



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 **Wednesday 25 January 2012 commencing at 9.00 am**

Business

1. Australian National Anthem
2. Acknowledgement of Country
3. Apologies
4. Confirmation of Minutes
5. Declarations of Interest and Reportable Political Donations
6. Deputations
7. Mayoral Minutes
8. Regulatory Services Group Reports
9. Strategic & Community Services Group Reports
10. General Manager's Group Reports
11. Civil Services Group Reports
12. Public Question Time
13. Notices of Motion
14. Advisory Committee Minutes
15. Reports from Councillors on Attendance on Council's behalf
16. Questions Without Notice
17. Confidential Session

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

Paul Hickey
General Manager

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

Deputations to Council – Guidelines

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

Members of the public are advised that any documents tabled or given to Councillors during the meeting become Council documents and access may be given to members of the public in accordance with the requirements of the Government Information (Public Access) Act 2009.

The use of powerpoint presentations and overhead projectors is permitted as part of the deputation, provided that the speaker has made prior arrangements with the General Manager's Office at the time of booking their deputation. The setup time for equipment is to be included in the total time of 5 minutes allocated for the deputation.

Public Question Time – Guidelines

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

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

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

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

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

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

Recording of the questions will not be verbatim.

The standard rules of behaviour in the Chamber will apply.

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

Disclaimer

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

Confidential Session

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

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1. Australian National Anthem

The National Anthem will be performed by Council staff members, Nick Wheeler, Maria Butler and Rachael Manwarring, aka "The Nicolettes".

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 15 December 2011 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 15 December 2011.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil items.

8. Regulatory Services Group Reports

8.1 DA 2011/557 - Sundowner Motel

File Reference	DA 2011/557
Applicant	Newton Denny Chapelle for Mr G. Mills
Property	Lot 1 in DP 499510 and Lot 10 in DP 244352, being No 274 River St, Ballina
Proposal	To remove three Norfolk Island Pine Trees, consolidate Lots 1 & 10 into a single lot, dedicate 410m2 of foreshore land to Council's ownership and create a connecting easement to Kerr Street for future public access, and to demolish jetty structures adjoining the land dedication area
Effect of Planning Instrument	The land is zoned 'Business' under the provisions of the Ballina LEP and parts of the jetty structures may be on land that is uncoloured on the LEP Maps.
Locality Plan	The subject land is depicted on the locality plan attached

Introduction

At its Ordinary Meeting of 15 December 2011, Council refused a development application for a similar proposal (DA 2011/414). The differences between that proposal and the subject application are as follows:

- (i) No demolition of the motel is proposed as part of the current application. Proposed demolition relates only to the jetty structures and to obstructing structures in the path of the proposed access easement;
- (ii) The area of land proposed to be dedicated to public ownership has been reduced from 600m2 to 410m2. The reason for this being that the motel structures occupy part of the land previously proposed for dedication; and'
- (iii) An access easement in favour of the Council is proposed to connect the dedicated land to Kerr Street.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The proposal has not been publically exhibited and no adjoining owners have been notified.

Applicable Planning Instruments

The land is zoned 3 Business under the provisions of the Ballina Local Environment Plan, 1987 with the exception that waterfront structures are wholly or partly on land uncoloured on the Plan maps.

Report

The proposal is permissible in the zone and on uncoloured land with the consent of the Council. Demolition, reconstruction and maintenance of structures from, or within, the river (i.e. Crown Land) would need to be undertaken with approvals obtained from the relevant government departments.

The issues to be considered in determining this application are largely the same as those reported to the Council's December 15 meeting and reference needs to be made to the assessments of that report (a copy of the report is attached).

Differences between the two applications include that the motel is now **not** proposed for demolition. It is assumed that the reason for this is to seek to overcome part of the concern expressed by some Councillors at the December meeting about the impacts that demolition sites along Ballina's main gateway streets can and have had on the streetscape and on the business image that the town projects.

In seeking to address the demolition issue, the applicants have had to reduce the land dedication area due to the siting of existing buildings on the land. If approved, the current design would result in a disconnected (other than by legal easement) area of land being dedicated to public ownership that would have poor public attraction and usability while ever the motel continues to operate.

Whilst the intention of the application is to return the easement fully to the public pedestrian area of Kerr Street, substantial public access limitations arise in this regard. The part of the motel site identified for the easement has been illustrated in submitted plans and photographs that have been attached to this report for the consideration of the Council. Essentially the proposed easement covers an operational area of the motel/restaurant but, despite the proposal to demolish parts of the obstructing deck structures, the proposal would not invite public use.

This is considered to be a substantial reduction in the public interest merit of this proposal when compared to the previous application.

As with the last application, this application does not propose any replacement planting of trees.

The application doesn't provide any additional contaminated land reports to those prepared for earlier applications that were referenced and reported on in the assessment of DA 2011/414.

The absence of identification survey plans from the last application meant that there were uncertainties with respect to where particular structures were located and to what extent the land accorded with the property's boundaries. This has been addressed to a degree in the current proposal as a survey plan has now been submitted.

The survey plan shows; that parts of what is generally perceived to be the motel site are in fact on public land being the extension of Kerr Street, that some jetty and revetment wall structures encroach into the Richmond River, and that parts of the site included in the land dedication area haven't been reclaimed and are physically part of the river. These factors complicate the proposed land dedication and the approvals needed for the demolition of jetty structures.

Conclusion

The fundamental issues that the Council needs to consider when determining this application are essentially the same as for DA 2011/414. These are:

- (i) Whether or not the now reduced proposed dedication of the strip of waterfront land prior to redevelopment of the site has sufficient public planning merit to offset the removal of the three Norfolk Island Pines on the site,
- (ii) Whether or not there is a need for the applicants to provide any off-set replacement planting;
- (iii) How to address the need to ensure that any land and structures dedicated to Council's ownership are sufficiently free of contamination to suit their likely future public use as recreational open space; and,
- (iv) How to address the requirement to ensure that the revetment wall and associated or like structures that will come into Council ownership are in satisfactory condition to continue to function into the future without incurring the need for substantial public rectification and/or on-going maintenance costs.

It is considered that the subject application has more limitations than the previous application that was refused by the Council in December. On face value, less land is being proposed for public ownership, the land dedication would not link to the Kerr Street public pedestrian area other than by limited easement access, and the utilisation of an easement for access has significant disadvantages when compared to outright public land ownership.

It is a matter for the Council to determine whether or not the deletion of the demolition of the motel from the application is materially beneficial to the proposal and to what degree.

RECOMMENDATIONS

Option A

That development application 2011/557 be **APPROVED** subject to the application of suitable conditions of consent, as determined by the General Manager, addressing site identification issues, revetment wall and contaminated land certification, replacement tree planting, standard demolition safeguards, submission of a subdivision certificate application and other relevant standard requirements.

OR

Option B

That development application 2011/557 be **REFUSED** as the application is inconsistent with local planning controls and is not in the public interest.

Attachment(s)

1. Locality Plan
2. Copy of report submitted to Council Meeting dated 15 December 2011 (excluding attachments)
3. Details taken from the submitted application
4. Excerpts from Ballina DCP Chapter 2.

8.2 DA 2011/490 - Greenwood Grove Estate, Lennox Head

File Reference	DA 2011/490
Applicant	Newton Denny Chapelle
Property	Lot 19 DP 1166124 Tallow Wood Place & Satinwood Place, Lennox Head
Proposal	To Undertake a 12 Lot Residential Subdivision
Effect of Planning Instrument	The land is zoned 2(a) – Living Area Zone under the provisions of the Ballina LEP
Locality Plan	The subject land is depicted on the locality plan attached.

Introduction

Council is in receipt of a development application for the subdivision of the residue parcel of the Greenwood Grove Estate in Lennox Head. The application is seeking consent for the creation of twelve (12) Torrens Title allotments comprising eleven (11) residential lots and one (1) allotment for dedication to Council as a public reserve as detailed in the **attached** plans.

The subdivision involves the creation of four (4) residential allotments off Satinwood Place, two (2) of which are battleaxe style lots accessed by a shared driveway. Seven (7) residential allotments are proposed off the western end of Tallow Wood Place, five (5) of which are also to be accessed via a battleaxe style shared driveway arrangement. The development also proposes a large open space allotment at the end of Satinwood Place which contains a significant stand of rehabilitated littoral rainforest that is to be dedicated to Council as a public reserve. The development application includes additional areas of buffer planting around the core rainforest remnant to be incorporated into the public reserve. This additional buffer area includes that area previously agreed to by Council as part of Development Application 2004/605 as well as an additional area on the western edge of the remnant.

The subject site is located adjacent (to the south and east) to an established urban environment comprising large-lot residential allotments that contain predominantly single dwelling houses. Adjoining the site to the north and west is rural zoned land that is currently subject to a rezoning proposal for urban and environmental protection uses. Access to the site is off Tallow Wood Place and Satinwood Place both of which run off Greenfield Road. The Lennox Head Village Centre is located approximately 2.0km (both walking and driving distance) from the site and the Lennox Head Public School is located 2.5km driving distance or 1.6km walking distance from the subject site. The Ballina Central Business District is located 13km driving distance from the subject site. A Locality Plan showing the subject site and its relationship with the surrounding locality is **attached**.

The site can be divided into two separate sections: the western section off the end of Tallow Wood Place and the eastern section that is accessed from both Tallow Wood Place and Satinwood Place. The site contains two separate stands of significant remnant rainforest that has been protected by buffer planting as a result of previous development consent 2004/605. The site gently slopes from south to north and does not contain any permanent watercourses. Existing open stormwater drains traverse the site at 3 locations. Beyond the protected and buffered vegetated areas, the site is largely clear of vegetation. Given its position adjacent to an established urban environment, the site can be adequately provided with essential utility services.

An area of wetland declared under State Environmental Planning Policy 14 – Coastal Wetlands also exists in close proximity, located approximately 110 metres from the northwestern corner of the site. The site is also identified as being bushfire prone and is identified as being affected by Class 5 Acid Sulfate Soils under the Acid Sulfate Soils Planning Maps adopted by Clause 36 of the *Ballina Local Environmental Plan 1987*.

The recent development history affecting the subject site is as follows:

DA No.	Description	Status
2004/605	19 Lot Residential Subdivision	Consent issued 24 June 2004. 16 approved allotments registered. The final subdivision certificate for the remaining lots has not been issued due to outstanding conditions of consent relating to vegetation rehabilitation works and stormwater works.
2007/687	18 Lot Integrated Residential Subdivision	Application refused 24 April 2008
2010/677	2 Lot Boundary Adjustment Subdivision	Consent issued 26 August 2010.
2010/678	Affordable Rental Housing (State Environmental Planning Policy (Affordable Rental Housing) 2009) comprising 74 Dwellings and 2 Lot Boundary Adjustment Subdivision	Application withdrawn by applicant 28 November 2010
2011/72	Affordable Rental Housing (State Environmental Planning Policy (Affordable Rental Housing) 2009) comprising 74 Dwellings	Application refused by Joint Regional Planning Panel 13 July 2011

In the assessment of the proposed development, Council's technical officers have reached the opinion that the subdivision now generally complies with the relevant applicable regulatory controls and development standards for the site. In normal circumstances, an application of this type would be determined under delegated authority. Given the sensitivity of the subject site and its development history, however, this application is being reported to the Council for determination.

Based on the assessment of Council's technical officers, the development application is being recommended for approval.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil (or state otherwise if this is not the case)

Public Exhibition

The development application was publicly exhibited in accordance with Council policy. A total of 124 letters of submission were received, copies of which are **attached**. All submissions received objected to all or part of the proposed development. Of the submissions received, 119 comprise signed form letters, 2 of which were submitted anonymously. 5 of the submissions received were individually written. One (1) of the submissions included content that is considered to be defamatory or to be personal comment and has thus not been published and is not attached to this business paper. A copy of this submission has been distributed to Councillors under separate cover.

A number of issues are raised in the submissions which are summarised below. These issues are addressed in greater detail later in this report.

1. Land should be developed in the same way to that which already exists with generous sized blocks
2. Does not comply with the Ballina Local Environmental Plan 1987 and Objective A(a) of the 2(a) zone
3. Inconsistent with amenity of surrounding area
4. Not compliant with minimum lot size of 1200m²
5. Inconsistent with Ballina Shire Combined Development Control Plan
6. Inconsistent with Draft Ballina Local Environmental Plan 2011
7. Inconsistent with Lennox Head Community Aspirations Strategic Plan 2002
8. Impacts on flora and fauna/rainforest vegetation
9. Inconsistent with State Environmental Planning Policy No. 71 – Coastal Protection
10. Similarities to DA 2007/687 which was refused by Council
11. Public transport
12. Use of protected areas, buffer zones, bushfire zones, driveways in minimum lot size
13. Stormwater discharge into wetlands
14. Inappropriate configuration of proposed Lot 102

Applicable Planning Instruments

A number of statutory instruments are applicable to the proposed development. The proposed development is generally consistent with the statutory provisions applicable to the site. Further comment on the statutory instruments of relevance is contained below.

Ballina Local Environmental Plan 1987

For the purposes of the Ballina Local Environmental Plan 1987 (BLEP) the subject land is within the 2(a) – Living Area Zone. The objectives of the 2(a) zone are as follows:

- A. *The primary objectives are -*
- (a) *to regulate the subdivision and use of land to permit housing and ancillary development where the scale, type and traffic generating characteristics of the ancillary development are compatible with the character and amenity of the surrounding residential area;*
 - (b) *to permit development which is considered by the council to be an essential land use within the urban living area, but not including a shop (other than a general store).*
 - (c) *to allow detailed provision to be made, by means of a development control plan, to set aside specific areas within the zone for varying housing densities as well as other associated urban and tourist facilities.*
- B. *The secondary objective is to allow a variety of housing types and designs and to encourage greater visual amenity by requiring site landscaping.*

The proposed subdivision will allow for the subsequent development of the allotments for residential buildings which are permissible development within the 2(a) Living Area Zone.

Clause 9(7) of the BLEP, provides that *'except as otherwise provided by this plan, the council shall not consent to the carrying out of development on land to which this plan applies unless the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out.'*

For the purposes of this development application, Objectives A(a) and A(c) are of particular relevance.

The proposed subdivision development is for the purpose of creating allotments for future dwelling houses. In this regard, the development is considered consistent with objective A(a) above. The development is also considered to be consistent with the provisions of the Ballina Shire Combined Development Control Plan as detailed further below. In this regard, the development is also consistent with objective A(c) above.

Ballina Shire Combined Development Control Plan
Chapter 1 – Urban Land

The subject site is within the L1 – Low Density (Large Lots) Control Plan Area under the provisions of Chapter 1 – Urban Land of the Ballina Shire Combined Development Control Plan (DCP). The objectives of the L1 Control Plan Area are:

- a. *To make provision for low density living options with single dwellings being the predominant form of housing on larger than normal lots*
- b. *To prevent the fragmentation of large lot estates which are important components in the range of housing types available in the shire.*
- c. *To permit dual occupancy developments.*

The proposed development seeks to create eleven (11) large residential allotments for single dwelling or dual occupancy purposes. The proposed allotments are larger than normal and have a land area of 1200m² or greater. The proposed development is consistent with and not dissimilar to the existing subdivision pattern of the surrounding Greenfield Road neighbourhood which also comprises predominantly single dwellings on larger than normal lot sizes with extensive open space areas and landscaped areas between dwellings. The proposed subdivision will result in the continuation of this development form over the subject site.

The preferred minimum lot size within the L1 area is 1200m². The proposed development complies with this requirement. Policy Statement No. 4 – Urban Subdivision provides that in having regard to the BLEP 2(a) zone objectives, Council in giving consideration to applications for residential subdivision, will be mindful of the type of development which is likely to occur and will have regard for the existing subdivision pattern in the locality.

Policy Statement No. 4 – Urban Subdivision contains a number of design standards for the subdivision of urban land as detailed in the following table:

DCP Development Standard	Proposed Development	Comment
Minimum lot size 1200m ²	All proposed lots have area of 1200m ² or greater	Complies
Minimum lot frontage 18m	The proposal comprises a mix of standard and battleaxe/hatchet shaped allotments. Two (2) standard access allotments are proposed with minimum frontages of 18m. Nine (9) battleaxe/hatched shaped allotments are proposed which do not meet this requirement but are assessed on merit.	Complies, with the exception of the proposed battleaxe/hatched shaped lots which are assessed on merit

DCP Development Standard	Proposed Development	Comment
Access handles 3.6m wide and no longer than 45m from road alignment	The proposed battleaxe lots are accessed by shared driveways which are greater than 3.6m in width. Two (2) of the proposed battleaxe lots are situated greater than 45m from the road frontage.	A variation to this standard is sought by the applicant. This variation is considered appropriate in the circumstances and is recommended for approval subject to water supply requirements for fire fighting purposes.
Building line setback 6m	6m setbacks are provided with the exception of proposed Lots 101 and 102	A variation to this standard is sought for proposed Lots 101 and 102. In the circumstances it is considered appropriate to allow the reduction of the building line setback for these lots to 4m given the environmental constraints of these proposed lots.

As detailed in the above table, a number of relatively minor variations to the urban subdivision standards contained in Policy Statement No. 4 are sought. It is considered that the intent of these standards is to ensure a consistent approach to urban subdivision across the shire and to ensure good urban form with adequate open space, lot separation and density etc. In certain circumstances, however, Council can be, and has been in the past, open to a variation of these standards where sufficient justification is demonstrated and the physical and/or environmental constraints of the site warrant such variations. In the subject application, variation is sought and has been justified by the applicant. These variations are primarily sought due to the physical constraints (ie the physical odd-shaped configuration of the allotment) and environmental constraints (ie the significant stands of littoral rainforests which are to be protected and buffered). Consequently, in the circumstances, Council staff support the requested variations and are recommending the proposed development be approved.

Chapter 11 – Mosquito Management

This aspect of the development application has been assessed by Council's Environmental Health Officer who comments as follows.

The applicant refers to the report submitted with Development Application 2011/72 as satisfying the requirements of DCP Chapter 11. This report relied on the existence of a body corporate to undertake chemical barrier treatments as part of an integrated mosquito management approach. At the time of assessment of DA 2011/72, a number of issues of concern were raised with this proposed method, including how the treatment process could be ensured in perpetuity. Council officers did not support this proposed method at the time and it is not supported now, although it would be open to future individual homeowners of the subject lots to avail themselves of chemical treatments if desired.

Development Application 2011/490 which is now before Council is of considerably less density than previous proposals for the site and could be considered infill development. It is noted also that there are no open stormwater control ponds proposed as part of this current development application that could potentially retain water for sufficient time to encourage mosquitoes. This current proposal is seen as an extension to the original residential subdivision approved in Development Application 2004/605 with which an entomological report (prepared by Mosquito Consulting Services, dated 30 October 2003) was submitted. That report concluded that the site has a low risk of exposure to mosquitoes. While this was criticised by Council's consultant entomologist, Tony Wright, at the time, these criticisms were reviewed by Dr. Richard Russell of the University of Sydney, a consultant agreed to by both the developer and Council. This consultant concluded that the specific aspects criticised did not render the report invalid. The development consent granted for DA 2004/605 was conditioned to require the applicant's entomologist to remain on the development team and to file a brief report on completion of the project detailing that all practicable steps were taken to minimise mosquito attraction and breeding. No buffer distances were recommended or required. It is noted in the report by Mosquito Consulting Services dated 2 March 2003 that in respect of the *Verrilina funerea* mosquito species that there is sufficient distance between the melaleuca forest on the adjoining "Henderson Land" to provide a reasonable management of this risk. It is also noted in one of the later reports for the site (for DA 2010/678) that a 20 metre clear mosquito buffer was initially recommended for the vegetation stands on the site.

In consideration of the current application (DA 2011/490), the similarities in character to the original Greenwood Grove subdivision (DA 2004/605) are noted. Based on the current wording of DCP Chapter 11, the current development is considered to be of a size not to necessitate a separate entomological report. In this regard, it is recommended that Development Application 2011/490 be treated similarly to the previously approved subdivision for the site (DA 2004/605) in relation to mosquito management. In addition to this, it is further recommended that the development of the future erection of dwelling houses on the subject site require the adequate screening of all doors and windows in accordance with the requirements of DCP Chapter 11 and that effective durable screening (such as stainless steel) be provided to inlets and outlets of all rainwater tanks installed on future dwellings on the site.

Chapter 13 – Stormwater Management

This aspect of the development has been assessed by Council's engineer who has advised that the stormwater plan submitted with the development application is generally acceptable. This plan proposes a 5,000 litre rainwater tank and 2,000 litre rainwater storage per allotment for the purposes of stormwater detention and storage. In addition, below ground rain vault chambers are proposed to make up the deficit in calculated stormwater detention in order to achieve compliance with the requirements of Chapter 13. It has been assessed that there is still a deficiency of 85,000 litres of stormwater detention on the site that has not been met based on the requirements of DA 2004/605. It is recommended that this condition be applied as a deferred commencement condition of consent as detailed in the draft schedule of conditions **attached**.

Report

Description

The subject development application seeks consent for the subdivision of a 2.53 hectare parcel within the 2(a) – Living Area Zone into eleven (11) residential allotments ranging in area from 1200m² to 2285m² and one (1) public reserve allotment with an area of 6400m².

The subject site comprises the residue portions of the Greenwood Grove Estate previously approved by Council in DA 2004/605. The subject site is separated into two (2) separate parcels: one (1) located off Satinwood Place and the other located off Tallow Wood Place.

The subject land contains a mix of cleared, maintained grassland and rehabilitated stands of littoral rainforest. The littoral rainforest stands on the site have had restoration and rehabilitation works commenced as part of the approval for the first stages of the Greenwood Grove Estate in DA 2004/605. The largest stand of littoral rainforest is located on the site to the northwest of Satinwood Place, most of which is nominated in this development application for dedication to Council as public reserve. Two (2) other stands of littoral rainforest are present on the site which will be incorporated into the proposed residential allotments.

The proposal includes five (5) lots off Satinwood Place, two (2) with direct public road access, two (2) of battleaxe style configuration with a shared private driveway access and the open space/public reserve lot. Seven (7) lots are proposed off Tallow Wood Place, of which five (5) are to be accessed via a shared driveway battleaxe style configuration.

Permissibility

As detailed above, the proposed development has been assessed by Council's technical officers and is generally consistent with the statutory provisions applicable to the subject site. The proposal will result in the subsequent residential development of the land which is permissible under the 2(a) – Living Area Zone in which the site is located. The proposed subdivision pattern is consistent with the surrounding neighbourhood and the subsequent low density housing will be compatible with the surrounding area. In this regard, the proposed development is considered to be compatible with the objectives of the 2(a) zone.

The proposal generally complies with the provisions of the Ballina Shire Combined Development Control Plan as detailed above. A number of variations to Council's subdivision standards are sought by the applicant based on the physical and environmental constraints of the site. These matters have been discussed above and are supported by Council's technical officers.

The proposal also constitutes integrated development under the provisions of Section 91 of the *Environmental Planning and Assessment Act 1979*. The development, being the subdivision of bushfire prone land, also requires the approval of the NSW Rural Fire Service. The Rural Fire Service granted their general terms of approval in the form of a bushfire safety authority issued on 4 January 2012.

Merit Assessment

The proposed development has been assessed on its merits and is generally supported by Council staff. It is considered that the proposal is compatible with the subdivision pattern of the surrounding Greenfield Road neighbourhood. The development can be sufficiently regulated to mitigate negative environmental impacts resulting from the development of the land for residential purposes.

The stands of littoral rainforest have had restoration and rehabilitation processes commenced in accordance with previous DA approvals. These areas will be protected and preserved as part of this proposal. The proposed development includes the provision of additional buffer areas on the western side of the largest littoral rainforest stand. No clearing of vegetation is proposed as part of this development application.

Configuration of proposed Lot 102

During the assessment of the development application the suitability of the configuration of proposed Lot 102 has been questioned. Proposed Lot 102 comprises an area of 2050m² and is located at the end of Satinwood Place. This lot seeks to provide a building envelope adjacent to the cul-de-sac head of Satinwood Place covering an area of approximately 600m². The remainder of this proposed lot constitutes littoral rainforest vegetation in an elongated western extension of the lot towards Tallow Wood Place running along the southern side of the proposed public pathway. The lot ends in a 5m cleared buffer at its western end approximately 65 metres from the building envelope at Satinwood Place. It is considered that given the impractical shape of this proposed allotment and the environmental constraints present, that it makes better land use planning sense to incorporate this section of littoral rainforest with the adjoining proposed Lot PR1. This will result in the consolidation of the littoral rainforest stand into a single public reserve lot and will improve the management and maintenance of the vegetation. This option will also eliminate the isolated and separated western section of proposed Lot 102 from its eastern end. This option is considered to be in the public interest and is supported by Council's Open Space & Reserves Manager and Environmental Scientist.

The excision of the forested section of proposed Lot 102 will, however, result in an allotment that is below the minimum lot size of 1200m² for the area as required in Chapter 1 of the DCP. The modified area of proposed Lot 102 will be approximately 600m². It is considered that in the circumstances, this option has merit and will result in an outcome that is in the public interest in that it allows for the residential development of the land while also preserving and consolidating in public ownership the significant littoral rainforest vegetation on the site. The location of proposed Lot 102 at the end of a cul-de-sac, adjacent to and overlooking a significant forested reserve will have the effect of ameliorating any negative impacts generated by a smaller than normal lot size in the locality. Consequently, this is the preferred option for determination of this application and is the recommendation detailed in Option 3 below.

Issues raised in submissions

As detailed above, a number of public submissions were received in response to Council's public notification of the proposed development. These issues have been considered in the assessment of this development application. The issues raised in the submissions, with comments from Council's technical officers, are as follows:

- *Land should be developed in the same way to that which already exists with generous sized blocks*
Comment: All lots in the proposed subdivision comply with the minimum 1200m² size as specified in the Ballina Shire Combined Development Control Plan. The subdivision is considered not inconsistent with the existing subdivision pattern in the Greenfield Road neighbourhood of Lennox Head.
- *Does not comply with objective A(a) of the 2(a) zone (to regulate and use of land to permit housing and ancillary development where the scale, type, traffic generating characteristics of the ancillary development are compatible with the character and amenity of the surrounding area)*
Comment: It is considered that the proposed subdivision is consistent with the character and amenity of the surrounding Greenfield Road neighbourhood. This neighbourhood comprises primarily single dwellings on larger than normal sized lots with extensive areas of open space and landscaping. The proposed subdivision continues that form of development by providing larger than normal sized allotments (all greater than 1200m²) with extensive areas for open space, landscaping and vegetation surrounding future dwelling houses.
- *Inconsistent with amenity of surrounding area*
Comment: The proposed subdivision is not inconsistent with the character of the surrounding neighbourhood. The amenity of a neighbourhood or locality is generated as a result of land use type and density. The proposed subdivision will provide for the subsequent development of residential dwellings of a low density which is consistent with the established urban environment surrounding the site. Based on this, it is considered that the proposed subdivision will not result in substantial negative amenity impacts.
- *Not compliant with minimum lot size of 1200m²*
Comment: All proposed lots have an area of at least 1200m².
- *Inconsistent with Ballina Shire Combined Development Control Plan*
Comment: As detailed in this assessment report, the proposed development is consistent with the development controls for the L1 – Low Density (Large Lots) Control Plan Area as contained in the DCP. All proposed allotments have a minimum area of 1200m². The proposed development is also considered to be consistent with the existing character of the surrounding Greenfield Road neighbourhood.
- *Inconsistent with Draft Ballina Local Environmental Plan 2011*
Comment: The Draft BLEP proposes a minimum lot size of 1200m² for the site. The proposed development complies with these requirements.

- *Inconsistent with Lennox Head Community Aspirations Strategic Plan 2002*

Comment: The intent of the Community Aspirations Strategic Plan is to achieve a community vision for Lennox Head and minimise the negative impacts of development. The Strategic Plan contains principles for development relating to atmosphere, lifestyle and the environment. Specifically, it identifies that the village character with a mix of urban forms and the natural environmental qualities of the locality are of high value to the Lennox Head community. The subject site is not identified as a new release area in the strategic plan and is currently zoned 2(a) – Living Area under the provisions of the BLEP. Chapter 1 of the Ballina Combined Development Control Plan designates the site as L1 – Low Density (Large Lots) with a minimum lot size of 1200m². The proposed development is considered to be consistent with the principles of the Lennox Head Community Aspirations Strategic Plan in that it provides a high level of protection for the significant stands of vegetation on the site while allowing for low density residential development on larger than normal lots that is consistent with Council's adopted planning and development controls for the site.

- *Impacts on flora and fauna/rainforest vegetation*

Comment: The existing stands of littoral rainforest on the site have been substantially rehabilitated and restored in accordance with the terms of approval for the earlier subdivision of the site (DA 2004/605). The proposed development will complement and further reinforce the rehabilitation of these areas by expanding and augmenting the existing buffer planting and rehabilitation works. While it is acknowledged that the urbanisation of the subject site will result in additional pressures on the rainforest vegetation, it is also acknowledged that it is necessary to achieve a balance in allowing the development of land zoned for urban purposes while providing protection to significant stands of vegetation. It is considered that the buffer areas proposed as part of the application are sufficient to allow for the ongoing preservation of the rainforest vegetation stands on the site.

- *Inconsistent with State Environmental Planning Policy No. 71 – Coastal Protection*

Comment: One of the matters for consideration for development assessment as contained in SEPP 71 is raised in the submissions. The SEPP specifically states that "the suitability of the development given its type, location and design and its relationship to the surrounding area" is a matter for consideration. As discussed above, the proposed subdivision is considered appropriate for the site, is consistent with Council's planning controls and objectives for the site and is not inconsistent with the existing character of the surrounding Greenfield Road neighbourhood.

- *Similarities to DA 2007/687 which was refused by Council*

Comment: The proposed development is for the subdivision of the site into allotments of 1200m² or greater. The subdivision proposal in DA 2007/687 was recommended for refusal, amongst other matters, due to the failure of that application to address the environmental constraints of the site. DA 2007/687 was for an 18 lot integrated

residential subdivision which was considered inconsistent with the local planning controls that apply to the subject land and surrounding residential locality. The proposal involved the concentration of dwellings in pockets of the site that is not a development outcome consistent with applicable local planning controls. Development application 2011/490 seeks consent for the subdivision of the site into 11 residential allotments of 1200m² or greater which will facilitate low density housing options. As detailed above, it is considered that the lot configuration is not inconsistent with the current character of the Greenfield Road neighbourhood.

- *Public transport*

Comment: It is acknowledged that the subject site is not currently well serviced by public transport other than school bus services. Given the low density and demographic nature of the locality it is not anticipated that the area will be serviced by regular public transport services in the immediate future.

- *Use of protected areas, buffer zones, bushfire zones, driveways in minimum lot size*

It is noted that the areas of some of the proposed allotments are inclusive of areas of protected vegetation, asset protection zones and driveways. Council's development control standards do not currently restrict the inclusion of these items in the land area of new allotments. Notwithstanding, the relative density of the proposed subdivision, based on the building envelopes proposed, is not inconsistent with the existing configuration and character of the first stages of the Greenwood Grove Estate or the Greenfield Road neighbourhood.

- *Stormwater discharge into wetlands*

Comment: The proposed development will result in changes to the existing stormwater dispersal on the site. This aspect of the development has been assessed by Council's Civil Services Group as detailed earlier in this report. If supported by Council, it is recommended that the development be conditioned to include adequate stormwater detention and storage controls to mitigate the impacts of stormwater runoff from the site. It is considered that when these controls are implemented, stormwater runoff will be sufficiently controlled to minimise its impact on surrounding properties.

- *Inappropriate configuration of proposed Lot 102*

Comment: Concern is raised by the adjoining landowner that proposed Lot 102 represents an impractical lot configuration and will result in a fragmented allotment centrally constrained by rainforest vegetation. This adjoining owner's concern primarily relates to the isolated cleared portion of the lot at its western end and the practicality of ongoing maintenance given its separation from the main component of the lot which will contain the future dwelling house. An option to address this issue is considered above and involves the incorporation of sections of proposed Lot 102 into proposed Lot PR1 (public reserve). This would result in proposed Lot 102 having an area of approximately 600m² which is below the minimum lot size. This matter is presented to the Council for deliberation and decision as part of the determination of this application.

Conclusion

The proposed development involves the Torrens title subdivision of land within the BLEP 2(a) – Living Area Zone for residential purposes. The development will result in the creation of eleven (11) large allotments for the subsequent erection of dwelling houses or dual occupancies. The proposal also incorporates the creation and dedication of a public reserve allotment containing a significant stand of littoral rainforest. The proposal has been assessed against the relevant applicable statutory instruments and development control standards. The proposal is considered to be generally consistent with these. Several variations to Council's subdivision standards are sought by the applicant. These are considered acceptable and warranted given the physical and environmental constraints of the site.

In the course of the assessment of this application, the suitability of the configuration of proposed Lot 102 has been considered along with the issues raised in the public submissions received. Having regard for these matters and the associated issues as discussed in this report, a number of options are now available to Council for the determination of this application:

1. That Council APPROVE Development Application 2011/490 as submitted with no modifications;
2. That Council REFUSE Development Application 2011/490;
3. That Council APPROVE Development Application 2011/490 subject to the requirement that the boundaries of proposed Lot 102 and proposed Lot PR1 be modified such that the littoral rainforest and cleared western portion of proposed Lot 102 are amalgamated into proposed Lot PR1.

It is the recommendation of this report that this application be determined in accordance with Option three.

RECOMMENDATION

That development application 2011/490 to undertake a twelve) lot subdivision comprising eleven residential lots and one (1) public reserve lot be **APPROVED** subject to the attached conditions of consent and the modification of the boundaries of proposed Lot 102 and proposed Lot PR1 such that the littoral rainforest and cleared western portion of proposed Lot 102 are amalgamated into proposed Lot PR1.

Attachment(s)

1. Locality Plan
2. Proposed Subdivision Plans
3. Submissions
4. Schedule of Draft Conditions of Consent

8.3 Compliance Work Plan 2011/2012 - Update

File Reference	Compliance Work Plan 2011/2012
CSP Linkage	Transparent and accountable governance Diverse and balanced land use
Delivery Program	Development Services
Objective	To provide Council with a half yearly update report on the 2011/12 Compliance Work Plan.

Background

At the June 2011 Ordinary Meeting, Council adopted a Compliance Work Plan for the 2011/12 financial year. This report provides a half yearly update report on that Work Plan.

Key Issues

- Level of Compliance
- Results achieved

Information

The Compliance Work Plan nominated six areas as the priorities for this financial year as they were considered to be the areas of highest risk or potentially lowest levels of compliance. These priority areas are:

1. *Ongoing Audit of Major Developments within the Shire. (Ongoing from 2010 / 2011 Work Plan)*
2. *Audit of Identified Development Consents. (Ongoing from 2010 / 2011 Work Plan)*
3. *Completion of Review of all Development Consent approvals issued within the Southern Cross Industrial Estate. (Ongoing from 2010 / 2011 Work Plan)*
4. *Audit of all Roadside Advertising Signage on rural land within the Ballina Shire. (Carried forward from 2010 / 2011 Work Plan)*
5. *Audit of Outstanding Developer Contributions and Water and Sewer Charge Payments.*
6. *Audit of Town Centre Alfresco Dining, Footpath Displays and Signage.*

In addition to these areas of identified priority, Compliance respond to customer requests received from members of the general public as well as Council employees and State and Federal Government Agencies. As the general public becomes more educated in relation to the legislative requirements within the Shire, as well as Council's role in the enforcement of these requirements, an increasing trend of customer requests being received within the Compliance area has been observed.

In relation to the matters identified in this Compliance Work Plan, as a general comment compliance overall is improving. The vast majority of outstanding issues currently under investigation relate to the provision of certification of works to the required standard following the completion of the work, for example the provision of a Final Occupation Certificate after Interim Occupation Certificate has been issued.

Of the nominated priority areas within the Compliance Work Plan, Council is provided with the following updated advice:

1. Ongoing Audit of Major Developments within the Shire. (Ongoing from 2010 / 2011 Work Plan)

Major Developments are defined as developments consisting of five or more units/parcels of land/dwellings as well as all developments within areas of high environmental significance.

This program originally commenced in the 2008/2009 financial year with an audit of 2006 development applications, which included applications that have been determined or withdrawn. This program has continued on to audit 2007 and 2008 development applications.

Compliance resources have also been involved in auditing environmentally and culturally sensitive sites on an ongoing basis to ensure ongoing compliance. As this program now covers over three separate years, it is intended that each audit year will be reported separately.

Of the 65 major developments from 2006, all developments have been inspected for compliance with the terms and conditions of the development consent. Regarding these consents:

- two developments have not commenced at the time of the inspection and are due to lapse in 2012. It is envisaged that further inspections will be undertaken during the upcoming financial year to ascertain if the approved developments have physically commenced or will lapse
- 41 developments have been inspected and all conditions of consent have been complied with
- 16 developments have been inspected and require further follow up inspections. These developments have all commenced however works on site have not been completed at the time of the last inspection and
- 6 developments have not been activated and have lapsed.

Of the 89 major developments from 2007, all developments have been inspected for compliance with the terms and conditions of the development consent. Regarding these consents:

- 13 have not commenced at the time of the inspection. The majority of these consents will lapse, if not commenced within the next 12 months. Further inspections of these properties during the upcoming financial year will be undertaken to ascertain if the approved developments have physically commenced or have lapsed
- 54 developments have been inspected and all conditions of consent have been complied with and
- 22 developments have been inspected and require further follow up inspections. The majority of these developments have all commenced however works on site have not been completed at the time of the last inspection and the remaining developments have ongoing non compliances that are under investigation.

Of the 77 major developments from 2008, 72 developments have been inspected for compliance with the terms and conditions of the development consent. Regarding these consents:

- 14 have not commenced at the time of the inspection
- 42 developments have been inspected and all conditions of consent have been complied with
- 15 developments have been inspected and require further follow up inspections. The majority of these developments have all commenced however works on site have not been completed at the time of the last inspection and the remaining 1 matter relates to the failure to comply with the majority of the conditions of the consent. This particular matter has had a recent change in ownership and the new owner is working with Council to bring about compliance as soon as practicable.
- One development has not been determined at this time and is awaiting flood study information from the applicant; and
- Five developments have not been inspected.

2. *Audit of Identified Development Consents. (Ongoing from 2010 / 2011 Work Plan)*

Identified Development Consents are defined as all approvals issued by Ballina Shire Council *EXCEPT* those identified as either (a) Major Developments or (b) Consents that require further approvals from Council or an accredited certifier, (eg Construction Certificates, Occupation Certificates, Subdivision Certificates, Food Inspection Certificates) and therefore have a 'built in' mechanism or stage within the consent where compliance with conditions are checked.

This program originally commenced in the 2008/2009 financial year with an audit of 2006 development applications, which included applications that had been determined or withdrawn. This program has continued on to audit 2007 and 2008 development applications.

Of the 143 identified developments from 2006, all developments have been inspected for compliance with the terms and conditions of the development consent. Regarding these consents:

- 129 developments have been inspected and all conditions of consent have been complied with and
- 14 developments have been inspected and require further follow up investigation. Of these, 13 require the provision of final certificates and one matter is the subject of litigation proceedings with Notices and Orders served and ongoing non compliances and will be reported to Council as a Confidential Item where appropriate.

Of the 131 identified developments from 2007, all developments have been inspected for compliance with the terms and conditions of the development consent. Regarding these consents:

- 3 have not commenced at the time of the inspection. The majority of these consents will lapse, if not commenced within the next 12 months. Further inspections of these properties during the upcoming financial year will be undertaken to ascertain if the approved developments have physically commenced or have lapsed
- 94 developments have been inspected and all conditions of consent have been complied with and
- 34 developments have been inspected and require further follow up inspections. The majority of these developments have commenced however works on site have not been completed at the time of the last inspection and the remaining developments have ongoing non compliances that are under investigation. These current non compliances relate to the provision of final certificates and one other matter relating to the failure to obtain a construction certificate prior to the commencement of building works with Notices to be served for unauthorised construction.

Of the 135 identified major developments from 2008, 89 developments have been inspected for compliance with the terms and conditions of the development consent. Regarding these consents:

- 70 developments have been inspected and all conditions of consent have been complied with
 - 8 have not commenced at the time of the inspection
 - 10 developments have been inspected and require further follow up inspections. These developments have all commenced however works on site have not been completed at the time of the last inspection
 - one consent for the removal of trees has lapsed and
 - 46 developments have not as yet been inspected.
3. *Completion of Review of all Development Consent approvals issued within the Southern Cross Industrial Estate. (Ongoing from 2010 / 2011 Work Plan)*

This program is intended to audit development consents and land uses within the Southern Cross Industrial Estate to ensure ongoing compliance with Council approvals.

Of the 507 identified development consents within the Southern Cross Industrial Estate, all developments have been inspected for compliance with the relevant issued development consent. Regarding these consents:

- 34 have not commenced at the time of the inspection. These developments will be inspected during the upcoming financial year for commencement and if applicable compliance with the issued consents
 - 375 developments have been inspected and all conditions of consent have been complied with and
 - 98 developments have been inspected and require further follow up inspections. This is due to works on site not being complete at the time of the inspection, a change in the land use that has not been formally consented to but may be permissible as 'exempt development' under State Policy or non compliance with conditions of consent being detected. Investigations into these potential 'exempt development' uses are continuing.
4. *Audit of all Roadside Advertising Signage on rural land within the Ballina Shire. (Carried forward from 2010 / 2011 Work Plan)*

This program is a carryover from the 2010/11 Compliance Work Plan, which due to other priorities was not commenced during the previous financial year. It is a proposal to audit roadside signage within the Ballina Shire to identify the current location of such signage and to ensure compliance with *State Environmental Planning Policy No 64 – Advertising and Signage* and Council's Combined DCP.

This program is ready to commence, however to date has not been able to proceed, due to resourcing issues. Council's Information Technology Section currently cannot provide GPS equipment which is compatible with Council's computer network to enable the accurate mapping of the data. This equipment is currently being sourced and the program will be able to commence once the required equipment is available.

5. *Audit of Outstanding Developer Contributions and Water and Sewer Charge Payments.*

This is a new program for inclusion in the Compliance Work Plan for 2011/2012. An audit of outstanding developer contributions and water and sewer charges has been conducted by Council's Finance and Governance Manager from 2004 onwards. This audit has identified areas where there may be anomalies in the amount of contributions and/or charges paid to Council in line with development consent conditions.

Further advice is currently being obtained from Council's Finance Section to confirm if any developer contributions and water and sewer charges remain as outstanding payments owed to Council. This program will commence on receipt of this advice.

6. *Audit of Town Centre Alfresco Dining, Footpath Displays and Signage.*

This is a new program for inclusion in the Compliance Work Plan for 2011/2012. Following the Council's recent adoption of the Commercial Use of Footpaths Policy, an educational and enforcement program was undertaken to regularise the uses on footpaths within the Town Centres, including alfresco dining, footpath displays and signage.

All three Town Centres have now been audited, and:

(a) In relation to Lennox Head Town Centre:

- 16 Warning letters and 0 Final Warning Notices have been sent to retailers in relation to A Frame signs
- 6 Warning letters and 0 Final Warning Notices have been sent to retailers in relation to footpath displays and alfresco dining
- 0 Penalty Infringement Notices have been issued for ongoing non-compliances.

(b) In relation to Ballina Town Centre:

- 22 Warning letters and 2 Final Warning Notices have been sent to retailers in relation to A Frame signs
- 15 Warning letters and 0 Final Warning Notices have been sent to retailers in relation to footpath displays and alfresco dining and
- 0 Penalty Infringement Notices have been issued for ongoing non-compliances.

(c) In relation to Alstonville Town Centre:

- 2 Warning letters and 1 Final Warning Notice have been sent to retailers in relation to A Frame signs
- 5 Warning letters and 1 Final Warning Notice have been sent to retailers in relation to footpath displays and alfresco dining and
- 0 Penalty Infringement Notices have been issued for ongoing non-compliances.

The large majority of these uses have now been licensed by Council with the sites currently outstanding having licence applications with Council awaiting determination and approval is likely.

This program has now been completed. Council's Ranger Services will continue ongoing monitoring and enforcement where required.

Sustainability Considerations

- **Environment**

Compliance with issued development consents enhances the protection of the natural and built environment and attainment of Council's strategic planning objectives for the Shire.

- **Social**
Compliance can also assist in ensuring social cohesion through the appropriate implementation of Council conditions.
- **Economic**
Not applicable

Legal / Resource / Financial Implications

The role of the Compliance Unit is to improve compliance with Council's adopted Local Environmental Plan (LEP), Development Control Plan (DCP) and Development Consents as well as NSW Government legislation, including State Environmental Planning Policies (SEPPs) and the like.

As the general public is becoming more educated in relation to the legislative requirements within the Shire as well as Council's increased role in the enforcement of these requirements, there has been an increasing trend of customer requests being received within the Compliance Unit. This trend, amongst other reasons more fully outlined above, has impacted on the service delivery of the adopted Compliance Work Plan.

There are areas of non-compliance by landowners and occupants within the Shire and in addressing these legal actions may be required in some circumstances.

There are a number of available legal avenues to ensure compliance as outlined within Council's Enforcement Policy, including:

- official warnings
- PINS (On the Spot fines e.g. parking tickets)
- Notices, Orders and other legal directives and
- Litigation through either the local or Land and Environment Courts.

Whilst it is preferred that co-operation is firstly sought and provided from land owners and occupants who may not be complying with Council's requirements, there will be instances where some form of enforcement action is required to achieve compliance. In these instances, each case will be assessed on its merits and an appropriate level of action will be taken.

A review of the current methodology in seeking compliance as outlined above as required in Council's Enforcement Policy has been undertaken. It would appear that the majority of the identified non compliances have been able to be resolved utilising this methodology without the need to commence formal litigation.

Consultation

This report has been provided for public information.

Options

The report is for noting only.

RECOMMENDATION

That Council notes the contents of the half yearly report for the Compliance Work Program for 2011/12.

Attachment(s)

Nil

8.4 Development Applications - Works in Progress

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
2010/278	6/11/2009	Ardill Payne & Partners	To Establish a dwelling/house site – No. 263 Sneebys Lane, East Wardell	Awaiting Additional Information
2010/892	05/10/2010	Ardill Payne & Partners	Residential subdivision comprising 73 lots and 2 residual lots, construction of roads and associated infrastructure works - Unara Parkway & Pacific Highway, Cumbalum	Awaiting Additional Information
2010/1067	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	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)	Being Assessed

8.4 Development Applications - Works in Progress

DA No.	Date Rec'd	Applicant	Proposal	Status
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, Pimlico and No. 120 Coolgardie Road, Coolgardie	Awaiting Additional Information
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
2011/320	22/07/2011	Ballina Shire Council	To change the method of extraction of an existing Extractive Industry "Ballina Airport Sandpit" from dry (excavation) to wet (dredging) and to change 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	Awaiting Additional Information
2011/321	22/07/2011	Chris Lonergan - 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	Determination Pending
2011/336	01/08/2011	Stanton Dahl	Extension and	Awaiting

8.4 Development Applications - Works in Progress

DA No.	Date Rec'd	Applicant	Proposal	Status
		Architects	Room Additions to a Residential Aged Care Facility, No. 15 The Avenue, Alstonville	Additional Information
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	Being Assessed
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	Awaiting Additional Information
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	Being Assessed
2011/380	30/08/2011	SJ Connelly CPP Pty Ltd	Four (4) Lot Residential Subdivision, Skennars Head Road, Lennox Head	Determination Pending
2011/383	01/09/2011	Ardill Payne & Partners	To Dedicate a Road Reserve and Construct a Public Road, Chilcott Circuit and Deadmans	Awaiting Additional Information

8.4 Development Applications - Works in Progress

DA No.	Date Rec'd	Applicant	Proposal	Status
			Creek Road, Ballina Heights Estate	
2011/388	02/09/2011	The University of Newcastle	Environmental Education Facility, Teven Road, West Ballina	Being Assessed
2011/391	02/09/2011	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	Awaiting Additional Information
2011/416	26/09/2011	Newton Denny Chapelle	Change of Use from a Macadamia Processing Facility to an Educational Establishment (Universal Medicine College) involving alterations to the existing building and carparking area, No. 37 Converys Lane, Wollongbar	Awaiting Additional Information
2011/426	30/09/2011	Ardill Payne & Partners	To Undertake a Torrens Title Boundary Adjustment Subdivision of 2 Lots, No. 198 Ballina Road, Alstonville	Awaiting Additional Information
2011/438	12/10/2011	G & M Couch	Fencing and Water Supply for Livestock, Goat Island, Wardell.	Being Assessed
2011/458	26/10/2011	Bunnings Group Ltd	Establishment of a "Bunnings" Hardware/ Warehouse Store, No. 507 River Street, West Ballina	Being Assessed
2011/463	01/11/2011	Chris Abbott	Boundary	Being

8.4 Development Applications - Works in Progress

DA No.	Date Rec'd	Applicant	Proposal	Status
		Surveying	Adjustment Subdivision to create Two Modified Lots, Lot 6 Hermans Lane, Pimlico	Assessed
2011/466	02/11/2011	Newton Denny Chapelle	Erection and Strata Title Subdivision of a Residential Flat Development comprising Four (4) Single Storey Attached Units, No. 20 Gibbon Street, Lennox Head	Determination Pending
2011/470	04/11/2011	SJ Connelly CPP Pty Ltd	Alterations & Additions to Gunundi, No. 70 Shelly Beach Road, East Ballina	Awaiting Additional Information
2011/476	04/11/2011	Kennedy Surveying	Two Lot Torrens Title Subdivision, No. 1 Higgins Place, Cumbalum	Being Assessed
2011/505	23/11/2011	All-Steel Garages & Sheds	Staged development of light industrial units, 28 Barlows Road, Ballina	Awaiting Additional Information
2011/506	23/11/2011	Chris Lonergan Pty Ltd	Regularise and expand existing caravan park from 55 sites to 178 sites and to construct new amenities block and recreation building, No. 440 South Ballina Beach Road, South Ballina	Awaiting Additional Information
2011/513	30/11/2011	S Cameron	Erection of 5 x Industrial Sheds, No. 10 Northcott Crescent, Alstonville	Awaiting Additional Information
2011/514	30/11/2011	Newton Denny Chapelle	Strata Subdivision (Boundary Adjustment), No. 41 Stewart Street, Lennox Head	Determination Pending
2011/515	30/11/2011	Newton Denny Chapelle	Staged Development - 5	On Exhibition

8.4 Development Applications - Works in Progress

DA No.	Date Rec'd	Applicant	Proposal	Status
			x Lot Subdivision for future cluster housing development and construction of public road, No. 565-589 River Street, West Ballina	
2011/517	02/12/2011	Victor Holmes Town Planning	Proposed Consolidation of Lots and Change of Use from a Church to a Dwelling, Pacific Highway, Newrybar	Referred to Government Departments
2011/519	02/12/2011	SJ Connelly CPP Pty Ltd	To Change the Use of Lots 52/53 SP 79299 from Tourist Accommodation to Residential Accommodation, Units 52-53/2 Martin Street, Ballina (Ballina Ramada)	On Exhibition
2011/523	06/12/2011	Ballina Netball Association	Advertising signage (club at Kingsford Smith Oval), 17-49 Owen Street, Ballina	Determination Pending
2011/524	06/12/2011	Ballina Tennis Club	Advertising signage (to promote tennis and activities), Burnet Street, Ballina	Determination Pending
2011/529	09/12/2011	United Petroleum Pty Ltd	Proposed 24hour Service Station and Associated Convenience Store, Car Wash Facilities, Car Parking, Signage and Related Works, 413-423 River Street, West Ballina	Awaiting Additional Information
2011/535	16/12/2011	Peter Carmichael	Erection of Industrial Shed, 38A Smith Drive, West Ballina	Awaiting Additional Information
2011/538	19/12/2011	Ardill Payne & Partners	Strata Title Subdivision of Residential Flat	Being Assessed

8.4 Development Applications - Works in Progress

DA No.	Date Rec'd	Applicant	Proposal	Status
			Building (4 units) and Alterations, 80 Burnet Street, Ballina	
2011/540	20/12/2011	Ballina Shire Council	Construction of a new Ballina Lighthouse and Lismore Surf Life Saving Club House and Patrol Building and associated bulk earthworks, vegetation removal and landscape works, Light House Parade, East Ballina	On Exhibition
2011/541	20/12/2011	Ballina Shire Council	Construction of a Surf Club Storage Building, 75 space carpark, bulk earthworks and landscape works; Cedar Crescent, Light House Parade & Compton, Drive East Ballina	On Exhibition
2011/547	21/12/2011	Northcott Society	Change of use to establish a transitional group home (accommodation for people with a disability) and facility to operate programs for people with a disability and associated administration, 27 Cawarra Street, Ballina	On Exhibition
2011/552	22/12/2011	Newton Denny Chapelle	Two Lot Subdivision to Create a 1 x 7.35 ha (approved Highway Service Centre) and 1 x 9.6 ha (residue) allotments, 565-589 River Street, West Ballina	On Exhibition
2011/554	23/12/2011	Ardill Payne & Partners	Alterations & Additions to Ballina Fair Shopping Centre, 84 Kerr	On Exhibition

8.4 Development Applications - Works in Progress

DA No.	Date Rec'd	Applicant	Proposal	Status
			Street, Ballina	
2011/555	23/12/2011	Michael Hajjar Surveying	Boundary Adjustment Subdivision, 90 Deadmans Creek Road, Cumbalum & 167 Southern Cross Drive, Ballina	Being Assessed
2011/560	23/12/2011	Geolink	Five buildings for Ballina Waste Water Treatment Plant, Fishery Creek Road, Ballina	Being Assessed

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
NIL				

Major Development (Determined by Minister)

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

RECOMMENDATION

That Council notes the contents of the report on the development applications submitted but not yet finalised as at January 2012.

Attachment(s)

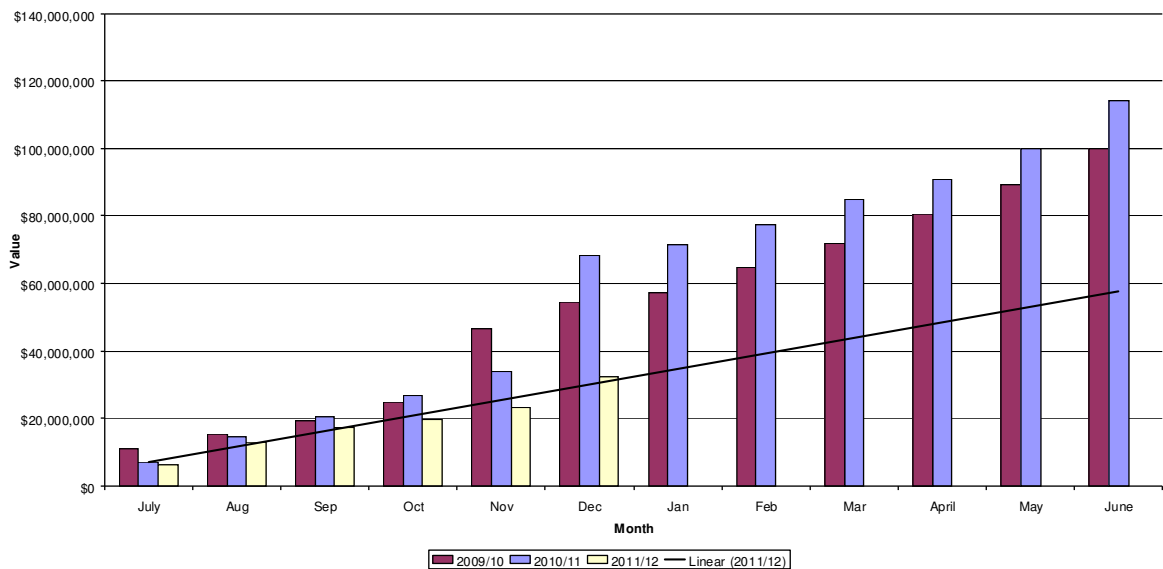
Nil

8.5 Development Consent Statistics - December 2011

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

Number of Applications	Value of Work
31 Other Building Related	\$ 6,725,000
14 Dwelling/Duplexes/Residential Flat Buildings	\$ 827,750
2 General Developments	\$ 1,600,000
Total Value	\$ 9,152,750

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 2011/12 to assist in the comparison.



RECOMMENDATION

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

Attachment(s)

Nil

9. Strategic & Community Services Group Reports

9.1 Ballina Community Services Centre - Renaming

File Reference	Ballina Community Services Centre
CSP Linkage	Transparent and accountable governance
Delivery Program	Community Planning
Objective	To seek Council's direction with respect to the renaming of the Ballina Community Services Centre

Background

Council considered the renaming of the Ballina Community Services Centre located on Bangalow Road at its November 2011 Ordinary Meeting. The consideration of the matter was prompted by a local resident who had indicated concern that there are two separate buildings in Ballina that are owned by Council with the name 'Ballina Community Services Centre'.

One of the buildings referred to is located at No. 89 Tamar Street. This building is currently occupied by the NSW Department of Family and Community Services as its administration centre. It has been established that the Department refers to all its administration buildings within NSW as Community Services Centres, prefixed by the name of the town in which the building is located. Consequently, the Department refers to the Tamar Street property as the Ballina Community Services Centre, even though it has not been officially named as such.

The other building is located on Bangalow Road in Treelands Reserve and is used for offices under lease by several organisations and also for the delivery of a diverse range of community services. It is also used by Council as a community meeting space. In considering the above, Council resolved as follows:

1. *That Council provides, in principle support, for the Ballina Community Services Centre located on Bangalow Road, Ballina to be re-named 'The Bernice Kentwell Community Services Centre'.*
2. *The Centre is being named after Ms Bernice Kentwell, who was a long term supporter of the concept for the centre and provided a significant financial contribution to the construction of the centre through her Estate.*
3. *The Centre is being renamed due to the clash of the current name with the Ballina Community Services Centre building at 89 Tamar Street, Ballina.*
4. *That the proposal to re-name the Centre be exhibited for public comment. If no objections are received, the name is considered to be adopted.*

In accordance with Council's resolution, public notice of Council's decision was provided and comment was invited between 1 December 2011 and 21 December 2011. This report outlines the outcome of the invitation for public comment.

Key Issues

- Benefits of a change in name for the Ballina Community Services Centre

Information

Council received one response to the invitation for public comment in relation to the proposed change of name for the Ballina Community Services Centre (**Attachment 1**). The submission raises an objection to the proposal to name the centre after Ms Bernice Kentwell on the basis that other parties substantially contributed to the realisation of the community centre.

Sustainability Considerations

- **Environment**
Not Applicable.
- **Social**
The proposal to change the name of the Bangalow Road facility aims to minimise the potential for confusion within the community with respect to the location of community facilities and the services offered by Council and the Department of Family and Community Services.
- **Economic**
Not Applicable.

Legal / Resource / Financial Implications

Proceeding with a name change for the Ballina Community Services Centre will incur some costs.

Consultation

As outlined above, the community was invited to comment on the proposed change of name.

Options

1. Bernice Kentwell Community Services Centre - Proceed to implement the 'The Bernice Kentwell Community Services Centre' as the name for the current Ballina Community Services Centre on Bangalow Road.

The renaming of the facility to 'The Bernice Kentwell Community Services Centre' will distinguish the site from the Tamar Street building tenanted by the Department of Community and Family Services and reflects the contribution of Ms Kentwell to the construction of the current Bangalow Road building. This approach is consistent with Council's November 2011 resolution.

It is acknowledged that there have been a variety of valuable contributions to the establishment of the Bangalow Road facility from within the community. However, on balance, it is fair to say that Bernice Kentwell was the major private financial contributor to the construction of the centre.

2. Alternate name - Apply an alternate name to the Ballina Community Services Centre on Bangalow Road.

Alternate names for the facility were canvassed within the November 2011 report and by Council in considering the renaming of the building at that time. It is open to Council to pursue an alternate name for the facility but this is not recommended.

3. No change - Retain the current naming of the Ballina Community Services Centre on Bangalow Road.

Council may cease further consideration of the renaming of the Bangalow Road facility and maintain the existing Ballina Community Services Centre naming applicable to the site.

Overall the change in name does not appear to be a major issue within the community and there has been limited confusion to date. The name endorsed at the November meeting by Council (i.e. the Bernice Kentwell Community Services Centre) is extremely long and will be difficult to signpost effectively on the building and other locations.

From a staff perspective there is no objection to Council not proceeding with this proposal due to the objection, particularly as Bernice Kentwell is already well recognised in the centre through the naming of a room.

However as Council did resolve to provide in principle support to change the name both the no change and renaming proposals are included as options for the recommendation.

RECOMMENDATIONS

Option A

That Council confirms its support for renaming the Ballina Community Services Centre located on Bangalow Road as 'The Bernice Kentwell Community Services Centre'.

OR

Option B

That Council, due to the objection received, and due to there being limited confusion in the community over the current name, not amend the current name for the Ballina Community Services Centre. Council also acknowledges that Bernice Kentwell is already well recognised in the Centre through the naming of a room in recognition of her financial contribution.

Attachment(s)

1. Letter of objection from Ms Patti Martell dated 14 December 2011.

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(s).

US12/01	<p>Temporary Licence Agreement for 12 month period, and Licence or Lease (beyond the initial 12 month term) between Ballina Shire Council as Manager of The Old Tintenbar Council Chambers Reserve Trust and Coffey Geotechnics Pty Ltd, for the occupancy of Area 2 of the Old Tintenbar Shire Council Chambers, Alstonville.</p> <p>Explanation: Coffey Geotechnics Pty Ltd has requested the lease/licence of Area 2 of the Old Tintenbar Shire Council Chambers building as recently vacated by Arts Northern Rivers, for an initial 12 month period. In order to expedite the process and enable Coffey to operate from the premises early in the new year, a Temporary Licence Agreement has been negotiated which will enable occupancy with the agreement of the Reserve Trust, but without the initial need for Crown consent/concurrence. Crown consent will be required for any lease or licence period beyond the initial 12 month term of the Temporary Licence Agreement, with a request for a term beyond 12 months anticipated. The temporary licence fee is \$7,600 per annum plus GST for the 53.12 square metre space.</p>
US12/02	<p>Licence Agreement: Ballina Shire Council to Paradise FM101.9 Community Radio Association Incorporated - Location of FM radio broadcast aerial on Council operational land at the water reservoir site located at Pine Avenue, East Ballina, being upon Lot 3 Section 91 DP 758047.</p> <p>Explanation: Since June 2001 the Licensee has located their aerial transmitter on Council land within the Pine Avenue Water Reservoir compound. The previous agreement has expired, and consent is now requested for a new 3 x 3 year term commencing 1 January 2012. The proposed Licence Fee is \$1,964 p.a. + December quarter CPI when released + GST. The Licence Fee proposed is concessional having regard to the broadcasters 'community status'. The commercial telecommunications providers on Council land pay licence fees of up to \$28,000 p.a. + GST. Council does have the option of setting an annual rental for Paradise FM101.9 Community Radio Association Inc. in excess of the proposed concessional rate if it so chooses.</p>
US12/03	<p>Licence Agreement between Ballina Shire Council and NSW Department of Primary Industries for the Wardell Jetty and Pontoon on Crown Land located near Lot 5 DP 667323 for a period of twenty years at a initial market rent of \$432.</p>

10.2 Investments Summary - December 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 December 2011.

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

The balance of investments as at 31 December 2011 was \$72,524,000. This represents an increase from December of \$2,059,000. The balance of the cheque account at the Commonwealth Bank, Ballina as at 31 December 2011, was \$438,550.

Council's investments as at 31 December are at an average (weighted) rate of 5.67% which is 1.16% above the 90 Day Bank Bill Index of 4.51%.

The majority of the approximately \$72 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

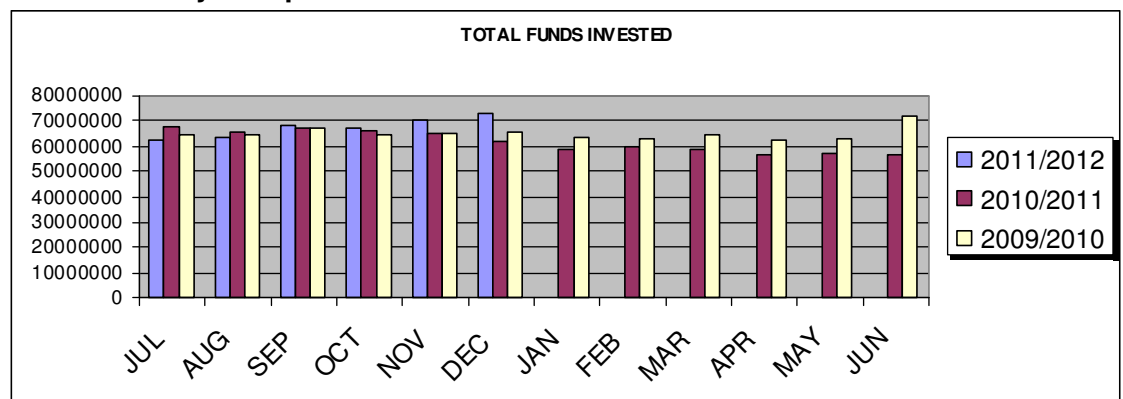
Information

A. Summary of Investments by Institution

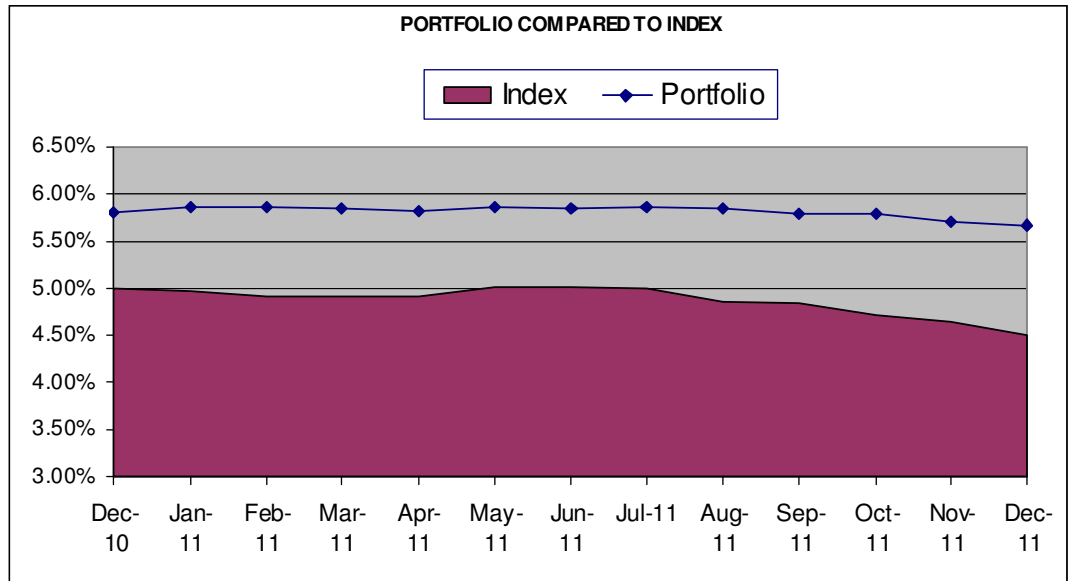
Funds Invested With	ADI Rating	Gov G'tee	Previous Month (\$'000)	Current Month (\$'000)	Quota %	% of Total	Total
Grandfathered Investments							
ANZ Bank	AA-	No	2,000	2,000	0	2.8	
Bendigo Bank Ltd	BBB	No	1,000	1,000	0	1.4	
Deutsche Bank	A+	No	4,000	4,000	0	5.5	
Goldman Sachs	AA-	No	1,000	1,000	0	1.4	
Heritage Building Society	BBB	No	3,000	1,000	0	1.4	
HSBC Australia	AA-	No	1,000	1,000	0	1.4	
Local Govt Fin Service	A	No	5,000	5,000	0	6.9	
Longreach Capital Markets 23	AA-	No	1,000	1,000	0	1.4	
Longreach Capital Markets 28	AA+	No	1,000	1,000	0	1.4	
Morgan Stanley	A	No	2,000	2,000	0	2.8	
National Australia Bank	AA	No	1,788	1,788	0	2.5	
National Wealth M'ment Holding	A	No	2,000	2,000	0	2.8	31%
Rated Institutions							
ANZ Bank	AA-	No	28	67	20	0.1	
Bank of Queensland	BBB+	Y-\$1m	5,000	5,000	10	8.3	
Bank of Western Australia	AA	Y-\$m	4,196	4,196	20	5.8	
Commonwealth Bank of Aust	AA	Y-\$2m	9,453	6,473	20	8.9	
Credit Union Australia	BBB+	Yes	2,000	2,000	10	2.8	
Illawarra Mutual Bld Soc	BBB	Y-\$1m	4,000	4,000	10	5.5	
ING Bank Ltd	A+		4,000	4,000	20	5.5	
Members Equity Bank	BBB	Y-\$1m	2,000	2,000	10	2.8	
National Australia Bank	AA-	Y-\$1m	3,000	10,000	20	13.8	
Newcastle Permanent Bld Soc	BBB+	Y-\$1m	2,000	1,000	10	1.4	
Suncorp Metway Bank	A	Y-\$1m	9,000	9,000	20	12.4	67%
Unrated ADI's							
Defence Force Credit Union		Yes	1,000	1,000	\$1m	1.4	1%
Total			67,278	72,524		100%	100%

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

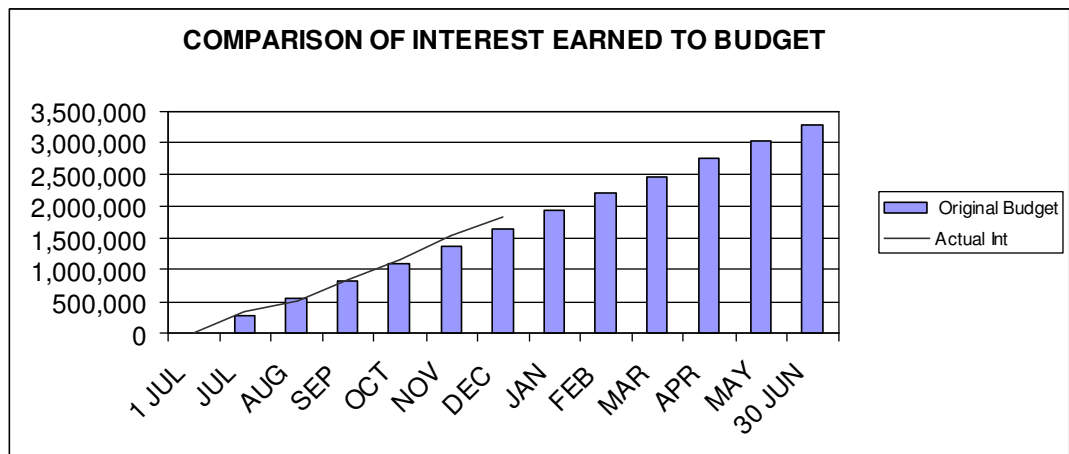
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



Comment

The Reserve Bank Board does not meet in January, which means the next meeting is on 1 February 2012.

Late December and early January economic data out of Europe and the United States has been encouraging and generally better than forecast, so perhaps markets were a bit too pessimistic in the last quarter of 2011. But, and it is a big but, the European debt crisis has not been solved, they have just kicked the can down the road a bit further, so 2012 looks like being a very interesting year.

There has been a sizeable increase in the amount of our investment portfolio (\$72m). This is due to the drawing down of the \$63m Sewer loan on a pre-determined monthly basis and \$20m has been drawn to December 2011. The unspent funds (currently \$9m) have been invested, with interest returning to Sewer Operations. The borrowing rate on these funds is 4.96% and it is pleasing to see that recent investments placed by Council have ranged around the 6% mark.

E. Investments Held as at 31 December 2011

Purchase Date	Issuer	Type	Rate %	Call or Maturity Date	Purchase Value \$'000
23/04/04	Deutsche Bank	FRN	5.72	23/04/14	2,000
23/04/04	Deutsche Bank	FRN	5.72	23/04/14	2,000
20/09/04	National Australia Bank	FRN	5.90	Perpetual	1,788
08/08/05	Morgan Stanley	FRN	5.33	08/08/12	2,000
12/04/06	Goldman Sachs	FRN	5.22	12/04/16	1,000
16/06/06	National Wealth M'ment Holdings	FRN	5.05	16/06/16	2,000
28/02/07	Longreach Series 23	IRLN	9.33	10/02/12	1,000
25/01/07	Local Govt Fin Service	CRI	5.23	20/03/12	5,000
28/06/07	Longreach Series 28	FND	0.00	27/06/14	1,000
21/09/07	Bendigo Bank	FRN	5.64	21/09/12	1,000
18/10/07	Heritage Building Society	FRN	6.02	18/10/12	1,000
18/10/07	ANZ Bank (FRN)	FRN	5.48	18/10/12	2,000
14/03/08	HSBC Australia Ltd	FRN	6.74	14/03/13	1,000
17/12/08	Commonwealth Bank of Australia	CRI	5.63	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	6.06	17/04/12	1,000
03/02/10	Commonwealth Bank of Australia	FND	4.20	At Call	3,477
11/07/11	Suncorp-Metway Bank	TD	6.22	09/01/12	1,000
20/07/11	ANZ Bank	FND	3.70	At call	67
27/09/11	BankWest	TD	5.80	27/03/12	3,000
27/09/11	Bank of Queensland	TD	6.00	05/01/12	2,000
27/09/11	Suncorp-Metway Bank	TD	5.90	05/01/12	1,000
28/09/11	Suncorp-Metway Bank	TD	5.90	04/01/12	2,000
04/10/12	Defence Force Credit Union	TD	6.00	02/04/12	1,000
04/10/12	ING Bank Ltd	TD	5.9	01/02/12	1,000
10/10/11	Illawarra Mutual Bld Society	TD	5.8	07/02/12	2,000
19/10/11	Illawarra Mutual Bld Society	TD	5.75	19/01/12	2,000
21/10/11	Suncorp-Metway Bank	TD	5.88	19/01/12	2,000
25/10/12	ING Bank Ltd	TD	5.99	22/02/12	2,000
28/10/11	Credit Union Australia	TD	5.95	27/01/12	1,000
28/10/11	Members Equity Bank	TD	6.05	27/02/12	1,000
31/10/11	Suncorp-Metway Bank	TD	5.86	30/01/12	1,000
01/11/11	Members Equity Bank	TD	6.10	04/01/12	1,000
02/11/11	Bank of Queensland	TD	5.96	31/01/12	2,000
05/07/11	ING Bank Ltd	TD	5.84	01/03/12	1,000
10/11/11	Suncorp-Metway Bank	TD	5.81	09/02/12	1,000
11/11/11	Credit Union Australia	TD	5.85	09/02/12	1,000
14/11/11	National Australia Bank	TD	5.90	14/03/12	1,000
16/11/11	BankWest	TD	5.60	14/02/12	1,196
28/11/11	Newcastle Permanent Bld Society	TD	5.80	27/01/12	1,000
30/11/11	Bank of Queensland	TD	5.80	29/03/12	1,000
30/11/11	Suncorp-Metway Bank	TD	5.90	28/02/12	1,000
30/11/11	National Australia Bank	TD	5.99	29/03/12	2,000
05/12/11	National Australia Bank	TD	6.10	05/04/12	2,000
07/12/11	Bank of Queensland	TD	6.00	06/03/12	1,000
20/12/11	National Australia Bank	TD	6.20	20/04/12	1,000
22/12/11	National Australia Bank	TD	6.20	23/04/12	4,000
Totals:					72,524
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 December 2011.

Attachment(s)

Nil

10.3 Councillor Attendance

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

Background

Councillor Cadwallader attended the Australian Local Government Womens Association Conference (ALGWA) in May 2011 where she was appointed to the Executive of the Association (NSW Branch).

The next Executive meeting is scheduled to be held on 18 February 2012 in Muswellbrook with the annual conference scheduled to be held 22 - 24 March in Dubbo. A copy of the conference program is attached.

Cr Cadwallader is seeking approval to attend both events.

Advice has been received that the Shires Association "A" Division conference is being held in South West Rocks on 7 and 8 February 2012.

The draft program for the "A" Division conference is as follows:

Tuesday 7 February

2.45 pm	Tour of South West Rocks Water Reclamation Plant
6.30 pm	Informal dinner

Wednesday 8 February

9.30 am	Business Session with conference generally concluding at lunchtime
---------	--

Councils are also being asked to submit any motions to the conference.

Key Issues

- Benefit of the meetings/conferences and cost

Information

Council pays an annual membership fee of \$200 to ALGWA together with annual membership fees of \$66 each for those female Councillors wishing to subscribe. Cr Cadwallader is a member. This gives individual Councillors voting rights at the annual conference.

There is no registration fee for the executive meeting. The registration fee for the conference is \$540 (before 24 February 2012). Airfares, accommodation, cab fares and some meals would be in additional costs.

The Shires Association is split into various regions across the state. Ballina Shire is a member of "A" division which includes the following membership:

Member Councils - Ballina, Bellingen, Far North Coast County, Kempsey, Kyogle, Nambucca, Richmond River County, Richmond Valley, Tweed

Associate Member Councils - Clarence Valley

The local division conferences consider motions submitted by the member councils with the conference then determining which motions will be forwarded to the state conference.

There is no registration fee for the "A" Division, however travelling and accommodation costs would be incurred.

Sustainability Considerations

- **Environment**
Matters of environmental, social or economic significance are typically discussed at ALGWA meetings and "A" Division conferences.
- **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

Approve or not approve the travel.

RECOMMENDATIONS

1. That Council authorises the attendance of Cr Cadwallader at the ALGWA executive meeting to be held on 18 February 2012 in Muswellbrook and the Annual Conference to be held in Dubbo from 22 - 24 March 2012.
2. That Council determine its attendees at the 2012 Shires Association "A" Division Conference.
3. That Council determine if it wishes to submit motions to the "A" Division Conference.

Attachment(s)

1. ALGWA Conference Program

10.4 Policy (Draft Review) - Corruption Prevention and Fraud Control

File Reference	Council Policies
CSP Linkage	Transparent and accountable governance
Delivery Program	Governance
Objective	To review the Corruption Prevention and Fraud Control 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 Corruption Prevention & Fraud Control policy.

Council first adopted this policy in July 2008.

Key Issues

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

Information

The review of this policy identified various changes including:

- The template for Council policies has changed since this policy was adopted and the new template includes information on definitions, policy history, related documents etc.
- Adjustment of the policy to mirror current practices relating to training, assessment and auditing. In particular since the original policy was adopted council has formed an internal audit committee and appointed an internal auditor.

A copy of both the current and proposed policies are attached.

Sustainability Considerations

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

Legal / Resource / Financial Implications

The policy looks to provide a framework of controls to prevent financial loss and corrupt behaviour.

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. 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 Corruption Prevention & Fraud Control 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. Current – Corruption Prevention & Fraud Control Policy
2. Review - Corruption Prevention & Fraud Control Policy

10.5 Flat Rock Tent Park - Fees and Charges 2012/13

File Reference	Asset Management/Caravan Parks
Sustainability Plan	Transparent and accountable governance
Management Plan	Asset Management
Objective	Obtain approval to exhibit the draft fees and charges for the Council operated Tent Park for 1 April 2012 to 31 March 2013

Background

The NSW Local Government Act requires councils to formally advertise and adopt their fees and charges prior to implementation. The majority of Council's fees are set each June as part of the annual Management Plan.

With Flat Rock Tent Park it is important that our customers are informed, well in advance, as to the fees for their next holiday during the following year and also meet important industry media advertising publications.

This report has been prepared to obtain Council approval to advertise this year's Tent Park fees. The period the fees are applicable for is 1 April 2012 to 31 March 2013 for tourist sites.

Key Issues

- Variations in fees
- Conditions attached to the fees

Information

The proposed fees have been formulated taking into account factors such as park facilities and standards, feedback from park managers and customers, industry comparisons and the latest consumer price index.

Changes to the booking and administration processes now include full payment when online reservations are made online, which is required to comply with the reservation system.

Sustainability Considerations

- **Environment**
Council needs to operate the tent park in a sustainable manner, taking into account any environmental impacts.

- **Social**

The tent park play a major social role in that people holidaying in holiday parks come from broad socio-demographic groups, and, especially in holiday season, there is a large social interaction of people.

- **Economic**

The tent park provides economic benefits to both Council and the broader business community.

Legal / Resource / Financial Implications

Council is legally required to exhibit and adopt its fees.

Consultation

The fees are to be exhibited for public comment.

Options

The options are to either adopt the recommendation to advertise the proposed fees as presented or amend the fees.

The preferred approach is as presented, as any changes are consistent with industry trends and competitors.

RECOMMENDATIONS

That Council authorise the exhibition of the draft Tent Park Fees for 1 April 2012 to 31 March 2013, as attached to this report, for public comment.

Attachment(s)

1. Draft Tent Park Fees 1 April 2012 to 31 March 2013.

10.6 Lennox Head Rural Fire Shed - Relocation

File Reference	Rural Fire Service
CSP Linkage	Resilient and adaptable communities
Delivery Program	Commercial Services
Objective	To determine how Council wishes to proceed with the relocation of the Lennox Head rural fire service shed.

Background

The construction of the Lennox Head Cultural and Community Centre created a need to relocate the Lennox Head Rural Fire Service Shed. As there was no long term solution to identify an alternative site Council obtained planning consent for the shed to be relocated temporarily to a site immediately opposite its original location in Mackney Lane, Lennox Head (location map attached).

The temporary relocation was intended to last for a maximum period of 12 months however in October 2010 Council approved a Section 96 application modification to the consent for the Lennox Head Community Centre, which allowed for a two year extension to the original 12 month temporary occupation. This two year extension will now lapse on 29 July 2012.

In addition to this Council has obtained development consent for the relocation of the shed to a site along the Coast Road (location map attached). This consent, being DA 2008/191, lapses on 27 November 2012, therefore if Council is going to enact these works, they will need to commence prior to that date. Unfortunately JALI Land Council has lodged an objection to Council using this site due to its close proximity to a culturally sensitive site.

The Coast Road site had been the only location that Council had been able to identify that did not result in objections from neighbouring residents and met with approval from the Rural Service Volunteers.

The only other site that was considered to have some possibility of being approved was along Ross Lane, near Fig Tree Hill (location map attached), but unfortunately the volunteers have verbally advised that this locality is too far from town and does not meet their needs. It should be noted that despite these concerns the Ross Lane site remains a viable option as it does meet any statutory needs, however the risk is that the volunteer service may lose its current membership if relocated to this site.

With all known options being reasonably limited, and there being time limitations, guidance is now sought as to which direction Council wishes to head in respect to the relocation of the shed.

Key Issues

- Lack of viable site options and Rural Fire Service Volunteer demands

Information

Staff have conducted an exhaustive list of land owned and controlled by Council in Lennox Head to try and identify an option that satisfies the demands of all parties. Unfortunately due to Council's limited land holdings in Lennox Head, and the fact that neighbours do generally not want a fire shed located near their properties, no suitable site has been confirmed.

In summary the options now remaining to Council are:

- a) Proceed with the Ross Lane relocation - Council has obtained approval from the Land and Property Management Authority to proceed with this option, as it involves the closure of a crown road, and a development application has been lodged. An Aboriginal Cultural assessment needs to be undertaken to further assess that application and that process has been put on hold as the volunteer members have verbally advised they do not support the site due to its distance from Lennox Head village.
- b) Proceed with the Coast Road relocation - Council has development approval, the site is supported by the volunteers, however JALI has lodged an objection to Council proceeding with this site. In an attempt to resolve any potential concerns with this site Council has written to both JALI and the National Parks and Wildlife Service to see whether there are any viable options that could compensate for the relocation of the shed to the site, but unfortunately Council has not received any formal response to this correspondence.
- c) Continue to try and find another site - The work conducted to date has been exhaustive and various media reports have also highlighted Council's need for a suitable site. Unfortunately no other viable alternative has been identified to date.
- d) Retain the shed at the current Mackney Lane site - Council has previously given commitments to residents that the shed would be relocated, as per the temporary occupation approvals. One final option could be to submit a development application for permanent use of the current site, with Council providing a strong commitment to ensure appropriate plantings / bufferings / landscaping etc are completed to minimise the impact of the shed on adjacent properties.

The fact that the shed has been located on its current site for over two years now provides hope that residents may not have the same concerns that they previously had in respect to the operation of the shed. Council could potentially also use this opportunity to formalise car parking on this land, which is actually operational land owned by Council. The car parking on the land is required as part of the consent for the Community Centre.

Sustainability Considerations

- **Environment**
Any relocation needs to address any environmental concerns.
- **Social**
The provision of rural fire services has a significant social component in that the members are volunteers from within the community.
- **Economic**
There are costs to be incurred with any relocation.

Legal / Resource / Financial Implications

The Lennox Head Community Centre budget has approximately \$50,000 remaining to finalise the relocation of this shed.

Consultation

There has been on-going consultation with a wide range of parties including the Rural Fire Service Volunteers, the Land and Property Management Authority, JALI and private property owners in an attempt to resolve this matter.

Options

The options have been outlined in the information section of this report. Both the Ross Lane and Coast Road options will result in disgruntled parties and should only be pursued if all other viable options have been exhausted. The option of finding another site is currently not a viable option as all known sites have been evaluated and dismissed.

This leaves the possibility of Council submitting a development application for permanent occupation of the current site. Even though there is a risk that this could result in objections from neighbours it is considered that Council should pursue this option by preparing a development application that has a strong focus on mitigating neighbour impacts and promoting intensive landscaping and formalised car parking that may in fact result in an overall improvement of the site.

The lodgement and assessment of a development application will then allow Council to assess feedback on this proposal. If ultimately Council resolves not to approve such an application it will then be a matter of Council determining which of the Coast Road and Ross Lane options is the best outcome from a whole of community perspective.

As part of the preparation of this new application consultation can also be undertaken with the residents to address any concerns that may arise. If the level of concerns are substantial Council staff may resubmit this matter back to Council prior to the lodgement of the development application to determine whether Council wishes to proceed with further costs that would be incurred in lodging and processing the application.

RECOMMENDATIONS

1. That Council approves the preparation and lodgement of a development application to allow the permanent occupation of the Lennox Head Rural Fire Service Shed on the current site at Mackney Lane, Lennox Head.
2. This application is to focus heavily on measures such as landscaping to mitigate any potential detrimental impacts (i.e. visual amenity, noise) that the location of the shed may have on adjoining residential properties.
3. Formalisation of car parking on this site is also to be addressed as part of this application.
4. As part of the preparation of the development application consultation is to be undertaken with the adjoining residents to provide an opportunity to address any concerns that may arise. If the level of concern is significant then the General Manager is authorised to resubmit this matter back to Council, prior to the lodgement of the application, to determine whether Council wishes to proceed with this proposal.

Attachment(s)

1. Locality Plan - Cnr Mackney & Park Lane & Byron Street, Lennox Head.
2. Locality Plan - Coast Road, Lennox Head
3. Locality Plan - Ross Lane, Lennox Head

10.7 Richmond Tweed Regional Library - Structure

File Reference	Richmond Tweed Regional Library
CSP Linkage	Resilient and adaptable communities
Delivery Program	Libraries
Objective	To further examine options for the management of the Richmond Tweed Regional Library

Background

At the August 2011 Ordinary meeting Council considered a report on options for the future management of the Richmond Tweed Regional Library (RTRL). The recommendation in that report asked for Council support, in principle, to sign the draft RTRL agreement, which was based on the administrative model, with Lismore City as the administering council, for the future management of the RTRL.

In considering that recommendation Council requested further information on both the county council and in-house models prior to making a final decision. The report that follows provides details on these two options.

Key Issues

- Model options
- Benefit / cost of each option

Information

The report to the August 2011 meeting provided a copy of the draft agreement for the management of the RTRL under the administrative model. The draft agreement had been prepared following consultation with the RTRL members and the NSW State Library.

The proposed administrative model had been the preferred approach based on a report prepared by the AEC Group on behalf of the RTRL members in 2009. That report had identified that the three options available, at that time, were:

- a) The formation of a county council

b) The administrative model

This model involves one council employing all the library staff (approximately 60 EFT) and providing all the library services. The model then relies on that council providing those services based on service level agreements (SLAs) with all the member councils. The SLAs need to be negotiated between the members and the administrative council then charges the members for the provision of those services.

c) The shared services model

Under this model the member councils deliver specific elements of the library service, with possibly one council providing some centralised services. The centralised services could include items such as procurement, operation of the mobile library service etc and the other member councils would then provide the remaining elements, one example being the direct employment of staff.

The RTRL has now been operating under the administrative model for approximately 18 months with Lismore City providing the administrative services, albeit that there is no formalised agreement currently in place for these arrangements.

The report to the August 2011 Council meeting outlined that there were 19 other regional library arrangements between councils in NSW with eight operating under the administrative model, nine the shared services model and one as a separate legal entity.

To ensure that this report covers all known options the advantages and disadvantages of the administrative, shared services, in-house and county council models will be reviewed.

Administrative Model

Advantages

- Centralised services that should result in more consistent delivery standards
- Avoids the need for duplication of corporate knowledge on library systems, along with associated staff resources, across the member councils
- Potential operational efficiencies through the centralisation of services
- Provides sufficient economies of scale that justifies the employment of specialised library positions, such as a regional co-ordinator / manager, loan co-ordinators, genealogist etc.

Disadvantages

- One council carries the entire workload and has to provide all the administrative processes such as staff management, office equipment, book stock, policies, procedures etc
- Local Government Act requires the Administrative Council to have the delegated authority to manage the libraries on behalf of the other councils, resulting in the other members having no direct control over those functions, albeit they have indirect control through SLAs.

- As demonstrated by the current debate accusations of inefficiency or inappropriate management practices can be made against the administering council, by either members of the public or councillors.

Costs

The cost of this option is as per the current RTRL budget. The 2011/12 RTRL library contribution for Ballina is as per the following table.

Table One - 2011/12 RTRL Budget

Item	Ballina	Byron	Lismore	Tweed	Total
Branch Costs - Salaries	661,000	562,000	767,000	945,000	2,935,000
Mobile Library Costs	18,000	36,000	56,000	67,000	177,000
Book Stock	230,000	174,000	241,000	494,000	1,139,000
Computer System	72,000	64,000	86,000	113,000	335,000
Head Office	186,000	141,000	195,000	400,000	922,000
Total	1,167,000	977,000	1,345,000	2,019,000	5,508,000
Percentage Contribution	21	18	24	37	100
Per Capita	\$26	\$28	\$29	\$22	\$26

Details of costs included in each of these items are as follows:

- Branch Costs - Salaries - Employee costs for each library in the local government area. The salary figures include oncosts, which means you would need to reduce the figures by approximately 30% to obtain the actual annual salaries paid
- Mobile Library Costs - Includes staff salaries, motor vehicle costs plus transfers to reserve for future asset replacement
- Book Stock - Includes salaries for acquisitions and cataloguing staff (\$213,000) with the balance (\$925,000) relating to purchases, licences, subscriptions and internet - On a pro-rata basis the Ballina Council portion of the salaries equates to \$43,000.
- Computer System - Includes salaries (\$127,000) plus hardware and software costs - On a pro-rata basis the Ballina Council portion of the salaries equates to \$27,000
- Head Office - Includes salaries directly involved in the management of the libraries (\$817,000) plus other overheads. On a pro-rata basis the Ballina Council portion of the salaries equates to \$186,000.

The salary figures are important in comparing the costs that Ballina Council would need to incur in providing our own library service.

A complete copy of the RTRL 2011/12 budget is included as an attachment to this report.

County Council Model

When the options were originally being evaluated there was general agreement from the members that the State Government was moving to reduce the number of councils and there was unlikely to be support for the formation of a new county council for library services.

In order to clarify the new State Government's position Council wrote to the Division of Local Government (DLG) in August 2011 seeking information on this issue.

A copy of the DLG's response is included as an attachment to this report.

In summary the correspondence is saying that such a proposal must be supported by a sound business case, which demonstrates that this model is the most delivery and cost effective for the community. Even if this case is presented, the Minister for Arts and Minister for Local Government must also then agree to the proposal.

Advantages

- Member councils equally represented
- All councils have equal authority to manage the delivery of library services for all member councils
- Local Government Act provides authority as a legal entity, which in turn allows the county council to employ staff and to undertake all actions necessary to operate the library

Disadvantages

- Bureaucratic structure that comes with associated costs

Costs

It is difficult to assess what the costs of providing the library service would be through the county council model however the 2009 AEC report provided the following estimates for the three preferred models, for 2009/10.

Model	Total Cost
County Council	\$5.5 million
Administrative Services	\$5.3 million
Shared Services	\$5.3 million

In summary the county council model was anticipated to cost an extra \$200,000 per annum then the other two options considered.

A county council is a separate legal entity and must comply with virtually all the same provisions of the Local Government Act (LGA) as does a general purpose council. However there are some variations, with the major items being:

- Part 1 of the LGA - the provision of various goods and services is limited for a county council to their specific role
- Divisions 1 and 2 of Part 2 of Chapter 9 - this section relates to how councils are established
- Chapter 10 - relates to the election of councillors
- Section 365 - County councils are not required to meet at least ten times per annum as are general purpose councils
- Parts of Chapter 15 - This chapter relates to the making and levying of ordinary rates, which are not relevant to a county council.

With these being the only exemptions, the county council for a library service would need to:

- a) Pay fees to Councillors - The current maximum allowances for the classification of "County Council - Other" are \$9,080 to the Chairperson and \$4,980 to each delegate - Assuming there are two delegates this represents an expense of approximately \$10,000 for Ballina that is currently not incurred and assuming that all members have two delegates the additional cost is approximately \$50,000.
- b) Appoint a General Manager - It would be assumed that this would also be the position of Regional Library Manager, however as this position would undertake a wider range of responsibilities than a typical Library Manager the total remuneration package may need to be increased by at least \$10,000 to \$20,000 per annum.
- c) Appoint a responsible accounting officer and a public officer. These two positions may need to be filled by the General Manager, dependent on the staff available, which could lead to concerns regarding a lack separation of duties and responsibilities.
- d) Prepare a four year delivery program and annual operational plan. There would also need to be regular reports to Council on these documents.
- e) Prepare an annual budget and complete a set of annual financial statements, with the annual statements having to be externally audited. The annual financial statements would need to be far more comprehensive than the statements currently prepared for the library operations.
- f) Prepare regular cash and investment reports.
- g) Provide independent web sites and information distribution channels.
- h) Adopt a Code of Meeting Practice, Code of Conduct and a Councillor Expenses Policy.
- i) Complete an Annual Report.
- j) Council reports would need to be prepared annually on matters such as senior staff contract conditions and Code of Conduct complaints. The Councillors would also need to conduct six monthly and annual performance appraisals of the General Manager.
- k) Implement an award compliant salary system, along with an annual training plan.
- l) An annual Government Information (Public Access) Act 2009 publication would need to be produced.

This is only a small sample of the various tasks that a general purpose council needs to undertake. Whilst ever the library service is provided through an existing council there are significant economies of scale in the preparation of these documents and reports. However, if they are to be re-produced for a

separate stand alone entity, then there will be increased costs from this duplication. These costs will relate mainly to staff time and additional staff resources, but there will also be increased external costs through items such as additional advertising.

It is extremely difficult to place an estimate on the costs of this extra work, but generally speaking the \$200,000 estimate provided in the 2009 AEC report would seem to be a reasonable estimate, albeit that it would not surprise to see the actual figure higher. On a pro-rata basis for Ballina the increased costs of \$200,000 equates to \$42,000 based on our current proportion of total RTRL expenditure being 21%.

One of the key questions for a new county council would be the role of the elected representatives. A review of the former RTRL Committee's agendas and minutes over the years highlights that the majority of the information presented related to updates on the performance of the various branch libraries.

Certainly this information is important, as the library operations are primarily focused on service delivery, and a key role is to monitor the effectiveness and efficiency of that service. However to then translate the need for this type of reporting to justify a county council is not logical as this type of reporting can be quite easily achieved without the need for such a formalised structure.

The draft RTRL agreement, as presented to the August 2011 meeting, includes clauses that require similar sorts of reports to be presented to the member council's library delegates and there should be no concerns that this type of reporting will not continue to occur under the administrative model or even a shared services model.

In looking at the county council model it is worthwhile examining the Rous Water, Richmond River and Far North Coast Weeds County Councils and the other General Purpose Councils in respect to governance and administration costs. The operating expenses for those items, as per Schedule One of the Annual Financial Statements Special Schedules for the 2009/10 financial year are as follows:

Table Two - Comparison of Administration Expenses - 2009/10

Council	Gov & Admin (\$'000)	Operating Exps (\$'000)	Percentage of Op Exps
County Councils (1)	5,656	26,994	21
Ballina	4,889	62,908	8
Byron	5,325	65,879	8
Lismore	5,831	88,421	7
Tweed (2)	24,733	148,206	17

(1) As the three county councils operate from the same organisation the financial statements for the three entities have been consolidated for the purposes of this table

(2) Discussions with Tweed Council confirmed that they allocate a number of workshop and depot based positions in the administration function which is different to the other general purpose councils. This then translates to a higher percentage for this council.

As a general comment it is fair to say that the operation of a county council generates a certain level of core fixed administration and overhead costs that then need to be spread over the operations of that organisation. Increased turnover helps to spread those costs further.

This being the case, if the county council was the preferred option, it would be far better to integrate the new library county council into the existing county councils to avoid a further duplication of administration. Both Richmond River and Far North Coast Weeds benefit from Rous Water providing the administrative services for those councils and a similar service could be provided by Rous for the proposed Library County Council.

Alternatively the administrative services for the proposed county council could be provided by one of the General Purpose Councils.

For example, as is occurring now, Lismore City Council could continue to provide the library services, with the General Manager of Lismore City Council also acting as the General Manager of the Library County Council. Meetings of the Library County Council could be held at Lismore City Council and the typical increase in overheads that normally occurs with a new county council could be minimised by integrating the operations of the library into Lismore City Council's operations.

Shared Services (In-house Model)

The shared services model can vary significantly dependent on the level of services provided by each council and to some extent it can also be seen as an in-house model. The current arrangement is somewhat of a shared services model in that all the member councils provide the library buildings, with one council then providing the administrative and management functions.

Council has asked for an analysis of the in-house model, however even if Ballina Council directly provided the majority of the library services, there may still be elements that should be provided on a shared basis with the other member councils. For example currently library members have access to a large book stock that exists across the region. It would be a major step backwards if that access was no longer provided.

Therefore a shared services / in-house model could be that Ballina Council employs all the Ballina Shire based staff and the management of the book stock is provided on a regional basis. Dependent upon the level of services that Council wished to provide in-house, matters that would need to be addressed include:

- Transfer Ballina Shire library staff to Council's salary system
- Recruit and appoint staff to undertake any technical services currently provided by Head Office staff for the RTRL - Examples of the type of work undertaken by Head Office include cataloguing and purchasing of the book stock and related information
- Consideration would need to be given to whether resources should be allocated to specialist type services that are currently provided such as genealogy
- Management of the various subscriptions, databases used by the libraries
- Development and adoption of library policies and fees/charges

- Establishment of a library website and internet access
- Negotiate a share of the existing RTRL assets and liabilities.

It is interesting to note that Nambucca Council considered a report on options in respect to the Clarence Regional Library (CRL) in 2010. Nambucca, Bellingen and Clarence Valley councils are members of the CRL, with Clarence being the administering council. Comments included in that report, as provided by Ms Leanne Perry of the State Library were as follows:

“...There are a number of considerations Nambucca would need to think about if they were to withdraw from CRL:

- *Nambucca is currently reliant on Clarence Regional Library for their library system, this means that within that library system there a membership data, collections records and the public catalogue. To either change library systems or extract library membership records from within one library's system and move them to another takes a significant amount of time and can be a complex procedure. Library members would also require reasonable notification of changes to membership rights and borrowing privileges across the region and new cards would need to be issued to all Nambucca members. If an alternative library system vendor was selected = to provide the system for Nambucca, it is likely that all existing members would need to be re registered within that system.*
- *Nambucca is also currently reliant on CRL for the procurement and cataloguing of library collections. The process for segmenting and allocating the proportion of the collection across the different library services can be complex. Nambucca Shire Libraries would also need to develop clear policies and procedures around future collection development, procurement and cataloguing.*
- *Collection management and library system management require significant resources and Nambucca would need to consider current staffing levels and the capacity of staff to undertake additional work in this area as well as the mix of skills.*
- *NSW.net database remote access for the public is based on membership card barcode. Setting up new access for your patrons would need you to have a library system and website already established. Potentially Nambucca residents would lose access to this service while the set up is occurring.”*

The same types of issues would also need to be considered by Ballina Council.

The Nambucca report also examined comparative library costs as per the following table.

Table Three - Comparative Library Costs

Council	Form Of Delivery	Net Operational Cost 2010/11	Per Capita Cost (Population)
Coffs Harbour	Stand Alone	\$1,522,476	(71,677) \$21.24
Kempsey (1)	Stand Alone	\$725,928	(29,331) \$24.75
Clarence Valley	Regional	\$1,404,651	(51,007) \$27.54
Port Macquarie (1)	Stand Alone	\$2,152,853	(75,104) \$28.67
Nambucca	Regional	\$619,500	(19,186) \$32.29
Bellingen	Regional	\$450,700	(13,153) \$34.27
Armidale	Stand Alone	\$1,608,193	(25,228) \$63.75

(1) Both Kempsey Shire Council and Port Macquarie Hastings Council operate independently in that they have a Co-Operative arrangement where they share their computer catalogue network which is located in Port Macquarie and pool their annual book votes to purchase books. The Co-Operative arrangement entitles residents of Kempsey to borrow from the Port Macquarie Hastings Libraries and vice versa. Both Council's provide their own staff resources, own their own books and are responsible for their own buildings, fittings and Fixtures. The Co-Operative approach has been in place for some 20 years. The Co-Operative is not a **Regional Library Agreement**.

As a guide the net operating cost for Ballina for library services in 2010/11 was \$1,134,000. Based on a population of approximately 42,000 this equates to a per capita cost of \$27. This is a reasonably competitive figure as compared to other arrangements as per table three.

In considering the shared services / in-house model it is important to examine the current allocation of costs to Ballina, as per Table One of this report, with particular emphasis on the salaries component; i.e.

Table Four - Ballina RTRL Library Costs and Salary Component

Item	Ballina	Salary Component
Branch Costs - Salaries	661,000	661,000
Mobile Library Costs	18,000	0
Book Stock	230,000	43,000
Computer System	72,000	27,000
Head Office	186,000	186,000
Total	1,167,000	917,000

Assuming the branch salary costs would still need to be incurred, Council would have \$256,000 (being \$917,000 less \$661,000) (including oncosts) to allocate to additional human resources.

The key areas to allocate this funding would be for:

- a) Book stock management; i.e. cataloguing, purchasing, collection management related services
- b) Computer System - Information technology support
- c) Head Office - Overall co-ordination of the library service

Comments on each of these items are as follows.

Book Stock Management (\$43,000)

The current salary resources allocated to book stock management through the RTRL, as per the attached RTRL budget, are \$100,000 for acquisitions and \$113,000 for cataloguing. These figures include oncosts and equate to approximately four full time staff. On a pro-rata basis Ballina Council would most likely need to employ one full or part time staff member to provide these services. The funding allocated would only provide for approximately three days per week.

Computer System - Information Technology (\$27,000)

The RTRL budget identifies that Ballina Shire Council has 29 personnel computers provided as part of the library service. Council's Information Services section is currently struggling to meet the ever increasing demand for technology and if the library service was provided in-house it would be recommended that an additional full time network support officer be engaged.

This could cover the library service plus help to pick up some of the current backlog. The estimated cost of this position would be approximately \$70,000 including oncosts. Some of this cost would be charged across the organisation to self funded areas such as water, waste and wastewater as part of the role of supporting the entire network.

The major issue with information technology would be to ensure that Council staff have the necessary experience to manage the software used by the libraries. Currently there is a dedicated specialist providing that service and Ballina Council staff have no expertise with that system.

Head Office (\$186,000)

The current RTRL Head Office budget includes the following positions:

Description	Hours
RTRL Manager	35
Acquisitions Assistant	42
Children & Youth Technician	35
Clerical Officer	21
Administration Assistant	9
Courier	35
Human Resources Officer	21
Inter-Library Loans Officer	35
Finance Officer	35
Human Resources Support Officer	35
Spydus Co-ordinator/Trainer	14
Technical Services Manager	35
Children's Services Assistant	7
Seniors Services Technician	21
Genealogy Assistant	21

This list is one of the benefits of having a regional approach in that if Council provided the service on a stand alone basis we would not have sufficient funding to offer the range of services currently provided.

There could be potential savings in that positions such as the Human Resources and Finance Officers identified may not be needed in that Council could provide these services from within our existing resources.

As a minimum we would still need to employ some form of library co-ordinator position to provide supervisory support and strategic direction, along with engaging additional administrative support, which could quite quickly absorb the funding currently allocated.

Importantly, as mentioned earlier, Council would need to make a decision on whether or not it still wished to pool certain services for the region; i.e. share the book stock. If this was the case there would still be a need for a central council to employ positions such as the Inter-Library Loans Officer, Acquisitions Assistant and possibly more positions to co-ordinate that function. This would then reduce the funding available for Ballina Council to employ our own dedicated staff.

There would also be one off costs in providing the service in-house as it understood that the cost of purchasing the equipment needed for cataloguing is in excess of \$100,000 and it makes sense to share this type of equipment, and the appropriate resourcing, on a regional basis.

The report to the August 2011 meeting highlighted that there were nine arrangements across the State where councils were providing library services based on the shared services model. The examples of this were as follows.

1. Newcastle Regional Library (Newcastle, Dungog, Gloucester and Port Stephens)

Each individual council separately administers its own library/s (including the employment of staff). They are separate entities with separate budgets. All libraries in the region share books only and all councils contribute to this.

Regional Library Committee in place with one Councillor elected from each Council.

2. North Western Regional Library (Warren, Bogan, Coonamble and Gilgandra)

Each individual council separately administers its own library/s (including the employment of staff). They are separate entities with separate budgets. All libraries in the region share books only, and all councils contribute to this – the North Western libraries are very small with only 1.5 full-time positions each.

Library Committee in place - One representative from each Council. Meet annually.

3. South West (Young, Boorowa and Harden)

Currently have a new agreement in place with the three shires. The previous entity was illegal. Each council makes a per capita annual contribution. Staff are employed by the respective councils.

Young Shire has a Section 355 Library Committee in place. Meet a minimum of four times per year.

4. Southern Tablelands (Goulburn Mulwaree, Upper Lachlan and Yass Valley)

Goulburn Mulwaree is the executive Council with each Council making an annual per capita contribution. Staff are employed by the individual councils.

Library Committee in place - Two representatives from each Council. Mixture of Councillors and staff. Meet quarterly and has an additional budget meeting in April.

5. Upper Hunter (Muswellbrook and Upper Hunter)

Each council administers the local library branches. Upper Hunter manages five branches, Muswellbrook two branches. Staff are employed by the individual councils, except the technical services staff who are employed by the Upper Hunter Regional Library network. Administration for the book collection is done by Muswellbrook Council. Finances are done by Upper Hunter.

A Library network committee is in place and meets monthly. This committee consists of staff and discusses operational issues only. No other Library Committee is in place.

6. Western Riverina (Griffith, Carrathool, Hay, Jerilderie, Murrumbidgee and Narrandera)

Griffith Council is the executive council with each Council making an annual contribution on a per capita basis. Staff are employed by the respective Councils.

Library Committee in place - One delegate from each council. Meet twice per year.

7. Clarence (Clarence Valley, Bellingen and Nambucca)

Clarence Valley is the executive council with each Council making an annual contribution. Library headquarters staff are employed by the executive Council (Clarence). All other staff in the branches are employed by the respective councils.

Library Committee in place - Two representatives from each Council. Meet four times per year.

8. Monaro (Cooma-Monaro, Bombala and Snowy River)

Cooma-Monaro is executive council with each Council making an annual contribution on a per capita and floor space basis. Cooma Monaro employs regional library staff for Cooma. Bombala employs their branch library staff.

Snowy River doesn't have a library branch but utilise the mobile library and pay on an hourly basis for this.

Library Committee in place - Meets quarterly.

9. Northern (Moree Plains, Brewarrina, Gwydir, Walgett, Bingara, Wyallda, Lightning Ridge, Mungandai) - now called North West Slopes & Plains Co-operative Library Service

Moree Plains Council is the administrative council. All councils make an annual contribution. Headquarters staff and Moree branch staff are employed by Moree Plains Council. All other staff are employed by the respective councils.

Library Committee in place - Councillor delegate from each Council. Meet twice per year.

Discussions with councils such as Newcastle and Clarence Valley confirmed that the shared services model works well, with each council resourcing their own libraries and the shared services then focusing only on those activities that are delivered more effectively on a centralised basis (i.e. book sharing).

It was interesting to note that with the Newcastle Regional Library all the member councils purchase their own books and these books are stamped with that council's name to ensure that there is no doubt over who actually owns each book.

This is one of the major issues with the current RTRL book stock in that historically there has been no division or allocation of books to the individual member councils. Therefore any splitting of the RTRL will require this issue to be addressed.

The major point of difference with all the councils involved in the shared services model is that they employ their own dedicated library staff. This could well be a model that Ballina wished to pursue in that some of the current concern appears to be the sheer magnitude of funding that is being paid to the administrative council, which then raises concerns, with some individuals that the funds are not being allocated appropriately.

If Ballina Council employed our own staff this would reduce our contribution significantly. The services to be shared could then be considered on a case by case basis.

State Library

Following a notice of motion Council wrote to the NSW Library in November 2011 seeking information on options for the future management of the RTRL. The State Library has subsequently written back advising that there is no additional information available other than that previously presented to Council. A copy of that correspondence is attached.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Libraries are a key part of the social fabric of any community.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

In respect to legal implications the draft agreement is considered to protect the interests of both the participating and administering councils.

In respect to resources a significant amount of staff time has been committed to making sure the former RTRL structure can now be legalised.

In respect to finance Council makes a contribution of over \$1m per annum to the RTRL therefore it is important that we have the appropriate governance structure in place.

Consultation

There has been significant consultation amongst the RTRL delegates, Mayors and General Managers on this proposal. The RTRL staff have extensively been consulted on their new staffing arrangements with Lismore.

A further meeting of the member councils is scheduled for 7 February 2012.

Options

It is acknowledged that there is a meeting of member councils scheduled for February 2012. Nevertheless it would be extremely useful to attend that meeting with a preferred position of Council. For example Tweed Council has already resolved to support the administrative model.

In reviewing this report, the preferred option is either the administrative model or a shared services (in-house) model. The county council model is not supported due to the extra costs involved and the fact that it creates an overly bureaucratic structure for a single service delivery function. Therefore it cannot be supported from a staff perspective, albeit that it may meet certain needs at a political level.

The administrative model has been now operating for a reasonable period of time with Lismore Council providing the centralised services. During this period the information that Council staff have now been able to source from Lismore City Council has significantly improved as compared to previous arrangements.

A key issue for Council in respect to this model is whether or not we are receiving value for money for the services provided. In reality this is quite easy to check on a regular basis as library per capita statistics across the State are readily accessible.

Table three, as outlined earlier in this report, provides a benchmark figure which highlights that the current cost of the service is more than comparable to other service providers.

The opposition to the administrative model appears to be emanating from individuals who are claiming that their councils have "lost control". This claim is not supported by Council staff, as the proposed RTRL agreement and the eventual service level agreements will provide Ballina, as a customer of Lismore City Council, with the ultimate authority to determine whether or not we wish to continue with that agreement. If over time the administrative council proposal does not operate effectively then that would be the time to pursue an alternative model.

In respect to the alternative model the preferred approach would then be to implement a shared services / in-house model. With this approach Ballina Council could determine the services we wish to provide in-house (i.e. library staff, finance, human resources, information technology etc) and then evaluate which services we would prefer to see provided through an agreement with the member councils (assuming there are still members interested in sharing services).

There would be a lot of detail to be worked out as part of this process and at a minimum such a review would take at least 12 to 18 months. The shared services model can work, as demonstrated around the State, and the benefits are that it reduces the reliance on one council, which in turn limits the funding needed to be paid to that council.

In conclusion there has been a multitude of information presented to the member councils on structure options for the RTRL. The NSW State Library has confirmed that they have no additional information to provide and have also helped draft the proposed RTRL agreement.

Ultimately Council must make a decision on this issue. The facts are that the RTRL is currently operating very effectively through Lismore City Council and the service is being provided on a competitive price per capita. The State Government continues to espouse the need for councils to work together and the current arrangements are a demonstration of the member councils doing just that. To have this undone, for reasons that have not been demonstrated to be based on any facts, would be a poor indictment on the ability of councils in this region to work on a collaborative basis.

This being the case it is recommended that the administrative council model be endorsed as Council's preferred structure, however if agreement is not able to be obtained from all the other members, or sufficient members to ensure the sustainability of the service, the preferred fall back position is the shared services model, with the division or allocation of those services to be subject to further negotiations. The shared services model would then allow Council to determine the level of services it wishes to provide in-house.

RECOMMENDATIONS

1. That Council, based on the contents of this report, confirms that its preferred structure for the current operation of the Richmond Tweed Regional Library is through the Administrative Council model.
2. If the Administrative Council Model is not supported by a sufficient number of member councils to ensure the sustainability of the Richmond Tweed Regional Library service then Council's preferred position is to work towards a Shared Services model with the level of in-house and shared services to be determined through further negotiations with the existing members.

Attachment(s)

1. Response from Division of Local Government
2. Response from NSW State Library
3. Calculation of Council Contributions 2011/12

10.8 Capital Expenditure - Quarterly Update

File Reference	Integrated Planning and Reporting - 2011/12
CSP Linkage	Responsible and efficient use of resources
Delivery Program	Governance
Objective	To provide a quarterly status report on the progress of the capital works program included in Council's 2011/12 Operational Plan.

Background

Council continues to have a major capital expenditure program included in the annual Operational Plan and due to the scale and magnitude of this program it is important that updates are provided on a regular basis. The current practice being followed is that at the first meeting following the end of each quarter a comprehensive quarterly status report on all the major capital works included in the Operational Plan is presented for review. The status report provides details on major milestone dates, along with a comparison between budget and actual expenditure.

Key Issues

- Status of works

Information

To assist in understanding the likely delivery timeframes for the capital works the attachments to this report provide information on the following items:

- Original Budget - represents the budget as per Council's adopted Operational Plan
- Carry Forward - represents budgets carried forward from the previous financial year that were approved by Council at the August 2011 Ordinary meeting
- Approved Variations - Variations previously approved by Council resolution either through a Quarterly Budget Review or a separate report on a particular project
- New Variations - These are proposed variations based on the latest available information. The changes will be included in the December quarterly review which will be submitted to the February meeting of Council.
- Latest estimate - sum of the original budget plus budget changes
- Expenditure to date - expenditure to date of report
- % Expended - Percentage of budget expended to date
- Milestone Dates - Represents target dates for completion of the major milestones.

- Status - Allows additional comments to be provided, where necessary

The attachments are also split into the main functional sections within the Council undertaking the works: i.e. Open Spaces, Engineering Works, Operations Support, Commercial Services, Water, Wastewater and Waste.

Points of note in respect to the information outlined in the attachments are as follows.

Open Spaces

Generally this works program is on track, however the planned expansion of Saunders Oval is unlikely to be finalised this year. The reason for this is that the State Government has only recently signed off on the approval for the expansion and with this now confirmed Council is in a position to prepare the detailed design and works program. This work is anticipated to take three to four months therefore the capital works will most likely occur during 2012/13.

Engineering Works

The major variation in this program relates to urban roads, with the Ballina Heights Drive work not likely to commence in the near future. Council has resolved not to accept tenders for this work as the figures were well above budget and the scale of the planned works is currently under review.

There is a new project for Rifle Range Road of \$850,000 and details of the property acquisition required for this project are included as a confidential report in this agenda.

Also the reconstruction of the Coast Road from the landslip site to the roundabout is scheduled to commence during the next quarter. It is intended to again close the Coast Road and divert traffic through North Creek Road to allow this work to be completed as expeditiously as possible.

Operations Support

There are still concerns that the acquisition of new plant and fleet is not being conducted in a timely manner. To improve this process external procurement agencies such as Local Government Procurement are now being more heavily utilised.

Commercial Services

The cash flows for the Ballina Surf Club have been amended to reflect the expenditure likely to be incurred this financial year. Also the Lennox Head land purchase funding has been removed as there is not expected to be any movement on that project for the remainder of 2011/12.

It is proposed to hold a Commercial Services Committee meeting in February to review the many projects and budgets that are currently being managed or considered by this section of Council.

Water, Wastewater and Waste

The variations in these attachments reflect the updated cash flows for the planned works program. It is important to acknowledge that where budgets are being reduced typically the funds will be deferred to 2012/13 to reflect the actual cash flows.

Sustainability Considerations

- **Environment**
Many of the works listed have positive environmental outcomes
- **Social**
Certain items provide significant social benefits (i.e. community centres, surf clubs)
- **Economic**
Improved infrastructure can benefit the local economy.

Legal / Resource / Financial Implications

The report provides financial information on the capital works program.

Consultation

This report is presented for public information.

Options

The purpose of this report is to provide a timely update on capital expenditure and to identify any known variances. The recommendation does not include approval for the adjustment of the budgets, as the December Quarter Financial Review will be presented to the February meeting, which will then confirm any budget variations, along with information on how the funding sources are being allocated.

Even with the changes to budgets outlined in this report there is still a significant capital works program planned for the remainder of this current financial year with almost \$18 million worth of work completed to date as per the following table:

Status of Capital Works as at 31 December 2011 (\$'000)

Section	Budget (%)	Expended (%)	Percentage
Open Spaces	1,035	348	34
Engineering Works	16,572	6,220	38
Operations Support	2,467	269	11
Commercial Services	4,519	2,783	62
Water	740	215	9
Wastewater	39,508	8,098	20
Waste	1,545	6	0
Total	66,386	17,939	27

Major expenditure in the new few months on items such as the wastewater contract and the waste plant purchases will see these figures increase significantly during the next quarter.

RECOMMENDATION

That Council notes the contents of the Capital Expenditure - Quarterly Update report.

Attachment(s)

1. Capital Expenditure - General Fund - Open Spaces (one page - A3 attachment)
2. Capital Expenditure - General Fund - Engineering Works (two pages - A3 attachment)
3. Capital Expenditure - General Fund - Operations Support (one page - A3 attachment)
4. Capital Expenditure - General Fund - Commercial Services (one page - A3 attachment)
5. Capital Expenditure - Water Operations (one page - A3 attachment)
6. Capital Expenditure - Wastewater and Waste Operations (two pages - A3 attachment)

10.9 Delivery Program and Operational Plan - 31 December Review

File Reference	Integrated Planning and Reporting - 2011/12
CSP Linkage	Transparent and accountable governance
Delivery Program	Governance
Objective	The purpose of this report is to provide an update on the implementation of the Delivery Program and the 2011/12 Operational Plan

Background

Under the Integrated Planning and Reporting requirements Section 404 (5) of the Local Government Act states as follows:

Delivery Program

"The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months".

Even though Council is now only required to receive six monthly progress reports the preferred practice has been to receive more timely quarterly reports. This report represents the second review of the 2011/12 - 2014/15 Delivery Program and the 2011/12 Operational Plan, with reviews being conducted on a quarterly basis. The information contained in the report is based on work undertaken up to 31 December 2011.

The review information is included as a separate attachment to this report and the attachment provides an overview of all the programs included in the Delivery Program and Operational Plan, with comments provided by the relevant group and section manager.

Key Issues

- The purpose of this report is to compare actual results against the goals and priorities adopted by Council.

Information

The Delivery Program and Operational Plan are the two key corporate documents that establish Council's goals and priorities for the term of the Council and the current financial year.

The attachment to this report provides a comprehensive overview of the actions being progressed, with the information also being linked to Council's Community Strategic Plan (CSP) Objectives. The attachment has two main sections being:

- Program Actions - This section provides a comment on the status of all the major actions in the Operational Plan
- Service Delivery Targets - This section provides details on the key indicators within the Operational Plan.

Generally many of the actions are on track and the report does highlight the wide range of activities undertaken by Council.

In respect to the Operational Plan there are a total of 62 major actions listed in the Plan and the following two tables provide an overview of the status of those actions on a number and percentage basis.

Program Actions Overview - By Number of Tasks

Group / Status	GM	Reg	Civil	Strategic	Total
Green	20	3	10	10	43
Amber	2	0	4	0	6
Red	1	0	9	3	13
Total	23	3	23	13	62

Program Actions Overview - By Percentage

Group / Status	GM	Reg	Civil	Strategic	Total
Green	87	100	44	77	69
Amber	9	0	17	0	10
Red	4	0	39	23	21
Total	100	100	100	100	100

Significant achievements for the quarter, in addition to Council's normal day to day delivery of a wide range of services, included:

- Consideration of preferred routes for the shared and recreational paths with Council endorsing the concept designs for the shared path
- Commencement of flights to Newcastle
- Commenced the Local Rewards Campaign
- Commenced a trial of Twilight Markets for Ballina
- State Government announced funding for a feasibility study on dredging the Ballina bar
- Approved the new LEP for forwarding to the Minister
- Approved the exhibition of the draft Floodplain Risk Management Plan
- Approved the exhibition of the rezoning proposals for Cumbalum Precincts A and B
- Finalised the purchase of land for sporting fields at Wollongbar
- Completed the Aboriginal Heritage Study
- Expended approximately \$10 million on capital works, including the completion of the Lennox Head landslip project.

In respect to actions with a status of red the majority are still being progressed, with the red status relating to the fact that the identified target date has proven to be overly ambitious. The only action that is not in a position to be progressed is "Finalise Expansion of the Ballina Library".

The last resolution Council had on this matter was from the 27 July 2010 Facilities Committee meeting, as endorsed at the August 2010 Ordinary meeting, which was as follows:

1. *That no action be taken at this time in relation to the Library/Richmond Room and that this be reviewed in twelve months.*

This resolution resulted following a range of reports considering options for the library expansion into areas such as the Richmond Room.

Council currently has no funds set aside to finance any expansion or to finance feasibility reports and there is a real lack of viable options available now that the Richmond Room is not the preferred approach.

Ideally it would be appreciated if Council could provide clarification as to the direction they wish to see pursued in respect to the library, as without that direction it is difficult to progress this matter any further.

The second part of this report relates to the Service Delivery Targets where there are a total of 80 targets identified in the Operational Plan. The following two tables provide an overview of how Council is performing against those targets, again on a number and percentage basis.

Service Delivery Targets Overview - By Number of Activities

Group / Status	GM	Reg	Civil	Strategic	Total
Green	17	13	14	5	49
Amber	9	5	7	0	21
Red	1	3	4	0	8
Not available	0	0	2	0	2
Total Tasks	27	21	27	5	80

Service Delivery Targets Overview - By Percentage

Group / Status	GM	Reg	Civil	Strategic	Total
Green	63	62	52	100	61
Amber	33	24	26	0	26
Red	4	14	15	0	10
Not available	0	0	7	0	3
Total Tasks	100	100	100	100	100

In reviewing the service delivery targets areas of interest are:

- Airport - Despite a range of amber lights the airport continues to perform well. The targets for this year were set extremely high and the actual results to date should provide improved results as compared to 2010/11. An update on all the fee negotiations currently occurring with the airline providers is scheduled for February / March this year.

- Asset Management - % of DA referrals completed within 14 days - Target < 70% - Actual 35% - Despite the slow down in the overall rate of development this section continues to struggle to meet this target - Staff are focusing on process improvements and increased use of technology which should improve the actual result over the next 12 to 18 months
- Engineering Works - Cost increases in a wide range of areas is making it unlikely that this section will be able to remain within its maintenance budget this year. Further information on this will be provided to Council in February as part of the quarterly budget review.

Sustainability Considerations

- **Environment**
There is a range of environmental, social and economic outcomes identified in the Delivery Program and Operational Plan.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

The Operational Plan identifies the allocation of Council's resources and finances.

Consultation

The purpose of this report is to provide the community with information on how Council is performing in respect to the Delivery Program and Operational Plan.

Options

This report provides an overview of the performance of Council and in general terms the majority of actions and service delivery measures are on target or if behind still likely to be achieved by the end of the year. The one item where further direction is required relates to the expansion of the Ballina Library.

RECOMMENDATION

That Council notes the contents of the 31 December 2011 review of the Delivery Program and Operational Plan.

Attachment(s)

1. Delivery Program Report as at 31 December 2011 (separate attachment)

11. Civil Services Group Reports

11.1 Coastal Recreational Pathway

File Reference	Coastal Cycleway - Ballina to Lennox Head
CSP Linkage	A built environment contributing to health and wellbeing
Delivery Program	Engineering Works
Objective	The purpose of this report is to respond to a Civil Committee meeting resolution of 12 December 2011, dealing with the coastal recreation path (coastal walk). The resolution requested a further report addressing disabled access and path surfacing.

Background

The resolution of the 12 December 2011 Civil Committee, which was endorsed at the 15 December 2011 Ordinary Council meeting, is subject of this report and in part reads as follows:

"2. *That Council endorses the draft concept design, as attached to this report, for the Coastal Walk project subject to a further report being presented to the Council which addresses the following amendments.*

- *The sections proposed to be constructed with a consolidated gravel surface are changed to an asphaltic concrete surface*
- *the surface of the finger path proposed connecting the car park at Pat Morton Lookout to the Coastal Walk is changed from grass to asphaltic concrete*
- *the proposed stairs and any other aspects of concept design, that prevent disabled access are to be eliminated where practicable."*

The documentation presented to the 12 December 2011 Civil Committee comprised initial concept design reports and drawings from GeoLINK as follows:

- Design Report, Angels Beach to Lennox Head, Coastal Walk and Shared Path
- Concept design drawings: Angels Beach to Lennox Head shared path (27 drawings: layout, typical detail and long sections)
- Concept design drawings: Angels Beach to Lennox Head Coastal Walk (17 drawings: layout typical detail and long sections).

The above design works was tendered and awarded following Council's resolution to separate the coastal north - south route (between East Ballina and Lennox Head) into a shared path west of the Coast Road and a coastal walk east of the Coast Road. The coastal walk will now be referred to as the coastal recreational path as per a resolution from the December Civil Committee meeting.

At the time, the Council resolution dealing with the "standard" of the recreational path was formulated as follows, being items 4 and 10 of resolution 230910/4:

"4. Council's objective for the Coastal Walk between Ballina and Lennox Head is to provide a walking track that is designed for high use by persons of all ages and physical condition (i.e. shoe standard) that maximises the coastal experience."

and

"10. That in providing the Coastal Walk, Council will strive to maximise disabled access along the walk."

The reference to "shoe standard" derives from a NPWS publication "Walking Track Construction Guidelines" (Gorrell, 1985), which categorises walking paths into three classifications:

- Walk: shoe standard
- Track: boot standard
- Route: sturdy boot standard

A copy of the construction standards from the publication is provided as attachment one.

Gorrell also makes reference to an early Australian Standard for walking tracks. The current Australian Standard is "AS2165.1 Walking Tracks, Part 1 Classification and Signage."

The current Australian standard classifies walking tracks into six classes. With class 1 being for disabled access and class 6 being for remote natural environs, without managed tracks. The more recent Australian Standard does not change the intent of the design, with the disabled access standard being referenced for disabled access, and walking gradients being generally no steeper than 10%.

Accordingly, the concept designs presented in December 2011 covered a range of surfacing and gradients to meet the shoe standard or class 1/class 2 recreational path.

With respect to disabled access, the concept designs presented in December 2011 had the following characteristics:

Angels Beach Underpass to Sharpes Beach Underpass
(Chainage 0.0 to chainage 2935)

This three km section largely complies with flat gradients for disabled access, being within a 5% grade. However approximately nine isolated and short lengths of steeper gradients do occur, comprising in total 4% of path length. These steeper sections are able to be treated as ramps, with additional features to assist for disabled access. Hence, overall, this stretch of recreational path largely provides for disabled access.

Sharpes Beach Underpass to Pat Morton Lookout
(Chainage 2935 to chainage 6000)

This three km northern section crosses headlands and meets beach access points and accordingly comprises significant lengths of steep gradients. Approximately 1.6 km (54% of the current path length) exceeds the gradient for disabled access. Furthermore, many numerous short runs of steep sections of path exceed a 10% walking gradient, and this amounts to approximately 0.5 km, or 15% of the path length. In turn this led to a number of isolated sections of path having steps.

Given the above, the focus for disabled access along this stretch of recreational path was for improvements to existing coastal vantage points, and for the provision of finger paths from the Coast Road, such as below:

- Sharpes Beach carpark: lookout platform
- Iron Peg carpark: lookout platform
- Boulder Beach south: finger path
- Boulder Beach north: finger path
- Pat Morton Lookout carpark: finger path

It is understood that the intent of the Council resolution of December 2011 is to eliminate sections of path which prevent disabled access.

The design team has therefore reassessed path gradients along the northern half of the project, being north of Sharpes Beach car park. As noted previously, this three km section of path has more than half its length not meeting disabled access requirements, assuming that the Australian Standard is the standard used for the definition of disabled access.

Accordingly, it is envisaged that a significant shift in path length and route will be required to meet this standard and this reassessment is now being reported.

Other aspects of design investigation, such as environmental, landscape, viewshed, cost, construction impacts etc have not been undertaken. However it is expected that some empirical comparisons could be made regarding these issues when comparing route options.

The reporting which follows is therefore limited to an initial assessment of path gradient and route with a view to providing immediate and progressive feedback to Council regarding the December 2011 resolution.

Key Issues

- Assessment of coastal recreational path to eliminate sections of path which prevent disabled access to the Australian Standard.
- Outcomes of assessment and appropriateness of amended route of coastal recreational path.

Information

The assessment of the coastal recreational path gradient and route has been undertaken to eliminate sections of path which prevent disabled access. The outcome of this assessment is presented on layout plans recorded as Revision C, and shown on drawing numbers 1818/000 to 1818/005 (6 sheets). These drawings are provided as separate A3 attachments.

The layout plans show how the path needs to be realigned to form switchbacks (zig-zag pattern) along the steeper sections of path. The switchbacks form a continuous zig-zag along the steeper sections, and sweep a path of generally 20 m to 40 m in width, and in places up to 60 m wide. The additional length of path between elevation points is required to "flatten" the gradient to the 5% disabled access gradient.

As noted in the background section of this report there is approximately 1.6 km of steep path along the three km northern half of the route, north of Sharpes Beach. The switchbacks introduce approximately a further two km of path. An additional one km of path is estimated between Sharpes Beach and Iron Peg and a further one km is estimated south of Pat Morton Lookout. This is shown on Revision C drawing numbers 1818/003 to 1818/005. Furthermore the drawings also now show an asphalt path throughout, other than where a boardwalk is nominated. The amendment to an asphaltic path is also in accordance with the December 2011 resolution.

The assessment and presentation of Revision C drawings is for the purposes of showing the "footprint" and potential impact of the December 2011 amendments. Further assessment of this option in terms of environmental assessment, landscape and viewshed analysis, earthworks and construction detail, costs, stakeholder consultation and the like has not occurred.

However, it is the view of Council staff that there is sufficient initial input towards this option, to enable Council to reconsider whether to proceed with this option or not. The case being presented here is that a highly engineered path, to disabled access standards, may not be a desirable outcome for this coastal corridor along the headlands. However, this decision regarding the resolution and the attached amended design (Revision C) rests with Council.

If Revision C is not accepted, then it is suggested that the original concept design be followed. However, this is now re-presented as Revision D, having some minor amendments to align with Council discussion during the December 2011 Civil Committee. Revision D drawings are provided as separate A3 attachments and are drawing numbers 1818/000 to 1818/005 (6 sheets).

The minor amendments for Revision D comprise:

- Asphaltic surfacing (except for boardwalk sections) for the southern three km of path between Angels Beach underpass and Sharpes Beach underpass (previously some sections were consolidated gravel).

- Development of loop paths at Pat Morton Lookout to improve disabled access from the car park to the recreational path. Option one is without switchbacks and leads to a vantage point at chainage 5560. Option two is with switchbacks and leads to a further 250 m length of recreational path. Both options merit further investigation.

The southern three km of recreational path provides an asphalt surfaced connection between East Ballina paths and Headlands Estate paths, and effectively provides easy access from Burns Point Ferry to the Headlands Estate.

The northern three km of recreational path largely remains as a shoe standard path with a number of surfacing treatments, a number of steep isolated gradients and finger paths accessed from the Coast Road to vantage points.

It is further recognised that consolidated gravel is still proposed for sections of the northern three km of recreational path. The placement of consolidated gravel would not preclude the placement of asphalt surfacing at a future time if desired (It is also suggested that a trial section of consolidated gravel path be undertaken for the demonstration of path properties).

In summary, the information section of this report has presented two concept design options. One being Revision C which responds to Council's December 2011 resolution, and one being Revision D which retains a shoe standard recreational path north of Sharpes Beach.

Sustainability Considerations

- **Environment**
Revision D would offer reduced environmental impact when compared to Revision C.
- **Social**
Both options for the recreational path would promote health and well being and would accommodate disabled access to different levels.
- **Economic**
Both options for the recreational path would promote tourism and economic benefit.

Legal / Resource / Financial Implications

The purpose of this report is to present early concept design options for the coastal recreational path. The outcome of decisions may likely impact upon legal, resource and financial areas, however it is not specifically part of this report.

Consultation

Some early stakeholder consultation has occurred as part of the GeoLINK concept design engagement, but did not extend to the very recent Revision C and Revision D options. The outcome of this concept design engagement will be used to commence important aboriginal stakeholder consultation and heritage assessment.

Options

The presentation of this report has identified two options for consideration. Option one comprises the concept design developed in accordance with a Council resolution of December 2011 and the concept design is known as Revision C. This provides for disabled access along the six km length of the coastal recreational path and provides for asphalt surfacing throughout (other than boardwalk areas).

Option two comprises a concept design known as Revision D where continuous disabled access is provided with an asphalt path (other than boardwalk areas) for the southern three km of the recreational path (through to Sharpes Beach). A shoe standard path is provided for the northern three km of the recreational path comprising various surface treatments and generally walking gradients, with disabled access provided by finger paths.

The merits of each option have been presented in the body of the report, with Option two being favoured, and as such a recommendation will be presented accordingly.

However in respect to option two if Council is satisfied with the southern three kilometre section and requires further investigation of the northern three kilometre section, an alternative recommendation could be to endorse the southern three kilometre section and seek further information on the matters that are to be further investigated as part of the northern three kilometres.

This last point is important as it is the opinion of staff that Council continue to be uncertain as to what it is seeking to achieve in respect to parts of this recreational path. Importantly this report has confirmed that it is not practical to provide disabled access, to the Australian Standard, for the section of this path from Sharpes Beach to Pat Morton.

If Council now wishes to have this section as an asphalt surface, that does not meet disabled access, but potentially would allow a disabled person to travel down the path from Pat Morton to Boulder Beach, then Council should provide that direction.

Council should also be clear on its aims for the Boulder Beach to Sharpes Beach segment. The numerous reports submitted to date have confirmed that it is really only appropriate to have effectively a walking path in this segment due to the terrain and vegetation at the northern end. However if Council's desire is to place an asphalt surface in this area then the resolution needs to provide that direction to allow staff to attempt to obtain planning approvals for that work.

The recommendation has been divided into components to allow Councillors the opportunity to debate the various segments.

RECOMMENDATIONS

1. That Council endorses, for the segment of the Coastal Recreational Path from Flat Rock to Sharpes Beach underpass, the use of a combination of asphalt and boardwalk to provide disabled access to the Australian Standard as per Revision D, as attached to this report.
2. That Council endorses, for the segment of the Coastal Recreational Path from Sharpes Beach underpass to Boulder Beach, the use of consolidated gravel or similar treatment, and steps, as required, as per Revision D, as attached to this report.
3. That Council endorses for the segment of the Coastal Recreational Path from Boulder Beach to Pat Morton the use of consolidated gravel / boardwalk or similar treatments, and steps, as required, as per Revision D, as attached to this report. The finger paths outlined in Revision D are also to be further investigated to assist with disabled access.

Attachment(s)

1. NPWS construction standards
2. Revision C - (Drawing Nos. 1818/000 to 1818/005) - separate A3 attachment
3. Revision D (Drawing Nos. 1818/000 to 1818/005) - separate A3 attachment

11.2 Fig Tree - Management

File Reference	Vegetation Maintenance (Council Managed Land)
CSP Linkage	Transparent and accountable governance
Delivery Program	Open Space and Reserves
Objective	To provide information on issues being experienced with damage to private property caused by the roots of fig trees growing on public land.

Background

Ballina Island has benefitted from several phases of street tree planting dating back to the 1890s. Research has shown that the fig trees currently located in Tamar Street were planted in 1932 as part of a street tree planting program undertaken by the then Ballina Municipal Council.

Fig trees located in Bentinck Street and around the Ballina Tennis Courts in Hampton Park also date back to this tree planting program.

Documentary evidence on the history of these trees is scant. It is understood that the Weeping Figs at the eastern end of Tamar Street, between Cherry and Martin Streets, were planted in 1932, as part of a public tree planting scheme supported by the Ballina Municipal Council.

It is not clearly documented when the trees in Tamar Street, between Cherry and Moon Streets, were planted and why. Council's Heritage Officer advises that after examining existing documentary and photographic sources, it appears that they were likely (and almost certainly) part of a public tree planting scheme undertaken in the late 1930s by Ballina Municipal Council.

The Ballina Municipal Council commenced planting trees in public spaces in 1891, a practice that sought to beautify the (increasing) urban landscape of Ballina. (For reference as to when Ballina Municipal Council commenced planting trees in public spaces see Cliff Murray, *Across Three Bridges*, pp. 363-364).

Public tree planting by Municipal authorities in this era was common, the period from 1890-1910 has been referred to historically as the 'second Municipal Street Tree period'. (See NSW Heritage Office publication, *Street Trees in NSW: Guidelines for Conservation and Management*, 1990 NSW Department of Planning).

Council has received advice from the owners of properties in Tamar Street, Bentinck Street and the Ballina Tennis Club that they are experiencing problems to their properties with roots from the fig trees.

The damage to properties in Tamar and Bentinck Streets consists of structural damage to the buildings as well as damage to plumbing. At the Ballina Tennis Club the roots from one of the fig trees has grown around an existing root barrier and under the court surface making the court uneven and unsafe for use.

Council has a regular footpath inspection programme that involves visual inspections of footpath for trip hazards. Where tree roots are lifting footpaths an inspection of the tree causing the problem will take place and if the tree is in poor condition consideration is given to the removal of the tree. However if the tree is in good condition and a significant tree such as a fig tree the problem is dealt with by repairing the path and carrying out minor works to ensure the safety of pedestrians and the survival of the tree.

The problems being addressed in this report do not relate to damage to footpaths. The concerns being addressed are damage caused to private residences or properties.

Newcastle City Council is currently experiencing similar issues with regard to the management of Fig trees growing on public land. Attachment one to this report is an article that appeared in the Sydney Morning Herald on 25 October 2011 and details ongoing problems involving the management of a number of fig trees under very similar circumstances to the problems being addressed in this report.

Key Issues

- Intrinsic value of trees
- Damage to private property
- Costs

Information

Management of Fig Trees

Root Barriers

Root barriers can be an effective means of managing tree roots however fig trees are very large trees with vigorous and extensive root systems and barriers can be less effective in managing their roots.

Root barrier was installed in Peppercorn Place, East Ballina around several fig trees. This installation has been successful as the barrier was installed far enough away from the trees to not impact on their health. In this case the cost of the installation has been rewarded by healthy trees and protected houses.

A less successful example of root barrier to manage fig tree roots is in Bentinck Street close to the 'One Stop Shop'.

Root barrier was installed close (between one and two metres) to the base of three fig trees and all of the trees are now showing significant signs of decline, which is a result of the removal of up to half of their root mass. In response to the disturbance caused by the installation of the root barrier the trees are now in decline and it is feared that they may not survive or recover from the disturbance. A photographic report showing the condition of these figs is included as attachment two.

Power Lines

The Bentinck and Tamar Street trees are located beneath powerlines and have received substantial pruning over many years. The pruning has left the trees with up to a third of their canopies removed. The current pruning standard for Essential Energy is that the lines must have clearance of 2.5 metres from the tree in all directions.

Indications are that Essential Energy has plans to increase this clearance to seven metres. Discussions with Essential Energy staff have indicated that this new standard has been discussed but has not been introduced. Any increase in the clearance required for powerlines whether it be an increase to three or seven metres significantly impacts on trees. Should the larger clearance be introduced then the only way to provide such a clearance would be with the removal of the trees.

Bentinck Street Fig Tree

A report on the fig tree in Bentinck Street has been prepared and is included in this report as attachment three. The findings of this report indicates that the constraints of the site limit the opportunity to install root barrier, which would normally assist in managing the risk of ongoing damage to private property and not adversely affect the health of the fig tree.

In this situation the only location available to install a root barrier is close to the base of the trees. This will result in removal of structural roots on one side of the tree that support the tree as well as the roots that provide the tree with its water and nutrients.

There are also drainage problems in this location and works on the drains and the installation of new pipes has not been possible because of concerns regarding damage to the fig tree.

Following recent flooding in this location the need for works to improve stormwater drainage became apparent. Any work to improve drainage will need to be undertaken within the structural root zone of the tree. This work will have the same adverse affect on the well being of the tree as the affect that the installation of root barrier will have.

The resident has advised that the following problems are of concern:

- *Damage has been caused to stormwater pipes being cracked as a result of root encroachment at the rear western corner of the property.*
- *There are ongoing issues with sewer mains that are being blocked by the roots of the Fig tree.*

- *Roots have lifted paving on western side of house and also in rear courtyard.*
- *Roots are growing along the western side of the house adjacent to the slab of the rear extension to the house. Damage to the slab is of concern to the resident.*

The cost of removing the tree and planting a replacement tree is approximately \$6,000. This costing covers cutting the tree down, chipping, an excavator to remove the stump and material to level the site. Once the tree has been removed an advanced replacement tree will need to be purchased and planted.

The cost of installing root barrier is approximately \$7,500. This includes purchase of the root barrier material, trenching and installation of the root barrier.

In considering the options for the fig tree in Bentinck Street the impact of the root pruning required to enable the installation of root barrier is of significant concern. Also the need for work to be carried out to improve stormwater management will have a significant impact on the tree.

Given the impact that the installation of root barrier and any stormwater works will have on the health of the trees the recommendation is for the removal of the tree, with the replacement of the tree with more appropriate tree species that will not impact on private property. The recommended replacement tree would be a Melaleuca sp. as these trees thrive in wet soil conditions similar to that experienced in this location.

Tennis Court Fig Tree

The Ballina Tennis Club advised that roots from one of the fig trees located close to the tennis courts are damaging the surface of the court. They are also concerned about the constant leaf drop from the tree.

At some time in the past a concrete root barrier is understood to have been installed along the fence between the tree and the tennis court. This has not been verified. If there is a root barrier in place the tree roots appear to have breached this barrier and are now under the artificial surface of the court.

As a result the court is considered dangerous as the roots are a trip hazard and pose a danger to those using the court.

An inspection of the existing barrier could be carried out by lifting the court surface to establish if there is a root barrier and if there is the extent of roots breaching the barrier. If the breach could be repaired then the tree could be retained although some root damage will be sustained in pruning the roots. The club have advised that they do not wish to lift the court surface until after their December/January competition.

If the barrier has failed and is now ineffective then consideration would need to be given again to either removal of the tree or installation of a new root barrier.

The construction of a new root barrier would need to be close to the base of the tree and within the structural root zone. Installation of the barrier would have a significant impact on the stability of the tree and the ongoing health of the tree.

To assist in making a decision on what action, if any, should be taken it is proposed to wait until February and lift the court surface and inspect the area to see if there is a root barrier in place. On the basis of the results of this inspection either:

- Prune the roots and repair the existing barrier, minimal cost
- Install a new root barrier \$9,100. This work involves removal of the existing concrete path, purchase of root barrier, trenching, installation of the root barrier and replacement of the concrete path.
- Remove the tree \$4,200 (excluding the cost of the repair of the damage to the court). This work will involve contractors cutting the tree down, chipping the tree and stump grinding, or
- Do nothing and carry out repairs to the court surface as required.

The recommendation with regard to this tree is to endorse the lifting of the court surface to inspect the court and look for the root barrier that is reported to have been installed. If the root barrier is not present and further works are required then a further report is to be presented to Council advising of the situation and seeking a recommendation on action to be taken.

Tamar Street Figs

A detailed report on the fig trees in Tamar Street has been prepared by staff and is included in this report as attachment four, along with a peer review as attachment five, and executive summary as attachment six. The peer review concurs with the findings and recommendation of Council staff in that removal of the trees provides the most appropriate option in this case. This includes consideration of the age and condition of the trees and the impact of the installation of root barrier.

For Tamar Street there are seven figs that have been identified in the report that are either causing damage or have the potential to cause damage to private property.

The following photo shows the location of the Figs in Tamar Street and identifies each with a number. This photo is also included as attachment seven to this report.



The report on the fig trees details the damage being caused by the trees in Tamar Street and of particular concern are trees numbered two, three, four and five as shown on the aerial photo above.

It has been reported to Council that roots from the trees are damaging one of the private properties adjacent to the trees. The other properties adjacent to trees two, three, four and five are of similar construction and are at risk of damage from the tree roots.

Tree one is causing concern to the Council owned cottage with ongoing sewer blockages. There has been no damage to the cottage reported to date however during repainting of the interior of the cottage tree roots were found to be growing under the paint on the walls of one of the rooms.

There have been no concerns raised from property owners regarding trees six and seven. However these trees are located close to the properties and concerns are held that root damage may occur.

As outlined in the attached report on the Tamar Street Figs there are a number of undergrown services located between the trees and the buildings on the northern side of Tamar Street as well as the overhead power lines. The services add to the complexity of this issue and make management of the trees difficult.

There are a number of options that can be considered for the ongoing management of the trees and the risk they are posing to private property.

Removal of All the Fig Trees

The removal of all the trees with the replacement of the trees is seen as the most cost effective way of managing this problem. This conclusion was made considering the age and condition of the trees and the impact that works that disturb the roots of the trees will have significant adverse affect on the well being of the trees. While this option would have an immediate impact on the amenity of this section of Tamar Street the new trees would establish and within several years provide a new streetscape which would be expected to serve the street for the next 50 to 70 years.

The cost of removal and replacement of the trees has been estimated at \$7,400 per tree and \$51,000 for all seven of the trees.

Staged Removal

The impact on the amenity of the area with the loss of all the trees at the one time is understood and options for the staging of the works could be considered.

In this situation the trees of most concern could be removed and replaced with new trees and in subsequent years the other trees removed and replaced.

Should this option be considered then the removal of trees two, three, four and five have the highest priority for removal and the remaining trees could be retained until such time as they become a significant risk to property.

Installation of Root Barrier

Should the installation of tree barrier be considered as the preferred option then the installation could be staged with the northern side of Tamar Street carried out first and the southern side of the street installed at a later date. Should this option be considered the removal of tree five is strongly recommended as the condition of the tree is poor and it is located close to the property on the corner and the installation of root barrier will have a more significant impact on the tree than it will on the other trees.

The set back of the properties on the northern side of Tamar Street includes an area between the footpath and the property frontage that has been dedicated to Council. This additional area will enable the locating of the root barrier further from the base of the Fig trees and so reduce the impact of the installation of the root barrier on the trees. The presence of services that will need to pass through the root barrier to the properties will provide opportunities for the roots to breach the barrier and could be a problem in the future.

The installation of root barrier has been estimated at \$7,500 per tree.

Take No Action

The option to take no action to manage the damage and potential for damage being caused by the fig tree roots could be taken. However Council has been notified by one of the property owners of damage and Council is on notice from our insurer that should no action be taken to manage the risk of damage from the tree roots then Council will be liable for the repair of the damage being caused (i.e. insurance will not cover the cost). The cost of such remedial work to the buildings has the potential to be significant and would be well in excess of the cost of either removing the trees or installing root barrier.

Summary

The quickest, simplest, safest and least expensive option is to remove and replace all the trees. However the impact of this action is understood. The following recommendations are offered and provide a mixture of solutions/options for consideration.

Bentinck Street Fig

The preferred option is to remove and replace this tree to enable stormwater works to be undertaken. However if this option is not supported the root barrier could be installed and drainage works would not take place. Cost of either option is approximately \$8,000.

Tennis Court Fig

The recommended option is for staff to lift the court surface and inspect the area to see if a root barrier has been installed. If there is a root barrier in place then works could be carried out to ensure that no further breaches of the barrier occur. This work could be undertaken at minimal cost.

If the inspection finds that there is no existing root barrier then an additional report be would be prepared to consider the best course of action.

Tamar Street Figs

The following recommendation is offered for consideration:

Tree one be retained and no root barrier installed. Council staff would continue to manage the ongoing blockages of the sewer for this building and carry out inspections to identify any damage that may be caused by the roots.

Trees two, three and four have root barrier installed as close to the property barrier as possible.

Tree five be removed as the tree is in poor condition and installation of root barrier will be difficult as the building is located very close to the tree.

Trees six and seven be monitored as per tree one and a report be provided to Council should any problems arise with these trees in the future.

The cost of the proposed Tamar Street tree work is estimated at \$32,000 which provides for the removal of one tree and the installation of root barrier in front of three other trees. There will be ongoing costs to Council with the regular clearing and repairs to the sewer in the cottage adjacent to tree one.

These options are aimed at providing a compromise in the management of the trees. In proposing these works it should be understood that the installation of root barrier so close to these trees has the potential to damage them and result in the decline and eventual death of the trees. However the root barrier will assist in managing Council's exposure to claims and will enable the trees to be retained into the future.

Sustainability Considerations

- **Environment**

The planting of appropriate tree species and the ongoing management of trees on public land provides environmental benefits such as fauna habitat and cooling of urban environments during hot weather.

- **Social**

The planting of appropriate vegetation in public places enhances the amenity of streets and parks.

- **Economic**

Appropriate street tree planting can increase property values.

Legal / Resource / Financial Implications

There are legal implications relating to the damage that is being caused by the roots for these trees to private property. There are resource and financial implications in any of the responses taken to manage these trees.

Consultation

There has been consultation with the owners of the properties that are being affected by the trees and there has been consultation with Councillors in the form of a workshop/inspection conducted on 15 September 2011. The matter has also been referred to Council's insurer and a response received.

Options

1. Bentinck Street Fig - Councillors may resolve to install a root barrier. This action would address the concerns of the property owners and Council's insurer however the longer term impact of this work on the trees may lead to the death of the trees. However the preferred option is to remove the tree and replace it with a new tree. This will enable stormwater works to take place.

2. Ballina Tennis Courts – As discussed earlier in this report Councillors may resolve to carry out an inspection of the court in February and receive a report on the outcome of the inspection should further action be required. This would enable full consideration to be given to the options available as well as an understanding of the issues as they arise.
3. Tamar Street Figs – There are several options available that start with the removal of all the trees, the staged removal of the trees or the installation of root barrier and these have been discussed earlier in this report. The option that is recommended is to remove tree five, install root barrier adjacent to trees two, three and four and monitor trees one, five and six and take no action with regard to these three trees. This recommendation does come with the reminder that the installation of the root barrier may adversely impact on the trees and result in the eventual death of the trees.

RECOMMENDATIONS

1. That Council approves the removal and replacement of the single fig tree in Bentinck Street with a Melaleuca sp.
2. That further investigations be undertaken into the existing root barrier for the fig tree at the Ballina Tennis Courts and if possible root pruning is to be carried out. If there is no existing root barrier in place a further report is to be submitted to Council on options for the management of the tree.
3. That Council approves for the Tamar Street fig trees, as outlined within this report the following course of action: remove tree five, install root barrier adjacent to trees two, three and four and take no action in the short term other than the monitoring of trees one, six and seven.

Attachment(s)

1. Sydney Morning Herald Article 25 October 2011
2. Photographic Information on the Condition of the Fig Trees in Bentinck Street, Ballina (Separate Attachment)
3. Bentinck Street Tree Report (Separate Attachment)
4. Tamar Street Tree Report (Separate Attachment)
5. Tamar Street Tree Report - Peer Review (Separate Attachment)
6. Executive Summary Peer Review Tamar Street Tree Report (Separate Attachment)
7. Locality Plan - Location of Fig Trees – Tamar Street, Ballina

11.3 Development Servicing Plans - Water Supply and Wastewater

File Reference	Section 64 Contributions Developer Servicing Plans
CSP Linkage	A built environment contributing to health and wellbeing
Delivery Program	Sewer Services, Water Services
Objective	To place the draft Development Servicing Plans for Water Supply and Wastewater Infrastructure 2012 on public exhibition

Background

To appropriately manage developer contributions, Council adopted *Water and Sewerage Infrastructure Development Servicing Plans* (DSPs) in May 2004. The DSPs were prepared in accordance with the *Developer Charges Guidelines for Water Supply, Sewerage and Stormwater (2002)* issued by the Minister for Land and Water Conservation (now administered by the NSW Office of Water), pursuant to section 306 (3) of the *Water Management Act 2000*.

It is appropriate that DSPs be reviewed on a regular basis and included as separate attachments to this business paper are updated plans for consideration by Council.

The review undertaken has considered factors such as:

- Projected growth areas
- Projected Capital Works Plan, including Council's Recycled Water System for Lennox Head and Ballina
- Current valuation for Council's Assets and
- the level of the Developer Charge

The report that follows provides information on the draft DSPs.

Key Issues

- Works program
- Methodology
- Amount of Developer Charge and increase compared to current charge

Information

In calculating an amount of the Developer Charge, consideration must now be given to the *Best-Practice Management of Water Supply and Sewerage Guidelines (Department of Water and Energy, 2007)* and the *Developer Charges Guidelines for Water Supply, Sewerage and Stormwater, (Department of Land and Water Conservation, NSW, 2002)*. Also Developer Charges for water supply and wastewater are levied under section 64 of the Local Government act 1993.

Works included in the Plans

Developers are typically responsible for the full cost of the design and construction of reticulation works within new development areas. Therefore the preferred approach with the DSPs has been to focus on the provision of infrastructure that cannot be practically provided by a developer. Typically this relates to works that are centralised and remote from the development site such as treatment facilities.

However there will be occasions where the DSP contemplates the provision of shared infrastructure in release areas. This is done to support the orderly roll out of development.

In summary the works that have been included in the DSPs relate to:

- Wastewater Treatment Plants (WWTPs)
- Recycled Water Plants (RWPs)
- Water Treatment Plants (WTPs)
- Effluent and bio-solids management works
- Pumping Stations
- Distribution and Trunk Mains and
- Storage

The localised reticulation infrastructure will still need to be fully **funded and provided** by the developer.

Calculation of the DSP Charges

DSP charges are levied based on equivalent tenements (ETs) which are essentially a standardisation of per household / person usage of the system.

The basic principles underlying the methodology for calculating developer charges is that the charge should:

- be calculated by consistent and transparent methods
- be balanced fair and equitable
- involve full recovery of costs and infrastructure expenditure that is linked to new development
- reflect variations in the costs of servicing different development areas
- avoid excessive cross subsidies and over charging of existing customers through annual customer bills.

The draft DSPs incorporates these principles.

Key steps involved in actually calculating the Developer Charges include:

Population Projections – The Ballina Shire Council Local Growth Management Strategy – Housing demand and supply analysis working documents were used to determine population projections over the 30-year planning horizon.

Identifying Service Areas – Developer charges are intended to reflect variations in the costs of servicing different development areas. To achieve this, separate charges need to be calculated for a number of individual service areas.

In accordance with the DLWC Guidelines, service areas were determined by the following criteria:

- Separate water supply distribution systems or wastewater treatment works catchments
- New development areas over 500 lots.

Calculation of the Capital Charge – The capital charge is the value of existing assets and future works required to service a new development area. Where assets, such as a wastewater treatment plant, cater for a number of different service areas, these costs are apportioned according to the capacity used by each service area.

Calculation of the Reduction Amount – Councils receive income for capital works from new developments through contribution charges. Over time councils also receive income from new development for capital works through annual and consumption charges. The DLWC Guidelines require that the capital charge, which may be attributed to new development, needs to be discounted to account for the future income from annual bills over a 30-year period. This discount is called the reduction amount.

From this information the Developer Charge is then calculated for each Service Area using the following formula:

Developer Charge = Capital Charge Less Reduction Amount

Once the developer charges have been calculated for each service area, the DLWC Guidelines permit **agglomeration** of developer charges that are within 30% of each other. Agglomeration is intended to minimise the number of different developer charges within a local government area. Agglomeration is a term used in the legislation regulating Section 64 Developer Contributions. It essentially means "the option to aggregate".

Link to Urban Water Management Strategy

The Ballina Shire Urban Water Management Strategy (UWMS) outlines the long-term direction for the policies, planning and infrastructure required to provide an integrated urban water cycle for the Ballina Shire.

A major document prepared to deliver the objectives of the UWMS is the Ballina-Lennox Head Recycled Water Master Plan (the Master Plan). The DSP Charges for water and wastewater include an allocation to fully fund the works in the Master Plan. The cost associated with providing the infrastructure within the Master Plan is spread across both the Water Supply and Wastewater DSPs.

This has been done on the basis of the following rule:

Infrastructure for Urban Dual Reticulation (UDR) is included in the Water Supply DSP and Infrastructure for Urban Open Spaces (UOS) and Coastal Vegetation (CV) is included in the Wastewater DSP. This arrangement has resulted in an 80% allocation of the Ballina recycled water assets to the Water Supply DSP (20% to the Wastewater DSP) and 60% of the Lennox Head recycled water assets to the Water Supply DSP (40% to the wastewater DSP).

These two apportionments recognise that UDR provides a significant benefit to the water supply by reducing future demand, whilst also providing some benefits to the wastewater system by increasing the level of effluent re-use. The apportionments have been determined in consultation with Council staff and GHD Pty. Ltd., who prepared the DSPs.

Relationship between Council Recycled Water and Bulk Water (Rous Water)

The use of recycled water in selected areas of Ballina Shire will decrease the bulk water use of those areas i.e. the demand on the Rous Water supply. Rous Water has, in the past, provided some funding in recognition of this fact.

Discussions with Rous Water confirm their interest in continuing to recognise the financial benefits they gain from Council's program through the deferral of future infrastructure needs.

Rous has indicated that they are not in a position to revise their DSP until the conclusion of a current project to prepare a Future Water Strategy. A revision of their DSP may result in Rous providing a higher level of financial contribution to the infrastructure that Ballina Council will be providing for recycled water.

This report recommends that Council write to Rous Water to ensure that the DSPs are integrated, including recognition of the regional benefits that derive from Ballina Council's infrastructure program.

Developer Charges

The following tables present the impact of the draft DSPs on the Developer Charges. As the Developer Charge has increased across all service areas the percentage breakdown of the increase is presented for information.

Table One - Developer Charges for Wastewater

Area	Current (\$)	Proposed (\$)	Change (%)
Area A - Wardell	6,886	12,914	88%
Area B - Lennox Head, Skennars Head, East Ballina, Fig tree Hill, North Ballina, West Ballina, Ballina Island, Pacific Pines Estate, Henderson Land Central and South	6,886	6,452	-6%
Area B - Pacific Pines Estate, Henderson Land Central and South	4,320	6,452	49%
Area C - Wollongbar Urban Expansion Area	9,597	12,914	35%
Area E - Alstonville and Wollongbar	3,556	3,664	3%
Area F - Cumbalum Precinct A, Ballina Heights	6,886	6,452	-6%
Area G - Cumbalum Precinct B	6,886	3,664	-47%

NB: There is no area D

Table Two - Developer Charges for Water Supply

Area	Current (\$)	Proposed (\$)	Change (%)
Area A - Wardell	3,254	3,693	13%
Area B - Lennox Head, Skennars Head, East Ballina, Fig tree Hill, North Ballina, West Ballina, Ballina Island, Pacific Pines Estate, Henderson Land Central and South	3,254	3,693	13%
Area B - Pacific Pines Estate, Henderson Land Central and South	3,254	3,693	13%
Area C - Wollongbar Urban Expansion Area	1,681	3,693	120%
Area E - Alstonville and Wollongbar	3,254	2,324	-29%
Area F - Cumbalum Precinct A, Ballina Heights	2,362	3,693	56%
Area G - Cumbalum Precinct B	2,362	2,324	-2%

In calculating these recommended charges there are two key issues underlying the final figures; being agglomeration and cross subsidy.

Agglomeration

Once the developer charges have been calculated for each service area, the Guidelines (DLWC, 2002) permit the agglomeration of charges that are within 30% of the value of each other. Agglomeration is intended to minimise the number of different developer charges within the local government area. This approach was adopted for the 2004 DSPs and has again been applied for the new DSPs (2012).

Additional agglomeration is also allowed under Circular LWU 5 (DEUS 2004), which is referred to as a "Cross Subsidy".

Cross Subsidy from Water and Wastewater Annual and Consumption Charges

The Guidelines (DLWC, 2002) permit councils to cross subsidise the calculated developer charge for an area, provided the extent of cross-subsidisation is fully disclosed. In the previous DSPs (2004) the developer charge for Wardell was cross subsidised by the balance of the shire through consumers annual and consumption charges (at a rate of approximately \$1 per residential bill per year).

In respect to these two key issues Wardell is the main consideration as it is expected to have limited population growth.

In the initial calculations the wastewater developer charge for Wardell was in excess of \$14,000 per ET. However, by applying the 30% agglomeration allowance, it was possible to reduce the Wardell contribution to \$12,914, which is the same figure as the WUEA, as per table one. This agglomeration had little impact on the WUEA figure as the anticipated growth for the WUEA is far more than that anticipated for Wardell.

For the water supply developer charge there was no other charge within 30% of the initial calculation for the Wardell charge, which was \$9,110 per ET. Therefore an option to improve this outcome was to extend the agglomeration beyond the 30% limited recommended by the 2002 Guidelines.

Agglomeration outside the 30% limit for Wardell Service Area

This option was not considered for the wastewater charge as the 30% agglomeration limits included the Wollongbar Urban Expansion Area (WUEA). As the WUEA is a large development area it was considered inequitable to start to consolidate this magnitude of development.

For the water supply charge Wardell has been agglomerated with all the other areas, excluding Areas E (Alstonville and Wollongbar) and G (Cumbalum Precinct B). These areas were excluded as they had significantly lower developer contributions than the balance of the shire and they are considered as major stand alone development areas. Therefore it was again considered to be too much of an inequity to consolidate these areas into the overall mix.

This agglomeration outside the 30% resulted in some increases for the consolidated areas from \$3,297 to \$3,693 per ET and reduced Wardell from the initial \$9,110 to \$3,693.

Cross Subsidy from Annual and Consumption Charges

This is a further option that can only be applied without agglomeration beyond the 30% and as mentioned earlier is based on the annual service and consumption charges financing part of the capital cost.

For wastewater this method would result in a reduction in the Wardell DSP Charge to \$6,452 (the more standard charge) from \$12,914 per ET. This would result in a shortfall of \$775,440 which would be paid for by all the remaining customers over 30 years (\$25,848 per year).

For water supply this would result in reduction of the DSP Charge to \$3,297 (the more standard charge) from \$9,110 per ET and would result in a shortfall of \$697,560 over 30 years (\$23,252 year).

Overall the preferred approach has been to focus on developer contributions to finance the new infrastructure rather than annual and consumption charges. This is similar to the approach followed with Council's Section 94 Plans.

Cumbalum Urban Release Areas (CURA) - Precincts A and B

The draft DSPs provide for connection of the CURA A and B precincts into Council's infrastructure. This is important to acknowledge in that Council has two options to consider when determining what assets will be funded by the DSP and which will be the responsibility of the developer to construct.

Option One - Council only construct major infrastructure that services both CURA A and CURA B.

Under this option Council provides the developers with a "point of connection" for the infrastructure that they will provide. Council will still need to ensure that land owners construct their internal works in accordance with Council requirements.

Council's Infrastructure Development Plan (IDP) for CURA A and CURA B provides these requirements and this is the option included in the DSPs.

Prior to finalising the proposed rezoning process for these two precincts Council will need to be satisfied that new housing has appropriate access to infrastructure and services. This may be in the form of Planning Agreements, the formation of a landholder group under agreement, or through appropriate Development Servicing Plans. Overall it is considered that the provision of water and wastewater can be managed effectively through these arrangements and the real issue with the CURA A and B rezonings will be infrastructure provided through Council's general fund; i.e. roads, drainage etc. It is anticipated that a report on this issue will be submitted to Council prior to the completion of the CURA A and B exhibition process.

Option Two - Council construct all trunk and distribution assets required for the CURA precincts

The other option that could have been considered for CURA A and B was for Council to finance and construct all the relevant assets. In this situation Council has to ensure adequate arrangements are made with each land owner such that the network could be constructed in the most effective configuration. An example where this has occurred is the Wollongbar Urban Expansion Area.

The risks for Council in having providing works in this manner include:

- that the network will be constructed in an inefficient manner due to restrictions imposed by land owners (individual land owners may or may not be involved in the development to be serviced by the infrastructure)
- that Council may not be able meet its obligations to provide infrastructure due to protracted negotiations
- that Council is subject to financial risk if the cost to provide the infrastructure is greater than the amount levied by the Developer Charge. The Developer Charge is based on reference rates and site investigations and detailed design has not been completed for all the infrastructure

Due to these concerns, only the "point of connection" infrastructure has been included in the DSPs with the developers responsible for the remaining infrastructure. The works included in the DSPs can be summarised as:

- Wastewater - the construction and upgrade of major infrastructure that services both CURA A and CURA B
- Drinking water - the construction and upgrade of major infrastructure that services both CURA A and CURA B and the proposed Ross Lane Service Reservoir
- Recycled water - all trunk infrastructure due to the wider community benefit of recycled water infrastructure

Table three provides an overview of CURA works that have been excluded from the DSP and therefore will be the responsibility of the developers.

Table Three - CURA Works Excluded from the Draft DSPs

Component	Capital Cost (\$'000)	Capital Charge (\$ Per ET)
Wastewater		
Pumping Stations	11,091	4,300
Rising Mains	4,438	1,400
Gravity Mains	164	100
Water Supply		
Trunk Mains	2,529	500
Total	18,222	6,300

Sustainability Considerations

- **Environment**

The Developer Servicing Plan helps to protect the environment by ensuring the infrastructure is appropriately sized to cater for development. Detrimental environmental outcomes may result if development is to occur without the servicing plan in place, though it is more likely that development would be stalled due to infrastructure capacity restraints.

The recycled water scheme will decrease the quantity of discharge from Council's WWTPs and reduce the demand on the region's water sources are required to deal with growth.

- **Social**

The Developer Servicing Plan allows for the equitable collection of developer contributions where any new development is required to pay their fair share of the cost of supplying infrastructure to their development.

- **Economic**

The Developer Servicing Plan promotes orderly and planned growth which provides economic development benefits. It is also important to consider the affordability of development. For the major growth areas the overall level of increase, in dollar terms, is not considered overly high, which is somewhat surprising considering the increases in infrastructure costs in recent years.

Legal and Financial Implications

By adopting the DSPs Council will be compliant with requirements of the:

- Developer Charges Guidelines for Water Supply, Sewerage and Stormwater, (Department of Land and Water Conservation, NSW, 2002)
- Best-Practice Management of Water Supply and Sewerage Guidelines (Department of Water and Energy, 2007)
- Water Management Act 2000 and the
- Local Government Act 1993

The DSPs aim to ensure Council has adequate funds to provide the infrastructure needed to accommodate expected population growth.

Consultation

There is a statutory requirement to advertise the draft DSPs for a minimum period of 30 days for public comment.

Options

Council has the option of exhibiting the draft DSPs or amending prior to exhibition.

The information section contains an overview of the options considered in preparing the draft DSPs. The options selected, which are based on a level of agglomeration and cross subsidy to minimise the impact largely on Wardell are considered to provide a reasonable outcome for the entire community.

Nevertheless Council may wish to model further options and this could be undertaken through a workshop. Alternatively Council could hold a workshop during the exhibition period to discuss the contents of the documents.

In conclusion there has been a significant amount of work undertaken in reviewing the DSPs, particularly in respect to modelling Council's future water and sewer demands. Given the technical nature of this work, this report has not discussed this information in detail and rather has focussed on the broad approach adopted. If the Council is interested in understanding more about the technical matters a workshop is suggested as the best method to review these.

The recommendation that follows is to exhibit the draft DSPs for public comment.

In respect to the separate attachments, in addition to the two draft DSPs (it is proposed to ensure both titles are consistently worded on the two documents, which is currently not the case) there is also a "Summary of Updates" report from June 2011 and a "Report for Water Supply Infrastructure Planning" for January 2012. Both of these are technical documents designed to support the exhibited plans and it is extremely difficult to summarise the documents in a report of this nature.

If Councillors are interested in the very technical contents of these documents it is recommended that contact be made with Council's Manager, Water and Waste, Mr Rod Dawson prior to the meeting, or as mentioned earlier a workshop can be held during the exhibition period.

RECOMMENDATIONS

1. That the draft Development Servicing Plans for Water Supply and Wastewater Infrastructure (2012), as attached to this report, be placed on exhibition for public comment.
2. That Council write to Rous Water County Council asking that any review of their Development Servicing Plans be integrated with Council's plans and also recognise a financial contribution to Ballina due to the benefits being from the region through Council's recycled water program.

Attachment(s)

1. Report for Section 64 - Wastewater Infrastructure - Development Servicing Plan - January 2012 (separate attachment)
2. Report for Developer Servicing Plan - Water Supply - January 2012 (separate attachment)
3. Report for Wastewater Infrastructure Planning - Summary of Updates Report, June 2011 (separate attachment)
4. Report for Water Supply Infrastructure Planning, January 2012 (separate attachment)

11.4 Alcohol Free Zones - Lennox Head and Alstonville (Renewal)

File Reference	Health - Alcohol
CSP Linkage	Resilient and adaptable communities
Delivery Program	Open Space and Reserves
Objective	To seek Council endorsement for the renewal of Alcohol Free Zones in Lennox Head and Alstonville

Background

Council resolved at the December 2008 Council meeting to implement Alcohol Free Zones (AFZs) in the Lennox Head and Alstonville Central Business Districts (CBDs). Attachments one and two show the extent of each of the AFZs. The AFZs have now been in place for three years which is the term of the current AFZ declaration and will expire on 1 April 2012.

Council has received a request from the NSW Police for the continuation of these two AFZs. The NSW Police has identified that the AFZ is an important means of assisting in managing anti social behaviour in both the Lennox Head and Alstonville CBDs. The purpose of this report is to seek Council endorsement for the continuation of the Lennox Head and Alstonville AFZs.

Key Issues

- Benefits of AFZs

Information

An AFZ prohibits the drinking of alcohol in public places that are public roads, footpaths or public car parks. The declaration of an AFZ provides the NSW Police with the power to seize and dispose of alcohol without the need to issue a warning. In circumstances where a person does not co-operate with a Police Officer they can be charged with obstruction under section 660 of the *Local Government Act 1993* which carries a maximum penalty of \$2,200.

The declaration of AFZs in Lennox Head and Alstonville was made in response to situations where people were drinking in the street and this was resulting in antisocial behaviour that was exacerbated by the consumption of alcohol.

The AFZ is described in the Ministerial Guidelines as:

"....a short term control measure and in many instances a zone will achieve the desired objectives within its operation period."

The NSW Police has advised that, in their opinion, should the AFZs be removed then the problems experienced prior to the declaration of the AFZs will again arise.

The AFZs cannot be continued without readvertising and consultation on the proposal as per the 'Ministerial Guidelines on Alcohol Free Zones 2009' that have been produced by the Division of Local Government under section 646(1) of the *Local Government Act 1993*.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
This report is focussed on the management of anti social behaviour and its associated impacts to the community.
- **Economic**
Anti social behaviour consumes community resources in response and can also be an impediment to business activities.

Legal / Resource / Financial Implications

The *Local Government Act 1993* sets out the statutory framework for the creation of an AFZ. The statute is supported by Ministerial Guidelines for Alcohol Free Zones 2009.

Consultation

The Ministerial Guidelines specify consultation arrangements.

Options

Council may decline or support the request from the NSW Police to re-establish the zones. Given the advice of NSW Police, it is recommended that Council initiate the consultation process to allow the appropriate assessment of these proposals. The recommended period is for the maximum allowed, being four years (previously it was three years).

RECOMMENDATIONS

1. That Council endorse the renewal of the AFZs in the Lennox Head and Alstonville CBDs for a period of four years.
2. That Council place on exhibition for public comment notification of the intention to renew the AFZs with any submissions to be presented to Council. If no submissions are received the General Manager is authorised to implement this resolution.

Attachment(s)

1. Lennox Head Alcohol Free Zone
2. Alstonville Alcohol Free Zone

11.5 Petanque Facility - Lennox Head

File Reference	Sports Fields & Facilities – Facilities General
CSP Linkage	Resilient and adaptable communities
Delivery Program	Open Space and Reserves
Objective	To consider the establishment of a Pétanque facility in Lennox Head.

Background

Council has received a request for the creation of a Pétanque facility in Lennox Head. The purpose of this report is to provide information on what the sport of Pétanque entails and the facility required to play the game.

Pétanque originated in France and is now well established all over the world, including in Australia. It is very much a 'village' game played by locals just for fun in friendly social competitions.

Pétanque is played with a set of steel balls known as boules and is played on hard dirt and gravel. The game is played on an area referred to as a 'piste'. A 'piste', 'terrain' or 'court' requires the following:

- A hard packed surface made up of gravel or decomposed granite and does not need to be perfectly flat or smooth.
- Appropriate drainage to ensure that the surface is not eroded by runoff of water.
- A playing area of a single piste is a rectangular area of 15 metres by four metres. This accommodates a single game with six players. Additional pistes are placed adjacent to each other and a minimum of four pistes has been requested. This is an area of 15 metres by 16 metres. It is not necessary to have a border between each individual piste, just the outer perimeter. A border is required to help maintain the gravel and also prevent the boules from leaving the playing area.
- The facility needs to include some shade, toilets in reasonable proximity and park benches for spectators.
- A sign has also been suggested advising that the gravel area is for playing of Pétanque.

Maintenance for the facility would involve weed management when required and maintenance of the gravel surface.

Key Issues

- Support for the establishment of a Pétanque facility
- Funding for the construction of a piste
- Selecting a site for the establishment of a piste.

Information

The request for the establishment of a Pétanque facility has been made following several 'come and try it' days which were well supported by Lennox residents.

There are three issues associated with this request the first being Council support for the establishment of a facility, the second being the funding of works required to construct a piste and the third being the selection of a suitable site.

Support for the Establishment of a Pétanque Facility

The request for the establishment of a Pétanque facility has included information on the support for this proposal from the Lennox community:

"There is a great deal of support for playing Pétanque in Lennox Head. Attached are letters from the Lennox Head Residents Association, Alliance Francaise, North Coast and the Lennox Head Chamber of Commerce.

Following an article in the Lennox Wave in November I have had calls and emails of support from more than 50 people. We have played twice already at makeshift locations in Lennox Head with 20 people coming to our first two games. Players are keen to continue – they have the 'bug' already!"

A copy of the application is attached.

Funding for the Construction of a piste

The cost of construction of a facility will be dependant on the site selected and the conditions of the site and the area to be used. The construction of a piste will include site preparation (levelling and removing grass cover etc), surface material, laying of surface material and edging around the piste.

The request made is for a minimum of four pistes and so the cost would be determined after site selection.

Additional costs would be incurred if seating was to be provided. The cost of installation of a seat is \$2,000, this includes the seat, concrete pad and labour costs. Less expensive seating could be used such as bench seating.

There is no funding available within existing budgets for this project and so a budget bid would be required to seek funding.

Selecting a Site for the Establishment of a Piste

The request for a Pétanque facility included three suggested sites listed as sites one, two and three in Table One, as follows. Staff have considered these three sites along with additional sites and comments on the suitability of the sites are included in the Table.

Photographs of some of the sites are provided in Attachment One.

Table One – Site Analysis

Site	Location	Positives	Negatives	Suitability
1	Lennox Surf Club	Close to toilets and large enough to fit a Piste of the size requested	Heavily used area and the removal of the grass will impact on the use of the area.	No
2	Cnr Ross & Pacific Pd (See photo)	Toilets within walking distance	Would only fit two pistes, not large enough. Council investigating options for this land	No
3	Lennox Park	Close to toilets in centre of village	Heavily used area and the removal of the grass will impact on the use of the area.	No
4	Lions Park (See photo)	Will fit a Piste the size requested. Plenty parking.	No toilets.	Maybe
5	Lake Ainsworth (See photo)	Will fit a Piste the size requested. Plenty of parking. Close to toilets.	Would not be able to be used on Sunday when Market is operating	Yes
6	Ross Park (See photo)	Close to toilets and in centre of village	Could only fit two pistes	Maybe
7	Williams Reserve Northern area	Will fit a Piste the size requested. Plenty of parking. Close to toilets.	Would need to relocate the cricket.	Maybe (assuming cricket did want to relocate)
8	Williams Reserve Forest area	Toilets within walking distance. Central location	Would not fit pistes without damaging trees.	No

There is one site that would appear to warrant further consideration and another three sites that could be considered but have limitations.

Yes - Lake Ainsworth – Site 5

This site is currently grassed and used as overflow parking area for events conducted in the area. The intended future use of this area is to formalise the area with sealed car parks.

This site is adjacent to a public toilet located on the edge of the caravan park and close to the Surf Club and café. There is parking available and is walking distance to the village. The only limitation of this site is that the facility could not be used when the Lennox Community Market was being conducted. The area is required as a carpark during market days and the area is already very congested with market visitors and also Nippers who attend the surf club on Sundays during summer.

The area could be established as a gravel carpark which would suit the requirements for the playing surface required for the game. The area could also accommodate at least four pistes.

The only real concern is that the use of this site would reduce the options for improved formalisation of car parking space. There are already car parking capacity issues between Lake Ainsworth and the Lennox Head Surf Club and to then create further uses for this area may cause further congestion problems. Nevertheless as there are no other ideal solutions the site is worth further investigation.

Maybe - Lions Park – Site 4

Lions Park provides an area with enough space for a piste to be constructed and there is parking and good access to the village centre. The main problem with this site is the lack of toilet facilities.

The site is adjacent to the shared path and a popular beach referred to as the Bream Hole. The area would benefit from the provision of a public toilet in this location and should this site be considered for the location of the Pétanque facility the provision of a toilet would be highly recommended. This would however add substantially to the cost of the project.

Maybe - Ross Park – Site 6

The area between the beach and the children's play equipment could accommodate two pistes however this is less than requested. The site is in the centre of the village and close to toilets and parking. This site could be considered as a short term facility with a larger facility being provided at the new sports fields in Pacific Pines.

Maybe - Williams Reserve – Site 8

The northern end of Williams reserve would provide an area suitable for the establishment of a facility however the area is currently used for cricket. The site offers parking and toilets within easy walking distance. It is also in the centre of the village.

The cricket oval is currently being used for competition cricket and problems are being experienced with cricket balls landing in the skate park and on cars parked in Park Lane. When the Pacific Pines sports fields are completed this area of Williams reserve could provide a suitable site for the facility if cricket wishes to relocate.

Summary

The investigation of potential sites has received considerable consideration by both the person requesting the facility and Council staff. While the consideration given to site selection would appear to have been exhausted other options could have been missed and could be investigated if required.

In summary there appears to be one site that meets the requirements set out for a Pétanque facility, being Lake Ainsworth.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Group recreational activities benefit the physical and mental welfare of residents and builds social cohesion.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

There are no legal implications relating to this matter however funding will be required to construct the piste or area on which the game is played.

Consultation

Council has not carried out any consultation on this proposal however the request for this facility was supported by letters from two community groups and information on the response received at the 'come and try it' days.

Options

1. Council may determine not to support the request for a Pétanque facility.
2. Council may determine to support for the establishment of a Pétanque facility in Lennox Head.
3. Council may wish to support the Lake Ainsworth site as the preferred site as recommended in this report. Or alternatively Council may request the consideration of other site options not covered by this report.

Should Council support the request for the establishment of a Pétanque facility funding will be required for the construction of a piste and this information could be provided on the basis of the cost of construction at the site selected by Council.

Overall this proposal is considered worthy of support and therefore the recommendation is to endorse the preferred site with the project to be included as part of Council's budget deliberations for 2012/13.

RECOMMENDATIONS

1. That Council supports the request for the establishment of a Pétanque facility in Lennox Head.
2. That Council supports the Lake Ainsworth site in the overflow car park adjacent to the caravan park, as outlined within this report, as preferred the location for the Pétanque facility.
3. That Council be provided with information on the cost of construction of a piste in this location as part of the 2012/13 budget considerations.

Attachment(s)

1. Correspondence requesting the creation of a Pétanque facility
2. Site Photographs

11.6 Waste Water Treatment Plants Upgrade - Update

File Reference	Ballina and Lennox Head Waste Water Treatment Plants
CSP Linkage	Responsible and efficient use of resources
Delivery Program	Sewer Services
Objective	To provide and update on progress on the upgrade of the Ballina and Lennox Head Waste Water Treatment Plants

Background

At the February 2011 meeting Council considered a report detailing the tender assessment for a contract for the upgrade of the Ballina and Lennox Head Treatment Plants.

At that meeting, Council resolved to accept the tender of Haslin Constructions Pty Ltd for RFT/Contract Number 0902774 being for the Design and construction of an MBR Waste Water Treatment Plant (WWTP) at Ballina, and a Recycled Water Plant at Lennox Head WWTP for an amount of \$45,437,315 including GST.

Given the size of this contract, quarterly reports to Council are being presented to ensure Council is able to monitor the progress of the project.

Key Issues

- To inform Council of the progress of the works within the Contract.

Information

Work Completed for Reporting Period

Detailed design of the main structures, mechanical and electrical equipment is nearing completion, with the exception of the finalisation of the recycled water streams. The DA for the amenities building has been submitted.

The activity on the site includes the following:

- All site sheds installed
- The construction of the MBR tank floors and walls have been completed
- The concrete walls of the permeate tanks have been completed
- The civil works for the inlet works have been completed, with the concrete walls well advanced
- The civil works and concrete flooring for the blower room and switch room have been completed

- One of the existing sludge lagoons has been decommissioned and civil works commenced to convert it to an aerobic digester for the new plant.

Cost of Work Completed

\$10,535,858 inclusive of GST.

Approved Variations

	Details	Cost (incl. of GST)
1	Modifications to inlet works to divert all flows through the manual bar screen to the storm detention pond.	\$17,532.90
2	Supply and Install an Isolating Valve to the existing bund in the Chemical Delivery area.	\$677.60
3	Supply Biofilter in lieu of Deodorising Bed	- \$51,615.00
4	Deletion of additional Amenities Building at the Lennox Head RWP location	- \$24,603.48
5	Concept Design for revised Effluent Streams due to requirement of NOW	\$33,250.80
6	Currency Fluctuation (as per Contract Conditions)	- \$39,311.00
7	Re-inclusion of Telemetry requirements for the sites	\$51,515.75
8	Back-up Level sensor for the Inlet Works	\$9,168.17
	Total	- \$3,384.26

Progress to Schedule

Progress is on schedule, however the Extraordinary Issues noted below have the potential to delay components of the works.

Extraordinary Issues

1. *The NSW Office of Water (NOW) will approve the recycled water scheme though its Section 60 requirements. To achieve approval, the treatment process requires to be validated that it will produce recycled water to the required quality, and NOW stipulates the testing regime required to achieve approval.*

The specification was completed based on the previous 2008 Risk Assessment Workshop, the 2009 Concept Designs, the approved EIS and subsequent consultation with NOW. The specification was based on the Interim NSW Guidelines for Management of Private Recycled Water Schemes published in May 2008 by DECCW and the Australian Guidelines for Water Recycling Managing Health and Environmental Risks (phase 1) 2006.

An addendum was issued during the tender phase to ensure the tenderers were aware of the validation requirements, however it was unknown at the time exactly how NOW would assess the process, and what affect this would have on the final detailed design.

The risk analysis workshop for the Ballina WWTP and Lennox Head RWP was conducted on 10 and 11 August 2011, with representatives from BSC, NOW, Department of Health, Haslin Constructions design team, and NSW Public Works. At this workshop NOW outlined its position on what is considered a "high risk scheme", and how it assesses the validation and verification process of these schemes. The workshop then reviewed the current design, and identified a number of improvements that would need to be made that would:

- *Ensure the validation and verification process of the Ballina WWTP and Lennox Head RWP can be completed onsite at each plant,*
- *Reduce risks of producing "out of specification" recycled water,*
- *Improve the operation of the schemes.*

The re-design of this component of the works is currently being completed to meet these requirements. It is expected that these requirements will result in a significant variation to the contract. The value of this is currently being assessed as the concept design is finalised.

The changes which will cause the largest costs are the requirement to provide separate reservoirs for the ebb-tide discharge and the recycled water, in lieu of the planned single reservoir; and also the additional pipework/valving and control systems to ensure out-of-specification RW is diverted out of the reticulation system.

At the time of writing this report, Council staff are waiting on confirmed design and pricing information. Once this is received the options available for Council will be assessed, including our concurrence or otherwise to the NOW requirements and avenues of appeal. For project planning and contract management purposes it is however been assumed that the work will proceed on the basis that it is unlikely for the regulator to change their position.

2. Whilst the scheme has achieved Part V Approval, the buildings to be constructed on the sites are required to be approved under Part IV of the EP&A Act, and are therefore subject to further Development Consent by Council. A DA pre-lodgement meeting was completed with Council's Regulatory Services Group to minimise the risk of this process delaying the Contractor. The buildings need to be constructed in accordance with the Building Code of Australia (BCA). It is noted that this code has changed since the contract was awarded, to include the requirements under the Disability Discrimination Act (DDA), which requires the contract to be varied to allow disabled access to the first floor of the amenities building. This will require an enclosed chairlift to be supplied and constructed on the side of the building. The cost of these works has been obtained from the contractor, and the DA has now been submitted.

Lennox Head WWTP Optimisation Upgrade Contract

The Contract with FE Marsh and Co. for the optimisation upgrade of the Lennox Head WWTP is now complete. The major works completed include:

- The construction of a new inlet works, including screening and grit removal
- The installation of a additional aerator in the aeration tank to increase capacity
- Major modifications to the existing catch and balance ponds, to create a diurnal pond and a dedicated wet weather storage pond
- The construction of a complete biosolids handling facility, including floating pontoon pump, belt press, conveyor system and storage bin
- The construction of an on-site recycled water reticulation system
- The construction of an amenities building which includes a training and visitors facility.

The overall costs of these works are detailed in the table below.

	Details	Cost (incl. of GST)
	Contract Price including Schedule of Rate (SOR) Item	\$6,256,610.00
	<i>Variations</i>	
1	Additional SOR item works	\$30,744.55
2	Complete PID drawings for existing plant to enable programming of complete plant	\$9,900.00
3	Dewater System Variation (install VSD, flowmeter & PLC/SCADA additions)	\$27,225.00
4	Major revision to Catch/Diurnal Balance pond construction	\$314,800.00
5	Decommission the B10,000 flow divider	\$46,103.00
6	RW plant Backwash return pipe (for future works)	\$33,185.00
7	Packaged pump station and pipework for foul water pump station	\$15,867.50
8	Country Energy work (additional to Provisional Sum)	\$13,581.00
9	Rising Main modification at I/L Works (to connect back up main)	\$28,620.00
10	Rectify and provide clay layer to floor of Catch/Balance Pond	\$113,786.16
11	Diurnal pond vertical turbine pumps (in lieu of submersible) including well modifications	\$37,043.60
12	Complete switchboard modifications to install 24V controls	\$34,138.36
13	Complete additional sealing of roads	\$15,000.00
14	Wet weather pond inlet structure extension	\$2,280.00
15	Remove excess sludge from wet weather pond prior to installation of fill	\$29,867.00
16	Supply and place rock protection in wet weather pond	\$4,164.28
	Total	\$7,012,915.45

The variations are within the allowance for contingencies in the budget. Some of the variations relate to scope and schedule of rates changes typically expected for a contract of this size. Other variations relate to the extra information gained in the detail design, this project was design and construct. The variations from the design work were assessed by Council's technical officers for value for money and some of these also represent work brought forward from the subsequent upgrade project.

The overall performance of the contractor was very satisfactory and the final result is a very pleasing outcome for this major project. The completion of the work was celebrated by a community open day at the site.

Sustainability Considerations

- **Environment**

Timely construction of the contract works will ensure the WWTP's in Ballina and Lennox Head have adequate capacity and the environment is protected from the risk of overflows. The upgrade of the facilities and reuse of effluent will assist in improving discharge qualities and the water quality in the estuaries.

- **Social**

The upgrade of the WWTP's will accommodate growth and provide an alternative source of high grade recycled water which will limit the need to upgrade alternative means of water supply thus putting back the costly upgrades such as dams and desalination.

- **Economic**

The construction of the WWTPs will allow capacity in the network to further develop the Ballina and Lennox Head areas in a timely manner.

Legal / Resource / Financial Implications

The Lennox Head WWTP Optimisation Upgrade contract was completed at a total cost of \$7,012,915.45 inclusive of GST, which was completed within budget contingencies.

For the Haslin Constructions contract, there have been eight approved variations to date for a sum of negative \$3,384.26. It is noted however that it is anticipated that there will be a significant variation required in the near future. It is anticipated that they will be within the contingency for this contract and no variation would currently be required to the budget.

Consultation

This report is provided for the public record.

As the works on site are advanced, Council may wish to inspect the project. An inspection would require a half an hour. If Councillors are interested an inspection could be arranged to be held immediately prior to a workshop or Committee Meeting.

Alternatively, tours for individual Councillors can be arranged on request to the Group Manager Civil Services.

Options

This report is for information only.

RECOMMENDATIONS

1. That Council notes the contents of the progress report on the upgrade of the Ballina and Lennox Head Waste Water Treatment Plants.
2. That Council note the above information regarding the completion of the Lennox Head Waste Water Treatment Plant Optimisation Upgrade.

Attachment(s)

Nil

11.7 Local Traffic Committee - December 2011

File Reference	Local Traffic Committee
CSP Linkage	Transparent and accountable governance
Delivery Program	Asset Management
Objective	This report is presented to Council for its consideration of items referred to the Local Traffic Committee meeting held in December 2011.

Background

The Local Traffic Committee (LTC) met on 14 December 2011. A copy of the agenda for those meetings was circulated to all Councillors. This report provides the recommendations of the Committee to Council.

Key Issues

- Consideration of recommendations from the LTC

Information

The agenda contained seven business items (two items for referral to the General Manager's delegate, one item for the information of the committee and four late items, one item for referral to Council, two items for referral to the General Manager's delegate and one item for the information of the committee). A copy of the minutes of the meeting will be forwarded to Councillors once finalised.

Items Referred to Council

The following items are referred to Council for its determination. Further background details are available in the LTC agenda previously circulated to Council.

a) **Ballina High School Swimming Parade**

The committee reviewed an application from Ballina High School for the traffic management arrangement for their Swimming Parade to be held in on 8 February 2012.

The Committee recommends to Council approval for the Ballina High School Swimming Parade subject to the parade operating in accordance with the traffic control plan attached.

An earlier report to Council regarding the October 2011 LTC meeting included an item in relation to the Byron Bay Triathlon. It has recently been noted that the recommendations to the report did not refer to that item. Therefore the recommendation is now presented to Council for its determination.

To assist Council recall the details of the request, the information previously presented to Council is reproduced below.

Application to hold 2012 Fila Byron Bay Triathlon

The committee reviewed an application for road closures and traffic modification for the 2012 Fila - Byron Bay Triathlon to be held on Saturday 12 May 2012 between 1.00 and 5.00pm.

The application seeks full closure of part of MR545 (The Coast Road/Byron Bay Road) from Ross Lane to Midgen Flat for the duration of the event. Refer to attachment one for further details.

The event was held last year with no incident and the committee has endorsed its approval subject to the TCP being amended to include the new interchange with the Pacific Highway and use of VMS signs advising the closures.

The Committee recommends to Council that the Road Closure of MR545 (Byron Bay Road/Coast Road) can be approved in accordance with the submitted Traffic Control Plan.

In addition to the above, the following information was distributed to Council in the Councillor bulletin dated 13 January 2012. A review of this matter now indicates that the authority to approve the application is not delegated as previously understood.

"At recent Council Meeting within a report regarding Local Traffic Committee matters there was an item in relation to the approval for a traffic management plan for the Byron Bay Triathlon. The item was for the information of Councillors as the determination of the application was within the delegations of authority of the Group Manager Civil Services. The LTC assessment resulted in a recommendation for approval, however Councillors expressed some concerns, in particular the suitability of Midgen Flat Road for the route detour when the Coast Road is closed north of Ross Lane.

In response to these concerns, the Mayor and Group Manager Civil Services have met with representatives of the club hosting the event. The club is a not for profit community based club, and they indicated their intentions to resolve any concerns of the Council.

The meeting confirmed that northbound traffic would be diverted to the Pacific Highway via Ross Lane and therefore the traffic on Midgen Flat Road would predominately be south bound. However the club and Byron Council concur that the preferred route for south bound traffic is the Bangalow Road. The traffic management arrangements will include controls at Bangalow Road to encourage its use ahead of Midgen Flat Road, and messaging around Suffolk Park prior to the event will also

encourage the direction of traffic away from Midgen Flat Road. The Coast Road will be closed for around 5 hours, the event is approximately 3 hours, although local traffic will be allowed access to the closed section.

Whilst the use of Bangalow Road as the major detour is preferred, an inspection of Midgen Flat Road indicates that the risks of using it as a detour are reasonable for the expected traffic demands.

The Club is due to meet with local police and Byron Council in the near future to further review the arrangements and it has been agreed for one of Council's technical officers to attend that meeting.

It has also been agreed to conduct a debrief of the event (again combined with Byron Council and the NSW Police) to assess the outcomes well before future applications are made.

Having regard to the above, the concerns of the Councillors, as represented to the club by the Mayor, appear to be appropriately managed. Furthermore the club is certainly keen to work with Council to ensure the success of the event. The technical assessment of the LTC supports the traffic management plan, and on this basis and the outcomes of the meeting, formal approval for the event will be issued."

Sustainability Considerations

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

Legal / Resource / Financial Implications

Council has statutory requirements in terms of the management of its delegations from the RTA, including the management of the LTC. There is no resource or financial implications directly associated with the recommendations to this report.

Consultation

Public participation in LTC processes is determined by the RTA's Guidelines for the Management of Local Traffic Committees. Council has determined to use its meeting code arrangements for public access wherever it is consistent with the guidelines.

Options

The Council can either accept or reject the recommendations. Council's acceptance or rejection of the recommendations is reported to the next meeting of the TLC.

In rejecting a recommendation it is the preferred practice to advise the LTC of the Council's reason for the rejection and invite the Committee to reconsider the matter having regard to the comments of Council, Following that process, if that matter remains unresolved, Council can elect to refer the matter to the Regional Traffic Committee.

RECOMMENDATIONS

1. That Council approves the traffic management arrangements for the Ballina High School Swimming Parade to be held on 8 February 2012 subject to the parade operating in accordance with the traffic control plan.
2. That Council approves the Road Closure of MR545 (Byron Bay Road/Coast Road) subject to the Traffic Control Plan being amended to include the new interchange with the Pacific Highway and the use of VMS signs advising the closures.

Attachment(s)

1. Ballina High School Swimming Parade - Traffic Control Plan.
2. Fila Byron Bay Triathlon - Traffic Control Plan

12. Public Question Time

12. Public Question Time

13. Notices of Motion

13.1 Notice of Motion - Parking - Lennox Head

File Reference Notices of Motion/Streets - Parking

Councillor Cr Sharon Cadwallader

I move

1. That Council approve funding of \$8,000, from working capital, to allow kerb and gutter to be installed on the northern side (\$6,000) of William Street, Lennox Head (between Pacific Parade and Cliff Murray Lane) and to formalise the parking on the southern side (\$2,000) of this street. This work will provide a clear delineation for parking and a safer environment for pedestrians in this location, which currently has a mix of pedestrians walking to the beach and customers to the restaurant located on this intersection.
2. That Council also investigate formalising the parking in this locality on the eastern side of Pacific Parade as part of the 2012/13 budget.

Councillor Comment

Despite signposting (for parallel parking) by Council, vehicles are continuing to park nose in on the northern side of William Street. This is causing difficulties for pedestrians walking along this section of the street and there are safety concerns from the local residents. Parking is heavily utilised in this location due to the street fronting the Blackboard Restaurant. Residents and the restaurant owners have met with the Mayor and Council staff and the preferred solution is the installation of kerb and gutter. As there is no specific allocation for these works in the Council budget the works have not proceeded. The provision of these funds, through a small increase in our current operating deficit, will resolve a matter that has been a concern for residents and the restaurant owners for a lengthy period of time.

Staff Comment

The estimates provided in this notice of motion are provided by staff in response to concerns raised by local residents. The work, which will provide improved traffic and pedestrian management outcomes in this locality, has not been undertaken at an operational level as the focus for the expenditure of the allocated road budgets is for higher priorities elsewhere in the shire.

COUNCILLOR RECOMMENDATION

1. That Council approve funding of \$8,000, from working capital, to allow kerb and gutter to be installed on the northern side (\$6,000) of William Street, Lennox Head (between Pacific Parade and Cliff Murray Lane) and to formalise the parking on the southern side (\$2,000) of this street. This work will provide a clear delineation for parking and a safer environment for pedestrians in this location, which currently has a mix of pedestrians walking to the beach and customers to the restaurant located on this intersection.

2. That Council also investigate formalising the parking in this locality on the eastern side of Pacific Parade as part of the 2012/13 budget.

Attachment(s)

Nil

13.2 Notice of Motion - Artwork on Power Boxes

File Reference Notices of Motion

Councillor Cr Sharon Cadwallader

I move

That Council write to Essential Energy advising that we support the implementation of the painting of their energy boxes by local artists and ask that they implement this program in the Ballina Shire.

Councillor Comment

This program has proven very successful in other areas in reducing the incidence of graffiti on power boxes and it is recommended that we ask Essential Energy to implement a similar program in our shire.

COUNCILLOR RECOMMENDATION

That Council write to Essential Energy advising that we support the implementation of the painting of their energy boxes by local artists and ask that they implement this program in the Ballina Shire.

Attachment(s)

Nil

13.3 Notice of Motion - Single Use Plastic Bag Use in the Shire

File Reference Notices of Motion/

Councillor Cr Jeff Johnson

I move that Ballina Shire Council,

1. Acknowledge the efforts taken by many local businesses and residents to reduce the number of single-use or non bio-degradable plastic bags used throughout the Ballina Shire.
2. Acknowledge that single-use plastic bags are a major litter problem in our parks and waterways, and can result in the deaths of many turtles, Cetaceans, birds, as well as other animal species
3. Write to the State and Federal Government urging them to introduce legislation that would ban non-biodegradable single-use plastic shopping bags.
4. Contact major local retailers to encourage them to collaborate with Council voluntarily in a staged approach to reduce and ultimately eliminate non-biodegradable plastic shopping bags from the Ballina Local Government Area

Councillor Comment

The single-use plastic bag has been banned in many countries and States throughout the world. Recently the ACT legislated a ban on them. Many small towns and cities around the world have also initiated a 'voluntary' ban.

Ballina Council resolved unanimously in 2008 to support a community based program to reduce single-use plastic bag use in the Ballina Shire. I believe that the initiative has led to many shops to either stop providing plastic bags or at least reduce the number used.

It is clear that there is strong community support to reduce the number of single-use plastic bags in the Ballina Shire, however, without legislative support, or a voluntary ban by the major Supermarkets, it is hard to maintain momentum for a community based program.

It is particularly important for the Ballina Shire to reduce single-use plastic bags in our Shire due to our long coast line, proximity to the Cape Byron Marine Park, the Richmond River and other Creeks, and waterways.

It has been widely reported the alternatives to plastic bags including recycled paper, hemp, calico, cotton, etc. It has also been widely reported the devastating effects that plastic bags have on local species of birds, turtles, Cetaceans etc.

Ballina Shire is the home to the world renown Australian Sea Bird Rescue that rehabilitates a number of species, including Pelican's and Turtles. A high percentage of animals admitted for care have consumed plastic bags, or plastic products. It's important that Ballina Council continues to show leadership, lobby State and Federal Governments for legislative change, and provide education and support to assist with the small changes in behaviour that are needed to further reduce plastic bag use in our area.

COUNCILLOR RECOMMENDATION

That Ballina Shire Council

1. Acknowledge the efforts taken by many local businesses and residents to reduce the number of single-use or non bio-degradable plastic bags used throughout the Ballina Shire.
2. Acknowledge that single-use plastic bags are a major litter problem in our parks and waterways, and can result in the deaths of many turtles, Cetaceans, birds, as well as other animal species
3. Write to the State and Federal Government urging them to introduce legislation that would ban non-biodegradable single-use plastic shopping bags.
4. Contact major local retailers to encourage them to collaborate with Council voluntarily in a staged approach to reduce and ultimately eliminate non-biodegradable plastic shopping bags from the Ballina Local Government Area

Attachment(s)

Nil

13.4 Notice of Motion - Container Deposit Legislation

File Reference Notices of Motion/Recycling

Councillor Cr Jeff Johnson

I move that Ballina Shire Council

1. Acknowledges the significant environmental and economic benefits to ratepayers of adopting a Container Deposit Scheme in NSW.
2. Write to the NSW Premier, and other NSW Ministers urging them to implement such a scheme in NSW.
3. Write to the Prime Minister, Senators and other Federal Ministers encouraging them to adopt a National Container Deposit Scheme.

Councillor Comment

NSW has a recycling rate of around the 40% mark for beverage containers. South Australia has maintained a Container Deposit Scheme for the last 37 years. Enacted in 1975 under the *Beverage Container Act 1975* and later incorporated into the *Environment Protection Act 1993 (SA)*, CDL has been instrumental in the South Australia Government achieving a recycling rate of 70-80% in relation to beverage containers and providing a new income stream for local government, community organizations, and the States' most disadvantaged groups.

Container Deposit Legislation has the potential to:

- Reduce the volume of litter in our parks, beaches and roadsides by 12-15%;
- Significantly reduce the number of turtles, lizards, seals and birds killed by litter across Australia;
- Achieve a 6% diversion of all Municipal Solid Waste ("MSW") waste away from landfill;
- Reduce Australia's greenhouse gas emissions by over 1.3 million tonnes of CO₂e per year (equivalent to 197,000 homes switching to 100% renewable energy);
- Save enough water to permanently supply over 24,000 Australian homes;
- Deliver the same level of Australian air quality improvements as taking 140,000 cars off the road;
- Provide 250,000+ Australian homes with access to recycling services for the first time;
- Save rate payers over \$59.8 million per annum; and
- Increase Australia's recycling by over 630,000 tonnes p.a.

An independent study of container deposits by Dr. Stuart White in 2001 states that:

“Local Government would realise financial benefits from the introduction of CDS through reduced costs of kerbside collection and through the value of unredeemed deposits in the material collected at kerbside”

On Friday, 9th July, 2010, the Local Government and Shires Associations of NSW and the Boomerang Alliance wrote to the Federal Environment Minister Peter Garrett congratulating him on his commitment to drafting a Regulatory Impact Statement (RIS) for a national Container Deposit Legislation (CDL). Nearly two years on and we have a new Environment Minister and yet no National CDL in place.

The Boomerang Alliance paper “Container Deposits: The common sense approach towards a zero waste society” April (2008) highlights the increases in recycling rates with the introduction of a National CDS. Similar rates are achieved in South Australia and with an appropriately designed recovery system, the South Australian recycling rate of 70-85% could be successfully duplicated in NSW.

The Northern Territory recently introduced CDL.

The NSW Government has recently released it's NSW:2021 strategic plan. In Chapter 4: Strengthen Our Local Environment and Communities – Goals 22-24 are particularly relevant to the introduction of a Container Deposit Scheme in NSW.

On the 30th of Nov 2011 the Standing Council on Environment and Water (previously EPHC) reinforced its commitment to addressing community concerns about packaging waste by releasing the Packaging Impacts Consultation RIS and associated documents for public consultation.

Ministers are interested in gaining community feedback on all aspects of the analysis and options before agreeing on an appropriate course of action. "Due to this current consultation (open until March) it is an opportune time to write to the minister or put in a submission.

COUNCILLOR RECOMMENDATION

That Ballina Shire Council

1. Acknowledges the significant environmental and economic benefits to ratepayers of adopting a Container Deposit Scheme in NSW.
2. Write to the NSW Premier, and other NSW Ministers urging them to implement such a scheme in NSW.
3. Write to the Prime Minister, Senators and other Federal Ministers encouraging them to adopt a National Container Deposit Scheme.

14. Advisory Committee Minutes

14. Advisory Committee Minutes

Nil items

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

15.1 Mayoral Meetings

File Reference	Mayoral
Councillor	Cr Phillip Silver

Activities since the December 2011 Ordinary meeting:

<u>Date</u>	<u>Function</u>
18/12/11	Ballina Shire concert Band, Christmas Recital in Ballina
20/12/11	Coast Road opening at Lennox Head
22/12/11	Lighthouse Surf Clubhouse launch in Ballina
24/12/11	Pearces Creek Hall Christmas Carols at Pearces Creek
10/1/12	Byron Triathlon road closure meeting with staff in Ballina
10/1/12	NBN, beach access
10/1/12	Prime, service station DA and Woolworths
11/1/12	NBN, sports and entertainment centre funding
13/1/12	Brian Smith Walkway dedication in Lennox Head
13/1/12	RTA meeting, highway rest area meeting with staff in Ballina
13/1/12	Marine Rescue Art Show opening in Ballina

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

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 report recommended for consideration in confidential session follows:

Item 17.1 - Land Acquisition - Rifle Range Road

This report contains information relating to commercial negotiations taking place, and if released to the public could prejudice those negotiations.

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 Land Acquisition - Rifle Range Road

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 the release of the information could prejudice Council in respect to the price negotiations that have occurred.