



Notice of Ordinary Meeting

Notice is hereby given that an Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, Cnr Cherry & Tamar Streets, Ballina on **Thursday 24 February 2011 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. Regulatory Services Group Reports
9. Strategic & Community Services Group Reports
10. General Manager's Group Reports
11. Civil Services Group Reports
12. Public Question Time
13. Motions on Notice
14. Advisory Committee Minutes
15. Reports from Councillors on Attendance on Council's behalf
16. Questions Without Notice
17. Confidential Session

A handwritten signature in black ink, appearing to read 'Paul Hickey', with a long horizontal line extending from the end of the signature.

Paul Hickey
General Manager

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

Deputations to Council – Guidelines

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

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.

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 5 minutes allocated for the deputation.

Public Question Time – Guidelines

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

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

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

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

The Chairperson will respond to questions indicating that either the matter will be referred to staff for rectification (where the matter is of a minor or urgent nature) or referred to staff for report to a later meeting of the Council or a Committee.

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

Recording of the questions will not be verbatim.

The standard rules of behaviour in the Chamber will apply.

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

Disclaimer

The advice or information contained within the Minutes enclosed with this Business Paper is given by the Council without liability or responsibility for its accuracy. Reliance cannot be placed on this advice or information until the Minutes have been duly accepted as an accurate record and confirmed by Resolution of Council (usually at the next Ordinary Meeting of Council).

Confidential Session

The confidential session is normally held as the last item of business.

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1. Australian National Anthem

The National Anthem will be performed by Empire Vale Public School.

2. Acknowledgement of Country

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

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

3. Apologies

An apology has been received from Cr Alan Brown.

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 January 2011 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 January 2011.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

- **Ross Pickering** - spoke in opposition to Item 9.1 - Site Options - Proposed Aboriginal Child and Family Centre.

7. Mayoral Minutes

Nil items

8. Regulatory Services Group Reports

8.1 DA 1996/29 and 1996/30 - Increase in Extraction Rates - Quarries

File Reference	DA 1996/29 & DA 1996/30
Applicant	Ardill Payne and Partners
Property	DA 1996/29 Lot 3 DP 619233 Old Bagotville Road Bagotville DA 1996/30 Lot 1 DP 787102 Old Bagotville Road Bagotville
Proposal	Section 96(2) application to amend DA 1996/29 by increasing the annual maximum rate of extraction from 50,000 tonnes per annum to 150,000 tonnes per annum. Section 96(2) application to amend DA 1996/30 by increasing the annual maximum rate of extraction from 56,000 tonnes per annum to 150,000 tonnes per annum.
Effect of Planning Instrument	Lot 3 DP 619233 (DA 1996/29) is zoned 1(e) Rural (Extractive and Mineral Resources) under the provisions of the Ballina LEP 1987. Lot 1 DP 787102 (DA 1996/30) is partly zoned 1(b) Rural (Secondary Agricultural Land) & partly zoned 1(e) Rural (Extractive and Mineral Resources) under the provisions of the Ballina LEP 1987.
Locality Plan	The subject land is depicted on the locality plan attached.

Introduction

Council has received two almost identical applications seeking to increase the annual maximum production from two existing quarries, located in close proximity to each other. Each quarry is seeking permission to increase their production to 150,000 tonnes per annum.

DA 1996/29 (Eaton's Quarry) currently has approval to extract 50,000 tonnes per annum.

DA 1996/30 (Monti's Quarry) currently has approval to extract 56,000 tonnes per annum.

As the two applications are similar, and the impacts of the two applications are cumulative, one report is submitted to Council for the two applications.

History

Deferred commencement consent was granted to **DA 1996/29** on 22 February 1996 for *“the continued operation and expansion of an existing Extractive Industry – extraction of shale and chert with extraction rates of 50,000 tonnes per annum (total resource of 975,000 tonnes).”* The deferred commencement conditions were complied with and the quarry has been operating ever since. The consent imposed a condition limiting the life of the quarry to not more than 20 years.

Deferred commencement consent was granted to **DA 1996/30** on 22 February 1996 for *“the continued operation and expansion of an existing Extractive Industry – extraction of shale and chert with extraction rates of 56,000 tonnes per annum (total resource of 1,500,000 tonnes).”* The deferred commencement conditions were complied with and the quarry has been operating ever since. The consent imposed a condition limiting the life of the quarry to not more than 27 years.

Both quarries have an Environment Protection Licence with the Department of Environment, Climate Change and Water (DECCW) for the crushing, grinding or separating of extractive materials with a capacity of between 30,000 and 50,000 tonnes per annum.

The applicant acknowledges the fact that these licences will need to be amended in line with any amended consent which Council may issue.

Eaton’s quarry has approval to extract 50,000 tonnes per annum, however, between 1998 and April 2010, a total of 159,697 tonnes of product had been extracted at an average of 12,284 tonnes per annum.

Monti’s quarry has approval to extract 56,000 tonnes per annum, however, between 1998 and April 2010, a total of 155,697 tonnes of product had been extracted at an average of 11,976 tonnes per annum.

Public Exhibition

The two Section 96 applications were advertised from 17 June 2010 to 16 July 2010 and 74 people were notified. 49 submissions were received in relation to Eaton’s quarry and 42 submissions were received in relation to Monti’s quarry. Most people lodged a submission relating to each application.

In total submissions were received from 52 individuals and groups. Thirty written submissions were received, and 22 were in the form of a circulated letter.

A petition has also been received with 93 names on it of which 77 names gave an address in Wardell or Cabbage Tree Island.

Due to the duplication of submissions, identical submissions have not been provided in the attached copies of submissions.

Three submissions were received relating to DA 1996/29 and four submissions were received relating to DA 1996/30 from Government Agencies.

Report

The application has been assessed in accordance with the relevant provisions of Section 96 and heads of consideration under Section 79C of the EP&A Act.

In addition to relevant statutory requirements the principal merit issues to be assessed as part of this application relate to an increase in transport movements and environmental issues associated with the increased rate of extraction namely noise and dust.

Section 96

Section 96 (2) of the Environmental Planning and Assessment Act 1979 in part provides:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

In all respects other than the extraction rates, it is proposed that the two quarries will continue to operate in accordance with their existing consents, i.e. the total amount of resource to be extracted from each quarry will not change, the footprint of each quarry will not change, the method of operation of each quarry will not change, and all environmental safeguards will remain the same.

The proposed amended developments are therefore considered to be substantially the same as those previously approved by Council.

Ballina Local Environmental Plan 1987

Lot 3 DP 619233 (DA 1996/29) is zoned 1(e) Rural (Extractive and Mineral Resources) under the provisions of the Ballina LEP 1987.

Lot 1 DP 787102 (DA 1996/30) is partly zoned 1(b) Rural (Secondary Agricultural Land) & partly zoned 1(e) Rural (Extractive and Mineral Resources) under the provisions of the Ballina LEP.

The objectives of Zone No 1 (b) Rural (Secondary Agricultural Land) Zone are:

- A The primary objective is to regulate the subdivision and use of land within this zone:
 - (a) to encourage the productive use of the land and enable development ancillary to agricultural land uses, particularly dwelling-houses, rural workers' dwellings and rural industries, and
 - (b) to permit a range of uses which are compatible with the rural character of the land, particularly tourist oriented developments and recreation establishments and recreation facilities, and
- B The secondary objectives is to ensure that development within the zone:
 - (a) maintains the rural character of the locality, and
 - (b) does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services.
- C The exceptions to these objectives are:
 - (a) development of land within the zone for public works and services, outside the parameters specified in the primary and secondary objectives, subject to the impact on agricultural resources being minimised, where practical,
 - (b) development of land for extractive resource purposes, and
 - (c) development of an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced requires isolation from other buildings.

The objectives of Zone 1(e) Rural (Extractive and Mineral Resources) Zone are:

- A The primary objectives are:
 - (a) to identify land which are extractive or mining industry potential
 - (b) to prohibit development which would result in the withdrawal of actual or potentially productive mineral resources land and
 - (c) to prohibit development which would be adversely affected by the operations of extractive or mineral resources development, particularly adverse affects from noise, vibration or dust.
- B The exception to these objectives is development of land within this zone for public works and services, outsider the parameters specified in the primary objectives.

The proposed amendments to each quarry are considered to continue to maintain the objectives of the respective zones.

Quarries are a permitted use in each of the Zones with the consent of Council.

Draft Ballina Local Environmental Plan 2010

Lot 3 DP 619233 (DA 1996/29) is proposed to be partly zoned RU2 – Rural Landscape and partly zoned E2 Environmental Conservation.

Lot 1 DP 787102 (DA 1996/30) is proposed to be zoned RU2 – Rural Landscape.

The objectives of Zone No E2 Environmental Conservation are proposed to be:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse impact on those values.
- To protect and conserve areas of wetland, rainforest, key habitat, coastline and wildlife corridors.
- To enable development activities that support, share, manage, enhance and/or protect the ecological, scientific, cultural and aesthetic values of the land.
- To promote the restoration and enhancement of the natural environment.

The objectives of Zone No RU2 Rural Landscape are proposed to be:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the natural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- to enable small scale tourist orientated development that is compatible with the rural nature of the land.
- To encourage development that involves restoration and/or enhancement of the natural environment where consistent with the production and landscape character of the land.
- To enable development that does not adversely impact on the natural environment, including habitat and waterways.
- To ensure that there is not unreasonable and/or uneconomic demands for the provision of public infrastructure.

Neither of the proposed developments is inconsistent with the objectives of the RU2 zone.

The quarry that DA 1996/29 governs is currently operating under the provisions of a development consent and as such, it may continue to operate on that portion of the site zoned E2.

A number of State Environmental Planning Policies (SEPP) apply to the sites and establishment of quarries in this location. None, however, contain any specific requirements to be applied to an application to amend an existing quarry's operations.

Transport Movements

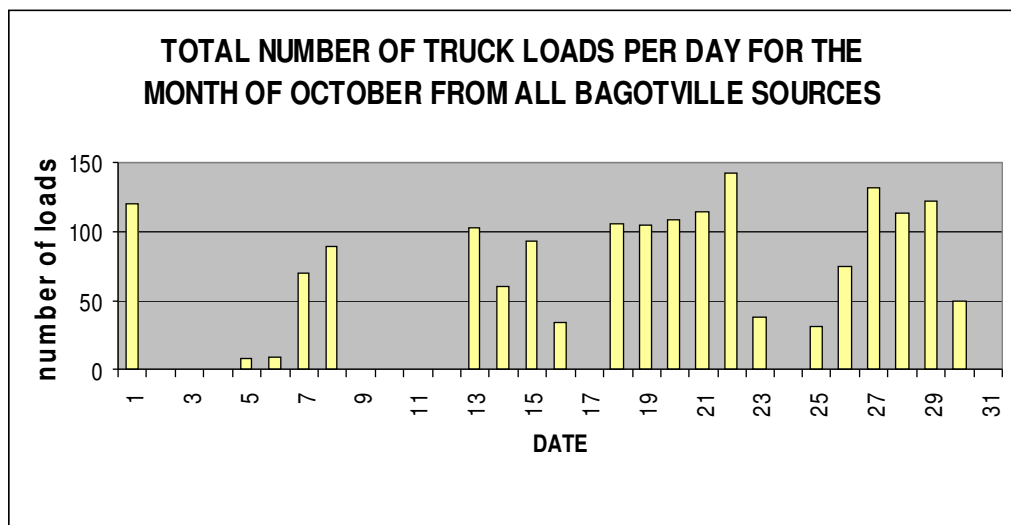
The increase in production from the two quarries will see the annual maximum tonnage increase from a combined 106,000 tonnes per annum to 300,000 tonnes per annum.

This increase in annual tonnage will not increase truck movements above those that have most recently been experienced, as Council has recently been made aware of the fact that, in order to comply with contractual obligations for the construction of the Ballina and Alstonville By-Passes, the Bagotville quarries' combined output for the financial year July 2009 – June 2010 was 357,524 tonnes. This figure is in excess of all the existing combined consents.

This tonnage included 50,000 tonnes from Gibson Quarry.

Gibson's quarry which is located in the same area has approval to extract a maximum of 50,000 tonnes annually. To date no application has been received to increase the capacity of this quarry. Also located in this area is a new Monti's quarry that was granted Council approval in 2007 to extract a maximum of 75,000 tonnes per annum. This quarry is in the process of being developed and has not as yet commenced production.

All kinds of mathematical calculations can be made relating to average truck movements or total truck movements per day and so on, as has been done by a number of people in their submissions. However, as the following graph indicates, this is an exercise having limited, if any, practical utility as the number of truck loads per day depends entirely on demand unless a maximum daily truck movements rate is set.



The above graph shows the irregularity in truck movements with periods of nil to light truck movements and other periods of heavy movements.

As a result of discussions with the applicant, if approval is granted, the applicant has agreed to the two applications being limited to a maximum number of 880 truck movements or 440 loads per 5.5 day week, or an average of 160 truck movements or 80 truck loads per day. This figure is less than has recently been experienced during heavy truck movement weeks.

It is to be recommended that if Council were to grant consent to this application a condition should be imposed restricting the maximum number of truck loadings to 220 per week for each quarry, or a total of 440 loadings per week for the two quarries. There is currently no restriction on the number of trucks that can be loaded in a week.

Another issue raised in submissions was that trucks were travelling through the residential area on their way to the quarry prior to 7.00am. This matter has been taken up with the applicant. The applicant originally advised drivers that trucks would no longer be loaded prior to 7.00am which was the approved starting time. This action, however, did not stop trucks travelling through Wardell prior to 7.00am.

The applicant then, whilst having no statutory obligation to do so, requested drivers via letter (copy attached) not to pass through the residential areas prior to 7.00am, and also not to travel in convoy style. This, judging from reports from residents, is on the whole being complied with.

Noise

A noise assessment of the quarry operations has been undertaken in association with this application. The assessment found that the Monti's quarry was exceeding noise limits and that further remediation action would be required.

This work has now been completed and DECCW the licensing agency for the quarries have advised that the required Environment Protection Licence (EPL) noise limit of 43dBA for both quarries has been complied with.

Referring to the noise of trucks travelling through Wardell, the noise consultant has provided Council with a table which details the total number of trucks that may pass through the village at particular hours of the day before the *Environmental Criteria for Road Traffic Noise* (ECRTN) is exceeded.

The ECRTN is a guide designed to allow the best mix of short, medium and long term strategies to be selected to meet an idealistic noise level from road traffic, given existing and emerging conditions and takes into account such matters as the state of the road, the type of road surface, the volume of traffic, the make up of that traffic and the speed of the traffic.

It must be emphasised that this number refers to the total number of trucks and not just the trucks from these two quarries.

The table below contains the number of trucks required to travel through the village at certain times of the day in order to exceed the ECRTN.

Hours of the Day	6 to 7	8 to 9	4 to 5	Day Non Peak
No of trucks per hour required to exceed noise levels	5	18	17	22

It can be seen from the above that it does not take many truck movements per hour to exceed the nominated noise levels. It must be remembered that these figures are a guide only, and reflect more than the actual number of trucks.

The intention of the ECRTN is to provide a guide to authorities for road planning purposes. It does not take into account, in this instance, that we have an existing collector road, carrying all kinds of traffic through the middle of an existing residential area, with little opportunity to redirect traffic around this area, or to provide for any form of noise attenuation barriers.

It is not practical to try to limit the number of other vehicles travelling the roads, especially as the roads are collector roads. The only means in this instance, by which traffic noise can be reduced is by altering the road environment, this has been partly achieved by reducing the speed limit from 80KPH to 50KPH, and this will be advanced further with the heavy patching work to be undertaken.

Council's Civil Services Group are currently working on a heavy road patching programme for Carlisle Street which it is anticipated will reduce the amount of traffic noise by eliminating some of the noise generating defects in the road. It is anticipated that this program will take place over the next three months.

Whilst it has been acknowledged above that it is not reasonable to limit the number of trucks passing through Wardell per hour to meet the ECRTN Guidelines, it is considered that the imposition of a limit on the maximum number of trucks loaded in a week, the heavy road patching programme and the existing restrictions contained in the letter from the applicant to the truck drivers, would result in traffic noise being able to be managed at an acceptable level across the lives of the quarries.

It should be noted that the quarries have been liable for road maintenance since commencing operations. These contributions will continue to be paid at a rate indexed to the consumer price index and this money will continue to be used for the maintenance of roads along the truck haulage route.

Dust

It is considered that levels of dust emissions from the quarrying operations, are in accordance with the conditions of consent, and the requirements of the DECCW licence. There is a dust issue with trucks travelling on the unsealed section of Old Bagotville Road in terms of road safety for other vehicles on the road.

If Council were to resolve to grant approval to this application a condition should be imposed requiring the applicant to maintain a water truck in the vicinity and to undertake watering of the road when required.

Matters raised in submissions.

Submission - Disturbance to quality of life

Comment – There is no doubt that, to have trucks, both quarry trucks and other trucks, travelling through what would otherwise be a quiet residential area, will have an impact on the quality of life in that area. What has to be determined, however, is the degree to which that quality is impacted. It should be noted that quarry trucks can only be loaded between 7.00am and 5.00pm Monday to Friday and between 8.00am and 1.00pm on Saturday morning.

Quarry trucks are therefore not interfering with the amenity of the neighbourhood in any way of an evening, Saturday afternoons or Sundays whereas other trucks may be. On the busiest day shown in the previous graph, a truck on average would pass through Wardell every two minutes.

It should also be noted that there were three weekdays and two Saturdays, when there were no quarry truck movements at all.

It is considered that whilst the trucks do and will continue to impact on the quiet of Wardell, the amount of time this would happen would be limited and is not considered overall to be unreasonable.

This point has been acknowledged in one of the submissions *“I believe most of the material is being used for the Alstonville By Pass Road. We have put up with the constant noise, dust and blasting so far as we consider it would all be over when the By Pass is completed.*

This statement is mostly true, the bulk of the material is being used on the Alstonville and Ballina By-Pass projects, not just the Alstonville By-Pass. The Alstonville By-Pass is almost complete and once the Ballina By-Pass is completed production will return to pre By-Pass levels until the next major project commences.

Submission - Splitting of haulage routes.

Comment - The alternative truck route has not been identified, however it has been assumed that they mean trucks travelling south along Old Bagotville Road and joining the Pacific Highway at Broadwater.

Whilst this suggestion is possible, it is considered impractical for a number of reasons, not least of which is that such a move would have trucks travelling longer distances, over lesser quality roads, thereby causing more damage to roads and increasing the possibility of accidents.

By way of comments, future Pacific Highway road upgrades may be such that transportation can be managed along haulage routes and will not necessarily rely upon traffic through Wardell.

Submission - Increase impact on Koala population

Comment – the potential impact is the possibility of koalas being hit by trucks. There is no indication that this is a problem at the moment. No additional habitat loss would occur as a consequence of these two applications.

Submission - Use of exhaust brakes

Comment – Truck drivers have been asked in the letter of request issued by the applicant, not to use their exhaust brakes in or around the village of Wardell. Since the directive has been issued Council has not been advised of any complaints relating to the use of exhaust brakes.

It should be noted that the elimination of the use of exhaust brakes is another factor towards reducing the overall noise impact on the residents.

Submissions - Trucks exceeding the 50kph speed limit

Comment – Figures obtained during Council's traffic count in Carlisle Street Wardell for the period 20 July and 3 August 2010 indicated that all Class 3 to Class 10 trucks, which includes all vehicles with more than two axles, recorded an 85% percentile speed of 56.9 KPH.

Submissions - Buses travelling along truck routes

Comment – Quarries have been operating at or near the requested capacity over recent months and it appears that there has been no reported conflict with school buses. Given the design capacities of the rural road network, it is considered that this will not be a problem in the future.

Submission - Degradation of road surface

Comment – Council's Civil Services Group has advised that the road surface along the traffic route is capable of carrying the additional traffic without substantially damaging the road.

It should also be noted that the quarries are paying Section 94 contributions for road maintenance, which go towards repairing any damage in the road system which may be attributed to truck use.

Submission - Increased number of trucks and dogs travelling through Wardell;

Comment – see traffic volume comments in this report

Submission - that dust from the unsealed section of Old Bagotville Road will impact on the drinking water of residents along Old Bagotville Road

Comment - there are no residences adjoining the unsealed section of Old Bagotville Road used by these trucks.

Submission – the statement is made that the proposed increase in extraction rates will impact on flora and fauna without giving any examples.

Comment – the extraction footprints and total amount of extraction of the quarries are not being increased. Therefore there will be no additional loss of habitat for the flora and fauna. The increase in daily traffic movements must carry a proportional possibility of road kill.

Submission – expressing concern with one large blast

Comment – the quarry is a scheduled operation and as such the control of blasting comes under the control of the DECCW.

Submission – Trucks are passing through Wardell early in the morning especially on Saturdays.

Comment – the applicant has taken measures to prevent trucks from their quarries doing this.

Refer to attached letter from the applicant to truck drivers.

Submission – the intersection of Carlisle Street and the Pacific Highway is a known black spot.

Comment - RTA have raised no concerns with the corner of the Pacific Highway and Carlisle Street.

Submission – Old Bagotville Road should be sealed to eliminate the dust and improve the safety of all who use the road.

Comment – Council's Civil Services Group has assessed the option to seal Old Bagotville Road and is of the opinion that such a request cannot be reasonably justified.

Submission – the S bend in Old Bagotville Road, 100 metres east of Monti's farm, is extremely narrow and any on-coming traffic coming is not visible.

Comment - this stretch of road has recently been upgraded, and the S bends eliminated.

Submission - We already have been understanding with increased truck & dog traffic from the Alstonville bypass and Ballina bypass but were tolerant due to the impending completion of these projects but this is too much to ask.

Comment - As has been shown the use of the quarries prior to the Alstonville bypass and Ballina bypass projects was well below allowable limits, and it is anticipated that once these projects are completed, quarry activities will generally return to those levels, until another major project comes along.

By requesting these quantities on a permanent basis it allows the quarries to cater for these big projects without having to seek Council approval on each occasion.

Submission - Noise at Quarry site

Comment – Noise at the Quarry site is regulated by the DECCW. The noise report submitted by the applicant has been accepted by the DECCW as demonstrating compliance with the licence requirements for the quarries.

Submission - Truck noise in Wardell

Comment – Trucks passing along a road generate noise, and a percentage of that noise can be attributed to the state of the road.

Council has recently received a Section 94 contribution payment for road maintenance from the Quarry owner and is currently in the process of instigating a heavy road patching program which it is anticipated will reduce truck noise in this locality.

Submission - Danger to pedestrians especially children – lack of footpaths

Comment – it is accepted that there are no footpaths in Carlisle Street thus forcing pedestrians to walk on or near the road. If Council is of a mind to grant approval to this application, a condition will be included requiring the applicant to construct a footpath and road crossing from the bus stop to Bath Street at their expense.

Submission - Structural damage to dwellings

Comment – if any person is of the opinion that they have suffered structural damage to their house caused by some action (or inaction) of Council, they have the opportunity to present their case to Council's insurers. To date no such claims have been lodged.

Conclusion

The applications seek to increase the annual output from the two quarries from 50,000 tonnes p.a. and 56,000 tonnes p.a. to 150,000 tonnes p.a. each. This change will not impact on the quarry operation, which is licensed by DECCW. DECCW has advised that the Quarry is operating within the limits of their license.

The principle matter of contention in relation to this application is the number of trucks passing through Wardell, as demonstrated by the submissions relating to this matter.

The quarries have been operating at or near the requested annual **production** (which is above approved) **levels** for in excess of a year, in order to comply with contractual obligations to the Alstonville and Ballina By-Pass projects. This exceedance of approval levels is being attended to as a separate compliance issue.

It would appear that the majority of those making submissions were of the opinion (and rightly so) that if the application were to be approved, they would be experiencing three times the number of truck movements they have been experiencing during the past 12 months or so. This would not be the case. They could be experiencing fewer trucks as it is intended to impose a restriction on the number of trucks that can be loaded in a week. This is a restriction which currently does not exist.

Concern has been expressed at the danger the trucks pose to pedestrians. This is acknowledged as there are no footpaths in Carlisle Street. This concern is to be addressed by the imposition of a condition requiring the applicant to construct a footpath from the bus stop to the intersection of Carlisle and Bath Streets.

Concern has been expressed at the noise generated by the trucks. Council is currently preparing a heavy road patching program which it is considered will reduce the amount of truck noise.

The applicant and residents have shown a considerable degree of goodwill in this matter. The applicant has opened a direct line of communication between themselves and residents of Wardell. They have shown empathy with the residents of Wardell and have instigated substantial procedures to control the activities of the truck drivers, as demonstrated by the attached letter.

It must be acknowledged, that the control the applicant has over truck drivers is limited as they are not employees of the applicant. They are truck drivers, driving registered trucks on public roads, and as such are controlled by the rules of the road. Notwithstanding this, there have been marked improvements in truck operations as a consequence of the quarry operator's actions and control.

RECOMMENDATION

That the Section 96(2) applications seeking to amend DA 1996/29 Lot 3 DP 619233 Old Bagotville Road Bagotville, and DA 1996/30 Lot 1 DP 787102 Old Bagotville Road Bagotville by increasing the annual extraction rate of each quarry to 150,000 tonnes per annum be **APPROVED** subject to the attached conditions of consent.

Attachment(s)

1. Locality Plan
2. Letter from applicant to truck drivers
3. Conditions of consent
4. Public Submissions (separately attached)

8.2 DA 2010/723 - Goat Island

File Reference	DA 2010/723
Applicant	Gary & Mary Couch
Property	Lot 245 in DP 755691 comprising Goat Island
Proposal	Erection of a dwelling house
Effect of Planning Instrument	The land is zoned part 1(b) – Rural (Secondary Agricultural Land) and part 7(a) – Environmental Protection (Wetlands) under the provisions of the Ballina LEP
Locality Plan	The subject land is depicted on the locality plan attached.

Introduction

Council is in receipt of a development application for the erection of a dwelling house on Goat Island, located in the Richmond River upstream from Wardell, adjacent to Cabbage Tree Island. **Attached** are site plans, floor plans and elevations of the proposed dwelling.

The island is only accessible by boat and mooring facilities currently exist in the form of a pontoon located near the south western corner of the island. The occupants of the dwelling will access the island by boat and enter the site via the pontoon.

Adjacent to the pontoon is an informal marina area which is proposed to serve as a point to load/unload building materials and equipment which will be brought in by barge. The proposed dwelling is to be located approximately 300m from the mooring site. Normal day-to-day access to the dwelling will be by foot from the mooring with heavy and/or bulky items transported by means of a small tractor currently on the site.

The land comprises an area of approximately 26.9 hectares and is zoned part 1(b) – Rural (Secondary Agricultural Land) and part 7(a) – Environmental Protection (Wetlands). The majority of the site contains riparian and wetland vegetation with a small area (approximately 3-4 hectares) cleared of significant vegetation. The island has no direct road access with the only means of access by boat.

Council records indicate that the island has contained a dwelling in the past which was destroyed by fire in 1999. The land is currently vacant with the exception of a small shed.

Standard development applications received by Council for dwelling houses on rural land are not normally reported to the Council for determination. However, while the proposed development generally complies with relevant statutory and building code controls, the subject site is identified as being in a high hazard flood area in the Wardell and Cabbage Tree Island Flood Study.

The report that follows outlines the assessment process.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The development application was not placed on public exhibition as it does not trigger public exhibition under the terms of the Ballina LEP and the Council Combined DCP.

Applicable Planning Instruments

Ballina Local Environmental Plan (BLEP)

The subject land (Goat Island) is zoned part 1(b) – Rural (Secondary Agricultural Land) and part 7(a) – Environmental Protection (Wetlands). The island is predominantly vegetated with a small section in the south western corner within the 1(b) zone cleared of significant vegetation.

The proposed dwelling is to be located within this cleared section of the island within the 1(b) zone. The erection of a dwelling house is permissible with consent in the 1(b) zone and is consistent with the zone objectives.

Clause 12 of the BLEP regulates the erection of dwelling houses within rural and environmental protection zones. Under the current BLEP provisions the subject land does not enjoy a dwelling entitlement as the land does not meet the development standards specified in Clause 12(3) of the BLEP.

In this regard the applicant has submitted an objection pursuant to State Environmental Planning Policy No. 1 – Development Standards in which it is argued that the Clause 12(3) development standard (ie. 40ha minimum lot size) is unreasonable and unnecessary in the circumstances.

The application has been referred to the Department of Planning for concurrence which was subsequently issued on 4 November 2010. The subject land previously enjoyed a dwelling entitlement prior to the gazettal of Amendment 110 to the BLEP on 26 June 2009.

The land is also proposed for listing in Schedule 1 of the Draft Ballina Local Environmental Plan 2010 as rural land on which a dwelling house may be erected with the consent of Council.

Clause 17 of the BLEP regulates building height as follows:

- (1) *In this clause **height**, in relation to a building the topmost floor of which has a ceiling, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.*
- (2) *Except as provided by subclauses (2A), (4), a person shall not, only any land to which this plan applies, erect a building taller than 6.4 metres in height unless the council is satisfied that the building will not:*
 - (a) *adversely affect the existing or future amenity of adjoining properties by overshadowing or causing loss of privacy*
 - (b) *significantly obstruct views from adjacent buildings and public places*
 - (c) *have an adverse impact on the scenic or landscape quality of the locality or*
 - (d) *exceed 2 storeys.*

Although the proposed dwelling will not exceed two storeys, it will exceed the 6.4m maximum building height by 0.535m. This is due to the proposed dwelling being located on posts to ensure its floor level is above the height of the maximum probable flood.

It is considered that this excess is acceptable in the circumstances and will not result in any negative impacts on adjoining properties, obstruct views or have an adverse impact on the scenic or landscape qualities of the locality.

The subject land (Goat Island) is identified as an Item of Environmental Heritage pursuant to Clause 18 of the BLEP. Goat Island is listed in Schedule 1 of the BLEP as an aboriginal site. Clause 18 requires that a person shall not erect a building on the land to which the Item of Environmental Heritage relates without the consent of the Council. Clause 18 also requires that:

The council shall not grant development consent to a development application in respect of an item of environmental heritage unless it has made an assessment of:

- (a) *the significance of the item as an item of the environmental heritage of the Shire of Ballina*
- (b) *the extent to which the carrying out of the development in accordance with the consent would affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the item and its site*
- (c) *whether the setting of the item and, in particular, whether any stylistic, horticultural or archaeological features of the setting should be retained, and*
- (d) *whether the item constitutes a danger to the users or occupiers of that item or to the public.*

The proposed development has been assessed with regard to the above. The item of environmental heritage has been identified as being highly significant to the aboriginal community. Although the entire island is identified as the "item of environmental heritage" the specific area of significance has been shown to the landowners by members of the Aboriginal community.

The proposed dwelling house is located well clear of the specific area and is not expected to result in any negative impacts on the integrity of the item of significance.

The development application was referred to Council's Cultural Development Officer for comment. The Cultural Development Officer is satisfied with the conclusions drawn in the applicant's heritage assessment.

The application was also referred to the Jali Local Aboriginal Land Council for comment. No response was received, however the applicant has included a copy of correspondence from the Jali Local Aboriginal Land Council to the owners of the subject site.

In that correspondence it is requested that should excavating works occur on the site as a result of the proposed development, that an Aboriginal sites officer be present should any artefacts be uncovered. If this development application is supported by Council, this requirement can be included as a condition of consent.

The subject site is identified as being subject to Acid Sulphate Soils in accordance with Clause 38 of the BLEP. The applicant has stated that during preliminary assessments of the site, no potential Acid Sulphate Soils were uncovered. Notwithstanding this, should the application be supported, development consent will be subject to standard Acid Sulphate Soil management conditions.

Draft Ballina Local Environmental Plan 2010 (Draft LEP)

The subject land is in the proposed E2 – Environmental Conservation Zone for the purposes of the Draft LEP. A dwelling house is permissible with consent in the proposed E2 Zone.

Clause 4.1A of the Draft LEP regulates the erection of dwelling houses on land in certain rural and environmental zones and includes the proposed E2 Zone. While the subject land does not meet the standards specified in Clause 4.1A it has been listed in Schedule 1 which allows the erection of a dwelling house on the subject land with the consent of the consent authority.

Clause 4.3 of the Draft LEP regulates the height of buildings. The subject land has a building height limit of 8.5m (from floor level to top of roof pitch). It excludes any area of filling required in accordance with Council's Minimum Fill Level. Consequently, the proposed development complies with the provisions of this clause as the proposed dwelling will be approximately 8m in height above the fill level.

Ballina Shire Combined Development Control Plan (DCP)

Chapter 11 Mosquito Management

Clause 3.2.1 of this chapter contains requirements to mitigate the impacts of mosquitoes on particular developments. Consequently, if this application is supported, development consent will be appropriately conditioned in accordance with the mandatory requirements of Section 3.2.1 requiring the installation of effective insect screening to all bedrooms in the dwelling house.

Chapter 18 Rural Land

Clause 3.1 Rural Land Use Conflict

Given that the island is naturally buffered from all adjoining land uses, it is considered that the proposed dwelling will be well separated from and not likely to be affected by rural land use conflict.

Clause 3.3 Environmental and Ecologically Sensitive Areas

The proposed development is to take place on land that is already cleared of significant vegetation. The subject site does contain wetlands identified in State Environmental Planning Policy No. 14. Within close proximity to the proposed dwelling are also significant stands of vegetation that comprise Endangered Ecological Communities.

The application proposes excavation of material from the cleared area of the island to acquire fill for the house site. Minimal detail of this aspect of the development has been provided in the development application and thus no assessment of the potential environmental impact these works may have on the nearby wetlands has been made.

It is considered that the acquisition of the fill materials from within the cleared section of the island is likely to be the most appropriate means of obtaining this material rather than importing fill to the site.

Notwithstanding this, it is also considered that further environmental assessment of the impacts of the earthworks on the wetlands and associated Endangered Ecological Communities on the site is required.

Consequently, should the application be supported by Council, it is recommended that appropriate conditions of consent be imposed requiring the provision of further details with regard to the acquisition of fill from the site.

This would include the requirement that an assessment of the impacts be undertaken and submitted to Council before such works commence.

Potential impacts have been identified during the construction process and to a lesser extent during the occupation of the proposed dwelling, given the distance of the proposed dwelling from the boat mooring area (approximately 300m). If the proposed development is supported by Council, it is considered that these impacts can be adequately regulated through appropriate conditions of consent.

Clause 3.6 Flood Prone Land

The subject site is identified as being flood prone in accordance with Policy Statement No. 11 of DCP Chapter 1. The site is also identified as having a high hazard flood risk given the potential for isolation during a flood event.

The proposed development has been designed to incorporate filling and finished floor levels that comply with the applicable minimum fill and floor levels as specified in Policy Statement No. 11.

The maximum probable flood level is estimated to be 5.0m (AHD) with the proposed development having a finished floor level of 6.1m (AHD). The proposed dwelling house is to be designed and constructed to endure the possible flood conditions.

It should be noted that any losses experienced from a flood event would be to private assets only as no public infrastructure is located on the land.

The applicant has advised that the natural ground level at the site of the proposed dwelling is 2.0m AHD. Based on information contained in Council's flood studies (ie. the Wardell and Cabbage Tree Island Flood Study 2007, the Wardell and Cabbage Tree Island Floodplain Risk Management Study 2007 and the Draft Cabbage Tree Island Floodplain Risk Management Plan 2009) the following conclusions can be made:

- the site is susceptible to flooding from the Richmond River in floods of a 5 year occurrence or higher
- peak flood levels for a 5 year recurrence flood would be approximately 1.85m AHD
- peak flood levels for a 10 year recurrence flood would be approximately 2.32m AHD
- peak flood levels for a 100 year recurrence flood would be approximately 3.38m AHD

The floor level of the dwelling (6.1m AHD) and the filling around the dwelling site (to 3.7m AHD) will be above these identified levels. However, during flood events it can be expected that the majority of the access path to the dwelling from the boat mooring point will be inundated in regular (5 year occurrence) flood events.

This could be further exacerbated as a result of the proposed extraction of filling from the site. In addition to the above, given the expected flow velocities within the river adjacent to the island during flood events, access to the island could be further restricted or hazardous.

The development application has been referred to the Department of Environment, Climate Change and Water (DECCW) and to Council's Development Engineer for assessment, particularly with regard to flood risk issues. Comments have been returned and based on the identified high hazard risk; it has been recommended that the application be refused. Further detail of this aspect of the development is addressed below.

Clause 3.9 Waste Management

Given the circumstances of the site, no regular domestic waste collection can be provided. The applicant has stated that all waste from the site will be minimised and managed by the occupants. Should the application be supported, appropriate conditions of development consent will be imposed to regulate the disposal of waste from the site.

Clause 3.10 On Site Sewerage Management Systems (OSSM)

The development application is supported by an "On Site Wastewater Management Report" which has been assessed by Council officers. The proposed wastewater treatment and dispersal system is to be located within the curtilage area of the dwelling that will be filled above 2.64m AHD and above the expected 1 in 20 year flood level for the site.

Notwithstanding this Council officers consider that there are a number of deficiencies in the system proposed, particularly given the high likelihood of flooding of the site.

In this regard, Council's OSSM officer has recommended modifications to the proposed OSSM to meet applicable standards. Should the application be supported, these requirements can be achieved through appropriate conditions of consent.

Several other environmental planning instruments have been identified as applying to the proposed development. It is considered that the proposed development generally complies with their requirements.

State Environmental Planning Policy No. 1 – Development Standards

As detailed above, the applicant has submitted an application in accordance with SEPP 1 with regard to objecting to the 40 hectare minimum lot size development standard. The applicant contends that the applicable development standard relating to the dwelling entitlement is unreasonable or unnecessary in the circumstances. The Department of Planning has issued concurrence in this regard.

State Environmental Planning Policy No. 14 – Coastal Wetlands

The subject land contains areas identified as coastal wetlands in accordance with SEPP 14. The proposed development is to be sited outside the identified wetland areas. As such, no direct impacts on SEPP 14 wetlands are expected.

If the application is supported, development consent will be conditioned to ensure adequate mitigation of potential environmental impacts on the wetland is undertaken.

State Environmental Planning Policy No. 71 – Coastal Protection

The subject land is located within the Coastal Zone and as such, the provisions of SEPP 71 are applicable to this application. Clause 8 of SEPP 71 contains 'Matters for Consideration' which are to be taken into account in the assessment and determination of any development application on land within the Coastal Zone.

The proposed development has been assessed against these Matters for Consideration and is considered to be generally consistent with their provisions and requirements.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The applicant has submitted a BASIX Certificate for the proposed dwelling in accordance with the provisions of this SEPP.

North Coast Regional Environmental Plan 1988.(REP)

Clause 15 of the REP requires a consent authority to consider the impacts of development on wetlands.

The proposed development is located in close proximity to significant wetlands but is considered sufficiently separated and of a scale to not result in substantial impacts. The potential impacts of the development on the adjoining wetlands have been addressed in further details above.

The subject site is identified as an item of aboriginal heritage in the BLEP. The applicant has provided details of the specifics and assessment of the likely impacts on the specific item. The application has been referred to Council's Cultural Development (Heritage) Officer for comment as detailed earlier in this report. It is considered that given the nature of the development and its separation from the specific heritage item on the site that there will be minimal to no impact on the integrity of the site as an item of environmental heritage.

Report

The proposed development has been assessed with regard to the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979* and the applicable environmental planning instruments and regulatory controls referenced above.

While the proposed development generally complies with the standard requirements for the erection of a dwelling house on rural land, Council officers have raised concerns with regard to the identified high hazard flooding risk of the site and the site's access limitations.

The applicant and landowner were made aware of the flood risk issues through discussions and correspondence with Council officers prior to the lodgement of the development application. As a consequence, the applicant has addressed the flood risk issue through an assessment of the likely impacts of flooding on the occupation of a dwelling house on the site.

An extract of the information submitted with the development application detailing how the flood risk issues are to be addressed during the occupation of the dwelling are **attached**.

In addressing the risks of flooding in the locality, Council has prepared the Draft Cabbage Tree Island Floodplain Risk Management Plan 2009 (DMP). Although the DMP specifically refers to Cabbage Tree Island, its close proximity and geographic similarity to Goat Island makes the data applicable to both.

The DMP clearly references the NSW Government's Floodplain Management program whereby it is appropriate to "consider options for reducing the flood damages that could be experienced by residents and to reduce the risk for loss of life". This plan also identifies that Council has a **duty of care** to ensure that current planning instruments recognise the flood hazard. The potential for isolation and the associated risk to life would typically render the land as being in a high hazard flood area.

The development application was referred to DECCW for comment on the impacts of flooding on the proposed development. A copy of this correspondence is **attached**.

In the response reference is made to the Wardell and Cabbage Tree Island Flood Study (2004) and the DMP. Specific reference is made to figures in the Wardell and Cabbage Tree Island Flood Study which identify the provisional flood hazard in the river surrounding the island during a 1 in 100 year flood event as **extreme** and on the island itself as between **high and very high**.

Further to this, DECCW points out that in the NSW Floodplain Development Manual a high flood hazard is categorised by the following:

- possible danger to personal safety
- able bodied adults would have difficulty in wading to safety
- potential for significant structural damage

Based on the above, it is concluded that if the development was to be approved, it would be difficult to see how it would accord with the general thrust of the Draft Cabbage Tree Island Floodplain Risk Management Plan.

It is considered that Council may be legally exposed if approval is granted to a dwelling in a high hazard flood area. Given the strongly worded recommendations in the DMP that have the effect of prohibiting additional dwellings on adjacent Cabbage Tree Island, it is proposed that Council adopt the same principle for Goat Island; unless it can otherwise be satisfied that the risks to future occupants and to Council are acceptable.

In this regard it is recommended that the application be refused.

It should be noted that the current landowner acquired the subject property in December 2008 and relied upon information contained in a Section 149 Certificate issued earlier in 2008 which, amongst other items, contained confirmation that (at the time) the land did enjoy a dwelling entitlement pursuant to the provisions of the BLEP in force at the time and that the land was identified as being subject to flooding.

Following the purchase of the land, the applicant made enquiries with Council staff with regard to the development potential of the land. A written response was forwarded to the landowner dated 17 September 2009 which included reference to the identified high flood hazard risk of the island.

This letter also addressed other significant matters relating to the environmental constraints of the site and that these matters would be considered in the merit assessment of any development application lodged for the erection of a dwelling house on the site.

Conclusion

The proposed development has been assessed in accordance with the relevant statutory and regulatory provisions. While the development generally complies with the standard requirements for the erection of a dwelling house on rural land, the site is identified as being within a high hazard flood area. In this regard it is considered that the proposed development cannot be supported due to its inconsistency with Council's flood studies and draft floodplain management plan

Consequently, it is concluded that Council has two options with regard to the determination of development application 2010/723 as follows:

OPTION 1

That the application be refused for the reasons outlined in this report. This is the recommended option.

OPTION 2

That Council approve the application, notwithstanding the risk in allowing the development of a dwelling house on land identified as having high flood hazard risk in relation to the Cabbage Tree Island Flood Study and the Draft Cabbage Tree Island Floodplain Risk Management Plan, subject to applicable conditions of development consent.

RECOMMENDATION

That development application 2010/723 to undertake the erection of a dwelling house on Lot 245 DP 755691, Goat Island, be **REFUSED** for the following reasons:

1. The development of and subsequent occupation of a dwelling house on Goat Island presents a high flood hazard risk and is inconsistent with the recommendations of both the Wardell and Cabbage Tree Island Flood Study (2004) and the Draft Cabbage Tree Island Floodplain Risk Management Plan 2009 (DMP) and
2. The grant of consent to the proposed development is not in the public interest.

Attachment(s)

1. Locality Plan
2. Site Plan, Floor Plans & Elevations
3. Information Addressing Flood Risk Issues (Extract from Statement of Environmental Effects submitted with development application)
4. Copy of correspondence received from Department of Environment Climate Change and Water

8.3 DA 2010/945 - Lennox Head Cricket Club

File Reference	DA 2010/945
Applicant	Lennox Head Cricket Club
Property	Lot 74 DP 774896, No. 20 Megan Crescent, Lennox Head (Megan Crescent Sporting Field)
Proposal	To Undertake Staged Alterations & Additions to an Existing Amenities Building to provide a Canteen, First Floor Viewing Room, Storage and Shelter Shed
Effect of Planning Instrument	The land is zoned 6(a) Open Space under the provisions of the Ballina LEP
Locality Plan	The subject land is depicted on the locality plan attached

Introduction

This development application seeks approval for Sporting Facility Buildings located in the southeastern portion of the site, fronting Megan Crescent and directly adjacent to residentially zoned lands.

Megan Crescent Sporting Ground is a 1.65 hectare public reserve (classified as Community Land in Council's Land Register). The proposed facilities are to be predominately used by the Lennox Head Cricket Club, however different sporting organizations such as Rugby Union/League may also utilise the facilities during winter training as appropriate lighting of the fields has been undertaken.

The proposed clubhouse will add to an existing single storey amenities building and replace large containers currently placed on the site for temporary storage. It has been designed to be a basic two storey brick/cladded building having a colorbond roof structure and a building footprint of approximately 70m². The ground floor will comprise a canteen area with associated storage, change rooms and associated sanitary facilities.

The upper floor will comprise an open multi purpose room/viewing area and attached deck. Immediately adjoining the clubhouse to the southwest is a single storage sports storage shed and attached shade shelter approximately 78m² in area (refer **attached** plans).

Due to funding requirements the proposal consists of four stages, with Stage 1 comprising the construction of the storage shed, Stage 2 the shade shelter, Stage 3 the canteen and Stage 4 the first floor storage and viewing room.

Council requested written confirmation from the applicants about the proposed use(s) of the clubhouse and hours of operation, which was provided and is generally outlined below:

- *Season from October to March opening the oval for 25 weekends of cricket for 7 junior teams and 4 senior teams during daylight hours;*
- *No music will be played at the facility;*
- *Curators wicket preparation will be conducted between the hours of 7am and 7pm;*
- *The club is a member of the Good Sports Programme and excludes all alcohol during all matches to all grades. Alcohol is still consumed at the ground and has been sold after the match on a trust basis to cover the cost of beer purchased by the individual member and sometimes the club, with the content limited to one carton only;*
- *The canteen is designed to cater for selling packaged foods only during matches or carnivals; and*
- *There is no request for a liquor licence for the premises because the facility is not big enough to hold functions.*

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The development application and supporting documentation was placed on public exhibition for a period of two weeks. A notice was placed in the local press, a sign was erected on the site and local residents were formally notified.

The exhibition attracted two submissions opposing the application. The issues raised in the submissions are considered in the following report.

The grounds of objection received can be summarised as follows:

- Traffic generation and lack of carparking;
- Noise, privacy and anti-social behaviour;
- Overshadowing;
- Devaluing of surrounding land.

Report

The following comments are made relative to the corresponding heads of consideration contained in Section 79C of the Environmental Planning and Assessment Act 1979. Only those matters requiring specific consideration of Council will be addressed in this report.

Land Management & Lennox Head Community Aspirations Strategic Plan

In a recent report to the November 2010 Ordinary Meeting of Council, the long term strategy for active open space in Lennox Head was summarised as shown in the next below.

Lennox Head District Active Open Space Infrastructure			
Status	Location	Area	Used for / other comments
Existing	Williams Reserve	1.62ha	<ul style="list-style-type: none"> • 1 x cricket field • 1 x football field • 1 x undersized football field • Cricket nets (Note: This infrastructure is intended to be replaced in the long term by development on the Barrett Land, see below.)
Existing	Megan Crescent	1.67ha	<ul style="list-style-type: none"> • 1 x soccer field • 1 x cricket field
Existing	Skennars Head	3.1ha	<ul style="list-style-type: none"> • 2 x soccer field • 4 x mini-soccer fields • 1 x junior cricket field
Future	Skennars Head Expansion	2ha	<ul style="list-style-type: none"> • 2 x soccer • 1 x senior cricket field (Note: this will replace the existing junior field) • Cricket nets (Note: Council has recently purchased this land and design work is underway.)
Future	Pacific Pines	6.1ha	Land dedicated to Council. Embellishment of site and provision of road access delayed due to Petrac going into receivership. Once site becomes available, will contain: <ul style="list-style-type: none"> • 4 x football fields • 2 x cricket fields • Cricket nets
Future	Barrett Land	15ha	<ul style="list-style-type: none"> • 4 x football (Note: 1 of these fields is nominally a replacement field for Williams Reserve) • 10 x courts (Note: some of these may also be provided at Megan Crescent or Skennars Head)

With respect to future facilities for cricket, the expanded Skennars Head playing fields will contain a full sized cricket field with the opportunity for a turf wicket and practice nets whilst the Pacific Pines playing fields will have two cricket fields with one turf wicket and one synthetic wicket and practice nets.

Once this infrastructure is available for use (the timeframe for which remains uncertain, however the Pacific Pines facilities should be within 2-3 years), it is anticipated that the type of sporting activities on Megan Crescent could be reviewed.

One option that could be considered involves the provision of multiple courts for tennis or netball. The relatively small size of such infrastructure (compared to cricket fields) could enable greater buffering to surrounding residential uses as well as some on-site carparking (thereby negating or reducing some of the issues outlined within submissions).

In addition, in the longer term it is planned that a large active open space area will generally be provided to the south west of Sanctuary Village, known as the "Barrett Land". This could also provide facilities suitable for cricket although this is unlikely to occur for at least 5 - 10 years.

Consequently, such duplication of cricket facilities within Megan Crescent may not be preferred and may be better suited to planned areas within Skennars Head and/or Pacific Pines.

Council's Open Spaces Section also emphasised that Council has plans to expand the Skennars Head fields and this may provide further cricket facilities. However Council has not funding set aside for this expansion in its forward budgets.

Council, therefore needs to determine if the immediate needs of the Lennox Head Cricket Club warrants the potential duplication of facilities, particularly as the proposed staging of works by this proposal potentially has facilities coming online at the same time or later than other planned facilities (dependant upon when funding from the Lennox Head Cricket Club becomes available).

Context and Setting

The site location of the clubhouse building and associated facilities is well situated in relation to existing infrastructure and the north-south field layout/orientation within the public reserve and existing carparking.

The clubhouse and associated structures, although partly two storey, will not be particularly prominent as they will be within a lower, flat area of Lennox where a number of two storey buildings are located.

Sufficient area immediately surrounding the clubhouse may also be landscaped if required and any consent could be conditioned accordingly to ensure that non-reflective roofing materials and colours not prominent against the background are utilised in the finish of the structures.

The proposal will have negligible impact in the landscape and on the scenic quality of the locality being confined within the screened south-eastern corner of the ground, and although not well separated from existing and future residential development, the building and structures are not of a significant bulk and scale and are appropriately orientated and directed towards the field.

If approved, the clubhouse will also be filtered visibly from Byron Street by virtue of the mature wetland vegetation stand contained along the western edge of the playing field and by existing buildings.

The site is well located having regard for the developed areas of the Lennox Head Village area and the location of the proposed improvements should not impose on the existing sporting field dimensions and the possible range of other sporting facilities envisaged in the future.

Whatever the future is for cricket in Lennox Head, the submitted design would lend itself to ready and useful adaptation for other recreational activities that would likely to be utilising Megan Crescent Oval into the future.

Noise Impacts

The location of the clubhouse and associated facilities are not separated from adjacent land-uses to assist in the reduction of disturbances to the residential amenity of any dwelling. The closest permanent dwelling-house is approximately 30 metres to the south, however it should be noted that additional dwelling houses are likely to be constructed only some 10 metres to the east in the future.

In light of the intended use, the small scale and the intended limited frequency of use for the facilities, the incorporation of measures to mitigate noise such as acoustic material into the construction of the walls etc, is not considered to be required at this time. If approved, however, it is considered prudent to require deletion of the two eastern facing windows on the upper level of the viewing room to avoid any noise escape (noting these windows are not required for ventilation).

Additional buffering of noise should also be provided to future and existing dwellings to the east and south from the multi purpose/viewing area as it is predicted that the majority of any noise created will be directed to the north and west from the open verandah area as spectators watch games noting that this will occur predominately during daylight hours.

Although residents are located in that direction, they are located some 140 metres further to the north which will provide some additional buffering. Noise from spectators who will generally be along sidelines of fields or boundary lines for better viewing cannot be reasonably controlled by the proposal and currently occurs.

Sporting events and social interaction will generally be held during the day with training and any meetings generally occurring early within the night.

If approved by Council, suitable conditions can be imposed to ensure that the proposed land use shall not result in the emission of offensive noise and any "special event nights" for fundraising, presentations etc. are limited in number and hours.

In any event the building will be a public building on Council land under Council's direct jurisdiction and is not of a scale that allows use by a substantial number of people at any given time.

Social and Economic Impact

It is considered that positive social benefits will accrue to the broader public from improved recreational facilities. The attraction of the locality can be enhanced by the provision of such facilities whilst improving the public recreational opportunities of the existing sporting fields for various sporting groups.

The positioning of the clubhouse above the existing amenities building is practical and although close to Megan Crescent and associated residential properties, is as far as practicable, self policing (i.e. people are able to observe the facilities from public roads and other spaces).

Other issues of anti social behaviour such as vandalism and littering are dependent on the intentions of the individuals attending the facility.

Minimising these effects will be dependent to a large degree on the sense of ownership and responsibility that club members have for the facility. However, such should minimise antisocial behaviour from members within, surrounding and when leaving the premises.

Whilst there are no bar facilities or the service of alcohol indicated in this application, it would typically be envisaged that some consumption of alcohol would occur with this type of use. To Council's knowledge, a Special Functions Licence that permits the restricted sale of alcohol had not been obtained and the applicant has clearly indicated that the request for a liquor licence is unlikely due to the scale of the building.

Furthermore, restrictions in relation to the use and hours of operation of the clubhouse imposed by Council must also be adhered to.

Access, Transport & Traffic

The proposal was considered by the Local Traffic Development Committee (LTDC) on the 8 December 2010 where the following comments were provided:

"The committee suggests that the Council consider that if it provides consent that it retains management control at the site as a landowner to address parking issues should they arise such as:

- *Signage*
- *Restrictions on the use of the building and oval."*

Consequently, if the application is approved, Council will need to monitor carparking over time and could potentially restrict use of the proposed building and/or ground/oval further should carparking issues arise in the locality.

As the proposal identified that the use of the sporting facilities are infrequent and limited activities, the LTDC and Council Officers did not raise any objection (subject to conditions) to the proposal given the following:

- The intermittent nature of the proposed use of the facility; and
- The site has eight all weather carparks and parking opportunities within the surrounding street systems.

In reviewing the traffic generation implications relevant to Council's Section 94 Roads Contribution Plan, it is proposed that contribution monies not be levied as it is recognised that the clubhouse is of a community nature and will not operate as a commercial operation.

Additional contribution payments of \$11,727.24 towards sewerage and water have been identified as being applicable should the proposal be approved.

Included in this total is the payment to Council (as collection agent for Rous Water) of \$4,244.00 for Rous Water S64 Development Servicing Contributions. This fee cannot be waived by Council, but may be waived by Rous Water if the applicant can demonstrate that it is a non-profit and charitable organization and considered to be making a significant and positive contribution to the community.

Overshadowing

The proposed additional storey for the viewing area is not particularly large and due to its positioning directly above the existing amenities building that is located approximately 2.5 metres (at its closest point) to the common boundary to the east, and its overall height of 5.3 metres at this point, will not cause significant overshadowing to any future dwelling house(s) on Lot 172 DP 880609 to the east.

Devaluing of Surrounding Land

The use of the land for sporting fields has occurred for a substantial number of years and has been and is clearly evident to residents. Indeed, the oval was planned from the inception of this part of Lennox Head. The proposed improvement of facilities for this continued use is not seen to devalue lands any further, particularly as the improvements to facilities are relatively small scale.

Options

There are two options available to the Council.

Option 1

Council could refuse the application on the grounds that the proposal is inconsistent with Land Management & Lennox Head Community Aspirations Strategic Plan and the duplication of facilities may not be in the public interest (and for any other reasons that the Council considers are justified).

Option 2

Council could grant consent to the application having regard to the satisfactory merit issues outlined within the report and the conditions that can be applied to the consent.

In all the circumstances, Option Two is the preferred course of action.

Conclusion

The proposal is considered reasonable and well situated having regard to the needs of the Lennox Head Cricket Club and whatever future use is made of this area. Council, however, needs to decide if there is an over-riding public benefit for the existing resident population when similar facilities are proposed for the resident population at other locations.

The proposal will have minimal detrimental impacts upon the amenity of the locality and environment generally due to its location, design and imposition of appropriate conditions.

The proposal will encourage, enhance and facilitate the existing land use within appropriate limits.

The circumstances of the case are such that the application warrants the granting of consent.

RECOMMENDATION

1. That Development Application No. 2010/945 for Staged Alterations & Additions to an Existing Amenities Building to provide a Canteen, First Floor Viewing Room, Storage and Shelter Shed be **APPROVED** subject to the normal conditions for such a structure in this locality.
2. That Council confirms that Section 94 Road Contributions will not be required due to the community nature of this development and the fact that it caters for existing users of the facility.
3. That Council confirms that Section 64 water and sewer contributions will be required due to the impact of the development on water and sewer infrastructure and that Rous Water charges are a matter for Rous Water to determine.

Attachment(s)

1. Locality Plan
2. Submissions
3. Proposed Plans

8.4 Outstanding DA Report - February 2011

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

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

DA No.	Date Rec'd	Applicant	Proposal	Status
2006/242	20/10/2005	Ardill Payne & Partners	Site Filling - No. 21 Cumbalum Road, Cumbalum	Awaiting Additional Information
2008/578	6/2/2008	A Koellner	Erection of a Shed for Steel Fabrication - No. 21 Cumbalum Road, Cumbalum	Awaiting Additional Information
2010/9	06/07/2009	Ballina Shire Council	Environmental Protection Works to the Chickiba Wetlands and Establishment of a Bush Fire Asset Protection Zone - Lot 207 DP 851318 Angels Beach Drive, Lot 114 DP 733248 Tuckeroo Drive, Angels Beach Road Reserve, Lot 406 DP 755684 The Coast Road, Lot 521 DP 729429 The Coast Road, Lot 222 DP 755684 Links Avenue, Lot 3 DP 580146 Jameson Avenue, Lot 2 DP 775614 Jameson Avenue; East Ballina	Awaiting Additional Information
2010/182	2/10/2009	SJ Connelly CCP Pty Ltd	Proposed Two Lot Residential Subdivision - No. 9 McLeans Street, Skennars Head	Awaiting Additional Information
2010/211	13/10/2009	Ardill Payne & Partners	Subdivision by way of Boundary Adjustment Subdivision – Sneaths Road, Wollongbar	Awaiting Additional Information.
2010/216	13/10/2009	Paul R Gray	Erection of a	Awaiting

8.4 Outstanding DA Report - February 2011

DA No.	Date Rec'd	Applicant	Proposal	Status
		Architect Pty Ltd	Retail Complex and associated Carparking – Pacific Highway, West Ballina	Additional Information
2010/278	6/11/2009	Ardill Payne & Partners	To Establish a dwelling/house site – No. 263 Sneebys Lane, East Wardell	Awaiting Additional Information
2010/453	04/02/2010	Riordans Consulting Surveyors Pty Ltd	83 Lot Staged Residential Subdivision, 2 Public Reserve Lots, Construction of Roads, Associated Subdivision Works & Services – No. 57-59 Rifle Range Road, Wollongbar	Awaiting Additional Information
2010/506	10/03/2010	A Rich	Two Lot Torrens Title Subdivision and Minor Vegetation works – No. 543 The Coast Road, Lennox Head	Determination Pending
2010/628	17/05/2010	Ardill Payne & Partners	Use of premises for Bulky Goods Retail and Wholesale Showroom/Warehouse - Stinson Avenue, Ballina	Awaiting Additional Information
2010/687	18/06/2010	All Steel Garages & Sheds	Demolition of existing Industrial Shed and Construction of a new larger Industrial Shed - No. 10 Robb Street, Alstonville	Awaiting Additional Information
2010/724	09/07/2010	Trevor Richard Murray	Change of Use (Recycled Garden) - Nos. 464/470 Pacific Highway, West Ballina	Determination Pending
2010/728	12/07/2010	Victor Holmes Town Planning	Boundary Adjustment Subdivision and Consolidation of Ten Existing Lots to Create Six Proposed Lots	Awaiting Additional Information

8.4 Outstanding DA Report - February 2011

DA No.	Date Rec'd	Applicant	Proposal	Status
			comprising 1 x 38.7ha, 1 x 41ha and 4 x 40ha allotments - No. 165 Pimlico & Emigrant Point Roads, Pimlico	
2010/777	02/08/2010	Newton Denny Chapelle	Two Lot Rural Boundary Adjustment Subdivision - No. 93 Weis Lane, Rous	Referred to Government Departments
2010/813	23/08/2010	G Whitfeld	Change of Use involving converting the guest house to residential use and construction of a carport - No. 5 River Street, Ballina	Determination Pending
2010/839	06/09/2010	Chris Longergan, Town Planner	To erect eight x 2 bedroom holiday cabins and associated works - No. 202 Midgen Flat Road, Newrybar	Awaiting Additional Information
2010/866	16/09/2010	Newton Denny Chapelle	Commercial redevelopment (Spastic Centre of NSW) inclusive of land dedication for public vehicular access and car parking at the rear of the site - No. 96 Main Street, Alstonville	Awaiting Additional Information
2010/867	16/09/2010	Sarwood Timbers Pty Ltd	To undertake the partial demolition of an existing industrial shed and the subsequent erection of additions to the industrial shed - No. 15 Kays Lane, Alstonville	Being Assessed
2010/880	27/09/2010	The Wheelchair & Disabled Association	Recreational Hall - No. 253 Wardell Road, Lynwood	Awaiting Additional Information
2010/887	29/09/2010	Newton Denny Chapelle	Extension to industrial building - No. 65 Piper Drive, Ballina	Being Assessed

8.4 Outstanding DA Report - February 2011

DA No.	Date Rec'd	Applicant	Proposal	Status
2010/892	05/10/2010	Ardill Payne & Partners	Residential subdivision comprising 73 lots and 2 residual lots, construction of roads and associated infrastructure works - Unara Parkway & Pacific Highway, Cumbalum	Awaiting Additional Information
2010/905	07/10/2010	WF, SL, MW & AE Sullivan	Extension to Existing Shed - No. 4 Ronan Place, West Ballina	Determination Pending
2010/912	12/10/2010	J White	Use of an Existing Building as a Place of Worship & Alterations & Additions - No. 52 De-Havilland Crescent, Ballina	Being Assessed
2010/923	14/10/2010	Ardill Payne & Partners	Two Lot Torrens Title Subdivision - Unara Parkway, Cumbalum	Awaiting Additional Information
2010/926	15/10/2010	Paul R Gray Architect	Tourist Facility comprising restaurant, plunge pool and car parking on ground level and seven holiday units and one manager's residence on first floor level - No. 45 Ballina Street, Lennox Head	Awaiting Additional Information
2010/960	05/11/2010	Chris Abbott Surveying	Boundary Adjustment Subdivision and Consolidation of three lots to create two lots (one x 13.51ha and one x 48.78ha) - No. 660 & 959 Teven Road, Teven	Being Assessed
2010/962	08/11/2010	sj Connelly CCP Pty Ltd	Construction of a Highway Service Centre comprising	Being Assessed & awaiting Response from

DA No.	Date Rec'd	Applicant	Proposal	Status
			Service Station, Fast Food Restaurants, Regional Expo Centre, Auto Repair Centre, Associated Vehicular Access (including signalised intersection on the existing Pacific Highway alignment), Car and Truck Parking, Infrastructure Works, Filling, Signage and Two Lot Subdivision (Lot 1 - Highway Service Centre & Lot 2 - Agriculture Residue) – 565-589 River Street, Ballina	RTA
2010/990	18/11/2010	J Cornu	Strata Title Subdivision of an existing Duplex Development – No. 15 Alison Avenue, Lennox Head	Awaiting Additional Information
2010/1013T	25/11/2010	S Radburn	Lennox Head VMO _ Remove 10 x Trees – No. 250 North Creek Road, Skennars Head	Awaiting Additional Information
2010/1014T	25/11/2010	S Radburn	Lennox Head VMO _ Remove 31 x Trees – No. 9 McLeans Street, Skennars Head	Awaiting Additional Information
2010/1016	25/11/2010	J White	Change of Use involving construction works (divide existing building to accommodate new fruit & vegetable shop) – No. 253 Wardell Road, Lynwood	Being Assessed
2010/1017	26/11/2010	Ballina Landscape	Change of Use – Landscaping	Determination Pending

8.4 Outstanding DA Report - February 2011

DA No.	Date Rec'd	Applicant	Proposal	Status
		Supplies	Supplies – No. 9 Simmons Street, Ballina	
2010/1025	02/12/2010	Nasmyth Pty Ltd	Construction of 3 x Industrial Sheds & 1 x Storage Shed and Subsequent 4 x Lot Strata Title Subdivision – Cessna Crescent, Ballina	Determination Pending
2010/1030	03/12/2010	Peter Turner & Associates	Erection of a two storey three bedroom dwelling as a replacement of an existing dwelling within an existing three dwelling residential flat development - 1/43 Stewart Street, Lennox Head	Awaiting Additional Information
2010/1045	10/12/2010	Ballina Shire Council	Subdivision for the purpose of creating a Road Reserve and Construct a Public Road - Unara Parkway & Pacific Highway, Cumbalum	Awaiting Additional Information
2010/1054	14/12/2010	SNP Security	Change of Use from a Workshop to a Commercial Premises for the Purpose of operating a Security Business - No. 31 Owen Crescent, Ballina	Awaiting Additional Information
2010/1053	14/12/2010	Etosha Homes Pty Ltd	Erection of a Residential Flat Development comprising five x two bedroom units and a subsequent Strata Title Subdivision - No. 42 Barrett Drive, Lennox Head	On Exhibition
2010/1056	14/12/2010	The Corporate Trustees of the	To construct a 3 x bedroom	Awaiting Additional

8.4 Outstanding DA Report - February 2011

DA No.	Date Rec'd	Applicant	Proposal	Status
		Diocese of Grafton C/- SJ Connelly CPP Pty Ltd	dwelling (ancillary to use of existing conference centre) - Shelley Beach Road, East Ballina	Information
2010/1057	14/12/2010	Newton Denny Chapelle	Subdivision of three (3) existing rural lots to create four (4) lots comprising three (3) rural lots and one additional lot to facilitate the intended future development of sporting fields (subject to a future development application). Access to the proposed sports fields lot (Lot 2) is proposed from Ramses Street along the existing unformed road reserve between Cerreto Circuit and Hellyar Drive - Frank Street & 184 Rifle Range Road, Alstonville	Being Assessed
2010/1061	16/12/2010	AE Colledge	Staged erection of a Residential Flat Development comprising four(4) x two storey three (3) bedroom dwellings & demolition of existing dwelling - No. 27 Ross Street, Ballina	Awaiting Additional Information
2010/1067	17/12/2010	Geolink	6 x Lot Community Title Subdivision Ranging in size from 1200m to 1600m and associated Infrastructure - No. 56 Greenfield Road, Lennox Head	Awaiting Additional Information

8.4 Outstanding DA Report - February 2011

DA No.	Date Rec'd	Applicant	Proposal	Status
2010/1074	23/12/2010	Enviro Link Consulting	4 Lot Boundary Adjustment Subdivision and Consolidation to Create 2 x Lots - Teven Road, Teven	Referred to Government Department
2010/1076	24/12/2010	Newton Denny Chapelle	Strata Title Subdivision of 1 Lot into 11 Lots - No. 20 Byron Street, Lennox Head	Awaiting Additional Information
2011/04	11/01/2011	Newton Denny Chapelle	Construction of 2.4m high boundary fencing, concrete block retaining wall along part of northern boundary and security access gates on eastern driveway to Temple Street - Temple Street, Ballina	Being Assessed
2011/31	27/01/2011	T Prendergast	Two Lot Boundary Adjustment Subdivision and Cut & Fill - No. 5 Banjo Place & No. 1336 Teven Road, Alstonville	Awaiting Additional Information
2011/33	28/01/2011	RC Matthews C/- LandPartners	Two Lot Torrens Title Subdivision - No. 211 Ballina Road, Alstonville	Being Assessed

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
NIL				

Major Development (Determined by Minister)

Major Project No./DA No.	Date Rec'd	Applicant	Proposal	Status
2008/510	21/09/2010	Geolink (on behalf of Petrac Lennox Head Pty Ltd)	To amend lot layout for targeted lots, amend Staging and increase floor area within neighbourhood centre - Pacific Pines Estate, Lennox Head	Comments on Modification provided to DoP. Awaiting DoP determination
2004/1150	29/09/2010	North Angels Beach Development (Chris Condon)	Modification to North Angels Beach Subdivision Consent - To delete condition requiring payment of monetary contribution for Open Space & Reserves, Community Facilities and Shire Roads	Written response issued to DOP. Awaiting DoP's Determination .

RECOMMENDATION

That Council notes the contents of the report on the status of outstanding development applications for February 2011.

Attachment(s)

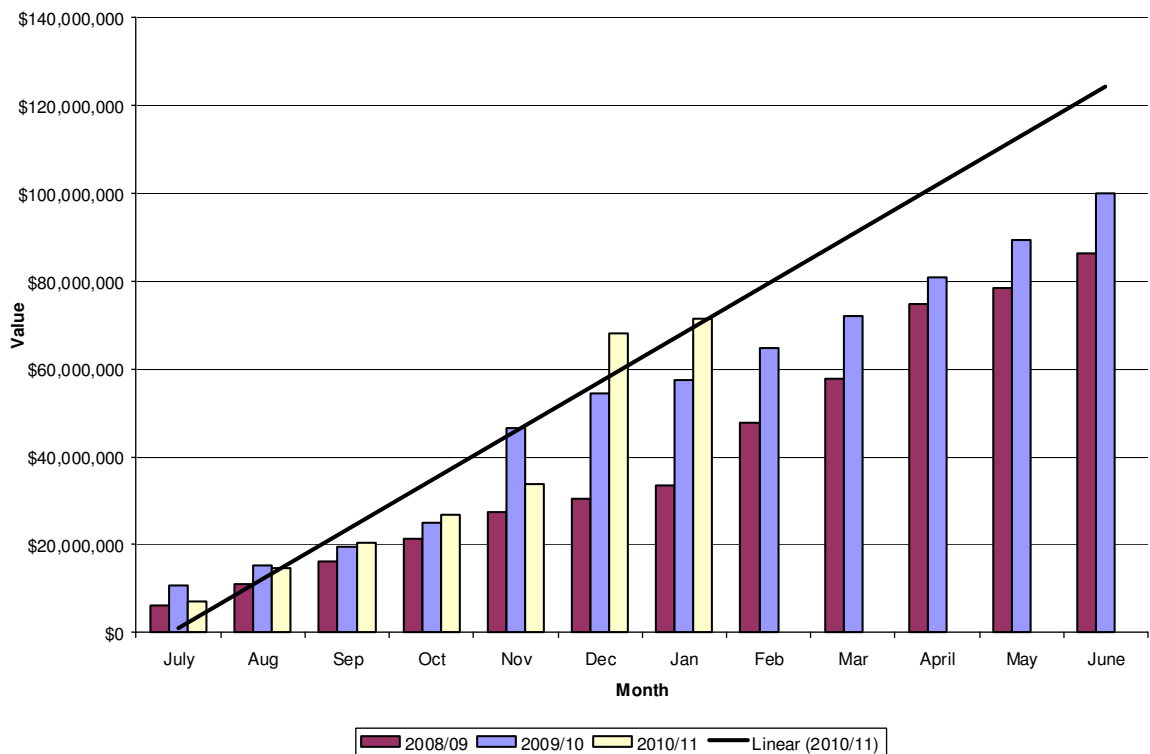
Nil

8.5 DA Statistic Report - 1 January to 31 January 2011

The Council is advised that during the period of 1 January 2011 to 31 January 2011 the Regulatory Services Group issued Development Consents comprising of:

Number of Applications	Value of Work
30 Other Building Related	\$ 1,748,500
6 Dwelling/Duplexes/Residential Flat Buildings	\$ 1,498,000
4 General Developments	\$ 2,000
Total Value	\$ 3,248,500

The following chart details the cumulative consent figures for 2010/11 as compared to 2008/09 and 2009/10. A trend line has also been provided for 2010/11 to assist in the comparison.



RECOMMENDATION

That Council notes the contents of the report on development consent statistics for 1 January 2011 to 31 January 2011.

9. Strategic & Community Services Group Reports

9.1 Site Options - Proposed Aboriginal Child and Family Centre

File Reference	Community Facilities
CSP Linkage	Resilient and adaptable communities; people attaining health and wellbeing.
Management Plan	Strategic Planning
Objective	To invite the Council's consideration of a proposal for the location of an Aboriginal Child and Family Centre in Ballina

Background

In 2008, at the Council of Australian Governments' (COAG) meeting, the Prime Minister and all State and Territory Premiers agreed to work together to improve the early childhood outcomes of Indigenous children.

The National Partnership Agreement arose out of those discussions. The Agreement seeks ways to address the needs of Indigenous children in their early years and has a budget of \$564 million of joint funding over six years to roll out a series of initiatives. A key part of this agreement is the establishment of 35 Child and Family Centres across Australia to deliver integrated services that offer early learning, child care and family support programs.

Under the Agreement, NSW will receive funding to establish nine Child and Family Centres, which are to be centred on Indigenous communities and provide an integrated suite of child and family services.

Through collaboration by NSW Government agencies a preference was established for three of the centres to be situated in the local government areas of Ballina, Blacktown and Campbelltown. It is understood that the locations of the remaining six centres are awaiting confirmation and final approval by the Australian Government.

In December 2009, the NSW Department of Community Services (DoCS), wrote to Council to advise of Ballina's selection for the establishment of one of the centres and to inform the Council that the Local Reference Group (LRG) for the Ballina centre had been formed.

In the letter, the Department advised that Treelands Reserve and a site along Canal Road (between the TAFE campus and Saunders Oval) had been identified as possible suitable sites for the Ballina centre.

The Council considered the letter from DoCS but declined to support the establishment of the centre at either of these two sites. The Council however indicated its general support for the project and instructed staff to investigate other siting options.

In response to a further report from staff, at its Ordinary Meeting held on 24 June 2010, Council resolved as follows:

1. That Council advise the Department of Community Services that it is prepared to engage further in relation to Porter Park, West Ballina as an option for the establishment of the proposed Aboriginal Children and Family Centre. (refer to the attached locality plan for Porter Park).
2. That a draft plan of management be prepared as part of this further engagement, with this plan to be submitted to Council for endorsement prior to exhibition for public comment.

The NSW Department of Services, Technology & Administration, on behalf of DoCS, has now prepared a concept plan for the proposed centre based on consultation with the Local Reference Group which comprises representatives of the local Aboriginal community. This concept plan (as attached) proposes that approximately 3,800 m² in the north east corner of Porter Park would be used for the proposed centre. The concept plan also shows proposed vehicular access from Hayman Street.

The plan is submitted for Council's consideration as the basis for undertaking the next step in community engagement, via the undertaking of the necessary amendments to the Ballina Shire Principal Generic Plan of Management for Community Land (POM).

Key Issues

- Council's continued support for the siting of the proposed centre on Porter Park
- Suitability of the proposal concept plan for public exhibition, via an amendment of the POM.

Information

Porter Park is classified as Community Land under the Local Government Act 1993 and is categorized as "sportsground" under the current POM, for which the proposed centre is an incompatible use. For Council to assess a development application for the proposed centre and to provide a lease over the land, the categories will need to be amended such that the land area containing the proposed building is categorized as "general community use" and the leasing of the land is endorsed by way of a special provision inserted in the POM.

The amendment of the POM is required to be placed on public exhibition for a minimum of 28 days, with a minimum 42 day period for public submissions. A public hearing must also be held.

Should Council adopt the draft amendment after the prerequisite exhibition and public hearing process, there will still be a further public exhibition process associated with any development application (DA) for the centre. The DA will include more detailed plans of the building, which will be assessed in terms of a range of issues, including permissibility and compatibility with the planning instruments (LEP) and Council's development control plan (DCP). Assessment

of the application will include considerations of access, adjoining residential amenity, services, building design etc.

The following sections of this report attempt to provide the Council with sufficient information to enable it to determine whether it wishes to embark on a formal public exhibition / community consultation process relating to an amendment to the plan of management. More particularly, it aims to provide the Council with information about the original allocation of open space in this locality (that is Porter Park) as well as staff's view about the current viability and capacity of the reserve for active open space.

History of Porter Park – The locality of West Ballina, south of the Pacific Highway was identified in 1969 as an area that could be developed for urban (predominantly residential) purposes under the planning instrument that existed at that time (being Interim Development Order No – Municipality of Ballina). Approval of development was subject to the prior preparation and adoption of a development control plan which also required the concurrence of the (then) Director of the State Planning Authority.

The earliest development control plan which Council has on record is one approved in 1973. This became a “blueprint” for the development of this part of West Ballina. Harbour View Estate comprised the development of farmland that was bound by the Pacific Highway, Daydream Avenue, Boat Harbour Road and the Richmond River. This land was owned and subsequently developed by the Porter and Roberts Family Settlement Trust.

Within the Harbour View Estate, the 1973 plan shows the area which is Porter Park designated as “playing fields” to facilitate the local recreational needs of the incoming population. This land, containing an area of 1.856 hectares was dedicated to Council as “public reserve” in a plan of subdivision registered in 1980. A parcel of land contiguous with the southern boundary of Porter Park is a road reserve having an area of 3,490m² through which a section of the West Ballina cycleway passes.

The area of Porter Park, together with another smaller area near Marge Porter Place, comprised the open space commensurate with population generated through the construction of approximately 230 dwellings within the new estate.

The locality plan accompanying this report illustrates the location of Porter Park and its relationship to nearby residential properties and the adjacent public street network.

Open Space Considerations – In recent months a number of views have been expressed about the need or desire to retain the current and somewhat limited usage of Porter Park. Existing improvements within the reserve comprise an amenities building adjacent to the eastern boundary and a modest shade shelter adjacent to the western or Daydream Avenue frontage. A cricket wicket is constructed centrally within the reserve which is used seasonally for organized matches and casually at other times. Other casual use of the reserve also occurs. No significant landscaping embellishment of the reserve has been undertaken.

The following comments have been provided by Council's Manager, Open Spaces and Reserves in an attempt to clarify for the Council the reserve's "status" in the context of the management of active open space in and around Ballina.

"Porter Park consists of an open space which accommodates one cricket oval with a synthetic wicket and there is room on each side of the wicket for a soccer field.

The park has an amenity block which provides toilet facilities but no change rooms.

The park is currently used for lower grade cricket in summer and is not used for any organised winter sport. There is also the casual use of the reserve by the public.

The level of sporting use in Porter Park has been the subject of consideration by Council for some time. The reserve is not used by any of the winter sports as sporting clubs need to have as many games at the one location as possible to efficiently run their clubs.

Clubs run canteens to raise money to finance the club activities and with all the games located at the one facility they can efficiently manage referees and scheduling of games.

Clubs have been approached in the past to encourage the use of Porter Park however they have all declined, stating that the decentralisation of their training and competition games is not a viable option for them.

Porter Park was considered for the location of an athletics track however the site is not large enough to accommodate a track.

Cricket is the only sport that is able to use single fields and so they utilise Porter Park.

Saunders Oval currently has one cricket oval with a synthetic cricket wicket. Should Porter Park cricket oval be no longer available there is room to install a second cricket wicket at Saunders Oval. This would replace the loss of the Porter Park facility. An extension to Saunders Ovals is currently being undertaken and there may be room for an additional third cricket oval.

Saunders Oval provides a higher level of amenities with toilets and change rooms.

Discussions have been conducted with the Ballina Bears Cricket Club with regard to the possible relocation of cricket from Porter Park to Saunders Oval.

The club executive has conveyed its disappointment that Porter Park could potentially become unavailable for junior and lower grade cricket. However, this is acceptable to the club on the basis that alternative facilities within and adjacent to Saunders Oval are available in a timely fashion."

Council is aware that a number of nearby residents advocate for the retention of cricket infrastructure in the park. Even though Council's Manager Open Spaces and Reserves has indicated that Porter Park is surplus to the needs of organized or competition cricket in Ballina, Council staff have been working with the proponents to determine the viability of preserving this use whilst accommodating the proposed new Centre.

The accompanying concept plans illustrate that this can be achieved. A cricket ground of a size commensurate with other competition grounds in Ballina can be preserved within the park, with space for further embellishment in the northern and western sections.

If provision for the cricket ground is maintained, it is noted that it would need to encroach within the southern road reserve as depicted in the accompanying plan, albeit that the existing cycleway can be maintained. Hence, if required, the park can continue to be used for organized/ competition as well as social cricket matches, subject to a realignment of the boundaries and construction of a new wicket.

A more detailed analysis of playing fields in the locality generally is provided in the attachment to this report, titled "West Ballina Open Space Assessment".

Assessment of Current Proposal – For the purpose of this report, the Department of Community Services is acknowledged as the proponent for the new centre, albeit that it is representing the interests of the Local Reference Group (LRG) and is collaborating with other agencies to implement the policy decisions of the Federal and State Governments.

The agency submission in support of locating the new centre in Porter Park has now been received and, as mentioned earlier, is attached to this report. The proposal would see an area of approximately 3800m² "excised" from the reserve to accommodate the new centre. This area would be managed by way of a separate lease. It is this area that would be re-categorised under the Generic Plan of Management.

In essence, the position is that, if Council is disposed to the view that Porter Park is appropriate for the construction of the new centre, the proponent's preferred siting is in the north-eastern corner of the reserve with the centre (including car parking etc) effectively consuming approximately 20.5% of the reserve's area (NB – this estimation excludes the area of the road reserve along the southern boundary).

If the road reserve containing the cycleway is considered as part of the reserve, the 'loss' attributable to the proposed centre would be approximately 17.23% of the total area of open space.

It is understood that the proposed building's size and the relationship between the different spaces within it and outside will be an outcome of detailed consideration by the LRG members to effectively deliver the services proposed. Presumably also, the size and configuration of the centre will ensure compliance with the licensing requirements of children's services. The preferred design is yet to be finalised at this time, although the accompanying concept plan illustrates what is proposed.

It would be open to the Council to request that the building be relocated within the reserve or that the centre's area be reduced in an attempt to lessen the impact on the park. Of course these alternatives may not be acceptable to the proponent.

Sustainability Considerations

- **Environment**

Porter Park is presently an open playing field with improvements limited to one toilet block and a modest shade shelter. Construction of a relatively large building with associated infrastructure would see the locality transformed, although the fundamental use of the park can be preserved.

- **Social**

The proposal is consistent with Council's Social Plan, which identifies Aboriginal and Torres Strait Islander people as a mandatory target group for the provision of key services. Establishment of a Child and Family Centre would achieve several of the key objectives of the Council's Social Plan.

- **Economic**

The provision of improved and integrated community infrastructure would contribute to the economic wellbeing of the shire, for the recipients of services and would provide for employment and training opportunities.

Legal / Resource / Financial Implications

The establishment of the proposed centre in Ballina is a joint initiation of the Federal and State Governments in response to identified needs of Aboriginal people within our community.

Council has no statutory obligation to make any of its land available for the project. Previous reports to Council have canvassed other site options and Council's decision on 24 June 2010 indicated that Porter Park had emerged as a preferred site of those that had been considered. Staff have engaged further in accordance with the Council's resolution and now invite a decision about the next step of commencing the formal community consultation associated with modifications to the plan of management as outlined above.

Should Council decide to embark on the next phase, existing staff resources will be employed to undertake this work. An independent person would be engaged to facilitate and report on the mandatory public hearing.

Consultation

Much has been written and said already about the proposed centre, though this has been outside of any structured process.

Members of the Local Reference Group and Council staff chose to initiate informal contact with residents and property owners in the immediate vicinity of Porter Park to alert them to the fact that this matter was under consideration. This was undertaken in October last year, by way of an information session held in the park and the distribution of the limited material that was available at the time. Regrettably, there has been public criticism of this initiative.

Informal meetings have been convened between Councillors and local resident representatives, as well as between Councillors and LRG and government department representatives.

Many phone calls and written submissions, predominantly objections, have been made to Council and to individual Councillors. Many of these submissions have pressed for greater detail about the project, the site selection process, the extent of "impact" to the existing reserve and have also conveyed a desire for things to "stay the way they are", so to speak, in terms of the park. Staff have endeavoured to respond to each submission with as much information as was available at the time (bearing in mind that this is not a Council instigated project).

Options

A number of courses of action are available to the Council, depending on its level of support for the establishment of this centre.

Given past decisions, it has been assumed that the Council continues in the view that this facility would provide important infrastructure for the delivery of key services to disadvantaged members of the shire community.

On this basis, the options which appear to be available are briefly discussed below.

1. Proceed to publicly exhibit a proposal to modify Council's Principal General Plan of Management for the Community Land to recategorise the "footprint" of the proposed development within Porter Park from Sportsground to General Community Use. This would be based on the preferred concept plan submitted by the proponents, or for a variation of that (either size or location) within Porter Park as determined by the Council.

Adoption of this option would trigger the community engagement processes outlined earlier in this report, following which the matter would be reported back to the Council for final determination. A development application would then follow, depending on the outcome of Council's deliberations.

2. Council could decide, notwithstanding its continued support for the proposed centre, that Porter Park is unsuitable for the construction of the facility and take no further action to modify the plan of management. If Council is inclined to take this approach it could nominate an alternative suitable parcel of Council owned or controlled land for the centre's construction, or advise the LRG and relevant State agencies that it has been unable to do so.

If an alternative suitable site is identified (either by Council or others) it would need to be considered in terms of "permissibility" under relevant planning instruments, plans of management and the like to determine a pathway for assessment and determination.

In looking at alternative options owned by Council, Treelands Reserve is community land already categorised as "general community use". Therefore, a development application could be lodged for this site without a need to change the existing Plan of Management.

This site has previously been ruled out by Council and there are no readily identifiable alternative sites owned by Council. Therefore, if an alternative site was to be pursued Council would need to look at land in other ownership.

Conclusion

Through negotiation at Federal and State levels of Government, provision of child and family centres has been identified and funded as a means of closing the gap between Aboriginal and non-Aboriginal members of our community in terms of health and educational support services, particularly for children.

Whilst Ballina has been identified as an area of need for these services, it is understood that it has been selected also because of the capacity and proficiency of our existing Aboriginal services to work in an integrated way.

The Local Reference Group, which has been given the responsibility for planning for the centre, has been supported by a number of public authorities in terms of site selection, building design and targeting key services for delivery in the proposed centre. The LRG has identified that part of Porter Park is the preferred site for the centre, for the reasons set out in the attached submission.

Council has remained engaged in the process to date, with previous reports having been considered concerning siting options for the centre.

It has taken some time (since Council's decision in June last year) for sufficient information to be provided to enable Council's further consideration of the Porter Park option. During this period the matter has generated substantial unrest within the residential area adjacent to the park, with the predominant view being expressed that the centre would unreasonably impinge on the park and that its utility as a sporting and recreational area would be lost.

Information provided by Council's Manager, Open Spaces and Reserves indicates that the need for retention of the current park area for cricket has diminished, given that arrangements are in hand for an alternative (and arguably higher-order) space to service the needs of that sport. Further, that the park is not required for other organised sport. Notwithstanding, the submitted plans indicate that a viable cricket field can be retained on the reserve for a standard or level of competition equivalent to the current usage. The retention of the existing public toilets will also be available.

Information provided by the proponents indicates that the proposed centre would consume approximately 20.5% of actual dedicated park, leaving a substantial residue (approximately 1.48 hectares) for organized cricket and for embellishment in a manner to be determined. Council staff would normally engage with nearby residents to prepare a park improvement plan in these circumstances to determine what landscaping, furniture and infrastructure is preferred, within available budgets.

One further matter which Council is asked to consider relates to the development application potentially associated with the project. If the Council determines to proceed with the change to the POM, a development application must be lodged, assessed and determined.

It is possible that the Government Departments involved may wish to lodge that application sooner rather than later. For it to be validated and entered into the assessment process, the application would need to be signed by Council's General Manager, as the "landowner". Council is therefore asked to indicate whether it is comfortable for that to occur, clearly on the understanding that the development application could not be determined until Council had made a final decision concerning the amendment to the POM.

As Council will appreciate, it is difficult at times for recommendations to be prepared by staff in the absence of a policy directive concerning the use of community assets. However, given Council's prior indicative support for the establishment of the proposed centre in part of Porter Park, the recommendation that follows is to proceed formally with the consultation processes referred to elsewhere in this report associated with modification to the current Generic Plan of Management for Community Land.

RECOMMENDATIONS

1. That Council prepare an amendment to the Ballina Shire Generic Plan of Management for Community Land that would have the effect of changing the categorization of part of Porter Park in West Ballina from "Sportsground" to "General Community Use".
2. The purpose of the amendment is to facilitate the establishment of the proposed Aboriginal Child and Family Centre as provided for under the Federal and State Government "Closing the Gap" initiatives. The section of the park to be re categorized contains an area of approximately 3,800m² within the north-eastern corner of the reserve, as per the attached concept plan.
3. That following exhibition of the proposed amendment for public comment, including the associated public hearing, this matter be brought back to Council for determination.
4. That the General Manager be authorized to sign a development application relating to the proposed centre, if requested to do so, it being noted that such application must not be determined prior to Council's final deliberations concerning the proposed amendment of the Principal Generic Plan of Management for Community Land.

Attachment(s)

1. Locality Plan - Porter Park
2. Proponent's Information Package
3. Concept Plan
4. West Ballina Open Space Assessment

9.2 West Ballina - Planning Study and Structure Plan

File Reference	West Ballina Planning Study and Structure Plan
CSP Linkage	Diverse and balanced land use
Delivery Program	Strategic Planning
Objective	To seek Council's direction with respect to the implementation of the West Ballina Planning Study and Structure Plan

Background

Council commenced preparation of a planning study and structure plan for the West Ballina locality in July 2007 and concluded the project in December 2009. The locality examined in the study and plan includes the land bound by North Creek Canal and the Pacific Highway Ballina Bypass alignment and the two arms of the existing Pacific Highway. The aim of the project was to establish a strategic approach to future land use in the locality, including, but not limited to identification of land that may be suited to future urban development (subject to further and more detailed investigation).

It was intended that Council would establish a strategic framework for the locality to provide direction for interested parties with respect to potential land use options, addressing both where Council considers that there is, and is not, potential for urban land uses. The process involved a number of key steps including those outlined below:

- Council resolved at its July 2007 Ordinary Meeting to support the preparation of a structure plan for the West Ballina locality [Minute No.260707/9]. This followed earlier consideration of a range of planning issues at West Ballina in April 2007.
- Council engaged planning consultants King and Campbell to carry out the study and structure plan process. King and Campbell commenced preparation of the study and structure plan in October 2007.
- King and Campbell undertook initial site investigations, study area analysis and targeted stakeholder engagement (including landholders, interest groups and government agencies) in late 2007. Subsequently, additional and more detailed information was sought in relation to flooding.
- Council engaged BMT WBM to carry out flood investigations in mid 2008, with this phase of the project taking an extended period of time to complete as it needed to be considered in the context of broader floodplain planning being undertaken in the shire.
- BMT WBM completed a Flood Impact Assessment for the study area in May 2009. Subsequently, King and Campbell completed a draft Planning Study and Structure Plan for the West Ballina locality, including consideration of the outcomes of the flooding assessment.

- Draft West Ballina Planning Study and Structure Plan endorsed for public exhibition by Council in May 2009.
- Public exhibition of the Draft West Ballina Planning Study and Structure Plan between 18 June 2009 and 14 August 2009.
- Public exhibition, submissions and finalisation of the Planning Study and Structure Plan considered by Council's Environmental Committee on 9 December 2009. The Environmental Committee recommended as follows:
 1. *That Council receive the West Ballina Planning Study and Structure Plan incorporating the recommendations set out by King and Campbell in Attachment 1, subject to point 2 below.*
 2. *That the West Ballina Planning Study and Structure Plan incorporate text (as contained in this report) that specifically addresses the need for future site investigations to address projected sea level rise.*
 3. *That Council advises the Department of Planning of the receipt of the West Ballina Planning Study and Structure Plan and seeks advice with respect to amendment of the Far North Coast Regional Strategy to reflect the study and plan outcomes.*
 4. *That Council records its concerns as to the significant constraints that exist in the study area.*

The recommendation of the Committee was adopted by Council at its December 2009 Ordinary Meeting, with the Council resolving as follows [Minute No.171209/32]:

That Council confirms the minutes of the Environmental Committee meeting held 9 December 2009 and that the recommendations contained within the minutes be adopted and that Council expresses its concerns regarding the potential development of Areas B & C of the West Ballina Structure Plan.

The resolution of Council has been generally interpreted as follows:

- The West Ballina Planning Study and Structure Plan is complete.
- The study and plan are to be used as a tool to inform other planning policy (such as Council's Local Growth Management Strategy) with respect to land within and surrounding the study area.
- Planning considerations in the locality are to have regard for the concerns raised by Council with respect to constraints within the study area, particularly in relation to structure plan areas B & C (see Attachment 1).

Practically, the resolution of Council has been difficult to implement as it is uncertain as to whether Council is seeking the incorporation of all or part of the study and structure plan outcomes into its local planning policy. More specifically, it is difficult to ascertain whether Council supports further investigation into areas B & C or removal of these areas from further potential urban development considerations.

As such, there has been no further action to advance the implementation of the study and plan outcomes and this has created uncertainty for landholders within the study area and for staff in addressing enquiries relating to the area.

The status of the West Ballina Planning Study and Structure Plan is important as it influences the form and content of both Council's Local Growth Management Strategy (which is under preparation) and the way in which Council seeks to utilise and implement the NSW State Government's Far North Coast Regional Strategy (FNCRS).

It is also important as a tool to provide advice in response to enquiries about land and activities in the study area with respect to the planning outcomes envisaged for the land.

Significantly, the Department of Planning is currently undertaking a review of the FNCRS and has invited Council to provide comment and information regarding the application of the Strategy over the forthcoming planning period.

The Department of Planning has advised that it requires Council's feedback in relation to the FNCRS by the end of March 2011. As such, the time available to address the status of the West Ballina Planning Study and Structure Plan is limited.

Importantly, other key areas within the shire are subject to policy and direction by virtue of existing strategic land use plans previously prepared and endorsed by Council.

This report addresses the status of the West Ballina Planning Study and Structure Plan and the relationship between the FNCRS and the West Ballina Planning Study and Structure Plan.

Key Issues

- Status of the West Ballina Planning Study and Structure Plan.
- Council position with respect to potential urban land identified in the Far North Coast Regional Strategy at West Ballina.

Information

West Ballina Planning Study and Structure Plan

The West Ballina Planning Study and Structure Plan seeks to provide direction for future land use in the study area. The planning has been undertaken in response to an identified need for a long term strategic planning framework for the area based on the characteristics of the land.

This is similar to other strategic land use planning work commonly undertaken by Council, with recent examples including the Lennox Head Community Aspirations Strategic Plan and Structure Plan, the Wardell Strategic and Land Use Plan, the Cumbalum Structure Plan and the Southern Cross Precinct Master Plan. Such plans provide clarity and direction for Council, the community, landholders and potential developers with respect to land use planning policy for the shire.

At present, the absence of a clear Council position with respect to the status of the West Ballina Planning Study and Structure Plan means there is a significant gap in the local land use planning policy framework.

The West Ballina Planning Study and Structure Plan examines the characteristics of the study area and identifies potential future land use outcomes as a basis for Council's urban planning policy in the area. In summary, the West Ballina Planning Study and Structure Plan provides for the following:

- An area that is considered suitable for further investigation with respect to employment based land uses;
- Land for open space and sporting facilities;
- Land that has potential for a highway service centre;
- Land that has potential for the expansion of manufactured home uses;
- Opportunities for environmental repair and enhancement, particularly in the vicinity of Fishery Creek;
- Land potentially suitable for temporary uses such as festivals and expos;
- Land for continued agricultural production;
- Key infrastructure in the locality including the Ballina Waste Water Treatment Plant (WWTP), flood outlets and the Western Arterial road connection (subject to further investigation); and
- Future steps and processes required to establish urban land uses in the areas identified as having potential for such uses.

Attachment 1 contains a copy of the structure plan for the study area.

Importantly, the study and plan were prepared as a first step in planning for future development and activity in the study area. As such a range of further investigations are advocated by the study including in relation to:

- Flood impact and management
- Implications of climate change and sea level rise
- Employment related land use demand
- Cycleway and road network feasibility
- Land use within the buffer to the WWTP and
- Site ecology.

It is envisaged that such investigations would be undertaken by potential land developers in seeking to have the land rezoned. This process is currently employed by Council in relation to other rezoning requests in the shire.

Furthermore, the implementation of the structure plan, and ultimately development of land based on the plan is dependent on completion of four key steps being:

- Adoption of the study and plan outcomes into Council's local urban land release policy
- Amendment of the FNCRS to enable development of land outside identified 'Town and Village Growth Boundaries'
- Amendment of Council's local environmental plan to apply a suitable zoning regime to the land to reflect the study and plan; and

- Assessment (and associated approval) of development applications for proposed land uses.

This report seeks direction with respect to the address of the first two steps in the above list.

In considering the study and plan it is important to view it not only in terms of where it envisages that future development may occur, but also in terms of where it indicates that urban development is not suitable.

It is also considered important to recognise the various elements of the plan that extend beyond urban development such as the environmental repair and temporary land use (e.g. festival and expo) related outcomes that are identified.

Far North Coast Regional Strategy

The FNCRS establishes the State Government's strategic level planning policy for the Far North Coast region, including Ballina Shire. Of key importance, the Strategy identifies 'Town and Village Growth Boundaries' which identify land that has potential for urban development (including employment lands).

This is significant for several reasons including:

- It sends signal to landholders that certain areas are considered suitable for detailed investigation with respect to future urban development;
- Future urban development considerations east of the Pacific Highway are limited to areas within the 'Town and Village Growth Boundaries'. Areas west of the highway must meet sustainability criteria if development is proposed outside the 'Town and Village Growth Boundaries' (this is likely to be difficult); and
- Council is required to establish local planning policy that reflects the potential for urban development on the identified land.

Therefore, the FNCRS directs Council in relation to its urban land release planning. This in turn influences Council's progress towards the achievement of its goals as set out in its Community Strategic Plan. As such, opportunities to feed back into the Strategy content and policy are highly desirable and it is suggested that Council maximise its participation in the current review process (as outlined above, feedback is required by the Department of Planning by the end of March).

In particular, Council has not yet established a clear planning policy for the West Ballina locality and the current FNCRS review process offers another opportunity to do so. Moreover, if Council elects not to establish a local planning policy and feed this into the Strategy, the State Government will likely set the policy for Council and this is likely to be a reflection of the historic arrangements.

The historic identification of land with urban development potential in the locality is problematic as it does not reflect Council's most contemporary investigations into the capabilities of the land (which indicates much of the land is not suited to urban land uses), nor does it reflect item four of the December 2009 Environmental Committee recommendation or the subsequent December 2009 Council resolution which indicates concern with constraints in the study area and the potential development in areas B and C of the structure plan.

It was interpreted from the discussion in arriving at this resolution that Council's primary concern in the area is flooding and sea level rise.

More specifically, the FNCRS identifies a total of some 113 hectares in the eastern portion of the study area as potentially suitable for employment lands and other urban development (Attachment 2).

The West Ballina Planning Study and Structure Plan was specifically designed (in part) to address whether or not this is appropriate and provide a refined planning policy for the future of the locality given a substantial level of interest and enquiry relating to the locality in recent years. The study and plan indicates that a smaller footprint for potential urban development is more appropriate and provides some specific guidance with respect to other areas between North Creek Canal and the Ballina Pacific Highway Bypass (Attachment 1).

The total area identified as having potential for employment or residential uses (being areas A, B, C and E) is approximately 40 hectares, compared to the current area of approximately 90 hectares identified in the FNCRS and reflected in Council's LEP and Urban Land Release Policy (excluding Council's WWTP and land zoned for environmental protection purposes).

On the basis of the above, the area identified for potential urban development (exclusive of sports fields) has been reduced under the structure plan by approximately 55%.

In considering the potential development area under the structure plan, it should be noted that the footprint identified by the structure plan is a different shape to the employment land area nominated in the FNCRS. Most notably, the structure plan extends the footprint for employment lands west towards Fishery Creek, includes a highway service centre site near Teven Road and provides for expansion of the Riverbend manufactured home estate, whilst reducing the footprint immediately north and to the south of the Ballina WWTP.

The central issue for Council is that with the current uncertainty regarding the status of the West Ballina Planning Study and Structure Plan, staff are not able to provide the Department of Planning with a definitive position regarding the 'Town and Village Growth Boundary' intended in the locality.

In the absence of a clear Council position, the Department will likely maintain the existing growth boundary footprint. This effectively advocates landholder investigation in relation to a substantial area of land that has been identified as unsuitable for urban development in the West Ballina Planning Study and Structure Plan.

This approach is not consistent with Council's concerns about the constraints applicable to the study area, or Council's most contemporary land use investigations in the locality.

United Petroleum Site - Pacific Highway West Ballina

United Petroleum has an interest in Lots 1 and 2 DP 543357 located on the Pacific Highway adjacent to Fishery Creek (Attachment 3). This land is identified for retention in its current state (being undeveloped land) in the West Ballina Planning Study and Structure Plan. In response to this, the Draft Ballina Local Environmental Plan 2010 proposes the application of an E3 Environmental Management zone to the land.

In response to the public exhibition of the Draft LEP, United Petroleum has sought a review of the proposed zone arrangement with a view to having an urban zone applied to the land.

In this regard, it should be noted that the land is currently zoned 2(a) Living Area under the Ballina Local Environmental Plan 1987 and has been the subject of approvals for a service station and motor showroom in the past. Given the above, the LEP Project Team is reviewing the land use zone arrangement to be established for this land under the Draft LEP.

Preliminary analysis of the circumstances relating to the land suggest that there may be merit in the application of an urban zone to the two lots particularly given their proximity to the proposed B6 Enterprise Corridor zone along the Pacific Highway. Hence, it is considered appropriate that the review process be concluded prior to finalising the planning direction for this land.

Having regard for the review being undertaken into Lots 1 and 2 DP 543357, it is considered reasonable that if Council seeks to adopt the West Ballina Planning Study and Structure Plan, that it does so with the exclusion of the abovementioned lots, with the land use framework for this land to be determined via the LEP renewal program.

It should be noted that there have been other submissions to the Draft LEP seeking outcomes that are not consistent with the West Ballina Planning Study and Structure Plan. With respect to these submissions, it is considered that the West Ballina Planning Study and Structure Plan provides an appropriate land use planning framework and as such, no other alterations to the study and plan are recommended. Further information will be provided with respect to these matters as part of the submissions reporting associated with the Draft Ballina LEP 2010.

Sustainability Considerations

- **Environment**

The West Ballina Planning Study and Structure Plan has sought to provide balanced land use planning outcomes in the study area. The absence of a clear policy position makes it difficult to achieve this balance and ensure that Council's intended approach is adequately reflected in local and State planning policy.

The absence of a clear policy creates difficulty in promotion of sustainable land use planning for the study area.

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

Legal / Resource / Financial Implications

There are no specific legal implications associated with the study and plan.

Non articulation of a clear planning policy is likely to result in continued unnecessary application of staff resources to the management of enquiries and may lead to landowner and other investor expenditure based on uncertain policy.

Consultation

The West Ballina Planning Study and Structure Plan was the subject of an extensive community and stakeholder engagement program. Landholders in the study and plan study area and those who made submissions to the exhibition of the document have been notified of this report.

Options

Given the above, it is considered appropriate that Council clearly articulate its policy with respect to planning in the West Ballina locality. In this regard, the general policy positions available are as follows:

Option 1 Maintain the status quo.

This approach would mean no change to the FNCRS and effectively abandoning the detail of the structure plan. The effect of this position would be the retention of a potential urban footprint for investigation over land around the Ballina WWTP. This position would continue to allow for a highway service centre at the Teven Road Interchange subject to development approval (on the basis of an existing Ministerial Direction under s117 of the *Environmental Planning and Assessment Act*).

Retention of the status quo is effectively sending a signal to landholders and other interested parties that the area identified in the FNCRS is suitable for further investigation until such time as Council articulates its local policy. This approach does not acknowledge the known constraints and outcomes of the structure planning process investigations that have been undertaken in the locality.

Option 2 Adopt the West Ballina Structure Plan and seek adoption of a smaller footprint for potential urban development under the FNCRS.

This approach would mean the incorporation of a smaller potential urban development footprint in the West Ballina area into Council policy. This would then be used as a basis for discussion with the Department of Planning regarding the application of a smaller footprint under the FNCRS.

It should be noted that this approach would also involve identification of land as having potential for a highway service centre and minor expansion to the Riverbend manufactured home estate.

The structure plan also incorporates a number of other features that would also be incorporated into Council's planning policy (see above for summary list under the 'Information' heading). A copy of the West Ballina Structure Plan showing the potential development footprints is contained in Attachment 1.

In examining the potential urban development footprint recommended under the structure plan, it is important to recognise previous decisions of Council that support or provide for key public infrastructure in the study area including augmentation of the Ballina WWTP and the establishment of the Western Arterial road link.

In considering this option, it is also important to note that endorsement of a potential urban development footprint does not mean that development may occur on the land. Rather, it means that landholders may proceed to undertake detailed investigations into the capability of the land for a proposed purpose.

Council is not required to apply an urban zone or approve applications for development until such time as it is satisfied that the land is suitable for the proposed urban purpose.

This approach is considered appropriate as it best reflects the most contemporary information known about the study area whilst requiring landholders to undertake the detailed studies necessary to progress future urban development on the land.

If Council is of the view that it is reasonable to enable the investigation of some parts of the study area further, it is recommended that Council adopt the West Ballina Planning Study and Structure Plan.

This approach is considered to be the most balanced as it acknowledges several areas as being suitable for further investigations with respect to urban land use potential but provides for a reduction in the potential development footprint. It is also beneficial in that it establishes a clear Council policy for implementation.

In progressing this option, it is recommended that the United Petroleum site (Lots 1 and 2 DP 543357) on the Pacific Highway is excluded from the adoption of the West Ballina Planning Study and Structure Plan and that this matter be addressed via the LEP renewal program.

Option 3 Indicate that no further urban development should be contemplated in the West Ballina locality.

This approach would mean the complete removal of land in the West Ballina locality from Council's future land release planning policy. This approach is not considered appropriate as it does not reflect the outcomes of the West Ballina Planning Study and Structure Plan (which addressed flooding) and may limit opportunities for specific land uses such as a highway service centre.

If Council is of this view, it is recommended that Council take steps to seek removal of the land in the structure plan study area as having urban development potential from the FNCRS.

Council could consider this approach with exceptions to support the concept of specific, low impact or community infrastructure type land uses in defined locations or confirm support for particular elements of the study and plan such as environmental repair works and/or temporary festival facilities.

Summary

The potential urban footprints identified in the West Ballina Planning Study and Structure Plan are considered appropriate for adoption into local urban planning policy. The study and plan are based on a contemporary analysis of the capability of the land, specific analysis of flood implications and extensive community engagement.

It is recommended that Council adopt the West Ballina Planning Study and Structure Plan (with the exception of Lots 1 and 2 DP 543357) as the basis for its local urban land release and management policy for the structure plan study area.

However, regardless of the approach taken by Council, it is considered highly important that a clear policy is established in order to inform local planning outcomes and enable engagement in the review of the FNCRS in relation to the locality. Furthermore, the FNCRS requires Council to prepare a Local Growth Management Strategy and as such, Council is required to establish a policy for the West Ballina locality. Council is fortunate in that it has recently completed a strategic land use study and structure plan to guide this policy decision.

Once a clear planning policy is established, staff will be able to make submission to the Department of Planning with respect to the content of the FNCRS and specifically in relation to the 'Town and Village Growth Boundaries'.

RECOMMENDATIONS

1. That Council adopt the West Ballina Planning Study and Structure Plan (excluding its application to Lots 1 and 2 DP 543357) as a basis for local urban land release planning and land management policy.
2. That Council advises the Department of Planning of its adopted policy for the West Ballina locality and seeks recognition of this policy in the current revision of the Far North Coast Regional Strategy.

Attachment(s)

1. West Ballina Structure Plan Map.
2. Far North Coast Regional Strategy Town and Village Growth Boundaries.
3. Lots 1 and 2 DP 543357 - United Petroleum.

9.3 Community Land - Amendment to the Generic Plan of Management

File Reference	Generic Plan of Management for Community Land
CSP Linkage	Resilient and adaptable communities; people attaining health and wellbeing.
Management Plan	Strategic Planning
Objective	To recommend that Council insert special provisions in the Ballina Shire Generic Plan of Management for Community Land.

Background

As a general principle, open space areas that are owned by Council are classified as Community Land under the Local Government Act 1993 (LGA). To ensure these valuable community assets are retained and improved for the benefit of the community, the LGA prohibits the sale of community land and imposes certain restrictions on its use and development.

Under the LGA Council is required to prepare a plan of management to guide the future use, maintenance and improvement of community land within the restrictions set out under this legislation. Typically there is a generic plan of management for a number of land parcels and, at times, a specific plan of management for individual land parcels.

Council adopted the Ballina Shire Generic Plan of Management (POM) on 22 June 1995, which was last amended by Council on 26 May 2006, to guide the use and operation of all community land in the shire.

It is considered that an amendment to this plan is warranted to reflect Council's existing strategies in respect of several parcels of community land.

It should be noted that another report has been submitted to this Council meeting that also relates to the amendment of the Ballina Shire Generic Plan of Management for Community Land in respect of Porter Park. It is intended to run these two amendments as separate processes, if Council chooses to initiate these changes.

Key Issues

- Suitability of the proposed amendment to the POM for exhibition.

Information

It is proposed that the existing Generic POM be amended by the insertion of the following special provisions:

- a. To confirm the suitability of "Brooklet Park", located on the corner of Friday Hut Road and Brooklet Road, Brooklet for the establishment of a Rural Fire Service Shed.

Preliminary drawings have confirmed that a building suitable for the RFS can be located off the bus turning cul de sac that is located on this reserve. The establishment of a new shed for the Newrybar Brigade is consistent with the funding agreement between Council and the NSW Rural Fire Service.

- b. To reflect Council's previous decision for the siting of a reservoir, landscaping and children's playground on the Kings Court Reserve, Lennox Head.

The proposal to establish a reservoir on Kings Court Reserve was included in the Part V development proposal (project file 2000/0005) for the upgrade of the Ballina and Lennox Head Wastewater Treatment Plants and the construction and expansion of the Recycled Water Treatment Facility and associated infrastructure approved by Council at its Ordinary Meeting held on 28 October 2010.

- c. To confirm the use of the Pacific Pines Playing Fields as a sportsground.

This facility has been dedicated to Council in recent years as part of the Pacific Pines Estate to provide playing fields for the residents of this estate. The fields have been improved over a number of years, however access to these fields has not been provided to date.

The amendment to the POM is required to be placed on public exhibition for a minimum of 28 days, with a minimum 42 day period for public submissions to be lodged. A public hearing also must be held.

Sustainability Considerations

- **Environment**
Not applicable

- **Social**
The social impact of endorsing "Brooklet Park" as the site for a rural fire service shed is a positive one, which will provide infrastructure to assist in reducing damage by fires in the rural hinterland at the expense of open space that has very little utility.

The social impact of endorsing Kings Court Reserve for the siting of a reservoir, landscaping and a children's playground is to provide a balance between the provision of essential public infrastructure, the protection of residential amenity and the provision of public recreation.

The social impact of endorsing the "Pacific Pines Playing Fields" as a sportsground is to confirm its planned use.

- **Economic**
Not applicable

Legal / Resource / Financial Implications

There are no direct financial implications of this report, excluding the hiring of an independent consultant to conduct the required public hearing. The cost for this process should be minimal.

Consultation

Public consultation is required by the LGA through a public exhibition of the proposed amendment and the holding of public hearing, if Council decides to proceed with the amendments.

Options

The following options are available to Council:

1. Support proposed amendments to the Principal Generic Plan of Management for Community Land as outlined
2. Support part of the draft amendment, as determined by Council; or
3. Decline to support the proposed amendments.

Option one is recommended for the reasons outlined in this report.

RECOMMENDATION

1. That Council prepare and exhibit a draft amendment to the Ballina Shire Generic Plan of Management for Community Land for the following actions:
 - a. to confirm the suitability of "Brooklet Park" located on the corner of Friday Hut Road and Brooklet Road, Brooklet for the establishment of a Rural Fire Service Shed;
 - b. to reflect Council's decision for the siting of a reservoir, landscaping and children's playground on the Kings Court Reserve, Lennox Head; and
 - c. to confirm the Pacific Pines Playing Fields at Lennox head as a sportsground.
2. That the outcomes of the public exhibition and consultation processes be reported to Council prior to this matter being finally determined.

Attachment(s)

1. Site Plans

9.4 Community Land - Reclassification to Operational

File Reference	Amendment No. 114 to the Ballina Local Environmental Plan 1987
CSP Linkage	Diverse and balanced land use
Delivery Program	Commercial Services
Objective	To invite Council's consideration of a proposal to reclassify Community Land to Operational Land

Background

The Local Government Act (LGA) requires that all public land in Council ownership must be classified as either Operational Land or Community Land. Council may deal with Operational Land without any restrictions under the LGA. Such land is generally held and used in connection with Council's administrative operations, utilities (water and sewer) and / or commercial activities.

Community Land consists typically of open space owned by Council for which there is a range of restrictions under the LGA to ensure that these valuable community assets are retained and managed for the benefit of the community. The LGA prohibits the sale of community land and imposes restrictions on its development and use.

Council has, in the main, identified those lands that should be classified as Operational, however some additional parcels have been identified that are considered suitable for such classification. Some of these have been acquired by Council in recent times.

These lands include:

- Part Lot 11 DP 260847, North Creek Road, Ballina
- Lot 5 DP 843369, Old Bagotville Road, Wardell (Quarry)
- Lot 1 DP 858199, Richmond River, Ballina
- Lot 34 DP 1121058, Alexander Circuit, Lennox Head
- Lot 4 DP 1036635, Brunswick Street, Teven
- Lot 116, DP 1111892, Commercial Road Public Car Park, Alstonville

Reclassification of community land to operational land is undertaken through an amendment to the local planning instrument. This will require a planning proposal to be prepared by Council and submitted to the Department of Planning.

The Department will then issue a gateway determination indicating whether the matter should proceed. Where the Department determines that that the matter should proceed, it will indicate whether any further studies or information is required, as well as the requirements for community and agency consultation.

Key Issues

- Whether the lands proposed are suitable for reclassification as operational land.

Information

The Department of Planning's reclassification site assessment sheet has been completed for each property, which outlines the rationale for the proposed reclassification and is attached for Council's information. A locality plan is also provided with each assessment sheet.

A summary of the rationale for the proposed reclassifications is provided as follows:

Part Lot 11 DP 260847 North Creek Road, Ballina (that part fronting North Creek Road)	Current classification prevents legal access to Lot 4 DP 260847, which is owned by Council. Lot 4 is zoned for industrial use and is part of Council's commercial holdings.
Lot 5 DP 843369, Old Bagotville Road, Wardell	The land was purchased during the 1990s for its commercial potential as a quarry.
Lot 4 DP 1036635, Brunswick Street, Teven	A remnant 1816m ² part of the Ballina-Eltham Railway reserve currently used for grazing. It has no utility for further Council ownership.
Lot 34 DP 1121058, Alexander Circuit, Lennox Head	This land is used for stormwater retention / drainage and is more appropriately classified as operational to remove any associations with public recreation and restrictions imposed by the <i>Local Government Act 1993</i> .
Lot 1 DP 858199 Richmond River, Ballina	This land was dedicated to Council as a condition in development consent 1996/221 to provide a public walkway along the foreshore. The land needs to be reclassified as operational so that it can be subsequently declared road as per the adjoining sections of the walkway.
Lot 116 DP 1111892 Commercial Road Public Car Park, Alstonville.	Part of this land has already been classified as operational. The eastern section has been acquired more recently. There is a need to reclassify this land to enable it to be declared as road, consistent with Council's plans to provide rear lane access for the adjoining commercial properties.

Sustainability Considerations

- **Environment**
There is unlikely to be any environmental implications arising from the proposed reclassifications.
- **Social**
There is unlikely to be any social implications arising from the proposed reclassifications.
- **Economic**
The reclassification of some of the subject lands will allow Council to deliver services and generate possible returns with minor restrictions.

Legal / Resource / Financial Implications

The reclassifications will require the expenditure of minimal funds to prepare a planning proposal, exhibit such and hold a public hearing.

Consultation

Council's Commercial Services Section has requested the reclassification of the first two parcels cited in the above table, i.e. Part Lot 11, North Creek Road, Ballina and Lot 5, Old Bagotville Road, Wardell.

The planning proposal to reclassify the land is required to be exhibited for public comment and a public hearing must be held in relation to the matter.

Options

1. Support the preparation of a planning proposal for the reclassification of some or all of the subject lands from Community Land to Operational Land.
2. Decline to initiate such action.

The first option is recommended as it allows public comment on the proposal.

RECOMMENDATIONS

That Council prepare a planning proposal for the reclassification of the land referred to below from Community Land to Operational Land for the purpose of the Local Government Act 1993.

- Part Lot 11 DP 260847, North Creek Road, Ballina (that part fronting North Creek Road)
- Lot 5 DP 843369, Old Bagotville Road, Wardell - (Quarry)
- Lot 1 DP 858199, Richmond River, Ballina
- Lot 34 DP 1121058, Alexander Circuit, Lennox Head
- Lot 4 DP 1036635, Brunswick Street, Teven
- Lot 116, DP 1111892, Commercial Road Public Car Park, Alstonville

Attachment(s)

1. Locality plans with Department of Planning's reclassification site assessment sheet.

10. General Manager's Group Reports

10.1 Use of Council Seal

File Reference Use of Seal

RECOMMENDATIONS

That Council affix the Common Seal to the following document.

US11/06	Deed of Discharge of Charge - Mowing Encumbrance No. P129907, Lot 38 DP 246774 being developed property at 8 Mellis Circuit, Alstonville. Explanation: Encumbrance No. P129907 to the Council of the former Shire of Tintenbar was attached to the property when the residential estate was initially developed. The encumbrance was for an annual mowing charge. The charge ceased on the construction of a dwelling house or residential unit approved by the Council as encumbrancee. The current owner of the property is now in the process of selling the developed property, hence the requirement for the encumbrance to be formally discharged.
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Attachment(s)

Nil

10.2 Investments - January 2011

File Reference	Investments / General Banking
CSP Linkage	Responsible and efficient use of resources
Delivery Program	Financial Management
Objective	To provide Council and the community with details of how Council's surplus funds are invested.

Background

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

This report has been prepared for the month of January 2011.

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

The balance of investments as at 31 January 2011 was \$58,375,000. This represents a decrease from December of \$3,372,000.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 31 January 2011, was \$1,097,700.

Council's investments as at 31 January are at an average (weighted) rate of 5.88%, which is 0.90% above the 90 Day Bank Bill Index of 4.98%.

The majority of the approximately \$58 million of investments held by Council are restricted by legislation (external) and Council (internal) uses for the following purposes:

Reserve Name	Internal/External Restriction	Approx % of Portfolio*
Water Fund (incl. developer contributions)	External	14
Sewer Fund (incl developer contributions)	External	25
Section 94 Developer Contributions	External	10
Bonds and Deposits	External	3
Domestic Waste Mgmt / Stormwater Charges	External	2
Other External Restrictions	External	6
Land Development	Internal	21
Employee Leave Entitlements	Internal	3
Carry Forward Works	Internal	10
Miscellaneous Internal Reserves	Internal	5
Unrestricted		1
Total		100%

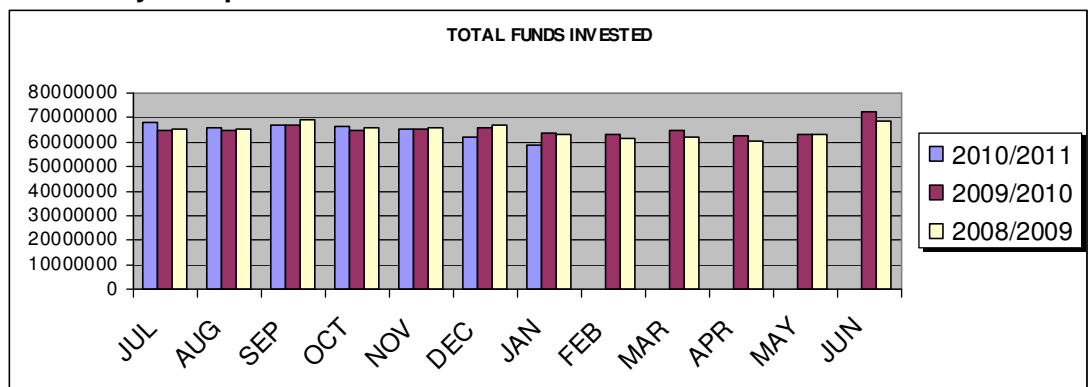
* Based on reserves held as at 30 June 2010

Information

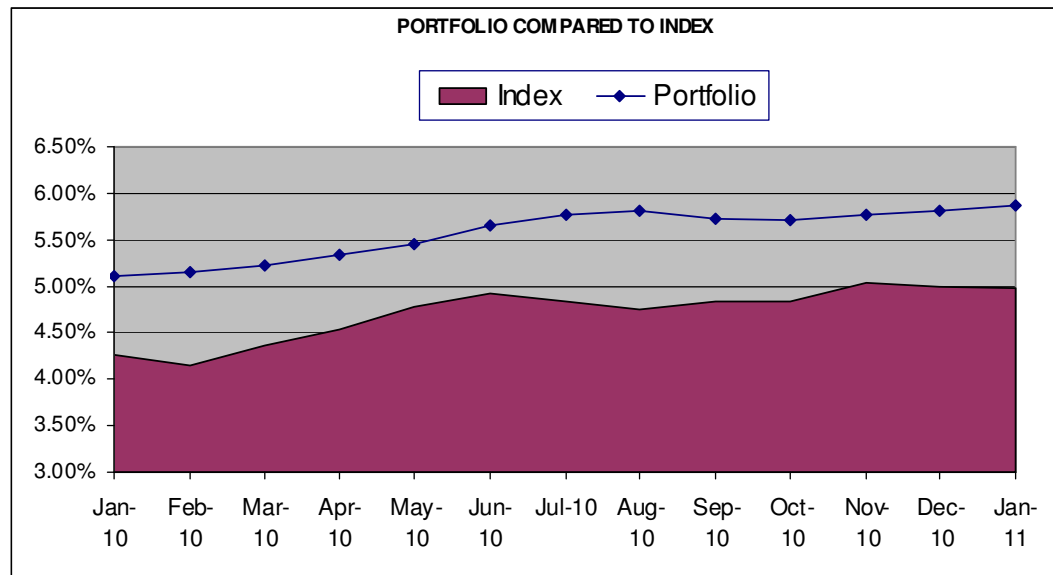
A. Summary of Investments by Institution

Funds Invested With	ADI Rating	Gov G'tee	Previous Month (\$'000)	Current Month (\$'000)	% of	Total
Grandfathered Investments						
ANZ Bank	AA-	No	2,000	2,000	3.4	
Bank of Queensland	BBB	No	1,000	1,000	1.7	
Bendigo Bank Ltd	BBB	No	1,000	1,000	1.7	
Deutsche Bank	A+	No	4,000	4,000	6.9	
Goldman Sachs	AA-	No	1,000	1,000	1.7	
Heritage Building Society	BBB	No	3,000	3,000	5.1	
HSBC Australia	AA-	No	1,000	1,000	1.7	
Longreach Capital Markets 23	AA-	No	1,000	1,000	1.7	
Longreach Capital Markets 28	AA+	No	1,000	1,000	1.7	
Morgan Stanley	A	No	2,000	2,000	3.4	
National Australia Bank	AA	No	1,788	1,788	3.1	
National Wealth M'ment Holding	A	No	2,000	2,000	3.4	36%
Rated Institutions						
Bank of Queensland	BBB+	Y-\$1m	3,500	3,000	5.1	
Bank of Western Australia	AA	Y-\$m	2,677	2,677	4.6	
Commonwealth Bank of Australia	AA	Y-\$2m	5,071	5,686	9.7	
Credit Union Australia	BBB+	Yes	1,000	1,000	1.7	
Illawarra Mutual Bld Society	BBB	Y-\$1m	2,000	2,000	3.4	
Local Govt Fin Service	A	No	8,418	6,431	11.0	
National Australia Bank	AA	No	3,000	3,000	5.1	
Newcastle Permanent Bld Soc	BBB+	Y-\$1m	2,000	1,000	1.7	
Suncorp Metway Bank	A	Y-\$1m	5,485	4,485	7.7	
Westpac Banking Corp	AA	Y-\$1m	7,308	7,308	12.5	63%
Unrated ADI's						
Community CPS Credit Union		Yes	1,000	1,000	1.6	1%
Total			61,747	58,375	100%	

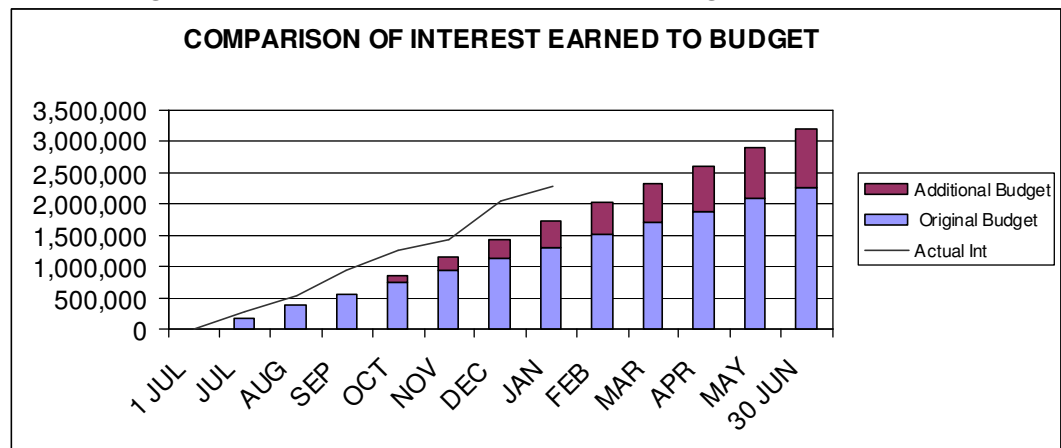
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



Comment

The Reserve Bank of Australia (RBA) held interest rates steady at 4.75% at its 1 February meeting. This decision was widely expected. It follows a subdued inflation outcome for the December quarter and is amid uncertainties surrounding the full impact of the Queensland floods. The last time the RBA changed policy was in November, when rates were lifted 25 points.

In the accompanying statement the RBA noted strong expansions in the Chinese and Indian economies, but ongoing fiscal uncertainties in Europe, which are likely to persist for some time. Overall the RBA sees the global economy as strong going into 2011 and high commodity prices as supporting growth in Australian national incomes. Indicators are also still pointing toward a pick up in private investment in Australia, further growth in employment (although at a slower pace) and stronger rates growth this year. Households, however, are displaying caution in spending and borrowing and overall credit growth remains subdued.

The floods are to have a temporary adverse effect on economic activity and prices. But the RBA expects inflation this year to be consistent with the 2-3% per annum target.

The RBA stated that in setting policy, it would look through the estimated short-term effects of the floods and focus instead on the medium-term prospects for economic activity and inflation.

E. Investments Held as at 31 January 2011

Purchase Date	Issuer	Type	Rate %	Call or Maturity Date	Purchase Value \$'000
23/04/04	Deutsche Bank	FRN	5.92	23/04/14	2,000
23/04/04	Deutsche Bank	FRN	5.92	23/04/14	2,000
20/09/04	National Australia Bank	FRN	6.30	Perpetual	1,788
08/08/05	Morgan Stanley	FRN	5.46	08/08/12	2,000
12/04/06	Goldman Sachs	FRN	5.45	12/04/16	1,000
16/06/06	National Wealth M'tment Holdings	FRN	5.65	16/06/16	2,000
15/09/06	Bank of Queensland	FRN	5.48	11/05/11	1,000
04/12/06	Heritage Building Society	FRN	5.54	04/12/11	2,000
28/02/07	Longreach Series 23	IRLN	8.90	10/02/12	1,000
25/01/07	Local Govt Fin Service	CRI	5.75	20/03/12	5,000
28/06/07	Longreach Series 28	ELN	0.00	27/06/14	1,000
15/08/07	Local Govt Fin Service	FND	5.66	At 3 Day Call	1,431
21/09/07	Bendigo Bank	FRN	6.18	21/09/12	1,000
18/10/07	Heritage Building Society	FRN	6.25	18/10/12	1,000
18/10/07	ANZ Bank	FRN	5.70	18/10/12	2,000
14/03/08	HSBC Australia Ltd	FRN	7.31	14/03/13	1,000
16/12/08	Commonwealth Bank of Australia	CRI	6.62	16/12/11	1,000
17/12/08	Commonwealth Bank of Australia	CRI	6.17	17/12/13	1,000
17/12/08	Commonwealth Bank of Australia	TD	5.93	17/12/13	995
04/03/09	Suncorp-Metway Bank	FRN	7.43	30/05/11	1,485
17/04/09	Commonwealth Bank of Australia	FRN	6.27	17/04/12	1,000
03/02/10	Commonwealth Bank of Australia	FND	4.70	At Call	1,691
15/06/10	Bank of Queensland	TD	6.30	15/02/11	1,000
05/10/10	Suncorp-Metway Bank	TD	5.90	02/02/11	2,000
29/11/10	Illawarra Mutual Bld Society	TD	6.10	29/03/11	1,000
29/11/10	Community CPS Credit Union	TD	6.20	28/02/11	1,000
01/12/10	National Australia Bank	TD	6.20	31/03/11	2,000
06/12/10	Bank of Queensland	TD	6.00	05/04/11	1,000
13/12/10	Illawarra Mutual Bld Society	TD	6.10	14/03/11	1,000
15/12/10	National Australia Bank	TD	6.18	14/04/11	1,000
20/12/10	Newcastle Permanent Bld Society	TD	6.00	21/03/11	1,000
20/12/10	Westpac Bank	TD	5.80	21/03/11	7,308
20/12/10	BankWest	TD	5.90	21/03/11	2,677
05/01/11	Bank of Queensland	TD	6.00	05/05/11	1,000
25/01/11	Suncorp-Metway Bank	TD	6.07	27/04/11	1,000
28/01/11	Credit Union Australia	TD	6.01	28/04/11	1,000
Total:					58,375
TD=Term Deposit		FRN=Floating Rate Note		FND=Managed Fund	
IRLN=Interest Rate Linked Note		CRI=Committed Rolling Investment		ELN=Equity Linked Note	

RECOMMENDATIONS

That Council notes the record of banking and investments for January 2011.

Attachment(s)

Nil

10.3 Policy (Draft) - Concealed Water Leaks

File Reference	Council Policies (Draft)
CSP Linkage	Transparent and accountable governance
Delivery Program	Administration
Objective	To obtain Council approval to exhibit a Concealed Water Leaks Policy.

Background

On 3 December 1985, Council resolved not to adjust or waive water accounts caused as a result of leaking or broken water pipes (minute number 8889). This resolution has been followed ever since.

Following requests from customers, staff investigated procedures adopted by other water supply authorities in respect to water leaks. It was found to be common practice amongst most other authorities that some level of relief is provided, where a large water consumption charge is generated as a result of a concealed water leak.

As a result, a report and draft Concealed Water Leaks Policy was presented to the December 2007 Council meeting but was not supported by the then Council.

This report is in response to a Notice of Motion adopted at the 27 January 2011 Council meeting where Council resolved to consider a fresh draft Concealed Water Leaks policy.

The Notice of Motion was prompted by a recent water leak event at 9 Range Street East Ballina.

Key Issues

- Potential for financial relief for water users
- Financial implications
- Policy guidelines

Information

As a result of the January 2011 resolution, a fresh review of the draft policy reported to Council in 2007 was undertaken.

The latest practices of other water supply authorities in relation to concealed leaks were also investigated.

The following table outlines the information obtained from a number of water utilities.

Other Water Utilities – Current Water Leaks Policies

Water Authority	Policy to adjust water consumption charges?	Policy to adjust sewer usage charges?	Other Comments
Byron Shire Council	<p>Yes – The policy is not to adjust water consumption charges.</p> <p>Note: Prior to adoption of present policy (14/08/2009) an adjustment of 50% of the above average consumption charges would be cancelled for residential properties only.</p>	<p>Yes – Residential properties only will adjust 100% of above average increase.</p>	<p>To qualify water usage must be 1.5 times greater than previous 2 years daily average usage.</p>
Hunter Water Corporation	<p>Yes – For residential properties will cancel 100% of charges relating to above average consumption. Non-residential properties on a case by case basis.</p>	<p>No – Residential properties have a flat sewer charge. Non-residential properties on a case by case basis.</p>	<p>Applies to one four monthly billing period only.</p>
Sydney Water	<p>Yes – (all users) From 01/01/2008 50% of above average increase to a maximum of 1,000kl per service. Allowance for pensioners is unlimited and they will pay a maximum of 400kl.</p>	<p>Yes – 100% of above average increase.</p>	<p>Allowance will only be granted every five years or where there is a change in ownership.</p> <p>Allows for negotiation if there is a second leak.</p>
Tweed Shire Council	<p>Yes – (all users) Reduced by 75% of above average increase over past three years. Prior to 30/10/2008 reduction was 50%</p>	<p>Yes - Residential not applicable as have a flat sewer charge. Non-residential reduced by 75% of above average increase over past three years. This remains untested as they have not yet received a claim. Must be applied for separately to claim for water consumption.</p>	<p>One adjustment per applicant.</p>

A draft policy has now been prepared for consideration by Council and a copy of that document is attached.

The draft policy does not alter the fact that the property owner is ultimately responsible for any water that passes through the water meter. Most consumers are aware of water conservation as a result of the recent droughts, water restrictions, our “user pays” water pricing structure and other media advertising.

In some instances consumers with leaks are confronted with very large water consumption charges, on top of the cost of plumbing repairs. In these cases the maximum relief in accordance with the proposed policy may be relatively minor however, the goodwill created by the policy is considered worthwhile.

The main points outlined in the proposed policy include

- The water leak must have been concealed
- To be eligible for relief under the proposed policy, the water consumption caused as a result of the concealed water leak must be in excess of 200% of the 'normal' water consumption
- The consumption above normal consumption will be billed at the lower rate per kilolitre (no minimum or maximum adjustment)
- After adjusting the account to be billed at the lower rate per kilolitre, a further credit adjustment is applied, being 50% of the consumption deemed to be caused by the leak. The recommended minimum adjustment is \$50 to reduce administration and the maximum credit adjustment is equivalent to 250 kilolitres at the lower rate per kilolitre for the specific rating year
- A maximum interest free repayment period of twelve months may be granted for accounts where after adjustment, the resultant amount payable is \$250.00 more than would usually be payable for normal water consumption
- The adjustment and/or interest free period is only available once (includes all property owners). After each owner is specifically educated on how to check for leaks, any future claims for relief will be declined.

Council has a step rate for water consumption charges. This is presently \$1.52 per kilolitre for the first 350kl and \$2.28 per kilolitre thereafter (per water meter per annum). A large water leak in the first quarter would likely take part of the consumption charges to the higher step rate, which means the higher rate would be applicable for any water consumption for the remainder of the year.

It is proposed that as part of the adjustment process that the water determined by Council to be above normal consumption will be adjusted to the lower step rate per kilolitre. All other 'normal' water consumption will still be subject to Council's step rate of charging.

This adjustment is considered to be equitable as the higher rate per kilolitre is primarily set as a water conservation pricing signal and is obviously not relevant in the case of a concealed leak.

Furthermore, the cost to Council of purchasing each kilolitre of water from the Rous Water Authority is constant.

Sewer usage charges (non-residential customers only) are based on the estimated percentage of water consumed at a property that is returned to Council's waste water drainage system.

Sewer usage charges, caused as a result of a concealed water leak, will be adjusted at 100% of the amount of the increase determined by Council to be above normal usage, providing that the water lost due to the leak was not returned to Council's waste water drainage system. In other words, providing there is no cost to Council in treating the water lost.

Under this methodology there is no maximum adjustment for sewer usage charges.

The main differences between the policy presented with this report and the draft policy presented to the December 2007 Ordinary Council Meeting are:

1. The maximum water consumption charges adjustment has been changed from a maximum of \$250.00 to 250 kilolitres. This allows for kilolitre price changes from year to year
2. An additional charges adjustment has been included. The increase in consumption determined by Council to be above normal consumption will be adjusted to the lower step rate per kilolitre. This was not part of the previous policy
3. Formalisation of an adjustment to sewer usage charges. This was not mentioned in the previous draft policy however, is now included as adjustments have been made from time to time where substantiating proof has been provided to Council.

It is estimated based on recent history, that if the policy is adopted, approximately \$2,500 to \$10,000 may be written off each financial year. The following table provides examples of the possible loss of income to Council for a range of kilolitre based adjustments.

**Examples of cost to Council using 2010/11 rates
Water consumption charges - Kilolitre based adjustments**

Kilolitre Adjustment (KL above normal consumption only – not total kilolitres consumed)	Adjustment 1 (\$) – Re-calculate account to lower step rate (\$2.28 to \$1.52) *	Adjustment 2 (\$) – Write off 50% of account for consumption above normal after adjustment 1 (min \$50, max 250 KL at \$1.52 = \$380)	Total Adjustment (\$)
50	38	76	114
100	76	152	228
200	152	304	456
500	380	380	760
1,000	760	380	1,140
2,000	1,520	380	1,900

**Assumes all consumption above normal consumption originally charged at higher rate per kilolitre.*

Further to this table Council will also forego interest charges income if the customer is approved for a twelve month interest free period.

For example, if the amount payable (after adjustments) is \$500.00 more than normal and it was all paid at the end of the interest free period, Council would lose \$45.00 at an interest rate of 9% per annum.

If the draft policy is supported, it is recommended that Council approve a retrospective commencement date of 1 January 2011. This will allow the owner/s 9 Range Street East Ballina to apply for relief under the new policy.

Council has systems in place to notify property owner/s and/or occupiers of any higher than normal water consumption during our quarterly water meter reading processes. Whilst these practices do reduce future water wastage, a large quantity of water could still have already been lost since the water meter was last read.

Sustainability Considerations

- **Environment**
Provide responsible management of our water resources.
- **Social**
To be seen as a caring and understanding water authority for our consumers.
- **Economic**
Provide some financial relief to consumers affected by increases to their water consumption charges and/or sewer usage charges due to a concealed water leak.

Legal / Resource / Financial Implications

As mentioned earlier in the report, \$2,500 to \$10,000 in income could be foregone per annum if the policy is adopted.

Consultation

Over the years we have received much feedback from customers experiencing larger than usual accounts as a result of water leaks.

This proposed policy was developed using parts of existing policies of other water utilities.

It is proposed that Council exhibit the draft policy for public comment.

Options

Council may choose to adopt or reject the draft policy or alter any of the limits outlined within the draft policy.

In summary it is considered that the policy has merits and on that basis it is recommended that it be exhibited for public comment, and if no objections are received that it be adopted without further reporting to Council. The retrospective date is also recommended based on the recent water leak that resulted in the January 2011 Notice of Motion.

RECOMMENDATIONS

1. That Council advertise the attached draft Concealed Water Leaks policy, for public comment.
2. If no comments are received, or if the comments are all favourable the policy shall be considered as being adopted by Council.
3. That the policy, if adopted, is to have an effective date of 1 January 2011.

Attachment(s)

1. Policy (Draft) - Concealed Water Leaks

10.4 Donations - Australian Representation

File Reference	2010/2011 Delivery Program - Donations - Australian Representation
Sustainability Plan	People attaining health and wellbeing
Management Plan	Financial Management
Objective	To determine a donation from Council towards Australian representation

Background

Council is in receipt of an application for Australian Representation donations that, as per Section 356 of the Local Government Act, require Council resolution. The details of the application are as follows and a copy attached.

Key Issues

- Compliance with Council Policy

Information

Council's Policy on Financial Assistance for Australian representation states that the level of assistance to be provided is \$400 for people representing Australia overseas.

Theora-Skye Walke from Bagotville has been offered a place to attend the Global Young Leaders Conference in Europe in July 2011. She is seeking an unspecified donation from Council towards travel and accommodation.

The application does not strictly meet the requirements of the Australian Representation Donation Policy guidelines; as the guidelines for selection state:

The individual recipient must be chosen in a team or event that is part of a nationally recognised federation.

Council has \$11,200 remaining in the donations' budget, this includes both the allocation for halls and general donations. However it is suggested that if Council was supportive of the application the Australian Representation policy could be used as a guide for the level of assistance. The donation amount recommended in this policy is \$400, plus CPI since the policy was last reviewed. Therefore an appropriate donation would be for approximately \$410.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Council's donations policies provide significant social support to the community.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The current status of the donations budgets for 2010/11 is as follows.

Items	Budget	Expended	Balance
Donations (General)	52,000	49,059	2,941
Donations (Halls)	33,000	24,741	8,259
Donations (DA Fees)	2,000	2,000	0

Consultation

Not applicable.

Options

The options are to approve, or not approve, the donation. The recommendation is to approve the request as it is considered that the application has significant merit for this shire.

RECOMMENDATIONS

That Council approves a donation of \$410 to Theora-Skye Walke as per the submission attached to this report.

Attachment(s)

1. Submission from Theora-Skye Walke

10.5 Festival and Event Support Program - Funding 2011/12

File Reference	Public Events/Policies
CSP Linkage	Transparent and accountable governance
Delivery Program	Community Planning
Objective	To confirm the allocation of funding for the Festivals and Events - Council Support Program for 2011/12

Background

At the November 2010 Ordinary meeting Council resolved to advertise the 2011/12 Festival and Event support program during December 2010 / January 2011 to allow a decision on the festival and events to be funded at the February 2011 Ordinary meeting.

The purpose of this report is to consider the actual applications for the Festival and Event Support Program for 2011/12.

Key Issues

- To allocate funds in a fair and equitable manner

Information

Council called for applications for the Festival and Event Support Program by way of advertisement in the local newspaper, included on the home page of Council's website, included in Council's electronic newsletter Community Connect, included in the Tourism e-newsletter, included in media releases.

Individual letters were also sent to community groups, sporting organisations, events and festivals on the tourism database, chambers of commerce, local schools and previous participants for Rivafest, Australia Day and Christmas Light Up.

Applications for funding opened on Wednesday 15 December and closed Wednesday 2 February 2011. Applications were made available on line and applicants were encouraged to read the revised Festivals & Events - Council Support Policy in conjunction with the application. There were four lodgement options being post, email, hand delivered or facsimile.

A total of eight applications were received and the next table provides a summary of those applications.

Ref	Organisation/Person	Name of Festival/Event	Requested Council Contribution (\$)
1	Alstonville Rotary	Antiques and Collectables Fair	10,000
2	Apex Club of Alstonville	Alstonville Apex New Years Eve Family Festival	15,000
3	Ballina Lighthouse and Lismore SLSC Inc.	The Ballina Island Paddle Challenge	5,500
4	Ballina & District Ministers	Riverside Carols	14,000
5	Cancer Council NSW	Ballina Relay for Life	10,000
6	Lennox Head Chamber of Commerce	Carols in the Park	7,000
7	Marine Rescue NSW	Ballina Boat & Leisure Show	16,725
8	Paradise FM Community Radio Association Inc (auspice)	Ballina Coastal Country Music Festival	20,000
Total Requested			98,225

Council convened an internal staff team to review and assess the applications based on eligibility and responses to the Community Development, Economic and Environmental Value Assessment Criteria.

The internal staff team then made a recommendation on the allocation of funds to a Councillor workshop held Monday 14 February 2011. The outcomes from that workshop are outlined in the options section of this report.

The internal staff review team's recommendations and accompanying notes are included as attachments to this report.

Sustainability Considerations

- **Environment**
Environmental, social and economic factors all form part of the assessment criteria for allocating the funding available.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

The 2011/12 budget includes \$51,500 for the Festival and Event program.

Consultation

Significant consultation was undertaken to encourage submissions for the 2011/12 year.

A total of eight responses was received which is down from 13 applications in the inaugural funding round. This decrease may be due to;

- members of community organisations being away for the holiday season
- community groups may not have their first meeting of the year until late January or early February, which only gives them a short time frame to lodge an application
- community groups having a greater appreciation of the resources needed to stage an event and therefore deciding not to apply.

Options

The staff recommendation to the Councillor workshop was as follows:

Ref	Organisation/Person	Name of Festival/Event	Funding Requested (\$)	Recommended
1	Alstonville Rotary	Antiques and Collectables Fair	10,000	0
2	Apex Club of Alstonville	Alstonville Apex New Years Eve Family Festival	15,000	12,000
3	Ballina Lighthouse and Lismore SLSC Inc.	The Ballina Island Paddle Challenge	5,500	500
4	Ballina & District Ministers	Riverside Carols	14,000	0
5	Cancer Council NSW	Ballina Relay for Life	10,000	3,000
6	Lennox Head Chamber of Commerce	Carols in the Park	7,000	3,500
7	Marine Rescue NSW	Ballina Boat & Leisure Show	16,725	15,000
8	Paradise FM Community Radio Association Inc	Ballina Coastal Country Music Festival	20,000	17,500
Total			98,225	51,500

There was not total consensus on the preferred outcome from the workshop and the major points of discussion were as follows:

- Cancer Council - General consensus that as this event is largely a charity fund raiser it is not consistent with the policy objectives and funding is not supported
- Lennox Head Chamber of Commerce - Concerns that other Carols events in the shire are being conducted without Council support. Also this application requested funding from Council for fireworks which is inconsistent with the policy
- Paradise FM - Strong support for this proposal as it was consistent with the Council policy objectives of creating a signature event.

- Apex Club of Alstonville - Agreement that this event was performing extremely well and meeting the objective of providing a family friendly event for New Year's Eve.

As there was not total consensus at the workshop the recommendation that follows aims to satisfy the discussions held. Essentially the changes from the initial staff recommendation involve reduction in the funding for the Cancer Council, a further reduction of \$500 in the Lennox Head Chamber of Commerce funding and the reallocation of these monies to other events.

Council can support this proposal or adopt any range of other options.

RECOMMENDATIONS

That Council approves the following funding allocation for the 2011/12 Festival and Event Program.

Ref	Organisation/Person	Name of Festival/Event	Funding Requested (\$)	Approved Funding (\$)
1	Alstonville Rotary	Antiques and Collectables Fair	10,000	0
2	Apex Club of Alstonville	Alstonville Apex New Years Eve Family Festival	15,000	13,000
3	Ballina Lighthouse and Lismore SLSC Inc.	The Ballina Island Paddle Challenge	5,500	500
4	Ballina & District Ministers	Riverside Carols	14,000	0
5	Cancer Council NSW	Ballina Relay for Life	10,000	0
6	Lennox Head Chamber of Commerce	Carols in the Park	7,000	3,000
7	Marine Rescue NSW	Ballina Boat & Leisure Show	16,725	16,000
8	Paradise FM Community Radio Association Inc	Ballina Coastal Country Music Festival	20,000	19,000
Total			98,225	51,500

Attachment(s)

1. Festival and Events Working Party Workshop Notes – 14 February 2011

10.6 Quarterly Budget Review Statement - December 2010

File Reference	Financial Management
CSP Linkage	Responsible and efficient use of resources
Delivery Program	Financial Management
Objective	To provide a review of the 2010/11 Council Budget as at 31 December 2010

Background

In accordance with the Local Government Act the responsible accounting officer of a council must, not later than two months after the end of each quarter, prepare and submit to the council a budget review statement that shows a revised estimate of the income and expenditure for that year. The report that follows provides this review for the second quarter of 2010/11.

Key Issues

- Variations to the budget.

Information

The purpose of this report is to provide information on known budget variances as at 31 December 2010. The format of the report has been modelled on the Quarterly Budget Review Statement Guidelines released by the Division of Local Government in October 2010.

To comply with these draft guidelines an Operating Statement, Capital Budget and Cash Summary is provided in table format for each Fund. Commentary on the variations recommended is then provided after the tables. A brief overview of the information provided in each of the three tables is as follows:

Operating Income and Expenses - This table provides the operating income and expenses for the Fund (General, Water and Sewer) and is useful in determining whether the Fund is operating at a surplus or deficit (before and after depreciation). The operating performance for each major activity within the General Fund is also able to be monitored by matching income and expenses.

Capital Budget - This table outlines how capital expenditure is being funded. Capital funding and expenditure equal each other.

Cash Summary - This table provides details on the movements in reserve balances in each of the funds.

In the tables, the column advising 'December Review' is the forecast at December for the full financial year (2010/11). Actual figures to 31 December 2010 are also provided for information.

General Fund

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

General Fund - Statement of Operating Income and Expenses (by Activity) (\$'000)
Table 1: General Fund - Operating Income

Operating Income	Original Budget	Sept Review	Dec Review	Actual to Dec
<i>Strategic Services</i>				
Strategic Planning	9	62	69	67
Community Services	96	96	120	72
Community Gallery	58	58	58	29
Section 94 interest	324	324	374	0
Sub Total	163	216	621	168
<i>Regulatory Services</i>				
Development Services	370	340	315	154
Building Services	815	815	835	436
Public and Env Health	200	200	234	218
Admin and Public Order	86	86	86	39
Sub Total	1,471	1,441	1,470	847
<i>Civil Services</i>				
Asset Management	163	163	253	134
Stormwater and Env Prot	443	560	576	341
Roads and Bridges	0	531	597	250
Ancillary Transport Services	928	928	877	67
Burns Point Ferry	391	391	391	189
Roads and Traffic Authority	1,308	1,312	1,312	731
Open Space and Reserves	456	468	472	261
Fleet Mgmt and Workshop	3,081	3,081	3,081	1,560
Rural Fire Service	130	130	212	120
Quarries and Sandpit	306	306	456	342
Swimming Pools	291	291	271	145
Waste-Landfill/Commercial	6,061	6,282	6,742	3,318
Waste-Domestic	5,706	5,712	5,713	5,269
Sub Total	19,264	20,155	20,953	12,819
<i>General Manager's Group</i>				
Administrative Services	27	27	27	12
General Purpose Revenues	18,202	17,507	17,568	16,037
Financial Services	136	136	232	40
Regional Library	90	90	113	113
Information Services	3	3	3	3
Human Resources and Risk	45	54	61	100
Corp Comms and Tourism	40	40	92	23
Property Management	2,268	2,752	3,118	1,984
Camping Ground	526	526	526	408
Ballina Byron Airport	3,051	3,051	3,016	1,104
Sub Total	24,388	24,186	24,756	19,824
Total Operating Income	45,286	45,998	47,800	33,566

General Fund - Statement of Operating Income and Expenses (\$'000)
Table 2: General Fund - Operating Expenses

Operating Expenses (excluding depreciation)	Original Budget	Sept Review	Dec Review	Actual to Dec
<i>Strategic Services</i>				
Strategic Planning	887	1,263	1,301	497
Community Services	368	331	379	152
Community Gallery	137	137	137	75
Sub Total	1,392	1,731	1,817	724
<i>Regulatory Services</i>				
Development Services	1,226	1,456	1,656	1,064
Building Services	757	757	757	355
Public and Env Health	679	704	704	368
Admin and Public Order	944	944	952	453
Sub Total	3,606	3,861	4,066	2,240
<i>Civil Services</i>				
Asset Management	2,633	2,691	2,882	1,413
Stormwater and Env Prot	729	1,158	1,185	387
Roads and Bridges	2,617	2,956	3,101	1,576
Ancillary Transport Services	1,742	1,809	1,809	697
Burns Point Ferry	566	566	566	400
Roads and Traffic Authority	1,308	1,312	1,312	834
Open Space and Reserves	3,390	3,566	3,562	1,771
Fleet Mgmt and Workshop	2,263	2,263	2,263	1,327
Rural Fire Service	322	322	412	114
Quarries and Sandpit	63	83	83	25
Swimming Pools	649	670	670	372
Waste-Landfill/Commercial	4,991	5,081	4,691	1,991
Waste - Domestic	5,185	5,235	5,610	2,191
Sub Total	26,458	27,712	28,146	13,098
<i>General Manager's Group</i>				
Governance	884	917	936	542
Administrative Services	880	880	880	439
Financial Services	(2,543)	(2,501)	(2,400)	(1,228)
Regional Library	1,230	1,262	1,287	908
Information Services	1,165	1,165	1,165	805
Human Resources and Risk	1,488	1,667	1,734	902
Corp Comms and Tourism	575	632	699	334
Property Management	1,500	1,504	1,436	748
Camping Ground	266	266	266	154
Ballina Byron Airport	2,470	2,470	2,435	1,059
Sub Total	7,915	8,262	8,438	4,663
Total Operating Expenses	39,371	41,566	42,467	20,725
Net Operating Result Before Depreciation	5,915	4,432	5,333	12,841
Depreciation Expense	8,311	8,576	8,576	0
Net Operating Result from Continuing Operations	(2,396)	(4,144)	(3,243)	12,766

**Table 3: General Fund - Capital Budget
Source and Application of Funds (\$'000)**

Source and Application	Original Budget	Sept Review	Dec review	Actual to Dec
Source of Capital Funding				
Rates and Untied Funding	3,566	3,585	3,570	-
Capital Grants and Conts	341	1,742	2,167	-
Section 94 - Assets	3,594	4,716	5,599	-
Section 94 - Loan Principal	16	16	16	-
Loan Funds	4,800	4,565	4,565	-
Internal Reserves - Assets	20,957	36,418	35,680	-
Int Res - Loan Principal	1,705	1,705	1,705	-
External Reserves - Assets	1,200	1,200	1,200	-
Ext Res - Loan Principal	118	118	118	-
Total Capital Funding	36,297	54,065	54,620	-
Capital Expenditure				
Information Services	30	30	30	17
Property - Commercial	3,600	11,927	11,567	4,205
Property - Community	7,907	8,343	8,346	3,584
Library	100	124	39	39
Camping Ground	10	10	10	0
Ballina Airport	875	875	875	143
Regulatory Support	0	25	25	0
Asset Management	0	60	60	0
Stormwater	388	944	932	0
Roads and Bridges	9,826	15,546	16,142	3,899
Ancillary Transport Services	820	1,970	1,970	126
Town Beautification	5,000	7,233	7,527	971
Wharves and Jetties	0	199	199	35
Parks and Reserves	150	627	627	317
Sporting Fields	4,390	1,460	1,460	502
Cemeteries	0	100	121	0
Rural Fire Service	0	0	249	0
Fleet and Plant	568	1,269	1,269	290
Swimming Pools	0	10	10	0
Quarries and Sandpits	0	0	0	0
Waste Management	1,200	1,250	1,099	5
Loan Principal Repayments	2,063	2,063	2,063	868
Total Capital Expenditure	36,297	54,065	54,620	15,001

**Table 4: General Fund - Cash Summary
Estimated Movements and Closing Balances (\$'000)**

Item	Opening Balance (1)	Sept Estimated Movement (2)	Movement as at December Review (3)	Total Movement for Year (4 = 2 + 3)	Revised Closing Balance (1 + 4)
Working Capital	540	(155)	(34)	(189)	351
Council Reserves	34,063	(25,045)	1,475	(23,570)	10,599

Comments - General Fund

The **net operating position before depreciation** has improved by \$901,000 with the estimated result increasing from \$4,432,000 to \$5,333,000. The majority of this movement is attributable to Commercial Waste that enjoyed an \$850,000 improvement to forecast outcomes.

The estimated **unrestricted working capital** movement has deteriorated from a forecast deficit of \$155,000 to \$189,000. This indicates that whilst the forecast operating surplus has improved, this has been offset by other funding movements such as transfers to reserves.

The **capital budget application of funds** table highlights that we are forecast to reduce internal reserves by almost \$36 million. The majority of the reserve reductions relate to asset purchases or infrastructure improvements. In this sense it is important to note that the shift from cash to fixed assets means that there is also a shift from income producing cash (interest on investments) to expense producing assets (maintenance and depreciation).

This is an issue that Council will need to come to terms with in future budgets.

There are a number of budget adjustments detailed in the comments section of this report that follow but the larger changes to forecast budgets are summarised below.

- private works surplus reduced by \$50,000
- ordinary rates and interest on overdue rates increased by \$60,000
- rental income increased by \$80,000
- legal costs increased by \$200,000
- Tuckombil quarry royalties \$150,000 improvement
- maintenance expenses at depot and council chambers increased by \$80,000.
- interest on community infrastructure and commercial opportunities reserves up by \$299,000 and transferred to respective reserves.

Capital expenditure has increased by \$555,000 on the September position to \$54.6 million. By referencing the Source of Capital funding section of Table 3 it can be seen that the majority of the additional capital expenditure is funded by grants.

This relates primarily to new and additional works for roads and Fire Services.

Details of the capital adjustments are shown in the section of this report titled 'General Fund Capital Works'.

Comments on the material changes listed in the December Review column for the operating income and expense statement are as follows.

General Fund - Operating Income

Strategic Planning

Rezoning Fees: A new budget for rezoning fees has been raised for \$7,000 relating to the old Henderson property at Lennox Head. Developers pay in advance for Council to process applications. An equal increase to strategic rezoning expenses is also required. **Increase in income of \$7,000 which is offset by an increase in expense of \$7,000.**

Community services

Ballina Community Services Centre: Hire of rooms and equipment was forecast at \$10,000 and income of \$13,000 has already been received, hence increase to the budget of \$10,000. The additional income has been applied to operating expenses at the centre as this is trending high in relation to budget. Abnormal costs have been accepted due to security and vandalism issues. **Increase in income of \$10,000 which is offset by an increase to expense of \$10,000.**

Richmond Room: During the quarter the management of the Richmond Room has been relocated from Commercial Services to Community services. Hence income in Community Services has increased has increased by \$15,000 and reduced by the same amount in Commercial Services.

Section 94 Income

Interest Capital Contributions: The forecast has been increased by \$50,000. Additional forecast revenue transferred to reserve. **Increase to income \$50,000.**

Development Services

Operating Revenues: DA income has been reduced by \$20,000 and it is likely that income will not achieve the reduced estimate however an optimistic outlook has been taken. Other adjustments include reductions to forecasts in respect of advertising fees, change of use applications and section 149 certificates. Also forecast income from legal fees reimbursed has been increased from \$10,000 to \$20,000. The net adjustment is a **Reduction in income of \$25,000.**

Building Services

DA Fees: Income is trending positively and the forecast has been increased by \$20,000 to \$95,000. **Increase to income \$20,000.**

Public and Environmental Health

Operating Revenues: Legal costs recovered in relation to an old case amounted to \$29,000 and this income was not forecast. Minor increases and decreases to other income areas have resulted in an increase to forecast income of \$5,000 (excluding legal costs recovered). **Increase to income of \$34,000.**

Asset Management

Development Engineer Inspection Fee: The budget of \$80,000 has been reached and a further \$40,000 has been forecast. **Increase to income \$40,000.**

Climate Adaption Strategy: The project is now all but complete and \$65,000 has been expended this financial year and \$15,000 last year. The expenditure budget in 2010/11 has been increased by \$30,000 to \$65,000 to satisfy actual expense this year. Income has been increased by \$20,000 being anticipated grant funds due. The \$10,000 net difference is because Council has not allocated sufficient funds to match the grant. Civil salaries have been reduced by \$10,000 to offset this difference. Salaries are trending well due to delays in replacing staff. **Increase to income \$20,000 and net increase to expense \$20,000.**

Cumbalum Delivery Plan: New budget of \$40,000 to finalise this plan which will provide an overview of how and what infrastructure is required for future development at Cumbalum. Contributions of \$10,000 have received from both water and sewer operations and \$20,000 has been taken from the SIC profits reserve to finance the project. **Increase to expense of \$40,000 increase to income of \$20,000 and transfer from reserve of \$20,000.**

Depot Wages: A temporary staff member has been operating at the depot to provide additional administration support. Numerous Civil Services expenditure budgets have been reduced by small amounts to accommodate this additional expense of \$41,000 to overseers' salary. Also a contribution of \$10,000 was accepted from domestic waste towards these costs. **Increase to income of \$10,000 and increase to expense of \$10,000.**

Stormwater and Environmental Protection

Stormwater annual charge: Reduction to income of \$11,000 as the original estimate was optimistic in terms of growth in assessments. Income adjustment has been offset by a reduction to forecast capital. **Reduction to operating income of \$11,000.**

Third Party Flood Modeling: Flood study modeling for various developers. **Income and expense increased by \$27,000.**

Roads and Bridges

Interest on Loans: Council accepted a loan to assist with the construction of the Wollongbar Link road. The loan funds have been invested and interest income of \$100,000 was forecast. The latest review considering construction timeframe and interest rates, forecasts interest income of \$150,000. **Increase to income of \$50,000.**

Developer Contribution: A contribution of \$16,000 was received in respect of the River/Martin street roundabout. This money was being held in trust fund and it has now been brought to account as income. **Increase to income of \$16,000.**

Ancillary Transport Services

Private Works Income: It was estimated that a surplus of \$75,000 would be achieved in private works and this is looking unlikely. Whilst the volume of works is down it is also the case that Council has been required to reimburse a private works payment received some years ago.

A developer paid Council to carry out intersection works that were required as part of a subdivision approval. The works did not happen and whilst some of the fee paid was carried forward in anticipation of the works, some \$40,000 was not. The intersection works have recently been completed by a third party and it has been determined the entire fee originally paid must be reimbursed.

Forecast income has been reduced by \$50,000 with \$40,000 due to the refund and \$10,000 due to low turnover. **Reduced income of \$50,000.**

Rural Fire Service (RFS)

Operating Income: It was estimated that \$30,000 would be received from the RFS in respect of the previous year's reimbursable items. It has since been discovered that this was an error in the forecasting and we will only receive \$19,000. **Reduction to income of \$11,000.**

The RFS has agreed to fund maintenance on fire trails and a contribution of \$93,000 has been approved. Operating expense also increases by the same margin. **Increase to income and expense of \$93,000.**

Swimming Pools

Operating Income: Forecast income from gate fees has been reduced by \$15,000 for Ballina and \$5,000 for Alstonville. Patronage has been affected by the prolific wet weather. **Reduction to income of \$20,000.**

Waste - Commercial Waste/Landfill

There have been substantial changes to Commercial Waste's forecasts and a summation of the revised position is included as part of the 'Other Matters' section of this report.

Annual Charges: Increase to estimate of \$15,000 taking revised budget to \$390,000.

Sundry: Increase to forecast income of \$15,000 with better than anticipated trends from sales of mulch (\$5,000) and disposal of derelict vehicles (\$10,000).

Gate Fees Charged to Domestic Waste Management: Income for both mixed waste and recyclables taken to the gate are exceeding forecast and an additional \$330,000 has been added to these estimates (\$50,000 for recyclables and \$280,000 mixed) taking total forecast to \$3,230,000.

It appears that a combination of greater quantities than anticipated and conservative forecasting have contributed to the income adjustments

Gate Fees - Self Haul: Forecast income increased by \$200,000 to \$1,240,000.

Gate Fees - Council: Estimated income reduced by \$250,000 to \$365,000. The managers of Council works have been endeavouring to avoid taking waste to the landfill site due to the expense. This has included stockpiling excavated material at the old depot site.

Gate Fees - Construction and Demolition - Self Haul: Increase to forecast income by \$150,000 taking revised estimate to \$553,000. **Net increase to income of \$460,000.**

Finance - General Purpose Revenues

Rate Income: Forecast income was \$14,507,000 and due to growth in assessments this forecast has been increased to \$14,537,000. **Increase to income of \$30,000.**

Interest on Outstanding Rates: Income was estimated at \$55,000 and it has been increased by \$30,000. This is attributable to the fact that total rates outstanding have increased which in turn reflects minimum debt recovery during the last 12 months due to the change in Council's main software systems.

It is interesting to observe that, assuming cash flow is not an issue, it is arguably beneficial not to pursue rate payments with vigor. This is because the debt is secured on the land and the interest charged on overdue rates is always well in excess of the current market rate for funds invested. This also assumes that the property can be sold for an amount that exceeds five years of outstanding rates.

However Council has always been vigilant on recovering rates in a timely manner because apart from anything else it assists the ratepayer in the long run. Debt recovery on outstanding rates is due to commence in earnest in approximately May this year. **Increase to income of \$30,000.**

NAR Project: Refer to the commentary in the expense section of Financial Services. **Increase to income of \$97,000** being contributions from water, sewer, and waste.

Regional Library

Special Projects: Additional grant funds have been received in respect of the current year's program. **Increase to income and expense of \$24,000.**

Human Resources and Risk Management

Statewide Bonus Refund: An amount of \$35,000 was budgeted from this source and it is \$42,000. This is an annual reimbursement that varies based on claims history. **Increase to income \$7,000.**

Communications and Tourism

Visitor Guide: Co operative marketing budget has been increased in anticipation of contributions to the visitor guide from participating businesses. **Increase to income and expense of \$52,000.**

Property Management

Rental Income: General trend whereby actual rents received are exceeding forecast. In some cases there are minor reasons for why the rent is higher than anticipated however in general it seems that the original estimates were not accurate. **Increase to income of \$81,000.**

Interest Income: Forecasts for interest on funds invested for the Community Infrastructure and the Commercial Opportunities reserves assumed a higher level of outgoings than has proven to be the case. Additional funds have been transferred to reserve. **Increase to income of \$299,000.**

Richmond Room: As per the earlier comment in Strategic services

Airport

Check in Kiosks: Council received a reimbursement of \$10,000 from the airlines relating to the costs to construct improved check in kiosks.

Free Resident Parking Contra: Refer to comment in operating expenses section.

General Fund - Operating Expenses

Strategic Planning

Economic Development: During the quarter management of this service was changed from Commercial Services to Strategic Planning and unexpended budget was added to Strategic Planning.

Community Services

Refer to operating income comment regarding increase to Ballina Community Centre expenses of \$10,000 and relocation of the Richmond Room expense budget of \$38,000.

Development Services

Legal Expense: The original budget for legal expenses was \$200,000 and this was increased to \$400,000 in September. Based on current trending a further \$200,000 has been added to this budget taking the current forecast to \$600,000. **Increase in expense of \$200,000.**

Administration and Public Order

Ranger Costs: Forecast expense has been increased by \$8,000. Award changes to split shifts and weekend work will impact on the budget. **Increase to expense of \$8,000.**

Asset Management

Council Chambers: Abnormal expenditure in the period includes: installation of security locks on the door to the Mayor / General Manager's area, removal of trees from and replacement of retaining wall around piazza area following collapse of the wall and replacement of air-conditioning coils. Also cleaning costs are trending high. **Increase to expense of \$30,000.**

Depot Operations: Council asked WorkCover to assess the depot and various works have been undertaken to meet compliance. These works include line marking, goods manifest, bollards, signage, welding power points, repair rolladoors, repair roof leaks in electrical store, UPS for security system. **Increase to expense of \$50,000.**

Heavy Vehicle Haulage Section 94 Plan: This plan is in the process of being reviewed and a new budget to \$10,000 has been raised for this purpose. The expense is funded from the section 94 reserve. **Increase to expense of \$10,000 funded from reserves.**

Roads and Bridges

Section 94 Heavy Vehicle Haulage Plan: Refurbishment works are proposed for Gap Road, Ross Lane and South Ballina Beach Road. **Increase to operating expense of \$145,000 funded from reserves.**

Quarries

Tuckombil Quarry: Income from royalties is well in excess of forecast and estimated income has been increased by \$150,000 to \$438,000. Whilst it would be preferable to place the extra income into the quarries remediation reserve, the General Fund has accepted the benefit to offset increases to expenditure in other areas of the organization, particularly legal costs. **Increase to revenue of \$150,000.**

Rural Fire Service

Operating Expense: Council's contribution to the bush fire fighting fund was forecast to be \$171,000. This contribution is a combination of current year's forecast expense and last year's actual expense. Now that all the information is available the required contribution is \$144,000. The major reason for the reduced contribution is a reduction to the forecast capital cost of the new

Newrybar fire station which fell by \$150,000 (refer to capital section of this report).

Operational expenses have been increased by \$24,000 which is primarily due to a late rendering of accounts from Byron Shire such that we will pay in 2010/11, accounts that relate to the previous financial year. Under the regional service agreement Byron Shire pay the majority of Ballina's operating expenses to the RFS and then send an account to Ballina for reimbursement.

This is the second time that the late rendering of accounts has caused budgetary difficulties and arrangements are now in place for Ballina to pay accounts direct to the RFS.

Net decrease to expense of \$3,000.

Fleet Management

Operations: No budget adjustments have taken place however operating expenses are trending well in excess of budget. The plan is to try and reign in these expenses such that they will be in accord with budget at year's end. A contingency has been put in place such that proposed capital expenditure will be delayed and if necessary deleted if the operating expense budget is not achieved.

Commercial Waste

Operating Expenses: **Total expenses have been reduced by \$390,000** with the main adjustments being:

- the estimated cost to transport recyclates has fallen by \$130,000 to \$303,000. A new contract was negotiated which has served to reduce costs
- estimated DECC levy costs have risen by \$150,000 to \$598,000 again reflecting higher tonnages at the gate than forecast
- at the start of the year Council was proposing to transport mixed waste over the border to preserve cell space. A new levy on Queensland waste has removed the price incentive to transport the waste. The budget has been removed representing a saving of \$580,000
- estimated expense to transport construction and demolition off site has been increased by \$150,000 to \$397,000. Refer to the increased income adjustment relating to receipt of the same waste type.

Domestic Waste

NAR Project: Refer to the comment in Financial Services. **Increase to expense of \$35,000.**

Landfill Fees - Mixed and Recycled Waste: Increase budget by \$330,000 to \$3,230,000 as tonnages are trending much higher than forecast.

Governance

Salaries and oncosts - Increase to budget of \$20,000 due to a temporary staff member assisting Council with numerous process reviews and other actions aimed at improving efficiencies and complying with internal audit reports.

Financial Services

NAR project: NAR stands for Names and Addresses Register. This is the central database that is used to send rate notices, licenses, letters etc. This database has been very messy for some time with duplicates and uncertainties as to which is the correct address. The confusion increased with the conversion to Council's new software.

At the end of the 2009/10 financial year \$40,000 of General Fund revenue was reserved to purchase software and employ staff to improve the NAR. The adjustments that are included in this report are simply extracting contributions from each of Water, Sewer and Waste that are in proportion to the General Fund reserve.

The contributions amount to \$97,000 which, when added to the existing \$40,000 creates a budget of \$137,000. This amount is likely to be in excess of anticipated requirements to drastically improve the NAR. However once the NAR is in better shape the intent is to introduce the Civica customer request system that will greatly enhance tracking, coordination and reporting of requests and complaints.

It is also proposed to convert from the current electronic document management system (Dataworks) to a product called TRIM. The TRIM product is highly compatible with Council's software and will improve integration and user efficiency. More information will be provided on this issue later this financial year.

The budget of \$137,000 is available for each and all of the above projects which are essential to ensure that the software systems are operating efficiently. **Increase to expense of \$97,000.**

Internal Audit: **Increase to budget of \$4,000** to match expenses to date.

Human Resources and Risk Management

Training and Development: Increase to forecast of \$36,000 due to increases in staff recruitment of \$25,000, field staff meetings \$8,000 and other minor adjustments. **Increase to expense of \$36,000.**

Other Employee Costs: The budget for staff support has been exceeded and a further \$5,000 has been added. This budget is used to support staff in physical and emotional difficulties. **Increase to expense of \$5,000.**

Manager's Agreements: An agreement that compliments the award has been negotiated with all managers to assist in retaining staff and recognizing work undertaken above award requirements.. The agreement entitles the manager to various benefits that enhance health and education/training. **Increase to expense of \$13,000.**

Accident Pay: One employee has impacted the accident pay budgets, which has been increased by \$14,000. **Increase to expense of \$14,000.**

Communications and Tourism

Visitor Guide: The budget for tourism promotional expenses has been increased by \$52,000 to pay for the production of the Visitor Guide. This is more than offset by an increase in operating income, as outlined earlier in this report. **Increase to expense of \$52,000.**

Airport

Operations: There were minor adjustments within budgets resulting in a net increase to expense of \$10,000 which is associated with the promotion budget. Increase to expense \$10,000.

Resident Parking Contra: An income and expense budget to \$45,000 was set up to represent the income forgone because of the free resident parking at the airport. Given that this policy has changed the two contras have been removed. **Reduction to income and expense.**

General Fund - Capital Budget*Property*

Southern Cross Estate: Budgets require adjusting in respect to the various stages that are in progress as follows:

Item	September Estimate (\$000)	December Estimate (\$000)
Stage 12 ARC	1,330	770
Stage 14 Harvey Norman	1,800	2,200
Stage 13 Cessna Crescent	360	560
Stage 15 residual	500	100

The net adjustment is a reduction to capital expenditure of \$360,000

Library

Building: Proposed expenditure of \$100,000 to convert the Richmond room into an extension to the Ballina library has been removed from the budget. The cost to install solar power will exceed available budget (\$24,000) by \$15,000 and these funds have been sourced from the Community Infrastructure reserve.

Stormwater

Capital Unallocated: Existing budget of \$132,000 for stormwater capital that has not been specifically earmarked. This budget has been reduced by \$11,000 to offset a reduction to forecast annual charge income.

Roads Construction

Hutley Drive: A budget of \$19,000 was carried forward from last year for the completion of the Hutley Drive EIS. This budget is not sufficient and it has been increased by \$100,000. Funds have been sourced from the section 94 Roads Contribution plan.

Southern Cross Drive / North Creek Road Roundabout: Budget increased by \$32,000 to \$438,000 funded by roads to recovery grant.

Wollongbar Link Road: Tenders exceeded available budget as reported to Council. An additional \$300,000 is needed for the project with funds sourced from the SIC reserve.

Yellow Creek Bridge: Budget increased by \$176,000 to \$309,000 due to RTA grant.

Depot: Four capital budgets were reduced by \$3,000 each to help pay for temporary clerical assistance for the overseers at the depot. Jobs affected were Teven bridges, Wollongbar link road, Fenwick Dr and Midgen flat road.

Ancillary Services

Alstonville Town Centre: Increase to budget of \$300,000 previously approved by Council via the Facilities committee. The expense is funded by the Community Infrastructure Reserve.

Cemeteries

Mower: New budget of \$21,000 to acquire a ride on mower that will improve the efficiency of operations at the Cemetery. This expense has been funded by the cemeteries reserve.

Rural Fire Service

Lennox Head Meeting Room: A new budget to \$12,000 has been raised to enable improvements to be made to the temporary accommodation of the RFS at Lennox.

Newrybar Fire Station: New budget introduced for the construction of the Newrybar Fire Station. The estimated cost to construct the station was originally \$387,000 and it has been revised to \$237,000. Council incurs the capital cost up front and then seeks reimbursement from the RFS. **Increase to capital income and expense of \$237,000.**

Commercial Waste

DECC Levy Reimbursement: New budgets have been raised for capital expenditure regarding replacement of leachate pumps \$57,000, cover recycling area \$56,000, chemical storage area \$21,000, organics processing pad \$15,000.

These works are all very necessary and represent works to which DECC has agreed as acceptable to expend levy reimbursement funds. **Increase to expense \$149,000.**

DWM

Collection Vehicles: The plan was to replace four trucks at an estimated cost of \$300,000 per vehicle. However given the advent of the green waste service (collected by contract) and the fact that urban areas will only be collected fortnightly for mixed waste, it is only necessary to replace three vehicles. **Reduction to expense of \$300,000.**

Water Operations

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

Table 5: Water - Statement of Operating Income and Expenses (\$'000)

Item	Original Budget	Sept Review	Dec Review	Actual to Dec
Operating Income	7,622	7,622	7,723	3,522
Operating Exps (excl. dep)	7,238	7,458	7,726	3,741
Net Operating Result Before Depreciation	384	164	(3)	(219)
Depreciation Expense	2,050	2,050	2,050	0
Net Operating Result from Continuing Operations	(1,667)	(1,886)	(2,053)	(219)

Table 6: Water - Capital Budget - Source and Application of Funds (\$'000)

Item	Original Budget	Sept Review	Dec Review	Actual to Dec
Source of Capital Funding				
Capital Grants and Conts	0	0	0	-
Section 64 Contributions	3,197	2,997	667	-
Loan Funds	0	0	0	-
Reserves - Assets	250	574	587	-
Reserves - Loan Principal	3	3	3	-
Total Capital Funding	3,450	3,574	1,257	-
Capital Expenditure				
Water Storage Systems	2,217	2,317	0	0
Pump and Bore Station	340	360	360	0
Trunk Mains	640	375	375	52
Miscellaneous	250	519	519	135
Water Storage	3	3	3	1
Total Capital Expenditure	3,450	3,574	1,257	188

Table 7: Water Fund - Cash Summary - Estimated Movements and Closing Balances (\$'000)

Item	Opening Balance (1)	Original Estimated Movement (2)	Movement as at September Review (3)	Total Movement for Year (4 = 2 + 3)	Revised Closing Balance (1 + 4)
Water Reserves	3,836	(648)	(327)	(975)	2,861
Sec 64 Contributions	6,419	(2,637)	2,677	40	6,459

Comments - Water Operations

The revised forecast **operating result before depreciation** is a negative movement of \$167,000 to (\$3,000). The movement incorporates increases to both income and expense. This is clearly an unsatisfactory forecast and is a continuation of the marginal operating position that has characterised this fund over recent years.

This matter is discussed in the report on water charges to the February Finance Committee however once Rous County Council ceases to increase bulk water charges by 15% it will be prudent to continue to increase Ballina's charging structure beyond cost of living increases to improve the operating position.

Water - Operating Income

There is a net increase to forecast income of \$101,000 and the larger changes include:

- additional income from access charges of \$40,000 due to growth in assessments
- new budget to \$51,000 for a contribution to the water loss audit
- increase to the budget for interest on section 64 reserves of \$160,000. The original forecast assumed that a new reservoir costing over \$2 million would be either completed or well under way by now and this has not occurred. The extra cash on hand results in additional interest
- increase to water tapping fees of \$50,000. There has been three connections for large developments that account for the additional income including the Harvey Norman and Wollongbar TAFE
- Reduction to forecast income from water consumption \$ 200,000. Consumption is well down on last year, presumably the wet weather has had some influence in this outcome.

The reduction to forecast water consumption income is only partially accepting the trend. If consumption remains low actual revenue will not achieve the revised estimate. This highlights the difficulties of financial planning when so much of your income is dependant on water consumption.

Water - Operating Expense

Forecast expenses have increased by \$268,000 with the larger adjustments including:

- increase to legal costs of \$100,000. Relates to the fluoride matter

- increase to salaries of \$20,000. Partially due to additional staff time necessary from rates staff to implement the new software system
- contribution of \$33,000 to the NAR project (discussed in Finance) and \$10,000 to the Cumbalum delivery plan (discussed in Asset Management)
- increase to the budget for mains maintenance of \$60,000. Actual expense trending high
- Budgets for meter connections and plant repairs increased by \$30,000 and \$20,000 respectively.

The adjustments generally reflect non recurrent amendments with the exception of the mains maintenance. This is an area of the budget that needs to be watched closely as it can impact mid term financial planning.

Water - Capital Budget

The proposed reservoir at Pacific Pines, forecast to cost \$2.3 million, will not be occurring this financial year and has been removed from the budget.

Water - Cash Summary

The forecast closing cash balance for the refurbishment reserve has had a negative movement of \$327,000 and this is attributable to the negative movement in the operating position.

It is pointed that the operating result as shown in table five includes section 64 interest income and when it comes to cash reserves this movement is reflected in the section 64 reserve not the refurbishment reserve.

Major improvement to the forecast section 64 reserve as shown in table seven, which is primarily due to the deletion of the reservoir from the capital program and increased investment income of \$160,000 and capital contributions \$200,000.

Sewer Operations

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

Table 8: Sewer - Statement of Operating Income and Expenses (\$'000)

Item	Original Budget	Sept Review	Dec Review	Actual to Dec
Operating Income	9,864	10,324	10,404	8,605
Operating Exps (excl. dep)	7,648	8,225	8,264	3,986
Net Operating Result Before Depreciation	2,216	2,099	2,140	4,619
Depreciation Expense	3,976	3,976	3,976	0
Net Operating Result from Continuing Operations	(1,760)	(1,877)	(1,836)	4,619

Table 9: Sewer - Capital Budget - Source and Application of Funds (\$'000)

Item	Original Budget	Sept Review	Dec Review	Actual to Dec
Source of Capital Funding				
Capital Grants and Conts	0	0	0	-
Section 64 Contributions	1,674	3,657	4,950	-
Loan Funds	36,000	16,152	12,429	-
Reserves - Assets	284	426	2,894	-
Reserves - Loan Principal	1,185	1,185	1,185	-
Total Capital Funding	39,143	21,420	21,458	-
Capital Expenditure				
Sewer Mains Renewal	200	200	200	0
Miscellaneous	50	170	195	58
Backlog Program	0	0	0	0
WRAAP – Program	100	150	150	0
WRAAP – Tech Consult	350	462	462	0
WRAAP – Ballina RWF	21,000	3,340	3,340	440
WRAAP – Lennox RWF	5,600	3,776	3,776	2,587
Project Mgmt DOC	480	565	565	91
Dual Water Supply Program	6,200	4,093	4,068	374
Inflow & Infiltration	0	1,327	1,327	14
Lennox/Pac Pines/Skenn	1,043	2,062	2,062	45
Angels Beach / East Ballina	316	316	316	0
Ballina Island / West Ballina	173	450	450	0
North Ballina	117	555	555	296
A'ville/ W'bar Pump Station	110	110	158	0
W'bar Exp Stage 1	1,969	2,409	2,399	139
PRP 100 Add Works	250	250	250	0
Loan Repay (Principal)	1,185	1,185	1,185	985
Total Capital Expenditure	39,143	21,420	21,458	5,036

Table 10: Sewer Fund - Cash Summary - Estimated Movements and Closing Balances (\$'000)

Item	Opening Balance (1)	September Estimated Movement (2)	Movement As at December Review (3)	Total Movement for Year (4 = 2 + 3)	Revised Closing Balance (1 - 4)
Sewer Reserves	12,477	168	(2,426)	(2,258)	10,219
Sec 64 Contributions	4,955	(2,856)	(1,095)	(3,951)	1,004

Comments - Sewer Operations

Both operating income and expense forecasts have remained relatively constant with the **Net Operating Result before depreciation** improving by \$41,000 to \$2,140,000. This operating result must be graduated up reasonably quickly over the next few years to cope with the new borrowing costs that will be incurred later this year.

Sewer - Operating Income

Forecast income has increased by \$80,000 with the larger adjustments including:

- interest on investments increased by \$50,000 which is due to slightly better rates than forecast and
- additional revenue from the sewer access charge due to growth in assessments.

As a general comment you would have to say that most income streams are on track in terms of forecasts.

Sewer - Operating Expense

Forecast expense has increased by \$39,000 which is relatively minor in the context of total operating expense. Whilst there have been adjustments within programs that balance each other out the additional expense is attributable to contributions to General Fund in respect of the NAR project (\$29,000) and the Cumbalum delivery plan (\$10,000).

Sewer - Capital Budget

The capital works program was increased by \$38,000 to \$21,458,000. Actual expense to December was approximately \$5 million however it is presumed that this will escalate dramatically once tenders are accepted to upgrade/replace treatment plants at Ballina and Lennox Head.

The increase to expense in the quarter is attributable to an increase to the budget for a pump station at the Wollongbar urban expansion area. It is also the case that there have been adjustments within the program to provide additional funding for the upgrade of pump station 3107 at Lennox Head by \$134,000. The original budget did not include provision to upgrade the electricity.

Sewer - Cash Summary

The forecast closing cash balances remain adequate and are dependant on the raising of external loans to \$12.4 million this financial year.

Depending on responses received to the loans expressions of interest that is due to be offered in February, it may be expedient to take up all proposed borrowings for the next three years in the current year. This will mean borrowings of some \$60 million this financial year.

Other Matters

Waste Management- Commercial and Domestic Waste Management (DWM)

This report proposes some large adjustments to forecast income and expense for Commercial Waste and DWM. The waste report to the February Finance Committee canvasses many of the issues and relationships between Commercial Waste and DWM so it is not proposed to repeat that information as part of this report.

The bottom line is that the outlook for Commercial Waste has strengthened considerably whilst the forecast for DWM has weakened.

Council has increased gate fees for DWM exponentially over recent years to make Commercial Waste a viable entity. As Council is aware DWM pays more than self haul at the gate and this has been a strategic pricing approach. The intent of this pricing strategy is to see that both Commercial Waste and DWM remain viable in the short and long term.

The trending over the first six months of this year indicates some relaxation of the fee structure is warranted and it is proposed that the internal gate fee charged by Commercial Waste to accept both mixed and recycled waste be reduced by 15% for the six months from January 1 to July 31 2011.

It is estimated that this will reduce income to Commercial Waste and consequently expense to DWM by approximately \$350,000.

The two tables shown below provide the revised forecasts for each business based on the changes included in this report. The changes assume that there will be a reduction to the DWM gate fees of 15% for 6 months.

Table 11: Forecast for Commercial Waste

Item	September estimate (\$000)	December estimate (\$000)
Operating Income	6,282	6,742
Operating expense	6,016	5,626
Operating result	266	1,116
Add back depreciation/remediation	935	935
Operating result excl depn/rem	1,201	2,051
Less Loan capital	1,154	1,154
Less capital works	50	199
Forecast cash result	(3)	698

The revised forecast result excluding depreciation has improved by approximately \$850,000. This is a very positive forecast for this business.

The majority of this improvement is attributable to the elimination of forecast expense to \$580,000 to the transport of mixed waste off the site. However there have also been large increases to forecast income, in particular gate fees paid by DWM to deposit mixed and recycled waste.

The revised forecast for DWM, again assuming that gate fees are reduced, is shown in the table below.

Table 12: Forecast for Domestic waste

Item	September estimate (\$000)	December estimate (\$000)
Operating Income	5,713	5,713
Operating Expense	5,495	5,870
Operating result	218	(157)
Add back depreciation/remediation	260	260
Operating excluding Depreciation	478	103
Less Loan Capital	118	118
Less Capital Works	1,200	900
Forecast cash result	(840)	(915)
Estimated reserve balance at years end	144	67

The table shows that the forecast result excluding depreciation has deteriorated by \$375,000. If fees were not relaxed by 15% the outcome is likely to be \$350,000 worse than shown above. This would mean a negative reserve balance and DWM would need to borrow to finance the purchase of the three new collection vehicles scheduled to be acquired this financial year.

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

Consultation

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

Options

All three funds remain financially sound in the short term however it is challenging times for all. Each fund needs to be monitored closely in respect to the medium and longer term outlook with appropriate financial strategies.

The level of capital expenditure planned in the General Fund will impact on the available cash reserves. This Fund has had the luxury of substantial cash reserves to manage budget shocks and satisfy community demands. This year's capital program will change this position.

Water Fund is recording reasonably large operating losses on a continuous basis. Whilst reserves on hand are sound in comparison to the forecast capital program it is necessary to gradually improve the operating performance.

The financial position of Sewer Fund is about to be turned on its head. The extent of the capital works and associated borrowings planned over the next three years will change the financial landscape for the next twenty years. The sewer annual charge must be increased in quick time to be able to pay for the improvements.

RECOMMENDATIONS

1. That Council notes the contents of the December 2010 Quarterly Budget Review and approves the changes identified within the report.
2. Council approves a reduction in the internal charge levied by Commercial Waste on Domestic Waste Management to deposit mixed waste and recyclables by 15% for the six months from 1 January 1 2011 to 30 June 2011 due to the healthy state of the Commercial Waste operation and the current financial difficulties facing Domestic Waste Management.

Attachment(s)

Nil

11. Civil Services Group Reports

11.1 Home Composting Initiatives

File Reference	Ballina Shire Integrated Waste Minimisation and Management Strategy
CSP Linkage	Responsible and efficient use of resources
Delivery Program	Waste Services
Objective	To provide council with current options for improving/increasing home composting initiatives.

Background

At the August 2010 meeting Council resolved to investigate the potential for improving/increasing home composting initiatives. This report is provided to allow consideration of proposals to allow the delivery of those objectives.

It is beneficial for the introduction of the garden and organics waste kerbside collection service in July this year to urban properties to be supported with options for home composting and worm farming for those in rural areas or those who wish to manage their own garden and organic waste to improve their soil. Home composting and worm farming will contribute to a reduction of garden and organic waste collected by Council and the associated costs of processing this material.

Previously Council has provided compost bins for purchase at a cost of \$117. This price is significantly higher than the cost of a comparable compost bin from any commercial supplier and as such very few are sold. There are currently none in stock as a decision was made to run stocks down and to seek Council's direction on the policy for further acquisitions and sales.

Council has not stocked worm farms for a number of years as they were also overpriced and not selling.

Key Issues

- Options and incentives to encourage residents to manage their organic and green waste at home using compost bins and worm farms
- Financial implications

Information

The compost bins and worm farms that have previously been sold by Council were not competitively priced and were of a design that was not particularly appealing, functional or user friendly. Local retailers are selling similar and better products at substantially reduced prices.

11.1 Home Composting Initiatives

An investigation was undertaken with a view to developing a program for the supply of compost bins and worm farms to residents.

Research has shown that there are a number of styles of compost bins on the market that Council can supply at a significantly lower price than what is currently offered, which will provide more incentive to compost and make composting more available to those who wish to manage their own waste.

Worm farms are also available at a substantially lower cost than what they were previously being sold for by Council and the sale of these at cost would encourage use.

Home composting can now be supported through the delivery of suitable workshops to inform residents on the most appropriate methods of use as Council now has an education officer available to deliver community education workshops. The availability of information sessions and staff available to promote the products is likely to positively affect the uptake of the compost bins and worm farm.

Composting and worm farming can also be promoted through the community garden which will in turn encourage participation and create support for the garden.

Consideration was also given of the physical space available at the waste depot to store the compost bins and worm farm stock. The criteria by which the various bins were assessed included, quality/durability of the compost bins, ease of assembly, percentage recycled plastic content and practicality of use (door to collect compost at the base makes the compost easier to collect/ventilation/vermin and insects).

Market research on currently available compost bins is included in the table below.

Company	Size	Price	Other information
BSC previously supplied compost bin	330L	\$117	
Bunnings	330L	\$59	This is provided for local retailer price comparison
Tumbleweed (ReIn Plastic)	400L	\$42.50 (ex GST)	100% UV resistant recycled plastic No door at base of bin
Earth Machine	300L	\$67.45 (ex GST)	50% recycled plastic Door at base of bin and ventilation on sides

Both Tumbleweed and Earth Machine compost bins have 10-12 year warranties. Other compost bins on the market had similar features but were not as competitively priced and as such have not been included in the table.

An aerator, which is a device shaped like a corkscrew, which can be used to assist with composting process is recommended for use with compost bins. These will cost Council an additional \$14 (ex GST).

The worm farm market is dominated by the Tumbleweed product. These cost \$57.80 (ex GST) and are popular with other councils for sale to residents.

Sustainability Considerations

- **Environment**

Backyard soil improvement through home composting provides improved environmental outcomes. The provision of home composting will help to identify food scraps and green waste as a resource which may lead to reduced illegally dumping and accidental contamination due to poor management of food waste and green waste. The compost bins and worm farms have a significant recycled component which is in line with Councils support of resource reuse.

- **Social**

Providing the compost bins at a subsidised price enables residents to manage their own garden/organic waste, encouraging gardening. The provision of workshops highlighting the correct ways to do this will encourage participation in socially valuable activities.

- **Economic**

As residents divert garden and organic waste from collection there would be a reduction in garden/organics collection and processing costs for council.

Legal / Resource / Financial Implications

Council has applied for and received support from the DECCW to allocate \$5,000 from the Waste and Sustainability Improvement Payment (WASIP - State Waste Levy) to support this program. The recommendation to this report is for these funds to be used to supply aerators for free to purchasers of a compost bin. Whilst an aerator is optional, they do assist in the performance of the bin and making them available represents a service from Council and will encourage their use.

Consultation

No community consultation has been undertaken in the preparation of this report, however any proposal would be promoted by Council.

Options

As indicated in the above report, the current arrangements are not successful and therefore should cease.

The recommendation to this report seeks Council's support to establish fees and charges for compost bins and worm farms that represent cost recovery for the purchase price to Council. There will be some administrative and other costs to Council, however it is considered reasonable to absorb these within the existing waste program as the use of these products has operational benefits to the Council and environmental benefits generally.

The recommendation also includes the suggestion for Council to provide the aerator (purchase cost \$14) free to those purchasing a compost bin.

Another option is to subsidise the sale of these products. A subsidy would potentially increase the community interest and take up rate.

At this stage it is difficult to assess if there is a significant price elasticity of demand for the units being sold at the cost price to Council. Whilst the opportunity cost to Council from avoided collection and processing costs is not the only consideration in respect of a subsidy, it is useful to have some understanding of that value when considering a the merits of a subsidy.

Once it is operating, the cost of the green waste collection service will be able to be more reliably assessed. Likewise, once there has been some promotion and education around the use of compost bins and worm farms, then Council can assess the level of community interest, the program cost of a subsidy and whether that subsidy has an economic return to Council in terms of reduced collection and processing costs.

Should Council endorse the recommendations below, once the scheme has been operating for a period, a further report can be prepared reviewing the question of subsidy.

RECOMMENDATIONS

1. That the Council's fees and charges be amended to reduce the current fee for compost bins and worm farms from \$117 to \$42.50 (Compost Bins) and \$57.80 (Worm Farms) ex GST and that notification of this change be exhibited in accordance with the Local Government Act.
2. That Council offer, free of charge, an aerator to purchasers of a compost bin from Council.
3. That the proposals outlined in points one and two be subject to a further review after approximately 12 months of operation, or earlier if needed, to assess the effectiveness of the program.

Attachment(s)

Nil

11.2 Tender - Waste Water Treatment Plants Upgrade

File Reference	Tenders and Quotations, Ballina Sewage Treatment Plant, Lennox Head Sewage Treatment Plant
CSP Linkage	Responsible and efficient use of resources
Delivery Program	Sewer Services
Objective	To represent tender assessment for the upgrade of the Ballina and Lennox Head Treatment Plants.

Background

At the January meeting Council considered a report detailing the tender assessment for a contract for the upgrade of the Ballina and Lennox Head Treatment Plants. A copy of that report is attached.

The Council deferred a decision to enable a workshop to be held to consider further details regarding the assessment. That workshop was held 15 February 2011. The purpose of this report is to re-present the previous report for Council's next consideration.

At the workshop, it was agreed it would be useful for the Council to receive some further summary information regarding how this project forms part of the Urban Water Management Strategy and what future commitments arise out of this proposed expenditure. The information section of this report responds to that request.

Key Issues

- Award the tender in accordance with the Local Government (General) Regulations (2005)
- Engage a suitably qualified and experienced contractor that having regard to the circumstances provides the most advantageous tender.

Information

As discussed above, this section of the report has been prepared to assist as a summary of the key reasons why the contracts have been established as they have been proposed. A question and answer format has been adopted to present this information.

Why is the West Ballina WWTP Upgrade necessary?

The Ballina plant was constructed in 1970 and extended in 1974. It is now operating at full capacity and many components of the plant have reached the end of their economic life. The new plant will increase the capacity from 12,000 EP to 30,000 EP. The upgrade is also necessary for Council to meet contemporary community expectations and licence conditions in respect of the water quality discharged to the environment.

Is this upgrade more expensive because Council aims to provide recycled water for domestic uses?

No, a review of technologies was undertaken as part of the concept design for this project in respect of meeting future licence conditions. Of the filtration technologies available to achieve this outcome a membrane bioreactor was selected because it produced the highest quality recycled water and it also had the lowest whole of life cost. The quality of the recycled water from these filters is also suitable for the dual reticulation program.

Will further capacity upgrades be required?

Council is currently completing a project to upgrade the capacity at Lennox Head to 28,000 EP. Combined with the Ballina project, the Council will have the required capacity to meet the demands of the projected population growth predicted within the current urban land release strategy. It would not be expected that Council will need to provide additional capacity prior to 2026.

Given the current constraints at Ballina, a portion of the incoming flows are directed to Lennox Head. Following the upgrades at Ballina this will no longer be necessary.

Why are the works at Lennox Head important?

The current project at Lennox Head will provide for adequate future capacity and improvement to the treatment process. The works under this next contract will allow the reduction of phosphorus in the treated water discharged to the marine environment, will modernise the disinfection equipment and provide infrastructure to support the distribution of recycled water for dual reticulation and urban open space.

Can the works be staged?

The contract does allow for some separable portions of work. For West Ballina the decommissioning of the old plant can be deferred. For Lennox Head all of the works can be deferred however this would result in the delay of supplying recycled water to houses that are ready to receive this service. Overall it is suggested that it is less expensive to build the entire project now.

Also it is difficult to construct major treatment plants in stages. For the West Ballina plant, where modular construction is available, this has been applied so that additions can be deferred and installed later as minor upgrades.

Will technology improvements make this investment redundant?

The technology proposed is unlikely to be superseded in the near future. The parts of the plant that could benefit from future technology are designed for modular construction and therefore future additions if required can allow new technology to be incorporated.

What other major capital works will be required as a result of this decision?

None. In addition to these works, the capital works program includes the recycled water distribution works which are estimated to cost \$13 million. These works are programmed to commence in 2012/2013. After the design is complete, staging options will be considered.

The recycled water distribution works refers to the mains, pumps, reservoirs and associated infrastructure required to deliver the recycled water from the treatment facilities to its end use location. The Council could defer these works if it desired to do so. Those customers that are ready to receive the recycled water would continue to receive potable water until the Council was in a position to commence the supply of recycled water.

A schematic of the distribution scheme for 2026 is attached. This network is planned to supply 7,200 lots and 170 hectares of open space.

It would also be possible to abandon this part of the scheme. That decision would need to consider the amount of investment by Council and others to date and what the alternate strategy for the reuse or disposal of the recycled water would be.

The remainder of the forecast capital works program is miscellaneous works for asset renewal or new infrastructure to support growth. Each of these individual projects is relatively small and therefore there is more flexibility in the timing of their delivery and in managing the Council's budget.

The Council's Recycled Water Masterplan aims to achieve its reuse objectives in part through coastal revegetation programs. No expenditure is planned for these works in the short term. It would be open to the Council in the future to reduce its reuse target if it no longer wished to proceed with this part of the project.

How have these works be planned?

In 2003 Council adopted the UMWS which determined that the most cost effective and flexible strategy was to retain two treatment plants. The strategy also examined the required timing of the works.

By 2007 further studies enabled Council to adopt its Recycled Water Master Plan. This master plan evaluated the options to achieve Councils reuse goals, including the aim of reusing 80% of the dry weather flows in 2026.

Since then Council has completed a review of technologies and developed a concept design for the upgrade works. Council has also achieved environmental planning approval for the project.

Why Dual Reticulation and Urban Open Space Reuse?

Finding new ways to manage the water cycle is essential to ensure a more sustainable community. New freshwater supplies are becoming more difficult and increasingly costly to develop. Smarter and more reliable solutions are required that are consistent with the community aspirations.

Currently, Council releases 90% of the treated water from the treatment plants to the ocean or Richmond River estuary.

Sustainability Considerations

- **Environment**
Upgrade of the Ballina WWTP and provision of a Recycled Water Plant at Lennox Head will reduce the load on the environment whilst reducing the demand for potable water to those properties served by the recycled water infrastructure.
- **Social**
Upgrades to critical infrastructure assist Council to achieve social benefits and public health outcomes.
- **Economic**
The economic benefits of the contract include stimulus to the local economy during the construction stage of the project.

Legal / Resource / Financial Implications

Councillors are referred to the information section above and the details in the attached report which was presented to the last Council meeting.

Consultation

A public tender process was conducted.

Options

The options section from the attached report is reproduced below.

1. Under the Local Government (General) Regulations 2005 Council must either accept the tender that appears to be most advantageous or decline to accept any of the tenders.
2. The tender of Haslin Construction Pty Ltd has been assessed as most advantageous to Council, and as such Council has the option of accepting Haslin's tender for the works including:
 - The new Ballina WWTP (Milestone 1)
 - Decommissioning and demolition of the old Ballina WWTP (Milestone 2)
 - The new Lennox Head Recycled Water Plant (Milestone 3)

- The schedule of rates items for removal of sludge and placement of topsoil.

This recommendation is made on the basis that the works have been programmed for some time and are considered to be essential infrastructure. The current treatment plant servicing Ballina is operating at capacity and significant flows from north and west Ballina are currently being diverted to Lennox Head WWTP for processing. The UWMS has been endorsed by Council on numerous occasions and the construction of both the Ballina WWTP and Lennox Head RWP are crucial to allowing the delivery of the objectives of that program.

3. As discussed in the above report, Council may also opt to only commission components of this work. Given the delay in providing services and additional costs this is not recommended.

The recommendation that follows is to accept this tender.

RECOMMENDATIONS

1. That the tender submitted by Tenix Australia P/L be passed over as not meeting the minimum requirements; and
2. That Council accept the tender of Haslin Constructions P/L for RFT / Contract Number 0902774 being for the Design and construction of MBR WWTP at Ballina for an amount of \$45,437,315 including GST.
3. That Council authorises the General Manager to sign the contracts and attach the Council seal to the documents.

Attachment(s)

1. Report from January 2011
2. Schematic - RWR Distribution Network 2026

11.3 Tender - Design of Recycled Water Distribution and Storage System

File Reference	UWMS – Dual Reticulation
CSP Linkage	Responsible and efficient use of resources
Delivery Program	Sewer Services
Objective	To report to Council on the tenders for the provision of Design and Documentation of the Recycled Water Distribution and Storage System

Background

In 2000, Council commenced a process to develop the Ballina Shire Urban Water Management Strategy (UWMS). The purpose of the Strategy was to establish the long-term direction for policies and infrastructure related to integrated urban water cycle planning for Ballina Shire. Council endorsed the UWMS in September 2003.

Following this the Ballina / Lennox Head Recycled Water Master Plan was adopted by Council in September 2007. The Master Plan includes a commitment to provide urban dual reticulation (UDR) to all new major subdivisions in Ballina and Lennox Head. The Master Plan targets 80% dry weather re-use of treated wastewater from the Ballina and Lennox Head Waste Water Treatment Plants by the year 2026. This is to be achieved by providing UDR to an estimated 7,242 new lots. The recycled water, subject to final Council approval, will be used for garden watering, toilet flushing, car washing and the cold tap of washing machines.

In addition to the Urban Dual Reticulation (UDR), Urban Open Space (UOS) irrigation will be expanded to some 173 ha including playing fields, parks/gardens and the Ballina Golf Club, and 160 hectares of Vegetation Regeneration (VR) is proposed in order to meet the 80% reuse target.

The 2026 dry season water balance in the Master Plan 2026 is as follows:

Urban Dual Reticulation (UDR)	24%
Urban Open Space (UOS)	29%
Vegetation Regeneration (VR)	27%
Discharge to ocean	9%
Discharge to estuary	11%

UDR re-use is considered to have the highest value of the three streams nominated in the Master Plan, as it directly replaces potable water use and supplements Rous's water supply.

An expression of interest (EOI) for the design and documentation of storage reservoirs, pipelines and associated works was advertised in April 2010 with 16 applications received. The EOI applications were assessed against an evaluation plan with an understanding that three parties would be invited to tender.

The sections in Part 7 – Tendering, of the Local Government Act 1993 relating to preparing, requesting and evaluating EOIs were complied with.

The three applicants invited to the second stage were:

- GHD
- MWH
- NSW Water Solutions

Key Issues

- Award the tender in accordance with the Local Government (General) Regulations (2005)
- Engage a suitably qualified and experienced contractor that having regard to the circumstances provides the most advantageous tender.

Information

Details of the Work

The objectives of the works are to provide the bulk transport and storage system to deliver the recycled water from the Ballina and Lennox Head Wastewater Treatment Plants for reuse for Urban Dual Reticulation (UDR) and Urban Open Space (UOS) within Ballina and Lennox Head.

A further objective is to complete the catchment diversion works that are required for the Ballina WWTP upgrade component of the UWMS.

This engagement calls for full and complete detailed design, including all necessary sub consultancies required, of all facets of the works (unless specifically specified otherwise) plus full documentation of three separate construction specifications.

Tenders received

Tenders were called on 27/10/10 and closed at 9.30 am on 30 November 2010. Three tenders were received as follows:

Tenderer	ABN	Tendered Fee	Assessed Fee ¹	Recommended Fee ³
NSW Water Solutions	81 913 830 179	\$741,345	\$751,345	\$741,345
GHD Pty Ltd	39 008 488 373	\$906,533	*Minimum \$906,533	
MWH Australia Pty Ltd	17 007 820 322	\$957,000	*Minimum \$957,000	

Notes:

1. The 'Assessed Fee' is the Tendered Fee plus (or minus) the Assessed Values of qualifications and departures in the tender and any loadings that apply. *Also refer Section 4.1
2. The 'Total Score' includes the scores for price and non-price criteria.
3. The 'Recommended Fee' is the Tendered Fee plus (or minus) adjustments offered by the tenderer to withdraw qualifications and departures.

Examination of Tenders

Pre-Evaluation

The tendering process was required to comply with the Local Government (General) Regulation 2005 (the Regulation).

Council decided to call tenders from contractors shortlisted following an Expressions of Interest process, in accordance with clause 168 of the Regulation.

The evaluation method included weighted price and non-price criteria with a price : non-price ratio of 80:20. A two envelope system was adopted. Price information was held by an independent officer and not provided to the Tender Evaluation Committee until the evaluation of non-price criteria was completed. A Tender Evaluation Plan consistent with the Regulation and the Conditions of Tendering in the RFT documents was prepared and endorsed by the Tender Evaluation Committee prior to close of tenders.

Three addenda were issued to clarify the requirements of the engagement. They did not change the scope of the services and the estimate was not amended.

Initial Evaluation

All three tenders included the completed schedules required to be submitted with the tender and acknowledged receipt of the three addenda.

Except for the qualifications and departures dealt with in Evaluation of Price, all tenders met the requirements of the RFT documents.

Evaluation of NonPrice Criteria

The information submitted by the tenderers was evaluated against the specified non-price criteria, in accordance with the Tender Evaluation Plan.

The non-price scores were weighted, totaled and normalized as shown in the spreadsheet at Appendix A. The total non-price scores are summarised below.

Tenderer	Total Normalized Non-Price Score	Rank
NSW Water Solutions	19.50	2
GHD Pty Ltd	20.00	1
MWH Australia Pty Ltd	18.76	3

Evaluation of Price

4.1 Assessment of Qualifications and Departures

All the tenders contained qualifications and departures (anomalies) and did not fully meet the requirements in the RFT Documents. Clause 178 of the Regulation requires Council to accept the most advantageous tender. In order to identify which tender was 'most advantageous' for the specified services, the values of the qualifications and departures were assessed and added to the original Tendered Fees.

The tender of NSW Water Solutions contained seven qualifications noted as "Proposal Assumptions". Only one of these did not conform to the requirements of the RFT, and its value was assessed and added to the original Tendered Fee.

The tenders of MWH Australia Pty Ltd and GHD Pty Ltd contained numerous qualifications and departures within their tenders. These were reviewed, however the TEC determined that there was no reason to fully assess the financial value of these qualifications and departures as it would only increase the value of their assessed tender amount, and would not change the relativity of the tenderers. The qualifications and departures did not raise issues that would affect the other tenders, nor did not identify any commercial risk or problem with the tender document.

The TEC determined to continue the assessment based on a Minimum Assessed Tender Amount for the tenders of MWH Australia Pty Ltd and GHD Pty Ltd.

Normalised Price Scores

The tenders were compared on the basis of the Assessed Fees, calculated by adding the assessed values of qualifications and departures to the original Tendered Fees and applying the required loadings.

The Assessed Fees were used to calculate the weighted and normalised price scores using the method set out in the Tender Evaluation Plan. The price scores are summarised below.

Tenderer	Weighted Price Score	Ranking
NSW Water Solutions	80.00	1
GHD Pty Ltd	67.48	2
MWH Australia Pty Ltd	63.41	3

4.2 Examination of rates for variations and prices for disbursements

In addition to lump sum Fees, the tenders included rates for variations and prices for disbursements.

Selection of the Most Advantageous Tender

Total scores were obtained for each of the three tenders by adding the normalised total non-price score and weighted price score. The total scores are summarised below.

Tenderer	Total Normalized Non-Price Score	Weighted Price Score	Total Score	Ranking
NSW Water Solutions	19.50	80.00	99.50	1
GHD Pty Ltd	20.00	67.48	87.48	2
MWH Australia Pty Ltd	18.76	63.41	82.17	3

The tenderer with the highest total score was NSW Water Solutions and was therefore identified as the most advantageous.

A sensitivity analysis was not carried out to assess the possible impact of variations on the cost of the services as the relativity of scores would not change due to the large lump sum price differences, and similarity of rates.

NSW Water Solutions Assessed Fee is 17% below the pre-tender estimate. Because this is more than 10% below the pre-tender estimate, NSW Water Solutions was asked to confirm in writing that it fully understands the nature and extent of the work and is satisfied the Tender Amount properly reflects all contractual obligations. NSW Water Solutions have provided their confirmation in response.

The rates tendered for variations NSW Water Solutions are also considered reasonable. The tender from NSW Water Solutions is therefore confirmed as the most advantageous.

The Recommended Fee is \$741,345 (inclusive of GST)

Tenderers Capability

Recent Consultant Performance Reports held by NSW Procurement indicate satisfactory performance by NSW Water Solutions and referees confirm that NSW Water Solutions recently delivered similar services satisfactorily. NSW Water Solutions have a very good record in detailed design and documentation, which is a key component of the services.

NSW Water Solutions has confirmed that it has the resources required to undertake the work.

NSW Water Solutions is considered capable of delivering the services satisfactorily. NSW Water Solutions have previously supplied satisfactory services to Council.

Sustainability Considerations

- **Environment**

Upgrade of the Ballina WWTP and provision of a Recycled Water Plant at Lennox Head will reduce the load on the environment whilst reducing the demand for potable water to those properties served by the recycled water infrastructure. The letting of this contract will provide for the design of a system and the preparation of contracts to be tendered that will allow the distribution of high quality recycled water.

- **Social**

Upgrades to critical infrastructure assist Council to achieve social benefits and public health outcomes. The provision of a distribution network for high quality recycled water will improve the quality of open space facilities whilst reducing the reliance on drinking water.

- **Economic**

The economic benefits of the contract include stimulus to the economy and a reduced reliance on drinking water. The use of recycled water as a drinking water replacement in the home and community will also forestall the need to upgrade essential infrastructure such as dams.

Legal / Resource / Financial Implications

This report is provided to assist Council to meet its statutory requirements in regard to procurement.

As indicated, these works are a key component for the delivery of the UWMS.

The provision of this key infrastructure will allow the supply of high quality recycled water to new developments in the Ballina and Lennox Head areas. This program of works is complementary to the upgrades proposed at Ballina and Lennox Head Wastewater Treatment Plants.

As indicated earlier the tendered amount is 17% below the pretender estimate.

The impact of not doing the work is to delay the provision of recycled water to the dual reticulation service. Delays to the program would be expected to increase program costs.

The completion of this work will allow the letting of tenders for the construction of the recycled water pipelines and reservoirs, and for the drinking water reservoir at Ballina heights, and for the reasons stated above the market is advantageous at the moment to undertake this work.

The current budget has an allocation for this project. The majority of the expense will occur in the 2011/2012 Financial Year and the new budget will of course reflect this commitment.

Consultation

A public tender process was conducted.

Options

1. Under the Local Government (General) Regulations 2005 Council must either accept the tender that appears to be most advantageous or decline to accept any of the tenders.
2. The tender of NSW Water Solutions has been assessed as most advantageous to Council, and as such Council has the option of accepting NSW Water Solutions tender for the works.

This recommendation is made on the basis that the works have been programmed for some time and are considered to be essential infrastructure. The UWMS has been endorsed by Council on numerous occasions and the construction of both the Ballina WWTP and Lennox Head RWP are crucial to allowing the delivery of the objectives of that program. The letting of this contract is essential to allowing the delivery of the recycled water to the intended recipients.

The recommendation that follows is to accept this tender.

RECOMMENDATIONS

1. That Council accept the tender of NSW Water Solutions, being RFT 1000665 in the amount of \$741,345 (inclusive of GST), for the design and preparation of documentation of the recycled water distribution and storage system.
2. That Council authorises the General Manager to sign the contracts and attach the Council seal to the documents.

Attachment(s)

Nil

12. Public Question Time

12. Public Question Time

13. Motions on Notice

13.1 Notice of Motion - Town Entry Maintenance and Improvements

File Reference Notices of Motion

Councillor Cr Susan Meehan

I move:

That in conjunction with the January 2011 resolution of Council that requests a report on the condition of Smith Drive, that Council receive information on the condition and possibility of improved maintenance of the Pacific Highway at the entrances to Ballina from the 60km/hr signs both North and South.

Councillor Comment

Councillors have recently received representations about the condition and appearance of the road side environment for the Pacific Highway approaching Ballina from the south, likewise we have received similar comments in respect to North Ballina.

There is a need to ensure that Ballina presents as a town that cares about presentation to its community and as a destination for visitors. The visual amenity of the approaches to town is important to assist in this goal.

Staff advise that the RTA only provides sufficient funds to manage safety and function of the highway as that represents the limit of their responsibility. Accordingly, Council funds are required to increase the maintenance effort at these locations to improve their appearance.

COUNCILLOR RECOMMENDATION

That in conjunction with the January 2011 resolution of Council that requests a report on the condition of Smith Drive, that Council receive information on the condition and possibility of improved maintenance of the Pacific Highway at the entrances to Ballina from the 60km/hr signs both North and South.

Attachment(s)

Nil

13.2 Notice of Motion - Building Standards

File Reference Notices of Motion

Councillor Cr Jeff Johnson

I move:

That Council receive a report in respect of the suitability of the current Building Code of Australia for the Ballina climate and further for the opportunities for removing asbestos from the built environment.

Councillor Comments

Property damage that is caused by extreme weather events results in a cost to both property owners and to Council, and poses a risk to people's safety.

The Tornado at Lennox last year resulted in debris, including asbestos, metal roofs and hot water systems, flying through the air. It was amazing that there were not more serious injuries as a result.

The Ballina Shire, in particular Lennox Head, has experienced at least two severe weather events in the last two years alone, where winds have exceeded 100km per hour (May 2009, June 2010).

There are plans to build thousands of new homes over the coming decade (over 1,000 new homes in Lennox alone), and many others will undergo major renovations or be rebuilt.

Climate change scenarios predict an increase in the frequency and intensity of weather events in our region.

COUNCILLOR RECOMMENDATION

That Council receive a report in respect of the suitability of the current Building Code of Australia for the Ballina climate and further for the opportunities for removing asbestos from the built environment.

Attachment(s)

Nil

14. Advisory Committee Minutes

14.1 Finance Committee Minutes - 17 February 2011

File Reference Finance Committee

Attendance

Cr P W Silver (Mayor - in the chair), B C Smith (arrived at 4.16 pm) , K H Johnson, R A Hordern, D E Wright, A J Brown and S M Meehan (arrived at 4.09 pm).

Paul Hickey (General Manager), Rod Dawson (Manager, Water, Sewer & Waste, Civil Services Group), Steve Barnier (Strategic Services Group Manager), Peter Morgan (Finance & Governance Manager), Graeme Flanagan (Accountant) and Sandra Bailey (Secretary) were in attendance.

There were no people in the gallery at this time.

1. Apologies

Apologies were received from Cr Cadwallader, Cr Jeff Johnson and Cr Moore.

Cr Smith indicated that he would be late to the meeting.

RESOLVED

(Cr Keith Johnson/Cr David Wright)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Cadwallader, Cr Smith, Cr Moore, Cr J Johnson

2. Declarations of Interest

Nil

3. Deputations

Nil

4. Committee Reports

4.1 Water Charges - 2011/12

A **Motion** was moved by Cr Keith Johnson and seconded by Cr Robyn Hordern.

That Council, based on the current financial information available, endorses the inclusion of increases of 9% in the water charging structure in the draft 2011/12 Delivery Plan.

Cr Smith arrived at 04:16 PM

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

FOR VOTE - Cr K Johnson, Cr Smith, Cr Brown
 AGAINST VOTE - Cr Silver, Cr Hordern, Cr Wright, Cr Meehan
 ABSENT. DID NOT VOTE - Cr Cadwallader, Cr Moore, Cr J Johnson

RECOMMENDATION

(Cr David Wright/Cr Robyn Hordern)

1. That Council, based on the current financial information available, endorses the inclusion of the following water charging structure in the draft 2011/12 Delivery Plan.

Charge Type	2010/11 Charge (\$)	2011/12	% Increase
Water Access Charge 20mm meter (1)	142	163	15
Water Consumption under 350kl	1.52	1.75	15
Water Consumption over 350kl	2.28	2.62	15
Vacant Land Charge	142	163	15

FOR VOTE - Cr Silver, Cr Hordern, Cr Wright, Cr Meehan
 AGAINST VOTE - Cr K Johnson, Cr Smith, Cr Brown
 ABSENT. DID NOT VOTE - Cr Cadwallader, Cr Moore, Cr J Johnson

4.2 Waste Charges - 2011/12

RECOMMENDATION

(Cr David Wright/Cr Ben Smith)

1. That Council, based on the current financial information available, endorses the inclusion of the following Commercial Waste charging structure in the draft 2011/12 Operational Plan.

Charge Type	2010/11 Charge \$	Proposed 2011/12 Charge \$	% Increase
Commercial Mixed waste (annual)	255	268	5
Commercial recycling (annual)	126	132	5
DWM Gate fee mixed waste	222/tonne	222/tonne	0
DWM Gate fee recyclates	200/tonne	200/tinne	0
All other Gate fees	Various	Various+ 3%	3

2. That Council, based on the current financial information available, endorses the inclusion of the following Domestic Waste charging structure in the draft 2011/12 Operational Plan.

Charge Type	2010/11 Charge \$	Proposed 2011/12 Charge \$	% Increase
DWM - Rural	306	321	5
DWM –Rural (no collection)	250	263	5
DWM - Urban	306	360	17.6
Additional Domestic Recycling	124	130	5
DWM – Vacant Land	30	32	5

FOR VOTE - All Councillors voted unanimously.
 ABSENT. DID NOT VOTE - Cr Cadwallader, Cr Moore, Cr J Johnson

4.3 Sewer Charges - 2011/12

RECOMMENDATION

(Cr Keith Johnson/Cr Susan Meehan)

1. That a dynamic model be developed and used to assess sewerage charges where 9.5% is set as the maximum increase per year and lower reserve balances are permitted.
2. That the results of this model be presented at another workshop to assess the feasibility of the 9.5% lower reserve balances approach.

3. A specific debt reduction and debt management strategy be developed to cover the entire life of the loans.

Items to be covered include:-

- Getting best terms to begin with ie
 - Rate
 - Term
 - Ability to prepay in part or full
 - Tranche arrangements
 - Managing reserve to prepay as much as possible, as early as possible
 - Strong control of operating costs and cash flows.
4. That a Debt Reduction & Debt Management Sub-Committee be formed to pursue all opportunities to achieve rapid paydown of sewerage debt. This sub-committee to be formed of 2 councillors, 3 staff and chaired by the General Manager.

Cr Silver left the meeting at 04:41 PM. Cr Meehan, Deputy Mayor assumed the Chair.

FOR VOTE - Cr K Johnson, Cr Smith, Cr Hordern, Cr Brown, Cr Meehan

AGAINST VOTE - Cr Wright

ABSENT. DID NOT VOTE - Cr Silver, Cr Cadwallader, Cr Moore, Cr J Johnson

4.4 Rating Structure - 2011/2012

RECOMMENDATION

(Cr Ben Smith/Cr Alan Brown)

1. That Council, for the 2011/12 Draft Operation Plan, include a rating structure based on the following principles:
 - a) approximately 50% of the rate income for the residential category of properties being from the base charge
 - b) business and farmland categories having the same base charge as the residential base charge amount
 - c) a total of 20% income from the total rate income to be sourced from the business category properties.
2. Indicative figures for this rating structure for 2011/12, are as tables two and three within this report and as outlined below:

Table Two: Proposed 2011/12 Rating Structure

Rate Category	6.1% Increase	
	Base Charge	Rate in Dollar
Residential	375	0.140691
Business	375	0.503185
Farmland	375	0.117311

Table Three: Proposed 2011/12 Income per Category at 6.1%

Rate Category	2010/2011			2011/2012		
	6.2% increase	% of total	Ave Rate	6.1% increase	% of total	Ave Rate
Residential	10,462,667	71.91	710	11,177,367.83	72.34	752.94
Business	2,902,360	20.00	2,341	3,061,638.52	19.81	2,471.17
Farmland	1,146,842	8.09	1,080	1,213,071.58	7.85	1,145.56
Total	14,511,869	100.00	852	15,452,077.92	100.0	901.38

Cr Silver returned at 04:55 PM

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Cadwallader, Cr Moore, Cr J Johnson

Cr Silver resumed the Chair

4.5 Lennox Head Community Centre - Management

RECOMMENDATION

(Cr David Wright/Cr Alan Brown)

1. That Council approves the implementation of an interim staffing structure for the Lennox Head Community Centre based on the financial summary attached to this report.
2. This interim staffing structure is to be subject to a further report to Council after three months to allow Council to assess the effectiveness of this structure and to consider whether it should be extended or alternatively whether tenders should be called for the contract management of the facility.
3. That Council approves the exhibition of the proposed fee schedule for the Lennox Head Community Centre, as included in Option B of the third attachment to this report, for a minimum period of 28 days, as per Section 610F(3) of the Local Government Act.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Cadwallader, Cr Moore, Cr J Johnson

4.6 Ballina Naval and Maritime Museum and associated timber vessels

RECOMMENDATION

(Cr Phillip Silver /Cr Robyn Hordern)

That Council notes the contents of this report regarding the on-going need for preservation and expansion of the Ballina Naval Museum and Associated Timber Vessels.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Cadwallader, Cr Moore, Cr J Johnson

4.7 Policy - Financial Planning (Draft)

RECOMMENDATION

(Cr David Wright/Cr Robyn Hordern)

1. That approves the exhibition of the Draft Financial Planning Policy, as attached to this report.
2. That Council receive a further report on the implications of creating a 'Budget Shocks' reserve of \$1 million sourced equally from the Community Infrastructure and Commercial Opportunities reserves.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Cadwallader, Cr Moore, Cr J Johnson

MEETING CLOSURE

5.46 pm

RECOMMENDATIONS

That Council confirms the minutes of the Finance Committee meeting held Thursday 17 February 2011 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

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

15.1 Mayoral Meetings

File Reference Mayoral
Councillor Cr Phillip Silver

Activities since the January 2011 Ordinary meeting:

<u>Date</u>	<u>Function</u>
12/2/11	Cinema Under the Stars at Ballina
15/2/11	Delegation, Alstonville bowling Club re signs, with staff at Ballina
20/2/11	Emergency Services function in Lismore
21/2/11	TAFE meeting in Ballina
22/2/11	Delegation, sports centre with staff at Ballina
22/2/11	Delegation re North Coast CMA meeting at Ballina

RECOMMENDATION

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

Attachment(s)

Nil

- 16. Questions Without Notice
 - 17. Confidential Session
-

16. Questions Without Notice

17. Confidential Session

Nil