actions that Council can implement to support economic development and assist businesses in their operation and growth, with that survey to be developed in conjunction with the NSW Business Chamber and the local Chambers of Commerce, with a further survey to be conducted by research companies such as Micromex, with funds to be expended not in excess of \$10,000.
2. That Council notes the contents of this report in respect to the actions that support economic development and the business community.

The **Motion** was **LOST**.

FOR VOTE - Cr Sharon Parry, Cr Eoin Johnston, Cr Nathan Willis and Cr Keith Williams

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

1. That Council approves the inclusion in the draft 2019/20 Operational Plan an action to undertake a business community survey to help identify actions that Council can implement to support economic development and assist businesses in their operation and growth, with that survey to be developed in conjunction with the NSW Business Chamber and the local Chambers of Commerce.
2. That Council notes the contents of this report in respect to the actions that support economic development and the business community.

FOR VOTE - All Councillors voted unanimously.

**4.3 Rating Structure and Land Valuations - 2019/20**

**RECOMMENDATION**

(Cr Ben Smith/Cr Nathan Willis)

That Council receive a further report on an option to have the business and residential rates increased by the 5.9% approved special rate variation.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith  
AGAINST VOTE - Cr Phillip Meehan, Cr Jeff Johnson and Cr Sharon Cadwallader

**4.4 Street Lighting - LED Bulk Replacement Program**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Nathan Willis)

- 1) That Council accepts Essential Energy's revised offer for the bulk replacement of street lighting with LED fittings, in accordance with Option 2 as detailed in this report.
- 2) The capital cost of approximately \$722,844 is to be funded from an internal loan through a transfer from Water and / or Wastewater Reserves.
- 3) The 2019/20 draft Long Term Financial Plan is to be based on the internal loan, with the loan repayments funded through savings achieved in the annual street lighting budget.
- 4) That Council authorises the General Manager to accept an alternate fitting technology, if supported by Essential Energy, subject to the environmental and economic performance achieving similar outcomes to the fittings accepted at the October 2018 Ordinary meeting.

FOR VOTE - All Councillors voted unanimously.

4.6 **Alstonville and Ballina Swimming Pools - Operations Review**

**RECOMMENDATION**

(Cr Phillip Meehan/Cr Sharon Parry)

1. That Council confirms the Ballina swimming pool will close for the period 1 June to 30 June 2019 for essential maintenance with the pool to re-open for the period 1 July 2019 to 30 June 2020.
2. The preference of Council for the Ballina swimming pool is to be open all year round, subject to annual reviews of the performance of the facility, relative to attendance numbers and operating costs.
3. That Council confirms the Alstonville swimming pool is to remain open until 30 June 2019 and then close for the period 1 July 2019 to 30 July 2019 for essential maintenance and to help reduce operating costs. The pool is to re-open for the period 1 August to 30 June 2020.
4. The preference of Council for the Alstonville swimming pool is to monitor the performance of the swimming pool, particularly during the winter months, to allow Council to make an informed decision on the preferred season duration, based on attendance numbers and operating costs.
5. That Council approves the amendments to the 2018/19 operating budgets, as per Table 12 of this report.
6. That Council authorises the inclusion of the forecast 2019/20 operating budgets in the draft 2019/20 Operational Plan, as per Table 12 of this report.
7. That Council authorises the extension of both the Ballina and Alstonville pool contract managers' contract payments for the proposed extended operating periods, with Council confirming fresh tenders for these management contracts will be called during 2019/20 for the 2020/21 season onwards.
8. That Council approves the immediate exhibition of the draft fees and charges for 2019/20, as outlined in this report, with the fees to be reported back to Council at the May 2019 Ordinary meeting following public exhibition period, to allow implementation from 1 June 2019.
9. That the list of preferred works also consider:
  - 25 metre pool blind improvements that include the concept of a fixed barrier on the sides.
  - Alstonville Pool – ground to ceiling fixture to keep the loading bay separate from the pool area and to prevent southerly winds.

FOR VOTE - All Councillors voted unanimously.

**4.7 Alstonville Swimming Pool - Amenities Upgrade**

**RECOMMENDATION**

(Cr Ben Smith/Cr Sharon Parry)

1. That in respect to the upgrade of the Alstonville Swimming Pool amenities, Council confirms its preference is to allocate approximately \$400,000 in the 2020/21 financial year to undertake the improvements outlined within this report.
2. That Council receive a report to the April 2019 Finance Committee meeting outlining options to finance the \$400,000 required for the project.

FOR VOTE - All Councillors voted unanimously.

**4.8 Wastewater Operations - Long Term Financial Plan**

**RECOMMENDATION**

(Cr Nathan Willis/Cr Keith Williams)

That Council endorses the annual charges, as per the following table, as well as the long term financial plan, as per the attachments to this report, for the wastewater operations, for exhibition in the draft 2019/20 Operational Plan.

Charge Type	2018/19 \$	2019/20 \$	% Increase
Residential Availability Charge	975	1,001	2.7%
Vacant Land Charge	735	755	2.7%
Non Residential Usage Charge	2.47	2.54	2.8%
Non Residential Access Charge	Variable based on meter size		
Recycled Water	80% of potable water step 1		

FOR VOTE - All Councillors voted unanimously.

**4.9 Waste Operations - Long Term Financial Plan**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council endorses the inclusion of the LRM and DWM long term financial plans and draft fees and charges, as attached to this report, in the draft 2019/20 Delivery Program and Operational Plan for public exhibition.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan

**4.10 Water Operations - Long Term Financial Plan**

**RECOMMENDATION**

(Cr Eoin Johnston/Cr Keith Williams)

1. That Council endorses the long term financial plan, as per the attachments to this report, for the water operations.
2. That Council receive a briefing from Rous County Council on the following matters:
  - (a) forecast price increases (the need and reasons behind those) for bulk water
  - (b) future water strategy

FOR VOTE - All Councillors voted unanimously.

Cr Sharon Cadwallader declared an interest in Item 4.11 and left the meeting at 06:26 pm.

**4.11 Water Pricing Structure**

**RECOMMENDATION**

(Cr Nathan Willis/Cr Keith Williams)

1. That in respect to water access charges for 2019/20, Council confirms the implementation of the second phase of the access charge being applied in full to multi tenement properties.
2. The draft water access charges for the exhibition of the draft 2019/20 Operational Plan are to remain the same as the 2018/19 charges, to recognise that Council will generate additional income though the change in point one.
3. That for the exhibition of the draft 2019/20 Operational Plan, Council retain the existing consumption charging structure, based on a 50% premium to Step 1 for any consumption over 350 kilolitres per annum, based on a 2.7% increase.
4. That Council continue to monitor the balance of water income received from annual charges and consumption charges with the long term objective being to achieve 75% or more of the total income from these two sources from consumption charges, as per the State Government's best practice guidelines.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

**MEETING CLOSURE**

6.28 pm

**RECOMMENDATION**

That Council confirms the minutes of the Finance Committee meeting held 20 March 2019 and that the recommendations contained within the minutes be adopted.

**Attachment(s)**

Nil

## **14.1 Cr Sharon Parry - International Women's Day Lunch**

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### **14. Reports from Councillors on Attendance on Council's behalf**

#### **14.1 Cr Sharon Parry - International Women's Day Lunch**

**Councillor** Sharon Parry

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Cr Sharon Parry represented Council at the International Women's Day Lunch organized by the Ballina Chamber of Commerce, on Friday 8 March 2019.

The following is the speech delivered by Cr Parry at that function.

*On behalf of Ballina Shire Council, which is a sponsor of this event, I welcome you all to our celebration of International Women's Day: Balance for Better.*

*We have come a long way!*

*We need to celebrate our advancing equality as women, especially in the workforce. I doff my cap to you all, and especially our young women in year 12.*

*However, we all need to appreciate that there is a considerable distance to go.*

*We need to raise our daughters to be financially literate, technically literate and well aware of what they must do to support themselves emotionally and financially throughout their lives.*

*I'd like to begin by telling you a small part of my own story regarding this issue.*

*Twenty-five years ago I moved to Alstonville from Melbourne with my husband and three children. Another was to come. (!?!)*

*My 'bestie', Jennie, lives in Melbourne, and since we met in antenatal classes with our firstborns, she has been a godsend to me.*

*About sixteen years ago I went to Melbourne as I regularly am, staying with Jennie.*

*Two of her sons were studying to become chartered accountants, and one began to specialise in superannuation.*

*I remember it very clearly. Sitting at their kitchen bench late at night, Jennie, asked how much I had in superannuation. I told her I thought I had about \$50,000. She called her son. "Will, come down here a minute". She asked me about my income. She asked Will to make a projection over twenty years if I salary sacrificed certain amounts fortnightly above my employer contribution.*

*It didn't make much sense to me until Will explained how compound interest works. Interest on your equity, plus interest on the total amount plus interest annually over time. She urged me in the strongest terms to put half of my take-home salary into superannuation. I wondered how I could do this, but I decided I had to do it.*

*It was hard. We did cut back on many, many things. My husband followed suit not long afterwards as he saw my superannuation growing.*

*Thanks to Jennie and her son Will's advice, I am now a self-funded retiree. I was able to retire from work formally as soon as I turned 60, for health reasons, although I continue to work without pay because I love what I do (as an academic and researcher).*

*I am in the precious position where I am able to choose what I am able to do. Without Jennie's and Will's stern advice, I would be working well up to my seventies, which would, for me, be a nightmare.*

*I cannot forget how vulnerable financially I felt in the many years before that, but I do remember that there were many things we just didn't do because we couldn't afford it. But, in my heart, I knew my friend and her son were right. All these years later, I realise I was one of the lucky ones as my superannuation grew.*

*Jessica Irvine, writing yesterday in the Sydney Morning Herald about IWD, wrote that we must start by confronting the truth about how vulnerable we all are to financial disadvantage, but especially women, because the facts are indisputable. Women are paid less on average over their lifetimes than men and, consequently, are poorer in retirement.*

*The Workforce Gender Equality Agency (for 2017-18) reported that women still take home on average \$25,717 less than men for equivalent work. In fact, the pay gap favours men over women across all levels of the workforce, from clerical, administrative to executive positions.*

*Curiously, the financial sector has the highest gap at 30% difference between men and women, amounting to an average across the spread of wages earned of \$49,000 pa.*

*Emma Alberici, reporting for the ABC in (June 2018), stated that, since 1985, 55% more women than a decade previously had graduated from an Australian university. What has happened to those women?*

*According to Alberici (2018), at present, men run 97% of the ASX companies in the top 500 and 70% of seats in the Australian Parliament. Indeed, there are now many more men named 'Andrew' running the ASX top 200 than there are women.*

*Without affirmative action, the World Economic Forum (2018) reports that first-world countries won't see gender pay parity until 2055.*

*O’Gorman and Dawson (August 2018) report that, in Australia, the current gender pay gap means women earn, on average, \$245pw less than men. Over time, this pay gap gives rise to women retiring earlier than men yielding, on average \$113.000 less in superannuation.*

*When we women begin to have children, our last thought is about superannuation. That’s for when we’re old and mouldy! In our twenties and thirties, we can’t even imagine being 65!*

*However, across the work span, women have considerable time either out of the workforce as carers or in part-time work. Women are more likely than men to care for children and family members. Most women earn less, are less likely to be promoted to high-paying positions and are more likely than men to need to reduce employment hours due to family and caring responsibilities.*

*Further, O’Gorman and Dawson (2018) found that Australia has one of the highest rates of part-time work among women in the OECD. These inequalities contribute to lower superannuation rates for women. For the year of 2018 in Australia, they report that the median superannuation balance for women was \$28,000 compared with \$100,000 for men! Consider the spread of superannuation amounts achieved, and go to the very middle, not the average, to compare the difference.*

*The Australian Association of Gerontology (August 2018) found that there was a 31% increase among homeless women between 2011 and 2016.*

*This figure is not necessarily accurate, though, because a considerable number of persons who have no home are in categories not covered by the government definition of ‘homeless’: instead they are considered to be couch-surfing, living in cars (often with their children) and rotating beds with friends.*

*The Society’s 2018 report found that ‘older women in Australia are more likely to experience homelessness than men for the first time in their later life due to the socioeconomic landscape they inhabit. Their homelessness results from having little or no superannuation, confronting rent and utilities increases, eviction, loss of income, or death of a spouse.*

*The legal journal Probono News (august 2018) reported that this finding was highly consistent with their own research, finding that systematic factors such as lower superannuation, unequal pay and forced time out of the workforce, or in part-time work, due to family and caring responsibilities, led to an increase by 31% in the number of homeless women between 2011 and 2018.*

*I’d like to finish with a couple of quotes from a straw poll conducted very recently at a community morning tea:*

*"When I had my first child, I cashed in my super ... to buy a couch because we didn't have one. I've only ever worked in casual retail since then. I don't have any super and it has never been offered to me [working in cafes and retail services]."*

*"I'm really lucky because I work in the health industry and my super is good. My partner does a similar job to me, but his super is double mine. You see, I chose to have three children."*

*"I'm living on a small part pension, with the government pension, because my mother left me nearly \$20,000."*

*"I was married in the 1960s. Women weren't allowed to work after they married. I can't remember why.... I admit that I do struggle. I live from fortnight to fortnight. If the stove goes, or the fridge, I just hope for the best and that something eventually will come along."*

*I began my talk today by saying how very fortunate I have been in terms of building a reasonable superannuation. I am extremely fortunate. Thank you, my dear friend Jennie!*

*However, too many of us have not been fortunate, and it is a problem in our society because women are not encouraged to take up Science, Engineering, Technology and Mathematics (STEM) subjects, or to learn programming, and therefore to be responsible for their own futures.*

*We all need to step up to support our older women, but we must step up to support also our younger women, who need to be able to support themselves throughout their work spans and their lifetimes.*

*We need the financial skills to protect ourselves, and so do our daughters and granddaughters.*

*On behalf of Ballina Shire Council, Welcome to this celebration of women's achievements and please enjoy the day.*

*Thank you for listening.*

## **RECOMMENDATION**

That Council notes the contents of the report from Cr Parry on her attendance at the 2019 International Women's Day Lunch on 8 March 2019.

## **Attachment(s)**

Nil

## 14.2 Mayoral Meetings

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### 14.2 Mayoral Meetings

**Councillor** David Wright

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Activities I have attended, or propose to attend, as at the time of writing this report, since the February 2019 Ordinary meeting are as follows:

<u>Date</u>	<u>Function</u>
26/2/19	Meeting – Mary O’Brien – Day Care Club – Parking
26/2/19	Meeting - Shark Book Journalist
27/2/19	Meeting – Bill Knoble – Intrapac
1/3/19	Meeting – Premier at Airport
1/3/19	Hampton Park Parking Announcement – Cherry St Sports
3/3/19	Commemoration Park Markets
4/3/19	Meeting – DPI and Indonesian Delegation
5/3/19	Charles Sturt University - Research - Associate Professor
5/3/19	Preliminary Review of Applications – Director
5/3/19	Phone Meeting – Regional Capitals Australia
5/3/19	Alstonville/Wollongbar Networking Meeting
7/3/19	Opening – Ballina Coast High School, BISC Stakeholder’s Meeting
8/3/19	CSPC Meeting – Lismore Meeting - John Thurgar – Bravery Association
8/3/19	Meeting – Chris Burrows – Ballina Community Liaison Group
9/3/19	Lions 2019 Youth of the Year – Regional Final
10/3/19	Lennox Head Markets, Commemoration Park Markets
11/3/19	Meeting – Dean – Out of the Blue Adventures
11/3/19	Meeting – Bill Coulter and Ardill Payne
11/3/19	Meeting Col Lee and Others – White Ribbon Day
11/3/19	Commercial Services Committee, Briefing – Australia Day Resolution
12/3/19	St Vincent de Paul - DA Approval Function Harmony House
12/3/19	Memorial Service – Raz Burtonwood – Seagulls, ‘A’ Ward Committee
13/3/19	Workshop for Staying Safe on the Road – Over 65
13/3/19	Meeting Alstonville Agricultural Society, Cr Briefing – Class Action JLT
14/3/19	‘C’ Ward Committee
14/3/19	Announcement – Kingsford Smith Upgrade, Gallery Opening
15/3/19	Meeting Jali – Mik Smith and Troy Anderson
17/3/19	Commemoration Park Markets, Ballina Markets
18/3/19	‘B’ Ward Committee
19/3/19	Meeting – Jeff Spencer – West End Hall, Public Art Advisory Committee
20/3/19	Finance Committee
21/3/19	Ballina Hospital Auxilliary – Zone day 9.30
21/3/19	Community Information Session – Floodgate Management
22/3/19	‘The Business of Producing – Seminar
23/3/19	18 <sup>th</sup> Annual High Tea – Quota – Summerland House
25/3/19	Southern Qld Delegates Rally – Alstonville Showgrounds
26/3/19	Alstonville Bowl/Sports Club – re Rates
28/3/19	Council Meeting, Reserve Trust Meeting
30/3/19	Scope Annual Cent Auction – Jockey Club

### **RECOMMENDATION**

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

### **Attachment(s)**

Nil

**15. Confidential Session**

In accordance with Section 9 (2A) of the Local Government Act 1993, the General Manager is of the opinion that the matters included in the Confidential Business Paper, and detailed below are likely to be considered when the meeting is closed to the public.

Section 10A(4) of the Local Government Act, 1993 provides that members of the public are allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

A brief summary of each of the reports recommended for consideration in confidential session follows:

15.1 Land Acquisition - Healthy Waterways Program

Refer to Item 8.1 of this agenda.

**RECOMMENDATION**

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

**15.1 Land Acquisition - Healthy Waterways Program**

**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 the release of that information may adversely influence the market for the proposed land acquisition.