



Notice of Ordinary Meeting

Notice is hereby given that an Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, Cnr Cherry & Tamar Streets, Ballina on **Thursday 24 May 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

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
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1. Australian National Anthem

The National Anthem will be performed by Emmanuel Anglican College.

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

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 April 2012 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 April 2012.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 Development Applications - Works in Progress - May 2012

8. Regulatory Services Group Report

8.1 Development Applications - Works in Progress - May 2012

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	Being Assessed
2010/892	05/10/2010	Ardill Payne & Partners	Residential subdivision comprising 73 lots and 2 residual lots, construction of roads and associated infrastructure works - Unara Parkway & Pacific Highway, Cumbalum	Determination Pending
2011/166	15/04/2011	SJ Connelly CPP Pty Ltd	Construction of a residential flat development comprising 30 x two storey dwellings and associated works, Condon Drive, East Ballina (North Angels Beach)	Awaiting Additional Information
2011/320	22/07/2011	Ballina Shire Council	To change the method of extraction of an existing Extractive Industry "Ballina Airport Sandpit" from dry (excavation) to	Being Assessed

8.1 Development Applications - Works in Progress - May 2012

DA No.	Date Rec'd	Applicant	Proposal	Status
			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	
2011/470	04/11/2011	SJ Connelly CPP Pty Ltd	Alterations and Additions to Gunundi, No. 70 Shelly Beach Road, East Ballina	Being Assessed
2011/506	23/11/2011	C Lonergan	Regularise and Expand existing Caravan Park from 55 Sites to 178 Sites and construct new Amenities Block and Recreation Building, 440 South Ballina Beach Road, South Ballina	Awaiting Additional Information
2011/515	30/11/2011	Newton Denny Chapelle	Staged Development - 5 x Lot Subdivision for future cluster housing development and construction of public road, No. 565-589 River Street, West Ballina	Awaiting Additional Information
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	Awaiting Additional Information
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	Awaiting Additional Information

8.1 Development Applications - Works in Progress - May 2012

DA No.	Date Rec'd	Applicant	Proposal	Status
			River Street, West Ballina	
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	Awaiting Additional Information
2011/546	22/12/2011	Tony Hart	Establishment of a retail plant nursery and art studio, 935 Fernleigh road, Brooklet	Being Assessed
2011/554	23/12/2011	Ardill Payne & Partners	Alterations & Additions to Ballina Fair Shopping Centre, 84 Kerr Street, Ballina	Determination Pending
2012/32	03/02/2012	Ballina Shire Council	Sharpes Beach Car Park Upgrade and Associated Works Including Upgrade of Coast Road Intersection, Surf Lifesaving Tower and Storeroom, Viewing Deck and Shower, Unisex Toilet, Picnic Facilities, Shared Pedestrian Path and Beach Accesses and Associated Infrastructure and Rehabilitation Works; Lot 2 DP 784864 & Lot 7032 DP 1063896 (Ballina Coast Reserve), The Coast Road, Skennars Head	Awaiting Additional Information
2012/60	29/02/2012	GL Gerrard	To undertake selective removal of Camphor Laurels Trees, 126 Bagotville Road,	Determination Pending

8.1 Development Applications - Works in Progress - May 2012

DA No.	Date Rec'd	Applicant	Proposal	Status
			Meerschaumvale	
2012/69	7/03/2012	D Cope	Erection of a Rural Worker's Dwelling, 161 Broken Head Road, Newrybar	Awaiting Additional Information
2012/70	7/03/2012	Michael Hajjar Surveying	Two Lot Boundary Adjustment Subdivision and road Widening, 7 & 9 North Creek Road, Ballina	Determination Pending
2012/84	13/03/2012	Chris Abbott Surveying	Subdivision by way of Boundary Adjustment and Consolidation of Ten (10) Lots to Create Five (5) Modified Lots, Teven Road, Teven	Being Assessed
2012/88	14/03/2012	Newton Denny Chapelle	Establishment of a Waste/Resource Management Facility and Depot for Bobcat and On-site Earthworks, 19-21 Northcott Crescent, Alstonville	Determination Pending
2012/114	29/03/2012	The Living Word Pty Ltd	To Undertake the establishment and ultimate construction of a place of public worship (approximately 200 persons) as a staged development, along with associated works including driveway access, car parking, landscaping, acoustic boundary fencing and signage, 66-74 Rifle Range Road, Wollongbar	Determination Pending
2012/118	2/04/2012	Ardill Payne & Partners	Six Lot Residential Subdivision, Chilcott Circuit, Cumbalum	Determination Pending

8.1 Development Applications - Works in Progress - May 2012

DA No.	Date Rec'd	Applicant	Proposal	Status
2012/133	13/04/2012	Newton Denny Chapelle	To Undertake a Change of Use from a Shop to Recreation Facility	Being Assessed
2012/137	16/04/2012	sj Connelly CPP Pty Ltd	Two Lot Subdivision, 61 Jorgensens Lane, Brooklet	Awaiting Additional Information
2012/138	16/04/2012	S R Cameron	Strata Title Subdivision of Industrial Buildings (industrial sheds) to Create Five Lots & a common property, 10 Northcott Crescent, Alstonville	Being Assessed
2012/144	23/04/2012	sj Connelly CPP Pty Ltd	Demolition of buildings and security gates, Shelly Beach Road, East Ballina	Being Assessed
2012/149	26/04/2012	ON-Q Resources Ltd	Change of Use - Shop to Offices, Shop 1, 37-41 Cherry Street, Ballina	Being Assessed
2012/153	30/04/2012	M P Dwyer	To Undertake the Removal of One Tree, 27 Teven Road, Alstonville	Determination Pending
2012/155	30/04/2012	Therian Pty Ltd C/- Planit Consulting Pty Ltd	Staged Erection of Animal Pound and Associated Civil Construction Works, 81-95 Southern Cross Drive, Ballina	Being Assessed
2012/161	02/05/2012	Newton Denny Chapelle	Proposed Hospital Multidisciplinary Health Education Facility & Short Term Student Accomodation, Earthworks, Carparking & Tree Removal, 78-92 Fox Street, Ballina	On Exhibition

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
NIL				

8.1 Development Applications - Works in Progress - May 2012

Major Development (Determined by Minister)

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

RECOMMENDATIONS

That Council notes the contents of the report on the status of outstanding development applications for May 2012.

Attachment(s)

Nil

8.2 Development Consent Statistics - April 2012

8.2 Development Consent Statistics - April 2012

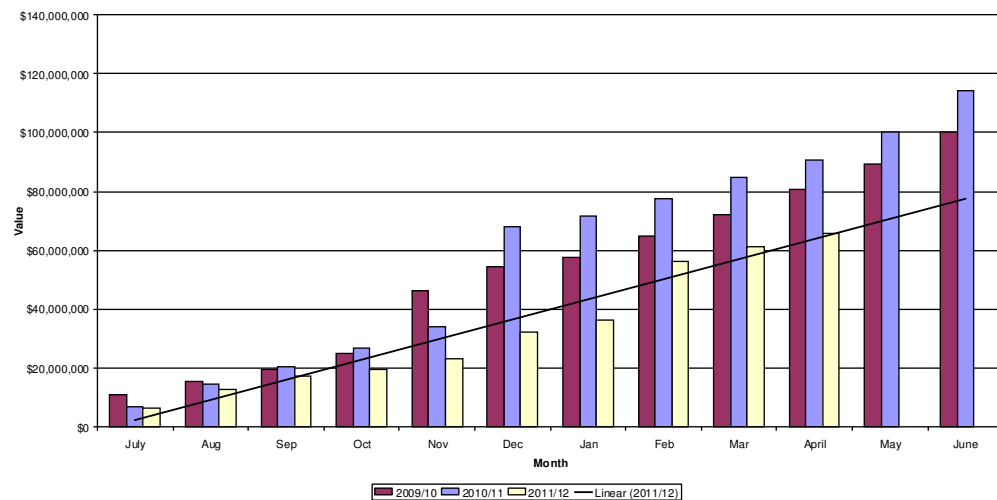
Delivery Program

Objective

The Council is advised that during the period of 1 April to 30 April 2012 the Regulatory Services Group issued Development Consents comprising of:

Number of Applications	Value of Work
34 Other Building Related	\$ 1,299,000
10 Dwelling/Duplexes/Residential Flat Buildings	\$ 2,490,000
4 General Developments	\$ 790,000
Total Value	\$ 4,579,000

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. These figures confirm the overall low value of approvals (i.e. applications) for the current financial year.



RECOMMENDATIONS

That Council notes the contents of the report on development consent statistics for 1 April to 30 April 2012.

Attachment(s)

Nil

9. Strategic & Community Services Group Reports

9.1 Ballina LEP 1987 - Amendment No.90 - Stewart Farm

Delivery Program Strategic Planning

Objective To seek direction from Council with respect to the progress of Ballina LEP 1987 Amendment No.90 - Stewart Farm, Skennars Head.

Background

Council has been engaged in the consideration of draft Ballina Local Environmental Plan 1987 Amendment No.90, Stewart Farm, Skennars Head (Amendment No.90) since 2005. Attachment one shows the area the subject of the draft amendment that has been under consideration.

The key aspects of the progress of Amendment No.90 to date are as follows:

- May 2005: Council declined an initial request to rezone only Lot 2 DP 784864 on the basis that it preferred to consider the future land use outcomes in the locality more broadly.
- December 2006: Council resolved to commence Amendment No.90 in relation to a broader area of the Stewart Farm (Attachment One). The request for the rezoning of the land was made by WaveBreak Properties Pty Ltd. Council's decision referred to the facilitation of urban development and improved environmental outcomes over the land.
- January 2009: Draft Local Environmental Study completed, but several significant issues required further address by the proponent (WaveBreak Properties).
- July 2011: Council considered the progress of Amendment No.90 at its Ordinary Meeting and resolved to hold a confidential workshop in relation to the matter.
- September 2011: Confidential workshop held, with lease arrangements for land east of The Coast Road and further progress of the LEP amendment considered.
- November 2011: Council considered the progress of Amendment No.90 at its Ordinary Meeting and resolved to cease further processing of the amendment due to uncertainties with respect to land dedication, scenic land values, infrastructure liability, difficulties in negotiations with the proponent and outstanding fees.
- December 2011: Council considered a rescission motion relating to the November decision at its Ordinary Meeting and resolved as follows:

1. *Subject to point two below, Council confirms that it will only proceed with the exhibition of LEP Amendment No. 90 subject to the following items being included in a voluntary planning agreement with the proponents, with that agreement to be exhibited as part of the public exhibition process. The minimum items to be included are:*

9.1 Ballina LEP 1987 - Amendment No.90 - Stewart Farm

- a) *Dedication to Council of the land that forms a buffer on the western side of the coast road that is currently zoned 7(d) Environmental Protection – Scenic Escarpment. The 7(d) land that forms part of Lot 2 DP 784864 is to be dedicated to Council as part of this amendment, however the balance of the dedication can occur at future subdivision, with the exact details of this arrangement to be confirmed through appropriate legal advice.*
 - b) *Acceptance of Council's contribution of \$100,000 (excluding GST) and subject to annual CPI adjustments, for the reconstruction of Headlands Drive and associated infrastructure such as the proposed roundabout.*
 - c) *Satisfactory arrangements being made for the management of stormwater.*
 - d) *Dedication to Council of the land on the eastern side of the Coast Road which is currently zoned 7(f) and forms part of Lots 1 & 2 in DP 784864.*
2. *That Council confirms that its preference for the public exhibition of LEP Amendment No. 90 is to ensure that the entire study area is exhibited following the completion of the Local Environmental Study. This then ensures that the community is in a position to obtain a holistic perspective of the amendment. Once the Local Environmental Study is completed, proposed LEP Amendment No. 90 is to be presented to Council for consideration to then allow Council to provide approval for public exhibition.*

With respect to part one of Council's resolution, WaveBreak Properties has submitted information that, in the view of staff, addresses items a, b and c in a manner sufficient to enable progress of the environmental study for the land (Attachment Two).

However, Elton Consulting, acting on behalf of WaveBreak Properties, has asked that Council reconsider its requirement for the dedication of land east of The Coast Road as contained in item d of the resolution. Elton Consulting has also indicated that WaveBreak Properties has made efforts to address the dedication matter with the landowners (Dr and Mrs Stewart), but have not been able to secure an outcome that meets the requirement of Council's December resolution (Attachment Three).

Having regard for the above, Council staff has also held discussions directly with Dr and Mrs Stewart in relation to the land dedication issue. Dr and Mrs Stewart have clearly indicated that they are not willing to dedicate the land currently in their ownership east of The Coast Road to Council at present. However, they have indicated that they may consider the concept of a dedication of the Sharpes Beach car park area (the subject of the lease agreement with Council) to the public in the longer term.

Attachment Four shows the Stewart land holdings located east of The Coast Road and the area the subject of the lease agreement associated with the Sharpes Beach car park.

This report seeks direction from Council with respect to the progress of Amendment No.90 given the situation associated with the dedication of the land east of The Coast Road.

Key Issues

- Progress of draft Ballina LEP Amendment No.90.
- Adherence to strategic land use planning framework.

Information

There are several matters that are key items in considering whether or not Amendment No.90 should proceed. These items are discussed below.

Planning Policy Context

As part of Council's consideration of the December 2011 rescission motion associated with Amendment No.90, Council was provided with a copy of the very preliminary proposed zone arrangement for the study area identified under the draft local environmental study (Attachment Five shows the potential zone arrangement and the current zoning of the land under the Ballina LEP 1987). The urban zoned land identified in that plan is consistent with both local and State Government strategic planning policy.

More specifically:

- A substantial portion of the study area is presently zoned 1(d) Rural (Urban Investigation) under Council's Ballina LEP 1987;
- The 1(d) zoned portion of the land is identified in Council's Urban Land Release Strategy as a potential urban release area (this is also reflected in Council's draft Growth Management Strategy which is currently on public exhibition); and
- The 1(d) zoned portion of the land is identified in the State Government's Far North Coast Regional Strategy as a proposed future urban release area.

With respect to the Lennox Head Structure Plan, the majority of the subject land is identified as Area T. The structure plan does not nominate preferred land use outcomes for the area, but does identify a visual separation between Skennars Head and East Ballina as a desirable land use outcome. This outcome can be accommodated as part of Amendment No.90.

Lease of the Sharpes Beach Car Park Area

Council completed a Master Plan for the Sharpes Beach car parking area in July 2011. In considering the master plan, Council resolved (in part), as follows at its July 2011 Ordinary Meeting [Minute No. 280711/ 25]:

"That Council authorises the General Manager to enter a long term lease, of up to 99 years, for the area of approximately 6,000 square metres, as identified in the attached master plan for Sharpes Beach, with the intention being for Council to work towards the implementation of that master plan over the term of the lease."

In accordance with this resolution, arrangements for the lease of the area shown in Attachment Four have been undertaken by Council's Commercial Services Unit.

At present, Council and the landholder have entered into a deed of agreement committing both parties to the lease arrangement upon the subdivision of the land to adjust boundaries consistent with the proposed lease area.

The terms of the lease arrangement effectively provide for public access to the Sharpes Beach car parking area and surrounding foreshore for a period of 99 years.

Address of Council Resolution (December 2011)

The following outlines the current situation with respect to the items identified in Council's December 2011 resolution as pre-requisites for the progress of the draft amendment to exhibition.

- a) *Dedication to Council of the land that forms a buffer on the western side of the coast road that is currently zoned 7(d) Environmental Protection – Scenic Escarpment. The 7(d) land that forms part of Lot 2 DP 784864 is to be dedicated to Council as part of this amendment, however the balance of the dedication can occur at future subdivision, with the exact details of this arrangement to be confirmed through appropriate legal advice.*

WaveBreak Properties has agreed that the 7(d) zoned environmental protection land zoned that forms part of Lot 2 DP 784864 and is located on the western side of The Coast Road will be dedicated to Council as part of the Amendment No 90. WaveBreak Properties has suggested that the timing and process can be discussed further between the parties and confirmed through legal documentation (Attachment 2). From staff's perspective, this approach is considered acceptable as such details can be addressed in the formulation of a voluntary planning agreement for public exhibition.

- b) *Acceptance of Council's contribution of \$100,000 (excluding GST) and subject to annual CPI adjustments, for the reconstruction of Headlands Drive and associated infrastructure such as the proposed roundabout.*

WaveBreak Properties has accepted Council's proposed contribution of \$100,000 (excl GST), subject to annual CPI adjustments, to the cost of works for the reconstruction of Headlands Drive access and roundabout. This means that the balance of costs for the works will be funded by the developer of the land should the rezoning proceed and subsequent consents/ approvals issued.

- c) *Satisfactory arrangements being made for the management of stormwater.*

WaveBreak Properties has submitted additional documentation addressing stormwater management in relation to the proposed urban use of the land. Subject to detailed assessment as part of the finalisation of the environmental study for the land, the information submitted is considered suitable to enable the progress of the environmental study and formulation of a voluntary planning agreement for public exhibition.

- d) *Dedication to Council of the land on the eastern side of the Coast Road which is currently zoned 7(f) and forms part of Lots 1 & 2 in DP 784864.*

As mentioned earlier, the current landholders, Dr and Mrs Stewart, have indicated on multiple occasions over the duration of the Council's consideration of the proposed amendment that they are not willing to enable the dedication of Lots 1 & 2 in DP 784864 into public ownership at present. It is fair to say that they remain concerned that future councils may use this land in a manner that is inconsistent with its current use (i.e. a council may develop the land).

Dr and Mrs Stewart have indicated that they are of the view that the lease arrangement that has been entered into with Council over the Sharpes Beach car parking area is sufficient to enable suitable public infrastructure development and access to the Sharpes Beach area.

As Wavebreak Properties were not able to resolve this dedication issue Council staff met directly with the Stewarts to assess whether there were any other viable options. The only option that seemed to have any possibility of proceeding following these discussions was the option of dedication of the land in the longer term, say 20 years after the rezoning of the land, if the rezoning did proceed. This now appears to be the only remaining option that the Stewarts will consider with respect to the dedication matter. However, pursuit of this course of action requires further discussion between the Stewarts, WaveBreak Properties and Council in order to establish a suitable legal mechanism if all parties are in agreement.

LEP Amendment Timeframe and State Government

As outlined, Amendment No.90 has been under consideration by Council since 2006. In considering the timeline, it is worthwhile noting that there were substantial delays in the processing of the amendment as a result of the need for the proponent to address a number of outstanding issues. However, more recently, the progress of the amendment has been considered by Council on four occasions in the last 12 months (inclusive of this report).

Unfortunately, the extended timeframe for the address of this matter creates significant uncertainty for Council, the community, the proponent (WaveBreak Properties) and the landholder (Dr and Mrs Stewart).

The Department of Planning & Infrastructure (DP&I) instructed that the LEP amendment should be completed by May 2011 when it was moved into the gateway planning process at the time LEP amendment processing requirements changed under the terms of the *Environmental Planning and Assessment Act*. Since that time, Council has been granted an extension to the completion timeframe to 25 May 2012 and a request has recently been made for further extension to the timeframe.

Whilst it is not suggested that Council should advance LEP amendment requests where it is not satisfied in terms of the adequacy of a proposal or its associated information, the effect of the timelines is that matters that run outside the defined timeframes attract the interest of the DP&I.

In the case of Amendment No.90, the DP&I is awaiting Council's position in relation to the progress of the amendment prior to determining whether an extension to the May 2012 timeframe will be granted. In this regard, it should be noted that where the DP&I is not satisfied with the progress of the amendment, or it disagrees with a decision of Council in relation to the matter,

it is open to the Minister for Planning & Infrastructure to take on Council's role as the planning authority and progress the amendment. If the Minister determines to take on Council's role, the elected Council may well have very little input into the further consideration of the rezoning.

Draft Local Environmental Study

As outlined, a draft local environmental study was prepared in relation to Amendment No.90 in 2009. This study was prepared to provide a compilation of the technical assessment undertaken in relation to the proposed rezoning as the basis for a recommended land use zoning arrangement and public exhibition of the proposal.

Whilst the *Environmental Planning and Assessment Act* no longer includes a specific requirement for the completion of local environmental studies for rezoning proposals, it is still necessary to ensure that full evaluation of technical considerations is undertaken. As such, an environmental study is considered to be a prudent means of analysing the characteristics of land as the basis for recommended outcomes, Council's deliberations and review by the community in the case of substantial LEP amendment requests. Given the above, further progress of Amendment No.90 is based on a requirement for completion of an environmental study.

In considering Amendment No.90, it is important to note that the draft local environmental study completed for the land in 2009 indicates that part of the subject land is both capable and suitable for residential land use based on the characteristics of the land. This is, of course, subject to confirmation in the completion of the final environmental study should the matter progress, but the original draft study does give a strong indication of the potential of the land for urban development.

Importantly, the completion of the environmental study will not only address urban land use outcomes. The study will also consider other zone arrangements to address environmental values of the land including areas of visual amenity value and the establishment of an urban break between Skennars Head and East Ballina.

No further work on the completion of the environmental study has been undertaken to date given that the pre-requisites in Council's December 2011 resolution for completion of the study and exhibition have not been fully met.

Sustainability Considerations

- **Environment**

Amendment No.90 includes a variety of considerations that seek to ensure that land identified as having potential for urban land use is considered with respect to the environmental, social and economic attributes of the land. These matters will be fully canvassed in an environmental study for the land if the amendment proceeds to enable completion of the study.

- **Social**

As above.

- **Economic**

As above.

Legal / Resource / Financial Implications

Council has expended substantial internal resources in processing this draft LEP amendment in response to both the need for the proponent to address certain issues and in response to Council's recent resolutions on the matter. Specifically, a significant amount of time has been expended in seeking to address the land dedication issue, with Council staff meeting directly with the landholders on several occasions.

With respect to the further processing of the amendment, costs associated with the completion of an environmental study and other amendment steps will be at the proponent's cost in accordance with Council's adopted fees and charges.

Consultation

No formal community engagement by Council has been undertaken to date. However, if the matter proceeds, feedback would be sought from the community in relation to the proposal via the public exhibition of Amendment No.90 in accordance with the terms of the *Environmental Planning and Assessment Act*. The exhibition would include the environmental study and the draft voluntary planning agreement.

Options

Any further progress of Amendment No.90 by Ballina Council is dependent upon Council changing its position in relation to item 1(d) of its December 2011 resolution (requiring dedication of the land east of The Coast Road). In this regard, it appears that the landholder may consider a longer term dedication timeline (in the order of 20 years) for the area subject to the recent lease arrangements, although firm agreement in this regard has not been reached. It is, however, clear that both the dedication of the land east of The Coast Road as an immediate outcome of the rezoning (i.e. the lease area) and the dedication of the remainder of Stewart family owned land to the land east of The Coast Road is not acceptable to the landholder. Further, it appears that WaveBreak Properties do not have the authority to enter into such a dedication agreement under their contractual arrangements with the Stewart family.

If Council remains of the view that the dedication of the eastern land (either the entire area or in part) is a requirement of the rezoning (in the short term) or the Council is of the view that the subject rezoning proposal is not suitable for implementation, then it is recommended that Council resolve to cease further consideration of Amendment No.90.

If this course of action is pursued, it is also suggested that Council clearly articulate its reasons for this decision within its resolution and provide direction to staff, the landowner and the community as to whether there is a view that the land is unsuitable for urban development (as opposed to specific concerns with the current rezoning proposal). If Council is of the view that the land is

unsuitable for urban development, direction is sought as to whether the property should be kept as a potential urban growth area within Council's Growth Management Strategy (urban planning policy).

Alternatively, if Council's concerns relate only to the current rezoning concept, the land can be maintained within local urban planning policy documents enabling another party to seek rezoning of the land consistent with Council's local policy in the future.

Importantly, it should be noted that if Council resolves to cease further processing of the LEP amendment, the Minister for Planning & Infrastructure may elect to progress the matter separate from Council.

If Council does not wish to cease further processing of Amendment No.90, the following options are available.

1. Proceed to finalise the environmental study for the land and undertake public exhibition of Draft Ballina LEP Amendment No.90.

Under this approach, Council would need to change its position in relation to the dedication of the land east of The Coast Road to either no longer require the dedication or support the further examination of a longer term dedication, should the land be rezoned.

If Council adjusts its position on the dedication, the next step in the process will be to finalise the environmental study for the land (including confirmation of any longer term dedication requirements and completion of a draft voluntary planning agreement addressing key matters previously identified by Council). Following the completion of the study, the draft amendment would be placed on public exhibition. In accordance with the DP&I's terms for the processing of the amendment, the public exhibition period would be 28 days in duration.

In considering this option, it is important to note that:

- the proposed rezoning is generally consistent with both local and State government planning policy,
- the preliminary findings of the draft environmental study suggest that part of the study area is suitable for supporting urban development, and
- Council has already entered into lease arrangements regarding the provision of public access and other infrastructure within the Sharpes Beach car parking area,

If Council is of a mind to change its view regarding the dedication of the land, the completion of the environmental study (with a view to subsequent public exhibition of the draft amendment) is the recommended approach as it affords an opportunity for completion of technical assessment and community feedback in relation to the rezoning concept.

With respect to the progress to exhibition, if Council wishes to pursue a longer term dedication arrangement for the land east of The Coast Road, it is recommended that the rezoning only progress to public exhibition where a longer term dedication outcome can be agreed with the landholder, with the General Manager authorised to negotiate such an agreement.

In this regard, it is recommended that Council focus on the Sharpes Beach car park area (the lease area), as this is the area of land likely to yield the greatest public benefit to the local community. At present, land owned by the Stewart family east of The Coast Road is identified for State Government acquisition (upon request of the landholder) so it is possible that any land not secured by Council through the rezoning process may be acquired into public ownership by the State at some point in the future.

The proponent is required to meet the costs associated with this step and Council retains the option of ceasing the rezoning process following consideration of submissions or at any time in the amendment process, if this is identified as a preferred course of action.

2. Defer further processing of Draft Ballina LEP Amendment No.90.

Council may elect to defer its decision regarding the progress of the draft amendment pending further information. However, this is not recommended given the considerable uncertainty that would likely result from further deferral, that the technical information required by Council to complete the environmental study for the land has been provided and the option of a longer term dedication of the land can be addressed as part of the environmental study process (if acceptable to Council).

Additionally, deferral of the item may attract further interest from the DP&I with respect to Council's processing of this LEP amendment.

In conclusion the preferred option is to move Amendment No.90 forward by authorising staff to negotiate an outcome that results in the land that is to be leased to Council, being dedicated to Council, within a maximum period of 20 years following the completion of the rezoning process.

It is accepted that this does not result in the total dedication of the land to Council, however this option does overcome some of the concerns that were expressed regarding Council having to pay lease fees for 99 years.

It is uncertain as to whether or not this type of agreement can be verified in a legal sense to the satisfaction of Council, and it is still unclear as to whether the Stewarts will agree to this proposal, but nevertheless it allows the Amendment to potentially progress.

If Council is not satisfied with this option then Council should resolve to cease any further consideration of Amendment No.90, whilst being mindful that the Minister has the authority to take control of this amendment.

RECOMMENDATIONS

1. That Council endorse the concept of a dedication of the land on the eastern side of The Coast Road, in the vicinity of the Sharpes Beach car park that is the subject of lease arrangements between Council and the Stewart family, at a maximum period of approximately 20 years after the rezoning of the land.
2. That subject to point one being agreed with the proponents and landowners, Council endorses the finalisation of the environmental study associated with Draft Ballina LEP Amendment No.90 - Stewart Farm.
3. That the outcomes of points one and two be reported to the Council for consideration with respect to the potential public exhibition of Draft Ballina LEP Amendment No.90.

Attachment(s)

1. Attachment 1 - Study Area Draft Ballina LEP Amendment No.90 Stewart Farm
2. Attachment 2 - Correspondence from Elton Consulting (WaveBreak Properties Pty Ltd) February 2012
3. Attachment 3 - Correspondence from Elton Consulting (WaveBreak Properties Pty Ltd) May 2012
4. Attachment 4 - Stewart Family Owned Land East of The Coast Road and Sharpes Beach Car Park Lease Area
5. Attachment 5 - Potential Zone Arrangement Draft LES 2009 and Current Ballina LEP 1987 Zoning

9.2 Captain Cook Park and Ballina CWA

9.2 Captain Cook Park and Ballina CWA

Delivery Program Strategic Planning

Objective To provide information to the Council concerning the tenure of the Country Women's Association of NSW (CWA) within Captain Cook Park, Ballina.

Background

During the 'Questions Without Notice' section of the Council's Ordinary Meeting held on 26 April 2012, the Mayor, Councillor Silver asked that a report be prepared and submitted regarding the CWA's occupation of premises on Captain Cook Park due to concerns over their tenure.

The following report responds to that request and provides an insight into the prevailing circumstances concerning the reserve.

Key Issues

- Management responsibilities for Captain Cook Park
- Embellishment plans for the reserve
- CWA's occupation within the reserve

Information

The map accompanying this report illustrates the extent of Crown Land referred to as Reserve No. 71612 for Public Recreation, which was notified for this purpose by the Minister for Lands on 17 August 1945. Council will note that the reserve fronts the Richmond River on either side of the Ballina RSL Club. That is, whilst the land is segregated into two distinct parts, it comprises the one reserve.

The Minister has not appointed a Reserve Trust to manage Reserve No. 71612. Consequently, and by virtue of Section 48(1) of the Local Government Act 1993, Council has control of the public reserve as it has not been vested in any other body or person, nor is it held by any person under lease from the Crown. This situation is described as the land having been devolved to the Council.

Located within the eastern part of the reserve is a small parcel of land containing an area of 487m². This land is described as Allotment 8 DP 758047 and is the subject of Licence No. 75928 between the Crown and the CWA.

Also within the eastern part of the Reserve is an area alongside and parallel to the eastern boundary of the Ballina RSL Club, which is under licence between the Crown and the club for emergency access and landscaping (Licence No. 396806). This was granted recently, at the time the RSL Club completed its substantial renovations, enabling its compliance with contemporary construction and egress standards.

9.2 Captain Cook Park and Ballina CWA

Council will also be familiar with Fawcett Lane, which extends in a westerly direction from Moon Street (in front of the building containing the health and fitness centre) servicing the rear of commercial properties adjoining Captain Cook Park. This access actually transverses the public reserve and does not comprise a road reserve.

A review of Council's files establishes that there have been two occasions where Council has indicated its preparedness to accept management responsibilities for Public Reserve No. 71612. The first was in September 2002, and the second was a resolution of Council on 26 March 2009 (Minute No. 260309/21) viz: *"That Council advise the NSW Department of Lands of its preference to be appointed as the Reserve Manager of Captain Cook Park."* Staff have interpreted this as a decision by the Council not to seek management responsibility for that part of the reserve located on the western side of the Ballina RSL Club.

At the present time, the shortcomings of devolvement are evident. This 'state of limbo' essentially means Council is responsible for the day-to-day maintenance of the reserve, but more substantial works within the reserve involving significant capital investment cannot be undertaken unless the works are in accordance with an adopted plan of management. This lack of 'ownership' does not provide the Council with the confidence to commit to enhancing the reserve. A plan of management has not been prepared for the reserve which identifies the future scope of improvements and use.

Council does have funds allocated in its current budget for the preparation of a plan of management; however there has been a reluctance to use public funds for planning over land that Council has not been appointed to manage.

In relation to the CWA's tenure within the reserve, Council's position has not been clearly articulated. It has however been inferred that Council would prefer the CWA to be relocated in Council's adoption of the Ballina Foreshore Master Plan in January 2008. This document was prepared by Council in partnership with, and funding support from, the Department of Lands. Its purpose was to assess the characteristics of key public foreshore sites located between Missingham Bridge and Burns Point Ferry and to devise preferred development outcomes for the sites at a fairly broad scale.

For the section of this document referring to Captain Cook Park, Council's stated preferred option is to "review the use of the existing CWA facilities".

In December 2008, Mr Don Page MP, Member for Ballina wrote to Council enquiring about the status of the CWA building. At that time, the CWA was negotiating a further extension of its tenure with the Department of Lands.

In Council's letter of reply to Mr Page it was stated that *"the contemporary view is that the location of the CWA hall within Captain Cook Park presents an impediment to the full potential of this key foreshore public reserve for recreation."*

Council is mindful of the role and function the CWA has long fulfilled within the Ballina community, and would hope to see the CWA relocated to a more appropriate site in the not too distant future. However, it is stressed that the tenure on the reserve is a matter between the Crown and the CWA and in that regard the future location for the CWA's activities are still to be finalized.

9.2 Captain Cook Park and Ballina CWA

The current and future tenure of the CWA within Captain Cook Park is dependent on the Department of Lands and/or the identification of a viable alternative site for CWA activities."

Previously, in July 2002, Council had been considering enhancement options for Captain Cook Park as part of its Ballina Town Centre redevelopment program. At that time, Council's preference was to relocate the CWA from its present site to an alternative site on the River Street frontage of the reserve. It is understood that the CWA had agreed to that option, however no progress was made in that regard.

Sustainability Considerations

- **Environment**
Future embellishment of Ballina's foreshore reserves in accordance with endorsed management plans would generally enhance the built environment for local residents and visitors.
- **Social**
As above, in terms of general amenity and passive recreation.
- **Economic**
Providing infrastructure encouraging usage of prominent places has the potential to stimulate economic activity.

Legal / Resource / Financial Implications

At the present time, Council is not the formally appointed Trust Manager for Reserve No. 71612, but has the day-to-day maintenance responsibilities. Council has however previously resolved to request the Minister to make such appointment. Indications from officers within the Department are that Council's request would likely be approved.

It is understood that the following is now required for the matter to proceed:

- Council, as an existing Trust Manager, must resolve to add Reserve No.71216 to the management portfolio of an existing Trust; or
- Resolve, as Council (as distinct from a Trust Manager) to -
 - i. Request that a suitable new Trust be created to manage Reserve No. 71612 and any other related reserves (eg other reserves along the foreshore of the river);
 - ii. Nominate the name of the new Trust; and
 - iii. Request that Council be appointed the corporate Trust Manager.

If Council chooses to proceed with one of these options it is likely that a demand for financial and other resources toward the reserve will increase. At this point however, it is difficult to quantify such increase.

Consultation

It is understood consultation between officers of the Department and the CWA (through its legal representative) have been ongoing concerning the use of the reserve.

Consultation between Departmental and Council officers has been undertaken concerning the future management of the reserve.

Options

It must be acknowledged that the main purpose of this report was to respond to a Mayoral request about the CWA's tenure within the reserve. However, it was felt that there needed to be an elaboration of the underlying management issues to assist the Council's improved understanding of the situation.

Fundamentally, the CWA's continued occupation of part of the reserve is a matter between that organisation and the Crown. Evidently, the Department's preference is to encourage the CWA to relocate to alternative premises to facilitate broader community use of the reserve.

The issues outlined in this report will become Council's responsibility if it pursues the Ministerial appointment as Trust Manager.

The other option available to Council is to notify the Department that it does not wish to formally assume responsibility for the reserve, for the time being. This would be a reversal of Council's previous position, but on balance, it may be the most prudent course to take, leaving it to the Department to clearly resolve the issues concerning longer-term use of the reserve by the CWA and the existing informal road which is used to access the commercial properties fronting River Street.

The 'downside' of this option would be that Council may not be able to meet the community's expectations concerning a more extensive improvement program within the reserve for the time being.

RECOMMENDATIONS

1. That Council notify the NSW Department of Primary Industries (Catchments and Lands) that Council is not in a position to accept the role of Trust Manager of Reserve No. 71612 for the time being.
2. Further, that Council is prepared to reconsider its position upon the Department resolving issues concerning the CWA's longer-term tenure and the existing informal road traversing the reserve which is used to access the commercial properties fronting River Street.

Attachment(s)

1. Locality Plan - Reserve No. 71612

9.3 Community Facilities - Wardell Memorial Hall

9.3 Community Facilities - Wardell Memorial Hall

Delivery Program Community Planning

Objective To invite the Council to further consider acquisition of the Wardell and District War Memorial Hall.

Background

Council, at its Ordinary Meeting held on 22 March 2012 resolved to discontinue its operation of the Wardell Community Centre. This decision is currently being implemented.

Council also resolved to receive a further report concerning the offer recently made by the Trustees of the Wardell and District War Memorial Hall, for Council to acquire that property. The report would examine matters such as the status/condition of the hall, as well as opportunities for its future improvement, use and management. The following report has been prepared in response to the Council's request.

Key Issues

- Consequences associated with acquiring an additional public hall.

Information

Through Councillor contacts and the recent staff presence at the Wardell Community Centre, feedback has been received that the Wardell and District War Memorial Hall (the hall) has not been used optimally by the Wardell community in recent years. If this is accepted, there may be any number of reasons for the low level of usage. Nevertheless, it has now been suggested by some residents that Council's acquisition of the hall would provide greater opportunities for increased usage through more proactive management and promotion.

Earlier this year, the Trustees of the hall wrote to Council, offering to transfer the ownership of the facility. A copy of this letter is **attached**.

Given the unusual/uncertain status of the land, Council staff made enquiries of the NSW Land and Property Management Authority (LPMA) to ascertain its views concerning a possible transfer. From its perspective, the Authority advises there is no impediment to Council accepting ownership of the property.

For the purpose of further clarification, staff have also sought legal advice concerning the potential transfer. A copy of this advice from Council's lawyer is **attached**.

9.3 Community Facilities - Wardell Memorial Hall

This also confirms that there are no identified legal barriers to acceptance of the current Trustees' offer. The advice also outlines some matters that Council will need to attend to, in due course, should it decide to proceed with the proposal.

Building Condition – Council's Building Surveyor has undertaken an inspection and preliminary assessment of the hall. A copy of that report is attached to assist the Council in getting a feel for the scope of work (and therefore order of costs) that may be required to bring the hall to an acceptable and compliant standard. As noted in the report, some parts of the building have not been inspected at this time. These further investigations should be completed and understood before any contractual settlement.

It is noted that future modifications to the hall will need to have careful regard for its heritage values.

Future Use of the Facility – There are twelve community halls in Ballina Shire, six of which are owned by Council. Ideally, the preferred use of these halls reflects the wishes of their respective local communities. Each of these halls is managed by a local committee. This point is important in that the ownership of the Wardell Hall should only be taken on by Council, if a local committee can be established to oversee the day to day management of the hall.

If a local committee is not established Council is then faced with the possibility of staff having to directly manage the hall, which can result in either a substantial reallocation of existing resources, or the need for Council to finance additional resources.

The real benefit of the Wardell Hall being transferred to Council, for the Wardell community, is that funding is then available from Council for on-going capital improvements to the hall. Council's "Donations – Capital Halls Capital Works Assistance" funding program has proven very successful in supporting the management committees for local halls, however it is also paramount for there to be an active management committee overseeing the operation of the hall.

If Council is inclined to proceed with ownership of the Wardell hall, the pre-requisite should be for the establishment of a local management committee. This group, in conjunction with Council staff can then generate ideas for increased usage, which in turn will guide future improvement of the building and its curtilage, and will inform the preparation of the plan of management referred to in Ms Huegill's letter.

Funding – Given our Building Surveyor's report, there are likely to be some works which need to be undertaken with a level of priority. These would be works required to make the facility compliant, as far as practicable, with contemporary building standards and access. Other discretionary items of expenditure would need to be identified and appropriate priorities assigned. Funding for these discretionary items could be sought from grants, or 'budget bids' made under Council's General Fund.

In relation to priority works, it is proposed to transfer funds unexpended from the Wardell Community Centre operation and carry these forward to 2012/13 as a starting point.

Enquiries have been made of the current Trustees to establish whether they hold funds which might be transferred to Council with the 'sale'. The advice is that the Trustees have recently resolved to transfer existing surplus funds to Council at the date of transfer, however no indication has been provided about the balance available.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Community halls can provide a focal point for social interaction.
- **Economic**
Community halls can be both a social asset and a financial liability to Council and if Council wishes to seek ownership it needs to be mindful that there will be future capital outlays for this building.

Legal / Resource / Financial Implications

This report provides information concerning an opportunity for the Council to assume ownership of the Wardell hall. Initial costs will be limited to those outlined in the advice from Ms Huegill (noting her suggestion that Council prepare the contract for the sale of the property in these particular circumstances). Inevitably however, additional funds will be required on an ongoing basis for improvements and general maintenance.

There is a suggestion from some residents in Wardell that Council's ownership of the hall will be beneficial in terms of improving access and promotion of the facility. It is agreed that there is some logic in having community facilities such as the hall held in public ownership for these reasons, but the cost to ratepayers must be acknowledged and understood. Once Council accepts the offer and the transfer is completed, the property will be classified as Community Land under the Local Government Act and hence, cannot be sold or transferred without the categorisation being changed back to Operational Land.

Apart from the costs mentioned, it is envisaged the day-to-day management of the facility can be undertaken without any additional staff resources.

Consultation

The current hall Trustees have come to Council with their offer to surrender ownership of the facility. Formal community engagement concerning the proposal has not been undertaken.

Options

Council may either accept or decline the offer made by the hall Trustees. Alternatively, Council could defer its determination of the matter if it feels that inadequate information has been provided.

9.3 Community Facilities - Wardell Memorial Hall

The recommendation which follows is that Council accept the offer from the Trustees, subject to Council obtaining support from the local community to form a committee to oversee the management of the hall. This is the practice followed with all the other community halls owned or controlled by Council and a similar practice should be adopted with this hall. The recommendation also has a provision that the General Manager should be satisfied in relation to the overall condition of the building and the general level of expenditure that may be required to bring the hall to an acceptable and compliant standard of repair.

RECOMMENDATIONS

1. That Council notify the Trustees of the Wardell and District War Memorial Hall that it is prepared, in principle, to accept the Trustees' offer to assume ownership of the property, as per the contents of this report.
2. That prior to Council proceeding with this ownership, Council seek expressions of interest from the community for the formation of a management committee to oversee the operation of this hall, as occurs with the various other community halls in the shire.
3. That if point two can be implemented to the satisfaction of the General Manager, the General Manager is authorised to proceed with the contract for sale only upon receipt of a further building report concerning the condition of the hall, with the General Manager being satisfied that the general condition of the hall and the scope of any remedial works are acceptable.
4. That the General Manager is authorised to affix the Council Seal to documentation associated with the contract for sale, subject to points one, two and three.

Attachment(s)

1. Letter - Wardell War Memorial Hall Trustees
2. Letter of Advice - Clarissa Huegill & Associates

9.4 Sustain Northern Rivers - Council Participation

9.4 Sustain Northern Rivers - Council Participation

Delivery Program Strategic Planning

Objective To seek direction on the extent and form of Council's commitment and level of participation in Sustain Northern Rivers for the next 12 months.

Background

Sustain Northern Rivers (SNR) is a collaboration of 20 peak regional organisations working together to provide a local response to climate change. SNR was formed in 2008 and is a collaborative platform that aims to empower local communities to become self-sustaining with a focus on food, transport, energy and behavioural change. SNR includes representation from Ballina Shire, Lismore City, Byron Shire, Clarence Valley and Richmond Valley Councils, Southern Cross University, Regional Development Australia - Northern Rivers, Northern Rivers Catchment Management Authority, NSW Department of Trade and Investment, Regional Infrastructure and Services and North Coast Health Promotion.

Ballina Shire Council has been a signatory to the SNR Collaboration since July 2011. Council's nominated representative on this collaboration is Cr Jeff Johnson with Cr Sharon Cadwallader nominated as an alternative representative. A staff member has also been attending these meetings with the attending Councillor in a supporting role.

To date, Council's involvement in SNR is at the Collaboration Group (CG) level which meets four times a year. The agenda of meetings during the period of Council's involvement has focused on the group's governance model refining the purpose of the group and the activities undertaken by the other levels of SNR.

At the last meeting of the SNR CG a proposal to clarify the various roles and responsibilities of each element of SNR was put forward. It was resolved at the meeting that there is a need to finalise these roles and then commence an expression of interest process relating to member commitment to the various key roles to support the ongoing function of SNR. SNR has progressed to the expression of interest process and as such, it is a timely opportunity to review Council's involvement and commitment to SNR.

Key Issues

- Regional collaboration
- Knowledge sharing
- Resource efficiency

9.4 Sustain Northern Rivers - Council Participation

Information

As noted, Council's involvement over the last year in SNR has been a member attending the SNR CG meetings. Councillor representatives on the CG will be able to provide the Council with insights into the value of Council's past participation in these meetings. However, from a staff perspective, Council's involvement in the SNR has been considered worthwhile due to the opportunities for regional knowledge sharing, collaboration and resource efficiency around climate change and other environmental issues.

Although Council has focussed its involvement to date at the CG level, there are three levels of SNR activity, being:

- Collaboration Group (CG)
- Stewardship Team (ST) and
- Working Groups.

The current SNR Working Groups are based on the themes of energy, transport and food. It has also been recently proposed to set up a biodiversity working group.

Council has recently been requested by the Stewardship Team to consider how the organisation may be able to contribute to SNR in the 12 months ahead by nominating for one or more of the roles specified in the table below. This table outlines the nature and function of each of the SNR member roles, including responsibilities and expectations, and identifies a minimum estimate of the number of hours involved over the 12 month period.

Group	Roles/purpose	Positions	Responsibilities	Minimum contribution (hours p.a.)
Collaboration Group (CG)	<ul style="list-style-type: none"> • Strategic direction • Springboard for collaboration on climate change projects • Active learning network • Relationship building 	CONVENOR (1 role)	<ul style="list-style-type: none"> • Liaise with Stewardship Team Convenor • Guide CG gatherings • Contribute to agenda preparation 	4 CG meetings (12 hours) + 4 hours liaison Total 16 hours
		MEMBER	<ul style="list-style-type: none"> • Attend CG gatherings • Brief own organisation on SNR • Liaise with your alternate delegate after each CG meeting • Identify alternative representatives • Actively seek collaboration opportunities • Suggest or veto project proposals • Commit to specific actions to support CG activity 	4 CG meetings + 4 hrs outside Total 16 hours

9.4 Sustain Northern Rivers - Council Participation

Stewardship Team (ST)	<ul style="list-style-type: none"> Process oversight Network governance Holder of SNR vision, values and principles Resource repository Member induction Catalyst of social innovation Network communication Information dissemination 	CONVENOR (1 role)	<ul style="list-style-type: none"> Guide Stewardship Team meetings Liaise with CG Convenor Communicate with network (e.g. decisions about collective SNR actions; recommend agenda items) 	4 CG meetings + 8 ST meetings + 4 hours liaison + 8 hours tasks Total 40 hours
		MEMBER (8-10 roles)	<ul style="list-style-type: none"> Determine focus and process for CG gatherings Attend CG gatherings and ST meetings Develop and implement network building, including member briefing and induction Consider proposals for action in light of SNR principles Determine how proposals are implemented Establish 'buddy' relationship with one Working Group Convenor and report 	4 CG meetings + 8 ST meetings + 12 hours tasks Total 40 hours
		SECRETARIAT (2 roles)	<ul style="list-style-type: none"> Prepare agendas & write minutes for CG and ST meetings Maintain resource repository (including minutes) Liaise with Convenor on network communication Coordinate SNR website 	4 CG meetings + 8 ST meetings + 22 hours tasks Total 50 hours
Working Groups	<ul style="list-style-type: none"> Implementation Action priorities Planning Focus Resource search 	CONVENOR (4 roles - must be from SNR member org'n)	<ul style="list-style-type: none"> Arrange and guide Working Group meetings Attend and report to CG gatherings Liaise with Stewardship Team buddy Oversee Working Group actions and projects Organise and recruit members to the Working Group as needed 	4 CG meetings + 8 WG meetings + 12 hours tasks Total 40 hours
		MEMBER (does not have to be from SNR member org'n)	<ul style="list-style-type: none"> Implement actions Attend Working Group meetings Collaborate actively on projects Propose collective actions Recruit other members Align projects with existing work plans 	As needed.

Appointment to the various roles is being conducted via an expression of interest process and is part of an ongoing process where each year SNR will identify its successes, acknowledge the individual contribution of members and confirm the commitment of members to specific roles for the year ahead.

This process will reconfirm organisational representation and to seek commitments from members to support collaboration activity through contributions to other roles. In the event of multiple nominations for a single role (it would appear that this applies to a convenor or secretariat role), the Stewardship Team will liaise with each nominee and finalise nominations through consensus.

Council has been invited to nominate for the identified roles, where it is interested in participating and committing resources.

Sustainability Considerations

- **Environment**
A collaborative approach to addressing issues that contribute to the long-term sustainability of the region can have significant environmental benefits.
- **Social**
A collaborative approach to addressing issues that contribute to the long-term sustainability of the region can have significant social benefits, especially in regard to building community resilience to the impacts of climate change.
- **Economic**
A collaborative approach to addressing issues that contribute to the long-term sustainability of the region can be more economically efficient than addressing these issues individually.

Legal / Resource / Financial Implications

At this stage there are no direct substantial financial or legal implications in continuing Council involvement in the SNR. As indicated, the Council can determine, and reassess its commitment to SNR annually. The resource implication is the time commitment of Councillor and staff representatives attending the SNR meetings associated with Council's level of participation in the SNR collaboration.

Consultation

Information provided by members of the SNR collaboration has been used in the drafting of this report. Involvement in the SNR has not included public engagement processes to date.

Options

Council has the opportunity to express its interest in being involved in any or all of the three levels of SNR. Commitment to the positions of convenor or secretariat at any level of SNR, and to the Stewardship Team more broadly, is not considered appropriate at this time due to Council's relatively recent involvement in SNR and the continuing evolution of the SNR governance structure. These roles also involve a substantial resource commitment which would be difficult to accommodate within the existing work program in Council's sustainability portfolio. Participation may, however, be reconsidered in the future, with respect to Council's annual commitment to SNR.

With the above in mind a number of options are outlined below to assist Council in addressing the request for continuing its SNR involvement.

Option 1 - Withdraw from SNR Involvement

Council can choose to no longer be involved in SNR. This is not recommended as this limits Council's opportunities for regional networking and collaboration on climate change and other environmental issues.

Option 2 - Collaboration Group Level

Council can nominate both a Councillor representative (and an alternative) and staff member to attend the SNR CG meetings as has occurred for previous meetings. Ensuring that Council continues to be represented on SNR will help secure opportunities for regional collaboration on environmental issues, when and if appropriate.

This option will formalise the arrangement that has been in place over the last year. However, this option is not recommended as it concentrates Council's participation in one level of SNR and opportunities for direct involvement in planning and implementing regional activities are limited under this approach. It is also considered that the CG operates at a political level, best suited to elected Councillor participation as opposed to staff involvement.

Option 3 - Collaboration Group and Working Group Level

Council can nominate a Councillor representative (and an alternative Councillor) to the SNR CG and a staff representative (or representatives) to the SNR Working Group level. This option is recommended as it distributes Council's current commitment across two levels of SNR, furthering the opportunities for regional collaboration, and implementation of sustainability focused projects.

Continuing to have Councillor representation on the SNR CG level is considered beneficial due to regional focus of this collaboration and the current high level stakeholder representation at this level. Staff involvement at the working group level would be based on the capacity for progressing opportunities identified in Council's Climate Action Strategy and in relation to other environmental initiatives.

If this option is favoured, it is recommended that Council identify its nominated delegate (and alternative) to the CG for the next 12 months. With respect to the working group, it is recommended that staff participate where resources allow and projects relate to the delivery outcomes identified in Council's Community Strategic Plan and Operational Plan. The General Manager would nominate the appropriate staff member/s in this regard.

RECOMMENDATIONS

1. That Council continue to participate in Sustain Northern Rivers through Councillor representation at the Collaboration Group level and staff representation at the Working Group level.
2. That Council nominate a Councillor representative and alternative representative to continue to represent Council at the Sustain Northern Rivers Collaboration Group.
3. That Council endorse staff participation in the Sustain Northern Rivers Working Groups to support opportunities for regional collaboration on climate change related issues and other environmental matters where consistent with delivery of Council's operational plan and other endorsed programs.

9.5 Planning Reform EP&A Act - Plan Making and Delegations

9.5 Planning Reform EP&A Act - Plan Making and Delegations

Delivery Program Strategic Planning

Objective To advise Council of the Draft Policy Statement released by the NSW Department of Planning and Infrastructure in relation to Plan Making and Delegations.

Background

The Department of Planning & Infrastructure (DP&I) recently exhibited for public comment a draft policy statement regarding proposed changes in relation to plan-making and delegations.

The proposed provisions outlined in the draft policy statement include:

- Delegations to councils to make local environmental plans (LEPs) in some circumstances; and
- Independent reviews for some rezoning proposals.

The draft policy statement was exhibited between 27 March 2012 and 4 May 2012. A submission by staff in response to the exhibition has been forwarded to the DP&I and is provided as Attachment one to this report.

This report outlines the provisions of the draft policy statement, advises Council of the issues raised in the submission made to the DP&I and provides Council with the opportunity to make further representations to DP&I if it is considered appropriate.

Key Issues

- Delegating the making of routine LEPs to councils
- Independent reviews of some council and departmental decisions in the plan making process
- Review of the NSW Planning System.

Information

Draft policy statement "Plan-Making and Delegations" was exhibited by the DP&I between 27 March 2012 and 4 May 2012. The draft policy statement was accompanied by a discussion paper titled "More Local, More Accountable Plan Making".

A submission has been forwarded to the DP&I in response to the exhibition information (Attachment one). However, the submission notes that the matter had not been reported to Council at the time of drafting and that Council may resolve at the Ordinary Meeting to be held on 24 May 2012 to add to the comments provided in the submission, or possibly change it in some other way.

Delegating the making of routine LEPs to councils

The DP&I discussion paper outlines a proposal to give councils powers to complete certain LEP amendments. The proposal to delegate the making of routine LEPs to councils in certain circumstances was first flagged with the introduction of the 'Gateway Process' relating to LEP amendments. The discussion paper notes that the types of LEPs proposed to be delegated to councils include:

- 'Spot' rezonings consistent with an endorsed strategy
- Reclassifications of land supported by an open space study
- Heritage LEPs supported by an endorsed study
- Section 73A matters (amending references to documents/agencies, minor errors and anomalies) and
- Mapping alterations/corrections.

The delegation of these types of LEP amendments to councils is supported in-principle, subject to a review of the detailed provisions.

Independent reviews of some council and departmental decisions in the plan making process

In addition to the delegation of powers, the DP&I discussion paper also addresses reviews of decisions associated with LEP amendment proposals.

The proposed introduction of provisions to enable independent reviews of council decisions or 'Pre-gateway' reviews raises a number of issues and concerns. The provisions will enable proponents to request a review when a council decides not to prepare a planning proposal, or in circumstances where a council has not made a decision after 60 days of receiving the proponent's request.

The review process proposed involves the preparation of a report by DP&I for the consideration of the relevant Joint Regional Planning Panel (JRPP) or the Planning Assessment Commission (PAC) in some cases. The JRPP or PAC will then advise the Minister on whether or not the proposed instrument should be submitted to the Gateway for determination.

The concerns regarding the introduction of the proposed pre-gateway review process include the following:

- The introduction of the proposed review process may result in a significant increase in requests to rezone land not identified in the strategic planning framework or in a manner inconsistent with established character of an area on a purely speculative basis.
- The proposed "strict" criteria against which requests for reviews will be assessed are not considered to be sufficiently robust.
- The process whereby a review can be requested in the event that the council has not made a decision after 60 days of receiving the proponent's request fails to take into account the relative complexity of many proposals and the timeframes for reporting requests to council.
- The review processes identified will add another level of reporting to the process and will likely require the allocation of additional council resources to requests for the preparation of planning proposals.

It is noted that the existing legislation enables the Minister to consider and make LEPs. However the introduction of a new process to enable reviews in the above circumstances is not considered appropriate or consistent with the return of planning powers to local government and local communities.

The proposed draft policy statement also includes the provision of a 'Gateway' review process (accessible to both councils and proponents) in circumstances where a Gateway determination is made that:

- the planning proposal should not proceed
- the planning proposal should be resubmitted to the Gateway or
- imposes requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered.

The post-Gateway reviews are intended to give the council and proponents an opportunity to have a Gateway determination reconsidered in circumstances where the original determination was made by a delegate of the Minister. This concept is considered reasonable in principle, although it does have resourcing implications for Council.

Review of the NSW Planning System

A review of the NSW Planning System is presently being undertaken and the recommended structure for the new planning system is due to be released at the end of May 2012.

Given that a comprehensive review of the planning system is substantially advanced, and that the review includes consideration of the rezoning process, it is considered to be premature to introduce the proposed changes to LEP amendment processes in advance of the overall system review.

Sustainability Considerations

- **Environment**
The draft policy statement is not considered to have direct implications for the environment.
- **Social**
The draft policy statement is not considered to have direct social implications.
- **Economic**
The draft policy statement is not considered to have direct economic implications.

Legal / Resource / Financial Implications

The provisions outlined in the draft policy statement will likely result in an increase in demand on Council resources in terms of staff time. The provisions may also require adjustment to processing procedures and resourcing levels to meet the designated pre-gateway decision timeframe.

Consultation

The draft policy statement has been exhibited for public comment and a submission has been forwarded to the DP&I from the Strategic and Community Services Group. In the event that Councillors identify additional matters that they wish to highlight, further representations will be made to the DP&I.

Options

1. Make additional representations to the DP&I.

In the event that there are additional matters or concerns that Councillors wish to bring to the attention of the DP&I, these can be identified in Council's resolution which will be forwarded to the DP&I as an addendum to the submission already lodged.

2. Note the report and submission to the DP&I.

If Councillors are satisfied with the submission forwarded to the DP&I (contained in Attachment 1) it is recommended that the report be noted. In the absence of additional issues identified by Council for consideration, this is the recommended approach. If this is the preferred approach, the DP&I will be notified accordingly with respect to the submission that has already been lodged. This is the recommended option.

RECOMMENDATION

That Council notes the content of this report and the submission to the Department of Planning & Infrastructure regarding the draft Plan-Making & Delegations policy statement.

Attachment(s)

1. Submission to DP&I - Draft Policy Statement - Plan-Making & Delegations (May 2012)

9.6 Public Art Policy - Review

9.6 Public Art Policy - Review

Delivery Program Community Planning

Objective To invite the Council to further consider aspects of its current Public Art Policy.

Background

Council, at its Ordinary Meeting held on 22 September 2011, received and considered a report which outlined the findings of a review of the Council's adopted Public Art Policy. A copy of the current Public Art Policy is attached to this report.

The report also responded to a prior resolution of the Council which was "*to review its current Public Art Policy to allow the public to apply for and utilize as an art canvas, specific nominated items of Council's infrastructure, with the overall goal of enhancing community ownership and encouraging public art across the shire.*"

Following its deliberations, Council resolved to defer its consideration of these matters and decided to establish a Working Party comprising six Councillors for the purpose of further investigating options.

The Working Party convened on 16 February 2012 though discussion was relatively brief. Clear outcomes were not identified. It is also noted that a guest at the Working Party meeting, Mr John Nasser from Essential Energy, provided advice about opportunities for Council to support the provision of public art on that organisation's power boxes within the shire.

The following report attempts to capture the views expressed by some Councillors and outlines options for the continued provision of public art in our shire.

Key Issues

- Effectiveness of existing public art policy.
- Opportunities to enhance the build environment and public recreation areas of the shire.

Information

Based on the feedback from the Councillor Working Party, the following general observations have been made:

1. It is Council's desire to continue to procure public art in Ballina Shire
2. The actual provision of art pieces under the existing policy has been somewhat limited. These pieces have been provided within private developments whereas it is preferable that they be available for display on public land

9.6 Public Art Policy - Review

3. Council recognises that it may be onerous, particularly in the current economic circumstances, to introduce a new Section 94 Developer Contributions Plan relating to the provision of public art, particularly as the current Section 94 contributions for developments are mostly at the \$20,000 State Government cap
4. Council could establish a separate fund (as it has for annual community donations, for example) into which an annual allocation is made for public art. In considering this option, staff are cognizant of the many other demands being made for the limited discretionary funds available in Council's budgets
5. Council's existing policy acknowledges that, over time, individuals may wish to make miscellaneous donations or bequests, either of cash or public art, for the benefit of the community. At this point, no such donations or bequests have been received, however it is suggested that such opportunities be retained for the future. Offers from individuals may increase as public art increases in prominence in the shire
6. Some items of public art currently exhibited within the shire have not become available through implementation of the public art policy. Rather, they have been associated with individual projects (eg: the fish sculptures in Fawcett Park as part of the Ballina Town Centre enhancement) or have been outcomes of requests by individuals or community groups (eg murals on the Saunders Oval amenities building, Aboriginal murals on the East Ballina pedestrian underpass and the mural on the Lennox Head water reservoir)
7. The existing policy also provides for the generation of public art as outcomes of Council's major infrastructure projects. To date, the policy has not been effectively applied in this context, as for example, the provision of public art at the Lennox Head Wastewater Treatment Plant, or on the Teven Bridge, is not always a practical outcome.

Following the Working Party meeting of Councillors held on 16 February 2012, discussions have been held with representatives of Essential Energy to pursue the concept of public art being applied to that organisation's power boxes within the shire. Evidence suggests that this program has been popular and successful in other parts of the region, with its primary focus of discouraging or remedying unauthorised graffiti.

These discussions have been very positive. The partnership proposed to be established involves Essential Energy providing a maximum of \$400 for each power box on which graffiti has been applied toward the painting of a mural. These funds are paid directly to the selected artist or group. Council's role is to choose the individuals or groups to undertake the work and, if it wishes, identify themes for the artwork in different locations.

It has been suggested that Council should think very carefully about the outcomes it is looking for in terms of public art generally. This, in turn, will influence the selection/recruitment processes for the artists. For example, if Council is looking to encourage 'higher quality' images on the power boxes or on its own infrastructure, it may seek to engage more competent or established artists to do the work. Alternatively, schools or community groups may wish to be considered.

If the key aim is simply to enhance the built environment of the shire, but be 'lower key' in terms of the art produced, this too will dictate the artist selection process. If, however, Council also wishes to promote public art as a community development program (eg involving minority or socially disadvantaged groups) the processes will need to be managed differently, with potentially a greater level of resources required.

Having regard for the various issues that have been discussed, the following potential courses of action have been identified:

- a) The existing public art policy can and should continue to operate generally in its current form to achieve Council's desire of wishing to promote public art to assist in enhancing the general amenity of the shire.

However, an improved outcome will be to include provisions in the revised document which encourages developers (whose projects meet the cost, type of development and location criteria within the policy) to contribute the equivalent funds to Council or provide art pieces in public places in reasonable proximity to their projects as an alternative to requiring them to provide the art within their development.

This approach provides developers with choice about the provision of the selected art piece. A new paragraph to this effect would be inserted on page 3 of the policy.

Where developers agree with this alternative arrangement, the provisions within the policy which refer to artists' selection and engagement by Council representatives could then be triggered.

- b) Given Council's very limited ability to create a new/additional Section 94 development contributions plan for public art (the NSW Government has imposed a 'cap' on Section 94 plans, and Council's current plans are at, or almost at that cap) it is suggested that paragraph 'd' on page 3 of the attached policy (and the associated footnote at the bottom of that page) be omitted.
- c) In relation to the use of public infrastructure (whether it is owned by Council, Essential Energy or other authorities) for the provision of public art, it is suggested the 'vehicle' for promotion and implementation of these works remain separate from the public art policy, however the policy should contain an over-riding statement that Council supports this concept. That support, through the policy, then allows Council staff to implement initiatives as and when they arise (i.e. as per the Essential Energy Program)

This option supports Council's desire to use suitable items of public infrastructure as "art canvasses" without unnecessarily complicating the public art policy. Management of this initiative would be via the preparation of an internal Council procedure, endorsed by the General Manager, which staff would apply and promote as grants, partnerships and other opportunities became available.

- d) In respect to major Council infrastructure projects it is also recommended that the option is available to provide a cash contribution to the public art fund as this will then allow Council to consolidate funds to provide more substantial items of public art, when deemed appropriate.

No further comment is provided by staff regarding the option for establishing a 'recurrent public art fund' with the Operational Plan. This is a matter that the Council might like to consider in the context of other competing priorities, although it is recommended that the existing wording be changed slightly to highlight that Council "may" allocate funding, rather than using the term "will" (clause 2a)). The term may is preferred as Council always has the option of including or not including such funding in the annual budget.

Sustainability Considerations

- **Environment**
Public art can enhance the environmental, social and economic wellbeing of communities. Art pieces can reinforce a 'sense of place' within different parts of our shire and can complement landscaping, furnishings and the general embellishment of our public places.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

The changes to Council's existing public art policy outlined in this report do not impose any additional legal, resourcing or financial burdens on the Council or the community. The exception to this would be if Council chose to establish a recurrent public art fund within its budget.

Consultation

If Council adopts the recommendation contained in this report the revised public art policy will be exhibited for public comment.

Options

Council may determine to rescind its existing public art policy, retain it in its current form, modify it in a manner otherwise determined by Council or modify it as outlined in this report (i.e. points a) to d).

The latter option is preferred and recommended as it is understood to generally capture the views of Council through past resolutions and discussion at the Councillor Working Party held on 16 February. It also reflects the changed circumstances relating to Section 94 contributions plans and the broader economic conditions since the original policy was introduced in 2005.

Finally the recommendation also provides for the the transfer of the existing policy to the latest Council policy template, which allows for the inclusion of sub headings such as objectives, background, scope of policy etc.

RECOMMENDATIONS

1. That Council amend the existing Public Art Policy, as attached to this report, as follows:
 - a) At Section 2, page three, insert a new provision enabling proposed developments on private land, which are required to provide public art, to either include the art within their development or contribute in an equivalent amount toward the commissioning of art on nearby suitable public land
 - b) At Section 2, page three, omit paragraph 'd' (and the associated footnote) as the preparation of a development contributions plan under Section 94 of the EP&A Act 1979 is not proposed at this time
 - c) At Section 2, page three, amend paragraph 'a' to state that Council may allocate at least \$15,000 annually rather than will allocate at least \$15,000 annually.
 - d) Inclusion of a new section that details that Council supports the provision of public art on public infrastructure (no matter whether it is Council owned or owned by other authorities such as Essential Energy) and that the General Manager is authorised to implement programs for public art on this infrastructure as and when they arise.
 - e) Transfer of the existing document into Council's current policy template.
2. That Council place the amended Public Art 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. Existing Public Art Policy

9.7 Domestic Electricity Bills - Community Education Program

9.7 Domestic Electricity Bills - Community Education Program

Delivery Program Strategic Planning

Objective To provide Council with options on ways to educate the Ballina Shire community to reduce their household electricity bills.

Background

Council considered a Notice of Motion relating to household energy cost saving initiatives at its October 2011 Ordinary Meeting. In considering the matter, Council resolved as follows [Minute No.271011/ 36]:

"The General Manager be authorised to establish a small working party to:

- A. Investigate and document methods of reducing domestic electrical power bills, and*
- B. Develop a program outline on how to educate the Ballina Community on the ways to reduce their bills, and*
- C. Report to Council on the results of A and B with recommendations on how to implement the findings."*

Following this resolution, a workshop was held on 16 February 2012 to provide Councillors with an understanding of the energy efficiency programs Council has coordinated and the resources that are currently available to assist households learn more about their electricity usage and ways to reduce their electricity bills. This workshop sought to gain feedback from Councillors as to the specific focus of an additional community education campaign regarding household electricity use to determine the potential extent of the response to part B of the resolution above.

Feedback from the workshop together with information gathered by staff on the various initiatives currently available has formed the basis of this report in order to address part C of the above resolution. This report outlines measures available to Council to provide an education program on reducing household electricity bills that builds on the initiatives currently provided by the State Government and the electricity industry.

Key Issues

- Resource efficiency.
- Community education.
- Economic savings.

Information

There are a number of resources and tools available to assist households reduce their electricity bills either by way of reducing energy use or utilising different energy pricing options. Several of the available resources were discussed with Council at the 16 February workshop, with key items summarised below.

Home Power Savings Program

9.7 Domestic Electricity Bills - Community Education Program

Council has been promoting the NSW government's *Home Power Savings Program*, which assists low income households to save power and money. The program aims to save eligible households up to 20% a year on power use through the provision of a free home assessment by an energy expert, a personal Power Savings Action Plan and a Power Savings Kit.

The State Government is offering assistance to help advance the program locally through the provision of promotional posters and flyers, advertisements and templates for media releases. Advertisements have been included in Council's *Community Connect* and flyers and posters distributed through Council's community centres and local libraries. So far, uptake of this program has been relatively low for the number of eligible families in the shire.

Information from the Office of Environment and Heritage (OEH) indicates that 739 home assessments have been undertaken in Ballina Shire. It is interesting to note a spike in uptake in the month of February 2011 following Council's promotion of the program in the December 2010 *Community Connect* newsletter.

Save Power Kits

The State Government, through its *Save Power* program also provides resources to promote household energy efficiency. These resources include fact sheets, guides and *Save Power Kits*, available for loan through local libraries.

Each of these kits provides tools (such as energy monitors, thermometers, stopwatch and compass) and user guides with worksheets to assist householders make their homes more energy efficient. Six of these kits are available for loan across the Ballina, Alstonville and Lennox Head libraries. Although limited, local promotion has occurred around the availability of these kits. Library staff report that the kits have been in continual circulation since they were provided to the libraries in November 2011.

Essential Energy - energyanswers

Essential Energy, the NSW Government-owned corporation with responsibility for building, operating and maintaining electricity network services to homes and businesses across 95 per cent of NSW, has also developed a number of resources to assist households reduce their energy usage.

Resources include brochures on energy and cost saving tips as well as an *energyanswers* telephone help line that can assist households or businesses with energy advice. The service is available to provide an over-the-phone energy audit, and offers information about Time-Of-Use (TOU) billing, switching to solar generated power, available government rebates and Federal and State Government energy efficiency programs and incentives.

Initial discussions with an Essential Energy Community Relations Adviser indicate that Council would be able to further promote these resources locally.

A local education program to reduce household electricity bills

In developing an additional program to educate the Ballina Shire community on energy efficiency and reducing household electricity bills, it would be advantageous to increase the promotion around initiatives currently being undertaken by the State Government through its *Home Power Saving* and *Save Power* Programs and Essential Energy's *energyanswers*.

This approach would promote consistency in the application of resources and tools that are already available to the Ballina Shire community. It may increase local uptake of the NSW Government programs targeting energy use through improved community awareness. This type of program would also be cost effective for Council as it will reduce the administration effort and time required to develop the new resources required to run an independent program.

Sustainability Considerations

- **Environment**
Improving household energy efficiency reduces the use of non-renewable resources and generation of greenhouse gas emissions associated with fossil fuel based energy generation.
- **Social**
Not Applicable.
- **Economic**
Reducing household energy use and improving understanding of electricity billing can reduce the costs of domestic electricity bills.

Legal / Resource / Financial Implications

The resource and financial implications associated with each of the options for a community education campaign on reducing the costs of domestic electricity bills are outlined in the options analysis below. There are no known legal implications associated with the options canvassed in this report.

Consultation

Consultation has occurred with staff from the *Home Power Savings Program* and Essential Energy in preparing the options outlined in this report.

Options

There is a number of ways that Council can promote the initiatives that are currently provided through the State Government and Essential Energy. The scope of this promotion will depend on the resources that Council is willing to commit to this activity (noting that Council does not have an existing nominated funding stream for this type of activity). Options involving various levels of commitment are outlined below.

Option 1: Promotion - Existing Materials

9.7 Domestic Electricity Bills - Community Education Program

The provision of brochures and flyers on the State Government's *Save Power* and *Home Power Savings Programs* and Essential Energy's *energyanswers* initiative through Council's Customer Service Centre, community centres and libraries. This information, together with links to the websites for these programs, would also be included on Council's website. The cost of this option would be minimal and could be accommodated within current financial resources and staff work programs.

This option is likely to have only a modest impact in relation to the level of community knowledge and improved energy use and cost outcomes. As such, this option alone is not recommended.

Option 2: Promotion - Existing Materials and Pro-active Advertising

This option involves a print and radio media campaign over 10 weeks to promote the information from the State Government's *Save Power* and *Home Power Savings Programs* and Essential Energy's *energyanswers* initiative, along with the distribution of flyers to access points as outlined in option 1.

The estimated cost of this activity is \$4000 - \$5000 plus staff time. Funding would need to be redirected from another program to support this approach.

This option would likely provide good coverage of the desired education messages and reach many Ballina Shire residents. This approach is considered to be the most resource efficient response, with the potential for widespread distribution of information to the community. This option makes use of existing resources available via other organisations whilst engaging Council in the issues within its financial and staff resources. This is the recommended approach on the basis that it balances the desired outcomes with Council's available resources and the resources of other organisations involved in the electricity sector.

Option 3: Promotion - Existing Materials, Pro-active Advertising and Workshop Engagement

This approach would involve the activities outlined in options 1 and 2 together with a community workshop component that would provide information on general energy and cost saving tips relating to household energy use and billing. The workshop component could include presentations from Essential Energy staff and a State Government *Home Power Savings* consultant.

The estimated cost of this option is \$6000 - \$7000 plus staff time, but costing will be dependent on the availability of expert presenters and the number of workshops facilitated. As with option 2, funding for this approach would need to be sourced from another program budget.

Due to the limited number of participants that have engaged in these types of workshops held in the shire in the past, and the availability of personalised services through other providers, this option may not be the most efficient use of Council time and resources. As such, this option is not recommended.

Other Considerations

Depending on the option selected, opportunities for the evaluation of the program will be identified (where possible) in order to determine the success or otherwise of the initiative.

Options associated with direct Council involvement in the preparation of technical (and associated explanatory materials) relating to energy billing and tariffs have not been canvassed in this report as Council has very limited in-house expertise in this field. Further, there are other organisations with suitable levels of technical knowledge that can provide technical billing and tariff information to the community. Council is considered to be best placed as a 'broker' to direct the community to information sources and help make such information more accessible.

Household energy situations vary substantially with multiple variables to be considered (such as the type of electricity meter on a house, renewable energy sources, energy use patterns). Given this, any program where Council is providing technical information will likely require specialist consulting services support to ensure that information is accurate and correctly addressed relevant considerations. The need for specialist assistance under this scenario will likely involve a substantial additional cost for which there is no identified funding source within existing budget allocations.

Irrespective of decisions made in response to this report, it is acknowledged that Councillors and staff remain committed to ensuring that the services and facilities which Council provides to, and on behalf of our ratepayers and residents optimise efforts to reduce our own power bills.

RECOMMENDATIONS

1. That Council endorse a community education program on reducing household energy bills based on a print and radio media campaign to locally promote existing energy efficiency and electricity cost information services provided by the State Government and the electricity industry.
2. Further, that the General Manager be authorised to enable this program through the redirection of suitable funds from within the current or forthcoming Operational Plans.

Attachment(s)

Nil

10.1 Use of Council Seal

10. General Manager's Group Reports

10.1 Use of Council Seal

RECOMMENDATIONS

That Council affix the Common Seal to the following documents.

US12/14	<p>Ballina Shire Council as Reserve Trust Manager of the Ballina Coastal Reserve - Temporary Licence Agreement to Surf Life Saving Far North Coast Branch Incorporated for use of the Shelly Beach Clubhouse for communications and management and administration of volunteers on Part Reserve 1010068, being part Lot 402 DP 755684, for a period of twelve (12) months from 24 May 2012 to 23 May 2013.</p> <p>Explanation: Ballina Shire Council is working with Surf Life Saving Far North Coast Branch to relocate the organisation to the Shelly Beach clubhouse to enable the redevelopment of the Lighthouse Beach clubhouse.</p>
US12/15	<p>Ballina Shire Council as Reserve Trust Manager of the Ballina Coastal Reserve - Temporary Licence Agreement to Ballina Lighthouse and Lismore Surf Life Saving Club Incorporated for use of the Shelly Beach Clubhouse for surf lifesaving purposes on Part Reserve 1010068, being part Lot 402 DP 755684, for a period of twelve (12) months from 24 May 2012 to 23 May 2013.</p> <p>Explanation: Ballina Shire Council is working with Surf Life Saving Far North Coast Branch to relocate the organisation to the Shelly Beach clubhouse to enable the redevelopment of the Lighthouse Beach clubhouse.</p>
US12/16	<p>Ballina Shire Council as Reserve Trust Manager of the Ballina Coastal Reserve - Temporary Licence Agreement to Lennox Head - Alstonville Surf Life Saving Club Incorporated for use of the Lennox Head Clubhouse for surf lifesaving purposes on Lot 1 DP 1115145, No. 77 Pacific Parade, Lennox Head, for a period of twelve (12) months from 24 May 2012 to 23 May 2013.</p> <p>Explanation: Department of Primary Industries, Crown Lands Division have advised that they are currently not processing applications for Crown Reserve Licenses for surf clubs until such time as the review into surf clubs and surf club management is complete. To enable the Surf Club to have tenure over the site Council proposes to offer a twelve month temporary licence to the Surf Club.</p>
US12/17	<p>Ballina Shire Council lease to St Andrews Village Ballina Ltd - 2 year option period lease for occupation of part of the Kentwell Community Centre, Ballina.</p>

10.1 Use of Council Seal

	<p>Explanation: St Andrews Village Ballina Ltd entered into a 3 + 2 year lease agreement with Council commencing from 6 May 2009 for the occupation of a defined area of the now renamed Kentwell Community Centre for the purpose of Aboriginal day care and respite services. The lease provides a lessee option for a further 2 years from 6 May 2012 to 5 May 2014.</p>
US12/18	<p>Ballina Shire Council as Reserve Trust Manager of The Old Tintenbar Chamber Reserve Trust, lease to Alstonville Chiropractic & Natural Therapies Pty. Ltd., Shaun James Cashman as Director.</p> <p>Explanation: The building known as the Old Alstonville Hall and situated behind the Old Tintenbar Shire Council Chambers, Alstonville, was refurbished in 2008, and in January 2009 was leased to the NSW Spastic Centre (later known as the Cerebral Palsy Alliance) until they vacated earlier this year to relocate to their own freehold premises. The building has been vacant since early February 2012. Mr Cashman was introduced to the premises via a local real estate agent and has submitted a development application for his proposed commercial use of the building as a chiropractic and natural therapy clinic, and that application is now under consideration. Subject to development consent, Alstonville Chiropractic & Natural Therapies Pty. Ltd. are proposing to lease the premises for a term of three years.</p>
US12/19	<p>Deed of Variation with Criminal Justice Division of the Attorney-General's Department - Funding Agreement "Ballina Shire Improved Lighting in Crime Hot Spots Project" under the Safer Suburbs Program.</p> <p>Explanation: Funding of \$90,000 was successful for projects at Saunders Oval, Bicentennial Park and Elizabeth Anne Brown Park. The Deed of Variation seeks to amend the scope of the project and the associated milestones and budget. This funding was originally identified for a Community Safety Plan however the Federal Government then recommended the funding go to on-ground projects.</p>

Attachment(s)

Nil

10.2 Investment Summary - May 2012

10.2 Investment Summary - May 2012

Delivery Program Financial Management

Objective To provide Council and the community with details of how Council's surplus funds are invested.

Background

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

This report has been prepared for the month of April 2012.

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

The balance of investments as at 30 April 2012 was \$74,946,000. This represents a decrease from March of \$1,938,000. The balance of the cheque account at the Commonwealth Bank, Ballina as at 30 April 2012, was \$1,201,640.

Council's investments as at 30 April are at an average (weighted) rate of 5.66% which is 1.44% above the 90 Day Bank Bill Index of 4.22%.

The majority of the approximately \$75 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%

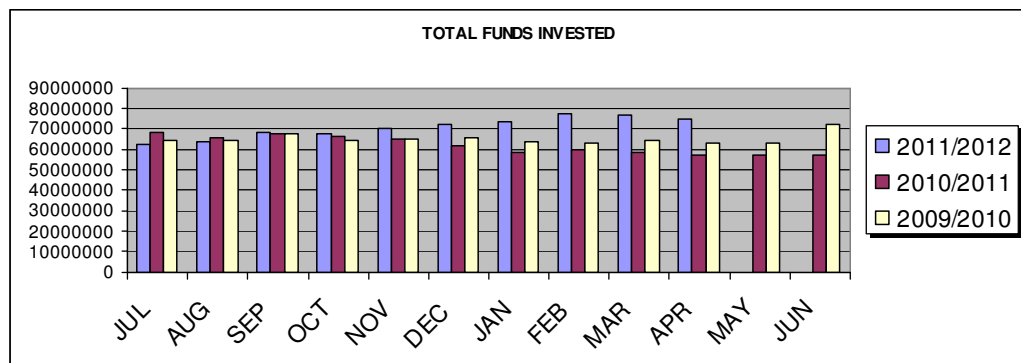
* Based on reserves held as at 30 June 2011

Of the total Investments approximately \$14 million is unexpended funds borrowed by the Sewer Fund.

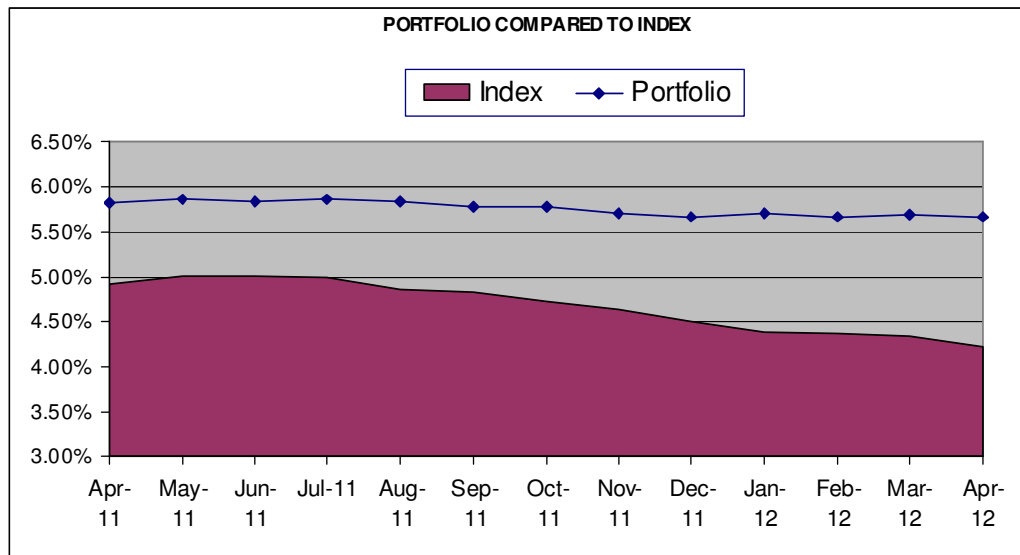
A. Summary of investments by institution

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	2.7	
Bendigo Bank Ltd	BBB	No	1,000	1,000	0	1.3	
Deutsche Bank	A+	No	4,000	4,000	0	5.3	
Goldman Sachs	AA-	No	1,000	1,000	0	1.3	
Heritage Building Society	BBB-	No	1,000	1,000	0	1.3	
HSBC Australia	AA-	No	1,000	1,000	0	1.3	
Longreach Capital Markets 28	AA+	No	1,000	1,000	0	1.3	
Morgan Stanley	A	No	2,000	2,000	0	2.7	
National Australia Bank	AA-	No	1,788	1,788	0	2.4	
National Wealth M'ment Holding	A	No	2,000	2,000	0	2.7	22%
Rated Institutions							
ANZ Bank	AA-	No	8	57	20	0	
Bank of Queensland	BBB+	No	5,000	5,000	10	6.7	
Bank of Western Australia	AA-	No	6,000	6,000	20	8.0	
Commonwealth Bank of Aust	AA-	No	6,088	4,101	20	5.5	
Credit Union Australia	BBB	No	1,000	0	10	0	
Illawarra Mutual Bld Soc	BBB	No	4,000	2,000	10	2.7	
ING Bank Ltd	A	No	12,000	12,000	20	16.0	
Members Equity Bank	BBB	No	2,000	4,000	10	5.3	
National Australia Bank	AA-	No	11,000	11,000	20	14.7	
Newcastle Permanent Bld Soc	BBB+	No	1,000	1,000	10	1.3	
Suncorp Metway Bank	A+	No	10,000	11,000	20	14.7	
Westpac Bank	AA-	No	1,000	1,000	20	1.3	76%
Unrated ADI's							
Defence Bank		No	1,000	1,000	\$1m	1.3	1%
Total			76,884	74,946			100%

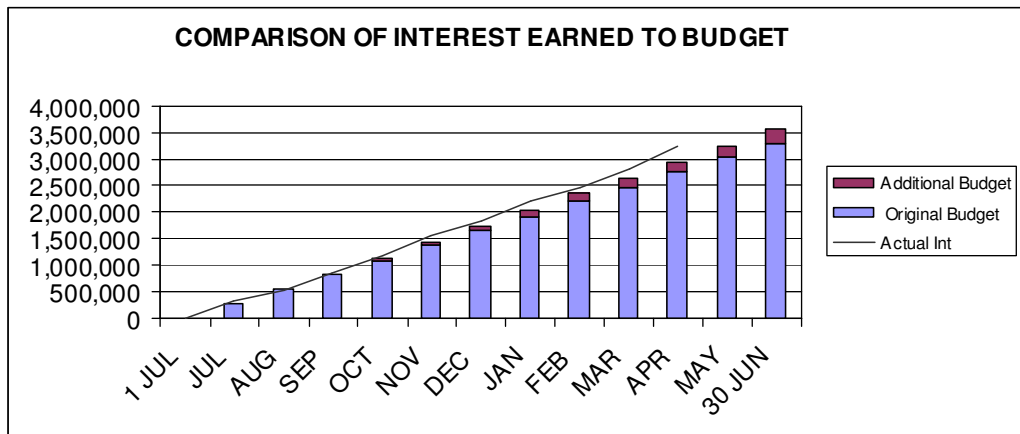
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



The RBA Board’s May 2 decision to cut the cash rate by 50 basis points (bps) has signalled a decisive shift in the Central Bank’s thinking in respect to the outlook for growth and inflation. It was the largest cut to the cash rate since the Bank cut by 100 bps back in February 2009. The cut saw an immediate fall in the Australia dollar, with the currency falling by nearly 1% against the US dollar. Whilst the size of the rate cut was unexpectedly bigger than most had forecast, business leaders are already calling for further cuts this year.

Markets had built in a 100% chance of a 25bps cut and about a 40% chance of a 50bps cut. The 90 day BBSW had fallen from 4.45% in early March to be 4.05% on the day before the meeting.

The accompanying statement to the decision pointed out that growth in the economy has been less than expected and as the March quarter CPI was well in control and looking forward “will probably be lower than earlier expected, but still in the 2-3% range” the Board could see “scope for easier monetary policy, if needed, to support demand. This of course is good news for borrowers, but the downside for Council is the decreasing return on our investments. Rates obtained on Investments just prior to the decision were about 40bps below those from about six weeks ago.

10.2 Investment Summary - May 2012

E. Investments held as at 30 April 2012

Purchase Date	Issuer	Type	Rate%	Call or Maturity Date	Purchase Value \$'000
23/04/04	Deutsche Bank	FRN	5.16	23/04/14	2,000
23/04/04	Deutsche Bank	FRN	5.16	23/04/14	2,000
20/09/04	National Australia Bank	FRN	5.61	Perpetual	1,788
08/08/05	Morgan Stanley	FRN	4.88	08/08/12	2,000
12/04/06	Goldman Sachs	FRN	4.74	12/04/16	1,000
16/06/06	National Wealth M'ment Holdings	FRN	5.06	16/06/16	2,000
28/06/07	Longreach Series 28	FND	0.00	27/06/14	1,000
21/09/07	Bendigo Bank	FRN	5.63	21/09/12	1,000
18/10/07	Heritage Bank	FRN	5.48	18/10/12	1,000
18/10/07	ANZ Bank (FRN)	FRN	4.98	18/10/12	2,000
14/03/08	HSBC Australia Ltd	FRN	6.66	14/03/13	1,000
17/12/08	Commonwealth Bank of Australia	FRTD	5.63	17/12/13	1,000
17/12/08	Commonwealth Bank of Australia	TD	5.93	17/12/13	996
03/02/10	Commonwealth Bank of Australia	FND	4.20	At Call	2,105
20/07/11	ANZ Bank	FND	3.70	At call	57
04/01/12	Suncorp-Metway Bank	TD	5.96	03/05/12	2,000
05/01/12	Bank of Queensland	TD	5.95	04/05/12	2,000
05/01/12	Suncorp-Metway Bank	TD	6.00	05/07/12	1,000
09/01/12	Suncorp-Metway	TD	5.98	08/05/12	1,000
24/01/12	ING Bank Ltd	FRTD	6.12	24/01/17	1,000
31/01/12	Bank of Queensland	TD	5.95	30/05/12	2,000
01/02/12	ING Bank Ltd	TD	5.96	30/07/12	1,000
06/02/12	Westpac Bank	FRN	5.94	06/02/17	1,000
07/02/12	Illawarra Mutual Bld Society	TD	5.85	07/05/12	2,000
09/02/12	Suncorp-Metway Bank	TD	5.95	09/05/12	2,000
14/02/12	BankWest	TD	5.95	14/05/12	2,000
22/02/12	ING Bank Ltd	TD	6.04	20/08/12	4,000
27/02/12	Members Equity Bank	TD	5.95	28/05/12	1,000
28/02/12	Suncorp-Metway Bank	TD	5.97	27/06/12	1,000
01/03/12	ING Bank Ltd	TD	6.00	28/08/12	1,000
06/03/12	Bank of Queensland	TD	6.00	06/06/12	1,000
14/03/12	National Australia Bank	TD	5.89	11/09/12	1,000
22/03/12	ING Bank Ltd	TD	5.95	23/07/12	5,000
27/03/12	BankWest	TD	5.85	26/06/12	3,000
29/03/12	National Australia Bank	TD	6.00	30/07/12	3,000
02/04/12	Defence Bank	TD	5.75	02/07/12	1,000
03/04/12	Members Equity Bank	TD	5.90	03/10/12	1,000
05/04/12	National Australia Bank	TD	5.66	03/08/12	2,000
18/04/12	Suncorp-Metway Bank	TD	5.70	16/08/12	2,000
20/04/12	National Australia Bank	TD	5.64	20/10/12	1,000
22/04/12	National Australia Bank	TD	5.64	20/10/12	4,000
24/04/12	BankWest	TD	5.70	23/07/12	1,000
24/04/12	Members Equity Bank	TD	5.90	22/10/12	2,000
26/04/12	Newcastle Permanent Bld Society	TD	5.60	25/07/12	1,000
30/04/12	Suncorp-Metway Bank	TD	5.60	30/07/12	2,000
Totals:					74,946
TD= Term Deposit		FRN= Floating Rate Note		FND= Managed Fund	
ELN= Equity Linked Note		FRTD= Floating Rate Term Deposit			

RECOMMENDATIONS

That Council notes the record of banking and investments for April 2012.

Attachment(s)

Nil

10.3 Lease - Proposed Aboriginal Child & Family Care Centre

10.3 Lease - Proposed Aboriginal Child & Family Care Centre

Delivery Program Commercial Services

Objective To report to Council on the submissions received in response to the draft lease recently placed on public exhibition and for Council to resolve whether to reject the draft lease or proceed with the lease and refer the matter to the Minister for Local Government for determination.

Background

Council has met on three previous occasions to consider matters relating to the proposal to establish an Aboriginal Child & Family Centre on part of Porter Park, West Ballina. The meeting dates and resolutions are as follows:

- 24 February 2011: Matters regarding the proposal to establish an Aboriginal Child & Family Centre in Ballina and categorisation of the “community” land at Porter Park were considered.

It was resolved at that meeting to prepare an amendment to the Ballina Shire Generic Plan of Management for Community Land to re-categorise a portion of Porter Park from “sportsground” to “general community use” to facilitate the establishment of an Aboriginal Child and Family Centre. Further, that following exhibition of the proposed amendment for public comment the matter be returned to Council for determination.

- 28 July 2011: Advice to Council of outcomes from the public exhibition process relating to the Draft Amendment to the Ballina Shire Generic Plan of Management for Community Land and to obtain direction on the preferred site for the Aboriginal Child & Family Centre.

It was resolved that the proposed amendment to the Ballina Shire Generic Plan of Management for Community Land be adopted, that the General Manager be authorised to sign the development application for the proposed Aboriginal Child & Family Centre on part Porter Park; that Council endorse protection of the remainder of Porter Park as open space; and a workshop be held on the enhancement of the open space facilities at Porter Park.

- 25 August 2011: The basic lease terms and conditions were resolved, with the following resolution adopted:

1. *That Council authorises the General Manager to commence negotiations on the lease for the proposed Aboriginal Child and Family Centre at Porter Park with the minimum lease conditions to include:*
 - a. *Term – Maximum 21 years.*
 - b. *Rental – Nil*
 - c. *Lessee – Responsible for all maintenance and capital works*
 - d. *Lessee – Responsible for all Council rates and charges*

10.3 Lease - Proposed Aboriginal Child & Family Care Centre

- e. *Lessee – Must comply with all Council resolved development consent conditions*
2. *Subject to agreement on the minimum conditions outlined in point one, Council authorises the General Manager to exhibit the proposed lease for public comment as required by the community land provisions of the Local Government Act.*

In April 2012 Council's staff and solicitor finalised draft lease documentation with the Crown Solicitor based upon the basic terms and conditions as resolved and required by Council. Draft lease documentation was placed upon public exhibition for comment on 12 April, 2012 in accordance with Section 47(1) and (2) of the Local Government Act 1993, with written submissions closing at 3.00pm on Thursday 10 May 2012. A copy of the Draft Deed of Agreement is attached.

Key Issues

- Proposed long-term lease of a 3,580m² area of land classified as "community" land.
- Community responses to draft lease documents by way of objection.

Information

Porter Park, West Ballina, is a 2.213 hectare parcel of Council owned land classified as "community" under the provisions of the Local Government Act 1993.

Any proposed lease of "community" land requires Council to undertake certain actions in accordance with Section 47, and in particular, Section 47(1), for proposed leases exceeding a term of five years:

- a) Give public notice of the proposal, and
- b) Exhibit notice of the proposal on the land to which the proposal relates, and
- c) Give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and
- d) Give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.

Each of these four statutory requirements were undertaken by Council staff.

Fifty eight letters and one four page petition from the Bundjalung community (containing 28 signatures) were received by way of objection to the proposed lease. Copies of the submissions and the petition are included as attachments to this report.

The table that follows provides a summary of issues raised or objections made in the submissions, along with the number of submissions that referenced the issue/objection.

10.3 Lease - Proposed Aboriginal Child & Family Care Centre

Most submissions raised more than one issue or objection.

Some of the issues raised and objections made relate to site selection and development consent which have previously been dealt with by Council:

Point of Objection	No.	Comment/Response
Loss of open space	47	Considered by the elected Council in past phases of this project. Council has previously acknowledged that West Ballina has less open space per head of population when benchmarked against conventional standards, however Council has previously determined the deficiency is not so great as to warrant rejection of the proposal. Council is keen to ensure the range of both formal and informal recreational activities as currently conducted at the Park are maintained.
Inappropriate or better alternate location	19	Previously examined by the Council. Porter Park was preferred by the project's Local Reference Group due to proximity to Aboriginal and other households experiencing disadvantage.
Inadequate rent	10	In general Council does not charge a rental fee for not-for-profit organisations, thereby maximising an organisation's operating funds. However in this instance, the draft lease contains provisions that if in the future the lease is assigned or sublet to tenant conducting a commercial enterprise Council will be entitled to 50.00% of the rental received by the head lessee.
Lack of community consultation	8	The report to Council of 28 July 2011, Item 9.1, references the extent of community consultation, both formal and informal. Public submissions were called for both the development application process and the draft lease.
Creation of disharmony within the community, both indigenous and non-indigenous	9	There are a number of strong objections to this proposal.
Inability of Bunjum to manage the project/facility	3	There is no evidence to support this assertion.
Bogus letters of support (presumably to the Development Application)	2	There is no evidence to support this assertion.
Need for a Reference Group	2	A local Reference Group comprising Aboriginal community members was formed by the Department of Family and Community Services to "steer" the initial phase of the project.
Lack of management control	1	There is no evidence to support this assertion.
Collusion between Council and the State Government	3	There is no evidence to support this assertion.
Inadequate end of lease term conditions	5	The proposed lease contains provisions requiring the lessee to maintain and repair the proposed premises. At the end of the lease term, the lessee is required to yield up the premises to Council in the condition and state of repair as is required under the lease to the ownership and control of Council.
Lack of Council	2	Three comprehensive reports have been presented to Council

10.3 Lease - Proposed Aboriginal Child & Family Care Centre

Point of Objection	No.	Comment/Response
transparency		at ordinary open Council meetings. A process of public exhibition for the development application and draft lease were undertaken by Council staff.
Plans for future expansion to take-over the remainder of Porter Park	4	There is no supporting evidence for this assertion. See resolution adopted at meeting of 28 July 2011, Item 9.1, Point 4, proposing a workshop on enhancement options for the remainder of the Reserve.
Site drainage issues	2	The proposal has been fully assessed and dealt with by Council staff and appropriate conditions attached to the development consent and construction certificate to address these and other issues.
Traffic management issues	6	The proposal has been fully assessed by Council staff and appropriate conditions attached to the development consent to address these and other issues.
Residential area	3	The proposal has been fully assessed by Council staff and appropriate conditions attached to the development consent to address these and other issues.
Security and lighting issues	1	The proposal has been fully assessed by Council staff and appropriate conditions attached to the development consent to address these and other issues.
Closure of existing centre in Tamar Street	3	The Department of Family and Community Services have advised Council staff that they are unaware of the closure of an existing Aboriginal child and family centre in Ballina. There is an interim delivery site in River Street that will be closed when the proposed new centre becomes operational.

Sustainability Considerations

- **Environment**

Porter Park comprises an area of 2.213 hectares, of which approximately 1.855 hectares has been categorised under the current Plan of Management for Community Land as "sportsground", and the remaining 3,580m², has been categorised for "general community use". The proposed lease area equates to approximately 16.176% of the total area of Porter Park.

- **Social**

Porter Park provides space for both active and passive recreational activities. Cricket is played there in the summer months, with casual use by members of the public at all other times. There are no formal winter sporting competitions played at Porter Park.

Aboriginal Child & Family Centres provide a mix of culturally appropriate services for Aboriginal children and families, including early learning and child care, family support services and health services.

- **Economic**

At present Council does not receive a rental for any part of Porter Park.

10.3 Lease - Proposed Aboriginal Child & Family Care Centre

The proposed Aboriginal Child & Family Centre will provide employment opportunities for the local community, and in particular the local Aboriginal community that is experiencing very high levels of unemployment.

Legal / Resource / Financial Implications

Council's statutory obligations pursuant to Section 47(1)(a)(b)(c)(d) of the Local Government Act 1993 have been fulfilled.

As Council has received submissions by way objection to the draft lease, the Minister's consent must be applied as per Section 47(5)(a) if it (Council) wishes to proceed with the proposal.

Consultation

In accordance with the provisions of S47(1)(a)(b)(c)(d) of the Local Government Act 1993, public notice of the draft lease was given via the local press, notices were placed upon the land, adjoining property owners and other persons were formally advised as to the proposal.

Options

1. After due consideration of the submissions and petition received by way of objection, Council can resolve not to grant a lease for the proposed Aboriginal Child & Family Centre.

Despite the objections this is not the preferred option having regard to matters previously considered and resolved at three Ordinary Meetings of Council held 24 February, 28 July and 25 August 2011.

2. Should Council be of the view that the proposed lease be granted, and having regard to the submissions and petition received by way of objection, the proposed lease must be forwarded to the Minister for Local Government for determination. This is the preferred option.

Pursuant to S47(4) of the Local Government Act, 1993, and before granting the lease, the Council must consider all submissions duly made to it; and, S47(5)(a) states that a council must not grant the lease, licence or other estate except with the Minister's consent if a person makes a submission by way of objection to the proposal.

In view of the 58 letters and one petition received by way of objection, the proposed lease should now be forwarded to the Minister for determination.

RECOMMENDATIONS

In accordance with Section 47(5)(a) of the Local Government Act 1993, and the consequent requirements of S47(6), Council make application for the Minister's consent to the proposal to lease an area of "community" land comprising of approximately 3,580m², being part of Porter Park, Ballina, to the Department of Family and Community Services for an Aboriginal Child and Family Centre.

Attachment(s)

1. Submissions and Petition Received (Under separate cover)
2. Draft Deed of Agreement
3. Section 47 of the Local Government Act

10.4 Lennox Head - Junior Surfing Event Approvals

10.4 Lennox Head - Junior Surfing Event Approvals

Delivery Program Community Planning

Objective To obtain direction from Council as to how it wishes to manage the long term rights for the annual Gromfest event.

Background

The Lennox Head Junior Surf Competition 'Rusty Gromfest' has been successfully running for the past 16 years and has received strong community support. The event has international standing and attracts surfers from both Australia and overseas for a week long competition.

The event is usually held in the July school holidays and this date is important as it falls in close proximity to other major junior surfing events, particularly the "Gold Coast "Occy Grom". This then allows the Lennox Head event to attract surfers who may be in this region for the Gold Coast event.

In April 2012, Rusty, the event sponsor, announced that their sponsorship for the competition would be taking a "short break" in 2012. As a consequence the event manager (Mr Max Perrott) cancelled the 2012 Gromfest event. Rusty, which is a private company, indicated that they were hopeful that they would return to sponsoring the event in 2013 however they will not be able to provide a commitment to their ongoing sponsorship until early 2012/2013.

The Gromfest event manager has indicated that he is intending to again hold the competition in 2013 if sponsorship is resumed.

Council has now received a proposal from the Lennox-Ballina Boardriders Club (Le-Ba) to coordinate and host the junior event in 2012. The event application is currently being processed and the event will be conducted this year. Le-Ba is a local community based group that is essentially a surfing club for children and adults.

Le-Ba has secured ongoing funding and sponsorship and has expressed interest in hosting the event in 2013 and onwards. They have also requested that Council provide an ongoing commitment to their event to ensure that they can continue the event. They have advised that in order to secure the 2012 sponsorship the ongoing commitment from Council is essential.

Council now has a situation where there are potentially two events vying for the same venue and date. With the uncertainty of funding from Rusty and a strong push from Le-Ba and their sponsors to secure ongoing rights to the event into the future, Council is being asked to make a determination on the future management of the event.

Key Issues

- Importance of longer term approval
- Criteria to determine appropriate event manager
- Process to determine appropriate event manager

Information

The focus of this report is for **2013** onwards, as despite the concerns outlined in the background section of this report, Le-Ba has agreed to manage the **2012** junior surfing event. Their 2012 event application is being processed in accordance with Council's Special Events Policy.

The current Special Events Policy provides delegated authority for staff to deal with one off event applications and the document is silent in respect to approvals for on-going events. This policy is currently being reviewed and it is anticipated that the review will be presented to the June or July 2012 Council meeting. This issue of on-going events will be canvassed as part of that review.

With larger events and where sponsors make substantial commitments to an event it is understandable that the sponsors and / or event organisers may be looking for some tenure or ongoing commitment by Council to ensure that they can run an event over more than one year.

This is the situation that has now arisen with the Junior Surfing event in Lennox Head.

To garner further information on the proposed events and to attempt to seek a resolution to the competing event requests, Council staff requested both applicants (Rusty / Max Perrott and Le-Ba Boardriders) to submit written proposals on their respective events for a period of three years, from 2013 onwards.

Copies of each of the event proposals received are included as attachments to this report.

One of the event organisers has indicated that the time provided to submit an event proposal was insufficient. This point is supported as both applicants were only provided with a few days to respond, as initially the determination on the longer term outcome was important in determining whether the 2012 event would proceed. With the 2012 event to occur during early July it was essential that the proposals be submitted quickly and presented to Council.

The proposals that have now been submitted have not greatly assisted in resolving this matter as policy guidance is needed from Council as to what our longer term goals are for the event.

In dealing with this situation, where there is competition for an event, location and date the most appropriate management solution is typically through advertising for expressions of interest to conduct the event. This process usually has the affect of securing an event that will have the most benefits for the community as well as ensuring that Council is seen to be acting in a fair and equitable manner when dealing with public land.

From Council's point of view there is no need to neither rush nor delay a decision on this matter, albeit that the event organisers want a decision as soon as possible. This situation has raised issues that are not addressed in the current Special Events Policy and therefore need to be considered as part of the current revision of that policy.

10.4 Lennox Head - Junior Surfing Event Approvals

Some of the factors that need to be considered as part of this review include:

- a) Does Council wish to support longer term approvals?
- b) If yes, is it Council's policy to attract commercial event managers who operate the events for a profit, and therefore should pay a commercial fee to Council for use of the beach front?
- c) If a commercial fee is to be paid, is that set by Council, or determined through the expression of interest process?
- d) What is the preferred longer term?
- e) Or if yes, is it Council's preference to support local not for profit groups, such as Le-Ba, who may generate income that can be put back into their group? Also should not for profit groups pay a fee, albeit a fee less than a standard commercial rate?
- f) Should Council just keep the policy broad and allow all interested parties to submit expressions of interest with Council then in a position to make a decision based on what is considered to be the "best value" to the community. Best value is not just financial but will also recognise social, environmental and economic benefits of any proposal.

These are important policy issues and as part of the current review of the Special Events Policy it is recommended that a workshop be held with Councillors to inform the report to the June or July Council meeting.

Sustainability Considerations

- **Environment**
Events can have a negative impact on the environment if not managed effectively.
- **Social**
Youth events provide important sporting and social opportunities for young people and assist in building social capital in the community.
- **Economic**
Events attract visitors to the Shire and provide economic benefit to local businesses.

Legal / Resource / Financial Implications

There are no financial or resource implications for Ballina Council. The allocation of an event approval must be carried out in a fair and equitable manner.

Consultation

Council staff have met with both applicants to discuss their proposals. Both applicants (Max Perrot on behalf of Rusty Gromfest and Le-Ba Boardriders) were requested to submit written proposals on their respective events for 2013 for consideration. No public consultation has been carried out by Council.

10.4 Lennox Head - Junior Surfing Event Approvals

It should be noted that Mr Max Perrott, during the management of the current discussions, submitted the following comment in respect to the General Manager's role in this issue:

Hi Holly, regarding the submissions for a 2013 surfing event license. I have been made aware of a conflict of interest. The person who has been made responsible for deciding the fate of the two parties contesting the license, BSC General Manager Paul Hickey, is a close friend of the other party Steve Condon and has been advising him in regards to his application.

The General Manager has advised, in writing, that he does not consider Mr Condon to be a "close friend" as per the comment and has not advised him at all in respect to this issue. The General Manager has confirmed that he is friends with Mr Condon. The General Manager's son is also a member of Le-Ba.

Council's Manager – Finance and Governance has also submitted a declaration in this matter as both he and his son are members of Le-Ba.

These declarations highlight an issue with an organisation such as Le-Ba in that it has a wide range of members and many residents of Ballina and Lennox Head would have families or friends associated with the Club.

The above declarations do not automatically exclude either of these staff from this matter, as club membership is specifically mentioned in the Division of Local Government's practice note guidelines as not a sufficient reason to be excluded from a matter.

Even so the Manager – Finance and Governance has had no involvement and the General Manager has had no involvement in the day to day management of the applications. However the General Manager has provided procedural advice to staff managing the applications and has reviewed this report for inclusion in this agenda.

Options

The options available to Council are:

1. Council resolve to support one of the event proposals as submitted. This is not recommended as the expression of interest process conducted was only limited to the two parties mentioned in this report and very minimal time was provided to submit those applications. There are also currently limited criteria for Council to make a determination on this issue.
2. Council may wish to hold a workshop to more fully explore the issues raised and if necessary make changes to the current Special Events Policy. This workshop would be held in June with the draft revised Special Event Policy to be submitted to the June Council meeting. Once a revised policy was confirmed by Council a more formal expression of interest process could be conducted. This is the recommended approach as it is considered more transparent and provides Councillors an opportunity to formulate the policy that will guide the expression of interest process.

RECOMMENDATIONS

1. That Council notes the contents of this report in respect to the annual Junior Surfing Event for Lennox Head.
2. That Council confirms that it will not accept any of the current proposals for 2013 onwards as its preference is to review the existing Special Events Policy to ensure that the policy clearly addresses the issues to be considered as part of any long term approval process.
3. That Council hold a workshop in June 2012 to review the existing Special Events Policy.

Attachment(s)

1. Event Proposal - Rusty/Max Perrot
2. Event Proposal - Le-Ba Boardriders

10.5 Community Donations

10.5 Community Donations

Delivery Program Governance

Objective To invite Council to consider additional donation requests.

Background

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

Two such requests are considered in this report and copies of the requests are attached.

Key Issues

- Nature of request
- Community benefit
- Funding available

Information

Details of the new requests are as follows:

Ballina District Community Services Association Inc (BDCSA)

The BDCSA are running a weekly youth program and have asked that Council consider waiving the fees for the use of the Lennox Head Cultural & Community Centre's gymnasium and activity room 3.30pm - 6.00pm each Friday.

The programs that are currently running in Ballina and Wardell have met with much success.

The sessions commenced 4 May 2012. The current fees are \$135/week (Sports Hall \$85 & Activity Room \$50) being a total cost for the remainder of 2011/12 of \$1,215.

The proposed fees for 2012/13 is \$150/week (Sports Hall \$87.50 & Activity Room \$62.50) being a total cost for 2012/13 of \$7,800.

The community donations budget is currently over spent for 2011/12. It is considered that this deficit should not be expanded and that BDCSA be advised that assistance is not available in the current financial year.

In respect to 2012/13 it is considered that an application form should be completed and considered along with other applicants for 2012/13 donations.

10.5 Community Donations

Newrybar Public School

The Newrybar Public School has asked that Council waive the fees for the hire of the mobile light tower for their annual fireworks night 16 June 2012. The cost has been estimated at \$250.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Deliver significant economic/community benefits to the Ballina Shire.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

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

Items	Budget	Expended	Balance
Donations (General)	65,000	65,023	(23)
Donations (Halls)	40,000	39,441	559
Donations (DA Fees)	2,000	4,162	(2,162)
Net Amount			(1,626)

Consultation

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

Options

The options are to approve or decline the requests. In respect to BDCSA the funding requested is significant and the preferred option is to decline the 2011/12 request and allow the 2012/13 request to be considered with all other donation requests. The 2012/13 submissions will be reported to the June 2012 Ordinary meeting. In respect to Newrybar School, as the allocation of donations is largely a political matter, the option to approve or refuse the application is included in the recommendations.

RECOMMENDATIONS

1. That Council refuse the request from the BDCSA for the remainder of 2011/2012 due to lack of funds and that Council ask the BDCSA to submit a Community Donations application form for the 2012/2013 funding program.
2. That Council approve / refuse the donation application for Newrybar Public School as detailed within this report.

Attachment(s)

1. Letter from BDCSA
2. 2011_2012 Request for Waiver of Hire Fees for Mobile Light Tower - Newrybar Public School

10.6 Legal Matters - Update

10.6 Legal Matters - Update

Delivery Program Governance

Objective To provide an update on legal cases involving Council.

Background

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

Key Issues

- Type and cost of litigation

Information

This report provides an opportunity to examine legal matters in which the Council is, or has been, involved, with reference being to the current or previous financial year. The report has been provided in open Council to ensure the information is available to the public.

Solicitor for Council	Parties	Case Description	Original Cost Estimate	Costs Paid to Date
Blake Dawson	Oshlack v Ballina Shire Council & Ors	Land & Environment Court - ref. no. 2010/40570 - Challenge to approval of Marom Creek fluoridation plant - Rous Council and Lismore also joined in this case - Class Four	\$100,000	\$166,000

Comments

Mr Oshlack appealed the process followed by Rous, Lismore and Ballina councils in approving fluoridation. Rous Council engaged Blake Dawson Solicitors and Ballina Council agreed for that firm to also represent Ballina Council with costs to be shared. Lismore Council engaged a separate firm to act as their solicitors and only tendered a submitting appearance.

The initial defence of the appeal sought a decision of the court regarding a preliminary point of law. This motion, which was pursued by Ballina and Rous Councils, was heard by the Court on 14 March 2011. The point of law examined the relative powers of the Fluoridation Act and the Environmental Planning and Assessment Act and in doing so argued that the broader question of any environmental issues associated with the addition of fluoride has been dealt with by the Government and is an assessment beyond the capacity of the Council. If a decision in response to this point of law had been favourable then the appeal would no longer proceed. Both Ballina and Rous were subsequently unsuccessful in respect to this preliminary point of law.

The decision of the Court was eventually published on 16 May 2012 with the appeal being dismissed and Rous and Ballina councils being awarded costs. Whether or not Council has any chance of recovering costs will be subject to further advice from our solicitors. Tenders will now be called to implement Council's earlier resolutions in respect to the construction of the plant needed to fluoridate Council's water supply.

10.6 Legal Matters - Update

Legal / Resource / Financial Implications

This next section of this report provides an update on legal costs for 2011/12, as at mid May 2012, along with a comparison to the previous three financial years.

Description	2008/09 Actual	2009/10 Actual	2010/11 Actual	2011/12 Budget	2011/12 Actual
Planning Legals					
Avalon	86,000	0	0	80,000 (was originally \$260,000 with subsequent reductions included in Quarterly Financial Reviews	0
Bryson and Blake	33,000	57,000	0		0
Greenwood Grove	53,000	44,000	7,000		0
Lennox Head Apartments	0	26,000	0		0
Ramada	0	51,000	364,000		2,000
Rich and Rich	0	16,000	1,000		0
Simpson	125,000	0	0		0
Stockpile - Temporary	0	0	66,000		0
Advice - Optus Tower	0	0	0		1,000
Advice - Riverside Suites	95,000	35,000	4,000		7,000
Advice - North Angels	0	7,000	4,000		0
Advice - Service Centre	0	0	37,000		0
Advice - Bulky Goods	0	0	0		4,000
Advice - Verna Wall	0	0	0		3,000
Insurance / Misc Advice	44,000	43,000	61,000		42,000
Sub Total	436,000	279,000	544,000	80,000	59,000
Property Legals					
Gunundi	139,000	23,000	3,000	0	0
Homeworld - Sec 96	52,000	0	0	0	0
Homeworld - BLEP	163,000	110,000	4,000	0	0
Lennox Head Comm Ctre	0	0	0	75,000	46,000
Sub Total	354,000	133,000	7,000	75,000	46,000
Water Legals					
Oshlack - Fluoride	0	0	159,000	35,000	7,000
Total Expenses	790,000	412,000	710,000	190,000	112,000
Expenses Recouped					
Freedden	52,000	0	0	0	0
Jacobson / McMillan	103,000	0	0		0
Simpson	6,000	0	0		0
Stubberfield	0	29,000	29,000		0
Gunundi	0	0	71,000		0
Homeworld	0	0	190,000		0
Ramada	0	0	8,000		0
Greenwood Grove	0	0	15,000		0
Stockpile Temporary	0	0	37,000		7,000
Miscellaneous	0	0	3,000		0
Total Income	161,000	0	353,000		0
Net Cost	629,000	412,000	357,000	190,000	105,000
Fund Summary - Net					
General Fund	629,000	412,000	198,000	155,000	98,000
Water Fund	0	0	159,000	35,000	7,000

In respect to 2011/12 the pleasing point is that overall expenditure is well down on recent years. The major outstanding matters were the Oshlack case, which has now been determined and the Lennox Head Community Centre insurance claim.

10.6 Legal Matters - Update

In respect to the insurance claim, at the October 2011 Ordinary meeting Council resolved to commence legal action against Greenway Hirst Page (the original architects) by way of an arbitration process. An arbitrator has been appointed and hearings have taken place with dates agreed for further hearings during May and June 2012. It remains uncertain as to when this matter will be resolved.

From a town planning perspective there is no current litigation, which to some extent reflects the current down turn in the property market.

Options

This report is provided for information.

RECOMMENDATIONS

That Council notes the contents of this legal update.

Attachment(s)

Nil

10.7 Draft Operational Plan 2012/13 - Additional Projects

10.7 Draft Operational Plan 2012/13 - Additional Projects

Delivery Program Financial Management

Objective To respond to recommendations from the April 2012 Finance Committee asking for funding options for additional projects.

Background

Recommendations from the April 2012 Finance Committee, adopted at the April Ordinary meeting, requested reports on the consideration of funding options for additional projects in the 2012/13 budget. The purpose of this report is to respond to those recommendations which related to the following projects:

- Improvements at Missingham Park
- Shaws Bay Management Plan
- Screening at Williams Reserve
- Pop Denison Park

Key Issues

- Cost and impact on the budget/financial position
- Priority of these projects in comparison to works already in the budget

Information

The requests are all General Fund projects. The General Fund budget currently on public exhibition is formed using a variety of funding sources including loans, reserves, grants and numerous income streams. It is considered that this budget is stretching the extent of the Fund's financial capacity and that if any new expense is added then expense of a similar amount should be deducted such that the existing status quo is preserved.

This position is proposed because the budget is predicting an operating deficit of some \$8 million, a reduction to working capital of \$40,000, reserves will fall by approximately \$2 million and loans will increase by approximately \$6 million.

In terms of financial performance indicators Council is not achieving a pass mark in the available working capital benchmark and we are forecast to shift to fail in the operating balance ratio. Both of these benchmarks are important indicators in terms of Council's short term liquidity and it is considered that efforts should be made to not expand on the current forecast budget deficit and reduction to available working funds.

Hence this report looks to provide alternatives to include the works by shifting priorities within existing work schedules that are already included in the budget. Each request is considered in turn as follows.

Missingham Park car park and shared path upgrade – The report to the April Finance Committee presented various options to improve parking and the shared path in the vicinity of the seasonal market area. Options in the report included:

- construct 45 car parks and minimal landscaping (excludes any work on the shared path) - \$120,000
- construct 80 formal car parks (excludes any work on the shared path) - \$150,000
- reconstruct shared path in concrete at 2.5 metres - \$50,000
- reconstruct path in concrete at 3.5 metres - \$70,000
- formalise a concept plan and consult with the community - \$5,000

The preferred options are considered to be the 45 space car park (120,000), the 2.5 metre footpath reconstruction (\$50,000) and the concept plan (\$5,000).

Discussions with the Works Engineer confirmed that if these tasks are seen to have priority over the existing budget then the preferred projects to be reduced are the budget for Beachfront Parade cycleway by \$50,000 and to reduce the budget for Canal Road reconstruction by \$125,000. Both of these projects will then be deferred until the following year.

Shaws Bay Management Plan - There are a number of actions that are nominated in the management plan however the priority identified by Council is Task K, being \$60,000 in funding to stabilise the sandy beach area in the east arm.

The total cost of this project is estimated at \$120,000. Council had previously submitted a grant application to the NSW State Government for a 50 / 50 funding proposal, albeit that Council's allocation had not been identified. That application was unsuccessful.

If Council still wishes to pursue the \$120,000 in 2012/13 the preferred option would be to reduce the existing drainage reconstruction program. The works planned for that program for 2012/13 are as follows:

Project	Budget (\$)
Urban Lane Improvements	20,000
Coogee Street, Ballina - Pump Station	130,000
Stormwater Asset Data Collection	40,000
Grant Street, Ballina	140,000

The project recommended for deferral would be the Coogee Street drainage works to free up the \$120,000.

As an adjunct to Council's earlier grant application, the State Government has advised that they would look favourably at a funding request for a review of the existing Shaws Bay Management Plan. The estimated cost for this is \$50,000 and the advice from the State Government is that this project would be 50% funded by the Government.

10.7 Draft Operational Plan 2012/13 - Additional Projects

In respect to funding Council's 50% share of this (i.e. \$25,000) the recommendation would be to defer the Urban Lane improvements funding (\$20,000) with the balance of \$5,000 to be sourced from other operational budgets. This is the preferred recommendation as it provides a more holistic approach to the management of Shaws Bay.

Williams Reserve Screen – The resolution mentions an amount of \$13,000 for the netting, which is the advice provided by the Lennox Head Combined Sports Association. However Council's Open Space Manager is of the opinion that \$20,000 is the minimum necessary to achieve a reasonable outcome.

The two main options to fund this project are the community infrastructure and the sports field capital budgets.

The Lennox Head Cultural and Community Centre has \$38,000 funded from the community infrastructure budget for improvements to the centre. The 2012/13 budget includes:

Item	Budget (\$)
Chairs	20,000
Sound proofing consultancy	5,000
Blackout blinds	7,500
Portable stage	5,500

There was some debate about reducing funds from the LHCC budget at the Finance Committee and common ground was difficult to achieve.

The sports field capital budget includes \$140,000 for lighting at Kingsford Smith reserve. The \$140,000 was to upgrade the lights at the senior rugby league field (enclosed field) and then use whatever is left over to upgrade the junior league fields. A reduction to this budget will reduce what is available to upgrade the junior league fields and this is considered to be the preferred option.

Pop Denison Park – The best process for what is a very large park would be to prepare a masterplan for the whole of the reserve. This would achieve a consultative outcome and would optimise opportunities for grant funds, while allowing priorities to be established. It is estimated that \$20,000 would be sufficient to produce such a plan.

If actual works are the priority there is no electricity close to the winter swimmers' area and this will increase costs and makes estimating difficult. However to put in an electric BBQ and replace two existing picnic shelters is estimated to cost approximately \$50,000 plus the cost to connect to power.

The 2012/13 budget includes \$140,000 to replace the shade structure at Missingham Park. It is considered that this project is the best option to reduce if Council sees Pop Denison as the higher priority. This will obviously result in a lesser outcome for Missingham Park.

The options put forward are to reduce the budget at Missingham park and raise a new budget for Pop Denison Park for either \$20,000 (masterplan) or \$50,000 (replace shelters and put in a BBQ – more may be needed dependent upon electricity connection). The masterplan is the preferred approach rather than the ad hoc installation of BBQs.

Sustainability Considerations

- **Environment/Social/Economic**

The budget requests look to amend Council's works program and there are environmental, social and economic consequences depending on the actions taken.

Legal / Resource / Financial Implications

There are resource and financial implications associated with this report. The body of the report looks briefly at the financial circumstances of Council. It is recommended that if the budget requests are to be accommodated, then other works be removed from the budget.

Consultation

No community consultation has occurred however the report has been discussed with various staff members.

Options

Council may choose to vary the existing Draft Budget or not.

Determining priorities in the works program is a matter for Councillors however two recommendations for actions are made:

- a) safety screen at Williams Reserve as this is considered to be a safety and risk issue; and
- b) a grant application for funding a review of the Shaws Bay Management Plan as this application provides leveraging and an opportunity to update a fairly dated plan.

RECOMMENDATIONS

1. That Council notes the contents of this report in respect to the funding requirements needed for improvements to Missingham Park.
2. That Council approves an amendment to the draft 2012/13 Operational Plan with a new budget of \$20,000 to be included for screening at Williams Reserve, Lennox Head, with the budget for Kingsford Smith lights to be reduced by \$20,000 to offset this increase.
3. That Council authorises the submitting of a grant application for a review of the Shaws Bay Management Plan, with Council's matching funding, (estimated at \$25,000), subject to the application being successful, to be funded from a reallocation of the \$20,000 in capital funding allocated for drainage – urban lane improvements, and the balance of \$5,000 from savings within existing budgets.
4. That Council notes the contents of this report in respect to the funding requirements needed for improvements to Pop Denison Park.

Attachment(s)

Nil

10.8 Delivery Program and Operational Plan Review - 31 March 2012

Delivery Program Governance

Objective The 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 third 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 March 2012.

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

- Compare actual results against the adopted goals and priorities

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.

10.8 Delivery Program and Operational Plan Review - 31 March 2012

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	19	3	9	11	42
Amber	3	0	8	0	11
Red	1	0	6	2	9
Total	23	3	23	13	62

Program Actions Overview - By Percentage

Group / Status	GM	Reg	Civil	Strategic	Total
Green	83	100	39	85	68
Amber	13	0	35	0	18
Red	4	0	26	15	14
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:

- Council signing off on preferred routes and concept plans for the shared and recreational paths
- Endorsed the Growth Management Strategy for public exhibition
- Approved the development application for the construction of the Wollongbar sporting fields
- Approved the development application for the reconstruction of the Ballina Surf Club
- Council staff implemented a new document and customer request management system
- Established a web based community directory
- Seven Aboriginal School based trainees and apprentices commenced work with Council
- Approved new airline agreements with Jetstar and Virgin
- Received notification that Council's biochar project was only one of three projects in this region moving to the next assessment phase for Regional Development Australia funding (round two), with Council having previously been successful in round one, with \$3.5 million approved for the airport apron extension project.
- Expended approximately \$15 million on capital works, including the reconstruction of The Coast Road, Cherry Street, Ballina, Boatharbour Road, Ballina and the Wollongbar Link Road (Plateau Drive), along with having the majority of the Alstonville town centre beautification works completed

In respect to projects that may be marked as yellow or red, generally these projects are progressing, however they are not expected to meet the original completion date. The reason for this can vary from the original target being overly ambitious, external factors delaying the project, or inadequate resources to meet the deadline.

10.8 Delivery Program and Operational Plan Review - 31 March 2012

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	19	16	10	5	50
Amber	6	2	16	0	24
Red	1	3	1	0	5
Not proceeding	1	0	0	0	1
Total Tasks	27	21	27	5	80

Service Delivery Targets Overview - By Percentage

Group / Status	GM	Reg	Civil	Strategic	Total
Green	70	76	37	100	63
Amber	22	10	59	0	30
Red	4	14	4	0	6
Not proceeding	4	0	0	0	1
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 will provide improved results as compared to 2010/11.
- Building Services and Development services – Overall the results for these two sections are relatively good with benchmark timeframes being met in a number of key areas. The Department of Planning and Infrastructure comparative data results released during the last quarter confirmed that Ballina Council was performing as well, if not better, than the majority of coastal councils.
- Libraries – Membership and borrowings continue to grow, with the new Lennox Head Library performing exceptionally well.
- Engineering Works and Open Spaces - Cost increases in a wide range of areas is making it unlikely that these two sections will be able to remain within their maintenance budgets this year. Further information on this is included in the March quarterly budget review report elsewhere in this agenda.

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.

RECOMMENDATION

That Council notes the contents of the 31 March 2012 review of the Delivery Program and Operational Plan.

Attachment(s)

1. Delivery Program Report as at 31 March 2012 (Under separate cover)

10.9 Financial Review - Quarter Ended 31 March 2012

Delivery Program Financial Management

Objective To review the Council budget for the nine month period ending 31 March 2012

Background

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

The report that follows provides this review for the third quarter of 2011/12.

Key Issues

- Variations to the budget
- Financial performance of council

Information

The purpose of this report is to provide information on known budget variances as at 31 March 2012. The format of the report complies with the Quarterly Budget Review Statement Guidelines set down by the Division of Local Government.

To comply with these guidelines an Operating Statement, Capital Budget, Cash and Investment Statement, Key Performance Indicators, Contractors, Consultants, Legal Information and certification by the Responsible Accounting Officer are required.

Commentary on the variations recommended is then provided after the tables.

A brief overview of the information provided in each of the tables is as follows:

Operating Income and Expense

This table provides the operating income and expense for the Fund (General, Water and Sewer) and is useful in determining whether the Fund is operating at a surplus or deficit (before and after depreciation).

The operating performance for each major activity within the General Fund is also able to be monitored by matching income and expenses.

Capital Budget

This table outlines proposed capital expenditure and how the expense is being funded.

Cash and Investment Statement

This table provides details on the projected movements in reserve balances in each of the funds.

Key Performance Indicators

This table shows the calculated position as at 30 June 2011 together with the estimated position at 30 June 2012. The ratios provide an indication of the financial health of the organisation. In forecasting ratios there are many variables and assumptions in the calculations that mean the forecast is very much a best guess scenario.

Contractors/Consultants/Legal Expenses

Details of specific expenses incurred and contracts entered.

Certification

Statement by the Responsible Accounting Officer as to whether the current year's estimated financial performance and position is or is not satisfactory.

For the tables, the ORIGINAL budget plus / minus changes previously approved by Council equals the REVISED Budget figure. REVISED Budget plus / minus recommended changes for this quarter equals the PROJECTED Year End Budget figure for the year.

Actual figures to 31 March are also included in the final column as a comparison to the PROJECTED Budget.

General Fund

This next section of the report deals with Council's General Fund operations. Tables for income and expense follow, including recommended variations to budget.

Following the tables are comments in respect to proposed budget variations that are considered to be material.

10.9 Financial Review - Quarter Ended 31 March 2012

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

Operating Income	Original Budget 000's	Approved Sept 000's	Approved December 000's	Revised Budget 000's	Changes for approval 000's	Year End Budget 000's	Actual to Date 000's
Strategic Services							
Strategic Planning	393	23	0	416	32	448	66
Community Services	159	0	17	176	0	176	147
Community Gallery	52	0	8	60	0	60	51
Sub Total	604	23	25	652	32	684	264
Regulatory Services							
Development Services	305	0	7	312		312	254
Building Services	845	0	(145)	700	(110)	590	424
Public and Env Health	176	0	10	186	5	191	179
Admin and Public Order	87	0	(10)	77	0	77	57
Sub Total	1,413	0	(138)	1,275	(105)	1,170	914
Civil Services							
Asset Management	208	(11)	(15)	182	(18)	164	139
Stormwater and Env Prot	273	4	15	292	0	292	293
Roads and Bridges	100	20	23	143	10	153	154
Ancillary Transport Services	1,331	0	(345)	986	(352)	634	483
Roads and Traffic Authority	1,351	0	4	1,355	0	1,355	357
Open Space and Reserves	722	86	43	851	37	888	829
Fleet Mgmt and Workshop	3,292	40	12	3,344	0	3,344	2,524
Rural Fire Service	182	0	0	182	8	190	190
Quarries and Sandpit	315	0	0	315	0	315	202
Swimming Pools	283	0	0	283	0	283	266
Waste-Landfill/Commercial	6,502	(85)	(120)	6,297	(209)	6,088	4,762
Waste-Domestic	6,566	0	(110)	6,456	(88)	6,368	6,208
Sub Total	21,125	54	(493)	20,686	(612)	20,074	16,407
General Manager's Group							
Administrative Services	26	0	1	27	12	39	33
Financial Services	19,663	(744)	81	19,000	236	19,236	18,734
Regional Library	92	0	0	92	26	118	115
Information Services	4	0	0	4	2	6	4
Human Resources and Risk	76	34	30	140	65	205	169
Tourism	33	16	0	49	45	94	90
Property Management	3,478	0	(55)	3,423	(134)	3,289	2,679
Ballina Byron Airport	4,032	0	(397)	3,635	(43)	3,592	2,787
Sub Total	27,404	(694)	(340)	26,370	209	26,579	24,611
Total Operating Income	50,546	(617)	(946)	48,983	(476)	48,507	42,196

10.9 Financial Review - Quarter Ended 31 March 2012

General Fund - Statement of Operating Income and Expenses (\$'000) (continued)

Operating Expenses (excluding depreciation)	Original Budget 000's	Approved Sept 000's	Approved December 000's	Revised Budget 000's	Changes for approval 000's	Year End Budget 000's	Actual to Date 000's
Strategic Services							
Strategic Planning	1,015	380	0	1,395	(79)	1,316	684
Community Services	693	105	(34)	764	4	768	609
Community Gallery	150	18	8	176	6	182	115
Sub Total	1,858	503	(36)	2,335	(69)	2,266	1,408
Regulatory Services							
Development Services	1,394	0	(100)	1,294	(94)	1,200	655
Building Services	768	0	0	768	0	768	159
Public and Env Health	664	5	0	669	(50)	619	460
Admin and Public Order	1,024	0	(10)	1,014	(35)	979	726
Sub Total	3,850	5	(110)	3,745	(179)	3,566	2,000
Civil Services							
Asset Management	2,719	14	189	2,922	180	3,102	2,206
Stormwater and Env Prot	518	260	15	793	35	828	511
Roads and Bridges	2,859	267	373	3,499	80	3,579	3,029
Ancillary Transport Services	2,142	148	(287)	2,003	(275)	1,728	925
Roads and Traffic Authority	1,352	8	2	1,362	0	1,362	634
Open Space and Reserves	3,373	284	47	3,704	135	3,839	2,903
Fleet Mgmt and Workshop	2,375	40	(1)	2,414	0	2,414	1,855
Rural Fire Service	370	44	0	414	(20)	394	312
Quarries and Sandpit	67	69	0	136	16	152	67
Swimming Pools	669	0	0	669	0	669	634
Waste-Landfill/Commercial	5,093	301	40	5,434	(179)	5,255	3,667
Waste - Domestic	6,380	(270)	(117)	5,993	(142)	5,851	4,354
Sub Total	27,917	1,165	261	29,343	(170)	29,173	21,097
General Manager's Group							
Governance	947	32	0	979	(10)	969	766
Administrative Services	904	0	(130)	774	(20)	754	525
Financial Services	(2,825)	30	0	(2,795)	17	(2,778)	(2,407)
Regional Library	1,280	54	0	1,334	27	1,361	1,265
Information Services	1,496	10	0	1,506	3	1,509	1,494
Human Resources and Risk	1,537	97	10	1,644	460	2,104	1,181
Tourism	616	35	0	651	45	696	512
Property Management	1,645	97	90	1,832	32	1,864	1,449
Ballina Byron Airport	2,577	0	117	2,694	36	2,730	2,131
Sub Total	8,177	355	17	8,619	590	9,209	6,916
Total Operating Expenses	41,802	2,028	132	44,042	172	44,214	31,421
Net Operating Result Before Depreciation	8,744	(2,645)	(946)	4,941	(648)	4,293	10,775
Depreciation Expense	12,475	0	0	12,475	0	12,475	12,475
Net Operating Result from Continuing Operations	(3,731)	2,645	946	(7,534)	(648)	(8,182)	(1,700)

10.9 Financial Review - Quarter Ended 31 March 2012

General Fund Working Capital Forecast

Item	Opening Balance (1)	Sept Estimated Movement (2)	December Estimated Movement (2)	Revised Closing Balance (1 +2)	March Estimated Movement	Revised Closing Budget
Working Capital	2,775	(125)	(57)	2,593	158	2,751

Comments - General Fund

The **forecast operating surplus** (before depreciation) has reduced from \$5 million to \$4.3 million which continues the trend that has been evident during previous quarters. The original budget forecast a surplus prior to depreciation of \$8.7 million which has dropped to \$4.3.

The downward movement early in the year is largely attributable to works being carried forward however later quarters is suggesting that our recurrent operations are costing more than available budgets. This means that increased use of reserves and reductions to capital works are necessary.

The reduction to the forecast operating result in this quarter is due to a number of issues including:

- operating expense budgets have been exceeded and the over expense has been funded by reducing capital votes. This is the case in roads maintenance and operation, stormwater maintenance, passive/active recreation areas and public amenities.
- forecast expense on leave entitlements has been increased by \$400,000 which has been partially offset by reductions to wages votes of \$185,000.

The estimated **unrestricted working capital** movement has improved from a forecast deficit of \$182,000 to a deficit of \$24,000. Whilst there have been numerous adjustments the primary influence in this improvement is an increase in the interest revenue of \$135,000 to general revenue.

General Fund - Operating Income

Strategic and Community Services Group

Rezoning Planning Fees: Income of \$25,000 has been received to enable rezoning applications for Cumbalum Ridge to progress. Expense votes have been increased by the same amount.

Regulatory Services Group

Building Services: Income is trending well below forecast and the budget has been reduced by a further \$110,000 (it was reduced in December). In comparison to the original budget this represents a combined reduction to forecast income for the year of \$255,000 which obviously has a significant affect on the budget.

Civil Services Group

Engineering Design and Supervision: Forecast income of \$20,000 has been removed from the budget.

Roads and Bridges

Trust Deposits: Annual assessment of trust deposits has resulted in \$10,000 being relocated from trust fund to general revenue. This relates to various small contributions received in years gone by where Council has completed the work for which the deposit was received.

Ancillary Transport Services

Private Works: It is often difficult to accurately estimate the level of private works that will occur in a year. In December both income and expense votes were reduced considerably including a reduction to forecast profit. A further adjustment is proposed in this review as shown below.

Item	December Estimate	March Estimate
Income	480,000	100,000
Expense	462,000	100,000
Surplus	\$18,000	nil

School Zone Signs: Grant income to \$26,000 has been raised to pay for works on school zone signs.

Open Spaces and Reserves

Vegetation Management: Grant income received to \$25,000 for bitou bush work and roadside vegetation management. Expense has been increased by the same amount.

Landfill and Resource Management (LRM)

There is a net reduction to income of \$209,000. The larger adjustments to forecast income include:

- reduction to bin sales of \$24,000 as this service is now rarely provided given the decision to provide most bins free of charge
- increase to income of \$50,000 regarding recyclable gate fees paid by Domestic Waste Management (DWM)
- sale of recyclable metal is below expectations and has been reduced by \$25,000
- reduction to forecast gate fee income paid by DWM of \$160,000. Council will recall that the fee charged to DWM to deposit mixed waste was reduced in September to assist DWM to purchase new vehicles
- reduction to disposal fees paid for construction and demolition material of \$50,000 which is trending well below forecast. This is possibly a consequence of the downturn in the building industry

- The income vote for mixed waste disposal fees is trending above the current budget of \$1,240,000. However a self assessment of GST compliance revealed that Council was not paying appropriate GST in respect to this income source.

Council will need to pay over \$100,000 to the Australian Taxation Office for GST. This reduction to income will offset what is currently a high trend for self haul mixed waste gate fees.

Domestic Waste Management

Plant Hire: The internal charge within the business that credits income and debits expenditure collection budgets is trending low and has been reduced by \$100,000.

General Manager's Group

Administration

Sundry Income: Various small votes increased by a total of \$12,000. Relates to photocopy fees and information access.

Finance

Ordinary Rates: Forecast income from rates and charges has been increased by \$15,000 as supplementary levies are issued taking total forecast income from ordinary rates to \$15.6 million.

Interest on Overdue Rates: A further \$35,000 has been added to the forecast for interest income on overdue rates and charges. The revised forecast is now \$134,000. The higher than normal income from this source is due to a higher percentage of accounts outstanding.

Interest on Investments: Total income from this source has not been changed as whilst rates are falling, the reserve balances are higher than anticipated. However the income forecast for the Commercial Opportunities reserve has been revised down by \$135,000, based on the estimated reserve balance for the year. General revenue has benefited with forecast income increased by \$135,000 to \$900,000.

Legal Costs Charged and Recovered: The income and expense votes for legal costs incurred to recover unpaid rates have both been increased by \$10,000. Council has increased recovery action and the expense and subsequent reimbursement are now anticipated to amount to \$20,000.

Water and Sewer Contribution: Depot operating expenses have exceeded forecast by a considerable margin. Water and sewer contribute to depot costs based on the amount forecast at the start of the year. Small variances to the original forecast are typically viewed as swings and roundabouts as far as water/sewer contribution is concerned. However in this case the over expense is in the order of \$120,000 and a further \$38,000 has been contributed.

Libraries

Special Local Projects: Grant income to \$26,000 has been received from the State Library for local library acquisitions. Expense votes have been increased by the same amount.

Human Resources and Risk Management

Insurance Refund: Council annually receives a refund from Statecover and Statewide regarding insurance. This amount is difficult to predict and a further \$7,000 has been added to these forecasts.

Maternity Leave: Centrelink provides a partial reimbursement to Council for wages paid to staff whilst on maternity leave. The vote has been increased by \$30,000 to \$51,000 indicating that the number staff on maternity leave is greater than anticipated.

Workforce Project: Grant income of \$30,000 is anticipated to pay wages for a workforce plan coordinator. The plan will benefit all NOROC councils and the coordinator will be based in Ballina.

Tourism

Tourism NSW Project: Grant income to progress the regional visitor services strategy to \$40,000. Expense has been increased by the same amount.

Property Management

Commercial Opportunities Reserve: Forecast interest has been reduced by \$135,000. The reduction is based on the average balance of the reserve which includes the fact that this reserve paid for land acquisition for Wollongbar sports fields quite early in the year. The reduction to income is offset by a reduction to the transfer to reserve.

Ballina Byron Airport

Operating Income: income estimates have been reduced by a total of \$42,000 which primarily relates to small plane landing fees and advertising income that will not be received this financial year.

General Fund - Operating Expenses

Strategic Services

Salaries: Expense is trending well under forecast and the vote has been reduced by \$100,000. This is due to a combination of factors including delays in replacing staff who resigned and staff leave entitlements. (Refer to Human Resources area concerning leave budgets where expense is trending well above forecasts).

Rezoning Planning Fee: Expense votes have been increased by \$25,000 following the receipt of fees paid for Cumbalum Ridge rezonings.

Community Services

Community Services / Gallery: There will be budgetary savings in respect to community services salaries following the departure of one employee. Vote to the value of \$7,000 has been transferred to the Gallery to enable part time staff to be employed for a limited period.

Lennox Head Community Centre: The budget has been increased by \$11,000 which mainly relates to operating expenses.

Development Services

Legal Expenses: This budget was reduced in December and it is proposed to further reduce the vote by \$80,000 to \$55,000 based on forecasts for the remainder of the year.

Administration Expenses: Advertising is trending low and the vote has been reduced by \$20,000 however the vote for consultants has been increased by \$6,000.

Health / Regulatory Services

Salaries: Across the Health Services and Regulatory control areas salary votes have been reduced by a total of \$85,000. This is attributable to delays in replacing staff that have left or taken maternity leave and staff taking extended leave that has been accumulated.

Civil Services

Asset Management

Administration Building: Expenses for items such as rates, security, and electricity are trending above forecasts. Votes have been increased by \$24,000 in total.

Depot Expenses: Various aspects of depot running expenses are exceeding forecast and an additional \$127,000 has been added to the vote. The funds have been sourced from proposed capital works to upgrade the depot, a contribution from water/sewer, stormwater capital budget and quarry reserve.

The forecast for depot operational expenses has now been increased by over \$150,000 since the original budget was prepared and \$180,000 more than the 2010/11 cost. This raises concerns about budgetary control and the extent of resource that the operation requires.

Stormwater Management Plan: Existing vote of \$15,000 has been increased by \$43,000 to enable the work to be completed. Funds have been sourced from stormwater capital - urban lanes.

State Emergency Services: Sundry expenses to assist SES operations have exceeded budget and a further \$12,000 is necessary to equal current expense. The vote for this section has doubled in the last two years.

Stormwater

Operating Expense: Operating expense is trending high and votes have been increased by \$30,000. This expense has been funded by a reduction to the vote for the Coogee Street drainage capital project.

Roads and Bridges

Ballina Heights Drive Loan: The original budget anticipated that a loan would be taken up for Ballina Heights Drive. This loan has not been taken up so a proposed loan repayment totaling \$147,000 (\$57,000 relates to the capital component of the repayment) has been removed from the budget. These funds have been transferred to reserve as they will be required in the future.

Roads Operating Expense: Various sections of roads operations and maintenance budget are exceeding forecast. In total votes have been increased by \$170,000 funded by reductions to capital expenditure votes for:

Item	Amount (\$)
Pimlico Road	50,000
Midgen Flat Road	100,000
Coogee Street Drainage	20,000

Ancillary Transport

Private Works: Refer to comment in income section of this report.

Street Lighting: Vote increased by \$25,000 to \$468,000. It was intended that energy efficient lighting would be installed early in the year and this was not the case. Hence anticipated reduction to energy costs has not eventuated. It was proposed to transfer the savings to reserve and this transfer has been reduced by \$25,000.

Ferry: Operating expenses are trending to exceed votes by \$36,000 of which \$26,000 relates to the annual slippage. The additional vote has been sourced from reductions to votes for Uralba Road upgrade \$26,000 and ferry ramp refurbishment \$10,000.

Open Space and Reserves

OSR Operations: Expenses are tending above forecast and \$40,000 has been added to this vote sourced by a reduction to the vote for Chickyaba Oval play equipment.

Public Amenities: Various votes increased to a total of \$38,000 as expenses will exceed existing votes. Public toilets maintenance and vandalism are the two main areas that require extra funds. OSR capital budgets have been reduced to offset this increase.

Sporting Fields: An additional \$10,000 is required for rates and building maintenance.

Fire Services: Estimated contributions to both the Fire Brigade and the Bush Fire Service are greater than required and votes have been reduced by \$5,000 and \$15,000 respectively. The contribution to bush fire, in particular is difficult to predict as it is dependant on expenses that occur after the estimate is prepared.

Landfill and Resource Management (LRM)

Operating expenditure votes have been decreased by \$180,000. Whilst numerous votes have been adjusted both up and down. The larger amendments include:

- expense to maintain the baler is quite low and vote has been reduced by \$20,000.
- mulching of green waste reduced by \$40,000
- exportation of construction and demolition waste has been reduced by \$50,000 which matches the reduction to forecast income for this activity.
- license fees reduced by \$45,000
- bulk waste collection votes reduced by \$20,000

Domestic Waste Management (DWM)

Adjustments to DWM expense amount to a reduction of \$142,000. Movements to forecast income and expense are balanced against transfers to or from the DWM reserve.

- reduction to gate fees expense of \$160,000
- increase to recycling gate fee expense of \$50,000
- reduction to green waste roll out contingency of \$50,000.

General Manager's Group

Administrative Services

Administrative Expenses: Savings to budget are likely in respect to telephone charges, printing and stationery totaling \$15,000.

Human Resources and Risk Management

Staff Recruitment: The budget has been exceeded and a further \$30,000 has been added to the vote taking it to \$88,000.

Workforce Project: New vote to \$30,000 funded by grants to pay the salary of a coordinator to prepare a workforce plan for the region.

Employee Entitlements (leaves): It is proposed to increase the leave entitlements votes by a total of \$400,000 which may not be sufficient depending on final quarter staff movements. Savings in indoor salary votes to \$185,000 have been identified with \$215,000 to be transferred from the leave entitlements reserve.

Refer to comment in 'Other Matters' on leave entitlements adjustments.

Oncost Income (Reversal of Expense): Total oncost income is estimated at \$5,545,000 and this includes internal oncosts (on our own staff) and external oncosts on private works and RTA jobs. There is very little private works happening and this forecast has been reduced by \$20,000 whilst internal oncosts are trending high and the vote has been increased by \$50,000 resulting in a net increase of \$30,000.

Tourism

Building and Admin Expenses: The expense for building operations and maintenance has exceeded vote and a further \$9,000 has been added to the budget. This has been offset by a reduction to the tourism promotional vote and also small increases in forecast income.

Tourism NSW Project: Expense has been increased by \$40,000 funded by grant income.

Property Management

Other Commercial Properties: Operations and maintenance expense has exceeded vote and a further \$12,000 has been added to the budget.

Southern Cross Estate: The vote for rates at Southern Cross Estate has increased by \$27,000 funded from reserve. The processing of supplementary levies has resulted in rates exceeding expectations.

DA Refund: Income of \$27,000 was received relating to a development application and section 94 contributions. The application was withdrawn and monies had to be refunded. However in the intervening period the section 94 funds had been spent so the refund was charged to property. New section 94 funds have now been received which relieves the property section from paying the reimbursement. The transfer from property reserve of \$27,000 has been removed.

Airport

Operating Expenses: Numerous votes have been altered with a net increase of \$36,000 being the result. The two largest increases to votes relate to building operations and maintenance \$30,000 and promotional expenses \$40,000. Other votes have been reduced to partially offset the increases.

Water Operations

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

10.9 Financial Review - Quarter Ended 31 March 2012

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

Item	Original Budget 000's	Approved Sept 000's	Approved December 000's	Revised Budget 000's	Changes for approval 000's	Projected Year End Budget 000's	Actual to Date 000's
Operating Income	8,145	0	0	8,145	130	8,275	6,939
Operating Exps (excl. dep)	8,520	123	0	8,643	(15)	8,658	6,766
Net Operating Result Before Depreciation	(375)	(123)	0	(498)	145	(383)	173
Depreciation Expense	2,100	0	0	2,100	0	2,100	2,100
Net Operating Result from Continuing Operations	(2,475)	(123)	0	(2,598)	145	(2,483)	(1,927)

Operating income has increased by \$130,000 whilst expense has increased by \$15,000, improving the forecast deficit by \$115,000.

The major change to income relates to residential user charges (budget increased by \$100,000) which are trending 5% above forecast. This may be significant as it may signal an increase to gross annual water consumption. Given that consumption has been falling annually in response to price increases, any increase to consumption will have very positive implications for the Fund.

Operating expense has had various minor adjustments within the program with a net increase of 15,000.

The forecast **operating result** remains poor, with a loss, excluding depreciation, of \$383,000. This is not a sustainable position in the medium term.

Sewer Operations

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

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

Item	Original Budget 000's	Approved Sept 000's	Approved December 000's	Revised Budget 000's	Changes for approval 000's	Projected Year End Budget 000's	Actual to Date 000's
Operating Income	11,788	0	269	12,057	80	11,977	11,229
Operating Exps (excl. dep)	9,078	605	110	9,793	(668)	9,125	6,814
Net Operating Result Before Depreciation	2,710	(605)	159	2,264	748	2,852	4,415
Depreciation Expense	4,334	0	0	4,334	0	4,334	4,334
Net Operating Result from Continuing Operations	(1,624)	(605)	159	(2,070)	748	(1,482)	81

Forecast income has been decreased by \$80,000 which is attributable to the following proposed adjustments:

- sewer non residential usage charges \$60,000
- sale of house drainage plans 20,000

10.9 Financial Review - Quarter Ended 31 March 2012

Forecast expense is proposed to be reduced by \$668,000. This is a massive reduction representing almost 7% of total operational expenses. Many budgets have been varied with the largest variations shown below:

- pumping station maintenance \$170,000
- treatment plant operations \$307,000
- mains maintenance \$145,000.

Council will recall that some years ago sewer operational expenses increased exponentially. Expenditure is now being very closely scrutinised and every effort will be made to achieve the revised budgetary limits.

The forecast **operating result** is a surplus of \$2.8 million excluding depreciation which is an improvement of \$588,000 in comparison to the December quarter. The reduced operating expenditure outlook does have significant impacts on financial modeling and reduces the increases necessary to the annual charge to pay for the \$63 million sewer loan.

Capital Expenditure

This next section of the report looks at capital expenditure and examines proposed changes to the program.

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

General Fund Capital Works	Original Budget 000's	Approved Sept 000's	Approved December 000's	Revised Budget 000's	Changes for approval 000's	Year End Budget 000's	Actual to Date 000's
Capital Funding							
General Revenue	3,581	(222)	308	3,667	(692)	2,975	
Reserves	13,949	7,727	(2,815)	18,861	(6,377)	12,484	
Loans	3,300	(2,000)		1,300		1,300	
Section 94 Contributions	720	2,400	135	3,255	(2,826)	429	
Grants and Contributions	3,624		(348)	3,276	959	4,235	
Total Funding	25,174	7,905	(2,720)	30,359	(8,936)	21,423	
Capital Expenditure							
<i>General Manager's Group</i>							
Information Services	31			31	30	61	47
Property Management (Commercial)	4,700	(2,336)	146	2,510	(455)	2,055	1,872
Property Management (Community)	5,740	869	(5,426)	1,183	150	1,333	585
Camping Ground	10			10		10	
Ballina Airport	1,135		(63)	1,072	87	1,159	780
Regulatory Services							
Bubble Aerator	0	11		11	0	11	
Animal Shelter	0	305	340	645	(340)	305	
Civil Services							
Asset Management	225	35	(30)	230	(21)	209	78

10.9 Financial Review - Quarter Ended 31 March 2012

	Original Budget 000's	Approved Sept 000's	Approved December 000's	Revised Budget 000's	Changes for approval 000's	Year End Budget 000's	Actual to Date 000's
General Fund Capital Works							
Stormwater	394	563		957	(499)	458	239
Roads and Bridges	3,350	5,304	2,387	11,041	(4,282)	6,759	4,779
Ancillary Transport Services	1,217	810		2,027	(969)	1,058	589
Town Beautification	5,300	180		5,480	(2,265)	3,215	1,400
Water Transport and Wharves	308	53		361	(10)	351	87
Open Space - Parks & Reserves	317	246	(9)	554	(209)	345	227
Open Space - Sporting Fields	140	360	7	507	(171)	336	205
Cemeteries	0	100	15	115		115	47
Fleet and Plant	2,237			2,237		2,237	385
Quarries and Sandpits	50	(50)		0		0	
Waste Management	20	1,405	120	1,545	(139)	1,406	603
Total Capital Expenditure	25,174	7,855	(2,513)	30,516	(9,093)	21,423	11,923
Water Supply Capital Works							
Water Capital Funding							
Reserves	450			450	(186)	264	
Section 64 contributions	4,490	(3,700)	(24)	766	(149)	617	
Grants and Contributions	0		24	24		24	
Total Funding	4,940	(3,700)	0	1,240	(335)	905	
Water Capital Expenditure							
Water storage	3,500	(3,000)		500	(500)	0	
Trunk mains	990	(700)		290	351	641	584
Other	450			450	(186)	264	117
Total Capital Expenditure	4,940	(3,700)	0	1,240	(335)	905	701
Sewer Services Capital Works							
Sewer Capital Funding							
Reserves	1,826	(1,826)		0	110	110	
Section 64 Contributions	1,190	(1,190)		0	146	146	
Loans	50,000	(9,715)	1,159	41,444	(9,669)	31,775	
Total Funding	53,016	(12,731)	1,159	41,444	(9,413)	32,031	
Sewer Capital Expenditure							
System Upgrade	52,816	(12,731)	1,159	41,244	(9,413)	31,831	23,516
Mains Renewals	200			200		200	78
Total Capital Expenditure	53,016	(12,731)		41,444	(9,413)	32,031	23,594

General Fund - Capital Budget

The total funding for capital works has fallen by approximately \$19 million which aligns to a reduction in the works program. The majority of the reduced funding results in an increase to forecast reserves on hand at year end. The comments in this report are confined to material changes to the budget.

General Manager's Group

Property Management (Commercial): Forecast expense is proposed to decrease by \$455,000 which is due to the deletion of the vote for Wollongbar Sports Field upgrade.

Property Management (Community): The major change is related to the surf club where funding is being adjusted to meet preliminary expenses of the surf club.

Airport: The capital budget has been adjusted to reflect the updated works program and to add \$87,000 to the vote for the terminal upgrade. The budget was exceeded due to additional air-conditioning expenses and correcting a leaking roof.

Regulatory Services

Animal Shelter: The budget increased by \$340,000 following the proposed sale of the former shelter. However the contract will not be completed and payment received, until such time as Council has vacated the old shelter and moved into the new. Hence the \$340,000 will not be received this financial year.

Civil Services

Capital works programs for storm water, roads, ancillary transport, town beautification, open spaces and waste management have all reduced considerably. This is mainly due to works being taken out of the 2011/12 financial year and carried forward to 2012/13.

Details of the carry forwards can be seen in the capital works review that forms part of this agenda.

Water Supply

The capital program has reduced by \$335,000. The main changes include:

- removal of Ballina Heights reservoir from the program \$500,000
- increase of \$400,000 to the Sneaths roads trunk main project
- decrease of \$200,000 to mains renewals.

The forecast balance for both internal and external reserves has increased following the net reduction to the capital program.

Sewer Services

There has been a major overhaul of the wastewater capital program with the program being reduced by \$9.4 million. The majority of these works will be carried forward to the 2012/13 program. Details of these changes are shown in the capital works report that forms part of this agenda.

Investments

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

10.9 Financial Review - Quarter Ended 31 March 2012

	Original budget 2011/12 000's	Approved September 000/s	Approved December 000/s	Revised Budget 000's	Changes for Approval 000's	Projected year end Result 000's	Actual YTD 000's
Unrestricted	1,970	0	0	1,970	0	1,970	0
Externally Restricted							
- Section 94							
- Domestic Waste M'nt	7,297	(1,986)	(408)	4,903	2,405	7,309	
- Unexpended Grants	98	(35)	(114)	(51)	54	3	
- Other	46	285	0	331	142	473	
- Section 64 Water	64	183	(55)	192	318	510	
- Water	3,329	4,405	85	7,819	(151)	7,668	
- Section 64 Sewer	1,659	402	(86)	1,975	302	2,277	
- Sewer	714	3,939	180	4,833	0	4,833	
Total Externally Restricted	6,788	8,409	(1,034)	14,163	10,001	24,164	
Internally Restricted							
- Employee Leave Entitlements	1,674	4	0	1,678	(215)	1,463	
- Plant Replacement	208	567	12	787		787	
- Quarries	1,468	42	12	1,522	(34)	1,488	
- Properties Activities	759	1,925	4,041	6,725	300	7,025	
- Rental Properties Refurbishment	185	34	(31)	188		188	
- Management Plans & Studies	180	25	0	205		208	
- Cemeteries	115	16	(15)	116		111	
- Landfill Management	1,514	530	(180)	1,864	110	1,974	
- Civil Works	658	127	1	786	3,387	4,173	
- Other	197	145	(68)	274	77	351	
Total Internally Restricted	6,958	3,415	3,772	14,145	3,625	17,768	
Total Restricted	26,953	19,017	2,340	48,310	16,696	65,005	
Total Cash Investments	28,923	19,017	2,340	50,280	16,696	66,975	76,884

The unrestricted cash figure is not inclusive of transactions that would normally be included when calculating working capital. i.e. it is exclusive of movements in items such as debtors and creditors. The available cash figure is taken from note six of the financial statements as at 30 June 2011. Council does not track movements in available cash on a quarterly basis.

Statements

1. Council's investments are all in accordance with the Local Government Act, the regulations and Council's investment policy.
2. As per the investments summary for March 2012, funds invested amounted to \$76,884,000. All restricted monies are included in these investments.

3. Cash has been reconciled to the bank statement as at 31 March 2012 to the amount of \$1,078,936.
4. Actual year to date cash and investments amount to \$77,963,000 as at 31 March 2012. This amount includes cash at bank of \$1,078,936 and funds invested of \$76,884,000 which has been reconciled to bank statements and investment reports.

Bank Reconciliation Summary as at 31 March 2012

<i>Balance as per Bank Statement</i>	1,023,337
Less Unpresented Cheques	37,510
Sub Total	<u>985,827</u>
Plus Outstanding not Credited	102794
Sub Total	<u>1,088,621</u>
Less Amounts Deposited at end of month not in ledger	9,685
Balance as per ledger	<u>1,078,936</u>

Comment on Cash and Investment Position

The forecast reserves position has increased from \$48.7 million to \$67 million. This reflects changes to capital works programs, funding strategies and assumptions. However the most significant changes are associated with the removal of proposed capital works from the 2011/12 program.

Details of the major changes are summarised below.

Section 94 Reserves

Forecast section 94 reserves have increased by approximately \$2.4 million. The majority of this change relates to the removal of Ballina Heights Drive from the program which affects section 94 to \$2.7 million. It is also the case that forecast section 94 income has been reduced by \$520,000 as it is trending below forecast.

Domestic Waste Management (DWM)

The forecast is that DWM will have a reserve balance of \$3,000 which is a positive improvement from December which forecast that borrowings would be required. The improved outlook is due to reductions in forecast operating expenses.

Water Fund Reserves

In comparison to December total net reserves are predicted to rise by \$151,000 which is due to a combination of an improvement in the operating forecast, a reduction to the capital works program and a reduction to forecast capital income in the form of developer contributions.

Sewer Fund Reserves

The revised forecast is for an increase to reserves of \$10,001. This is attributable to a reduction in capital works of \$9,413,000 and a forecast improvement to the operating position of \$588,000.

Employee Leave Entitlements

Refer to comment in other matters in respect to this reserve.

Property Activities

The reserve has increased by \$300,000 which is mainly attributable to removing most of the vote for the embellishment of wollongbar sports fields.

Contained within the property portfolio is the airport reserve which is forecast to be negative \$393,000 at year end and flat rock reserve which is forecast to be negative 16,000.

Landfill Resource Management

Adjustments for the period result in an increase to the forecast reserve balance of \$110,000. Whilst there have been various changes to income and expense a reduction to the capital works program of \$139,000 is main adjustment.

Civil Works

The reserve increase is attributable to works being carried forward to 2012/13. Details of these carry forwards can be seen in the Capital works review report that forms part of this agenda.

Key Performance Indicators

The next section of the report takes selected financial benchmarks that have been adopted by Council and compares the March 2012 forecasts with the ratio calculated as at 30 June 2011. The performance indicators that have been selected have a short term focus which suits the quarterly review which also tends to focus on the short term. The actual and forecast performance indicators measured against the benchmark provide an important insight into the financial well-being of the organisation. The indicators should be used to assist financial policy and strategy.

Key Performance Indicators - General Fund

1. Unrestricted Current Ratio - unrestricted current assets divided by unrestricted current liabilities. The purpose of this ratio is to measure Council's ability to meet its short term liabilities with its short term assets.

Benchmark: >2:1 (The benchmark of 2:1 is taken from the Local Government Financial Professionals Health Check. It could be argued that this is a conservative benchmark. It is noted that the auditors report uses a benchmark of 1.5:1)

2010/11	2011/12 March
Actual	Estimate
2.75	1.98
Pass	Fail

Comment

The ratio has shifted to a fail as cash is converted into fixed assets. However the ratio forecast has been steadily improving over the course of the year as forecast reserves increase, primarily due to capital works being relocated to next year.

The medium term forecast for this ratio will continue to decline over the next two to three years as projects such as Ballina Town Centre, Surf Club and Coastguard Tower consume cash reserves and projects such as Ballina Heights Drive, Mcleay Culvert, Cumbalum Interchange, road reseal and Airport runway increase external borrowings.

It is likely that future councils will be constrained by quite tight fiscal circumstances.

2. Debt Service Ratio – Loan principal and interest payments divided by revenue from continuing operations excluding capital items and specific purpose grants and contributions (as per note 13). The purpose of this measure is to test whether Council has excessive debt servicing costs relative to revenue.

Benchmark: <12%

2010/11	2011/12 (March Estimate)
6.70	7.36
Pass	Pass

Comment

The ratio is forecast to rise as borrowings for Teven Bridges and Ballina Airport take effect in 2011/12.

3. Operating Balance Ratio - Net operating result from continuing operations (excluding capital items) as a percentage of operating revenue (excluding capital items). The purpose of this percentage is to measure whether the Council is sustainable in terms of its operating result. Council should not be recording recurring operating deficits or funding operating results from capital revenues.

Benchmark: < (10)

2010/11	2011/12 (March Estimate)
(4)	(17)
Pass	Fail

Comment

The forecast is for a loss that exceeds the negative 10% maximum which is not satisfactory. The trend this financial year has seen the forecast for this ratio decrease as the operating position has deteriorated.

The forecast can be distorted by numerous issues and forecasting this ratio is filled with assumptions. For example the forecast operating result does not include approximately 25% of income from the Federal Assistance Grant (FAG). This is because we actually received the money last financial year as a prepayment. It may be that we will receive a similar pre payment this financial year which would change the forecast ratio to a loss of (15%).

However the ratio does highlight that the operating result is a matter for concern. A loss of this magnitude, assuming estimates and assumptions are correct, is not sustainable over the medium term. Corrective action may take the form of increasing operating revenue, decreasing operating expense or a combination of the two.

4. Available Working Funds (General Fund Only) - Total of cash, investments, receivables and inventory assets less total payables, liabilities, externally restricted receivables, internally and externally restricted investments and real estate inventory. The benchmark is set at \$3 million which is based on percentages of income and expenses. The purpose of this measure is to show Council's short term ability to cover short term financial shocks whether they be reductions in anticipated revenues or unplanned additional expenditure.

Benchmark: \$3,000,000

2010/11	2011/12 (March Estimate)
\$2.8m	\$2.8m
Fail	Fail

Comment

The available working funds benchmark has not been achieved and based on current forecasts the position will be similar to the start of the year.

The March review forecasts a reduction to working funds of \$24,000.

The strategy needs to be to achieve a budget surplus, as opposed to the current forecast deficit, that will enable working funds to increase.

Benchmark Indicators - Water

1. Unrestricted current ratio - unrestricted current assets divided by unrestricted current liabilities. The purpose of this ratio is to measure Council's ability to meet its short term liabilities with its short term assets.

10.9 Financial Review - Quarter Ended 31 March 2012

Benchmark: >2:1 (The benchmark of 2:1 is taken from the Local Government Financial Professionals Health Check. It could be argued that this is a conservative benchmark. It is noted that the auditors report uses a benchmark of 1.5:1)

Benchmark: <2:1

2010/11	2011/12 (March Estimate)
114	87
Pass	Pass

Comments

The fund is in a very strong position from the balance sheet perspective with almost no debt.

2. Debt Service Ratio - Loan principal & interest payments divided by revenue from continuing operations excluding capital items and specific purpose grants and contributions. (as per Note 13). The purpose of this percentage is to measure whether Council has excessive debt servicing costs, relative to operating revenue.

Benchmark: < 12

2010/11	2011/12 (March Estimate)
0.05	0.01
Pass	Pass

Comments

The fund is virtually debt free so passes this benchmark with ease.

3. Operating Balance Ratio - Net operating result from continuing operations (excluding capital items) as a percentage of operating revenue (excluding capital items). The purpose of this percentage measures whether the Council is sustainable in terms of its operating result. Council should not be recording recurring operating deficits or funding operating results from capital revenues.

Benchmark: < (10)

2010/11	2011/12 (March Estimate)
(24.26)	(32)
Fail	Fail

Comments

The operating position of water fund is not good. A loss of \$2.5 million is forecast and even if depreciation is excluded a loss of \$380,000 is forecast.

This fund has had a history of forecasting a cash loss that turns out not to occur typically because of expenditure votes that are not consumed. It will be interesting to see how this year turns out as there are signs that income will rise on the back of increased consumption.

The strategy must be to improve the operating performance of this fund to achieve not only a cash surplus but sufficient to achieve a surplus inclusive of depreciation.

Benchmark Indicators - Sewer

1. Unrestricted current ratio - unrestricted current assets divided by unrestricted current liabilities. The purpose of this ratio is to measure Council's ability to meet its short term liabilities with its short term assets.

Benchmark: >2:1 (The benchmark of 2:1 is taken from the Local Government Financial Professionals Health Check. It could be argued that this is a conservative benchmark. It is noted that the auditors report uses a benchmark of 1.5:1)

Benchmark: <2:1

2010/11	2011/12 (March Estimate)
9.7	23.5
Pass	Pass

Comments

The ratio is predicted to improve this year however it is arguably misleading because the fund has borrowed \$63 million with some \$45 million to be received this financial year. However the loan structure is such that we are making interest only payments for two years. This means that the ratio will not be affected until the interest only period expires.

This ratio will fall dramatically once the loans impact on the ratio.

2. Debt Service Ratio - Loan principal & interest payments divided by revenue from continuing operations excluding capital items and specific purpose grants and contributions. (as per Note 13). The purpose of this percentage is a measure of whether Council has excessive debt servicing costs, relative to operating revenue.

Benchmark: <12

2010/11	2011/12 (March: Estimate)
9.40	19
Pass	Fail

Comments

The ratio is indicating that the amount of recurrent income tied up repaying debt is excessive. This means that the fund may well struggle to finance operational contingencies and or capital works. This ratio will get a lot worse when the real loan repayments kick in 2013/14 associated with the \$63 million loan.

However whilst the ratio will be very poor the financial plan takes the debt and associated repayments into account. The real strength of sewer fund is the guaranteed income source from annual charges and the fact that the charging structure is at council's discretion. This means that major capital works can be financed with a high level of confidence.

3. Operating Balance Ratio - Net operating result from continuing operations (excluding capital items) as a percentage of operating revenue (excluding capital items). The purpose of this percentage is whether the Council is sustainable in terms of its operating result. Council should not be recording recurring operating deficits or funding operating results from capital revenues.

Benchmark: < (10)

2010/11 (11.28) Fail	2011/12 (March Estimate) (13) Fail
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Comments

An operating loss of \$1.5 million is forecast. This has improved substantially since the December forecast following the large reduction to forecast expenses. The benchmark will accept a loss of up to 10% and the estimate of 12% is getting close to a pass mark.

Contractors

There were no new contracts entered into during the quarter that meet the criteria.

Consultants

The table below summarises the expense incurred to date on consultants. The definition of consultants includes a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist advice or professional advice to assist decision making by management.

Item	Expenditure YTD	Included in Budget Y/N?
Consultancies	170,000	Y

Legal Expenses

The table below summarises the expense incurred to the end of March on legal fees. For the purposes of the report legal fees have been included where there is a dispute situation. This includes for example processing of infringement notices but excludes amounts paid to legal firms that may be related to the creation of a lease or sale of land.

	Expenditure YTD	Included in Budget Y/N?
Legal Fees	105,000	Y

Other Matters

Employee Leave Entitlements (leaves)

It has been reported to Council previously that practices in respect to untaken leave have changed such that staff are now being encouraged to adhere to award requirements that avoid the accumulation of vast amounts of leave.

Staff are duly reducing leave balances and this is reflected by leave budgets being exceeded. In theory the over expense in leaves should be matched by under expense in salaries and wages in operational areas. However this is not always the case as:

- extra staff may be called in to replace staff on extended leave
- it is typical that more junior staff are paid higher grade to cover the duties of the absent employee, and
- budgets in outdoor operations include plant, materials, store, contractors etc. So it is typical that a reduction in wages is expended on other materials.

This report proposes adjustments to increase the leave entitlements votes by a total of \$400,000. This is funded by a reduction to indoor salary votes by \$185,000 and a transfer from the leave entitlements reserve of \$215,000.

At this stage the reserve is predicted to fall by \$148,000 to \$1,492,000 this financial year. This continues last year's trend where the reserve declined by \$345,000. On the plus side the total leave liability may decline or at least not rise significantly however there are warning signals for our cash management in the short term.

It may be that the leave budgets will need to be increased going forward which will have impacts on other operational areas. At year's end every effort will be made to minimise the reduction of this reserve by applying any budgetary savings that may eventuate and further commentary will be provided once the end year liability and cash reserve positions are known.

Goods and Services Tax (GST)

It was reported to the Finance Committee that arrangements in respect to local government's liabilities in respect to GST are in transition. The existing 'Division 81' that provided detail on our many and varied forms of income has been repealed with a regime of self assessment to follow.

In response Ballina Council joined with all other NSW councils to apply to the ATO for a revenue ruling that would provide some certainty in respect to our GST treatments. The application is with the ATO and the ruling has not and will not be finalised prior to June 30 2012. The ATO has recently advised that the grandfathering of the former division 81 will be extended a further twelve months until July 1 2013.

Hence the status quo is to remain for another year until some of the more complicated issues have been resolved.

Statement

The following statement is made in accordance with clause 203(2) of the Local Government (General) Regulations 2005.

It is my opinion that the Quarterly Budget Review Statement for Ballina Shire Council for the quarter ended 31/3/2012 indicates that Council's projected financial position at 30 June 2012 will be satisfactory* at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

* The satisfactory position is based on the short term (twelve month) outlook. Technically the forecast position of Council as at 30 June 2012 is not sustainable and therefore unsatisfactory.

This is because on a consolidated basis and on a fund basis the organisation is making an operating loss and this is predicted to continue into the foreseeable future.

Council will ideally work towards an operating surplus inclusive of depreciation and exclusive of capital grants. If this is not achieved it is possible that there will be insufficient funds to maintain assets at a satisfactory standard over the long term.

This Council has historically functioned with a recurrent operating loss (including depreciation and excluding capital grants). There is typically a surplus before depreciation with surplus funds applied to the asset base.

Hence the forecast for the current financial year is no different to the way it has been over time. However technically and practically the Council will struggle to have sufficient funds to adequately maintain existing assets and at times compromises may be required to upgrade particular assets to meet prevailing standards.

It will also be noted that some of the key financial performance indicators set by Council are not forecast to be achieved. Performance indicators are useful to gauge trends and provide signals that should be used to assist when setting policy and strategy.

Signed Peter Morgan, Responsible Accounting Officer

Sustainability Considerations

- **Environment**
This report encompasses the entire Council budget and as such has implications for environmental, social and economic outcomes. Council needs to bear in mind the implications of allocating or not allocating resources to particular works and services.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

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

Consultation

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

Options

Council may approve the budget amendments proposed, make changes or not approve any changes.

It is considered that the proposed changes reflect either Council policy or necessary adjustments that reflect the trending of actual incomes and expenses.

RECOMMENDATION

That Council notes the contents of the March 2012 Quarterly Budget Review and approves the changes identified within the report.

Attachment(s)

Nil

10.10 Capital Expenditure - Quarterly Update

10.10 Capital Expenditure - Quarterly Update

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 to provide a comprehensive quarterly status report on all the major capital works included in the Operational Plan. This status report provides details on major milestone dates, along with a comparison between budget and actual expenditure.

This report is actually to the end of April 2012 to ensure the information provided is as up to date as possible.

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. These changes are included in the March quarterly review which is a separate report in this agenda.
- 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.

10.10 Capital Expenditure - Quarterly Update

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

Open Spaces

The majority of the play ground equipment will be installed during June this year, with the scope of the Chickiba works being reduced to help offset over expenditures in the Open Spaces operating budget (refer to the March quarterly financial review).

The design of the Pat Morton toilet works is close to being finalised, with the work now scheduled to occur during the first quarter of 2012/13.

The Alstonville Niche wall construction is now well advanced and from all works it will provide a significant improvement to this cemetery.

The extension of Saunders Oval is to be undertaken by Council's engineering works section and it was initially planned to complete this project during June. However Council's Airport Manager has now diverted that team to undertake apron reconstruction works at the airport. Therefore the majority of the Saunders Oval reconstruction will take place during July / August 2012.

This project will provide another two football fields (one large, one small) for Ballina.

Engineering Works

Drainage

In respect to drainage works the majority of the projects are complete with the Coogee Street work deferred to 2012/13. Council staff are examining project options for this work following receipt of concept design as it may be more cost effective to acquire land to reduce the consequences of local flooding and minimise the amount of drainage works needed.

Urban and Rural Roads

In respect to urban and rural roads almost \$5 million worth of reconstruction works has been completed to date.

The major project deferred remains Ballina Heights Drive (Cumbalum Way) with Council resolving to amend the scope of this project and call fresh tenders. The tender documents have been amended to provide a range of procurement options to see if an improved tender result can be achieved. These new documents are expected to be advertised at the end of May.

The majority of the Rifle Range Road realignment works will be undertaken in 2012/13 with the grant funding for this project spread over the 2011/12 and 2012/13 years.

Despite Council having completed a number of high standard reconstruction works this year there has been a very small amount of negative feedback regarding the finished product on certain projects (i.e. Coast Road to Lennox Head, Cherry Street Ballina). Typically these are projects where a bitumen

10.10 Capital Expenditure - Quarterly Update

seal has been applied rather than asphaltic concrete (AC), which is still an asphalt finish (i.e. asphalt not concrete).

AC will produce less traffic noise, however the magnitude of that difference is minimal, particularly where houses are a reasonable distance from the road.

As a general rule Council engineering staff apply bitumen seal, where considered appropriate, as it is 10% to 20% more cost effective than AC, both on an immediate cost and a full life cycle cost basis. In assessing bitumen seal use, the preference is to have well defined sections of pavement, with a reasonable length and area, along with adjoining road pavements of a similar surface (i.e. we don't necessarily want to introduce sections of bitumen seal within a continuous AC section).

During 2011/12 we have applied bitumen seal at:

- Cherry Street - a segment of road connecting a concrete pavement with a roundabout (there are concerns with the level of finish for this work and that issue is being taken up with the contractor)
- Boatharbour Road - the full road length between Johnson Drive (AC) and Sunnybank Drive (seal)
- Coast Road - connecting existing bitumen seal at Pat Morton to roundabout (excluding the preservation of a short repairable AC section at the roundabout)

AC has been applied at:

- Compton Drive - this was not bitumen sealed because it was connecting to AC at the Hill Street intersection, on a bend and slope
- Fenwick Drive - this was not bitumen sealed because we were renewing sections within an existing AC street.

Council's resealing program has utilised bitumen reseals to preserve and maintain some urban AC sections, and this is usually carried out for most of the road or between intersections.

Finally the first few weeks after a bitumen seal can result in exaggerated noise levels due to loose aggregate on the road, but generally after that period the bitumen seal performs almost as well as the AC.

Cycleways

A large part of the funding for the Coastal Recreational Path has been carried forward as planning approvals are still being sought for this work.

Operations Support

The plant replacement program is behind schedule typically due to the long lead time that follows the placement of an order. It may well be that Council will not need to take out a \$1.3 million loan for plant purchases as was planned at the start of this financial year.

10.10 Capital Expenditure - Quarterly Update

Commercial Services

The majority of the projects in this program are completed or underway with the Ballina Surf Club (\$5.8m) and the Airport Apron Extension \$4m) being multi million dollar projects where the cash falls over more than one year.

Water, Wastewater and Waste

The variations in these attachments reflect the updated cash flows for the planned works program, the majority of which were reported to Council in consideration of the 2012/13 budget.

Sustainability Considerations

- **Environment**
Many of the works listed have positive environmental outcomes
- **Social**
Certain items provide significant social benefits (i.e. surf club)
- **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 March Quarter Financial Review is presented elsewhere in this agenda.

Even with the changes to budgets outlined in this report there still has been almost \$35 million worth of work completed to date as per the following table:

Status of Capital Works as at 30 April 2012 (\$'000)

Section	Budget (%)	Expended (%)	Percentage
Open Spaces	796,100	487,300	61
Engineering Works	11,102,000	7,528,800	68
Operations Support	2,446,600	1,337,600	55
Commercial Services	4,506,500	3,397,600	75
Water	899,000	698,000	78
Wastewater	31,581,000	20,109,800	64
Waste	1,406,000	1,405,200	100
Total	52,737,200	34,964,300	66

10.10 Capital Expenditure - Quarterly Update

As at 31 December 2011 the expenditure to date was approximately \$18 million which highlights the significant amount of works that have taken place during the past four months. Considering the relatively adverse weather conditions for the first part of 2012 the level of work completed is a credit to the staff involved.

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)

11.1 Tender - Replacement of Bridges

11. Civil Services Group Reports

11.1 Tender - Replacement of Bridges

Delivery Program Engineering Works

Objective Tender evaluation and recommendation for replacement of bridges over Gibson Creek, Teven and Yellow Creek, Meerschaum Vale.

Background

Two small bridge replacement projects are currently on the 2011/2012 capital works program.

- Yellow Creek Bridge (Wardell Road, Meerschaum Vale)
- Eltham Road timber Bridge (Gibson Creek, Teven)

The existing bridges are single span timber structures (10-12 metres long) and are due for replacement, having had significant repairs and timber component replacements to date.

The Yellow Creek bridge will be replaced upstream of the existing structure, and Council has completed earthworks and sub-base pavement. The Gibson Creek bridge will be replaced insitu, and will require temporary closure during reconstruction.

An open tender was advertised for the period 24 March 2012 to 26 April 2012. The tender evaluation comprised a price criteria (65%) and non-price criteria (35%). The non-price criteria comprised assessment of:

- Recent experience and performance
- Proposed design/demolition/construction methodology
- Relevant qualifications and experience of personnel, consultants and contractors.
- WHS, quality and environmental management systems

At the close of tenders, three submissions were received plus an alternative, and one further submission was received late.

Key Issues

- Award of tender in accordance with the Local Government (General) Regulation 2005.

11.1 Tender - Replacement of Bridges

Information

The following submissions were received:

- Civil Contractors Pty Ltd
- Kenpass Pty Ltd plus alternative
- Shumack Engineering Pty Ltd
- Unibridge Australasia Pty Ltd (late tender)

A tender evaluation was undertaken in accordance with the tender evaluation plan (comprising price and non-price criteria) and a summary of the rankings is as follows:

<i>Tenderer</i>	<i>Price</i>	<i>Total Normalized Non-Price Score (35%)</i>	<i>Weighted Price Score (65%)</i>	<i>Total Score (100%)</i>	<i>Ranking</i>
Civil Contractors	\$1,328,580	26.5	35.6	62.1	4
Kenpass Conforming	\$ 891,000	27.1	58.3	85.4	3
Kenpass Alternative	\$ 765,000	27.1	65	92.1	1
Shumack	\$1,009,123	35	52.1	87.1	2

The detailed score calculations are provide as Attachment One. The tender from Unibridge Australasia Pty Ltd was late and incomplete and was not further considered.

The Kenpass Pty Ltd alternative tender consists of providing a common superstructure design and bridge arrangement for both locations. This comprises precast beam units with a cast-in-situ concrete bridge deck. The contractor will be responsible for preparing the alternative bridge deck design and certifying the alternative design. However, Council undertook the preconstruction activities including geotechnical reporting for the original foundation design, and this is not subject of change or part of the alternative design. Council's normal risk would apply to geotechnical issues and geotechnical advice for the purposes of the contract.

A number of post-tender clarifications have been sought from Kenpass Pty Ltd and furthermore an independent financial assessment has reported a "good" rating for period end 30 June 2011.

Based on the above assessment it is recommended that Kenpass Pty Ltd, with an alternative tender, be selected as the preferred contractor.

Sustainability Considerations

- **Environment**
Replacement of bridges will reduce ongoing maintenance impacts and will also comply with regulatory requirements during construction.
- **Social**
Replacement of bridges will reduce ongoing disruption impacts of maintenance activities and potential ageing asset risks.

11.1 Tender - Replacement of Bridges

- **Economic**

Replacement of bridges will reduce ongoing maintenance burden and provide for sustainable and improved travel.

Legal / Resource / Financial Implications

The replacement of Yellow Creek bridge was initially commenced when partial grant funding was made available by RMS under a Regional Road timber bridge replacement program. Council commenced design and preconstruction and completed earthwork embankments and sub-base pavement.

Furthermore the reconstruction of Yellow Creek bridge has been postponed to allow a joint tender with the project to replace Gibson Creek bridge.

The following table provides a summary of to-date costs and forecast costs. It is proposed that the required budget for completion of the project be sourced from the Roads to Recovery program for 2012/2013. The Roads to Recovery allocation for 2012/2013 (\$570,000) has not been included in the 2012/2013 Delivery Program because of the current tender process.

<i>To-Date Costs</i>	<i>Yellow Creek Bridge</i>	<i>Gibson Creek Bridge</i>
<u>Expenditure through to 30/6/11</u>		
Design & Preconstruction	\$ 28,265	\$8,868
Site Works	\$167,593	
Total	<u>\$195,858</u>	<u>\$8,868</u>
<u>Budget</u>		
Grant (RMS)	\$ 95,000	
General Revenue	\$100,858	\$8,868
Total	<u>\$195,858</u>	<u>\$8,868</u>

<i>Forecast Costs</i>	<i>Yellow Creek Bridge</i>	<i>Gibson Creek Bridge</i>
<u>Expenditure 2011/2012 & 2012/2013</u>		
Design & Preconstruction & contract management	\$ 20,000	\$ 80,000
Bridge Contract (Kenpass P/L)	\$370,000	\$395,000
Contingency	\$ 50,000	\$ 30,000
Roadworks	\$ 20,000	\$ 10,000
Total	<u>\$460,000</u>	<u>\$515,000</u>
<u>Budget</u>		
2011/2012 Grant (RMS)	\$176,000	0
2011/2012 General Revenue	\$133,300	\$247,100
2012/2013 Roads to Recovery	\$150,700	\$267,900
Total	<u>\$460,000</u>	<u>\$515,000</u>

Consultation

The two small bridge replacement projects form part of Council's Delivery Program, and have been noted accordingly.

11.1 Tender - Replacement of Bridges

The RMS has been consulted regarding the progress of the Yellow Creek bridge project due to RMS grant funding.

The public and road users will be further consulted when the timeline for Gibson Creek bridge replacement is confirmed with Kenpass Pty Ltd. It is envisaged that Eltham Road will be closed at Gibson Creek for up to four weeks.

Options

The report deals with an open tender assessment for best delivery of the project, and no further options are proposed.

RECOMMENDATIONS

1. That Council accepts the alternative Tender RFT/Contract 1200031: Replacement of Bridges over Gibson Creek, Teven and Yellow Creek, Meerschaum Vale, from Kenpass Pty Ltd for an amount of \$765,000
2. That Council endorses the allocation of 2012/13 Roads to Recovery funding for an amount of \$418,600 with the Draft 2012/13 budget to be amended to reflect this item.
3. That Council authorises the General Manager to attach the seal to the finalised contract.

Attachment(s)

1. Detailed Score Calculations

12. Public Question Time

12. Public Question Time

13. Notices of Motion

13.1 Notice of Motion - Local Government Election - How to Vote Leaflets

Councillor Cr Johnson

I move

That the General Manager seek the approval of the NSW Electoral Commission to conduct, on a trial basis, at the forthcoming local government election, a system for eliminating the present wasteful practice of How To Vote (HTV) leaflets being handed out at polling booths in large quantities by candidates and their supporters.

Background

We are all familiar with the present practice for handing out quantities of HTV leaflets to voters as they approach the polling station. This practice has many drawbacks including:-

- A lot of paper is used, wastefully. This usage eventually results in greater harvesting of trees.
- Many voters find the handing out process intimidating.
- It creates congestion at the entry to booths.
- It has been known to cause fights and arguments among those handing out and voters.
- It is ultimately a waste of money for all concerned.
- Well resourced candidates gain an advantage unrelated to their merit.
- It encourages candidate to focus on style/symbolism rather than substance.
- Because voting is compulsory it delivers voters as targets for opportunistic lobbying.

A simple alternative is to have a standard size/format HTV leaflet for each candidate displayed inside each voting cubicle. Voters can then copy the leaflet of their chosen candidate onto their voting paper.

The HTV leaflet for this approach would be standard size, standard colour, standard font size and type, thus eliminating any perceived advantage from having the biggest , brightest , smartest HTV.

The positioning of these HTVs in the cubicles would be sequenced differently from cubicle to cubicle so that every HTV appears in every position possible thereby ensuring there is no perceived advantage via positioning.

13.1 Notice of Motion - Local Government Election - How to Vote Leaflets

This fairly obvious improvement has been raised before without success mainly because well staffed and funded groups have opposed it. They do so to retain the opportunity to harass voters to the last possible moment. There is the opportunity at the forthcoming LG election for Ballina to offer itself as a test case for the introduction and evaluation of simple reform with significant potential to improve our electoral processes. This proposal is not only potentially much better, it is much cheaper for all concerned and dare one say it, decidedly more civilised and mature.

COUNCILLOR RECOMMENDATIONS

That the General Manager seek the approval of the NSW Electoral Commission to conduct, on a trial basis, at the forthcoming local government election, a system for eliminating the present wasteful practice of How To Vote (HTV) leaflets being handed out at polling booths in large quantities by candidates and their supporters.

Attachment(s)

Nil

13.2 Notice of Motion - Kingsford Smith Master Plan

13.2 Notice of Motion - Kingsford Smith Master Plan

Councillor Cr Meehan

I move

1. That to assist with the planning for the proposed Ballina Sports and Leisure Centre, and also with our planning for the re-development of the Ballina Swimming Pool, that Council support, in principle, the inclusion in our draft 2012/13 Operational Plan, as a key action, the preparation of a Master Plan / Plan of Management for the Kingsford Smith Reserve Precinct.
2. That Council receive a report on options for funding this work as part of its consideration of the draft 2012/13 Operational Plan at the June 2012 Council meeting.

Councillor Comment

Council is currently investigating options for the development of the Sports and Leisure Centre at Kingsford Smith Oval, possibly in conjunction with the Ballina Seagulls Rugby League Club. We are also examining options to re-develop the Ballina swimming pool. The Kingsford Smith precinct has the potential to be a significant cultural and sporting precinct for Ballina Shire with facilities currently in place including the synthetic and grass hockey fields, netball courts, cricket fields and football fields. We also have many people using the small lake for recreational activities such as model boats, and close by we have the boat ramp, rowing club facilities, Richmond River etc.

Due to its locality, close to town, and its overall size, it is important we provide facilities for this precinct in a co-ordinated fashion and a Master Plan will allow us to do this.

The General Manager has advised that due to Council limiting the site evaluations for the Sports and Leisure Centre there may be some funding left in the money allocated to that project and a report back to the June meeting will allow Council to consider this Master Plan concept as part of the adoption of our Operational Plan for 2012/13.

COUNCILLOR RECOMMENDATIONS

1. That to assist with the planning for the proposed Ballina Sports and Leisure Centre, and also with our planning for the re-development of the Ballina Swimming Pool, that Council support, in principle, the inclusion in our draft 2012/13 Operational Plan, as a key action, the preparation of a Master Plan / Plan of Management for the Kingsford Smith Reserve Precinct.
2. That Council receive a report on options for funding this work as part of its consideration of the draft 2012/13 Operational Plan at the June 2012 Council meeting.

13.3 Notice of Motion - Composting Toilet at South Ballina

13.3 Notice of Motion - Composting Toilet at South Ballina

Councillor Cr Meehan

I move

That Ballina Shire Council write to the Office of Environment & Heritage (OE&H)(NSW) - National Parks requesting the provision of a composting toilet, or similar, at South Ballina beach.

Councillor Comment

South Ballina is an area of the Shire increasing in popularity as our region grows. Specifically the 'Southwall' area is hugely popular as a destination for surfing, fishing, cycling and day tripping. Visitors can number hundreds over any weekend and the area falls under the care of OE&H.

Currently there are no amenities and unfortunately the dunes become the only place to use - unsanitary and offensive.

South Ballina residents are committed to procuring a toilet facility and ask that we lobby OE&H independently on behalf of the Shire in requesting this amenity in addition to supporting their own application.

COUNCILLOR RECOMMENDATIONS

That Ballina Shire Council write to the Office of Environment & Heritage (NSW) - National Parks requesting the provision of a composting toilet, or similar, at South Ballina beach.

Attachment(s)

Nil

13.4 Notice of Motion - Newrybar Rural Fire Service

13.4 Notice of Motion - Newrybar Rural Fire Service

Councillor

Cr Cadwallader

I move

1. That Council receive a report on options for the purchase or lease of land to suitably accommodate a new Rural Fire Service shed in Newrybar and
2. That Council write to the Head Office of the Rural Fire Service asking that they meet with Councillors to resolve this matter after a suitable site has been identified.

Councillor Comment

Despite extensive negotiations concerns with the current site for the Newrybar Fire Shed have not been resolved and it is now an opportune time for Councillors to have a detailed report to ensure we are appraised of the situation and the opportunities available.

COUNCILLOR RECOMMENDATIONS

1. That Council receive a report on options for purchase/lease of land to suitably accommodate a new Rural Fire Service shed in Newrybar.
2. That Council write to the Head Office of the Rural Fire Service asking that they meet with Councillors to resolve this matter after a suitable site has been identified.

Attachment(s)

Nil

13.5 Notice of Motion - Essential Energy

13.5 Notice of Motion - Essential Energy

Councillor

Cr Cadwallader

I move

That Council write to Essential Energy asking whether they will consider establishing an interactive energy efficiency display office in Council's current vacant office space at the Wigmore Arcade to assist in promoting more sustainable energy use to the community, with the aim of the display being suitable for educating both children and adults.

Councillor Comment

With Council currently having vacancies in the Wigmore Arcade this is an opportune time to partnership with Essential Energy to provide information to our community on energy efficiency. It is envisaged that this would be a short term arrangement while we examine options for the redevelopment of the Wigmore Arcade and dependent on the outcomes of this trial, Council will then be in a position to determine whether or not we wish to enter a longer term agreement.

COUNCILLOR RECOMMENDATIONS

That Council write to Essential Energy asking whether they will consider establishing an interactive energy efficiency display office in Council's current vacant office space at the Wigmore Arcade to assist in promoting more sustainable energy use to the community, with the aim of the display being suitable for educating both children and adults.

Attachment(s)

Nil

13.6 Notice of Motion - Aboriginal Child & Family Centre - Porter Park

13.6 Notice of Motion - Aboriginal Child & Family Centre - Porter Park

Councillor

Cr Jeff Johnson

I move that

1. BSC hold discussions with the relevant State and Federal MP's in regards to seeking an extension on the delivery time frame for the proposed Aboriginal Child Care Centre.
2. BSC resolve not to forward the lease agreement for the Aboriginal Child Care Centre at Porter Park to the NSW Minister for Local Government, Mr Don Page, for determination, until these discussions have taken place and reported back to Council.
3. BSC acknowledge that there is significant community opposition to Council's decision to build the centre on Porter Park.
4. BSC acknowledge that there is already a shortage of open space in West Ballina according to Council's own documents.
5. That an urgent report be prepared for the June Council meeting considering other site locations for the centre including Treelands Reserve.

Councillor Comment

I believe that Ballina Council has made a huge mistake by choosing Porter Park as the location for the proposed Aboriginal Child Care Centre. The proposed location is in a quiet residential street and would take up over 3000 m2 of Porter Park.

The LRG (Local Reference Group) had originally ranked Treelands Reserve as its preferred site and I feel that it would be a much more suitable location for this centre. There are other sites that were shortlisted that have merit and should be reconsidered.

This is Council's last chance to reconsider the location of the centre. There are also significant safety concerns with this location being located on a blind corner, in a narrow residential street. It is also widely acknowledged that there is a lack of open space at West Ballina, particularly large parcels of open space like Porter Park.

The land next to the Ballina Community Centre has always been earmarked for community facilities and is configured in such a way that makes it unsuitable for most recreational and sporting activities.

Now is the last chance for Council to admit that it got it wrong and decide on a more appropriate location.

COUNCILLOR RECOMMENDATIONS

1. BSC hold discussions with the relevant State and Federal MP's in regards to seeking an extension on the delivery time frame for the proposed Aboriginal Child Care Centre.
2. BSC resolve not to forward the lease agreement for the Aboriginal Child Care Centre at Porter Park to the NSW Minister for Local Government, Mr Don Page, for determination, until these discussions have taken place and reported back to Council.
3. BSC acknowledge that there is significant community opposition to Council's decision to build the centre on Porter Park.
4. BSC acknowledge that there is already a shortage of open space in West Ballina according to Council's own documents.
5. That an urgent report be prepared for the June Council meeting considering other site locations for the centre including Treelands Reserve.

Attachment(s)

Nil

13.7 Notice of Motion - Reclassification of Flat Rock Land

13.7 Notice of Motion - Reclassification of Flat Rock Land

Councillor

Cr Jeff Johnson

I move that

1. BSC note the contents of the EDO Senior Solicitor's assessment of the Council Report submitted to the October 2011 Council meeting, and the clear aspirations of East Ballina and B-Ward residents as conveyed through a petition and a unanimous B-Ward resolution.
2. BSC receives a new report that addresses the legality, costs, benefits, and process involved with regards to reclassifying the Flat Rock Land from operational to community.

Councillor Comment

The Council owned land at Flat Rock contains areas of significant environmental and cultural value. It's important that this land is managed and classified in a way that reflects these values. Under the Local Government Act (1993) the intention behind the Operational/Community land distinction was so that the community should be enabled to "play a major role in councils' decision-making processes". Further, Operational Land has been clearly stated to comprise land which is held only as a temporary asset or investment, or land which a council uses to carry out its functions. The very long period of time elapsed since this land was first acquired as freehold indicates that the asset is certainly not being held in a "temporary" fashion. Since only a small fraction of it is being used to carry out the functions of a tent park, Council is therefore obliged under the Act to now justify retaining the land's classification as Operational.

COUNCILLOR RECOMMENDATIONS

1. BSC note the contents of the EDO Senior Solicitor's assessment of the Council Report submitted to the October 2011 Council meeting, and the clear aspirations of East Ballina and B-Ward residents as conveyed through a petition and a unanimous B-Ward resolution.
2. BSC receives a new report that addresses the legality, costs, benefits, and process involved with regards to reclassifying the Flat Rock Land from operational to community.

Attachment(s)

1. Legal advice from the EDO (Environmental Defenders Office)

13.8 Notice of Motion - Organisational Review

13.8 Notice of Motion - Organisational Review

Councillor

Cr Jeff Johnson

I move that

1. Council receives a report in regards to the undertaking of an independent organisational review of staffing and service levels for Ballina Shire Council, with the aim being to achieving efficiencies, productivity gains, costs savings and an improved level of service delivery for the community.
2. Included in this report should be:
 - An itemised summary of current organisational operating costs per department
 - A breakdown of resources against key Council objectives
 - Some examples of what has been achieved by other Australia wide Council's who have recently completed an organisational review.
 - An understanding of best-practice organisational practices from other Australian Councils, in regards to organisational structure and service delivery
 - A panel of reputable, independent consultants, an outline of their review methodology, their fee determination structures and client list.
 - A draft brief to the consultants setting out the desired outcomes for efficiencies, productivity gains, cost savings and improved service delivery to the community to be achieved by the organisational restructure and the time line for implementation.

Councillor Comment

The Ballina Shire has grown significantly in recent years and this growth is expected to continue. Ballina Council now employs approximately 150 permanent staff, as well as an extensive network of contractors and sub-contractors. As the organisation continues to evolve it is important that infrastructure, maintenance and depreciation continues to be adequately funded and that resources continue to be effectively and efficiently targeted towards achieving the Council's core objectives. To assist in achieving this outcome, and as per existing policy, the Council is required to undertake a review of its structure on a regular basis. As a review has not taken place for a number of years, it is timely that this review now takes place.

COUNCILLOR RECOMMENDATIONS

1. Council receives a report in regards to the undertaking of an independent organisational review of staffing and service levels for Ballina Shire Council, with the aim being to achieving efficiencies, productivity gains, costs savings and an improved level of service delivery for the community.
2. Included in this report should be:
 - An itemised summary of current organisational operating costs per department
 - A breakdown of resources against key Council objectives
 - Some examples of what has been achieved by other Australia wide Council's who have recently completed an organisational review.
 - An understanding of best-practice organisational practices from other Australian Councils, in regards to organisational structure and service delivery
 - A panel of reputable, independent consultants, an outline of their review methodology, their fee determination structures and client list.
 - A draft brief to the consultants setting out the desired outcomes for efficiencies, productivity gains, cost savings and improved service delivery to the community to be achieved by the organisational restructure and the time line for implementation.

Attachment(s)

Nil

14. Advisory Committee Minutes

14. Advisory Committee Minutes

Nil Items

15.1 Mayoral Meetings

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

15.1 Mayoral Meetings

Councillor Phillip Silver

Activities since the April 2012 Ordinary meeting are as follows:

<u>Date</u>	<u>Function</u>
28/4/12	Ballina Bypass opening, Bruxner Highway section
1/5/12	Deputation, pools and marina, at Council
1/5/12	Ballina Youth Council meeting in Ballina
3/5/12	County Councils merger presentation in Lismore
4/5/12	NOROC Ordinary meeting in Ballina
4/5/12	Rural Fire Service Lennox Shed meeting in Ballina
5/5/12	Coral Sea Ceremony and Dinner in Ballina
8/5/12	A Ward meeting in Ballina
9/5/12	DCP renewal workshop in Ballina
10/5/12	NDIS Rally in Lismore
10/5/12	Prime TV re Council amalgamations
15/5/12	DCP vegetation workshop in Ballina
18/5/12	BACCI Art show opening in Ballina
19/5/12	Alliance Franchise dinner in Ballina
21/5/12	B Ward meeting in Ballina

RECOMMENDATIONS

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

Attachment(s)

Nil

16. Questions Without Notice

16. Questions Without Notice

17. Confidential Session

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

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

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

17.1 Tender - Precast Paving Units for Ballina Town Centre Upgrade

This report contains confidential pricing information that if released could prejudice tender 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 Tender - Precast Paving Units for Ballina Town Centre Upgrade

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 this report contains confidential pricing information that if released could prejudice tender negotiations..