



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 April 2016 commencing at 9.00 am.**

Business

1. Australian National Anthem
2. Acknowledgement of Country
3. Apologies
4. Confirmation of Minutes
5. Declarations of Interest and Reportable Political Donations
6. Deputations
7. Mayoral Minutes
8. Development and Environmental Health Group Reports
9. Strategic and Community Facilities Group Reports
10. General Manager's Group Reports
11. Civil Services Group Reports
12. Public Question Time
13. Notices of Motion
14. Advisory Committee Minutes
15. Reports from Councillors on Attendance on Council's behalf
16. Questions Without Notice
17. Confidential Session

Paul Hickey
General Manager

A morning tea break is taken at 10.30 a.m. and a lunch break taken at 1.00 p.m.

Deputations to Council – Guidelines

Deputations by members of the public may be made at Council meetings on matters included in the business paper. Deputations are limited to one speaker in the affirmative and one speaker in opposition. Requests to speak must be lodged in writing or by phone with the General Manager by noon on the day preceding the meeting. Deputations are given five minutes to address Council.

Any documents tabled or given to Councillors during the meeting become Council documents and access may be given to members of the public in accordance with the requirements of the Government Information (Public Access) Act 2009.

The use of powerpoint presentations and overhead projectors is permitted as part of the deputation, provided that the speaker has made prior arrangements with the General Manager's Office at the time of booking their deputation. The setup time for equipment is to be included in the total time of five minutes allocated for the deputation.

Public Question Time – Guidelines

A public question time has been set aside during the Ordinary Meetings of the Council. Public Question Time is held at 12.45 pm but may be held earlier if the meeting does not extend to 12.45 pm.

The period for the public question time is set at a maximum of 15 minutes.

Questions are to be addressed to the Chairperson. The period is set aside for questions not statements.

Questions may be on any topic, not restricted to matters on the agenda for the subject meeting.

The Chairperson will manage the questions from the gallery to give each person with a question, a "turn". People with multiple questions will be able to ask just one before other persons with a question will be invited to ask and so on until single questions are all asked and, time permitting, the multiple questions can then be invited and considered.

Recording of the questions will not be verbatim.

The standard rules of behaviour in the Chamber will apply.

Questions may be asked from any position in the public gallery.

Table of Contents

1.	Australian National Anthem	1
2.	Acknowledgement of Country	1
3.	Apologies.....	1
4.	Confirmation of Minutes.....	1
5.	Declarations of Interest and Reportable Political Donations.....	1
6.	Deputations	1
7.	Mayoral Minutes	2
7.1	Mayoral Minute - Lake Ainsworth South Eastern Precinct	2
8.	Development and Environmental Health Group Reports.....	3
8.1	Extraction Rates for Quarries - Haulage Contributions	3
8.2	Policy (Review) - Vehicle Signs	9
8.3	Development Consent and Infrastructure Approvals - March 2016	11
8.4	Development Applications - Works in Progress - April 2016	13
9.	Strategic and Community Facilities Group Reports.....	19
9.1	Planning Proposal - Stoneyhurst Drive, Lennox Head	19
9.2	Planning Proposal - General Mapping Amendments	28
9.3	Local Environmental Plan - Environmental Protection Zones	35
9.4	Strategic Plan - Alstonville and Wollongbar	44
9.5	Ballina Twilight and Alstonville Farmers Markets	48
9.6	Commercial Use of Public Land Adjoining Commercial Premises	52
10.	General Manager's Group Reports	55
10.1	Use of Council Seal	55
10.2	Investment Summary - March 2016	56
10.3	151 River Street - Leasing Proposal	62
10.4	Policy (Review) - Investments Policy	63
10.5	Tender - Management of Flat Rock Tent Park	65
10.6	Capital Expenditure Program - 31 March 2016 Review	68
10.7	Delivery Program and Operational Plan - 31 March 2016 Review	73
11.	Civil Services Group Reports.....	77
11.1	Road Closing - Brighton Street (Bonview Street and The Serpentine)	77
11.2	Policy (Review) - Water Metering	80
12.	Public Question Time.....	83
13.	Notices of Motion.....	84
13.1	Rescission Motion - Lake Ainsworth South Eastern Precinct	84
13.2	Rescission Motion - Wollongbar Skate Park	87
13.3	Notice of Motion - Wicked Campers	90
13.4	Notice of Motion - Gasfield Free Northern Rivers	91
13.5	Notice of Motion - Ferry Operational Matters	93
14.	Advisory Committee Minutes	95
14.1	Finance Committee Minutes - 12 April 2016	95

14.2	Commercial Services Committee Minutes - 20 April 2016	107
15.	Reports from Councillors on Attendance on Council's behalf	112
15.1	Mayoral Meetings	112
16.	Questions Without Notice	114
17.	Confidential Session	115
17.1	151 River Street - Leasing Terms	115

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

The National Anthem will be performed by Sing Australia.

2. Acknowledgement of Country

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

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

3. Apologies

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 March 2016 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 March 2016.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7.1 Mayoral Minute - Lake Ainsworth South Eastern Precinct

7. Mayoral Minutes

7.1 Mayoral Minute - Lake Ainsworth South Eastern Precinct

Councillor David Wright

In regards to the Lake Ainsworth South Eastern Precinct Upgrade Plan, I move the following:

That the General Manager submit a report to Council for consideration in regards to the options to include in Stage One of the Lake Ainsworth South Eastern Precinct upgrade a portion of the works proposed for the southern foreshore road so that an additional twenty formal car parks are created in the initial outcomes for this project.

Mayoral Comment

To create a safe and active open space area, the approved concept plan deletes a number of car parks that are adjacent to the existing surf club. I have received feedback from a number of residents concerned about parking in this area, including the need to provide disabled parking and longer length car parks to accommodate surf school trailers and other long vehicles that currently use this site.

By including a portion of the southern foreshore road in the first stage, I believe this will assist the community to adapt to the changes proposed by Council and help to address the feedback from the community in regards to car parking.

Staff are currently completing the detail design for this project which includes refining the cost estimates. The purpose of this motion is to request staff to include cost information in respect of the southern foreshore road in the design and reporting so that Council can assess and determine priorities for the works to be included in stage one for the available funds.

RECOMMENDATION

That the General Manager submit a report to Council for consideration in regards to the options to include in Stage One of the Lake Ainsworth South Eastern Precinct upgrade a proportion of the scope of works proposed for the southern foreshore road so that an additional twenty formal car parks are created in the initial outcomes for this project.

Attachment(s)

Nil

8.1 Extraction Rates for Quarries - Haulage Contributions

8. Development and Environmental Health Group Reports

8.1 Extraction Rates for Quarries - Haulage Contributions

Delivery Program Development Services

Objective To provide a response to a question raised by the Council in relation to the extraction rates for quarries and the methods of calculation for haulage rates.

Background

At the December 2014 Council meeting, a Question was raised in relation to the extraction rates for operational quarries within the Ballina Shire seeking to clarify the methods utilised for calculating Section 94 Heavy Vehicle Haulage Contributions. This report is provided in response to this question.

Key Issues

- Extraction Rates for operational quarries
- Calculation of Section 94 Heavy Vehicle Haulage Contributions

Information

Council records indicate that quarrying has taken place in rural areas across Ballina Shire since before the introduction of formal planning requirements. Other than the three major hard rock quarries, these quarry operations have been conducted on a relatively small scale and were largely operated intermittently as the resource was required.

By and large, these existing quarries continued to operate without any formal development consent being sought from Council until 1993, when the (then) State Government implemented *State Environmental Planning Policy Number 37 – Continued Mines and Extractive Industries* (SEPP 37). SEPP 37 required that existing quarries register with the local council indicating an intention to formally seek development consent to continue quarrying operations and to obtain development consent within a two year period.

There are currently 12 approved quarries operating within the Ballina Shire. These quarries are:

1. DA 1995/260 – known as “Pick’s Sandpit”, Newrybar Swamp Road, Lennox Head
2. DA 1995/259 – known as “McGeary’s Sandpit”, Newrybar Swamp Road, Lennox Head
3. DA 2013/162 – known as “Ballina Sands” Quarry, Newrybar Swamp Road, Lennox Head
4. DA 1995/292 – known as “Boral Quarry”, North Teven Road, Teven
5. DA 1995/263 – known as “Fox’s Quarry”, Teven Road, Teven

8.1 Extraction Rates for Quarries - Haulage Contributions

6. DA 2008/619 – known as “South Ballina Sand Quarry”, South Ballina Beach Road, South Ballina
7. DA 1995/274 – known as “Stoker’s Quarry”, Gap Road, Alstonville
8. DA 1995/276 – known as “Gap Road Quarry” or “Tuckombil Quarry”, Gap Road, Alstonville
9. DA 1996/29 – known as “Eaton’s Quarry”, Old Bagotville Road, Wardell
10. DA 1996/30 – known as “Monti’s Quarry” , Old Bagotville Road, Wardell
11. DA 2006/718 – known as “New Monti’s Quarry”, Old Bagotville Road, Wardell
12. DA 2008/377 – known as the Westbridge Lane Quarry, Westbridge Lane, Uralba.

There are other quarries within Ballina Shire that have either:

- (a) Ceased operating as a quarry due to extraction limits or time restrictions being met; or
- (b) Have been approved as an operational quarry, however extraction has not commenced at this time.

Of the current operational quarries, only three quarries, numbers three (Ballina Sands Quarry), Four (Boral Quarry) and Five (Fox’s Quarry) have operating weighbridges to record the amount of material removed from the quarry. The remaining quarries rely on weighing scales attached to the machinery buckets of the equipment within the quarry itself.

The returns that are submitted by the quarry operators to Council are currently accepted in good faith as there is no practical means to review these returns.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
Quarries provide a valuable economic resource to the community.

Legal / Resource / Financial Implications

An audit of claims submitted to Council that commenced in 2009 was able to recoup significant unpaid Section 94 monies due to returns not being submitted. Systems are now in place to ensure that contributions are continually monitored on a quarterly basis.

There always remains the risk of understatements of amounts of materials extracted and transported on Council roads, which would result in a loss of road maintenance funding for Council. Currently there are no specialised methods utilised by the Council to address this situation.

8.1 Extraction Rates for Quarries - Haulage Contributions

Consultation

Brief discussions have been held with the NSW Department of Primary Industries in relation to the use of drone technology to audit quarries.

Options

There are three options currently available to Council to increase auditing for quarries and heavy vehicle haulage contributions for the use of Council's road network.

Option 1: Use of drone technology

Currently, Council does not have the technology to conduct aerial inspections utilising drone technology, however Council may resolve to seek this capability for the auditing of quarrying operations with Ballina Shire. Sourcing and training in the use of such technology is expensive and needs to be considered as part of the review of all available options.

Photogrammetry using aerial photography is a well-established method of pit mapping and stockpile volume measurement. Council would need to look at sourcing dedicated three dimensional mapping software as well as the appropriate computing power to enable the operation of this software to produce the calculations of the extracted materials.

Council would also need to investigate the appropriate type of drone as well as operator training and a commercial flying licence through the Civil Aviation Safety Authority ("CASA"). CASA and the international aviation regulator (ICAO) refers to drones as remotely piloted aircraft. This term emphasises that there is a human controlling and overseeing the aircraft, even if that person remains on the ground.

Remotely piloted aircraft come in various shapes and sizes, from those the size of a 737 aircraft to some that will fit in the palm of your hand. They can be used for such purposes as firefighting, search and rescue, disaster relief, border patrol, weather monitoring, hurricane tracking, law enforcement as well as auditing purposes.

Advice received from the NSW Department of Primary Industries (DPI) indicates that the total cost to that Department to set up an aerial mapping and auditing program for operating quarries within New South Wales was in the vicinity of \$60,000-00. These costs are approximate and are made up of:

CASA Licence:	\$3,000
Training:	\$5,000
Software:	\$35,000
Drone:	\$12,000
Incidental Costs:	\$5,000
Total:	\$60,000

8.1 Extraction Rates for Quarries - Haulage Contributions

There is a substantial difference in the quality of drones that are available for use. The DPI has investigated the use of drone technology as part of the implementation of their auditing of operational quarries programme and this identified a remotely piloted vehicle, which utilises pre-programmed GPS coordinates for the operation of the vehicle. This drone allows for a “grid pattern” flyover of a quarry to be programmed into the drone within an office environment prior to launch of the vehicle on site and includes the flyover pattern and the take-off and landing location as well as maintaining a stable height to increase the accuracy of any mapping detail obtained.

The NSW DPI is utilising a three dimensional mapping programme which permits the auditing of all quarries within New South Wales. Council has been advised that this programme includes the ability to map sand extraction quarries where the working extraction face of the quarry itself is below water. This underwater aerial surveying can penetrate water to a depth of up to 10 metres, however this would be dependent on the turbidity of the water within the quarry itself.

If this option was the preferred option, Council would need to obtain more detailed specifications to ensure that both the purchase and ongoing costs associated with this technology were within the public interest given the small number of quarries operating in the Shire.

Further, Council could investigate the formation of an internal business unit with a view to contracting out these services to adjoining Councils and other government departments within the Northern Rivers area if it thought that there would be a substantial demand for developing this capability. This may be of interest to NOROC as a resource sharing project.

Option 2: Contracting commercial companies to provide drone technology services to Ballina Shire council

As outlined in Option 1 above, Council does not have the capability to currently provide aerial three dimensional imaging of quarries within the Ballina Shire for auditing purposes. There are companies within both New South Wales and South East Queensland, who do possess this level of technology and these services could be contracted.

Depending on the range and scale of operations that the Council identified it wanted to be serviced by an external contractor the engagement may need to be by way of a competitive tender process. The DPI has advised that the majority of companies which provide this type of service are based within the major metropolitan or larger regional centres and any contracted service would likely incur the costs of travel time to and from the quarries to the company’s base of operations as well as the mapping services themselves.

If this option was the preferred option, Council may also wish to seek advice from all its operational areas to ascertain what other three dimensional mapping requirements exist within Ballina Shire in order to ensure that all its requirements for three dimensional mapping were include in any engagement contracts. Other needs may include mapping of Significant Urban Bushland, Council Reserves, identified future road corridors, Waste Recovery Centres, illegal dumping sites and the like.

8.1 Extraction Rates for Quarries - Haulage Contributions

Option 3: Updating of development consents to require use of drone technology

As outlined above, there are currently 12 approved quarries currently operating within the Ballina Shire. The majority of these operational quarries were approved back in the mid 1990's and most development consents are approaching their expiry dates within the next few years as quarry approvals have been granted with both a maximum extraction amount and a life (in years) of the quarry, whichever occurs first.

Significantly, most operational quarries are not approaching the maximum extraction amounts outlined in the development consents. However, the conditions permitting quarrying activities in years will be reached within the next three to five years.

Given the requirement for Environmental Impact Statements and the like to be prepared prior to the lodging of a development application for continued quarrying activities, it is expected that applications will shortly start to be prepared for lodgement with Council.

Council is advised of a quarry, known as the "Pennisi Quarry", which was approved by the Land and Environment Court on 21 July 2009. This quarry has recently commenced extractive operations and compliance with the development consent is under review at this time. Council is advised that contained within this Court issued approval are conditions 6.6 and 6.7, which state:

- 6.6 *The quarry operator is to provide to Council on an annual basis (commencing from January 2010) with a quantitative / volumetric survey conducted by an registered certified practicing surveyor indicating both the volume of material extracted from the quarry site over the preceding twelve month period and the total volume of materials extracted from the site since quarrying operations commenced. The cost of these surveys is to be met by the quarry operator.*
- 6.7 *The quarry operator agrees to allow Council the right to validate the findings of the surveyor's submitted report by independent survey.*

These conditions were sought by Council as part of the Court Approval process to ensure that Council was paid the correct contributions for heavy vehicle haulage on Shire roads.

Council could seek to impose similar conditions on any or all future development consents issued for quarrying operations within the Ballina Shire.

If this option was preferred, this would be the most cost effective option and the wording could be reviewed to require any survey provided in line with the above conditions to be by three dimensional mapping.

RECOMMENDATIONS

1. That Council notes the contents of this report in respect to the extraction rates for quarries.
2. That Council confirms its preferred audit option for the management of extraction rates is as per option three of this report, which imposes a consent condition that requires an annual quantitative / volumetric survey conducted by a registered certified practicing surveyor, or similar.

Attachment(s)

Nil

8.2 Policy (Review) - Vehicle Signs

8.2 Policy (Review) - Vehicle Signs

Delivery Program Environmental and Public Health

Objective To review the Vehicle Signs Policy.

Background

All of Council's existing policies are progressively being reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Vehicle Signage policy as attached to this report.

Council first adopted this Policy on 26 June 2005.

Key Issues

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

Information

This review of the Policy has identified that the Policy is no longer required as it only currently relates to two vehicles in the Shire being owned by Ballina Manor and Ballina Travellers Lodge Motel. These two vehicles do not hold a current approval under the existing Policy.

Since the adoption of this Policy the Tourist Attraction Signposting Assessment Committee (TASAC) has approved a tourist sign directing people to the Ballina Manor that has been installed on the corner of River Street and Norton Street.

Suitable directional signage is available for the Ballina Manor and their unregistered and unapproved vintage vehicle located in River Street opposite the Memorial Swimming Pool is no longer warranted.

The Ballina Travellers Lodge Motel vehicle is a registered vehicle and is located in River Street opposite the Ballina Court House. This vehicle is parked in a very busy area immediately adjacent the central business district.

This is now considered not to be a suitable location as the vehicle takes up prime parking spaces for local residents, visitors and business operators, and is continually parked in front of residences detracting from the amenity.

Additionally, complaints have been received by members of the public regarding these vehicles and their inappropriate locations contending that they create a safety issue and are unsightly due to deterioration.

There are many options now available to provide a successful promotional mix for businesses and the Visitors Information Centre may assist the subject accommodation providers in identifying opportunities.

8.2 Policy (Review) - Vehicle Signs

It would appear to be unreasonable to permit the continued practice to display advertising signage on vehicles creating an amenity issue and providing an unfair advantage that is not offered to other accommodation providers and business sectors.

Sustainability Considerations

- **Environment**
Appropriate policy and management practice for public land supports the local environment.
- **Social**
The removal of the policy will assist in ensuring the value and amenity of public spaces is preserved.
- **Economic**
The removal of the policy will provide a consistent approach to business notification opportunities in the Shire.

Legal / Resource / Financial Implications

There are no specific legal, resource, or financial implications associated with this report

Consultation

The anticipated impact of revocation of the policy is minor, as it relates to two currently unapproved vehicles and it is recommended that Council resolve to revoke the policy, and advise current unapproved vehicle owners that they have 21 days to remove their vehicles. If any submissions are received that are considered significant they will be reported back to Council for its assessment.

Options

1. Council can revoke the policy as it is no longer considered to be suitable for its original intended use.
2. Council can review and amend the current policy to make it more contemporary and to meet current needs, and place it on exhibition for public comment. If any submissions are received that are considered significant they would be reported back to Council. If no significant submissions are received then the policy can be adopted and no further action is required.

RECOMMENDATION

That due to the limited take-up, along with opportunities for alternative methods of advertising, Council approves the revocation of the Vehicle Signs Policy, and advises the relevant vehicle sign owners accordingly.

Attachment(s)

1. Policy (Review) Vehicle Signs

8.3 Development Consent and Infrastructure Approvals - March 2016

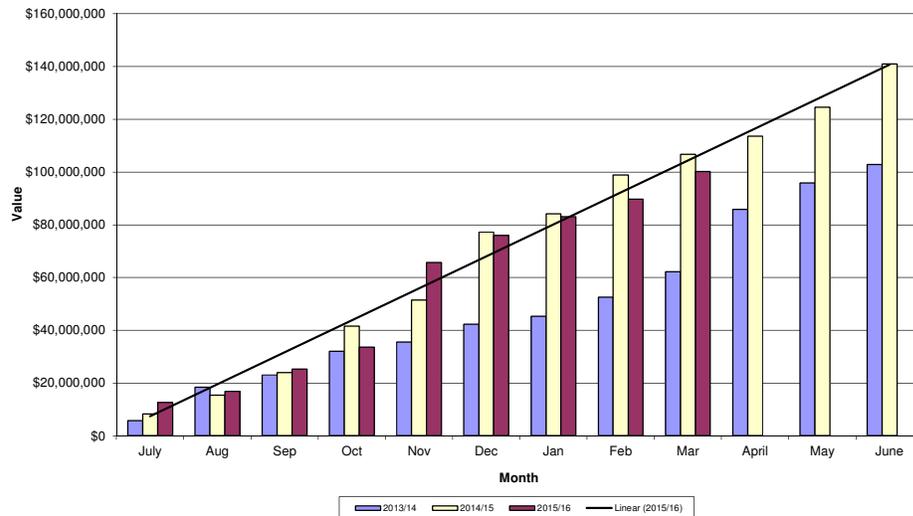
8.3 Development Consent and Infrastructure Approvals - March 2016

During the period of 1 March 2016 to 31 March 2016 the Development and Environmental Health Group issued Development Consents comprising of:

Number of Applications	Value of Work
31 Other Building Related	\$ 1,323,500
21 Dwelling/Duplexes/Residential Flat Buildings	\$ 5,515,000
3 General Developments	\$ 1,220,000
Total Value	\$ 8,058,500

The following chart details the cumulative consent figures for 2015/16 as compared to 2014/15 and 2013/14.

Cumulative Development Approval Values



During the period of 1 March 2016 to 31 March 2016 the Development and Environmental Health Group issued Public Infrastructure / Civil Construction Works comprising of:

Number of Applications	Value of Work
1 Public Infrastructure / Civil Construction (Airport Taxiway & Apron)	\$ 2,500,000
Total Value	\$ 2,500,000

RECOMMENDATION

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 March 2016 to 31 March 2016.

Attachment(s)

Nil

8.4 Development Applications - Works in Progress - April 2016

8.4 Development Applications - Works in Progress - April 2016

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

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

DA No.	Date Rec'd	Applicant	Proposal	Status
2015/403	7/8/2015	Newton Denny Chapelle	Shopping Centre including Woolworths Supermarket and Specialty Shops, Ballina Heights – Ballina Heights Drive & Euroka Street, Cumbalum	Awaiting Additional Information
2015/468	2/9/2015	Ardill Payne & Partners	Residential Subdivision to create 179 residential lots and two residue lots and associated infrastructure works – Lot 389 DP 1199596 & Lot 409 DP 1202454, Unara Parkway & Deadmans Creek Road, Cumbalum	Being Assessed
2015/599	26/10/2015	CivilTech Consulting Engineers	Eight Lot Industrial Subdivision, Vegetation Clearing and Associated Works - 54 North Creek Road, Ballina	Awaiting Additional Information
2015/645	18/11/2015	Ballina Shire Council	Erection of Ballina Lighthouse and Lismore SLSC Storage Building and Associated Uses - Compton Drive, East Ballina	Awaiting Additional Information

8.4 Development Applications - Works in Progress - April 2016

DA No.	Date Rec'd	Applicant	Proposal	Status
2015/652	20/11/2015	Ballina Assembly of God	Business Identification Signage – 12 De-Havilland Crescent, Ballina	Awaiting Additional Information
2015/694	15/12/2015	Ardill Payne & Partners	Extension to Existing Car Park - 105 Smith Drive, West Ballina	Being Assessed
2015/713	24/12/2015	CivilTech Consulting Engineers	Integrated Subdivision Creating Four Lots 1 x 420sqm, 1 x 434sqm, 1 x 438sqm and 1 x 452sqm and Erection of a Two Storey Dwelling House upon Three of the Proposed Lots and Associated Works Including Demolition - 17-19 Byron Street, Lennox Head	Determination Pending
2016/25	25/01/2016	Retail Fuel Developments	Demolition of Existing Buildings and construction of Service Station and Ancillary Kiosk – 323 River Street, Ballina	Awaiting Additional Information
2016/36	02/02/2016	Ardill Payne & Partners	Place of Assembly – Wedding Ceremonies – 442 Hinterland Way, Knockrow	Awaiting Additional Information
2016/45	8/02/2016	AGS Commercial Pty Ltd	To undertake the erection of an industrial building containing two units – 29 Piper Drive, Ballina	Awaiting Additional Information

8.4 Development Applications - Works in Progress - April 2016

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/93	29/02/2016	Planners North	To change the layout and built form of the approved highway service centre (DA 2010/962) and associated civil infrastructure.- 565-589 River Street, West Ballina	On Exhibition
2016/104	4/3/2015	Wayne Millar	Earthworks comprising reshaping and filling of land – 4 Page Court, Lennox Head	Awaiting Additional Information
2016/117	16/03/2016	Boral Resources (Country) P/L	Demolition of Concrete Batching Plant - 2-4 Northcott Crescent, Alstonville	Being Assessed
2016/122	17/03/2016	Newton Denny Chapelle	Proposed Rural Industry - 226 Hinterland Way, Knockrow	Being Assessed
2016/123	17/03/2016	B & P Surveys	Boundary adjustment subdivision of three existing lots to create 1 x 48ha, 1 x 33ha and 1 x 18 ha allotments – Lot 265 DP 1212348, Lot 1 DP 1184436 & Lot 1 DP 184117, The Coast Road, Lennox Head	On Exhibition

8.4 Development Applications - Works in Progress - April 2016

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/124	18/03/2016	Anstey Homes P/L	Demolition of Existing Buildings and the Erection and Strata Title Subdivision of a Multi Dwelling Housing Development Comprising Three x Two Storey Dwellings and Associated Works – 71 Stewart Street, Lennox Head	On Exhibition
2016/133	23/03/2016	Elton Consulting	Change of Use to Public Entertainment Building and Signage – 26 Boeing Avenue, Ballina	Being Assessed
2016/140	30/03/2016	GM Project Development & Management	Erection of New Dwelling House and Conversion of Existing Residence to Farm Stay Accommodation and Associated Works – 47 Ellis Road, Alstonville	On Exhibition
2016/147	01/04/2016	Planners North	To establish a tourist and visitor accommodation facility comprising a single one bedroom cabin – Lot 2 DP 244148	On Exhibition

8.4 Development Applications - Works in Progress - April 2016

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/148	01/04/2016	Planners North	Mixed Use Development Comprising the Erection and Strata Title Subdivision of a Two Storey Commercial Premises and Three x Two Storey Dwellings and Associated Works – 61 Ballina Street, Lennox Head	On Exhibition
2016/161	08/04/2016	Ardill Payne & Partners	To establish a tourist and visitor accommodation facility comprising five tourist cabins, laundry room and associated works. - 14 Boormans Road, Newrybar	On Exhibition

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2015/203	22/04/2015	Ardill Payne & Partners	To Undertake the Establishment of a Waste Management Facility comprising of a Waste Transfer Station capable of the temporary storage of up to 100,000 litres and Associated Works – 540 Pimlico Road, Pimlico	To be reported for determination to the JRPP Meeting in April

8.4 Development Applications - Works in Progress - April 2016

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/2	4/01/2016	21 st Century Builders Pty Ltd	To undertake the first stage of the urban subdivision of the new Cumbalum Urban Release Area – Precinct B comprising a total of 191 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, Tintenbar	Awaiting Additional Information

Major Development (Determined by Minister)

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

RECOMMENDATION

That Council notes the contents of the report on the status of outstanding development applications for April 2016.

Attachment(s)

Nil

9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head

9. Strategic and Community Facilities Group Reports

9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head

Delivery Program Strategic Planning

Objective To present the Council with a proposal to amend the Ballina Local Environmental Plan 2012 to rezone land for residential purposes in Stoneyhurst Drive Lennox Head and to seek direction on the submission of a planning proposal for Gateway determination.

Background

Council has received an LEP amendment request relating to land in Stoneyhurst Drive, Lennox Head. The proponents are seeking an LEP amendment that would facilitate residential zoning and further subdivision of the land through changes to the land use zoning and minimum lot size provisions of the Ballina Local Environmental Plan 2012. The subject land is currently zoned partly RU1 Primary Production and partly RU2 Rural Landscape.

The land is located on the existing edge of the urban area of Lennox Head, adjacent to North Creek Road and the Meadows Estate. The site is also surrounded by Lennox Head's main greenfield residential growth areas (the Epiq development site and Reservoir Hill). Following the development of these adjacent lands, the subject land will be located wholly within the urban area of Lennox Head.

The Stoneyhurst Drive precinct is identified in Council's Ballina Shire Growth Management Strategy (2012) and Ballina Local Environmental Plan 2012 as a Strategic Urban Growth Area. It is also identified as a potential infill development area in the Lennox Head Structure Plan 2004 (Candidate Release Area J).

A submission from some of the landholders in the area was made in 2010 in relation to the rezoning of the land during the public exhibition processes associated with the drafting of the Ballina Local Environmental Plan 2012. In consideration of this matter, in May 2011, the Council resolved to invite the subject landholders to progress the matter through the planning proposal process. Landholders were advised at the time that progress of the matter, through reporting to the elected Council, would require support for the proposal from a majority of landholders within the precinct.

The LEP amendment request now before Council has been prepared by Newton Denny Chapelle on behalf of seven of the eleven landholders within the precinct. A copy of the proponents' request is provided in Attachment One to this report. It is important to note that whilst the majority of landholders within the precinct support the proposal, several landholders are not a party to the request.

9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head

In light of the proposal's general consistency with the state and local planning context, a planning proposal has been prepared and forms Attachment Two to this report, for Council's consideration. The planning proposal has been drafted on the basis of the proposal applying to all land within the precinct on the principle that an integrated rezoning provides for the optimal planning outcome.

This report provides an overview of the LEP amendment request and seeks the Council's direction on progress of the matter.

Key Issues

- Urban growth management.
- Urban suitability investigations.
- Landholder engagement.

Information

The Subject Land

The Stoneyhurst Drive precinct covers an area of approximately 7.5 hectares (excluding road reserves), comprising eleven separate rural residential allotments ranging in size from 2,023m² to 11,602m². An existing dwelling house is erected on each lot and several lots also contain associated outbuildings. Each lot is under separate ownership under freehold title.

Property details for the eleven land parcels within the precinct are provided in the table below, along with an indication of which landholders are specifically party to the LEP amendment request.

Lot and DP	Street Address	Land Area (m ²)	Ownership	Landholder Participating in this LEP Amendment Request (Yes/ No)
Lot 2 DP 259704	11 Stoneyhurst Drive	8,060	M. O'Reilly	Yes
Lot 5 DP 259704	12 Stoneyhurst Drive	7,640	N. Mackay	Yes
Lot 3 DP 259704	13 Stoneyhurst Drive	6,542	R & E Dowling	Yes
Lot 4 DP 259704	17 Stoneyhurst Drive	6,716	R Brearley	No
Lot 6 DP 259704	20 Stoneyhurst Drive	7,494	S & R Hudson	Yes
Lot 7 DP 259704	28 Stoneyhurst Drive	7,023	L. Fuchs	Yes
Lot 8 DP 259704	34 Stoneyhurst Drive	6,758	D & M Baker	No
Lot 9 DP 259704	38 Stoneyhurst Drive	6,988	S & S Fletcher	Yes
Lot 10 DP 542783	9 Henderson Lane	11,602	M. Taylor	Yes
Lot 1 DP 323386	82 North Creek Road	2,023	S & M Alexander	No
Lot 4 DP 244488	84 North Creek Road	4,041	C Cooney	No
Total Land Area (m²)		74,887		
Total Land Area (hectares)		7.49		

9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head

The LEP amendment request to rezone the land is made on behalf of seven of the eleven landholders within the precinct. Maps showing the location of the above lots are provided in the LEP amendment request provided in Attachment One.

Strategic Planning Context

As outlined below, the Stoneyhurst Drive Precinct (comprising the eleven lots the subject of this report) is identified in the strategic planning framework applicable to Ballina Shire as a potential future urban development area, subject to land suitability investigations to be undertaken through the planning proposal process.

The Stoneyhurst Drive Precinct is identified as a Strategic Urban Growth Area in the *Ballina Local Environmental Plan 2012* and the Ballina Shire Growth Management Strategy 2012. Further, the land is identified as a Proposed Future Urban Release Area in the NSW Government's Far North Coast Regional Strategy (2012). This is also reflected in the draft North Coast Regional Plan that is currently on public exhibition.

The Stoneyhurst Drive Precinct was identified as 'Candidate Release Area J – Stoneyhurst Drive' in the *Lennox Head Structure Plan 2004*. The Lennox Head Structure Plan provides the following in relation to the precinct:

"The Structure Plan recognises that Area J appears to be suited to accommodating future urban development. Should detailed assessment (via the rezoning process) confirm this to be the case, residential development comprising a range of low and medium density housing (L1, L2, D & M1 pursuant to DCP No 1) is the preferred use for this site".

The Structure Plan also flags the following as important planning considerations for the subject land, at the rezoning stage:

- Any rezoning of Area J is to occur on an integrated basis and should involve all land holdings within the area.
- Vehicular access should primarily be from Stoneyhurst Drive. Vehicular access from Henderson Drive is to be via integrated road access points, although at such time as the Hutley Drive extension is constructed, opportunities for direct access from Henderson Lane will be considered.
- The subdivision design should be such that development should not protrude above the ridgeline.
- The subdivision design should seek to minimise cut and fill on the steeper portions of the site.
- Mature native vegetation on the site is to be retained as part of the development of the land.

Landholder Engagement

Council previously received a request for rezoning (part of) the 'Stoneyhurst Drive Precinct' in the form of a submission to the public exhibition processes associated with the drafting of the *Ballina Local Environmental Plan 2012*. This previous request was made in June 2010 on behalf of five of the landholders. Following the Council's consideration of the matter, as a part of the draft BLEP 2012, Council advised these landholders that:

- the rezoning proposal would best be managed by way of a stand-alone planning proposal;

9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head

- for the proposal to proceed to be reported on further, Council would require a majority of the landholders in the precinct to participate; and
- all technical assessments and associated reporting must be undertaken in an integrated manner (i.e. reports must cover all eleven lots within the precinct).

In December 2012, Council invited all landholders within the Stoneyhurst Drive precinct to attend an information session where staff provided information about the planning proposal process. Following this information session, Council received a written objection from one of the landholders to any future rezoning of the precinct (this objection has not been reiterated in relation to the current proposal to date).

In March 2014 Newton Denny Chapelle, representing seven landholders within the precinct, met with Council staff to discuss the matter. In acknowledgement of the previous request for rezoning made to Council during the LEP exhibition process and the high consistency of the rezoning proposal with state and local strategic planning policies, Council staff advised the proponent that, upon receipt of a formal LEP amendment request with signed owners' consents from the seven landholders and payment of the associated processing fees, a planning proposal would be prepared for the consideration of the elected Council.

Subsequently, Council has received an LEP amendment request from Newton Denny Chapelle on behalf of the majority of landholders within the precinct (seven of the eleven landholders). In response, a planning proposal has been drafted which would give effect to the landholders request (Attachment Two).

Summary of the Proposal

The proposal involves rezoning the subject land from partly RU1 Primary Production zone and partly RU2 Rural Landscape zone to R2 Low Density Residential zone. The proposal also involves amending the minimum lot size standard (currently 40 hectares), whereby one lot located adjacent to North Creek Road would have a 600m² minimum lot size, and the remainder of the parcels would have a 1,200m² minimum lot size. The zoning and minimum lot size standards proposed for each lot are summarised in the table below.

Street Address	Existing Land Area (m ²)	Proposed	
		Zone	Lot Size
11 Stoneyhurst Drive	8,060	R2	1,200m ²
12 Stoneyhurst Drive	7,640	R2	1,200m ²
13 Stoneyhurst Drive	6,542	R2	1,200m ²
17 Stoneyhurst Drive	6,716	R2	1,200m ²
20 Stoneyhurst Drive	7,494	R2	1,200m ²
28 Stoneyhurst Drive	7,023	R2	1,200m ²
34 Stoneyhurst Drive	6,758	R2	1,200m ²
38 Stoneyhurst Drive	6,988	R2	1,200m ²
9 Henderson Lane	11,602	R2	1,200m ²
82 North Creek Road	2,023	R2	600m ²
84 North Creek Road	4,041	R2	1,200m ²

9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head

In summary, the planning proposal would facilitate the residential subdivision and development of the land as per the following:

- In a manner consistent with the character of North Creek Road, in the case of 82 North Creek Road;
- In a manner similar to the character of the Greenfield Road area, for the remainder of the subject land.

Site Assessments

At this stage, the planning proposal presented to Council is not supported by detailed technical studies. Consequently, the extent of site specific land constraints that may impact on the suitability of the land for residential purposes is not presently known. The purpose of this report is to seek direction on whether the proposal has the Council's in-principle support, prior to detailed site suitability investigations being undertaken.

Should the proposal receive the Council's in-principle support, the planning proposal (provided in Attachment Two) will be forwarded to the NSW Department of Planning & Environment for Gateway determination. The Gateway determination will specify the range of site specific investigations and technical studies required to advance the planning proposal, which may be in addition to those typically required by Council for a request of this nature.

Technical information will be required to be submitted to Council by the proponent for incorporation within the planning proposal, prior to Council undertaking consultation with other public authorities and the community, through the statutory public exhibition process. Should the matter proceed past Gateway determination stage, it is proposed that the Council receive a further report on the outcome of these technical investigations prior to the public exhibition of the planning proposal.

An important matter for Council to resolve at this point is whether or not the planning proposal should proceed inclusive of all lots within the precinct, given the varying levels of participation by landholders.

A majority of the landholders within the Stoneyhurst Drive Precinct (seven of the eleven) have indicated their active support for the LEP amendment request. Four landholders have not participated in the lodgment of the amendment request. One landholder had previously objected to the rezoning (when the matter was considered during the drafting of the Ballina LEP 2012), however this objection has not been reiterated in relation to the current proposal. These landholders are presently considered to be silent as they have not expressed a written view in favour of, or against, the progress of the proposal.

As outlined above, if Council resolves to progress the planning proposal and an affirmative Gateway determination is received, the proponent will be required to undertake detailed technical assessments to determine the suitability of the land for residential zoning. A key question for Council at this stage is whether the subject investigation area should include the four lots within the precinct held by the non-participating landholders.

9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head

The approach preferred by staff, with respect to this aspect of the planning proposal, is that the active proponents be required to address the relevant issues as they apply to all land within the precinct to the fullest extent possible. The inclusion of all land within the precinct in the requisite technical studies will enable the consideration of relevant issues as they affect the precinct as a whole, with the potential to better address the broader public interest outcomes associated with the consideration of the land for urban development.

Further, more comprehensive reports will better inform future planning deliberations with respect to the area. The provision of access roads and water and sewer infrastructure to service new lots are key technical issues for this site. A precinct-based approach will also provide for better integration of future development with the existing and approved development in the locality and achieve better planning outcomes overall.

It is acknowledged, however, that a lack of information may mean that some parts of the subject area may not be able to be zoned for residential purposes (such a lack of information may occur due to limited property access). Notwithstanding, the inclusion of all land within the precinct (currently under rural zoning) at this stage is recommended so that the technical investigations can give initial consideration to the whole of the precinct within its broader context. It will remain open to Council at any stage in the assessment process to remove or defer land parcels from the rezoning.

This recommended approach is consistent with Council's historic practice in the consideration of urban investigation areas. Further, the Lennox Head Structure Plan states that any rezoning of the Stoneyhurst Drive Precinct (identified in the plan as Candidate Release Area J) is to occur on an integrated basis and should involve all land holdings within the area.

There will be financial implications for the participating landholders if Council resolves to include all eleven lots in the rezoning proposal, as technical investigations across a larger study area will likely incur higher investigation fees. However, any such additional cost is likely to be a minor proportion of the overall costs that will be incurred in undertaking the necessary work required by Council and the Department of Planning and Environment, should the proposal proceed.

Sustainability Considerations

- **Environment**

The significance of the existing native vegetation on the land, as well as the impact of the proposed subdivision on adjoining flora and fauna communities, will be assessed further if the planning proposal proceeds.

- **Social**

The proposal to provide infill residential housing within an existing residential area of Lennox Head fulfils the identified need for more housing in the locality to help address affordable housing issues in the region.

9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head

Potential visual amenity impacts of future new dwellings may be of concern to the residents of existing homes within the precinct and adjoining properties. This matter will be examined in further detail if the proposal proceeds.

- **Economic**

There are no significant economic implications for Council currently identified in relation to the proposed rezoning.

Legal / Resource / Financial Implications

In accordance with Council's adopted fees and charges policy the proponent will be required to cover all costs associated with processing the LEP amendment request. There are no significant resourcing or financial implications for Council associated with the proposal proceeding to Gateway determination.

Consultation

Preliminary consultation has been undertaken with landholders within the Stoneyhurst Precinct, as outlined in the body of this report.

Should the Council support the matter proceeding, the planning proposal will be forwarded to the NSW Department of Planning and Environment for Gateway determination. If the planning proposal receives affirmative Gateway determination, the Department will advise Council of the requirements for consultation with government agencies and the community.

Community engagement will then occur following assessment of the required additional information, in accordance with the Gateway determination.

Council will continue to liaise with all landholders in the precinct regarding the progress of the planning proposal at key stages.

Options

The Council has several options available to it in relation to the subject LEP amendment request, as set out below.

1. Council could resolve to decline to proceed with the planning proposal at this time.

This option would involve Council advising the proponent landholders that Council does not support the urban investigation of the land at this time. Council could also advise the proponents that Council will only support the consideration of the land for residential purposes if all landholders within the precinct support the proposal.

This option is not recommended on the basis of the following:

- The LEP rezoning request is consistent with the strategic planning framework applying to the land and the locality;

9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head

- The option would effectively give a minority of landholders veto power over the potential public interest outcomes associated with land use planning considerations for the land; and
 - The comprehensive consideration of the area may be able to be achieved by allowing the matter to proceed to the investigation stage.
2. Council could resolve to proceed with the planning proposal, on the basis that the requisite technical studies are to address all land within the Stoneyhurst Drive precinct to the fullest extent possible.

This option would involve referring the planning proposal to the NSW Department of Planning & Environment for Gateway determination. The planning proposal provided in Attachment Two would be updated to reflect the Council's decision on the matter.

Under this option the proponents would also be required to seek to address all relevant planning and environmental considerations for the precinct as a whole, in the preparation of their supporting technical assessments.

The matter would be reported back to the elected Council following the completion of the technical studies, to seek the Council's direction on the progress of the planning proposal, including the application of an appropriate minimum lot size standard, prior to public exhibition.

Importantly, this approach will provide Council with additional information on the suitability of the precinct for a residential zoning and subdivision. Based on this information Council may elect to proceed with an overall or partial rezoning or cease the process.

This option is the recommended course of action.

Where Council proceeds to submit a planning proposal for Gateway determination, it has the option of requesting delegation of certain plan making functions from the Department. Under these delegations, Council would perform some of the plan making functions that would otherwise be completed by the Department. In the subject case, and given the proposal's consistency with the State and local strategic planning context, it recommended that Council seeks the delegation.

3. Council could resolve to proceed with the planning proposal for only those landholdings that have participated in the making of the LEP amendment request.

This option would involve amending the planning proposal to only land parcels that are a party to the LEP amendment request. This amended planning proposal would then be referred the planning proposal to the NSW Department of Planning & Environment for Gateway determination. Under this option, the proponents would only be required to address the subject properties in relation to the technical studies required to support the progress of the planning proposal.

This option is not recommended on the basis of the following:

9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head

- The comprehensive consideration of relevant planning and environmental considerations may be compromised;
- The efficient and cost effective delivery of infrastructure and servicing to the land may be difficult to achieve in the absence of all landholdings; and
- The omission of some landholdings within the precinct from the urban suitability investigations could result in a sub-optimal planning outcome for the precinct.

RECOMMENDATIONS

1. That Council submit the planning proposal for the amendment of the *Ballina Local Environmental Plan 2012 (Attachment Two)*, relating to the application of a residential zone and provision for subdivision of land in the Stoneyhurst Drive precinct in Lennox Head, to the NSW Department of Planning & Environment for Gateway determination.
2. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
3. That Council invite the Stoneyhurst Drive landholders to submit technical information required to support residential zoning and application of an appropriate minimum lot size standard, under the terms of the *Ballina Local Environmental Plan 2012*, for all land within the Stoneyhurst Drive precinct.
4. That the matter be reported for further consideration by the Council prior to the mandatory public exhibition period.

Attachment(s)

1. LEP Amendment Request - Stoneyhurst Drive, Lennox Head
2. Planning Proposal BSCPP 16/002 - Stoneyhurst Drive, Lennox Head

9.2 Planning Proposal - General Mapping Amendments

9.2 Planning Proposal - General Mapping Amendments

Delivery Program Strategic Planning

Objective To seek the Council's direction on the progress of Planning Proposal BSCPP 16/001 General Mapping Amendments (3)

Background

As part of ongoing monitoring and review of the operation of the Ballina Local Environmental Plan 2012, staff identified a series of 12 mapping amendments (each affecting a number of LEP maps) proposed to better align the LEP maps with Council's policy position on certain matters, reflect changes to cadaster and address minor anomalies. The details of these amendments are further discussed in this report and are contained in the planning proposal included in Attachment One. As outlined below, these amendments are typically housekeeping in nature.

This matter was reported to the Ordinary Meeting of Council held on 28 January 2016. The Council resolved as following in relation to this matter [Minute No. 280116/11]:

1. That Council endorses the proposed adjustments to the Ballina Local Environmental Plan 2012 arising from the ongoing review of the plan as outlined in the planning proposal contained in Attachment One.
2. That Council submit the planning proposal relating to the amendment of various provisions of the Ballina Local Environmental Plan 2012 (Attachment One) to the NSW Department of Planning & Environment for review and Gateway determination.
3. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
4. That upon an affirmative Gateway determination being received from the Department of Planning & Environment, Council staff will carry out the procedural steps associated with the progress of the planning proposal, including public exhibition.
5. That the matter be reported for further consideration by the Council following the mandatory public exhibition period.

The planning proposal was referred to the NSW Department of Infrastructure and Planning for Gateway Determination. The Gateway determination is included in Appendix B to the planning proposal provided as Attachment One to this report.

The Gateway determination required that Council refer the planning proposal to the NSW Rural Fire Service and Crown Lands, and that they be given 21 days to respond. In relation to Council's request that the Council be delegated plan making functions in relation to the planning proposal, the Department's delegate advised as follows:

"I have considered the nature of Council's planning proposal and have decided to not issue an authorization to Council for this proposal until the appeal against Development Application DA2015/377 relating to the land at Blue Seas Parade, Lennox Head has be finalized".

9.2 Planning Proposal - General Mapping Amendments

Given the above it appears that the subject planning proposal will not be finalised by the Department until after the appeal against the refusal of DA2015/377 has been determined by the Court.

The purpose of this report is to seek direction from the Council on the progress of a planning proposal to undertake the identified changes to the LEP, following public exhibition.

Key Issues

- Function and operation of the BLEP 2012.
- Minor adjustments to the content of the BLEP 2012.

Information

In addition to considering the overall operation of the BLEP 2012 since its introduction, review of the BLEP 2012 is routinely undertaken having particular regard for:

- Ensuring consistency of zoning and associated planning provisions with actual land and/or desired land uses,
- Aligning of zone boundaries with cadastre where appropriate,
- Assessment and review of identified minor discrepancies, and
- General housekeeping to maximise the function of the plan.

Having regard for the above, 12 items have been identified and recommended for adjustment (in the exhibited planning proposal) as detailed in the table below. Further details in relation to the amendments are contained in the planning proposal in Attachment One.

Table 1. Proposed LEP Amendments BSCPP 16/001

No.	Location	Details
1	Ballina Heights Estate, Cumbalum	Reflect changes requested by developer to align zoning with subdivision plans, relating to R2, R3 and RE1 zones. Adjust R2/R3 zone boundary to match cadastre at Foley Avenue.
2	Proximity of Ballina Lighthouse, East Ballina	Adjust RE1 boundaries to better match cadastre. Adjust land application map accordingly.
3	River Street, West Ballina	Apply R2 zone to reflect recent approval of 39 lot Community Title subdivision (DA2012/291) and apply RU2 zone to remainder of deferred area (DM). Apply 40 hectare minimum lot size standard to RU2 zoned land. Adjust land application map accordingly.
4	Bolwarra Circuit, Wollongbar	Apply RE1 zone to open space area. Remove minimum lot size standard. Adjust land application map accordingly.
5	Tamarind Drive, Cumbalum	Apply RU2 zone to land adjacent to Emigrant Creek currently zoned W1 to reflect improved survey information in the locality, arising from the construction of the Ballina Bypass project. Apply 40 hectare minimum lot size standard.

9.2 Planning Proposal - General Mapping Amendments

No.	Location	Details
6	Blue Seas Parade, Lennox Head	Apply 1,200m minimum lot size standard (currently 600m) to 8 lots, to reflect and maintain the intent of original subdivision plan. Apply R2 zone to the road reserve of Blue Seas Parade. Adjust the land application map accordingly. This amendment gives effect to Council resolution 221015/4 made in relation to the refusal of DA2015/377.
7	Simpson Avenue, Wollongbar	Apply 600m minimum lot size standard (currently no standard applies) to Wollongbar Public School site (zoned R2) to be consistent with policy applied to school sites elsewhere in the Shire.
8	Morton Way, Skennars Head	Adjust R2/R3 zone boundaries to align with cadastre. Reflect adjustment in minimum lot size map.
9	Elkhorn Parade, North Ballina	Reinstate Strategic Urban Growth Area designation.
10	Cooper Close and Fig Tree Hill, Lennox Head	Apply Strategic Urban Growth Area designation to reflect Ballina Shire Growth Management Strategy and adjust buffer accordingly.
11	Broken Head Road, Newrybar	Adjust zone and minimum lot size maps to match amendment to Local Government Area boundary. Adjust the land application map accordingly.
12	Tuckean Nature Reserve, Meerschaum Vale	Remove land that lies outside of the Ballina Local Government Area from the zone map.

Five submissions were received during the public exhibition process. These are detailed under the consultation section of this report.

It was identified during the exhibition of the planning proposal that the Height of Buildings Map will also need to be updated to apply the 8.5m height standard to the area affected by Item 11 of the planning proposal. The planning proposal has been updated accordingly to reflect a correlation between the existing height standard applicable in rural areas and the revised boundaries of Ballina Shire.

Sustainability Considerations

- **Environment**

The amendments proposed are not expected to result in any direct or substantial social or economic impacts, or impacts on the Shire's natural environment.

9.2 Planning Proposal - General Mapping Amendments

- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

Having a functionally efficient and up to date local environmental plan is an important component of Council's role as a planning authority under the provisions of the *Environmental Planning and Assessment Act 1979*. The various changes proposed to the BLEP 2012 seek to ensure the plan serves efficiently as the primary local regulatory planning instrument for Ballina Shire.

Consultation

The planning proposal was publicly exhibited for a minimum period of 14 days in accordance with the Gateway determination issued by the NSW Department of Planning and Environment, from 2 March 2016 until 17 March 2016 (inclusive).

Landholders of affected properties were notified regarding the public exhibition.

The planning proposal was referred to the NSW Rural Fire Service and Crown Lands, and given at least 21 days to respond, in accordance with the Gateway determination. Crown Lands did not respond during the consultation period.

The following submissions were received during the public exhibition. Copies of the submissions are provided in Attachment Two.

NSW Rural Fire Service

The NSW Rural Fire Service did not raise any objections to the planning proposal proceeding.

Stephen Connelly, Planners North in relation to Item 3

Item 3 involves the application of R2 Low Density Residential zone and RU2 Rural Landscape zone to land deferred from the Ballina Local Environmental Plan 2012, in recognition of a recently approved community title subdivision. Currently, the subject land is zoned 2(a) Residential (Living Area) zone under the Ballina Local Environmental Plan 1987. The planning proposal involves the application of a 40 hectare minimum lot size to the land to maintain the existing subdivision pattern of the land, approved as community title.

Writing on the behalf of the landholder, Mr Connelly requests that Council give consideration to the following:

- That Council, in the removal of the triangular area of historic 2(a) residential zone from the site, retain an equivalent area of residential zone (approximately 1.4 hectares) in a more practicable location on the lot;
- That Council apply a 450m² minimum lot size to the proposed R2 Low Density Residential zone; and

9.2 Planning Proposal - General Mapping Amendments

- That Council include 'Highway Service Centre' as an additional permitted use for the balance of the subject land parcel, in recognition of the existing approval for this use on the site.

The consideration of the matter as proposed would require the consideration of additional information. Further, amending the planning proposal in the manner requested would likely require re-exhibition. Consequently, in order to give full consideration of this request, it is proposed that this matter be deferred. In this regard, the landholder (or associated interests) may wish to provide additional information to Council.

NSW Roads and Maritime Service in relation to Item 5

A submission was received from the NSW Roads and Maritime Service (RMS), consulted with as landholder in relation to Item 5. Item 5 involves the minor realignment of the zone boundaries of the lot to reflect a recent resurvey of the property undertaken in association with the design and construction of the Ballina Bypass.

The RMS raises no objection to the planning proposal proceeding. However, the letter states: "...it should be noted that there is currently an unresolved previous request from Roads and Maritime in relation to SP2 zoning for the state road network in Ballina Shire".

The above comment relates to a request by the RMS made during the preparation of the *Ballina Local Environmental Plan 2012*. During that process, Council invited the RMS to provide digital mapping data delineating the extent of the highway construction footprint, excluding any remnant areas that the RMS would ultimately be seeking to excise from the highway footprint to be sold. The RMS was not, however, able to provide such mapping at the time. Notwithstanding, Council will contact the RMS to re-invite the provision of the required mapping data, to be considered as a separate planning proposal.

Hugh McCaffery in relation to Item 6

Mr McCaffery is the landholder of 61 Blue Seas Parade in Lennox Head and writes in objection to Item 6 of the planning proposal, involving the amendment of the minimum lot size standard from 600m² to 1,200m² to 8 lots in Blue Seas Parade.

Mr McCaffery objects to Item 6 on the basis that his purchase of the land was made on the basis that the land could be further subdivided, as provided for by the development standards of the LEP as they currently apply. Mr McCaffery submits that he and other affected landholders should be compensated by the Council for the projected loss of income associated with the change in the development standard. Mr McCaffery indicates an intention to subdivide his land into two 900m² allotments which, he submits, is consistent with Council's desire to retain a semi-rural character in the area.

In response, it is noted that site specific suitability factors may make a development proposal unsuitable, regardless of a particular development standard. Of relevance here are the reasons given for the refusal of DA 2015/377 for the subdivision of 51 and 53 Blue Seas Parade into smaller allotments. The grounds of refusal in that case included the following:

9.2 Planning Proposal - General Mapping Amendments

- 1 *Lots 32 and 33 have steep slopes that do not allow sufficient scope for good hillside building practices if the subdivision were approved.*
- 2 *Approval of the application will set a precedent that will lead to other similar subdivisions on steep allotments in the immediate locality.*
- 3 *The subdivisions would adversely impact the design and planned amenity of the residential estate.*
- 4 *Future dwelling houses constructed on the subdivided allotments will have an adverse impact on the setting of the prominent ridgeline.*
- 5 *The construction of additional houses on the subject land will have a substantial adverse impact on the amenity of the downslope allotments.*
- 6 *Approval of the application is not in the public interest.*

In response to the matter of compensation for projected loss of income, Council is not required to pay any such compensation due to the change of planning provisions if the planning proposal proceeds.

It is also noted that Mr McCaffery is on the list of parties to which notification letters were sent in relation to the public exhibition of the planning proposal.

No changes to the planning proposal are recommended in response to the submission.

Richard Hudson & Ella Green in relation to Item 6

Mr Hudson and Ms Green are landholders of 63 Blue Seas Parade in Lennox Head and write in objection to Item 6 of the planning proposal, involving the amendment of the minimum lot size standard from 600m² to 1,200m² to 8 lots in Blue Seas Parade.

The objections raised in this submission are consistent with those raised in the submission received from Mr McCaffery, outlined above. Accordingly, the staff response to the matters raised in this submission is the same as those provided in response to Mr McCaffery's submission.

No changes to the planning proposal are recommended in response to the submission. However, if the Council is of the view that the existing lot size standard (being 600m²) should be retained in view of the submissions on this matter, it is recommended that this aspect of item 6 be removed from the planning proposal and the remainder of the proposed changes progress.

Options

1. That Council discontinues the consideration of the subject planning proposal.

This option would involve the discontinuation of the subject amendment, with no further action to be taken.

The purpose of the subject planning proposal is to implement mapping amendments to improve the function, content and consistency of the BLEP2012. The amendments seek to ensure the BLEP 2012 functions efficiently and that its provisions are up to date and reflect the community's expectations. As a consequence, this option is not recommended.

9.2 Planning Proposal - General Mapping Amendments

2. That Council forward the planning proposal to the Department of Planning and Infrastructure for finalisation.

This option is the recommended course of action.

This option would involve forwarding the subject planning proposal (as contained in Attachment 2), including the deferral of Item 3 (for the reasons outlined in this report), to the Department of Planning and Infrastructure. Prior to sending the planning proposal to the Department it will be updated to reflect the Council's decision (noting that the changes recommended in the report are already incorporated into the version in Attachment 2).

It is anticipated that the Department would hold the matter until after the determination by the court of the appeal against the refusal of DA2015/377. Following the determination of the appeal, the Department would either finalise the amendment or delegate its plan making functions to Council to facilitate finalisation.

Under this approach, it is also open to Council to make other adjustments to the planning proposal such as retention of the existing minimum lot size standard for the properties in Blue Seas Parade the subject of this planning proposal. However, this is not recommended.

RECOMMENDATIONS

1. That Item 3 be omitted from the BSCPP 16/001 and that the landholders be invited to submit a separate planning proposal request.
2. That planning proposal BSCPP 16/001 be amended to apply an 8.5m building height standard on the Building Height Map in relation to Item 11.
3. That Council forward Planning Proposal BSCPP 16/001 to the Department of Planning and Infrastructure requesting that the amendment be finalised.
4. That Council write to the Roads and Maritime Service inviting the submission of digital mapping data to enable the consideration of a separate planning proposal involving the zoning of state road infrastructure SP2 Special Uses zone under the terms of the *Ballina Local Environmental Plan 2012*.

Attachment(s)

1. Planning Proposal BSCPP 16/001 - General Mapping Amendments (final version)
2. Submissions received to public exhibition of BSCPP 16/001

9.3 Local Environmental Plan - Environmental Protection Zones

9.3 Local Environmental Plan - Environmental Protection Zones

Delivery Program Strategic Planning

Objective To seek direction on the approach to addressing the application of environmental protection zones under the Ballina Local Environmental Plan 2012

Background

Ballina Shire Council engaged in the preparation of a comprehensive local environmental plan under the State Government's Standard LEP Instrument program between 2006 and 2013. This planning process was underpinned by a comprehensive and sustained community engagement program and considerable and careful deliberation by the elected Council and staff over a prolonged period.

Council resolved to endorse a new draft LEP for the shire in December 2011 and subsequently sought finalisation and implementation of the draft plan through the NSW Department of Planning and Environment. Prior to Council's draft plan being finalised by the Department (it had received endorsement by the Department's regional office in Grafton) the then Minister for Planning, the Hon. Brad Hazzard made a decision to initiate a review of environmental protection zones in five local government areas on the Far North Coast.

The consequence of the Minister's decision was that Council's comprehensive LEP was only partly made, with areas identified as having environmental values excluded from the plan. These areas remain subject to the provisions of the Ballina Local Environmental Plan 1987 (being the instrument the new plan was to replace). Essentially, the Department did not complete the Standard LEP program for the affected council areas.

The Department indicated that the "E zone review" would be completed by March 2013, however it was not able to meet this timeframe. An interim report on the application of the E zones prepared by the State Government's Consultants, Parsons Brinkerhoff, was published for exhibition and comment in May 2014. Council responded to this with the identification of an extensive suite of shortcomings, errors and omissions within the report. This report has not been updated, nor the issues identified by Council addressed for the public record.

In October this year, some three years after the Minister's announcement and two and a half years late, the Department published its final recommendations report for the Northern Councils E Zone Review. The review recommendations do not align with Council's endorsed draft LEP from 2011 or with almost 30 years of environmental protection zoning history and identified environmental attributes and values in the Ballina Shire local government area.

9.3 Local Environmental Plan - Environmental Protection Zones

In addition to notable confusion within the community and additional administrative impacts on the operation of Council's planning system, the process and associated time delay that the Department of Planning and Environment has been responsible for has resulted in ongoing financial costs for the Ballina Shire community. Such costs have been incurred through the additional administrative functions mentioned (e.g. planning certificates, map production, plan interpretation) as well as engagement with the E zone review over a prolonged period.

The E zone review has diverted resources away from other activities of the Council. Further, it is expected that Council will incur overall costs in the order of \$150,000 to \$200,000 in seeking to consolidate the Ballina LEP 1987 and Ballina LEP 2012 now there is some direction on the E zone matter. None of these costs have been borne by the Department of Planning and Environment, nor has any financial support been offered for future work to be undertaken.

Following consideration of the E zone matter by Council's Environmental and Sustainability Committee, Council resolved to adopt the following recommendations of the Committee at its December 2015 Ordinary Meeting [Minute No. 171215/22]:

1. *That the Council receives and notes the information regarding the NSW Department of Planning and Environment's Northern Councils E Zone Review contained in this report.*
2. *That the Council convene a briefing session concerning the Northern Councils E Zone Review to examine options to respond to the policy directives made by the Department of Planning and Environment.*
3. *That Ballina Shire Council send a delegation of staff and Councillors to speak face to face with the current Planning Minister, Local Government Minister and the NSW Premier to address Council's LEP issues and inconsistencies and its unique situation in the Northern Rivers Region.*

In response to the above, a Councillor briefing to discuss options for progress in relation to the E zone review was held on 7 April 2016. In relation to item 3, correspondence was sent to the Premier, the Minister for Local Government and the Minister for Planning in February 2016. At the time of writing this report the following responses had been received (Attachment 1)

- Parliamentary Secretary to the Premier referred Council to engage with the Minister for Planning.
- Acting Chief Executive of the Office of Local Government advised that staff from the Department can be available to meet with Council if of assistance.

No response has yet been received from the Minister for Planning or the Department of Planning and Environment. No further action has been taken in relation to item 2 of the Council's resolution pending a response from the Minister for Planning.

The purpose of this report is to provide the Council with an overview of the key options available to respond to the Northern Councils E Zone Review and seek direction on the Council's preferred approach.

Key Issues

- Comprehensive local environmental plan for Ballina Shire.
- Environmental protection zoning under the local environmental plan.
- Allocation of staff and financial resources.

Information

Environmental protection zone matters are an emotional and often divisive consideration in planning. This is why the Council applied extensive resources over a period of five years to study, understand and contemplate environmental attributes and associated zoning in the shire before proceeding to endorse a new draft local environmental plan for implementation in December 2011.

The State Government's response to this was to remove environmental protection zones from Council's new plan prior to implementation and conduct a review (known as the Northern Councils E Zone Review). This decision means that Council currently operates two local environmental plans (1987 and 2012 plans), with this incurring a financial and an administrative cost. Areas that remain subject to the Ballina Local Environmental Plan 1987 are known as deferred matters under the Ballina Local Environmental Plan 2012.

The State Government has now brought its review to a conclusion. The recommendations of the reporting primarily enable Council to apply environmental protection zoning only to areas of certain ecological character based on set criteria (as well as to culturally significant land from an Aboriginal cultural heritage perspective). The review outcomes also introduce requirements associated with the consideration and determination of the primary use of land. That is, application of environmental protection zones is to be based on both ecological or physical criteria and primary use of land.

For Ballina Shire the review recommendations result in the loss of opportunity to apply environmental protection zones to areas on the basis of scenic and amenity value, coastal value, water catchment characteristics or urban buffer intentions. This is a substantial shift for Ballina Shire and one that causes significant change in long standing Council planning policy. A copy of the recommendations report prepared by the Department of Planning and Environment is contained in Attachment 2.

With the conclusion of the Department's E zone review process and the publication of a Ministerial Direction under s117 of the *Environmental Planning and Assessment Act* 1979 in relation to the implementation of the review recommendations, there is now an opportunity for Council to determine a course of action in relation to the deferred matters under the Ballina LEP 2012. A copy of the Ministerial Direction and associated correspondence from the Department of Planning and Environment is contained in Attachment 3.

There are several overarching options available to the Council in terms of a response to the E zone review. These options were canvassed with Councillors at a Councillor briefing held on 7 April 2016 and are listed below.

9.3 Local Environmental Plan - Environmental Protection Zones

- Retain operation of 2 LEPs (BLEP 2012 and BLEP 1987).
- Comply with recommendations, complete BLEP 2012 and repeal BLEP 1987.
- Pursue a hybrid approach – keep desired zones under BLEP 1987 and integrate remainder into BLEP 2012.

Approaches to integrate deferred areas into the BLEP 2012 can also include consideration of the use of special clauses and associated mapping overlays in the LEP instrument. However, it is important to note that use of these tools is also limited by the Department of Planning and Environment's recommendations report.

Application of E zones under the BELP 2012 will require compilation of suitable evidence to support the zoning. Although Council compiled extensive supporting information in preparing its draft LEP between 2006 and 2013, the recommendations report requires that Council revisits its work and draws on multiple sources of information to validate its zoning proposals relative to the criteria set out in the reporting.

Whilst there is a substantial body of existing information available to Council to address the ecological and other environmental and cultural values of land in the shire, there is likely to be a need for some on ground assessment and 'checking' to supplement available studies and mapping.

Considering the resource implications (both in terms of time and monetary cost), the likelihood of extensive and sustained stakeholder interest and the unavailability of suitable environmental protection zones to address non ecological values such as scenic/ escarpment areas, coastal lands and the Alstonville/Wollongbar urban buffer, it is recommended that Council addresses the E zone review via a staged approach.

In this regard it is recommended that Council commences progress towards the implementation of the E zone review recommendations. However, it is also recommended that Council carefully considers how it wishes to respond to the areas in the shire that have identified environmental values (such as scenic, coastal and buffer values) that are not subject to equivalent zones under the Standard LEP Instrument and the outcomes of the E zone review.

The following table sets out a possible pathway for a staged approach to addressing the E zones. The approach has particular regard for the compatibility of Council's existing planning framework with the E zone recommendations, the ability of Council to resource amendments within existing work program commitments and financial capabilities. It also provides for integration of over 50% of the deferred areas into the BLEP 2012 within a two year period (as shown by the references to hectares and the percentage that each zone area comprises in the deferred matter area (DM)).

9.3 Local Environmental Plan - Environmental Protection Zones

Table 1. Recommended Staging for Integration of Deferred Areas into Ballina LEP 2012

Stage	Existing Zone	Area (ha)	% DM	Key Information Summary
1 (2016/17)	7(c) Environmental Protection (Water Catchment)	3,157	23%	The water catchment areas were primarily subject to the more liberal E3 zone, under the approach adopted by Council in 2011, which provides for a greater range of land uses than is currently allowed in the 7(c) zone. The catchment areas are also subject to a specific overlay and provision in the LEP. Address of this zone would provide for an enhanced range of permitted land uses whilst still having a statutory protection via the special provision in the LEP (regardless of the applicable zone).
2 (2017)	7(a) Environmental Protection (Wetlands) and 7(l) Environmental Protection (Habitat)	3,826	28%	The E zone review indicates that, upon validation, these areas can be subject to an E2 zone as they are existing habitat/wetland areas. These areas are also often supported by State policy based mapping (e.g. SEPP 14).
3 (2018)	7(d) Environmental Protection (Scenic/ Escarpment) and 7(d1) Environmental protection (Newrybar Scenic Escarpment)	1,356	10%	There is no scenic escarpment equivalent zoning available and the E zone review expressly restricts Council from addressing scenic protection by way of zone or any other LEP based tool. Leaving this item until stage 3 allows the Council time to further consider this matter. It is recommended that Council determines its approach to scenic areas after progressing with stages 1 and 2.
4 (2018/19)	7(i) Environmental Protection (Urban Buffer)	613	4.5%	There is no urban buffer equivalent zoning available. Although the E zone review does not expressly address this matter, the implied DPE position is that Council will not be able to use the E zones or an overlay/special provision to address the buffer in the LEP. Leaving this item until stage 4 allows the Council time to further consider this matter through preparation of strategic plans for Alstonville and Wollongbar. Council will also have the benefit of seeing how the DPE treats State and Regionally Significant Farmland (which is found in the buffer) under the North Coast Regional Plan. It is recommended that Council determines its approach to the urban buffer after its consideration of stages 1, 2 and 3.

9.3 Local Environmental Plan - Environmental Protection Zones

Stage	Existing Zone	Area (ha)	% DM	Key Information Summary
5 (2019)	7(f) Environmental Protection (Coastal Lands)	1,155	8.5%	<p>There is no coastal lands equivalent zoning available. The E zone review indicates that coastal land can be zoned where coastal hazards are present but does not address coastal values more broadly. The DPE reporting position is that Council will not be able to use the E zones or an overlay/special provision to address coastal lands unless ecological or Aboriginal cultural heritage criteria can be met (this appears possible for much, but not all, of the coastline).</p> <p>Leaving this item until stage 5 allows the Council time to further consider this matter.</p> <p>It is recommended that Council determines its approach to the coastal lands after its consideration of stages 1, 2, 3 and 4.</p>
Progressive	Mixture of rural zones (areas proposed for 'new' E zones in Draft BLEP 2012)	3,563	26%	<p>These areas constitute land that was proposed for application of an E zone under the BLEP 2012 as adopted by the Council. It is suggested that the easiest way to address these areas is to progressively address them within each stage where such areas are contiguous with the zones the subject of the stage. Under this approach, the majority of these areas would be considered during stages 2 and 3.</p>

Alternative to the above approach, the Council may elect to progress the integration of the deferred areas into the BLEP 2012 through a single planning proposal or alternatively, give direction on a preferred hybrid approach (i.e. identifying which areas are to be integrated into the BLEP 2012 and which areas are to remain subject to an existing environmental protection zone under the BLEP 1987).

Sustainability Considerations

- Environment**
 Environmental protection zoning is a fundamental element of the land use planning system and is used as a tool to recognise environmental values and apply an associated planning framework to land. The approach to application of environmental protection zones involves balancing private and broader public interests and short and long term considerations associated with the use, value and protection and environmental attributes.
- Social**
 Environmental protection zones can be a divisive issue having regard for differing public and private interests and the interests of individuals and the broader community.
- Economic**
 Environmental protection zoning influences the way in which land is permitted to be used and hence can influence economic outcomes.

Legal / Resource / Financial Implications

In a legal sense, the Ministerial Direction regarding the E zone review does not direct Council to implement the review. Rather, it says that if Council seeks to apply E2 Environmental Conservation or E3 Environmental Management zones in its Standard Instrument LEP, Council must do this in a manner consistent with the E zone review recommendations report. It is proposed that the review recommendations would be applied where Council seeks to utilise E zones.

Resource and finance wise, unfortunately the State Government's E zone review process has impacted Council in both a financial and administrative sense. Progressing with the implementation of the E zone review recommendations as outlined in this report is estimated to have a cost to Council of \$150,000 to \$200,000 (in staff time and cash, with cash estimated to be in the order of \$40,000 to \$60,000).

The financial and administrative costs of the E zone review have not been acknowledged by the State Government and no financial assistance has been forthcoming.

The staged approach recommended in this report is partly designed to minimise the need for additional resources and can be accommodated within the existing budget of the Strategic and Community Facilities Group.

Consultation

No community engagement has been undertaken by Council to date in response to the State Government's reporting. It is anticipated that a comprehensive engagement program will be implemented should the Council decide to apply environmental protection zones under the Ballina LEP 2012.

Options

There are several options available to the Council in response to the Northern Councils E Zone Review. These include the following:

- Do nothing and retain an approach that applies two LEPs to Ballina Shire, thereby retaining the suite of environmental protection zones under the Ballina LEP 1987.

This option has the advantage of retaining the status quo in terms of identifying a variety of environmental protection values in Ballina Shire. It has the disadvantage of requiring the ongoing administration of two plans and may not be acceptable to the Department of Planning and Environment.

- Apply environmental protection zones to areas of ecological and cultural heritage significance under the Ballina LEP 2012 and repeal the Ballina LEP 1987.

This option provides for compliance with the review outcomes. However it would mean focusing environmental protection zones only on ecological and cultural heritage attributes (and only where evidence of those values has been verified). This would mean the community would forego the operation of urban buffer, scenic, water catchment and coastal zones in the local planning framework.

9.3 Local Environmental Plan - Environmental Protection Zones

- Apply environmental protection zones to ecologically significant areas deferred from the Ballina LEP 2012 and retain the Ballina LEP 1987 over the other deferred areas.

This would provide for consistent address of ecologically important areas under the Ballina LEP 2012 in conformity with the E zone review as well as retain environmental protection zoning over other environmentally significant attributes or areas in the shire. This approach may not be acceptable to the Department of Planning and Environment and retains the need for Council to administer two separate LEPs.

The above options also need to be considered in relation other factors including:

- The availability of data that will be acceptable to the Department to meet the E zone review criteria.
- Timing and the suitability of a single or multiple LEP amendment process.
- The opportunity to use overlays and supporting special provisions in the Ballina LEP 2012.
- Other programmed work commitments of the Council.

Any amendment to the LEP is likely to be time consuming, given the nature of environmental protection zoning, and that many of the objections previously received and carefully considered by the Council are likely to be received again. That is, the Department's approach does not remove the potential for some people to be concerned about how ecological attributes and values are addressed in the planning framework. In relation to resourcing, it is suggested that before the Council commences implementation of a course of action that involves amending the LEP, that funding support be sought from the Department.

In light of the various options available, it is recommended that the Council proceed to integrate the deferred areas into the Ballina LEP 2012 through application of environmental protection and other appropriate zones in a staged fashion consistent with Table 1 in this report. This approach may result in full compliance with the E zone recommendations or a hybrid approach depending on decisions made by the Council as the staged program is progressed.

With respect to the environmental attributes in the shire for which there is no environmental protection zone or suitable overlay available under the E zone review, the recommended approach is to progressively review these matters (as per the staging in Table 1). This would mean that the decisions on the address of scenic escarpment areas, the Alstonville/ Wollongbar urban buffer and the coastal lands in the shire would be made in steps by the Council, most likely during the next Council term.

Alternatively, Councillors may prefer to determine the approach to these areas now with a view to either integrating the areas into the BLEP 2012 based on the best available zones or by taking no further action on the integration of these areas in to the BLEP 2012 and leaving them subject to environmental protection zoning under the BLEP 1987. If this approach is preferred by the Council, it is recommended that the desired approach to the address of the environmental attributes in the shire be set out in the Council's resolution.

RECOMMENDATIONS

1. That Council addresses the outcomes of the Northern Councils E Zone Review Recommendations Report by undertaking a staged approach to the integration of deferred matters into to Ballina Local Environmental Plan 2012. The staged approach is to be based on Table 1 contained in this report.
2. That Council writes to the Department of Planning and Environment to seek funding support for the integration of the deferred areas into the Ballina Local Environmental Plan 2012 given the State Government's decision to intervene in the process and apply a different set of requirements for environmental protection zones to the northern councils compared to the rest of NSW.

Attachment(s)

1. Responses to Council Request for Meetings with the Premier and Key Ministers
2. Department of Planning and Environment - Northern Councils E Zone Review Recommendations Report
3. Ministerial Direction 2.5 - E2 and E3 Zones Far North Coast LEPs

9.4 Strategic Plan - Alstonville and Wollongbar

9.4 Strategic Plan - Alstonville and Wollongbar

Delivery Program Strategic Planning

Objective To outline a process for the preparation of a place-based strategic planning framework for the urban areas of Alstonville and Wollongbar.

Background

The local strategic planning framework for the urban centres of Alstonville and Wollongbar is currently addressed in Council's Ballina Shire Local Growth Management Strategy (2012), the Ballina Local Environmental Plan 2012, the Ballina Local Environmental Plan 1987 and the Ballina Shire Development Control Plan 2012. However, the centres are not currently subject to place-based strategic plans (similar to those prepared for Lennox Head, Wardell and Ballina).

As part of our broader program of preparing locality based strategic plans for our urban areas in Ballina Shire, it is proposed that Council prepares strategic plans for Wollongbar and Alstonville during 2016 and 2017.

Council's current Delivery Program and Operational Plan include a task to review the planning framework for Alstonville (Action HE3.1.2b), and the Ballina Shire Growth Management Strategy identifies a number of strategic actions for these centres including:

- Investigation of opportunities for seniors living and aged care.
- A review of planning controls for the Alstonville commercial centre following the construction of the Alstonville Bypass.
- Maintaining the urban buffer / inter-urban break between Wollongbar and Alstonville,

To address the above, it is proposed that Council prepares individual strategic plans for Alstonville and Wollongbar. Although the Delivery Program and Operational Plan for 2015/16 does not specifically reference Wollongbar, it is suggested that it is appropriate to consider both urban areas during a similar timeframe from an overall Plateau planning perspective, and also given the historic relationships between the two areas (including the application of the Alstonville-Wollongbar urban buffer).

Importantly, the proposed projects are not intended to directly address the concept of the third plateau village or rural planning issues on the Alstonville Plateau (outside the immediate interface with the villages and the existing urban buffer). Rather, it will be more focused on the identity and composition of the existing urban areas.

This report outlines a proposed approach to the strategic plan projects and seeks Council's direction on the delivery of the proposed program during 2016 and 2017.

Key Issues

- Establishment of place-based strategic plans for urban areas in Ballina Shire.
- Community engagement
- Identification of community identity, character, aspirations and desired outcomes
- Review of key aspects of the local planning framework as they relate to Alstonville and Wollongbar over the forthcoming planning period.

Information

It is proposed that the preparation of strategic plans for Alstonville and Wollongbar will follow a similar model to that employed in preparing the Wardell Strategic Plan during 2015 and 2016. It will also draw on elements of the process underpinning the recent Ballina Major Regional Centre Strategy.

In summary, the following approach is proposed:

- Preparation of individual strategic plans for Alstonville and Wollongbar (whilst there are shared relationships between the centres, each community will have the opportunity to define its own character and identity as well as aspirations).
- Engagement with each community in relation to elements including significant locational factors, key issues and opportunities, and future aspirations.
- Preparation of a planning and environmental study (for each place) to gather key information to support engagement with the community and preparation of a strategic planning document.
- Preparation of a strategic plan that identifies the vision for the future of each community and key strategic actions to be potentially undertaken by Council and other agencies over the coming 10 to 20 year period.

As a guide, the following matters are likely to be key factors for consideration in preparing the plans:

- There is anecdotal evidence that the urban populations of Alstonville and Wollongbar are undergoing significant change in terms of their demographic characteristics.

New residents moving into these centres appear to have a younger demographic profile than was previously the case. It is noted the Australian Bureau of Census and Statistics is scheduled to undertake the Federal Census later this year, which would verify this. However, it is not known whether that data will be available during the anticipated project period.

- Alstonville and Wollongbar are surrounded by State and regionally significant farmland which also has high scenic and environmental values.

The Alstonville-Wollongbar urban buffer is associated with a significant planning history in relation to its establishment and ongoing application. As such, it forms part of the identity and character of the Plateau centres.

9.4 Strategic Plan - Alstonville and Wollongbar

- There is potential for infill development to occur in parts of Alstonville and Wollongbar, subject to the adequacy of services and infrastructure being assessed. There may also be interest from landholders outside the existing centres in relation to “greenfield” urban development.

It is proposed that the plans will be prepared based on a conventional visioning process which considers the key questions:

- Where are we now? (taking stock of existing circumstances)
- Where are we going? (looking at trends)
- Where do we want to be? (identifying community vision and aspirations)
- How do we get to where we want to be? (identifying actions to achieve desired outcomes).

Sustainability Considerations

- **Environment**
Environmental, social and economic issues of relevance to both the Alstonville and Wollongbar communities will be considered in detail in the proposed planning and environmental studies.
- **Social**
As above
- **Economic**
As above.

Legal / Resource / Financial Implications

It is anticipated that the delivery of the proposed strategic planning program (including the community engagement program) for Alstonville and Wollongbar will incur a total cost of approximately \$20,000. It is anticipated this cost can be accommodated within the existing resources of the Strategic and Community Facilities Group during 2016 and 2017.

It is proposed that the delivery of the strategic plans will be staggered, commencing with Alstonville in July or August of 2016, with Wollongbar commencing thereafter as resources permit. Both projects are planned to be substantially completed by the end of June 2017.

Consultation

The following community engagement elements are proposed as part of the preparation of the strategic plans.

- Key community individuals and groups will be engaged to provide an early opportunity for these stakeholders to provide information about their community.
- The broader community will be engaged in relation to the planning and environmental studies and the strategic plans utilising various engagement techniques which may include surveys, web based information, structured workshop forums, street stalls, postcards and the like.

9.4 Strategic Plan - Alstonville and Wollongbar

- Formal public exhibition of the draft strategic planning documentation, including associated community and stakeholder feedback mechanisms.

Options

Confirmation is sought from Council with respect to the initiation of the proposed strategic plan preparation program as outlined in this report.

By way of options, it is open to Council to proceed with this project, place it on hold for a period to be nominated, or not proceed. It is recommended that Council initiate the project on the basis that the work is consistent with both the existing and draft Delivery Programs and Operational Plans. The project forms part of an ongoing program to engage our shire communities and compile place-based strategic plans. Moreover, the preparation of the plans can be completed within the existing resources of Council's Strategic and Community Facilities Group, with input from our other Groups.

RECOMMENDATION

That Council proceed with the preparation of place-based strategic plans for the urban areas of Alstonville and Wollongbar as per the contents of this report.

Attachment(s)

Nil

9.5 Ballina Twilight and Alstonville Farmers Markets

9.5 Ballina Twilight and Alstonville Farmers Markets

Delivery Program Strategic Planning

Objective To provide Council with information about the Ballina Twilight Market 2015/16 season and the closure of the Alstonville Farmers' Market.

Background

The Ballina Twilight Market, held in Fawcett Park Ballina has been operating for a number of years over the summer season. This market has had a number of different operators. Most recently, Council invited Mr Steve Cooke to operate the market by way of its resolution at the August 2015 Council Meeting (Minute No. 270815/11):

1. *That Council notes the information contained within this report regarding the relocation of the Alstonville Farmers' Market to the Alstonville Showground.*
2. *That Council invite Mr Steve Cooke to operate the 2015/16 Ballina Twilight Market.*
3. *That Council not apply a site rental fee for the use of Fawcett Park for the 2015/16 Ballina Twilight Market, with other assistance such as marketing to be provided, as determined by the General Manager.*
4. *That any application received for use of the Bugden Lane carpark be considered by the elected Council.*
5. *That Council receive a report in early 2016 on the Fawcett Park market outcomes.*

This reports addresses Item 5 of this resolution and provides Council with a report on the outcomes of the Ballina Twilight Market during the last season.

The report also provides an update relating to Item 4 of the above resolution, concerning the closure of the Alstonville Farmers' Market in the Bugden Lane Carpark.

Key Issues

- Ongoing market opportunities
- Use of public land

Information

Ballina Twilight Market

The Ballina Twilight Market has operated over the summer season on Thursday evenings on Fawcett Park since December 2011.

In the past it was operated by the Westpac Helicopter Rescue Service and more recently by Mr Steve Cooke.

9.5 Ballina Twilight and Alstonville Farmers Markets

The latest season of the Ballina Twilight Market operated from 15 October 2015 until 25 February 2016. Of the 20 market days scheduled, two were cancelled and six were rain or wind affected. Stall numbers fluctuated over this time between four and 27 and were largely influenced by the weather predicted for Thursday afternoons. Similarly, patronage at the market fluctuated with the weather, with very few people attending the market if it had rained on market day.

The market attracted a range of products including prepared food, clothing, homewares and gifts. Some of these products were homemade whilst others were imported. Paid artists provided live music at the market on most occasions.

It is unclear how many of the local surrounding shop-based businesses actively supported the market. However, it is understood that the Wharf Restaurant was approached by the market manager to sponsor the market entertainment. Apart from the Wharf Restaurant, few other surrounding businesses were observed to be open during the hours of the market's operation.

The market manager has reported a total income of \$7,135 (or a weekly average of \$356.75) from the market over the season, presumably largely from stallholder fees. The reported expenditure (including advertising, insurance, entertainment, labour and administration) equated to \$7,480. The manager has hence reported a loss on the market over this season of \$345.

Mr Cooke has indicated that he is not interested in operating the Ballina Twilight Market again next season. In this regard he has specifically commented that the weather has been difficult to deal with during the last season. This is a recurring problem, given the site's exposure and the times and during the period in which the market is held.

Alstonville Farmers' Market

The Alstonville Farmers' Market has been operating each Saturday morning on the Bugden Lane Carpark in Alstonville since October 2013. It was moved to the Alstonville Showground (this was initiated by the market manager) for a brief period from October 2015 to January 2016 before moving back to the Bugden Lane Carpark in January this year. The current manager, Mr Steve Cooke, concluded the market on Saturday 19 March 2016.

Contributing factors to the closure of this market, as advised by Mr Cooke, include the reduction of stallholder attendance over a number of months. He suggests this is due to the loss of some stalls to other, more profitable markets operating in the region. As a consequence, the small size of the market made it less viable for the remaining stallholders.

Mr Cooke has also indicated his surprise concerning the limited number of farmers operating in the immediate Alstonville area who have been prepared to make use of the market.

Mr Cooke has indicated that he will continue to manage the monthly Alstonville Plateau Market for the Agricultural Society, located at the Alstonville Showground.

Sustainability Considerations

- **Environment**
Local markets can have positive environmental outcomes, particularly with respect to reducing 'food miles' associated with the transportation of produce.
- **Social**
Markets can support the availability of fresh produce to the local community and provide opportunities for social interaction. Markets also present opportunities for community learning about regional food production.
- **Economic**
Markets support the local economy by retaining income within the region. Markets located in proximity to existing commercial areas can also contribute to or stimulate business activity within these areas.

Legal / Resource / Financial Implications

Council's financial contribution to supporting the Ballina Twilight Market has included the resources required to originally establish the market. This included fees for the development application, traffic management plan, and parking surveys which amounted to around \$6,300 over the duration of the market's operation. Additional resources also included staff time in preparing documentation, regularly liaising with the market manager and monitoring the operation.

Ongoing costs to Council for this market have also included the promotional resources such as banners and posters (\$2,000) and the provision of waste (\$77 per week) and water and electricity services on market day.

Due to the water and power not being metered individually at Fawcett Park, these costs are unknown but are expected to be relatively minor.

Costs incurred by Council in relation to the Alstonville Farmers' Market were largely associated with the initial establishment of a market at the site, involving the preparation of a development application, a traffic plan and a parking survey which amounted to around \$6,300 over the duration of the market's operation. Additional resources also included staff time in preparing documentation and regularly liaising with the market manager.

Although both markets occurred on public land, Council did not receive any income from Mr Cooke, as operator of both markets.

Consultation

The manager of the Ballina Twilight Market provided information regarding the outcomes of that market that has been used in the preparation of this report. Mr Cooke, who also managed the Alstonville Farmers' Market, provided brief feedback concerning his reasons for ceasing that operation.

No broader community consultation has been undertaken, other than during the assessment of the respective development applications.

Options

1. Seek New Market Operators

Council may seek other potential market managers to operate markets at Fawcett Park in Ballina and/or the Bugden Lane Carpark in Alstonville through an expression of interest process. Due to the poor responses to previous EOIs for these operations, and the recent evidence which clearly indicates that these markets are very difficult to operate profitably (even by a very experienced market manager) without significant public subsidy, this option is not recommended.

2. Await Future Proposals Rather than Actively Pursue Market Operators

Both the sites on which the Ballina Twilight Market and Alstonville Farmers' Market operated have development approval in place. The development approval in place for the Alstonville site is not time limited, however the approval in place for Fawcett Park is a temporary approval for a five year period and will expire in December 2016.

As markets on Council owned or managed land are now exempt development under the Ballina Local Environmental Plan 2012, any future market proposal for the Fawcett Park site would be processed under a Council-determined management regime, similar to the process recently undertaken for appointment of the Missingingham Market manager.

The current approval in place for Bugden Lane Carpark, Alstonville could be activated if and when Council is approached by a market manager interested in operating a market on this site. In this regard, it is noted that it is not Council's intention to abandon this development consent.

In both instances, it is open to Council to reactivate the markets if a suitable proposal for market operation is forthcoming.

Given the limited success of the Fawcett Park and Alstonville Farmers' Markets to date as outlined in this report, it is recommended that Council does not commit further resources to the operation of either market unless approached by an operator with a clearly defined proposal and business plan.

RECOMMENDATIONS

1. That Council notes the content of this report concerning the outcomes of the Ballina Twilight Market 2015/16 and the cessation of the Alstonville Farmers' Market.
2. That Council does not commit further resources to the operation of the Ballina Twilight Market on Fawcett Park or the Alstonville Farmers' Market within the Bugden Lane Carpark unless approached by an operator with a clearly defined proposal and business plan that is suitable to Council.

Attachment(s)

Nil

9.6 Commercial Use of Public Land Adjoining Commercial Premises

9.6 Commercial Use of Public Land Adjoining Commercial Premises

Delivery Program Governance and Finance

Objective To outline the outcomes of a review into the policy framework associated with commercial uses of public land for outdoor dining and other like purposes.

Background

Council resolved (in part) in December 2014 as follows in association with the consideration of a proposed outdoor dining use (adjacent to an existing commercial premises) on Captain Cook Park [Minute No. 181214/9]:

1. *That Council provides in principle support for the use of Council owned or control public land for commercial purposes within the defined commercial centres, by adjoining properties, subject to the following minimum provisions:*
 - a) *the use is consistent with any plan of management applying to the land.*
 - b) *no permanent structures are to be placed on the land.*
 - c) *public access is to be maintained.*
 - d) *a licence for use of the land is to be entered into with Council, with the licence including agreed lease fees and minimum insurance standards.*
 - e) *the assessment of any car parking provisions and developer contributions payable for the public land component of a development application (i.e. Section 94 or Section 64 contributions) is to be consistent with the provisions applied in respect to the current Commercial Use of Footpaths Policy (i.e. waived) due to the non permanent nature of the use of the public land.*
 - f) *along with any other relevant provisions identified in Council's Commercial Use of Footpath's Policy that may be relevant to this type of activity, as determined by the General Manager in the interim, until Council adopts a formal policy to manage these applications as per point two below.*

Council's resolution also sought a further report on the preparation of a policy on this matter.

This report provides an overview of a review of the policy framework regarding commercial uses of public land for outdoor dining and other like purposes.

Key Issues

- Policy framework for commercial use of public land.

Information

Staff have undertaken a review of the existing policy framework for the commercial use of public land as it relates to outdoor dining and like activities, having regard for the sentiments expressed by the Council in relation to the above resolution. This review has incorporated information from Council's community property and open spaces and reserves portfolios and has had specific regard for Council's current policy relating to alfresco dining and commercial use of public land, and present public land management practices.

Given the nature of proposals for outdoor dining and other commercial premises related activities (such as good display) on public reserves adjacent to existing commercial premises, it is the view of staff that such proposals can be adequately managed by applying the principles of the resolution set out above (as opposed to resourcing preparation of a new policy) and drawing on existing policy and land management practices. The consideration of such proposals is also manageable within the existing policy and land management framework on the basis that requests for such uses are typically infrequent.

Importantly, in considering this issue, it should be noted that most requests for alfresco dining and like uses relate to the use of the road reserve or footpath areas. This is governed by a partly different set of considerations to the use of Council owned land and public reserves, albeit that many of the principles (such as those associated with accessibility and insurances) are similar.

The review has identified several opportunities for improvements to existing procedures and the internal flow of information relating to the use of public land for commercial purposes. Staff will continue to work on these improvements as resources allow.

Having regard for the above, it is recommended that Council take no further action in relation to the preparation of a new or amended policy.

Sustainability Considerations

- **Environment**
Not Applicable.
- **Social**
Not Applicable.
- **Economic**
Not Applicable.

Legal / Resource / Financial Implications

There are no direct legal, resource or financial considerations associated with the approach recommended in this report.

9.6 Commercial Use of Public Land Adjoining Commercial Premises

Consultation

No external consultation has been undertaken in relation to the preparation of this report. Internal liaison has occurred between Council's community property and open spaces and reserves portfolios.

Options

For the reasons outlined above, it is recommended that Council take no further action at this time towards the preparation of a new or revised policy framework for commercial uses of public land adjoining commercial premises. Under this approach, staff will continue to operate within the existing policy and land management framework with regard for the elements of Council's resolution noted above.

Alternatively, it is open to Council to pursue preparation of a new or revised policy or seek further information on this matter.

RECOMMENDATION

That Council take no further action for the time being on the preparation of a new or revised policy for the commercial use of public land associated with adjoining commercial premises (outdoor dining and the like).

Attachment(s)

Nil

10.1 Use of Council Seal

10. General Manager's Group Reports

10.1 Use of Council Seal

RECOMMENDATION

That Council affix the Common Seal to the following document.

US16/04	Deed of Consent – Lessor National Australia Bank for mortgage of lease for Shop 7 Wigmore Arcade Ballina. Explanation: Council has been notified that the current lessee Lynch has sold the business to JE's Supermarket Pty Ltd. As part of the transfer of lease a request for a mortgage from the purchaser was requested.
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Attachment(s)

Nil

10.2 Investment Summary - March 2016

10.2 Investment Summary - March 2016

Delivery Program Governance and Finance

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

Background

In accordance with the Local Government Financial Regulations, the responsible accounting officer of a Council must provide a monthly report (setting out all money Council has invested), to be presented at the ordinary meeting of Council, immediately following the end of the respective month. This report has been prepared for the month of March 2016.

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 Investments Policy.

The balance of investments as at 31 March was \$68,295,000. This represents an increase of \$1,001,000 from February. Total redemptions of \$6m offset by new investments taken of \$7m resulted in the net increase of \$1m held.

As advised in the investment report tabled at the March Ordinary meeting, the Westpac covered bond held by Council (with a face value of \$1m) was sold on 3 March 2016. Other redemptions during the month of March were four term deposits (with a face value of \$5m) which had reached maturity.

Seven new term deposits (with face value of \$7m) were taken out in the month of March.

The interest rate being achieved on new investments has shown an improvement over that being achieved in the previous month, as can be seen in Table F. Council's investments as at 31 March are at an average (weighted) rate of 3.10% (compared to 3.08% for February), which is 0.79% above the 90 Day Bank Bill Index of 2.31%.

Looking at Table E, it can be seen that the actual interest earned to date is higher than originally budgeted. An adjustment to budgeted interest will be proposed as part of the March quarterly budget review.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 31 March 2016 was \$3,254,784 (a significant reduction from the balance of \$7,103,942 as at 29 February, as expected).

In respect to the current state of the investment market the monthly commentary from the NSW Treasury (T-Corp) is included as an attachment to

10.2 Investment Summary - March 2016

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

Reserve Name	Internal/External Restriction	% of Portfolio*
Water Fund (incl developer contributions)	External	15
Wastewater Fund (incl developer contributions)	External	22
Section 94 Developer Contributions	External	7
Bonds and Deposits	External	2
Other External Restrictions	External	13
Land Development	Internal	5
Employee Leave Entitlements	Internal	4
Carry Forward Works	Internal	13
Miscellaneous Internal Reserves	Internal	12
Unrestricted		7
Total		100%

* Based on reserves held as at 30 June 2015

A. Summary of Investments by Institution

Funds Invested With	Fossil Fuel Aligned	ADI Rating *	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
Grandfathered Investments							
Goldman Sachs	N/A	A	1,000	1,000	0	1.5%	
National Australia Bank	Yes	BBB	1,788	1,788	0	2.6%	
Rated Institutions							
AMP Bank	Yes	A+	4,000	4,000	20%	5.9%	
Bank of Queensland	No	A-	6,000	6,000	10%	8.8%	
Bank of Western Aust	Yes	AA-	4,000	4,000	20%	5.9%	
Bendigo & Adelaide Bank	No	A-	5,000	5,000	10%	7.3%	
Commonwealth Bank of Australia	Yes	AA-	3,506	2,507	20%	3.7%	
Greater Building Society	No	BBB	2,000	2,000	10%	2.9%	
Heritage Bank	No	BBB+	0	2,000	10%	2.9%	
ING Bank Ltd	Yes	A-	2,000	2,000	10%	2.9%	
Members Equity Bank	No	BBB+	6,000	6,000	10%	8.8%	
National Australia Bank	Yes	AA-	10,000	10,000	20%	14.6%	
Newcastle Perm Bld Society	No	BBB+	4,000	4,000	10%	5.9%	
Rural Bank Ltd	No	A-	0	1,000	10%	1.5%	
Suncorp-Metway Bank	No	A+	12,000	12,000	20%	17.6%	
Westpac Banking Corporation	Yes	AA-	3,000	2,000	20%	2.9%	
My State Bank Ltd	No	BBB	3,000	3,000	10%	4.4%	96%
Unrated ADI's					\$1m	0.0%	0%
Total			67,294	68,295		100%	

B. Summary of Investments Fossil Fuel Aligned

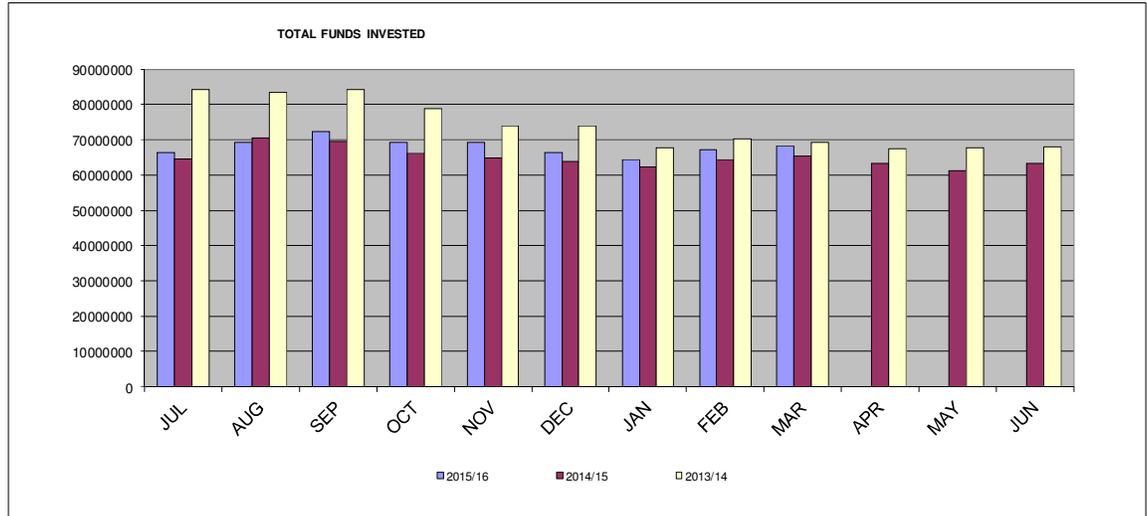
	Previous Month	Current Month
Fossil Fuel Aligned	28,294	26,295
	42%	39%
Non-Fossil Fuel Aligned	38,000	41,000
	57%	60%
Not Classified	1,000	1,000
	1%	1%
Total	67,294	68,295
	101%	100%

10.2 Investment Summary - March 2016

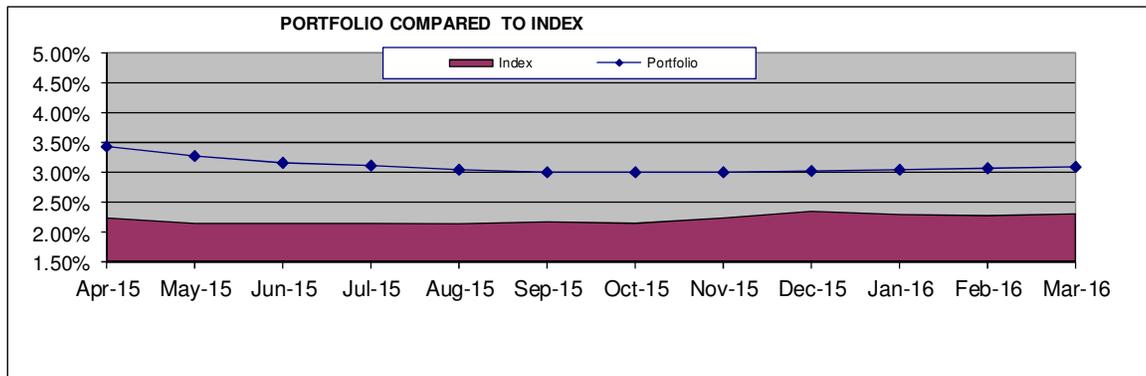
The determination of fossil fuel alignment is based on advice from Market Forces as follows:

- Fossil Fuel Aligned: Noted by Market Forces as funding fossil fuels
- Non-Fossil Fuel Aligned: Noted by Market Forces has having no record of fossil fuels and having provided a position statement.
- Not Classified: Not classified as information not available.

C. Monthly Comparison of Total Funds Invested

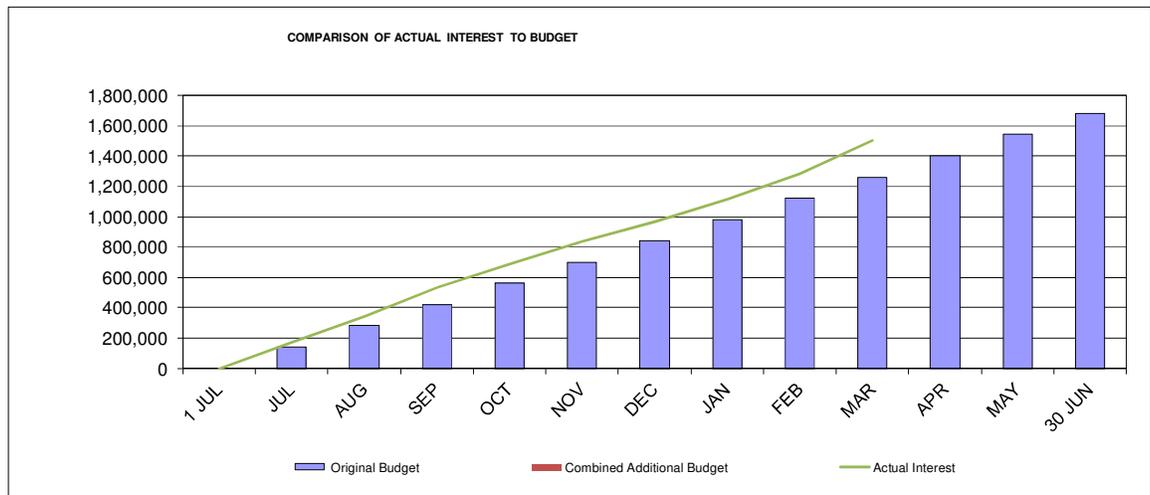


D. Comparison of Portfolio Investment Rate to 90 Day BBSW



10.2 Investment Summary - March 2016

E. Progressive Total of Interest Earned to Budget



10.2 Investment Summary - March 2016

F. Investments held as at 31 March 2016

PURCHASE DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	PURCHASE VALUE \$'000	FAIR VALUE \$'000
at call	Commonwealth Bank Of Australia	CDA	1.95%	at call	511	511
20/09/04	National Australia Bank (ASX Listed)	FRN	3.53%	Perpetual	1,788	1,150
12/04/06	Goldman Sachs	FRN	2.83%	12/04/16	1,000	1,000
24/01/12	ING Bank Ltd	FRTD	4.22%	24/01/17	1,000	1,000
25/01/13	Commonwealth Bank Of Australia	TD	4.25%	25/01/18	1,996	2,070
07/06/13	Greater Bld Society	FRN	3.77%	07/06/16	2,000	2,008
25/02/14	Westpac Bank	FRN	3.22%	25/02/19	2,000	2,004
31/07/15	Bendigo & Adelaide Bank	TD	3.00%	01/08/16	2,000	2,000
17/08/15	Bendigo & Adelaide Bank	TD	2.95%	16/08/16	2,000	2,000
13/10/15	Suncorp-Metway Bank	TD	2.90%	11/04/16	3,000	3,000
03/11/15	National Australia Bank	TD	2.85%	03/05/16	1,000	1,000
11/11/15	Bank of Queensland	TD	2.95%	12/05/16	1,000	1,000
18/05/15	Bank of Queensland	TD	3.00%	24/05/16	1,000	1,000
26/11/15	My State Bank	TD	3.01%	31/05/16	1,000	1,000
01/12/15	Suncorp-Metway Bank	TD	3.05%	31/05/16	1,000	1,000
21/12/15	Members Equity Bank	TD	3.10%	17/08/16	2,000	2,000
05/01/16	Suncorp-Metway Bank	TD	3.02%	04/07/16	2,000	2,000
06/01/16	Bank of Queensland	TD	3.10%	06/07/16	1,000	1,000
07/01/16	Bank of Queensland	TD	3.10%	11/07/16	1,000	1,000
11/01/16	Suncorp-Metway Bank	TD	3.00%	12/07/16	1,000	1,000
12/01/16	Bank of Queensland	TD	3.10%	13/07/16	1,000	1,000
12/01/16	National Australia Bank	TD	3.10%	11/05/16	2,000	2,000
15/01/16	BankWest	TD	3.00%	16/05/16	2,000	2,000
25/01/16	Members Equity Bank	TD	3.10%	26/07/16	2,000	2,000
27/01/16	Newcastle Permanent Bld Society	TD	3.00%	27/04/16	1,000	1,000
28/01/16	My State Bank	TD	3.05%	20/07/16	2,000	2,000
02/02/16	National Australia Bank	TD	3.02%	09/08/16	1,000	1,000
04/02/16	National Australia Bank	TD	3.03%	15/08/16	1,000	1,000
09/02/16	AMP Bank	TD	3.00%	08/08/16	2,000	2,000
09/02/16	AMP Bank	TD	3.00%	12/08/16	1,000	1,000
10/02/16	Suncorp-Metway Bank	TD	3.05%	23/08/16	2,000	2,000
10/02/16	Newcastle Permanent Bld Society	TD	3.00%	19/05/16	1,000	1,000
11/02/16	AMP Bank	TD	3.00%	18/08/16	1,000	1,000
16/02/16	Newcastle Permanent Bld Society	TD	3.00%	18/05/16	1,000	1,000
17/02/16	Newcastle Permanent Bld Society	TD	3.00%	25/05/16	1,000	1,000
17/02/16	Bendigo & Adelaide Bank	TD	3.00%	16/11/16	1,000	1,000
19/02/16	Members Equity Bank	TD	3.00%	17/08/16	1,000	1,000
19/02/16	Members Equity Bank	TD	3.10%	14/02/17	1,000	1,000
22/02/16	BankWest	TD	3.00%	07/06/16	1,000	1,000
22/02/16	National Australia Bank	TD	3.03%	28/06/16	1,000	1,000
23/02/16	Suncorp-Metway Bank	TD	3.05%	25/08/16	1,000	1,000
23/02/16	National Australia Bank	TD	3.03%	29/08/16	1,000	1,000
23/02/16	National Australia Bank	FRTD	3.08%	24/08/16	1,000	1,000
24/02/16	BankWest	TD	3.00%	01/06/16	1,000	1,000
25/02/16	National Australia Bank	FRTD	3.10%	25/08/16	1,000	1,000
29/02/16	ING Bank Ltd	TD	3.10%	28/02/17	1,000	1,000
03/03/16	Suncorp-Metway Bank	TD	3.10%	05/09/16	1,000	1,000
07/03/16	Suncorp-Metway Bank	TD	3.12%	08/09/16	1,000	1,000
09/03/16	Bank of Queensland	TD	3.12%	26/09/16	1,000	1,000
09/03/16	National Australia Bank	TD	3.12%	15/09/16	1,000	1,000
16/03/16	Heritage Bank	TD	3.25%	04/10/16	1,000	1,000
16/03/16	Heritage Bank	TD	3.25%	11/10/16	1,000	1,000
31/03/16	Rural Bank Ltd	TD	3.15%	29/11/16	1,000	1,000
Totals					68,295	67,743
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 March 2016.

Attachment(s)

1. TCorp Local Government Economic Commentary March 2016

10.3 151 River Street - Leasing Proposal

10.3 151 River Street - Leasing Proposal

Delivery Program Commercial Services

Objective To seek Council's concurrence to a lease proposal negotiated for 151 River Street, Ballina (Wigmore Arcade Complex)

Background

Council staff have been progressing negotiations with a prospective new tenant for 151 River Street in the Wigmore Arcade Complex.

A confidential report included later in this agenda deals with the actual lease details.

Key Issues

- Lease terms and conditions

Information

Negotiations have now concluded with a prospective tenant for 151 River Street. Specific details are contained in a confidential report also included in this agenda. A leasing plan is included as attachment one to this report.

Legal / Resource / Financial Implications

- If Council resolves to lease 151 River Street this will leave Shop 8 as the only current vacancy within the Arcade.

Consultation

Negotiations have been conducted with prospective tenants on an ongoing basis.

Options

This report is for information only.

RECOMMENDATION

That Council notes the contents of this report in respect to the lease negotiations for 151 River Street in the Wigmore Arcade complex.

Attachment(s)

1. Leasing plan - Shop 151 River Street

10.4 Policy (Review) - Investments Policy

10.4 Policy (Review) - Investments Policy

Delivery Program Governance and Finance

Objective To consider the review of the Investments Policy

Background

All of Council's existing policies are progressively being reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Investments policy.

Council first adopted this policy in 2006.

Key Issues

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

Information

This review of this policy identified the following additions:

- Requirement, within the Prudent Person Standard section of the policy, for the investment officer to maintain an investment register which includes classification of source investment institutions as to whether they are fossil fuel aligned.
- Inclusion, within the Risk Management Guidelines of the policy, of a section on Reputational and Environmental Considerations. This section considers the risk of placing investments with institutions that are known to fund fossil fuel activities.
- Requirement, outlined in new paragraph titled Reputational and Environmental Considerations, that, subject to obtaining the best rate of return and compliance with other investment policy parameters, investments shall be placed with non-fossil fuel aligned institutions where possible.

The above three recommended changes to the policy are in response to Council's previous resolution (261115/33) whereby it was resolved that, subject to obtaining a comparable or better rate of return and compliance with other investment policy parameters, investments shall be placed with non-fossil fuel aligned institutions where possible.

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

All changes have been marked in yellow in the revised policy document attached to this report.

Sustainability Considerations

- **Environment**
Recommended changes to the policy include the addition, within the investment register, of classification of source investment institutions as to whether they are fossil fuel aligned and requirement, subject to obtaining a comparable rate of return or better and compliance with other investment policy parameters, investments shall be placed with non-fossil fuel aligned institutions where possible.
- **Social**
Not applicable.
- **Economic**
No impact.

Legal / Resource / Financial Implications

The policy looks to establish a framework to invest Council's excess cash in a manner that mitigates risks whilst enabling a fair return on funds invested.

Consultation

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

Options

Council may accept or amend the proposed changes to the policy. It is recommended that the policy be adopted as presented.

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

RECOMMENDATIONS

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

Attachment(s)

1. Policy - Investments (Review)

10.5 Tender - Management of Flat Rock Tent Park

10.5 Tender - Management of Flat Rock Tent Park

Delivery Program Commercial Services

Objective To obtain Council approval to award the contract for the management of Flat Rock Tent Park for a five year period

Background

The current management agreement for Flat Rock Tent Park expired on 28 February 2016. Tenders were advertised on 12 February 2016, with tenders closing 15 March 2016. Part of the tender process included a non-compulsory pre-tender briefing session for parties interested in tendering for the management of the Park.

The tender specification was based on an annual management fee plus 15% of operating income, which is the same as the current arrangements.

Submissions were received from two parties, of which one is the current management company for the Park. This report outlines the outcome from the tender evaluation process.

Key Issues

- Comply with the Local Government (General) Regulations 2005.
- Engage a suitably qualified and experienced Contractor that having regard to all of the circumstances provides the most advantageous tender.

Information

The following tender submissions were received:

AK Brunner Pty Ltd	\$450,000 for 5 year period (no cpi increases)
DK Hally Corporations Pty Ltd	\$468,120 (inclusive of projected cpi increases over five year – CPI based on 2%)

These figures represent the retainer amount with the tenderers also entitled to 15% commission of operating income from tourist sites. In return the tenderers are responsible for management of the park, including minor maintenance, seven days per week, 52 weeks of the year.

Based on Council's latest Long Term Financial Plan the 15% figure equates to approximately \$328,000 for the five year period, which means the total contract figure is close to \$800,000 for the five years (approximately \$160,000) per annum.

The tender documentation defined five areas by which each tender would be assessed:

10.5 Tender - Management of Flat Rock Tent Park

Total Price	30%
Relevant experience in operation of a tourist accommodation facility/small business	25%
Capability and resources	25%
Social and community	15%
Customer Relations/marketing	5%

The tender evaluation panel, consisting of Paul Tsikleas, Leanne Harding and Caroline Klose, then assessed each of the tenders against the above criteria and a summary of the rankings follows:

Evaluation Criteria	AK Brunner P/L	DK Hally
Total Price	30.0%	28.8%
Relevant experience in operation of a tourist accommodation facility/small business	18.3%	21.7%
Capability and resources	14.9%	19.6%
Social and community	10.0%	14.0%
Customer Relations/marketing	3.3%	4.1%
Total	76.5%	88.1%

Based on the tender submissions DK Hally Corporation Pty Ltd has ranked highest in the tender evaluation.

DK Hally Corporation Pty Ltd have managed Flat Rock Tent Park since 2011 and have demonstrated capabilities in managing the Park.

Sustainability Considerations

- **Environment**
Managers will be made aware of the need to manage the Park to minimize any impact on the local environment.
- **Social**
The Park is an important facility provided within the Ballina Shire.
- **Economic**
Council must ensure that overall operating costs are minimized where possible, while looking to maximize occupancy rates at the park.

Legal / Resource / Financial Implications

This report is provided to assist Council meet its statutory requirement in regard to tendering and procurement.

The management fee tendered is within the current budget.

Consultation

Public tender process conducted.

Options

In accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, Council must either:

10.5 Tender - Management of Flat Rock Tent Park

1. *Accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
2. *Decline to accept any of the tenders.*

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;*
- (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; and*
- (f) carry out the requirements of the proposed contract itself.*

Accordingly,

1. Council may award the contract to DK Hally Corporation Pty Ltd to undertake the management of Flat Rock Tent Park for a five year period.
2. Council may determine not to accept any of the tenders received and invite fresh tenders or alternatively enter into negotiations directly with one or more service providers.

Option Two is not recommended as Council has undertaken the tender process in accordance with the Local Government (General) Regulations 2005. The tenders submitted would indicate a fair test of the market and that a fair rate has been achieved representing good value to Council.

Option One is recommended as the preferred option as the tender assessment indicates that a reliable market has been established and the assessment by the evaluation panel has determined the preferred tenderer.

RECOMMENDATIONS

1. That Council accepts the tender for the Management of Flat Rock Tent Park from DK Hally Corporations Pty Ltd for the amount of \$468,120 (inclusive of projected CPI increases over five years) plus GST plus 15% of operating income.
2. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

Nil

10.6 Capital Expenditure Program - 31 March 2016 Review

10.6 Capital Expenditure Program - 31 March 2016 Review

Delivery Program Governance and Finance

Objective To provide an update on the capital expenditure program included in the 2015/16 Operational Plan as at 31 March 2016

Background

Council has a significant capital expenditure program included in the annual Operational Plan. Due to the scale and magnitude of the program it is important that updates are provided on a regular basis.

The current practice is to provide a comprehensive quarterly status report on all the major capital works included in the Operational Plan. This status report provides details on key milestone dates, along with a comparison between budget and actual expenditure.

This report is for the nine month period to 31 March 2016 for the 2015/16 financial year.

Key Issues

- Status of works

Information

To assist in understanding the delivery timeframes for the capital works the attachments to this report provide information on the following items:

- Original Budget - represents the budget as per Council's adopted Operational Plan
- Carry Forwards - represents budgets carried forward from the previous financial year that were approved by Council at the August 2015 Ordinary meeting
- Approved Variations - Variations previously approved by Council, either through a Quarterly Budget Review, or a separate report on a particular project.
- Likely Variations – Represents further changes that are likely to occur to the existing budgets based on the latest available information for the project. Confirmed changes will be included in the March 2016 Quarterly Financial Review, which will be submitted to the May 2016 Ordinary meeting.
- Latest Estimate - Sum of the original budget plus the budget changes, including the "Likely Variations".
- Expended to Date - Expenditure to 31 March 2016
- % Expended - Percentage of budget expended to 31 March 2016
- Milestone Dates - Represents target dates for the major milestones.
- Status - Allows additional comments to be provided.

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

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

Open Spaces (attachment one)

The major works to be completed this year relate to:

- Play Equipment – Bolwarra Circuit – This represents work completed by developers as part of the Wollongbar Urban Expansion Area. As the installed playground provides benefit to a catchment larger than their specific development, the developer was entitled to recoup a portion of the costs from section 94 contributions collected by Council.
- Disc Golf – Bicentennial Park – Council resolved to support this project at the November 2015 Ordinary meeting and the equipment has been ordered. This is likely to be up and operational shortly.
- Play Equipment – Improvement Program – all the playground equipment has been ordered and currently being installed.
- Ballina Netball Lights – A grant of \$25,000 is available for these lights, however with an estimated total cost of \$100,000 additional funds are being sought from the Club and other sources.
- Wollongbar Sports Fields – Construction works are well advanced and it is planned to have an inspection of the site in the not too distant future.

Waste Management (attachment one)

Domestic Waste Vehicle – This vehicle has been ordered and is expected to arrive shortly.

Resource Recovery Shed and Year – Significant improvements have been made to this facility with the new operator up and running.

Operations Support (attachment two)

Administration Centre – Air-conditioning – Council has allocated additional funding to this project with works to commence in 2016/17.

Ballina Surf Club – The construction of Building B is progressing with a planning application lodged to amend the original consent. Subject to planning approval and the calling of tenders, the works are now scheduled to be undertaken early in the 2016/17 financial year.

Lennox Head Surf Club Building – Agreement is still to be finalised on a preferred design for the replacement building, with the next step being the lodgement of a development application.

Ballina Marine Rescue Centre – Works well advanced.

Public Amenities – Lennox Head Main Beach – Minor refurbishment works were able to be financed from the maintenance budget with the savings transferred to 2016/17 to assist with the next priority project (Pop Denison).

10.6 Capital Expenditure Program - 31 March 2016 Review

Ballina Sports / Leisure Centre – With Council providing in principle support to a joint venture option for this facility with the NSW State Government, no further expenditure is likely to be incurred this financial year.

Ballina and Alstonville Swimming Pools – This work will now take place during the 2017 off season.

Commercial Services (attachment three)

Terminal Expansion and Apron Overlay – Council has been successful in obtaining a \$2.2m grant (Regional Tourism Infrastructure Fund – RTIF) for the \$2.7m apron overlay project. This works involves construction of an asphalt strengthening overlay to the existing RPT apron for A320 and B737 aircraft for use by Jetstar and Virgin Australia, along with widening and an asphalt strengthening overlay to the existing RPT taxiway. The works are now largely complete.

Wigmore Arcade – Roof and Awning – Works have commenced.

Subdivision – 54 North Creek Road – Development consent is still being sought for this work, but pleasingly there has been strong interest in the purchase of the land. It may well be that all the proposed lots will be sold, subject to development consent and construction, prior to the works even commencing. At this stage construction works look likely to occur in the 2016/17 financial year.

Wollongbar Urban Expansion Area – With the consent still to be obtained for this work and tenders still to be called, the majority of the expenditure will be incurred in the 2016/17 financial year.

Water and Wastewater (attachments four and five)

Water – Changes largely reflect the timing of works being rolled over into 2016/17.

Wastewater – As per the comment for Water.

Engineering Works (attachment six)

Stormwater

A number of smaller projects have been completed to date with these projects typically representing stormwater failures.

Urban Roads

A number of urban road projects have been completed with Angels Beach Drive now underway.

10.6 Capital Expenditure Program - 31 March 2016 Review

Rural Roads

This program is well advanced with 69% of expenditure completed to date. The preference is to defer the Teven Road (Black Spot) works as it is hoped that Council can extend this project by obtaining grant funds under the Fixing Country Roads Program.

Ancillary Transport Services - Shared Paths and Footpaths

Works on the Coastal Recreational Path are well advanced and the new toilet in the Wigmore Car Park should be operational shortly.

Water Transport

A tender has been accepted for the design and approvals component of this program, with the balance of the funding, being the construction component, to be transferred to 2016/17.

Sustainability Considerations

- **Environment**
Many of the works listed provide positive environmental outcomes
- **Social**
Certain items provide significant social benefits
- **Economic**
Improved infrastructure can benefit the local economy.

Legal / Resource / Financial Implications

The report provides financial information on the capital works program.

Consultation

This report is presented for public information. Consultation has been undertaken with staff managing the various projects.

Options

As per the following table there is once again an extremely high level of capital expenditure forecast for 2015/16, with a significant amount of expenditure still to be incurred.

Capital Works Summary – 31 March 2016 (\$'000)

Section	Budget (%)	Expended (%)	Percentage
Open Spaces	6,468,100	1,636,400	25
Waste	1,243,000	304,600	25
Operations Support	5,394,900	2,572,100	48
Commercial Services	3,873,000	525,800	14
Water	1,856,000	1,287,000	69
Wastewater	3,470,000	1,581,700	46
Engineering Works	14,059,000	6,315,700	45
Total	36,364,000	14,223,300	39

10.6 Capital Expenditure Program - 31 March 2016 Review

As construction contracts have either commenced or been let for major projects such as the Wollongbar Sports Fields (\$4.1m still to be expended), the Coastal Recreational Path (\$1.9m project) and the Ballina Marine Rescue Centre (\$2m), this should result in significant expenditures being incurred for the remainder of the 2015/16 financial year.

This report is primarily for noting purposes and the recommendation reflects that.

RECOMMENDATION

That Council notes the contents of this status report on the 2015/16 capital expenditure program.

Attachment(s)

1. Capital Expenditure - Open Spaces and Waste
2. Capital Expenditure - Operations Support
3. Capital Expenditure - Commercial Services
4. Capital Expenditure - Water Operations
5. Capital Expenditure - Wastewater Operations
6. Capital Expenditure - Engineering Works

10.7 Delivery Program and Operational Plan - 31 March 2016 Review

10.7 Delivery Program and Operational Plan - 31 March 2016 Review

Delivery Program Governance and Finance

Objective To review Council's performance against the adopted Delivery Program and Operational Plan for the period to 31 March 2016

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

Delivery Program

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

Even though Council is only required to receive six monthly progress reports the preferred practice has been to receive more timely quarterly reports. This report represents the third review of the 2015/16 - 2018/19 Delivery Program and the 2015/16 Operational Plan, with the information contained in the report based on work undertaken up to 31 March 2016 (nine months).

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

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

Key Issues

- Compare actual results against the adopted goals and priorities

Information

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

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

All items are marked with a green (on track) amber (behind schedule or below target) or red (not progressing or well off track) traffic light.

10.7 Delivery Program and Operational Plan - 31 March 2016 Review

In respect to the Operational Plan there are a total of 99 major actions listed in the Plan and the following two tables provide an overview of the status of those actions on a number and percentage basis.

Program Actions Overview - By Number of Tasks

Group / Status	GM	DEH	Civil	SCF	Total
Green	25	8	32	25	90
Amber	0	0	3	3	6
Red	2	0	1	0	3
Total	27	8	36	28	99

Program Actions Overview - By Percentage

Group / Status	GM	DEH	Civil	SCF	Total
Green	93	100	89	89	91
Amber	0	0	8	11	6
Red	7	0	3	0	3
Total	100	100	100	100	100

Items showing as amber or red include:

- Participate in Roads and Maritime Services Location Marker Program for Ballina (page 6) – This is an RMS project and Council has no control over the timing of the implementation of the works.
- Implement Regional Boating Strategy and related master plans (page 6) – The construction of the new wharves and jetties will now occur in 2016/17, with the consultant only recently appointed for the design and approval process for these works.
- Introduce online certification application process (page 7) – As previously report this is marked as red as it will not proceed as we are reliant on the software provider improving the software.
- Proactively manage Council sand pit (page 8) – The priority task has been the review of Council's quarries and a briefing on options for the sand pit is to be scheduled later this financial year.
- Complete DCP for Skennars Head expansion (page 14) – This project is running behind schedule primarily due to the ownership interests in the Stewart Farm having changed over the last 12 months.
- Complete reviews of Section 94 Open Spaces and Community Facilities Plans (page 15) – A large part of the ground work for this task has been completed and it is hoped that the draft plans will be reported to Council prior to June for approval to exhibit.
- Implement the use of barcodes within the store for accurate stock issue to responsible officers (page 18) – As previously reported, due to difficulties in applying the corporate software system to this proposal, different technologies are being trialled. It is highly unlikely this will be operational by the end of 2015/16.

On the positive side there are many interesting and challenging projects in the program action list (i.e. Ballina Boat Harbour dredging underway, Ballina

10.7 Delivery Program and Operational Plan - 31 March 2016 Review

Major Regional Centre Strategy completed, Coastal Shared Path underway etc) that are progressing.

Some projects may not be completed this financial year but importantly nearly all key projects, as identified and endorsed by Council in the Operational Plan, are being actioned across the organisation.

In respect to the Service Delivery Targets there are a total of 95 targets, or preferred targets, identified in the Operational Plan and the following two tables provide an overview of how Council is performing against those targets, again on a number and percentage basis.

Service Delivery Targets Overview - By Number of Activities

Group / Status	GM	DEH	Civil	SCF	Total
Green	17	21	21	17	76
Amber	5	1	7	3	16
Red	0	1	2	0	3
Total Tasks	22	23	30	20	95

Service Delivery Targets Overview - By Percentage

Group / Status	GM	DEH	Civil	SCF	Total
Green	77	91	70	85	80
Amber	23	5	23	15	17
Red	0	4	7	0	3
Percentage Total	100	100	100	100	100

In respect to these services items of note include the following:

- Asset Management – Percentage of DA referrals completed within 21 days – 72% (target > 70%) (page 21) – This is the first time this action has met the agreed target and it is pleasing to see that internal process reviews and other actions to improve our performance have improved the overall result.
- Commercial Services (Airport) – Increase in operating revenue and operating surplus is greater than 25% of revenue (page 22) – Pleasingly, airport revenue appears to be tracking on budget this year.
- Commercial Services (Property) – Vacancy rates (page 22) – With improvements in the market conditions, our vacancy rates are now at reasonable levels.
- Environmental and Public Health – Onsite Effluent Disposal Systems Inspected (page 26) – Even though this is red, the number inspected is beginning to increase as the benefits of employing an additional staff resource are being delivered.
- Water and Wastewater Services (Various – pages 31 and 32) – There are a number of amber and red indicators with the agreed benchmarks more reflecting preferred outcomes, rather than a realistic target. Nevertheless the indicators provide useful information in respect to the performance of this section.

10.7 Delivery Program and Operational Plan - 31 March 2016 Review

Sustainability Considerations

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

Legal / Resource / Financial Implications

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

Consultation

The purpose of this report is to provide the community with information on how Council is performing or performed in respect to the Delivery Program and Operational Plan.

Options

The report is for noting purposes.

RECOMMENDATION

That Council notes the contents of the 31 March 2016 review of the Delivery Program and Operational Plan.

Attachment(s)

1. Delivery Program and Operational Plan - March 2016 Results (Under separate cover)

11.1 Road Closing - Brighton Street (Bonview Street and The Serpentine)

11. Civil Services Group Reports

11.1 Road Closing - Brighton Street (Bonview Street and The Serpentine)

Delivery Program Asset Management

Objective To determine Council's response to the proposed closing of the northern section of Brighton Street (between Bonview Street and The Serpentine) at East Ballina

Background

This report is presented to Council to consider closing a section of public road and the sale of that land to the adjoining land owners. The reason for this request is to formalise an area of land that is used for driveway access and maintained by the adjoining land owners at Brighton Street, East Ballina.

Key Issues

- Closing a section of public road
- Sale of that section of road to adjoining landowners

Information

Council has received a request from adjoining landowners to close the unformed northern section of Brighton Street (the "road"), between Bonview Street and The Serpentine at East Ballina. A site plan is included as attachment one.

The adjoining landowners have maintained this section of road for many years and are now seeking to acquire the road. The proposal is to close and purchase the road and then consolidate the land with the adjoining properties.

The road is bounded by private property along its eastern side and by public reserve, Serpentine Park (the "park"), along its western side. The road is in places a few metres higher than the park as a result of quarry operations many years ago. This means direct pedestrian or vehicle access from the road to the park is generally not available.

Council staff have assessed the potential uses of this site if retained as public road. The southern end of the road reserve is partially vegetated and contains existing driveway accesses for Nos. 42 & 44 The Serpentine. Direct vehicle access to these properties from The Serpentine is not provided due to existing road alignment and site conditions.

The property at 46 The Serpentine has direct vehicle access to The Serpentine. The northern end of the road reserve is heavily vegetated and generally not suitable for vehicle access.

11.1 Road Closing - Brighton Street (Bonview Street and The Serpentine)

The current road network servicing these properties is via The Serpentine and the existing shared pathway is located to the west of this road through the adjoining park.

There is no road, footpath or drainage works proposed by Council for this section of road. There is an existing sewer main within this road and an easement benefitting Council would be created if the road is closed and sold. It is considered there are limited uses for this section of road if retained by Council.

Council is the roads authority and the owner of this public road. Any request to close and purchase a section of public road must first be endorsed by Council before lodging a formal road closing application with DPI-Lands.

The road closing application requires the proponent to provide all the necessary information and to meet all costs through this process. Should the road closing proceed, a Registered Valuer will be engaged to prepare a valuation report to be used as the basis of negotiations for the final sale price.

Sustainability Considerations

- **Environment**

The road is currently maintained by the residents and kept in a condition above what Council would be able to provide. The sale and consolidation of the land with adjoining land will enable ongoing maintenance and may result in enhancement of the land.

- **Social**

The road is public land and does provide public access. This road could be closed and consolidated with the adjoining park for future public use.

Alternatively, the road could be closed and consolidated with the adjoining private land and therefore would not be available for public use.

- **Economic**

The recommendation seeks to support efficient land management principles.

Legal / Resource / Financial Implications

The existing driveway is within a public road and provides vehicle access to the adjacent properties. This section of Brighton Street is not listed on Council's roads asset register as a formed road and no maintenance work is done by Council.

Should the Council wish to retain the land there may be financial implications and liability for Council to maintain this area through a weed/tree management program and to clean up any illegal dumping.

At present, the land is maintained by the adjoining residents.

11.1 Road Closing - Brighton Street (Bonview Street and The Serpentine)

Consultation

The residents have initiated this process and consultation has included discussions, correspondence and submissions from some of the adjoining residents.

Their preference is for the road to be closed, the land to be consolidated with the adjoining land, driveway access to remain unchanged and easements created for access and services.

Options

1. That Council supports the request for a road closing application to proceed at Brighton Street (north), East Ballina.

The advantage of this option is that it ensures the Council does not have any future liability attached to this unnecessary section of road. It also allows for the adjoining land owners to proceed with the road closing application and, if approved, consolidate the land into the adjoining property. This may well be the most efficient and best use of the land and therefore be a preferred outcome for the adjoining landowners and the community.

2. That Council opposes the request for a road closing application to proceed at Brighton Street (north), East Ballina.

The benefits associated with retaining this section of road is that it may provide a corridor for future works, infrastructure or use as public land adjoining the existing park.

Option one is preferred as the amenity of the public space is not compromised by this change and it clarifies the arrangements for the future maintenance of the road area.

RECOMMENDATIONS

1. That Council approves the proposal to close the northern section of Council public road known as Brighton Street (between Bonview Street and The Serpentine) at East Ballina, as per the contents of this report.
2. That the Council authorises the Council seal to be attached to the road closing application, associated documents and land dealings to finalise the road closing.

Attachment(s)

1. Locality Plan

11.2 Policy (Review) - Water Metering

11.2 Policy (Review) - Water Metering

Delivery Program Water and Wastewater

Objective To review the Water Metering Policy.

Background

All of Council's existing policies are progressively being reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Water Metering policy.

Council first adopted this policy in January 2007 and it was reviewed in February 2012. It was developed to ensure a uniform and consistent approach by Council when dealing with new and existing meter installations within Ballina Shire.

Key Issues

- Ensure the policy meets the requirements of current legislation and other Council policies
- Ensure the policy accurately reflects and incorporates the latest approach and technologies.
- Bring the policy closer to the draft structure proposed by the Northern Rivers Water Group (NRWG) of which Council is a member.

Information

The review of this policy identified a number of changes and clarifications required to bring it up to date as follows:

- Amend legislative updates and related documentation and departmental name changes
- Clarification of meter and connection responsibilities
- Clarification of recycled water dual reticulation requirements
- Clarification of remote metering responsibilities
- Introduction – added
- Disclaimer – added
- Meter Inaccuracies – added
- Meter Replacement Criteria – added
- Temporary Connections – added
- Allotments without access to reticulated water mains – added
- Disconnections from Council reticulated water mains – added
- Compliance – updated
- Exemptions – added
- Health & Safety requirements private property – added

The changes have been marked in yellow.

11.2 Policy (Review) - Water Metering

The proposed changes reflect issues that arise on a regular basis. They are otherwise considered to be contemporary and reflect existing legislation and changes to Council operations; in particular the new recycled water dual reticulation scheme and updates to remote metering. No further changes are recommended. A copy of the amended policy is attached to the report.

Sustainability Considerations

- **Environment**
Allowing for appropriate metering of water supplies ensures the most sustainable use of water supplies and appropriate withdrawals from the environment.
- **Social**
Protection of the drinking water and recycled water supplies, ensuring public health & safety, with policy that also provides for best practice installations along with sustainable development.
- **Economic**
Ensuring customers are fairly charged and pay for water used for commercial and residential activities within the shire.

Legal / Resource / Financial Implications

There is no resource or direct financial implications associated with this policy. The proposed changes ensure that Council meets its legal obligations relating to water services, fire services, reclaimed water services and rainwater tank installations, and merely clarify and formalise existing practice.

Consultation

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

Options

Council may accept or amend the proposed changes to the policy. The changes included are largely housekeeping therefore it is recommended that the policy be adopted as presented. It is also recommended that if no submissions are received from the exhibition process, the policy be adopted with no further actions required.

RECOMMENDATIONS

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

Attachment(s)

1. Policy - Water Metering

12. Public Question Time

12. Public Question Time

13.1 Rescission Motion - Lake Ainsworth South Eastern Precinct

13. Notices of Motion

13.1 Rescission Motion - Lake Ainsworth South Eastern Precinct

Councillor Cr Smith
Cr Keith Johnson
Cr Worth

We move that point one of resolution number 280116/24, as follows, be rescinded:

1. That the concept plan, as attached to this report, for the Lake Ainsworth South Eastern Precinct Upgrade Project be adopted for implementation.
2. That Council receive a further report in relation to the management of dogs in the Lake Ainsworth area for implementation further to the construction of the upgrade project.

If this rescission motion is successful we intend to move as follows:

That Council revise the concept design for the south eastern precinct at Lake Ainsworth based on the following criteria:

- Current concrete path design modified to allow two way vehicle access to be retained on the eastern foreshore with an emphasis on pedestrian safety.
- Re-alignment to be retained, to the east away from the lakes edge as per original concept designs, consistent with the current design that utilizes the power corridor.
- Parking bays are provided periodically on the eastern side of the eastern foreshore road. No provision for parking lake side.
- Consideration be given to the parking bays being constructed using the reinforced turf technique implemented in the new car park adjacent to the Lake.
- Existing picnic tables to be moved lake side (where tables are to be retained in new design).
- Inclusion of a best practice stormwater quality management system to treat runoff from the road, including swale drainage as proposed in previous concept design.
- Incorporation of bank erosion rehabilitation and protection works as proposed in the previous concept design
- Vegetation rehabilitation as proposed in the previous concept design
- Development of public open space for recreation.

Councillor Comment

The vast majority of the community has now made it undeniably clear that they wish to see vehicle access remain on the eastern road (approximately 30% of Lennox Head's population has signed the petition, arguably one of the largest direct engagements with Lennox Head ever).

13.1 Rescission Motion - Lake Ainsworth South Eastern Precinct

The objective of this motion is to bring together various concepts where consensus amongst Councillors already exists i.e. concrete path, re-location of the path further to the east with the expectations of the Lennox Head community i.e. retain vehicle access.

Since the establishment of the Lake road committee, momentum has continued to build as more and more people begin to speak out against Councillors' preferred concept design (Council staff recommended differently December Ordinary 2014).

The Committee is nearing 3,000 signatures from locals who wish to see access remain open. The recent muster day at the lake brought out approximately 380 people (numbers were independently verified) which is arguably the largest turn out to any Council issue in decades (even fluoride).

Council does have to sometimes do things that the public won't agree with e.g. put up rates, However where there is not an overarching imperative need for such action, Councillors should put what the residents of the shire desire as the strongest consideration of any council matter.

The majority of Councillors, at the time, changed the position of Council on the Eastern Road at the December 2014 ordinary meeting.

The report from that meeting noted that the key issue around the road closure was the health of the lake, with the majority of submissions.

"made direct reference, or suggestions in relation to maintaining or improving the health of Lake Ainsworth. There are those who are of the view that the only way to ensure the Lake remains healthy is through the complete closure of the eastern road."

Since this time, all of the available studies (and newly released studies) have been analysed by experts including Professor David Llyod (Senior Lecturer in Protected Area Management, Resource Assessment techniques and Coastal Management at Southern Cross University, who previously spent over a decade with the Great Barrier Reef Marine Park Authority).

The conclusion is there is zero evidence that suggests the eastern road is harming Lake Ainsworth.

The AWACS study, all of the enterococci studies, the data monitoring re water levels(aka "the weir effect"), the Beach watch reports (which compare water quality across the shire) and the most recent study completed that analyses vehicle run off provide zero evidence that the road is having any detrimental role on the lake.

There is no overarching imperative to close the Eastern Road, this motion enables council to deliver a greatly improved Lake Ainsworth with improved open space, pedestrian access and also meets the desires (and aspirations) of the Lennox Head community.

COUNCILLOR RECOMMENDATIONS

That point one of Council resolution 280116/24, as follows, be rescinded:

1. That the concept plan, as attached to this report, for the Lake Ainsworth South Eastern Precinct Upgrade Project be adopted for implementation.
2. That Council receive a further report in relation to the management of dogs in the Lake Ainsworth area for implementation further to the construction of the upgrade project.

If this rescission motion is successful we intend to move as follows:

That Council revise the concept design for the south eastern precinct at Lake Ainsworth based on the following criteria:

- Current concrete path design modified to allow two way vehicle access to be retained on the eastern foreshore with an emphasis on pedestrian safety.
- Re-alignment to be retained, to the east away from the lakes edge as per original concept designs, consistent with the current design that utilizes the power corridor.
- Parking bays are provided periodically on the eastern side of the eastern foreshore road. No provision for parking lake side.
- Consideration be given to the parking bays being constructed using the reinforced turf technique implemented in the new car park adjacent to the Lake.
- Existing picnic tables to be moved lake side (where tables are to be retained in new design).
- Inclusion of a best practice stormwater quality management system to treat runoff from the road, including swale drainage as proposed in previous concept design.
- Incorporation of bank erosion rehabilitation and protection works as proposed in the previous concept design
- Vegetation rehabilitation as proposed in the previous concept design
- Development of public open space for recreation.

Attachment(s)

Nil

13.2 Rescission Motion - Wollongbar Skate Park

13.2 Rescission Motion - Wollongbar Skate Park

Councillor Cr Cadwallader
Cr Ken Johnston
Cr Williams

We move that Council resolution 250216/4, as follows, be rescinded:

1. That Council acknowledges the large number of submissions both in support and against the draft Concept Masterplan for the Plateau Drive Wollongbar Open Space.
2. That Council adopts the Concept Masterplan as exhibited, whilst also acknowledging that a higher level of embellishment may be preferred for the site, subject to detail design and funds being available for that embellishment.
3. The detail design process for the Concept Masterplan is to consider a higher level of embellishment for the open space.
4. That Council authorises the General Manager to commence the detailed design phase required for the implementation of the Masterplan, with the Wollongbar Skatepark to be constructed as the first priority, as funding was already allocated for this project in the 2015/16 Operational Plan.

If this rescission motion is successful we intend to move as follows:

1. That Council confirm its preferred location for the proposed skate park for Alstonville and Wollongbar is the Wollongbar Sports Complex
2. That Council continue to proceed to call tenders for the design and construction of the skatepark, based on its location being on the Wollongbar Sports Complex.
3. That Council continue to prepare the more detailed concept plan for the Plateau Drive, Wollongbar District Park as per resolution 240316/6, with that concept plan excluding the skatepark.

Councillor Comment

It is clear there is strong opposition from the nearby residents to the proposed location for the skatepark. Overall there has been little in the way of objection to the skatepark being located at the Wollongbar Sports Complex, with the only real negative being the lack of passive surveillance. This is a negative however Council will have millions of dollars of other infrastructure at the new sporting complex, such as the amenities building, tennis courts, tennis clubhouse, tennis fencing, lighting etc and if vandalism becomes a concern we can install security cameras with that technology continuing to rapidly improve. Very high profile sign posting of information on the cameras will also help to improve security.

Also children will be regularly using the new sports fields with limited passive surveillance so there is no reason to exclude a skate park from this complex

13.2 Rescission Motion - Wollongbar Skate Park

due to the lack of passive surveillance, especially when other more modern surveillance measures are available.

Also with this complex being located between Alstonville and Wollongbar, along with the two access roads, it does provide a better location for all residents of the plateau (Alstonville and Wollongbar).

In respect to point two of the new motion, I'm informed the Council staff are close to calling tenders for the design and construction of the skatepark. Rather than slow this process down it would be preferable to continue with that tender process and the selected firm can then develop a design for the facility at the Wollongbar Sports Complex. We would all like to see a skate park built as soon as possible and this means there will be no further delay with its construction.

The General Manager has advised that following discussions with the project managers for the Wollongbar Sports Complex they believe there are site options on that property to locate a skate park. The selected design can review the property and report on the preferred location to Councillors for final sign off.

In respect to point three, this was resolved at the March 2016 meeting, and this work can also continue, subject to the one change being that there is no skatepark at this district park.

On balance this motion will still deliver the community an excellent facility in the near future, less the discontent and distress that is currently occurring with a number of our residents.

COUNCILLOR RECOMMENDATIONS

That Council resolution 250216/4, as follows, be rescinded:

1. That Council acknowledges the large number of submissions both in support and against the draft Concept Masterplan for the Plateau Drive Wollongbar Open Space.
2. That Council adopts the Concept Masterplan as exhibited, whilst also acknowledging that a higher level of embellishment may be preferred for the site, subject to detail design and funds being available for that embellishment.
3. The detail design process for the Concept Masterplan is to consider a higher level of embellishment for the open space.
4. That Council authorises the General Manager to commence the detailed design phase required for the implementation of the Masterplan, with the Wollongbar Skatepark to be constructed as the first priority, as funding was already allocated for this project in the 2015/16 Operational Plan.

13.2 Rescission Motion - Wollongbar Skate Park

If this rescission motion is successful we intend to move as follows:

1. That Council confirm its preferred location for the proposed skate park for Alstonville and Wollongbar is the Wollongbar Sports Complex
2. That Council continue to proceed to call tenders for the design and construction of the skatepark, based on its location being on the Wollongbar Sports Complex.
3. That Council continue to prepare the more detailed concept plan for the Plateau Drive, Wollongbar District Park as per resolution 240316/6, with that concept plan excluding the skatepark.

Attachment(s)

Nil

13.3 Notice of Motion - Wicked Campers

13.3 Notice of Motion - Wicked Campers

Councillor

Cr Hordern

I move

That Council write to the relevant State and Federal Ministers to encourage and support any actions or legislative changes that can or are to be taken to remove or ban the inappropriate messages that are printed on Wicked Camper vans.

Councillor Comment

We are all aware of the inappropriate and degrading messages that are often placed on Wicked Camper Vans. I understand that councils such as Byron Shire are starting to lobby for the removal of these messages and it is appropriate for Council to write letters of support for any actions that can or are being taken to assist with this campaign, as the public display of these messages is often insulting and / or degrading to many members of our community

COUNCILLOR RECOMMENDATION

That Council write to the relevant State and Federal Ministers to encourage and support any actions or legislative changes that can or are to be taken to remove or ban the inappropriate messages that are printed on Wicked Camper vans.

Attachment(s)

Nil

13.4 Notice of Motion - Gasfield Free Northern Rivers

13.4 Notice of Motion - Gasfield Free Northern Rivers

Councillor

Cr Jeff Johnson

I move that

1. Ballina Shire Council calls on the NSW State Government to declare the Northern Rivers a CSG/Unconventional gas exclusion zone similar to those in the Hunter Valley protecting the wine and horse training industries.
2. Ballina Shire Council write to the Minister for Planning and Environment, the Minister for Trade and Industry and the Premier to reaffirm our opposition to any form of CSG/unconventional Gas mining in the Northern Rivers.

Councillor Comments

The recently released Draft North Coast Region Plan makes mention that 'coal seam gas resources (in the Clarence - Moreton Basin) may be able to support the development and growth of new industries and provide economic benefits to the region'. (page 28)

This position is at odds with the overwhelming majority of Northern Rivers residents who have made it quite clear that they oppose Coal Seam Gas development in our region.

Surveys of 33,670 people carried out in the northern rivers, including many areas of the Ballina Shire, saw 147 communities declare themselves Gasfield Free with 95 per cent opposed to unconventional gas mining.

Our community has totally rejected CSG due to its impacts on:

- The region's water, air and agricultural land resources
- It's industrialization and fragmentation of rural landscapes
- Climate change through fugitive emissions

The NSW Government made a commitment to a CSG free Northern Rivers before the last election and its time that our region was declared an exclusion zone and all references to the future exploitation of the Clarence-Morton Basin Coal seam in the North Coast Regional Plan be removed.

COUNCILLOR RECOMMENDATION

1. Ballina Shire Council calls on the NSW State Government to declare the Northern Rivers a CSG/Unconventional gas exclusion zone similar to those in the Hunter Valley protecting the wine and horse training industries.
2. Ballina Shire Council write to the Minister for Planning and Environment, the Minister for Trade and Industry and the Premier to reaffirm our opposition to any form of CSG/unconventional Gas mining in the Northern Rivers.

Attachment(s)

Nil

13.5 Notice of Motion - Ferry Operational Matters

13.5 Notice of Motion - Ferry Operational Matters

Councillor

Cr Ken Johnston

I move

That Council receive a report which has the objective of reviewing the following matters concerning residents using the South Ballina Ferry:

1. The provision of turn around area to service the southern approach during periods when the ferry is not operating.
2. Improved street lighting for the southern approach.
3. A review of the excessive time and cost servicing the boom gate.

Councillor Comment

Councillors received information in relation to submissions made by Mr David Felsch in regard to a number of matters and the objective of this motion is to review Council's response in further detail.

By way of background, the following information is reproduced from the Bulletin item sent to Councillors regarding items one and two above.

Turn Bay South Side of Ferry

David is concerned that vehicles towing caravans and other items are not able to turn around at the south side ramp if they reach this point and decide not to catch the ferry or find the ferry is out of service. David has suggested a gravel extension at 90 degrees to the road near the ramp be constructed to facilitate a three point turn.

Staff Response

In response to this request previously, staff shifted a guide post and provided a widening of the gravel shoulder to assist a U turn. This work is further down the road than the location preferred by David. Staff have not formally investigated the option to described above. The initial response of staff is that this would be a difficult location to construct the turning point and we are not aware of complaints or issues caused by the need to turn at this location that warrant investigation. On this basis we are reluctant at this point in time to allocate resources to further investigate the request. It is noted that a notice of motion would not need to support the project at this stage, it could simple require the General Manager to report on feasibility.

13.5 Notice of Motion - Ferry Operational Matters

Lighting of the southern approach to the Ferry

David is concerned about security, especially for female travellers, waiting for the Ferry on the southern bank. David proposes that additional lighting be provided to improve the safety and amenity of this location.

Staff Response

The most cost effective power source for a lighting project at this location is solar. Council has obtained preliminary information from a supplier of solar panels and street lighting, to the required standards, which indicate a cost of \$10,000. It is noted that it is David's view that lights could be installed for a smaller cost than this estimate.

Given the order of magnitude of these costs, the staff response has been that this project should be considered under the street lighting budget. Currently Council has adopted a priority program of works for this budget based on community requests and identified issues where street lighting does not meet the preferred standard level of service.

It is of course open to the Council to adjust its street lighting program and include an allocation sufficient to fund these works. If the Council wanted to review the cost estimate for the work, a formal report can be prepared.

Item three is an item further to the bulletin information.

COUNCILLOR RECOMMENDATION

That Council receive a report which has the objective of reviewing the following matters concerning residents using the South Ballina Ferry;

1. The provision of turn around area to service the southern approach during periods when the ferry is not operating.
2. Improved street lighting for the southern approach.
3. A review of the excessive time and cost servicing the boom gate.

Attachment(s)

Nil

14.1 Finance Committee Minutes - 12 April 2016

14. Advisory Committee Minutes

14.1 Finance Committee Minutes - 12 April 2016

Attendance

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

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

There were two people in the gallery at this time.

1. Apologies

Apologies were received from Cr Jeff Johnson and Cr Keith Johnson.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

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

2. Declarations of Interest

Nil

3. Deputations

- **Col Lee, Ballina on Richmond Rotary Club** – spoke in relation to the Club's request contained in Item 4.14 – Information and Resourcing Requests – Various.

4. Committee Reports

4.1 Waste Operations - Long Term Financial Plan

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council endorses the inclusion of the LRM and DWM long term financial plans, as attached to this report, and the following waste charging structure, in the draft 2016/17 Delivery Program and Operational Plan for public exhibition:

LRM Waste Charges

Charge Type	2015/16 (\$)	2016/17 (\$)	% Change
Kerbside Non Domestic Mixed Waste (Annual)	369	342	(7.3)
Kerbside Non Domestic Recycling (Annual)	182	169	(7.3)
Kerbside Non Domestic Green Waste (Annual)	322	299	(7.3)
DWM Gate Fee Mixed Waste	256/tonne	261/tonne	2
Self-Haul Mixed Waste Under 300kg	221/tonne	225/tonne	1.8
Over 300kg	256/tonne	261/tonne	2
Gate Fee Recyclates > 500kg	215/tonne	219/tonne	1.9
Gate Fee Recyclates < 500kg	88/tonne	90/tonne	2.3
Self-Haul Green Waste	70/tonne	71/tonne	1.4
Remaining Gate Fees	Various up to 5%	Various up to 5%	Up to 5%
Waste Operations Annual charge	72	73	1.4

Domestic Waste Charges

Charge Type	2015/16 Charge \$	2016/17 Charge \$	% Increase
DWM - Rural (excludes green)	314	320	1.9
DWM – Urban (all three collections)	360	367	1.9
Additional Extra Mixed Waste Urban – Fortnight	108	110	1.9
Additional Mixed Waste Rural – Weekly	215	219	1.9
Additional Domestic Recycling	108	110	1.9
Additional Green Waste Collection - Urban Only	215	219	1.9
DWM – Vacant Land	39	40	2.6

FOR VOTE - All Councillors voted unanimously.

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

14.1 Finance Committee Minutes - 12 April 2016

4.2 Wastewater Operations - Long Term Financial Plan

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of this report in respect to the modeling undertaken in respect to the long term financial plan for Council's Wastewater Operations.
2. That Council endorses the annual charges, as per the following table, for exhibition in the draft 2016/17 Operational Plan, as well as the long term financial plan included, as per the attachments to this report.

Charge Type	2015/16 \$	2016/17 \$	% Increase
Residential availability charge	864	925	7.06
Residential availability charge vacant land	651	697	7.06
Non Residential Usage charge	2.19	2.34	6.8
Non Residential Access charge	Variable based on meter size		7%
Recycled Water	80% of potable water step 1		2.8%

3. That Council receive a further report on the justification for the two additional positions as outlined within this report, with those positions not to be recruited until that report is endorsed by Council.

FOR VOTE - All Councillors voted unanimously.

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

4.3 Recycled Water Pricing Structure - Open Space Users

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council approves the exhibition of the following pricing strategy for the supply of recycled water supplied to open space users, as part of the draft Delivery Program and Operational Plan:

- a) recycled water will continue to be provided to open space users at no charge up to July 2017
- b) from July 2017 charging will commence at a lower rate and move to the proposed rate over five years
- c) from July 2022 the charge be set at 50% of the price for recycled water supplied to urban dual reticulation (i.e. 40% of the drinking water price)

FOR VOTE - All Councillors voted unanimously.

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

4.4 Ballina Visitor Information Centre Volunteer Staff

RECOMMENDATION

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That Council notes the contents of this report relating to the potential for an expanded Council visitor services volunteer program.
2. That the General Manager monitor opportunities for increased involvement by volunteers in the delivery of visitor services.

FOR VOTE - All Councillors voted unanimously.

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

4.5 Ballina Fair Go Skateboarding Festival 2016 - Submissions

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council award \$4,000 funding for Fair Go 2016 Skateboarding Festival to TruckStop Sk8 and that a finance agreement be prepared and determined by the General Manager, subject to an acquittal process.

FOR VOTE - All Councillors voted unanimously.

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

4.6 North East Weight of Loads Group (NEWLOG)

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of the NEWLOG Annual Report for 2014/15.
2. That Council endorses the draft NEWLOG budget for 2016/17.

FOR VOTE - All Councillors voted unanimously.

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

4.7 Asset Management Plans

RECOMMENDATION

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That the updates to Council's Asset Management Plans, as outlined in this report, be placed on public exhibition.
2. If no submissions are received in response to the exhibition in point one above, the plans will be considered adopted by Council. A further report to Council will be prepared in response to any submissions.

FOR VOTE - All Councillors voted unanimously.

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

4.8 Rating Structure - 2016/17

RECOMMENDATION

(Cr Ben Smith/Cr Susan Meehan)

1. That Council, for the 2016/17 Draft Operation Plan, include a base rating structure, modelled on the existing structure, which applies the following principles:
 - a) Marginally less than 50% of the rate income for the residential category of properties being generated from the base amount
 - b) Business, farmland and mining categories to have the same base amount as the residential base amount
 - c) A total of 20% income from the rate yield to be sourced from the business category properties
 - d) Farmland rate in the dollar is approximately 80% of the residential rate in the dollar
 - e) The mining category rate in the dollar to be set as the same rate as the business category (currently no mining category properties in the shire).
2. That Council notes the indicative figures for this rating structure for 2016/17, are as follows

Proposed 2016/17 Rating Structure

Rating Category	5.41% Increase	
	Base Amount	Rate in Dollar
Residential	470	0.001902500
Business	470	0.007579200
Farmland	470	0.001509900
Mining	470	0.007579200

Table Eight: Proposed Income per Category (Cat.) at 5.41%

Rate Category	2015/16			2016/17		
	Income 5.41% increase	Cat % of yield	Ave Rate	Income 5.34% increase	Cat % of yield	Ave Rate
Residential	13,895,275	72.43	900	14,748,183	72.55	943
Business	3,836,591	20.00	2,982	4,065,675	20.00	3,160
Farmland	1,451,321	7.57	1,382	1,514,776	7.45	1,448
Mining	0	0	0	0	0	0
Total	19,183,187	100.00	1,079	20,328,634	100.00	1,131

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

4.9 Fees and Charges - 2016/17

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council approves the exhibition of the draft schedule of fees and charges for 2016/17, as attached, including any amendments resulting from this meeting.
2. That Council approves the inclusion in the draft Delivery Program the forecast income and expense associated with the new Information Services/Records fee as detailed within this report, with part of this funding to be allocated to the replacement of the existing telephony system and the balance transferred to reserve.

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

4.10 Coastal Zone Management - Beach Nourishment, Seven Mile Beach

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council confirm its support to implement a beach nourishment program in partnership with the Crown Land's delivery of the Richmond River bar dredging project.
2. That Council approves funding of \$30,000 from the quarry reserve, as our initial offer, to support this work.
3. The General Manager is authorised to continue to investigate the proposal in point one above with Crown Lands and seek out available grant opportunities.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan and Cr Ken Johnston

AGAINST VOTE - Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

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

4.11 Wollongbar Sporting Fields - Funding Update

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council approves the reallocation of the \$625,500 currently held in reserves to the Wollongbar Sporting Fields project, to allow that project to be completed in full.

FOR VOTE – Cr David Wright, Cr Sharon Cadwallader, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Keith Williams, Cr Susan Meehan and Cr Ken Johnston

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

4.12 Fit for the Future - Update

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council notes the contents of this report highlighting the need for further work to be undertaken to improve Council's Asset Renewal ratio and Operating Result ratio to ensure we meet the Fit for the Future benchmarks.

FOR VOTE - All Councillors voted unanimously.

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

4.13 Long Term Financial Plan - Consolidated Forecast

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses the exhibition of the draft Long Term Financial Plan document for 2016/17 as attached to this report, subject to any amendments arising from this meeting.
2. That Council receive a report on the operations of Council's Nursery.

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

4.14 Information and Resourcing Requests - Various

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council receive a report on increasing the funding for weed control over time.

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

4.14 Information and Resourcing Requests - Various

RECOMMENDATION

(Cr Ben Smith/Cr Susan Meehan)

That Council notes the contents of the report in respect to the Killen Falls report.

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

4.14 Information and Resourcing Requests - Various

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

That the Executive of the Ballina Naval and Maritime Museum be asked to submit an application to the annual donation process.

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

4.14 Information and Resourcing Requests - Various

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Ben Smith

That Council notes the contents of this report in respect to the cost of cultural precinct including the former Ballina Fire Station building.

An **Amendment** was moved by Cr Susan Meehan and seconded by Cr Keith Williams

That Council investigate options to fund the \$30,000 required for the consultancy report.

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

FOR VOTE - Cr Keith Williams and Cr Susan Meehan

AGAINST VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

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

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

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

AGAINST VOTE - Cr Susan Meehan

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

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report in respect to the cost of cultural precinct including the former Ballina Fire Station building.

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

AGAINST VOTE - Cr Susan Meehan

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

4.14 Information and Resourcing Requests - Various

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Keith Williams

That the Ballina Rugby League Club be asked to submit an application to the annual donation process.

An **Amendment** was moved by Cr Susan Meehan and seconded by Cr Keith Williams

That Council receive a report on options to finance the remediation of the grandstand at the Seagulls Rugby League Club and that Council clarify the scope of works to be undertaken.

The **Amendment** was **CARRIED**.

FOR VOTE - Cr David Wright, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr Sharon Cadwallader and Cr Robyn Hordern
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Johnson

The **Amendment** then became the **Motion** and was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

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

RECOMMENDATION

(Cr Susan Meehan/Cr Keith Williams)

That Council receive a report on options to finance the remediation of the grandstand at the Seagulls Rugby League Club and that Council clarify the scope of works to be undertaken.

FOR VOTE - All Councillors voted unanimously.

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

4.14 Information and Resourcing Requests - Various

A **Motion** was moved by Sharon Cadwallader and seconded by Cr Ben Smith

That the Rotary Club be asked to submit an application to the annual donation process.

An **Amendment** was moved by Cr Susan Meehan and seconded by Cr Keith Williams

That Council fund the 2017 Rotary Club Conference from the following funding sources:

\$5,000 from the Airport Marketing Budget
\$5,000 from the Tourism Promotions Budget
\$5,000 from Working Capital

14.1 Finance Committee Minutes - 12 April 2016

The **Amendment** was **CARRIED**.

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

The **Amendment** then became the **Motion** and was **CARRIED**.

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

RECOMMENDATION

(Cr Susan Meehan/Cr Keith Williams)

That Council fund the 2017 Rotary Club Conference from the following funding sources:

\$5,000 from the Airport Marketing Budget
\$5,000 from the Tourism Promotion Budget
\$5,000 from Working Capital

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

4.14 Information and Resourcing Requests - Various

RECOMMENDATION

(Cr Paul Worth/Cr Keith Williams)

That Council notes the request from the Ballina Tennis Club.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern
AGAINST VOTE - Cr Susan Meehan
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Johnson

4.14 Information and Resourcing Requests - Various

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

That Council notes the request in respect to air-conditioning at the Lennox Head Cultural and Community Centre.

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

4.14 Information and Resourcing Requests - Various

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Keith Williams

That Council receive a report on funding options for the Lennox Head Village Renewal project.

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

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Ken Johnston
AGAINST VOTE - Cr David Wright, Cr Susan Meehan, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Johnson

4.15 Delivery Program and Operational Plan - Exhibition

RECOMMENDATION

(Cr Paul Worth/Cr Keith Williams)

1. That Council approves the exhibition of the draft Delivery Program and Operational Plan document, as attached to this report, inclusive of any changes arising from this meeting.
2. That Council receive a report on options to improve the level of Christmas decorations for the Shire.

Cr Ben Smith left the meeting at 06:22 pm.

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

MEETING CLOSURE

6.24 pm

RECOMMENDATION

That Council confirms the minutes of the Finance Committee meeting held 12 April 2016 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

14.2 Commercial Services Committee Minutes - 20 April 2016

14.2 Commercial Services Committee Minutes - 20 April 2016

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson (arrived at 4.05 pm), Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan (arrived at 4.02 pm), Ken Johnston, Paul Worth, Ben Smith and Robyn Hordern.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Rod Willis (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Paul Tsikleas (Commercial Services Manager), Peter Morgan (Manager Finance & Governance), Neil Weatherson (Airport Manager), Leanne Harding (Property Officer Commercial) and Sandra Bailey (Secretary) were in attendance.

There were no people in the gallery at this time.

1. Apologies

An apology was received from Cr Jeff Johnson who indicated that he would be late to the meeting.

RECOMMENDATION

(Cr Keith Johnson/Cr Sharon Cadwallader)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Susan Meehan

2. Declarations of Interest

Nil

3. Deputations

Nil

4. Committee Reports

4.1 Land Sale - Lot 88 Cessna Crescent, Ballina

Recommendation

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council approves the sale of Lot 88 DP 1161854 Cessna Crescent, Ballina, as detailed within this report.
2. That Council authorises the Council seal to be attached to the contract for sale and any other related documents including sale transfers.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Susan Meehan

4.2 Land Sale - Lots 1, 3 and 4, 54 North Creek Road, Ballina

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses the revised lot descriptions and approves the sale prices and terms, negotiated for proposed Lots 1, 3 and 4 being Part Lot 3 DP 1218886, 54 North Creek Road, Ballina, as per Option One of this report.
2. That Council authorises the Council seal to be attached to the plan of subdivision to create the proposed lots, contracts for sale and any other documentation including sale transfers.

Cr Susan Meehan arrived at the meeting at 04:02 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

4.3 Licence Agreement - Ballina Byron Gateway Airport

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council notes the contents of this report on the licence agreement for GA & JL Charters Pty Ltd T/A Avis Northern Rivers

Cr Jeff Johnson arrived at the meeting at 04:05 pm.

FOR VOTE - All Councillors voted unanimously.

5. **Confidential Session**

RECOMMENDATION

(Cr Ben Smith/Cr Keith Johnson)

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

5.1 **Land Sale Price - Lot 88 Cessna Crescent, Ballina**

Reason for Confidentiality

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest due to the ongoing commercial negotiations.

5.2 **Land Sale Prices - Proposed Lots 1, 3 and 4, 54 North Creek Road**

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.

5.3 **Licence Agreement - Ballina Byron Gateway Airport - Terms**

Reason for Confidentiality

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest due to the ongoing commercial negotiations and the release of any information could prejudice those negotiations.

FOR VOTE - All Councillors voted unanimously.

14.2 Commercial Services Committee Minutes - 20 April 2016

(The Council moved into Confidential Session at 4.06 pm).

Cr Jeff Johnson left the meeting at 04:06 pm and returned at 4.08 pm during the Confidential Session.

Open Council

RECOMMENDATION

(Cr Ben Smith/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Open Council at 4.35 pm).

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

5.1 Land Sale Price - Lot 88 Cessna Crescent, Ballina

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council approves the sale price and terms, negotiated for Lot 88 DP 1161854 Cessna Crescent, Ballina as per Option One of this report.

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

5.2 Land Sale Prices - Proposed Lots 1, 3 and 4, 54 North Creek Road

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

That Council approves the sale prices and terms, negotiated for proposed Lots 1, 3 and 4 being Part Lot 3 DP 1218886, 54 North Creek Road, Ballina, as per Option One of this report and Lot 2 at the previously resolved price.

Cr Jeff Johnson returned to the meeting during this item in the Confidential Session at 04:08 pm.

FOR VOTE - All Councillors voted unanimously.

5.3 Licence Agreement - Ballina Byron Gateway Airport - Terms

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council offers GA & JL Charters Pty Ltd T/A Avis Northern Rivers a licence over the subject premises based upon the terms and conditions outlined in option one of this report.
2. That Council authorises the use of seal for all documents relating to the licence agreement.

FOR VOTE - All Councillors voted unanimously.

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Ben Smith/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

4.36 pm

RECOMMENDATIONS

That Council confirms the minutes of the Commercial Services Committee meeting held 20 April 2016 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

15.1 Mayoral Meetings

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

15.1 Mayoral Meetings

Councillor David Wright

Activities since the March 2016 Ordinary meeting:

<u>Date</u>	<u>Function</u>
30/3/16	Meeting – Dr Lyn Walker
1/4/16	Funny Money
2/4/16	Walk – Daggy Shirt Walk
2/4/16	Opening of Steve's Mowers and Outdoor Power equipment.
2/4/16	TINCAN – Opening of the Chair Store Room and Drain
2/4/16	Lennox Head Muster
2/4/16	Richmond Wood Crafters Meeting
4/4/16	Meeting with Church Group
4/4/16	Meeting with staff and Ray McEwen
4/4/16	Briefing – Resource Recovery Operations
4/4/16	Briefing – Wastewater Operations
5/4/16	Alstonville Wollongbar Chamber Meeting
5/4/16	Launch Visitor Information Guide
5/4/16	Meeting – Maggie Noonan – Shark Researcher
6/4/16	Seniors Concert
6/4/16	Meeting Liz Griffiths and Pip Carter
7/4/16	Meeting DPI Communications
7/4/16	Briefing 'E' Zones
8/4/16	Funeral of John Savage.
8/4/16	TAFE Student Recognition Award Ceremony
10/4/16	Lennox Head Markets
10/4/16	Meeting Coastal Walk
10/4/16	Alstonville Markets
11/4/16	Meeting – Lyn Walker
11/4/16	Meeting – Assistant Federal Minister of Science – Eco Barriers
11/4/16	Councillor Briefing – Sun Protection
11/4/16	Rotary Dinner – Gemma Sisia
12/4/16	Citizenship Ceremony
12/4/16	Presentation by Malcolm Milner
12/4/16	Finance Committee Meeting
13/4/16	Local Traffic Committee
14/4/16	Meeting Kevin Hogan – Stronger Regions
14/4/16	Meeting with Federal Ministers, Fiona Nash – Stronger Regions
14/4/16	Meeting with Oz Fish
14/4/16	Aboriginal Community Committee
14/4/16	Northern Rivers Gallery Opening
15/4/16	Ballina Art Society – Lennox Community Centre
15/4/16	Night at the Kazbah

15.1 Mayoral Meetings

18/4/16	RRCC
19/4/16	Meeting David Felsch
19/4/16	Meeting ABC
19/4/16	Lennox Head Community Centre Cinema
19/4/16	RMS Community Information Session
20/4/16	'Love Lennox' Promotion
20/4/16	Presentation by Pip Carter
20/4/16	Commercial Services Committee
20/4/16	Wardell Progress Association AGM
21/4/16	Meeting Tony Ellis
21/8/16	Meeting Wollongbar Progress Association
22/4/16	Ballina Surf Club Thank you
23/4/16	ANZAC Day at LifeCare
23/4/16	SCOPE Afternoon Tea and Cent Auction
25/4/16	ANZAC Day Dawn Service
25/4/16	ANZAC Day Dawn Service – Alstonville – Cr Smith
25/4/16	ANZAC Main Service – Alstonville
25/4/16	ANZAC Main Service - Ballina
27/4/16	Morning Tea – Palm Lakes Resort
27/4/16	JRPP Waste Management Pimlico
28/4/16	Council Meeting
28/4/16	Reserve Trust Meeting
29/4/16	Meeting with Advance France Presse

RECOMMENDATION

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

Attachment(s)

Nil

16. Questions Without Notice

16. Questions Without Notice

17. Confidential Session

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

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

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

17.1 151 River Street - Leasing Terms

Refer to Item 10.3 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.

17.1 151 River Street - Leasing Terms

Reason for Confidentiality

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest due to the on-going commercial negotiations and the release of any information could prejudice those negotiations.