



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 26 May 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. Notices of Motion
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 the RSL Lifecare Choir.

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

Nil

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 April 2011 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 April 2011.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil items

8. Regulatory Services Group Reports

8.1 DA 2011/105 - Bulk Store - Scaffold Business

File Reference	DA 2011/105
Applicant	Newton Denny Chapelle
Property	Lot 20 DP 1051208 No. 1188 Teven Road, Alstonville
Proposal	The establishment of a bulk store for a scaffold business involving the construction of a shed and vehicular access for the bulk store of trucks and scaffold equipment.
Effect of Planning Instrument	The land is zoned 1(a1) – Rural (Plateau Lands Agriculture) Zone 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 seeking consent for the establishment of a bulk store for a scaffold business. The proposal involves the erection of a 216m² shed, associated hardstand area and vehicular access for the purpose of storing scaffold, trucks and ancillary equipment.

The subject site is located within the 1(a1) – Rural (Plateau Lands Agriculture) Zone under the provisions of the Ballina Local Environmental Plan 1987 (BLEP). The applicant has made previous enquiries with Council on both this and another property in the 1(a1) Zone. Upon the request of the Council, this application is being reported to the Council for determination.

Whilst the establishment of a bulk store is permissible in the 1(a1) Zone, Council must take into consideration the consistency of the proposed development with the zone objectives, the appropriateness of the location of the bulk store in this rural locality, its impacts on surrounding land uses and whether or not the proposed development on land zoned for agricultural purposes is in the public interest.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The proposed development, being the establishment of a bulk store in the 1(a1) – Rural (Plateau Lands Agricultural) Zone, is classified as ‘advertised development’ for the purposes of the BLEP.

Consequently the development application was placed on public exhibition from 24 March 2011 to 22 April 2011. No public submissions were received during the exhibition period.

Applicable Planning Instruments

Ballina Local Environmental Plan 1987

The establishment of a bulk store is permissible with consent and is classified as advertised development in the table to Clause 9 of the BLEP. The objectives of the 1(a1) zone are as follows:

- A *The primary objectives are:*
 - (a) *to regulate the subdivision and use of land within the zone to ensure that:*
 - (i) *land actually used for purposeful agricultural production, particularly horticulture, or*
 - (ii) *land having the potential for purposeful agricultural production, particularly for horticulture,*
 - is developed in a manner to optimise its production potential, and*
 - (b) *to enable development which is ancillary to the agricultural use of land within the zone (particularly dwelling-houses, rural workers’ dwellings and rural industries) where such facilities do not significantly reduce the production potential of the subject land or other land in the locality.*
- B *The secondary objectives are 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, and*
 - (b) *development of land for extractive resources extraction.*

The applicant, in the Statement of Environmental Effects submitted with the development application has sought to address how the proposed bulk store will be consistent with the objectives of the 1(a1) zone.

The subject site comprises an area of 3.742 hectares and contains an existing dwelling house, small shed and swimming pool. Given the size of the allotment and the location of the dwelling and ancillary structures, the subject land is not currently being utilised for agricultural purposes. It is considered given the constraints of the site that it does not readily lend itself to productive or economically viable agricultural activity.

It is also considered, however that the establishment of the bulk store and associated hardstand area as proposed in this development application does not result in development that optimises the potential for purposeful agricultural production, particularly horticulture, as specified in Objective A(a) above.

The proposed bulk store has been sited so as to minimise its impacts on current land uses being undertaken on adjoining parcels. The applicant has also provided detailed information emphasising the low impact and small scale of the proposed development.

Notwithstanding this, Council must assess the application not only on the merit issues of minimising impact and preserving amenity but also on the statutory requirement that the development must be consistent with the objectives of the zone. Having specific regard to the zone objectives, the proposed development is not considered to be “ancillary to the agricultural use of land within the zone” as specified in Objective A(b) as the proposed use, regardless of its perceived impact and scale, cannot be considered a use that is ancillary to agriculture.

As noted, the proposed bulk store has been sited to minimise the impact on adjoining properties. The existing established vegetation in the vicinity of the proposed bulk store assists in the minimisation of the likely impacts of what is essentially a light industrial development in a rural zone. Notwithstanding the above, in general terms it is considered that the establishment of a bulk store of this nature (being for a scaffold business that is not necessarily associated with rural land uses) does not seek to maintain the rural character of the locality.

When considered on its own, the proposed bulk store will not likely result in the creation of unreasonable and uneconomic demands for the provision or extension of public amenities and services.

Concern is raised however as to the cumulative impacts and precedents that would be set if this development is supported. In consideration of the above, the proposed development is therefore considered to be not consistent with Objective B of the 1(a1) zone.

The proposed development does not comprise development that is an exception specified in Objective C.

Having regard for the above, it is considered that the proposed development is not consistent with the objectives of the 1(a1) – Rural (Plateau Lands Agriculture) Zone.

State Environmental Planning Policy (Rural Lands) 2008

The subject land, being within the 1(a1) zone under the BLEP is subject to the provisions of this SEPP.

Clause 2 contains the aims of the SEPP which are:

- (a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*

- (b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,*
- (c) to implement measures designed to reduce land use conflicts,*
- (d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.*

The proposed development, involving the establishment of a bulk store for a scaffold business is not considered to be an orderly or economic use or development of rural lands for rural and related purposes. Consideration has been made with regard to land use conflict and the expected noise generated through the loading and unloading of equipment from trucks. Although the applicant has stated these activities will be minimised to reduce impacts, it is considered that this aspect of the development will be difficult to regulate and has the potential to result in unreasonable land use conflicts.

In consideration of the above, the proposed development cannot be considered to be consistent with the aims of this SEPP.

Clause 7 of the SEPP also contains a series of Rural Planning Principles as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

It needs to be considered whether or not the establishment of a bulk store for a scaffolding business and associated hardstand area is a productive and sustainable economic activity in a rural area. Concern is raised over the impacts the proposed development will have on the agricultural potential of the subject land and the cumulative impacts of the precedent set should this development be supported on rural land.

Council has set aside, through land use planning controls, certain areas of the Shire that it considers suitable for particular land uses. Thus it also needs to be considered whether or not the proposed development, should it be supported, will achieve a balance in meeting the social, economic and environmental interests of the community.

While these planning principles appear somewhat ambiguous, it can be generally considered that the establishment of a bulk store for the establishment of a scaffold business, being essentially a light industrial land use, is not suitable in a rural area and cannot be consistent with these planning principles.

North Coast Regional Environmental Plan

Clause 12 of Division 1 of the NCREP reads as follows:

The council shall not consent to an application to carry out development on rural land unless it has first considered the likely impact of the proposed development on the use of adjoining or adjacent agricultural land and whether or not the development will cause a loss of prime crop or pasture land.

The impacts of the proposed development on the use of adjoining or adjacent agricultural land have been considered in the assessment of this development proposal. It is considered that while efforts can be made to minimise and mitigate against the amenity impacts of the proposal on adjoining and adjacent properties, the proposed development, in general, represents an industrial type land use that should not be supported on rural land and has the potential for land use conflicts to be generated.

The proposal will not result in any substantial loss of prime crop or pasture land.

Draft Ballina Local Environmental Plan 2010

The Draft Ballina Local Environmental Plan 2010 applies to the subject land. The draft BLEP was publicly exhibited from 15 March to 4 June 2010.

The subject site is located on land proposed for inclusion in the RU1 – Primary Production zone.

'Bulk store' is not a defined land use in the Draft BLEP. Under the Draft BLEP provisions, the definition of the proposed development is 'storage premises' which is:

a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any business premises or retail premises on the same parcel of land.

Storage premises is not listed as a permissible land use in the RU1 zone and is therefore prohibited development on the subject land in accordance with the provisions of the Draft BLEP.

Report

The development application for the establishment of a bulk store for a scaffold business has been assessed against the heads of consideration as contained in Section 79C of the *Environmental Planning and Assessment Act 1979*. As detailed above, it is considered that the proposed development is inconsistent with the objectives of the 1(a1) – Rural (Plateau Lands Agriculture) Zone under the provisions of the *Ballina Local Environmental Plan 1987*.

The proposal is also inconsistent with the planning provisions specified in both the *North Coast Regional Environmental Plan, State Environmental Planning Policy (Rural Land) 2008* and *Draft Ballina Local Environmental Plan 2010*.

The planning instruments referenced above provide strong development controls that seek to preserve and maintain the amenity and agricultural viability of rural land and seek to prevent the incursion of non-compatible land uses into rural areas. In assessing the proposed development against these controls it has been found to be generally inconsistent with the preferred land uses and does not maintain the desired character preferred for rural land in the shire.

The proposed bulk store is also considered to have the potential to create an unreasonable impact on the rural amenity of the locality. The proposed land use, being a bulk store for a scaffold business, is not considered to be a compatible land use in the 1(a1) Zone and is more suited to an industrial zone.

The development application has been assessed by Council's development engineer having particular regard to the proposed access driveway off Teven Road. The assessment of this aspect of the development has revealed that any proposed driveway on the boundary of the site with Teven Rd can only achieve a sight distance of less than 200 metres due to the existing dip and blind spot.

The required safe intersection sight distance (SISD) is 270 metres. The existing driveway to the dwelling on the site achieves a sight distance of 240 metres, which is still less than the required 270 metres as specified in the Austroads guide. Any proposed driveways for this site accessing Teven Road cannot be supported due to inadequate sight distance constraints.

The existing driveway servicing the dwelling does not comply with the SISD requirements and it is considered undesirable for trucks to enter Teven Road from this location. Therefore, the application as lodged cannot be supported in this regard given the road safety issues with the proposed road access.

Notwithstanding the abovementioned access issues, should a favourable consideration be given to the use of the subject land as a bulk store for a scaffold business, the risk needs to be considered with regard to the land use precedent this would set and the potential erosive effects this precedent may have through the encouragement of similar land uses in rural zones.

Concern is also raised with regard to potential economic impacts where rural land is optimised for the incursion of non-rural uses and the how this may affect property values where rural land may be seen as more viable for non-rural land uses. Consideration also needs to be given to whether allowing this type of land use in a rural zone is equitable when other operators who seek to comply with the relevant land use controls may view this development, should it be supported, as having an unfair advantage.

Having regard to the above and the assessment of the proposal against the relevant regulatory controls, the proposed development is not supported and is recommended for refusal.

Conclusion

The subject application is seeking development consent for the establishment of a bulk store for a scaffolding business on rural land within the BLEP 1(a1) – Rural (Plateau Lands) Agriculture Zone. In assessing the proposal, it is considered that it is inconsistent with the zone objectives and an incompatible land use in a rural area.

This position is further supported by additional planning instruments and development controls. The engineering assessment of the proposal reveals that the proposed access to the development is unsatisfactory. Having regard for these issues, the proposed development is not supported. However, should favourable consideration be given to this proposal, Council must also consider the precedent it may set, the cumulative impacts and flow on effects in the allowing of a non-rural land use in a rural zone.

Based on the above, the development application is recommended for refusal. This conclusion has been reached, not only in relation to the assessment of the merits of the proposal, where amenity impacts and scale of the proposal are considered, but also on the statutory requirements of development being consistent with the BLEP 1(a1) zone objectives and relevant provisions of applicable statutory planning instruments.

Having regard to the outcomes of the assessment undertaken as detailed above, Council has the following options with regard to determining the subject application:

Option 1

That Council REFUSE the development application, in consideration of the applicable zone objectives, the provisions of the *North Coast Regional Environmental Plan*, the provisions of *State Environmental Planning Policy (Rural Land) 2008*, the provisions of the *Draft Ballina Local Environmental Plan 2010* and the inadequacy of the proposed access arrangements, or

Option 2

That Council APPROVE the development application subject to standard conditions of consent for this type of development, including an appropriate condition requiring a further review of the proposed access arrangements off Teven Road. Should Council elect to proceed with this option, it must be satisfied that the proposed development is consistent with the objectives of the 1(a1) – Rural (Plateau Lands Agriculture) Zone under the provisions of the *Ballina Local Environmental Plan 1987*, is consistent with provisions of Clause 12 of the *North Coast Regional Environmental Plan*, is consistent with the aims (Clause 2) and Rural Planning Principles (Clause 7) of *State Environmental Planning Policy (Rural Land) 2008* and is consistent with the provisions of the *Draft Ballina Local Environmental Plan 2010*.

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

RECOMMENDATIONS

That DA 2010/216 for the establishment of a bulk store for a scaffold business involving the construction of a shed and vehicular access for the bulk store of trucks and scaffold equipment on Lot 20 DP 1051208, No. 1188 Teven Road, Alstonville be **REFUSED** for the following reasons:

1. The proposed development is inconsistent with the objectives of the 1(a1) – Rural (Plateau Lands Agricultural) Zone of the *Ballina Local Environmental Plan 1987*
2. The proposed development is inconsistent with the provisions of the *North Coast Regional Environmental Plan*
3. The proposed development is inconsistent with the provisions of *State Environmental Planning Policy (Rural Land) 2008*
4. The proposed development is inconsistent with the provisions of the *Draft Ballina Local Environmental Plan 2010* and
5. The proposed access arrangements to the site from Teven Road are inadequate and do not meet engineering standards.

Attachment(s)

1. Locality Plan
2. Site Plan
3. Shed Plan

8.2 Policy (Review) - Backyard Burning

File Reference	Council Policies
CSP Linkage	Transparent and accountable governance
Delivery Program	Governance
Objective	To review the Backyard Burning policy.

Background

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

Council first adopted this policy in June 2006.

Key Issues

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

Information

This review of this policy identified legislative and minor policy template changes as follows:

- The template for Council policies has changed since this policy was adopted and the new template includes information on definitions, policy history etc.
- Amendments have been made to align the Policy with the remade Protection of the Environment Operations (Clean Air) Regulation 2010. This has included updating of referenced legislation and some change to introductory wording to reflect history and the current position. The changes to the Regulation (and hence the Policy) are minimal and were outlined in a letter from DECCW (attached to this report).
- Maps pertaining to restricted backyard burning areas have also been attached to the policy

A copy of the amended policy is attached to the report, and where possible policy changes have been marked in yellow.

Sustainability Considerations

- **Environment**
This policy is specifically targeted at improving air quality in urban areas by minimising pollution that can arise from inefficient burning off.
- **Social**
The policy recognises the significant portion of the population who suffer from respiratory conditions that can be exacerbated by the affects of inefficient burning off particularly during periods when smoke accumulates due to inversions or other atmospheric conditions.
- **Economic**
This policy has been in place for some time and most people have adjusted to managing vegetative waste by other means. The green waste service about to be introduced by Council will further assist people to manage this material.

Consultation

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

Options

Council may accept or amend the proposed changes to the policy. The changes included are largely house keeping therefore it is recommended that the policy be adopted as presented.

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

RECOMMENDATIONS

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

Attachment(s)

1. Review - Backyard Burning Policy
2. Letter - Protection of the Environment (Clean Air) Regulation 2010 Letter (NSW Dept Environment, Climate Change & Water)

8.3 Development Applications - Work in Progress - May 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
2010/182	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	Determination Pending
2010/278	6/11/2009	Ardill Payne & Partners	To Establish a dwelling/house site – No. 263 Sneebys Lane, East Wardell	Referred to Government Departments
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	Being Assessed
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	Being Assessed

8.3 Development Applications - Work in Progress - May 2011

DA No.	Date Rec'd	Applicant	Proposal	Status
			Wholesale Showroom/Warehouse - Stinson Avenue, Ballina	
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	Awaiting Additional Information
2010/839	06/09/2010	Chris Lonergan, Town Planner	To erect eight x 2 bedroom holiday cabins and associated works - No. 202 Midgen Flat Road, Newrybar	Being Assessed
2010/880	27/09/2010	The Wheelchair & Disabled Association	Recreational Hall - No. 253 Wardell Road, Lynwood	Being Assessed
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	Referred to Government Departments
2010/923	14/10/2010	Ardill Payne & Partners	Two Lot Torrens Title Subdivision - Unara Parkway, Cumbalum	Being Assessed
2010/962	08/11/2010	sj Connelly CCP Pty Ltd	Construction of a Highway Service Centre comprising Service Station, Fast Food Restaurants, Regional Expo Centre, Auto Repair Centre, Associated Vehicular Access (including	Being Assessed

DA No.	Date Rec'd	Applicant	Proposal	Status
			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	
2010/1013T	25/11/2010	S Radburn	Lennox Head VMO _ Remove 10 x Trees – No. 250 North Creek Road, Skennars Head	Being Assessed
2010/1014T	25/11/2010	S Radburn	Lennox Head VMO _ Remove 31 x Trees – No. 9 McLeans Street, Skennars Head	Being Assessed
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	Being Assessed
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	Being Assessed
2010/1056	14/12/2010	D Loosemore & N McGarry, C/- sj Connelly CPP Pty Ltd	To construct a 3 x bedroom dwelling (ancillary to use of existing conference centre) - Shelley Beach Road, East Ballina	Referred to Government Departments
2010/1067	17/12/2010	Geolink	6 x Lot Community Title	Being Assessed

8.3 Development Applications - Work in Progress - May 2011

DA No.	Date Rec'd	Applicant	Proposal	Status
			Subdivision Ranging in size from 1200m to 1600m and associated Infrastructure - No. 56 Greenfield Road, Lennox Head	
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 Departments
2010/1076	24/12/2010	Newton Denny Chapelle	Strata Title Subdivision of 1 Lot into 11 Lots - No. 20 Byron Street, Lennox Head	Determination Pending
2011/31	27/01/2011	T Prendergast	Two Lot Boundary Adjustment Subdivision and Cut & Fill - No. 5 Banjo Place & No. 1336 Teven Road, Alstonville	Referred to Government Departments
2011/33	28/01/2011	RC Matthews C/- LandPartners	Two Lot Torrens Title Subdivision - No. 211 Ballina Road, Alstonville	Awaiting Additional Information
2011/48	04/02/2011	J & H Hughes	Extension to Existing Industrial Building, No. 3/176-178 Southern Cross Drive, Ballina	Being Assessed
2011/60	15/02/2011	Victor Holmes Town Planning	Consolidation and Subdivision of three existing Lots to create 1 x 18.4ha and 1 x 2.2ha allotments, Rifle Range Road, Wollongbar	Awaiting Additional Information
2011/73	24/02/2011	Mondarth Pty Ltd	To Erect 4 x Advertising Signs, No. 20-22 De-Havilland Crescent, Ballina	Being Assessed
2011/83	03/03/2011	Ardill Payne & Partners	To erect advertising and directional signs to the Harvey	Determination Pending

8.3 Development Applications - Work in Progress - May 2011

DA No.	Date Rec'd	Applicant	Proposal	Status
			Norman Complex - No. 80 North Creek Road, Ballina	
2011/87	07/03/2011	McDonald's Australia Pty Ltd	To erect a McDonald's Family Restaurant - No. 54 Bangalow Road, Ballina	Referred to Government Departments
2011/98	14/03/2011	A Brown	To remove 3 x Trees - No. 274 River Street, Ballina	Being Assessed
2011/124T	23/03/2011	J Burnett	Lennox Head VMO, To Undertake the Pruning of 2 x Tuckeroos & 1 x Goia Tree - No. 13 Beryl Place, Lennox Head	Determination Pending
2011/126	25/03/2011	Chris Abbott Surveying	Subdivision by way of boundary adjustment of five existing lots into three x 40 hectare lots, Bartletts Lane, Meerschaum Vale	Being Assessed
2011/130	29/03/2011	L Cook	Change of Use of part of existing dwelling to consulting rooms, extension of existing building and provision of carparking, No. 80 Crane Street, Ballina	Awaiting Additional Information
2011/131	29/03/2011	R Freihaut	Clear Macadamia Plantation and surrounding camphor laurel trees, No. 30 McLeish Road, Tintenbar	Being Assessed
2011/141	01/04/2011	G & G Patton (A1 Exhausts Ballina)	Change of Use involving minor modification works - 2 x bay mechanical workshop, No. 23 Southern Cross Drive, Ballina (Units 3-4)	Being Assessed
2011/142	01/04/2011	Victor Holmes	2 x Lot Boundary	Being

8.3 Development Applications - Work in Progress - May 2011

DA No.	Date Rec'd	Applicant	Proposal	Status
		Town Planning	Adjustment Subdivision and Demolition of Existing Garage, No. 29 Green Street, Alstonville	Assessed
2011/150	06/04/2011	GeoLink	2 x Lot Boundary Adjustment Subdivision, Nos. 42 & 44 Owen Street, Ballina	Awaiting Additional Information
2011/157	08/04/2011	Newton Denny Chapelle	To establish a retail plant nursery with ancillary gift shop and take-away coffee sales and associated infrastructure and earthworks, No. 432 Wardell Road, Lynwood	Awaiting Additional Information
2011/159	14/04/2011	Prestige Plants	Removal of Two Camphor Laurel Trees and construction of an access road to Gap Road, No. 50 Leadbeaters Lane, Alstonville	Determination Pending
2011/165	14/04/2011	Byron Bay Tree Service	Removal of selected trees and pruning of others, No. 99 Ross Lane, Tintenbar	Being Assessed
2011/166	15/04/2011	SJ Connelly CPP Pty Ltd	Construction of a residential flat development comprising 30 x two storey dwellings and associated works, Condon Drive, East Ballina (North Angels Beach)	On Exhibition and Awaiting Additional Information
2011/172T	18/04/2011	M & W Jones	Lennox Head VMO - To remove 1 x Eucalypt Tree, No. 33 Amber Drive, Lennox Head	Being Assessed
2011/173	18/04/2011	Lynks P/L ATF Boyes Family Trust No. 2	Site Filling, Teven Road, West Ballina	Being Assessed
2011/179	20/04/2011	Ardill Payne &	Change of Use to	Being

DA No.	Date Rec'd	Applicant	Proposal	Status
		Partners	Pillow Talk (Tenancy No. 10, Harvey Norman Complex), No. 80 North Creek Road, Ballina	Assessed
2011/184T	27/04/2011	R & J Greaves	Lennox Head VMO - To Lop & prune 6 x trees, No. 12 The Grove, Lennox Head	Being Assessed
2011/186	27/04/2011	Ardill Payne & Partners	Two Lot Boundary Adjustment Subdivision, No. 9 Martin Street, Ballina	Being Assessed
2011/187T	28/04/2011	M & W Jones	Lennox Head VMO - Removal of 6 Trees, No. 23 North Creek Road, Lennox Head	Being Assessed
2011/188	28/04/2011	P & A Isaac	Two Lot Torrens Title Subdivision, No. 110 North Creek Road, Lennox Head	Being Assessed
2011/189	28/04/2011	Ardill Payne & Partners	Two lot boundary adjustment subdivision to create 1 x 2.7ha and 1 x 13.3ha allotments, No. 66B & No. 84 Fig Tree Hill Drive, Lennox Head	On Exhibition
2011/191	29/04/2011	Peter Turner & Associates	Extension to Existing Preschool, No. 5 Hall Court & Simpson Avenue, Wollongbar	Being Assessed
2011/192T	29/04/2011	M Brierley & D Oakman	Lennox Head VMO - To remove 1 x Yellow Kamalla Tree, No. 3 Aspects Drive, Lennox Head	Being Assessed

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2011/72	24/02/2011	Greenwood Grove Estate P/L	To Undertake an Affordable Rental Housing Development in accordance with State Environmental Planning Policy (Affordable Rental Housing) 2009 comprising the erection of 74 x single storey and two storey dwellings and associated infrastructure, Tallow Wood Place & 56 Greenfield Road, Lennox Head	Awaiting Additional Information

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

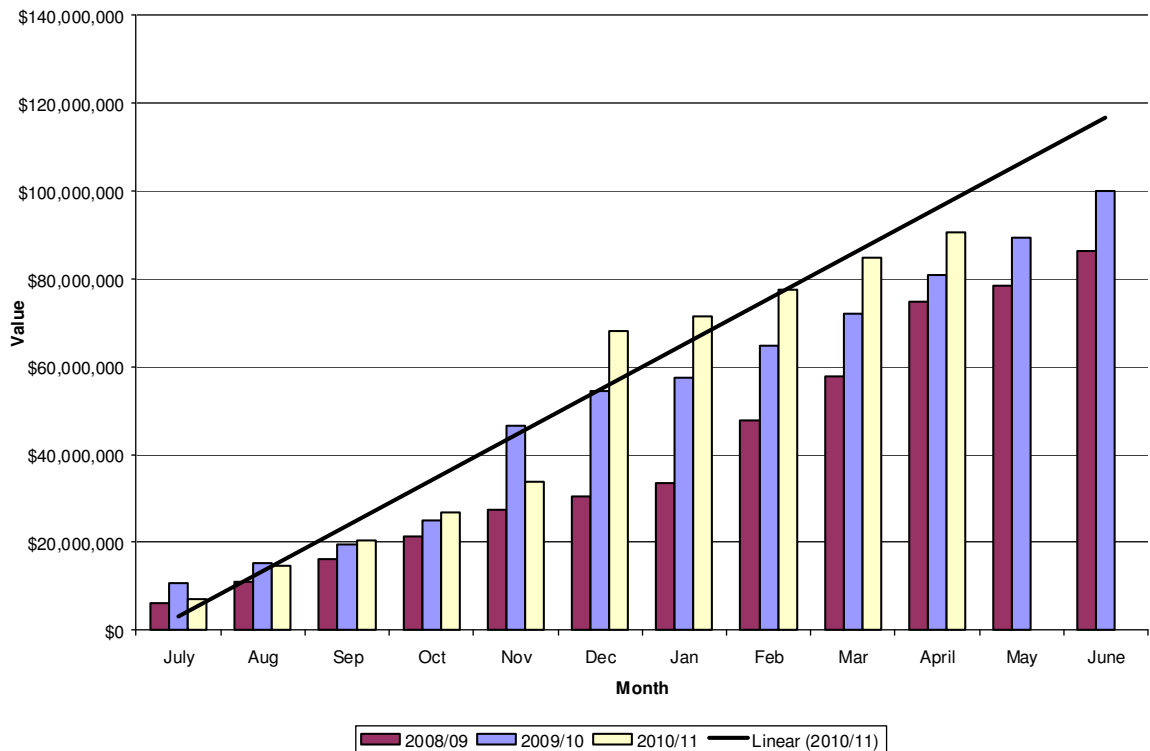
That Council notes the contents of the report on the status of outstanding development applications for May 2011.

8.4 Development Consent Statistics - April 2011

The Council is advised that during the period of 1 April 2011 to 30 April 2011 the Regulatory Services Group issued Development Consent comprising of:

Number of Applications	Value of Work
37 Other Building Related	\$ 1,621,000
10 Dwelling/Duplexes/Residential Flat Buildings	\$ 4,164,000
3 General Developments	\$ 1,000
Total Value	\$ 5,786,000

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 April 2011 to 30 April 2011.

9. Strategic & Community Services Group Reports

9. Strategic & Community Services Group Reports

Nil reports

10. General Manager's Group Reports

10.1 Use of Council Seal

File Reference Use of Seal

RECOMMENDATION

That Council affix the Common Seal to the following document.

US11/14	<p>Use of Seal: 5 + 5 year land component lease commencing 20 July 2011, Council to Rainbow Children's Centre Inc. Lot 210 DP 735156 located at 4 John Sharpe Street, East Ballina.</p> <p>Explanation: The Rainbow Children's Centre Inc. has occupied the Council land at 4 John Sharpe Street, East Ballina, site since July 1990 and the current peppercorn rental lease expires on 19 July 2011. As per the soon to expire lease, in recognition of Council providing the land at peppercorn rental, the tenant is responsible for maintenance costs (building + outdoor) + building insurance costs (on a recoup basis) + Council rates and charges and other outgoings. Staff have instructed Council's solicitor to include within the new lease a 'break' clause such that if, for whatever reason, the not-for-profit status of the lessee ceases, the lease shall terminate and Council may, at its sole discretion, re-negotiate a new lease with the tenant, or other interested party, on a commercial basis at market value, or otherwise offer the property for sale at market value.</p>
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Attachment(s)

Nil

10.2 Investments Summary - April 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 April 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 30 April 2011 was \$56,769,000. This represents a decrease from March of \$2,090,000.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 30 April 2011, was \$884,097.

Council's investments as at 30 April are at an average (weighted) rate of 5.82%, which is 0.90% above the 90 Day Bank Bill Index of 4.92%.

The majority of the approximately \$57 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%

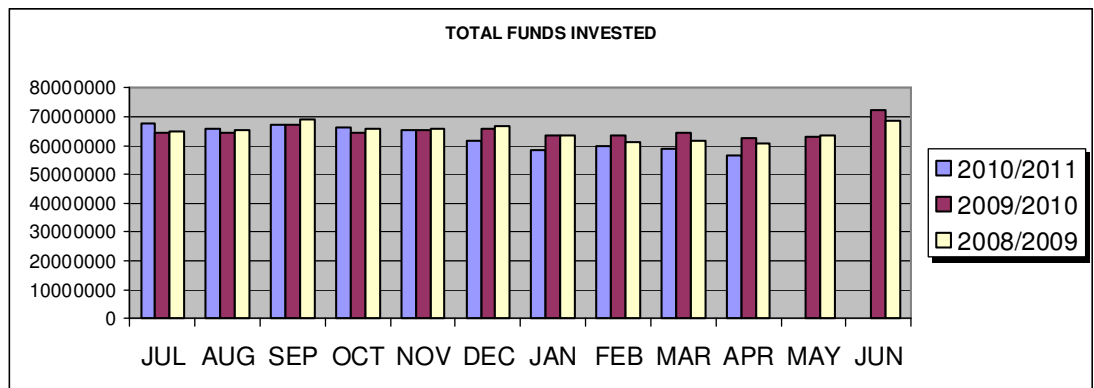
* Based on reserves held as at 30 June 2010

Information

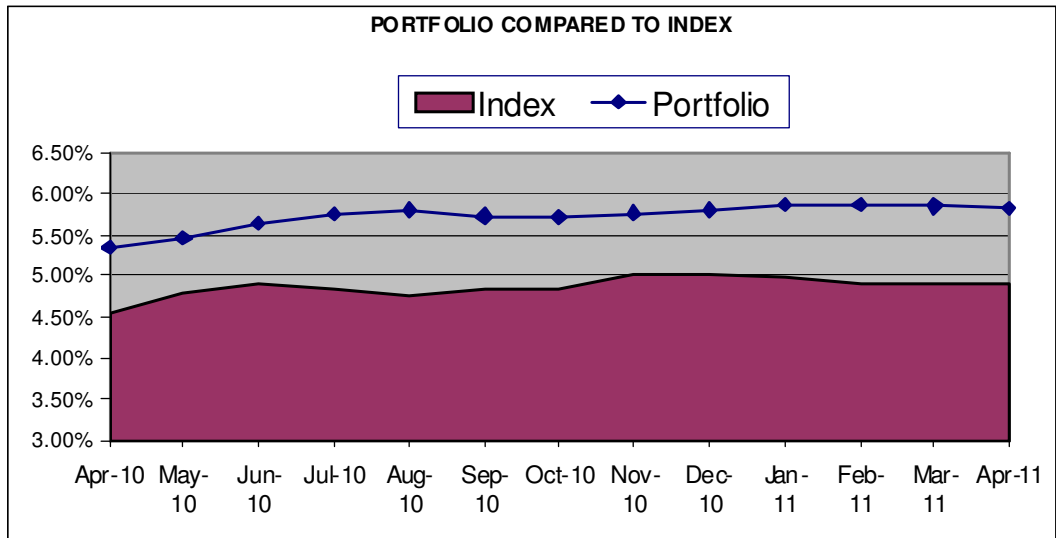
A. Summary of Investments by Institution

Funds Invested With	ADI Rating	Gov G'tee	Previous Month (\$'000)	Current Month (\$'000)	% of Total	Total
Grandfathered Investments						
ANZ Bank	AA-	No	2,000	2,000	3.5	
Bank of Queensland	BBB	No	1,000	1,000	1.8	
Bendigo Bank Ltd	BBB	No	1,000	1,000	1.8	
Deutsche Bank	A+	No	4,000	4,000	7.0	
Goldman Sachs	AA-	No	1,000	1,000	1.8	
Heritage Building Society	BBB	No	3,000	3,000	5.3	
HSBC Australia	AA-	No	1,000	1,000	1.8	
Local Govt Fin Service	A	No	5,000	5,000	8.8	
Longreach Capital Markets 23	AA-	No	1,000	1,000	1.8	
Longreach Capital Markets 28	AA+	No	1,000	1,000	1.8	
Morgan Stanley	A	No	2,000	2,000	3.5	
National Australia Bank	AA	No	1,788	1,788	3.1	
National Wealth M'ment Holding	A	No	2,000	2,000	3.5	45%
Rated Institutions						
Bank of Queensland	BBB+	Y-\$1m	4,000	3,000	5.3	
Bank of Western Australia	AA	Y-\$m	2,666	2,666	4.7	
Commonwealth Bank of Australia	AA	Y-\$2m	6,006	4,916	8.7	
Credit Union Australia	BBB+	Yes	1,000	1,000	1.8	
Illawarra Mutual Bld Society	BBB	Y-\$1m	3,000	4,000	7.0	
National Australia Bank	AA	No	1,000	1,000	1.8	
Members Equity Bank	BBB	Y-\$1m	1,000	1,000	1.8	
Newcastle Permanent Bld Soc	BBB+	Y-\$1m	2,000	2,000	3.5	
Suncorp Metway Bank	A	Y-\$1m	3,485	2,485	4.4	
Westpac Banking Corp	AA	Y-\$1m	6,914	6,914	12.2	51%
Unrated ADI's						
Community CPS Credit Union		Yes	1,000	1,000	1.8	
QLD Country Credit Union		Yes	1,000	1,000	1.8	4%
Total			58,859	56,769	100%	

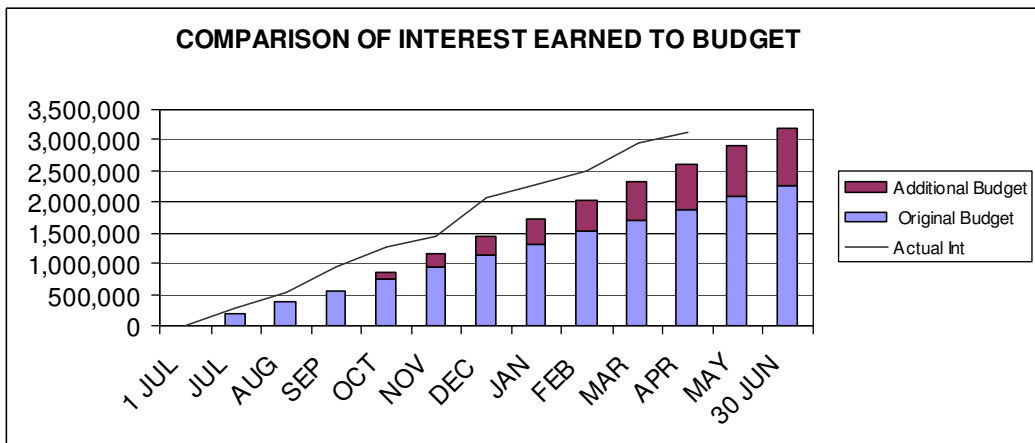
B. Monthly Comparison of Total Funds Invested



Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



Comment

As expected by the majority of commentators, the RBA Board left the cash rate unchanged, at 4.75%, at its May meeting. Despite some media speculation that the higher than expected March quarter CPI would lead to a rate increase, the Reserve Bank Governor, Glenn Stevens, again reiterated the Board's longer term view in the accompanying statement, which was:

The bank expects that, as the temporary price shocks dissipate over the coming quarters, CPI inflation will be close to target over the year ahead.

The commentators in the opposite camp who were calling for a rate cut in light of our currency's strength were equally disappointed.

The recent information suggests that the marked decline in underlying inflation from the peak in 2008 has now run its course. While the rising exchange rate will be helping to hold down prices for some consumer products over the coming few quarters, over the longer term inflation can be expected to increase somewhat if economic conditions evolve broadly as expected.

Putting these two paragraphs together, the future looks like no rate change until late this year or early next year and then a rate increase.

E. Investments Held as at 30 April 2011

Purchase Date	Issuer	Type	Rate %	Call or Maturity Date	Purchase Value \$'000
23/04/04	Deutsche Bank	FRN	5.89	23/04/14	2,000
23/04/04	Deutsche Bank	FRN	5.89	23/04/14	2,000
20/09/04	National Australia Bank	FRN	6.16	Perpetual	1,788
08/08/05	Morgan Stanley	FRN	5.36	08/08/12	2,000
12/04/06	Goldman Sachs	FRN	5.41	12/04/16	1,000
16/06/06	National Wealth M'tment Holdings	FRN	5.48	16/06/16	2,000
15/09/06	Bank of Queensland	FRN	5.32	11/05/11	1,000
04/12/06	Heritage Building Society	FRN	5.53	04/12/11	2,000
28/02/07	Longreach Series 23	IRLN	8.90	10/12/12	1,000
25/01/07	Local Govt Fin Service	CRI	5.64	20/03/12	5,000
28/06/07	Longreach Series 28	ELN	0.00	27/06/14	1,000
21/09/07	Bendigo Bank	FRN	6.04	21/09/12	1,000
18/10/07	Heritage Building Society	FRN	6.17	18/10/12	1,000
18/10/07	ANZ Bank	FRN	5.62	18/10/12	2,000
14/03/08	HSBC Australia Ltd	FRN	7.14	14/03/13	1,000
16/12/08	Commonwealth Bank of Australia	CRI	6.45	16/12/11	1,000
17/12/08	Commonwealth Bank of Australia	CRI	6.04	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	7.32	30/05/11	1,485
17/04/09	Commonwealth Bank of Australia	FRN	6.17	17/04/12	1,000
03/02/10	Commonwealth Bank of Australia	FND	4.70	At Call	911
05/01/11	Bank of Queensland	TD	6.00	05/05/11	1,000
02/02/11	Suncorp-Metway Bank	TD	6.03	03/05/11	1,000
15/02/11	Bank of Queensland	TD	6.30	15/08/11	1,000
21/02/11	Illawarra Mutual Bld Society	TD	6.06	11/07/11	2,000
28/02/11	Community CPS Credit Union	TD	6.05	30/05/11	1,000
01/03/11	Bank of Queensland	TD	6.35	01/09/11	1,000
01/03/11	Newcastle Permanent Bld Society	TD	6.00	30/05/11	1,000
02/03/11	Members Equity Bank	TD	6.15	30/06/11	1,000
07/03/11	Queensland Country Credit Union	TD	6.15	05/07/11	1,000
14/03/11	Illawarra Mutual Bld Society	TD	6.03	12/07/11	1,000
21/03/11	Newcastle Permanent Bld Society	TD	5.84	21/06/11	1,000
21/03/11	Westpac Bank	TD	5.69	20/06/11	6,914
21/03/11	BankWest	TD	5.85	19/07/11	2,666
05/04/11	Illawarra Mutual Bld Society	TD	5.93	14/07/11	1,000
14/04/11	National Australia Bank	TD	5.90	15/08/11	1,000
28/04/11	Credit Union Australia	TD	6.19	28/10/11	1,000
Total:					56,759
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 April 2011.

10.3 GST Compliance Certificate

File Reference	Goods and Services Tax
CSP Linkage	Transparent and accountable governance
Management Plan	Administration
Objective	To ensure compliance with Federal legislation and obtain Council approve to sign the GST compliance certificate.

Background

By 8 June each year, the Commonwealth seeks from members of the GST Administration Subcommittee (GSTAS) advice on voluntary GST payments by local government bodies. Accordingly, local governing bodies must provide the NSW Division of Local Government with this advice to NSW Treasury for confirmation with the Commonwealth Commissioner of Taxation.

Council must pay GST on all income liable to GST and can claim GST on all eligible expenses. For the period 1 May 2010 to 30 April 2011 Council was liable for GST payments to the ATO of \$1,692,998, and claimed GST on eligible transactions of \$5,877,746, giving a net positive cash flow of \$4,184,748. This is normal for local government as most of our Rates and Charges income is exempt from GST, whereas we are able to claim for GST paid on nearly all expenses. All twelve monthly returns were lodged on time.

This report provides information on the certificate.

Key Issues

- Legislative compliance

Information

The GST certificate certifies that:

- a) Voluntary GST has been paid for the period 1 May 2010 to 30 April 2011
- b) Adequate management arrangements and internal controls were in place to adequately account for GST and
- c) No GST non-compliance events were raised by the Australian Taxation Office.

Council has complied with all of these conditions and it is recommended that Council authorise the signatories listed to sign the certificate.

A certificate that meets these requirements is to be signed by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer. The certificate is to be signed in accordance with a resolution of Council.

Sustainability Considerations

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

Legal / Resource / Financial Implications

This report has been provided to comply with government legislation.

Consultation

Not applicable

Options

The only valid option is to endorse the signing of the GST compliance certificate.

RECOMMENDATIONS

That Council authorises the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer to sign the GST compliance certificate for the period 1 May 2010 to 30 April 2011.

Attachment(s)

1. GST Compliance Certificate

10.4 Sundry Debtors - Write-Offs

File Reference	Sundry Debtors
CSP Linkage	Transparent and accountable governance
Delivery Program	Finance
Objective	To seek Council approval to write off outstanding debts considered irrecoverable.

Background

Procedures for the management of outstanding debt include an assessment of when it is no longer viable to continue to pursue accounts not paid. In conducting this assessment typically, as part of the end of financial year processes, it is apparent that five accounts fall into this category.

The General Manager only has delegated authority to write-off debts to the value of \$1,000 and the debts outlined in this report are above that threshold.

Key Issues

- The value of the write off
- Recovery action undertaken to date
- Avenues to continue recovery action
- Cost versus benefit of continuing action. Council uses a debt collection agency called ARL

Information

The five accounts that have been identified to be written off are detailed below.

Account One

Debtor Name:	Hype Surf - Wigmore Arcade
Original amount due:	\$20,460.64
Service provided and date rendered:	Rent May – August 2010
Payments received:	\$0.00
Balance currently outstanding:	\$20,460.64
Details of recovery action to date:	

- Request put to Council meeting 24 June 2010 and granted for two month rental hiatus
- Declared bankruptcy July 2010

Account Two

Debtor Name: BDM Wagga Pty Ltd T/as The Ballina Hotel
Original amount due: \$1,975.60
Service provided and date rendered: Bulk Bin collections Jan to June 2010
Payments received: \$0.00
Balance currently outstanding: \$1,975.60
Details of recovery action to date:

- Left premises with no notice – Declared bankruptcy

Account Three

Debtor Name: Ramsgate RSL Memorial Club Ltd
Original amount due: \$111,997.55
Service provided and date rendered: Roadworks May 2007 to May 2008
Payments received: \$85,866.18
Balance currently outstanding: \$26,131.37
Details of recovery action to date:

- Phone calls to Debtor March 2008, Apr 2008 and June 2008
- Legal action 22 August 2008
- Debtor advised September 2008 they would only pay quoted amount, not full invoice amount.
- Total project amount is over the original quoted price as the works were delayed for approximately 10 months due to a dispute with an elderly neighbouring resident. Council undertook negotiations in good faith to resolve this dispute. This resulted in:
 - a) Additional establishment costs
 - b) The installation of a new mountable kerb on the northern side of King Street to create a grassed pedestrian footpath area;
 - c) Increase in material costs of road pavement material and concrete; and
 - d) Increase in bitumen prices for the sealed surface of the new road

Ramsgate RSL has met a portion of the additional costs involved and the recommendation from Civil Services is that Council write off the \$26,131.37 outstanding on this account. The majority of Council's private works are undertaken on a do and charge basis plus 15%.

Unfortunately this work was carried out based on a Council quotation as Ramsgate required a quotation to meet their needs and the project was considered relatively straight forward.

Private works do carry some risk however Council has traditionally generated a reasonable level of profit from these works over the years.

The following is a summary of the financial results for private works for the past three years.

Item	2010	2009	2008
Income	3,971	1,169	383
Expense	3,321	1,069	349
Result - Surplus	650	100	34

Account Four

Debtor Name: Australian Discount Retail
 Original amount due: \$1,510.30
 Service provided and date rendered: Bulk Bin collections Dec 2008 & Jan 2009
 Payments received: \$324.50
 Balance currently outstanding: \$1,185.80
 Details of recovery action to date:

- Company went into receivership on two separate occasions with the second following close behind the first.

Account Five

Debtor Name: Bullenah Community Development Pty Ltd
 Original amount due: \$13,879.50
 Service provided and date rendered: Flood Impact Assessment Cumbalum Precinct 'B' June 2008 and June 2009
 Payments received: \$0.00
 Balance currently outstanding: \$13,879.50
 Details of recovery action to date:

- Reminder letter sent 28 October 2008
- Final Notice letter sent 27 November 2008
- Sent to ARL (debt collection agency) 22 January 2009
- Debtor offered to pay \$3,000.00/wk – set up through ARL 04 February 2009
- ARL sent letter to Debtor re agreement to pay being broken 03 March 2009
- Email from McGrath Nicol advising Receivers & Managers have been appointed effective 03 July 2009
- Recommendation by Hall Chadwick to write off unsecured debts
- Procedures have been amended such that no flood study work is commenced without payment up front.

The procedure for debt recovery involves staff conducting follow up action including telephone calls and varying letters of demand. This includes finance staff advising the staff member responsible for providing the credit initially, and enlisting their assistance to recover the debt. The matter is then passed on to our debt recovery agency that looks to take the most appropriate course of action. This will include the issue of a summons and having a sheriff seize goods where appropriate.

Legal costs associated with recovery, including expenses of the collection agency, are added to the debt and recovered as part of the account. When the account cannot be recovered then Council must meet the costs associated with attempted recovery. There is a point at which an account must be deemed as uneconomical to collect. The five accounts detailed above are considered to have reached this point.

Even though the account is written off it does not mean that the debt ceases to be due and payable. It does however mean that Council will cease to actively pursue payment.

Also Council debtor staff will issue an internal email to all Council staff advising the names of 'bad debtors'. Staff are requested not to conduct business with any persons or entities on the list and if this is not possible under no circumstances to provide works or services without pre payment.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
Some of the bad debts relate to the deterioration in the financial climate over the past two to three years.

Legal / Resource / Financial Implications

In an accounting sense there is an obligation on Council to recognise in the books of account when it becomes very likely that an account will not be paid. In a practical sense there is an obligation on Council to use community resources wisely and recognise that it is no longer economical to continue to pursue the debt.

Consultation

Consultation is typically undertaken with the debtor, Council staff and our debt collection agency ARL.

Options

1. Council resolves to write off the debt and cease active recovery action.
2. That Council's debtor's officer in conjunction with the recovery agency continues to actively pursue the debt.

For the reasons outlined in this report the preferred option is option one.

RECOMMENDATIONS

That Council approves the write off of the following debts, totalling \$63,632.91, (including legal expenses) as the further pursuit of these debts is considered uneconomical.

Debtor Name	Outstanding (\$)
Hype Surf - Wigmore Arcade	20,460.64
BDM Wagga Pty Ltd T/as The Ballina Hotel	1,975.60
Ramsgate RSL Memorial Club Ltd	26,131.37
Australian Discount Retail	1,185.80
Bullenah Community Development Pty Ltd	13,879.50

Attachment(s)

Nil

10.5 Borrowing Requirements - 2010/11

File Reference	Banking - General Correspondence
CSP Linkage	Transparent and accountable governance
Delivery Program	Financial Management
Objective	To seek Council approval to take out external borrowings relating to the 2010/11 financial year.

Background

Council approval must be obtained prior to entering into a loan agreement. Financial institutions require a specific resolution and minute number to include as part of the loan agreement.

This report addresses this issue for the General Fund as the significant borrowing for Sewer Fund will be subject to a separate report to the June meeting, with a workshop to be scheduled prior to that meeting.

Key Issues

- Obtaining approval for external borrowings

Information

The 2010/11 Operational Plan includes General Fund borrowings of \$4,800,000. The loans are for:

- Cumbalum Way \$1,200,000
- Wollongbar Link Road \$2,800,000
- Airport \$800,000

The Cumbalum Way capital project has only had expenditure of \$191,000 to date, which can be funded from Section 94 contributions. No loan will be required for this financial year as the tender is not expected to be let until later this calendar year.

The Wollongbar Link Road Loan has been funded by an interest free loan over 10 years from the State Government.

The airport capital works program for 2010/11 has been reduced to \$490,000 in the Quarterly Financial Review report, which is located elsewhere in this business paper.

These works are substantially completed, with expenditure to date of \$416,000. The remaining expenditure is expected to occur before 30 June, or shortly thereafter. For rounding and commercial practicality reasons, it is proposed to borrow \$500,000 in this financial year for these works.

The 2010/11 Operational Plan also included sewer fund loans for \$36m. Expressions of Interest (EOI) have been sought from lending organisations for a loan(s) of \$60m to fully fund the sewer capital works program for the years 2010/11 to 2012/12. The results of the EOI will be reported to a workshop during June.

Legal/Resource/Financial implications

The works and loan funds are allocated in the current budget.

Consultation

The 2010/11 budget was subject to community consultation.

Options

The only valid option available is to approve this loan borrowing. The airport capital works program is now substantially completed and the loan funds will be needed prior to the end of the financial year.

RECOMMENDATIONS

1. Council authorises the General Manager to select the best rate quoted for a borrowing of \$0.5 million for the airport capital works program.
2. The use of the Council seal is authorised on all loan documentation associated with this report.

Attachment(s)

Nil

10.6 Tourist Drive - Hinterland Way

File Reference	Destination Management
CSP Linkage	A diverse and prosperous economy
Delivery Program	Tourism
Objective	To determine the feasibility of making the 'old pacific highway' a tourist drive (Hinterland Way) – a request from the Hinterland Way Working Party.

Background

With Ballina to be bypassed in the short to medium term and the Tintenbar to Ewingsdale (T to E) contract to be let shortly, a number of businesses are actively seeking ways in which they can continue to promote their business without the daily traffic flow that now occurs.

One group pursuing opportunities is the Hinterland Way Working Party (HWWP), which is made up of the following members:

- The Macadamia Castle
- The Bangalow Chamber of Commerce
- The Newrybar Progress Association

The HWWP has been promoting the need to create a scenic tourist drive between Ross Lane and Ewingsdale, along the current highway, once the T to E bypass is complete. The proposal is to name this route the "Hinterland Way".

The HWWP initially sought a letter of support from Ballina Shire Council for this proposal, to assist in lobbying the State Government, and this support was provided by staff in June 2010. The letter provided 'in principle' support of tourist drives incorporating Macadamia Castle and the scenic hinterland.

Council subsequently received correspondence from Mr David Borger, MP (Minister for Roads and Western Sydney) advising the Roads & Traffic Authority (RTA) were establishing a small working party to investigate the HWWP proposal in November 2010.

The report that now follows provides an update on the discussions held to date and seeks Council's position on a preferred route. A copy of the HWWP proposal is included as the first attachment to this report.

Key Issues

- Promotion of tourism opportunities in Ballina and neighbouring shires
- Balance traffic movements, safety and tourism needs

Information

The Ballina Shire currently has two tourist drives;

- Tourist Drive 30 - West Ballina to Lennox Head along the Coast Road and then through to Byron Bay and Ewingsdale
- Tourist Drive 28 - Wardell, through Meerschaum Vale to Alstonville, Tintenbar and then back to the highway

The tourist drives are promoted in tourism publications and through signage on the Pacific Highway and along the tourist drive itself (i.e. brown tourist signs). During the past 12 -18 months Ballina Shire Council has also replaced the majority of the tourist signs as the existing signs were becoming worn and difficult to read.

The state-wide management of tourism signposting is co-ordinated by the Tourist Attraction Signposting Assessment Committee (TASAC), which is a group formed by the NSW State Government to have overall responsibility for the planning and implementation of tourist signposting systems. The systems are designed to safely and efficiently guide motorists to their destination and to inform visitors of the range of major attractions and services available within a destination.

TASAC is made up of representatives of Tourism NSW, the Roads and Traffic Authority (RTA), Regional Tourism Organisations (RTOs), local tourism managers and a Secretariat. All TASAC members participate equally in providing feedback to any individual or group making representations to TASAC.

Based on the correspondence from Minister Borger the RTA convened a stakeholder meeting on 9 February 2011 with Ballina Council, Byron Council, TASAC and RTA staff in attendance to examine the HWWP proposal.

Key points arising from that meeting were:

- The RTA advised that Macadamia Castle will be recognised as a State significant tourist attraction, and would be eligible for signage from the new highway once complete - This is a significant benefit to the Macadamia Castle and will assist that business in attempting to minimise any negative impacts from the new bypass, which will be located on the western side of the property
- The RTA would not be providing funds for marketing any new tourist drive
- No data was readily available to confirm whether or not tourist drives made a significant difference to travelling / driving habits
- The RTA offered to undertake the consultation required for renaming the old highway in conjunction with other communication as part of the T to E upgrade

- Ballina and Byron Shire council staff would present the HWWP proposal and any other viable options to their respective councils for consideration

To enable staff to consider all options a site inspection was held with relevant stakeholders on 9 March 2011.

The options and findings of that site inspection are as follows.

1. Re-route Tourist Drive 30 - Ballina to Lennox Head, Ross Lane, Old Pacific Highway to Ewingsdale as per the HWWP proposal.

TASAC advised that as this option did not include the township of Byron Bay, being an iconic destination on the drive, it would not be approved as a tourist drive. Tourist Drives are also required to stop on the Pacific Highway therefore it is not possible to continue it to Byron Bay.

2. Develop a second tourist drive between Ross Lane and Ewingsdale, titled "The Hinterland Way" and retain Tourist Drive 30.

There was not a lot of support for this proposal as it would compete with Tourist Drive 30 and again did not include Byron Bay. It would also increase the maintenance requirements for both Ballina and Byron Shire councils.

3. Re-route Tourist Drive 30 – Ballina to Lennox Head, Ross Lane, Old Pacific Highway, Bangalow Road (Byron Shire) to Byron Bay, Ewingsdale Road to re-connect with the Pacific Highway.

This option ensured that the Macadamia Castle was included in the Tourist Drive. This option was not supported by Byron Shire Council staff. Whilst the route has high scenic value, there are significant road safety concerns as identified by Byron Shire Council staff and RTA representatives. The second attachment to this report provides crash history on Bangalow Road over a five year period from 2005 – 2010, as sourced from the RTA.

4. Re-route Tourist Drive 30 – Ballina to Lennox Head, Ross Lane, Old Pacific Highway, Broken Head Road (Ballina Shire), Midgen Flat Road, to Byron Bay, Ewingsdale Road to re-connect with the Pacific Highway

This is similar to option three but again there are significant road safety concerns as identified by Ballina Shire Council staff and RTA representatives. The third and fourth attachments to this report are the crash histories for Broken Head Road and Midgen Flat Road over a five year period from 2005 – 2010, as sourced from the RTA.

5. Tourist Drive 30 remain unchanged

Ultimately this was considered to be the only viable option that met all the requirements of TASAC and the RTA. As Macadamia Castle will also be sign posted as a State significant attraction, from a Ballina Shire Council perspective, this will ensure that one of our major attractions is still promoted on the new freeway.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Tourist drives can provide a pleasant experience for residents and visitors as they are able to promote assets of a region.
- **Economic**
It is important that Council promote our natural and built assets where possible and where financially viable.

Legal / Resource / Financial Implications

There are no legal, resource or financial implications in adopting the recommendation to this report.

Consultation

The HWWP proposal was investigated by independent parties including:

- Roads & Traffic Authority (RTA)
- Tourist Attraction Signposting Assessment Committee (TASAC)
- Byron Shire Council
- Ballina Shire Council

Byron Shire Council considered a similar report to this at a meeting held 12 May 2011 and they resolved as follows:

1. *That Council note that the Hinterland Way Working Party has emailed Council requesting a letter of support for the proposed Hinterland Way Tourist Route*
2. *That Council does not support the Hinterland Way Tourist Route and write to the Hinterland Way Working Party to advise this.*
3. *That Tourist Drive 30 remains unchanged.*
4. *That a second Tourist Drive via the Old Pacific Highway between Ewingsdale and Tintenbar not be supported.*
5. *That the offer by the Roads and Traffic Authority to undertake public consultation for the renaming of the Old Pacific Highway between Ewingsdale and Tintenbar at the appropriate time be accepted.*
6. *That Council endorse the erection of tourist directional signage on the upgraded Pacific Highway, funded by the RTA, for the Macadamia Castle on the proviso that no further funding will be required from Council for its maintenance.*

Options

The report canvasses a range of options for tourist drives and alternatives to the proposal put forward by the Hinterland Way Working Party. Council is able to pursue any of these options although the majority are not likely to be supported by TASAC, RTA and Byron Council. This being the case it is considered that the existing Tourist Drive 30 meets the needs of most stakeholders and the recommendation is to retain that drive in its current form.

RECOMMENDATIONS

1. That Council confirms it is not in a position to support the development of an additional tourist drive; titled the Hinterland Way, as proposed by the Hinterland Way Working Party. The reasons for this include:
 - the fact that it would be competing with the existing Tourist Drive 30
 - it has not been supported by Byron Shire Council and
 - Macadamia Castle will be signposted as a state significant attraction
2. That Council supports the retention of Tourist Drive 30 in its current format as it complies with the current Tourist Attraction Signposting Assessment Committee guidelines and the signage has recently been audited and upgraded.
3. That Council supports the addition of tourist attraction signposting on the new Pacific Highway for the Macadamia Castle, funded by the Roads and Traffic Authority.

Attachment(s)

1. Proposal to the NSW Government for the "Hinterland Way" – presented by the Hinterland Way Working Party
2. Crash Data - Bangalow Road
3. Crash Data - Broken Head Road
4. Crash Data - Midgen Flat Road

10.7 Tender - Insurance Policies

File Reference	Risk Management – Insurance Policies
CSP Linkage	Transparent and accountable governance
Delivery Program	Risk Management
Objective	To award a tender for Council's general insurance policies.

Background

The NOROC Group of councils are constantly pursuing resource sharing opportunities and during 2010 it was agreed that it would be beneficial to undertake a joint tender process for general insurance. This tender excluded Public Liability Insurance, Property Insurance and Fidelity Guarantee and casual hirers, which are covered by the Local Government StateWide Mutual Fund, of which NOROC councils are all members.

The report that follows details the outcomes from the general insurance tender process.

Key Issues

- Award the tender in accordance with the Local Government (General) Regulations 2005
- Engage a suitably qualified, licensed, accredited and experienced insurer
- Insurance policies align with the requirements of Council's operations

Information

The insurance tender was facilitated by Tweed Shire Council in accordance with legislative requirements with advertisements placed in the Sydney Morning Herald and Brisbane Courier Mail. The insurances covered by this tender included Councillors and Officers Liability, Marine-Hull, Motor Vehicle, Personal Accident, Property Insurance – Artworks and Workers Compensation Top Up. Each individual council's specific insurance requirements were specified in the tender document.

The term of the tender is for a three year period commencing 1 July 2011 with an option to extend the contract for a further three, one year periods.

There were eight interested parties that downloaded the tender document however at the closure only one tender was submitted by Jardine Lloyd Thompson Pty Ltd, which is the current insurer.

The overall price submitted was slightly less than was submitted in previous years by this firm and the policy provisions meet all of Council's requirements. Therefore the tender is acceptable to Council.

Following is a summary of the current and tendered premium prices for Ballina Shire.

Class of Insurance	Current Insurance Premium	Tender Premium (excl GST)
Councillors & Officers Liability	22,145.00	18,823.00
Effluent Re-use Liability	61,250.00	56,300.00
Marine – Hull	16,091.75	16,091.75
Motor Vehicle	155,540.00	151,257.60
Personal Accident	2,750.00	2,625.00
Statutory & Business Practices Liability	25,375.00	22,850.00
Workers Compensation Top Up	5,939.80	5,865.00
Total	289,091.55	273,812.35

The projected savings of \$15,279 is an estimated discount which will not be able to be confirmed until our Insurer has reviewed our claims experience as at 30 June 2011.

Jardine Lloyd Thompson has been the insurance broker for the NOROC councils for many years and has an excellent understanding of Council's insurance requirements.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Insurance coverage is an important component of Council's role as a responsible organisation and employer.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The awarding of the contract must comply with relevant legislation.

Consultation

A public tender process was conducted.

Options

Council has completed the correct tender process in accordance with legal and transparency requirements and the only option available is to accept the tender received.

RECOMMENDATIONS

1. That Council accepts the tender from Jardine Lloyd Thompson for the provision of Councillors and Officers Liability, Marine-Hull, Motor Vehicle, Personal Accident, Property Insurance – Artworks and Workers Compensation Top Up insurance for a three year period commencing 1 July 2011.
2. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

Nil

10.8 Legal Cases - Status

File Reference	Legal Action
Sustainability Plan	Transparent and accountable governance
Delivery Program	Governance
Objective	To provide an update on legal cases involving Council.

Background

As a public authority Council is regularly involved in legal matters. This report provides an update on matters that have been subject to court action or may result in court action.

Key Issues

- Type and cost of litigation

Information

This report provides an opportunity to examine legal matters in which the Council is, or has been, involved, with particular reference being to the last two years.

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

If Councillors wish to discuss matters in detail it may be necessary to resolve into confidential session to ensure the discussion does not prejudice any on-going legal action.

Brief details on all current or recent legal cases involving Council are as follows.

Solicitor	Parties	Description	Original Estimate	Costs Paid To Date
Allens Arthur Robinson	Diocese of Grafton v Ballina Shire Council and Ballina Coastal Reserve	Supreme Court - ref. no. 2514/08 - Access to Gunundi Conference Centre - Section 88K application	\$150,000	\$165,000

Comments

The Land and Property Management Authority ultimately agreed to provide access through the existing track and court proceedings terminated. The Anglican Diocese of Grafton (ADOG) initially offered \$15,000 in costs. The Court Assessor then determined that the ADOG was to pay Council approximately \$70,000. These funds have now been received by Council and the matter is finalized. The property has also recently been sold.

Solicitor	Parties	Description	Original Estimate	Costs Paid To Date
Allens Arthur Robinson	Homeworld Ballina Pty Ltd v Ballina Shire Council & Anor	Land & Environment Court - ref. no. 2009/40098 - Challenging validity of rezoning - Class Four	\$150,000	\$163,000
Comments Judgment handed down 8 October 2009. The case was dismissed and the LEP amendment was upheld. Council was awarded costs. Homeworld then lodged an appeal as per the following item.				
Allens Arthur Robinson	Homeworld Ballina Pty Ltd v Ballina Shire Council & Anor	Court of Appeal - ref. no. CA2010/65 - Appeal of Class Four proceedings and High Court Special Leave Application	\$75,000 (Class 4) \$25,000 (High Court)	\$114,000
Comments Council successfully defended the appeal and was again awarded costs. Following negotiations with Council solicitors it was agreed to accept a cost settlement of \$190,000 for all matters. These funds have now been received by Council and both matters are now finalized.				
Clarissa Huegill & Associates	SJ Connelly v Ballina Shire Council	Land & Environment Court - ref. no. 2008/10555 - Greenwood Grove, Lennox Head - Appeal refusal of development application - Class One	\$100,000	\$53,000
Comments Plaintiff withdrew from court action whilst case being heard - matter reported to December 2008 Ordinary Meeting. Applicant had been advising Council that further action would be commenced. That action then commenced as per the following two items.				
Clarissa Huegill & Associates	SJ Connelly v Ballina Shire Council	Land & Environmental Court - ref. no. 2009/10261 - Greenwood Grove, Lennox Head - Appeal of refusal of development application 2007/687 - Class One	\$50,000	\$51,000 (costs shared with following case)
Comments As the Plaintiff withdrew from the court action in the first case (as above) this meant there was no decision from the Court. The Plaintiff then commenced Class One proceedings (as per this item) and Class Four proceedings as per the following item. The Class One proceedings were largely the same as the previous case. The Class One matter was then held in abeyance pending the outcome of the Class Four proceedings. The Class Four proceedings were then dismissed by the Court, which resulted in the Plaintiff withdrawing from the Class One proceedings.				
Clarissa Huegill & Associates	SJ Connelly v Ballina Shire Council	Land & Environment Court - ref. no. 2009/10329 - Greenwood Grove, Lennox Head - Interpretation of development application 2004/605 - Class Four	\$100,000	As per previous matter
Comments Related to the previous item in that the applicant was challenging the interpretation of development consent 2004/605 in order to increase a lot yield. Judgment was then awarded in favour of Council in September 2010 with Council also awarded costs. Council was ultimately only available to recoup \$15,000 in costs and these funds have now been received. Therefore all three Greenwood Grove cases are now finalized.				

10.8 Legal Cases - Status

Solicitor	Parties	Description	Original Estimate	Costs Paid To Date
Clarissa Huegill & Associates	Rich and Rich v Lennox Palms Estate and Ballina Shire Council	Land & Environment court - ref. no. 2009/40275 - Kellie Ann Crescent, Lennox Head - Interpretation of development consent - Class Four	\$40,000	\$17,000
<p>Comments</p> <p>Plaintiff attempting to ensure access road from Lennox Palms Estate is complete to allow subdivision of Plaintiff's property. This was largely a matter between two separate property owners. Council was joined as the second respondent and entered a submitting appearance Matter then determined with Plaintiff's case being dismissed. This matter was then appealed by the Plaintiff as per the next item.</p>				
Clarissa Huegill & Associates	Rich and Rich v Lennox Palms Estate and Ballina Shire Council	Court of Appeal - ref. no. CA 2010/242	\$5,000	\$0
<p>Comments</p> <p>The Court of Appeal judgment was delivered on 22 September 2010 with the Plaintiff's claim being dismissed and Council awarded costs. These costs are now being pursued by Council's solicitors.</p>				
Maddocks Solicitors	SJ Connelly v Ballina Shire Council	Land & Environment Court - ref. no. 2010/40457 - Temporary stockpile interpretation - Class Four	\$50,000	\$66,000
<p>Comments</p> <p>Differing interpretation as to whether development for temporary stockpile was Designated Development. Matter heard and case awarded against Council with Council responsible for the Plaintiff's costs. A cost reimbursement of \$40,000 has now been paid to the Plaintiff.</p> <p>The Local Government and Shires Association (LGSA) have approved a request by Council to seek reimbursement of costs from other councils, due to the legal precedent set by this case. Under the LGSA policy Council pays the first \$20,000 and it is hoped that the balance will be recouped from contributions from other councils.</p>				
Allens Arthur Robinson	S J Connelly v Ballina Shire Council	Land & Environment Court - ref. no. 2010/10274 - Appeal of refusal of development application 2009/689 (Ramada) - Class One	\$250,000	\$364,000
<p>Comments</p> <p>Initial proceedings heard at Ballina during September 2010. Closing submissions heard in Sydney during November 2010. Judgment awarded in favour of Council. As a class one case Council was not in a position to claim any costs related to the management of the case.</p>				
Allens Arthur Robinson	S J Connelly v Ballina Shire Council	Land & Environment Court - ref. no. 2010/10274 - Related to previous matter - Notice of Motion seeking costs for considering material no longer part of application or appeal - Class One	Costs included in previous item	Costs Awarded \$5,000 plus legal costs
<p>Comments</p> <p>This was a matter directly related to the Ramada case regarding costs incurred by Council due to late amendments to the development application. The Council was successful in this matter with the Court awarding Council costs of \$5,000 plus legal expenses (\$8,000 in total).</p>				

Solicitor	Parties	Description	Original Estimate	Costs Paid To Date
Blake Dawson	Oshlack v Ballina Shire Council & Ors	Land & Environment Court - ref. no. 2010/40570 - Challenge to approval of Marom Creek fluoridation plant - Rous Council and Lismore also joined in this case - Class Four	\$100,000	\$72,000
Comments				
<p>Mr Oshlack is appealing the process followed by Rous, Lismore and Ballina councils in approving fluoridation. Rous Council engaged Blake Dawson Solicitors and Ballina staff have agreed for that firm to also represent Ballina Council with costs to be shared, as this should result in cost savings. Lismore Council has engaged a separate firm to act as their solicitors.</p> <p>The costs for this legal action are sourced from Council's water budget.</p> <p>The initial defence of the appeal included seeking a decision of the court regarding a preliminary point of law. This motion, which was pursued by Ballina and Rous Councils, was heard by the Court on 14 March 2011. The point of law examined the relative powers of the Fluoridation Act and the Environmental Planning and Assessment Act and in doing so argued that the broader question of any environmental issues associated with the addition of fluoride has been dealt with by the Government and is an assessment beyond the capacity of the Council. If a decision in response to this point of law was favourable then the appeal would no longer proceed.</p> <p>Both Ballina and Rous were subsequently unsuccessful in respect to this preliminary point of law. The hearing of the appeal is now set down for June 2011.</p>				

Legal / Resource / Financial Implications

This next section of this report provides an update on legal costs for this year, along with a comparison to the previous two financial years.

Description	2008/09 Paid	2009/10 Paid	Revised 2010/11 Budget	2010/11 Paid
Planning Legals				
Avalon	86,000	0		0
Bryson and Blake	33,000	57,000		0
Greenwood Grove Refusal	53,000	44,000		7,000
Lennox Head Apartments	0	26,000		0
Ramada	0	51,000		364,000
Rich and Rich	0	16,000		1,000
Simpson	125,000	0		0
Stockpile - Temporary	0	0		66,000
Advice - Riverside Suites	95,000	35,000		4,000
Advice - North Angels	0	7,000		4,000
Advice - Service Centre	0	0		30,000
Advice - Miscellaneous	44,000	43,000		32,000
Sub Total	436,000	279,000	600,000	508,000
Property Legals				
Gunundi	139,000	23,000	3,000	3,000
Homeworld - Sec 96	52,000	0	0	0
Homeworld - BLEP	163,000	110,000	5,000	4,000
Sub Total	354,000	133,000	8,000	7,000

Description	2008/09 Paid	2009/10 Paid	Revised 2010/11 Budget	2010/11 Paid
Water Legals				
Oshlack - Fluoride	0	0	100,000	72,000
Totals	790,000	412,000	708,000	587,000
Costs Recouped				
Freedden	52,000	0		0
Jacobson / McMillan	103,000	0		0
Simpson	6,000	0		0
Stubberfield	0	29,000		29,000
Gunundi	0	0	Property (264,000)	71,000
Homeworld	0	0	Planning (20,000)	190,000
Ramada	0	0	Health (29,000)	8,000
Greenwood Grove	0	0		15,000
Stockpile Temporary (1)	0	0		0
Miscellaneous	0	0		3,000
Sub Total	161,000	0	313,000	316,000
Net Cost	629,000	412,000	395,000	271,000

- (1) As outlined earlier the LGSA has approved Council's application for a reimbursement of costs from other councils. It is uncertain when this reimbursement will be received.

In respect to the budget it is pleasing to note that the actual **planning** legal expenses incurred (\$508,000) have only increased by \$12,000 as compared to the \$496,000 which was the figure presented in the last legal cases report to the January 2011 Ordinary meeting. Since that date Council has not been actively involved in any planning cases and the additional expense has related only to legal advice.

Since January 2011 the legal costs recouped have also increased from \$279,000 to \$316,000 due to \$29,000 being received from a 2006 environmental case (Stubberfield) and \$8,000 for the Ramada matter.

The only major change in the status of the legal cases since the January 2011 report is the Oshlack case, which is being financed from the Water Fund. This appeal is set down for June 2011.

Options

This report is provided for information.

RECOMMENDATIONS

That Council notes the contents of the legal status report as at May 2011.

Attachment(s)

Nil

10.9 Lennox Head Community Centre - Public Artwork

File Reference	Lennox Head Community Centre
CSP Linkage	Resilient and adaptable communities
Delivery Program	Commercial Services
Objective	To advise Council of the process to complete public artwork for the Lennox Head Community Centre

Background

The public art policy for Ballina Shire Council requires major infrastructure projects with a value over \$1 million to include public art to the value of at least \$15,000.

The Lennox Head Community Centre is a major infrastructure development and it is important to ensure that the public art content of the development is in keeping with the local community.

This report canvasses options for that art.

Key Issues

- Comply with Public Art Policy
- Comply with Development Consent conditions
- Options

Information

The Lennox Head Community Centre is seen as an iconic building in Lennox Head and Council is now in a position to place public art in or on the building. There are numerous options for Council to consider in respect to this and one idea that has been proposed relates to the skate park.

The skate park has areas of “bare concrete” and does not blend with the community centre. One option could be for Council to call for expressions of interest to have a mural painted on the sides of the skate park in a theme that would be considered “in keeping with the Lennox Head village life style”. For the \$15,000 there may also be additional works provided.

To involve the community in this process it is recommended that Council call for expressions of interest to provide the public art for this project. The funding of \$15,000 can be provided as payment for this work.

Council can possibly indicate its preference for the mural on the skate park as part of this expression of interest, however at the same time Council can also emphasise that we are open to any ideas for public art.

Any art work may need to be protected by a clear anti-graffiti coating to protect that work over time.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The choice of the mural theme will foster community ownership of the community centre
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The \$15,000 public art is a mandatory item for the completion of the Lennox Head Community Centre.

Consultation

Expressions of interest will enable community involvement in the theme.

Options

Council can either undertake this expression of interest process or alternatively call quotes from professional artists for this work.

The preference is to involve the broader community and the recommendation that follows supports this approach.

In respect to the determination of the winning expression it is recommended that the Mayor and Deputy Mayor be delegated the authority to make this decision. The current Deputy Mayor, Cr Meehan, is also the Chairperson of Arts Northern Rivers, therefore advice from that body can also be sought if needed.

Even though Councillors Silver and Meehan are recommended to have the delegated authority it would be anticipated that all interested Councillors would be involved in the selection process.

RECOMMENDATIONS

1. That Council call for expressions of interest to provide the public art required for the Lennox Head Community Centre, with \$15,000 available as payment for this work.
2. That Council confirms that one of the preferences for this public art is a suitably themed mural for the eastern skate park wall, however all expressions of interest will be considered.
3. That Council delegates to the Mayor and Deputy Mayor the authority to determine the preferred application from the expression of interest process, with all Councillors invited to review and provide their recommendations on the submissions to the Mayor and Deputy Mayor, prior to a final decision being made.

Attachment(s)

Nil

10.10 Entry Treatments - Alstonville and Wollongbar

File Reference	Alstonville Bypass / Signage Taskforce
CSP Linkage	Resilient and adaptable communities
Delivery Program	Engineering Works
Objective	To obtain direction from Council in respect to the proposed entry treatments for Alstonville and Wollongbar as part of the Alstonville bypass.

Background

As part of the Alstonville bypass work the RTA has agreed to finance the construction of substantial entry treatments at the eastern approach to Alstonville and the western approach to Wollongbar.

These entry treatments are to include landscaped works and signage to clearly identify the Alstonville and Wollongbar townships.

This project has primarily been managed by Council's engineering staff and a large component of the landscape planning has been completed by Sheryn Da-Re, Landscape Architect.

To date Council staff have not been able to obtain agreement with the Alstonville Chamber of Commerce in respect to the signage to be installed on the entry treatments and the purpose of this report is to obtain direction from Council on the preferred option.

Key Issues

- Preferred signage approach

Information

The RTA has allocated approximately \$0.5 million for the establishment of the entry treatments for Alstonville and Wollongbar. The majority of this funding will be taken up with infrastructure and landscaping works however there will also be signage provided.

Essentially there has been consensus on the majority of the works and the signage remains the remaining main point of conjecture.

The preferred signage option is to be located on a stone wall that forms part of the landscape treatments and the Alstonville & Wollongbar Chamber of Commerce has previously engaged Danthonia Designs Pty. Ltd. (www.danthonia.com.au) to prepare signage concepts for the entry treatments. Copies of the two designs (Alstonville and Wollongbar) provided by Danthonia are included as the first attachment to this report.

The Alstonville Chamber has presented these designs to C Ward and to a community meeting and there has been support for the designs. The Ballina Chamber of Commerce has also indicated that they support these designs.

Whilst the Alstonville Chamber has been pursuing this option Council staff have been working with both the Council appointed landscape designer (Sheryn Da-Re) and the signage design firm that Council selected for its town and village signage program (Entica - www.entica.com.au).

Ms Da-Re and the designers from Entica have produced landscape and design plans that they consider appropriate for the entry treatments. The second attachment to this report provides their combined concept plans.

Ms Da-Re, who will provide the landscape plans for which ever is the preferred signage, has asked that Council in considering signage take the following matters into account.

- The RTA ran a separate process as part of the bypass work to design the gateway treatments for Alstonville and Wollongbar. This process resulted in a community approved design which included a series of concentric circles, broadly representative of aboriginal cultural heritage. These approved concepts also included a curved signage wall with the name of the village simply on each wall. If the integrity of the gateway design is to be maintained then the walls should be retained as curved. This may present construction issues for a single panel sign. Further advice from a sign manufacturer may be required.
- The stone wall proposed is classic to the region as dry stacked farm walls
- The preference is to use galvanised steel or PC aluminium to exclude rust as a possible issue.

As mentioned the Danthonia Design or the Entica Design can be installed in conjunction with the Sheryn Da-Re landscape plans, albeit that the Danthonia Design may need to be modified to ensure it is entirely compatible with the landscape plan.

Town and Village Signage Project

Council staff commenced a project in late 2008 to develop protocols to manage the implementation of gateway, town and village, tourist and interpretative signage within the shire that provide a consistent image, message and information source.

With an allocation of funding from Council the first project this team completed was an audit of the tourist drive signage across the shire and following that audit all signs in need of replacement were updated.

This signage included not only the tourist drives but also directional signage to the main tourist attractions.

The next phase of the project then involved consultation with representatives from community groups to identify preferred themes for signage. Council was assisted in this consultation by Dr Dianne Dredge from Southern Cross University.

Following the collation of this information, expressions of interest were called for professional design and signage firms to provide design services to Council. The successful suppliers from this process were a design firm, being Entica Pty. Ltd. combined with a signage production company, being Armsign Pty. Ltd. (www.armsign.com.au).

Representatives from Entica then reviewed the community consultation undertaken and following a number of discussions with Council staff a preferred town signage design was presented to Councillors. A copy of that presentation is included as the third attachment to this report.

It is fair to say that concerns were expressed over the recommended signs (being concept two as per the attachment) as part of that presentation with many Councillors expressing their preference for the concept one proposal.

However the professional advice at the presentation was that concept two would translate into a better signage outcome for the community.

Unfortunately the installation of the new town signage has not been supported with many people criticising the signs as dull and boring. This is extremely disappointing as the project was intended to provide a positive outcome for both residents and visitors to the shire.

The contract with Entica also included the preparation of a signage style guide for Council and a copy of that guide is included as the fourth attachment to this report. As per that guide the designs proposed are intended to be used in new information boards and interpretative signage that is to be installed as part of the next phase of this program.

This work is already well advanced and from a staff perspective it is considered that the designs proposed for the information boards etc work far better than the town signage and it is hoped that they will be more readily accepted. To date approximately \$66,000 of the \$99,000 budget for this project has been expended on design work and sign replacements. A large part of the signage replacement has been expended on tourist directional signage.

With Councillors and sections of the community now expressing disappointment with the work completed to date, Council may well wish to place this project on hold and revisit the entire works program.

Sustainability Considerations

- **Environment**

All the work being undertaken in respect to signage is aimed at promoting the environmental, social and economic advantages of the region.

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

Legal / Resource / Financial Implications

The signage program has a budget of \$99,000 for 2010/11 with approximately \$66,000 expended to date.

Consultation

The signage program has been subject to extensive community consultation and the difficulty now rests with gaining consensus on the preferred design approach.

Options

In respect to the Alstonville / Wollongbar entry treatments the options are:

1. Proceed with the Danthonian Design, with possible amendments
2. Proceed with the Entica Design, with possible amendments
3. Pursue alternative options.

Ultimately design choice is a matter of personal taste and it is appropriate for Councillors to determine the preferred option on behalf of the community. The recommendations that follow provide both options for consideration.

In respect to the concerns expressed over the new town signage, if Council wishes the signage project to change tact then the recommendations should be amended to include that change. Council may well need to workshop this issue to determine how best to move forward if change is the preferred option.

RECOMMENDATIONS

Option A

That Council endorses the attached Danthonia Designs as the preferred signage approach for the Alstonville and Wollongbar entry treatments, with this design, subject to any necessary amendments, to be incorporated into the Sheryn Da-re landscaping plans.

OR

Option B

That Council endorses the attached Entica Design as the preferred approach for the Alstonville and Wollongbar entry treatments, with this design, subject to any necessary amendments, to be incorporated into the Sheryn Da-re landscaping plans.

Attachment(s)

1. Alstonville and Wollongbar Entry Treatments - Danthonian Design
2. Alstonville Entry Treatment - Entica Design
3. Entica - Signage Presentation - December 2010 (separate attachment)
4. Entica - Signage Style Guide - May 2011 (separate attachment)

10.11 Operational Plan 2010/11 - Updates

File Reference	Integrated Planning and Reporting 2010/11
CSP Linkage	Transparent and accountable governance
Delivery Program	Governance
Objective	To respond to a resolution from the April 2011 Ordinary meeting asking for further updates on items included in the 2010/11 Operational Plan.

Background

Council received a report on the status of the projects in the 2010/11 Operational Plan at the April 2011 Ordinary meeting. In considering that report Council also resolved to receive further updates on the following items:

1. *Town and Village Entry Signs*
2. *Review of the Disaster Plan*
3. *Coastline Shared Path – Flat Rock to Pat Morton*
4. *Regional Visitor Services Strategy*
5. *Farmers' Markets*
6. *Ballina Business Centre*
7. *Ballina Floodplain Risk Management Plan*
8. *Formulation of an information bag, welcome kit for new residents moving to the Shire and a phone ahead service with a follow up visit*

The report that follows provides an update on each of these matters.

Key Issues

- Status of projects
- Resource and funding implications

Information

A status report on each of the items raised at the April Ordinary meeting is as follows.

1. Town and Village Entry Signs

The new town and village entry signs were installed in early March 2011 and are part of a suite of promotional and interpretative signs for the Ballina Shire. The town and village signs are used at entry points to the urban centres of Alstonville, Ballina, Lennox Head, Wardell and Wollongbar, and are the first of four signposting initiatives. Those initiatives include:

- The development of an interpretative River Trail signposting natural, cultural and aboriginal heritage of the Richmond River
- The development of a signage style guide for promotional and interpretative signs in the Ballina Shire. This is complete
- The development of local information boards for community members and visitors

Since the adoption of the design by Council in December 2010, further signs have been developed in line with the style guide at the Ballina Byron Gateway Airport.

A large number of tourist directional signs have also been replaced as part of this program.

It is anticipated the River Trail, Airport Signs and Local Information Boards will be installed by the end of the financial year. A total of \$66,000 of the \$99,600 budget for this project has been expended to date.

Further information on this project is included in the report on the Entry Treatments to Alstonville and Wollongbar, which is the subject of a separate report in this agenda.

2. Review of the Disaster Plan (Displan)

The project to review the Displan was proposed to primarily to meet two objectives. Firstly the review was to enable the update to address any changes in legislation and to generally ensure the plan is contemporary in its presentation and content. The second focus was to enable the enhanced provisions established at a State level in relation to recovery to be reflected in the new local Displan.

In addition to recovery, staff have identified that it would be beneficial to review the evacuation centre arrangements in the plan and to review the information in respect of vulnerable communities.

It is understood that the interest from Councillors in this project was in part a need to respond to questions about warning systems and other arrangements. It is noted that the Displan itself has the primary objective of determining responsibilities and the general coordination arrangements for response to disasters in the local area. The specifics of how the responses are undertaken, including communication methods, is mainly achieved in the operational plans of the respective agencies such as the SES for the Flood Plan and the RFS for the Bushfire Management Plan.

Some of these operational plans form sub plans under the Displan. That is, Council does not have specific responsibilities or any major role in communicating warnings in response to events, those responsibilities are for the lead combat agency for the specific event.

These primary objectives of responsibilities and general coordination are still working effectively and only minor changes in respect of these are expected to arise out of the review. Therefore the delay in preparing the plan is not resulting in any compromise of the ability of the various combat agencies to respond to a disaster or emergency.

These provisions are regularly tested through exercises and the function of the Local Emergency Management Committee.

The delay in preparing the review has been the result of three factors. These are described below.

Firstly, staff were initially of the view that undertaking the review internally was preferred from a knowledge basis and to avoid the cost of additional resources. It is now the case that the project's scope would benefit from external assistance, however it is recognised also that substantial direct time is still required by staff for the project to be successful and this has timeline implications.

Secondly, the NSW Government has recently announced changes to the operations of District and Local Emergency Management Committees. These changes were pending for some time and the plan could not be updated until the changes were confirmed. Staff are still assessing the changes and the local implications.

Thirdly, the Flood Plan is a major sub plan of the Displan. A project has been established to assist the SES prepare an updated Flood Plan concurrent to the preparation of Council's Floodplain Risk Management Plan. Councillors will recall from previous briefings that this project has included the detailed planning of evacuation routes and warning times through the use and further development of the Council's flood model. This work is nearing completion and will be very useful to the review of the Displan.

In response to questions from the community, last year a presentation to business groups, schools and facilities such as nursing homes was arranged to inform these groups about the purpose of the Displan and the emergency management structure generally.

Given the questions raised by Council at the last meeting, it is suggested a Councillor workshop to hear a similar presentation would be useful. This would also be an opportunity to explain the changes that are currently being implemented by Government.

3. Coastline Shared Path – Flat Rock to Pat Morton

The coastline shared path project between East Ballina and Lennox Head comprises two facilities and routes.

- Shared path west of the Coast Road between Angels Beach and Lennox Head, via the Coast Road, Skennars Head Road and North Creek Road.
- Walking path, east of the Coast Road, between Flat Rock and Pat Morton Lookout, along the coastline.

The services of NSW Public Works has been used to assist in the preparation and undertaking of planning assessments and design documentation. A Preliminary Environmental Planning Overview has been completed and two separate EISs will be required.

One EIS will be required for the shared path segment along Skennars Head Road (SEPP14) and one EIS will be required for the coastal walk segment of Boulders Beach (SEPP26).

Environmental assessments have already commenced for the remaining sections of the shared path route that do not require EIA approval and quotations have been called for the environmental assessment for the coastal walk. Concurrently quotations have been called for the concept design for both routes, and a consultant has now been appointed. It is forecast that the concept design information for the two routes will be completed at the end of August.

It is anticipated that prior to commencement of detailed design, the concept design plans will be used for consultation with the Councillors.

Furthermore, the agreed concept design and environmental documentation will form the basis for approval documentation.

4. Regional Visitor Services Strategy

Ballina Shire Council is one of seven stakeholders in the development of a regional visitor services strategy; the others being the local governments in the Northern Rivers region. A meeting took place on 25 March 2011 with a representative from Industry & Investment NSW to discuss joint funding of the strategy. A matched funding application for \$32,000 is now with Industry & Investment NSW for determination.

Pending the outcome of the funding application, expressions of interest from qualified consultants will be advertised. It is anticipated the strategy will take four months to complete.

The aim of the Regional Visitor Services Strategy is to identify how best to integrate visitor information centres and services across the region. This is particularly important for Ballina with the bypass to be opened late 2012.

5. Farmers' Markets

Council received a report at the Ordinary Meeting held on 17 December 2009 relating to the farmers' markets, currently held on Sunday mornings on land adjacent to Kingsford Smith Drive. At that meeting the Council resolved:

- 1. Council approves, in principle, the establishment of a Farmers' Market to be held at Fawcett Park or on the grassed area of Missingham Bridge Park, Saturday mornings from 8am to 12 noon, subject to further consultation and all relevant approvals being obtained.*

2. *That subject to all approvals being in place, the Farmers' Market is to be managed within existing staffing levels, with any request for additional resources to be subject to a further report to Council.*

Following the Council meeting consultation was undertaken with market stallholders at which a number of concerns were raised regarding the proposed changes to the time and location of the farmers market.

This matter had previously been managed in Council's Economic Development Unit.

Due to the recent change in staff arrangements and the reallocation of Council's Economic Development functions to the Strategic and Community Services Group, it was considered prudent to invite the Council to consider further the issues relating to farmers' markets in Ballina, including the outcomes of stakeholder consultation.

A further report on this matter will be presented to the Council as a matter of priority.

6. Ballina Business Centre

This was a proposal whereby Council could establish a business centre, in a Council property, most likely, the Commercial Services building, which would allow small business operators, who perhaps work from home, to operate from an office environment as and when needed.

The project was subject to an application for significant grant funding from the NSW State Government. This application was not successful and therefore the project is not proceeding. Council has previously resolved to remove this project from the 2010/11 Operational Plan due to the lack of resourcing.

7. Ballina Floodplain Risk Management Plan

The Ballina Floodplain Risk Management Study and Plan has progressed where a number of elements of the management study reporting have been completed in a draft format (and have been presented to Councillors at Floodplain workshops).

These discussion elements have comprised:

- Flood damages
- Floodplain modification
- Property modifications
- Evacuation capability and emergency response
- Planning and climate change (in part)

There has been delays with the consultancy team in finalising the study components, however it is pleasing to report that further work is now prepared and is available for presentation. Two workshops have been planned:

- Thursday 2 June 2011 at 4.00pm - Review of previous Floodplain presentation material (by BSC staff).
- Tuesday 7 June 2011 at 4.00pm - Presentation of Floodplain study outcomes including planning elements (by consultant team).

We envisage that subject to the feedback from Councillors at these workshops, the plans will be ready for formal presentation to Council at either the June or July meeting.

8. Formulation of an information bag, welcome kit for new residents moving to the Shire and a phone ahead service with a follow up visit

This item is not included in the 2010/11 Operational Plan or the draft 2011/12 Operational Plan. It is understood that some councils do provide this service to new residents and ultimately it is a matter for Council to determine whether they wish to allocate resources to such a service.

In respect to the preparation of an information bag or welcome kit it would be recommended that Council allocate approximately \$10,000 per annum to ensure such a kit is maintained and updated with relevant information.

As to the phone ahead service the difficulty with this is in identifying people who move to the area. Council is really only in a position to track property sales and these do not necessarily reflect movements to and from the area. It is suggested that this service would be difficult to implement and difficult to justify the allocation of resources considering all the other priorities currently before Council.

If the information bag, welcome kit proposal is to proceed Council needs to allocate recurrent funding in the draft 2011/12 Operational Plan for this project.

Sustainability Considerations

- **Environment**
A number of these projects may environmental, social and / or economic benefits.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

All the projects identified, excluding the information bag, are included in the 2010/11 Operational Plan and resources are being committed to ensure those projects are completed. The only exception to this is the Ballina Business Centre which is not proceeding as no resources are allocated to the project.

Consultation

The Operational Plan is exhibited for public comment prior to adoption by Council.

Options

The options revolve around each of the projects identified. Essentially the majority of the projects are progressing and this report has provided a more detailed update.

RECOMMENDATIONS

1. The Council notes the contents of the status report on the town and village entry signs project.
2. That the information regarding the review of the Council's Displan be noted and that a workshop be held to further inform the Council about this review and recent changes by government to the NSW emergency management arrangements.
3. The Council notes the contents of the status report on the Coastal Shared Path and Coastal Walkway.
4. The Council notes the contents of the status report on the Regional Visitor Strategy.
5. The Council notes the contents of the status report on the Farmers Market.
6. The Council notes that the Ballina Business Centre project has been previously deleted from the 2010/11 Operational Plan as no resources have been allocated to the project.
7. That Council notes the contents of the status report on the Ballina Floodplain Risk Management Plan
8. That Council notes the contents of the report on the proposal for an information bag and / or welcome kit for new residents moving to the shire, and a phone ahead service with a follow up visit.

Attachment(s)

Nil

10.12 Quarterly Financial Review - March 2011

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 March 2011

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 third 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 March 2011. 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 the capital expenditure program.

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

In the tables, the column advising 'March Review' is the forecast at March for the full financial year (2010/11). Actual figures to 31 March 2011 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)
Table 1: General Fund - Operating Income (\$'000)

Operating Income	Original Budget	Sept Review	Dec Review	March Review	March Actual
Strategic Services					
Strategic Planning	9	62	69	89	101
Community Services	96	96	120	220	206
Community Gallery	58	58	58	58	43
Section 94 interest	324	324	374	374	0
Sub Total	487	540	621	741	350
Regulatory Services					
Development Services	370	340	315	295	222
Building Services	815	815	835	835	615
Public and Env Health	200	200	234	274	232
Admin and Public Order	86	86	86	86	64
Sub Total	1,471	1,441	1,470	1,490	1,133
Civil Services					
Asset Management	163	163	253	263	181
Stormwater and Env Prot	443	560	576	542	416
Roads and Bridges	0	531	597	767	298
Ancillary Transport Services	928	928	877	877	108
Burns Point Ferry	391	391	391	381	286
Roads and Traffic Authority	1,308	1,312	1,312	1,312	1,046
Open Space and Reserves	456	468	472	797	384
Fleet Mgmt and Workshop	3,081	3,081	3,081	3,181	2,352
Rural Fire Service	130	130	212	212	120
Quarries and Sandpit	306	306	456	556	476
Swimming Pools	291	291	271	259	250
Waste-Landfill/Commercial	6,061	6,282	6,742	6,847	5,380
Waste-Domestic	5,706	5,712	5,713	5,663	5,427
Sub Total	19,264	20,155	20,953	21,657	16,724
General Manager's Group					
Administrative Services	27	27	27	27	21
General Purpose Revenues	18,202	17,507	17,568	17,578	17,064
Financial Services	136	136	232	230	57
Regional Library	90	90	113	113	113
Information Services	3	3	3	3	3
Human Resources and Risk	45	54	61	184	152
Tourism	40	40	92	92	82
Property Management	2,268	2,752	3,118	3,118	2,923
Camping Ground	526	526	526	290	241
Ballina Byron Airport	3,051	3,051	3,016	2,896	2,005
Sub Total	24,388	24,186	24,756	24,531	22,661
Total Operating Income	45,610	46,322	47,800	48,419	40,868

Table 2: General Fund - Operating Expenses (\$'000)

Operating Expenses (excluding depreciation)	Original Budget	Sept Review	Dec Review	March Review	March Actual
Strategic Services					
Strategic Planning	887	1,263	1,301	1,335	689
Community Services	368	331	379	582	400
Community Gallery	137	137	137	137	102
Sub Total	1,392	1,731	1,817	2,058	1,191
Regulatory Services					
Development Services	1,226	1,456	1,656	1,666	1,326
Building Services	757	757	757	757	529
Public and Env Health	679	704	704	749	542
Admin and Public Order	944	944	952	948	657
Sub Total	3,606	3,861	4,066	4,120	3,054
Civil Services					
Asset Management	2,633	2,691	2,882	2,826	2,000
Stormwater and Env Prot	729	1,158	1,185	1,098	628
Roads and Bridges	2,617	2,956	3,101	3,171	2,622
Ancillary Transport Services	1,742	1,809	1,809	1,832	951
Burns Point Ferry	566	566	566	566	466
Roads and Traffic Authority	1,308	1,312	1,312	1,312	1,025
Open Space and Reserves	3,390	3,566	3,562	3,887	2,966
Fleet Mgmt and Workshop	2,263	2,263	2,263	2,362	1,899
Rural Fire Service	322	322	412	442	203
Quarries and Sandpit	63	83	83	83	56
Swimming Pools	649	670	670	704	630
Waste-Landfill/Commercial	4,991	5,081	4,691	4,796	3,307
Waste - Domestic	5,185	5,235	5,610	5,590	3,118
Sub Total	26,458	27,712	28,146	28,669	19,871
General Manager's Group					
Governance	884	917	936	936	677
Administrative Services	880	880	880	880	630
Financial Services	(2,543)	(2,501)	(2,400)	(2,389)	(1,879)
Regional Library	1,230	1,262	1,287	1,287	1,215
Information Services	1,165	1,165	1,165	1,175	1,230
Human Resources and Risk	1,488	1,667	1,734	2,187	1,225
Tourism	575	632	699	636	467
Property Management	1,500	1,504	1,436	1,212	1,036
Camping Ground	266	266	266	316	228
Ballina Byron Airport	2,470	2,470	2,435	2,451	1,679
Sub Total	7,915	8,262	8,438	8,691	6,508
Total Operating Expenses	39,371	41,566	42,467	43,538	30,624
Net Operating Result Before Depreciation	6,239	4,756	5,333	4,881	10,244
Depreciation Expense	8,311	8,576	8,576	8,576	8,576
Net Operating Result from Continuing Operations	(2,072)	(3,820)	(3,243)	(3,695)	(1,668)

Table 3: General Fund - Capital Expenditure (\$'000)

Activity	Original Budget	Sept Review	Dec review	March Review	March Actual
Information Services	30	30	30	26	24
Property - Commercial	3,600	11,927	11,567	6,692	4,737
Property - Community	7,907	8,343	8,346	6,745	5,150
Library	100	124	39	43	43
Camping Ground	10	10	10	0	0
Ballina Airport	875	875	875	490	375
Regulatory Support	0	25	25	36	11
Asset Management	0	60	60	60	0
Stormwater	388	944	932	932	17
Roads and Bridges	9,826	15,546	16,142	16,237	5,880
Ancillary Transport Services	820	1,970	1,970	2,096	773
Town Beautification	5,000	7,233	7,527	3,549	1,438
Wharves and Jetties	0	199	199	199	88
Parks and Reserves	150	627	627	704	432
Sporting Fields	4,390	1,460	1,460	1,482	1,160
Cemeteries	0	100	121	121	21
Rural Fire Service	0	0	249	249	3
Fleet and Plant	568	1,269	1,269	1,269	577
Swimming Pools	0	10	10	10	6
Quarries and Sandpits	0	0	0	0	0
Waste Management	1,200	1,250	1,099	1,099	11
Loan Principal Repayments	2,063	2,063	2,063	2,063	1,505
Total Capital Expenditure	36,927	54,065	54,620	44,102	22,251

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

Item	Opening Balance (1)	December Estimated Movement (2)	Movement as at March Review (3)	Total Movement for Year (4 = 2 + 3)	Revised Closing Balance (1 + 4)
Working Capital	338	(189)	3	(186)	152
Reserves	41,524	(26,845)	4,372	(22,473)	19,050

Comments - General Fund

The **net operating position before depreciation** has deteriorated by \$452,000 with the estimated surplus reducing from \$5,333,000 to \$4,881,000. Both income and expense have increased however expense has increased by over \$1,000,000 whilst income is closer to \$600,000. Details of these movements follow.

The estimated **unrestricted working capital** movement has remained similar to the December forecast deficit of \$189,000 improving to a deficit of \$186,000. This indicates that whilst the forecast operating surplus has reduced by \$452,000, this has been offset by other funding movements such as transfers from reserves. One example of this is the fact that the employee leave entitlement expense budget has increased by \$385,000 and the leave entitlement reserve has been used to fund this increased cost.

Total General Fund reserves include all restricted reserves such as grant and section 94 funds. The forecast closing balance of reserves has increased because some large capital projects were taken out of the current year. Generally these projects have been distributed over later years. Examples include the Ballina Surf Club and the Ballina town centre upgrade.

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

- over expense in the open spaces and reserves area to some \$200,000 has had a material impact on the budget. Ideally at this stage of the year there would be some real progress in reducing the forecast working capital deficit however this has not been possible given this over expenditure.
- poor weather and high maintenance costs at the pools have resulted in less income and more expense than budgeted to some \$46,000.
- expenses associated with the Human Resources and Risk function have exceeded forecast by \$68,000. A lot of this is attributable to recruitment expenses.
- long service leave and employee entitlements costs are significantly higher than anticipated with the budget being increased by \$385,000. This expense is funded from the leave entitlements reserve.
- income from insurance refunds is \$86,000 more than forecast.
- receipt of grant income to \$100,000 for community services works associated with planning for the new Aboriginal Family and Child Care Centre
- forecast increase to quarry income of \$100,000

The **capital budget** remains ambitious despite the budget being reduced by \$10 million to \$44 million. The reduced program generally relates to projects that have been pushed back one or two years.

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

Comments on the material changes between the December and March Review columns for the operating income and expense statement are as follows.

General Fund - Operating Income

Strategic Planning

Rezoning Fees: The budget for 'Cumbalum Ridge precinct B rezoning' has been increased by \$35,000. Also the rezoning for Newton will not be proceeding and forecast income has been reduced by \$15,000. An equal increase to strategic rezoning expenses is also required. **Increase in income of \$20,000 which is offset by an increase in expense of \$20,000.**

Community services

Community Services Grant: Paid by Department of Human services in recognition of staff time applied to the proposed 'Child and Family Centre' for Ballina. The grant is to be used for support of community development activity in the shire. The funds have been transferred to reserve. **Increase to income of \$100,000 and internally restricted reserves of \$100,000.**

Development Services

Operating Revenues: Regulatory Services income has been reduced by \$20,000. Adjustments include reductions to forecasts in respect of development application fees, advertising fees, compliance levy and subdivision fees. The net adjustment is a **reduction in income of \$20,000.**

Public and Environmental Health

Operating Revenues: Minor increases are proposed in respect to various inspection fees and fines income which have resulted in a further \$10,000 being forecast. Also an additional \$30,000 has been received from Rous County Council in respect to inspections of on site sewer management systems. **Increase to income of \$40,000.**

Asset Management

Development Engineer Inspection Fee: The budget of \$120,000 has been reached and a further \$10,000 has been forecast. **Increase to income \$10,000.**

Stormwater and Environmental Protection

Wardell Flood Study: The budget made provision for more work on the Wardell Flood study assuming grant income of \$50,000 and expense of \$75,000. Hence \$25,000 was sourced from general revenue. The project is complete and the income and expense will not occur. **Reduction to income of \$50,000 and expense of \$75,000.**

Third Party Flood Modeling: Flood study modeling for various developers. **Income and expense increased by \$16,000.**

Roads and Bridges

2009 Storm Damage: Works and accounting in relation to this event are yet to be finalised. The budget assumed grant income of \$278,000 and expense of \$186,000 with the surplus going to general revenue. The surplus relates to previous years where Council accepted a loss in relation to this event.

Operational managers have advised that they will not be expending all available grant funds and both income and expense have been reduced by \$141,000. **Reduction to income and expense of \$141,000.**

2010 Storm Damage: Grant income of \$9,000 has been received and expended in relation to the 2010 storm event. **Increase to income and expense of \$9,000.**

2011 Storm Damage: Thus far a claim for \$302,000 has been made. Issues relating to the Coast Road landslip are not resolved and further grant claims will occur in due course. **Increase to income and expense of \$302,000.**

Ferry Wharves and Jetties

Ferry: Income is trending below forecast and the budget has been reduced by \$10,000. The lack of decent surf at South wall during the summer months will have impacted income negatively. **Reduction to income \$10,000.**

Open Spaces and Reserves

Contributions: Forecast income from the Department of Family and Community Services towards wages expense for the Regional works and Nurseries crews will be less than forecast by some \$25,000. This is because staff eligible for grant support left Council and were not replaced. **Reduction to income \$25,000.**

Fees: Fees to use the reserves are trending higher than forecast and an additional \$5,000 has been added to the budget. **Increase to income \$5,000.**

Contribution to Overheads: The budget includes a contribution of \$235,000 from the Land & Property Management Authority to reserve maintenance and caravan park overheads. This budget was previously in the property area and it has been relocated to the reserves area. **No net change to income.**

Cemetery: Fees are trending up on forecast and the budget is proposed to be increased by \$30,000. Expenses are also high and an increase to budget of \$15,000 is recommended. The surplus will be transferred to the cemetery reserve. **Increase to income \$30,000, increase to expense \$15,000 and increase to reserve of \$15,000.**

Environmental Extension: New grants received for bitou bush clearing, big scrub at Killen Falls and Jali fire trails totaling 77,000. **Increase to income and expense of \$77,000.**

Quarry Operations

Tuckombil Quarry: Income from royalties continues to exceed expectations and a further \$100,000 has been added to the budget. This income will be transferred to the quarry reserve.

Swimming Pools

Ballina and Alstonville Pools: Both pools have attracted less custom than anticipated and \$6,000 has been reduced from each income budget. In respect to Ballina, pool gate fees were down on forecast, and at Alstonville it was season tickets. **Reduction to income of \$12,000.**

Plant Operations

Plant: Both income and expense are trending higher than forecast and \$100,000 has been added to each budget. **Increase to income and expense of \$100,000.**

Landfill Management and Resource Recovery

The proposed changes to operating income are **a net increase to income of \$105,000.** The proposed changes to budget are:

- Income from gate fees is trending well and the forecast has been increased by \$75,000 to \$1,315,000
- Gate fees paid by general Council activities has been reduced by \$50,000. This budget was modeled on previous years and a change to operating procedures this year has seen a large reduction to the quantity of waste taken to the tip. The forecast has been progressively reduced all year.
- The budget for disposal fees paid by Domestic Waste Management has been increased by \$30,000 to \$2,440,000
- Gate fees paid to dispose construction and demolition waste have been increased by \$50,000 to \$603,000.

Domestic Waste Management

The Domestic Waste income budget has been reduced by \$50,000 because income from plant hire is trending less than forecast. This adjustment is matched by a similar adjustment in collection expenses suggesting that the plant is not working as hard as anticipated. **Decrease to income of \$50,000.**

Financial Services

Rate Income: Forecast income was \$14,537,000 and due to growth in assessments this forecast has been increased to \$14,547,000. **Increase to income of \$10,000.**

Human Resources and Risk Management

Statewide Bonus Refund: An amount of \$42,000 was budgeted from this source and it is actually \$73,000. This is an annual reimbursement that varies based on claims history. **Increase to income \$31,000.**

Statecover Workers Compensation: Refund of \$55,000 that was not anticipated. Again this is associated with premiums paid and claims made. **Increase to income \$55,000.**

Water and Sewer Contribution: Recruitment expenses this year have been well in excess of historical norms. A lot of the expense is associated with recruitment that has taken place for water and sewer to replace contract staff with permanent staff and also for the capital works program that is ongoing. A contribution of \$37,000 has been accepted by General Fund from Water and Sewer for these expenses. **Increase to income of \$37,000.**

Tent Park

Contribution relocation: Income in the form of a contribution from the crown to overheads and maintenance has been relocated from Property to Open Spaces and Reserves.

Airport

Operating income: Income will not achieve forecast and has been reduced by \$120,000. Issues include:

- forecast income from Virgin (down \$60,000) and REX (down \$15,000)
- the revised outlook for car rental is \$35,000 less than budget
- parking fees are up by \$50,000
- forecast advertising income of \$50,000 will not be received

Reduction to income of \$120,000

General Fund - Operating Expenses

Community Services

Both the Lennox Head Community Centre (LHCC) and Alstonville Leisure and Entertainment Centre (ALEC) have been relocated from the Property Section to the Community Services section. This has increased expense in Community Services by \$197,000 (LHCC \$50,000 and ALEC \$147,000) and reduced expense in Property by the same amount. **No net change to expenses on the whole.**

Richmond Room: Building maintenance is trending reasonably well and has been reduced by \$3,000 to \$10,000. Council donates the time of staff to set up and pack away chairs and tables for a community group that uses the Richmond Room. A budget of \$10,000 was provided for this donation and it will not be sufficient and a further \$3,000 has been added to the donations budget. **No net change to expenses on the whole.**

Wardell Community Centre: Current staff arrangements at the centre will result in a small saving to the salary budget. **Reduction to expense of \$7,000.**

Development Services

Office Expenses: The budget has been increased by \$10,000 to \$61,000. The main issue is that advertising costs are greater than forecast.

Administration and Public Order

Public and Environmental Health: The budget for administration expenses has been increased by \$5,000 due to a variety of sundry matters including photocopy expenses and use of ferry but primarily due to fines processing fees. The legal expenses budget has been increased by \$10,000 to \$15,000 and salary expense relating to inspections of on site sewer management systems funded by Rous Water has been increased by \$30,000. **Increase to expense of \$45,000.**

Asset Management

Council Chambers: There continues to be substantial maintenance issues associated with the air conditioning system. A further \$12,000 has been added to the budget taking total forecast expense to \$29,000.

Civil Salaries: Delays in obtaining replacements for staff and extended sick leave has resulted in savings to budget. Ideally this saving would be placed into the employees leave reserve however other issues during the quarter dictate that the reduced expense is used to offset over expenditures in other areas. **Reduction to expense of \$70,000.**

Stormwater and Environmental Protection

Estuary Management Plan: Council is required to contribute \$30,000 to the Richmond River County Council for the Estuary Management Plan. This budget was overstated in the original budget. **Reduction to expense of \$30,000.**

Roads and Bridges

Teven Bridge: The budget assumed loan repayments associated with borrowings for Teven Bridges. It is now evident that the first repayments will occur in the next financial year. The forecast interest component of the repayment was \$90,000. **Reduction to expense of \$90,000.**

NRCMA grants: Council has secured grant funding for roads capital works. It is necessary that Council contributes \$10,000 towards the cost of capital works and the budget for gravel roads maintenance has been reduced by \$10,000 to provide for this new expense in capital works. **Reduction to expense of \$10,000.**

Ancillary Transport Services

Signage: Budget of \$23,000 has been relocated from the Tourism Promotions budget to the Town and Village Signs/Style guide/information Board project. The total budget for this project is now \$100,000.

Open Spaces and Reserves

Buildings Vandalism: Expenses trending below forecast and the budget has been reduced by \$5,000 to \$39,000. **Reduction to expense of \$5,000.**

Open Space and Reserves Operations: Budget of \$1,418,000 will be exceeded and the budget has been increased by \$85,000 at this stage. The issues involved are still being analysed however it appears that the use of contractors is a large part of the problem. **Increase to expense of \$85,000.**

Newrybar Hall On Site Sewer System: A new budget of \$20,000 has been raised to pay for refurbishment of the Hall's sewer system. This expense is to be off set by funds left over from the donations budget and \$6,000 remained unallocated. **Increase to expense of \$14,000.**

Nursery Wages: Wages exceeding forecast and a further \$10,000 has been added to the budget. **Increase to expense of \$10,000.**

Pine Avenue Bush Regeneration: The existing budget of \$40,000 is not sufficient and a further \$30,000 has been added funded from the Single Invitation Contract reserve. **Increase to expense \$30,000 and reduction to reserve of \$30,000.**

Public Toilets: Cleaning, consumables and maintenance expense associated with public toilets has exceeded forecast and a further \$28,000 has been added to the existing budget of \$217,000. **Increase to expense of \$28,000.**

Picnic Tables and Shelters: Cleaning and maintenance costs have exceeded forecast and a further \$10,000 has been added to the existing budget of \$66,000. **Increase to expense of \$10,000.**

Sports Fields: Again a general lack of budgetary control sees this budget exceeded and a further \$47,000 has to be added to the budget of \$336,000. **Increase to expense of \$47,000.**

In summary the Open Spaces actual expenses have exceeded budget almost across the board. In recent years this program has been able to limit expenditure to within budget, although a similar case of over-expenditure incurred approximately three years ago. The Program Manager has been continuing to push for increased funds and staff resources as the demands on this section grow, along with the increased areas of open space that fall under Council's responsibility.

Unfortunately Council has not been in a position to provide significant additional funding to date, with the majority of any additional revenues gained being allocated to road maintenance and construction works.

Further work is being carried out analysing the funding allocated and the demands on the section and a report may be submitted to Council in the near future outlining options for resourcing this section.

Swimming Pools

Swimming Pools: Both pools have exceeded budgets. Ballina requires a further \$9,000 due to general maintenance and operation expenses. Alstonville requires a further \$25,000 to be added to the budget with issues including the need to replace a chlorine tank, high water usage due to leaks and high gas costs due to poor weather. **Increase to expense of \$34,000.**

Rural Fire and Emergency Services

Contribution to Fire Fund: The Fire Service revised its estimates and requires a further \$30,000 to be contributed in respect to the State wide administration expenses. **Increase to expense of \$30,000.**

Commercial Waste

Operating Expenses: **Total expenses have increased by \$105,000** with the main adjustments being:

- estimated expense to bale, place and cover waste is trending much higher than budget. An additional \$168,000 has been added to the budget taking the revised forecast to \$787,000. The original 2010/11 estimate assumed that a large quantity of mixed waste would be trucked north of the border and the initial budget was less than previous years. The strategy to truck north has not happened hence the budget is insufficient.
- various budgets have been reduced to try and offset the impact of the increase to the bale and cover budget.

Domestic Waste

Reduction to estimated urban collection expenses of \$50,000 associated with lower plant usage than forecast.

Increase to gate fees of \$30,000 (revised estimate is now \$2,440,000) as volumes are tending to be greater than estimated.

Financial Services

Bank Charges: EFTPOS bank charges have exceeded forecast and previous years. An additional \$8,000 has been added to the budget of \$50,000. **Increase to expense \$8,000.**

Internal Audit: A budget for general fund audits of \$19,000 has been exceeded and an additional \$3,000 has been added to the budget. **Increase to expense \$3,000.**

Human Resources and Risk Management

Employee Costs: An extra staff member has been recruited to, amongst other things conduct training. The funding solution for this extra staff member in 2011/12 is to reduce the training budget by an amount that equates to the salary cost. However in 2010/11 no such option is available and the budget will be exceeded by approximately \$13,000. **Increase to expense of \$13,000**

Staff Recruitment: Expenses are well beyond the norm and an additional \$40,000 has been added to the current budget taking it to \$122,000 (original budget was \$57,000). A lot of this 'extra' cost is due to additional personnel in the Water and Sewer sections. **Increase to expense of \$40,000.**

Sundry Expenses: Costs associated with immunization, staff uniforms and medical exams for new employees are all trending high. A further \$15,000 has been added to the budget. **Increase to expense of \$15,000.**

Staff Leave Entitlements: Management has requested leave management plans from staff detailing how long service and annual leave balances will be reduced. This has resulted in staff taking this leave in various ways resulting in increased cash expenses for the year. **Increase to expense \$385,000 and reduction to reserve of \$385,000.**

Information Services

Sundry: Budgets have been exceeded relating to software support, consumables and software. A further \$10,000 has been added to the budget. It would be fair to say that the growth in demand for equipment and support has not been matched by growth in budget. Increase to expense of \$10,000.

Please note table two indicates that actual expense exceeds the revised budget which is correct at this time, however a reimbursement will occur in respect to leased hardware that will act to reduce the expense substantially.

Tourism

Employee Costs: One staff position has been vacated and will not be replaced. A saving of \$40,000 is anticipated in the current year.

Property Management

Organisation Restructure: As advised previously in this report both the Lennox Head Community Centre and Alstonville Leisure and Entertainment Centre have been relocated to Community Services and this accounts for the majority of the adjustment from one period to another.

Camping Ground

Operating Expense: Various matters have contributed to the increased forecast for the tent park including grounds maintenance, rubbish removal and contractor expenses. In particular the contract payment is \$40,000 more than anticipated which is partially due to the pay out of the old contractor. **Increase to expense of \$50,000.**

Airport

Operations: There were a number of adjustments within budgets resulting in a net increase to expense of \$16,000. Wages were increased by \$15,000 to pay for extra clerical staff, building maintenance was increased by \$25,000 and various maintenance budgets were reduced to offset these increases as much as possible. **Increase to expense \$16,000.**

General Fund - Capital Budget

Commercial Property

There has been a decrease in the program from the last report of \$4.5 million and most adjustments are already approved by Council. They include alterations to the Southern Cross Estate budgets, reduction to the Wigmore Arcade budget and reduction to the budgets for the sports field acquisition and works at Lennox Head.

Adjustments this quarter include further changes to the Southern Cross Estate budgets with a further \$20,000 being required for stage 15 (residue) and \$5,000 for stage 10-13.

Community Property

There has been a decrease in the program from the last report of \$1.6 million and most adjustments are already approved by council. The main change is a reduction to the Ballina Surf Cub vote of \$1.5 million.

This quarter the only adjustment recommended is an increase to the budget vote for solar panels at the Ballina Community Centre of \$4,000. The works were completed \$4,000 over the \$39,000 budget. Funding is proposed to come from the community infrastructure reserve.

Library

As with the Ballina Community Centre the solar panels cost \$4,000 more than budget with funding from the community infrastructure reserve.

Airport

The capital works program has been reduced with pavement rehabilitation, construction of fence and construction of lease area stage 1 all put on hold at this stage. The revised program of \$490,000 will be funded from external borrowings.

Roads Construction

Southern Cross Drive / North Creek Road Roundabout: Budget increased by \$38,000 to \$476,000 funded by roads to recovery grant.

Park Lane: Budget increased by \$36,000 funded from the Park Lane cycleway budget.

Coles Road and East Street: New budget for small project partially funded from grant and a reduction to roads operating expense budget.

Town Centers

The table reflects a previously approved adjustment to reduce the Ballina Town Centre budget by \$3.9 million.

Open Space and Reserves

Pat Morton Stairs: The budget has been increased by \$77,000 to \$217,000. The increase is funded via the diversion of funds from other projects including the Players Theatre roof and the allocation of funds set aside for life cycle contracts. This adjustment has been approved in a previous report to Council.

Sporting Fields

Construction of the synthetic hockey turf at Kingsford Smith field has exceeded and this was the subject of a report to the May Commercial Services Committee meeting. The minutes from that meeting are included elsewhere in this agenda.

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	March Review	March Actual
Operating Income	7,622	7,622	7,723	7,763	4,970
Operating Exps (excl. dep)	7,238	7,458	7,726	7,766	6,086
Net Operating Result Before Depreciation	384	164	(3)	(3)	(1,116)
Depreciation Expense	2,050	2,050	2,050	2,050	2,050
Net Operating Result from Continuing Operations	(1,666)	(1,886)	(2,053)	(2,053)	(3,166)

Table 6: Water - Capital Expenditure (\$'000)

Item	Original Budget	Sept Review	Dec Review	March review	March Actual
Water Storage Systems	2,217	2,317	0	0	0
Pump and Bore Station	340	360	360	0	0
Trunk Mains	640	375	375	375	138
Miscellaneous	250	519	519	539	247
Loan Principal	3	3	3	3	3
Total Capital Expenditure	3,450	3,574	1,257	917	388

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

Item	Opening Balance (1)	December Estimated Movement (2)	Movement as at March Review (3)	Total Movement for Year (4 = 2 + 3)	Revised Closing Balance (1 + 4)
Water Reserves	3,836	(975)	23	(952)	2,884
Sec 64 Contributions	6,419	40	358	398	6,817

Comments - Water Operations

The revised forecast **operating result before depreciation** has not changed from the December forecast. Whilst both income and expense have increased by relatively small margins the net outlook remains constant. The forecast of a cash loss of \$3,000 is not satisfactory and represents a continuation of the Fund's tenuous operating position. The aim is to achieve at least a small cash surplus by year's end.

Water - Operating Income

There is a net increase to forecast income of \$40,000 which relates to:

- additional income from access charges of \$10,000 due to growth in assessments
- increase to water tapping fees of \$22,000. There has been a high volume of connections including some very large developments.
- sale of scrap metal has resulted in income to \$8,000
- increase to plant hire income of \$12,000

The third quarter water consumption meter readings have been completed. The outcome is an increase to consumption in comparison to the previous two quarters this financial year.

Forecast income from water consumption is \$4,476,000 and at December 2010 the trend was just below the forecast. No adjustments were made in December and following the March readings the trend is just above forecast; i.e. accounts raised to the end of March will amount to 77% of the forecast.

No adjustments have been made given the narrow margin between actual and budget however we can be more confident of achieving forecast than was the case in December.

Water - Operating Expense

Forecast expenses have increased by \$40,000 with the larger adjustments including:

- water leave entitlements have been increased by \$35,000. As with the General Fund staff are being encouraged to take long service leave and this is impacting the budget
- an extra \$9,000 has been provided to reimburse General Fund for recruitment expenses
- pumping stations operations expense has been reduced by \$15,000 as costs are trending below forecast.

- the budget for water hydrant maintenance has been increased by \$26,000 to \$46,000. Expenditure has exceeded budget however it would appear that the original budget of \$20,000 was always going to be inadequate based on historical trends.

The adjustments are reasonably minor in the context of the entire operating budget indicating that generally expenses are tracking to budget.

Water - Capital Budget

Capital expense for plant has been increased by \$20,000 to \$70,000 to meet costs associated with plant purchases owned by Water Fund.

Proposed capital upgrade of pump stations will not occur this financial year and the budget has been reduced by \$360,000.

Capital income has increased by \$60,000 as contributions from developers are trending high. The revised forecast for developer contributions is now \$400,000.

Water - Cash Summary

The forecast closing cash balance for the refurbishment reserve is \$2.9 million which represents a reduction of \$952,000 from the commencement of the year. This is comprised of a forecast cash loss of \$363,000, contribution to capital expenses of \$555,000 and payment of the compulsory dividend of \$34,000.

The forecast cash loss of \$363,000 (net loss of \$3,000 shown in the table five less interest on section 64 reserves of \$360,000 which is externally restricted) is cause for concern and needs to be addressed. Whilst the reserve is currently sound (estimated end year balance of \$2.9 million) the forecast is that it will diminish to nil over forthcoming years.

The forecast section 64 reserve, as shown in table seven, is estimated to increase by \$398,000 as forecast contributions and interest income will exceed the contribution to capital works.

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	March Review	March Actual
Operating Income	9,864	10,324	10,404	10,517	9,406
Operating Exps (excl. dep)	7,648	8,225	8,264	8,192	5,712
Net Operating Result Before Depreciation	2,216	2,099	2,140	2,325	3,694
Depreciation Expense	3,976	3,976	3,976	3,976	3,976
Net Operating Result from Continuing Operations	(1,760)	(1,877)	(1,836)	(1,651)	(282)

Table 9: Sewer - Capital Budget - Capital Expenditure (\$'000)

Item	Original Budget	Sept Review	Dec Review	March review	March Actual
Technical Consultancies	350	462	462	210	0
Ballina - Upgrade	21,000	3,340	3,340	5,123	669
Lennox Head - Upgrade	5,600	3,776	3,776	4,439	3,101
Main Renewals	200	1527	1527	520	0
Plant Replacement	50	170	195	75	18
Pumping Stations	3,978	5,059	5,072	1,564	809
Dual Retic / Open Space	5,200	5,200	5,200	2,074	532
Trunk Mains	1,580	701	701	702	264
Miscellaneous	0	0	0	371	79
Loan Repay (Principal)	1,185	1,185	1,185	1,185	985
Total Capital Expenditure	39,143	21,420	21,458	16,263	6,457

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

Item	Opening Balance (1)	December Estimated Movement (2)	Movement as at March Review (3)	Total Movement for Year (4 = 2 + 3)	Revised Closing Balance (1 - 4)
Sewer Reserves	12,477	(2,258)	(2,965)	(5,223)	7,254
Sec 64 Contributions	4,955	(3,951)	(39)	(3,990)	965

Comments - Sewer Operations

Both operating income and expense forecasts have remained relatively constant with the **net Operating Result before depreciation** improving by \$185,000 to \$2,325,000. This is an encouraging movement as the 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 \$113,000 with the larger adjustments including:

- reimbursement of costs by a contractor associated with a sewer main at Chickiba \$45,000
- additional revenue from the sewer access charge due to growth in assessments \$30,000
- greater income than forecast from trade waste disposal charges \$30,000

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 reduced by \$72,000. The larger budgetary adjustments are:

- the budget for the testing of effluent has been increased by \$30,000 to \$265,000
- new budget raised to \$15,000 for internal audit
- reduction to pumping stations maintenance of \$150,000 to \$1,287,000. Work on the pump stations has been scaled back and expense is trending below budget.

A concerted effort has been put into examining maintenance programs in an endeavor to curtail what has been spiraling expenses. So it is pleasing to see a net reduction to the estimate over the last quarter.

Sewer - Capital Budget

The capital works program has been reduced by approximately \$5.2 million to \$16.3 million. Most of these adjustments were approved by Council as part of the reports considered by the Finance Committee meetings in February through April.

The adjustments not approved by Council thus far are increases to budgets of existing programs to manage over expenditures as follows:

- River Oaks pump station increase of \$100,000 to \$450,000. Issues associated with the site resulted in the job being far more expensive than originally anticipated
- Wollongbar expansion area preliminary expenses increase of \$30,000 to \$76,000. Part of a large project that will be continuing next financial year.
- Ballina Heights sports field irrigation increase of \$100,000 to \$430,000. The job was more difficult than anticipated.

Financing arrangements for the capital program have been amended with proposed borrowings reducing from \$12.4 million to \$4 million whilst reserves will contribute approximately \$9 million.

Sewer - Cash Summary

The forecast closing refurbishment reserve of \$7.2 million is essentially unexpended borrowings relating to the Federal Government's interest free loans.

Expressions of interest are currently being offered by Council seeking a \$60 million loan facility to fund future capital works. It is proposed to hold a workshop to consider the outcomes of responses to the expression of interest in early June.

Other Matters

Flat Rock Tent Park

The revised 2011/12 forecast for the park is a cash loss (excludes depreciation) of \$25,000. All available reserves have been expended and an internal loan will need to be established to pay for the loss. The 2011/12 forecast is also for a cash loss which will extend the loan.

The park has always been a marginal operation and since the construction of the toilet/kitchen facility it has struggled with the associated loan. The new management has received some very positive comments and it may be that occupancy will improve however the finances of this business need to be closely monitored and some alternate strategies may be necessary.

Airport

The revised outlook for 2011/12 is a break even cash position. This means that the operating surplus is anticipated to be just sufficient to repay loan capital. A cash loss was recorded last year and the business has an internal loan of \$444,000 as at 30 June 2010.

The capital works program this year has been reduced to \$490,000 and an external loan was taken up to fund these works. The new loan will add to overheads going forward.

Negotiations are currently underway to increase income from the airport's major users and it will be important for the ongoing viability of the business that they are successful.

Working Capital Deficit

The revised position as at March is a loss of \$186,000. This is not acceptable in terms of our overall cash position which at the start of the year was estimated to be \$338,000. It would be preferred if working capital was substantially higher than the \$338,000 so it is not desirable for it to reduce further.

It is also the case that the 2011/12 working capital forecast is yet another deficit estimated to be \$160,000.

Council's discretionary internally restricted reserves such as the land development/community infrastructure/commercial opportunities reserves are essentially all committed. These reserves have been the ready funding source for any budget shocks. If there is a serious budget shock we may be forced to borrow to meet short term commitments which would reflect poor financial management.

Unless there is a marked improvement in the forecast position over the final quarter of 2010/11 it will be recommended that action is taken that results in an improvement to the working capital position as opposed to a reduction.

One such action may be to reduce the carry forward of unexpended General Fund capital works.

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 substantially reduce available internal and external reserves. This Fund has had the luxury of substantial cash reserves to manage budget shocks and satisfy community demands. The current and planned capital program will change this position.

Water Fund is recording reasonably large operating losses (after depreciation) 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 will change dramatically with the planned capital program and associated borrowings. The sewer annual charge must be increased quite rapidly to pay for the improvements.

RECOMMENDATION

That Council notes the contents of the March 2011 Quarterly Budget Review and approves the changes identified within the report.

Attachment(s)

Nil

11. Civil Services Group Reports

11.1 Tender - Provision for Cleaning Services

File Reference	Tenders, Quotations
CSP Linkage	A built environment contributing to health and wellbeing
Delivery Program	Asset Management
Objective	To obtain Council approval to award the contract for the Provision for Cleaning Services for various Council buildings

Background

Tenders closing on Tuesday 19 April 2011 were invited for Tender RFT559 Provision for Cleaning Services for various Council Buildings for a three year period with an option to extend the contract for a further two years at Council's discretion.

The previous three year contract with Empire Property Services was terminated early due to liquidation of the company.

The following tenders were received:

- Clean Works North Coast
- Cleaning Neways
- Advanced Cleaning
- Coffs Harbour Cleaning and Maintenance Services
- SKG Pty Ltd
- Swan Services Pty Ltd
- TJS Services Pty Ltd
- Empire Property Services

Key Issues

- Award the tender in accordance with the Local Government (General) Regulations 2005
- Select a reputable cleaning service provider that will deliver the service requirements of Ballina Council while meeting economic, financial, safety and environmental considerations set by Council

Information

At the close of the tender period on 19 April 2011, submissions were received from eight companies. All eight of the tenders were conforming and were considered during the evaluation process.

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

Total Price	20%
Capability	25%
Relevant Experience	25%
Management and Financial	20%
Compliance with Quality and Safety plans	10%

The tender panel consisted of three Council staff members. The panel ranked the tendered prices for each site and evaluated the indicative hours estimated by the tenderers to complete the tasks identified in the individual site scope of works. The other defined evaluation criteria as listed above were scored against the documentation provided by the tenderers.

Attached is a copy of the summary of evaluation. The summary indicates that there was some variation in price criteria across the tenders and that generally all tenders were highly regarded and closely ranked in respect of non price criteria. Therefore the top three ranked tenders received that ranking through price advantages complementing the assessment of non price criteria.

Reference checks were carried out on the top three tenderers with all receiving good reports. Clean Works North Coast rated highest in the evaluation process overall and also rated best on price in the top three and provided indicative hours to complete the scope of works that would be appropriate to current benchmarks.

Clean Works North Coast has a number of cleaning contracts in the Ballina Shire area already and has a management philosophy that encompasses the employment of local staff where available.

Sustainability Considerations

- **Environment**
The delivery of a timely and effective service and the use of sustainable products where available, are very important considerations and in line with Ballina Councils environmental commitments.
- **Social**
Both the use of safe, sustainable cleaning products and the systems to be put in place to protect the health and safety of the contractor's staff, the public and Council staff that occupy the buildings are major considerations.

- **Economic**

The provision of cost effective cleaning services to Council's buildings is important to the sustainable financial management of Ballina Shire Council's assets.

Legal / Resource / Financial Implications

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

Consultation

A public tender process was conducted.

Options

The options for Council are set out within the Local Government (General) Regulations 2005.

The tender assessment indicates that a reliable market has been established and the assessment by the evaluation panel has determined a preferred tender.

Therefore there does not appear any impediment to Council awarding the contract to the recommended supplier Clean Works North Coast.

RECOMMENDATIONS

1. That Council accepts the tender from Clean Works North Coast for the provision of cleaning services to various Council buildings for a three year period commencing 1 July 2011.
2. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

1. Provision of Cleaning Services Evaluation Sheet.

11.2 Tender - Hire of Truck, Plant and Traffic Control

File Reference	Contractors
Sustainability Plan	Responsible and efficient use of resources
Management Plan	Operational Support (Engineering)
Objective	To consider the Tender for the Hire of Truck, Plant & Traffic Control

Background

Council recently call tenders for the Hire of Truck, Plant & Traffic Control. This tender was advertised in the Northern Star & Advocate beginning on the 19 March 2011 and closing at 3.00pm 15 April 2011. The contract commences on 1 July 2011 and remains effective for a period of two years to 30 June 2013.

The tender submissions have been used to develop a database of pre-qualified services providers in relation to the wet hire only of Truck, Plant & traffic control. Council has historically call tenders for the hire of plant & truck to compile a database of equipment and services available to Council at fixed prices. The process of plant hire is essential in ensuring that Council is able to deliver its works and services.

Under this contract all tenders are given the opportunity of altering their tendered hire rates every four months. This allows the contractor to more accurately reflect their cost of services given the history of significant fluctuation in fuel prices. Any lesser term would create difficulties with the administration of the contract.

Key Issues

- Determination of tender submissions

Information

A total of 40 tenders were received prior to tender closing time with various items of plant available under a wet hire arrangement.

Prior to commencement of the contract tenderers have to demonstrate that they have an appropriate Occupational Health and Safety Management system in place

Any contractor that has failed to meet legislative requirements in respect to their OH&S management system, have been notified in writing with a request to amend the issue. Should the issue not be amended, Council will be unable to utilise their services.

As Council requires the services of plant and trucks, contractors will generally be contracted in rank order of assessment based on the tendered prices. It should be noted however that price will not be the only factor used to determine the most suitable contractor or item of plant procured at any given time.

The engagement of contractors shall be based on an assessment of the contractor's ability to provide the services. The main criteria used for the engagement of contractors will include but not be limited to:

- Price
- Age, condition, and capacity of the plant and operator.
- Fitment of onboard weighing systems on haulage trucks
- The availability of certain plant attachments
- Proven reliability of the contractor
- Experience and performance of the contractor.

Whilst this process provides Council a list of preferred services providers, Council is not bound to hire from the database and may invite separate quotations or tenders for specific works.

The tender specification required attendance at a mandatory pre tender meeting. The purpose of this meeting was to ensure that prospective tenderers understood the performance requirements under the specification and in particular the Council's expectations in respect of Occupational Health and Safety were explained.

A number of submissions were received from contractors that did not attend the meeting. These submissions are therefore non-conforming, however outside the requirement to attend the meeting, the submissions are otherwise acceptable. The Council can decline these submissions, however this would reduce the options under the contract and therefore be a disadvantage to Council.

Another option would be to conduct a further meeting for those that didn't attend the first meeting and tender acceptance would only be available to those that comply with this request. The disadvantage of this option is that the majority of contractors have met the requirement.

However it is also the case that submissions that are otherwise compliant, the information provided at the meeting is relevant for the operation of the contract, more than the making of a tender submission and that these contractors did not gain any competitive advantage by being absent.

Therefore on balance, it is recommended that Council accept the non-conforming tenders.

There were also minor conformance issues relating to some of the tenders for pump out trucks. The non conformance issues related to the tender process itself. Otherwise the submissions were acceptable. To address this it is proposed that the Council, in accordance with the tendering regulation, decline these tenders and resolve to negotiate with the contractors to enable a contract to be awarded. As the submissions themselves are acceptable it is

not necessary to negotiate contract itself, rather this process is to provide technical compliance with the tender regulation.

It is also brought to Council's attention that in addition to the standard tender advertising, all existing contractors were advised in writing that the tender had been called. Not all of these contractors have responded with a submission.

Similarly, from time to time, including now, Council receives requests from contractors wanting to join the tender list who indicate they did not see the advertisement. To be fair to those who made submissions in response to the tender process, these requests to join the tender list are declined.

Sustainability Considerations

- **Environment**

As reported in Tender Specifications, contractors were reminded of their responsibilities and obligations. Section 7 of the Tender Specification highlighted the contractors Environmental responsibilities with respect to plant and equipment and also in respect to the operator.

- **Social**

Not Applicable

- **Economic**

Not Applicable

Legal / Resource / Financial Implications

The process ensures Council meets the requirements of the Local Government Act and Tendering Regulations, and obtains best value for money through a competitive process for plant hire. Each successful contractor will be presented with a "Letter of Engagement" highlighting term and condition of the contract.

Consultation

As advertised within the Tender specifications, a Tender information workshop was held in the Council Chamber at 7.00pm on 29 March 2011. Information was presented by Council staff to the Contractors regarding Council's requirements. Furthermore, WorkCover was also invited and presented the legislative requirement expected for all parties involved in the tender.

Options

Given this process is established by tender it is presented to Council for its endorsement. However given the process is about creating an availability and then the terms of engagement for a number of services and service providers on a temporary or ongoing basis, it is recommended that Council resolve to endorse the process created and followed rather than accept the tender as it would normally for a procurement process for a specific project.

The recommendations also seek to deal with the issues raised in the above report relating to non compliance matters for some tenderers.

RECOMMENDATIONS

1. That in respect to the tender for hire of trucks, plant and traffic control services Council accepts the submissions received as unit rates with these submissions to be implemented on a “best advantage to Council” basis in accordance with the specification and other related tender documents, subject to points two and three below.
2. That, for the reasons discussed in the report, the submissions received from those contractors who did not attend the mandatory pre tender meeting be accepted, subject to those contractors attending a further meeting to be arranged prior to the commencement of the new contract.
3. That, for the reasons discussed in the report, the submissions received for pump out trucks be declined and that the General Manager be authorised to negotiate suitable contract terms with contractors who have made submissions under this tender.

Attachment(s)

Nil

11.3 **Naming Proposal - Public Roads**

File Reference	Naming - Roads & Streets
CSP Linkage	A built environment contributing to health and wellbeing
Delivery Program	Asset Management
Objective	To determine road names for new roads adjacent to the Teven interchange at West Ballina.

Background

The Ballina By-pass project has necessitated the naming of new roads and the renaming of other roads. The roads associated with the northern section of the by-pass have previously been named. With part of the Bruxner Highway section to be operational in the near future, there are two remaining sections of road to be named adjacent to the Teven interchange.

This report is presented to enable the road naming to be completed in accordance with Council's policy.

Key Issues

- Appropriate naming of roads

Information

The land owners in this area have consulted with Council staff and in accordance with the guidelines reflecting local history have proposed the following names for the two sections of road. There is also the opportunity to choose another name reflecting the local flora and fauna.

The attached plan shows the road locations described below.

Road 1 - The southernmost section of the road previously known as Teven Road just west of the Teven interchange. This section of road does not join the new interchange and provides access to two existing businesses.

The suggested names are:

- Wagner Place (The name is associated with the Wagner family who previously resided in this locality for many years. Don Wagner was an original cattle farmer in this area and he was employed at the Ballina Public School)
- Nature Close
- Paperbark Close
- Owl Close

Road 2 - The new property access road east of the Teven interchange.

The suggested names are:

- Spencer Lane (The name is associated with the Spencer family who were cane farmers and previous residents on this land)
- Mangrove Lane
- Cane Place
- Stork Lane

The suggestions for the abovementioned roads are acceptable and in accordance with the guidelines contained within Council's policy.

In regard to the use of family names with a historic connection to the land, whilst these are acceptable to the policy, arising from recent experiences, staff are reluctant to recommend the use of these names.

Furthermore, even where there is apparent little risk of opposition to the family name, it is noted that it is difficult to gain consensus on indigenous names and these are not being proposed. In the absence of indigenous names being considered it is also preferred not to name roads on the basis of European history.

Sustainability Considerations

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

Legal / Resource / Financial Implications

The Council has adopted a policy in respect of road naming and this was developed to be consistent with the Geographical Names Board guidelines.

Consultation

There have been many discussions with the land owners in this locality and they have provided agreement as to the suitability of the suggested names representing previous land owners.

Options

It is open for Council to approve, reject or propose alternatives for any of the proposals outlined in the above report.

It is recommended the Council select a name from the list in the report to be advertised.

It is also recommended if no submissions are received the proposed names be adopted.

To assist Council in this decision Council staff have provided a preferred recommendation for the roads.

RECOMMENDATIONS

1. That in respect to road one, as outlined in this report, Council's preferred naming option is Paperbark Close.
2. That in respect to road two, as outlined in this report, Council's preferred naming option is Mangrove Lane.

Attachment(s)

1. Plan – Teven interchange and new road locations

11.4 Proposed Telecommunication Facility - Basalt Court

File Reference	Telecommunications Optus - 2A Basalt Court, Lennox Head
CSP Linkage	A built environment contributing to health and wellbeing
Delivery Program	Asset Management
Objective	To determine Council's position in respect of a proposed telecommunications facility, Basalt Court Lennox Head following further advice from Optus.

Background

At the March meeting of Council, in response to a Notice of Motion, Council made the following resolution in respect of the proposal by Optus to install a telecommunication base station on the Council's reservoir at Basalt Court, Lennox Head.

- 1. Council advise Optus of its opposition to the proposed telecommunications facility at Basalt Court Lennox Head*
- 2. Council advise Optus that co-location on an existing telecommunications tower is preferred.*

Correspondence was sent to Optus advising them of Council's position. In response to the Council's request regarding co-location to alternative facilities, Optus agreed to a request to make a presentation to Councillors for the purposes of explaining the process they had been undertaken in respect of site selection.

That presentation was held on 4 April 2011. A brief summary of the key points arising from the presentation are as follows.

- Optus explained the demand for services in this area and the growth predictions for this demand
- Optus confirmed that the proposal meets all regulatory provisions and standards in respect of public safety
- Optus explained the details of the site selection analysis that was undertaken, including co-location options
- Optus also indicated that as well as the recorded opposition to the proposal by some community members, there was also recorded support for the proposal and customer complaints in respect of service level in the area.

From the presentation, it appeared some Councillors were interested in further understanding the site selection process, including specifically the details of a covenant affecting suggested land on North Creek Road.

In response to this Optus has provided a written submission. A copy of the submission is attached to this report (Attachment One). The submission reports on the following.

- A summary of the site selection process is provided
- Details of the covenant applying to the land on North Creek Road
- Information regarding the electromagnetic energy (EME) risk assessment for the proposed location
- Advice confirming the details of the assessment that the proposal meets the low impact determination
- Description of the service demands for the area

In addition to sending the attached letter, a further letter (copy attached - Attachment Two) was sent to Council by Optus on 6 May 2011. This letter is a notice under the Telecommunications Act that Optus intends to implement its decision to install the facility.

To deal with this letter in accordance with the Telecommunications Code of Practice, Council and Optus had a prescribed period (up to 6 May 2011) to resolve the issues by agreement and in the absence of agreement Council has five days to ask Optus to refer the objection to the Telecommunications Ombudsman (TIO).

In response to this letter advice was sent to Optus confirming that the first opportunity the elected Council would have to deal with the submission was at this meeting and it was noted that this was outside the statutory timeframe.

In response to that advice, Council received a further letter (copy attached - Attachment Three) advising of the intention by Optus to proceed given the statutory time for TIO referral had lapsed. Subsequent correspondence has resulted in agreement by Optus that they will not proceed until Council deals with this report, however Optus has retained their position in respect of the statutory timeframe.

Key Issues

- Suitability of proposed telecommunication facilities

Information

The purpose of this report is to provide the submission from Optus to the Council. That submission and the above background is the extent of information necessary for Council to determine its next position in this matter.

Sustainability Considerations

- **Environment**
The environmental impacts resulting from this proposal relate only to existing built infrastructure.
- **Social**
Community members have identified concerns in respect of reduced amenity for those living adjacent to the site. Wireless technology has a high demand by the community for social purposes and this proposal is required to meet the service levels expected by the community.
- **Economic**
Wireless technology is important to support business activity and economic growth.

Legal / Resource / Financial Implications

There is no resource or financial implications associated with this report.

If Council was to continue its opposition to the proposal it will be necessary to seek its objection to be referred to the TIO. Whilst this can occur, it is noted that the statutory timeframe for this to occur has lapsed and Council would need for Optus to agree to defer installation until such time that the TIO has considered the matter.

To be successful in its referral to the TIO, Council will need to be specific in regard to its concerns and their relationship to the Code of Practice.

Consultation

Council received a deputation at the last meeting in favour of the Notice of Motion.

In accordance with the code of practice Optus, as the proponent, has consultation obligations. Optus are of the view that they have met those obligations and in response have amended the proposal to address the concerns of residents. The residents dispute the adequacy of the consultation.

Options

The options for Council are as follows.

Option 1

Notwithstanding the statutory expiration, request Optus to refer the proposal to the TIO. This option retains the Council's current resolved position.

Option 2

Take no further action except, should Optus proceed as advised, Council officers continue to negotiate with Optus to ensure the installation is made having regard to the needs of Council at the location.

As indicated to Councillors in bulletin items circulated prior to the original Notice of Motion, it is the opinion of staff that the health aspects of this issue have been determined by Federal standards, the loss of amenity at this site is less than the alternate site options, a demand for the service exists, and Optus enjoys statutory powers enabling it to proceed.

For these reasons, following referral to the TIO, the Council needs to be specific in relation to its concerns about non compliance with the Code.

As the Council has a resolved position on this matter, the recommendation authorises the General Manager to pursue an objection to this proposal through the TIO. Despite this recommendation staff are of the opinion that any objection will not be successful as Optus appears to have complied with all relevant legislation.

RECOMMENDATIONS

That Council authorises the General Manager to pursue an objection to the proposal Optus Tower with the Telecommunications Ombudsman, with the objection to be based on the wide range of concerns previously expressed by community representatives.

Attachment(s)

1. Written Submission from Optus
2. Letter dated 6 May 2011
3. Letter dated 16 May 2011

11.5 Alstonville Bypass - Handover

File Reference	Alstonville Bypass, Road Assets
CSP Linkage	A built environment contributing to health and wellbeing
Delivery Program	Asset Management
Objective	For Council to consider the RTA's offer to hand over assets associated with the Alstonville Bypass project

Background

The RTA is managing construction of the 6.2 kilometre Bruxner Highway bypass at Alstonville and Wollongbar. The bypass will commence at Sneaths Road, Wollongbar and rejoin the highway at the Tropical Fruit Research Station at Perrys Hill, east of Alstonville.

The contract for construction of the Alstonville Bypass was awarded to Reed Constructions Australia Pty Ltd. Major roadwork construction commenced in May 2009.

The bypass is now expected to be completed in mid 2011, weather permitting. The construction timeframe has been extended due to recent heavy rainfall and flooding on the North Coast.

The Alstonville Bypass will provide significant benefits including:

- Quicker journey times for local and through traffic
- Better traffic flow and safety along the existing highway
- Reduced through traffic and congestion in Alstonville and Wollongbar
- Reduced waiting times at intersections along the existing highway
- Better pedestrian access and safety in Alstonville and Wollongbar

Finalisation works include:

- Connecting the bypass into the existing Bruxner Highway at Sneath's Road and Teven Road
- Finishing the noise walls
- Finishing street lighting
- Finishing guardrail and wire rope safety barriers
- Line marking on the roadway

The Alstonville bypass is nearing completion and sign-off from the RTA involves the official handover of a number of assets that will be Council's responsibility to maintain.

Council has been in ongoing discussion with the RTA regarding the scope and nature of these assets. These discussions can be categorised in two parts.

- The scope of upgraded / new local assets that Council will be responsible for after the official handover.
- The reclassification of the (old) Bruxner Highway to either Regional or Local Road and the adoption of an agreed to ten year maintenance program on this road and funded largely by the RTA.

The expected date of handover is expected to be 1 July 2011, (weather permitting).

This report seeks Council's consideration of the handover arrangements.

Key Issues

- New road arrangements following the completion of the Alstonville Bypass
- Potential Council liability

Information

The RTA has a formal policy in respect of considering these issues and negotiations have been conducted in accordance with the policy.

The policy gives guidance in a number of areas, specifically these include;

- the process to determine what data is required to assess liabilities under the policy and what data is to be collected and shared
- that the RTA will provide Council with a lump sum for handover of road assets with the lump sum being equivalent to the ten year maintenance and rehabilitation expenditure forecast by the RTA for the road
- the assessment process for the revised road classifications
- definition of responsibilities between the authorities.

The discussions have been the subject of detailed technical assessments. Therefore this report only attempts to discuss the issues at a broad level.

The Old Bruxner Highway will largely become a local road, being the section east of Rifle Range Road. The Bruxner Connection Road and the upgraded Sneaths Road will become a Regional Road and will join Rifle Range Road. These roads will become the full maintenance responsibility of Council.

The following roads will be designated as Local Roads and become the full responsibility of Council.

- Waratah Lane
- Ellis Road (new rural section)
- Dulcet Lane
- Toona Lane
- Morelia Lane
- Upgraded Kays Lane

Council staff and the RTA are in agreement in respect of the road classifications and the responsibilities that follow.

The other aspect of the handover is management of land parcels that are now in public ownership as result of the acquisitions and environmental considerations in providing the new highway.

The RTA, as the Roads Authority for the state highway system, will maintain the road carriageway, and this is currently done by way of a single invitation maintenance contract with Council. This will be renegotiated for the new bypass. The remainder of the land becomes a maintenance responsibility of Local Government, which is the case for the current state highway.

Most of the land in question has no community value for Council. Therefore the handover is not especially advantageous or even desirable for Council. However the practical reality is that Council is in a better logistical position to provide the maintenance and is usually the authority that will receive the complaints if the land is not managed appropriately.

It has been Council's experience that irrespective of land ownership, the community has an expectation that Council will provide the required level of service for these remnant parcels.

For this reason, staff have indicated to the RTA that Council will take on most of the land as requested. Staff have however indicated to the RTA that the stormwater detention basins and other facilities will be excluded from the arrangements as they are ancillary to the management and function of the new highway, and will be included with the carriageway maintenance arrangements.

Staff have also required that the land areas be sufficiently prepared through landscaping and other treatments such that the maintenance liability is reduced. This is being achieved by agreements specific to each parcel in regard to the extent of works required, for some vegetation management plans are required to reliably estimate the amount of maintenance, and for some areas the handover won't occur for a further three years until the RTA has suitably established new plantings and the like.

Specific details of the land areas can be provided on request.

For the roads, similar to the above, staff have undertaken negotiations with the RTA to confirm what is an appropriate ten year maintenance plan. This has included pavement and surface assessments and estimating the costs of specific treatments for each road segment.

A formal offer is yet to be provided by the RTA and agreement regarding one particular segment remains outstanding. Subject to that final issue, it is expected that that the formal offer will be in the range of \$1.3 million to \$1.6 million (this amount will be subject to net present value calculations). As for the land areas, specific details of that budget can be provided on request.

The money is untied, meaning that it will be at Council's discretion to allocate the use of the funds. Once the formal offer is received it will be recommended to Council that the funds be placed in reserve and allocations be transferred to the roads budget annually to meet the road requirements predicted under the maintenance plan.

Having regard to the RTA policy and the assessments undertaken, Council staff are satisfied that an offer equivalent to the above is reasonable. However Council staff are not satisfied that the policy provisions are acceptable. The reason for this is that policy provides for the planned expenditure by the RTA programs.

Planned expenditure may not necessarily reflect the asset requirements, although the RTA are of the view that their asset management planning means that the planned expenditure will meet the needs of the road to maintain adequate service levels. Furthermore, road pavements have a design life of more than ten years. Therefore the planned maintenance budget does not reflect the full lifecycle asset renewal costs. The RTA position is that it is only attempting to compensate Council for the deterioration in the asset from its use as a State Highway and the full renewal is a matter for Council.

The RTA officers have responded consistently with the policy. The options for Council are to seek additional funds from the Minister or accept the offer that will be made in accordance with the policy. Staff have not allocated time to preparing an estimate that would be appropriate to pursue outside of the policy.

Sustainability Considerations

- **Environment**

The Alstonville bypass will remove a great number of heavy vehicles and through traffic from Alstonville and Wollongbar townships and creating a safer and quieter environment. Handover arrangements aim to establish the most appropriate governance arrangements to manage the public assets into the future.

- **Social**

As for environment.

- **Economic**

As for environment.

Legal / Resource / Financial Implications

The handover arrangements will result in additional liabilities to Council, however the RTA policy seeks to provide a reasonable basis for compensation for these issues.

Consultation

Ongoing consultation has taken place between the RTA and Council in regard to the handover period.

Options

As indicated in the report, the following options exist.

1. Accept the offer from the RTA for a lump sum compensation at handover
2. Seek the Minister for Roads to make a determination in addition to the policy

For option two, if achieved, it would result in a significant precedence for the RTA. The arguments about the extent of asset renewal are somewhat subjective and general. Therefore without a very specific unresolved technical issue, the chances of successfully arguing a position around asset life beyond ten years are small and would consume Council staff resources to make the submission. For these reasons option one is recommended.

RECOMMENDATIONS

That the General Manager be authorised to finalise the handover of assets associated with the Alstonville Bypass as discussed in this report, subject to the formal offer from the RTA being equal or greater than the minimum threshold identified in this report.

Attachment(s)

Nil

12. Public Question Time

12. Public Question Time

13. Notices of Motion

13.1 Notice of Motion - Economic Development and Tourism Funding

File Reference Notices of Motion

Councillor Cr Sharon Cadwallader

I move

1. That Council, as part of the 2011/12 Operational Plan, include the following projects:
 - a) Installation of shire gateway signage - \$100,000
 - b) Production of a generic promotional CD that will have multiple purposes; i.e. community and council to promote Ballina Shire as a conference venue, holiday destination, business hub etc - \$20,000
 - c) Seed funding for an Economic Development Strategy - \$30,000 (with this funding only to proceed if matching grant funding can be sourced from the NSW State Government).
2. That this funding be sourced from Council's Commercial Opportunities Reserve.

Councillor Comment

With Ballina soon to be totally by-passed it is more paramount than ever that Council be in a position to promote itself and take advantage of that bypass. The three projects listed will all provide significant economic benefits to the shire and with the funding to be sourced from Council's Commercial Opportunities Reserve there is no impact on the working fund position.

This funding source is considered to be appropriate as it relates to one-off expenditures and there is a connection between Council's commercial activities and the economic development of the shire.

The Economic Development Strategy would only proceed if Council was able to obtain matching funding from the NSW State Government through the Department of Industry and Investment.

COUNCILLOR RECOMMENDATION

1. That Council, as part of the 2011/12 Operational Plan, include the following projects:
 - a) Installation of shire gateway signage - \$100,000
 - b) Production of a generic promotional CD that will have multiple purposes; i.e. community and council to promote Ballina Shire as a conference venue, holiday destination, business hub etc - \$20,000
 - c) Seed funding for an Economic Development Strategy - \$30,000 (with this funding only to proceed if matching grant funding can be sourced from the NSW State Government).
2. That this funding be sourced from Council's Commercial Opportunities Reserve.

Attachment(s)

Nil

13.2 Notice of Motion - Lake Ainsworth and Shaws Bay

File Reference Notices of Motion

Councillor Cr Sharon Cadwallader

I move

1. That Council receive a report on the practicalities of immediately blocking off the road along the eastern side of Lake Ainsworth as identified in the Lake Ainsworth Masterplan.
2. That Council also receive a report on the status of the Shaws Bay Management Plan and the works completed as per the plan to date.

Councillor Comment

The B Ward committee has expressed concern that damage to Lake Ainsworth continues to occur when vehicles traverse the road along the eastern side of Lake Ainsworth, particularly during periods of heavy rain.

There is a line of thinking that says we should be able to block off this road at minimum cost, and minimum impact, as people will still be able to access areas such as the Sport & Recreation Camp along the western side of the lake.

A report to Council would help to clarify this matter and also help to confirm how and when these works, when are included in the masterplan, can be completed.

In conjunction with this report it would also be timely to receive an update on the Shaws Bay Management Plan.

COUNCILLOR RECOMMENDATION

1. That Council receive a report on the practicalities of immediately blocking off the road along the eastern side of Lake Ainsworth as identified in the Lake Ainsworth Masterplan.
2. That Council also receive a report on the status of the Shaws Bay Management Plan and the works completed as per the plan to date.

Attachment(s)

Nil

14. Advisory Committee Minutes

14.1 Environmental & Sustainability Committee Minutes - 17 & 19 May 2011

File Reference Environmental & Sustainability Committee

Attendance

Cr P W Silver (Mayor - in the chair), S L Cadwallader, B C Smith, K H Johnson, R A Hordern, D E Wright, A J Brown and S M Meehan.

Steve Barnier (Strategic & Community Services Group Manager), Matthew Wood (Strategic Planner), Simon Scott (Strategic Planner), Kate Singleton (Strategic Planner) and Rod Willis (Regulatory Services Group Manager) were in attendance.

There were 24 people in the gallery at this time.

1. Apologies

An apology was received from Cr Jeff Johnson.

RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

Absent was Cr Peter Moore.

2. Declarations of Interest

- **Cr Cadwallader** – declared an interest in Item 4.7 Ballina LEP Renewal – Public Exhibition and LEP Finalisation – Report F – Brighton Street and Easton Place, East Ballina. (Nature of Interest: pecuniary – she owns property in the vicinity). She will be departing the meeting while the matter is discussed.
- **Cr Meehan** – declared an interest in Items 4.3, 4.8 and 4.9 - Ballina LEP Renewal – Public Exhibition and LEP Finalisation – Report B – Summerhill Crescent, Cumbalum, Report G – Oakland Avenue, West Ballina and Report H – Camoola Avenue, Ballina. (Nature of Interest: pecuniary – she own property in each of these vicinities). She will be departing the meeting during any deputations on these items and while the matters are discussed.

- **Cr Brown** – declared an interest in Item 4.5 – Ballina LEP Renewal – Public Exhibition and LEP Finalisation – Report D – North Creek Road, North Ballina. (Nature of Interest: pecuniary – his immediate family own property in North Creek Road). He will be departing the meeting while the matter is discussed.
- **Cr Silver** – declared an interest in Items 4.2, 4.4 and 4.6 – Ballina LEP Renewal – Public Exhibition and LEP Finalisation – Report A – Duck Creek/Gum Creek Catchment Area, Report C – Fawcett Street, Ballina and Report E – Alstonville Village Centre. (Nature of Interest: pecuniary – he is a property owner in each of these vicinities). He will be departing the meeting while these matters are discussed.

3. Deputations

1. Alice Woodhead - Figtree Hill, Lennox Head - 69
2. Kari Tanttari - Industrial estates - 187
3. Brett Lacey - House with No Steps - 171
4. Damien Chapelle - North Creek Road (Fahey) - 45
5. Bernard Grinberg - South Ballina Beach Resort - 130
6. Damien Chapelle - Clark Street property owners - 105
7. Ballina Coastcare Inc - Environmental protection - 109
8. Lyn Walker, Ballina Environment Society - Environmental protection - 122
9. Glen Charleston - Lennox Point south to Flat Rock - 47
10. Laurie Marchment - Cumbalum - 60 & 184
Cr Meehan left the meeting at 4.32pm
Cr Meehan returned to the meeting at 4.37pm
11. Lee White - Environment - 148
12. Paul Snellgrove - Ballina Heights - 174
13. Steve Connelly – Waterways – Burns Point Ferry Road- West Ballina – no submission
14. Steve Connelly - Allsop - Lennox Head - 65
15. Steve Connelly - Hickey - Fig Tree Hill - 66
16. Steve Connelly - Margaret Condon - Condon Hill - 72
17. Steve Connelly - North Angels Beach - Angels Beach - 74
18. Steve Connelly - Supbrook - Riverbend - 75
19. Steve Connelly - Catholic Church - Commercial zoning and Condon Hill - 76 or 77
20. Scott Marchant, King & Campbell - Aspen Village - 186
21. Peter Carmont/Glenn Costello - Ballina Chamber of Commerce - 121
23. Warren Cubitt - Environmental protection – 55
Cr Meehan left the meeting at 5.49pm

- Cr Meehan returned to the meeting at 5.50pm
24. Eddie Standfield - Environmental protection - 55
 25. Ken Silva - West Ballina - no submission
 27. Karen Wiggins - Storage premises - 172
 28. Dr Chris McKenzie - Medical facilities - 38
 29. Fiona Folan - no submission
 31. Peter Anderson - Lennox Head zonings - 106
 32. Mia Spain - Land use zoning at Wardell - no submission
 33. Phil Meehan - Summerhill Crescent area – 49
- Cr Meehan left the meeting at 6.15pm
- Cr Meehan returned to the meeting at 6.23pm
34. Simon Prendergast - Alstonville - no submission
 35. Paul Earner - Alstonville buffer - 146
 36. Simon Kalinowski - Rural subdivision – 39

Adjournment

The Mayor declared the meeting adjourned at 6.38pm on Tuesday 17 May 2011.

The meeting resumed at 4.00 pm on Thursday 19 May 2011

Attendance

Cr P W Silver (Mayor - in the chair), S L Cadwallader, B C Smith, K H Johnson, R A Horder, D E Wright, A J Brown and S M Meehan.

Paul Hickey (General Manager), Steve Barnier (Strategic & Community Services Group Manager), Matthew Wood (Strategic Planner), Simon Scott (Strategic Planner) and Kate Singleton (Strategic Planner) were in attendance.

There were 6 people in the gallery at this time.

Absent were Crs Jeff Johnson and Peter Moore.

4. Committee Reports

4.1 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Principal Report

RECOMMENDATIONS

(Cr Keith Johnson/Cr Sharon Cadwallader)

1. That Council amend the Draft Ballina Local Environmental Plan 2010 as exhibited based on:

- (a) the amendments set out in Attachments 1 and 2 and associated consequential adjustments to descriptions, numbering and plan formatting; and
 - (b) the recommended amendments with respect to the February 2011 Standard LEP Instrument amendment as set out in this report; and
 - (c) Council's decisions with respect to each of the items relating to the content of the LEP contained elsewhere in this business agenda.
2. That Council re-exhibit the revised Draft Ballina Local Environmental Plan 2011 in accordance with the terms of the Environmental Planning and Assessment Act for a period of at least 4 weeks.
3. That Council receive a further report in relation to the re-exhibition of the Draft Ballina Local Environmental Plan 2011 (as amended) prior to finalisation of the Plan for submission to the Department of Planning and Infrastructure & Infrastructure.
4. That Council seek written advice from the Department of Planning and Infrastructure & Infrastructure that it is committed to address, in a timely manner, the following items to achieve outcomes discussed in the body of this report:
 - (a) the address of boundary adjustment subdivisions;
 - (b) split zone lot and residual lots;
 - (c) vegetation management; and
 - (d) structure and form of land use definitions
5. That Council advise the Department of Planning and Infrastructure of the feedback provided in submissions received in response to the public exhibition of the Draft Ballina Local Environmental Plan 2010 with respect to the form and content of Standard LEP Instrument where such feedback is not addressed by way of amendments to the exhibited draft plan.
6. That Council endorse the recommended actions contained in attachments 1 and 2 that are in addition to the recommended amendments to the Draft Ballina Local Environmental Plan 2010, including:
 - Preparation of development control plan provisions to support the introduction of the new LEP in relation to:
 - Ensuring consistency with the definition structure contained within the LEP;
 - Ensuring consistency with the framework for managing building height and floor space ratio in the LEP;
 - Residential development;
 - Urban subdivision;
 - Managing building height within the Ballina Town Centre;

- Environmental management in relation to clause 7.8;
 - Vegetation management in relation to clause 5.9; and
 - Land use in the B6 Enterprise zone.
- Provision of an invitation to landholders as identified in Attachment 1 to progress their requested amendments in relation to potential urban land release areas via the planning proposal process separate to the LEP renewal program.
7. That Council endorse in principle the undertaking of the following projects, subject to the receipt of a further report regarding each item.
- Preparation of a biodiversity strategy or similar document that includes comprehensive mapping of the shire's ecological attributes.
 - Preparation of a new analysis and study in relation to large format retailing activity in the shire including review of the application of a bulky goods specific zone within the shire.
 - Review of the development potential of Ballina Island following completion of the Council's Climate Action Plan.
8. That Council conduct a series of workshops during the period from now until completion of receipt and review of further submissions to the re-exhibition. Each workshop is to cover a major item or group of items of the DLEP and submissions.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson

Cr Silver declared a pecuniary interest in Item 4.2, 4.4 and 4.6 and left the meeting at 04:29 PM.

Cr Meehan, Deputy Mayor assumed the Chair.

4.2 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Report A - Duck Creek/ Gum Creek Catchment Area

RECOMMENDATION

(Cr David Wright/Cr Alan Brown)

That Council endorse the planning framework for the Duck Creek/Gum Creek catchment area as exhibited under the Draft Ballina Local Environmental Plan 2010, subject to the planning framework adopted for the urban buffer adjacent to the southern extent of the Alstonville urban area.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Silver, Cr Moore, Cr J Johnson

4.4 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Report C - Fawcett Street, Ballina

RECOMMENDATION

(Cr David Wright/Cr Robyn Hordern)

That Council endorse the planning framework for Fawcett Street in the vicinity of Fawcett Park, Ballina as exhibited under the Draft Ballina Local Environmental Plan 2010, (subject to the endorsed approach with respect to building heights in the Ballina Town Centre).

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Moore, Cr J Johnson

4.6 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Report E - Alstonville Village Centre

RECOMMENDATION

(Cr David Wright/Cr Robyn Hordern)

That Council endorse the planning framework for the Alstonville village Centre as exhibited under the Draft Ballina Local Environmental Plan 2010, but with amendment to apply a 9m building height standard in the site of Crawford House and Lots 77, 78 and 70 DP 247578 in Robertson Street, Alstonville.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Moore, Cr J Johnson

Cr Silver returned at 04:35 PM and resumed the Chair

Cr Meehan declared a pecuniary interest in Items 4.3, 4.8 and 4.9 and left the meeting at 04:36 PM.

4.3 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Report B - Summerhill Crescent, Cumbalum

RECOMMENDATION

(Cr David Wright/Cr Keith Johnson)

That with respect to the renewal of the Ballina Local Environmental Plan, Council endorse the application of an RU2 Rural landscape zone and 40 ha minimum lot size for subdivision for the Summerhill Crescent locality.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson, Cr Meehan

4.8 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Report G - Oakland Avenue West Ballina

RECOMMENDATION

(Cr Robyn Hordern/Cr Ben Smith)

That Council endorse the planning framework for the southern end of Oakland Avenue, West Ballina as exhibited in the Draft Ballina Local Environmental Plan 2010.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson, Cr Meehan

4.9 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Report H - Camoola Avenue, Ballina

RECOMMENDATION

(Cr Sharon Cadwallader /Cr Alan Brown)

That Council endorse the planning framework for the land in the vicinity of Camoola Avenue, Ballina as exhibited in the Draft Ballina Local Environmental Plan 2010.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson, Cr Meehan

Cr Meehan returned at 04:46 PM

Cr Brown declared a pecuniary interest in Item 4.5 and left the meeting at 04:46 PM.

4.5 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Report D - North Creek Road North Ballina

RECOMMENDATION

(Cr Sharon Cadwallader /Cr Robyn Hordern)

That Council endorse the planning framework for the southern end of North Creek Road at North Ballina as exhibited in the Draft Ballina Local Environmental Plan.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore, Cr J Johnson, Cr Brown

Cr Brown returned at 04:47 PM

Cr Cadwallader declared a pecuniary interest in Item 4.7 and left the meeting at 04:47 PM.

4.7 Ballina LEP Renewal - Public Exhibition and LEP Finalisation - Report F - Brighton Street and Easton Place, East Ballina

RECOMMENDATION

(Cr Keith Johnson/Cr Ben Smith)

That Council endorse the planning framework for the residential areas in Brighton Street and Easton Place, East Ballina as exhibited in the Draft Ballina Local Environmental Plan 2010.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Cadwallader, Cr Moore, Cr J Johnson

MEETING CLOSURE

4.48 pm

RECOMMENDATIONS

That Council confirms the minutes of the Environmental & Sustainability Committee meeting held Tuesday 17 May 2011 and resumed on Thursday 19 May 2011 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

14.2 Commercial Services Committee Minutes - 23 May 2011

File Reference Commercial Services Committee

These Minutes will be distributed prior to the meeting.

RECOMMENDATIONS

That Council confirms the minutes of the Commercial Services Committee meeting held Monday 23 May 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 April 2011 Ordinary meeting:

<u>Date</u>	<u>Function</u>
30/4/11	Ballina Hockey field opening
3/5/11	Supa North Launch in Ballina
3/5/11	Foodlinks presentation in Ballina
7/5/11	Alstonville Bypass opening family day
7/5/11	Coral Sea service and dinner in Ballina
9/5/11	McDonalds meeting with staff in Ballina
13/5/11	Arts Northern Rivers Extraordinary Board meeting in Ballina
13/5/11	BACCI Exhibition opening in Ballina
13/5/11	Alstonville Rotary Antique Fair opening in Alstonville
16/5/11	ABC Radio, coal seal gas and Part 3A EPA
16/5/11	LEP Deputation with staff in Ballina
16/5/11	Lennox Head Cultural & Community Centre inspection with staff
17/5/11	Japanese delegations meeting in Ballina
18/5/11	Police Awards in Lismore
18/5/11	Alstonville budget presentation
19/5/11	RTA Teven Road interchange opening
19/5/11	Woolworths meeting with staff in Ballina
19/5/11	Boral meeting with staff in Ballina
20/5/11	Lennox Head Cultural & Community Centre official opening
23/5/11	Ballina budget presentation
24/5/11	Marine Rescue meeting with staff in Ballina
25/5/11	Green Waste launch at Ballina Public School

RECOMMENDATION

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

Attachment(s)

Nil

16. Questions Without Notice

16. Questions Without Notice

17. Confidential Session

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

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

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

Item 17.1 - Senior Staff Contracts

This items contains personal information relating to staff members.

RECOMMENDATION

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

17.1 Senior Staff Contracts

Reason for Confidentiality

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

(a) personnel matters concerning particular individuals (other than councillors)

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as it relates to private matters affecting staff.