



Notice of Ordinary Meeting

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 28 February 2019 commencing at 9.00 am.**

Business

1. Australian National Anthem
2. Acknowledgement of Country
3. Apologies
4. Confirmation of Minutes
5. Declarations of Interest and Reportable Political Donations
6. Deputations
7. Mayoral Minutes
8. 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

- (a) Deputations by members of the public may be made at Council meetings on matters included in the business paper. Deputations are limited to one speaker in the affirmative and one speaker in opposition. Deputations will be limited to a maximum of two items on the agenda per person.

Requests to speak must be lodged in writing or by phone with the General Manager by noon on the day preceding the meeting. Deputations are given five minutes to address Council.

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

- (b) Members of the public are advised that any documents tabled or given to Councillors during the meeting become Council documents and access may be given to members of the public in accordance with the requirements of the Government Information (Public Access) Act 2009.
- (c) The use of powerpoint presentations and overhead projectors is permitted as part of the deputation, provided that the speaker has made prior arrangements with the General Manager's Office at the time of booking their deputation. The setup time for equipment is to be included in the total time of five minutes allocated for the deputation.
- (d) To avoid conflicts of interest, real or perceived, deputations will not be accepted from:
- Tenderers during a public tender or request for quotation
 - Persons or representatives from organisations seeking financial support from Council that involves an expression of interest
 - Consultants who are engaged by Council on the matter the subject of the deputation.

Public Question Time – Guidelines

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

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

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

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

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

Recording of the questions will not be verbatim.

The standard rules of behaviour in the Chamber will apply.

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

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

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1. Australian National Anthem
 2. Acknowledgement of Country
 3. Apologies
 4. Confirmation of Minutes
-

1. Australian National Anthem

The National Anthem will be performed by Councillors and staff.

2. Acknowledgement of Country

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

3. Apologies

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 January 2019 were distributed with the business paper.

It has been brought to the attention of staff that the minutes of the Ordinary meeting of 22 November 2018 contain an error in the voting for Item 13.2 – Notice of Motion – Use of Council Facilities. This was verified by the recording of the meeting. Voting on the Amendment (which was lost) was recorded as follows:

*FOR VOTE - Cr David Wright, Cr Phillip Meehan and Cr Eoin Johnston
AGAINST VOTE - Cr Jeff Johnson, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader
ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith*

The correct voting should be

*FOR VOTE - Cr David Wright, Cr Phillip Meehan and Cr Jeff Johnson
AGAINST VOTE - Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader
ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith*

Voting on the motion (which was carried) was recorded as follows:

*FOR VOTE - Cr David Wright, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader
AGAINST VOTE - Cr Phillip Meehan, Cr Jeff Johnson and Cr Eoin Johnston
ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith*

The correct voting should be:

*FOR VOTE - Cr David Wright, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader
AGAINST VOTE - Cr Phillip Meehan and Cr Jeff Johnson
ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith*

4. Confirmation of Minutes
 5. Declarations of Interest & Reportable Political Donations
 6. Deputations
 7. Mayoral Minutes
-

There is no change to the outcome of the matter.

It is recommended that Council's Minutes of the Ordinary Meeting of 22 November 2018 be amended as per the above information.

RECOMMENDATION

1. That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 January 2019.
2. That the minutes of the Ordinary meeting of Ballina Shire Council held on Thursday 22 November 2018 be amended to record the correct voting on Item 13.2 – Notice of Motion – Use of Council Facilities, as follows:

Voting on the Amendment –

FOR VOTE - Cr David Wright, Cr Phillip Meehan and Cr Jeff Johnson

AGAINST VOTE - Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

Voting on the Motion –

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

AGAINST VOTE - Cr Phillip Meehan and Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Ben Smith

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 Development Applications - Works in Progress - February 2019

8. Development and Environmental Health Group Reports

8.1 Development Applications - Works in Progress - February 2019

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

Note that dwelling house and dual occupancy applications are not included in this report.

DA No.	Date Rec'd	Applicant	Proposal	Status
2017/223	5/5/2017	Ardill Payne & Partners	Two lot residential subdivision to create 1 x 1,157sqm and 1 x 1,145sqm allotments and associated works – 31 Tara Downs, Lennox Head	Awaiting additional information
2018/51	2/2/2018	Ballina Island Development Pty Ltd	Subdivision of land to create 103 residential lots and seven super lots, construction of roads, stormwater management and drainage (including detention basins and piping of creek), infrastructure servicing, earthworks, vegetation clearing, open space and temporary signage – 20 North Creek Road, Lennox Head	Awaiting additional information
2018/74	13/2/2018	Ardill Payne & Partners	Demolition of Existing Residential Flat Building and Erection and Strata Title Subdivision of a Six Storey Residential Flat Building Containing 14 dwellings, associated car parking and works. The proposed building has a height of 18.4m with the lift over run at a height of 19.3m which is above the building height allowance of 18m under the Ballina Local Environmental Plan 2012 – 8 Grant Street, Ballina	Awaiting additional information
2018/431	19/7/2018	Northern Rivers Land Solutions	Two lot subdivision to create one x 648m ² allotment for the purposes of a private temporary road and one x 34 hectare residue lot – 505 North Creek Road, Skennars Head	To be withdrawn

8.1 Development Applications - Works in Progress - February 2019

2018/432	26/7/2018	Ardill Payne & Partners	Two Lot Subdivision by way of a Boundary Adjustment to create one 1080m ² and one 776m ² allotments and construction of a shed on Proposed Lot 1 - 2 Old Pacific Highway, Newrybar	Being assessed
2018/437	23/7/2018	P Lloyd	Alterations to Child Care Centre (Seeds Early Learning Centre) - 58-62 Westland Drive, West Ballina	Being assessed
2018/447	25/7/2018	D Trainor	Staged Erection and Strata Title Subdivision of a part Two Storey Multi Dwelling Housing Development comprising Four Detached Dwellings, Demolition of Existing Dwelling and Consolidation of Lot Boundaries - 58 Cherry Street, Ballina	Awaiting additional information
2018/454	27/7/2018	Ardill Payne & Partners	Alterations and Additions to Existing Industrial Tenancy including use of a mezzanine floor - 3/7 Piper Drive, Ballina	Awaiting additional information
2018/477	9/8/2018	Northern Rivers Land Solutions	Erection of a Temporary Sales Office and Associated Vehicular Access and Car Parking – Lot 6 The Coast Road, Skennars Head	To be withdrawn
2018/482	10/8/2018	P & G Smith	To establish a home business comprising a cooking class conducted within an existing holiday cabin – 841 Fernleigh Road, Brooklet	Awaiting additional information
2018/550	14/9/2018	Newton Denny Chapelle	Proposed child care centre and associated works and two lot Strata Title subdivision to create one 4300sqm (Child care centre) lot and one 5970sqm (vacant) lot – 27 Kalinga Street, West Ballina	Being assessed
2018/554	13/9/2018	Ardill Payne & Partners	Change of Use to Establish a Depot – Removalist Business and Associated Signage – 6 Waverley Place, West Ballina	Awaiting additional information

8.1 Development Applications - Works in Progress - February 2019

2018/581	21/9/2018	GeoLINK	Intersection Upgrade at Camp Drewe Road entrance and upgrade of internal access – 164 Camp Drewe Road, Lennox Head	Referred to Government Departments
2018/597	26/9/2018	Ardill Payne & Partners	Establishment and operation of a water supply system including the construction of shed and associated works – Lot 15 Ellis Road, Rous	Referred to Government Departments Councillor briefing to be held – date to be advised To be reported to Council
2018/603	5/10/2018	Balanced Systems Planning Consultants	Alterations and Additions to Existing Conference Centre and Associated Buildings and Works - 70 Shelly Beach Road, East Ballina	Being assessed
2018/616	9/10/2018	Northern Rivers Land Solutions	To undertake bulk earthworks associated with the subdivision consented to under DA 2016/184 – 658 Tamarind Drive, 33 Mitchell Close, 52 Albert Sheathers Lane & 88 Sandy Flat Road, Cumbalum	Referred to Government Departments
2018/631	17/10/2018	GM Project Management	Proposed two lot subdivision to create one x 574sqm and one x 708sqm allotments and partial demolition and reconstruction of existing dwelling house – 7 Evelyn Villa Drive, Alstonville	Awaiting additional Information
2018/674	6/11/2018	Ardill Payne & Partners	Two Lot Subdivision to create 1 x 1200m ² and 1 x 1948m ² lots, associated works and removal of seven trees – 51 Greenfield Avenue, Lennox Head	Awaiting additional information
2018/702	19/11/2018	Ardill Payne & Partners	Boundary adjustment subdivision of two existing lots to create two modified lots – Proposed Lot A 1.95ha and Proposed Lot B 29.9ha – 140 Broken Head Road, Newrybar	Awaiting additional information

8.1 Development Applications - Works in Progress - February 2019

2018/730	29/11/2018	Surf Life Saving Far North Coast	Operation of a kiosk from the ground floor of the Shelly Beach Surf Life Saving Club building, and associated building works – 11 Shelly Beach Road	Being assessed
2018/735	30/11/2018	Anthony De Ridder	Alterations and Additions to Industrial Development – 38-44 Piper Drive, Ballina	Awaiting additional information
2018/737	4/12/2018	Northern Rivers Animal Services	Additions to animal boarding or training establishment comprising the construction of a new building to accommodate a maximum of 18 cats, and associated signage – 61 Piper Drive, Ballina	Being assessed
2018/741	5/12/2018	Ardill Payne & Partners	Stage 2 of a Seniors Housing Development (Alstonville BaptistCare/Maranoa) comprising 15 self-contained dwellings, tree removal, car parking, infrastructure and associated works - 15-19 The Avenue, Alstonville	Awaiting additional information
2018/746	5/12/2018	Ardill Payne & Partners	Alterations and Additions to the Ballina Central Shopping Centre, comprising the addition of two pad sites, new outdoor dining space, new commercial floor space and alterations to the car parking area, including a new car parking shade structure – 44 Bangalow Road, Ballina	Awaiting additional information
2018/747	6/12/2018	Ardill Payne & Partners	Staged Torrens Title Subdivision and Boundary Adjustment to create 18 x residential lots, 1 x residual lot, 1 x drainage reserve, associated infrastructure works, earthworks and revegetation/rehabilitation works (Avalon Estate Stages 6a and 6b) - Rifle Range Road & 22 Scarlett Court, Wollongbar	Awaiting additional information

8.1 Development Applications - Works in Progress - February 2019

2018/753	7/12/2018	Newton Denny Chapelle	Staged Torrens Title Subdivision comprising 31 x residential lots, 1 x open space lot, extension to an existing drainage reserve and associated infrastructure works, earthworks and vegetation management works - Avalon Avenue, 55 Avalon Avenue, 93 Rifle Range Road, Wollongbar	Being assessed
2018/765	14/12/2018	K Frampton	Vegetation Management Works involving the Pruning of One Paperbark Tree – 39 Byron Street, Lennox Head	Awaiting additional information
2018/772	18/12/2018	S Darzanos	To undertake a change of use from an auto wrecking business to a recreation facility (indoor) – Maury Thai training centre, and the associated erection of a business identification sign – 85 Kalinga Street, West Ballina	Being assessed
2018/778	19/12/2018	GR Hayes	Vegetation management works involving the removal of one gum tree – 33 Karalauren Court, Lennox Head	Awaiting additional information
2018/780	20/12/2018	Newton Denny Chapelle	Alterations and Additions to an existing Macadamia Nut Processing Plant, involving the erection of eight new nut storage/drying silos, the erection of perimeter security fencing, construction of a new driveway and associated civil and infrastructure work and vegetation management works involving the removal of one teak tree – 1-3 Northcott Crescent, Alstonville	Being assessed

8.1 Development Applications - Works in Progress - February 2019

2018/781	20/12/2018	Balanced Systems Planning Consultants	Alterations and additions to a conference centre, associated dormitory accommodation, associated amenities building, landscaping works, vegetation removal and temporary site office. The subject application has been lodged in addition to the works proposed in DA 2018/603 – 70 Shelly Beach Road, East Ballina	Being assessed
2018/783	20/12/2018	Balanced Systems Planning Consultants	Construction of a driveway and associated earthworks – North Teven Road, Teven	Being assessed
2018/785	21/12/2018	LC Clarke (Lennox Head Community Sports & Recreation Club)	Alterations and additions to the Lennox Head Community Sports and Recreational Club involving the extension of an existing deck, construction of a new roof over the extended deck and a new shadeway between the existing bowling greens – 10 Stewart Street, Lennox Head	Determination pending
2019/1	3/01/2019	N Samm (Byron Highlander Estate Pty Ltd)	Change of Use of an Approved Dwelling House to a Tourist Facility (Accommodation) in addition to its use in conjunction with the Place of Assembly (Function Centre and Refreshment Room) approved as part of DA 2017/557 – North Teven Road, Teven	Being assessed
2019/9	24/12/2018	Ardill Payne & partners	Construction of Ballina community Men's Shed – 36 Racecourse Road, Ballina	Awaiting additional information
2019/19	17/1/2019	Matt Walker Town Planning	Change of use to a Recreation Facility (indoor) comprising a 24 hour Gymnasium and Associated Advertising – 92 Tamar Street, Ballina	Being assessed

8.1 Development Applications - Works in Progress - February 2019

2019/21	21/1/2019	Ardill Payne & Partners	Establishment of a detached dual occupancy involving the relocation of a dwelling and tourist and visitor accommodation comprising the change of use of an existing studio to a holiday cabin and the erection of a new holiday cabin and associated works – 208 Fernleigh Road, Tintenbar	On exhibition
2019/24	21/1/2019	GK Thomas	Vegetation management works comprising the removal of seven trees – 49 Henderson Drive, Lennox Head	Awaiting additional information
2019/26	22/1/2019	I Osborne	Vegetation management works comprising the removal of four trees – 10 Analei Street, Wollongbar	Being assessed
2019/30	24/1/2019	Newton Denny Chapelle	Staged development involving the temporary use of the land for five years as a function centre for the purpose of hosting wedding ceremonies. It is proposed to host a maximum of 20 ceremonies in any 12 month period catering for a maximum of 120 people. The proposal also involves staged development of eight holiday cabins and associated amenities and infrastructure – 43 Tuckombil Lane, Tuckombil	On exhibition
2019/31	25/1/2019	Ardill Payne & Partners	Change of Use of Existing Shop T25 to a Recreation Facility Indoor (Jetts Fitness) and Associated Fitout and Alterations to Layout, Shop Frontage and Signage – Shop T25, 44 Bangalow Road, Ballina	Being assessed
2019/34	29/1/2019	Newton Denny Chapelle	Temporary above ground fuel storage tank – 246-250 Lismore Road, Wollongbar	Being assessed
2019/40	31/1/2019	Platinum Planning Solutions	Alterations and additions to existing commercial tenancy - 155 River Street, Ballina	Being assessed

8.1 Development Applications - Works in Progress - February 2019

2019/45	4/2/2019	M Stevenson	Vegetation management works comprising the removal of one tree - 18 Treelands Crescent, Ballina	Being assessed
2019/66	7/2/2019	Elton Consulting	Temporary Sales Office (5 years) ancillary to the Skennars Head Residential Subdivision (DA 2017/244) with associated car parking and new driveway access off Headlands Drive. The sales office will operate between 9am and 5pm seven days a week – Lot 6 The Coast Road, Skennars Head	On exhibition
2019/67	8/2/2019	Ardill Payne & Parnters	Three lot Torrens Title subdivision comprising one 784sqm and two x 619sqm allotments, demolition of existing dwelling house and shed and installation of associated infrastructure service – 17 Bath Street, Wardell	On exhibition
2019/73	8/2/2019	Vision Town Planning	Change of Use of Existing Dwelling House to Home Business Involving Alterations to the Dwelling House, Removal of Swimming Pool, Construction of Car Parking Area and Associated Works- 33 Martin Street, Ballina	On exhibition
2019/74	11/2/2019	Daley's Gourmet Meats	Vegetation management works comprising the pruning of one tree - 49 Pine Avenue, East Ballina	Being assessed
2019/79	11/2/2019	P R Small	Construction of farm dam - 54-78 Blue Seas Parade, Lennox Head	Being assessed

8.1 Development Applications - Works in Progress - February 2019

Regional Development (Determined by Joint Regional Planning Panel)

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

8.1 Development Applications - Works in Progress - February 2019

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	Determination pending Supplementary Report with the JRPP
2017/600	30/10/2017	Newton Denny Chapelle	Expansion of an Existing Resource Recovery Facility - 19-21 Northcott Crescent, Alstonville	On exhibition 13/2/2019 to 18/3/2019
2018/321	13/6/2018	PalmLake Works Pty Ltd	Staged erection of an extension to an existing Seniors Housing Development under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 comprising of 156 self-care dwellings, recreation facilities and associated car parking, infrastructure works, site filling and associated works – 120 North Creek Road, Ballina	Subject to Land and Environment Court appeal

8.1 Development Applications - Works in Progress - February 2019

2018/756	11/12/2018	Newton Denny Chapelle	Construction of a Multi-Purpose Hall at Emmanuel Anglican College, comprising two indoor sports courts, associated gymnasium and amenities, a stage and retractable seating. The proposed building is to front River Street, is to have a maximum height of 12.6 metres and is to be used during and outside school hours, 7 days a week. The development also involves an increase in student numbers, earthworks, infrastructure works, car parking and vegetation management works – 62 Horizon Drive, West Ballina	On exhibition
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Major Development (Determined by Minister)

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

RECOMMENDATION

That Council notes the contents of the report on the status of outstanding development applications for February 2019.

Attachment(s)

Nil

9.1 LEP Amendments and Planning Proposals - Status

9. Strategic and Community Facilities Group Reports

9.1 LEP Amendments and Planning Proposals - Status

Delivery Program Strategic Planning

Objective To report on the status of Local Environmental Plan amendment requests and planning proposals that are currently under consideration.

Background

Council has an ongoing program of processing requests to amend the Ballina Local Environmental Plans 1987 and 2012 (LEPs) and associated planning proposals. This report provides an update of matters currently pending.

Key Issues

- Status of rezoning and LEP amendment requests.

Information

LEP Amendment Requests and Planning Proposals Status

Table 1 provides an overview of the LEP amendment requests and planning proposals currently being considered and processed by Council. The term planning proposal refers to the documentation prepared to describe a request to amend the Ballina Local Environmental Plan/s.

Requests are typically referred to as planning proposals once the Council has agreed to progress the initial LEP amendment request and has prepared the required planning proposal documentation for Gateway determination by the NSW Department of Planning and Environment (DPE).

9.1 LEP Amendments and Planning Proposals - Status

Table 1: Status of LEP amendment requests and planning proposals

Item	Name and Status	Summary and Notes	Completion Due
13/005	Southern Cross Industrial Estate Expansion, Ballina (Stage 4)	<p>Proposal by Ballina Shire Council for the rezoning of land northward of the existing Southern Cross Industrial Estate from its current rural zoning to enable a mixture of industrial and employment-type land uses.</p> <p>The proposed link road (Airport Boulevard) has now been approved under Part 5 of the <i>Environmental Planning and Assessment Act 1979</i>. There is a number of interrelated issues with addressing some of the Part 5 conditions and progression of the planning proposal, particularly with respect to ecological issues within the site. These issues, and the potential pathways available under current ecological legislation to respond to the issues, are currently being investigated.</p> <p>The Department of Planning and Environment (DPE) has issued an altered Gateway determination requiring the planning proposal to be finalised by 30 October 2019.</p>	30/10/2019
14/008	Burns Point Ferry Road, West Ballina (Ballina Waterways) (Stage 6)	<p>Proposal for the rezoning of land located adjacent to Burns Point Ferry Road and River Street in West Ballina to enable a mixture of employment and residential land uses.</p> <p>The matter was reported to the Council in December 2018 following the conclusion of the public exhibition of the amended planning proposal and draft DCP chapters. In deciding to continue with the planning proposal, the Council endorsed the deletion of the proposed restaurant/interpretative centre. It also adopted the related draft DCP chapters as amended.</p> <p>The DPE has issued an altered Gateway determination which deletes the restaurant/interpretative centre from the description of the proposal.</p> <p>Currently awaiting advice from proponent regarding the registration on title of the biobanking agreement prior to finalisation of the planning proposal.</p>	01/06/2019
17/001	Stage 1 Deferred Matters Integration Program (Stage 3)	<p>Proposal to integrate land identified as a "deferred matter" into the Ballina LEP 2012 through the application of appropriate zones and planning controls. Relates primarily to water catchment areas in the Shire.</p> <p>A request to discontinue the planning proposal was submitted to the DPE on 26 June 2017, in accordance with the Council's decision.</p> <p>On 17 July 2017 the DPE advised it is considering possible options to facilitate the implementation of the E Zone review and will advise of a decision on the discontinuation request once the preferred option for implementation has been determined.</p> <p>At the time of writing this report, no further correspondence has been received from the Department.</p>	14/12/2017

9.1 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
17/009	Byron Bay Road (No.9) and the adjoining Telstra exchange site, Lennox Head (Stage 5)	<p>Proposal to amend the LEP 2012 to rezone land from RU1 Primary Production to R2 Low Density Residential, and to apply a minimum lot size of 600m².</p> <p>Technical specialist reports have been submitted and the planning proposal has commenced public exhibition. The matter will be reported back to the Council following the conclusion of the exhibition period for further consideration.</p>	16/04/2019
17/010	Skennars Head Expansion Area, Skennars Head Complete	<p>Proposal relating to the Skennars Head Expansion Area to amend the LEP to relocate and increase the size of the neighbourhood commercial area and apply medium density zoning to parts of the site.</p> <p>The amendment (No 38) has been completed by staff and is now waiting on publication on the NSW Legislation web site.</p>	Complete
17/012	Compton Drive (No. 23), East Ballina (Stage 3)	<p>Proposal to amend the LEP to rezone part of the land and all or part of the adjacent Council-owned land from Deferred Matter to R2 Low Density Residential, and to apply a minimum lot size of 600m².</p> <p>A Gateway determination was issued by DPE on 6 June 2018. The Gateway requires the proponents to submit further information and site investigations relating to contamination, bushfire assessment, geotechnical assessment (including assessment of land slip hazards) and a revised site survey plan.</p> <p>Currently awaiting submission of the additional information.</p>	06/12/2019
18/001	Residential Flat Buildings and Active Frontages in the B3 Zone – Ballina Town Centre. (Stage 3)	<p>Proposal to amend the LEP to permit Residential Flat Buildings on certain sites within the B3 zone and require sites to maintain active frontages.</p> <p>A Gateway determination was issued by DPE on 6 November 2018 allowing the proposal to proceed subject to conditions.</p> <p>Documentation is currently being prepared by staff to progress the matter to public exhibition.</p>	09/08/2019
18/002	Attached Dual Occupancy Lots, Alstonville (Stage 2)	<p>Proposal to amend the LEP to permit attached dual occupancy development, with consent, on certain R2 zoned lots in Alstonville having a minimum area of 900m² and a slope of less than 20%.</p> <p>On 13 December 2018 the Council resolved to submit the planning proposal for Gateway determination. Awaiting a Gateway determination by DPE.</p>	#
18/003	Attached Dual Occupancy Lots, Wardell (Stage 2)	<p>Proposal to amend the LEP to permit attached dual occupancy development, with consent, within the non-flood prone areas of Wardell Village located in the R2 zone.</p> <p>On 13 December 2018 the Council resolved to submit the planning proposal for Gateway determination.</p> <p>Awaiting a Gateway determination by DPE.</p>	#

9.1 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
LEP Amendment Request/Planning Proposal Processing Stages			
1. Initial Concept - Proponent submits initial amendment concept for review and reporting to the Council.			
2. Planning Proposal - Preparation of a planning proposal for the Council's consideration (if the initial concept is supported by the Council).			
3. Gateway Determination - DP&E determination as to whether the planning proposal may proceed (if the Council resolves to submit the planning proposal for determination).			
4. Study Preparation - Relevant technical information to enable complete assessment compiled and considered. This step may also involve pre-exhibition public authority consultation.			
5. Community Consultation - Planning proposal and associated technical assessment material exhibited for public comment.			
5a. Public Hearing - Public Hearing held, where required.			
6. Submissions Assessment and Council Decision - Reporting of community consultation outcomes and Council decision regarding finalisation of the planning proposal.			
7. Finalisation - DP&E finalisation (or Council finalisation under delegation) of the LEP amendment based on the planning proposal. Note: the Minister for Planning and Environment may finalise, alter or terminate the amendment.			
# Denotes proposal number and due date subject to Gateway determination.			
<i>The completion due date is a date for completion determined by the Department of Planning and Environment.</i>			

Sustainability Considerations

- **Environment**
Environmental, social and economic considerations form part of the Council's assessment of all planning proposals and LEP amendments.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

The work program is being undertaken within existing resources or on a fee for service basis for specific proposals.

Consultation

Community consultation (including Government agency referrals) is, has been, or will be undertaken in relation to individual planning proposals.

Options

The status of the LEP amendments outlined is provided for information only. All matters are being processed within the legislative framework in accordance with previous decisions of Council.

RECOMMENDATION

That Council notes the contents of this report concerning the status and approach regarding the current LEP amendment requests and planning proposals that are being processed.

Attachment(s)

Nil

10.1 Investment Summary - January 2019

10. General Manager's Group Reports

10.1 Investment Summary - January 2019

Delivery Program Financial Services

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

Background

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

Key Issues

- Compliance with Investment Policy and the return on investments.

Information

Council's investments are all in accordance with the Local Government Act, the Regulations and Council's Investment Policy. The balance of investments as at 31 January was \$77,038,000. This represents a decrease of \$4 million from December. Council's investments, as at 31 January, are at an average (weighted) rate of 2.92%, which is 0.86% above the 90 Day Bank Bill Index of 2.06%.

The balance of the cheque account at the Commonwealth Bank, Ballina, as at 31 January 2019, was \$3,829,015. This balance is higher than the balance of \$3,768,832 as at 31 December 2018. The combined movement of investments and bank balances was a decrease of \$3,939,817. This overall decrease is attributable to general creditor payments including payments for capital works at the Airport of \$0.5 million and Ballina Indoor Sports Centre \$0.7 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	10.8%
Water Fund (incl developer contributions)	External	21.8%
Section 94 Developer Contributions	External	11.2%
Bonds and Deposits	External	2.7%
Other External Restrictions	External	5.1%
Carry Forward Works	Internal	3.5%
Bypass Maintenance Funding	Internal	4.6%
Landfill and Resource Management	Internal	2.1%
Employee Leave Entitlements	Internal	3.7%
Quarries	Internal	1.0%
Property Reserves	Internal	5.9%
Plant and Vehicle Replacement	Internal	1.4%
Road Works	Internal	6.8%
Swimming Pools Capital	Internal	0.2%
Indoor Sports Centre	Internal	3.7%
Miscellaneous Internal Reserves	Internal	7.1%
Financial Assistance Grant in Advance	Internal	2.8%
Unrestricted		5.6%
Total		100%

* Reflects reserves held as at 30 June 2018.

10.1 Investment Summary - January 2019

A. Summary of Investments by Institution

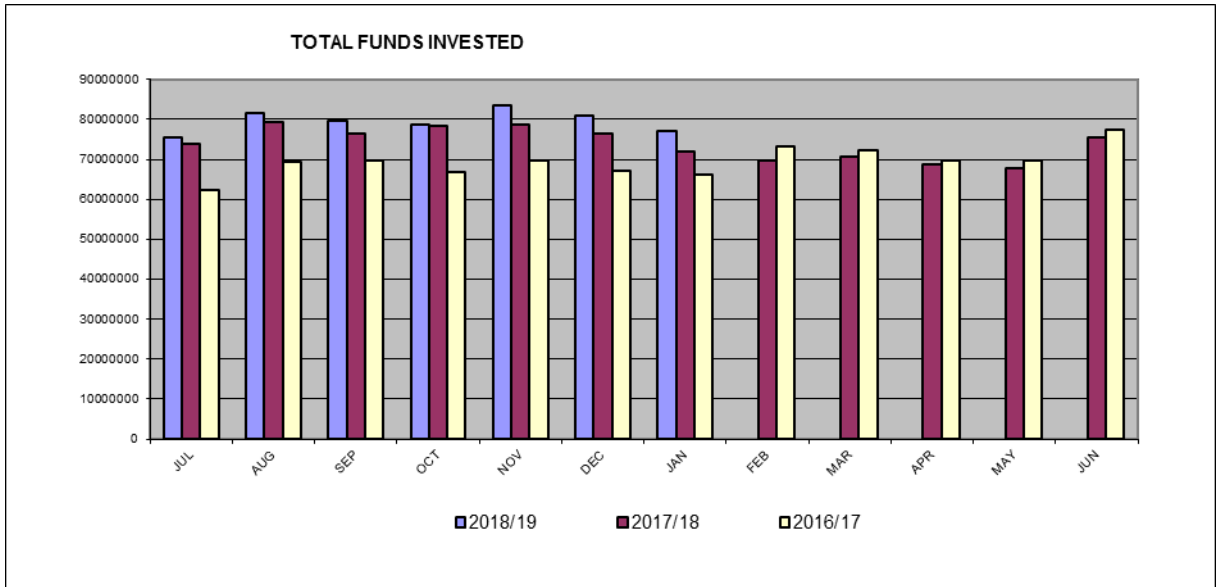
Funds Invested With	Fossil Fuel Aligned	ADI Rating *	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
Grandfathered Investments							
National Australia Bank	Yes	BBB	1,788	1,788	0	2.3%	2%
Rated Institutions							
AMP Bank	Yes	A	11,500	11,500	20%	14.9%	
Auswide Bank	No	BBB	1,500	1,500	10%	1.9%	
Bank of China	Yes	A	12,000	12,000	20%	15.6%	
Bank of Queensland	Yes	BBB+	2,000	2,000	10%	2.6%	
BankWest	Yes	AA-	8,000	8,000	20%	10.4%	
Commonwealth Bank of Australia	Yes	AA-	5,000	4,000	20%	5.2%	
Credit Union Australia	No	BBB	5,100	5,100	10%	6.6%	
Defence Bank Ltd	No	BBB	4,500	4,500	10%	5.8%	
Greater Bank Limited	No	BBB	2,000	2,000	10%	2.6%	
Heritage Bank	No	BBB+	2,000	2,000	10%	2.6%	
ME Bank	No	BBB	1,750	1,750	10%	2.3%	
My State Bank Ltd	No	BBB+	7,500	7,500	10%	9.7%	
Newcastle Permanent Bld Society	No	BBB	1,700	1,700	10%	2.2%	
Rural Bank Ltd	No	BBB+	4,000	1,000	10%	1.3%	
Teachers Mutual Bank Limited	No	BBB	1,700	1,700	10%	2.2%	
Westpac Banking Corporation	Yes	AA-	9,000	9,000	20%	11.7%	98%
Total			81,038	77,038		100%	
Credit Rating Summary as per the Investment Policy							
	Maximum Allowed		Value	Value	%	%	
	%	Value	Previous	Current	Previous	Current	
A- or Higher	100%	77,038	45,500	44,500	56%	58%	
BBB	60%	46,223	35,538	32,538	44%	42%	
Total			81,038	77,038	100%	100%	

B. Summary of Investments Fossil Fuel Aligned

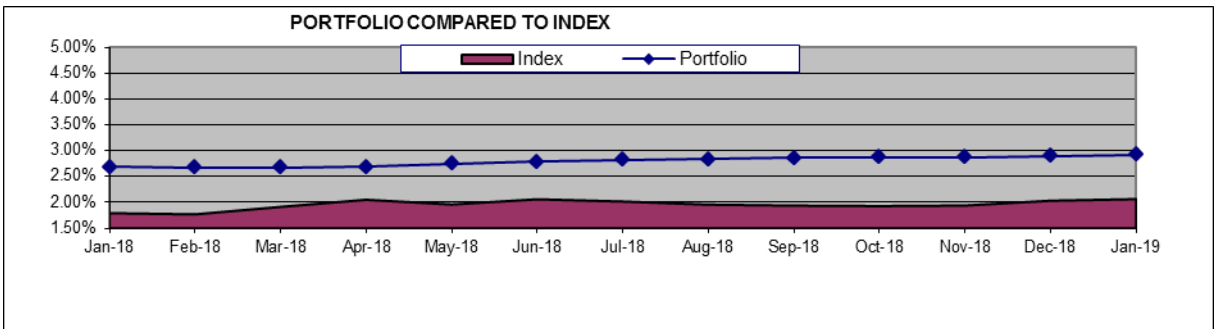
	Previous Month	Current Month
Fossil Fuel Aligned	49,288 61%	48,288 63%
Non-Fossil Fuel Aligned	31,750 39%	28,750 37%
Not Classified	0 0%	0 0%
Total	81,038 100%	77,038 100%

Classification based on advice from 'Market Forces'.

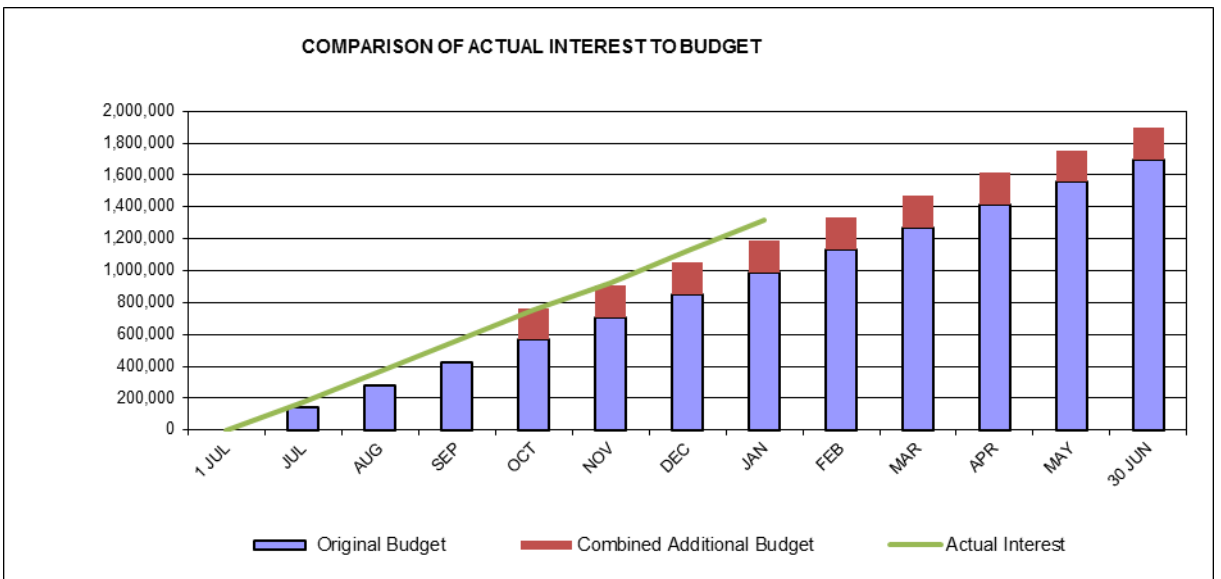
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



10.1 Investment Summary - January 2019

F. Investments held as at 31 January 2019

PURCH DATE	ISSUER	TYPE	RATE	NEXT MATURITY	PURCH VALUE \$'000	FAIR VALUE \$'000
27/07/18	Bank of Queensland	TD	2.80%	01/02/19	2,000	2,000
03/08/17	Westpac Banking Corporation	FRN	3.02%	04/02/19	2,000	2,000
03/04/18	Credit Union Australia	TD	2.72%	05/02/19	1,000	1,000
06/11/18	Newcastle Permanent Bld Society	FRN	3.34%	06/02/19	1,000	994
06/11/18	Newcastle Permanent Bld Society	FRN	3.34%	06/02/19	700	696
09/11/17	ME Bank	FRN	3.19%	11/02/19	750	751
01/05/18	Rural Bank Ltd	TD	2.80%	12/02/19	1,000	1,000
20/09/04	National Australia Bank (ASX Listed)	FRN	3.19%	15/02/19	1,788	1,490
19/11/18	Westpac Banking Corporation	FRN	2.99%	18/02/19	1,000	1,000
03/05/18	My State Bank Ltd	TD	2.80%	19/02/19	1,000	1,000
17/05/18	AMP Bank	TD	2.83%	19/02/19	2,000	2,000
24/05/18	Greater Bank Limited	FRN	3.39%	25/02/19	1,000	1,001
25/02/14	Westpac Banking Corporation	FRN	2.88%	25/02/19	2,000	2,001
22/05/18	AMP Bank	TD	2.80%	26/02/19	1,000	1,000
30/08/16	Greater Bank Limited	FRN	3.50%	28/02/19	1,000	1,002
29/05/18	AMP Bank	TD	2.83%	05/03/19	3,000	3,000
06/12/18	Credit Union Australia	FRN	3.23%	06/03/19	600	600
01/06/18	AMP Bank	TD	2.90%	11/03/19	1,000	1,000
09/03/18	Westpac Banking Corporation	TD	2.65%	11/03/19	2,000	2,000
10/12/18	AMP Bank	FRN	3.07%	11/03/19	1,500	1,497
05/06/18	My State Bank Ltd	TD	2.83%	13/03/19	3,000	3,000
17/06/16	Commonwealth Bank of Australia	FRN	3.07%	17/03/19	1,000	1,000
06/06/18	AMP Bank	TD	2.83%	19/03/19	1,000	1,000
19/06/18	Auswide Bank	TD	2.88%	26/03/19	1,500	1,500
29/06/17	Teachers Mutual Bank Limited	FRN	3.51%	29/03/19	1,000	1,004
30/06/16	Commonwealth Bank of Australia	FRN	3.13%	30/03/19	1,000	1,000
02/07/18	Teachers Mutual Bank Limited	FRN	3.45%	02/04/19	700	700
10/07/18	Defence Bank Ltd	TD	2.90%	09/04/19	1,000	1,000
11/01/19	Commonwealth Bank of Australia	FRN	3.19%	11/04/19	1,000	1,002
26/07/16	Commonwealth Bank of Australia	FRN	3.13%	26/04/19	1,000	1,000
31/07/18	Westpac Banking Corporation	FRN	3.00%	30/04/19	1,000	1,000
30/07/18	Westpac Banking Corporation	FRN	3.00%	30/04/19	1,000	1,000
07/08/18	BankWest	TD	2.80%	14/05/19	4,000	4,000
14/08/18	BankWest	TD	2.81%	21/05/19	4,000	4,000
27/06/18	Heritage Bank	TD	3.05%	24/06/19	2,000	2,000
16/08/18	AMP Bank	TD	2.85%	16/08/19	1,000	1,000
28/08/18	Defence Bank Ltd	TD	2.85%	27/08/19	1,000	1,000
07/09/18	ME Bank	TD	2.75%	05/09/19	1,000	1,000
02/10/18	Bank of China	TD	2.86%	01/10/19	2,000	2,000
15/10/18	Bank of China	TD	2.83%	10/10/19	2,000	2,000
18/10/18	AMP Bank	TD	2.83%	17/10/19	1,000	1,000
02/11/18	My State Bank Ltd	TD	2.85%	01/11/19	2,500	2,500
06/11/18	Bank of China	TD	2.86%	06/11/19	1,500	1,500
08/11/18	Defence Bank Ltd	TD	2.85%	07/11/19	1,500	1,500
22/11/18	Defence Bank Ltd	TD	2.85%	22/11/19	1,000	1,000
27/11/18	Bank of China	TD	2.87%	26/11/19	2,000	2,000
29/11/18	Bank of China	TD	2.88%	29/11/19	3,000	3,000
03/12/18	Credit Union Australia	TD	2.86%	03/12/19	3,500	3,500
24/12/18	Bank of China	TD	2.87%	23/12/19	1,500	1,500
15/01/19	My State Bank Ltd	TD	2.86%	15/01/20	1,000	1,000
Totals					77,038	76,738
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 January 2019.

Attachment(s)

Nil

10.2 Policy (Review) - Investments Policy

10.2 Policy (Review) - Investments Policy

Delivery Program Financial Services

Objective To review the Investments Policy.

Background

Councils are required to have an Investments Policy to ensure that all surplus cash is invested consistent with the terms of the policy. The purpose of this report is to review the Investments policy.

The policy is also guided by the Local Government Minister's Order, which defines the financial instruments in which councils can invest.

Circular 17-29, released in October 2017, noted the OLG would undertake a broader review and update of the Ministerial Investment Order and Investment Guidelines at some time in the future, with OLG to consult with councils as part of that process. This review has not occurred to date.

Key Issues

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

Information

The policy provides a good overview of the issues to be considered when investing, along with the parameters where investments can be placed (refer to clause 12.3 for the investment thresholds). The policy is still contemporary and reflects current legislation therefore no further changes are recommended.

Sustainability Considerations

- **Environment**
Subject to obtaining a comparable rate of return or better and compliance with other investment policy parameters, investments shall be placed with non-fossil fuel aligned institutions where possible.
- **Social**
Not applicable.
- **Economic**
No impact.

Legal / Resource / Financial Implications

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

Consultation

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

Options

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

RECOMMENDATIONS

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

Attachment(s)

1. Policy (Review) - Investments Policy

10.3 Australia Day 2019 - Review

10.3 Australia Day 2019 - Review

Delivery Program Communications

Objective To review the program of events for Australia Day

Background

Council coordinates an Australia Day event each year, which includes a citizenship ceremony, an awards ceremony and a special guest address. This is a free public event where the community is encouraged to attend by a promotional campaign. The event concludes with a morning tea with the guest speaker, new citizens and award winners.

The purpose of this report is to review the current program of events and Australia Day Awards.

Key Issues

- Awards category review
- Event program

Information

The last major review of the categories for the Australia Day Awards was in February 2015 where Council confirmed the current categories for the 2016 awards. These categories are consistent with the National Australia Day Awards excluding the Sports Award, Community Event of the Year and Arts and Cultural Award.

These categories have been applied for the 2016, 2017, 2018 and 2019 awards program with the Citizen of the Year selected by Council from one of the categories; i.e.

- Young Citizen of the Year (30 years or under)
- Senior Citizen of the Year (60 years or over)
- Sports Award
- Local Hero
- Community Event of the Year
- Arts and Cultural Award

There is an opportunity to review the categories to align with the NSW Australia Day Awards, who have introduced the Environmental Citizen of the Year. These options are detailed further in this report.

It was a full program for 2019 including a Welcome to Country performed by Aunty Julia Paden, a flag raising ceremony and a special address by Matthew Bourke.

We welcomed sixteen new citizens, and celebrated forty two Australia Day Award nominations. These figures are significantly higher than the 2018 awards.

Based on community feedback and anecdotal evidence, the program of events for the 2019 Australia Day event was well received, albeit quite long, with an absolute maximum of two hours the preferred time.

Council staff are reviewing the program of events and the running order to consider ways to reduce the length of the event.

One option includes reading out award nominees and their list of achievements rather than inviting them onto the stage, as dependent on the number of nominees this can be time consuming and it is sometimes difficult to access the stage for elderly nominees.

Under this proposal each nominee would be required to submit an image along with their nomination form, so that we could have their photo on screen when they are called.

The winner of each category would then be invited up to the stage to make a speech and receive their certificate.

Another idea was to have this as a question and answer with the master of ceremonies (i.e. Sandra Jackson), as Sandra has stated this has worked well with other events and it can help the audience to learn more about the winner.

Certificates for all the nominees could then be collected on the day or posted after the event. This remains an idea only.

The courtesy bus was again provided however only five residents used the bus this year. In previous years, the bus has been used by up to 20 passengers. The bus included pick up and drop off locations in Alstonville, West Ballina, Ballina and East Ballina.

The bus is provided free of charge to encourage those without transport, to attend the ceremony. We will consider additional pick up locations next year to ensure more use of the bus service.

Council's Australia Day Committee (consisting of all Councillors) was re-established at the 29 September 2016 Ordinary meeting (as part of the review of all Council committees with the newly elected Council), with the Committee having delegated authority to determine the award recipients for Australia Day.

Sustainability Considerations

- **Environment**

Our residents and visitors highly value the special environmental attributes of Ballina Shire. The Australia Day Awards provides an opportunity to showcase the efforts of those who work to protect and conserve our environment.

- **Social**

The Awards and associated activities are an excellent way of bringing the shire together and promoting social cohesion. It is also a means of recognising the wonderful contribution so many of our residents make toward the betterment of our shire and its citizens.

- **Economic**

The Australia Day budget is approximately \$20,000

Legal / Resource / Financial Implications

The Australia Day Awards and associated activities are coordinated, promoted and delivered within the resources provided by Council.

Consultation

Nominations for Awards are promoted extensively throughout the Shire, with the process normally commencing around April. The majority of nominations occur closer to the nomination deadline in December each year.

Options

The options available relate to changing the Award categories and the structure of the ceremony.

Council has, at times, changed the categories such as the introduction of the Arts and Cultural category.

There is an option to introduce an additional category for the environment to align with the NSW Australia Day Awards. The NSW Australia Day website provides the following overview for this new category:

The Environmental Citizen of the Year Awards recognise individuals and organisations for championing litter reduction and environmental initiatives in their local communities.

Nominees may be recognised for work such as:

- *preserving the environment*
- *using the Return and Earn scheme to fundraise for a meaningful cause*
- *fostering partnerships that achieve litter reduction and recycling outcomes.*

Local winners will go into the running to be the state winner and receive \$5000 from Return and Earn towards their initiative.

Based on historical nomination information, if this category is made available, there would be a number of people that could be nominated for an environmental award. However Council needs to be mindful of potentially diluting another category if a further one is introduced.

The NSW Australia Day Awards, as per their website, are limited to the following categories:

- Citizen of the Year
- Young Citizen of the Year
- Sportsperson of the Year
- Australia Day Award
- Environmental Citizen of the Year Award (New).

10.3 Australia Day 2019 - Review

Council does need to make sure we don't create confusion or overlap within the Award categories.

Council previously rotated the ceremony around the Shire (Ballina, Alstonville and Lennox Head); however in recent years the Lennox Head Community Centre has been the permanent location due to the excellent facilities and protection from adverse weather.

This decision could be reviewed once the Ballina Indoor Sports Centre construction is complete, although air-conditioning is planned to be available for the Lennox Head Community Centre by January 2020.

On balance, the formula Council has implemented for Australia Day is working well with high levels of attendance and positive feedback. Staff will consider the length of the ceremony once all the nominations have closed in December 2019.

In respect to the introduction of a new environmental category, that is not included in the recommendation, as the preference is for Councillors to determine whether it has merit, recognizing that people undertaking environmental work can still be nominated for a number of the other categories.

Too many categories can result in people being nominated across multiple categories which can cause some confusion and the other side to this is that categories can be diluted.

The recommendation that follows supports the current process as it is working reasonably well.

RECOMMENDATIONS

1. That Council confirms that the categories for the 2020 Ballina Shire Australia Day Awards are as follows:
 - Young Citizen of the Year (30 years or under)
 - Senior Citizen of the Year (60 years or over)
 - Sports Award
 - Arts/Cultural Award
 - Local Hero
 - Community Event of the Year
2. That Council confirms that the Citizen of the Year is to be selected from the nominations for all the Award categories.

Attachment(s)

Nil

10.4 Flat Rock Tent Park - Adoption of Fees and Charges 2019/20

10.4 Flat Rock Tent Park - Adoption of Fees and Charges 2019/20

Delivery Program Commercial Services

Objective Setting of fees and charges for Flat Rock Tent Park for 2019/20

Background

Council resolved to advertise a set of draft Flat Rock Tent Park fees and charges, and associated notes, for 2019/20 for public comment following Council's Ordinary Meeting on 22 November 2018.

A copy of the exhibited information is attached.

The purpose of this report is to comment on any submissions received and adopt the fees for 2019/20.

Key Issues

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

Information

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

Sustainability Considerations

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

Legal / Resource / Financial Implications

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

10.4 Flat Rock Tent Park - Adoption of Fees and Charges 2019/20

Consultation

The documents were subsequently placed on public exhibition during December 2018 and January 2019.

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

Options

1. Council adopts the fees and charges for the 2019/20 year as exhibited.

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

2. Council does not adopt the fees and charges for the 2019/20 year as exhibited.

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

RECOMMENDATION

That Council adopts the draft Flat Rock Tent Park fees and associated notes, as exhibited for 2019/20.

Attachment(s)

1. Flat Rock Tent Park Fees - 2019/20 (draft)

10.5 Donations - Community

10.5 Donations - Community

Delivery Program Communications

Objective To consider a donation request from Lismore Symphony Orchestra received outside the nominated timeframe.

Background

Council approved a number of community donations at the July 2018 Ordinary Meeting for the 2018/19 financial year. Generally if applications are received outside of the standard advertising timeframe, applicants are advised to re-apply in the following financial year. This allows Council to assess all applications at the one time and to achieve a more equitable distribution of funding.

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

Key Issues

- Community benefit
- Funding available

Information

Lismore Symphony Orchestra

The Lismore Symphony Orchestra (LSO) propose to hold a music event *Proms by the Beach* at Park Lane Theatre (Lennox Head Community Centre) and are asking Council for a donation to cover the venue hire costs. These costs are approximately \$3,090.

LSO are a not for profit community organisation made up of volunteers. They have been operating for eleven years and have 50 active members. Their application states they plan to use a portion of their own funds to ensure the financial viability of this event. The LSO plans to hold this event in July 2019, meaning that it will miss the deadlines for the 2019/20 Community Donations Program. A copy of the request is attached.

Sustainability Considerations

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

Legal / Resource / Financial Implications

The Community Donations budget for 2018/19 is exhausted. However there is \$2,400 in the Donations Council Fees budget. Given this donation request is for the hire of a Council facility, these funds could be used for this request.

This budget allocation is guided by the Council policy titled "Donations – Assistance with Council Fees for Community Groups". Relevant extracts from that policy are:

- *The nature of the fee to be reimbursed/waived will relate to either the delivery of a capital project for the community group, or alternatively where that community group is undertaking a major fund raising event*
- *The maximum amount reimbursed is to be capped at \$3,000 per event/project.*

Consultation

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

Donations, as per the Assistance with Council Fees policy, are slightly different in that the policy does attempt to provide some form of assistance when a capital project or event is scheduled or arises during the year.

Options

The options available are to approve or refuse the donation request.

The policy states a maximum donation of \$3,000 with a budget of \$2,400 available. Therefore the donation approval could range anywhere from a few hundred dollars to \$2,400 to stay within budget.

If Council is not satisfied that the event is a major fund raising event that meets the criteria, as per the policy, the request should be refused.

The attached application provides information on plans for a reoccurring annual event at the Lennox Community Centre. If the event did end up being reoccurring the most appropriate avenue for future donations would be through the Community Donations program, as advertised in June each year.

In respect to this initial request, as donations are very subjective, the recommendation is for Councillors to determine if any, and the level of, assistance is to be provided.

RECOMMENDATION

That Council approves / refuses the donation for \$3,090 to the Lismore Symphony Orchestra for use of the Lennox Head Community Centre.

Attachment(s)

1. 2018/19 Donations Application - Lismore City Symphony Orchestra

10.6 Crown Reserves Improvement Fund 2019/20 - Priorities

10.6 Crown Reserves Improvement Fund 2019/20 - Priorities

Delivery Program Communications

Objective To determine the priority projects for the Crown Reserves Improvement Fund 2019/20

Background

Applications for funding under the Crown Reserves Improvement Fund Program (CRIFP), formerly known as the Public Reserves Management Fund (PRMF) opened in February 2019 and close on 22 March 2019.

Managers of Crown parks and reserves, Crown caravan and state parks, commons and showgrounds (including freehold) and schools of arts (on Crown land only) can apply. The CRIFP funds a diverse range of activities each year in the following categories:

- General projects - development, maintenance and protection activities on any eligible reserve
- Pest projects on Crown reserves only
- Weed projects on Crown reserves only

Successful applications to the CRIFP in recent years have ranged from \$500 to \$2m.

With Council being the Reserve Trust Manager for a large number of crown reserves there are numerous projects where Council could apply for funding and this report seeks to identify the priority applications for 2019/20.

Key Issues

- Project merits and likelihood of success

Information

Council has had mixed success with the PRMF / CRIFP program in recent years with the grants obtained being:

2018/19 Program

\$79,000 – Williams Reserve sports fields lighting
\$30,000 – Kingsford Smith Reserve for retaining wall

2017/18 Program

\$14,000 – Kingsford Smith Reserve various repairs
\$3,960 – Williams Reserve weed control

2016/17 Program

\$95,000 – Shaws Bay Management Plan related works

10.6 Crown Reserves Improvement Fund 2019/20 - Priorities

2015/16 Program

Nil

2014/15 Program

\$200,000 – Contribution towards construction of coastal shared pathway

\$350,000 – Contribution towards Marine Rescue Tower

\$150,000 – Infrastructure works for Lake Ainsworth

2013/14 Program

\$100,000 – Contribution towards construction of coastal shared pathway

As a general rule it is felt that grants up to \$100,000 are more likely to be approved, albeit there are some examples approved higher than that amount.

The larger amounts of funding approved in the CRIFP are often allocated to upgrades for Crown Reserve Holiday Parks.

In respect to the 2019/20 program Council staff have identified a priority listing of CRIFP projects as per the following table.

Ref	Project	(\$'000)
1	Riverview Park playground installation	95
2	Shaws Bay CZMP action plan	150
3	Hampton Park – Car park detailed design and construction	400
4	Pop Denison Playground Master Plan stage two	250
5	Williams Reserve weed control	20
6	Compton Drive fencing	30

A brief background to each of these projects is as follows:

1. Riverview Park Playground installation – This playground is identified in Council's playground replacement program.
2. Shaws Bay CZMP Action Plan – Path construction and embellishment of the recreation reserve and beach access in accordance with the CZMP
3. Hampton Park – Car park and Moon Street access detailed design and construction – the Plan of Management for Hampton Park includes the detailed design and construction of a new car park.
4. Pop Denison Playground Master Plan stage two – continuation of works to implement the senior playground
5. Williams Reserve – weed control – planting maintenance and fencing
6. Compton Drive Fencing – works in association with the adopted Companion Animals Management Plan.

Item three, Hampton Park car park, access and construction has been included in this list in response to correspondence received from the Ballina Tennis Club and Cherry Street Sports Club in 2017 and 2018.

In February 2019 Council received a development application by the Cherry Street Bowling Club for carpark works that is broadly consistent with the Plan of Management for Hampton Park Plan, albeit with matters outstanding.

This development application cannot be processed until land owner's consent is granted.

10.6 Crown Reserves Improvement Fund 2019/20 - Priorities

The main issues with the development application are outstanding matters that are required to be resolved prior to land owner's consent being granted.

These matters include:

- Any development on Crown Land needs a Native Title assessment by Council staff.
- The proposed car park storm water treatment area is in direct conflict with the adopted Plan of Management showing future courts for the tennis club.
- The proximity of the car park to the existing fig tree and how this relates to Council's Urban Vegetation on Public Land Policy adopted in 2018.

The Cherry Street Sports Club is proposing to pay for these works through grant funding, although this has not been announced.

Council has not identified a funding strategy for these works and it is not in the Long Term Financial Plan. Should Council be successful with grant funds, Council could choose to undertake the site investigation and design works internally to ensure consistency with the Plan of Management.

Sustainability Considerations

- **Environment**
Projects identified for funding will take due consideration of the environment.
- **Social**
A number of projects will provide social benefits to the community.
- **Economic**
Applying to state and federal funding programs decreases the financial burden on Council in delivering important projects for the community.

Legal / Resource / Financial Implications

The projects listed in this report are identified as important community projects. The report is seeking to secure further funds for each of these projects to ease the pressure on existing capital expenditure budgets or fund works without identified funding sources.

Consultation

Generally, the projects identified for funding are part of broader framework of plans that have been subject to significant public and stakeholder consultation.

These plans include the Community Strategic Plan, Delivery Program and Operational Plan, the Ballina Major Regional Centre Strategy or a site specific master plan or plan of management.

Options

Council can proceed to make application for the six projects as outlined in this report to the CRIFP for 2019/20 or may choose to amend the project list.

One option available to Council is remove the Hampton Park project and instead review the Hampton Park Plan of Management (2005) to ensure it reflects community expectations and meets contemporary standards, rather than list it as a priority for funding in 2019/20.

The recommendation still includes Hampton Park as it is a priority for the community however expectations may need to be managed due to the various issues associated with the proposed works.

There is no limit to the number of applications allowed for the CRIFP, although staff resources are limited in respect to submitting applications, and the recommendation is to apply for funding for all the projects identified.

RECOMMENDATION

That Council confirms the priority projects for the Crown Reserves Improvement Fund Program for 2019/20 are as follows:

Ref	Project	(\$'000)
1	Riverview Park playground installation	95
2	Shaws Bay CZMP action plan	150
3	Hampton Park – car park detailed design and construction	400
4	Pop Denison Playground Master Plan stage two	250
5	Williams Reserve weed control	20
6	Compton Drive fencing	30

Attachment(s)

Nil

10.7 Deadmans Creek Road, Cumbalum - Service Levels

10.7 Deadmans Creek Road, Cumbalum - Service Levels

Delivery Program Communications

Objective To determine Council's preferred level of service for Deadmans Creek Road.

Background

Council engineering staff have been responding regularly to requests for works or increased service levels in respect to Deadmans Creek Road. Some of the proponents requesting this work have not been satisfied and have been very critical of the responses from our technical staff.

It is the role of Councillors to determine how Council's resources are to be allocated throughout the community and the purpose of this report is to seek a determination as to how staff are to respond to the on-going requests for works at Deadmans Creek Road.

Key Issues

- Resource allocation

Information

Deadmans Creek Road was originally the only entrance into the Ballina Heights and Cumbalum Estates, with the road leading to the former Pacific Highway (i.e. now Tamarind Drive). Attachment 1 provides a locality map for the precinct.

The long term planning for the Ballina Heights Estate envisaged that Ballina Heights Drive (originally referred to as Cumbalum Way) would supersede Deadmans Creek Road as the main entry into this Estate, with Ballina Heights Drive providing a new entrance road, constructed to contemporary standards, including adequate street lighting.

The location of Ballina Heights Drive changed over time, with the developers of the Estate originally undertaking some pre-loading in a different location, at their expense however the alignment was then amended to its current location based largely on improved flood impacts.

Council has always recognised that the removal of Deadmans Creek Road would result in, particularly, the Summerhill Crescent residents having to drive further to head south to Ballina, therefore there has been a reluctance to close the road due to this inconvenience. This decision has to be balanced against Council's floodplain mitigation strategies where the removal of Deadmans Creek has been identified as an action to help mitigate flood impacts, especially for the landowners north of this location.

10.7 Deadmans Creek Road, Cumbalum - Service Levels

Recently Deadmans Creek Road has also provided an alternative exit from the Ballina Heights Estate in flooding, with Deadmans Creek Road currently closed to flooding at higher flood levels than what occur for Ballina Heights Drive to be closed, or at least restricted in its use, at the intersection with Tamarind Drive.

The most recent reports on the future of Deadmans Creek Road were submitted to Council in April and May 2015 and a copy of those reports, and the subsequent resolutions, are included as Attachments 2 to 5 for this report. The two reports highlight that the removal or lowering of Deadmans Creek Road provides flood mitigation benefits, along with outlining a range of other matters associated with the performance of the road.

At the May 2015 Ordinary Council meeting there was also a notice of motion in respect to access to Ballina Heights, with Council resolving as follows:

Notice of Motion - Ballina Heights Access (resolution 280515/1)

1. *That Council seek an urgent commitment from the NSW Roads Minister for the Government to modify the Ballina Bypass for the purpose of rectifying the negative impact it has caused in reducing the level of access for Ballina Heights and the adjoining residential precincts during major storm events.*
2. *That Council take no further action in respect of its decision to lower Deadman's Creek Road until the upgrade to Tamarind Drive proposed in point one above is implemented.*

The final matter that related to Ballina Heights and Deadmans Creek Road at the May 2015 Ordinary Council meeting was the adoption of the Ballina Floodplain Risk Management Plan, where Council resolved as follows:

Floodplain Risk Management Plan – Adoption (resolution 280515/5)

That Council adopt the Ballina Floodplain Risk Management Plan, as previously exhibited, subject to the following amendments:

1. *The addition of the following further flood modification measure.*

F8 Investigate the feasibility of alternate systems of flood structural measures that may include a combination of levee, pump and floodgates to provide protection for the Ballina Island precinct.

2. ***Amend F2 (Consider Lowering of Deadmans Creek Road) to the following:***

F2 Lower Deadmans Creek Road

The Council has considered a report and determined its preference is to lower the surface of Deadmans Creek Road to a level of 0.9 m AHD. This level represents the preferred optimum balance between providing a level of flood immunity for the road and achieving a reduction in the impact of flooding for upstream property owners.

The Council records its decision not to implement this decision until satisfactory access service levels are provided at Tamarind Drive, immediately to the north of Deadmans Creek Road.

3. *Add the following further property modification measure in relation to the Ballina Major Retail Centre Strategy*

10.7 Deadmans Creek Road, Cumbalum - Service Levels

P4 Monitor the outcomes of the Ballina Major Retail Centre Strategy and integrate these outcomes within the Floodplain Risk Management Plan and the Development Control Plan as appropriate.

That Council receive a further report on the priorities for the investigation of alternate systems (as per F8) of fill as Council's preference is to minimise the use of fill.

The various resolutions arising from the May 2015 Ordinary meeting, particularly in relation to Deadmans Creek Road and the Ballina Heights / Tamarind Drive roundabout, have resulted in extensive on-going discussions and meetings with the RMS, particularly with Mr Bob Higgins, Director - Pacific Highway Project (recently retired), to determine the engineering reasons for the flooding and to identify options to eliminate the closure or reduced performance of the Ballina Heights / Tamarind Drive roundabout in flood events.

From Council's perspective the RMS need to address drainage works that were not undertaken in accordance with the original Ballina bypass planning consent.

This has proven to be extremely frustrating as the RMS largely place responsibility for the flood impacts on decisions made by the developers of the Ballina Heights Estate.

RMS recently undertook an asphalt overlay to address settlement that has occurred in this location, particularly around the bridge to the immediate north of Deadmans Creek Road.

This work helped to address the settlement that had occurred in this location, post construction of the Ballina bypass however it did not do anything to address the flooding issues that arise at the Ballina Heights / Tamarind Drive roundabout.

The RMS has also provided approval for Council to implement a traffic management plan that facilitates entry and exit from the Estate when Tamarind Drive is closed due to flooding. This plan utilises the south facing ramp to enable two way access to the motorway.

Since the retirement of Mr Bob Higgins in 2018 there is a general feeling this issue is not being advanced satisfactorily by the RMS and on that basis one recommendation for this report is to write to the Minister for Roads seeking urgent action be taken to address the risks associated with the flooding of the Ballina Heights / Tamarind Drive roundabout.

It has been a reasonable period of time since our last flood event in this location and it is important that a solution be confirmed, and funded, in the not too distant future.

The decisions from May 2015 place some context on the flooding and access issues in this precinct and in respect to Deadmans Creek Road the current position of Council is that the surface of the road should be lowered to reduce flood impacts, albeit that this should not occur until satisfactory access levels are provided at the Ballina Heights / Tamarind Drive intersection.

10.7 Deadmans Creek Road, Cumbalum - Service Levels

With the last decisions of Council being to lower the surface of Deadmans Creek Road it is important that Council clarifies the level of service to be provided for this road to help respond to resident concerns.

The matters that are causing significant angst amongst the residents in this location can be summarized as:

1. Inadequate street lighting at the intersection with Tamarind Drive
2. Inadequate maintenance of the bull rushes and grasses that grow from the roadside drain at the intersection between Summerhill Crescent and Deadmans Creek Road
3. Excess speed along Deadmans Creek Road.

Actions taken to date are as follows.

Street Lighting

Council has a recurrent budget of approximately \$50,000 for street lighting improvements. This is a relatively recent addition to Council's annual budget as traditionally Council has not undertaken street lighting improvements. Street lighting is normally provided by developers, in conjunction with new developments, based on the standard of the day.

The four year program for street lighting in Council's 2018/19 Delivery Program is as follows:

Description	2018/19 (\$)	2019/20 (\$)	2020/21 (\$)	2021/22 (\$)
Street Lighting	51,000	53,000	54,000	55,000
Lighthouse Parade, East Ballina	51,000	34,000		
Ceretto Circuit, Wollongbar		19,000		
Megan Crescent, Lennox Head			15,000	
Quays Drive, West Ballina			12,000	
Riverside Drive, West Ballina			12,000	
Daydream Avenue / Sunnybank Drive			7,000	
Simmons Street, North Ballina			8,000	
Piper Drive, North Ballina				12,000
Convair Avenue, North Ballina				7,000
De Havilland Crescent, North Ballina				28,000
Sheather Street, Ballina				8,000

There has been some criticism of this program in that a large part of the works focuses on industrial precincts rather than residential areas.

This program was originally adopted by Council following a community consultation process and the program of works can be amended at any time, subject to Council approval. The industrial locations were included due to pedestrian safety and security concerns.

10.7 Deadmans Creek Road, Cumbalum - Service Levels

The installation of lighting at the intersection of Tamarind Drive and Deadmans Creek Road was recently reported to the Local Traffic Committee meeting held 12 December 2018. A copy of that report is included as Attachment 6.

The recommendation arising from that meeting was as follows, with representatives from the RMS, NSW Police, Tamara Smith's office and Council staff present:

After consideration of written and verbal submissions regarding the safety of the Tamarind Drive/Deadmans Creek Road intersection, the Committee provides the following traffic engineering advice:

- 1. The recent upgrading of linemarking and delineation have made significant safety improvements.*
- 2. The current intersection configuration and delineation is considered to provide an appropriate level of safety for day and night driving conditions.*
- 3. Flag lighting would not be considered a safe or cost effective treatment.*
- 4. Council could consider installation of guideposts on the south eastern splay corner to improve delineation and minimise the likelihood of errant vehicles encroaching onto the nearby roadside drain.*
- 5. Council could consider westward (towards Tamarind Drive) extension of the marked centre line on Deadmans Creek Road with possible upgrading of the centre line to a median treatment.*

Council staff have implemented recommendation four and recommendation five remains under consideration as the benefits are debatable.

In respect to the cost of street lighting, as per the Local Traffic Committee report, flag lighting was examined as one potentially cost effective lighting solution for this intersection.

As that option was not supported by the Local Traffic Committee no further work has been undertaken on that proposal.

In respect to the installation of normal street lighting, Council does not have an updated estimate for this work with Council only once having completed a similar project when street lighting was provided for at the intersection of Headlands Drive and The Coast Road.

That work, which was undertaken by the then Country Energy in circa 2007/08, was approximately \$70,000. It is reasonable to assume that the cost of similar works would now be well in excess of \$100,000 plus.

In response to the representations from residents Council could seek to obtain an updated estimate for this work from Essential Energy, if Councillors were prepared to expend public monies on street lighting in this location.

Council could also immediately review the entire program for street lighting.

10.7 Deadmans Creek Road, Cumbalum - Service Levels

A further community consultation process could be undertaken to seek feedback on locations where residents would like to see street lights installed and the responses received would be benchmarked against contemporary standards to determine a priority list.

Another option could be to engage a consultant to provide a shire wide report on preferred locations for new and improved street lighting. This work would be extensive, and even if Council only focused on older areas in the shire, where street lighting standards may be below existing benchmarks, this consultancy may still cost in the tens of thousands of dollars.

With a number of projects still to be completed in the current street lighting program the intention of the Civil Services Group is to commence preparing a new program of works, most likely based on a community consultation approach, within the next 18 months to two years to allow Council to then adopt a new list of priorities.

Maintenance

Council's response in respect to maintenance was outlined in correspondence to Mr John Bout dated 18 January 2019, a copy of which is included as Attachment 7.

As per that response our maintenance records indicate that work is being undertaken on "a regular 5-6 week maintenance cycle during the two growing seasons in 2018".

That response also examined other options such as spraying or relocating the drain. The drain relocation was estimated at \$10,000 and even though it has not been supported by staff, Council could allocate monies to this project, if this was the preferred option.

Speed

In response to speed concerns traffic counters have previously been installed in that location. As outlined in the Attachment 7 response, enforcement action (i.e. Police) was the preferred strategy to manage drivers in this location.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Concerns in respect to Deadmans Creek Road, along with its intersection with Summerhill Crescent, are resulting in negative social impacts for some residents in this locality.
- **Economic**
The financial impact of any decision in respect to service levels needs to be determined by Council.

Legal / Resource / Financial Implications

The implications are dependent upon how Council wishes to allocate its limited resources.

Consultation

There has been on-going consultation with residents in this locality, including site meetings. NSW Police and the RMS have also been consulted through the Local Traffic Committee. A large number of Council engineering staff have also been involved in this process.

Options

There are a wide range of options available, including but not limited to:

- Street lighting – options range from not taking any further action to installing normal street lighting, subject to funding being confirmed. Council also has the option of commencing a community consultation program to determine a new priority order of works for the limited funding available in the recurrent budget.
- Maintenance – options range from maintaining the current service level, increasing the frequency of mowing or relocating the drain.
- Speed – options range from relying on NSW Police enforcement to considering possible infrastructure works such as speed humps or similar, subject to ensuring any works comply with engineering standards.

Once final comment is that there is agreement that the overall design of the intersection for Deadmans Creek Road and Summerhill Crescent could be improved based on modern design standards.

To provide a modern intersection at that location would cost well in excess of \$100,000, if not substantially more, and again the decision for Council is to determine whether this intersection is a priority over other road works across the shire.

In conclusion this report is seeking direction from Council as to the preferred service levels therefore recommendations one to three provide the opportunity for Councillors to determine whether the current arrangements are to be amended.

Recommendation four seeks to obtain Ministerial involvement in the flooding at the intersection of Ballina Heights and Tamarind Drive, in order to obtain a resolution in a more-timely manner.

RECOMMENDATIONS

1. That Council notes that the current street lighting program does not include the provision of street lighting for the intersection of Deadmans Creek Road and Tamarind Drive, with the program due for review within the next two years.
2. That Council notes that the existing maintenance program for the Deadmans Creek Road / Summerhill Crescent intersection is deemed cost effective and reasonable based on available Council resources.
3. That Council notes that NSW Police enforcement is the preferred action to mitigate speeding drivers on Deadmans Creek Road.
4. That Council write to the Minister for Roads expressing our frustration with the lack of a reasonable response from the RMS in respect to mitigating the flood impacts on the Ballina Heights / Tamarind Drive roundabout, with Council seeking an urgent meeting with the Minister to determine how the flood impacts are to be rectified and funded.

Attachment(s)

1. Locality Map
2. Report to Council on 23 April 2015
3. Resolution from 23 April 2015 Ordinary meeting
4. Report to Council on 28 May 2015
5. Resolution from 28 May 2015 Ordinary meeting
6. Report to Local Traffic Committee on 12 December 2018
7. Response - Intersection of Deadmans Creek Road

10.8 Legal Matters - Update

10.8 Legal Matters - Update

Delivery Program Communications

Objective To provide an update on the major legal matters involving Council.

Background

The purpose of this report is to provide an update on current or recent legal matters involving Council.

Key Issues

- Type and cost of litigation

Information

This report provides an opportunity to examine legal matters in which the Council is, or has been, involved, with reference to the current or most recent financial year.

The report has been provided in open Council to ensure the information is available to the public.

Details of the current legal case(s) are as follows:

Solicitor for Council	Parties	Description	Cost Estimate	Expenses to Date
Allens Linklaters	Planners North v Ballina Shire Council	Land and Environment Court - Class 1 Appeal Proceedings – Challenge deemed refusal of development application 2016/184	1,000,000	1,159,000
Comment				
<p>The applicant appealed the deemed refusal of DA 2016/184 (Cumbalum views Estate) for an urban subdivision of the Cumbalum Urban Release Area – Precinct A (CURA A) originally comprising a total of 642 residential allotments, four future development lots, eight residual rural lots, 18 open space lots, road construction, earthworks, stormwater management, infrastructure works, vegetation removal and other associated subdivision works.</p> <p>The matter has been through a Section 34 Conciliation Conference, which was terminated by Commissioner Chilcott on 31 August 2017. The appeal was also scheduled for a one week formal hearing before Commissioner Brown commencing Monday 12 February 2018. The applicant sought leave of the Court to formally amend the application on three occasions. These ongoing changes to the proposed subdivision from that originally proposed have been in response to Council's planning and environmental outcomes for this locality and following joint expert reporting.</p> <p>A hearing before Commissioner Brown on the conditions in dispute was held on 15 May 2018.</p> <p>A decision on the matter was handed down on 22 June 2018 with the development application approved with conditions. The approved development (now 457 residential lots) is different from that originally proposed reflecting the address of a variety of issues that were raised by Council as concerns both pre the Court action and during the Court proceedings.</p> <p>Allens Linklaters are currently addressing the matter of the recovery of costs in line with Council's June 2018 resolution in this regard.</p>				

10.8 Legal Matters - Update

CH Law	Byron Highlander Estate v Ballina Shire Council	Land and Environment Court - Class 1 Appeal Proceedings – Challenge refusal of development application 2017/557	30,000	11,000
<p>Comment</p> <p>The applicant appealed Council's decision to refuse DA 2017/557 for a function centre, restaurant and tourist facility at North Teven Road, Teven. The matter was considered at a Section 34 Conciliation Conference on 30 October 2018. On 14 November 2018, the Court ordered that the appeal is upheld and that DA 2017/557 for the construction of a function centre for 100 attendees and change of use of the adjacent dwelling house use as tourist accommodation is approved subject to conditions of consent. This matter has now concluded.</p>				
CH Law	Ballina Shire Council v Joanne White	Ballina Local Court - Class 5 Prosecution Proceedings	15,000	900
<p>Comment</p> <p>Council was alleging that the landowner has undertaken works without the prior development consent of Ballina Shire Council where such development consent was required contrary to Section 4.2 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW).</p> <p>These works consist of:</p> <ul style="list-style-type: none"> • the construction of an internal road and the importation of fill materials • the installation of a culvert into a natural waterway/waterbody • the installation of drainage culverts along the road • the subsequent apparent failure of these roadworks whereby it appears that these works are failing with materials flowing into a natural waterway/waterbody • the removal and poisoning of vegetation; • a pollution incident, whereby soil has been deposited into a natural waterway/waterbody as a result of the above works and the installation of drainage works. <p>Council resolved to commence proceedings in the Local Court jurisdiction. This matter was listed in the Ballina Local Court where pleas of guilty were entered by the person responsible for the works, Mr Jason White. Mr White appeared again in Ballina Local Court on Thursday 14 February 2019 for sentence.</p> <p>Magistrate Stafford found that both charges were proven, however on the basis that the objective seriousness of the offences was at the minor end of the spectrum and that, following Council's Prevention Notice being complied with, significant repair to the natural environment was undertaken at a great cost to Mr White, there was no real ongoing harm to the environment. Mr White was granted a Section 10 (case proven, no criminal conviction recorded) under the provisions of the Crimes (Sentencing Procedure) Act 1999 (NSW). Mr White was ordered to pay Council's professional costs of \$4,200. These proceedings have now concluded.</p>				
CH Law	Ballina Shire Council v The Beach (East Coast Australia) Pty Ltd	Land and Environment Court - Class 4 Civil Enforcement Proceedings	35,000	23,100
<p>Comment</p> <p>Council staff have been investigating building activity and works at 70 Shelly Beach Road East Ballina (Lot 1 DP 781525) since August 2018. This property is commonly known as The Beach House (formerly Gunundi and Dunes). In summary, substantial works including building works and land forming have been undertaken at the site. The key issue in relation to this matter is whether necessary approvals have been obtained for various aspects of the works. The landowner has largely relied on exempt development provisions under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as the basis for the work undertaken.</p> <p>Council has initiated Class 4 proceedings in the Land and Environment Court seeking various declarations and injunctions relating to works undertaken and use of the property. The matter has been adjourned until 12 April 2019.</p>				

10.8 Legal Matters - Update

CH Law	Palmlake Works Pty Ltd v Ballina Shire Council	Land and Environment Court – Class 1 Appeal Proceedings – Challenge deemed refusal of development application 2018/321	Initial estimate is \$50,000	0
Comment				
<p>DA 2018/321 comprises the staged erection of an extension to an existing Seniors Housing Development (Palm Lake Resort) under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 comprising of 156 self-care dwellings, recreation facilities and associated car parking, infrastructure works, site filling and associated works at Lot 2 DP 1155600, 120 North Creek Road Ballina.</p> <p>The application has a CIV of \$37.8 million and therefore is deemed to be regionally significant development. As such, the Northern Joint Regional Planning Panel was identified as the determining authority. Although this is a JRPP matter, Council is required to attend to the appeal. The application was lodged on 13 June 2018. Council has sought additional information in relation to the application through various items of correspondence.</p> <p>On 24 October 2018, the applicant lodged Class 1 proceedings in the Land and Environment Court for a deemed refusal of development application 2018/321. The proceedings were lodged on the basis of not requiring that Council prepare its facts and contentions as to the case, as the applicant would be preparing amended plans for the development. Council has received legal advice and Counsel has been briefed as to the Class 1 proceedings.</p> <p>On 9 November 2018, the applicant filed a notice of motion containing an amended proposal and a request for expeditious proceedings in relation to this matter.</p> <p>Council prepared its Facts and Contentions by 17 December 2018. The applicant is to prepare a response to the facts and contentions by 15 February 2019. Expert evidence in the fields of civil engineering (flooding, hydrology, geotechnical), bushfire, ecology and town planning have been engaged.</p> <p>The matter has been set down for Hearing from 15 to 22 July 2019. An informal meeting between parties has been set by the Court for 13 May 2019.</p>				
CH Law	Michael Young v Ballina Shire Council	Land and Environment Court – Class 1 Appeal Proceedings – Challenge deemed refusal of development application 2017/321	15,000	12,000
Comment				
<p>DA 2017/231 involves a proposal for a Dual Occupancy at Lot 2 DP 815590, Willowbank Drive Alstonvale. More specifically, the matter relates to a Section 4.55 modification application for amendments to an issued development consent for an attached dual occupancy.</p> <p>The modifications include the deletion of an approved linked walkway between two buildings and the removal of a condition of consent requiring the payment of Section 94 contributions. Council requested that the modification application be withdrawn and a fresh Development Application be submitted for the proposed building modifications and change of use to a detached dual occupancy.</p> <p>The applicant has exercised their rights under Clause 113 of the Regulation where the application is deemed refused if not determined within 40 days.</p> <p>The applicant has made an application for appeal to the Land and Environment Court regarding a condition of consent imposed requiring the payment of Section 94 contributions in addition to the argument against Council's request for the need to lodge a new Development Application for the modifications, rather than a Section 4.55 modification application.</p> <p>Preliminary discussions have been held with our solicitor and statements of evidence have been prepared by Council's own expert staff.</p> <p>The matter proceeded by way of a Section 34AA Conciliation Hearing on 10 and 11 January 2019 in the L&E Court.</p> <p>The Commissioner reserved her decision and the parties are awaiting the outcome.</p>				

10.8 Legal Matters - Update

CH Law	Ballina Shire Council v Ballina Sands	Ballina Local Court - Class 5 Prosecution Proceedings	15,000	5,000
<p>Comment</p> <p>Council resolved at the November 2018 Ordinary Council meeting to commence legal proceedings against Ballina Sands in relation to over extraction of sand from the Ballina Sands quarry located on Newrybar Swamp Road.</p> <p>Following the preparation and service of Court Attendance Notices on the quarry operators, the matter was listed for mention at Ballina Local Court on Thursday 14 February 2019. There was no appearance by the quarry operators however they were legally represented in Court.</p> <p>Council has provided evidence that it will seek to rely on for the prosecutions to the quarry operators through their solicitors, McCartney Young Solicitors. McCartney Young sought and was granted an adjournment to consider the Council's evidence and the matter is now set down for plea on Thursday 14 March 2019 at Ballina Local Court.</p>				
CH Law	Wayne Millar v Ballina Council	Land and Environment Court – Class 1 Appeal Proceedings – Challenge refusal of development application 2018/189	15,000	0
<p>Comment</p> <p>DA 2018/189 involves a proposal for a steel framed metal clad storage shed located on a residential lot at 4 Page Court Lennox Head. Council determined the application by way of refusal at its December 2018 Ordinary Meeting.</p> <p>The matter is set down for a 34AA Conciliation and Hearing on 30 and 31 July 2019 in Ballina.</p>				
CH Law	Ardill Payne and Partners v Ballina Shire Council	Land and Environment Court – Class 1 Appeal Proceedings – Challenge refusal of development application 2017/707	45,000	0
<p>Comment</p> <p>DA 2017/707 involves a proposal for the demolition of an existing dwelling and ancillary structures, and construction of a new dwelling containing two storeys above ground level, a basement storey for carparking and storage, a swimming pool, and boundary fences on a residential lot at 5 Rayner Lane Lennox Head. Council determined the application by way of refusal at its August 2018 Ordinary Meeting.</p> <p>The matter is set down for a s34AA Conciliation and Hearing on 12 and 13 September 2019 in Lismore.</p>				
CH Law	Intrapac Skennars Head v Ballina Shire Council & Northern Regional Planning Panel	Land and Environment Court – Class 1 Appeal Proceedings – Challenge deemed refusal of development application 2017/244	Awaiting information	0
<p>Comment</p> <p>DA 2017/244 relates to the Skennars Head Expansion Area and involves a proposal for the residential subdivision of Lot 6 in DP 1225206, involving 229 residential lots, and other associated works/easements in Lot 4 DP1184436, Lot 7 DP1225206, Lot 50 DP755684 and Lot 5 DP1225206.</p> <p>Although the development application has progressed to a point where it is before the Northern Regional Planning Panel for determination, the proponent has lodged an Appeal to preserve its Appeal rights. Importantly, this does not prevent the Panel from proceeding to determine the application. Ultimately, the determination of the application will inform the nature and extent of any Court action that follows.</p> <p>The matter is set down for first directions from the Court on 25 February 2019.</p>				

Legal / Resource / Financial Implications

This section provides an update on legal costs for recent years and for the current year to date.

10.8 Legal Matters - Update

Description	2016/17	2017/18	2018/19
Byron Highlander Est – DA 2017/557 (Function Centre)	0	2,800	8,200
Planners North – DA 2016/184 (CURA A)	273,000	832,100	42,400
Skennars Head – DA 2017/244	0	1,100	6,600
Tara Downs – DA 2017/223	0	0	2,200
Sand Quarry Advice – Newrybar Swamp Road	0	4,000	17,400
Northcott Crescent - Resource Management Facility	0	0	12,300
The Beach House	0	0	23,100
White (404 Old Byron Bay Road)	0	0	900
Seabreeze Caravan Park	25,000	104,500	0
Parrington Advice – DA 2016/140 – 47 Ellis Road	0	4,800	0
Complex Field – DA 2015/377 (51 Blue Seas Parade)	0	300	0
Quays Drive Advice – DA 2016/690	0	9,800	0
Retail Fuel – DA 2016/25	5,000	0	0
North Creek – Wall	6,000	0	0
Riveroaks / Ferngrove Consent	6,000	0	0
Fire Safety Statements	0	0	5,300
Miscellaneous	38,000	7,800	13,100
Total Expenditure	353,000	967,200	131,500
Expenditure Budgets	167,500	1,005,000	220,000
Legal Budget – Surplus / (Overdrawn)	(185,500)	37,800	88,500

Legal expenditure can vary significantly from year to year as shown in the following table and 2016/17 and 2017/18 were substantial expenditures, as compared to previous years, largely due to the CURA A matter.

Year	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Expense	790,000	412,000	710,000	136,000	149,000	265,900	103,000	88,000
Income	161,000	0	353,000	8,000	19,000	34,000	5,000	20,000
Net	629,000	412,000	357,000	128,000	130,000	231,900	98,000	68,000

These expenditure figures exclude legal costs relating to lease documentation, property matters, contracts, contract disputes etc.

At this point in time no change to the 2018/19 budget is recommended although there remains some risk it could be exceeded by year end.

Contract Disputes

Contract disputes, can at times involve legal action, and the major on-going disputes in respect to contracts are as follows:

- Haslin Constructions – Ballina Wastewater Treatment Plant Design

Council has not awarded completion of this contract as the works are not considered to be defect free. The Contractor disputes this position and the issues were referred to Expert Determination.

The Expert Determination report was decided in Council's favour. As the value of the works considered by the Expert is in excess of \$500,000 this determination is non-binding on the parties.

The contract has a limited term in which time a party may litigate on an issue reviewed by Expert Determination.

10.8 Legal Matters - Update

Since the completion of the Expert Determination process, Council officers have met regularly with the Contractor as they work towards completing the defect rectification methodology and detailed design.

In the interests of resolving the issues without further legal action, in response to requests from the Contractor, Council has agreed to several extensions to the limited litigation term.

While the Contractor has made some progress to address the defects, Council officers are concerned with the extent of this progress and the time taken so far. Therefore Council has taken a further two actions to manage this situation.

Firstly, Council arranged an independent contract management expert to facilitate a without prejudice workshop between the parties.

In preparation for the workshop, Council set out our position in regards to what the Contractor needs to do to comply with the terms of the contract (as supported by the Expert Determination). The Contractor prepared their response in respect to Council's position.

The facilitated workshop was held in late December 2018. Council's officers and the contractor exchanged written submission prior to the workshop to assist the process.

The key point from Council's perspective has been to confirm we are prepared to accept the findings from the Expert Determination and seek to resolve differences in the final details of these decisions.

While substantial points of difference remain, the workshop was beneficial and some agreed actions are being undertaken.

The Contractor has now prepared designs for the proposed works to amend the defects.

These designs have been reviewed by Council's technical officers and officers from the NSW Office of Water.

The Contractor proposes to return to site in February 2019 to commence implementing the required defect rectification works.

This progress is a step forward when compared to the last update, however the dispute does still remain substantially unresolved at this point in time.

The expert determination reviewed six issues and only one outcome was unfavorable to Council and this was in relation to the replacement of damaged membranes.

For that issue, the Expert Determination was that Council and the Contractor should equally share the costs of the membrane replacement.

At this point in time we are uncertain as to the cost of this as we continue to negotiate the actual scope of works and the terms for the replacement.

10.8 Legal Matters - Update

The second action Council has taken is advising the Contractor, in writing, no consideration to review the extended term will be undertaken unless Council is satisfied substantial progress to rectify the defects have been achieved.

The expiry of the current extension occurs in February 2019.

- Cardno Pty. Ltd – Wollongbar Sports Fields Design

Council issued Cardno with a letter of demand in respect to rectification costs associated with defective design components.

Cardno has responded by denying the claim.

Since the last report to Council, a technical assessment was required by our lawyers to enable them to further consider the Cardno response.

This work has been completed by Council staff and submitted to our lawyers.

Their review will determine whether or not to proceed further with our claim.

- Ridgemill Pty. Ltd – Ballina Swimming Pool Electrical

Council issued Ridgemill with a letter of demand in respect to the additional costs to Council after Council relied on the advice of the designer in regards to the electrical infrastructure needs for both pool sites.

Since the last report, Ridgemill have now provided their response. This is currently being assessed by our legal advisors.

This review will determine whether or not to proceed further with our claim, however in response to the content of Ridgemill's letter, we have requested a meeting with Ridgemill to discuss a possible resolution to the claim.

Consultation

This report is provided in open Council to ensure the community is informed on legal matters involving Council. If Council wishes to discuss any matters of detail for the matters listed it may be necessary to resolve into confidential session to ensure any legal advice is not provided in open session.

Options

This report is provided for information purposes.

RECOMMENDATION

That Council notes the contents of the legal matters – update report.

Attachment(s)

Nil

10.9 Financial Review - 31 December 2018

Delivery Program Financial Services

Objective To provide a quarterly review of the 2018/19 financial year budget based on the known results to 31 December 2018.

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, submit to the council a budget review statement that shows a revised estimate of the income and expenditure for that year. This report provides the review for the second quarter of the 2018/19 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 31 December 2018. 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 – Other Matters – This section of the report is for any other additional matters. The report includes a proposal for a promotion aimed at increasing the number of ratepayers who receive rates notices electronically.

Section Seven - 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 2018/19 000's	September Budget 000's	Approved Changes 000's	Revised Budget 000's	Changes for Approval 000's	December Budget 000's	Actual to December 000's
Strategic and Community Facilities Group							
Strategic Planning	294	362	18	380	1	381	109
Community Facilities	764	736	0	736	(57)	679	358
Library Services	85	85	0	85	23	108	101
Swimming Pools	657	657	0	657	0	657	621
Tourism	150	150	0	150	3	153	35
Sub Total	1,950	1,990	18	2,008	(30)	1,978	1,224
Development and Environmental Health Group							
Development Services	672	672	0	672	0	672	320
Building Services	1,332	1,332	0	1,332	110	1,442	826
Environmental and Public Health	341	831	0	831	83	914	348
Public Order	262	282	0	282	(5)	277	138
Sub Total	2,607	3,117	0	3,117	188	3,305	1,632
Civil Services Group							
Engineering Management	307	307	0	307	8	315	176
Depot and Ancillary Building Management	0	0	0	0	0	0	0
Stormwater and Environmental Protection	512	614	0	614	18	632	384
Roads and Bridges	237	387	0	387	83	470	240
Ancillary Transport Services	773	895	0	895	6	901	411
Roads and Maritime Services	783	818	0	818	125	943	500
Open Spaces and Reserves	809	809	0	809	0	809	578
Fleet Mgmt and Workshop	232	232	0	232	0	232	113
Rural Fire and Emergency Services	200	264	0	264	0	264	113
Quarries and Sandpit	66	66	0	66	0	66	46
Landfill and Resource Management	2,181	2,230	0	2,230	0	2,230	1,297
Domestic Waste Management	6,671	6,756	0	6,756	50	6,806	6,721
Sub Total	12,771	13,378	0	13,378	290	13,668	10,579
General Manager's Group							
Communications	15	15	0	15	0	15	7
Financial Services	230	230	0	230	0	230	88
Financial Services-General Purpose Revenues	27,700	27,904	0	27,904	95	27,999	24,275
Information Services	103	118	0	118	0	118	81
Human Resources and Risk Mgmt	161	161	0	161	14	175	87
Property Management	2,562	2,572	0	2,572	(10)	2,562	1,655
Ballina Byron Gateway Airport	6,632	6,632	0	6,632	100	6,732	3,500
Sub Total	37,403	37,632	0	37,632	199	37,831	29,693
Total Operating Income	54,731	56,117	18	56,135	647	56,782	43,128

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

	Original Budget 2018/19	September Budget	Approved Changes	Revised Budget	Changes for Approval	December Budget	Actual to December
Operating Expenses (excluding depreciation)							
Strategic and Community Facilities Group							
Strategic Planning	1,182	1,373	18	1,391	32	1,423	528
Community Facilities	1,811	1,880	0	1,880	(105)	1,775	912
Library Services	1,511	1,519	0	1,519	26	1,545	1,110
Swimming Pools	1,480	1,480	0	1,480	0	1,480	871
Tourism	603	604	0	604	2	606	232
Sub Total	6,587	6,855	18	6,873	(45)	6,828	3,653
Development and Environmental Health Group							
Development Services	1,736	1,798	0	1,798	35	1,833	953
Building Services	1,212	1,253	0	1,253	0	1,253	660
Environmental and Public Health	1,557	2,331	0	2,331	99	2,430	708
Public Order	580	580	0	580	0	580	309
Sub Total	5,085	5,962	0	5,962	134	6,096	2,630
Civil Services Group							
Engineering Management	2,744	2,755	0	2,755	6	2,761	1,371
Depot and Ancillary Building Management	1,854	1,812	0	1,812	18	1,830	1,005
Stormwater and Environmental Protection	904	1,016	0	1,016	0	1,016	337
Roads and Bridges	3,497	3,555	0	3,555	83	3,638	1,841
Ancillary Transport Services	1,699	1,996	0	1,996	84	2,080	1,167
Roads and Maritime Services	706	756	0	756	20	776	331
Open Spaces and Reserves	3,779	4,035	0	4,035	40	4,075	2,000
Fleet Mgmt and Workshop	(1,019)	(999)	0	(999)	15	(984)	220
Rural Fire and Emergency Services	430	494	0	494	(21)	473	(218)
Quarries and Sandpit	45	45	0	45	6	51	47
Landfill and Resource Management	1,409	1,487	0	1,487	0	1,487	646
Domestic Waste Management	6,506	6,506	0	6,506	75	6,581	2,900
Sub Total	22,554	23,458	0	23,458	326	23,784	11,647
General Manager's Group							
Communications	2,347	2,384	0	2,384	7	2,391	1,287
Financial Services	(4,468)	(4,468)	0	(4,468)	2	(4,466)	(2,215)
Financial Services-General Purpose Revenues	0	0	0	0	0	0	0
Information Services	2,915	2,945	0	2,945	0	2,945	1,803
Human Resources and Risk Mgmt	736	904	0	904	14	918	556
Property Management	1,501	1,947	0	1,947	(22)	1,925	835
Ballina Byron Gateway Airport	4,572	4,672	0	4,672	11	4,683	2,092
Sub Total	7,603	8,384	0	8,384	12	8,396	4,358
Total Operating Expenses	41,829	44,659	18	44,677	427	45,104	22,288
Net Operating Result Before Depreciation	12,902	11,458	0	11,458	220	11,678	20,840
Depreciation Expense and Other Non Cash	13,885	13,885	0	13,885	0	13,885	3,471
Net Operating Result Continuing Operations	(983)	(2,427)	0	(2,427)	220	(2,207)	17,369

General Fund Working Capital Forecast

Item	Original Budget 2018/19	September Budget	Approved Changes	Revised Budget	Changes for Approval	December Budget	Actual to December
Working Capital Surplus/(Deficit)	(199,900)	(142,600)	0	(142,600)	24,300	(118,300)	

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 December** is a loss of \$2,207,000 which is an improvement of \$220,000 from the September forecast loss of \$2,427,000. This highlights that Council still needs to generate expense savings or increased income to achieve a sustainable operating surplus.

The estimated movement in **unrestricted working capital** has improved from an anticipated deficit of \$142,600 to an anticipated deficit of \$118,300.

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

Community Facilities

Overall, there is a proposed decrease of \$59,000 to the forecast income for Community Facilities (halls) and an increase of \$2,000 in Gallery income.

The decrease in halls income is offset by a decrease to forecast halls expenses of \$122,000. The net difference, a favourable \$63,000 is proposed as a transfer to Community Facilities reserves.

The larger movements in forecast income are detailed below.

The largest individual proposed adjustment is the removal of income of \$92,000 from this financial year for the Ballina Indoor Sports Centre, with completion now anticipated to be towards the end of this calendar year.

Forecast income for the Lennox Head Cultural and Community Centre has been increased by \$30,000, to a total of \$130,000. The increase relates to continued strength in the casual room hire income, which had already been increased by \$20,000 last quarter.

Forecast income for the Alstonville Leisure & Entertainment Centre has been decreased by \$5,000, to \$55,000 based on trend to date.

Forecast income for Northlakes Hall has been increased by a further \$5,000, to \$12,000, based on trend, with this hall now being managed by Council staff.

This follows an increase of \$3,000 last quarter.

Forecast income for Ballina Surf Life Saving Club kiosk and café rent has been increased by \$3,000, to \$71,000 based on the monthly rental being received.

Forecast hall hire income for the Richmond Room has been increased by a further \$3,000, to \$26,000, based on trend.

This follows an increase of \$3,000 last quarter.

Library Services

Funding for the 2018/19 Library Subsidy and Library Special Projects have now been received, a total of \$108,200 which is an overall increase of \$23,200 to the initial adopted budget of \$85,000. The amount received includes \$28,500 for special projects and an offsetting expenditure is raised for that portion.

Swimming Pools

It is now intended to submit a separate report on the performance of the swimming pools to the March 2019 Finance Committee meeting. No budget adjustments have been included within this report. Currently both operating income and expense are trending well above budget.

Tourism

The forecast income for souvenir sales has been increased by \$3,000 to \$39,000 based on trend.

Development and Environmental Health Group

Development Services

Income is trending down as at December however no adjustments to forecast income are proposed at this time as further development activity is anticipated for the remainder of the year and the income collected can vary significantly from month to month.

Building Services

Overall income is trending well above original budget forecasts.

Of total original adopted forecast income of \$1,332,000 for the Building Services section, \$1,243,000 relates to Building Fees, the more significant items being development application fees, plumbing and drainage certificates, building inspection fees and construction certificates.

It is proposed to increase the forecast for Building Fees by \$110,000, to \$1,353,000, with further increases to budget likely within the remainder of this financial year.

Environmental and Public Health

Environmental Trust grant income of \$93,000 has been confirmed for Marom and Chilcott's Creek. A corresponding expenditure budget has been raised.

Forecast income from Registration and Annual Inspections for food premises has been decreased by \$10,000, to \$133,000 based on trend.

Public Order

Forecast dog fines have been decreased by \$5,000, to a revised budget of \$56,000 based on trend.

Civil Services Group

Engineering Management

The budget for development engineer inspection fees has been increased by \$8,000 to \$48,000 based on income received to date.

Stormwater and Environmental Protection

Natural disaster funding has been increased \$17,800, based on confirmation of amounts to be received.

Roads and Bridges

Natural disaster funding has been increased \$82,900, based on confirmation of amounts to be received.

Ancillary Transport Services

The budget for advertising income from bus shelter has been increased by \$6,000 to \$16,000, based on income received to date.

A corresponding increase has been proposed to the expenditure budget for bus shelters to update the existing signage.

Roads and Maritime Services

Confirmation of funding amounts has a revision to the RMS regional roads and block grant budgets increased by a net of \$20,000, with an increase to the regional roads (operating) budget of \$125,000 and a decrease to the block grant (capital) budget of \$105,000.

A corresponding increase of \$20,000 to expenditure budgets has been made.

Landfill and Resource Management (LRM)

No adjustments to LRM budgets have been proposed in this review.

There is a reduction in the income received from LRM over the first two quarters as a result of reduced volumes received at the Waste Management Facility.

The reduced income is offset by an equivalent reduction in the cost of disposal.

Whilst noted, the Manager Open Spaces & Resource Recovery does not recommend adjusting budgets as a response to the volume reductions at this stage as there still may be significant variations towards the end of the financial year.

Domestic Waste Management (DWM)

A budget of \$50,000 has been raised for contributions to be received from other councils for the Recycling Tender Legal Assistance expenditure.

General Manager's Group

Financial Services - General Purpose

The forecast for rates revenue has been increased by \$95,000, based on actual rates levied to date, representing a 0.4% increase over the original forecast income.

Human Resources and Risk Management

Budgeted income for the Statecover Workers Compensation Refund has been increased by \$14,000 to \$74,000 based on amounts received.

A corresponding increase to the Work Health and Safety budget is proposed, as the expenditure of that budget is used towards obtaining this refund.

Property Management

The originally budgeted lease income for Shellys has been reduced by \$33,000 to \$17,500, with the termination of this lease from 2 November 2018.

Forecast residential lease income has been increased by \$23,000, to \$35,000, due to the extension of a lease for the property acquired by Council as part of the Hutley Drive extension.

Ballina Byron Gateway Airport

Overall forecast income for the airport has been increased by \$100,000, with the larger adjustments outlined below.

Forecast car parking fees have been increased by \$40,000 to \$550,000.

Forecast income from car rental franchises is increased \$35,000 to \$550,000, and car parking fines is increased \$15,000 to \$35,000, based on trend.

These could be considered as conservative adjustments, due to uncertainty around the impacts of the terminal expansion for the remainder of this financial year, however it is likely that the end result will be in excess of this.

General Fund - Operating Expenses

Strategic and Community Facilities Group

Strategic Planning

The budget for 9 Byron Bay Road has been increased by \$30,000, to \$36,500. This additional budget is to cover costs incurred for a heritage study to allow the planning application to progress. This expenditure is funded from the Strategic Planning reserves.

The budget for sundry office administration expenses has been increased by \$3,000 to \$28,000. The initial budget adopted is lower than historical expenditure and insufficient to cover expected costs, with a large portion of this budget used for photocopy usage costs.

Whilst there have been continued savings within the salaries budgets, with the continuation of the vacancy of the position of Manager Strategic Planning and other staff absences, no adjustments to salaries budgets are proposed as part of this review, as any savings will be transferred to the leave entitlements reserve.

Community Facilities

Overall, there is a proposed decrease of \$122,000 to the forecast expenses for Community Facilities (halls) and an increase to the forecast expenses of the Gallery of \$17,000.

As noted within the income commentary of this report, the net movement of all proposed budget adjustments within Community Facilities (halls), being \$63,000, has been transferred to the Community Facilities reserve.

The larger movements to forecast expenditure budgets are detailed below.

The original adopted budget included total forecast expenditure of \$141,000 for the Ballina Indoor Sports Centre. This expenditure included forecast salaries expense of \$60,000 and other direct costs of \$81,000.

With the opening of the centre anticipated for the end of this year, the total forecast expenditure has been reduced by \$121,000, to \$20,000. The budget of \$20,000 is to provide for initial set up operating costs.

For the Lennox Head Cultural and Community Centre (LHCC), increases of \$6,300 and \$4,000 are proposed for the air conditioning maintenance and printing/stationary budgets, respectively.

The increase for the air conditioning budget is due to costs incurred for investigation of ventilation options. The increase for the printing/stationary budget is required to cover photocopy usage costs.

The above increases are offset in part by reductions of \$4,000 and \$2,000 for kiosk expenses and auditorium event expenses.

The forecast budget for public halls rates and charges has been corrected, with a decrease of \$3,000.

Overall forecast expenses for the gallery have been increased by \$17,000. The budget for gallery cleaning costs has been increased by \$8,000 to \$21,000. The large increase is due to higher than anticipated cleaning costs and regularity of cleans, both for the original gallery premises and Ignite Studios. A new recurrent budget of \$5,000 is proposed to allow the gallery to engage a casual co-ordinator each year, for the pre-planning and running of NAIDOC week activities. The forecast budget for galleries rates and charges has been corrected, with an increase of \$3,000.

Library Services

A budget for special projects has been raised, for \$28,500 to offset the income received. Any unspent amounts at the end of the year will be transferred to the libraries reserve at that time. The forecast budget for libraries rates and charges has been corrected, with a decrease of \$3,000.

Development and Environmental Health Group

Development Services

The budget for consultants, for the current year only, has been increased by \$30,000 to bring the total budget to \$50,000. This increase is required due to a number of legal cases and complex development applications in process.

A separate report to this meeting will review legal expenses. No budget adjustments to development services legal expenses have been included within this report.

The budget for sundry office administration expenses has been increased by \$5,000 to \$30,000. A large portion of this budget is for photocopy usage costs. One off expenditure for office furniture has also been incurred in the current year.

Environmental and Public Health

As noted earlier in this report, an expenditure budget of \$93,000 has been raised for Marom and Chilcott's Creek, based on grant funding confirmed.

The budget for water testing has been increased by \$3,000 to \$18,000. The increase is due to additional testing required to address water quality complaints for Maguires Creek and a catchment monitoring project in Maguires Creek.

The budget for Lake Ainsworth water testing has been increased by \$3,000 to \$8,000. The increase is required due to additional testing required when high algae alerts are in place plus additional monitoring for the Coastal Zone Management Program.

Civil Services Group

Engineering Management

A new budget of \$10,000 has been raised for set up costs and licensing costs for a two year trial use of MUSIC-link design software to be used for the design of stormwater treatment networks.

To ensure the stormwater models submitted to Council are correct, Council's specific design parameters can be hard wired into the design software. This means all designers must use the same accepted design parameters and then design compliance reporting is automatically produced and submitted with the design.

This will benefit our design, development assessment and engineering works staff.

The budget for sundry office administration expenses has been increased by \$10,000 to \$40,000 based on actual costs.

The budget for the SES State Levy has been reduced by \$14,000 to \$58,000, with a reduction in quarterly instalments compared to the previous year.

Depot and Ancillary Building Management

The budget for depot yard maintenance has been increased by \$12,000 to \$20,000, for this year only, as a result of security issues and also due to additional maintenance identified from an EPA inspection.

The budget for printing and stationary has been increased by \$8,000 to \$36,000. A large portion of this budget is for photocopy usage costs.

The budget for cleaning of the administration building has been increased by \$7,000 to \$75,000 based on trend of costs incurred.

An increase of \$4,000 to the budgeted administration building insurance is required to meet actual cost, bringing the total budget to \$23,000.

Savings have been realised in electricity budgets, with proposed reductions of \$10,000 for the administration building and \$5,000 for the depot. These savings are the result of the installation of energy efficient lighting in both locations and the new air conditioning system in the administration building.

Roads and Bridges

Operating budgets for pavement restoration and scour restoration have been increased by \$82,900, to a total of \$140,800, matching the increase in natural disaster funding confirmed.

Ancillary Transport Services

It was resolved at the October 2018 Ordinary meeting,

- 1. That Council accepts Essential Energy's offer for the bulk replacement of street lighting with LED fittings, in accordance with Option 2 as detailed in the above report.*
- 2. The capital cost for point one of approximately \$765,000 is to be funded from an internal loan through a transfer from either Water and / or Wastewater Reserves, or the Employee Entitlements Reserve, with the General Manager authorized to make this funding determination based on advice from the Office of Local Government.*
- 3. The Council also approves a variation to the Long Term Financial Plan to have the internal loan repaid within four years.*

As the funding source and the implementation timeframes have still not been determined, the budget adjustments for these capital costs and variations to the Long Term Financial Plan have not yet been made.

A budget increase of \$50,000 is proposed for this quarter being the current forecast for street lighting costs. This will bring the existing budget to \$643,000. A full revision of street lighting budgets, to reflect the funding of the replacement program and revision of anticipated energy costs for the 2019/20 and subsequent years will be completed as part of the 2019/20 Delivery Program and long term financial plan review to be completed in the coming months.

Additional budget of \$27,600 is required for the Duck Creek Mountain Driveway, to meet total costs incurred of \$206,400. Council is seeking additional funding from the State Government to meet this over run of costs.

Additional budget of \$6,000 is proposed for bus shelter expenditure, bringing the total budget to \$16,000, matching the increased revenue received.

Roads and Maritime Services

In relation to the revised regional roads and block grant funding, increased by \$20,000, budgets for Regional Roads operations and traffic facilities have been increased.

Fleet Management and Workshop

The budget for miscellaneous plant repairs, for the current year only, has been increased by \$15,000 to bring the total budget to \$66,400. This increase is due to one off costs incurred for vehicle hire costs due to a breakdown.

Open Spaces and Reserves

The expenditure budget for the Fig Tree Management Program has been increased by a further \$25,000 to meet actual total expenditure of \$105,000. This follows an adjustment of \$65,000 which was made in the previous quarter.

The budget for the Sport and Recreation Plan has been increased by \$15,000 to \$50,000. This has been funded from open spaces reserves, from which this amount was set aside for this plan at the end of 2017/18.

Fleet Management and Workshop

The current year budget for miscellaneous plant repairs has been increased by \$15,000, to a revised budget of \$66,400, due to one off costs of \$15,000 incurred for hire costs due to a vehicle break down.

Rural Fire and Emergency Services

The expenditure budget for contributions to the bush firefighting fund has been reduced by \$9,000, to \$154,000, based on the amounts being charged for the current year.

Expenditure budgets for fire control have been reduced a further \$12,000 in total, as a double up of budgets was identified.

Quarries and Sandpit

A new recurrent budget of \$5,000 is proposed for maintenance. This expenditure is proposed to ensure that the Quarries meet safety standards while not operational.

This includes correcting bunding edges that are exhibiting signs of erosion to prevent a vehicle from being exposed to a rollover hazard.

Domestic Waste Management

An expenditure budget of \$75,000 has been raised for Recycling Tender Legal Assistance.

This expenditure is for a collective group of councils, with \$50,000 to be received as contributions and \$25,000 being Ballina Shire Council's contribution.

General Manager's Group

Communications

The budget for community connect has been increased by \$4,000 to \$28,000, to meet expected costs and to match expenditure for the previous year.

Human Resources and Risk Management

As noted previously in this report, an increase of \$14,000 is proposed for the Work Health and Safety budget, offsetting the Statecover Workers Compensation Refund received.

The forecast for superannuation expense has been increased by \$50,000, offset by an equivalent increase in overheads recouped.

Property Management

The deferral of part of the budget for the Wollongbar Urban Expansion Area Stage 3 to 2019/20 was approved at the January 2019 Ordinary meeting.

As an amount of this expenditure is loan funded, deferral of the loan has reduced the loan interest expense for the 2018/19 by \$27,000.

Ballina Byron Gateway Airport

Overall forecast expenditure for the airport has been increased by \$10,500.

The larger increases were for service charges, insurance costs and paid parking expenses, with budgets increased by \$10,000, \$9,000 and \$8,000, respectively.

Savings have been identified in the budgets for cleaning contracts and building area/roads, with budgets reduced by \$15,000 and \$10,000, respectively.

Water Operations

This next section of the report deals with Council's Water operations.

The following table details the forecast operating result for the Fund.

The **forecast operating position** (inclusive of depreciation) **as at December** is a surplus of \$1,464,100, which is unchanged from that at the September review.

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

Item	Original Budget 2018/19	September Budget	Approved Changes	Revised Budget	Changes for Approval	December Budget	Actual to December
Operating Income	12,348	12,707	0	12,707	0	12,707	5,689
Operating Exps (excl. dep)	9,760	9,835	0	9,835	0	9,835	4,904
Net Operating Result Before Depreciation	2,588	2,872	0	2,872	0	2,872	785
Depreciation Expense	1,408	1,408	0	1,408	0	1,408	704
Net Operating Result from Continuing Operations	1,180	1,464	0	1,464	0	1,464	81

No changes to operating income and expenses have been proposed.

Wastewater Operations

This next section of the report deals with Council's Wastewater operations.

The following table details the forecast operating result for the Fund.

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

Item	Original Budget 2018/19	September Budget	Approved Changes	Revised Budget	Changes for Approval	December Budget	Actual to December
Operating Income	18,709	19,009	0	19,009	45	19,054	19,009
Operating Exps (excl. dep)	12,985	13,540	0	13,540	0	13,540	6,493
Net Operating Result Before Depreciation	5,724	5,469	0	5,469	45	5,514	12,516
Depreciation/loan unwind Expense	3,985	3,985	0	3,985	0	3,985	1,993
Net Operating Result from Continuing Operations	1,739	1,484	0	1,484	45	1,529	10,524

The **forecast operating position** (inclusive of depreciation) **as at December** is a surplus of \$1,529,000, which is an improvement of \$45,000 from the September surplus of \$1,484,000.

Forecast income from house drainage plans and septic waste disposal charges have been increased by \$30,000 and \$15,000, respectively, based on actual incomes received to date.

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 2018/19	Revised Budget Sept	Approved Changes	Revised Budget	Changes for approval	December Budget	Actual to December
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
General Fund Capital Funding							
General revenue	6,822	6,100	(142)	5,958	0	5,958	
Reserves	21,828	22,568	(2,327)	20,241	0	20,241	
Loans	10,847	9,847	(2,300)	7,547	0	7,547	
Section 7.11 contributions	4,781	874	85	959	0	959	
Grants and contributions	13,203	13,335	(1,122)	12,213	199	12,412	
Total Funding	57,481	52,724	(5,806)	46,918	199	47,117	
General Fund Capital Expense							
Strategic and Community Facilities Group							
Community Facilities	8,194	9,787	(170)	9,617	0	9,617	1,577
Library	0	0	0	0	0	0	0
Swimming Pools	0	316	0	316	0	316	181
Northern Rivers Community Gallery	162	162	0	162	0	162	81
General Manager's Group							
Information Services	22	132	0	132	0	132	81
Human Resources & Risk Management	0	0	0	0	0	0	0
Property Development and Management	6,972	7,378	(1,790)	5,588	0	5,588	853
Flat Rock Tent Park	180	180	0	180	0	180	56
Ballina Byron Gateway Airport	7,850	8,095	(1,345)	6,750	0	6,750	2,702
Development & Environmental Health Group							
Environmental Health	265	129	0	129	0	129	49
Civil Services Group							
Depot & Ancillary Building Management	747	856	(390)	466	0	466	15
Stormwater	656	748	0	748	18	766	209
Roads and Bridges	23,132	13,878	(661)	13,217	181	13,398	5,131
Ancillary Transport Services	3,946	3,017	(1,000)	2,017	0	2,017	266
Water Transport and Wharves	230	67	0	67	0	67	8
Roads and Maritime Services	259	240	0	240	0	240	110
Open Spaces -Parks and Reserves	921	1,718	(450)	1,268	0	1,268	363
Open Spaces - Sporting Fields	2,325	3,094	0	3,094	0	3,094	88
Cemeteries	0	0	0	0	0	0	0
Fleet and Plant	1,320	2,510	0	2,510	0	2,510	271
Quarries and Sandpits	0	0	0	0	0	0	0
Waste Management	300	417	0	417	0	417	89
Total Capital Expense	57,481	52,724	(5,806)	46,918	199	47,117	12,130

Civil Services Group

Stormwater

Budgets have been increased by a total of \$17,800, changes as follows:

Description of Works	Adjustment (\$)	Comments
Cooks Lane Culverts	+25,800	Additional budget of \$25,800, funded in part by Natural Disaster funding and in part by a reallocation of \$8,000 from Tanamera Drive. Revised budget of \$132,300.
Tanamera Drive	-8,000	Reallocation of budget to Cooks Lane Culverts. Revised budget of \$55,500.
Total	+17,800	

R

Roads and Bridges

Budgets have been increased by a total of \$181,800, changes as follows:

Description of Works	Adjustment (\$)	Comments
Byron Bay Road, Lennox Head	+181,800	Increase to budget funded from RMS. Revised budget of \$1,608,700.
Total	+181,800	

Water Fund

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

Water Supply Capital Works	Original Budget 2018/19 \$'000	Revised Budget Sept \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for approval \$'000	December Budget \$'000	Actual to December \$'000
Water Capital Funding							
Reserves	2,034	3,097	(329)	2,768	0	2,768	0
Section 64 contributions	1,260	1,260	(500)	760	0	760	0
Total Funding	3,294	4,357	(829)	3,528	0	3,528	
Water Capital Expense							
Main Renewal	706	646	0	646	0	646	0
Reservoirs	830	830	(825)	5	0	5	2
Pressure Management	0	0	0	0	0	0	0
Water pump and bores	680	680	40	720	0	720	45
Trunk mains	230	630	(150)	480	0	480	21
Treatment Plant	226	236	5	241	0	241	29
Plant	0	353	0	353	0	353	353
Connections	280	340	101	441	0	441	187
Other	342	642	0	642	0	642	12
Total Capital Expense	3,294	4,357	(829)	3,528	0	3,528	649

No changes are recommended.

Wastewater Fund

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

Wastewater Services Capital Works	Original Budget 2018/19 \$'000	Revised Budget Sept \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for approval \$'000	December Budget \$'000	Actual to December \$'000
Wastewater Capital Funding							
Reserves	5492	4,520	(1)	4,519	0	4,519	0
Section 64 contributions	373	1,471	(132)	1,339	0	1,339	0
Total Funding	5,865	5,991	(133)	5,858	0	5,858	
Wastewater Capital Expense							
Pumping stations	1,148	1,446	(113)	1,333	0	1,333	412
Treatment Plants	1,116	1,747	1	1,748	0	1,748	491
Trunk Mains	1,548	770	(60)	710	0	710	564
Mains renewals	936	936	0	936	0	936	57
Plant	104	303	0	303	0	303	0
Reuse program	547	623	39	662	0	662	260
Other	466	166	0	166	0	166	1
Total Capital expense	5,865	5,991	(133)	5,858	0	5,858	1,785

No changes are recommended.

Section Three – Cash and Investment Statement

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

	Original Budget 2018/19 \$'000	Revised Budget Sept \$'000	Approved Changes \$'000	Revised Budget \$'000	Changes for approval October \$'000	Revised Budget October \$'000
Unrestricted	4,544	4,544	0	4,544	0	4,544
Externally Restricted						
- Section 7.11	9,220	11,061	(85)	10,976	0	10,976
- Domestic Waste M'ment	2,638	2,723	0	2,723	(25)	2,698
- Restricted Waste Levy	544	475	0	475	0	475
- Section 64 Water	7,813	8,363	500	8,863	0	8,863
- Water	8,279	8,533	329	8,862	0	8,862
- Section 64 Wastewater	5,649	6,588	132	6,720	0	6,720
- Wastewater	68	362	1	363	45	408
Total Externally Restricted	34,211	38,105	877	38,982	20	39,002
Internally Restricted						
- Strategic Planning Studies and Proposals	525	388	0	388	(30)	358
- Sec 94 Plan Reviews	101	101	0	101	0	101
- Community Centre Halls	400	20	0	20	63	83
- Swimming Pools Capital	119	0	0	0	0	0
- Ballina Surf Club	120	0	0	0	0	0
- Ballina Indoor Sports Centre	(69)	0	0	0	0	0
- Library Special Projects	113	113	0	113	0	113
- Other Strategic and Community Facilities	185	180	200	380	0	380
- Employee Leave Entitlements	3,013	3,013	0	3,013	0	3,013
- Financial Assistance Grant	2,221	2,221	0	2,221	0	2,221
- Insurance Reserve	216	101	0	101	0	101
- Community Infrastructure Reserve	1,349	1,980	(30)	1,950	(2)	1,948
- Property Development Reserve	1,072	586	17	603	(12)	591
- Wigmore Arcade	296	296	0	296	0	296
- BBRC	325	0	0	0	0	0
- Flat Rock Tent Park	401	370	0	370	0	370
- Crown Properties Rental	141	141	0	141	0	141
- Council Elections	155	155	0	155	0	155
- Airport	471	177	845	1,022	90	1,112
- Other General Managers Group	331	203	0	203	(2)	201
- Shaws Bay/Lake Ainsworth Coastal Mgmt Plans	355	16	0	16	0	16
- Salaries and Legals	185	115	0	115	0	115
- Richmond River Coastal Mgmt Plan	116	116	0	116	0	116
- Other DEHG Group	126	126	0	126	0	126
- Vegetation Grants	185	80	0	80	0	80
- Sportsfields	429	315	0	315	(15)	300
- Other Open Spaces	299	85	450	535	0	535
- Boat Ramps and Infrastructure	168	210	0	210	0	210
- Plant Renewal/Replacement	1,087	(124)	0	(124)	(15)	(139)
- Quarries	832	832	0	832	(6)	826
- Cemeteries	339	339	0	339	0	339
- Admin Centre and Depot	183	0	390	390	0	390
- Landfill and Resource Management	152	76	0	76	0	76
- Ancillary Footpaths	467	564	0	564	0	564
- Roadworks	2,528	3,846	746	4,592	0	4,592
- Bypass Funds	3,498	3,587	0	3,587	0	3,587
- Canal Dredging	190	130	0	130	0	130
- Stormwater capital	171	141	0	141	0	141
- Stormwater and Environ Mgmt Plans	330	330	0	330	0	330
- Other Civil	248	213	0	213	0	213
Total Internally Restricted	23,373	21,042	2,618	23,660	71	23,731
Total Restricted	57,584	58,503	3,495	62,642	91	62,733
Total Cash and Investments	62,128	63,047	3,495	67,186	91	67,277

The unrestricted cash figure is exclusive of movements in non-cash items such as debtors and creditors. The available cash figure is taken from note six of the financial statements as at 30 June 2018.

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 December 2018, funds invested amounted to \$81,038,000. All restricted monies are included in these investments.
3. Cash has been reconciled to the bank statement as at 31 December to the amount of \$3,768,832.
4. Actual year to date cash and investments amounted to \$84,806,832 as at 31 December 2018. This amount includes cash at bank of \$3,768,832 and funds invested of \$81,038,000 which has been reconciled to bank statements and investment reports.

Comment on Cash and Investment Position

The forecast reserves position has increased from the September budget of \$67.2 million to \$67.3 million. All changes to reserves made as part of this review have been noted earlier in this report within either 'Section One- Operating Income and Expenditure' or 'Section Two – Capital Budgets'.

The changes made as part of this review are summarised below.

Community Centre Halls

Net reserves have been increased by \$63,000, being the net adjustments made in this report.

Strategic Planning Studies and Proposals

Net reserves have been decreased by \$30,000, to fund the heritage study for 9 Byron Bay Road.

Open Spaces Reserves

Net reserves have been decreased by \$15,000, to fund additional budget for the Sport and Recreation Plan.

Fleet Management and Workshop

Net reserves have been decreased by \$15,000, to fund additional operating expenses as noted previously in this report.

Quarries

Net reserves have been decreased by \$6,000, to fund additional operating expenses as noted previously in this report.

Domestic Waste Management

Net reserves have been decreased by \$25,000, to fund Council's contribution to the expenditure budget for Recycling Tender Legal Assistance.

Property Reserves

Net reserves have been decreased by \$12,000, being an increase in the required dividend to General Fund.

Ballina Byron Gateway Airport

Net reserves have been increased by \$89,500, being the net of adjustments made to operating budgets within this report.

Wastewater Reserves

Net reserves have been increased by \$45,000, being the net adjustment to the operating result.

Section Four - Key Performance Indicators

This section of the report takes selected financial benchmarks and compares the 30 June 2017 and 2018 ratios with the forecast at December to 30 June 2019.

The performance indicators that have been selected have a short term focus, which suits the quarterly review, which 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

2016/17	2017/18	2018/19 Dec
Actual	Actual	Estimate
4.71:1	4.62:1	2.30:1
Pass	Pass	Pass

Comment

The General Fund has comfortably met this benchmark for many years.

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

Benchmark: >0

2016/17	2017/18	2018/19 Dec
Actual	Actual	Estimate
11.39%	0.14%	-4.0%
Pass	Pass	Fail

Comment

This is a key ratio for “Fit for the Future” assessments and has historically been a difficult benchmark to achieve.

The ratio is affected by many variables.

The strategy to improve this ratio is to continue to closely monitor, maintain and even reduce operating expenses and increase income.

3. Debt Service Cover Ratio – General Fund

Benchmark: > 2

2016/17	2017/18	2018/19 Dec
Actual	Actual	Estimate
4.97	3.81	2.85
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

2016/17	2017/18	2018/19 Dec
Actual	Actual	Estimate
132.47:1	117.72:1	22.19:1
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

2016/17	2017/18	2018/19 Dec
Actual	Actual	Estimate
10.03%	11.71%	11.52%
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

2016/17	2017/18	2018/19 Dec
Actual	Actual	Estimate
0.0	0.0	0.0
N/A	N/A	N/A

Comments

The Fund has no external borrowings.

Benchmark Indicators - Wastewater

1. Unrestricted current ratio - Wastewater

Benchmark: >1.5:1

2016/17	2017/18	2018/19 Dec
Actual	Actual	Estimate
1.59:1	0.99:1	0.57:1
Pass	Fail	Fail

Comments

This ratio did not meet the benchmark for the 2017/18 year, and similar for the current year, however is expected to move towards the benchmark in future years as loan debt is repaid.

2. Operating Performance Ratio - Wastewater

Benchmark: >0

2016/17	2017/18	2018/19 Dec
Actual	Actual	Estimate
-0.01%	5.89%	8.02%
Fail	Pass	Pass

Comments

The Wastewater Fund moved to a positive result in 2017/18 which means a pass in comparison to the benchmark and this is expected to continue.

3. Debt Service Cover Ratio - Wastewater

Benchmark: > 2

2016/17	2017/18	2018/19 Dec
Actual	Actual	Estimate
1.02	1.15	1.28
Fail	Fail	Fail

Comments

This ratio will fail the benchmark for many years due to the extremely high level of borrowings for the Fund.

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

Contractors

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
Australian Laboratory Services Pty Ltd	Provision of Laboratory Services	Schedule of Rates	1/3/19	5 years	Yes
Environmental Analysis Laboratory	Provision of Laboratory Services	Schedule of Rates	1/3/19	5 years	Yes
Tweed Laboratory Centre	Provision of Laboratory Services	Schedule of Rates	1/3/19	5 years	Yes
Synergy Resource Management Pty Ltd	Skennars Head Playing Fields Extension	\$2,214,059	1/2/19	21 weeks	Yes*
Boral Country Concrete & Quarries	Supply and Delivery of Quarry Products	Schedule of Rates	31/8/18	2 years	Yes
Holcim (Australia) Pty Ltd	Supply and Delivery of Quarry Products	Schedule of Rates	31/8/18	2 years	Yes
Ballina Sands Pty Ltd	Supply and Delivery of Quarry Products	Schedule of Rates	31/8/18	2 years	Yes
Quarry Solutions Pty Ltd	Supply and Delivery of Quarry Products	Schedule of Rates	31/8/18	2 years	Yes
Richmond Quarry	Supply and Delivery of Quarry Products	Schedule of Rates	31/8/18	2 years	Yes

* The existing budget is sufficient to cover these contract costs, however based on the possibility of spoil disposal costs, there may be a current budget deficit of \$20,000. Furthermore there is no contingency allowance in the current budget. As such, as resolved at the November 2018 Council meeting, any variations will need to be reported back to Council to secure additional funding.

Consultants

Total expenditure to 31 December 2018 on consultants that meet the definition is detailed below.

Item	Expenditure YTD (excl GST)	Included in Budget Y/N?
Consultancies	\$236,400	Yes

Legal Expenses

The next table summarises the expense incurred to the end of December on legal fees. 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	\$159,400	Yes

The expenditure in the table is for the period ended 31 December 2018.

Section Six – Other Matters

Proposal for eRates Competition

This section of the report outlines a proposal for a promotion aimed at increasing the number of ratepayers who receive rates notices electronically.

Council has a total of 16,299 rateable assessment numbers, of which 2,274 are registered for eRates and 540 are registered for BPay View.

Council incurs significant postage costs for the mailing of hard copy rates notices, in the vicinity of \$62,000 per annum.

There is a large cost differential between the different delivery methods, as shown in the following table:

Delivery Method	Charge per Notice
Postage	\$0.89
eRates	\$0.07
BPay View	\$0.60

There is a net saving to Council of \$0.82 per notice for all assessments which register for eRates as opposed to hard copy notices by mail.

It is proposed that Council undertake a promotion to increase the number of eRate registrations, by way of conducting a competition with a winner to be randomly selected to win a credit towards the ratepayer’s 2019/20 rates and charges.

It is proposed that ratepayers already registered for eRates and all ratepayers who register within the promotion period (with exclusions as noted in the Terms and Conditions) be eligible to win the prize, being an amount of \$1,000 credit towards the ratepayer’s 2019/20 rates and charges.

It is further proposed that the winning ratepayer assessment would be chosen by use of a random number generator, overseen by the Mayor / General Manager and Manager Financial Services.

Council staff have confirmed with the NSW Fair Trading that the proposed promotion qualifies as a gratuitous lottery and does not require a permit.

Proposed Promotional Coverage

To provide effective coverage, and provide sufficient exposure to ensure ratepayer awareness, the following advertising is proposed:

Description	Timing	Estimated Cost
Rate Notices	2018/19 Fourth Instalment	\$100
Community Connect	March and June editions	Nil
Advocate newspaper	Two or three times over the promotion period	\$680 - \$1,020
Council Facebook (with payment to boost visibility of page)	Once or twice over promotion period	\$100-\$200
Lennox Wave	Once over promotion period	\$200
Lennox Wave eBanner	Twice over promotion period	\$80
Total		\$1,160 - \$1,600

This expenditure can be funded from existing operating budgets.

Assessment of Savings to Council

Based on this information the estimated costs of this proposal are \$2,600.

With an identified saving of \$0.82 per notice (which is \$3.28 per annum) for each assessment changed over from hard copy mail to eRate delivery, a break-even analysis for 2019/20 is as follows:

$\$2,600 / \$3.28 = 792$ assessments.

That is, if 792 assessments were changed from hard copy mail to eRate delivery, the total costs of this competition would be recouped within one year (ie within 2019/20).

Alternatively, if 396 assessments were changed from hard copy mail to eRate delivery, the total costs of this competition would be recouped within two years (ie within 2020/21).

An expected increase in the number of eRate registrations in line with the above seems reasonable.

Not only do the monetary savings continue into future years, there is also an environmental benefit in the reduced paper usage.

Proposed Terms and Conditions

The proposed terms and conditions have been outlined below:

1. The Promoter is Ballina Shire Council, ABN 53 929 887 369
2. Information on prizes and how to enter form part of these Terms and Conditions. Participation in this competition constitutes acceptance of these Terms and Conditions.
3. The competition is open to Ballina Shire Council ratepayers, who have successfully registered their property's Assessment Number to receive its rate notice/s electronically (using the online eRates registration form at www.ballina.nsw.gov.au) on or before 9.00am AEST on Monday 1 July 2019. Council employees and its Councillors, and their immediate family members are ineligible to enter the competition. "Immediate family" means spouse, de-facto, parent, natural or adopted child and sibling whether or not they live in the same household as the employee.
4. The competition starts at 9.00am AEST on 1 March 2019 and closes at 9.00am AEST on Monday 1 July 2019. Assessment Numbers registered prior to commencement, and during the promotional period, that remain registered at close, will be included in the prize draw.
5. The draw will take place at 3.00pm AEST on Wednesday 3 July 2019, at Ballina Shire Council's customer service centre, Cnr Tamar St, Ballina, NSW 2478.
6. One entry will be awarded per registered Assessment Number. One Assessment Number will be drawn at random and its owner as shown on the Annual Rates & Charges Notice will be deemed the winner. The Promoter's decision is final and no correspondence will be entered into.

7. The Prize value of \$1,000 is for credit to the 2019/20 year for the winning Assessment Number, which includes Waste and other charges for 2019/20, but excludes any amounts outstanding/arrears. The prize will not be awarded as cash, but a credit of up to \$1,000 to be used against the 2019/20 Annual Rates. In the event that the total value of the winning property's 2019/20 rates and charges are less than \$1,000, the balance will not carry over to subsequent notices and will be forfeited. In the event that payment of the 2019/20 Annual Rates has been made at the time of winner notification, the winner will be reimbursed for the amount paid, to a maximum amount of \$1,000. Where a portion of the 2019/20 Annual Rates has been paid, the winner will receive a reimbursement of the amount paid plus a credit against the 2019/20 Annual Rates & Charges Notice to a maximum total value of \$1,000.
8. The Prize must be taken as offered and is not exchangeable, transferable or redeemable for cash.
9. The drawn winner will be contacted using the email address supplied in their Electronic Rates Registration within two business days of the draw and will be required to respond back to Council by email confirming their eligibility within five business days of the draw.
10. If the drawn winner is not confirmed as eligible within five business days of the draw, a redraw will occur.
11. The Promoter has the rights to disqualify any entrants or entries where it is reasonably suspected that any unlawful or improper conduct, such as infringing a third party's intellectual property rights, or if there has otherwise been a breach of the competition terms and conditions.
12. Information collected in the Registration process will be used by the Promoter only as agreed by the registrant during registration and for conducting the random draw.
13. On confirmation of an eligible winner, the winner agrees to be photographed and have their name published on the Promoter's website, www.ballina.nsw.gov.au and in media and publicity by the Promoter.
14. The Promoter will not be liable for any loss or damage or for any personal injury sustained as a result of taking the Prize or entering into this competition, nor for any tax implications that may arise from accepting the Prize.

Section Seven - 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 31 December 2018 indicates that Council's projected financial position at 30 June 2019 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.

Consultation

This report has been prepared to inform the community of budget variations. 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.

RECOMMENDATIONS

1. That Council notes the contents of the December 2018 Quarterly Budget Review and approves the changes identified within this report.
2. That Council notes the contents of this report in relation to the eRates competition and:
 - a) approves an eRates competition to be conducted on behalf of Council, with a winner Prize of \$1,000 credit to the 2019/20 rates and charges
 - b) approves the proposed promotional activities to be undertaken as outlined in this report and
 - c) approves the competition terms and conditions as outlined in this report.

Attachment(s)

Nil

11.1 Lennox Head Car Parking Contributions Plan

11. Civil Services Group Reports

11.1 Lennox Head Car Parking Contributions Plan

Delivery Program Development Services

Objective To propose an amendment to the contributions plan.

Background

At a recent pre-lodgment meeting for a proposed development in Lennox Head Village Centre, the prospective applicant sought Council's agreement to utilise all of the remaining 11.37 spaces currently available in Lennox Head under the Car Parking Contributions Plan.

This request is consistent with the plan which allows developers to provide parking through contribution payments. However, it has prompted consideration of the plan's continuation and whether or not it is appropriate to allocate all of the remaining spaces to a single development.

This report discusses the key issues associated with the situation and considers options on how best to proceed.

Key Issues

- Allocation of car parking spaces
- Contribution charges

Information

The Lennox Head Village Centre Car Parking Contribution Plan was first adopted in 2004 and has since been superseded by the Ballina Shire Car Parking Contributions Plan 2014. A copy of the plan is available on Council's web page.

The original intent of the plan was that all developments in a particular part of the Village Centre would provide parking at a ratio prescribed within Council's Development Control Plan (DCP), as follows: one space per 30 m² gross floor area (GFA) provided on site, plus one space per 150 m² GFA to be paid as contributions.

The contribution plan provides a total allocation of 40 car parking spaces. By 2014 there had been little uptake of these spaces, which is why the plan was amended in 2014 to allow developments to utilise the contributions plan for as much of their parking requirements as they liked. The aim was to encourage greater use of the plan to help facilitate development.

An application approved in 2016 was the first development to utilise this option with the majority of that development's car parking (15.62 spaces) provided through the contributions plan.

11.1 Lennox Head Car Parking Contributions Plan

To date a total of 28.628 spaces have been allocated to developments. Of these:

- 4.73 spaces have been paid for
- 6.57 spaces have been allocated to an activated consent but are not yet paid for
- 17.328 spaces have been allocated to two consents which are not yet activated, namely DA 2016/148 (1.708 spaces) and DA 2016/298 (15.62 spaces). Both consents lapse in 2021 which means their allocated spaces could again become available should the consents not be activated.

In summary there are currently 11.37 spaces still remaining for uptake under the contributions plan.

At a recent pre-lodgment meeting for a development in the Lennox Head Village Centre the developer sought Council's agreement to utilize all of these remaining 11.37 spaces. It is anticipated that an application will be received from this developer within the next few months.

At this time no other recent pre-lodgment enquiries for the Lennox Head Village Centre have sought to utilise these same remaining spaces.

Given that the plan now no longer limits the amount of parking that can be allocated through contribution payments, and given that Council is unaware of any other developments seeking to utilise these same parking space contributions, it would seem unreasonable to refuse this request.

Furthermore, if this request is accepted, Council will need to close the contributions plan. The only works remaining in the plan are the completion of the car parking spaces on the Council owned land in Byron Street, being the site of the Rural Fire Shed. Those spaces will be provided in full once the Rural Fire Shed is relocated.

After this there is currently no Council owned land in the Lennox Head Village Centre area identified for the purposes of creating more parking spaces.

It is proposed to commence an update of the Lennox Head Strategic Plan in the new financial year. The development of this plan will allow the community to consider, within the broader context of all of the competing objectives for the location, its preference in regard to the level of service for car parking. Car parking in the village Centre is also under consideration through the Lennox Village Vision (Village Centre upgrade project).

Once these visioning projects are completed, more in depth infrastructure planning (and potentially new contributions plans) can be undertaken.

Sustainability Considerations

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

11.1 Lennox Head Car Parking Contributions Plan

- **Economic**

The provision of adequate car parking is an important factor in the functioning of town and village centres, especially in regional areas where public transport is limited.

Legal / Resource / Financial Implications

Spaces under the 2014 contributions plan are currently worth \$17,264. This cost is based on the spaces provided by Council in Park Lane which incurred no land cost due to their location in an existing road reserve (potentially making them a cheaper option for developers than providing them on the development site).

Council could consider purchasing more land to create spaces for a new contributions plan. However, the high land values in the Lennox Head Village Centre and surrounds will increase the cost of spaces under the contribution plan significantly and Council may need to forward fund any land acquisition.

Consultation

The amended contributions plan was placed on public exhibition prior to its adoption in April 2014.

Council had a pre-lodgment meeting recently with an applicant seeking Council's agreement to utilise all of the remaining 11.37 spaces available under the plan. It is anticipated that an application will be received from this applicant in the next few months.

Options

Council needs to decide whether to make all of the 11.37 spaces remaining under the plan available to the aforementioned applicant. Council may feel uncomfortable offering all of the spaces to a single development site. However, the request is consistent with the plan and refusal may be legally difficult to justify. Council is currently unaware of any other impending developments in the Lennox Head Village Centre that may seek to utilise these same remaining spaces. Other than this first in basis, there is no practical or equitable way to allocate the spaces as at this point in time Council is unaware of other proposals, or when these might even occur.

If the developer's request were to be accepted, it is advisable that Council then shut down the existing plan for Lennox Head on the basis that a new plan will not be established and that all future parking for developments within the Lennox Head Village Centre will need to be provided on site. Shutting down the plan also removes the risk of conflict should other developers appear in the interim competing for these same remaining spaces.

Closing the availability of car parking spaces to development would be addressed by amending the Ballina Shire Car Parking Contributions Plan as it relates to Lennox Head.

Were the plan to be shut down, it is possible that a developer may not subsequently utilise their full allocation of spaces. In this instance Council could consider either reactivating the plan or alternatively any spaces that

11.1 Lennox Head Car Parking Contributions Plan

become re-available could be available to developments under Voluntary Planning Agreement (VPA) arrangements (the plan will not need to be reactivated for this process).

If the plan is shut down, in addition to amending the Ballina Shire Car Parking Contributions Plan, the Ballina Shire Development Control Plan 2012 will also need amending to remove reference to the use of the plan for car parking.

The recommendations to this report deal with the suggested amendments to the various plans.

RECOMMENDATIONS

1. That Council, allocate the remaining 11.37 spaces under the Lennox Head Car Parking Contributions Plan to the recent pre-lodgement development proposal as the proposed application is consistent with the existing plan and there is no practical way to allocate the spaces when Council is not currently aware of any other proposals, or when further proposals may come forward.
2. That Council amend the Ballina Shire Car Parking Contribution Plan as required to close the Car Parking Contributions Plan for the Lennox Head Village Centre.
3. That Council amend the Ballina Shire Development Control Plan 2012 to remove reference to use of the Contributions Plan for car parking in Lennox Head Village Centre.
4. That car parking spaces allocated under the Contributions Plan for Lennox Head Village Centre that are not subsequently utilised will become re-available for use under Voluntary Planning Agreement (VPA) arrangements if any are offered to Council.

Attachment(s)

Nil

11.2 Tender - Ballina Island and West Ballina Flood Study

11.2 Tender - Ballina Island and West Ballina Flood Study

Delivery Program Asset Management

Objective To revisit the tender assessment for the Ballina Island and West Ballina Overland Flood Study and Flood Protection Feasibility Study and Plan

Background

In August 2018 tenders were called to undertake an overland flood study and preparation of a flood protection feasibility study and plan for Ballina Island and West Ballina. Nine tenders were received by the close of the tender period.

The outcome of the tender assessment was reported to the Ordinary Meeting of Council held 25 October 2018, with resolution 251018/37 reading:

- 1. That Council awards the tender for Ballina Island and West Ballina Overland Flood Study and Flood Protection Feasibility Study and Plan to Jacobs Group (Australia) Pty Ltd, for a tender price of \$125,750 excluding GST.*
- 2. That upon the conclusion of negotiations Council authorises the General Manager to affix the Council seal to the relevant contract documents and execute same.*

Through the course of negotiations, Jacobs have clarified in writing they do not accept a number of clauses in Council's contract terms and requested a number of amendments. At the time of tendering these contract terms formed part of Council's tender documentation. The tender from Jacobs suggested amendments, however as these were documented as suggested changes, the tender was, at the time, assessed as conforming.

To assist negotiations, legal advice was obtained by staff to assess the suggested changes from Jacobs, however the opinion of our advisors was the requested amendments should not be included in the contract.

This position was communicated to Jacobs and despite further negotiations agreement was not able to be reached. Therefore Jacobs will not be the service provider for this contract. Appropriate documentation to finalise this matter has been sent to Jacobs.

This report presents the findings of an updated assessment of the tender outcomes.

Key Issues

- Compliance with the Local Government (General) Regulation 2005
- Achieve best value for money
- Obtain advice from high quality expertise

Information

Information from the October 2018 reporting of the tender submissions is presented below.

The following tenders were received:

- WMA Water
- Water Modelling Solutions Pty Ltd
- Jacobs Group (Australia) Pty Ltd
- Flume Engineering
- GHD Services Pty Ltd
- EnviroConsult Australia Pty Ltd
- Engeny Water Management
- BMT Eastern Australia Pty Ltd
- Ardill Payne and Partners

A revised assessment of the conforming tenders against the mandatory criteria and the weighted evaluation criteria has been provided to Councillors through a confidential memorandum separate to this report.

Sustainability Considerations

- **Environment**

The overland flood study will be conducted by specialist consultants and in consideration of the broader environment in the development of the options and recommendations.

- **Social**

This study will assist Council in developing strategic plans for managing flood affected property works and infrastructure across Ballina Island and West Ballina, and which will consider impacts across the community.

- **Economic**

This study will consider financial impact to the community from flood events and consider mitigation options that reduces the risk.

Legal / Resource / Financial Implications

The purpose of this report is to ensure compliance with Part 7 of the Local Government (General) Regulation 2005 which deals with tendering.

As per the previous report regarding this matter, sufficient funds are available over the next three financial years in Council's Delivery Program and Operation Plan for this project.

Consultation

A public tender process was undertaken.

Options

The options for Council are set out in Part 7 Section 178 (1) of the Local Government (General) Regulations 2005 which says the following;

(1) After considering the tenders submitted for a proposed contract, the council must either:

- (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
- (b) decline to accept any of the tenders.*

Due to the passage of time since the tenders were submitted, pricing validity, consultant availability and other issues may have changed, meaning Council is not in an immediate position to accept any tender. However, as the tenders are still relatively recent, it is likely Council will be able to complete negotiations with one or two of the preferred tenderers with terms generally consistent with the original tenders. Therefore, calling for fresh tenders exposes Council and the service providers to unnecessary cost and inconvenience without any further benefit.

Furthermore, this is a specialist consulting area and there was a significant market response to the original tender, meaning it is unlikely retendering would result in a better advantage for Council.

Therefore, in the circumstances, the recommendation to this report is to decline to accept any of the tenders and enter further negotiations with the preferred tenderers.

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

(3) A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:

- (a) postpone or cancel the proposal for the contract,*
- (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
- (f) carry out the requirements of the proposed contract itself.*

(4) If a council resolves to enter into negotiations as referred to in subclause (3) (e), the resolution must state the following:

- (a) the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*

11.2 Tender - Ballina Island and West Ballina Flood Study

(b) the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).

For the reasons set out in the confidential memorandum to Councillors, two consultants are recommended as the preferred tenderers for further negotiations.

The recommendations have been presented to comply with the regulations.

RECOMMENDATIONS

1. That Council, in accordance with the *Local Government (General) Regulation 2005 Section 178 (1)(b)*, declines to accept any tenders for the *Ballina Island and West Ballina Overland Flood Study and Flood Protection Feasibility Study and Plan*.
2. That Council, in accordance with the *Local Government (General) Regulation 2005 Section 178 (3)(d)* authorises the General Manager to enter into negotiations with GHD Services and WMA Water with a view to entering into a contract with one of these consultants.
3. That in accordance with the *Local Government (General) Regulation 2005 Section 178(4)(a)* the Council records the following reasons for declining to invite fresh tenders:
 - the previous call for tenders was completed only recently
 - as reported, a contract was not able to be executed with the service provider first assessed as the preferred tenderer
 - a strong market response was received for the original
 - the project work requires specialist consulting services
 - retendering exposes Council and the market to unnecessary cost and inconvenience
 - pricing and other terms are expected to remain very similar to the original submissions
 - it is expected Council will be able to execute a contract on terms generally very consistent with the original tenders
 - the preferred tenders have submitted pricing that is below the budget estimate for the project
 - it is unlikely retendering would result in a better advantage for Council.
4. That in accordance with the *Local Government (General) Regulation 2005 Section 178(4)(b)* the Council records it has determined to enter negotiations with GHD Services and WMA Water as they are the preferred tenderers following assessment against the mandatory and weighted evaluation criteria established for this tender, as per the confidential information provided to Councillors.
5. That, upon the conclusion of any successful negotiations, Council authorises the General Manager to execute and affix the Council seal to the relevant contract documents.

Attachment(s) – Nil

11.3 Policy (Review) - Donations - Waste Disposal Fees for Certain Fauna

11.3 Policy (Review) - Donations - Waste Disposal Fees for Certain Fauna

Delivery Program Open Spaces and Reserves

Objective To review the Policy for Donations - Waste Disposal Fees for Not-for-Profit Disposal of Feral, Orphan Animals.

Background

All of Council's existing policies are progressively being reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Donations – Waste Disposal Fees for Not-for-Profit Disposal of Feral, Orphan Animals policy.

Council first adopted this policy in February 2015.

Key Issues

- Whether the policy meets the requirements of Council and current legislation.
- Level of waste management fee relief to provide veterinarians

Information

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

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

The changes have been marked in yellow.

Otherwise the policy is still considered to be 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**
The provision of relief of disposal charges will ensure waste is disposed of appropriately.
- **Social**
The not-for-profit collection and disposal will provide considerable social benefit to the community.
- **Economic**
Illegal dumping or the non collection of cadavers has financial implications for Council.

Legal / Resource / Financial Implications

The cost of providing this service will be charged to the Waste Management Program. By placing a limit on the extent of the relief to be provided Council will ensure that the disposal is for an animal that has been received by a veterinary practice under the Prevention of Cruelty to Animals Act 1979.

Consultation

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

Options

Council may accept or amend the proposed changes to the policy. The changes included are largely house keeping 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 Donations – Waste Disposal Fees for the “Not-for-Profit Disposal of Feral, Orphaned Animals and Native Fauna” 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 (Review) - Waste Disposal Fees for Not-for-Profit Disposal of Feral, Orphan Animals

12. Public Question Time

12. Public Question Time

13.1 Notice of Motion - Crown Lands Management Act 2018

13. Notices of Motion

13.1 Notice of Motion - Crown Lands Management Act 2018

Councillor

Cr Cadwallader

I move

1. That Council write to the State Government and LGNSW expressing our concern that the new Crown Lands Management Act 2018 is creating significant impediments for councils to undertake routine works and provide straightforward tenure agreements to community based groups.
2. That as part of this correspondence Council ask that a review of the existing legislation be undertaken as a matter of urgency with that review to identify how the legislation can be amended to remove the difficulties that are now facing councils in undertaking works and providing lease arrangements on crown reserves.

Councillor Comments

Council has had one briefing with Dr Lindsay Taylor present where the implications and difficulties associated with the new Crown Lands Management Act were outlined. Feedback from staff is that is impeding the determination of development application and also making it extremely difficult to provide tenure arrangements for facilities such as the Ballina Surf Club storage building. I am concerned that this part of the Crown Lands Management Act is another example of cost shifting to councils by the State Government and it is important that LGNSW and the State Government review the implications of this new legislation as a matter of urgency.

Staff Comments

The notice of motion is supported as even though the new Crown Lands Management Act has a number of improvements, elements of the Act are significantly impeding Council's ability to deal with what were previously fairly routine matters.

COUNCILLOR RECOMMENDATIONS

1. That Council write to the State Government and LGNSW expressing our concern that the new Crown Lands Management Act 2018 is creating significant impediments for councils to undertake routine works and provide straightforward tenure agreements to community based groups.
2. That as part of this correspondence Council ask that a review of the existing legislation be undertaken as a matter of urgency with that review to identify how the legislation can be amended to remove the difficulties that are now facing councils in undertaking works and providing lease arrangements on crown reserves.

13.2 Notice of Motion - Sharpes Beach Master Plan

13.2 Notice of Motion - Sharpes Beach Master Plan

Councillor

Cr Cadwallader

I move

That Council receive, as part of the Delivery Program (Finance Committee) meetings for the preparation of the 2019/20 Operational Plan, a report on a funding strategy to implement the improvements identified in the Sharpes Beach Master Plan (ie. car parking, landscaping etc), including the provision of public toilets.

Councillor Comments

This beach is becoming more and more popular and it is important that Council start to implement the works identified in the adopted master plan, along with ensuring that basic public facilities such as toilets are available. This report can clarify the scope of the works and identify options for funding those works.

Staff Comments

A large part of the area known as the Sharpes Beach Car Park, Skennars Head, is leased by Council from Dr and Mrs Stewart, who still own part of the farm land on the western side of the Coast Road. Attachment 1 is a locality and ownership plan for the car park.

Council attempted to purchase the privately owned land or have it dedicated to Council as part of the rezoning process for the land immediately to the west however Dr and Mrs Stewart's preference was to ensure that the land remained in their ownership.

Recognising that this land was essential for public car parking, and to eliminate the risk of it being lost for car parking, as well as ensuring the coastal shared path could traverse this location, in 2011 Council negotiated a 99 year lease over the land. The lease commenced 1 April 2013 and expires 31 March 2112. Council pays a market rent on the land.

The use of the land is defined in the lease as:

Generally in accordance with the concepts envisaged by the Sharpes Beach Master Plan including community and ancillary uses in accordance with the Ballina Shire Council's charter stipulated in section 8 of the Local Government Act 1993.

The master plan, which is included as Attachment 2, was supported by Dr and Mrs Stewart.

Council has obtained development consent for the works identified in the master plan (DA 2012/32), with some of the works being enacted, which preserves that consent.

13.2 Notice of Motion - Sharpes Beach Master Plan

The works in the consent are described as:

Sharpes Beach Car Park Upgrade and Associated Works Including Upgrade of Coast Road Intersection, Surf Lifesaving Tower and Storeroom, Viewing Deck and Shower, Unisex Toilet, Picnic Facilities, Shared Pedestrian Path and Beach Accesses and Associated Infrastructure and Rehabilitation Works .

Currently Council has no specific funding identified in our Long Term Financial Plan to embellish this site and the works are not identified as improvements related to population growth in our Developer Contributions Plans.

With the Intrapac Pty Ltd development (Aureus) likely to receive planning consent in the near future, and the beach becoming more and more popular, it is timely that Council has a timeframe for implementation of the works in the master plan.

The various ownerships of the land between private and the Crown does create some difficulties in undertaking works, particularly with the new Crown Lands Management Act however these are matters that will need to be worked through as part of the pre-planning phase.

Intrapac Pty Ltd has previously submitted proposals to Council to undertake works in this location, in lieu of paying developer contributions, with Council most recently resolving to not accept a voluntary planning agreement that was submitted to the October 2018 Ordinary meeting.

There may still be an opportunity to discuss such a proposal, as there could be opportunities for construction economies with Intrapac undertaking the work, and Council then financing the works by offsetting developer contributions.

This helps to reduce the need for Council to find immediate funds to undertake works, albeit there has to be agreement between the parties on the value of the works and the level of contributions offset.

A report to the March or April 2019 Finance Committee meetings on the value of the works will help Council to determine how best to fund the works over a period of time.

COUNCILLOR RECOMMENDATION

That Council receive, as part of the Delivery Program (Finance Committee) meetings for the preparation of the 2019/20 Operational Plan, a report on a funding strategy to implement the improvements identified in the Sharpes Beach Master Plan (ie. car parking, landscaping etc), including the provision of public toilets.

Attachment(s)

1. Locality and Ownership Plan
2. Sharpes Beach Master Plan

13.3 Notice of Motion - Boral Plant, Gap Road Alstonville

13.3 Notice of Motion - Boral Plant, Gap Road Alstonville

Councillor

Cr Eoin Johnston

I move

With respect to the uncertainty and conflict of views surrounding the effects, if any, that noise and air pollutants, emanating from the Boral hot mix plant on Gap Road, Alstonville, may have on surrounding residential properties, that Council take immediate action to obtain accurate and impartial data.

An introduction to this procedure will require Council writing to the Environmental Protection Authority (the EPA) and the NSW Minister for the Environment to seek explanatory information and, in particular, canvass the possibility of the EPA undertaking detailed and accurate emissions testing over a period of operational days and nights in a variety of residential sites and diverse weather conditions.

Such correspondence should also seek clarification about Boral's response to a prevention notice issued by the EPA in May 2018 that required Boral to prepare a new bitumen odour management plan.

Councillor Comments

There is a polarisation of views from residents in the proximity of the Boral plant and it is an issue that, I suggest, should be the subject of accurate, thorough, impartial and scientific assessment.

The EPA is the appropriate regulatory authority under the applicable legislation for noise and odour matters in this instance. Together with their direction to Boral in May 2018, the EPA also advised Council staff that it was examining noise matters and it may require further action from Boral.

The EPA indicated at that stage that it would convene a further meeting with Council staff "later in 2018" but this meeting has not yet been confirmed. Nor has a proposed meeting involving Councillors and interested citizens which has been previously sought by Council in November 2017.

There is uncertainty and frustration within the community that, I suggest, needs to be addressed without further delay.

Staff Comments

The following provides some background to the matter of the Gap Road Boral plant.

In July 2016, the Council considered a Notice of Motion that addressed the operation of the Gap Road asphalt plant and in particular included discussion about air quality matters. Part of the associated resolution was for Council to contact the EPA and ask that the emissions from the Boral plant be tested.

13.3 Notice of Motion - Boral Plant, Gap Road Alstonville

In August 2016, Council wrote to NSW Health and the EPA following on from the NOM. In particular, Council requested that the EPA carry out tests on emissions from the plant and NSW Health was asked to provide advice and direction in relation to any potential health impacts from the operation of the plant (asphalt plants).

In summary, a response from NSW Health received in September 2016 indicated odours are generally not of direct health consequence, but can be a source of considerable discomfort and complaint to authorities in the form of nuisance if the odour is strong and regular.

Quantifying odours is difficult, requiring specialist knowledge and equipment.

Even when odours are detectable, the impact on individuals may be difficult to qualify and quantification might be addressed by engaging an Industrial Hygienist specialising in this area.

However, compliance with any guidelines or limitations may not negate future neighbourhood complaint from those sensitive to such odours or emissions.

Given the current distance from the asphalt plant to residential properties, it is unlikely that resident's health would be impacted by fugitive emissions.

The EPA also responded in September 2016 indicating that Boral would prepare an Air Quality Impact Assessment (AQIA) and Bitumen Odour Management Plan (BOMP).

The AQIA would assist the understanding of the discharge emissions from the site and the potential impact of any emissions discharged from the site.

The BOMP would then use the information within the AQIA to provide an appropriate management framework.

With respect to Council's request for the EPA to conduct sampling and analysis of emissions the EPA indicated such monitoring would be carried out as part of the BOMP and the EPA does not normally carry out sampling and analysis of emissions as requested by Council.

In November 2017, Council resolved to 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.

Council staff subsequently pursued this meeting.

In May 2018, Council staff met with EPA staff to discuss the status of the matter. At that meeting, the EPA advised that it had issued Boral with a prevention notice requiring Boral to prepare a new bitumen odour management plan and benchmark odour management against industry best practice.

The EPA also advised it was examining some noise matters and may require further action from Boral. It is expected that further meetings will be held as the EPA progresses with its work.

13.3 Notice of Motion - Boral Plant, Gap Road Alstonville

Overall, the EPA is the appropriate regulatory authority under the applicable legislation for plant noise and odour matters in this instance. Given this, engagement with the EPA underpinned by a Council resolution that seeks an explanation of the action it is taking and any steps proposed to address the issues being raised provides a further platform for the gathering of contemporary information from the responsible authority.

It is also important to acknowledge that no matter the results from testing there are residents in the community who do not support Boral operating from this site.

If Boral is required to change its practice by the EPA, as a result of assessment and analysis undertaken, the amenity could improve for some. If there is no significant change to operations required by the EPA, things may continue as they are today (same noise and odour).

Boral's existing lease expires 31 December 2019, however they have an option for another five years. This is Boral's option and not Councils.

Council is legally obliged to approve that option unless it can be demonstrated that there are adequate breaches to justify terminating the lease. No such evidence currently exists.

Boral must provide notice of their intention to exercise the option not earlier than 180 days and no later than 90 days before the current term expires (i.e. 1 July to 30 September 2019).

If the preference of Council is not to have Boral operating from this site another option could be to engage with Boral to determine an exit strategy from the quarry as this may well be the only realistic action to eliminate the concerns being raised by residents.

COUNCILLOR RECOMMENDATION

With respect to the uncertainty and conflict of views surrounding the effects, if any, that noise and air pollutants, emanating from the Boral hot mix plant on Gap Road, Alstonville, may have on surrounding residential properties, that Council take immediate action to obtain accurate and impartial data.

An introduction to this procedure will require Council writing to the Environmental Protection Authority (the EPA) and the NSW Minister for the Environment to seek explanatory information and, in particular, canvass the possibility of the EPA undertaking detailed and accurate emissions testing over a period of operational days and nights in a variety of residential sites and diverse weather conditions.

Such correspondence should also seek clarification about Boral's response to a prevention notice issued by the EPA in May 2018 that required Boral to prepare a new bitumen odour management plan.

Attachment(s) – Nil

13.4 Notice of Motion - Plateau Skatepark

13.4 Notice of Motion - Plateau Skatepark

Councillor

Cr Jeff Johnson

I move

1. That Council authorises the General Manager to prepare the documents necessary for the lodgment of a development application for the construction of a new skatepark on the Council owned land at Plateau Drive, Wollongbar.
2. The development application is to include an embellishment plan for this Council land, which has been identified in Council's strategic planning documents as a district park.
3. That as part of the preparation of the 2019/20 Operational Plan Council receive a report on how the embellishments identified can be funded in the short to medium term (i.e. up to four years).

Councillor comments

Council has been investigating possible skate park locations for the Alstonville - Wollongbar area for over seven years with a number of sites and locations being considered.

Following the rejection of the Wollongbar sports fields site and the inadequacy of the Kayes Lane site it has become obvious that the only location that is suited is the Plateau Drive district park.

A skate part in this location can be incorporated into the overall design of the park to ensure a wide range of uses including BBQ and passive recreation.

This park is identified in Council's Section 94 Plan to be embellished from developer contributions at an estimated cost of \$1m, with the developer contribution percentage being 100%.

With a high level of development currently occurring the collection of the Section 94 funds should allow these embellishments to be completed in a reasonable period of time. Council could also review the embellishment proposed as part of the development application process.

Staff Comments

To assist with this notice of motion information on the various sites considered is included as Attachment 1. This information is a summary of the information presented to Councillors at a briefing held 29 October 2018.

In response to the discussion at the briefing, staff commenced the preparation of a Council report to enable the briefing information to be presented to Council and to the community so that the options could be debated. Councillors at the briefing also asked for more information on the possible location of the skatepark at Geoff Watt oval and also at the Plateau Drive district park site.

13.4 Notice of Motion - Plateau Skatepark

The Council report is scheduled to be presented to the March 2019 Ordinary meeting therefore Council has the option of deferring this matter until that meeting. That report will also include a draft landscape plan for the Plateau Drive district park site to allow Council to review the embellishment options for the whole of the park.

A noise assessment for the district park would also be included in the March report. Verbal advice from the consultant is the noise levels would be acceptable and can be appropriately mitigated at this location if a skatepark was constructed, subject to design details etc. If the noise report is available before this meeting it will be circulated to Councillors.

Both the noise report and landscape plan were commissioned based on feedback from Councillors at the October 2018 briefing, to assist in the decision making process.

If this notice of motion is supported by a majority of Councillors, rather than reporting to Council, the noise assessment and landscape plan will be used to form part of the development application.

The Councillor briefing also sought feedback on the Geoff Watt oval site with the major constraint on that site being the available space, as outlined in Attachment 1.

Attachment 1 provides a very brief summary of the advantages and disadvantages of the sites considered to date. There may be differences of opinion on the points listed for each site however they represent the technical views of Council staff.

If more information is required for any of the sites to assist Councillors in the decision making process, the request for that information should be included in a replacement resolution and that information could possibly be included in the report that was originally scheduled for the March 2019 Ordinary meeting.

COUNCILLOR RECOMMENDATIONS

1. That Council authorises the General Manager to prepare the documents necessary for the lodgment of a development application for the construction of a new skatepark on the Council owned land at Plateau Drive, Wollongbar.
2. The development application is to include an embellishment plan for this Council land, which has been identified in Council's strategic planning documents as a district park.
3. That as part of the preparation of the 2019/20 Operational Plan Council receive a report on how the embellishments identified can be funded in the short to medium term (i.e. up to four years).

Attachment(s)

1. File Note - Skate Park Investigation

13.5 Notice of Motion - Electric Vehicles

13.5 Notice of Motion - Electric Vehicles

Councillor

Cr Jeff Johnson

I move

1. That as part of the 2019/20 Operational Plan Council receive a report on the preferred option to introduce one or more electric vehicles into the Council fleet, with that report to also outline the estimated environmental benefits.
2. That Council considers setting aside 1 or 2 dedicated EV parking spots at the Council's Cherry Street administration building with associated EV charging capability.

Staff Comments

In 2015 the Council considered the options regarding introducing electrical vehicles into our fleet. A copy of the previous report is attached.

The resolution of Council in response to this report was as follows;

1. *That Council endorse a Battery Electric Vehicle option be added to the list of passenger vehicles available for selection by staff members under the Council's Light Vehicle Protocol.*
2. *That Council note the contents of the above report regarding electric vehicles and request the General Manager continues to monitor trends in the commercial electric vehicle sector as it develops, including any incentives which would assist with the take up of electric vehicles within Council.*
3. *That the General Manager investigate what incentives might be available to encourage staff to take up electric vehicles.*

As an action in response to this resolution, Council's Light Motor Vehicle Procedure was amended to include an option for staff (with approved access to the procedure) to select an electric vehicle.

By way of incentive, the procedure states the following;

Electric Vehicle – The first electric vehicle will be offered at a 50% reduction in lease fee for the first two years, subject to review.

This incentive option has been communicated to staff. The procedure is reviewed annually and the above clause has been retained for each annual review and advised to staff.

To date there has not been a take up of this option by any staff member and this being the case a further report is an opportunity to review the options.

13.5 Notice of Motion - Electric Vehicles

Other options could include continuing to monitor trends in the market for electric vehicles and possible incentives to assist with the take up of these types of vehicles in Council's fleet. An action for this monitoring can be included in the Council's new Delivery Program and Operational Plan.

Or the final option could be to confirm that Council wishes to acquire an electric vehicle as part of its normal fleet.

Staff would then ensure that a vehicle, which is used solely for work purposes as a pool vehicle, when due for replacement, would be replaced with an electric vehicle. This would be funded from the existing plant replacement program budget.

Having an electric pool vehicle in the fleet, being regularly used by staff, may help reduce concerns or uncertainties from staff about electric vehicles and this could result in a higher take-up over time.

COUNCILLOR RECOMMENDATION

1. That as part of the 2019/20 Operational Plan Council receive a report on the preferred option to introduce one or more electric vehicles into the Council fleet, with that report to also outline the estimated environmental benefits.
2. That Council considers setting aside 1 or 2 dedicated EV parking spots at the Council's Cherry Street administration building with associated EV charging capability.

Attachment(s)

1. Report from 23 April 2015 - Review of Electric Vehicles for Council's Fleet

13.6 Notice of Motion - Voucher for Waste Management Centre

13.6 Notice of Motion - Voucher for Waste Management Centre

Councillor

Cr Meehan

I move

That as part of the 2019/2020 Operational Plan and Delivery Program, Council develops a system to provide one free drop off to the Ballina Waste Facility, to each residence, during the rating year. In developing the Operation and Delivery Plan Council will identify a funding source for this service.

The free drop off service will have reasonable limits on weight, volume and the type of materials to be accepted.

Councillor Comments

This is something that our community has been crying out for, for a long time. If a plebiscite were held on this matter, we all know what the result would be.

While there will be a cost, it must be remembered that Council funds are the community's funds. As well, Council's waste reserves have in recent times held significant funds.

A majority of LGAs in NSW provide either a system of kerbside pickup or free tip drop off.

In recognition of modern waste management practices and costs, the system should have limits at the lower end for weight and volume. eg 100kg mixed waste, 200kg green waste.

The system needs to enable renter participation, as well as owner occupier.

Staff Comments

Council has considered motions similar to this on a number of occasions. The most recent resolution was 27 March 2017 as follows;

1. *That based on the contents of this report Council resolves not to proceed with the introduction of either a bulky waste collection service or free landfill drop off system.*
2. *That Council records the reasons for its decision in point one above including:*
 - *The financial impact to Council is significant and would result in increased waste charges.*
 - *The proposal is inconsistent with Council's objectives for waste recovery and landfill diversion.*
 - *The proposal is inconsistent with the emerging regulatory regime for waste management.*

13.6 Notice of Motion - Voucher for Waste Management Centre

- *Residents are able to access the landfill on a user pays system and local contractors and other service providers are able to assist residents with collection and haulage of bulky goods.*
- *For the kerbside collection, there are significant risks associated with environmental pollution, scavenging, residential amenity and illegal dumping.*
- *The programs require significant additional resources to establish and implement.*

At that meeting, Council also debated the following motion which was lost.

That Council receive a report on option two, being the provision of one free tip voucher per residential property per year.

Attachment 1 is a copy of the report presented to the Finance Committee Meeting held 16 March 2017, which resulted in the above mentioned resolution.

As per that report, at that time the cost estimate was in the range of \$334,075 and \$613,950. The report also sets out the extent of administration required to establish a voucher system that is secure and accessible.

A free tip voucher is free to the customer however there is still the cost to Council. The increased costs would need to be absorbed into the Landfill and Resource Management (LRM) Operations or the Domestic Waste Management (DWM) Operations.

DWM has forecast annual revenues of \$6.9m in 2019/20 and if the cost of the service was charged to that program we would be looking at a 5% (or more) increase in the annual charge to cover that expense.

All DWM customers would then pay this increased charge, even though they may not use the free service.

Participation rates can also vary. The attached report states that Byron Shire Council has an average uptake of 16% and average participation rates are generally less than 50%.

Waste management is a challenging business to operate, vulnerable to legislative and market shocks. Council also needs to consider future risks in respect to the financial position of the business.

For example, Council is about to tender for the reprocessing of recyclables in a market heavily impacted by the introduction of the Container Deposit Scheme and the China National Sword policy. This may result in significant increases in our operating expenses.

The Council landfill site also has significant closure liability costs to be incurred in the future.

Council has also debated the possibility for the waste management operations to be a source of revenue (through a dividend) for essential community services that cannot be funded from General Rates.

13.6 Notice of Motion - Voucher for Waste Management Centre

The following table provides a brief summary of the services currently offered by other councils in this region.

Council	System	Details
Ballina	None	N/A
Byron	Tip Voucher	One free drop off service per year. Required to apply for voucher, restricted to either 150 kg of waste or 500 kg of green waste
Clarence Valley	Bulky kerbside collection	Annual collection, entire Shire.
Kyogle	None	N/A
Lismore	Tip Voucher	Three vouchers per year for residents. Two vouchers per year for commercial, approx. one ute/trailer load and restrictions on what can be brought to site. Courtesy trailer provided
Richmond Valley	None	N/A
Tweed	Dial up kerbside collection	Residents can book two pickups per year. Up to two m3 each time.

Our immediate neighbours have been steadily reducing their “free” services to residents. For example Byron Shire no longer provides an annual pick up service and Tweed recently changed their bulky kerbside pick up to an on-call system.

The other side to this discussion is the possible benefits by reducing illegal dumping.

The NSW EPA has an on-going illegal dumping strategy, with that strategy last being updated in September 2017. A copy of the strategy is available as per the following link:

<https://www.epa.nsw.gov.au/publications/illegaldumping/17p0158-epa-illegal-dumping-strategy>

The EPA has, at times, stated that free or subsidised waste services, or targeted vouchers for rural residents, can help to reduce illegal dumping, albeit that this latest strategy is silent on those methods.

Council has worked on illegal dumping campaigns previously with the EPA and rather than providing a free voucher for residents, another approach could be to use available waste funds to implement additional strategies to reduce illegal dumping.

In conclusion it may make political sense to provide a free service however it does impact all ratepayers as the entire community pays for the service through higher fees and charges.

A more holistic approach would be to develop an overall illegal dumping strategy that provides social and environmental benefits for the entire community, with waste funds supporting that strategy.

13.6 Notice of Motion - Voucher for Waste Management Centre

The strategy could support Council's existing illegal dumping action plan which was originally developed in conjunction with North East Waste (NEW).

This strategy could possibly be implemented without increased waste charges and the strategy may have elements relating to the provision of free vouchers for certain categories of waste generators.

COUNCILLOR RECOMMENDATION

That as part of the 2019/2020 Operational Plan and Delivery Program, Council develops a system to provide one free drop off to the Ballina Waste Facility, to each residence, during the rating year. In developing the Operation and Delivery Plan Council will identify a funding source for this service.

The free drop off service will have reasonable limits on weight, volume and the type of materials to be accepted.

Attachment(s)

1. Report from Finance Committee March 2017 - Kerbside Bulky Waste Collection

14. Advisory Committee Minutes

14. Advisory Committee Minutes

Nil Items

15.1 Mayoral Meetings

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

15.1 Mayoral Meetings

Councillor David Wright

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

<u>Date</u>	<u>Function</u>
19/1/19	Meeting – Premier NSW
20/1/19	Announcement – Men's Shed – Premier and Ben Franklin
20/1/19	Commemoration Park Markets
20/1/19	Ballina Markets
21/1/19	Church Group
21/1/19	Briefing – Chief Scientist re Water Extraction
22/1/19	Site Inspection – 20 Dress Circle Drive
22/1/19	Meeting NSW SLS IT
23/1/19	Meeting NSW SLS CEO – re Drones
23/1/19	Life Guard and Drone Deployment Meeting
24/1/19	Missingham Markets
25/1/19	Meeting – 260 Rous Road, Rous
25/1/19	Meeting Phil Hilliard – Wollongbar Rugby
25/1/19	Run Through – Australia Day
27/1/19	Commemoration Park Markets
31/1/19	Shooting Ad for Ben Franklin
31/1/19	Opening Ben Franklin Campaign Office
1/2/19	Richmond Christian College – School Leaders' Induction Assembly
2/2/19	Get Active Expo – Opening
3/2/19	Commemoration Park Markets
5/2/19	Alstonville/Wollongbar Chamber Meeting
6/2/19	Announcement of Grant – Ben Franklin and Deputy Premier
7/2/19	ScreenWorks – Sponsorship Activation
8/2/19	NRJO – Workshop and Meeting - Murwillumbah
8/2/19	Launch of the Northern Rivers Strategic Priorities
8/2/19	Mayoral Reception – Malta Festival – Council
8/2/19	Church Group Farewell
10/2/19	Lennox Head Markets
10/2/19	Commemoration Park Markets
12/2/19	Councillor Briefing – Presentation by Micromex
12/2/19	Councillor Briefing – Northern Rivers Community Gallery
13/2/19	Meeting – NRJO
13/2/19	Seniors Dementia Music Muster
13/2/19	Live Life Seniors' Concert
13/2/19	Announcement – Lennox Head Pre School
14/2/19	Grant Announcement – Marom Creek
16/2/19	SLSC Rescue

15.1 Mayoral Meetings

17/2/19	Ballina Markets
17/2/19	Commemoration Park Markets
17/2/19	SLSC Rescue
18/2/19	Shelley Beach Surf Club Opening
18/2/19	Meeting – John Weingarth
18/2/19	East Ballina Lions – Youth of the Year Quest
19/2/19	Audit and Risk Improvement Committee
19/2/19	Audio Visual Equipment Trial
19/2/19	Councillor Briefing – Class Action – Jardine Lloyd Thompson
19/2/19	Ballina Lions 51 st Youth of the Year Club Final
20/2/19	Ballina Chamber Breakfast Meeting
20/2/19	Wardell Progress Association Meeting
21/2/19	Meeting – Ian Neubauer – UK Telegraph
21/2/19	Briefing – Beach House 70 Shelley Beach Road
22/2/19	Meeting – Lyn Walker
23/2/19	Meeting – Peter Whish Wilson
24/2/19	Commemoration Park Markets
26/2/19	Phone Meeting – Regional Capitals Australia
28/2/19	Council Meeting

RECOMMENDATION

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

Attachment(s)

Nil

16. Confidential Session

16. Confidential Session

Nil Items