



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 22 September 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 stroke 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.

Table of Contents

1.	Australian National Anthem.....	1
2.	Acknowledgement of Country	1
3.	Apologies	1
4.	Confirmation of Minutes.....	1
5.	Declarations of Interest and Reportable Political Donations	1
6.	Deputations.....	1
7.	Mayoral Minutes	1
8.	Regulatory Services Group Reports	2
8.1	Development Applications - Work in Progress as at September 2011	2
8.2	Development Consent Statistics - August 2011	10
8.3	Traffic Accessing Lake Ainsworth and Seven Mile Beach	11
9.	Strategic & Community Services Group Reports.....	14
9.1	Alstonville Community Preschool	14
9.2	Police and Community Youth Club (PCYC)	19
9.3	Youth Council - Terms of Reference	23
9.4	Policy (Review) - Public Art Policy	25
10.	General Manager's Group Reports	30
10.1	Use of Council Seal	30
10.2	Investments Summary - August 2011	31
10.3	Election of Deputy Mayor - Twelve month term to September 2012	35
10.4	Councillor Attendance	38
10.5	Community Donations	40
10.6	Australia Day 2012	42
10.7	Policy (Review) - Web Site - Direct Links	45
10.8	Policy (Review) - Special Rates Policy	48
10.9	Policy (Review) - Protected Disclosures Policy	50
10.10	Policy (Review) - Financial Assistance - Rates, Charges and Fees	53
10.11	Policy (Review) - Donations - Community Halls - Capital Works	55
11.	Civil Services Group Reports	57
11.1	Residential Garage Sale Trail	57
11.2	Tender - Laboratory Testing Services	60
11.3	Procurement - Supply of Four Side Load Garbage Trucks	64
11.4	Policy (Review) - Weddings on Public Land	69
11.5	Policy (Review) - Monuments & Memorials on Public Land	72
11.6	Policy (Review) - Naming of Public Places, Roads and Bridges	74
11.7	Policy (New) - Drinking Water Quality	78
11.8	Policy (Final) - Fire Asset Protection Zones	83
12.	Public Question Time	86

13.	Notices of Motion.....	87
13.1	Notice of Motion - Naming of Lennox Head Boardwalk	87
13.2	Notice of Motion - Economic Development and Tourism Funding	88
13.3	Notice of Motion - Ballina RSL Youth Club	90
14.	Advisory Committee Minutes.....	93
14.1	Commercial Services Committee Minutes - 14 September 2011	93
15.	Reports from Councillors on Attendance on Council's behalf	100
15.1	Mayoral Meetings	100
16.	Questions Without Notice	102
17.	Confidential Session.....	103
17.1	Tender - Design of Indoor Sports and Leisure Complex	103
17.2	Notice of Motion - General Manager - Contract	104

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
-

1. Australian National Anthem

The National Anthem will be performed by Teven Tintenbar School.

2. Acknowledgement of Country

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

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

3. Apologies

Nil

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 August 2011 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 August 2011.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

- **Steve Connelly** - spoke in relation to Item 11.8 - Policy (Final) - Fire Asset Protection Zones.

7. Mayoral Minutes

Nil items.

8. Regulatory Services Group Reports

8.1 Development Applications - Work in Progress as at September 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	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	Awaiting Additional Information
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 &	Awaiting Additional Information

8.1 Development Applications - Work in Progress as at September 2011

DA No.	Date Rec'd	Applicant	Proposal	Status
			Pacific Highway, Cumbalum	
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	Awaiting Additional Information
2010/1067	17/12/2010	Geolink	6 x Lot Community Title Subdivision Ranging in size from 1200m to 1600m and associated Infrastructure - No. 56 Greenfield Road, Lennox Head	Awaiting Additional Information
2011/48	04/02/2011	J & H Hughes	Extension to Existing Industrial Building, No. 3/176-178 Southern Cross Drive, Ballina	Awaiting Additional Information
2011/150	06/04/2011	GeoLink	2 x Lot Boundary Adjustment Subdivision, Nos. 42 & 44 Owen Street, Ballina	Determination Pending
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)	Awaiting Additional Information
2011/186	27/04/2011	Ardill Payne & Partners	Two Lot Boundary Adjustment Subdivision - No. 9 Martin Street, Ballina	Determination Pending
2011/188	28/04/2011	P & A Isaac	Two Lot Torrens Title Subdivision, No. 110 North Creek Road, Lennox Head	Awaiting Additional Information
2011/233	01/06/2011	Victor Holmes Town Planning	Environmental Restoration Works, No. 69 Sartories Road,	Awaiting Additional Information

8.1 Development Applications - Work in Progress as at September 2011

DA No.	Date Rec'd	Applicant	Proposal	Status
			Pimlico and No. 120 Coolgardie Road, Coolgardie	
2011/234	02/06/2011	Ballina Shire Council C/- Landpartners Ltd	Two Lot Boundary Adjustment Subdivision to create 1 x 1.58ha and 1 x 9.5ha allotments, Skennars Head Road, Lennox Head	Determination Pending
2011/260	17/06/2011	Chris Abbott Surveying	To Undertake a Boundary Adjustment Subdivision between Lot 1 and Common Property - Unit No.1 & Common Property in No. 334-336 River Street, Ballina	Determination Pending
2011/264	20/06/2011	Ardill Payne & Partners	To Construct the NSW Rural Fire Services Depot/Shed with ancillary car parking and building identification signage - Ross Lane, Lennox Head	Awaiting Additional Information
2011/272	24/06/2011	M Hajjar Surveying	To Undertake a two lot Boundary Adjustment Subdivision, No. 67 Skennars Head Road & No. 40 Isabella Drive, Skennars Head	Determination Pending
2011/312	19/07/2011	W, S, M & A Sullivan	To erect a shed - No. 4 Ronan Place, West Ballina	Determination Pending
2011/320	22/07/2011	Ballina Shire Council c/- LandPartners Ltd	To change the method of extraction of an existing Extractive Industry "Ballina Airport Sandpit" from dry (excavation) to wet (dredging) and to change	Awaiting Additional Information

8.1 Development Applications - Work in Progress as at September 2011

DA No.	Date Rec'd	Applicant	Proposal	Status
			the end use of the pit from a landfill for dry/inert waste to the retention as a flooded pit as part of the rehabilitation works - (Ballina Airport Sandpit) Southern Cross Drive, Ballina	
2011/321	22/07/2011	Chris Longergan - Town Planner	To construct toilet amenities and erect an awning to an existing shed and use part of existing shed for recreational No. 440 South Ballina Beach Road, South Ballina	Referred to Government Departments
2011/323	26/07/2011	Donnelly & Hughes Pty Ltd	To Undertake Extensions/Alterations to a Commercial Building - No. 23 Commercial Road, Alstonville	Being Assessed
2011/335	01/08/2011	Namitjira Haven Ltd	To Undertake the Erection of 3 Cabins and 2 Amenities Buildings, No. 108 Whites Lane, Alstonville	Awaiting Additional Information
2011/336	01/08/2011	Stanton Dahl Architects	Extension and Room Additions to a Residential Aged Care Facility, No. 15 The Avenue, Alstonville	Being Assessed
2011/339	02/08/2011	Lennox Head Tree Care	Remedial Tree Pruning (Moreton Bay Fig), No. 59 Fig Tree Hill Drive, Lennox Head	Awaiting Additional Information
2011/341	04/08/2011	Ardill Payne & Partners	To Utilise the existing Premises for the purpose of holding wedding functions, No. 104 Victoria Park Road, Dalwood	Awaiting Additional Information
2011/343T	05/08/2011	Anne Maria	Tree Removal	Being

8.1 Development Applications - Work in Progress as at September 2011

DA No.	Date Rec'd	Applicant	Proposal	Status
		Wenham	(Fig Tree), No. 19b Karalauren Court, Lennox Head	Assessed
2011/345	08/08/2011	R Brady	Staged Development - 1. Alterations to Existing Flats and 2. Replacement of Shed and Landscaping, No. 26 Moon Street, Ballina	Awaiting Additional Information
2011/354	11/08/2011	Allan P Corke P/L	To erect an illuminated pylon sign to replace the existing Kmart/Coles pylon sign fronting Kerr Street, No. 95 and 103-105 Fox Street, Ballina	On Exhibition
2011/355	11/08/2011	Newton Denny Chapelle	Two Lot Boundary Adjustment Subdivision to create 1 x 1.9ha and 1 x 24 ha allotments, Nos 423 & 427 Friday Hut Road, Brooklet	Being Assessed
2011/359	16/08/2011	Department of Human Services	Establishment of an Aboriginal Child and Family Centre, Porter Park, Daydream Avenue, West Ballina.	Awaiting Additional Information
2011/363	19/08/2011	S Abicht	To Establish a Camping Ground to be used in association with the Ballina and District Equestrian Club and to undertake filling of land, No. 70 Gallan's Road, Ballina	Referred to Govt Departments
2011/365	22/08/2011	Tekcadl Investments Pty Ltd	Construction of a lay-down pad in conjunction with the Waste Water Treatment Plant upgrade, Fishery Creek Road,	Being Assessed

8.1 Development Applications - Work in Progress as at September 2011

DA No.	Date Rec'd	Applicant	Proposal	Status
			Ballina	
2011/367T	22/08/2011	I Watson	Lennox Head VMO - To remove 1 x small leaf fig tree, No. 55 Ballina Street, Lennox Head	Being Assessed
2011/373	29/08/2011	Newton Denny Chapelle	Staged construction of sporting fields and facilities including public road access, car parking, creation of sports field/court lighting, earthworks, provision of utility services, vegetation removal and other associated works, Rifle Range Road and Frank Street, Wollongbar	On Exhibition
2011/377	30/08/2011	B & L Lovell	Tree Removal, No. 548 Wardell Road, Dalwood	Being Assessed
2011/378	30/08/2011	Fighting Fit Super Centre P/L	Change of Use - Martial Arts & Conditioning Club, No. 14 Endeavour Close, Ballina	Being Assessed
2011/380	30/08/2011	SJ Connelly CPP Pty Ltd	Four (4) Lot Residential Subdivision, Skennars Head Road, Lennox Head	On Exhibition
2011/383	01/09/2011	Ardill Payne & Partners	To Dedicate a Road Reserve and Construct a Public Road, Chilcott Circuit and Deadmans Creek Road, Ballina Heights Estate	Being Assessed
2011/387	02/09/2011	Major Media	The Addition of 1 Double Sided Lightbox to Existing Pylon (Dick Smith Electrical), 44 Bangalow Road,	Being Assessed

8.1 Development Applications - Work in Progress as at September 2011

DA No.	Date Rec'd	Applicant	Proposal	Status
			Ballina	
2011/388	02/09/2011	The University of Newcastle	Environmental Education Facility, Teven Road, West Ballina	Being Assessed
2011/389T	02/09/2011	R & A Cornwill	Lennox Head VMO - To Remove 9 x Trees, No. 9 Nixon Place, Lennox Head	Being Assessed
2011/391	05/09/2011	Newton Denny Chapelle	Erection and Strata Title Subdivision of a Residential Flat Development comprising Two (2) x Two Storey Dwellings (being the final stage of a five unit development, No. 4/15 Gibbon Street, Lennox Head	On Exhibition

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
NIL				

Major Development (Determined by Minister)

Major Project No./DA No.	Date Rec'd	Applicant	Proposal	Status
2004/1150	29/09/2010	North Angels Beach Development (Chris Condon)	Modification No. 4 to North Angels Beach Subdivision Consent - To delete condition requiring a pedestrian 'Pelican' crossing of Angels Beach Drive and replace it with a pedestrian refuge. (Original consent required a pedestrian underpass).	Awaiting DoP determination (Council advised DoP that it does not support the application).

RECOMMENDATION

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

Attachment(s)

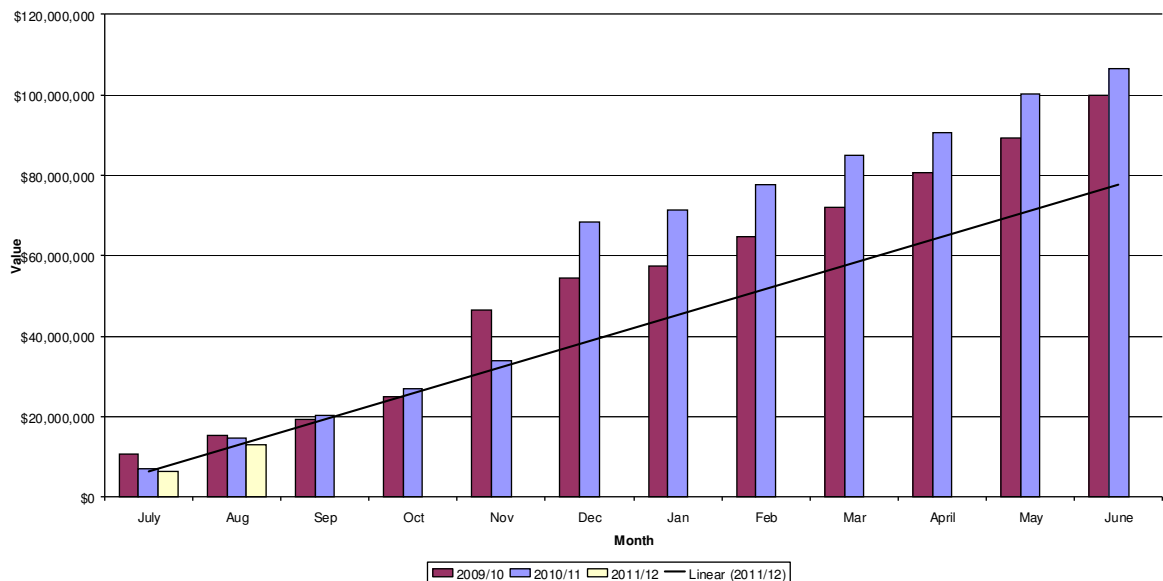
Nil

8.2 Development Consent Statistics - August 2011

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

Number of Applications	Value of Work
38 Other Building Related	\$ 1,918,750
12 Dwelling/Duplexes/Residential Flat Buildings	\$ 4,564,000
5 General Developments	\$ 450
Total Value	\$ 6,483,200

The following chart details the cumulative consent figures for 2011/12 as compared to 2010/11 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 August 2011 to 31 August 2011.

Attachment(s)

Nil

8.3 Traffic Accessing Lake Ainsworth and Seven Mile Beach

File Reference	Lake Ainsworth Estuary Management Plan Lake Ainsworth Crown Reserves Masterplan
CSP Linkage	A healthy natural environment
Delivery Program	Open Space and Reserves
Objective	To consider options with a view to achieving traffic reduction within this locality.

Background

Council considered the issue of immediate closure of the Eastern Road along Lake Ainsworth at its meeting of 23 June 2011. It was resolved that the road remain open but that a report be received with a view to reducing traffic on this road but still permitting full access to the NSW Government Sport and Recreation Facility.

Key Issues

The identified key issues are:

- Safety
- The Lake's water quality
- Amenity
- The recreational needs of community and
- Visitors to the Crown Reserve.

Information

In seeking to establish viable options to address this request, the issue was considered by an internal working group with representation from Regulatory, Civil and Corporate areas of the Council.

The Group recognised that there are significant practical limitations to further restricting traffic on this road given the uses that are approved in this area. These include monthly markets, allowing owners of dogs to park and access the approved off-leash beach area without passing through the dog restricted area, recreational visitors and accessibility to the Sport & Recreation Facility.

Council will be aware that vehicular traffic can no longer access Seven Mile Beach via this road with the 4WD access having been relocated to the north of the Sport and Recreation Facility and accessed via the southern and western routes.

There is currently the added issue of the lake water level that is, and has been, at a higher level than normal for much of this year.

After considering the potential options, including some suggested by the Lake Ainsworth Interest Group, which is a group representing a number of community based organisations, it is recommended to Council that action be instituted as soon as practicable to prohibit vehicular entry onto the western side of the eastern road.

Parts of this area have been inundated as the lake level has risen and remain susceptible to damage and subsequent erosion. It is proposed that, through a combination of fencing and bollard installation, with attendant signage, that parking on the western side of the eastern road be permanently prohibited and pedestrian access temporarily limited by fencing in areas where recovery is needed following the inundation.

It will also be necessary to restrict parking in some areas south of the lake for safety reasons. It is proposed that sufficient timber bollards be obtained to achieve this objective as well.

Cost to purchase and install domed timber bollards required for both areas is estimated at \$17,500. Necessary signage and installation of signs is estimated at an additional \$4,000.

This approach will reduce the available parking east of the lake but, when the lake recedes, will allow more space for people. A small reduction in traffic may occur due to the reduced opportunity to park in this area.

A site map of the proposed works is included as an attachment to this report.

Sustainability Considerations

- **Environment**

Traffic on the road has some impact on the lake water quality as identified in the Lake Ainsworth Estuary Management Plan. This is exacerbated by the current high water level.

- **Social**

The Lennox Head Markets are a popular facility. Options for relocation elsewhere on public land are currently limited. Williams Reserve is fully committed to sporting use and is likely to remain so until alternate facilities are available elsewhere in Lennox Head. The public, and in particular dog walkers, need access to the beach within reasonable distance of parking. Parking in the vicinity of the Lake is at a premium already, especially at holiday times. Restricting access and parking off the eastern road will transfer vehicular movements and parking onto the southern access and encourage parking at the southern end of the Lake with attendant safety issues. These can be minimised by addressing identified high risk areas at the same time.

- **Economic**

The Lake attracts many visitors to the Lennox Head township that helps sustain the businesses in the area.

Legal / Resource / Financial Implications

Resourcing to undertake works is limited. Implementation funding by way of grant and Council matched funds now stand at only \$73,000. More substantial work will require specific vote outside of the current budget.

Consultation

Correspondence has been addressed to Crown Lands NSW and to the North Coast Accommodation Trust in order to obtain certainty of the Government's position since taking over the Lake Ainsworth Caravan Park about the preferred longer term option that the road to the north pass through the Park in future. This information is essential in relation to medium and long term implementation of the adopted plans.

Options

1. The situation remain as at present with basic maintenance and tidy up following the lake water level receding
2. That Council permanently prohibit parking on the western side of the eastern road at Lake Ainsworth utilising a combination of fencing and bollarding with attendant signage, and utilise temporary fencing as necessary to allow rehabilitation of inundated grassed areas. That additional bollarding be utilised in the southern area to better regulate parking.

Based on the contents of this report option two is the preferred approach. In respect to funding these works the monies will be sourced from the existing reserves. It should also be noted that Council has an allocation of \$20,000 in the capital works budget being an on-going sourcing of funds from the Land and Property Management Authority (LPMA) that was agreed to as part of Council's resignation as Reserve Trust Manager for the crown reserve caravan parks. It is intended to apply to the LPMA to allocate these funds to this work as the work is being undertaken on the Lake Ainsworth Crown Reserve adjacent to the Lake Ainsworth Caravan Park.

RECOMMENDATIONS

1. That Council approves a permanent prohibition on parking on the western side of the eastern road at Lake Ainsworth utilising a combination of fencing and bollarding with attendant signage, and utilise temporary fencing as necessary to allow rehabilitation of inundated grassed areas.
2. That Council also supports the use of additional bollarding in the southern area to better regulate parking.
3. These works are to be funded from existing reserves, and / or the funds annually allocated to Council by the Land and Property Management Authority for capital works on crown reserves.

Attachment(s)

1. Map of proposed extent of bollards at Lake Ainsworth

9. Strategic & Community Services Group Reports

9.1 Alstonville Community Preschool

File Reference	Children's Services
CSP Linkage	People attaining health and wellbeing; Resilient and adaptable communities
Delivery Program	Community Planning
Objective	To invite the Council's further consideration of assistance to the Alstonville Community Preschool in its attempt to secure new preschool premises

Background

Council, at its Ordinary Meeting held on 28 July 2011, received and considered a report concerning the Alstonville Community Preschool's endeavours to locate new facilities from which this service can operate.

The executive of the preschool, and others on their behalf, have made representations to Council to ascertain if Council has property which might be available and suitable for their intended purposes.

Following its deliberations, Council resolved as follows (Minute No. 280711/6):

- 1 That Council endorse, in principle, its support for the relocation of the Alstonville Community Preschool and that the General Manager be authorized to assist the preschool with its investigation of site options;*
- 2 That a working party comprising C Ward Councillors and the Mayor be formed to liaise with representatives of the preschool to canvass site options; and*
- 3 That a further report concerning the outcomes of investigations be submitted for Council's consideration within two months.*

Key Issues

- Council's involvement in planning for the provision of children's services in Alstonville.
- Identification of site options for a new facility.

Information

An inventory of potential sites for a new preschool within Alstonville was compiled and this was presented to a meeting of the working party held on 12 September.

The following brief commentary is provided in relation to the shortlisted sites which were distilled from the discussions. It should be particularly noted that no Council-initiated discussions have been held with the owners of those properties mentioned which are not owned by Council.

Maps illustrating the respective sites are attached for information.

Site 1 - Part Allotment 16 DP 263001 - Department of School Education, Main Street, Alstonville.

The working party was of the opinion that this parcel of land is highly suitable for the intended use given its dimensions and shape. The major drawbacks with the site however are that access is through an already highly congested section of Main Street at peak periods, as well as the current gradient and construction standard of Main Street adjacent to the site.

Site 2 - Part Allotment 323 DP 755745 - NSW Police Department, cnr Main Street and Perry Street, Alstonville.

This land is locally referred to as the Police paddock, situated at the rear of the Alstonville Police Station. Though sufficient land area exists, it is somewhat constrained due to slope and would likely require substantial earthworks for construction. As with Site 1, access to this land through an already congested school area is a drawback. Having said that, collocation of the facility within an established school precinct may be seen by parents and carers as an advantage.

Site 3 - Part Allotment 2 DP 1031929 - Alstonville Agricultural Society Inc (Alstonville Showground), Green Street, Alstonville.

This site located at the northern end of Green Street is seen by the working party as being highly suitable, being very centrally located, quite level with ample area and also with excellent access.

In a preliminary and informal conversation, representatives of the Society have indicated they are prepared to hold discussions with Council concerning the use of that land for the facility.

Site 4 - Part Allotment 89 DP 251693 - Ballina Shire Council, Ocean View Drive, Alstonville.

This is an area of passive open space created in 1976 as part of the Ocean View Estate. It is suggested that part of the reserve could be adapted to accommodate a preschool facility. However access is somewhat limited within the adjacent street system and a reasonable length of new road/driveway would need to be constructed to access a potential building site.

Site 5 - Part Lots 39 DP 258802, Part Lot 161 DP 247578 and public road - Ballina Shire Council, Ballina Road, Alstonville.

This land comprises the eastern part of Crawford Park, though it is presently not used for active open space or structured sporting activities.

Again, the land's key advantage is its central location and good access however parts of the site are constrained because of drainage and stormwater paths and also a very significant vegetation stand, though this appears to predominantly comprise camphor laurel. Whilst no detailed site investigations have been commissioned, these constraints could ultimately render this site unsuitable for the intended purpose.

Site 6 - Allotment 20 DP 239781 - Ballina Shire Council, Cooke Avenue and Parkview Circuit, Alstonville.

The key advantage of this site is its convenient location within Alstonville. It is also relatively flat with desirable dimensions and the surrounding street separates the site to some extent from nearby residences. Access appears to be favourable in terms of the standard of road construction (obviously subject to more detailed assessment) with such access available from both easterly and westerly directions.

Based on the information provided, which is acknowledged as being quite preliminary at this time, and the discussions within the working party of Councillors, it emerged that Site No.6 above - the Cooke Avenue/Parkview Circuit site - is preferred overall given its ownership, location, topographic features, dimensions and access.

Of the three non-Council owned sites assessed, the land which forms part of the Alstonville Showground at the northern end of Green Street is seen as being superior to the others for the same reasons (aside from ownership).

It must be stressed that the exercise conducted to date represents only a cursory examination of site options for a new preschool. It does not purport to represent a more detailed site and locality assessment which one would associate with a development application.

In terms of 'permissibility', the development for the purpose of a preschool is permissible with Council's consent on the Cooke Avenue/Parkview Circuit site. It is also an allowable use of the land under the terms of the Principal Generic Plan of Management for Community Land, given that it is categorised for General Community Use.

The other important thing to recognize is that there has been no Council-initiated general or site-specific community consultation to date in relation to this project. Consequently, it is difficult to gauge the level of community acceptance that would exist in relation to any of the sites assessed.

It would be expected, and understood, that there would be a certain level of resistance to 'surrendering' existing parkland to enable the construction of new buildings, both in terms of utilization of that space and the ambience it provides within an established residential area. These views of course need to be balanced against the changing demands for community infrastructure that might not have been foreseen at the time residential estates were initially established.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Council has previously acknowledged the importance of endeavouring to support the establishment of a new preschool to ensure the availability of this service to the residents of Alstonville and surrounding areas.
- **Economic**
Council is looking to support the provision of affordable and accessible children's services in the Alstonville community.

Legal / Resource / Financial Implications

Work to date in implementing Council's July resolution has been undertaken within available resources. Implications for resources now will depend in the preferred course of action identified by Council.

Consultation

As stated above, the only consultation that has occurred to date has been between the representatives of the proposed preschool and Council representatives.

If Council is inclined toward supporting any one of the identified Council-owned sites for the new facility, it should be prepared to work collaboratively with local residents toward a preferred outcome. If Council supports the facility being located on one of the other sites assessed (ie one that is not owned by Council) Council could choose to advocate on behalf of the preschool or step back and allow the preschool to pursue that option (or another identified site) alone.

Options

It is for the Council to decide the extent to which it wishes to continue to be involved in this project.

1. If it does not wish to offer one of its own identified sites as a preference for a new preschool then Council need take no further actions, though as mentioned above, it could continue to advocate and lobby for the facility to be constructed elsewhere.
2. If Council does wish to offer its own land (managed on behalf of the community) it should convey its preference from the sites already assessed by C Ward Councillors and the Mayor, or other alternative sites yet identified.

The recommendation which follows enables the General Manager to pursue further discussions with the Alstonville Agricultural Society Inc. to assess opportunities for the proposed facility to be established on part of the Society's land, and the circumstances in which that might be acceptable to both parties.

The recommendation also identifies the Cooke Avenue/Parkview Circuit land as the preferred site for the proposed facility from within Council's property inventory, with an intention that it would become the focus of community consultation and more detailed investigation if the Showground option is not able to proceed.

It should be understood that, irrespective of Council's decision, staff will continue to liaise with representatives of the preschool and keep them apprised of the situation.

RECOMMENDATIONS

1. That Council notes the outcomes of the Councillor working party concerning the assessment of site options for the establishment of a new preschool in Alstonville.
2. That the General Manager be authorized to hold discussions with the Alstonville Agricultural Society Inc. to assess opportunities for the proposed facility to be established on part of the Alstonville Showground. Further, that the outcomes of those discussions be reported back to Council at the first available opportunity,
3. In respect of the Council owned properties which have been assessed at this time, Council expresses its preference for the land fronting Cooke Avenue and Parkview Circuit in Alstonville as the site for the proposed Alstonville Community Preschool.

Attachment(s)

1. Site Maps

9.2 Police and Community Youth Club (PCYC)

File Reference	Youth Services
CSP Linkage	Resilient and adaptable communities
Delivery Program	Community Planning
Objective	To invite Council to lodge an Expression of Interest (EOI) to establish a PCYC facility in Ballina Shire.

Background

The NSW Government is providing additional resources to the Police & Community Youth Clubs (PCYC) NSW and the NSW Police Force Youth Command to support the establishment of 7 new PCYCs between 2011 and 2015.

Each newly established facility will be provided two (2) Police Youth Case Managers and one (1) Club Manager, through the NSW Police Force Youth Command and PCYC respectively. These positions are funded by the NSW Government.

Five allocations of \$250,000 and two allocations of \$2.5 million are now available to PCYC to assist in establishing the new facilities. The capital allocations will be provided by the NSW Government to assist with facility development or expansion, if deemed appropriate, in locations selected.

PCYCs represent a collaboration between the NSW Police Force, the community and the PCYC to promote positive engagement for young people in sport and recreation activities, to offer youth development programs, and to support youth crime reduction and prevention programs.

The Manager in each Club is responsible for ensuring maximum use of the facilities by young people and the community generally. The Police Officers based at the Club engage individual young offenders in programs designed to stop further offending. They also participate in local hot spot interventions and support community policing initiatives in schools and the community. Volunteers are also utilised to provide activity support, to assist in Police programs, to fund raise and to constitute the Club advisory committee.

Key Issues

- Site options
- Cost

Information

The EOI brief released by the PCYC states that any proposed facility must be able to provide a range of sporting, cultural and recreational activities to ensure viable Club operations and Police programming.

PCYC facilities must include a sports court, multi-purpose activity rooms, offices and activity space for Police programs, passive recreation space, and adequate amenities. PCYC will not operate a simple youth 'drop-in' centre.

Utilising the criteria set down by the PCYC, a preliminary assessment of existing Council facilities has been undertaken. The Alstonville Leisure & Entertainment Centre (ALEC) and the Lennox Head Cultural and Community Centre (LHCCC) would both appear to meet the majority of the physical criteria set down by the PCYC.

In addition to the requirements of the facility the PCYC also has nominated the following points that will be used to assess each EOI:

- The absolute number of young people in the community to be served
- The socio-economic status of the community or communities to be served
- Juvenile crime statistics for the area
- Extent of other youth services/programs available in the area or to be collocated or transferred to the facilities
- The facilities or funding to be contributed by the local Council
- The commitment of local community leaders to support a new Club
- Transport and accessibility of the proposed facilities
- The likely viability of the Club once operational.

Should Council determine to pursue the establishment of a PCYC in Ballina Shire there appear to be two possible pathways, namely:

- The construction of a purpose built facility or
- To adapt/modify an existing Council-owned building.

The construction of a purpose built PCYC would ensure that a facility would be built to the specifications set down by the PCYC. There would also be some flexibility in terms of possible location although the availability of suitable land may be limited.

Consideration of this matter to date has not included an assessment or evaluation of candidate sites for the construction of a purpose-built facility. If Council has an interest in doing so, this would be the subject of a further report relating to identified options.

The Council facilities identified for consideration, being the ALEC and the LHCCC, both have their merits in terms of physical characteristics. However it is likely that there would be a need for some form of alterations/modifications to fully meet the requirements set down by the PCYC. The exact nature of the alterations and scope of work would need to be determined in consultation with the PCYC.

The location of ALEC would continue to conveniently service the communities of Alstonville, Wollongbar, Wardell, Cabbage Tree Island, West Ballina and Ballina. The catchment for the use of the LHCCC would be somewhat less, with that Centre mainly servicing the coastal areas of the shire.

One of the key selection criteria set down by the PCYC is the socio – economic status of the communities to be served. A measure used by the Australian Bureau of Statistics (ABS) to identify socio- economic status is the Socio-Economic Indexes for Areas (SEIFA). For the purpose of this measure the lower the score the higher the level of disadvantage.

When comparing the communities surrounding the respective facilities the areas around Alstonville generally have a lower SEIFA index score than the Lennox Head locality.

Sustainability Considerations

- **Environment**
Not Applicable

- **Social**
The establishment of a PCYC in Ballina Shire would have the potential to provide a significant improvement on the level of services available to address the needs of marginalised young people. In addition to providing access and use by all within the community, the PCYC would also work closely with young people who are at risk of developing destructive behaviours and those young people who have already come to the attention of the Police.

- **Economic**
The economic impacts for Council, either positive or negative, would need to be assessed in more detail if and when an expression of interest was considered favourably.

Legal / Resource / Financial Implications

It is understood PCYC's partnerships with councils usually involve the long-term lease of facilities at a peppercorn rent to ensure operational costs and resulting charges for participation are minimised. A lease normally involves councils being responsible for the building and plant, with PCYC being responsible for operational maintenance.

The ALEC is currently managed on Council's behalf by a contractor who is paid a retainer. Should Council decide that the ALEC is a viable option for consideration and is the most appropriate facility (and be successful in the EOI process) the net result would be a saving to Council as there would not be a requirement to pay the PCYC an annual retainer to manage the facility.

The LHCCC is currently managed by Council's Community Facilities Co-ordinator. The Coordinator also manages the operations of the Wardell Community Centre, the Ballina Community Services Centre and the Richmond Room. This management arrangement is subject to on-going review by Council.

Should Council decide that the LHCCC is the most appropriate facility (and be successful in the EOI process) Council would forego income generated but would also not have day-to-day responsibility for managing the facility.

It is acknowledged that there is currently no allocation of Council resources to either construct a facility, purchase land, or to refurbish an existing facility to establish a PCYC in Ballina Shire.

Consultation

Informal and very preliminary consultation has taken place with Officers from the Richmond Local Area Command. The Police Officers indicated their support for the ALEC option and have indicated that they feel the existing facility has the potential to meet the needs of the PCYC whilst also providing a much needed service to Ballina Shire residents, particularly young people.

Options

If Council forms the view that it supports the concept of a PCYC being established in Ballina Shire and wishes to respond to the current call for expressions of interest, the following options would appear to be available:

1. Council prepare an EOI that supports the establishment of a PCYC in Ballina Shire by constructing a purpose-built facility on a site to be nominated
2. Council prepares an EOI that supports the establishment of a PCYC in Ballina Shire utilising the Alstonville Leisure and Entertainment Centre; or
3. Council prepares and EOI that supports the establishment of a PCYC in Ballina Shire utilising the Lennox Head Cultural and Community Centre.

Option two is the preferred outcome as it is considered that this facility has the highest probably of being achievable and meeting the core criteria. If Council does not wish to pursue the current invitation to lodge and expression of interest, it need only note this report.

RECOMMENDATIONS

That Council approves the preparation of an Expression of Interest that supports the establishment of a Police and Community Youth Club (PCYC) in the Ballina Shire utilising the Alstonville Leisure and Entertainment Centre as a venue for the facility.

Attachment(s)

Nil

9.3 Youth Council - Terms of Reference

File Reference	Youth Council
CSP Linkage	Transparent and accountable governance
Delivery Program	Community Planning
Objective	To invite Council to adopt the Ballina Shire Youth Council Draft Terms of Reference.

Background

Council decided to support the formation of a Ballina Shire Youth Council. The Youth Council had its inaugural meeting on 30 May 2011 with four members in attendance. The membership has grown to seven with a number of additional young people indicating that they may be interested in joining.

The Youth Council meetings have taken place every fortnight and have covered a broad range of topics that include the role of local government, how councils raise revenue, the activities that Ballina Shire Council has responsibility for and developing an understanding of the decision making process.

The Youth Council has also discussed a number of significant items that have appeared in the Council business papers in recent months. The members have also had the opportunity to meet a number of senior staff who were able to give them examples of recent work undertaken by Council.

The members of the Youth Council have worked in collaboration to prepare a draft Terms of Reference (ToR) that they consider will provide a sound base on which to operate during the forthcoming period. A copy of the draft ToR is attached.

Key Issues

- Confirmation of the Ballina Shire Youth Council draft Terms of Reference.

Information

The draft ToR has been developed by the young people and will be used as a guide for the Youth Council. The members have indicated that the document should be used as a starting point and will be reviewed in the future to ensure it remains relevant to the role and functions of the group.

Sustainability Considerations

- **Environment**
Not Applicable

- **Social**

The establishment and operation of the Youth Council has begun to provide benefits to those young people participating. They have gained an improved understanding of Council's roles, responsibilities, budgeting and the decision making processes.

- **Economic**

Not Applicable

Legal / Resource / Financial Implications

The current operations of the Youth Council have been undertaken under Council's existing budget allocations. That is, there is no budget assigned to this program.

Consultation

The members of the Youth Council have actively participated in the formulation of the draft Terms of Reference.

Options

1. Council endorse the Ballina Shire Youth Council draft ToR.
2. Council may choose to make alterations to the draft document, or decline to adopt it.

Option 1 is the recommended course of action.

RECOMMENDATIONS

1. That Council notes the contents of this report concerning the operations of the Ballina Shire Youth Council.
2. That Council endorses the Draft Terms of Reference as prepared by the members of the Youth Council.

Attachment(s)

1. Draft Terms of Reference

9.4 Policy (Review) - Public Art Policy

File Reference	Public Art Policy
CSP Linkage	A built environment contributing to health and wellbeing
Delivery Program	Strategic Planning
Objective	To invite the Council to consider outcomes from a review of its current Public Art Policy

Background

Council has previously resolved "*to review its current public art policy to allow the public to apply for and utilize as an art canvas, specific nominated items of Council infrastructure, with the overall goal of enhancing community ownership and encouraging public art across the shire*".

Given that the administration of public art tends to cross over a number of parts of Council's organisational structure, the General Manager authorised the establishment of an interdepartmental staff team to undertake a review of the existing policy. The following report provides an overview of the various matters that have been discussed by the team.

A copy of the current Public Art Policy is **attached** to this report for reference purposes. Please note this policy has been amended to be consistent with the current policy template (changes marked in yellow).

Key Issues

- Effectiveness of existing public art policy.

Information

Council adopted its current Public Art Policy in August 2005 following the document's public exhibition.

The key ways in which the policy provides for the delivery of public art are as follows. A comment is provided against each item to reflect the extent to which the outcomes sought by the policy have been achieved.

- a) Integration of the policy into Council's Management Plan (now Operational Plan) so as to ensure that public art is considered as part of Council's budgetary and management processes.

Comment: It was proposed that Council would allocate an amount of at least \$15,000 in each annual budget for the provision of public art. A specific allocation for this purpose has not been made to date on the basis of other competing demands for available funds.

- b) Integration of the policy with Council's development control plans for commercial areas within the shire, including Ballina Town Centre, Lennox Head and Alstonville Village Centres and Wollongbar and Wardell Local Centres. New commercial, retail and tourist developments in these locations having a construction value of greater than \$1 million are required to provide a piece of public art to the value of at least \$15,000 as an integral part of that development.

Comment: This provision of the policy has been effectively applied in relation to developments fitting the above criteria.

- c) Integration of the policy with plans of management for the shire's open space areas.

Comment: The preferred locations for the placement of public art are set out in Section 3 of the policy.

Again, the strong competing demand for funds within Council's open spaces and reserves budget has meant that public art has received a low priority in embellishment and improvement plans for these areas. In relation to those listed, the only area in which public art has been displayed is Fawcett Park in Ballina (the 'Fish' and the 'Pelican'). These items are not directly attributable to the public art policy. It is also acknowledged that a piece of public art associated with the recently-opened Lennox Head Cultural and Community Centre is currently under consideration.

- d) Preparation of a Section 94 Development Contributions Plan for the provision of public art.

Comment: A Section 94 Plan for public art has not been prepared to date. The principal reason for this is that Council's existing contributions plans for other infrastructure (eg roads, parks, and reserves and community facilities) are already at, or very close to, the maximum charges Council is able to levy in accordance with the directives from the NSW Department of Infrastructure and Planning.

The secondary, yet quite compelling reasons for a plan not having been prepared is our reluctance to impose additional non-essential cost burdens on the development sector and those to whom these costs are passed on, particularly having regard for the prevailing economic climate.

- e) Incorporation of the policy into Council's major infrastructure projects. This part of the policy requires that public art to the value of at least \$15,000 be provided as part of Council's individual infrastructure projects having a value of over \$1 million.

Comment: This aspect of Council's policy has not been applied due to the fact that all available funds have been used for 'core' aspects of the projects, rather than for what might be seen as 'peripheral' costs.

- f) Procurement of alternate funding sources, including sponsorships, donations and grants, and for mentoring programs.

Comment: Funding from alternate sources has not become available.

- h) Establishment of partnerships with community groups and schools for community public art.

Comment: No partnerships under the policy have been established.

As can be seen from the above, the provision of public art within the shire through the implementation of Council's policy has been limited, with the principal mechanism being the conditioning of a relatively small number of developments which, by their construction value, 'trigger' the requirement for public art. In these cases, the art pieces have been incorporated into the respective developments, rather than displayed on public land.

In terms of certain Council infrastructure projects, few of these attract the need for the lodgement of a development application, and hence the 'opportunity' to apply conditions of development consent is not available. Consequently, the public art policy is not being applied in these circumstances.

During the review of the policy, the staff team has given detailed consideration to the concept of nominated items of Council infrastructure being used as art 'canvasses'. Items of infrastructure considered have included public amenities buildings, bridges, sewerage pumping stations, club houses, park/open space furniture, fencing and reservoirs.

The key issues identified in initiating programs to permit these items to be used as art canvasses are initial cost, ongoing management and supervision and also maintenance. In terms of cost, the most logical source of funding is through grants. Often, matching Council funds need to be available. Ongoing management of community programs would also need to be factored in to any grants received, as no dedicated Council resources currently exist for this role.

Maintenance of the public art on the items of infrastructure would need Council's careful consideration. Whilst the art work would probably generate broad interest at the outset, Council would need to be vigilant in ensuring that the works do not deteriorate and become unsightly.

It is worth noting that some items of council infrastructure have already been used as canvasses for public art, but these have not been as an outcome of the public art policy. Rather, they have come about simply through initiatives by community groups and individuals and support by Council. Examples of these are the murals on the water reservoir at Lennox Head and the public amenities building fronting Kerr Street on Saunders Oval. The Aboriginal mural on the pedestrian underpass beneath the Coast Road in East Ballina is also acknowledged.

Council staff have also contacted other public infrastructure and utility service providers to assess their willingness to partner with Council for use of their infrastructure for public art. The authorities include the Roads and Traffic Authority, Essential Energy and Telstra. Essential Energy is the only one of these organisations which appears to have a policy position concerning this issue, and it may be prepared to discuss the matter further with Council.

Sustainability Considerations

- **Environment**
Public art within our urban areas can be used to capture, promote and implement the natural environmental features of the shire and the region.
- **Social**
The exhibition/display of public art can be stimulating and, at times, provocative. It reinforces our 'sense of place'.
- **Economic**
Depending on its scale and location, public art has the potential to provide economic benefits to a local community.

Legal / Resource / Financial Implications

It is for the Council to determine where public art and associated programs 'rank' in terms of organisational commitment and priorities. As noted above, the delivery of public art under the adopted policy has been quite modest, and limited to a small number of developments for which consent conditions have been imposed. Otherwise, public art not attributable to the policy has been delivered through motivated individuals and groups opportunistically.

It is respectfully suggested that if Council wishes to become more active in encouraging groups and individuals to undertake public art projects by adapting its own infrastructure, or alternatively commissioning specific pieces of public art in prominent areas, it will need to either reallocate existing funds and resources or increase its commitment through its Delivery Program and Operational Plan.

Consultation

Internal staff consultation has occurred through the General Manager's establishment of an interdepartmental team to review the policy.

Options

The Public Art Policy has been reviewed in accordance with the Council's decision, including the use of Council and other service providers' infrastructure as canvases for public art.

In terms of the current policy, the review has concluded that it is soundly based, although its broader application is contingent upon a boost or reallocation of Council's financial and other resources to stimulate increased interest and participation.

The staff team also considered the option of broadening the application of the policy through the introduction of provisions under Section 94 of the Environmental Planning and Assessment Act. For the reasons cited earlier in this report, staff is reluctant to recommend this course of action, however, it is open to Council to adopt this approach.

In terms of the adaptive use of Council's infrastructure as art canvasses, it is suggested that the policy need not be changed to accommodate this. It remains open for motivated individuals and groups to make approaches to Council to implement projects, the merits of which will be assessed by Council's Civil Services Group, or Council.

Having regard for the above, the recommendation which follows essentially suggests that Council adhere to its existing Public Art Policy without modification, excluding the template changes included.

As the policy has also only been reviewed by staff it is also recommended that the document is exhibited for public comment. This may result in further feedback that will be of assistance in reviewing the policy. It is also recommended that if no submissions are received from the exhibition process, the policy be adopted with no further actions required.

RECOMMENDATIONS

1. That Council notes the review of the review of the Public Art Policy and adopts the policy as attached, which is now consistent with Council's corporate policy template.
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.
3. That in relation to the concept of Council operational infrastructure being used as art canvasses, Council's position is that it remains open to consider individual public art projects which will be assessed on their merits.
4. That in relation to the introduction of a Section 94 Developer Contributions Plan to attract financial contributions toward the provision of public art, Council takes no action for the time being as Council's charges are already at, or close to, the \$20,000 State Government cap.

Attachment(s)

1. Public Art Policy

10. General Manager's Group Reports

10.1 Use of Council Seal

File Reference Use of Seal

RECOMMENDATIONS

That Council affix the Common Seal to the following document.

US11/22	<p>Lease Agreement: Council to Ramsgate RSL Memorial Club Ltd - a 607.8 sq mtr part Part King Street, Lennox Head, that comprises part of the Lennox Head Bowls and Sports Club Ltd bowling greens and plant hedging, for a period of 5 years.</p> <p>Explanation: Ramsgate RSL Memorial Club Ltd amalgamated with the Lennox Head Bowls & Sports Club Ltd in 2006, and are the lessees of Lot 31 DP 11905 that is Council community land and that comprises the Lennox Head Bowls and Sports Club building, carpark and major part of the bowling greens. The lease of Lot 31 is for a 21 year term that expires on 31 December 2024. The Club also leases a 607.8 sq mtr part of King Street, being unformed road that is contiguous with the northern boundary of Lot 31 DP 11905 and upon which is located a part of the bowling greens and plant hedging. Council resolved on 26 June 2003, inter alia, that the lessee be advised that the closure of King Street is a possibility to allow for a longer term of lease, with all costs associated with the closure being a responsibility of the Club, however, that offer has been declined by the Ramsgate RSL Memorial Club Ltd. A lease term not exceeding 5 years, as proposed, negates the requirement for the land to be subdivided</p>
---------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Attachment(s)

Nil

10.2 Investments Summary - August 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 August 2011.

Council's investments are all in accordance with the Local Government Act, the Regulations and Council's Investment Policy.

The balance of investments as at 31 August 2011 was \$63,767,000. This represents an increase from July of \$1,534,000.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 31 August 2011, was \$5,466,035.

Council's investments as at 31 August are at an average (weighted) rate of 5.85%, which is 1.0% above the 90 Day Bank Bill Index of 4.85%.

The majority of the approximately \$64 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	19
Sewer Fund (incl. developer contributions)	External	23
Section 94 Developer Contributions	External	11
Bonds and Deposits	External	4
Domestic Waste Mgmt / Stormwater Charges	External	2
Other External Restrictions	External	6
Land Development	Internal	8
Employee Leave Entitlements	Internal	3
Carry Forward Works	Internal	12
Miscellaneous Internal Reserves	Internal	11
Unrestricted		1
Total		100%

* Based on reserves held as at 30 June 2011

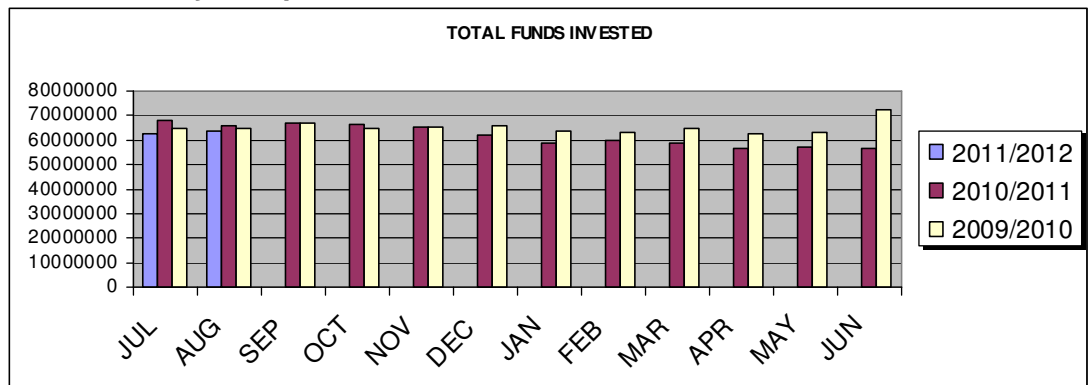
Information

A. Summary of Investments by Institution

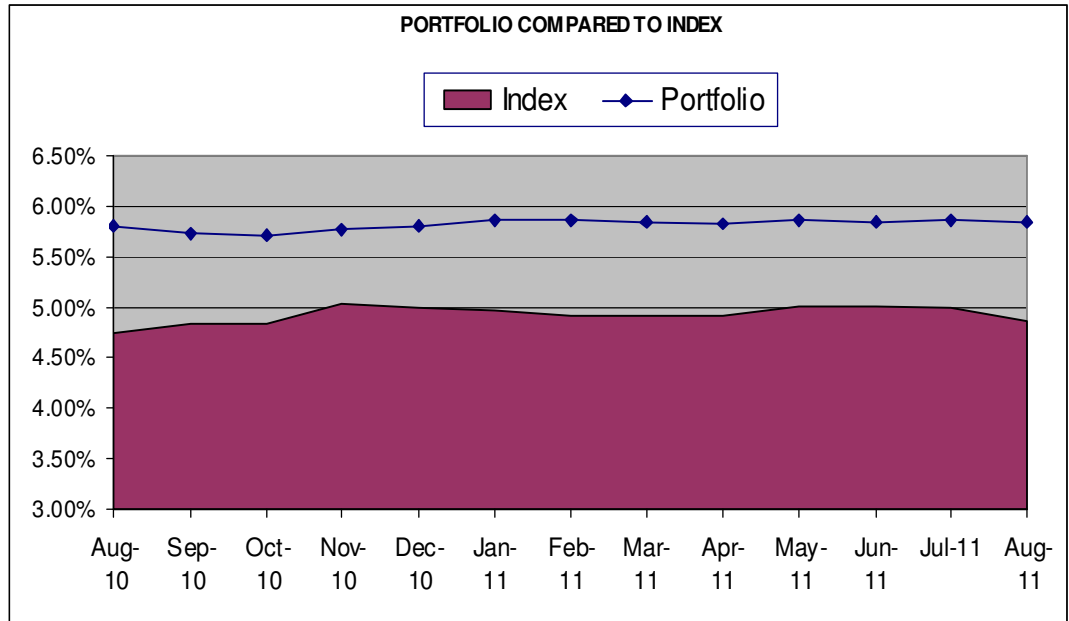
Funds Invested With	ADI Rating	Gov G'tee	Previous Month (\$'000)	Current Month (\$'000)	% of	Total
Grandfathered Investments						
ANZ Bank	AA-	No	2,000	2,000	3.1	
Bendigo Bank Ltd	BBB	No	1,000	1,000	1.6	
Deutsche Bank	A+	No	4,000	4,000	6.3	
Goldman Sachs	AA-	No	1,000	1,000	1.6	
Heritage Building Society	BBB	No	3,000	3,000	4.7	
HSBC Australia	AA-	No	1,000	1,000	1.6	
Local Govt Fin Service	A	No	5,000	5,000	7.8	
Longreach Capital Markets 23	AA-	No	1,000	1,000	1.6	
Longreach Capital Markets 28	AA+	No	1,000	1,000	1.6	
Morgan Stanley	A	No	2,000	2,000	3.1	
National Australia Bank	AA	No	1,788	1,788	2.8	
National Wealth M'ment Holding	A	No	2,000	2,000	3.1	39%
Rated Institutions						
ANZ Bank	AA-	No	1,001	4,005	6.3	
Bank of Queensland	BBB+	Y-\$1m	5,000	5,000	7.8	
Bank of Western Australia	AA	Y-\$m	2,958	2,958	4.6	
Commonwealth Bank of Australia	AA	Y-\$2m	7,380	5,905	9.3	
Credit Union Australia	BBB+	Yes	2,000	2,000	3.1	
Illawarra Mutual Bld Society	BBB	Y-\$1m	4,000	4,000	6.3	
Members Equity Bank	BBB	Y-\$1m	1,000	1,000	1.6	
National Australia Bank	AA	Y-\$1m	1,000	1,000	1.6	
Newcastle Permanent Bld Soc	BBB+	Y-\$1m	4,000	4,000	6.3	
Suncorp Metway Bank	A	Y-\$1m	8,111	8,111	12.7	59%
Unrated ADI's						
QLD Country Credit Union		Yes	1,000	1,000	1.6	2%
Total			62,238	63,767	100%	

* Rating is on Capital only by UBS AG, London (Ser 23) & Citigroup Pty Ltd (Ser 28)

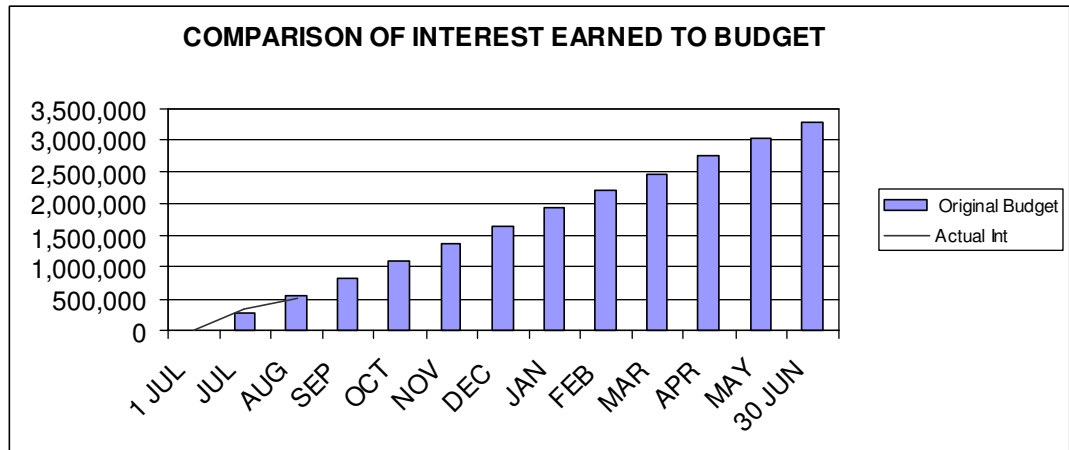
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



Comment

At its September meeting the RBA left the cash unchanged for the tenth month straight.

Since early August, when equity markets collapsed, the market has priced the next RBA rate change as a decrease, not an increase as has been the case since last November.

In the accompanying statement the RBA changed its rhetoric slightly by saying “ conditions in global financial markets have been very unsettled over recent weeks, as participants have confronted uncertainty about both the resolution of sovereign debt problems and the prospects for economic growth in Europe and the United States. As a result, the outlook for the global economy is less clear than it was earlier in the year.”

After pointing out that inflation had been growing more than expected but was expected to slow later this year, they finished with “the Board remains concerned about the medium term outlook for inflation. A key question will be the extent to which softer global growth will work, in due course, to contain inflation.” So whilst the board are being very cautious and still seem to be leaning towards an increase, the markets and most commentators expect the next move to be down.

E. Investments Held as at 31 August 2011

Purchase Date	Issuer	Type	Rate %	Call or Maturity Date	Purchase Value \$'000
23/04/04	Deutsche Bank	FRN	5.96	23/04/14	2,000
23/04/04	Deutsche Bank	FRN	5.96	23/04/14	2,000
20/09/04	National Australia Bank	FRN	6.15	Perpetual	1,788
08/08/05	Morgan Stanley	FRN	5.33	08/08/12	2,000
12/04/06	Goldman Sachs	FRN	5.48	12/04/16	1,000
16/06/06	National Wealth M'ment Holdings	FRN	5.61	16/06/16	2,000
04/12/06	Heritage Building Society	FRN	5.57	04/12/11	2,000
28/02/07	Longreach Series 23	IRLN	8.66	10/02/12	1,000
25/01/07	Local Govt Fin Service	CRI	5.79	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	6.19	21/09/12	1,000
18/10/07	Heritage Building Society	FRN	6.14	18/10/12	1,000
18/10/07	ANZ Bank	FRN	5.59	18/10/12	2,000
14/03/08	HSBC Australia Ltd	FRN	7.22	14/03/13	1,000
16/12/08	Commonwealth Bank of Australia	CRI	6.58	16/12/11	1,000
17/12/08	Commonwealth Bank of Australia	CRI	6.19	17/12/13	1,000
17/12/08	Commonwealth Bank of Australia	TD	5.93	17/12/13	996
17/04/09	Commonwealth Bank of Australia	FRN	6.14	17/04/12	1,000
03/02/10	Commonwealth Bank of Australia	FND	4.70	At Call	1,909
01/03/11	Bank of Queensland	TD	6.35	01/09/11	1,000
28/04/11	Credit Union Australia	TD	6.19	28/10/11	1,000
05/05/11	Bank of Queensland	TD	6.23	01/11/11	1,000
30/05/11	BankWest	TD	6.05	27/09/11	1,000
31/05/11	Suncorp-Metway Bank	TD	6.17	28/09/11	2,000
21/06/11	Newcastle Permanent Bld Society	TD	5.99	21/09/11	1,000
21/06/11	Illawarra Mutual Bld Society	TD	6.05	19/10/11	2,000
22/06/11	Suncorp-Metway Bank	TD	6.15	20/10/11	3,111
30/06/11	Members Equity Bank	TD	6.15	28/10/11	1,000
05/07/11	Queensland Country Credit Union	TD	6.05	02/11/11	1,000
05/07/11	Bank of Queensland	TD	6.10	02/11/11	2,000
05/07/11	Newcastle Permanent Bld Society	TD	6.02	04/10/11	2,000
11/07/11	Illawarra Mutual Bld Society	TD	5.95	10/10/11	1,000
11/07/11	Suncorp-Metway Bank	TD	6.22	09/01/12	1,000
12/07/11	Illawarra Mutual Bld Society	TD	6.00	10/10/11	1,000
14/07/11	Credit Union Australia	TD	6.08	11/11/11	1,000
19/07/11	BankWest	TD	5.85	16/11/11	1,958
20/07/11	ANZ Bank	FND	3.70	At call	4,005
02/08/11	Suncorp-Metway Bank	TD	6.16	31/10/11	1,000
10/08/11	Suncorp-Metway Bank	TD	6.05	10/11/11	1,000
15/08/11	National Australia Bank	TD	5.89	14/11/11	1,000
15/08/11	Bank of Queensland	TD	6.05	14/11/11	1,000
29/08/11	Newcastle Permanent Bld Society	TD	5.91	28/11/11	1,000
Totals:					63,767
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 August 2011.

10.3 Election of Deputy Mayor - Twelve month term to September 2012

File Reference	Election of Deputy Mayor
Sustainability Plan	Transparent and accountable governance
Management Plan	Administration
Objective	To determine whether Council wishes to appoint a Deputy Mayor and if so, how that position is to be elected.

Background

Section 231 of the Local Government Act states:

- (1) *The councillors may elect a person from among their number to be the deputy mayor.*
- (2) *The person may be elected for the mayoral term or a shorter term.*
- (3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*
- (4) *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

Nominations for the office of Deputy Mayor are to be submitted in writing to the General Manager, signed by the nominee and at least one other Councillor, prior to this report being discussed at the ordinary meeting.

Copies of the nomination forms are attached under separate cover.

The Deputy Mayor can be paid an allowance for such time as the Deputy Mayor acts in the office of the Mayor. The Division of Local Government has advised that such an allowance cannot be established on an annual basis and paid as an annual figure. Rather it must reflect actual time acting as the Mayor. Therefore the Deputy Mayor will only receive an allowance if the Mayor is on a period of extended leave.

Key Issues

- To determine whether Council wishes to appoint a Deputy Mayor
- If yes, Council must determine the method of voting

Information

An election must be held if more than one nomination is received. Council must then determine whether the voting is to be by preferential ballot (if three or more candidates nominated), ordinary ballot (secret ballot) or open voting.

Section 251(5) of the Local Government (General) Regulation states as follows:

Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot. (Reg 251)

Note: Part 11 of this Regulation provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that "ballot" has its normal meaning of secret ballot.

Sustainability Considerations

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

Legal / Resource / Financial Implications

There is no legal obligation for Council to elect a Deputy Mayor.

Consultation

Not applicable.

Options

The options are to either have or not have a Deputy Mayor and the method of voting. The recommendation that follows reflects Council's traditional practices.

RECOMMENDATIONS

1. That Council elect a Deputy Mayor for the period to September 2012.
2. That the method of voting for the election of Deputy Mayor be by way of ordinary (secret) ballot.
3. That the number of votes at the ballot be revealed at the meeting and that the General Manager, following the meeting, destroy the ballot papers.

Attachment(s)

Nil

10.4 **Councillor Attendance**

File Reference	Councillor Development
CSP Linkage	Transparent and accountable governance
Delivery Program	Administration
Objective	To provide Councillors with professional development

Background

The Councillor Expenses and Facilities Policy requires Council approval for attendance by councillors, excluding the Mayor, at conferences outside the region (Richmond, Tweed, Clarence).

Cr Brown attended the Australian Airports Association Quarterly meeting in Sydney on Wednesday 14 September 2011.

Council at the July Ordinary meeting approved the removal of the exemption for the Chairperson of Council's Airport Committee to attend quarterly meetings of the Australian Airports Association, including the National Conference, from the Councillors Expenses and Facilities Policy. This was removed to ensure consistency within the Policy and the onus was then on the Airport Chairperson to submit separate reports to Council for approval to be reimbursed for travel costs.

Cr Brown missed the opportunity to seek approval prior to attending the 14 September 2011 meeting and now seeks reimbursement of expenses incurred of \$303.73.

Key Issues

- Benefit of the meeting and cost

Sustainability Considerations

- **Environment**
Environmental, social and economic issues are likely to be considered at this meeting.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

Funds are available within the Council's professional development budget to finance this expense

Consultation

Not Applicable

Options

1. To approve the reimbursement of expenses.
2. To not approve the reimbursement of expenses.

Council practice has been to approve these requests.

RECOMMENDATIONS

That Council approves the reimbursement of travel costs for Cr Brown to attend the 14 September 2011 Australian Airports Association quarterly meeting.

Attachment(s)

Nil

10.5 Community Donations

File Reference	2011/2012 Delivery Program/Donations Program
CSP Linkage	Transparent and accountable governance
Delivery Program	Governance
Objective	To determine whether Council wishes to approve a community donation request.

Background

Council approved a number of general and capital assistance donations at the July 2011 meeting for the 2011/2012 financial year. Since that time additional requests have been received. Generally Council staff advise the applicants to reapply next financial year. However there are certain requests that are considered meritorious for the current year and on that basis, as per the Council policies, they are submitted to Council for consideration.

One such request is considered in the report.

Key Issues

- Nature of request
- Community benefit
- Funding available

Information

Details of the new request are as follows;

Namatjira Haven Ltd

Namatjira Haven Ltd are a not-for-profit Government funded Drug & Alcohol Rehabilitation service for Aboriginal men with Charity status. This request is to waive development application fees for DA 2011/335 lodged 1 August 2011 (proposed additional 3 cabins and 2 amenity blocks). A copy of the request is included as an attachment to this report.

The amount nominated for consideration as a donation (\$1,051) is specifically the Development Application fee only. It excludes numerous other fees charged as part of the Development Application.

- Fees to Council \$1,051

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Donations such as that requested provide valuable support to community groups.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The current status of the donations budgets for 2011/2012 is as follows:

Items	Budget	Expended	Balance
Donations (General)	65,000	56,300	8,700
Donations (Halls)	40,000	37,500	2,500
Donations (DA Fees)	2,000	250	1,750

Consultation

The annual donations program is subject to formal public exhibition and generally Council attempts to ensure that all donations are considered at the same time to ensure there is equity in the allocation process. However there has been no specific consultation in respect of this application.

Options

The options are to approve, or not approve, the donation. The recommendation is to approve, as the proposal is for an organisation that has charitable status and is providing an essential community service. Also there are funds remaining in the donations (DA Fees) budget.

RECOMMENDATIONS

That Council approves the donation of the development application fees payable (\$1,051) for application 2011/335, due to the applicant being a not-for-profit organisation, with charitable status, providing an essential community service.

Attachment(s)

1. Letter - Namatjira Haven Ltd

10.6 Australia Day 2012

File Reference	Public Events / Australia Day
CSP Linkage	People attaining health and wellbeing
Delivery Program	Tourism
Objective	To seek a resolution from Council to alternate the Australia Day civic event ceremony between the townships of Ballina, Lennox Head and Alstonville

Background

Council has coordinated Australia Day celebrations for a number of years utilising public spaces in the Ballina Shire including Fawcett Park, Hampton Park (adjacent to the Cherry Street Bowling Club) and more recently Missingham Park Amphitheatre. The celebrations typically include Australia Day awards, a citizenship ceremony and some form of entertainment.

The purpose of this report is to determine whether Council wishes to alternate the Australia Day civic event ceremony between the townships of Ballina, Lennox Head and Alstonville with the 2012 celebrations being at the Lennox Head Cultural and Community Centre.

Key Issues

- To enable all community members across Ballina Shire access to Council coordinated Australia Day celebrations

Information

Council has traditionally held the Australia Day functions in Ballina and with the completion of the Lennox Head Cultural and Community Centre there is an opportunity for Council to consider alternating the function between the three major townships of Ballina, Alstonville and Lennox Head.

There will be some budget efficiencies from utilising existing community infrastructure such as the Lennox Head Cultural and Community Centre or the Alstonville Leisure and Entertainment Centre which could enable a more robust program of entertainment.

Estimated audience numbers for Australia Day celebrations in 2011 exceeded 1,000 people; by moving the event to an indoor venue could limit audience numbers with restricted capacity.

The Lennox Head Cultural and Community Centres' capacity is 550 people; however additional capacity is currently being investigated by Council's regulatory services section. There is also the option to extend the Lennox Head event onto Williams Reserve.

The following timeline is provided as a guide for planning processes:

- September 2011 - Expression of Interest to community groups for participation in Council coordinated Australia Day celebrations
- September 2011 - Call for nominations for Ballina Shire Australia Day Awards
- November 2011 - Review community groups Expression of Interest and confirm program content
- November 2011 – Confirm Australia Day Ambassador. Ballina Shire Council has registered for the program and selected their preferences with the first being Ms Lisbeth Gorr
- January 2012 - Nominations for Australia Day Awards close

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
By rotating the celebrations around the Ballina Shire enables greater community access to the event, and also ensures fair and equitable involvement from community groups.
- **Economic**
By utilising existing infrastructure within the community could result in savings to the Australia Day budget

Legal / Resource / Financial Implications

Council has funds set aside for the Australia Day celebrations.

Consultation

Consultation with community groups will take place in September and October 2011.

Options

The key issue with this report is whether or not Council supports the rotation of the Australia Day event. Ballina is centrally located within the shire and is the central location for **all** areas of the shire to access. Fawcett and Missingham Parks also provide excellent venues.

Council now has the Lennox Head Community Centre available and this has the potential to provide an excellent Australia Day function and it would be anticipated that the event may need to expand onto Williams Reserve.

The Alstonville Leisure and Entertainment Centre (ALEC) is not of the same standard as the new Lennox Head Centre therefore it may not be as suitable for an Australia Day function, although the event could again spill out onto the adjoining showground.

The options are to either support an annual rotation program or remain with Ballina as the consistent location.

Rotation is the preferred choice as it ensures all townships are involved in Australia Day and on that basis it is recommended that the 2012 Australia Day function be held at the Lennox Head Cultural and Community Centre.

RECOMMENDATIONS

1. That Council supports an annual rotation of the Australia Day function between Lennox Head, Alstonville and Ballina as it provides an opportunity for the three major towns of the shire to be directly involved in the annual event.
2. That Council confirms that the 2012 Australia Day function is to be held at the Lennox Head Cultural and Community Centre.

Attachment(s)

Nil

10.7 Policy (Review) - Web Site - Direct Links

File Reference	Council Policies
CSP Linkage	Transparent and accountable governance
Delivery Program	Governance
Objective	To review the Website - Direct Links policy.

Background

The purpose of this report is to review the Website - Direct Links policy. Council first adopted this policy in October 2004 and more recently reviewed it in October 2010.

The Website - Direct Links Policy primarily advocates that no link will be provided to commercial enterprises from the main Council Website www.ballina.nsw.gov.au.

The report that follows intends to clarify external link provisions available from the Council website and any of Council's subordinate websites eg: www.discoverballina.com, which is Council's tourism website.

Key Issues

- Whether the policy meets the requirements of Council and current legislation
- Align the policy to new provisions being made available on the destination website www.discoverballina.com

Information

The need to review the policy has been brought about by the imminent launch of Council's new destination website www.discoverballina.com. The review of this website is a major task for Council's tourism section for 2011/12 as the existing site is well overdue for a re-make.

Improvements with the new site, which is being developed by The Ad Agency, following an expression of interest process, include:

- Consistent branding with the Ballina Coast & Hinterland theme which has been used in publications such as the Visitor Guide
- Opportunity to integrate social media
- Development of a mobile friendly version of the web site
- More user-friendly for both consumer and VIC staff
- Revenue generation by way of a provision for advertising
- Increased efficiency through the new content management system

This new site will have a direct link from Council's main website and will provide the opportunity for local businesses (eg: accommodation providers and attractions) to advertise their business online.

As the existing policy states that advertising is not allowed it was considered appropriate to review the policy as Council activities such as tourism do often have links to commercial enterprises and operate in a commercial environment. For example Council's Visitor Guide contains extensive private advertising.

Changes to the policy have been marked in yellow and in summary the key points are:

- Clear definition between the corporate and subordinate Council web sites
- Expansion of the policy to include advertising - With commercial advertising not allowed on the corporate web site, but it is allowed on the subordinate sites which typically operate in a commercial environment
- Direct links to commercial activities are also allowed from the subordinate sites.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
Tourism is a major economic driver for the Shire.

Legal / Resource / Financial Implications

Nil

Consultation

As the policy is mainly focused on how Council manages its own activities 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 designed to provide a more realistic framework for Council's web sites to work within. With the ever increasing use of web sites it is important the policy provide the right balance between corporate information and commercial activities.

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 adopt the amended Website - Direct Links and Advertising 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 – Website - Direct Links and Advertising

10.8 Policy (Review) - Special Rates Policy

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

Council first adopted this policy in July 2008.

Key Issues

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

Information

The Special Rates policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended. A copy of the policy is attached to the report.

Sustainability Considerations

- **Environment**
Rating and charging strategies are liable to have an effect on the local environment by making funds available, or not, for works or services.
- **Social**
Rating and charging strategies need to be equitable for all ratepayers.
- **Economic**
Rating and charging strategies impact individuals and business and therefore the local economy.

Legal / Resource / Financial Implications

There are no direct legal/resource or financial implications of the policy per say given that the policy simply looks to provide guidance in a decision making process.

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.

The only other option Council may wish to consider is the deletion of this policy. Effectively the policy reiterates the steps outlined in the Local Government Act and in publications issued by the Division of Local Government in respect to special rates. Therefore one option could be to delete this policy as it is not being used, and if Council wished to consider special rates the research would be conducted through the Local Government Act and the Division of Local Government.

RECOMMENDATIONS

1. That Council adopt the amended Special Rates 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 – Special Rates

10.9 Policy (Review) - Protected Disclosures Policy

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

Council first adopted this policy in May 2004 and more recently reviewed in May 2009.

Recent amendments to the Public Interest Disclosures Act 1994 also require that this policy be reviewed.

Key Issues

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

Information

Recent amendments to the former Protected Disclosures Act now require that Council reviews its Protected Disclosures Policy. This Act, which has now been renamed the Public Interest Disclosures Act 1994 (the PID Act), sets out the system under which people working within the NSW public sector can make complaints about the functioning of the public sector in a way that minimises the risk of reprisal.

Disclosures can be made about maladministration, corrupt conduct, serious and substantial waste and a failure to properly fulfil function under the Government Information (Public Access) Act 2009.

Amendments to the PID Act were passed by the NSW Parliament on October 2010 and have effect in stages: on 3 March 2011, on July 2011 and on 1 January 2012.

From 1 July 2011, all public authorities in NSW, including councils, have a period of three months in which to develop their policies for receiving, assessing and detailing with protected disclosures. In developing the policy Council should have regard to the Ombudsman's model policies and guidelines.

The attached draft policy is a review of Council's current Protected Disclosures Policy which has regard to the Ombudsman's Model Internal Reporting Policy (Local Government).

The policy provides details of:

- The matters which may be subject to internal investigations within Council
- The Council staff responsible for the conduct of internal investigations
- What and when matters need referral to external agencies
- The need to conduct investigations in accordance with audit procedures and relevant legislation

Only minor amendments to the current policy have been made and include:

- Updating of legislation requirements.

Additions to the policy are marked in yellow.

Sustainability Considerations

- **Environment**
Not applicable
- **Social**
That Council provides transparent and accountable governance.
- **Economic**
Not applicable

Legal / Resource / Financial Implications

Council has a legal responsibility to comply with the PID Act.

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 adopt the amended Protected Disclosures 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 – Protected Disclosures Policy

10.10 Policy (Review) - Financial Assistance - Rates, Charges and Fees

File Reference	Council Policies
CSP Linkage	Transparent and accountable governance
Delivery Program	Governance
Objective	To review the Financial Assistance - Rates, Annual Charges and Fees policy.

Background

The purpose of this report is to review the Financial Assistance - Rates, Annual Charges and Fees policy. This policy primarily deals with the provision of financial assistance to ratepayers experiencing financial hardship in the payment of their rates and annual charges relating to real property ownership.

The purpose of this policy review is to broaden the policy provisions to include the waiver, deferral or reduction of Council imposed ranger fees relating to the surrender, impounding and sustenance of companion animals.

Council first adopted this policy in August 2004 and more recently reviewed it in March 2011.

Key Issues

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

Information

Council recognises that, at times, residents may experience genuine and significant financial difficulties in paying Council imposed ranger fees associated with animal surrender, impounding and sustenance.

These subsidies may be treated as a community service obligation under the Division of Local Government Companion Animals Act Guidelines (February 2010).

If Council agrees to the policy amendment for fee waiver, deferment or reduction these provisions will be reflected in Council's general income stream. The fee waiver or reduction only extends to Council imposed fees relating to animal surrender, impounding and sustenance.

Council cannot alter the registration fees set by the Companion Animals Regulation 2008. Council must remit the full fee set for each category of registration to the Division of Local Government.

Policy changes have been marked in yellow.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
This policy aims to provide some relief to residents that may be experiencing significant financial hardship.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Successful applications to waiver, defer or reduce the payment of Council imposed range fees relating to the surrender, impounding and sustenance of companion animals will be reflected in Council's general income stream.

Consultation

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

Options

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

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

RECOMMENDATIONS

1. That Council adopt the amended Financial Assistance - Rates, Annual Charges and Fees Policy, as attached to this report, which now includes assistance for Council imposed ranger fees.
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 – Financial Assistance - Rates, Annual Charges and Fees Policy

10.11 Policy (Review) - Donations - Community Halls - Capital Works

File Reference	Council Policies
CSP Linkage	Transparent and accountable governance
Delivery Program	Governance
Objective	To review the Donations - Community Halls - Capital Works Assistance 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 Donations - Community Halls - Capital Works Assistance policy.

Council first adopted this policy in January 2008.

Key Issues

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

Information

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

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

The additions have been marked in yellow, and any deletions lined through.

Otherwise the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended. A copy of the amended policy is attached to the report.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Community halls are an important social component of the shire.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The policy assumes that the budget will include an annual donation amount. If a budget is not provided there will be no funds to allocate.

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.

The only other change Council may wish to include is to increase the maximum donation allowed from \$8,000 to say \$10,000. Building costs have increased significantly in recent years therefore it is reasonable to increase this threshold.

RECOMMENDATIONS

1. That Council adopt the amended Donations - Community Halls - Capital Works Assistance Policy, as attached to this report, subject to the maximum donation threshold being increased from \$8,000 to \$10,000 (excluding GST).
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 – Donations - Community Halls - Capital Works Assistance Policy

11. Civil Services Group Reports

11.1 Residential Garage Sale Trail

File Reference	Sustainability General
CSP Linkage	Resilient and adaptable communities
Delivery Program	Community Planning
Objective	To obtain Council's direction in relation to the continuation of the Garage Sale Trail program in Ballina Shire

Background

Council, at its Ordinary Meeting held on 25 November 2010, resolved to participate in the national Garage Sale Trail event which was held 10 April 2011 across Ballina Shire. The proposal for the 2012 Garage Sale Trail program has been received and direction is sought as to the continued participation in the program.

Key Issues

- Determine whether or not to continue participation in the garage sale trail program for 2012
- Cost and benefit

Information

The Garage Sale Trail event was held on Sunday 10 April 2011 across Ballina Shire. The program was well received across the community and participants were enthusiastic about the program and grateful for the service provided by Council.

Across Australia there were 23 participating councils and 1,613 garage sales registered. With over 110 garage sales registered across the Shire, Ballina LGA had the third most registered garage sales amongst all local government areas Australia-wide, that is, only behind City of Sydney and Waverley Council (home of the Garage Sale Trail).

Although the program required more staff time than expected in promotions, assistance with registrations, and modification of the materials provided to suit local conditions there were very good results in terms of community benefit and sustainability. Attachments One and Two to this report are information sheets on the national and local outcomes. These information sheets are based on data from a participant survey.

The Council nursery also registered as a participant and had a sale on the day which provided promotion for the program and the nursery. The nursery raised over \$900 through the sale of a mixture of excess plants, old nursery equipment and surplus items from the depot.

Community support was provided by LJ Hooker in both Lennox Head and Ballina where they held fundraiser sausage sizzles on the day for the community, and Paradise FM provided a number of community announcements.

The video taken on the day features several participants from the Ballina Garage Sale Trail and further images which the Garage Sale Trail photographer shot on the day can be viewed at the following sites: www.youtube.com/user/GarageSaleTrail

Ballina Event Photo's:

www.flickr.com/photos/garagesaletrail/sets/72157626487887646/

The new proposal from Garage Sale Trail for participation in the 2012 event costs \$5,000, being a reduction from the \$10,000 fee levied in 2011. The attached information document sets out the entitlements for that investment with the revised cost reflecting such aspects as the reduced television exposure in regional areas.

As a member council of the North East Waste Forum, Ballina will also be participating in the regional Second Hand Saturday which will be held in October 2011. This program requires minimal staff time or promotion by council and therefore minimal cost. Using the funds to coordinate (in conjunction with NEWF) more frequent Second Hand Saturday events rather than participating in the National Garage Sale Trail is another option to consider.

Supporting both the Second Hand Saturday and the Garage Sale Trail is considered to be sustainable alternatives to the provision of an annual kerbside bulky goods pick up. Having regard to the costs of disposal to landfill, there is a direct financial return from this investment in education and promotion of reuse options.

Sustainability Considerations

- **Environment**

Garage sales represent an opportunity to promote the reuse and recycling of goods and thereby reduce the amount of waste potentially going to landfill.

- **Social**

Garage sales represent an opportunity for social connections. The service in 2011 was very well supported by residents.

- **Economic**

Garage sales are a source of inexpensive goods for purchasers and a revenue opportunity for vendors. The proposal could also ensure the most economic use of public infrastructure through avoided landfill use.

Legal / Resource / Financial Implications

The proposal attached to this report cost \$5,000 in participation fees. In addition to this some funds required to be estimated to be around \$5,000 will be required to support local project management needs such as advertising and participant packs. Should Council determine to proceed it is suggested that the waste budget be used to provide the required funds on the basis that the activity is principally aimed at promoting resource recovery and reuse. There are sufficient funds in that program area to accommodate the proposal.

Consultation

No external consultation has been undertaken in the preparation of this report.

Options

The following options are available to Council.

1. Discontinue participation in the program.
2. Participate in the 2012 National Garage Sale Trail program.
3. Redirect the funds to local coordination of additional Second Hand Saturday events.

Options Two and Three are not necessarily mutually exclusive, subject to the availability of funds. It is proposed to monitor the outcomes of the October 2011 Second Hand Saturday event and determine the most beneficial frequency for conducting.

Based on the information presented in the above report, it is recommended that Council select Option Two.

RECOMMENDATIONS

That Council accept the proposal from Garage Sale Trail, as attached to this report, and participate in the event to be held in 6 May 2012 with funds for the program to be sourced from the Waste budget.

Attachment(s)

1. 2011 Garage Sale Trail National Key Outcomes
2. 2011 Garage Sale Trail Ballina Shire Key Outcomes
3. 2012 Garage Sale Trail Regional Council Participation Information

11.2 Tender - Laboratory Testing Services

File Reference	Tenders & Quotations
CSP Linkage	Responsible and efficient use of resources
Delivery Program	Asset Management
Objective	To establish a panel of preferred service providers to undertake laboratory testing services for Council.

Background

Council is seeking to establish a panel of preferred service providers to undertake laboratory testing services.

Samples submitted for laboratory testing will predominately comprise:

- Drinking water samples
- Wastewater samples and
- Environmental soil and water samples.

Mostly, they will derive from routine monitoring programs, however, ad hoc samples will also be submitted in response to individual incidents or investigations. Microbial, chemical and physical testing of these samples will provide valuable data to assist various Council operations, such as compliance with environmental protection licences and Commonwealth/State regulations, maintenance of potable water standards, and investigation of pollution incidents and ocean/surface/groundwater monitoring programs.

While it is envisaged that the panel will fulfil the bulk of Council's laboratory testing needs, the terms of the tender allow Council to use alternate service providers if that represents the best advantage to Council.

The distribution of works among the panel of providers will be dependent on cost and/or reliability and/or the capacity of the providers to undertake specific works within a requisite timetable and/or to a requisite standard.

Key Issues

- Award the tender in accordance with the Local Government (General) Regulations (2005).
- Establish a panel of suitably qualified and experienced service providers that, having regard to the circumstances, provides the most advantageous laboratory testing services.

Information

Tenders were called for RFT569 on 9 June 2011 and closed at 2.00pm on 28 June 2011. Ten tenders were received and assessed.

A Tender Assessment Panel was established prior to the close of tenders, comprising a panel of three suitable persons.

The tender evaluation criteria and weighting were established through staff consultation and included in the tender documentation. Criteria were based on Council Policy "Tenders and Quotations - Evaluation Criteria", with two variations, firstly, the use of a panel of providers minimises financial risk, hence assessment against the 'Management and Financial' criteria was considered unnecessary (zero weighted) and; secondly, zero weighting was allocated to the 'Sustainability' criteria because it did not add value to the assessment.

The adopted weightings were as follows:

- Tender Price 40%
- Capability 15%
- Relevant experience 15%
- Quality and safety plan 10%
- Methodology 20%

The following table shows the weighted results of the assessment against the above criteria:

Tenderer	Price * exc GST (\$)	Weighted Price Score	Weighted Non- Price Score	Total Weighted Score	Final Rank
Symbio Alliance	198,087	40	46	86	1
Brisbane City Council - Scientific Analytical Services	228,419	35	49	84	2
Richmond Water Laboratories	269,031	29	45	75	3
Tweed Shire Council - Tweed Laboratory Centre	328,372	24	49	73	4
Southern Cross University - Environmental Analysis Laboratory	251,489	32	37	68	5
ALS Laboratory Group	302,417	26	40	66	6
AWQC	450,122	18	47	65	7
Hunter Water Australia	328,188	24	39	63	8
Allconnex Water	360,878	22	41	62	9
Simmonds & Bristow**	236,882	30	50	80	-

Notes:

* Tenders were asked to submit a schedule of prices for range of commonly tested analytes. The assessment of price was undertaken by applying the schedule of prices to Council's sampling program in order to obtain an overall indicative cost.

**Simmonds & Bristow were non-conforming, hence were not ranked.

Issues (and subsequent resolution of the issues) identified with some tenders were as follows:

Issues for Clarification	Outcome
S&B - \$2M PI insurance	S&B have sold their lab - tender discounted from process. Also, does not have requisite \$5M PI insurance.
Symbio Alliance - courier cost not included	Acceptable (in accordance with tender)
Symbio Alliance - provision of additional terms and conditions.	Symbio Alliance withdrew the terms and conditions (provided in error)

Based on the weighted criteria, Symbio Alliance was ranked highest among the submitted tenders, following by Scientific Analytical Services (Brisbane City Council).

Sustainability Considerations

- **Environment**
Laboratory testing enables Council to meet statutory and operational performance targets on a range of matters pertaining to environmental performance in areas such as waste management, wastewater treatment and pollution control.
- **Social**
Laboratory testing ensures Council services can continue to meet performance targets in a variety of areas pertaining to public health and the provision of community facilities in areas such as potable water quality and recreational water quality.
- **Economic**
The establishment of a panel of providers will provide for greater efficiencies in the collection and analyses of samples.

Legal / Resource / Financial Implications

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

Council has identified the cost of laboratory testing to be in excess of \$150,000, which at present is predominately undertaken by two laboratories. Under the Local Government Act 1993, when Council intends to enter into a contract for the purchase of goods and services valued at \$150,000 or more, the Act imposes a duty on the Council by public notice to invite tenders. Note: the Act does not require Council to accept the lowest tender.

In addition to meeting statutory requirements, it is highly likely that the tender process will result in significant cost savings when compared to the current procurement arrangements for these services, which are currently provided largely by Richmond Water Laboratories and the Tweed Laboratory Centre.

Consultation

A public tender process was conducted.

Internal consultation with staff was undertaken in the development of the tender specifications, the tender evaluation plan and the assessment weighting criteria.

Options

To assist in managing performance and to mitigate risk, in establishing this tender it was envisaged that a panel approach would be implemented. Having regard to risk, the assessment outcomes and to ensure sufficient work is available, staff are of the opinion that two service providers is the most appropriate size for the panel.

Under the Local Government (General) Regulations 2005 Council must either accept the tender or tenders that “appears to be the most advantageous” or decline to accept any of the tenders. That is, the options are:

1. Council may determine not to accept any of the tenders received and invite fresh tenders.
2. Council may award the contract to a number of compliant tenderers.

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

As discussed in this report, the tender is required to meet statutory requirements and a cost saving has been achieved. Based on the information in the report, it is recommended that Council award tenders to the two highest ranked tenderers, Symbio Alliance and Scientific Analytical Services. It is proposed to award the tenders for a period of two years. The documentation requires the tenderers to enter a service agreement with Council that includes quantifiable performance measures.

RECOMMENDATIONS

1. That Council accepts the tenders from Symbio Alliance and Scientific Analytical Services to establish a panel for the provision of laboratory testing services for a two year period.
2. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

Nil

11.3 Procurement - Supply of Four Side Load Garbage Trucks

File Reference	Vehicle Plant
CSP Linkage	Responsible and efficient use of resources
Delivery Program	Asset Management
Objective	Supply & Delivery of 4 new Side Load Garbage Trucks

Background

Council's operates a number of side load garbage trucks and four are due for replacement. The operational function for these trucks involves the removal of roadside domestic waste collection capable of waste & recycling compaction.

An allocation of \$1,220,000 has been made for the changeover of the current vehicles in the plant capital replacement program in the 2011/12 financial year.

The procurement for these vehicles was managed via the contract available from Local Government Procurement. Further information on that process is provided in the following report.

Seven proposals were received with numerous options. A summary of the submissions are provided in the assessment below

Key Issues

- Award the tender in accordance with the Local Government (General) Regulations 2005
- Engage a suitable supplier that provides the most advantageous tender.

Information

This tender was managed for Council by Local Procurement who have a listed of preferred suppliers available. In response to Council's tender specifications submissions were received from the following seven suppliers.

- Ivecco Trucks Australia
- Volvo
- Binksie Services
- McDonald Johnson
- Man Auto Imports
- Transpac Superior Pac
- Isuzu Australia LTD

Government sector. LGP has been prescribed under section 55 of the Local Government Act, allowing councils to utilise supply arrangements coordinated by LGP without the need to go to tender in their own right.

LGP and the Department of Commerce's State Contracts Control Board are the only two NSW entities who have this legislative ability.

In short, this means that councils are able to buy, if they so choose, from LGP contracts in the same way councils can buy off NSW State Government contracts without any further need to go to a public tender.

LGP establishes "Standing Offer Deed" arrangements with suppliers, following a tender process conducted by LGP. In essence this means that LGP has established long term supply arrangements that councils can utilise.

Councils will contract with the supplier/s chosen through the LGP tender process. Buyer's Guides are produced and distributed to councils to inform them about each contract and to help staff understand the supply arrangement.

The following is an extract from Local Government (General) Regulation 2005, Part 7 Tendering 163 Application of Part which establishes the statutory framework for the prescription.

(1) This Part applies to all contracts for which a council is required by section 55 of the Act to invite tenders.

Note. This Part does not apply to other kinds of contracts. However, a council may apply provisions of this Part (with any necessary alterations) to other kinds of contracts if it wishes to do so.

(1A) For the purposes of the first bullet point paragraph of section 55 (3) of the Act, Local Government Procurement Partnership (ABN 34 578 553 267) is prescribed.

(1B) To avoid doubt, a reference to Local Government Procurement Partnership includes for the purposes of subclause (1A) a reference to any duly appointed agent of Local Government Procurement Partnership.

(2) For the purposes of the final bullet point paragraph of section 55 (3) of the Act, section 55 does not apply to a contract involving an estimated expenditure or receipt of an amount of less than \$150,000.

Section 55 (3) of the Local Government Act provides a number of exemptions from the need for councils to call for tenders for goods and services. Exemptions are defined for contracts established by NSW Public Works or LGP.

The advantage from this is bulk purchasing using the demand of all the councils across the State, the procurement is managed by specialists, economies of scale in tender administration are achieved and some costs are avoided by councils using this service. There is sufficient flexibility in the tender specifications for council to influence their requirements from the suppliers.

The General Manager's delegation of authority for purchasing is an unlimited value, subject to statutory constraints and the purchase being an item supporting the Council's Delivery Plan. Technically then, under the existing delegation, this purchase could have been authorized without reference to the Council.

This report has been provided in recognition of the value of the purchase and that the above information about tendering through Local Government Procurement is a matter that Councillors may not be very familiar with, as there are times where purchases above \$150,000 can be authorised without reporting to Council. Common examples of this relate to fuel and electricity where contracts are often initiated through State Government contracts.

Sustainability Considerations

- **Environment**

All proposed tenders comply with the Euro 5 emission standards which set limits on the emission of Carbon Monoxide, Hydrocarbons and Nitrogen Oxides.

- **Social**

Council utilises these plant for the removal of domestic waste and recycling. This directly supports essential services to the community in the most affordable possible manner.

- **Economic**

An assessment has been conducted for each of the tendered units and included in the assessment matrix.

Legal / Resource / Financial Implications

The recommendation is in accordance with the allocated budget of Council's plant replacement program. There is currently \$996,000 in the DWM budget and in excess of \$1.7 million in the Commercial Waste reserve. The trucks are to be purchased by the DWM business unit of waste and as such a loan of the shortfall from Commercial Waste would allow the contract to be let without external borrowing. Overall the waste business unit is now a profitable operation which is recovering full costs.

The shortfall in reserves in DWM has been brought about due to the adjustments to the disposal charges paid by DWM over the preceding year. It has always been the intent to further adjust these charges once the impacts of the new organics/garden waste collection service are known to ensure full cost recovery, with this programmed to occur in January 2012.

Consultation

Consultation was conducted with all stakeholders relevant to the operations and maintenance of the plant.

Options

In accordance with the Local Government Regulation Council is required to either accept the tender that is the most advantageous to council or decline to accept any tenders.

- Council may award the tender to Iveco Trucks Australia in conjunction with Superior Pac as the most advantageous tender.
- Council may decide not to accept any tenders. This is not preferred as the existing vehicles are at that the end of their economic life.

RECOMMENDATIONS

1. That Council accepts the tender from Iveco Trucks in conjunction with Superior Pac for the supply of four (4) Side loading garbage trucks at a purchase price of \$1,428,888.80 (inc GST)
2. That the existing Plant, be sold at public auction.
3. That Council notes the information in relation to Local Government Procurement and State Government contracts and the delegation of authority to the General Manager.

Attachment(s)

1. Net Present Value & Changeover cost
2. Assessment

11.4 Policy (Review) - Weddings on Public Land

File Reference	Council Policies
CSP Linkage	Transparent and accountable governance
Delivery Program	Governance
Objective	To review the Weddings on Public Land 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 Weddings on Public Land policy.

Council first adopted this policy in December 2007.

Key Issues

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

Information

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

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

The additions have been marked in yellow, and the deletions lined through.

Otherwise the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended. A copy of the amended policy is attached to the report.

At a recent A Ward Committee meeting, the Chamber of Commerce representative requested that Council reconsider its position in respect of not approving weddings proposed for Captain Cook Park and Fawcett Park. The policy does not deal with this issue, however it has been the practice of staff to decline approval for these events.

The reason for this is that the proximity to reception venues means that the weddings can be large and receive some catering. This can result in complaints regarding noise and the reduced availability of sections of these important parks to the community. The Chamber has however identified that

this position impedes economic development and does not make full use of these assets to promote Ballina.

It is therefore proposed as part of the consultation to specifically invite the Chamber to discuss these issues with staff and provide a submission. The aim of that process would be to provide for Council's consideration options for the amendment to the policy specifically relating to Captain Cook Park and Fawcett Park.

Sustainability Considerations

- **Environment**
Appropriate policy and management practice for public land supports the local environment.
- **Social**
The provision of guidelines for conducting weddings on public land will assist in ensuring the value and amenity of public spaces is preserved.
- **Economic**
Public weddings can provide economic benefits to the Shire.

Legal / Resource / Financial Implications

The policy includes a fee to assist in the recovery of administration costs associated with the provision of the booking service.

Consultation

As per above, it is proposed to specifically invite the Chamber of Commerce to provide further details of their concerns in relation to the restrictions on the use of Fawcett Park and Captain Cook Park.

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 endorsed for exhibition as presented.

It is also recommended that the Council specifically consult with the Chamber of Commerce as the Chamber has expressed an interest in this policy.

RECOMMENDATIONS

1. That Council adopt the amended Weddings on Public Land 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.
3. That in relation to point two, Council write to the Ballina Chamber of Commerce and invite their participation in a consultation process regarding the use of Captain Cook Park and Fawcett Park as wedding venues. If a submission is received on this issue the matter will be reported back to Council for determination.

Attachment(s)

1. Review – Weddings on Public Land Policy

11.5 Policy (Review) - Monuments & Memorials on Public Land

File Reference	Council Policies
CSP Linkage	Transparent and accountable governance
Delivery Program	Governance
Objective	To review the Monuments & Memorials on Public Land 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 Monuments & Memorials on Public Land policy.

Council first adopted this policy in 25 October 2007.

Key Issues

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

Information

This review of this policy identified only minor changes were required. The template for Council policies has changed since this policy was adopted and the new template includes information on definitions, policy history etc.

Otherwise the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended. A copy of the amended policy is attached to the report. The additions have been marked in yellow, with deletions lined through.

Sustainability Considerations

- **Environment**
Reserves contain rare and endangered plants and ecosystems that require protection from unnecessary and unauthorised disturbance.
- **Social**
Regulation will assist in ensuring the value and amenity of public spaces is preserved.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

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

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 adopt the amended Monuments & Memorials on Public Land 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 – Monuments & Memorials on Public Land Policy

11.6 Policy (Review) - Naming of Public Places, Roads and Bridges

File Reference	Council Policies
CSP Linkage	Transparent and accountable governance
Delivery Program	Governance
Objective	To review and amalgamate the Naming of Public Places Policy and the Naming of Roads and Bridges 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 and amalgamate two existing policies; the Naming of Public Places Policy and the Naming of Roads and Bridges Policy and to create a new policy Naming of Public Roads, Bridges and Places as they are very similar and to stream line the process.

Council first adopted the Naming of Public Places policy in October 2007 and the Naming of Roads and Bridges in November 2009.

Key Issues

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

Information

The amended and amalgamated policies differ from the existing policies in two ways, being the inclusion of a Name Bank and to amend the way in which new roads are named.

Name Bank

The amended policy provides for the creation of a Name Bank which will be established through consultation with the community. The elected Council will also be the authority adopting this Name Bank.

This will then provide a source of names that meet the Geographical Names Board's (GNB) requirements and can be used as a pool of suitable names from which developers and staff can select new names for streets and parks without further reference to Council.

This will help to streamline the current process whereby all new names are currently submitted to Council for approval. This has proven problematic with Council facing difficulties in obtaining majority support for new names due to a wide variety of opinions being held.

In addition to this, there is also an option for people that feel constrained by the choices in the Name Bank, to follow the previous nomination process. This process requires reporting to Council and the public exhibition of the proposed name. Where an application proposes a name that is not in the Name Bank the submission will be assessed in accordance with the provisions set down by the GNB.

It is likely that developers will use the Name Bank as the preferred option due to the more streamlined process available.

The draft policy encourages the use of names associated with historical themes and people that have shaped the history of the Shire including Aboriginal, European and other peoples. This provides an opportunity to recognise all aspects of a place's history. This may include names associated with historical themes, natural features, industry and local work practices and the presence or achievements of individuals or groups in the community that have contributed to shaping local history.

The Name Bank will be available on Council's website.

The draft policy provides a flowchart in Appendix A that summarises the steps required to create the Name Bank.

To develop the Name Bank various themes and names will be identified through research (in accordance with the GNB guidelines) and community submissions. The Name Bank will be able to include additions and amendments from time to time.

New Developments

Development proposals incorporating new roads, bridges and public places generate the need to name these facilities. In some cases, residential developments such as retirement villages and caravan parks may require the provision of a privately owned road network.

Proposed names for roads, bridges or public places should be considered early in the development process. Where new names are required, a condition of development consent will require the applicant to have the names finalised, or authorise Council to allocate a name before the subdivision certificate is issued. A proposed name may be selected from the Name Bank or other source in accordance with the naming policy guidelines.

Names that have been selected for a development must be shown on the final subdivision plan prior to issue of the subdivision certificate and lodgement of the plan with the Department of Lands for registration. Once the plan is registered, the road and public places are dedicated to Council as public assets.

Therefore there are essentially three choices that an applicant can make in respect of selecting road and park names:

- Proposing a name from the Name Bank. This will require confirmation that the name is available and can be reserved for use.

- Proposing a name not in the Name Bank. This will require a naming application and the necessary public exhibition.
- Authorise Council to select a name from the Name Bank.

A copy of the amended and combined policies is attached to the report.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The provision of guidelines and practices for the naming of public roads and places enable the commemoration and recognition of individuals, cultural heritage and environmental heritage.
- **Economic**
Not applicable

Legal / Resource / Financial Implications

The policy ensures that the appropriate processes are in place when naming public places and roads and these processes meet State Government requirements.

Consultation

As changes have been made to the process for naming of public places and roads it is recommended that Council endorse the policy as presented for placement on exhibition 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 amended and amalgamated policy. The changes to the draft policy meet the requirements for the various state government departments and the draft policy provides a more streamlined and transparent process for naming public roads and places.

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 adopt the amended and amalgamated Naming of Roads Bridges and Public Places 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 – Naming of Roads Bridges and Public Places Policy

11.7 Policy (New) - Drinking Water Quality

File Reference	Council Policies
CSP Linkage	Responsible and efficient use of resources
Delivery Program	Water Services
Objective	To provide an effective Drinking Water Quality Management System to ensure water produced meets Australian Drinking Water Guidelines (ADWG) 2004.

Background

For compliance with statutory provisions and recognized industry practice there is a need for Council to establish an effective system for drinking water quality management.

Further to this the development of a drinking water quality policy is an important step in formalising the level of service to which Ballina Shire Council is committed. It will increase the focus on water quality management throughout the organisation and define the Council's commitments and priorities relating to drinking water quality.

The policy forms the basis for development of more detailed policies and implementation strategies to support the effective management of drinking water quality (e.g. appropriate staffing, training of employees, provision of adequate financial resources, active participation and reporting protocols).

This report presents some background information and a draft policy for Council's consideration.

Should Council adopt a policy, for its implementation to be successful, the following will be required:

- an awareness and understanding of the importance of drinking water quality management and how decisions affect the protection of public health
- the development of an organisational philosophy that fosters commitment to continual improvement and cultivates employee responsibility and motivation
- the ongoing and active involvement of senior management to maintain and reinforce the importance of drinking water quality management to all employees as well as those outside the organisation.

Key Issues

- To prepare a Drinking Water Quality Management Plan that meets the requirements of the NSW Governments Australian Drinking Water Guidelines (2004).

- To ensure the quality of water supplied to customers of Ballina Shire Council and to provide support for the principles and philosophies associated with best practice water quality management.

Information

Australian Drinking Water Guidelines

The NSW Government has approved the ADWG 2004 (Guidelines) for implementation as a model of best practice in New South Wales. The Guidelines are a joint publication of the National Health and Medical Research Council (NHMRC) and the National Resource Management Ministerial Council (NRMMC).

The Guidelines define the quality of water suitable for human consumption, and provide advice on protecting water supplies. The Guidelines provide a solid foundation for assessing water quality by specifying health-based and aesthetic criteria as well as describing the philosophy of a multiple barrier approach from catchment to tap to ensure the safety of the water. This is embodied in the Guidelines as the “Framework for Management of Drinking Water Quality”.

The Guidelines are directed by seven fundamental principles vital to ensuring safe drinking water quality:

- The greatest risks to consumers of drinking water are pathogenic microorganisms. Protection of water sources and treatment are of paramount importance and must never be compromised
- The drinking water system must have, and continuously maintain, robust multiple barriers appropriate to the level of potential contamination facing the raw water supply
- Any sudden or extreme change in water quality, flow or environmental conditions (e.g. extreme rainfall or flooding) should arouse suspicion that drinking water might become contaminated
- System operators must be able to respond quickly and effectively to adverse monitoring signals
- System operators must maintain a personal sense of responsibility and dedication to providing consumers with safe water, and should never ignore a customer complaint about water quality
- Ensuring drinking water safety and quality requires the application of a considered risk management approach.

The Framework for Management of Drinking Water Quality is a preventive approach to assuring water quality. The Framework addresses four general areas describing good management of a water supply system:

- Commitment to drinking water quality management
- System analysis and management: Understanding the entire water supply system, the hazards and events that can compromise drinking water quality, and the preventive measures and operational control necessary for assuring safe and reliable drinking water

- Supporting requirements: Activities and attitudes that support management of the supply system such as employee training, community involvement, and validation of the effectiveness of processes
- Review: The evaluation and audit of the effectiveness of the management system, and the adoption of improvements based on the evaluation

The Guidelines give greater detail on how the Framework can be incorporated into the activities of a water utility. Participation in the NSW Drinking Water Monitoring Program helps water utilities to satisfy several elements of the Framework. Figure 1 is a diagram of the Framework, showing the interactions of its different elements.

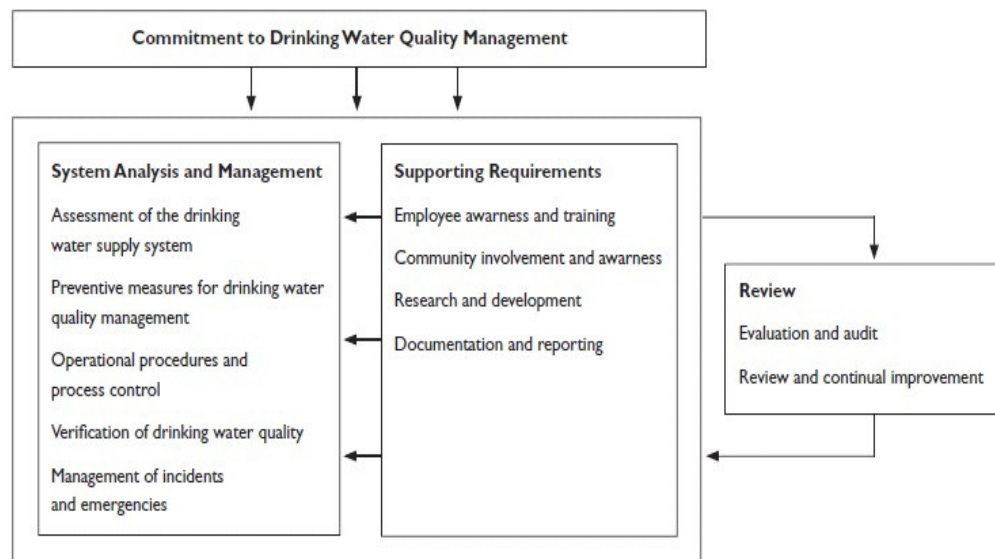


Figure 1 Framework for Management of Drinking Water Quality

Part 5 Public Health Act 2010

The Public Health Act 2010 provides the NSW regulatory mechanism for compliance with the ADWG. This has recently been embodied in Part 5 of the (Draft) Public Health Regulation:

Part 5 Safety measures for drinking water

27 Quality assurance programs

(1) For the purposes of section 25 (1) of the Act, a quality assurance program must address the elements of the Framework for Management of Drinking Water Quality (as set out in the Australian Drinking Water Guidelines published by the National Health and Medical Research Council) that are relevant to the operations of the supplier of drinking water concerned.

(2) A supplier of drinking water must provide a copy of its quality assurance program to the Director-General.

- (3) *The Director-General may arrange for the review of a quality assurance program of a supplier of drinking water at any time.*
- (4) *The Director-General may make quality assurance programs and any reviews of such programs publicly available.*

Sustainability Considerations

- **Environment**

The adoption of a Water Quality Management Policy will provide the guidance and framework to allow compliance with the ADWG which involves the protection of and enhancement of the natural environment of the catchments.

- **Social**

Good water quality management is essential and a key function in managing the overall health and wellbeing of the community.

- **Economic**

A failure to implement and maintain water quality management procedures and policies would place unacceptable risks on Council. The NSW Government has mandated the adoption of the ADWG guidelines and has placed a number of timeframes in place in which certain steps in the implementation need to occur. Failure to implement the ADWG may lead to a challenge to Councils right to manage water supply and the loss of this would place a significant financial burden on Council.

Legal / Resource / Financial Implications

As stated above the Public Health Act 2010 provides the NSW regulatory mechanism for compliance with the ADWG. This has been embodied in the Part 5 of the (Draft) Public Health Regulation.

Council has established a Water Quality Management Working Group to manage the implementation of the ADWG framework in compliance with the Public Health Regulation.

Work is also being done at a regional level through our involvement and commitment to the Northern Rivers Water Group involving all northern rivers Councils, including Coffs Harbour and Clarence Valley, where the development of Water Quality Management plans has been a key project.

The Draft Drinking Water Quality Policy attached has been prepared using the guideline model policy as provided by the NSW Government.

The implementation of the various stages of the ADWG strategic framework will involve additional resources as required. At present these works are being undertaken by staff involved in the Water Quality Management Working Group however the preparation of technical reports and auditing involving external resources will be required at various stages.

Implementation of the ADWG may involve additional training to staff as identified.

Consultation

Consultation has been undertaken with Council officers, the Northern Rivers Water Group, NSW Department of Health, NSW Office of Water, NSW Office of Environment and Heritage and with other departments of Government involved in the implementation of the ADWG. The ADWG is a joint compilation of the National Health and Medical Research Council (NHMRC) and the National Resource Management Ministerial Council (NRMMC). They have been prepared to foster implementation of best practice water management principles and the works to implement the guidelines are being undertaken in light of this.

If adopted by Council the Draft Policy will be placed on public exhibition and all feedback will be considered prior to presenting the final policy to council for endorsement.

Options

1. That Council endorse the draft policy for public exhibition.
2. That Council consider the draft policy and make changes prior to placing it on public exhibition
3. That Council determine not to exhibit or endorse the draft policy.

The preferred option is to exhibit the draft policy for public comment.

RECOMMENDATIONS

1. That Council advertise the attached draft Drinking Water Quality Policy for public comment.
2. That if no comments are received, or if the comments are all favourable the policy shall be considered as being adopted by Council.

Attachment(s)

1. Draft Drinking Water Quality Policy

11.8 Policy (Final) - Fire Asset Protection Zones

File Reference	Council Policies
CSP Linkage	Transparent and accountable governance
Delivery Program	Governance
Objective	To adopt the Fire Asset Protection Zones policy.

Background

Council at the 24 March 2011 Council meeting resolved to place on public exhibition a revision of the Fire Asset Protection Zones policy.

The draft policy was placed on public exhibition with the closing date of 28 April 2011. One submission was received and a copy of that submission is attached to this report.

Key Issues

- Content of policy
- Relevance of policy
- Address submissions

Information

The draft policy document was exhibited for a period of 28 days to allow for public comment. The exhibition was notified via Council's website and by way of advertisement in the local newspaper. Copies of the document were made available at Council's Community Access Points. The policy was also exhibited through Council's new electronic newsletter Community Connect eNews, with a link to an online feedback form.

One submission was received. The submission raises the concern that a range of developments that would normally be permissible would not be possible under the draft policy.

The policy has been developed to ensure that when a subdivision is being planned that any Asset Protection Zones (APZ) are provided for within the land that is being subdivided and not on adjacent public land. Council has experienced that where subdivisions are registered and to meet the APZ provisions native vegetation on public land adjacent to the subdivision has been removed. In these circumstances the use of roads, private property or in some cases public reserves that are part of the subdivision can be considered suitable for the APZ

The policy has been in place for four years and this is a review of the existing policy which to date has not stopped the development of any subdivisions. The various subdivisions in the new Wollongbar extension have the required APZs located on roads and in the rear of properties that are too steep to maintain using normal Council equipment.

Council has received Development Applications for extensions to existing single properties or the subdivision of existing single properties that are adjacent to bush fire prone land. In these cases clearing of native vegetation and maintenance of additional land is required under the Rural Fires Act to allow for the approval of such works. In such cases this policy would result in the refusal of such an application.

To approve such works Council would be required to clear public land and then carry the cost of ongoing mowing of the newly created APZ. This results in a loss of amenity for the broader community and an additional cost for the broader community in clearing and maintaining the land for the benefit of one property.

Based on this information no amendments are recommended to the policy as exhibited. However wording of the policy in respect to receiving applications has been amended as Council cannot refuse to accept applications for works.

Council must receive all applications and may consider the application and either refuse or approve based on Council policies and requirements.

A copy of the draft is included as the final attachment to this report.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Ensure that public land is not constrained by private uses
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The NSW Rural Fire Service has requirements for asset protection zones around developments of identified bushfire prone land.

Consultation

The draft policy was placed on public exhibition with the closing date of 28 April 2011.

Options

1. Council can adopt the policy as exhibited
2. Council can amend and adopt the policy as attached to this report
3. Council can determine to not adopt the policy.

The recommendation is to Council to adopt the policy as exhibited, inclusive of the minor amendment clarifying that Council must accept applications.

RECOMMENDATIONS

That Council adopt the Fire Protection Asset Zones policy as attached to this report.

Attachment(s)

1. Policy Final - Fire Asset Protection Zones
2. Submission

12. Public Question Time

12. Public Question Time

13. Notices of Motion

13.1 Notice of Motion - Naming of Lennox Head Boardwalk

File Reference	Notices of Motion
Councillor	Cr Sharon Cadwallader

I move

That the Boardwalk at the southern end of Lennox Beach be named "Brian Smith Boardwalk"

Councillor Comment

This proposal has been selected because Brian was almost entirely responsible for having this piece of infrastructure installed. It was his idea, he investigated similar projects in other towns and he drew concept plans to demonstrate its feasibility. Brian had a vision and saw it through to achievement.

The high regard for Brian Smith in the Lennox Head community and his tireless work on their behalf over 27 years is sufficient reason to justify honouring his memory in this way and the choice of the Boardwalk for it is appropriate.

This proposal is supported by the Lennox Residents Association.

Council has received two submissions in support of the proposal. These are included as attachments to this notice of motion.

Staff Comment

This proposal would be managed in a similar vein to Council's memorial plaque policy, whereby for naming purposes the preference would be to locate a plaque on the boardwalk that acknowledged Mr Smith's contribution to the boardwalk and the Lennox Head community. The wording would be prepared following consultation with Mrs Smith.

This type of proposal would not need to be registered with the geographic names board as it does not constitute a park, sports field or specific locality.

COUNCILLOR RECOMMENDATION

That the Boardwalk at the southern end of Lennox Beach be named "Brian Smith Boardwalk"

Attachment(s)

1. Letters of support

13.2 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

13.3 Notice of Motion - Ballina RSL Youth Club

File Reference	Notices of Motion/Donations
Councillor	Cr Sharon Cadwallader Cr Ben Smith Cr Alan Brown

We move:

That Council include a donation of the rates payable to Council for 2011/12 for the Ballina RSL Youth Club as part of the 2011/12 Community Donations Program due to the level of community service for young people provided by the facility.

Councillor Comment

At the July 2011 Ordinary meeting the community donations approved by Council for 2011/12 were as per the following table. Reference number 16 excluded the rates payable by the Ballina RSL Sub Branch for the Ballina RSL Youth Club. Based on the recent submission from the Sub-branch it is now recommended that this donation be approved due to the level of community service provided by this facility.

The Mayor and General Manager have advised that the preferred approach is not to lodge a rescission motion as approval of this request can be seen as an addition to the previous resolution. However, as the matter has been considered within the last three months, a notice of motion signed by three Councillors must be provided to allow the matter to be debated.

This notice of motion complies with that advice.

Extract from Earlier Report - Allocation of Financial Assistance Donations

Ref:	Organisation/Person	Project / Activity	Request (\$)	Recommended (\$)
1	Ballina Senior Citizens	Christmas Party 2011	2,000	2,000
2	Ballina Breast Cancer Support Group	Operational Costs	300	300
3	Ballina & District Orchid Society	Operational Costs for Orchid Shows	500	500
4	Lennox Head Chamber of Commerce	Carols in the Park - Community Event	7,000	4,000 (1)
5	Australian Seabird Rescue Inc	Community education and awareness	3,000	1,000
6	Lennox Head Residents Assoc Inc	Operational Costs for Coast Care Group	1,600	1,600
7	Alstonville Agricultural Society Inc	Concrete Poultry Pavilion/Provide material & costs associated with construction of steel ring fence at showground	6,000	4,000

13.3 Notice of Motion - Ballina RSL Youth Club

Ref:	Organisation/Person	Project / Activity	Request (\$)	Recommended (\$)
8	Pimlico Ladies charitable organisation	Hall improvements	Refer to halls	Refer to halls
9	Alstonville Agricultural Society Inc	Australian Working Cattle Dog Trial Championships	1,000	1,000
10	Ballina Jetboat Rescue Inc	Shortfall in purchase of purpose built rescue boat	15,000	12,500
11	Alstonville Plateau Historical Society	External painting of Crawford House	12,500	Nil (2)
12	Australian Red Cross (Tintenbar Branch)	Waive tip fees for trash & treasure sale 2011	169	169
13	Ballina Public School	2 worm farms	127	Nil
14	Wollongbar Garden Club	Operational Costs	80	80
15	Ballina Naval & Maritime Museum	Equivalent to Water & Sewer Charges	631	631
16	Ballina RSL Sub Branch (Youth Club)	Equivalent to rates for Ballina RSL Sub Branch Youth Club	2,910	Nil
17	Riverside Carols Ballina & District	Waive fees to erect banners for community event (3 banners)`	375	375
18	Riding for the Disabled	Waive fees for weekly garbage collection	268	268
19	Ballina Tennis Club Inc	Resurfacing 2 synthetic grass courts & associated drainage	20,000	Nil (3)
20	Ulysses Motorcycle Club - Northern Rivers Branch	Traffic Control for 2011 Toy Run	500	500
21	Ballina Masonic Centre Inc	Payment of rates	1,000	Nil
22	North Coast Academy of Sport	Operational costs	5,000	3,000
23	Ballina Lighthouse RSL Day Club	Costs associated with bus hire for members	2,376	2,376
24	Alstonville Amateur Swimming Club	Automatic scoreboard for swim races	2,205	2,205
25	Practising Artists Network (PAN)	People's Choice Awards running costs	250	Nil
26	Carols by Candlelight (Ballina)	Community Event	8,000	3,625
27	Northern Rivers Wildlife Carers Inc	Custom built echidna enclosure and portable tub	2,000	1,200 (4)
28	Lifeline Northern Rivers	Operational costs	1,500	1,500
29	Friends of the Koala Inc	Operational costs	Unspecified	Nil
30	Cabbage Tree Island RLFC	Costs for team to attend Knockout	Unspecified	2,500 (5)
31	Ballina Jetboat Rescue Inc	Fuel costs for search & rescue operations	2,500	2,500
32	Ballina Sports Club Inc.	Replace flooring in Community Sports Club	7,396	Nil
33	Ballina Jockey Club Limited	Harvest roof water for reuse	33,304	Nil
34	Ballina Coastcare Inc	Part-sponsor publication of booklet/CD	500	500

13.3 Notice of Motion - Ballina RSL Youth Club

Ref:	Organisation/Person	Project / Activity	Request (\$)	Recommended (\$)
35	Ballina Rotary Club on Richmond	Food and Wine Festival 2012	20,000	Nil (6)
36	Westpac Life Saver Rescue Helicopter	Safety & Compliance Software	1,000	1,000
37	NSW Rural Doctors Network	Bush bursary/CWA Scholarship Scheme	\$3,000	Nil
38	Jumbunna Community Preschool & Early Intervention Centre Inc	Operational costs	Unspecified	Nil
39	Ballina Shire Our House Fundraising Committee	Fundraising appeal in conjunction with NR Community Cancer Foundation	\$5,000	3,000
40	Stephanie Lymburner	Hold fundraising event at Ballina Swimming Pool	Unspecified	100
41	Fitness Matters Lennox Head	running costs for Heartmoves program for the elderly	Unspecified	Nil
42	Ballina RSL Sub-Branch	Operational costs for Anzac day	\$2,,500	Nil (7)
43	All Girls Surf Showdown	Assist in covering costs of running event	2,000	2,000 (8)
44	Alstonville Rotary Club Inc	Operational costs for northern Rivers Science and Engineering challenge 2012	500	500
45	NORTEC	Waive fees for Richmond Room to hold Volunteer Expo	To be determined	Nil
46	Ballina Girl Guides	Install power points, heaters, repair outside lights	Refer to halls	Refer to halls
47	Alstonville Girl Guides	Purchase of various equipment	1,584	Nil
48	Arts Northern Rivers	Repaint and polish floorboards	3,250	Nil (9)

RECOMMENDATION

That Council include a donation of the rates payable to Council for 2011/12 for the Ballina RSL Youth Club as part of the 2011/12 Community Donations Program due to the level of community service for young people provided by the facility.

Attachment(s)

1. Letter from RSL Youth Club

14. Advisory Committee Minutes

14.1 Commercial Services Committee Minutes - 14 September 2011

File Reference Commercial Services Committee

Attendance

Cr D E Wright (in the chair) Crs P W Silver, Mayor, S L Cadwallader, B C Smith, K H Johnson, R A Hordern and S M Meehan (arrived at 4.12 pm)

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Steve Barnier (Strategic & Community Services Group Manager), Paul Tsikleas (Commercial Services Manager) and Sandra Bailey (Secretary) were in attendance.

There were 15 people in the gallery at this time.

1. Apologies

Cr Jeff Johnson has been granted leave of absence.

Apologies were received from Cr Moore and Cr Brown.

RESOLVED

(Cr Ben Smith/Cr Robyn Hordern)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

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

2. Declarations of Interest

Nil

3. Deputations

- **Eva Ramsay, Ballina Basketball Association** - spoke in support of allocations to the proposed indoor sports facility mentioned in Item 4.7 - Property Reserves - Update.
- **Anna Lightfoot, Northern Rivers Animal Services** - spoke in relation to Item 4.9 - Land Sale - Not for Profit Community Group.

Cr Meehan arrived at 04:12 PM

- **Derek Forkgen, Ballina Jewel Centre** - spoke in relation to Item 5.3 of the Confidential Session - Retail Lease Agreements - Review.

- **Mary O'Brien** - spoke in opposition to allocations to the proposed indoor sports facility mentioned in Item 4.7 - Property Reserves - Update.

4. Committee Reports

4.9 Land Sale - Not for Profit Community Group

RECOMMENDATION

(Cr Susan Meehan/Cr Sharon Cadwallader)

That Council approves an additional transfer of \$280,000 from Council's property reserves to allow the construction of a new animal shelter, and abandoned vehicles pound. This additional funding will also allow the sale of the existing animal shelter to be finalised to the Northern Rivers Animal Service.

FOR VOTE - Cr Silver, Cr Cadwallader, Cr Smith, Cr Hordern, Cr Wright, Cr Meehan

AGAINST VOTE - Cr K Johnson

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

4.1 Flat Rock Tent Park - Update

RECOMMENDATION

(Cr Sharon Cadwallader /Cr Ben Smith)

1. That Council notes the contents of this report in respect to the on-going financial performance of the Flat Rock Tent Park.
2. That Council supports consideration and implementation, subject to adequate funding being available, of a waste sullage or dump point to allow the use of the park by self-contained motor homes.

FOR VOTE - All Councillors voted unanimously.

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

4.2 Policy (Review) - Property Investment & Development

RECOMMENDATION

(Cr Keith Johnson/Cr Susan Meehan)

1. That Council adopt the amended Property Investment & Development 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.

FOR VOTE - All Councillors voted unanimously.

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

4.3 Lennox Head Cultural and Community Centre - Operational Update**RECOMMENDATION**

(Cr Sharon Cadwallader /Cr Susan Meehan)

1. That Council notes the contents of the report on the on-going operations of the Lennox Head Cultural and Community Centre.
2. That Council approves the following budget adjustments based on the current operations of the Centre.

Item	2011/12 Budget	Revised Budget
Income		
Casual Hire	35,000	35,000
Expenses		
Employee Costs	65,200	65,200
Contract Services	70,000	70,000
Office Administration	6,500	6,000
Insurance	15,000	27,000
Rates (Internal)	1,500	2,500
Security	2,000	2,000
Cleaning Contracts	10,000	15,000
Building Maintenance	20,000	3,000
Air Conditioning	1,000	500
Electricity	4,000	4,000
Vehicle Running Costs	4,800	4,800
Sub Total	200,000	200,000
Cash Result	(165,000)	(165,000)

3. That a detailed study of the cost effectiveness of the additional items identified in the report be undertaken.

FOR VOTE - All Councillors voted unanimously.

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

4.4 Telecommunications Facility - Lennox Head Water Reservoir**RECOMMENDATION**

(Cr Ben Smith/Cr Keith Johnson)

1. That Council approves the proposed Vodafone Network Pty Ltd base station facility to be constructed and co-located with the existing telecommunications carriers within the Lennox Head water reservoir compound, Lot 2 DP 517111, subject to the finalisation of the on-going lease negotiations.
2. That Council approves the use of the Council seal to be attached to the Deed of Lease between Council and the Vodafone Network Pty Ltd.

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

4.5 Ballina Surf Club Redevelopment - Update

RECOMMENDATION

(Cr Sharon Cadwallader /Cr Susan Meehan)

That Council notes the latest update in respect to the re-development of the Ballina Surf Club.

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

4.6 Project Management - Review

RECOMMENDATION

(Cr Sharon Cadwallader /Cr Phillip Silver)

That Council notes the contents of this report in respect to project management.

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

4.7 Property Reserves - Update

RECOMMENDATION

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council notes the contents of this report in respect to the latest estimates for the forecast movements for 2011/12 to 2013/14 for Council's three property reserves.

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

4.8 Property Management - Sale and Lease

RECOMMENDATION

(Cr Keith Johnson/Cr Susan Meehan)

That Council notes the contents of this report in respect to the possible sale or continuing lease of the Australian Reinforcing Company property holding.

FOR VOTE - Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Hordern, Cr Wright, Cr Meehan

AGAINST VOTE - Cr Silver

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

4.10 Commercial Activities - Reporting

RECOMMENDATION

(Cr Phillip Silver /Cr Ben Smith)

1. That Council notes the contents of the report on reporting for our Commercial Activities.
2. That a Taskforce of three Councillors and three staff members be formed to further develop commercial accounting practices for the assets and incomes controlled by the Commercial Services Unit.

Cr Hordern left the meeting at 06:19 PM.

FOR VOTE - All Councillors voted unanimously.

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

5. Confidential Session

RESOLVED

(Cr Sharon Cadwallader /Cr Ben Smith)

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.

(The Committee moved into Confidential Session at 6.24 pm)

FOR VOTE - All Councillors voted unanimously.

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

Steve Barnier departed the meeting at 6.24 pm and returned at 6.39 pm after consideration of Item 5.1 of the Confidential Session.

Open Council

RESOLVED

(Cr Sharon Cadwallader /Cr Phillip Silver)

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

(The Council moved into Open Council at 7.00 pm)

FOR VOTE - All Councillors voted unanimously.

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

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

5.1 Southern Cross Masterplan - Update

RECOMMENDATION

(Cr Phillip Silver /Cr Sharon Cadwallader)

That Council notes the contents of this report in respect to the implementation of the Southern Cross Masterplan.

FOR VOTE - All Councillors voted unanimously.

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

5.2 Lennox Head Cultural and Community Centre - Insurance Claim

RECOMMENDATION

(Cr Keith Johnson/Cr Sharon Cadwallader)

That Council authorises the General Manager to proceed to finalise the insurance claim and outstanding prolongation costs for the Lennox Head Community and Cultural Centre as per the approach outlined in the preferred option within this report.

FOR VOTE - All Councillors voted unanimously.

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

5.3 Retail Lease Agreements - Review

RECOMMENDATION

(Cr Sharon Cadwallader /Cr Susan Meehan)

That Council endorses the actions outlined in options two and three as detailed within this report.

FOR VOTE - All Councillors voted unanimously.

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

Adoption of Recommendations from Confidential Session

RESOLVED

(Cr Sharon Cadwallader /Cr Susan Meehan)

That the recommendations made whilst in Confidential Session be adopted.

FOR VOTE - All Councillors voted unanimously.

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

MEETING CLOSURE

7.15 pm

RECOMMENDATIONS

That Council confirms the minutes of the Commercial Services Committee meeting held Wednesday 14 September 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 August 2011 Ordinary meeting:

<u>Date</u>	<u>Function</u>
25/8/11	NBN, Optus tower
26/8/11	NOROC Board meeting at Casino
26/8/11	Quota Craft Fair at Alstonville
28/8/11	Wetland Care 20 year Event in Ballina
29/8/11	Health Northern NSW Consultative Committee in Lismore
29/8/11	Lennox Head Public Art consultation meeting in Lennox Head
30/8/11	NSW Police Community Consultation in Lismore
31/8/11	Federal Minister for Ageing, Mark Butler meeting in Lismore
31/8/11	Chemist Warehouse DA deputation in opposition, with staff in Ballina
1/9/11	Cumbalum Ridges deputation with staff in Ballina
1/9/11	NOROC staff meeting in Ballina
1/9/11	Rotary dinner in Ballina
2/9/11	Don Page, Arts Northern Rivers meeting with staff in Ballina
3/9/11	Harvey Norman opening in Ballina
5/9/11	Wetland Care, Richmond River meeting in Ballina
6/9/11	NOROC staff meeting in Ballina
7/9/11	ABC Radio, Local Infrastructure Renewal Scheme
7/9/11	CWA Ballina 70 year celebration in Ballina
10/9/11	Baptist Church fete in Alstonville
10/9/11	Alstonville Bowling Club dinner in Alstonville
13/9/11	Woolworths deputation with staff in Ballina
14/9/11	Lennox Head Public art meeting in Ballina
15/9/11	Empire Vale Public School visit to Chambers
15/9/11	Chemist Warehouse DA deputation in support, with staff in Ballina
17/9/11	Spar opening in West Ballina
17/9/11	Ballina Basketball Association Awards night in Ballina
19/9/11	Sustainable Northern Rivers briefing in Lismore
21/9/11	Rous Water Ordinary meeting at Emigrant Creek Dam

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 - Tender - Design of Indoor Sports and Leisure Complex

This report contains information of a commercial nature, which if released to the public may confer a commercial advantage on a competitor.

Item 17.2 -Notice of Motion - General Manager - Contract

This report contains information relating to personnel matters.

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 Tender - Design of Indoor Sports and Leisure Complex

Reason for Confidentiality

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as Council is currently in the process of finalising tenders for this service.

17.2 Notice of Motion - General Manager - Contract

Reason for Confidentiality

This notice of motion 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 the discussion may involve confidential personal information.