



## 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 23 November 2017 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. 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.

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1. Australian National Anthem
  2. Acknowledgement of Country
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  6. Deputations
  7. Mayoral Minutes
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**1. Australian National Anthem**

The National Anthem will be performed by Fernleigh Public School.

**2. Acknowledgement of Country**

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

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

**3. Apologies**

**4. Confirmation of Minutes**

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 October 2017 were distributed with the business paper.

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 October 2017.

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

**6. Deputations**

**7. Mayoral Minutes**

Nil Items

## **8.1 Compliance - Ballina Sands Quarry - Annual Extraction Rates**

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

#### **8.1 Compliance - Ballina Sands Quarry - Annual Extraction Rates**

**Delivery Program**      Development Services

**Objective**              To provide an update on the compliance investigation in respect to the Ballina Sands Quarry and to seek Council endorsement of future action.

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#### **Background**

Council received a complaint alleging there has been a breach of the annual extraction limits for the Ballina Sands Quarry, located at 91 Newrybar Swamp Road, Kinvara.

The basis of the complaint alleged that, given the payments made for tonnages hauled under the provisions of the section 94 Heavy Vehicle Haulage Contributions, the annual extraction limit had been exceeded.

A check of Council records has revealed that on 19 March 2014, the Joint Regional Planning Panel granted consent to development application DA 2013/162 for an "Extractive Industry (Sand Quarry)" within the premises. Included within this approval were Conditions 40, 43 and 44 which state:

#### **40      *Extraction rate***

*The annual rate of extraction shall not exceed 80,000 cubic metres. Details of the actual extraction rates are to be submitted to Council on a quarterly basis (3 monthly). Prior formal development consent is to be obtained from Council for any proposed extraction in excess of this amount.*

#### **43      *Contributions***

*A contribution shall be paid for any material exported from the site in accordance with the Ballina Shire Heavy Haulage Contributions Plan current at the time of payment. The payments are to be paid on a quarterly basis within one month of the end of the quarter. The quarters shall comprise 1 January – 31 March, 1 April – 30 June, 1 July – 30 September, 1 October – 31 December unless otherwise notified by Council. NOTE: at the time of consent this requires a payment of 0.345c per tonne of material hauled from the site. The levy is to be increased annually in accordance with the Consumer Price Index for Sydney.*

#### **44      *Remittance form***

*A "remittance form" as issued by Council shall be submitted to Council for each quarter either accompanying the required payment or as a "nil" return. The information required includes the applicable quarter, quantities of material, tonnage rate, contribution payment and the like and be certified by a company officer.*

Council's Heavy Haulage Contributions Plan 2011 (the "Plan") at Appendix 4 provides a 'Volume – Weight Conversions' table that has been adopted for the purposes of the Plan.

## 8.1 Compliance - Ballina Sands Quarry - Annual Extraction Rates

This table provides weights of 1.3 tonnes for siliceous (dry) sand and 1.4 tonnes for indurated (wet) sand.

Utilising the conversion figures from Council's Heavy Vehicle Haulage Contributions Plan against the returns provided to Council by the quarry operator in compliance with Condition 44 of the approval, the quarry operator has made the following payments to Council and extracted the following tonnages and cubic metres in accordance with condition 43.

Period	Tonnage Extracted	Conversion @ 1.3 tonnes siliceous (dry) sand	Conversion @ 1.4 tonnes indurated (wet) sand
1 October 2016 to 31 December 2016	90,612.33 tonnes	69,701.79 cubic metres	64,723.09 cubic metres
1 July 2016 to 30 September 2016	20,571.54 tonnes	15,824.26 cubic metres	14,693.96 cubic metres
1 April 2016 to 30 June 2016	86,186.49 tonnes	66,297.30 cubic metres	61,561.78 cubic metres
1 January 2016 to 31 March 2016	29,745.88 tonnes	22,881.45 cubic metres	21,247.06 cubic metres
1 October 2015 to 31 December 2015	8,965.00 tonnes	6,896.15 cubic metres	6,403.57 cubic metres
1 July 2015 to 30 September 2015	32,768.03 tonnes	25,206.18 cubic metres	23,405.74 cubic metres
1 April 2015 to 30 June 2015	43,361.18 tonnes	33,354.75 cubic metres	30,972.27 cubic metres

Based on these figures, it appears that the quarry operator has extracted the following amounts from the subject quarry.

Period	Tonnage to Cubic Metres Extracted (1.3)	Breach	Tonnage to Cubic Metres Extracted (1.4)	Breach
1 April 2015 to 31 March 2016 (operating year)	88,337.53 cubic metres	Yes	82,028.64 tonnes cubic metres	Yes
1 January 2016 to 31 December 2016 (Calendar Year)	174,704.8 cubic metres	Yes	162,225.89 cubic metres	Yes
1 July 2015 to 30 June 2016 (Financial Year)	121,278.08 cubic metres	Yes	112,618.15 cubic metres	Yes

Council subsequently wrote to the operator and requested a response to these figures, which pursuant to the provisions of Conditions 40, 43 and 44 of development consent DA 2013/162 appear to be over the permissible annual totals for those premises.

## 8.1 Compliance - Ballina Sands Quarry - Annual Extraction Rates

The operator has provided a formal response and has formed the view that there is no substantive breach of Conditions 40, 43 and 44 of development consent DA 2013/162.

This report seeks Council direction in respect to the interpretations.

### Key Issues

- Compliance with development consent conditions
- Inconclusive density modelling

### Information

The quarry operator has indicated that the in situ indurated sand density within the quarry area is between 1.8 and 1.9 cubic metres per tonne extracted.

A review of various websites and engineering journals and discussions with Council's own engineers has confirmed that there are many different conversion formulae for extracted, indurated sand and the resulting sale of dried loose sand.

These conversion figures provide a wide range from 1 cubic metre:1.3 tonnes as outlined in Council's Section 94 Heavy Vehicle Haulage Contributions Plan up to 1 cubic metre:2.08 tonnes as provided by reference text Chemistry of the Elements, Butterworth – Heinemann.

The following table provides a breakdown on the figures and conversion rates.

Item	1 April 2015 to 31 March 2016 (operating year)	1 January 2016 to 31 December 2016 (calendar year)	1 July 2015 to 30 June 2016 (financial year)
Tonnage Extracted	114,840.09 tonnes	227,116.24 tonnes	157,665.43 tonnes
Tonnage to Cubic Metres Extracted (1.3)	88,337.53 cubic metres	174,704.8 cubic metres	121,278.08 cubic metres
Conversion @ 1.4 tonnes indurated (wet) sand	82,028.64 cubic metres	162,225.89 cubic metres	112,618.15 cubic metres
Conversion @ 1.54 tonnes indurated (wet) sand	74,571.49 cubic metres	147,478.08 cubic metres	102,380.15 cubic metres
Conversion @ 1.8 tonnes indurated (wet) sand	63,800.05 cubic metres	126,175.69 cubic metres	87,591.91 cubic metres
Conversion @ 1.9 tonnes indurated (wet) sand	60,442.15 cubic metres	119,534.86 cubic metres	82,981.81 cubic metres
Conversion @ 1.95 tonnes indurated (wet) sand	58,892.35 cubic metres	116,469.87 cubic metres	80,854.07 cubic metres
Conversion @ 2.08 tonnes indurated (wet) sand	55,221.58 cubic metres	109,190.5 cubic metres	75,800.2 cubic metres



## 8.1 Compliance - Ballina Sands Quarry - Annual Extraction Rates

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The consent, at Condition 40, does not specifically identify when the annual extraction figures should be calculated.

Given this, it is anticipated that the quarry operator would indicate that the annual extraction figures are calculated from when extraction first took place, namely for the annual period 1 April to 31 March (the operating year).

This view is logical and if Council were to accept this annual period, then a further question arises as to which density calculation should be used to convert in-situ indurated sand to a dry, loose product.

As outlined in the table, if the conversion factors in Council's Section 94 Heavy Vehicle Haulage Contributions Plan were to be relied upon, a breach of the consent could be identified. However, if any other conversion factor is utilised, no breach would exist for the period 1 April 2015 to 31 March 2016.

Council has historically applied the CPI increase on 1 July of each year and this may be sufficient to justify the annual extraction year runs concurrent with the financial year.

If this were the preferred annual indicator, then a number of potential breaches for conversion factors of up to 1.9 tonnes per cubic metre may apply. It is also worthy of note that the quarry operator has indicated that the in-situ indurated sand within the quarry is between 1.8 and 1.9 tonnes per cubic metre.

The Civil Services Group advises indurated sand can generally have a density of 1.8 to 1.9 tonnes per cubic metre.

The typical sand extraction profile is six metres deep and comprises three layers of sand. The top metre is dry sand, the next metre is wet sand and the remaining four metres are indurated sand. Values obtained from various sources indicate typical densities as follows:

- Dry Sand 1.5 tonnes/m<sup>3</sup>
- Wet Sand 1.7 tonnes/m<sup>3</sup>
- Indurated Sand 1.9 tonnes/m<sup>3</sup>

For a typical six metre deep excavation, the average density is 1.8 tonnes per cubic metre.

### **Sustainability Considerations**

- **Environment**

The increase in heavy vehicle movements may increase the potential for a traffic accident within the vicinity of the quarry.

- **Social**

The commencement of proceedings would provide a deterrent to other business operators within the Ballina Shire.

- **Economic**

The commencement of any proceedings would have an economic impact on the landowners as legal proceedings are costly.

### Legal / Resource / Financial Implications

Legal proceedings are generally costly and to minimise costs and to achieve an acceptable outcome, there are a number of options available.

### Consultation

Council has not sought legal advice to date.

This report has been made in open Council as all the information within it is a matter of public record. If the Council needs to debate any matters having potential legal privilege, it may be necessary for Council to resolve to move into confidential session.

### Options

Council's main options are:

1. Accept the submission as made by the quarry operator and take no further action in relation to the complaint of the over extraction of materials within the subject premises for the period 1 April 2015 to 31 March 2016 and continue to monitor annual extraction totals from development consent DA 2013/162.
2. Seek additional density modelling and a peer review of the findings for the period 1 April 2015 to 31 March 2016 by an independent qualified engineer.

#### Option One

Accept Quarry Operator Submission - It is open to Council to accept the submissions as made by the quarry operator and resolve that no further action is required in relation to the complaint of over extraction of materials within the subject premises.

There are a number of variable density converters to convert indurated sand to a dry, loose material, and each situation has a number of variables, which will impact on the overall result.

Currently, Council has no evidence to the contrary to reject the density modelling provided by the quarry operators.

If this option is preferred it would only apply to the period for the period 1 April 2015 to 31 March 2016. Ongoing reviews of extraction rates would need to be undertaken to ensure ongoing compliance.

Any future potential breaches of the annual extraction totals would be assessed for the period 1 April to 31 March, with feedback sought from the quarry operator for any potential breaches in the future, prior to any action being undertaken.

## **8.1 Compliance - Ballina Sands Quarry - Annual Extraction Rates**

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### Option Two

Independent Density Modelling - It may well be prudent to obtain independent modelling for this quarry. Any independent density modelling would be at additional cost to Council and there is no legal avenue to have these costs borne by the quarry operator.

A very preliminary estimate for this work is approximately \$10,000.

If the independent density modelling reveals a lower density and a subsequent breach of a development consent condition, Council may seek to have these costs recouped in subsequent legal proceedings, however there is no guarantee that such an order would be granted by the Court.

Under this option Council would also need to confirm the annual extraction period for which the assessment is to be undertaken.

In conclusion, if the annual extraction period is determined to be from 1 April 2015 to 31 March 2016 and using the figures from Council's Section 94 Heavy Vehicle Haulage Contribution Plan, there is, on face value, an over extraction of some 2,000 m<sup>3</sup> of material, which is approximately 2.5% over the annual extraction rate.

However, this over extraction would be negated if a higher density modelling consistent with that quoted by the quarry operator was accepted.

The likelihood of Council undertaking successful compliance action based on the relatively low percentage (i.e. 2.5%) of non-compliance, balanced against the various density measurements, is low.

Council has sought information from the operator and there is not sufficient evidence to disagree with that response.

Based on this, the preferred option is option one. This option accepts the figures for 1 April 2015 to 31 March 2016, while at the same time it recognises that Council is undertaking on-going monitoring of the annual extraction totals for development consent 2013/162.

### **RECOMMENDATION**

That Council notes the contents of this report and endorses option one, which notes the extraction figures for the period 1 April 2015 to 31 March 2016, while the same time acknowledging that on-going monitoring is continuing for development consent 2013/162.

### **Attachment(s)**

Nil

## **8.2 Tender - Shaws Bay Coastal Zone Management Plan Works**

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### **8.2 Tender - Shaws Bay Coastal Zone Management Plan Works**

**Delivery Program** Environmental and Public Health

**Objective** To determine the tender for works associated with the implementation of the Shaws Bay Coastal Zone Management Plan.

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#### **Background**

The Shaws Bay Coastal Zone Management Plan (CZMP) was gazetted by the State Government in June 2016 and this Plan identified a series of priority actions to be undertaken at Shaws Bay.

Action One of the Plan identified that erosion control works at the eastern arm adjacent to Fenwick Drive was a high priority to stabilise for water quality and amenity improvements.

Council has been successful in obtaining grant funding to assist with these works from the Department of Primary Industry – Lands under the Public Reserves Management Fund Program and from the Office of Environment and Heritage (OEH) under the Coastal and Estuary Grants Program.

The works generally involve stabilisation of the bank edges along the eastern arm, improved access points, creation of sandy beach access locations and rehabilitation and planting of vegetation.

The OEH has requested Council consider as part of the tender process the environmental significance / performance and experience in this type of work and these are part of the mandatory selection criteria.

Tenders were advertised in October 2017 to undertake erosion protection works to the East Arm of Shaws Bay and at the close of the tender period four tenders were received.

Given the timelines for the grants a decision on the successful tenderer needs to be finalised and submitted to the OEH Grants Unit by 14 December 2017.

This report provides an overview of the tender assessment.

#### **Key Issues**

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

#### **Information**

The evaluation criteria and weightings were noted within the tender as:

##### Mandatory Criteria

- Project Experience – a minimum of three similar community facilities

## 8.2 Tender - Shaws Bay Coastal Zone Management Plan Works

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- Methodology – including understanding of the works, detailed works methodology, works program and a risk register and mitigation plan
- References – positive references on similar programs in regards to similar projects
- Environmental Systems – a documented environmental management system to an acceptable standard
- Work Health & Safety systems – a documented WHS management system to an acceptable standard
- Quality Systems - a documented quality system to an acceptable standard and
- Appropriate insurance coverage – for public liability, vehicle/plant, works and workers compensation.

### Weighted Criteria

- Total Price - 85%
- Local and Community - 15%

Tender were received from the following companies

- Rugendyke & Bashforth Contracting Pty Ltd
- Synergy Resource Management Pty Ltd
- Local Land Service - Soil Conservation Service
- Valley Earthworks Pty Ltd

Pricing information and tender ranking has been provided by separate memorandum to Councillors.

Synergy Resource Management Pty Ltd has met all the mandatory evaluation criteria and the tender submission is within the available budget for the works.

### **Sustainability Considerations**

- **Environment**  
The successful contractor will be required to ensure that the environmental sensitive nature of the area is a major consideration during the works environmentally sustainable options as part of the final design.
- **Social**  
The works to the area will improve the amenity of the area.
- **Economic**  
Council has significant funding in the 2017/18 Operational Plan to implement a range of works at Shaws Bay.

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

Compliance with Part 7 Tendering of the Local Government (General) Regulation 2005 is required. The tender is within budget.

### **Consultation**

A public tender process was undertaken.

### Options

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

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 Synergy Resource Management Pty Ltd for erosion protection works to the East Arm of Shaws Bay.
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. 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 erosion protection works to the East Arm of Shaws Bay from Synergy Resource Management Pty Ltd.
2. That Council authorises the Council seal to be attached to the contract documents.

### Attachment(s)

Nil

### **8.3 Companion Animals Management Plan (Review)**

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#### **8.3 Companion Animals Management Plan (Review)**

**Delivery Program** Environmental and Public Health

**Objective** To review the operational activities and management of companion animals (dogs and cats) in the Shire.

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#### **Background**

The purpose of this report is to review the Companion Animals Management Plan. Council first adopted this Plan in 23 September 2010 and last reviewed and adopted the Plan on 26 February 2015.

The implementation of this Plan is also an Operational Plan action for 2017/18 and it is important that the current Plan reflects the objectives of Council.

#### **Key Issues**

- Contents of the Plan
- Dog access adjacent Lake Ainsworth
- Fully fenced (enclosed) off-leash dog exercise area Compton Drive

#### **Information**

This review of the Plan has identified only minor changes and is considered to be contemporary and reflects current legislation.

A copy of the amended Plan is attached to the report.

The Plan is consistent with the Council's Community Strategic Plan and complies with the obligations placed on Council by the NSW Companion Animals Act.

The Plan also provides the opportunity for Council to establish a balance between encouragement and support for the social benefits of dog and cat ownership, whilst at the same time indicating a strong commitment to protecting public amenity, safety and the environment.

Actions taken over the last two years have been considered as part of this review and incorporated into each of the 12 Action Plans.

Inclusive of this review is the Notice of Motion that was supported at the Ordinary Council meeting held on 23 April 2017 to investigate the feasibility and establishment, subject to funding, of at least one enclosed off-lead dog exercise area in Ballina Shire.

Investigations have identified that the Compton Drive off-leash dog exercise area is the most suitable location, given the infrastructure already at this site (existing fencing and access).

Additionally this site has large expansive areas with a combination of terrain and vegetation to allow for a variety of dogs and activities that support

### 8.3 Companion Animals Management Plan (Review)

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responsible pet ownership, with dog behavioral and social issues being avoided.

The initial cost of these works to provide additional fencing and basic dog exercise zones with activities is approximately \$50,000. There are no funds in the 2017/18 budget to undertake these works and there is no forward allocation of this funding in future years in the Long Term Financial Plan.

In respect to the Plan itself, it is likely that the next review will further investigate the provision of additional off-leash dog exercise areas in Alstonville and Wollongbar, to reflect the expanding population, particularly in Wollongbar.

There is a growing number of households in the Shire and statistics indicate that pet ownership is also growing, specifically dogs as pets and it is important for the Council to provide areas for these dogs to be appropriately trained and socialised.

Council also resolved at the Ordinary Council meeting on 24 March 2017;

*'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'.*

Given the delays in the preparation of the application for the works associated with the Lake Ainsworth South Eastern Precinct upgrade it is appropriate to defer any proposal regarding dog access in the area until the outcomes of this project are known.

Council rangers are constantly seeking compliance with dog owners who sometimes allow their dogs to enter the Lake, which is not allowed. Once Council has confirmed and / or implemented its works program in this locality, a contemporary position on dog access can be developed.

#### **Sustainability Considerations**

- **Environment**

The Plan assists with the protection of the natural and built environment through the introduction of clear guidelines for the management of dogs and cats.

- **Social**

Dog and cat ownership brings both great benefits and significant adverse impacts for people living in the community.

Irresponsible owners of dogs and cats can be the cause of many neighbourhood disputes. Dog attacks cause serious injury to people and other animals and have occasioned death.

Dogs and cats provide great support and companionship to owners and help with loneliness and assist in the rehabilitation of people, particularly the elderly.



### **8.3 Companion Animals Management Plan (Review)**

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- **Economic**

The majority of actions in the Plan are funded within existing budgets and resources. However, additional funding will be required to expand the Compton Drive off-leash dog exercise facility.

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

The revision of the Plan corrects inaccuracies in the previous Plan arising from legislative changes and updates the Council's responses to the management of dogs and cats.

The cost to Council in the managing dogs and cats is substantial (staff time etc) and there is a need to balance the allocation of resources to meet the requirements of the Act and the demands of the local community.

Requests to provide additional ranger activities and further presence in the community on dog and cat matters is increasing and they currently receive a higher priority over many other ranger tasks.

#### **Consultation**

The Plan has been revised in consultation with the NSW Office of Local Government and in response to community concerns and requests.

#### **Options**

Council may accept or amend the proposed changes to the Plan. The changes included are largely legislative, or of a housekeeping nature, and therefore it is recommended that the Plan be adopted as attached.

It is also recommended that the Plan be exhibited for public comment and if no submissions are received from the exhibition process, then no further actions are required.

It is also recommended that the investigation and design details continue for the Compton Drive dog exercise area and funding be considered as part of the development of the 2018/2019 Operational Plan.

In respect to Lake Ainsworth it is recommended that Council defer a decision until the outcome is known on the infrastructure works planned for the site.

#### **RECOMMENDATIONS**

1. That Council adopts the amended Companion Animals Management Plan Policy, as attached to this report.
2. That Council place this Plan 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.
3. That Council notes that funding for the expansion of the fully fenced off-leash dog exercise park at Compton Drive, East Ballina, estimated at \$50,000 is to be considered as part of the 2018/2019 Operational Plan.

### **8.3 Companion Animals Management Plan (Review)**

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4. That Council defer further consideration of the dog access options adjacent to the Lake Ainsworth Precinct until such time a decision is made in respect to the infrastructure works planned for this locality.

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

1. Companion Animals Management Plan - November 2017 (Under separate cover)

## 8.4 Policy (Review) - Enforcement

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### 8.4 Policy (Review) - Enforcement

**Delivery Program**      Development Services

**Objective**              To review the Enforcement Policy.

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#### **Background**

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

Council first adopted this policy in November 2009 and it was most recently reviewed in 2013.

#### **Key Issues**

- Ensure the policy meets the requirements of Council and current legislation

#### **Information**

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

- The Enforcement Policy has been updated to reflect suggested changes as outlined by the NSW Ombudsman's Office and to ensure that the policy reflects contemporary documentation with that of other Federal and State Government enforcement agencies.

The changes have been marked in yellow.

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

A copy of the amended policy is attached to the report.

#### **Sustainability Considerations**

- **Environment**  
Protection of the natural and built environment with clear guidelines for Council staff when contemplating the commencement of enforcement action.
- **Social**  
To provide procedural fairness and natural justice.
- **Economic**  
Cost to the community at large if action is warranted and not commenced.

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

This amended policy will provide staff and the community with a clearer picture in dealing with any suspected unlawful activity and should reduce any initial legal costs in the seeking of advice about whether or not sufficient evidence exists to enable the commencement of enforcement action.

When considering the cost/benefit of its options, Council must not only assess the individual costs and benefits, but should also consider indirect costs and benefits.

For example, the direct cost in taking no action is minimal, but the indirect cost of that same act of taking no action is that broader levels of compliance may reduce and there may be a general increase in the demands on Council to intervene.

Conversely, the indirect benefit of formal proceedings is the educative and deterrent effect of a successful prosecution.

### **Consultation**

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

### **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 Enforcement 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, no further action is required.

### **Attachment(s)**

1. Policy (Review) - Enforcement

## 8.5 Development Applications – Variation to Development Standards

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### 8.5 Development Applications – Variation to Development Standards

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The following information is provided with regards to development applications where a variation of less than 10% to development standards (via the BLEP 1987 or BLEP 2012) has been approved under delegation since the last Council meeting.

DA No.	Date Approved	Applicant	Proposal and Address	EPI and Land Zoning	Development Standard and Approved Variation	Justification for variation
2017/544	20/10/2017	CP Ryan	Alterations and Additions to Dwelling - 66B Fig Tree Hill Drive, Lennox Head	RU1 Primary Production - BLEP 2012	8.5m maximum height control  Variation of 0.795m / 9.5%	The majority of the building height/roof is contained within the prescribed building height

At the last Council meeting there was some discussion in respect to the background to this report, particularly when there are nil variations.

The Department of Planning's Circular PS08-014, which is included as an attachment, provides the Department's recommendation for this report to be submitted to Council. Council staff have also developed an internal procedure to manage these types of variations in response to that circular.

### **RECOMMENDATION**

That Council notes that there has been one application approved under delegation for variations to development standards less than 10% for October 2017 as per the contents of this report.

### **Attachment(s)**

1. Planning Circular PS08-014 - Reporting Variations to Development Standards

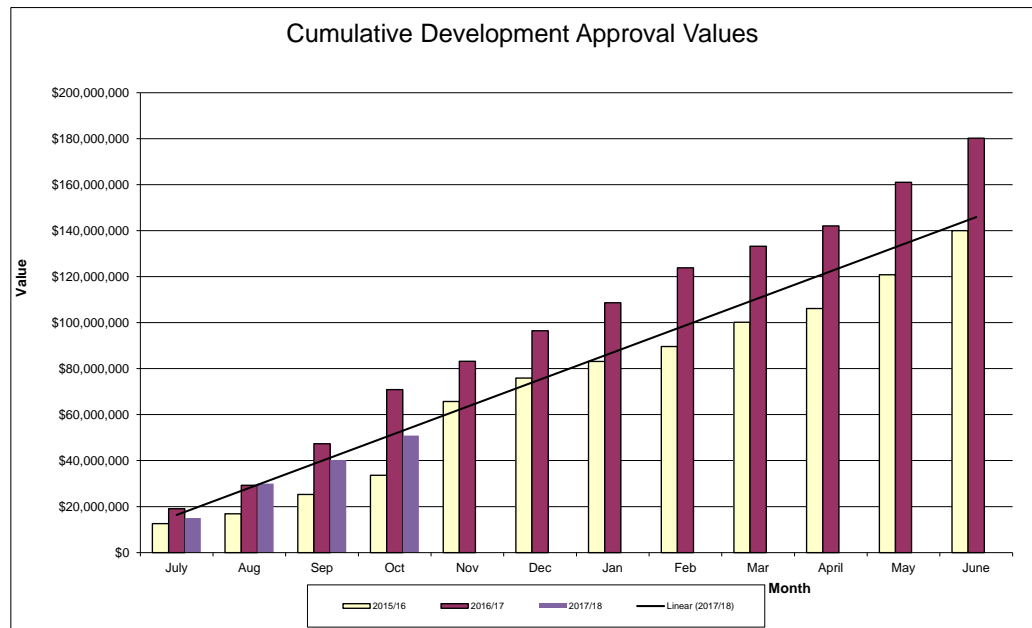
## 8.6 Development Consent and Infrastructure Approvals - October 2017

### 8.6 Development Consent and Infrastructure Approvals - October 2017

During the period of 1 October 2017 to 31 October 2017 the Development and Environmental Health Group issued Development Consents comprising of:

Number of Applications	Value of Work
44 Other including Changes of Use	\$ 5,699,825
16 Dwellings/Dual Occupancies/Residential Flat Buildings/New Commercial and Industrial Buildings	\$ 4,922,526
4 General Developments including Subdivisions	\$ 2,420
<b>Total Value</b>	<b>\$ 10,624,771</b>

The following chart details the cumulative consent figures for 2017/18 as compared to 2016/17 and 2015/16.



During the period of 1 October 2017 to 31 October 2017 there were no approvals issued for Public Infrastructure / Civil Construction Works.

### RECOMMENDATION

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 October 2017 to 31 October 2017.

### Attachment(s)

Nil

## 8.7 Development Applications - Works in Progress - November 2017

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### 8.7 Development Applications - Works in Progress - November 2017

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

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

<b>DA No.</b>	<b>Date Rec'd</b>	<b>Applicant</b>	<b>Proposal</b>	<b>Status</b>
2016/274	20/05/2016	Northern Rivers Land Solutions	Two lot boundary adjustment subdivision to create 1 x 1.45ha and 1 x 47ha allotments and the establishment of a rural worker's dwelling upon the larger Proposed Lot 11 – 61 & 145 Brooklet Road, Newrybar	Being assessed
2016/704	5/12/2016	Ardill Payne & Partners	Staged Seniors Housing Development Comprising the Re-Development of Alstonville Maranoa pursuant to S.83B of the EP&A Act with consent also sought for Stage 1 comprising 12 self-contained dwellings, tree removal, new driveway and associated works - 9-19 The Avenue, Alstonville	Determination Pending
2017/129	17/3/2017	CivilTech Consulting Engineers	Construction of a two lane road linking North Creek Road to the Ballina Byron Gateway Airport including three roundabouts at the intersections with North Creek Road, Boeing Avenue and the connection into the airport. The proposal also includes extensions to Boeing Avenue and the realignment of Corks	Awaiting Additional Information

## 8.7 Development Applications - Works in Progress - November 2017

			Lane, site filling, vegetation removal and associated works. – Lot 5 DP 123781 Corks Lane, Ballina	
2017/165	09/06/2017	Planit Consulting Pty Ltd	Erection and Strata Title Subdivision of an industrial development comprising the staged construction of industrial sheds and self-storage sheds, demolition works, vehicular access and internal road works, stormwater infrastructure and associated works – 16 Kays Lane, Alstonville	Determination Pending
2017/223	5/5/2017	Ardill Payne & Partners	Two lot residential subdivision to create 1 x 1,157sqm and 1 x 1,145sqm allotments and associated works – 31 Tara Downs, Lennox Head	Awaiting Additional Information
2017/232	12/5/2017	GM Project Development & Management	Three Lot Strata Title Subdivision – 6 George Street, Tintenbar	Awaiting Additional Information
2017/254	19/5/2017	Ardill Payne & Partners	Boundary adjustment subdivision between two lots to create two modified lots and subsequent erection and Strata Title subdivision of a detached dual occupancy on each modified lot and associated works - 34 & 36 Liffey Avenue, Cumbalum	Awaiting Additional Information
2017/360	30/06/2017	Ardill Payne & Partners	To undertake a tourist and visitor accommodation development comprising the construction of eight tourist cabins in four stages and associated	Being Assessed



## 8.7 Development Applications - Works in Progress - November 2017

			works – 663 Fernleigh Road, Brooklet	
2017/370	07/07/2017	Newton Denny Chapelle	Service Station and Childcare Centre – 246-250 Lismore Road, Wollongbar	Awaiting Additional Information
2017/386	19/2/2017	Optus Mobile Pty Ltd	Erection of a 33 metre high telecommunication facility consisting of a single monopole with associated equipment – 61 Piper Drive, Ballina	Determination Pending
2017/408	27/07/2017	Byron Bay Planning	Establishment of an Attached Dual Occupancy and Tourist and Visitor Accommodation Comprising Three Holiday Cabins and Vegetation Management Works – 64 Ross Lane, Kinvara	Being Assessed
2017/414	28/07/2017	Newton Denny Chapelle	Alterations and additions to an existing dwelling house and establishment of a bed and breakfast facility including new driveway access, car parking, vegetation management works and associated works – 24 Old Pacific Highway, Newrybar	Awaiting Additional Information
2017/430	04/08/2017	Victor Holmes Town Planning	Change of use to light industry, truck depot and storage facility, with associated business identification sign – 38B Smith Drive, West Ballina	Awaiting Additional Information
2017/432	04/08/2017	Ardill Payne & Partners	Two Lot Subdivision by way of a Boundary Adjustment Subdivision to Create One x 40.1952ha and One x 5.1148ha Allotments –	Awaiting Additional Information

## 8.7 Development Applications - Works in Progress - November 2017

			Bagotville Road, Bagotville	
2017/434	07/08/2017	PalmLake Works Pty Ltd	Seniors Housing Development (Extension to Palm Lake Resort) Comprising 18 Self Contained Dwellings, Infrastructure and Associated Works - 16 & 120 Corks Lane & North Creek Road, Ballina	Referred to Government Departments
2017/493	6/9/2017	Anne Coombs	Construction of a rural farm building and earthworks associated with a horse riding arena – 461 Hinterland Way, Knockrow	Awaiting Additional Information
2017/534	26/9/2017	Newton Denny Chapelle	Subdivision to create three development lots and residue lots – Lot 54 DP 1222919 Hutley Drive, Lennox Head (EPIQ Estate)	Awaiting Additional Information
2017/537	28/9/2017	J Lewis	Vegetation management works comprising the removal of two trees – 14 Palisade Way, Lennox Head	Determination Pending
2017/541	28/2017	D Mallam	Demolition of the existing dwelling house and construction of a new dwelling house with pool, tourist and visitor accommodation comprising nine tourist units, two sheds, car parking and associated works – 421 Coolgardie Road, Coolgardie	Awaiting Additional Information
2017/545	29/9/2017	Swim Loops Pty Ltd T/A JUMP! Swim School	Change of use to a swim school (recreation facility - indoor) including installation of a pool, internal fitout and associated signage –	Awaiting Additional Information

## 8.7 Development Applications - Works in Progress - November 2017

			1/269 River Street, Ballina	
2017/547	3/10/2017	Owners Corporation SP 14662	Vegetation management works comprising the removal of three trees – 9 Robertson Street & 14-18 Alston Avenue, Alstonville	Being Assessed
2017/554	13/10/2017	Ballina Shire Council	Construction of a skate park - Lot 2 Elvery Lane, Alstonville	Awaiting Additional Information
2017/557	06/10/2017	Byron Highlander Estate Pty Ltd	Establishment of a Place of Assembly (Function Centre and Refreshment Room) and a Change of Use of an Existing Dwelling House to a Tourist Facility (Accommodation) - North TevenRoad, Teven	On Exhibition
2017/565	11/10/2017	Newton Denny Chapelle	Stage 5 - 88 Lot Residential Subdivision comprising 81 Torrens Title Lots and Seven Community Title Lots, Civil Infrastructure Servicing and Associated Earthworks (stage five of 'Epiq)Lennox') - Lot 54 Hutley Drive, Lennox Head	Awaiting Additional Information
2017/591	23/10/2017	Nola McAlary	Vegetation management works involving the removal of one Norfolk Island Pine tree - 5 Hindmarsh Street, East Ballina	Awaiting Additional Information
2017/600	30/10/2017	Newton Denny Chapelle	Expansion to an Existing Resource Recovery Facility - 19- 21 Northcott Crescent, Alstonville	On Exhibition
2017/602	30/10/2017	Judith Byrnes	Vegetation management works	Determination Pending

## 8.7 Development Applications - Works in Progress - November 2017

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			comprising the lopping of one tree - 65A Teven Road, Alstonville	
2017/603	30/10/2017	Choppy Chop Trees	Vegetation management works comprising the removal of one tree - 3/4 Jarrett Street, Ballina	Determination Pending
2017/609	31/10/2017	Ardill Payne & Partners	Construction of the Ballina Community Men's Shed - 36 Racecourse Road, Ballina	Being Assessed

**8.7 Development Applications - Works in Progress - November 2017****Regional Development (Determined by Joint Regional Planning Panel)**

<b>DA No.</b>	<b>Date Rec'd</b>	<b>Applicant</b>	<b>Proposal</b>	<b>Status</b>
2016/2	4/01/16	21st 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
2016/184	15/4/16	Planners North	To undertake urban subdivision of the new Cumbalum Urban Release Area – Precinct A comprising a total of 633 residential allotments, road construction, earthworks, stormwater management, infrastructure works, vegetation removal and other associated subdivision works - Sandy Flat Road, 88 Sandy Flat Road, 52 Albert Sheather Lane, Tamarind Drive and 658 Tamarind Drive, Cumbalum	Subject to Class 1 Appeal in the NSW Land & Environment Court

## 8.7 Development Applications - Works in Progress - November 2017

2016/524	16/9/16	Planners North	Amended Proposal: Seniors Living Development pursuant to SEPP (Housing for Seniors and People with a Disability) 2004 comprising amended layout, 170 (previously 211) serviced, self-care housing (previously 210) with associated clubhouse, recreation facilities, roads and associated infrastructure and environmental management and protection works – 67 Skennars Head Road, Skennars Head	Awaiting Additional Information
2016/660	17/11/16	BP Australia Pty Ltd	Erection of a Highway Service Centre and Associated Uses, Advertising Signage Including Two x 25 m High Structures, Land Filling, Vehicular Access of Pacific and Bruxner Highways, Car Parking and Associated Works - Pacific Highway, West Ballina	To be reported to JRPP for determination on 13 December 2017

## 8.7 Development Applications - Works in Progress - November 2017

2016/746	23/12/16	Ringtank Pty Ltd	Erection of dwelling houses, rural worker's dwelling, tourist and visitor accommodation, 10 site caravan park, polo training field and equestrian exercise area, equine building including stables, veterinary facility, quarantine stalls and horse float and equipment shelters, private helipad and hanger, outdoor recreation facilities including go-kart track, shooting range, motocross track, associated buildings, roadworks, earthworks including dams and landscaping - Carrs Lane, Empire Vale Road, Reedy Creek Road- Keith Hall/Empire Vale	Briefing to be held with Councillors  Awaiting Additional Information
2017/244	17/5/2017	Intrapac Skennars Head Pty Ltd	Amended Proposal: To undertake the first stage of a residential subdivision comprising 218 residential lots, five public reserve lots, eight super lots for future subdivision, five utility lots and one residue lot. The proposed subdivision, to be carried out in stages, will involve the construction of a new access to The Coast Road incorporating the Sharpes Beach Car Park Access junction with a roundabout and facilitating connection into Headlands Drive. The subdivision also proposes extensive earthworks across the site, utilities augmentation, stormwater management and drainage, vegetation removal and associated works – Lot 6 DP 1225206 (formally Lot 265 DP 1212348) The Coast Road, Skennars Head	On Exhibition

## 8.7 Development Applications - Works in Progress - November 2017

2017/447	17/8/2017	Newton Denny Chapelle	Erection of a Neighbourhood Shopping Centre, involving a Supermarket (Woolworths) and Speciality Shops, Associated Car Parking and Other Infrastructure Servicing, Earthworks, Signage and Landscaping within the EPIQ Estate at Lennox Head – Hutley Drive, Lennox Head	Referred to Government Departments
2017/509	13/9/2017	Conrad Gargett	Alterations and Additions to Lennox Head Public School including the demolition of a number of demountable buildings and construction of new classrooms and amenities including administration building, two storey homebase building (exceeding the 8.5 metre building height standard), canteen, covered outdoor learning area, basketball court, landscaping and associated works – 25 Byron Street, Lennox Head	Awaiting Additional Information

### Major Development (Determined by Minister)

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

### RECOMMENDATION

That Council notes the contents of the report on the status of outstanding development applications for November 2017.

### Attachment(s)

Nil



## **9.1 Planning Proposal - Housekeeping Amendments BLEP 2012**

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

#### **9.1 Planning Proposal - Housekeeping Amendments BLEP 2012**

**Delivery Program** Strategic Planning

**Objective** To seek direction from the Council concerning the progress of a planning proposal relating to various housekeeping amendments to the Ballina Local Environmental Plan 2012.

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#### **Background**

Council's Strategic Planning Section undertakes periodic 'housekeeping' reviews of the Ballina Local Environmental Plan 2012 (the LEP) to ensure that the plan is operating efficiently.

These reviews typically look for minor improvements that can be made and usually involve updates to mapping as a result of improved cadastral information that becomes available to Council from time to time, or correction of minor errors. Housekeeping reviews do not examine significant policy changes as these are addressed through either policy specific amendments or comprehensive review processes.

Staff has recently completed a housekeeping review and identified a number of minor amendments to the LEP that are recommended.

The purpose of this report is to present a planning proposal incorporating the proposed amendments to the Council and seek direction on progression of the changes.

#### **Key Issues**

- Outcomes of housekeeping review of the LEP
- Efficient functioning of the LEP

#### **Information**

Table 1 outlines a number of amendments to the LEP that are recommended as a result of a housekeeping review of the plan. These amendments (including mapping) are also outlined in the draft planning proposal contained in Attachment 1.

As indicated in the table, most of the amendments are proposed to align zoning and other planning attributes to cadastre as a result of updated cadastral information, or to correct minor mapping errors which have been identified.

One change to the text of the LEP is provided to clarify the interpretation of clause 4.2A (see item 1 in Table 1).

## 9.1 Planning Proposal - Housekeeping Amendments BLEP 2012

The abbreviations in the table (LZN, LSZ etc) identify the LEP map set that requires amendment.

**Table 1 BSCPP 17/011 Amendment Summary**

Amendment		Amendment Summary	Primary Reason
1	Clause 4.2A – Erection of dwelling houses and dual occupancies (attached) on land in certain rural zones	The proposal is to change wording in the clause to allow replacement of a dwelling house if there is or has been a lawfully erected dwelling house on the land.	To clarify clause 4.2A to enable replacement of a lawfully erected dwelling house on land in cases where a dwelling has been destroyed and/or is otherwise not currently located on the land.
2	River Street, West Ballina (SGA)	Adjust area affected by Strategic Urban Growth Area mapping to remove SUGA designation from land identified as a deferred matter.	To correct a minor mapping error.
3	Emigrant Creek (LZN, LSZ)	Adjust mapping to align attributes with cadastre. Involves alignment of RU1, RU2 and W1 zones and nil and 40ha lot size standards.	To reflect updates to cadastral boundaries in Council's electronic mapping system.
4	Pimlico Road, Pimlico (LAP, LZN LSZ, ASS, FLD, BHA, HOB)	Adjust mapping to align attributes with cadastre. Involves adjustment to include land within BLEP 2012 and align RU1 zone, 40ha lot size standard, 8.5m building height and flooding, height allowance and acid sulfate soils attributes.	To reflect updates to cadastral boundaries in Council's electronic mapping system.
5	Tara Downs, Lennox Head (LZN, LSZ)	Adjust mapping to align attributes with updates to cadastre arising from subdivision of land. Involves adjustment to remove land from within BLEP 2012 and alignment of RU1 and R2 zones and 40ha and 800m <sup>2</sup> minimum lot size standards.	To reflect updates to cadastral boundaries in Council's electronic mapping system following subdivision of land.
6	Blue Seas Parade, Lennox Head (LZN, LSZ)	Adjust mapping to apply R2 zone and 1200m <sup>2</sup> minimum lot size to land.	Amendment No.30 to the LEP was completed with a minor mapping error that means the full extent of the rezoning is not currently reflected in the LEP. This amendment corrects the mapping error.
7	Blue Seas Parade, Lennox Head (HOB)	Adjust mapping to apply an 8.5m building height standard to the Blue Seas Parade road reserve.	To correct a minor mapping error.
8	North Creek Road, Lennox Head (LZN, HER)	Adjust mapping to align attributes with updates to cadastre arising from subdivision of land. Involves alignment of R2 and R3 zones and heritage mapping for item I71.	To reflect updates to cadastral boundaries in Council's electronic mapping system following subdivision of land.
9	Hutley Drive South, Lennox Head (LAP, LZN, LSZ, ASS, HOB)	Adjust mapping to align attributes with updates to cadastre arising from subdivision of land. Involves adjustment to include land within BLEP 2012 and align R2 zone, 600m <sup>2</sup> lot size standard and 8.5m height of buildings standard with western boundary of Hutley Drive South.	To reflect updates to cadastral boundaries in Council's electronic mapping system following subdivision of land.

## 9.1 Planning Proposal - Housekeeping Amendments BLEP 2012

Amendment	Amendment Summary	Primary Reason	
10	Castle Drive, Lennox Head (LSZ)	Apply nil minimum lot size standard to area of open space consistent with minimum lot size standard applied to public open space.	To correct a minor mapping error.
11	Skinner Street, Ballina (LZN, LSZ)	Adjust zoning and lot size mapping to apply R2 zone and 1200m <sup>2</sup> minimum lot size to align with location of approved dwelling house at 2 Skinner Street, Ballina.	Reflect location of existing approved dwelling house.
12	Ballina Heights – Liffey Avenue, Cumbalum (LZN and LSZ)	Adjust mapping to align attributes with updates to cadastre arising from subdivision of land. Involves adjustments to align RE1, R2 and R3 zones and nil, 600m <sup>2</sup> and 800m <sup>2</sup> lot size standards.	To reflect updates to cadastral boundaries in Council's electronic mapping system following subdivision of land.
13	Ballina Heights – Chilcott Avenue, Cumbalum (LZN and LSZ)	Adjust mapping to align attributes with updates to cadastre arising from subdivision of land. Involves adjustments to align RE1, R2 and R3 zones and nil, 600m <sup>2</sup> and 800m <sup>2</sup> lot size standards.	To reflect updates to cadastral boundaries in Council's electronic mapping system following subdivision of land.
14	Richmond Street, Wardell (LZN and LSZ)	Adjust mapping to align attributes with updates to cadastre. Involves adjustments to align R2 and R3 zones and 600m <sup>2</sup> and 800m <sup>2</sup> lot size standards.	To reflect updates to cadastral boundaries in Council's electronic mapping system.
15	Newports Lane, Uralba (LAP, LZN, LSZ, HOB)	Adjust mapping to align attributes with updates to cadastre. Involves adjustment to include land within BLEP 2012 and align RU1 zone, 40ha lot size standard and 8.5m height of buildings standard.	To reflect updates to cadastral boundaries in Council's electronic mapping system.

Key to map abbreviations: LZN – Land Use Zoning Map, LSZ, Minimum Lot Size Map, HOB – Height of Buildings Map, SGA – Strategic Urban Growth Area Map, LAP – Land Application Map, ASS – Acid Sulfate Soils Map, BHA – Building Height Allowance Map, FLD – Flood Planning Area Map.

### Sustainability Considerations

- **Environment**  
There are no significant environment, social or economic impacts expected as a result of the proposed amendments as the changes aim to reflect existing planned outcomes and/or improve the interpretation and application of the LEP.
- **Social**  
As above.
- **Economic**  
As above.

### Legal / Resource / Financial Implications

There are no significant legal, financial or resource implications associated with the planning proposal.

The processing of the planning proposal can be undertaken within the existing resources of Council's Strategic Planning Section.

Given the minor nature of the amendments proposed, it is recommended that Council seeks delegation of plan making functions from the NSW Department of Planning and Environment to enable Council's processing of the amendment to a point of finalisation.

### **Consultation**

Consultation with Government agencies as required by the Department of Planning and Environment will be undertaken if the planning proposal proceeds beyond Gateway determination.

A public exhibition including community notification of the proposed amendments will be undertaken as part of the processing of the amendment post Gateway determination.

### **Options**

The Council has the following options in relation to the planning proposal:

- proceed with the planning proposal,
- amend the planning proposal,
- defer the planning proposal, or
- cease further action on the planning proposal.

On the basis that the proposed minor amendments seek to update the LEP to align zoning and other attributes with changes to the cadastre and improve the interpretation and application of the LEP, it is recommended that the Council proceeds with the planning proposal.

This would involve staff submitting the planning proposal to the Department of Planning and Environment for Gateway determination. In the event of an affirmative Gateway determination allowing the proposal to proceed, staff would then undertake the procedural steps to progress the proposal to finalisation including public exhibition. A further report would be submitted to the Council in relation to the completion of the amendments following the public exhibition phase of the process.

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 performs some of the plan making functions that would otherwise be completed by the Department. In the subject case, given the proposal's consistency with the State and local strategic planning context, and that the matters sought to be addressed are of a minor "housekeeping" nature, it is recommended that Council seeks the delegation.

It is open to the Council to amend the planning proposal, defer the matter for further consideration (this could be via a briefing) or to cease progression of

## **9.1 Planning Proposal - Housekeeping Amendments BLEP 2012**

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the amendments. Given the relatively minor nature of the amendments, these options are not recommended.

### **RECOMMENDATIONS**

1. That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 as outlined in the planning proposal (BSCPP 17/011 Housekeeping Amendment 2017) contained in Attachment 1.
2. That Council submit BSCPP 17/011 Housekeeping Amendment 2017 to amend the Ballina Local Environmental Plan 2012 to the NSW Department of Planning & Environment for 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 and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
5. That the planning proposal be reported to the Council for further consideration following the completion of the public exhibition of the proposed LEP amendments.

### **Attachment(s)**

1. Planning Proposal (17/011) - Housekeeping Amendments 2017 (Council Report) (Under separate cover)

## 9.2 Policy (New) - Mobile Vending on Public Land

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### 9.2 Policy (New) - Mobile Vending on Public Land

**Delivery Program** Strategic Planning

**Objective** To seek direction on the introduction of a policy for mobile vending on public land.

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#### Background

Council initially considered a draft policy for mobile food/beverage vending on public land at the April 2017 Ordinary meeting.

At that meeting, Council resolved to place the draft policy presented on public exhibition [Minute No. 270417/14].

In summary, that draft policy which was subsequently publicly exhibited contained the key elements set out in Table One.

**Table One: Key Aspects of Draft Mobile Vending on Public Land Policy**

Policy Element	Rationale
Permits mobile food/beverage vending on public land and on public roads (including car parks) without the need for development consent, subject to meeting specified criteria including conformity with the definition of mobile food and drink premises under State planning policy.	Aligns policy with existing State based exemptions and reinforces consistency in definition of mobile food/beverage vending uses.  This approach allows mobile food/beverage vending proposals that meet the criteria to be approved from a public land management perspective without the need for a development application to be lodged and determined.
Requires that any other forms of mobile vending (non-food/beverage vending, such as sale of flowers or souvenirs, for example) must be subject to the development application process and limits circumstances under which Council would provide land owner agreement for the use of the land.	Sets a higher standard for non-food/beverage vending operations with the intention of discouraging these other forms of vending on public land and public roads.
Provides for two forms of approvals (in the form of a permit) being location specific and within the road network.	Enables mobile food/beverage vending throughout the road network and within formed car parking areas.  Enables mobile food/beverage vending in specified locations within public reserves.
Provides for short term vending and longer term (day based) vending.	Provides allowance for self-contained vehicles to move around the road and car parking network based on short term stops.  Provides allowance for vending from within reserves on a day basis (i.e. a vendor could set up in a specified location for up to six hours a day).

## 9.2 Policy (New) - Mobile Vending on Public Land

Policy Element	Rationale
Nominates Missingham Park, Pop Denison Park and Sharpes Beach as within reserve vending locations.	<p>Specific sites are nominated for within reserve trading having regard for the proximity of existing businesses as well as the suitability of the road network and applicable land management requirements.</p> <p>Other locations considered along with the rationale for not nominating them as within reserve (or longer term day based) trading sites include:</p> <ul style="list-style-type: none"> <li>- Pat Morton Lookout (trading from areas outside the formed car park not permitted under the Coastal Reserve Plan of Management. Car park provides suitable area in any case for short term trading).</li> <li>- Shelly Beach (close proximity to existing café outlet to the north (250m) as well as a planned café to the south (120m). Car park provides suitable area in any case for short term trading.</li> <li>- Captain Cook Park (close proximity to CBD and existing food and drink premises)</li> <li>- Fawcett Park (close proximity to CBD and existing food and drink premises).</li> </ul>
Establishes a permit approval system.	<p>Combines consideration of various legislation and land management requirements into a single approval process, including the linking of approval requirements for the handling and sale of food/beverages.</p> <p>Enables Council to levy a fee for the administration of the approval system and the use of public land and public roads for commercial purposes.</p>
Sets no limitation on the number of permits issued.	<p>The policy is designed not to create exclusivity for the use of public land and roads for mobile food vending.</p> <p>This aims to remove any sense of ownership associated with a permit approval (i.e. the vendors will not own special rights to a particular area, rather a permit simply authorises them to trade from public land or public roads).</p> <p>Recognises that the land is that of the community rather than any one business.</p>
Sets out guidelines to guide the form of mobile food/beverage vending and how such vending may be carried out.	<p>Provides details of requirements for food/beverage vending to address key issues such as safety, public health, operating impacts, waste disposal, signage and insurance.</p>

Following public exhibition, Council considered adoption of the policy at the June 2017 Ordinary meeting.

The report recommended a number of relatively minor changes to the policy in response to feedback received during the exhibition period. A copy of the amended draft policy, as recommended in that report, is included as the attachment to this report.

At that meeting, Council resolved to defer the matter to a briefing.

The briefing was held in July 2017. Unfortunately there was not clear direction at the briefing in respect to the preferred approach to the formulation of the policy. Essentially there was initially a desire to enable mobile vending on public land however, more recently some Councillors have expressed dissatisfaction with mobile vendors using public land and the draft policy that was originally prepared.

## 9.2 Policy (New) - Mobile Vending on Public Land

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The purpose of this report is to revisit the policy firstly to determine whether the Council wishes to implement a policy and then secondly, if a policy is to be implemented, determine the form the Council wishes it to take.

### Key Issues

- Policy framework for mobile vending on public land
- Conflict between established businesses and mobile vendors
- Planning legislation

### Information

#### *Current Framework for Mobile Vending on Public Land*

The current approach to mobile vending on public land (on reserves outside the road and parking network) is that it is not permitted under the approved list of activities as per Council's adopted Commercial Activities on Public Land Policy, albeit that that policy does allow other activities to be reported to Council for determination.

There are also further limitations on mobile vending on Crown Land in the Coastal Reserve under the Ballina Shire Coastal Reserve Plan of Management.

Under the current circumstances, mobile vending in the shire, insofar as it relates to public land and roads, is essentially limited to mobile food vending within the road network (including car parks) through fully self-contained vehicles such as coffee vans.

A complexity here though is that not all roads and car parking areas are within road reserves, with some of these areas being on public land.

This necessitates differing approaches to management due to the applicability of different legislation.

If Council wishes to maintain the status quo, the outcome would be that mobile vendors would continue to operate within the road network, with "grey" areas being dealt with, case by case, as circumstances arise.

One option in this regard is to continue to enable mobile vendors within the road network but establish basic parameters through a policy and licensing system.

Retention of the status quo in the absence of a policy framework is not recommended as Council does not have a clear expression of its expectations for mobile vending on public land that staff can seek to consistently apply.

#### *What are the Key Things that Need to be Determined?*

The following information sets out key aspects of the policy framework that require direction to formulate and apply a practical policy for mobile vending.



## **9.2 Policy (New) - Mobile Vending on Public Land**

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### Permitted Vending

One of the primary functions of the draft policy as previously presented is to identify what types of mobile vending are and are not permitted on public land.

Regardless of the details relating to where, when, how etc, one of the primary values of having a mobile vending on public land policy is the ability to define what is allowed to be sold or dispensed to enable staff to respond consistently to enquiries.

The draft policy established that mobile vending can only occur on public land without the need for development consent in the form of food/beverage vending through a mobile outlet such as a food truck, van or cart that meets the definition set out under State Environmental Policy (Exempt and Complying Development Codes).

The relevant extract from the SEPP which sets limitations for mobile food/beverage vending is reproduced in the draft policy attached.

The effect of this is that the policy discourages other forms of mobile vending (such as sale of flowers, clothes, handicrafts and other goods) on public land, unless such business is conducted as part of another approved activity (such as a market or festival).

It is recommended that Council introduces a policy for mobile vending on public land and roads so that the types of vending permitted can be formally identified to the community.

It is also recommended on the basis that a policy can establish a single system for the approval and management of such vending activities.

If status quo is preferred, it is suggested that Council proceed to amend the policy and publicly exhibit an alternate version that introduces basic requirements and a licensing system for mobile food vendors using the road and car parking network only.

The key decision here is whether there should be a policy for mobile food/beverage vending or not and if there is to be a policy, what types of mobile vending are to be permitted.

### Permitted Vending Locations

The draft policy allowed mobile vending on public land in two circumstances, namely at specified locations on public reserves and within roads and car parking areas.

This was proposed to enable mobile vending in a variety of locations, including public parks and reserves where it appeared logical for food and beverages to be available to the public (being Missingham Park, Pop Denison Park and Sharpes Beach).

Council needs to determine whether these locations are acceptable for mobile food vending (noting that existing vendors already use the road and car parking network in the shire).

## **9.2 Policy (New) - Mobile Vending on Public Land**

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Once the locations are known, it is then important to consider the limitations on the vending.

A key element in this regard is whether the vending should be time limited and, if so, for how long (see approval requirements and considerations below).

It is recommended that Council makes allowance for mobile food vending at specified locations within public reserves (as per the draft policy) and within the road and car parking network.

It is also recommended that Council adopts the time limitations set out in the draft policy.

The key decisions here are:

- whether to allow mobile food vending only from within public reserves; or
- whether to allow mobile food vending only from with the road and car parking network; or
- whether to allow mobile food vending in both the above circumstances.

### Approval Documentation and Applications

It has previously been recommended that where a policy is in place, it should establish a single system for the management of mobile vending.

The aim of this approach is to make it as simple as possible for potential vendors to work with the policy and for staff and Council to apply the policy.

The draft policy previously proposed the introduction of an annual, non-transferable, permit based system. Potential vendors would apply for a permit, with applications for renewal annually also required.

No limit was set in the original draft policy for the number of permits that could be issued (although the number of trading sites on reserves was limited).

The originally drafted approach is responsive to limitations around the length of tenure that can be granted on certain types of land, partially allows the market to resolve vendor numbers, and mitigates issues associated with permits having a value (i.e. prevents vendors selling permits to others).

The key decision here is whether Council wishes to implement an annual permit-based system or apply an alternative regulatory framework.

### Fees

There are two aspects in relation to fees for mobile vending on public land. The first is the administration cost associated with a permit system and the second is providing for fair return to the community from the use of public land for business activity.

The June 2017 report to Council responded to Councillor feedback seeking application of higher fees.

The fees recommended under that report were as follows:

## 9.2 Policy (New) - Mobile Vending on Public Land

**Table Two: Previously Proposed Mobile Vending Fees (June 2017)**

<b>Application Fee</b>	\$99
<b>Annual Fee (Roads and Car Parking Permit)</b>	\$330
<b>Annual Fee (Location Specific Permit)</b>	\$990 for the first location plus \$495 for each additional location
Note: Vendors will also be required to meet food registration and inspection charges in the amount of \$225 (as at April 2017) levied by Council.	

Staff remain of the view that the application fee and the annual fee for road and car park-based mobile food/beverage vending are reasonable and recognise that this type of activity already occurs in the shire (that is, there are existing businesses operating in the shire and there have been no major issues of concern consistently identified with such trading).

However, the staff understanding of Councillor feedback is that the location specific fee (if this type of vending is to be permitted) is too low.

One option is to bring this fee in line with the charge currently application to market operations in Council's current adopted fees and charges (this being for markets where a competitive expression of interest process has not been undertaken and no site specific fee has been determined).

The current fee for market operation in this regard is \$1,304 per annum. In many ways, mobile food vending is not all that dissimilar to market stalls (that is, traders selling goods from public land that might otherwise be bought from a "bricks and mortar" premises elsewhere).

Given this, this fee is considered to be a reasonable starting point if a policy enabling mobile food/beverage vending on reserves is to be implemented.

Based on the above, the recommended fee structure is as follows:

**Table Three: Proposed Mobile Vending Fees (November 2017)**

<b>Application Fee</b>	\$99 (payable annually upon renewal)
<b>Annual Fee (Roads and Car Parking Permit)</b>	\$330
<b>Annual Fee (Location Specific Permit)</b>	\$1,300 per location
Note: Vendors will also be required to meet food registration and inspection charges in the amount of \$225 (as at April 2017) levied by Council.	

The key decision here is firstly whether to apply a fee and secondly, if a fee is to be applied, what the fee structure should be. It is open to Council to set higher or lower fees.

### Approval Requirements and Considerations

The policy incorporates a series of requirements or rules for the operators of mobile food/beverage vending outlets. These include the time of day that operations are permitted, food handling requirements and limitations in relation to how close vendors may trade to existing like businesses (bricks and mortar businesses).

## 9.2 Policy (New) - Mobile Vending on Public Land

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The requirements as currently drafted are predominantly set out in the guidelines within the draft policy contained in attachment one.

From the earlier Councillor debate and briefing feedback, it is apparent that the length of time that mobile vendors are permitted to trade at a given location and the minimum distance for trade from existing like businesses are key points of interest.

The attached policy included the following trading requirements in relation to the above matters:

- On reserve trade limited to a maximum period of 6 hours per day (this relates to the specified on reserve trading locations – see Part B Table One for the locations).
- Road and car parking area trade limited to 45 minutes with a two hour exclusion from returning to the same site.
- A restriction on trading within 100m of an existing trading takeaway food or drink premises selling the same or similar type of products.

Staff remain of the view that the trading time periods and exclusion distance are reasonable. Although the 100m exclusion may seem minor, it results in exclusions for mobile vending in and around most of the Ballina CBD and village centres.

Nevertheless, Council may set any distance that it considers appropriate.

In considering a change to the distance, it is suggested that Council avoid setting a distance that makes it too hard for mobile vendors to trade successfully (especially those trading from the road and car parking network).

Therefore, if an increase in the exclusion distance is favoured, a distance of 150m or 200m is suggested.

The key decision here is what to set as the operating requirements for mobile vending, particularly in relation to trading periods and exclusion distances.

### **Sustainability Considerations**

- **Environment**

The draft policy has been prepared having regard for a variety of potential environmental, social and economic impacts.

The policy includes provisions that seek to minimise adverse impacts whilst also enabling mobile food/beverage vending as a business opportunity and to provide the community with access to these services in public areas.

- **Social**

As above.

- **Economic**

As above.

## 9.2 Policy (New) - Mobile Vending on Public Land

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### Legal / Resource / Financial Implications

The introduction of a mobile vending on public land policy does not have significant legal, resource or financial implications.

However, introduction of the policy will improve the administration of mobile vending activity in the shire.

The draft policy also proposes the introduction of a fee structure for participating individuals which seeks to balance the interests of emerging or established vending businesses whilst realising a modest community return for the commercial use of public land.

### Consultation

The draft policy contained in attachment one was formulated through an internal staff working group.

The draft policy has also been the subject of a public exhibition period.

The feedback received and proposed amendments to the policy were reported to the Council at its June 2017 Ordinary meeting.

The draft policy contained in attachment one includes the changes recommended to the Council at the June meeting.

### Options

Broadly, Council may continue with development and/or implementation of a mobile vending on public land policy or otherwise discontinue work on the policy.

The staff recommendation remains as it was in June 2017, being to implement a policy based on the parameters set out in the draft policy as attached.

If this is the preferred approach (or only minor changes are sought), the policy can be adopted for implementation as it has already been publicly exhibited.

The only exception in this regard is a recommended increase in the applicable fees for on reserve trading.

The recommendation is to apply the following fee structure.

<b>Application Fee</b>	\$99 (payable annually upon renewal)
<b>Annual Fee (Roads and Car Parking Permit)</b>	\$330
<b>Annual Fee (Location Specific Permit)</b>	\$1,300 per site
Note: Vendors will also be required to meet food registration and inspection charges in the amount of \$225 (as at April 2017) levied by Council.	

In summary, with respect to the key questions posed in this report in relation to the formation of the policy, the staff recommendation is as highlighted grey in the middle of Table Four.

## 9.2 Policy (New) - Mobile Vending on Public Land

Some alternative approaches are summarised in the right hand side of the column for the consideration of Councillors seeking a different policy outcome.

**Table Four: Recommended approach to key policy formation components**

Policy Component	Staff Recommendation	Alternative Approach
Should there be a policy?	Implement a policy that specifies the types of mobile vending permitted and not permitted on public land.	No specific policy. Rely on other policies and address items outside those policies on a case by case basis.  (If this is the preferred course of action, the Council should resolve to discontinue preparation of the mobile vending on public land policy).
Where should mobile food/beverage vending on public land be permitted?	Enable mobile food/beverage vending in two locations, being within the public road and car parking network and in a limited number of specified locations on public reserves (outside the road and car parking network).	Limit mobile vending to either within the public road and car parking network or to specified locations on public reserves.
What type of permit system should be established?	Implement an annual non-transferable permit system	Implement a transferable permit system and/or apply longer tenure periods where possible depending on which land the mobile vending is proposed.
What fees should be levied?	Change the fees applicable to apply the structure shown in Table 4 above.	Increase or decrease the fees for mobile vending permits.
What operating requirements should be put in place?	Implement a policy framework and operating guidelines that focus on health and safety as well as specifying limitations on trading periods (45 minutes and 6 hours depending on approval type) and locations of trade relative to other existing like businesses (100m).	Increase or decrease the trading periods and/or exclusion distance specified.

If Council prefers the approach recommended by staff, it is recommended that the Council adopts the policy contained in attachment one.

If this approach is favoured, time should be provided to enable staff to set the policy in place for implementation. This is embodied in the recommendations.

If Council prefers to adjust the policy, it is recommended that Council specifies the key parameters for the adjustment within its resolution.

This could be done by including points addressing each of the key parameters addressed in Table Four. If the changes are substantial, the policy should be re-exhibited for community feedback.

If the Council does not favour having a policy specific to mobile vending on public land, it is recommended that work on the mobile vending policy be discontinued.

## **9.2 Policy (New) - Mobile Vending on Public Land**

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This will have the effect of preventing trading on reserves and those using the road and car parking network will be able to continue to operate with only food safety and compliance based approvals (this is the present situation).

If Council wishes to cause all mobile vending to cease in the shire, it is suggested that Council resolve to prepare a policy to give this decision effect.

This may adversely impact existing operators and may mean that such operators do not persist in Ballina Shire, possibly impacting the service of private functions that draw on vendors such as mobile coffee vans.

### **RECOMMENDATIONS**

1. That Council adopts the Mobile Vending on Public Land Policy with amendments, as attached to this report.
2. That Council applies the following fee structure in relation to the implementation of the policy.
  - Application Fee: \$99
  - Annual Fee (Roads and Car Parking Permit): \$330
  - Annual Fee (Location Specific Permit): \$1,300 per site.
3. That public notice of the fees set out in point one be provided in accordance with Section 610F of the Local Government Act and be included in Council's fees and charges document.
4. That the Mobile Vending on Public Land Policy take effect from 1 February 2018.

### **Attachment(s)**

1. Mobile Vending on Public Land Policy - June 2017 Version

**10.1 Use of Council Seal**

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

**10.1 Use of Council Seal**

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**RECOMMENDATION**

That Council affix the Common Seal to the following document.

US 17/24	Ballina Shire Council Lease to The Northcott Society for Lot 1 DP 965058, No. 64 Crane Street, Ballina for a period of one year with a one year option.  Explanation: The Northcott Society has occupied 64 Crane Street, Ballina under lease since 1 December 2012. The Society did not wish to exercise the five year option lease and have requested a 1 + 1 year lease. The commencing rent is set at \$25,000 p.a. + GST + outgoings with CPI review annually.
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**Attachment(s)**

Nil



## 10.2 Investment Summary - October 2017

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### 10.2 Investment Summary - October 2017

**Delivery Program** Financial Services

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

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#### **Background**

In accordance with the Local Government Financial Regulations, the responsible accounting officer of a Council must provide a monthly report (setting out all money Council has invested), to be presented at the Ordinary meeting of Council, immediately following the end of the respective month. This report has been prepared for the month of October 2017.

#### **Key Issues**

- Compliance with Investment Policy and the return on investments.

#### **Information**

Council's investments are all in accordance with the Local Government Act, the Regulations and Council's Investment Policy. The balance of investments as at 31 October was \$78,288,000. This represents an increase of \$1,700,000 from September. Council's investments, as at 31 October, are at an average (weighted) rate of 2.70%, which is 1.00% above the 90 Day Bank Bill Index of 1.70%.

The balance of the cheque account at the Commonwealth Bank, Ballina, as at 31 October 2017, was \$1,566,593. This balance is higher than the balance of \$825,755 as at 30 September 2017. The combined movement of investments and bank balances was an increase of \$2,440,838. The increase is attributable to the drawdown of the swimming pool loan of \$5.93 million in October and expenditure related to the Ballina and Alstonville swimming pools refurbishment of \$2.2 million.

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

Reserve Name	Restriction	% Portfolio*
Wastewater Fund (incl developer contributions)	External	13.8%
Water Fund (incl developer contributions)	External	19.9%
Section 94 Developer Contributions	External	8.0%
Bonds and Deposits	External	3.2%
Other External Restrictions	External	4.8%
Carry Forward Works	Internal	3.6%
Bypass Maintenance Funding	Internal	5.0%
Landfill and Resource Management	Internal	3.8%
Employee Leave Entitlements	Internal	3.7%
Quarries	Internal	1.3%
Property Reserves	Internal	5.5%
Plant and Vehicle Replacement	Internal	1.1%
Road Works	Internal	3.3%
Swimming Pools Capital	Internal	6.5%
Indoor Sports Centre	Internal	1.7%
Miscellaneous Internal Reserves	Internal	5.3%
Financial Assistance Grant in Advance	Internal	2.5%
Unrestricted		7.0%
<b>Total</b>		<b>100%</b>

\* Updated to reflect reserves held as at 30 June 2017

## 10.2 Investment Summary - October 2017

### A. Summary of Investments by Institution

Funds Invested With	Fossil Fuel Aligned	ADI Rating *	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
<b>Grandfathered Investments</b>							
National Australia Bank	Yes	BBB	1,788	1,788	0	2.3%	<b>2%</b>
<b>Rated Institutions</b>							
AMP Bank	Yes	A	5,000	5,000	20%	6.4%	
Auswide Bank	No	BBB-	1,000	1,000	1m	1.3%	
Bank Australia	Yes	BBB	3,000	3,000	10%	3.8%	
Bank of Queensland	No	BBB+	6,000	6,000	10%	7.7%	
BankWest	Yes	AA-	2,000	0	20%	0.0%	
Bendigo & Adelaide Bank	No	BBB+	3,000	3,000	10%	3.8%	
Beyond Bank	No	BBB	2,000	2,000	10%	2.6%	
Commonwealth Bank of Australia	Yes	AA-	11,800	10,500	20%	13.4%	
Defence Bank Ltd	No	BBB	5,000	5,000	10%	6.4%	
Greater Bank Limited	No	BBB	2,000	2,000	10%	2.6%	
IMB Bank	No	BBB	1,000	1,000	10%	1.3%	
ING Bank Ltd	Yes	A	6,000	6,000	20%	7.7%	
Members Equity Bank	No	BBB	5,000	5,000	10%	6.4%	
My State Bank Ltd	No	BBB	2,000	2,000	20%	2.6%	
National Australia Bank	Yes	AA-	4,000	7,000	10%	8.9%	
Newcastle Permanent Bld Society	No	BBB	1,000	1,000	10%	1.3%	
Suncorp-Metway Bank	No	A+	9,000	9,000	20%	11.5%	
Teachers Mutual Bank Limited	No	BBB	1,000	1,000	10%	1.3%	
Westpac Banking Corporation	Yes	AA-	5,000	7,000	10%	8.9%	<b>98%</b>
<b>Unrated ADI's</b>					\$1m	0.0%	<b>0%</b>
<b>Total</b>			<b>76,588</b>	<b>78,288</b>		<b>100%</b>	

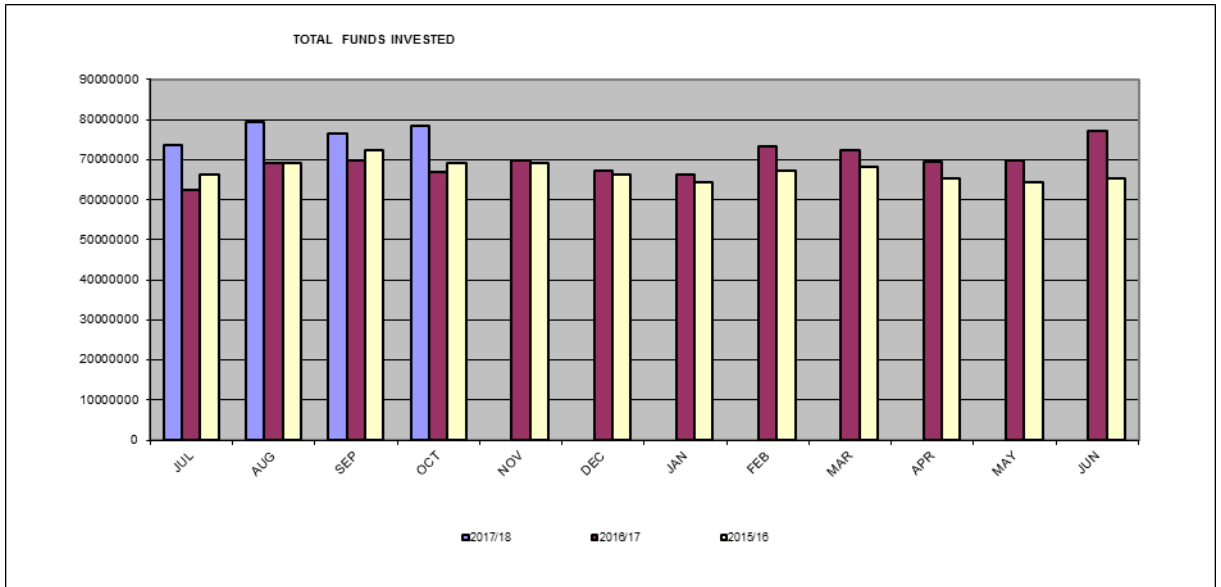
### B. Summary of Investments Fossil Fuel Aligned

	Previous Month	Current Month
<b>Fossil Fuel Aligned</b>	38,588 <b>50%</b>	40,288 <b>51%</b>
<b>Non-Fossil Fuel Aligned</b>	38,000 <b>50%</b>	38,000 <b>49%</b>
<b>Not Classified</b>	0 <b>0%</b>	0 <b>0%</b>
<b>Total</b>	76,588 <b>100%</b>	78,288 <b>100%</b>

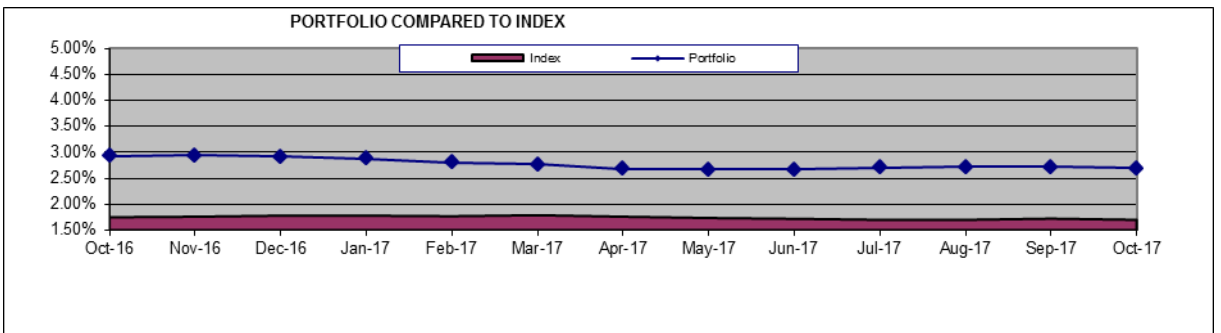
The determination of fossil fuel alignment is based on advice from 'Market Forces' as follows:

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

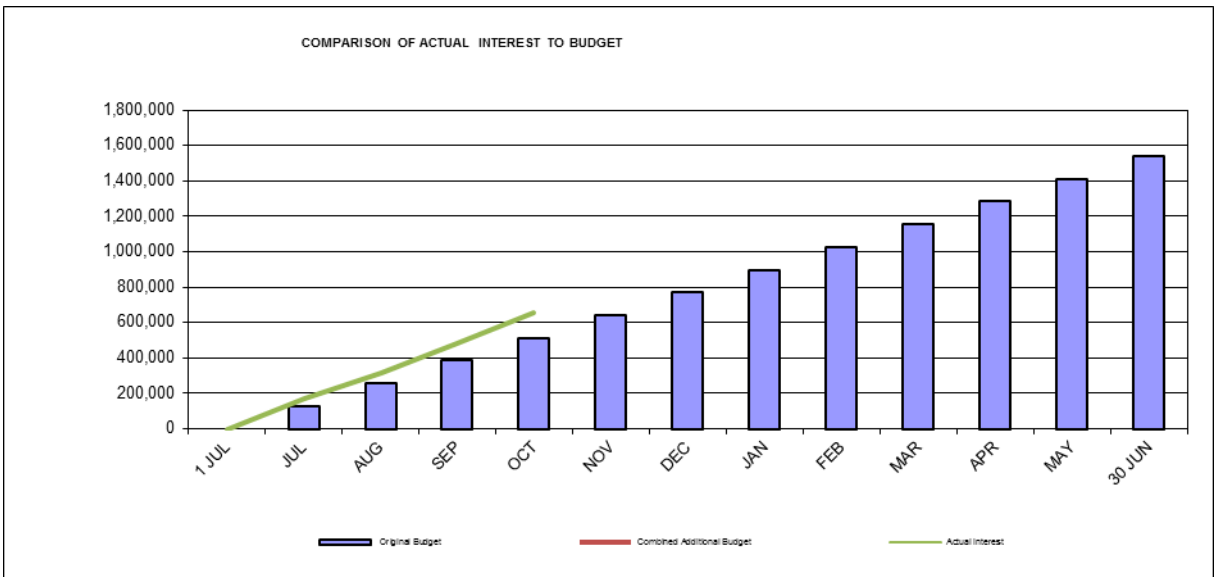
**C. Monthly Comparison of Total Funds Invested**



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



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



## 10.2 Investment Summary - October 2017

### F. Investments held as at 31 October 2017

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
20/09/04	National Australia Bank (ASX Listed)	FRN	2.94%	Perpetual	1,788	1,390
25/01/13	Commonwealth Bank Of Australia	TD	2.67%	25/01/18	2,000	2,011
25/02/14	Westpac Banking Corporation	FRN	2.65%	25/02/19	2,000	2,017
17/06/16	Commonwealth Bank Of Australia	FRTD	2.75%	17/06/21	1,000	1,000
28/06/16	Commonwealth Bank Of Australia	FRTD	2.75%	30/06/21	1,000	1,000
26/07/16	Commonwealth Bank Of Australia	FRTD	2.74%	26/07/21	1,000	1,000
03/08/17	Westpac Banking Corporation	FRN	2.74%	02/08/22	2,000	2,000
30/08/16	Greater Bank Limited	FRN	3.26%	30/08/19	1,000	1,005
23/11/16	Defence Bank Ltd	TD	2.80%	08/11/17	2,000	2,000
24/02/17	Greater Bank Limited	FRN	3.14%	24/02/20	1,000	1,004
22/03/17	AMP Bank	TD	2.75%	22/11/17	1,000	1,000
24/05/17	Defence Bank Ltd	TD	2.70%	28/11/17	1,000	1,000
25/05/17	Defence Bank Ltd	TD	2.75%	05/12/17	1,000	1,000
26/05/17	Auswide Bank	TD	2.80%	29/11/17	1,000	1,000
31/05/17	IMB Bank	TD	2.65%	30/11/17	1,000	1,000
02/06/17	Suncorp-Metway Bank	TD	2.60%	12/12/17	1,000	1,000
01/06/17	Bank of Queensland	TD	2.65%	06/12/17	1,000	1,000
06/06/17	My State Bank Ltd	TD	2.70%	07/12/17	1,000	1,000
06/06/17	ING Bank Ltd	TD	2.63%	18/01/18	1,000	1,000
06/06/17	Beyond Bank	TD	2.75%	12/12/17	1,000	1,000
07/06/17	Bank of Queensland	TD	2.65%	14/12/17	1,000	1,000
07/06/17	Bank of Queensland	TD	2.65%	20/12/17	1,000	1,000
07/06/17	Members Equity Bank	TD	2.70%	19/12/17	1,000	1,000
08/06/17	Suncorp-Metway Bank	TD	2.60%	09/01/18	1,000	1,000
08/06/17	Suncorp-Metway Bank	TD	2.60%	10/01/18	1,000	1,000
08/06/17	Members Equity Bank	TD	2.70%	08/12/17	1,000	1,000
09/01/17	Suncorp-Metway Bank	TD	2.60%	11/01/18	1,000	1,000
09/06/17	Suncorp-Metway Bank	TD	2.60%	16/01/18	1,000	1,000
13/06/17	Suncorp-Metway Bank	TD	2.60%	23/01/18	1,000	1,000
13/06/17	Suncorp-Metway Bank	TD	2.60%	24/01/18	1,000	1,000
13/06/17	Suncorp-Metway Bank	TD	2.60%	06/02/18	1,000	1,000
13/06/17	Beyond Bank	TD	2.70%	11/12/17	1,000	1,000
13/06/17	Members Equity Bank	TD	2.70%	11/12/17	1,000	1,000
13/06/17	Members Equity Bank	TD	2.70%	18/12/17	1,000	1,000
15/06/17	Bank of Queensland	TD	2.65%	07/02/18	1,000	1,000
19/06/17	Suncorp-Metway Bank	TD	2.60%	15/01/18	1,000	1,000
20/06/17	Bank Australia	TD	2.80%	15/02/18	1,000	1,000
27/06/17	Defence Bank Ltd	TD	2.70%	08/02/18	1,000	1,000
29/06/17	Teachers Mutual Bank Limited	FRN	3.13%	29/06/20	1,000	1,001
29/06/17	AMP Bank	TD	2.60%	04/04/18	2,000	2,000
04/07/17	Bank Australia	TD	2.80%	15/02/18	2,000	2,000
11/07/17	Newcastle Permanent Bld Society	TD	2.50%	15/11/17	1,000	1,000
19/07/17	Bank of Queensland	TD	2.65%	21/02/18	2,000	2,000
08/08/17	ING Bank Ltd	TD	2.61%	08/08/18	1,000	1,000
08/08/17	Bendigo & Adelaide Bank	TD	2.70%	14/08/18	2,000	2,000
09/08/17	Bendigo & Adelaide Bank	TD	2.70%	22/08/18	1,000	1,000
15/08/17	ING Bank Ltd	TD	2.68%	20/11/18	1,000	1,000
16/08/17	ING Bank Ltd	TD	2.68%	15/11/18	2,000	2,000
16/08/17	Members Equity Bank	TD	2.60%	16/05/18	1,000	1,000
16/08/17	AMP Bank	TD	2.65%	16/08/18	1,000	1,000
17/08/17	ING Bank Ltd	TD	2.70%	20/11/18	1,000	1,000
18/08/17	Westpac Banking Corporation	FRN	2.74%	18/08/22	1,000	1,000
05/09/17	My State Bank Ltd	TD	2.60%	11/04/18	1,000	1,000
05/09/17	Commonwealth Bank Of Australia	TD	2.58%	05/07/18	2,000	2,000
06/09/17	National Australia Bank	TD	2.57%	11/07/18	2,000	2,000
12/09/17	AMP Bank	TD	2.60%	13/06/18	1,000	1,000
04/10/17	National Australia Bank	TD	2.57%	18/04/18	2,000	2,000
09/10/17	Westpac Banking Corporation	TD	2.57%	09/10/18	2,000	2,000
10/10/17	National Australia Bank	TD	2.54%	14/03/18	2,000	2,000
19/10/17	National Australia Bank	TD	2.52%	21/03/18	1,000	1,000
31/10/17	Commonwealth Bank Of Australia	Call	1.47%	02/11/17	3,500	3,500
<b>Totals</b>					<b>78,288</b>	<b>77,928</b>
CDA = Cash Deposit Account		FRN = Floating Rate Note				
FRTD = Floating Rate Term Deposit		TD = Term Deposit				

**RECOMMENDATION**

That Council notes the record of banking and investments for October 2017.

**Attachment(s)**

Nil

## 10.3 Ward Committee - Membership

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### 10.3 Ward Committee - Membership

**Delivery Program**      Communications

**Objective**                      To obtain approval to amend membership of the A Ward Committee.

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#### **Background**

Council has received an application from the Ballina Lighthouse and Lismore Surf Lifesaving Club to become a member of Council's A Ward Committee. A copy of the nomination is attached.

#### **Key Issues**

- Level of community representation on Council's ward committees

#### **Information**

The nomination is from a community based group.

#### **Sustainability Considerations**

- **Environment**  
Ward committees consider matters that relate to environmental, social and economic issues.
- **Social**  
As above
- **Economic**  
As above

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

Nil

#### **Consultation**

The ward committees are an important component of Council's community engagement process.

#### **Options**

The Ballina Lighthouse and Lismore Surf Lifesaving Club is a community based group and the recommendation is to support the nomination.

#### **RECOMMENDATION**

That Council approves the nomination from the Ballina Lighthouse and Lismore Surf Lifesaving Club to the A Ward Committee.

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

1. Nomination - Ballina Lighthouse and Lismore Surf Lifesaving Club

## 10.4 Code of Conduct - Reporting

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### 10.4 Code of Conduct - Reporting

**Delivery Program** Information Services

**Objective** To comply with Council's Code of Conduct and directions from the Office of Local Government.

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#### **Background**

The Office of Local Government's Model Code of Conduct requires a report to be submitted annually on Code of Conduct complaints. It is required that the report is submitted within three months of the end of August.

This report satisfies these requirements.

#### **Key Issues**

- Number and nature of complaints

#### **Information**

The last report Council considered in respect to this matter was for the 12 month period 1 September 2015 to 31 August 2016. This report is for the period 1 September 2016 to 31 August 2017.

During the reporting period one complaint was received. As allowed by the model code, the complaint was resolved by the General Manager at the outset, and was not referred to a conduct reviewer.

Number of complaints made about councillors and the general manager	1
Number of complaints referred to a conduct reviewer	0
Number of complaints finalised by a conduct reviewer at the preliminary assessment stage Outcome – Take No Action	0
Number of complaints investigated by a conduct reviewer Outcome – Training or Education	0
Number of complaints investigated by a conduct review committee	0
Number of matters reviewed by the Division	0
Total cost of dealing with code of conduct complaints (\$)	200

#### **Sustainability Considerations**

- **Environment**  
Not Applicable
- **Social**  
The Code of Conduct exists to ensure there are appropriate standards of behaviour.

## 10.4 Code of Conduct - Reporting

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- **Economic**  
Not Applicable

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

The Council's Code of Conduct is based on the Office of Local Government's Model Code of Conduct, and requires a report to be submitted annually on Code of Conduct complaints. This report satisfies that legal requirement.

### **Consultation**

This report is provided for information.

### **Options**

This report is for information purposes only.

### **RECOMMENDATION**

That Council notes the contents of this report on Code of Conduct complaints for the period 1 September 2016 to 31 August 2017.

### **Attachment(s)**

Nil



## 10.5 Internal Audit Committee - Terms of Reference and Membership

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### 10.5 Internal Audit Committee - Terms of Reference and Membership

**Delivery Program**      Communications

**Objective**              To amend the Charter of the Internal Audit Committee and to expand the current membership.

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#### **Background**

The Office of Local Government (OLG) has issued guidelines that recommend councils should have an Internal Audit Committee (IAC). Refer to the OLG website for further details ([olg.nsw.gov.au](http://olg.nsw.gov.au) – circular 10-22).

Council has had an IAC in place for a number of years with the internal audit service currently provided by an external organisation, Grant Thornton and Associates Pty. Ltd. This firm was appointed following a public tender process.

The OLG guidelines state that the preferred membership for an IAC is as follows:

- one or two councillors (excluding the mayor)
- two or three independent members, at least one with financial expertise and one of whom should be the chair.

Following the September 2016 Ordinary meeting where the membership of the IAC was endorsed, expressions of interest were called for three community representatives, consistent with point 13 of the resolution from that report; i.e.

*13. That Council confirms the retention of the Internal Audit Committee based on the terms of reference as attached to this report. That Council appoint two Councillors as its representatives (Cr Ben Smith and Cr Stephen McCarthy) to the Internal Audit Committee, with expressions of interest to be called for a maximum of three independent members. The two Councillor representatives, and the General Manager have the delegated authority to determine the independent members following the expression of interest process.*

Two expressions of interest for the independent community members were received and Keith Johnson and John Rutledge were appointed to the Committee.

The IAC met on 17 May 2017 and Committee members were asked for ideas to encourage a third community representative to join. Mr Col Lee subsequently submitted an expression of interest which was accepted under delegated authority. Keith Johnson has now resigned leaving only two community representatives.

This report seeks Council approval to call for expressions of interest for one more community representative and to consider changing the name and terms of reference for the IAC to reflect the future direction of Audit Committees.

### Key Issues

- Future direction of Audit Committees

### Information

In late 2016 the Local Government Amendment (Governance and Planning) Act 2016 was passed by the State Government.

Elements of this Act are being phased in and one clause that is not yet operational relates to the appointment of an Audit, Risk and Improvement Committee; i.e.

### **428A Audit, Risk and Improvement Committee**

- (1) *A council must appoint an Audit, Risk and Improvement Committee.*
- (2) *The Committee must keep under review the following aspects of the council's operations:*
  - (a) *compliance,*
  - (b) *risk management,*
  - (c) *fraud control,*
  - (d) *financial management,*
  - (e) *governance,*
  - (f) *implementation of the strategic plan, delivery program and strategies,*
  - (g) *service reviews,*
  - (h) *collection of performance measurement data by the council,*
  - (i) *any other matters prescribed by the regulations.*
- (3) *The Committee is also to provide information to the council for the purpose of improving the council's performance of its functions.*

This clause includes the following caveat:

### **Audit, Risk and Improvement Committees**

*A council is not required to establish an Audit, Risk and Improvement Committee in accordance with Part 4A of Chapter 13, as inserted by the amending Act, until six months after the next ordinary election of councillors following the commencement of that Part.*

This means that Council does not need to comply with this clause until six months after the next election (i.e. September 2020 is the election).

In discussions with the Auditor – General, and our internal and external auditors, it is clear that the early appointment of an Audit, Risk and Improvement Committee is the preferred direction of the OLG and the Auditor – General.

Based on this advice it is recommended that Council amend the terms of reference for the existing IAC to include the matters listed in the proposed clause 428A, as well as renaming the committee.

The terms of reference for the Audit, Risk and Improvement Committee should be consistent with clause 428A and a draft is as follows:

### **Audit, Risk and Improvement Committee**

Membership: Two Councillors (Cr Smith and Cr McCarthy) and three community representatives (currently John Rutledge and Col Lee with one vacancy)

Chair: Community representative as determined by the members

Delegated Authority: Nil

Meeting Schedule: Three to four times per annum, or as required

Terms of Reference:

1. *To keep under review the following aspects of Council's operations:*
  - a) *compliance*
  - b) *risk management*
  - c) *fraud control*
  - d) *financial management*
  - e) *governance*
  - f) *implementation of the strategic plan, delivery program and strategies*
  - g) *service reviews*
  - h) *collection of performance measurement data by the council,*
  - i) *any other matters prescribed by the regulations.*
  
2. *To provide information to Council for the purpose of improving the Council's performance of its functions.*

Reports would be submitted to the Committee, in respect to the matters identified, on a regular basis. Items such as the implementation of the Delivery Program / Operational Plan would be reported to the Committee and still be reported to the Council. This is a similar process to the Financial Statements for 2016/17 that were presented to the IAC prior to reporting to Council.

The internal audit reports prepared by Grant Thornton would continue to be reported to the Committee (they reflect risk management, fraud control and governance items).

It is also recommended that Council authorise the General Manager and the two Councillor nominations to approve the appointment of a third independent member to the committee (consistent with the September 2016 resolution). An expression of interest would again be conducted to seek the final nomination for the committee.

### **Sustainability Considerations**

- **Environment**

The Audit, Risk and Improvement Committee will consider matters related to environmental, social and economic outcomes.

## 10.5 Internal Audit Committee - Terms of Reference and Membership

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

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

There are limited resource implications, although the formation of the Audit, Risk and Improvement Committee will result in additional reports being generated for that Committee. The reports and feedback from the Committee should result in improved operational outcomes for Council.

### **Consultation**

An expression of interest process will be conducted for the third community representative.

### **Options**

The options include:

- 1) Do not change the existing IAC – this is an option as the IAC works effectively and the legislation to have an Audit, Risk and Improvement Committee is not operational.
- 2) Amend the terms of reference to reflect the changes proposed by the OLG.

Option two is the preferred option. It is possible that the legislation may again be amended prior to the commencement of clause 428A however this is unlikely and it is apparent that the Auditor – General and Council's internal auditor (Grant Thornton Pty. Ltd), and Thomas, Noble and Russell as the external auditor representative for the Auditor – General, are supportive of Council moving towards the formation of an Audit, Risk and Improvement Committee.

The early implementation of this Committee should put Council in a better position to comply with clause 428A when it is operational and the Committee should help to improve Council's existing operations and practices.

**RECOMMENDATIONS**

1. That Council amends the terms of reference for the existing Internal Audit Committee, to reflect the revised terms of reference as follows, including a name change to the Audit, Risk and Improvement Committee.

**Audit, Risk and Improvement Committee**

Membership: Two Councillors (Cr Smith and Cr McCarthy) and three community representatives (currently John Rutledge and Col Lee with one vacancy)

Chair: Community representative as determined by the members

Delegated Authority: Nil

Meeting Schedule: Three to four times per annum, or as required

Terms of Reference:

1. *To keep under review the following aspects of Council's operations:*
    - a) *compliance*
    - b) *risk management*
    - c) *fraud control*
    - d) *financial management*
    - e) *governance*
    - f) *implementation of the strategic plan, delivery program and strategies*
    - g) *service reviews*
    - h) *collection of performance measurement data by the council,*
    - i) *any other matters prescribed by the regulations.*
  2. *To provide information to Council for the purpose of improving the Council's performance of its functions.*
2. That Council authorises the General Manager to appoint a third community member to the Audit, Risk and Improvement Committee, with that decision to be made following an expression of interest and in consultation with the two Councillors on the Committee.

**Attachment(s)**

Nil

**10.6 Code of Conduct - Office of Local Government Review**

**Delivery Program**      Communications

**Objective**                      To provide an overview of the new draft for the Model Code of Conduct and to determine whether Council wishes to make a submission as part of the consultation period.

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**Background**

Council has adopted the Model Code of Conduct (Model Code) and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures) as provided by the Office of Local Government (OLG).

The OLG is now consulting with councils and other stakeholders on changes to the Model Code and the Procedures. A copy of the recent circular from the OLG, together with the consultation documents is attached. The proposed amendments to the Model Code of Conduct and Procedures are highlighted in **bold type** in the consultation drafts.

The purpose of this report is to provide an overview of the proposed changes and to determine whether Council wishes to make a submission on the drafts, with submissions closing Monday 4 December 2017.

**Key Issues**

- Obligations for Councillors and Council staff under the Code
- Compliance and practicality

**Information**

In respect to the Model Code some of the feedback on the more relevant changes, as sourced from LGNSW and other industry experts is as follows:

- clarification that conduct in good faith, whether or not it involves error, will not constitute a breach of fairness and equity obligations (see clause 3.5)
- there are new bullying provisions, although it is made clear that reasonable management action carried out in a reasonable manner does not constitute bullying behaviour (see clauses 3.8- 3.11)
- new standards requiring disclosure of records of meetings and other communications with applicants and objectors to planning applications at the meeting, at which the application is determined (see clause 3.15)
- new provisions regarding behaviour of councillors at meetings (see clauses 3.21-3.24)
- clarification of the relationships that might give rise to non-pecuniary conflicts, and reinforcing the importance of perception (see Part 5)
- a requirement that council officials do not participate in competitions for prizes where eligibility is based on the council being in a customer-supplier relationship with the competition organiser and a prohibition against personally benefiting from reward point programs when purchasing on behalf of council (see clause 6.3)

## 10.6 Code of Conduct - Office of Local Government Review

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- banning gifts or benefits greater than \$50 from being accepted (see clause 6.6)
- clarification that in relation to inappropriate interactions, a public forum includes social media (see clause 7.5)
- banning access to council information when councillors have a pecuniary or a significant non-pecuniary conflict of interest unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act (see clause 8.6)
- new standards regarding internet access and use of social media (see clause 8.20).

A number of the changes help to clarify areas where there may have been some uncertainty. The one major item that could be problematic is clause 3.15 which states as follows:

*Clause 3.15 - You must keep a written record of all meetings and other communications with applicants or objectors to planning applications. Councillors must disclose in writing any meetings and other communications with applicants or objectors to a planning application at a council or committee meeting where the planning application is under consideration.*

The first sentence requires Councillors and staff to keep a written record of all telephone calls and face to face meetings with applicants or objectors to planning applications. Communications such as correspondence or emails are automatically retained in Council's records system, however the way this reads Councillors will need to keep a record of all phone calls received from applicants or objectors to planning applications. That record would then need to be retained by Council.

The second sentence is also onerous for Councillors as you would need to declare all the various forms of communication received prior to considering a development application at a Council meeting. This does appear unreasonable when Councillors may receive numerous emails, for example, in relation to a contentious development.

In respect to the Code Procedures some key points are:

- clarification on when complaints are not considered "code of conduct complaints" (see clause 4.2)
- clarification on when the Mayor or General Manager may decline to deal with a complaint at the outset (see clause 5.2)
- a new provision providing a procedure for dealing with a complaint about both the General Manager and Mayor (see clause 5.33)
- establishing additional complaints assessment criteria to be considered by a conduct reviewer in the preliminary assessment of a complaint (see clause 6.30)
- establishing additional sanctions which an investigator may recommend be imposed by a council if it is determined that conduct investigated constitutes a breach of the code of conduct (see clause 7.36)
- a prohibition against council inviting submissions from persons other than the person the subject of an investigation when considering a final investigation report and the sanctions to be imposed on that person (see clause 7.52)

## **10.6 Code of Conduct - Office of Local Government Review**

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- a requirement for a report to OLG to be given if Council does not adopt the sanctions in the investigation report (see clauses 7.60 – 7.62)
- a discretion for the General Manager to refuse to provide further information about a code of conduct complaint (with the consent of the OLG) if a complainant has publicly disclosed information about a code of conduct complaint that they have made or purported to make (see clause 12.2).

### **Sustainability Considerations**

- **Environment**  
Not Applicable
- **Social**  
The Code of Conduct sets the standards of conduct for Council officials.
- **Economic**  
Not Applicable

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

The Local Government Act provides legislation that must be followed in respect to the Code of Conduct. Councils must adopt a Model Code and Procedures.

### **Consultation**

The proposed changes to the Model Code and Procedures are based on consultation and the current exhibition period involves further consultation.

The proposed clause 3.15 for the Model Code was discussed with an officer from the OLG who recommended Council make a submission outlining any concerns we have with the draft

### **Options**

This report is for noting with Council having the option to make a submission during the exhibition period. There are concerns about the practical implementation of the proposed clause 3.15 and it is recommended that Council make a submission expressing our concerns with how this clause will operate in practice. Councillors may also have other clauses they would like to include in a submission.

### **RECOMMENDATIONS**

1. That Council notes the contents of this report in respect to the consultation draft of the Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct.
2. That Council make a submission to the Office of Local Government outlining our concerns in respect to the practical implementation of clause 3.15 of the draft Model Code of Conduct.



**Attachment(s)**

1. Office of Local Government Circular 17/30
2. Consultation Copy - Model Code of Conduct
3. Consultation Copy - Procedures for the Administration of the Model Code of Conduct

10.7 Financial Review - 30 September 2017

**Delivery Program** Governance and Finance

**Objective** To provide a review of the 2017/18 financial year budget based on the known results to 30 September 2017.

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**Background**

In accordance with the Local Government Act the responsible accounting officer of a council must, not later than two months after the end of each quarter, prepare and submit to the council a budget review statement that shows a revised estimate of the income and expenditure for that year. The report that follows provides this review for the first quarter of the 2017/18 financial year.

**Key Issues**

- Variations to the budget and financial performance of Council

**Information**

The purpose of this report is to provide information on known budget variances as at 30 September 2017. The format of the report complies with the Quarterly Budget Review Statement Guidelines set down by the Office of Local Government (OLG).

To comply with these guidelines an Operating Statement, Capital Budget, Cash and Investment Statement, Key Performance Indicators, Contractors, Consultants, Legal Information and Certification by the Responsible Accounting Officer are required. Commentary on the variations recommended is then provided after the tables.

A brief overview of the information provided in the report is as follows:

**Section One - Operating Income and Expenditure** - These tables provide the operating income and operating expenditure budgets for the Funds (General, Water and Wastewater).

**Section Two - Capital Budget** - These tables outline the capital expenditure budgets.

**Section Three - Cash and Investment Statement** - These tables provide details on the projected movements in the cash reserve balances.

**Section Four - Key Performance Indicators** - The ratios provide an indication of the financial health of the organisation.

**Section Five - Contractors/Consultants/Legal Expenses** - This information provides details of specific expenses incurred and contracts entered.

**Section Six - Certification** - This is a Statement by the Responsible Accounting Officer as to whether the current year's estimated financial performance is or is not satisfactory.

**Section 1 – Operating Income and Expenditure**

**General Fund – Operating Income and Expenses**

This section deals with the General Fund operations. Tables for operating income and expenses follow, including recommended variations to budget.

Following the tables are comments in respect to proposed budget variations that are considered to be material.

Operating Income	Original Budget 000's	Approved Changes 000's	Revised Budget 000's	Changes for Approval 000's	September Budget 000's	Actual to September 000's
<b>Strategic and Community Facilities Group</b>						
Strategic Planning	175	0	175	32	207	52
Community Facilities	543	0	543	27	570	202
Library Services	78	0	78	0	78	0
Swimming Pools	388	0	388	0	388	0
Tourism	65	0	65	(4)	61	20
<b>Sub Total</b>	<b>1,249</b>	<b>0</b>	<b>1,249</b>	<b>55</b>	<b>1,304</b>	<b>273</b>
<b>Development and Environmental Health Group</b>						
Development Services	799	0	799	0	799	181
Building Services	1,291	0	1,291	70	1,361	427
Environment and Public Health	280	0	280	114	394	327
Admin and Public Order	210	0	210	20	230	85
<b>Sub Total</b>	<b>2,580</b>	<b>0</b>	<b>2,580</b>	<b>204</b>	<b>2,784</b>	<b>1,019</b>
<b>Civil Services Group</b>						
Engineering Management	286	0	286	10	296	98
Procurement and Building Mgmt	0	0	0	0	0	0
Stormwater and Environmental Protection	496	25	521	10	531	386
Roads and Bridges	948	0	948	0	948	316
Ancillary Transport Services	758	19	778	30	808	203
Roads and Maritime Services	746	0	746	0	746	383
Open Space and Reserves	772	0	772	54	826	340
Fleet Mgmt and Workshop	248	0	248	0	248	59
Rural Fire Service	168	0	168	39	207	0
Quarries and Sandpit	53	0	53	15	68	29
Landfill and Resource Management	2,058	0	2,058	53	2,111	1,066
Domestic Waste Management	6,435	0	6,435	72	6,507	6,454
<b>Sub Total</b>	<b>12,968</b>	<b>44</b>	<b>13,012</b>	<b>283</b>	<b>13,295</b>	<b>9,335</b>
<b>General Manager's Group</b>						
Communications	20	0	20	2	22	8
Financial Services	236	0	236	0	236	56
Financial Services-General Purpose Revenues	26,000	0	26,000	166	26,166	21,889
Information Services	103	0	103	0	103	31
Human Resources and Risk Mgmt	162	0	162	11	173	31
Property Management	2,534	0	2,534	(12)	2,522	948
Ballina Byron Airport	6,186	0	6,186	(90)	6,096	1,427
<b>Sub Total</b>	<b>35,240</b>	<b>0</b>	<b>35,240</b>	<b>77</b>	<b>35,317</b>	<b>24,391</b>
<b>Total Operating Income</b>	<b>52,037</b>	<b>44</b>	<b>52,081</b>	<b>619</b>	<b>52,700</b>	<b>35,018</b>

**General Fund – Operating Income and Expenses (cont'd)**

<b>Operating Expenses (excluding depreciation)</b>	<b>Original Budget</b>	<b>Approved Changes</b>	<b>Revised Budget</b>	<b>Changes for Approval</b>	<b>September Budget</b>	<b>Actual to September</b>
<b>Strategic and Community Facilities Group</b>						
Strategic Planning	1,209	158	1,367	45	1,412	336
Community Facilities	1,401	20	1,422	(1)	1,421	382
Library Services	1,439	0	1,439	7	1,446	710
Swimming Pools	1,187	18	1,205	(3)	1,202	52
Tourism	484	0	484	(1)	483	145
<b>Sub Total</b>	<b>5,720</b>	<b>197</b>	<b>5,917</b>	<b>47</b>	<b>5,964</b>	<b>1,626</b>
<b>Development and Environmental Health Group</b>						
Development Services	1,705	23	1,728	0	1,728	378
Building Services	1,103	0	1,103	71	1,174	329
Environment and Public Health	1,464	(15)	1,449	239	1,688	246
Admin and Public Order	563	7	570	(13)	557	133
<b>Sub Total</b>	<b>4,835</b>	<b>14</b>	<b>4,849</b>	<b>297</b>	<b>5,146</b>	<b>1,085</b>
<b>Civil Services Group</b>						
Engineering Management	2,592	0	2,592	(90)	2,502	628
Procurement and Building Mgmt	2,080	0	2,080	(55)	2,025	510
Stormwater and Environmental Protection	841	95	936	60	996	267
Roads and Bridges	3,432	0	3,432	0	3,432	954
Ancillary Transport Services	1,803	39	1,842	20	1,862	456
Roads and Maritime Services	746	0	746	(160)	586	133
Open Space and Reserves	3,671	164	3,835	49	3,884	807
Fleet Mgmt and Workshop	(965)	0	(965)	200	(765)	(16)
Rural Fire Service	382	0	382	42	424	111
Quarries and Sandpit	45	571	615	15	630	19
Landfill and Resource Management	1,093	60	1,152	(3)	1,149	190
Domestic Waste Management	5,914	0	5,914	0	5,914	1,415
<b>Sub Total</b>	<b>21,634</b>	<b>928</b>	<b>22,562</b>	<b>78</b>	<b>22,640</b>	<b>5,475</b>
<b>General Manager's Group</b>						
Communications	2,283	48	2,331	(14)	2,317	696
Financial Services	(4,402)	0	(4,402)	5	(4,397)	1,126
Financial Services-General Purpose Revenues	0	0	0	0	0	0
Information Services	2,580	5	2,585	18	2,603	1,076
Human Resources and Risk Mgmt	985	117	1,102	57	1,159	1,028
Property Management	1,497	949	2,446	(37)	2,409	533
Ballina Byron Airport	4,468	0	4,468	23	4,491	938
<b>Sub Total</b>	<b>7,412</b>	<b>1,118</b>	<b>8,530</b>	<b>52</b>	<b>8,582</b>	<b>5,397</b>
<b>Total Operating Expenses</b>	<b>39,601</b>	<b>2,257</b>	<b>41,858</b>	<b>474</b>	<b>42,332</b>	<b>13,584</b>
<b>Net Operating Result Before Depreciation</b>	<b>12,436</b>	<b>(2,212)</b>	<b>10,223</b>	<b>145</b>	<b>10,368</b>	<b>21,435</b>
Depreciation Expense and Other Non Cash	13,504	0	13,504		13,504	3,376
<b>Net Operating Result Continuing Operations</b>	<b>(1,068)</b>	<b>(2,212)</b>	<b>(3,281)</b>	<b>145</b>	<b>(3,136)</b>	<b>18,059</b>

**General Fund Working Capital Forecast**

Item	Original Budget	Approved Changes	Revised Budget	Changes for Approval	September Budget	Actual to September
Working Capital Surplus/(Deficit)	(192,000)	0	(192,000)	252,100	60,100	

Working capital is a measure of short term liquidity and as a rule Council aims to target a break even result for the General Fund.

**Comments - General Fund**

The **forecast operating result as at September** is a loss of \$3,136,000 which is a deterioration of \$2,068,000 from the original adopted budget forecast of a loss of \$1,068,000.

The primary reason for the increase in the forecast operating loss is due to numerous new expenditure items having been added to the budget financed from reserves. This represents incomplete tasks / projects from the previous financial year.

The carry forward of these items was approved by Council at the August 2017 Ordinary meeting. In summary, the funding for items incomplete at the end of the financial year is transferred to reserve for that financial year and then the funds are transferred out of the reserve in the current financial year, as the project rolls forward.

The transfer from reserve is not included as income in the operating income and expenditure statement as it relates to a capital movement. This means that even though the expenditure may be included in the operating statement, the funding source is not.

When Council approved these budget variations at the August 2017 Ordinary meeting the forecast operating loss increased to \$3,281,000. The changes proposed in this report improve the operating result by a net \$145,000, resulting in the current forecast deficit of \$3,136,000.

The estimated movement in **unrestricted working capital** has improved from an anticipated deficit of \$192,000 to an anticipated surplus of \$60,100. Importantly even this with improved forecast working capital surplus for 2017/18, the forecasts for future years remain in deficit, with that deficit figure varying from approximately \$100,000 to \$300,000.

Again, this highlights that many of the items, particularly related to income levels, in the 2017/18 forecast result, may not be sustained into the future. It also reinforces the point that if Council wishes to add new services, or increase service levels, savings will need to be made in existing programs.

Comments on the larger budget variations are contained in the report as follows.

The adjustments shown in the tables are inclusive of all amendments and the comments do not account for minor budget changes.

## **General Fund - Operating Revenues**

### ***Strategic and Community Facilities Group***

#### *Strategic Planning*

LEP Rezoning fees of \$17,500 and grant funding of \$10,000 for Heritage and Cultural projects has been received.

Equivalent budget adjustments have made to expenditure for these projects.

#### *Community Facilities*

Overall an increase of \$21,500 has been proposed to forecast income, with an increase of \$11,000 for Lennox Head Cultural and Community Centre and an increase of \$10,500 for the Ballina Life Saving Club.

Enterprise and Training grant funding of \$5,000 was received as a wages subsidy for a new employee at the Gallery.

#### *Swimming Pools*

Due to the uncertainty around the completion dates for the swimming pool works, it is considered too preliminary to make adjustments to the operating budgets at this time. It is expected that budgets will be reviewed as part of the December quarterly review process.

The current budget forecasts an operating loss of \$813,500. This deficit may increase due to lower than forecast income.

#### *Tourism*

Tourism commission income is trending slightly down, with \$4,000 deducted from the forecast budgets.

### ***Development and Environmental Health Group***

#### *Building Services*

Forecast operating income has been increased by \$70,000 to a revised forecast of \$1,360,600.

The larger areas for adjustment are increases for Construction Certificates by \$20,000, Building Enquiry Fees by \$20,000, Plumbing and Drainage by \$18,000 and Building Certificates by \$13,000.

#### *Environmental and Public Health*

Overall, forecast operating income has been increased by \$113,500.

Council has been successful in securing a grant of \$98,500 from the NSW Environmental Trust, for the restoration and rehabilitation of Shaws Bay to complete Action A under the Coastal Zone Management Plan by June 2018.

The forecast for OSSM Annual Management fees has been revised up by \$12,000 to \$145,000 based on actual income received.

*Administration and Public Order*

Companion Animal Registrations and Dog Fines have been increased by \$10,000 each based on actual income received.

**Civil Services Group**

*Engineering Management*

RMS Funding of \$13,100 has been confirmed for Walk, Cycle, Public Transport Map, with a corresponding expense budget raised.

The forecast grant income for the Road Safety Officer has been reduced by \$3,800 based on RMS confirmation of amounts to be granted.

*Stormwater and Environmental Protection*

Contributions income of \$10,000 has been raised, being the contribution that the wastewater fund is to make to the cost of the USMP Environmental Trust video.

*Ancillary Transport Services*

State Government funding of \$24,000 has been confirmed under the Country Passenger Transport Infrastructure Grants Scheme, for eight upgrades and two new shelters. A corresponding expense budget has been raised.

Income of \$6,500 has been received from RMS for the Share the Path Road Safety project for works completed in 2016/17.

*Open Space and Reserves*

Grant money of \$40,000 from Local Government NSW has been confirmed for the Roadside Vegetation Management Plan.

An amount of \$7,700 has been received for the Visions Estate under the State Environment Planning Policy (SEPP) Restoration.

Income budgets and offsetting expense budgets have been raised for these amounts.

Income from 4WD permits for Seven Mile Beach has continued to be more than anticipated and the forecast has been increased by \$3,000.

*Rural Fire Service*

Funding to be received for hazard reduction has now been confirmed as \$79,000, and the original forecast of \$40,000 has been correspondingly increased by \$39,000. An offsetting increase to the expenditure budget has also been completed.

*Quarries*

Lease fees are received from Boral and Ron Southern. Review of this budget indicates a required increase of \$15,000 to a revised budget of \$58,700.

The increase is due to an increase in quarterly rent from Boral re Tuckombil quarry, which occurred in the prior year and hadn't been factored in to the 2017/18 budget.

*Landfill and Resource Management (LRM)*

The State Government Waste Levy forecast has been increased by \$61,000 to \$82,000 based on grant funding already received this year. These amounts are placed into the restricted reserve until approved projects are identified.

The Waste Collection Commercial Property budget has been revised from \$15,000 to \$7,000 based on income to date.

*Domestic Waste Management (DWM)*

Further adjustments to annual charges have resulted in an increase to revenue of \$72,000. The original forecast did not allow for sufficient growth in services.

**General Manager's Group**

*Financial Services - General Purpose*

The forecast Financial Assistance Grant (FAG) has been increased by \$116,000 to \$4,284,600 based on confirmation received from the Office of Local Government for the amounts receivable for 2017/18. An advance payment of \$2,171,000 of the 2017/18 was actually received in June 2016 (and hence was accounted for as 2016/17 income). The forecast of \$4,284,600 is based on an assumption that the Office of Local Government will again make an advance payment (for the 2017/18 year).

Rates and Charges income has been increased \$50,000 based on amounts levied.

*Human Resource and Risk Management*

The contributions budget from the Department of Employment and Training has been increased by \$11,000 based on amounts received.

*Property Management*

Forecast lease income has been reduced by \$12,000 due to vacancies for the Old Tintenbar Council Chambers.

*Ballina Byron Airport*

Overall, the forecast income for the airport has been decreased by \$90,000.



The original budget included \$50,000 as additional rental income from the terminal building extension. Based on latest estimates of completion dates, it is not anticipated that this additional income will be forthcoming in 2017/18. Security charges have been decreased by \$40,000 to \$1,424,000.

Passenger charges are trending under, however no adjustment to the forecast for this income is proposed at this time.

### **General Fund - Operating Expenses**

#### ***Strategic and Community Facilities***

##### *Strategic Planning*

As noted earlier, expenditure budgets of \$17,500 and \$10,000 have been raised in respect of rezoning projects and the Heritage & Cultural projects.

Additional budget of \$14,000 has been added to the public arts projects budget, bringing the revised budget of \$24,000 funded from the Public Arts Reserve.

##### *Community Facilities*

For the 2017/18 year, insurance policies were reviewed and claim excess levels increased from \$20,000 to \$50,000, resulting in savings in insurance costs across a number of Council areas. Insurance savings of \$31,100 were recognised in the Community Centres and Halls area (with amounts being transferred to an Insurance reserve).

Customer service officer salaries have been increased by \$16,000 due to correction of customer service hours and the addition of gallery employee (partially funded by grant salary subsidy received).

The other larger increases in expenditure are increased air conditioning maintenance of \$6,000 and increased costs of \$3,000 relating to the kiosk (offset by an increase to kiosk sales).

##### *Libraries*

The budget for cleaning contracts has been increased by \$7,000 to a revised budget of \$37,000 based on review of committed costs.

##### *Swimming Pools*

As noted previously in this report, no adjustments have been proposed to swimming pool operating budgets at this time, other than a minor adjustment to the insurance expenses.

#### ***Development and Environmental Health Services***

##### *Building Services*

The budget for legal expenses has been increased by \$55,000 to a revised budget of \$70,000, based on costs for the first quarter of \$30,000 plus expected costs to come. These costs are attributable to the Seabreeze

Holiday Park matter, for which legal costs are being shared between the Building Services and the Environmental and Public Health areas.

Employee costs have been increased by \$16,000 for the new part time plumbing and drainage officer for the second part of the 2017/18 financial year, as approved by Council.

### *Environmental and Public Health*

An operating budget of \$106,000 has been raised for Shaws Bay dredging investigations, being a part transfer from the Shaws Bay capital budgets, as these works are not capital in nature.

As noted previously, Council have been successful in securing a grant of \$98,500 from the NSW Environmental Trust, for which an expense budget has been raised.

The budget for legal expenses has been increased by \$60,000 to a revised budget of \$70,000, based on costs for the first quarter of \$30,000 plus expected costs to come. As noted above, costs for the Seabreeze Holiday Park matter are being shared between this area and the Building Services area.

Employee costs have been reduced by \$25,000 resulting from savings from the OSSM officer role vacancy.

### *Administration and Public Order*

Employee costs have been decreased by \$15,000 due to position vacancies.

## **Civil Services**

### *Engineering Management*

The salaries budgets have experienced large savings, with a budget reduction of \$116,000, due to significant unplanned leave taken by the Manager Support Operations and a significant vacancy in the Built Assets Coordinator position. (The savings associated with the Manager Support Operations have been added to the leave budgets within Human Resources and Risk Management).

Salaries budgets for Infrastructure Planning and Engineering Works have been increased by \$11,000 each, due to grade changes.

As noted previously, a budget of \$13,100 has been confirmed by RMS for Walk, Cycle, Public Transport Map and the budget for Road Safety Officer has been reduced by \$7,200 based on RMS confirmation of amounts to be granted.

The budget for the SES State Levy has been reduced by \$11,000 to \$71,000 following confirmation of the quarterly amounts payable.

### *Procurement and Building Management*

Budgeted expenditure for the depot carpark has been reduced from \$40,000 to \$4,000. A transcript error had been made in the original budget.

Insurance savings of \$36,700 have been applied within this budget area (with amounts being transferred to an Insurance reserve).

Budgets for security and cleaning contracts have been increased by \$6,000 each.

### *Stormwater and Environmental Protection*

An additional \$40,000 has been taken from reserve to fund an increase to the operating budget for canal dredging.

An additional \$20,000 has been added to the USMP Environmental Trust Video budget, being \$10,000 from the wastewater fund and \$10,000 being a reallocation from stormwater capital budgets.

### *Ancillary Transport Services*

A budget of \$24,000 has been raised in relation to the Passenger Transport Infrastructure Grants Scheme funding confirmed.

### *Roads and Maritime Services (RMS)*

Operating budgets totalling \$160,000 have been transferred to capital budgets for heavy patching and reseals.

### *Open Space and Reserves*

As previously noted, expenditure budgets of \$40,000 and \$7,700 have been raised for the Roadside Vegetation Management Plan and Visions Estate SEPP Restoration, respectively.

### *Fleet Management and Workshop*

Income for plant charged to works presents as a negative expense within the Long Term Financial Plan for Fleet Management. This income has been revised down by \$200,000 to \$3,465,000 as trending well down for the first quarter.

### *Rural Fire Service*

As previously noted, the expenditure budget for hazard reduction has been increased by \$39,000 to match the confirmed funding to be received.

### *Landfill and Resource Management (LRM)*

No adjustments have been made to LRM expenditure, other than a minor adjustment for insurance expenses.

Council is currently in credit with the EPA for the waste levy payable. It is anticipated that this credit will be used up in the next few months and a review

of the required budget for the remainder of the 2017/18 year (currently \$218,000) will be completed as part of the December quarterly review.

***General Manager's Group***

*Communications*

Employee costs have been increased by \$16,000, resulting from an increase of \$25,000 for grade changes offset by a transfer of 50% of one of the communications officer's salary to the water and wastewater funds.

*Financial Services*

The budget for rates postage has been increased by \$5,000 for additional printing costs paid in 2017/18 in relation to the (abandoned) implementation of the new Fire and Emergency Services Levy. Council had received funding from the Office of Local Government in the 2016/17 year.

*Information Services*

A further \$18,000 has been added to the internet connections budget, bringing the revised budget to \$38,000. These additional costs which have been incurred are associated with Skype implementation and were not included at the budget development stage as they were unknown.

*Human Resource and Risk Management*

Employee entitlements have been increased by \$112,000, including an amount of \$62,000 transferred here to offset the salary savings from the extended leave of the Manager Support Operations and a further \$50,000.

Overheads recouped (income) budgets have been increased by \$100,000 based on trending to date.

The budget for superannuation has been increased by \$50,000 to \$2.3 million, based on trending of actual costs.

Employee costs have been increased by \$8,000 to allow for an increase in hours of a part time employee responsible for recruitments. This has been offset by a corresponding reduction in the budget for staff recruitment expenses.

Savings of \$5,000 have been recognised for Public Risk Insurance.

Overall, total expenses have been increased \$57,000. Most of the adjustments have been offsetting, with the exception of the required transfer to employee entitlements relating to the extended Manager leave and the insurance savings.

*Property Management*

Insurance savings of \$25,600 have been applied within this budget area.

## 10.7 Financial Review - 30 September 20174

Budgets for rates expenses have been refined, with forecast expense decreased by \$14,000 for Southern Cross, Russellton and Wollongbar Estates.

### *Ballina Byron Airport*

Overall, the forecast expense for the airport has been increased by \$23,300.

The most significant factor is an increase of \$50,000 in the anticipated Certified Air Ground Operator (CAGRO) costs.

Insurance savings of \$34,700 have been applied within this budget area. The majority of this saving resulted from Council's insurance broker going to the market to get a better deal for Council. Of the total savings, \$4,700 has been transferred to the Insurance Reserve (representing the saving from the change in excess levels).

Employee costs have been reduced by a net of \$30,000, due to vacancies in the Security Supervisor and Airport Assistant positions offset by additional costs incurred in operations salaries.

A further budget of \$30,000 was added to the promotions budget, bringing this budget to \$260,000, in part due to a planned Jetstar promotion aimed at increasing Jetstar passenger numbers.

### **Water Operations**

This next section of the report deals with Council's Water operations. The table below details the forecast operating result for the Fund.

#### **Water - Statement of Operating Income and Expenses (\$'000)**

Item	Original Budget	Approved Changes	Revised Budget	Changes for Approval	September Budget	Actual to September
Operating Income	11,778	0	11,778	(0)	11,778	3,139
Operating Exps (excl. dep)	9,825	1	9,826	19	9,845	2,847
<b>Net Operating Result Before Depreciation</b>	<b>1,953</b>	<b>(1)</b>	<b>1,952</b>	<b>(19)</b>	<b>1,933</b>	<b>292</b>
Depreciation Expense	1,380	0	1,380	0	1,380	345
<b>Net Operating Result from Continuing Operations</b>	<b>573</b>	<b>(1)</b>	<b>572</b>	<b>(19)</b>	<b>553</b>	<b>(53)</b>

The **forecast operating position** (inclusive of depreciation) **as at September** is a surplus of \$553,000 which is a deterioration of \$20,000 from the original adopted budget surplus of \$573,000.

Forecast operating expenditure has been increased by \$19,000, with 25% of one of Council's communications officers being funded 50% general fund, 25% water fund and 25% wastewater fund.

### **Wastewater Operations**

This next section of the report deals with Council's Wastewater operations. The table below details the forecast operating result for the Fund.

**Wastewater- Statement of Operating Income and Expenses (\$'000)**

Item	Original Budget	Approved Changes	Revised Budget	Changes for Approval	September Budget	Actual to September
Operating Income	18,218	0	18,218	(0)	18,218	14,476
Operating Exps (excl. dep)	14,030	2	14,032	(10)	14,022	3,250
<b>Net Operating Result Before Depreciation</b>	<b>4,188</b>	<b>(2)</b>	<b>4,186</b>	<b>10</b>	<b>4,196</b>	<b>11,226</b>
Depreciation/loan unwind Expense	3,775	0	3,775	0	3,775	944
<b>Net Operating Result from Continuing Operations</b>	<b>413</b>	<b>(2)</b>	<b>411</b>	<b>10</b>	<b>421</b>	<b>310</b>

The **forecast operating position** (inclusive of depreciation) **as at September** is a surplus of \$421,000 which is an improvement of \$10,000 from the original adopted budget surplus of \$413,000.

Forecast operating expenditure has been decreased by \$10,000.

The budget for energy costs has been revised down by \$30,000 as trending indicates savings in this budget.

Forecast employee costs have been increased by \$20,000, with 25% of one of Council's communications officers being funded 50% general fund, 25% water fund and 25% wastewater fund.

**Section Two – Capital Budget**

This next section of the report looks at capital expenditure and changes to the programs.

**General Fund - Capital Budget - Source and Application of Funds (\$'000)**

General Fund Capital works	Original Budget 2017/18 \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for Approval \$'000	September Budget \$'000	Actual to September \$'000
<b>General Fund Capital Funding</b>						
General revenue	5,317	(1,308)	4,009	89	4,098	
Reserves	17,032	3,560	20,592	405	20,997	
Loans	8,328	520	8,848	0	8,848	
Section 94 contributions	184	489	673	310	983	
Grants and contributions	10,086	(3,305)	6,781	295	7,076	
<b>Total Funding</b>	<b>40,946</b>	<b>(43)</b>	<b>40,903</b>	<b>1,099</b>	<b>42,002</b>	
<b>General Fund Capital Expense</b>						
<i>Strategic and Community Facilities Group</i>						
Cultural and Community Services	3,280	(2,236)	1,044	0	1,044	31
Swimming Pools	5,928	5,534	11,462	0	11,462	4,735
Libraries	15	(15)	0	0	0	0
Gallery	0	77	77	0	77	0
<i>General Manager's Group</i>						
Administration & Information Services	87	38	125	0	125	17
Human Resources & Risk Management	0	0	0	0	0	0
Property Management	3,720	215	3,935	0	3,935	1,043
Camping Ground	100	20	120	0	120	0
Ballina Airport	6,475	(2,982)	3,493	0	3,493	149
<i>Development &amp; Environ Health Group</i>						
Environmental Health	208	714	922	-106	816	0
<i>Civil Services Group</i>						
Depot and Administration Centre	168	57	225	0	225	94
Procurement & Building Management	304	861	1,165	0	1,165	86
Public Amenities	104	151	255	0	255	144
Stormwater	434	(70)	364	-10	354	7
Roads and Bridges	13,064	(3,160)	9,904	1,211	11,115	2,060
Ancillary Transport Services	1,265	101	1,366	4	1,370	178
Water Transport and Wharves	200	1,027	1,227	0	1,227	92
Open Space -Parks and Reserves	643	746	1,389	0	1,389	56
Open Space - Sporting Fields	1,320	309	1,629	0	1,629	168
Cemeteries	90	0	90	0	90	0
Fleet and Plant	1,397	668	2,064	0	2,064	331
Quarries and Sandpits	0	0	0	0	0	0
Waste Management	2,145	(2,098)	47	0	47	0
<b>Total Capital expense</b>	<b>40,946</b>	<b>(43)</b>	<b>40,903</b>	<b>1,099</b>	<b>42,002</b>	<b>4,425</b>

**General Fund**

***Development and Environmental Health Group***

*Environmental and Public Health*

A budget of \$106,000 has been transferred from capital budgets to an operating budget for Shaws Bay dredging investigations.

**Civil Services Group**

*Stormwater*

There is a net decrease of \$10,000 to capital budgets, being a transfer of budget to operating budgets to fund the USMP Environment Trust video.

The changes are as follows:

Description of Works	Adjustment (\$)	Comments
Houghlahans Ck Rd Culverts	+22,000	Additional budget required based on forecast costs. Revised budget of \$100,000.
Cronulla St Kerb	+4,000	Budget required based on actual costs. Total budget \$4,000.
Grant Street	-32,000	Portion of budget reallocated as not required based on latest forecast. Revised budget of \$93,300.
Megan Cr-Dodge Lane outlet upgrade	-4,000	Portion of budget reallocated as not required based on latest forecast. Revised budget of \$18,000.
<b>Total</b>	<b>-10,000</b>	

*Roads and Bridges*

Budgets have been increased by a total of \$1,051,200. The changes are as follows:

Description of Works	Adjustment (\$)	Comments
Reseals and overlay	+310,000	New budget. Funded from section 94 reserve.
Skennars Hd Rd/Coast Rd Roundabout	+227,200	\$178,200 funded from RMS RR Repair grant, plus additional \$49,000 from RMS supplementary grant. Revised budget of \$721,000.
Tintenbar to Ewingsdale highway handover Heavy Patching	+150,000	New budget. Funded from Tintenbar to Ewingsdale highway handover reserve.
Tintenbar to Ewingsdale highway handover Reseals	+120,000	New budget. Funded from Tintenbar to Ewingsdale highway handover reserve.
Tintenbar to Ewingsdale highway handover Traffic Facilities	+85,000	New budget. Funded from Tintenbar to Ewingsdale highway handover reserve.
Grant St Seg 20	+81,000	\$31,000 funded from budget reallocations, \$50,000 funded from roads reserve. Revised budget of \$507,500.
Ellis Rd	+50,000	New budget. Funded by RMS Safety Initiative grant.
Ross Lane straightening	+28,000	New budget. Funded from RMS supplementary grant.
North Creek Rd Lennox Deviation	+5,000	New budget. Funded from section 94 reserve.
Hutley Drive	-5,000	Reallocation of budget from section 94 reserve. Revised budget of \$50,600.
<b>Total</b>	<b>+1,051,200</b>	

The increase of \$1,051,200 is funded as \$355,000 from the Tintenbar to Ewingsdale highway handover reserve, \$310,000 from section 94 reserves, \$305,200 from RMS grant funding, \$50,000 from the roads capital reserve and \$31,000 revenue funded.

*Roads and Maritime Services*

Capital expenditure budgets for reseals, \$50,000, and heavy patching, \$110,000, have been raised, with a corresponding decrease in operating budgets.



*Ancillary Services*

Budgets have been increased by a total of \$4,000. This increase was for actual costs incurred for the completion of the Carlisle Street footpath in Wardell.

**Water - Capital Budget - Source and Application of Funds (\$'000)**

Water Supply Capital Works	Original Budget 2017/18 \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for Approval \$'000	September Budget \$'000	Actual to September \$'000
<b>Water Capital Funding</b>						
Reserves	2,828	(1,681)	1,147	0	1,147	
Section 64 contributions	1,669	1,186	2,854	0	2,854	
Grants & Contributions	0	0	0	0	0	
<b>Total Funding</b>	<b>4,496</b>	<b>(495)</b>	<b>4,001</b>	<b>0</b>	<b>4,001</b>	
<b>Water Capital Expense</b>						
Main Renewal	634	(332)	302	0	302	0
Reservoirs	475	(200)	275	0	275	46
Pressure Management	734	(684)	50	0	50	0
Water pump and bores	822	(191)	631	0	631	6
Trunk mains	375	1,368	1,743	0	1,743	1
Treatment Plant	767	(592)	175	0	175	13
Plant	323	53	376	0	376	0
Connections	299	0	299	0	299	80
Other	67	83	150	0	150	7
<b>Total Capital expense</b>	<b>4,496</b>	<b>(495)</b>	<b>4,001</b>	<b>0</b>	<b>4,001</b>	<b>154</b>

The capital works program was reviewed for the October 2017 Ordinary meeting. There are no further proposed changes at this time.

**Wastewater - Capital Budget - Source and Application of Funds (\$'000)**

Wastewater Services Capital works	Original Budget 2017/18 \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for Approval \$'000	September Budget \$'000	Actual to September \$'000
<b>Wastewater Capital Funding</b>						
Reserves	5453	2,130	7,583	15	7598	
Section 64 contributions	1247	(100)	1,147	0	1147	
Loans	0	0	0	0	0	
<b>Total Funding</b>	<b>6,700</b>	<b>2,030</b>	<b>8,730</b>	<b>15</b>	<b>8,745</b>	<b>1,068</b>
<b>Wastewater Capital Expense</b>						
Pumping stations	2,538	959	3,497	0	3497	708
Treatment Plants	947	460	1,407	0	1407	123
Trunk Mains	2,143	(312)	1,831	25	1856	2
Mains renewals	200	0	200	0	200	0
Plant	596	216	812	0	812	100
Reuse program	110	634	744	-10	734	49
Other	166	73	239	0	239	86
<b>Total Capital expense</b>	<b>6,700</b>	<b>2,030</b>	<b>8,730</b>	<b>15</b>	<b>8,745</b>	<b>1,068</b>

The capital works program was reviewed for the October 2017 Ordinary meeting.

## 10.7 Financial Review - 30 September 2017

Additional changes for approval are the transfer of \$10,000 budget from the wastewater recycled water reuse program to general fund stormwater budgets to fund the USMP video, and a wastewater capital budget of \$25,000 raised for the urban reticulation system.

### Section Three – Cash and Investment Statement

The next table shows details of the projected cash and investments.

	Original Budget 2017/18 \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for approval September \$'000	Revised Budget September \$'000
<b>Unrestricted</b>	<b>5,971</b>	<b>0</b>	<b>5,971</b>	<b>0</b>	<b>5,971</b>
<b>Externally Restricted</b>					
- Section 94	11,426	(414)	11,012	(2,310)	8,702
- Domestic Waste M'tment	1,439	945	2,384	72	2,456
- Section 64 Water	4,881	653	5,534	0	5,534
- Water	4,472	3,721	8,193	(19)	8,174
- Section 64 Sewer	5,349	(137)	5,212	0	5,212
- Sewer	(69)	2,037	1,968	(5)	1,963
<b>Total Externally Restricted</b>	<b>27,498</b>	<b>6,805</b>	<b>34,303</b>	<b>(2,262)</b>	<b>32,041</b>
<b>Internally Restricted</b>					
- Strategic and Community Services	422	2,708	3,130	(22)	3,108
- Employee Leave Entitlements	2,853	160	3,013	0	3,013
- Plant Replacement	(9)	61	52	(200)	(148)
- Quarries	350	(1)	349	0	349
- Commercial Services	5,599	115	5,714	(115)	5,599
- Open Spaces and Reserves	0	224	224	61	285
- Landfill Management	1,006	1,362	2,368	53	2,421
- Civil Services	5,327	7,826	13,153	(445)	12,708
- Other	1,621	2,150	3,771	100	3,871
<b>Total Internally Restricted</b>	<b>17,168</b>	<b>14,605</b>	<b>31,773</b>	<b>(568)</b>	<b>31,205</b>
<b>Total Restricted</b>	<b>44,666</b>	<b>21,410</b>	<b>66,076</b>	<b>(2,830)</b>	<b>63,246</b>
<b>Total Cash and Investments</b>	<b>50,637</b>	<b>21,410</b>	<b>72,047</b>	<b>(2,830)</b>	<b>69,217</b>

The unrestricted cash figure is not inclusive of transactions that would normally be included when calculating working capital; i.e. it is exclusive of movements in items such as debtors and creditors. The available cash figure is taken from note six of the financial statements as at 30 June 2017.

### Statements

1. Council's investments are all in accordance with the Local Government Act, the regulations and Council's investment policy.

2. As per the investments summary for September 2017, funds invested amounted to \$76,588,000. All restricted monies are included in these investments.
3. Cash has been reconciled to the bank statement as at 30 September to the amount of \$825,755.
4. Actual year to date cash and investments amounted to \$77,413,755 as at 30 September 2017. This amount includes cash at bank of \$825,755 and funds invested of \$76,588,000 which has been reconciled to bank statements and investment reports.

### **Comment on Cash and Investment Position**

The forecast reserves position has increased to \$63.2 million.

Details of the major changes for approval are summarised below.

#### *Section 94 Reserves*

Net reserves are predicted to decrease by \$2,310,000 resulting from a \$2,000,000 revision of forecast contributions for the roads s94 plan, with the original estimates overly optimistic, and road reseals budget increase of \$310,000.

#### *Domestic Waste Management*

Net reserves are predicted to increase by \$72,000, which is the result of an improvement to the operational outlook.

#### *Plant Reserves*

Net reserves are predicted to decrease by \$200,000, which is the result of a deterioration in the operational outlook, with plant charged to works trending below the original forecast. It is anticipated that a review of the plant program will be undertaken in the next quarter.

#### *Property Reserves*

There is a net decrease of \$118,000 to the forecast reserves balance resulting from a decrease in the forecast airport operating result.

#### *Open Spaces Playground Reserves*

An amount of \$61,000 received from the developers on the Elevations Estate has been placed in reserve. These amounts were received in lieu of a developer provided playground and will be used by Council to fund future playground refurbishments in this development.

#### *Landfill Resource Management*

Net reserves are predicted to increase by \$53,000 which is the result of a \$61,000 increase to the restricted reserve (for waste levy grant money received), offset by a deterioration in the forecast operating result of \$8,000.

*Roads Tintenbar to Ewingdale Highway Handover Reserve*

Budgets totalling \$355,000 have been raised for heavy patching, resealing and traffic facilities.

*Roads Reserve*

An additional \$50,000 has been taken from reserve to fund an increase to the Grant St budget.

*Stormwater Canal Dredging Reserve*

An additional \$40,000 has been taken from reserve to fund an increase to the operating budget.

*Insurance Reserve (new)*

For the 2017/18 year, insurance policies were reviewed and claim excess levels increased from \$20,000 to \$50,000, resulting in savings in insurance costs of approximately \$100,000 across a number of Council areas. These savings have been placed in reserve to cover potential future excess costs.

*Water Reserves*

Net reserves are predicted to decrease by \$19,000, which is the result of a deterioration in the operating result.

*Wastewater Reserves*

Net reserves are predicted to decrease by \$5,000, which is the result of an improvement in the operating result of \$10,000 offset by a net increase to capital budgets of \$15,000.

**Section Four - Key Performance Indicators**

This section of the report takes selected financial benchmarks and compares the 30 June 2016 and 2017 ratios with the forecast at September to 30 June 2018.

The performance indicators that have been selected have a short term focus, which suits the quarterly review, which also focuses on the short term. Each ratio typically contains numerous variables and the forecast should be viewed as a good indication only.

**Key Performance Indicators - Description**

1. **Unrestricted Current Ratio** - Unrestricted current assets divided by unrestricted current liabilities.

Measured: as a ratio

Purpose: this ratio is used to measure Council's ability to meet short term liabilities with available short term assets.

Indicator type: Financial Position

Benchmark: >1.5:1 (NSW code of accounting practice)

2. **Operating Performance Ratio** – Total continuing operating revenue (excluding capital grants/contributions and fair value adjustments) less operating revenue (excluding capital items and profit or loss on sale) as a percentage of continuing operating revenue (less capital items and fair value adjustments).

Measured: as a ratio

Purpose: this percentage measures whether the Council is sustainable in terms of its operating result. Council should not be recording recurring operating deficits or funding operating results from capital revenue.

Indicator type: Financial Performance

Benchmark: = > 0: 1 (NSW code of accounting practice)

3. **Debt Service Cover Ratio** – Operating result (excluding fair value adjustments, capital grants/contributions, depreciation/amortisation, interest expense and profit or loss on sale) as a percentage of loan interest and capital payments

Measured: as a ratio

Purpose: The purpose of this percentage is a measure of whether Council has excessive debt servicing costs relative to the adjusted operating result.

Indicator type: Financial Position

Benchmark: >2:1 (NSW code of accounting practice)

**Benchmark Indicators – General Fund**

1. **Unrestricted Current Ratio – General Fund**

Benchmark: >1.5:1

2015/16	2016/17	2017/18 Sept
Actual	Actual	Estimate
4.02:1	4.71:1	3.83:1
Pass	Pass	Pass

**Comment**

The ratio is predicted to fall in 2017/18 in comparison to the 2016/17 result.

Whilst the forecast remains a pass in comparison to the benchmark the trend is negative. This serves as a warning that any new borrowings need to have a ready funding source and to keep a close eye on cash reserves.

**2. Operating Performance Ratio – General Fund**

Benchmark: >0

2015/16	2016/17	2017/18 Sept
Actual	Actual	Estimate
-1.33%	11.39%	-5.6%
Fail	Pass	Fail

**Comment**

The current forecast for the ratio to June 2018 is looking to not reach the benchmark.

The actual result for 2016/17 was impacted by the advance payment of the Financial Assistance Grant and the RMS amounts provided for the ongoing maintenance of the handover highway section from Tintenbar to Ewingdale.

The ratio is affected by many variables. A strategy to improve this ratio is to continue to closely monitor, maintain and even reduce operating expenses and increase income, while also pursuing additional rate income.

**3. Debt Service Cover Ratio – General Fund**

Benchmark: > 2

2015/16	2016/17	2017/18 Sept
Actual	Actual	Estimate
4.93	4.97	2.52
Pass	Pass	Pass

**Comment**

This ratio is sourced from the operating result and loan repayments.

Swimming pool loans impact on loan repayments from 2017/18 onwards.

The strategy to continue to meet the benchmark is to limit further borrowings, unless matched by offsetting revenues, and strengthen the operating result by a combination of increasing income and decreasing expense.

**Benchmark Indicators - Water**

**1. Unrestricted current ratio - Water**

Benchmark: >1.5:1

2015/16	2016/17	2017/18 Sept
Actual	Actual	Estimate
78.58:1	132.47:1	58.9:1
Pass	Pass	Pass

**Comments**

The ratio meets the benchmark comfortably as the Fund has reasonable reserves and no debt.

**2. Operating Performance Ratio - Water**

Benchmark: > 0

2015/16	2016/17	2017/18 Sept
Actual	Actual	Estimate
3.77%	10.03%	4.7%
Pass	Pass	Pass

**Comments**

The Water Fund has achieved a positive operating performance ratio and this trend is expected to continue for future years.

**3. Debt Service Cover Ratio - Water**

Benchmark: >2

2015/16	2016/17	2017/18 Sept
Actual	Actual	Estimate
0.0	0.0	0.0
N/A	N/A	N/A

**Comments**

The Fund has no external borrowings and none are anticipated this financial year.

**Benchmark Indicators - Wastewater**

**1. Unrestricted current ratio - Wastewater**

Benchmark: >1.5:1

2015/16	2016/17	2017/18 Sept
Actual	Actual	Estimate
2.85:1	1.59:1	1.23:1
Pass	Pass	Fail

**Comments**

The ratio is forecast to fall in comparison to 2016/17. The reason for the decline is due to the use of cash reserves to fund the capital works program and to finance loan repayments.

**2. Operating Performance Ratio - Wastewater**

Benchmark: >0

2015/16	2016/17	2017/18 Sept
Actual	Actual	Estimate
-5.70%	-0.01%	2.31%
Fail	Fail	Pass

**Comments**

The latest forecast is for a positive result, which means a pass in comparison to the benchmark.

A positive result is expected to continue over the next few years.

**3. Debt Service Cover Ratio - Wastewater**

Benchmark: > 2

2015/16	2016/17	2017/18 Sept
Actual	Actual	Estimate
0.81	1.02	1.15
Fail	Fail	Fail

**Comments**

This ratio will fail the benchmark for many years due to the extremely high level of borrowings that have occurred in recent years, although the forecast is that the ratio will gradually improve year on year as the operating surplus continues to grow.

**Section Five – Contractors/Consultants/Legal Expenses**

New contracts entered into during the quarter that meet the definition are detailed in the table below.

Contractor Name	Purpose	Amount (Excl GST)	Award Date	Duration of Contract	Incl in Budget Yes/No
AGS Commercial Pty Ltd	Design and construction of Ballina Surf Club Building B	\$715,759	13/7/17	7 months	Yes
Atlas Marine International Pty Ltd	Design, Construction and Installation of Pontoons	\$425,648	27/7/17	6 months	Yes
PDT Architects	Design of Ballina Indoor Sports Centre	\$334,575	28/8/17	16 months	Yes
Ledonne Constructions	Swift Street Sewer Pump Station Upgrade	\$488,821	24/8/17	4 months	Yes



**Consultants**

Total expenditure to 30 September 2017 on consultants that meet the definition is detailed below.

Item	Expenditure YTD (excl GST)	Included in Budget Y/N?
Consultancies	\$21,443	Yes

**Legal Expenses**

The next table summarises the expense incurred to the end of September on legal fees.

For the purposes of the report legal fees have been included where there is a dispute situation. This includes for example recovery of rates not paid but excludes processing of infringement notices (no dispute at this point) and amounts paid to legal firms that may be related to the creation of a lease or sale of land.

Item	Expenditure YTD (excl GST)	Included in Budget Y/N?
Legal Fees	\$151,760	Yes

**Other Matters**Ferry Fees

At the April 2017 Council meeting, Council resolved as follows:

*“That Council trial, for a period of 12 months, the introduction of a 50% pensioner/health care card holder discount for ferry season tickets by altering current ferry fees applicable to caravans and trailers to replace the current relevant fee and introduce two new fees. The first fee to be \$11.60 for vehicle and 1-axle trailer and the second fee to be \$17.40 for vehicle and 2-axle trailer and all caravans”.*

For information purposes, the following table outlines the concessional tickets provided as at 31 October 2017;

Ticket Type	# Concessional Tickets	# Non-Concessional Tickets	# Total Tickets
Bicycle	14	12	26
Annual Vehicle	57	126	183
Annual Motorcycle	1	0	1
Quarterly Vehicle	56	194	250
Quarterly Motorcycle	1	2	3
	<b>129</b>	<b>334</b>	<b>463</b>

The number of concessional tickets sold represents approximately 28% of all tickets sold.

An analysis of ferry fee income as at 31 October 2017 is shown below, as an update of the introduction of concessional discounts and the introduction of separate 1-axle and 2-axle trailer fees.

	4 months to 31/10/16	4 months to 31/10/17
Toll Fees	\$130,409	\$131,853
Season Tickets	\$ 70,474	\$ 70,006
	<b>\$200,883</b>	<b>\$201,859</b>

Ferry income, in total to date, has remained very consistent with that of the previous year.

In relation to the 2-axle trailer fees, ferry operators have noted that many caravans are getting to the ferry and turning around after seeing the fee and have noted a general drop in the number of caravans using the ferry in general.

It is the view of the ferry operators that 2-axle caravans (currently charged at \$18 inclusive of admin fee) should be at a fee of \$1 or \$2 more than the 1-axle fee (currently charged at \$12).

This view is provided here for the information of Councillors. No recommendation has been raised as part of this report, however Councillors may consider a reduction in the 2-axle fee and may raise a recommendation in this regard if they so wish.

### **Certification**

The following statement is made in accordance with clause 203(2) of the Local Government (General) Regulations 2005.

It is my opinion that the Quarterly Budget Review Statement for Ballina Shire Council for the quarter ended 30 September 2017 indicates that Council's projected financial position at 30 June 2018 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

The satisfactory position is based on the short term (twelve month) outlook.



Signed Linda Coulter, Responsible Accounting Officer

### **Sustainability Considerations**

- **Environment**

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

- **Social**

As above

- **Economic**

As above

**Legal / Resource / Financial Implications**

This report informs Council of actual financial results to date in comparison to budget. Where legal ramifications are envisaged they are detailed within the information section of this report.

**Consultation**

This report has been prepared to inform the community of budget variations. Relevant staff have been consulted in the preparation of this report.

**Options**

Council may approve the budget amendments proposed, make changes or not approve any changes. It is considered that the proposed changes reflect either Council policy or necessary adjustments that reflect the trending of actual incomes and expenses.

**RECOMMENDATION**

That Council notes the contents of the September 2017 Quarterly Budget Review and approves the changes identified within this report.

**Attachment(s)**

Nil

**10.8 Financial Statements - 2016/17**

**Delivery Program** Financial Management

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

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**Background**

Council considered the annual financial statements for the financial year ended 30 June 2017 at the October 2017 Ordinary meeting. The contract auditor for the Audit Office of New South Wales, Mr Kevin Franey of Thomas Noble and Russell, also addressed Council at that meeting.

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

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

**Key Issues**

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

**Information**

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

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

**Sustainability Considerations**

- **Environment**  
Not Applicable
- **Social**  
Not Applicable

- **Economic**

The Financial Statements summarise the financial position of Council.

**Legal / Resource / Financial Implications**

The annual financial statements detail the financial position of Council.

**Consultation**

Notice of the reports was advertised in the local paper and on Council's website.

**Options**

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

**RECOMMENDATION**

That Council adopts the annual financial reports and auditor's reports for the financial year ended 30 June 2017, as publicly exhibited.

**Attachment(s)**

Nil

## 10.9 Fig Tree - Castle Drive, Lennox Head

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### 10.9 Fig Tree - Castle Drive, Lennox Head

**Delivery Program** Human Resources and Risk Management

**Objective** To inform Council on the status of a current insurance claim and liability associated with the management of a Fig Tree and to confirm the funding source for on-going maintenance works.

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#### **Background**

Council has considered a number of reports dealing with insurance claims and tree management options for the Fig Tree in Castle Drive, Lennox Head. The most recent report to the April 2017 Ordinary meeting provided legal advice surrounding the management of this tree.

Council's insurers are attempting to finalise the current insurance claim relating to property damage caused from the Fig Tree roots entering private property. The purpose of this report is to provide an overview of that claim and to confirm the funding source for on-going maintenance works related to the management of the Fig Tree.

The insurance advice is presented in the confidential section of this agenda as it includes matters of a private nature that relate to the insurance claim.

#### **Key Issues**

- Appropriate tree management
- Risk management
- Cost / benefit to the community

#### **Information**

Two private properties in Castle Drive, Lennox Head have experienced damage as a result of the tree roots from the Fig Tree located on the Council road reserve.

The damage has been the subject of two insurance claims. Details of the claims are outlined in the confidential report.

Council's Insurer has advised that they will not cover any future claims in respect to damage by the subject tree, as Council has not accepted the Insurer's advice to remove the tree.

This now means that any future claims will be made directly against Council, with any successful claims being funded by the ratepayers of the Shire. It is impossible to quantify the magnitude of Council's financial risk exposure however the confidential report provides details of the current claims.

With Council now being directly exposed to potential liability for any damage to the properties caused by the Fig Tree roots it is essential that Council has a specific management program in place.

The advice from Council's Open Spaces Section is that an adequate maintenance program for a tree of this size will require, as a minimum, regular root pruning and other associated works with an estimated cost of approximately \$15,000 per annum.

There is a recurrent budget of \$15,000 for Fig Tree maintenance and the \$15,000 for this tree would be additional works to those already carried out under that budget.

It is important to acknowledge that the Open Spaces Section is already proactively managing a number of other Fig Trees throughout the Shire.

It is also important to acknowledge that the regular root pruning and associated works on the Castle Drive Fig Tree will likely result in the tree dying due to the close proximity of the buildings and the limited zone within which there is to undertake those works.

### **Sustainability Considerations**

- **Environment**  
The age and scale of the tree provides strong environmental amenity.
- **Social**  
The tree provides a social amenity to the local neighbourhood however the tree is creating nuisance to adjacent properties.
- **Economic**  
Council is exposed to potential future liability costs associated with the damage from this tree to private property. There is also an increased cost for Council in maintaining the tree.

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

Council has been provided with further advice from our Insurer on the current insurance claim relating to damage caused by the Fig tree and is in receipt of a letter from the affected resident surrounding the claim. These are included in the confidential report.

A major future, successful, claim against Council will have an adverse impact on Council's financial position.

An increase in recurrent operating expenses results in less funds being available for capital projects.

### **Consultation**

Consultation was undertaken with Council's Insurer in preparing this report.

### **Options**

The assumption in this report is that Council will continue its previously resolved position to accept full liability, on behalf of the ratepayers of Ballina

## **10.9 Fig Tree - Castle Drive, Lennox Head**

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Shire, for future damages claims against Council, by not supporting the Insurer's advice to remove the Fig Tree.

In order to respond to this decision it is necessary for Council to finance the increased maintenance of the Fig Tree and the recommendation that follows confirms the preferred funding source, which is general revenue. This means that Council will be facing higher working capital deficits in future years.

### **RECOMMENDATIONS**

1. That Council acknowledges that it no longer has insurance coverage in respect to property damage incurred by the Fig Tree located in Castle Drive, Lennox Head as Council has not accepted the Insurer's advice to remove the tree.
2. That Council approves an increase in the annual Fig Tree maintenance budget from \$15,000 to \$30,000 to recognise the increase in maintenance required for this Fig Tree, with the additional \$15,000 funded from general revenue.

### **Attachment(s)**

Nil



## 10.10 Special Rate Variation - Consultation

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### 10.10 Special Rate Variation - Consultation

**Delivery Program**      Communications

**Objective**                      To report on the outcomes from the consultation process for the proposed special rate variation to fund a healthy waterways program and increased asset renewal and to determine if Council wishes to proceed with the application to the NSW State Government.

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#### **Background**

In February 2017, Council considered a report on a proposed special rate variation (SRV) and recommended the following:

1. *That Council acknowledges the feedback from the community consultation process undertaken for the proposed special rate variation to finance the Healthy Waterways Program and increased asset renewal.*
2. *In acknowledging this consultation Council remains of the opinion that it is reasonable to proceed with the proposed special variation application for a number of reasons, including but not limited to:*
  - a) *It is essential that Council increases its level of rate income to finance an adequate level of asset renewal to reduce the risk of Council's infrastructure assets deteriorating over time*
  - b) *The funding of the Healthy Waterways Program will help Council improve the overall condition of the Shire's waterways*
  - c) *The additional rate income generated will improve Council's overall financial position and long term financial sustainability*
  - d) *The removal of the waste operations charge in 2017/18 results in the financial impact of the additional increase in ordinary rates being substantially reduced for all residential and farmland ratepayers; and*
  - e) *Council is committed to minimising increases in the water, wastewater, waste and stormwater charges for the period 2017/18 to 2019/20 to assist in lessening the financial impact on ratepayers.*
3. *That Council authorises the General Manager to submit an application to IPART for a special rate variation based on 4.9% in 2017/18, 5.9% in 2018/19 and 5.9% in 2019/20.*

In response to the resolution, the SRV application was submitted to IPART in February 2017 and the increase was approved for a temporary one year period for 2017/18. Subsequent years were not approved.

Feedback from IPART was Council's Integrated Planning and Reporting documents, specifically the Delivery Program, did not sufficiently address Council's special rate variation application.

## 10.10 Special Rate Variation - Consultation

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In light of this information, Council included information in the Delivery Program for 2017/18 to 2020/21 on the proposed SRV in a new section called Funding our Future. The Revenue Policy in the Operational Plan also included scenarios with and without the SRV.

The adopted Operational Plan and Delivery Program are available on Council's website.

In June 2017, in adopting the Operational Plan and Delivery Program, Council resolved as follows:

*That Council confirms its intention to submit a further application to IPART, consistent with the current Long Term Financial Plan, being permanent special rate variations of 9.3% for 2018/19 and 5.9% for 2019/20 and authorises the General Manager to take all necessary actions to comply with the special variation application criteria.*

In August 2017, a community engagement strategy was reported to Council and it was decided to not only undertake public consultation on the special rate variation proposal, but to also re-exhibit the Operational Plan and Delivery Program to include further information on the SRV. The resolution was as follows:

- 1. That Council endorses the draft Community Engagement Strategy for the proposed special rate variation, as attached to this report.*
- 2. That Council re-exhibit the 2017/18 – 2020/21 Delivery Program and 2017/18 Operational Plan, as part of this Community Engagement Strategy*

In response to this resolution, Council implemented a consultation program including letters sent to all ratepayers, public advertising and media releases, an on-line survey on the Council website and public meetings at Ballina, Lennox Head, Wardell and Alstonville.

The report that follows provides an overview of the feedback from the consultation process.

### **Key Issues**

- Review feedback and submissions
- Council's long term financial sustainability

### **Information**

The proposed special rate variation is a 9.3% increase for 2018/19 and 5.9% for 2019/20. The IPART rate peg limit is estimated at 2.5% for 2018/19 and 2019/20. The proposal represents a compounded total increase for the two years of 15.7%.

However it is important to acknowledge that the 9.3% increase for 2018/19 includes the one year approval of 3.4% above the rate peg for 2017/18, therefore the actual increase as compared to 2017/18 for 2018/19 is 5.9%.

## 10.10 Special Rate Variation - Consultation

A summary of the consultation undertaken is as follows.

### Public Meetings

Public meetings were held in Alstonville (28 people in attendance), Lennox Head (17 people), Ballina (23 people) and Wardell (nine people). The purpose of the meetings was to provide information and to answer any questions.

A copy of the presentation provided to the meetings is included as the first attachment to this report. That attachment provides an overview of the proposal, the benefits to be achieved and the financial impact on ratepayers.

Generally the people who attended the public meetings opposed the proposed SRV, although there was a good exchange of ideas / thoughts / opinions between the Council staff present and the public.

### Written Submissions

Council has received a total of 41 written submissions, including one confidential submission. A copy of the submissions is included as the second attachment. A copy of the confidential submission is included as the third attachment. There are 36 letters against the proposal (the balance of letters received were requests for information only).

In respect to the submissions with objections, the main reasons for the objection are as follows:

1. *Council's rates and charges are becoming increasingly unaffordable*

The average Council total rates and charges account for Ballina Shire Council is approximately \$2,920 for 2017/18 based on an assumed water consumption of 172 kilolitres, which was the average consumption the previous financial year. This is a significant financial burden for any resident.

All councils are faced with similar challenges to keep rates and charges affordable and the following table is taken from the presentation used in the public meetings for the exhibition of the draft 2017/18 Delivery Program and Operational Plan.

**Table One - Total Residential Rates and Charges – 2017/18**

Residential Property	Ballina	Byron	Clarence Valley	Coffs Harbour	Lismore	Richmond Valley	Tweed
Ordinary Rate	989 (1)	1,178	987	1,191	1,226	917	1,556
Stormwater	25	25	0	25	25	25	0
Water Access	204	179	118	143	260	146	170
Water 172kl	375	425	414	480	610	382	499
Waste Water	953	1,137	1,109	806	886	948	820
Waste Collection	374	456	361	646	491	447	377
<b>Total</b>	<b>2,920</b>	<b>3,400</b>	<b>2,989</b>	<b>3,291</b>	<b>3,498</b>	<b>2,865</b>	<b>3,422</b>
<b>% to Ballina</b>	<b>100%</b>	<b>116%</b>	<b>102%</b>	<b>113%</b>	<b>120%</b>	<b>98%</b>	<b>117%</b>

(1) This was a forecast figure and the actual average residential rate for 2017/18 is \$985

## 10.10 Special Rate Variation - Consultation

As per these figures, the average total rates and charges account payable for a residential property in Ballina Shire compares favourably to similar councils, however it is still a major financial burden.

The impact of the proposed special rate variation on the average rates payable in Ballina Shire for the three categories of rateable properties is outlined in the following table.

**Table Two - Estimated Increase in Rates (Average)**

Item	2017/18	2018/19	2019/20	Total Change (\$)
<b>Standard Rate Pegging Increase</b>	<b>1.50%</b>	<b>2.50%</b>	<b>2.50%</b>	
Average Residential Rate	953	976	1,000	47
Average Business Rate	3,191	3,281	3,363	172
Average Farmland Rate	1,465	1,498	1,535	70
<b>With Additional Percentage</b>	4.90% actual	9.30 % (includes 3.4% from 2017/18)	5.90%	17.6% compounded for three years 15.7% compounded for two years based on 9.3%
Average Residential Rate	985	1,043	1,105	120
Average Business Rate	3,298	3,506	3,713	415
Average Farmland Rate	1,514	1,601	1,695	181
<b>Average Extra Rates Each Year</b>				
Residential Extra	32	67	105	<b>105</b>
Business Extra	107	225	350	<b>350</b>
Farmland Extra	49	103	160	<b>160</b>

The average extra rates each year figures represent the difference paid for each year, due to the proposed special rate variation. This is an average only and some people will pay more and some less. If Council does not proceed with the special rate variation the average averages payable for 2018/19 will be less than the 2017/18 average due to the one-off special variation.

A key item that assists in helping offset the implementation of this increase is the removal of the former waste operations charge of \$73 in 2016/17. The benefit of this is shown over the four period from 2016/17 as the original proposal was for three years of increases from 2017/18 to 2019/20.

**Table Three – Change in Average Residential Bill for Ballina Shire**

Item	2016/17	2017/18	2018/19	2019/20
<b>Ordinary Rate</b>	<b>943</b>	<b>985</b>	<b>1,043</b>	<b>1,105</b>
% Change			9.30	5.90
<b>Stormwater</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>
% Change			0.00	0.00
<b>Water Access</b>	<b>200</b>	<b>204</b>	<b>210</b>	<b>215</b>
% Change			2.00	2.50
<b>Water Consumption (172 kls)</b>	<b>368</b>	<b>375</b>	<b>385</b>	<b>394</b>
% Change			2.00	2.50
<b>Wastewater Charge</b>	<b>925</b>	<b>953</b>	<b>977</b>	<b>1,001</b>
% Change			3.00	2.50
<b>Domestic Waste Collection</b>	<b>367</b>	<b>374</b>	<b>383</b>	<b>393</b>
% Change			2.00	2.50
<b>Waste Operations Charge</b>	<b>73</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>2,901</b>	<b>2,916</b>	<b>3,023</b>	<b>3,133</b>
<b>% Annual Change</b>		<b>0.52</b>	<b>3.67</b>	<b>3.64</b>
<b>% Cumulative Change</b>		<b>0.52</b>	<b>4.21</b>	<b>8.00</b>

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Key points in this table are:

- a) Changes to stormwater, water, wastewater and waste are limited to largely CPI or less for the three year period, as per the latest revision of Council's Long Term Financial Plan
- b) The waste operations charge is removed from 2017/18 onwards (was \$73)
- c) The compounded total increase is 8.00% (0.52%, 3.37% and 3.64%), which is far less than the 15.7% mentioned earlier when the cumulative rate increase is considered in isolation. The 8.00% figure represents an average compounded increase of 2.60% per annum for the total rates and charges account.

The presentation to the public meetings also included information on the economic indicators for Ballina Shire (refer to slide 21 of attachment one) that highlights key indicators such as the percentage of residential property pensioners, socio-economic index ranking, unemployment rate, average taxable income and rates and charges outstanding, all of which compare equally or favourably when benchmarked against other councils in this region.

### *2. Council should spend within its means*

A number of objections state that Council should implement further "efficiency measures" and "spend within its means" i.e. Council should not look to increase rate revenue above the IPART set pegged limit.

Council constantly endeavours to minimise costs and limit discretionary services.

From an operational perspective recent examples of efficiency gains include:

- increased allocation of smart devices to our engineering works staff has reduced the need for printing documents and improved connectivity with our corporate systems. For storm event responses, staff now spend around one quarter of the time they previously did in regards to the task of recording and documenting the impacts of a storm.
- Recent rationalisation of our mobile phones and the contract with the service provider has resulted in a decrease in annual operating costs of \$24,000
- Introduction of new software in the Development and Environmental Health Group now provides for the electronic stamping of plans and drawings which have generated significant efficiencies valued in excess of \$20,000 per annum.
- Improvements in the electronic approval process for Development Application and Construction Certificate determinations, resulting in a paperless process from submission to the determination of applications. This has seen electronic processes/workflows being introduced through both Authority and CM, including the use of portable tablet devices for assessment and inspection/plan marking processes, including the use of inspection *e forms*. Savings estimated in the tens of thousands of dollars.

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- introduction of Pulse Software to undertake Performance Appraisals electronically, savings of six weeks work for one full time equivalent person
- continual improved management of the wastewater treatment plants has seen electricity costs for Ballina and Lennox Head reduce from a high of approximately \$68,000 per month to current figures of around \$35,000, which is significant considering increases in electricity prices for the last few years.

These are a few small examples with the key point being that efficiencies are being sought across the organisation every day.

It is not an easy task to benchmark the efficiency of a council, or for that matter any government organisation, typically due to the lack of competition in the services provided.

The Office of Local Government (OLG) provides a comparative data report each year, which is located on the OLG website. That report provides a range of figures that help to assist with some benchmarking, although it is not always easy to compare “apples with apples”.

One of the key figures in that report, the latest report being for 2015/16, is that Ballina Shire continues to have a comparatively low staff per capita. Ballina Shire Council has one employee per 149 residents in comparison to Byron Shire 129, Lismore City 104, Richmond Valley 92, Tweed Shire 139 and the industry average is 127. Based on the industry average, with an estimated population of 42,000 residents, Council should have an extra 49 full time staff.

This figure gives a basic indicator that Ballina Shire is operating with a lean workforce.

Another useful indicator has always been the total rate income collected by Ballina Shire as compared to our neighbours.

Table Four, which is taken from the presentation to the public meetings, outlines the difference in revenues from the ordinary rate based on the average rate yields. This table highlights the significant difference in rate income Ballina receives as compared to the councils listed.

**Table Four - Benchmarking – Total Rate Yield 2017/18**

Property Type	Ballina (\$)	Byron (\$)	Coffs (\$)	Lismore (\$)	Richmond Valley (\$)	Tweed (\$)
Residential Average Rate	953	1,178	1,191	1,226	917	1,556
Business Average Rate	3,191	3,082	4,094	4,858	2,632	3,075
Farmland Average Rate	1,465	1,963	2,124	2,320	1,480	2,021
<b>Number of assessments for Ballina Shire</b>						
Residential	15,860 (87%)					
Business	1,305 (7%)					
Farmland	1,043 (6%)					
<b>Total Rate Yield (\$'000)</b>	<b>20,807</b>	<b>24,752</b>	<b>26,447</b>	<b>28,204</b>	<b>19,522</b>	<b>30,799</b>
<b>Difference to Ballina (\$'000)</b>	<b>0</b>	<b>3,945</b>	<b>5,640</b>	<b>7,397</b>	<b>(1,285)</b>	<b>9,992</b>

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This table multiplies the average rates for the three types of rateable properties by the number of Ballina Shire assessments.

This then determines the comparative total rate yield that would be received if Ballina Shire had the same average rates as the councils listed.

As per these figures there are substantial differences in the rate income received each and every year. The one Council comparable to Ballina is Richmond Valley however they are in the middle of an approved special rate variation, with 5.5% increases already approved for the 2017/18 and 2018/19 years. Their Fit for the Future Plan also has above rate peg increases recommended for a number of years beyond 2018/19.

Byron Shire Council also has approved special rate variations of 7.5% each year for the four years from 2017/18 to 2020/21.

These figures alone may not be an indicator of efficiency, but they demonstrate that Ballina Shire is delivering similar services to other councils in this region, based on a much lower rate base, excluding Richmond Valley. Even with the increase proposed Council's comparative rate income will still be well below all the other councils listed, excluding Richmond Valley.

Our current financial modelling estimates that we are underfunding our existing asset renewal by at least \$3million per annum. There is no possibility that Council can generate this additional level of increased expenditure from efficiency gains, based on our existing revenue base.

### **On-Line Survey on Council Website**

A total of 143 responses were provided to the on-line survey, a significant decrease from earlier in the year where we received 500 online survey responses.

The fourth attachment to this report is a summary of the responses received from the survey.

The individual responses to the majority of the questions included in the survey are listed in tabular form as per that attachment.

Brief comments on the questions asked in the survey and the responses are as follows.

**Question 1** - *Do you feel you have a reasonable understanding of this proposal based on the information provided by Council, such as the letter to all ratepayers and the information included on Council's website [ballina.nsw.gov.au](http://ballina.nsw.gov.au)? This proposal has extra complexity in that 3.4% of the 9.3% increase proposed for 2018/19 was actually levied by Council during 2017/18, although that 3.4% has only been approved by IPART for one year.*

Yes – 126 responses – 88%

No – 17 responses – 12%

This is a good response considering the complexity of this proposal due to the one-off increase for 2017/18.

## 10.10 Special Rate Variation - Consultation

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**Question 2** – If Council was to spend more on improving our waterways, where do you think the priority should be?

This question asked respondents to consider how high their priority was for the items listed. There were 134 responses with the overall ranking for the items listed as follows:

Item	Response Average
Richmond River Tributaries	3.2
Richmond River	3.0
Shaws Bay	2.9
Lake Ainsworth	2.9
Ballina Shire Coastline	2.8
Other	1.9

The survey software provides a response average based on the priority rankings provided by the respondents.

What these figures demonstrate is that the feedback is fairly evenly spread across the areas listed (i.e. all the areas identified are a high priority).

**Question 3** - *In respect to the Healthy Waterways Program how supportive are you of an extra 1.5% rate increase, as part of this total package, to fund increased expenditure to improve the health and amenity of our waterways?*

There were 143 responses with the results as follows:

Preference	Number	Percentage
Strongly supportive	15	10
Supportive	15	10
Somewhat supportive	11	8
Not very supportive	16	11
Not at all supportive	86	60

In summary 71% of the respondents do not support this proposal.

**Question 4** - *If you wish to provide additional feedback on the Healthy Waterways Program please provide your comments in the following text box.*

This question provided an opportunity for respondents to provide further comments, along with expanding on the “Other” option listed in question three. A total of 72 responses were received.

There is a mixture of comments for this question with some supporting the proposal, a large number expressing concerns that the Richmond River is not the responsibility of Council, comments regarding inefficiencies in Council and affordability concerns.

A complete copy of the comments for this question is included as attachment five.

**Question 5** - *If Council was to spend more on asset renewal related works, where do you think the priority should be??*



## 10.10 Special Rate Variation - Consultation

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This question asked respondents to consider how high their priority was for the items listed. There were 136 responses with the overall ranking for the items listed as follows:

Item	Response Average
Road reconstruction	3.7
Stormwater drainage	3.3
Community buildings	2.5
Open spaces and playground equipment	2.7
Sports fields facilities	2.6
Footpath and cycleway network	3.1
Other	2.4

There is more of a spread in these results, with roads the number one priority. This is consistent with the bi-annual community satisfaction survey that Micromex Pty. Ltd. undertakes on behalf of Council, where roads is always the number one priority.

**Question 6** – *In respect to the Asset Renewal Program, how supportive are you of an extra 5.3% in 2018/19 and 3.4% in 2019/20 on top of the estimated 2.5% standard rate peg for each year, to fund increased asset renewal works and to assist Council in being financially sustainable in the long term?*

Preference	Number	Percentage
Strongly supportive	10	7
Supportive	15	10
Somewhat supportive	8	6
Not very supportive	20	14
Not at all supportive	90	63

Similar to the Healthy Waterways result, 77% of the respondents do not support this proposal.

**Question 7** – *If you wish to provide additional feedback on the asset renewal program please provide your comments in the following text box.*

This question provided an opportunity for respondents to provide further comments with 65 responses received.

Many of the comments question Council's efficiency and object to paying extra rates for these services.

A complete copy of the comments for this question is included as attachment six.

**Question 8** – *Do you have any other comments in respect to the proposed special rate variation?*

This question provided an opportunity for respondents to provide further comments with 89 responses received.

A complete copy of the comments for this question is included as attachment seven.

## 10.10 Special Rate Variation - Consultation

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**Question 9** – *Can you please confirm whether you are a property or business owner who would be required to pay any increase in the Council rates?*

There were 143 responses to this question

Preference	Number	Percentage
Yes (property or business owner)	126	88
No (resident)	17	12

This highlights the majority of the respondents were property owners, which is important, as it is the property owner that is responsible for the payment of rates. Although it is also recognized that at times, tenants may also be responsible. It is also important that non-ratepayers should also have the opportunity to provide feedback on the type of community they want to live in.

**Question 10** – *If you answered yes to question 9 please clarify the type of property rates you are required to pay.*

There were 132 responses to this question.

Type	Number	Percentage
Residential	114	86
Business	2	2
Farmland	4	3
Multiple	12	9

The majority of the respondents are paying residential rates. The 86% is similar to the percentage of total rateable properties classified as residential, which is 87%.

**Question 11** – *Do you have any other feedback in respect to this consultation process? For example, you may have ideas as to how the consultation process could be improved, or additional information that could be made available to assist in understanding the proposal.*

Again there is a real mixture of comments in this question, both positive and negative. Attachment eight provides a listing of all these comments.

**Question 12** - *Your name and address (email or post) (this information is optional)*

A total of 56 contact details were provided.

It was decided not to make this question mandatory, as by even making it mandatory people who did not wish to provide their name could quite easily have provided limited information. People who provided their contact details will receive a response following the Council decision. Names and addresses have not been included in the attachment, primarily for space reasons. The majority of respondents did not provide contact details.

Overall the on-line survey responses are similar to the written responses in that there is clear majority opposition to the proposed special rate variation and generally speaking the objections are based on the same principles (i.e. affordability, Council inefficiency etc).

## 10.10 Special Rate Variation - Consultation

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It is important to acknowledge that on-line surveys do not provide statistically valid results, but rather they provide an easy and efficient opportunity for people to provide feedback.

As with many Council consultation processes often it is the most passionate / interested / impacted people who provide submissions, either for or against, and the challenge for any council is engaging with the entire community, as many people do not take the time, or have the time, to make a submission to Council.

To try and gauge the broader community sentiment, one method that has been used for the last ten years is an independent survey to obtain a more statistically accurate reflection of community sentiment. However Council chose to not pursue this as a method of consultation for this special rate variation.

### **Re-exhibition of the Delivery Program and Operational Plan**

Due to feedback from IPART advising the Delivery Program and Operational Plan did not sufficiently address Council's special rate variation application in 2017/18, Council staff sought their feedback whilst these documents were on re-exhibition throughout September and October 2017.

The advice received from IPART was that both documents clearly outlined the basis of the special rate variation in future years (2018/19 and 2019/20), and the documents satisfactorily explain the process of the temporary expiring special rate variation in 2017/18.

IPART advised that the approach from Ballina Shire Council was reasonable and we have covered off on their requirements.

### **Sustainability Considerations**

- **Environment**  
Contemporary works often incorporate environmentally sustainable initiatives.
- **Social**  
Council needs to be mindful of any social impacts that may arise from the imposition of extra Council charges.
- **Economic**  
Improved waterways can assist in promoting Ballina as a visitor or tourist destination. Modern and well maintained infrastructure is also seen as a positive benefit.

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

If Council resolves to proceed with the application there will be limited resource implications in completing the application.

If Council resolves not to proceed with the application it will be necessary to make savings in other recurrent programs to achieve the outcomes sought by the proposed special variation. Council will also not achieve financial sustainability which means that our assets will deteriorate over the medium to long term.

## 10.10 Special Rate Variation - Consultation

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### **Consultation**

A comprehensive consultation process has been undertaken including letters being sent to all ratepayers in the Shire, an on-line survey, advertising, media releases, promotion on Council's website and four public meetings.

### **Options**

The options available are not to proceed with an application to IPART, proceed, or proceed with an amended proposal.

The completed application has to be submitted to IPART by February 2018.

### ***Not Proceed***

Based on the written submissions and the on-line survey there are a number of objections to the proposal and Councillors may wish to support the residents who have taken the time to write or complete the on-line survey.

The advantage of this option is that it will reduce the cost of future increases in rates paid by property owners and lessen the burden on existing ratepayers.

The disadvantage of this option is that Council will continue to be under-funding its asset renewal program, which will, overtime, result in the long term deterioration of our infrastructure, increase the infrastructure backlog and increase our asset maintenance expenses. This then impacts on the overall financial sustainability of Council.

Council has a significant recurrent deficit in respect to its asset renewal program.

The presentation to the public meetings included a slide that demonstrated the annual depreciation expense for our core classes of infrastructure such as roads, stormwater, footpaths, buildings, open spaces etc is approximately \$10.0m per annum, and the Council recurrent budget, with regular grants is approximately \$6.7m, leaving a deficit of \$3.3m. It is not feasible to address the \$3.3m shortfall to eliminate this deficit through savings in existing operating expenses.

Therefore Councillors, as custodians of the infrastructure assets for the community, need to determine what strategy they wish to follow to ensure that our existing assets do not deteriorate over time.

The other disadvantage of this option is that Council will not be in a position to take a lead role in making a significant change to the health of our waterways, particularly the Richmond River.

### ***Proceed***

Councillors have the difficult task of making decisions in the best interests of the community and are entitled to make a decision that may not be popular, but may be considered to be the "right" decision taking into account the information available.

Some of the facts that support such a decision are:

## 10.10 Special Rate Variation - Consultation

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- a) Council has a responsibility to adequately maintain its infrastructure assets
- b) Deferring this type of decision only increases the future liability for Council
- c) Additional funds help to improve Council's overall financial position in respect to our operating result
- d) Additional funds in respect to the Healthy Waterways program will help turnaround the deterioration of the Shire's waterways
- e) Even if with this increase the overall average residential rates and charges account remains low compared to similar councils in this region
- f) In determining our last application for a permanent SRV, IPART stated "*that council has demonstrated the need for the proposed revenue in its LTFP and its community consultation*" (page 5 -25 May 2017). There is a need for this additional revenue based on Council's limited rate revenue and overall infrastructure base.

### ***Proceed with an amended application***

Council could resolve to proceed with a lower increase based on the feedback received. For example the Healthy Waterways Program could be deleted from the proposal, decreasing the overall increase by 1.5%. Another idea from the Ballina Public Meeting was to have a limited term for the Healthy Waterways Program (i.e. ten years) as that would then allow Council to reassess whether there have been benefits achieved.

If Council was to proceed with an amended application, the recommendation would be to amend the Healthy Waterways Program, as the funding for the asset renewal program is considered essential due to the recurrent funding deficiency, as compared to depreciation. It is also improves our annual operating result.

The Healthy Waterways Program does not improve our financial sustainability as additional revenue is totally offset by additional operating expenses, therefore this is more a change in service levels.

In respect to the recommendation, from a financial management perspective, it is critical that Council acts as reasonable custodians of the infrastructure we own or control. The asset renewal revenue is essential to the long term financial sustainability of Council therefore the recommendation is to proceed with the SRV application.

### **Delivery Program and Operational Plan**

The Delivery Program (2017/18 to 2020/21) and Operational Plan (2017/18), including the Long Term Financial Plan, were amended and re-exhibited to include extra information on the SRV based on feedback from IPART. No submissions were received and the recommendation asks Council to re-adopt those documents.

Copies of the re-exhibited documents are available on Council's website at the following link:

## 10.10 Special Rate Variation - Consultation

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[http://www.ballina.nsw.gov.au/cp\\_themes/default/page.asp?p=DOC-RMX-52-15-70](http://www.ballina.nsw.gov.au/cp_themes/default/page.asp?p=DOC-RMX-52-15-70)

Refer to the heading titled Current IPR Documents at that link (located in the Integrated Planning and Reporting quick link section of the website).

### RECOMMENDATIONS

1. That Council acknowledges the feedback from the community consultation process undertaken for the proposed special rate variation to finance the Healthy Waterways Program and increased asset renewal.
2. In acknowledging this consultation Council remains of the opinion that it is reasonable to proceed with the proposed special variation application for a number of reasons, including but not limited to:
  - a) It is essential that Council increases its level of rate income to finance an adequate level of asset renewal to reduce the risk of Council's infrastructure assets deteriorating over time
  - b) The funding of the Healthy Waterways Program will help Council improve the overall condition of the Shire's waterways
  - c) The additional rate income generated will improve Council's overall financial position and long term financial sustainability
  - d) The removal of the waste operations charge in 2017/18 has helped to reduce the financial impact of the additional increase in ordinary rates
  - e) Council is committed to minimising increases in the water, wastewater, waste and stormwater charges for the three year period from 2017/18 to 2019/20 to assist in lessening the financial impact on ratepayers.
3. That Council authorises the General Manager to submit an application to IPART for a special rate variation based on 9.3% in 2018/19 and 5.9% in 2019/20.
4. That Council adopts the amended Delivery Program (2017/18 to 2020/21) and Operational Plan (2017/18), including the Long Term Financial Plan, as exhibited.

### Attachment(s)

1. Public Meetings - Presentation
2. Submissions
3. Confidential Submission (Under separate cover)
4. Summary of responses to on-line survey
5. Responses to on-line survey Question 4
6. Responses to on-line survey Question 7
7. Responses to on-line survey Question 8
8. Responses to on-line survey Question 11

## 10.11 Water Leak - Write-off

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### 10.11 Water Leak - Write-off

**Delivery Program** Financial Services

**Objective** To obtain Council approval to write-off water charges resulting from an unreported water leak event.

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#### **Background**

Council charges water consumption to owners who are connected to mains with meters read on a quarterly basis and charges raised using the readings.

This report relates to a water leak event that through a number of circumstances resulted in a significant water bill to the property owner.

Due to the circumstances the report seeks Council approval to write-off the water charges.

#### **Key Issues**

- Equity in charging of water consumption charges following a leak event
- Circumstances that contributed to the charges

#### **Information**

Up to 30 September 2016, two parcels of land at 14 Dulcett Lane (Lot 13 DP 1059499) and Lismore Road Wollongbar (Lot 10 DP 1059499) were rated as a single assessment, with two water meters servicing the property. A location map is attached.

The northern parcel, Lot 10, was sold on 30 September 2016, and both meters were transferred by Council staff to the new assessment for the 14 Dulcett Lane property, in error.

A high water consumption of 440 kilolitres (KL) was recorded on one of these water meters (ref 04W723088) for the December 2016 quarter with staff twice phoning in attempt to advise the owner of the high consumption however both calls went to message bank. The 440 kilolitres (\$1,053.92) was billed to the property owner (Tabalon Pty Ltd) with charges subsequently paid by them.

From that point through to August 2017, due to the changeover to a new meter reading contractor, the knowledge of where the meter could be located was lost and the meter was not able to be located by Council staff, or the new meter reading contractor. This meant that actual readings were not available.

Council accepted a tender for meeting reading services at the December 2016 Ordinary meeting and the successful tenderer was a new contractor.

For the March 2017 and June 2017 meter readings there were actually 650 and 300 meters respectively, unable to be located by the new meter reading contractor, with meter 04W723088 being one of the meters missed.

## 10.11 Water Leak - Write-off

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Due to the high number of missed meters in March 2017 it was necessary to estimate readings based on the same consumption recorded for the December 2017 quarter for billing purposes.

Meter 04W723088 was one of the meters requiring an estimated meter reading. All affected property owners were advised of this estimation by letter. Consequently a further 440 kilolitres (\$1,416.80) was billed to the property owner (Tabalon Pty Ltd) with charges subsequently paid by them.

For the June 2017 billing, meter 04W723088 was again unable to be located by the reading contractor or Council staff. With no reading available, nil consumption charges were raised for the June 2017 billing period.

Following the June 2017 quarter water billing processing, the property owner (Mr Porter of Tabalon Pty Ltd) was contacted to advise of the estimated meter readings and to also request information for the location of meter 04W723088.

Mr Porter advised that meter 04W723088 was connected to the part of the property that was previously sold on 30 September 2016.

This meant that Council had levied water charges to the incorrect assessment and owner for the December 2016 and March 2017 quarters. An adjustment to reverse charges incorrectly raised to Tabalon Pty Ltd was processed.

Council staff visited the property on 3 August 2017 to locate the meter which they were successful in finding. A reading was taken and it was noted that the meter was registering consumption constantly, indicating a possible leak.

The new owner (Greenlife Properties Pty Ltd) was immediately contacted to advise them of the leak, which was repaired the following day. It was confirmed that the meter was servicing a cattle trough on the property, and this was the site of the leak. It appears the connection may have been damaged by the cattle.

In reviewing this matter, a number of circumstances contributed to the length of time that the leak occurred. This included Council's error in not reading the meter for nine months, or then billing or contacting the owner to advise of the high consumption.

It follows that without prompting by Council, the owner and tenant was unaware of the leak occurring on the property.

In regard to charges, the consumption charges of \$1,053.92 for the period 7 September to 8 December 2016 should stand as this bill is fully payable by the owner.

The excess consumption charges for the period 8 December 2016 to 15 September 2017 would amount to \$36,032.37 with this figure excluding an amount of \$1,318.66 which is an estimate to allow for normal consumption levels. That amount of \$1,318.66 should remain payable by the owner.

The property is eligible for a concealed leak adjustment, and after being charged at step one only it would reduce the amount due by \$12,000.90, leaving a balance of \$24,031.47 due, excluding the \$1,318.66 for normal consumption.



## 10.11 Water Leak - Write-off

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The issue now is whether the balance of \$24,031.47 should be due and payable by the property recognising the circumstances that contributed to this event.

### **Sustainability Considerations**

- **Environment**  
Excess water usage has negative environmental impacts.
- **Social**  
Water accounts can place financial pressure on a person or family.
- **Economic**  
If written off in full, Council would forgo \$24,031.47 of water charges income, being the step one charge for the leak.

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

Property owners are liable for water consumption charges for water metered at the property. Council is responsible for reading meters and billing on a quarterly basis and advising owners of readings and billing on a timely basis.

### **Consultation**

Upon contact from Council staff, the owner and the tenant took immediate steps to repair the leak.

### **Options**

The options are to approve or decline a write-off of the water charges for the leak event.

The preferred option is to approve a write-off of the full amount remaining after the step two adjustment and excluding the normal consumption.

This is due to the circumstances where a leak occurred during a time where Council staff and the reading contractor were unable to locate and read the meter, and that the owner did not receive consumption charges for two quarters, or advised of the leak by Council.

### **RECOMMENDATION**

That based on the contents of this report and the circumstances that contributed to this event, Council approves the write off of \$24,031.47 for water consumption charges.

### **Attachment(s)**

1. Locality Map - 14 Dulcett Lane and Lismore Road, Wollongbar

## 10.12 Policy (Review) - Community Consultation

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### 10.12 Policy (Review) - Community Consultation

**Delivery Program**      Communications

**Objective**              To review the Community Consultation Policy.

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#### **Background**

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

Council first adopted this policy in September 2009, and it was most recently reviewed in 2013. The purpose of the policy is to:

- Identify appropriate levels of community engagement
- Establish guidelines for community engagement strategies
- Ensure the guidelines are implemented consistently by Council officers and external consultants engaged by Council
- Ensure that decision-making processes adequately and accurately report outcomes of community engagement processes and
- Comply with relevant legislative requirements and other Council policies.

Principally, the policy outlines Council's community engagement framework and provides guidance with respect to consultation options when preparing community engagement/consultation strategies for Council projects and programs.

#### **Key Issues**

- Ensure the policy meets the requirements of Council and current legislation
- Consultation methods identified

#### **Information**

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

- The template for Council policies has changed since this policy was adopted and the new template includes information on definitions and policy history.
- The contents have been updated to reflect the Council's relevant committees and new communication channels.

The new inclusions have been marked in yellow. Proposed deletions are struck through. Otherwise the policy is still contemporary and reflects current legislation therefore no further changes are recommended.

## 10.12 Policy (Review) - Community Consultation

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A copy of the amended policy is attached to the report.

### **Sustainability Considerations**

- **Environment**  
The policy provides opportunities for the community to provide input into Council's decision making processes relating to the environment, social and economic matters.
- **Social**  
As above
- **Economic**  
As above

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

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

The implementation of this policy is consistent with Council's current legal responsibilities, and is also considered to entail sound governance practice in terms of the Council's engagement with our community.

The Office of Local Government recommends that councils have a documented community consultation policy.

### **Consultation**

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

### **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 Community Consultation 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, no further action is required.

### **Attachment(s)**

1. Policy (Review) - C14 Community Consultation

## **10.13 Policy (Review) - Code of Meeting Practice**

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### **10.13 Policy (Review) - Code of Meeting Practice**

**Delivery Program**      Communications

**Objective**                      To review the Council's Code of Meeting Practice.

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#### **Background**

At the September 2017 Ordinary meeting Council received a report reviewing the Code of Meeting Practice.

The report resulted in the deferral of the review to a briefing. That briefing was held Tuesday 31 October 2017 with Councillors Wright, Meehan, Parry, Johnson, Johnston, McCarthy, Willis and Cadwallader present.

A number of items in respect to the Code of Meeting Practice were discussed at that briefing and the report that follows provides feedback on the matters raised.

#### **Key Issues**

- Ensure the Code of Meeting Practice reflects how the elected Council wishes to conduct its meetings
- Compliance with the Local Government Act and Regulations

#### **Information**

The report to the September 2017 Ordinary meeting included the following minor changes to the existing policy;

- Clause 3.3 (5) – The clause currently states that requests for funding of community groups or individuals from Section 356 of the Act cannot be dealt with by notice of motion.

It is recommended that this clause be deleted as there may well be instances where this has been breached in notices of motion. The practice, in recent years, has been more towards advising applicants for donations that the funding is only considered once per annum and typically applicants have had to ask Councillors for support through a notice of motion.

- Clause 4.1 – Closure of part of meeting – The current clause states that a member of the public has ten minutes to object / respond to a part of a meeting being closed.

This does not occur as the Mayor asks for any objections and if there are no objections the closure proceeds. The ten minutes should preferably read one minute, as a minimum practical time.

- Clause 6.4 (8) – Non-pecuniary conflicts of interest – This clause outlines an exceptional circumstance relating to non-pecuniary conflicts of interest and is considered unnecessary in the Code of Meeting Practice.

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- Clause 8.4 (6) – Audio and visual recordings. This clause makes reference to copies of the meetings being available at a fee. These recordings are now available online, at no charge, and it is recommended that the wording be expanded to confirm that availability.

It is also recommended that clauses 8.4 (5) and (6) be expanded to confirm Council will record Extraordinary and Reserve Trust meetings, as actual resolutions are passed at those meetings. This way all meetings, where decisions are made, will be recorded.

It is still recommended that these amendments be included in the updated Code of Meeting Practice, a copy of which is attached.

Points for discussion raised at the Councillor briefing were:

### ***Amending clause 2.1 (2) to reduce the number of Ordinary meetings***

Clauses 2.1 (2) states:

- *Clause 2.1 (2) - There will be one Ordinary Meeting of the Council, held on the fourth Thursday, each month, commencing at 9:00 am with the exception of the December meeting which will be held on the third Thursday. Meetings will be held in the Council Chamber, Corner of Cherry and Tamar Streets, Ballina.*

To compare Council's current practice (meeting every month) a review of similar councils in the region was undertaken which identified that:

- Byron Shire - Ordinary meetings held on a three weekly meeting cycle excluding January and July each year. For 2016 this resulted in 13 Ordinary meetings due to the three weekly cycle
- Tweed Shire – Hold a Planning Committee meeting and an Ordinary meeting every month.
- Lismore City – Has 11 meetings per annum and does not have a meeting in January. Ordinary meetings are held on the second Tuesday of the month. Discussions with Lismore City Council staff indicate that they don't have any real difficulties with the closure period between December and February.

If Council was looking at a month not to have a meeting the logical options would be:

- December or January – Christmas / New Year Period or
- July – being the commencement of the new financial year, with the period leading up to the financial year normally busy in preparing new Delivery Program / budget etc.

A review of the business papers for the past three years for those months indicates that:

### 10.13 Policy (Review) - Code of Meeting Practice

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- December – usually busy with a number of planning related matters and tenders being reported to Council – there is often a rush towards the end of the calendar year
- July – A mixture of reports with July 2016 being a relatively large business paper
- January – These business papers tended to be the smallest in respect to reports. A major part of the January 2016 and January 2017 business papers were Councillor notices of motion, with six and seven respectively.

If Council was looking to cancel a monthly meeting, January would be the recommendation based on historical content.

The one concern with this is the determination of development applications (DAs) with January 2017 having three DA reports and 2016 four.

Council needs to be mindful that applicants have an expectation that DAs will be assessed in a reasonable period. The cancellation of the January meeting will result in a four or five week delay in the determination of any application that would normally be submitted to the January meeting.

This report does not recommend cancellation of the January meeting as the period between the third Thursday in December (normal December Ordinary meeting) and the fourth Thursday in January is usually five weeks which is a reasonable break.

If no January meeting was held the break between meetings will be approximately nine weeks, and sometimes ten, which does seem to be an excessive time period.

As an aside to this, the December 2017 Ordinary meeting has been scheduled for 14 December 2017, primarily as the third Thursday is very close to Christmas. Council resolved to make this change in June this year.

This provides a six week break between the December and January meetings for 2017/18. Council may wish to consider having the December meeting in the second week of December, as a permanent change, as that does provide a good break between these meetings.

#### ***Acknowledgement of Country***

Clauses 3.1 (1) and (2) state as follows:

- (1) Each Ordinary Meeting of Council will commence with the performance, by a school or other organisation, of the Australian National Anthem.
- (2) After the National Anthem, the Chairperson will provide an 'Acknowledgement of Country' to show respect for the Traditional Custodians of the land on which the meeting is taking place. The following wording, as preferred by Jali Aboriginal Land Council, should be read by the Chairperson at the commencement of each Meeting:

*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.*

## 10.13 Policy (Review) - Code of Meeting Practice

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There was agreement at the briefing that the Chair should be entitled to provide their own wording for the Acknowledgement of Country. On this basis the second sentence, including the italics, can be removed from clause 3.1 (2).

It was also discussed that the Acknowledgement of Country should be included in the agenda for Reserve Trust meetings and Extraordinary meetings, as these are meetings where decisions are made.

This recommendation is included in the revised clause 3.1 (2) as per the attachment.

### ***Speaking for and against***

It was agreed that the Chair should call speakers on a for and against basis to assist with the debate and to possibly avoid unnecessary speeches.

Byron Shire Council's Code of Meeting Practice follows this approach; i.e.

*25.4 The Chairperson will call for Councillors to speak on a for and against basis.*

*25.5 Once the Chairperson has called for speeches against the motion or amendment without responses:*

*(a) if the seconder has reserved their right to speak, they shall now do so:  
(b) if not (or else after the seconder has spoken) no further speeches are to be called and the Chairperson shall call for a reply from the mover; and then put the matter to the vote.*

In this situation, once there is no speaker against a motion or amendment, the right of reply is exercised. There are questions over the legality of this as clause 250 (2) of the Local Government (General) Regulation states as follows:

*(2) A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.*

The Code of Meeting Practice cannot override the Local Government Act or Regulations therefore councillors are entitled to speak once on the motion or amendment, no matter what the Code of Meeting Practice might state.

Nevertheless by calling speakers on a for and against basis it becomes clearer to the meeting what the position of Councillors may be on a matter and it can result in some efficiencies and time saving in the meeting. Therefore it is recommended that Council include a new sub-clause in clause 3.15 as follows:

*Clause 3.15 (8) - The Chairperson will call for Councillors to speak on a for and against basis.*

The time limit for speaking was also mentioned in the briefing. The existing Code of Meeting Practice has a five minute limit already (clause 3.15 (3)) and staff will need to be more rigorous in ensuring Councillors comply with this clause. Byron Shire has a time limit of three minutes.

### ***Deputation guidelines***

Clause 8.5 provides the deputation guidelines. To avoid the perception of conflicts of interest it is recommended that an additional sub-clause is added to these guidelines as follows:

*d) To avoid conflicts of interest, real or perceived, deputations will not be accepted from:*

- *Tenderers during a public tender or request for quotation*
- *Persons or representatives from organisations seeking financial support from Council that involves an expression of interest*
- *Consultants who are engaged by Council on the matter the subject of the deputation.*

It is also recommended that the deputations be grouped together on a for and against basis. This can be included in clause 8.5 a).

The recommendation is to have the opposition first and the affirmative second to allow the speaker in the affirmative to respond to matters raised.

### ***Recording of deputations and public question time***

Council currently does not record deputations and public question time. The background to this is that when Council started recording meetings there were concerns expressed in documents provided by PrivacyNSW about the possible release of private information.

These concerns are no longer considered valid and it is recommended that we record both these items. This saves staff having to start and stop the recording and helps with transparency for the entire meeting.

This means a slight change to clause 8.4 (6).

### ***Food and drinks***

Clause 8.8 states as follows

*Food and beverage should not be consumed in the Council Chambers during the course of Ordinary and Extraordinary Council Meetings.*

There was consensus at the briefing that Councillors should be entitled to have a drink in the Chambers, recognising that water is already provided. The proposed amendment to this clause is as follows:

*Food and beverage are not to be consumed in the Council Chambers during the course of Ordinary and Extraordinary meetings and Committee meetings, with the exception that Councillors are entitled to refreshments, excluding alcohol.*

### ***Order of business - deputations and number of people in the gallery***

Council currently changes the order of business to assist in responding to the number of people in the gallery or deputations.



## 10.13 Policy (Review) - Code of Meeting Practice

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The order of business is referenced in clauses 3.1 (3) and (4) of the Code of Meeting Practice which state as follows:

- (3) *At a meeting of a Council (other than an extraordinary meeting), the general order of business is (except as provided by Regulation) as fixed by Schedule 1 of Council's Code of Meeting Practice or as fixed by resolution of the Council. (Schedule 1 attached).*
- (4) *The order of business fixed under subclause (3) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.*

This is actually an extract from clause 239 of the Local Government (General) Regulations. This means it is important Council does not include a clause that is contrary to the Regulations.

To recognise Council's current practice the following wording could possibly be included as an additional sub clause in clause 3.1;

*(6) The order of business may be changed by the Chair to assist Council in considering matters, in a timely manner, that have been raised through a deputation or are of interest to a major portion of the gallery present, subject to there being no opposition to that change from the Councillors present.*

### **Delegates' reports**

There was also a request for a delegates' report item to be included in the agenda. The current order of business (Schedule 1 of the Code of Meeting Practice) already includes the following item:

*12) Reports from Councillors on Attendance on Council's behalf*

This item does not need to be amended as it already provides the opportunity for delegates to submit reports. What is actually missing is the reports from Councillors acting as delegates for Council.

### **Sustainability Considerations**

- **Environment**  
Not Applicable
- **Social**  
The Code of Meeting Practice helps to provide consistency and equity in the management of meetings.
- **Economic**  
Not Applicable

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

To comply with the Local Government Act (the Act) Council must have a Code of Meeting Practice and the Code cannot override any elements of the Act. Councils can add extra requirements, so long as they are not inconsistent with the Act.

## **10.13 Policy (Review) - Code of Meeting Practice**

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### **Consultation**

Sections 361 and 362 of the Local Government Act require changes to the Code of Meeting Practice to be exhibited for at least 28 days, with 42 days to be allowed for submissions.

The changes can only be adopted following a report submitted to Council on the submissions received. This means if changes are recommended they will need to be exhibited for public comment.

The Office of Local Government has been looking to issue a Model Code of Meeting Practice following consultation with the industry however to date that Model Code has not been produced.

### **Options**

The options depend on any changes Councillors would like to see made to the existing Code.

There are a number of changes recommended in this report and those changes are identified in yellow in the attached document. Any further changes Councillors would like to see included will need to be added to the recommendation.

As per Sections 361 to 362 of the Local Government Act the changes will need to be exhibited for public comment prior to being adopted and implemented by Council.

### **RECOMMENDATION**

That Council approves the exhibition of the amended Code of Meeting Practice, as per attachment one to this report.

### **Attachment(s)**

1. Policy (Review) - Code of Meeting Practice

## **10.14 Policy (Review) - Christmas and New Year Office Arrangements**

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### **10.14 Policy (Review) - Christmas and New Year Office Arrangements**

**Delivery Program**      Communications

**Objective**                      To review the Christmas and New Year Office Arrangements Policy.

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#### **Background**

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Christmas and New Year Office Arrangements policy. Council first adopted this policy in October 2013.

#### **Key Issues**

- Ensure the policy meets the requirements of Council and current legislation

#### **Information**

Council, for many years, has had a policy / practice of closing the Administration Centre for the normal working days during the Christmas / New Year period. This decision was made on an annual basis and the closure period equates to three working days, although the actual period the office is closed ranges from seven to ten days once public holidays and weekends are included.

The office based staff were traditionally granted three days additional annual leave in lieu of overtime worked during the year when this closure occurred.

With the ever increasing size of Council the practice of granting all office based staff the three days without any accountability or documentation ceased in 2012 to ensure that time in lieu for the Christmas / New Year was documented during the year. This meant that staff without adequate accrued time in lieu then had to take leave during the closure period.

When this change occurred it resulted in some industrial unrest as it had been a long standing practice to provide this time to all office based staff without any documented accrued time. At that time, as part of the industrial negotiations, a formal documented policy was prepared and adopted by Council. A copy of that policy is attached to this report with the policy outlining the agreed system now in place.

A review of this policy has not identified any significant changes with only one slight amendment marked in yellow relating to community facilities.

The Lennox Head Cultural and Community Centre and the Northern Rivers Community Gallery also close down during this period. Staff at those centres are employed as salaried officers (i.e. salaried staff are employed on a 35 hour week) whereas wages staff (being the field based staff) are employed on a 38 hour week, as per the Local Government State Award.

## **10.14 Policy (Review) - Christmas and New Year Office Arrangements**

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Other facilities where there may be salaried staff at the Visitor Centre, Waste Centre and Depot are not covered by this policy as those centres continue to operating during the Christmas / New Year holiday period.

### **Sustainability Considerations**

- **Environment**  
Not Applicable
- **Social**  
Not Applicable
- **Economic**  
There was a significant direct cost to the community in providing the automatic three days to all salaried staff. Under the policy the number of staff accruing time in lieu has averaged around 40 per annum. There is a total of approximately 140 eligible office staff. This type of policy has to be balanced against productivity and morale for staff members.

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

There are no implications in re-adopting the policy as it represents the status quo.

### **Consultation**

As the time the policy was prepared there was significant consultation between Council and the various local government unions. Exhibition is not recommended for this policy as it is the result of an industry agreement.

### **Options**

Council may re-adopt the existing policy or consider changes. Any changes of significance would need to consider industrial advice (i.e. Council could decide to rescind the policy and remain open at Christmas).

On balance the closure during the Christmas / New Year period is still considered reasonable as experiences with other councils opening during this period has confirmed very little in the way of customer's attending the Administration Centre. Importantly all Council's essential services, water, wastewater, waste collection, roads, opens spaces etc continue to operate during the Christmas / New Year period.

As the policy reflects an industrial agreement it is not recommended that Council make any changes and the recommendation is to re-adopt the policy.

### **RECOMMENDATION**

That Council adopts the Christmas and New Year Office Arrangements Policy, as attached to this report.

### **Attachment(s)**

1. Policy (Review) - Christmas and New Year Office Arrangements

## **11.1 Festival and Event Sponsorship (Community and Commercial) Program**

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

#### **11.1 Festival and Event Sponsorship (Community and Commercial) Program**

**Delivery Program**      Open Spaces and Reserves

**Objective**              To allocate funding for the Festival and Events (Community and Commercial) Sponsorship Program for the 2018/19 financial year.

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#### **Background**

The Festival and Event (Community and Commercial) Sponsorship Program (previously The Festival and Event Support Program) is now in its seventh year. The program was established in 2010 to provide funding to eligible community groups who co-ordinate events and festivals in the Ballina Shire.

The program is guided by two policies being Council's Festivals and Events (Community) Sponsorship Program and the Festivals and Events (Commercial) Sponsorship Program, copies of which are available on our website.

These policies were updated and amended in July 2017 to include the additional Commercial Sponsorship Policy that entitles commercial groups to also be able to apply for funding under the existing funding program.

Both policies provide that Council will invite submissions from the community for funding support, with an expression of interest process having recently been completed for the 2018/19 funding program. This report deals with the outcomes from that process.

#### **Key Issues**

- Equitable process for organisations seeking event support

#### **Information**

The Festival and Event (Community and Commercial) Sponsorship Program application period opened for four weeks from the end of September to October 2017, with applications received from ten organisations as follows:

<b>Name of organisation</b>	<b>Name of event</b>	<b>Request (\$)</b>
Quota International of Alstonville Wollongbar Inc	Quota Club of Alstonville Craft & Garden Fair 2018	5,000
The Rotary Club of Ballina-on-Richmond	Ballina Food and Wine Festival 2018	15,000
Lennox Head Chamber of Commerce	Love Lennox Festival 2019	15,000
Ballina District Minister's Association	Riverside Carols 2018	5,000
Le Ba Boardriders	Skullycandy Oz Grom Open 2018	30,000
Ballina Chamber of Commerce	Ballina Prawn Festival 2018	30,000
Alstonville Agricultural Society	New Year's Event Family Festival 2018/19	20,000
Cherry Street Sports Club	Ballina Country Music Fest	30,000
Festival of the Word Inc	The Festival of the Word	10,000
Life Education – Northern Rivers, Tweed, Byron – Local Action Group	Healthy Harold Family Fun Day	23,000
<b>TOTAL</b>		<b>183,000</b>

## **11.1 Festival and Event Sponsorship (Community and Commercial) Program**

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The budget allocation for the program in 2018/19 is \$120,000.

### Policy Implications

The application from the Ballina District Minister's Association for Riverside Carols 2018 does not meet the minimum threshold of expenditure. An extract from the policy is below:

*To be eligible for support, the total cost of the festival or event must be estimated at over \$20,000, with a minimum of \$15,000 allocated towards cash expenses, excluding Council's contribution.*

The purpose of this clause is to ensure this funding is applied to events of a certain size and scale, whereas Council's annual community donations program should be the funding source for smaller events.

Whilst the Riverside Carols do not meet the criteria, they have historically been funded previously from the Festival and Event Support Funding Program, as Council has supported this event to ensure there is some form of Christmas carol celebration in Ballina.

### Country Music Festival

In October 2016, Council received correspondence from the Rotary Club of Ballina advising that they did not require the \$25,000 that had been allocated from the Festival and Event Funding Program in the 2016/17 financial year, for the Ballina Coastal Country Music Festival, scheduled to be held in June 2017. Their reasoning was due to the lack of available resources and a decline in membership to continue to host the event.

Subsequent to that advice, Council was advised that the Cherry Street Sports Club sought to host the Ballina Country Music Fest in September 2017 however, due to club renovations, the date was changed to November 2017. Council approved that the funds of \$25,000 be rolled over from the 2016/17 financial year to the current 2017/18 financial year.

### QSM Sports – Ballina Triathlon 2018

Council received a proposal by a commercial sports event organisation, QSM Sports who sought financial assistance from Council to assist in developing a Ballina Triathlon in 2017. Council approved an amount of \$9,500, with a commitment over a three year period on a sliding scale.

The benefits of their proposal included the potential of 1,200 competitors visiting the region and an estimated economic injection of \$800,000. The event is consistent with Council's Ballina Shire Destination Management Plan 2014 to 2020, and Ballina has been identified as a good venue to host triathlons based on an audit undertaken by Complete Sports Marketing in 2010.

Unfortunately they were unable to provide all of their event application information required within an appropriate time frame to allow reasonable time for community consultation and notification to affected residents and businesses.

## 11.1 Festival and Event Sponsorship (Community and Commercial) Program

At the July 2017 meeting Council resolved “that a Festival and Events (Commercial) – Sponsorship Program budget be established for 2018/19 onwards based on a re-allocation of \$15,000 from the existing Festivals and Events (Community) Program budget (currently \$120,000 recurrent).”

It was also determined, that the \$9,500 previously approved, be applied for the 2018/19 financial year to allow sufficient time for QSM Sports to submit their event application with reasonable time for community consultation and notification.

### Truckstop Sk8 – Fair Go

It was resolved at the August 2017 meeting, after a rescission motion, to award \$4,000 funding for the 2017 Fair Go Skateboarding event that was held as an element of the Ballina Prawn Festival.

A finance agreement must be executed by the General Manager, including an appropriate acquittal process and further, that Council is to receive a report on options for future events after the event. That report will now be prepared following the conclusion of this year’s Prawn Festival.

### Previous Funding

The following table provides a summary of funding allocated by Council for the last four financial years for the applicants for 2017/18.

Name of organisation	Name of Event	2014/15 Funded	2015/16 Funded	2016/17 Funded	2017/18 Funded	2018/19 Request
Quota International of Alstonville Wollongbar Inc	Quota Club of Alstonville Craft and Garden Fair 2018	0	0	5,000	5,000	5,000
Le Ba Boardriders	Skullcandy Oz Grom Open 2018	15,000	15,000	20,000	25,000	30,000
Lennox Head Chamber of Commerce	Love Lennox Festival 2019	**800	**2,500	10,000	15,000	15,000
Ballina & District Minister’s Association	Riverside Carols 2018	**5,000	5,000	5,000	**5,000	5,000
Alstonville Agricultural Society	New Year’s Eve Family Festival 2018/19	15,000	15,000	15,000	20,000	20,000
Ballina Chamber of Commerce	Ballina Prawn Festival 2018	35,000	35,000	30,000	30,000	30,000
Rotary Club of Ballina-on-Richmond	Ballina Food and Wine Festival 2018	5,000	15,000	25,000	10,000	15,000
Cherry Street Sports Club	Ballina Country Music Fest	*20,000	*25,000	*25,000	25,000	30,000
QSM Sports	Ballina Triathlon 2018	0	0	0	9,500	9,500

\*Applicant for 2014 was Ballina Coastal Country Music Inc. For 2015 and 2016 the application was the Rotary Club of Ballina

\*\*Funded under the Community Donations Program

The reference to the Community Donations Program is important as Council has, at times, allocated funding for events through that program, which has an annual allocation of approximately \$60,000.

The Community Donations Program does not have any criteria regarding the overall expenditure for an event, or an organisation, and the application from the Ballina District Minister’s Association is better suited to that program.

## **11.1 Festival and Event Sponsorship (Community and Commercial) Program**

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If Council is supportive of that event the recommendation is to allocate the monies, however the requested \$5,000 should be transferred from the Festival and Event (Community and Commercial) Sponsorship Funding Program budget to the Community Donations budget for 2018/19.

### **Sustainability Considerations**

- **Environment**  
Events are managed to limit adverse environmental impacts.
- **Social**  
Events provide social benefits to the broader community.
- **Economic**  
Events make a positive contribution to the local economy.

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

The Festival and Event (Community and Commercial) Sponsorship Programs are identified in Council's Delivery Program 2017/18 – 2019/20 and Long Term Financial Plan, with a \$120,000 budget forecast for 2018/19.

The process to approve the funding distribution is completed ahead of the standard timeline for the budget process as there is a need for festival and event organisers to be aware of their overall budget prior to commencing their planning and development phase and this can involve an extended period of time.

In addition to the direct cash allocations provided by Council, significant staff resources support the operations of events, with this expenditure absorbed within the staff salary budgets.

### **Consultation**

The Festival and Event (Community and Commercial) Sponsorship Programs were open for four weeks from 27 September to 27 October 2017.

It was promoted through a number of channels including:

- Advertised in the Ballina Shire Advocate
- Distributed media releases to outlets
- Letters to previous recipients
- Information on Council's website
- Emails to event organisers
- E-blast to event organisers through the Council database

### **Options**

The Festival and Event (Community and Commercial) Sponsorship Programs for 2018/19 has a budget of \$120,000.

The total amount requested is \$183,000 which exceeds that amount by \$63,000.



## 11.1 Festival and Event Sponsorship (Community and Commercial) Program

### Option One

Allocate funds to applicants that have met the eligibility criteria, within the current budget allocation of \$120,000. One way to achieve this is to reduce each request by 34%.

Name of Organisation	Name of Event	Funding request (\$)	Option One (\$)
Rotary Club of Ballina on Richmond	Ballina Food and Wine Festival 2018	15,000	9,900
Quota International of Alstonville/Wollongbar	Quota Club of Alstonville Craft and Garden Fair 2018	5,000	3,300
Cherry Street Sports Club	Ballina Country Music Fest 2018	30,000	19,800
The Festival of the Word Inc	Festival of the Word	10,000	6,600
Alstonville Agricultural Society Inc	New Year's Eve Family Event	20,000	13,200
Lennox Head Chamber of Commerce	Love Lennox Festival 2018	15,000	9,900
Le Ba Boardriders	Skullcandy Oz Grom Open 2018	30,000	19,800
Life Education – Northern Rivers, Tweed, Byron – Local Action Group	Healthy Harold Family Fun Day	23,000	15,180
Ballina Chamber of Commerce & Industry	Ballina Prawn Festival 2018	30,000	18,800
Ballina and District Minister's Association	Riverside Carols 2018	5,000	3,300
<b>TOTALS</b>		<b>183,000</b>	<b>120,780</b>

The advantage of this option is that all events are reduced by the same amount.

The disadvantage is for a small event 34% may have a bigger impact on the event budget when compared to a larger event, and secondly, this distribution does not prioritise the relative benefits of different events to the community, or consider which events potentially need more support such as events still trying to be established and improve their financial viability.

### Option Two

Allocate funds to applicants that have met the eligibility criteria based on amounts provided in previous years.

Name of Organisation	Name of Event	Funding request (\$)	Option Two (\$)
Rotary Club of Ballina on Richmond	Ballina Food and Wine Festival 2018	15,000	10,000
Quota International of Alstonville/Wollongbar	Quota Club of Alstonville Craft and Garden Fair 2018	5,000	5,000
Cherry Street Sports Club	Ballina Country Music Fest 2018	30,000	25,000
The Festival of the Word Inc	Festival of the Word	10,000	0
Alstonville Agricultural Society Inc	New Year's Eve Family Event	20,000	20,000
Lennox Head Chamber of Commerce	Love Lennox Festival 2018	15,000	15,000
Le Ba Boardriders	Skullcandy Oz Grom Open 2018	30,000	25,000
Life Education – Northern	Healthy Harold Family Fun	23,000	0

## 11.1 Festival and Event Sponsorship (Community and Commercial) Program

Name of Organisation	Name of Event	Funding request (\$)	Option Two (\$)
Rivers, Tweed, Byron – Local Action Group	Day		
Ballina Chamber of Commerce & Industry	Ballina Prawn Festival 2018	30,000	30,000
Ballina and District Minister's Association	Riverside Carols 2018	5,000	5,000
<b>TOTALS</b>		<b>183,000</b>	<b>135,000</b>

The advantage of this option is that it maintains the level of support Council has previously provided.

The disadvantage is it does not reassess the relative of priorities if Council was of the mind changes are needed.

This distribution model also results in some over expenditure of the budget allocation.

### Option Three

Allocate funds to applicants that have met the eligibility criteria, within the current budget allocation of \$120,000, based on amounts provided in previous years and reducing the funding for larger events that have a history of funding from Council.

The following table represents the consensus from the Councillor briefing held to discuss the applications. Under this model the new applicants do not receive any funding.

The rationale for this is Life Education already receives other Council support and the proposed event is specifically aimed at the primary school age group only.

For the Festival of the Word the application includes wages for a Volunteer Coordinator which makes them ineligible for funding for an amount of \$6,000.

The scale of this event at this point in time is also inconsistent with the scale of the other events seeking support.

Name of Organisation	Name of Event	Funding request (\$)	Option Three (\$)
Rotary Club of Ballina on Richmond	Ballina Food and Wine Festival 2018	15,000	10,000
Quota International of Alstonville/Wollongbar	Quota Club of Alstonville Craft and Garden Fair 2018	5,000	5,000
Cherry Street Sports Club	Ballina Country Music Fest 2018	30,000	20,000
The Festival of the Word Inc	Festival of the Word	10,000	0
Alstonville Agricultural Society Inc	New Year's Eve Family Event	20,000	20,000
Lennox Head Chamber of Commerce	Love Lennox Festival 2018	15,000	15,000
Le Ba Boardriders	Skullcandy Oz Grom Open 2018	30,000	25,000
Life Education – Northern Rivers, Tweed, Byron – Local Action Group	Healthy Harold Family Fun Day	23,000	0
Ballina Chamber of	Ballina Prawn Festival 2018	30,000	20,000

## 11.1 Festival and Event Sponsorship (Community and Commercial) Program

Name of Organisation	Name of Event	Funding request (\$)	Option Three (\$)
Commerce & Industry			
Ballina and District Minister's Association	Riverside Carols 2018	5,000	5,000
<b>TOTALS</b>		<b>183,000</b>	<b>120,000</b>

Based on the information in this report and the general consensus of the Councillors attending the briefing, option three is recommended.

### RECOMMENDATIONS

1. That Council award the following funding allocations for the 2018/19 Festival and Events Program.

Name of Organisation	Name of Event	(\$)
Rotary Club of Ballina on Richmond	Ballina Food and Wine Festival 2018	10,000
Quota International of Alstonville/Wollongbar	Quota Club of Alstonville Craft and Garden Fair 2018	5,000
Cherry Street Sports Club	Ballina Country Music Fest 2018	20,000
The Festival of the Word Inc	Festival of the Word	0
Alstonville Agricultural Society Inc	New Year's Eve Family Event	20,000
Lennox Head Chamber of Commerce	Love Lennox Festival 2018	15,000
Le Ba Boardriders	Skullcandy Oz Grom Open 2018	25,000
Life Education – Northern Rivers, Tweed, Byron – Local Action Group	Healthy Harold Family Fun Day	0
Ballina Chamber of Commerce & Industry	Ballina Prawn Festival 2018	20,000
Ballina and District Minister's Association	Riverside Carols 2018	5,000
<b>TOTAL</b>		<b>120,000</b>

2. That the budget for the Festival and Events Program for 2018/19 be reduced by \$5,000 and the budget for Community Donations be increased by the same amount to facilitate a donation to the Ballina and District Minister's Association as per the table above. The reason for this is the application is more suited to the Community Donations program, albeit Council has supported the event historically from the Festivals and events program.

### Attachment(s)

Nil

## **11.2 Alcohol Free Zones - Lennox Head, Alstonville, Ballina and Wardell**

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### **11.2 Alcohol Free Zones - Lennox Head, Alstonville, Ballina and Wardell**

**Delivery Program** Open Spaces and Reserves

**Objective** To seek endorsement for the re-establishment of the Alcohol Free Zones that apply for Lennox Head, Ballina, Alstonville and Wardell.

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#### **Background**

Council has a number of Alcohol Free Zones (AFZ) in the Shire, which have been established to assist in the management and mitigation of anti-social behavior. These zones have been continuously supported by the NSW Police.

AFZs can only be implemented for a set period of time and a final resolution of Council is required if it is preferred to re-establish the zone after its expiry.

The required processes for Council to follow are set out in the “*Ministerial Guidelines for Alcohol Free Zones 2009*” (Ministerial Guidelines).

Consultation regarding the AFZ’s re-establishment within the Ballina Shire has occurred and consideration to enact the re-establishment lies with Council.

The history of the AFZs that are subject to this report is set out below.

#### Ballina

Established	August 2007
Renewed	October 2010
Renewed	August 2015

#### Lennox Head

Established	December 2008
Renewed	January 2012
Renewed	March 2016

#### Alstonville

Established	December 2008
Renewed	January 2012
Renewed	March 2016

#### Wardell

Established	October 2010
Renewed	August 2015

Maps showing the locations of these AFZ’s are attached (Attachments One, Two, Three and Four). All of the above AFZs are due to expire on 31 January 2018.

To ensure compliance with the Local Government Act and the Ministerial Guidelines consultation with the interested parties involved:

## **11.2 Alcohol Free Zones - Lennox Head, Alstonville, Ballina and Wardell**

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- A published notice of the proposal inviting submissions as attached (Attachment Five).
- The proposal inviting submissions being sent to the local NSW Police, liquor licenses, registered clubs and all known local Aboriginal and ethnic group organisations as attached (Attachment Six).

Additionally as per Council resolution 240817/21 a letter was sent to the Minister for Local Government suggesting changes to the Ministerial Guidelines as attached (Attachment Seven). Council has not yet received a reply to this letter and information will be circulated to Councillors once we have a response.

Council has received two supportive submissions from the NSW Police to reinstate the AFZ's to support their strategies to manage crime and anti-social behavior.

The first submission is from the Richmond Local Area Command Crime Management Unit as attached (Attachment Eight) and the second submission is from the Chief Inspector at the Ballina Police (Attachment Nine).

### **Key Issues**

- Re-establishment of the Alcohol Free Zones in Lennox Head, Ballina, Alstonville and Wardell.

### **Information**

An AFZ prohibits the drinking of alcohol in public places that are public roads, footpaths or public car parks. AFZ's promote the use of these roads, footpaths and carparks in safety and without interference from anti-social behavior.

The declaration of an AFZ provides the NSW Police with the power to seize and dispose of alcohol without the need to issue a warning. A police officer may use their discretion to issue a warning to a person who is consuming alcohol in an AFZ. Where cooperation with the police officer does not occur they may be charged with an offence under Section 660 of the Local Government Act 1993.

The NSW Police submissions highlight the success of the implementation of the AFZ's resulting in a dramatic decrease in anti-social behavior and crime.

The proposal to re-establish the AFZ's for four years are as per the consulted times from 1 February 2018 to 31 January 2022.

As the Council is compliant with the requirements pursuant to the Ministerial Guidelines, Council can now by resolution re-establish the AFZ's for Lennox Head, Alstonville, Ballina and Wardell.

### **Sustainability Considerations**

- **Environment**  
Not Applicable
-

### **Social**

The key message of this report is to consider a social issue.

- **Economic**

Management of anti-social behavior draws on community resources however anti-social behavior can also be an impediment to business and a direct cost to the community.

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

The Local Government Act sets out the statutory framework for the creation of an AFZ. The statute is facilitated by Ministerial Guidelines. The costs to Council relate to signage implementation and maintenance. These costs can be accommodated within existing budget allocations.

### **Consultation**

The Ministerial Guidelines specify consultation arrangements. Consultation is required with the police, licensed premises around which the zones apply, Aboriginal and ethnic groups, surrounding businesses and the general community. The purpose of this report is to outline the feedback from the public exhibition and this information has been presented in the above report.

### **Options**

Council may decline or support the re-establishment of the AFZ.

As there are no submissions against the proposal and the NSW Police have again made a submission in favour, the recommendation to this report follows the most recent decision of Council to continue with the Alcohol Free Zones for the reasons outlined in this report.

## **RECOMMENDATIONS**

1. That, in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council approves the re-establishment of the Alcohol Free Zone in Lennox Head, as per the attached map for the period 1 February 2018 to 31 January 2022.
2. That, in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council approves the re-establishment of the Alcohol Free Zone in Alstonville, as per the attached map for the period 1 February 2018 to 31 January 2022.
3. That, in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council approves the re-establishment of the Alcohol Free Zone in Ballina, as per the attached map for the period 1 February 2018 to 31 January 2022.
4. That, in accordance with the Ministerial Guidelines for Alcohol Free Zones, Council approves the re-establishment of the Alcohol Free Zone in Wardell, as per the attached map for the period 1 February 2018 to 31 January 2022.

**Attachment(s)**

1. Map of Alcohol Free Zone Ballina
2. Map of Alcohol Free Zone Lennox Head
3. Map of Alcohol Free Zone Alstonville
4. Map of Alcohol Free Zone Wardell
5. Advocate notification - 4 October 2017
6. Consultation letter - Re-establish Alcohol Free Zones
7. Letter - Minister of Local Government
8. Submission - Richmond Local Area Command, Crime Management Unit
9. Submission - Ballina Police

### **11.3 Policy (Review) - Dual Water Supply Plumbing**

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#### **11.3 Policy (Review) - Dual Water Supply Plumbing**

**Delivery Program** Water and Wastewater

**Objective** To review the Dual Water Supply Plumbing Policy.

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#### **Background**

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

Council first developed dual water supply plumbing guidelines in 2003 for the Ballina Heights Estate development.

In 2013 this Dual Water Supply Plumbing Policy was first adopted to bring the policy in line with current legislation and Council's approval to supply recycled water to residential homes.

This review allows Council to provide clarification of certain works, which have become apparent now that recycled water is operating, as well as providing more clear and consistent advice for non-residential development.

#### **Key Issues**

- Ensure the policy meets the requirements of Council and current legislation
- Ensure that the public safety protection measures within the policy operate consistently and easily

#### **Information**

The purpose of the policy is to provide information about the requirements for plumbing for residential and non-residential premises that are supplied with Recycled Water in Ballina Shire.

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

The changes are not intended to bring about any change of use or construction for recycled water. They are intended to ensure that the measures outlined in the policy are more consistently and easily applied.

Key items in the draft policy are;

- Clearly showing that the policy applies to non-residential uses of recycled water in a like-for-like fashion
- Clarify the application of the 'single outdoor drinking water tap' requirement – particularly with reference to swimming pools



### 11.3 Policy (Review) - Dual Water Supply Plumbing

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- Clarify the importance that occupation of a premises should not occur without obtaining a Final Plumbing certificate
- Highlighting the role of legally binding user-agreements for non-domestic users of water
- Highlighting Council's intention to seek additional opportunities to utilise the recycled water supply, where possible.

#### **Sustainability Considerations**

- **Environment**  
The Dual Water Supply Plumbing Policy promotes opportunity for greater efficiencies to be realised through the adoption and use of recycled water.
- **Social**  
The Dual Water Supply Policy is a safeguard for public health and will aid Council's delivery of a high quality, safe and compliant recycled water that reduces consumer demand for drinking water.
- **Economic**  
The pricing for recycled water is set in Council's Fees and Charges.

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

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

The implementation of this policy is consistent with Council's current legal responsibilities with regards to the NSW Development of Primary Industries, Water approval for the Lennox Head Recycled Water Scheme.

Approval was originally obtained 10 June 2016 with a modified approval obtained 31 March 2017 to allow supply of the Ballina portion of the network from the Lennox Head Recycled Water Treatment Plant.

#### **Consultation**

Council's Water and Wastewater section have consulted internally with the Building Services Group to ensure the policy addresses any operational requirements Council's plumbing inspectors have observed.

To ensure adequate public consultation occurs, it is recommended 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.

#### **Options**

Council may accept or amend the draft policy.

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 Dual Water Supply Plumbing 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 - Dual Water Supply Plumbing

12. Public Question Time

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**12. Public Question Time**

### **13.1 Notice of Motion - Mayors for Peace**

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## **13. Notices of Motion**

### **13.1 Notice of Motion - Mayors for Peace**

**Councillor**

Cr Phil Meehan

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I move

That Ballina Shire Council, through the Mayor, join the 'Mayors for Peace', an international organisation of cities dedicated to the promotion of peace and the abolition of nuclear weapons.

#### **Councillor Comments**

Ballina Shire Council was invited by a delegation from Hiroshima City Council to join the 'Mayors for Peace' organisation.

What is the Mayors for Peace?

In August 1945, atomic bombs instantaneously reduced the cities of Hiroshima and Nagasaki to rubble, taking hundreds of thousands of lives. Today, more than seventy years after the war, thousands of citizens still suffer the devastating aftereffects of radiation and unfathomable emotional pain. To prevent any repetition of the A-bomb tragedy, the cities of Hiroshima and Nagasaki have continually sought to tell the world about the inhumane cruelty of nuclear weapons and have consistently urged that nuclear weapons be abolished.

On 24 June 1982, at the 2nd UN Special Session on Disarmament held at UN Headquarters in New York, then Mayor Takeshi Araki of Hiroshima proposed a new program to promote the solidarity of cities toward the total abolition of Nuclear Weapons. This proposal offered cities a way to transcend national borders and work together to press for nuclear abolition. Subsequently, the mayors of Hiroshima and Nagasaki called on mayors around the world to support this program.

The Mayors for Peace is composed of cities around the world that have formally expressed support for the program Mayor Araki announced in 1982. It was registered as a NGO in Special Consultative Status with the United Nations Economic and Social Council in May 1991.

The Mayors for Peace, through close cooperation among the cities, strives to raise international public awareness regarding the need to abolish nuclear weapons and contributes to the realization of genuine and lasting world peace by working to eliminate starvation and poverty, support human rights, protect the environment, and solve the other problems that threaten peaceful coexistence within the human family.

At present, the Conference is composed of 7,453 cities in 162 countries and regions around the world. In Australia there are eighty-six member cities including Byron Shire and Lismore City.

### **13.1 Notice of Motion - Mayors for Peace**

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Members will shape and select their own level of involvement which can be as simple as membership, support for appropriate initiatives, attendance at the four yearly congress and encouraging other local government areas to join.

There is an annual registration fee of 2000 yen – approximately \$22.00.

#### **COUNCILLOR RECOMMENDATION**

That Ballina Shire Council, through the Mayor, join the 'Mayors for Peace', an international organisation of cities dedicated to the promotion of peace and the abolition of nuclear weapons.

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

Nil

## **13.2 Notice of Motion - Boral Asphalt Plant and Tuckombil Quarry**

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### **13.2 Notice of Motion - Boral Asphalt Plant and Tuckombil Quarry**

**Councillor**

Cr Sharon Parry

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I move

1. That Council invite the EPA to provide a presentation to Councillors and interested members of the community on the EPA's role in monitoring the operation of the Boral Asphalt Plant at the Tuckombil Quarry.
2. That Council not proceed with the planned expansion of the Tuckombil Quarry due to the negative amenity impacts that already occur between the operation of the quarry, the asphalt plant and the adjoining residential communities.
3. That Council receive a report on options for the future use of the Tuckombil Quarry once the existing operating consent is exhausted.

#### **Councillor Comments**

In respect to point one, since I initiated the Council's determination to seek an independent audit of noise and emissions from the Asphalt Plant, I would like to call a briefing for Councillors so that the EPA, in conjunction with Council staff, can provide an update on the current issues regarding several reported breaches of Boral's development consent. The EPA could also explain their role in monitoring this development.

This briefing would be open to the public to allow members of the community such as the C Ward Committee, Alstonville Asphalt Watch and other interested persons to attend.

In respect to point two, there is no appetite for further development of the Tuckombil Quarry into the future, nor for the long-term continuation of the Asphalt Plant given the close proximity of residential housing already extant within a radius of 1,000 square metres, given the concerns already being aired by existing residents.

In respect to point three, the quarry property which is owned by Council is a significant parcel of land in close proximity to Alstonville and it is appropriate to examine the long term options for this land once the Tuckombil Quarry is no longer operating.

#### **Staff Comments**

In respect to point one of the notice of motion, Council staff have been discussing a presentation with the EPA, and the confirmation of this as a resolution should help persuade the EPA to provide that presentation.

In respect to point two, the current Council position on this matter is as per resolution 241116/36 (November 2016 resolution) where Council resolved, as per point two of that resolution, as follows:

### **13.2 Notice of Motion - Boral Asphalt Plant and Tuckombil Quarry**

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- 1. That Council authorises the General Manager to continue to prepare the required Environmental Impact Statement and other planning approval documentation for the proposed expansion of Tuckombil and Stokers Quarries.*
- 2. That in respect of point one above, a community engagement strategy be developed and implemented for the purposes of proactive community consultation during the preparation of the planning application documentation.*
- 3. That Council increase the existing quarry expansion budget from \$140,000 to \$260,000 to finance the estimated cost of the Environmental Impact Statements, with the additional \$120,000 funded from the Quarry Reserve.*
- 4. That Council approve a budget of \$250,000 for the Stokers Quarry Stage One rectification works, with that expenditure funded from the Quarry Reserve.*
- 5. That Council adjust the Long Term Financial Plan for 2017/18 onwards to remove the forecast Quarry Dividend due to the current uncertainty over the operation and future of the Council owned quarries. This reduction in funding is to be offset by a matching reduction in the road reconstruction program.*

There has been limited work undertaken in respect to the community engagement strategy, primarily due to an extended staff sick leave and a later decision of Council, in July 2017, to have a briefing on the possible short term lease of the Tuckombil Quarry.

If point two of the notice of motion is successful it will reverse the decision from November 2016 to proceed with the expansion plan, albeit that that resolution is to take a staged approach, with the community engagement strategy being the first stage.

As Council considered a comprehensive report on this matter at the November 2016 Ordinary meeting, that same report, along with the attachments, has been included as an attachment to this notice of motion. The attachment is extensive however the information is necessary to make an informed decision.

The other consideration is that Boral has a lease with Council on part of the Tuckombil site, with that lease expiring 31 December 2019. The lease also includes a five year option to Boral.

If Council decides not to proceed with the expansion of the Tuckombil Quarry it would be appropriate, at some point in the not too distant future, to determine whether Council's preference is to terminate the existing lease at the end of the five year option. The earlier the notification to Boral, the more time they have to plan for alternative arrangements, albeit that an early decision could be overturned by a future Council.

In respect to point three of the notice of motion, if Council's preference is not to expand the quarry, it is appropriate to review options for the use of this land. Remediation of the existing site would be the first priority and that remediation would be guided by Council's decision in respect to future use.

**COUNCILLOR RECOMMENDATIONS**

1. That Council invite the EPA to provide a presentation to Councillors and interested members of the community on the EPA's role in monitoring the operation of the Boral Asphalt Plant at the Tuckombil Quarry.
2. That Council not proceed with the planned expansion of the Tuckombil Quarry due to the negative amenity impacts that already occur between the operation of the quarry, the asphalt plant and the adjoining residential communities.
3. That Council receive a report on options for the future use of the Tuckombil Quarry once the existing operating consent is exhausted.

**Attachment(s)**

1. EPA NSW response letter regarding Boral Asphalt Plant at 540 Gap Road Alstonville - 1 September 2017
2. November 2016 Council Report - Tuckombil and Stokers Quarry - Quarry Expansion Plans
3. November 2016 Council Report - Attachment 1
4. November 2016 Council Report - Attachment 2 - Ausrocks Valuation (Under separate cover)
5. November 2016 Council Report - Attachment 3 - Groundwork Plus Evaluation and Strategic Options Report (Under separate cover)



**13.3 Notice of Motion - Permanent Firefighters for Ballina**

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**13.3 Notice of Motion - Permanent Firefighters for Ballina**

**Councillor**

Cr Sharon Cadwallader

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I move

That Council invite representatives from the NSW Fire Brigades to provide a briefing to Councillors on the need for permanent firefighters in Ballina, along with the cost implications to Council in supporting that position.

**Councillor Comment**

Council has been supporting lobbying efforts to have permanent firefighters located in Ballina, however we have been doing this without a staff report outlining the implications of that position or clarifying the need for this service.

Representatives from NSW Fire Brigades, such as FRNSW Northern Rivers Zone Commander, Superintendent Greg Lewis who lives locally, have advised Council they are available to deliver a presentation to Councillors and a briefing would help us to fully understand the need and implications of having this service provided in Ballina.

**COUNCILLOR RECOMMENDATION**

That Council invite representatives from the NSW Fire Brigades to provide a briefing to Councillors on the need for permanent firefighters in Ballina, along with the cost implications to Council in supporting that position.

**Attachment(s)**

Nil

## **13.4 Notice of Motion - Waterways Licence**

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### **13.4 Notice of Motion - Waterways Licence**

**Councillor**

Cr Phil Meehan

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I move

1. That the annual licence fee for a private structure within Council owned waterways be reduced from \$220 to \$110 and that this apply for the 2017/18 and 2018/19 financial years to assist with the implementation of the new licence agreement.
2. As an incentive, the fee for 2017/18 is only to apply to those landowners who do not enter into a licence agreement within three months of Council's request for the licence to be completed.

#### **Councillor Comment**

Council is currently implementing a new waterways licence agreement with residents who have a private structure within a council owned waterway. This includes jetties, pontoons and boat ramps in the Ballina Quays canals, Banyanda Lake and Endeavour Lake.

There has been considerable concern and anxiety among residents about aspects of the licence agreement. These have been brought to councillors and council staff. A number of residents have not returned the signed agreement and others have returned agreements with clauses crossed through.

A significant issue causing concern has been the annual licence fee, currently set at \$220 per annum indexed to CPI.

When the associated policy was being developed a fee was recommended by council staff on a 'cost recovery' basis to cover the cost of administration of the licence system. I have been informed that the original staff recommendation was for a fee of \$110 per annum. This was viewed as appropriate to cover associated costs, with the licence system then having no financial burden on the rest of the community.

Through Council deliberation in 2014/2015 the fee was changed to \$220 per annum. This would appear to have been an arbitrary decision at the time. The impact is now evident with many residents, particularly those on age pensions, extremely upset and unhappy with the approach.

To assist with public perception, support of council and the smooth implementation of the new licence agreement the annual fee should be reduced to \$110 for the 2017/18 and 2018/19 financial years. Council will then be able to review it for 2019/20 as part of the annual fees and charges discussion.

Council acknowledges that the 2017/18 licence fee has been waived for those property owners who have completed and returned their licence applications within the nominated period.

**COUNCILLOR RECOMMENDATIONS**

1. That the annual licence fee for a private structure within Council owned waterways be reduced from \$220 to \$110 and that this apply for the 2017/18 and 2018/19 financial years to assist with the implementation of the new licence agreement.
2. As an incentive, the fee for 2017/18 is only to apply to those landowners who do not enter into a licence agreement within three months of Council's request for the licence to be completed.

**Attachment(s)**

Nil

### **13.5 Notice of Motion - Shade Sails at Ballina Heights Sports Fields**

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### **13.5 Notice of Motion - Shade Sails at Ballina Heights Sports Fields**

**Councillor**

Cr Jeff Johnson

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I move

1. That Council install a shade structure at the Ballina Heights sports fields children's playground.
2. That this work be funded from general revenue.

#### **Councillor Comments**

The children's playground located at the Ballina Heights sports field currently has no shade structure. This playground, which is next to a large carpark bakes in the summer sun causing the equipment to often be too hot to use.

This playground is very popular with families from the Ballina Heights area as well as families that bring their children to play sport on the weekends or to train during the week.

I have long been an advocate for additional shade structures to be installed and this popular park should be seen as a high priority.

The Ballina Shire has one of the highest rates of skin cancer / melanoma's in the world and studies have shown that exposure during childhood is a major cause of skin cancers that appear later in life.

The General Manager has advised that the value of the works is estimated at \$15,000 and with the General Manager also advising that the General Fund is forecast to have a small working capital surplus for 2017/18, as per the September 2017 Quarterly Financial Review, it is recommended that this work be funded from general revenue.

#### **COUNCILLOR RECOMMENDATIONS**

1. That Council install a shade structure at the Ballina Heights sports fields children's playground.
2. That this work be funded from general revenue.

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

Nil

## **13.6 Notice of Motion - Solar Shade Structures**

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### **13.6 Notice of Motion - Solar Shade Structures**

**Councillor**

Cr Keith Williams

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I move

1. That Council receive a report on the costs and benefits of incorporating solar PV into playground and other shade structures within the Shire.
2. That the report also include an update on current projects for the installation of solar PV on Council buildings and a summary of Council's current and anticipated greenhouse gas emissions.

#### **Councillor Comments**

The last meeting of Council considered a report which addressed the costs and benefits of installing solar PV at the swimming pools. The report indicated that solar PV associated with high electricity usage site such as the pool had a payback period within 5 years and could provide immediate savings in electricity costs greater than the additional cost of the loan required to finance its installation. In my view, Council wisely agreed to proceed with its implementation.

For some time Council has considered options to increase the amount of shade for children's playgrounds. To date, ongoing maintenance costs and available finance have limited Council's ability to implement new structures.

Given the difference in tariff between energy used and energy generated, it is likely that the economics of solar PV will strongly favour shade structures at sites with high energy consumption infrastructure in the immediate vicinity.

Council has an existing program to deploy solar PV on some Council buildings. It would be useful to include an update on this program and Council's greenhouse gas emissions trajectory when considering wider deployment of solar PV.

#### **COUNCILLOR RECOMMENDATIONS**

1. That Council receive a report on the costs and benefits of incorporating solar PV into playground and other shade structures within the Shire.
2. That the report also include an update on current projects for the installation of solar PV on Council buildings and a summary of Council's current and anticipated greenhouse gas emissions.

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

Nil

**14. Advisory Committee Minutes**

**14.1 Facilities Committee Minutes - 7 November 2017**

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**Attendance**

Crs David Wright (Mayor - in the chair up until election of Chair), Cr Ben Smith (in the chair for remainder of the meeting), Sharon Parry (arrived at 4.11 pm), Jeff Johnson (arrived at 4.16 pm), Eoin Johnston, Stephen McCarthy, Nathan Willis, Keith Williams and Sharon Cadwallader.

Paul Hickey (General Manager), John Truman (Group Manager Civil Services), Kerri Watts (Acting Group Manager Development and Environmental Health), Steve Barnier (Group Manager Strategic and Community Facilities), Craig Brown (Manager Community Facilities), Matthew Wood (Manager Strategic Planning) and Sandra Bailey (Secretary) were in attendance.

There was one person in the gallery at this time.

**1. Apologies**

An apology was received from Cr Phillip Meehan. Cr Sharon Parry had advised that she could be late to the meeting.

**RECOMMENDATION**

(Cr Ben Smith/Cr Keith Williams)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson and Cr Sharon Cadwallader

Cr Cadwallader arrived at the meeting at 4.06 pm

**2. Declarations of Interest**

- **Cr Stephen McCarthy** – declared an interest in Item 4.4 – Facilities Management. (Nature of Interest: non pecuniary – he is involved with junior basketball). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Eoin Johnston** – declared an interest in Item 4.1 – Community Halls – Management and Maintenance. (Nature of Interest: non pecuniary – he is a member of the Rous Mill Hall Committee). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Nathan Willis** – declared an interest in Item 4.1 – Community Halls – Management and Maintenance. (Nature of Interest: non significant, non pecuniary – a colleague is a member of the Wollongbar Hall Committee). He will be remaining in the meeting while the matter is discussed and voting on the matter.

**3. Deputations**

- **Susan Levot** – spoke in favour of Item 4.5 – Alstonville Leisure and Entertainment Centre – Management.

Cr Sharon Parry arrived at the meeting at 04:11 pm.

**Election of Chair**

The Mayor advised that the last meeting of the Facilities Committee was held in June 2016, therefore an election for the position of Chair was required.

**RECOMMENDATION**

(Cr Keith Williams/Cr Nathan Willis)

That Cr Ben Smith be elected as Chair of the Facilities Committee.

FOR VOTE - All Councillors voted unanimously.

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

**4. Committee Reports**

Cr Jeff Johnson arrived at the meeting at 04:15 pm.

**4.1 Community Halls - Management and Maintenance**

**RECOMMENDATION**

(Cr Nathan Willis/Cr Keith Williams)

1. That Council notes the contents of this report concerning the operation and management of community halls.
2. The General Manager is authorised to manage, maintain and actively promote the operation and community use of the Pimlico Hall and the Northlakes Community Centre, whilst continuing to examine alternative management arrangements for these facilities.
3. That the Pimlico Ladies Charitable Organisation be thanked for the group's long term commitment to the management of the Pimlico Hall. In light of this extensive community service, the organisation be offered use of the hall, without charge, to conduct its regular scheduled monthly meeting, subject to future reviews by Council.
4. The General Manager is authorised to arrange the disposal of the property containing the West End Hall at 3 Brunswick Street Ballina on the basis that, as community infrastructure, the existing hall has reached the end of its economic life. Further, that the method of disposal of the property, and the outcome, should aim to deliver the best financial return for Council, with net revenue being allocated to the maintenance of Council's other community halls.

5. That the Ballina Lions Club be thanked for the group's long term commitment to the management of the West End Hall. In light of this extensive community service, the organisation be offered use of the Richmond Room in Ballina, without charge, to conduct its regular scheduled monthly meeting, subject to future reviews by Council. Similarly, groups which have previously routinely used the West End Hall are to be offered discount hire charges for the use of other Council infrastructure for the time being, with the General Manager to review this arrangement and present a further report for Council's consideration.
6. That Council rescinds the Donations - Community Halls Capital Works Assistance Policy with the annual budget allocation to be transferred to Council's community halls maintenance budget for 2018/19 onwards. It is acknowledged that under this arrangement, managers of other community halls operating in the shire which are not owned or controlled by Council will remain eligible to apply for support funding under Council's Donations – Financial Assistance Policy.
7. That Council receive a report on the overall demand for community halls across the Shire.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan

**4.2 Policy (Review) - Community Sporting Groups - Capital Works**

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Nathan Willis)

That Council amend the Community Sporting Groups – Capital Works Assistance Policy as follows:

*Amended Clause 2.5*

*Donated funds must be, as a minimum, matched on a dollar for dollar basis, or matched with in kind contributions, by the sporting group. "In kind" covers only labour, which must be quantified at a maximum average hourly rate of \$30 (excluding attendance at meetings to organise the project).*

*Amended Clause 2.7*

*The funds must be expended on capital works, as defined in this policy, to the sporting facility and surrounds. The funds are not to be used for recurrent or operational expenses or to reimburse expenditure already incurred.*

*In-Kind (Definition)*

*"In kind" covers only labour, which must be quantified at a maximum average hourly rate of \$30 (excluding attendance at meetings to organise the project).*

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Keith Williams

That Council amend the Community Sporting Groups – Capital Works Assistance Policy as follows:



*Amended Clause 2.5*

*Donated funds must be, as a minimum, matched on a dollar for dollar basis, or matched with in kind contributions, by the sporting group. "In kind" covers only labour, which must be quantified at a maximum average hourly rate of \$40 (excluding attendance at meetings to organise the project).*

*Amended Clause 2.7*

*The funds must be expended on capital works, as defined in this policy, to the sporting facility and surrounds. The funds are not to be used for recurrent or operational expenses or to reimburse expenditure already incurred.*

*In-Kind (Definition)*

*"In kind" covers only labour, which must be quantified at a maximum average hourly rate of \$40 (excluding attendance at meetings to organise the project).*

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

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

AGAINST VOTE - Cr David Wright, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Phillip Meehan

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

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

AGAINST VOTE - Cr David Wright

ABSENT. DID NOT VOTE - Cr Phillip Meehan

**RECOMMENDATION**

(Cr Jeff Johnson/Cr Keith Williams)

That Council amend the Community Sporting Groups – Capital Works Assistance Policy as follows:

*Amended Clause 2.5*

*Donated funds must be, as a minimum, matched on a dollar for dollar basis, or matched with in kind contributions, by the sporting group. "In kind" covers only labour, which must be quantified at a maximum average hourly rate of \$40 (excluding attendance at meetings to organise the project).*

*Amended Clause 2.7*

*The funds must be expended on capital works, as defined in this policy, to the sporting facility and surrounds. The funds are not to be used for recurrent or operational expenses or to reimburse expenditure already incurred.*

*In-Kind (Definition)*

*"In kind" covers only labour, which must be quantified at a maximum average hourly rate of \$40 (excluding attendance at meetings to organise the project).*

#### **14.1 Facilities Committee Minutes - 7 November 2017**

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

AGAINST VOTE - Cr David Wright

ABSENT. DID NOT VOTE - Cr Phillip Meehan

#### **4.3 Community Infrastructure - Non Recurrent Projects and Funding**

##### **RECOMMENDATION**

(Cr David Wright/Cr Nathan Willis)

That Council notes the contents of the report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan

#### **4.4 Facilities Management**

##### **RECOMMENDATION**

(Cr Keith Williams/Cr Nathan Willis)

1. That Council notes the contents of this report in respect to facility management, with particular reference to the Ballina Indoor Sports Centre.
2. That Council confirms its preferred approach to determine the management of the Ballina Indoor Sports Centre is to benchmark the management and operation of the facility by Council staff, as compared to an external party, following a competitive tender process.
3. That Council receive a further report on management options and the details of any proposed management contract for the Ballina Indoor Sports Centre, and other Council community facilities, once the Sports Centre project is further advanced and there is greater certainty regarding the future management of the Alstonville Leisure and Entertainment Centre and any other Council facilities that could possibly be included in a management contract.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Phillip Meehan

#### **4.5 Alstonville Leisure and Entertainment Centre - Management**

##### **RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of this report relating to options for the future management of the Alstonville Leisure and Entertainment Centre.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan

5. Confidential Session

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Nathan Willis)

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 Alstonville Leisure and Entertainment Centre - Management**

**Reason for Confidentiality**

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the report contains information that is sensitive to an existing contract with Council for the management of the Alstonville Leisure and Entertainment Centre.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Phillip Meehan

(The Council moved into Confidential Session at 4.55 pm).

**Open Council**

**RECOMMENDATION**

(Cr Nathan Willis/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Phillip Meehan

(The Council moved into Open Council at 5.13 pm).

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

**5.1 Alstonville Leisure and Entertainment Centre - Management**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That the General Manager notify the current centre contractor that Council has determined not to exercise its option for an extension beyond the initial term of the existing management contract.
2. The General Manager is authorised to assume responsibilities for the day to day management of the subject facility at the conclusion of the existing management contract period, to more accurately assess income and usage levels prior to making a final decision on the long term management of this facility.
3. The General Manager is to also seek endorsement from the Alstonville Agricultural Society Inc, under the terms of the prevailing Deed, in relation to future management options.
4. That Council decline at this time, the offer from Susan Levot. Council will reconsider the options available to it after the Ballina Indoor Sports Centre is operational.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Phillip Meehan

**Adoption of Recommendations from Confidential Session**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Phillip Meehan

**MEETING CLOSURE**

5.14 pm

**RECOMMENDATION**

That Council confirms the minutes of the Facilities Committee meeting held 7 November 2017 and that the recommendations contained within the minutes be adopted.

**Attachment(s)**

Nil

**Attendance**

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

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Kerri Watts (Acting Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Paul Tsikleas (Manager Commercial Services), Leanne Harding (Coordinator Property and Airport Administration) 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 Phillip Meehan.

**RECOMMENDATION**

(Cr Nathan Willis/Cr Ben Smith)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan

**2. Declarations of Interest**

Nil

**3. Deputations**

Nil

**4. Committee Reports**

**4.1 Residential Subdivision - Stage Two, Wollongbar - Update**

**RECOMMENDATION**

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report regarding Stage Two of the Council Residential Subdivision for the Wollongbar Urban Expansion Area.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan

**4.2 Industrial Subdivision, North Creek Road, Ballina - Update**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of this report regarding the Council Industrial Subdivision for North Creek Road, Ballina.
2. That Council approves the following adjustments to the 2017/18 budget for this project:

Item	Current Estimate	Revised Estimate	Net Change
Sales Revenue	2,500,000	2,605,000	105,000
Increase in Transfer to Property Development Reserve	(2,500,000)	(2,605,000)	(105,000)
Development Costs	(935,700)	(1,781,000)	(845,300)
Increase in Transfer from Property Development Reserve	935,700	1,781,000	845,300

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan

**4.3 Industrial Land - Economic Development Proposal**

**RECOMMENDATION**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of this report which provides an introduction to the confidential report on an economic development proposal.
2. That Council endorses the inclusion of the revised cash flows for the Property Development Reserve in our Long Term Financial Plan as per Table One and attachment two of this report.
3. That Council notes that the revised cash flows for the Property Development Reserve result in there being no scheduled land releases for the Southern Cross Industrial Estate until 2020/21.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan

**5. Confidential Session**

**RECOMMENDATION**

(Cr Nathan Willis/Cr Sharon Cadwallader)

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

**5.1 Industrial Land - Economic Development Proposal**

**Reason for Confidentiality**

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as Council is holding commercial negotiations and the release of the information contained in this report may adversely impact on those negotiations from Council's perspective.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan

(The Council moved into Confidential Session at 5.38 pm).

**Open Council**

**RECOMMENDATION**

(Cr Keith Williams/Cr Nathan Willis)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan

(The Council moved into Open Council at 6.03 pm).

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

**5.1 Industrial Land - Economic Development Proposal**

**RECOMMENDATION**

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That Council authorises the General Manager to continue discussions with the interested parties.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Phillip Meehan

**Adoption of Recommendations from Confidential Session**

**RECOMMENDATION**

(Cr Sharon Parry/Cr Nathan Willis)

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

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Phillip Meehan

**MEETING CLOSURE**

6.04 pm

**RECOMMENDATION**

That Council confirms the minutes of the Commercial Services Committee meeting held 7 November 2017 and that the recommendations contained within the minutes be adopted.

**Attachment(s)**

Nil



## 15.1 Mayoral Meetings

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

#### 15.1 Mayoral Meetings

**Councillor** David Wright

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Activities since the October 2017 Ordinary meeting:

20/10/17 Meeting – Mark Tucker  
21/10/17 Ballina Basketball Presentation  
22/10/17 Commemoration Park Markets  
25/10/17 Meeting – Visiting Delegation from Japanese Consulate  
28/10/17 Commemoration Park Markets and Lennox Head Markets  
31/10/17 Church Group and meeting – Doug Stinson – Cancer Support  
1/11/17 DPI Drop-In Session – Crown Lands – Surf club  
2/11/17 Meeting – Country Music Festival and Fox Street Pre School Night at RSL  
3/11/17 NOROC – Murwillumbah and Novaskill Annual Awards, Surf Club  
3/11/17 Country Music Concert  
4/11/17 Country Music Festival and Country Music Concert  
5/11/17 Branch Carnival for Nippers – Lennox Head  
5/11/17 Commemoration Park Markets and Marine Rescue Open Day/Fund Raiser  
5/11/17 Country Music Festival – Meeting – Cherry Street Sports  
6/11/17 Meeting Ben Franklin and Inspection - 7 Castle Drive Lennox Head  
7/11/17 Frock Club – Crawford House and Facilities Committee Meeting  
7/11/17 Commercial Services Meeting  
8/11/17 Meeting – Matt Meury – ANTIPODEANS  
8/11/17 Ballina Ocean Pool Meeting  
9/11/17 Meeting Dr Geoff Allen/Ben Franklin Shark Measures  
9/11/17 North Coast Shark Management Meeting – Lennox Head  
9/11/17 Ballina Prawn Festival Launch/Opening  
10/11/17 Remembrance Day Service – RSL Life Care  
11/11/17 Ballina Prawn Festival and Remembrance Day Service – Ballina  
12/11/17 Commemoration Park Markets and Lennox Head Markets  
13/11/17 Briefing – CURA A Land and Environment Court Appeal  
14/11/17 'A' Ward Committee  
14/11/17 Alstonville/Wollongbar Chamber of Commerce  
15/11/17 Community Meeting - Cancer Patient / Home Visit Scheme - Kentwell  
16/11/17 Presentation to Maritime Museum and Gallery Opening  
17/11/17 Sunrise Arts Opening 20 Blue Seas Parade  
18/11/17 New Alstonville Markets and Ballina Region for Refugees  
18/11/17 All Ship's Reunion – Dinner and 25<sup>th</sup> Anniversary Quota – Jockey Club  
19/11/17 All Ship's Reunion – Wreath Laying  
20/11/17 Police Community Meeting  
20/11/17 'B' Ward Committee  
23/11/17 Council Meeting  
24/11/17 Launch Morning Tea - Cancer Patient and Carer Home Visit Scheme  
27/11/17 Briefing – Public Toilets  
29/11/17 Briefing – Update on EPIC Estate  
30/11/17 Opening Terry White Chem Mart

#### **RECOMMENDATION**

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

**Attachment(s)** Nil

**16. 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:

**16.1 Fig Tree - Castle Drive, Lennox Head - Insurance Claim**

This report contains information on the actual insurance claims relating to this Fig Tree.

**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.

**16.1 Fig Tree - Castle Drive, Lennox Head - Insurance Claim**

**Reason for Confidentiality**

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

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the report contains information in respect to the actual insurance claims.