



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 28 June 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.

Table of Contents

1.	Australian National Anthem.....	1
2.	Acknowledgement of Country	1
3.	Apologies	1
4.	Confirmation of Minutes.....	1
5.	Declarations of Interest and Reportable Political Donations	1
6.	Deputations.....	1
7.	Mayoral Minutes	1
8.	Regulatory Services Group Report	2
8.1	Development Applications - Works in Progress - June 2012	2
8.2	Development Consent Statistics - May 2012	7
8.3	Compliance Work Plan 2011/2012 - Outcomes	8
8.4	Compliance Work Plan 2012/13 - Endorsement	15
9.	Strategic & Community Services Group Reports.....	18
9.1	LEP Amendment Request - Dossor Blue Seas Parade Lennox Head	18
9.2	Urban Activation Precincts	23
10.	General Manager's Group Reports	26
10.1	Use of Council Seal	26
10.2	Investment Summary - June 2012	27
10.3	Councillor Attendance	31
10.4	Code of Conduct - Reporting	33
10.5	Community Group Lease and Licence Renewals	35
10.6	Classification of Land	40
10.7	Land Claim - Ballina Surf Club	42
10.8	Fair Go Skateboarding Competition	47
10.9	Special Events Policy Review	49
10.10	Policy (Review) - Planning Agreements	53
10.11	Richmond Tweed Regional Library - Industrial Dispute	55
10.12	NOROC - Structural Reform	64
10.13	Delivery Program 2012/13 - 2015/16 and Operational Plan 2012/13	69
11.	Civil Services Group Reports	87
11.1	Local Traffic Committee Report - June 2012	87
11.2	Fig Tree Management - Update	91
11.3	Options to Use Recycled Water in Washing Machine Taps	95
11.4	Request to Tender to Transport and Dispose of Council's Waste	100
11.5	Ballina Shire Coastline Emergency Action Subplan for Coastal Erosion	103
12.	Public Question Time	106
13.	Notices of Motion.....	107
13.1	Notice of Motion - Cawarra Park	107
13.2	Notice of Motion - Sale of 2-4 Ross Street, Lennox Head	108
13.3	Notice of Motion - Payment of Lease for Ross Street Land	110
13.4	Notice of Motion - Reclassification of Land at Lennox Head	111
13.5	Notice of Motion - Wardell Sports & Recreation Grounds	112

14.	Advisory Committee Minutes.....	114
14.1	Facilities Committee Minutes - 18 June 2012	114
14.2	Commercial Services Committee Minutes - 18 June 2012	117
15.	Reports from Councillors on Attendance on Council's behalf	122
15.1	Mayoral Meetings	122
16.	Questions Without Notice	123
17.	Confidential Session.....	124
17.1	Re-Tender - Precast Paving Units for Ballina Town Centre Upgrade	124
17.2	Non Payment of Section 94 Contributions	125
17.3	Senior Staff - Contractual Conditions	125

1. Australian National Anthem
 2. Acknowledgement of Country
 3. Apologies
 4. Confirmation of Minutes
 5. Declarations of Interest & Reportable Political Donations
 6. Deputations
 7. Mayoral Minutes
-

1. Australian National Anthem

The National Anthem will be performed by the Red Inc Choir (Realising Every Dream Inc)

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 24 May 2012 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 May 2012.

5. Declarations of Interest and Reportable Political Donations

John Truman - declared an interest in Item 11.1 - Local Traffic Committee Report - June 2012 and in particular to Item (a) - B-double Route - Horizon Drive, Ballina. (Nature of Interest: non significant, non pecuniary - his children attend Emmanuel Anglican College).

Steve Barnier - declared an interest in Item 8.1 - Development Applications - Works in Progress - June 2012 and in particular DA 2012/192. (Nature of Interest: non significant, non pecuniary - he holds an honorary position on Crowley Board).

6. Deputations

Ms Heidi O'Brien, Principal, Emmanuel Anglican College - spoke in opposition to Item 11.1 - Local Traffic committee Report - June 2012 and in particular to Item (a) - B-double Route - Horizon Drive, Ballina.

7. Mayoral Minutes

Nil Items

8.1 Development Applications - Works in Progress - June 2012

8. Regulatory Services Group Report

8.1 Development Applications - Works in Progress - June 2012

The following schedule sets out the status of current development applications that are yet to be determined.

Please note that duplex and dual occupancy applications together with minor building related development 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
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 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	Being Assessed

8.1 Development Applications - Works in Progress - June 2012

DA No.	Date Rec'd	Applicant	Proposal	Status
			Drive, Ballina	
2011/470	04/11/2011	SJ Connelly CPP Pty Ltd	Alterations and Additions to Gunundi, No. 70 Shelly Beach Road, East Ballina	Determination Pending
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
2011/541	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
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,	Awaiting Additional Information

8.1 Development Applications - Works in Progress - June 2012

DA No.	Date Rec'd	Applicant	Proposal	Status
			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	
2012/69	7/03/2012	D Cope	Erection of a Rural Worker's Dwelling, 161 Broken Head Road, Newrybar	Awaiting Additional Information
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	Determination Pending
2012/118	2/04/2012	Ardill Payne & Partners	Six Lot Residential Subdivision, Chilcott Circuit, Cumbalum	Determination Pending
2012/137	16/04/2012	SJ Connelly CPP Pty Ltd	Two Lot Subdivision, 61 Jorgensens Lane, Brooklet	Referred to Government Department
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 Accommodation, Earthworks, Carparking & Tree Removal, 78-92 Fox Street, Ballina	Determination Pending

8.1 Development Applications - Works in Progress - June 2012

DA No.	Date Rec'd	Applicant	Proposal	Status
2012/162	03/05/2012	Hien Van Phan	Change of Use - Restaurant to Shop, Shop 58 Ballina Fair, 84 Kerr St, Ballina	Being Assessed
2012/166	09/05/2012	Victor Holmes	Construction of Bridge across Maguires Creek and Erection of Dwelling House and Associated Works, 1468 Eltham Road, Tuckombil	Referred to Government Departments
2012/171	14/05/2012	T & R Fitzroy	Two lot subdivision to create 1 x 1797sqm and 1 x 2830sq m allotments and the erection of a dual occupancy on each proposed lot – 32 Stanley Park Road, Wollongbar	On Exhibition
2012/172	15/05/2012	Ardill Payne & Partners	Boundary Adjustment Subdivision of Two Lots to Create Two Modified Lots – 11 & 84 Fig Tree Hill Drive, Lennox Head	Referred to Government Departments
2012/173	15/05/2012	S Cashman	Change of Use to Commercial Premises – 2B High Street, Alstonville	Being Assessed
2012/190	28/05/2012	SJ Connelly CPP Pty Ltd	Change of Use to Food Shop and Office and Associated Fit Out, 44 Bangalow Road, Ballina	Being Assessed
2012/192	29/05/2012	Crowley, St Francis Xavier Parish	Office and Nursing Wing Alterations and Additions – 154 Cherry Street, Ballina	Being Assessed
2012/194	31/05/2012	J Nielsen	Change of Use and Ancillary Storage/Compound Area – 3 & 5 Lismore Road, Alstonville	Awaiting Additional Information

8.1 Development Applications - Works in Progress - June 2012

DA No.	Date Rec'd	Applicant	Proposal	Status
2012/195	31/05/2012	Logan Architecture	Demolition of Existing Motel and Erection and Strata Title Subdivision of a Mixed Tourist, Residential and Commercial Two Storey Development and Basement Car Parking – 45-49 Ballina Street, Lennox Head	On Exhibition
2012/201	01/06/2012	S J Connelly Pty Ltd	Two Lot Boundary Adjustment Subdivision – L76 The Coast Road Skennars Head & L50 Condon Drive, East Ballina	Referred to Government Departments
2012/200	01/06/2012	S J Connelly Pty Ltd	Alterations & Additions to Existing Multi-Identification Sign – 44 Bangalow Road, Ballina	Being Assessed
2012/206	07/06/2012	M Bowden	Change of Use to Refreshment Room – 9 Moon Street, Ballina	Being Assessed
2012/210	08/06/2012	B Coughran	Removal of three trees – 71 Broken Head Road, Newrybar	Being Assessed

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
NIL				

Major Development (Determined by Minister)

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

RECOMMENDATIONS

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

8.2 Development Consent Statistics - May 2012

8.2 Development Consent Statistics - May 2012

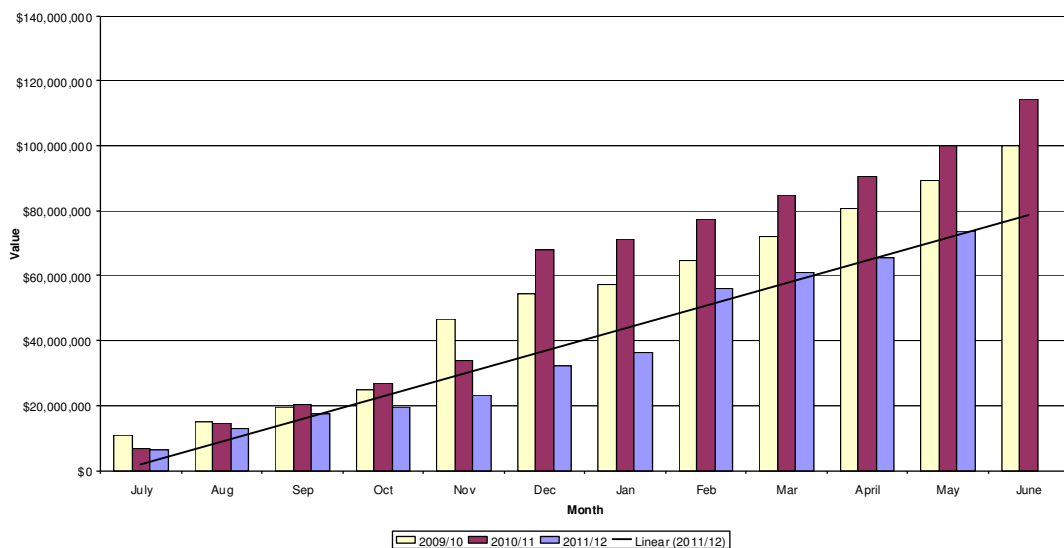
Delivery Program

Objective

The Council is advised that during the period of 1 May 2012 to 31 May 2012 the Regulatory Services Group issued Development Consent comprising of:

Number of Applications	Value of Work
33 Other Building Related	\$ 5,250,500
8 Dwelling/Duplexes/Residential Flat Buildings	\$ 2,916,000
7 General Developments	\$ 1,000
Total Value	\$ 8,167,500

The following chart details the cumulative consent figures for 2011/12 as compared to 2010/11 and 2009/10. A trend line has also been provided for 2011/12 to assist in the comparison.



RECOMMENDATION

That Council notes the contents of the report on development consent statistics for 1 May 2012 to 31 May 2012.

Attachment(s)

Nil

8.3 Compliance Work Plan 2011/2012 - Outcomes

8.3 Compliance Work Plan 2011/2012 - Outcomes

Delivery Program Development Services

Objective To advise Council of the outcomes from the Compliance Work Plan for 2011/12.

Background

At the June 2011 Ordinary Meeting, Council adopted a Compliance Work Plan for the 2011/12 financial year. A six month update report was presented to Council at the January 2012 Ordinary Meeting. This report provides a final status report following the completion of the Work Plan.

Key Issues

- Level of Compliance
- Results achieved

Information

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

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

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

8.3 Compliance Work Plan 2011/2012 - Outcomes

As a general comment, staff feel the overall level of compliance is improving. The vast majority of outstanding issues currently under investigation relate to the certification of works to the required standard following the completion of the work; for example the provision of a Final Occupation Certificate after Interim Occupation Certificate has been issued.

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

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

Major developments are defined as developments consisting of five or more commercial/industrial units/parcels of land/dwellings as well as all developments with high environmental significance.

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

Compliance resources have also been involved in auditing, on an on-going basis, a number of development consents issued prior to 2006 that are known to contain environmentally and culturally sensitive areas. As this program now covers over three separate years, it is intended that each audit year will be reported separately.

Of the 65 major developments from 2006, all developments have been inspected for compliance with the terms and conditions of the development consent. As reported to Council at the January 2012 meeting, 41 of these 65 major developments were in compliance with the issued development consents.

Regarding the remaining 24 consents:

- one development has not commenced at the time of the inspection and is due to lapse in September 2012. It is envisaged that a further inspection will be undertaken during the upcoming financial year to ascertain if the approved development has physically commenced or will lapse;
- four developments have been inspected and all conditions of consent have been complied with;
- 12 developments have been inspected and require further follow up inspections. These developments have all commenced however works on site have not been completed at the time of the last inspection; and
- seven developments have not been activated and have lapsed.

Of the 89 major developments from 2007, all developments have been inspected for compliance with the terms and conditions of the development consent. As reported to Council at the January 2012 meeting, 54 of these 89 major developments were in compliance with the issued development consents. Regarding the remaining 35 consents:

- four have not commenced at the time of the inspection. Further inspections of these properties during the upcoming financial year will be undertaken to ascertain if the approved developments have physically commenced or have lapsed;

8.3 Compliance Work Plan 2011/2012 - Outcomes

- 22 developments have been inspected and all conditions of consent have been complied with;
- two developments have been inspected and require further follow up inspections. These developments have commenced however works on site have not been completed at the time of the last; and
- seven developments have not been activated and have lapsed.

Of the 77 major developments from 2008, all developments have been inspected for compliance with the terms and conditions of the development consent. As reported to Council at the January 2012 meeting, 42 of these 77 major developments were in compliance with the issued development consents. Regarding the remaining 35 consents:

- 13 have not commenced at the time of the inspection;
- 13 developments have been inspected and all conditions of consent have been complied with;
- eight developments have been inspected and require further follow up inspections. These developments have all commenced however works on site have not been completed at the time of the last inspection; and
- one development has not been determined at this time and is awaiting flood study information from the applicant.

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

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

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

Of the 143 identified developments from 2006, all developments have been inspected for compliance with the terms and conditions of the development consent. As reported to Council at the January 2012 meeting, 129 of these 143 identified developments were in compliance with the issued development consents. Regarding the remaining 14 consents:

- ten developments have been inspected and all conditions of consent have been complied with;
- one development has not been activated and has lapsed; and
- three developments have been inspected and require further follow up inspections. These developments have all commenced however works on site have not been completed at the time of the last inspection.

8.3 Compliance Work Plan 2011/2012 - Outcomes

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

As reported to Council at the January 2012 meeting, 94 of these 131 identified developments were in compliance with the issued development consents. Regarding the remaining 37 consents:

- three have not commenced at the time of the inspection. The majority of these consents will lapse, if not commenced within the next 12 months. Further inspections of these properties during the upcoming financial year will be undertaken to ascertain if the approved developments have physically commenced or have lapsed; and
- 34 developments have been inspected and all conditions of consent have been complied with.

Of the 131 identified developments from 2008, 130 developments have been inspected for compliance with the terms and conditions of the development consent. As reported to Council at the January 2012 meeting, 70 of these 131 identified developments were in compliance with the issued development consents. Regarding the remaining 61 consents:

- 32 developments have been inspected and all conditions of consent have been complied with;
- 14 have not commenced at the time of the inspection;
- 13 developments have been inspected and require further follow up inspections. These developments have all commenced however works on site have not been completed at the time of the last inspection;
- one consent for the removal of trees has lapsed; and
- one development has not as yet been inspected.

3. *Audit of all Development Consents issued within the Southern Cross Industrial Estate. (Ongoing from 2010/2011 Work Plan)*

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

Of the 507 identified development consents within the Southern Cross Industrial Estate, all developments have been inspected for compliance with the relevant issued development consent. As reported to Council at the January 2012 meeting, 375 of these 507 developments were in compliance with the issued development consents. Regarding the remaining 132 consents:

- 34 have not commenced at the time of the inspection. These developments will be inspected during the upcoming financial year for commencement and if applicable compliance with the issued consents
- 24 developments have been inspected and all conditions of consent have been complied with and
- 74 developments have been inspected and require further follow up inspections. This is due to works on site not being complete at the time of the inspection, a change in the land use that has not been formally consented to but may be permissible as 'exempt development' under

8.3 Compliance Work Plan 2011/2012 - Outcomes

State Policy or non compliance with conditions of consent being detected. Investigations into these potential '*exempt development*' uses are continuing.

4. *Audit of all Roadside Advertising Signage on rural land within the Ballina Shire. (Carried forward from 2010/2011 Work Plan)*

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

Mapping of all rural advertising signage has now been completed and all previous Council records have been stored electronically. All of these records are being compiled to enable the transfer of the data to Council's corporate system.

This program has now been completed.

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

This is a new program for inclusion in the Compliance Work Plan for 2011/2012. An audit of outstanding developer contributions and water and sewer charges has been conducted by Council's Finance Section from 2004 to 2007. This audit has identified areas where there may be anomalies in the amount of contributions and/or charges paid to Council in line with development consent conditions.

As this information has only been recently received and updated, this program has not commenced at this time and will be carried forward to the upcoming Compliance Work Plan.

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

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

As reported to Council at the January 2012 meeting, all three Town Centres have now been audited, with

- (a) 40 Warning letters and three Final Warning Notices have been sent to retailers in relation to A Frame signs;
- (b) 26 Warning letters and one Final Warning Notice have been sent to retailers in relation to footpath displays and alfresco dining; and
- (c) 0 Penalty Infringement Notices have been issued for ongoing non-compliances.

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

Sustainability Considerations

- **Environment**
Compliance with issued development consents enhances the protection of the natural and built environment and attainment of Council's strategic planning objectives for the shire.
- **Social**
Compliance can also assist in ensuring social cohesion through the appropriate implementation of Council conditions.
- **Economic**
Not applicable

Legal / Resource / Financial Implications

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

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

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

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

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

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

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

8.3 Compliance Work Plan 2011/2012 - Outcomes

Consultation

This report has been provided for public information.

Options

This report has been prepared as an update on the Compliance Work Plan therefore the recommendation is to note the contents of the report.

RECOMMENDATION

That Council notes the contents of the final report for the Compliance Work Plan for 2011/12.

Attachment(s)

Nil

8.4 Compliance Work Plan 2012/13 - Endorsement

8.4 Compliance Work Plan 2012/13 - Endorsement

Delivery Program Development Services

Objective To obtain Council endorsement of the planned 2012/13 Compliance Work Plan

Background

Following on from the previous report in this agenda, this report identifies the major areas where it is recommended that Council apply its compliance resources for 2012/2013.

Key Issues

- Proposed areas for investigation and review

Information

To provide Council with a forecast of how Council resources will be directed over the coming 2012/13 financial year, a Compliance Work Plan has been developed.

Whilst additional land use complaints will inevitably be received over the coming financial year, all complaints will be prioritised and actioned as appropriate, however it is intended that priority will be given to the items contained within the Compliance Work Plan.

The Compliance Work Plan has nominated the following areas as the priorities for the forthcoming financial year as they are considered the areas of highest risk or potentially lowest levels of compliance. The information contained within this report is also summarised within **Attachment 1** in table format for easy reference.

Programs:

1. *Audit of Major Developments within the Shire.* (Ongoing Program)

This program first commenced in the 2008/09 Compliance Work Plan and as outlined in the previous report, is well underway. It is intended to continue this program to complete the audit of all 2007 and 2008 Major Development consents and commence the audit of all 2009 Major Development consents.

8.4 Compliance Work Plan 2012/13 - Endorsement

2. *Audit of Identified Development Consents (Ongoing Program)*

This program first commenced in the 2008/09 Compliance Work Plan and as outlined in the previous report, is well underway. It is intended to continue this program and complete the audit of the 2007 and 2008 Identified Development Consents and commence the audit of the 2009 Identified Development Consents.

3. *Complete the Audit of all Development Consents issued within the Southern Cross Industrial Estate.*

This program first commenced in the 2009/10 Compliance Work Plan and as outlined in the previous report, is planned for finalisation by December 2012.

4. *Audit of outstanding Developer Contributions and Water and Sewer Charge Payments.*

This is a carry over program from the Compliance Work Plan for 2011/2012. An audit of outstanding developer contributions and water and sewer charges conducted by Council's Finance Section has identified areas where there may be anomalies in the number of contributions and/or charges paid to Council in line with development consent conditions.

It is intended to undertake this program to audit developer contributions and water and sewer charge payments by:

- recording all development consents with developer contributions and water and sewer charge payments between 2004 and 2007 financial years (as provided by Finance)
- review of all consents for commencement of works and payment of required contributions
- enforcement action where possible for any identified areas of non-compliance with regard to the payment of all section 94 contributions and charges.

5. *Review of all Development Consent issued within the Russellton Industrial Estate.*

This is a new program for the 2012/2013 Compliance Work Plan and will follow the work undertaken within the Southern Cross Industrial Estate scheduled for completion in December 2012. It is intended to:

- identify, record and map all industrial sites and land uses within the area of Russellton Industrial Estate;
- review of all industrial sites for current development consents to undertake business activities;
- inspection of industrial sites for compliance with the issued Development Consent or other approval;
- enforcement action as required for any identified areas of non-compliance with the issued development consent or other approvals;
- creation of a Land Use Register within Council's Corporate System for all industrial uses within Russellton Industrial Estate.

Sustainability Considerations

- **Environment**
Compliance with issued development consents enhances the protection of the built and natural environments.
- **Social**
Not applicable
- **Economic**
Not applicable

Legal / Resource / Financial Implications

This program is based on utilising existing resources.

Consultation

This report has been provided for public information.

Options

The options are to support the proposed work plan or amend it to other areas where Council believes there may be a higher priority. The recommendation is to endorse the plan.

RECOMMENDATIONS

That Council endorses the proposed annual Compliance Work Plan for 2012/13 as attached to this report.

Attachment(s)

1. Attachment 1 - Compliance Work Plan 2012/2013

9.1 LEP Amendment Request - Dossor, Blue Seas Parade Lennox Head

9. Strategic & Community Services Group Reports

9.1 LEP Amendment Request - Dossor, Blue Seas Parade Lennox Head

Delivery Program Strategic Planning

Objective To seek direction from Council with respect to a request to amend the Ballina Local Environmental Plan in relation to land in Blue Seas Parade at Lennox Head.

Background

Council received a request for the rezoning of part of Lot 1 DP 1173776, Blue Seas Parade, Lennox Head, on 18 April 2012 (Attachment 1). The request was submitted by SAKE Development on behalf of the landholders, being DM and RD Dossor. The proposed amendment involves the application of a residential zone to the eastern part of Lot 1 DP 1173776 in order to provide for a consistent zone arrangement over this land parcel.

The subject land (Attachment 2) is the result of a recent consolidation of allotments arising from the purchase of part of a Crown road reserve immediately adjacent to the approved Coastal Grove subdivision at Lennox Head. Lot 10 DP 1168665 was originally the northern most lot forming part of the Coastal Grove subdivision, with this lot adjoined immediately to the east by a Crown road reserve. As outlined in the request submitted by SAKE Development, Mr and Mrs Dossor purchased part of the road reserve in 2011 and consolidated it with the original Lot 10 in early 2012. The total area of the consolidated lot is 1162m².

Under the Ballina Local Environmental Plan 1987 (Ballina LEP 1987), the subject land is zoned 1(d) Rural (Urban Investigation) Zone (Attachment 3). The Council-endorsed Draft Ballina LEP 2011 (draft LEP) applies a part R2 Low Density Residential zone and part RU1 Primary Production zone to the land (Attachment 4). The zoning arrangement under the draft LEP reflects the extent of the approved Coastal Grove residential subdivision.

Council considered a submission to the 2011 re-exhibition of the draft LEP requesting the application of a residential zone to the area of the former Crown road that is contained within the subject land (i.e. the area zoned RU1 under the draft plan). Council resolved to retain the RU1 zone under the draft LEP on the basis that further analysis of the site characteristics would be prudent prior to application of a residential zone. It was also undesirable to establish a residential zone over the Crown road reserve area in advance of the approval of the consolidation of the lots as this would have provided for a residential zone on what was a separate parcel of land at the time.

The current request provides some additional information in relation to the characteristics of the site and the consolidation of the land parcels involved has been completed. Given this, Council's direction is now sought with respect to the progress of the requested LEP amendment.

Key Issues

- Suitability of a residential zone in the subject circumstances.
- Progress of the proposed LEP amendment request.

Information

The LEP amendment request submitted by SAKE Development provides an overview of the background to the subject land and the characteristics of the land (Attachment 1). Key site issues for consideration include visual amenity, geotechnical conditions and site contamination.

Based on a preliminary review of the information submitted, there does not appear to be any significant site constraints that would render the application of a residential zone to the land unsuitable. However, should Council proceed to further process a planning proposal for the land, a more detailed analysis will be undertaken. This analysis may necessitate the provision of additional information from the proponent.

With respect to the strategic planning framework, the application of a residential zone to the land is generally consistent with both Council and State Government urban land release planning policy. More specifically, the following provides an overview of the proposed amendment with respect to the key applicable planning policy documents.

Far North Coast Regional Strategy (FNCRS)

The subject land is identified as a 'proposed future urban release area' and as such, the application of a residential zone to the land is consistent with the strategy.

Ballina Urban Land Release Policy

The subject land is recognised as a potential urban release area under the policy and as such, the application of a residential zone to the land is consistent with the policy.

Draft Ballina Shire Growth Management Strategy

The subject land is identified as a strategic urban growth area under the recently exhibited draft Ballina Shire Growth Management Strategy (which will ultimately replace the Ballina Urban Land Release Strategy). Given this, the application of a residential zone to the land is consistent with Council's most recent urban planning policy documentation (although presently in draft form).

Lennox Head Structure Plan

The subject land is not identified as a candidate urban land release area although it does immediately adjoin the urban area in the vicinity of Blue Seas Parade. This is not considered to be a significant inconsistency, particularly given the identification of the subject land as a potential urban area under the higher order FNCRS, Ballina Urban Land Release Strategy, Draft Ballina Shire Growth Management Strategy and the Ballina LEP 1987.

Ballina Local Environmental Plan 1987

The land is currently zoned 1(d) Rural (Urban Investigation) Zone under the Ballina LEP 1987. As such, the land is identified as being suitable for further investigation to determine its urban land use potential. The consideration of the proposed residential zone is consistent with the current zoning of the land.

Given the above, and that part of the land immediately to the east of the site is also identified as an area of potential urban development, the subject land appears generally suitable for the application of a residential zone. Therefore, further processing of the LEP amendment request is considered to be warranted.

Sustainability Considerations

- **Environment**
The subject land is visually prominent from several viewpoints.
- **Social**
The proposed zoning does not raise any significant social implications as it relates to an existing lot within the approved Coastal Grove residential subdivision.
- **Economic**
There are no significant economic implications currently identified in relation to the proposed zoning.

Legal / Resource / Financial Implications

There are no significant resourcing or financial implications associated with the further processing of this LEP amendment. The next step in the process would be the preparation of a planning proposal by Council for submission to the Department of Planning and Infrastructure for its consideration.

Council's adopted fees and charges associated with LEP amendment requests would be applied to the further processing of the request.

Consultation

There has been no consultation undertaken with either the community or Government agencies in relation to this LEP amendment request to date as this matter is in the initial concept phase. However, should the matter continue to proceed, public exhibition of the proposal will be required prior to completion of any amendment to Council's LEP.

Options

1. Proceed to prepare a planning proposal

This approach would mean that Council would prepare a planning proposal that would provide for the application of an R2 Low Density Residential zone under the draft LEP to the entire area of the subject land (this would provide a clear indication of the intention for a residential use of the land within Council's LEP). The planning proposal would be reported to Council for further

9.1 LEP Amendment Request - Dossor, Blue Seas Parade Lennox Head

consideration prior to its submission to the Department of Planning and Infrastructure for gateway determination.

Importantly, Council may cease action on the proposed amendment upon review of the planning proposal or at any other time prior to its finalisation.

On the basis of the consistency of the proposed zoning with the Far North Coast Regional Strategy and Council's local planning policy and the nature of the subject land, it is recommended that Council proceed to prepare a planning proposal for the rezoning of the land consistent with the landholder's LEP amendment request.

If this option is pursued, it is recommended that the planning proposal is drafted on the basis that the land should be maintained in its consolidated state (i.e. the amendment could include suitable provisions to prevent subdivision of the land into smaller lots with additional opportunities for dwelling houses).

Further, in considering this option, it should be noted that the amendment would be progressed having regard for both the provisions of the Ballina LEP 1987 and the Draft Ballina LEP 2011 given that the draft LEP is not yet finalised.

2. Defer consideration of the LEP amendment request.

Council may defer consideration of the LEP amendment request in order to seek additional information in relation to the proposed rezoning.

The level of information provided with the LEP amendment request is considered to be suitable to enable progress to the preparation of a planning proposal. Given this, and the consistency of the proposal with the applicable strategic planning framework, this option is not recommended.

3. Cease further consideration of the LEP amendment request.

It is open to Council to cease further consideration of the requested LEP amendment. Endorsement of this option would mean that no further action would be taken by Council with respect to the processing of the request.

This course of action is not recommended given the characteristics of the land and the consistency of the proposal with the applicable strategic planning framework.

RECOMMENDATIONS

That Council proceed to prepare a planning proposal for the application of an R2 Low Density Residential zone (under the Draft Ballina Local Environmental Plan 2011) over the entire area of Lot 1 DP 1173776 Blue Seas Parade Lennox Head.

Attachment(s)

1. Attachment 1 - LEP Amendment Request SAKE Development
2. Attachment 2 - Site Plan Lot 1 DP 1173776, Blue Seas Parade, Lennox Head
3. Attachment 3 - Land Use Zoning Ballina LEP 1987 - Lot 1 DP 1173776, Blue Seas Parade, Lennox Head
4. Attachment 4 - Land Use Zoning Draft Ballina LEP 2011 - Lot 1 DP 1173776, Blue Seas Parade, Lennox Head

9.2 Urban Activation Precincts

9.2 Urban Activation Precincts

Delivery Program Strategic Planning

Objective To inform the Council of a State Government policy initiative - "Urban Activation Precincts".

Background

Council has recently received a Circular from the NSW Department of Planning and Infrastructure which outlines a new program currently being considered by the Government to stimulate economic activity, create employment and promote housing affordability within the State.

The program, titled "Urban Activation Precincts" is discussed in a Guideline recently issued by the Department. This is accompanied by two Fact Sheets which provide information about measures the Government may employ to provide administrative and financial support for development projects endorsed under the new program. A copy of the package of information provided by the Department is **attached** to this report.

The Guidelines and associated documentation are currently on exhibition for public comment. Council may choose to make a submission concerning the draft program.

Key Issues

- Draft Government program to stimulate development.
- Opportunity for Council to make a submission.

Information

The Guideline prepared by the Department outlines the reasons why the Government is looking to provide a streamlined assessment and determination pathway to address its housing, employment and economic development targets.

The accompanying Fact Sheets acknowledge the importance of ensuring that key infrastructure needed to facilitate these significant developments will be co-ordinated and delivered. They also outline a mechanism that would be potentially available to assist local councils that may not have the capacity to fund their infrastructure requirements for new 'greenfield' or 'infill' proposals. In a sense, this appears to entail the Government allocating public funds toward the delivery of infrastructure that might otherwise be funded by the private sector through Section 94 contributions plans, but for the 'cap' that is currently in place.

9.2 Urban Activation Precincts

Councillors will note the criteria (page 6 of the Guideline) against which development proposals will be assessed to determine their significance to State and/or regional planning objectives. Importantly also, the Guideline sets out the procedures that would be applied to ensure local councils have a 'seat at the table', so to speak, in the selection of and planning for nominated urban activation precincts, and acknowledges that opportunities will be presented for community engagement and consultation.

Sustainability Considerations

- **Environment**
Potential environmental impacts associated with any proposed urban activation precinct would be a critical component of the project nomination, assessment and determination processes.
- **Social**
The proposed program has, as critical aims, to improve housing access and stimulate employment.
- **Economic**
The program aims to promote economic activity and support the timely delivery of key public infrastructure for endorsed projects.

Legal / Resource / Financial Implications

The program is intended to reduce risks associated with major development projects. The financial and administrative implications for local councils, as key stakeholders in selected urban activation precincts, are yet to be fully understood.

Consultation

The urban activation precincts Guideline and associated Fact Sheets are currently on exhibition for public comment.

Options

Council may either receive and note this report or alternatively, decide to make a written submission to the Department of Planning and Infrastructure concerning the proposed program.

Staff has not recommended that a submission be made but wish to ensure the Council is fully aware of the Government's initiative. Consequently, the recommendation which follows is for Council to receive and note this report.

RECOMMENDATIONS

That Council notes the contents of the report on the Urban Activation Precincts as proposed by the NSW Department of Planning and Infrastructure's Circular.

Attachment(s)

1. DP&I Circular 12-005 - Urban Activation Precincts
2. Fact Sheet 1 - Precinct Support Scheme for Urban Activation Precincts
3. Fact Sheet 2 - Growth Infrastructure Plans for Urban Activation Precincts
4. Draft NSW Urban Activation Precincts Guideline

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 document.

US12/20	<p>Ballina Shire Council to Essential Energy - Deed of Acquisition of Easement and Transfer Granting Easement. Proposed easement for overhead transmission lines on Council operational land, being Lot 12 DP 814359.</p> <p>Explanation: Essential Energy has been negotiating with Council for the relocation and installation of overhead transmission lines within the proposed easement. The proposed easement has a variable width, being 33.115m at the western boundary, and 16.95m at the eastern boundary and has an overall area of 1.296 Ha, within the 18.53 Ha parcel of land. The Council land is contiguous with the Bruxner Highway Uralba 'cutting' and the proposed easement is contiguous with, and parallel to, the Highway. Essential Energy is responsible for the (a) maintenance of the easement (trimming or removal of vegetation) and (b) infrastructure within the easement. Essential Energy shall pay for and attend to the registration of the Transfer Granting Easement at the LPI, and shall pay reasonable legal costs and disbursements. Essential Energy has consent to proceed with an easement through the adjoining private land parcels (Lot 231 DP 1046696, Lot 10 DP 806003 and Lot 11 DP 814359).</p>
---------	--

Attachment(s)

Nil

10.2 Investment Summary - June 2012

10.2 Investment Summary - June 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 the council has invested), to be presented at the ordinary meeting of the council, immediately following the end of the respective month.

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

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

The balance of investments as at 31 May 2012 was \$77,437,000. This represents an increase from April of \$2,491,000. The balance of the cheque account at the Commonwealth Bank, Ballina as at 31 May 2012 was \$3,931,739.

Council's investments as at 31 May are at an average (weighted) rate of 5.51% which is 1.84% above the 90 Day Bank Bill Index of 3.67%.

The majority of the approximately \$77 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

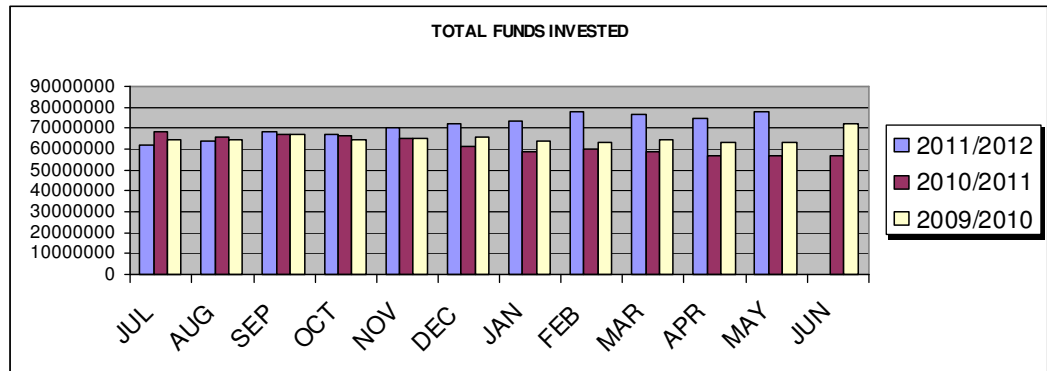
Of the total Investments, approximately \$17 million are unexpended funds borrowed by the Sewer Fund.

10.2 Investment Summary - June 2012

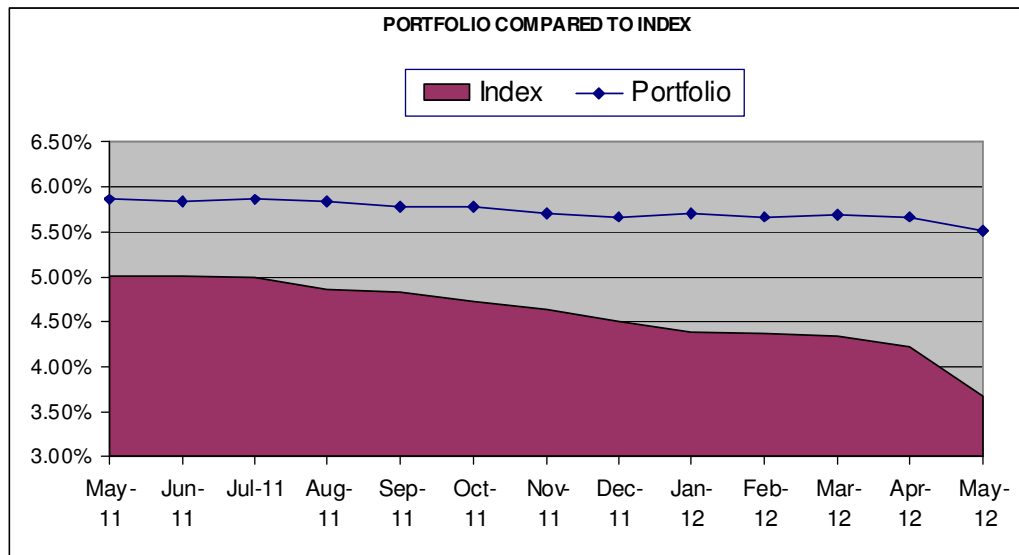
A. Summary of investments by institution

Funds Invested With	ADI Rating	Previous Month (\$'000)	Current Month (\$'000)	Quota %	% of Total	Total
Grandfathered Investments						
ANZ Bank	AA-	2,000	2,000	0	2.6	
Bendigo Bank Ltd	BBB	1,000	1,000	0	1.3	
Deutsche Bank	A+	4,000	4,000	0	5.2	
Goldman Sachs	AA-	1,000	1,000	0	1.3	
Heritage Building Society	BBB-	1,000	1,000	0	1.3	
HSBC Australia	AA-	1,000	1,000	0	1.3	
Longreach Capital Markets 28*	AA+	1,000	1,000	0	1.3	
Morgan Stanley	A	2,000	2,000	0	2.6	
National Australia Bank	AA-	1,788	1,788	0	2.3	
National Wealth M'ment Holding	A	2,000	2,000	0	2.6	22%
Rated Institutions						
ANZ Bank	AA-	57	32	20	0	
Bank of Queensland	BBB+	5,000	4,000	10	5.2	
Bank of Western Australia	AA-	6,000	8,000	20	10.3	
Commonwealth Bank of Aust	AA-	4,101	3,617	20	4.7	
Illawarra Mutual Bld Soc	BBB	2,000	2,000	10	2.6	
ING Bank Ltd	A	12,000	12,000	20	15.5	
Members Equity Bank	BBB	4,000	6,000	10	7.7	
National Australia Bank	AA-	11,000	11,000	20	14.2	
Newcastle Permanent Bld Soc	BBB+	1,000	1,000	10	1.3	
Suncorp Metway Bank	A+	11,000	10,000	20	12.9	
Westpac Banking Corporation	AA-	1,000	1,000	20	1.3	76%
Unrated ADI's						
Defence Bank		1,000	1,000	\$1m	1.3	
Community CPS Credit Union		0	1,000	\$1m	1.3	2%
Total		74,946	77,437			100%

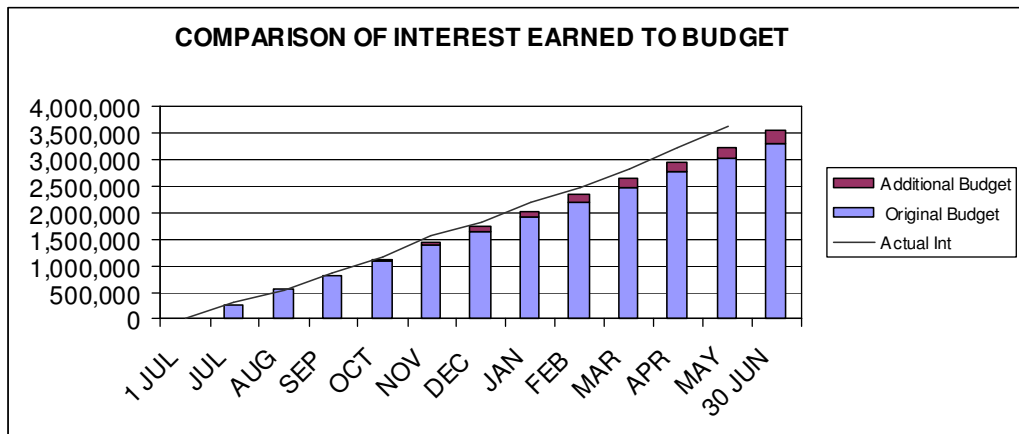
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



The RBA Board’s decision to cut rates by 0.25bps on 5 June was fully factored into market expectations following a couple of months of deteriorating economic indicators around the world. Some of the factors noted by the Bank in the accompanying statement are:

- Europe’s economic and financial prospects are clouded by weakening growth, heightened political uncertainty and concerns about fiscal sustainability and the strength of some banks
- Asian conditions could be dampened by slower Chinese growth
- United States growing at only a moderate pace
- Commodity prices have declined and Australia’s terms of trade similarly peaked about six months ago
- Australian households and businesses continue to exhibit a degree of precautionary behaviour, which may continue in the near term
- Inflation is expected to stay within the 2-3 per cent range.

Summing up “the Board judged that, with modest domestic growth and a weaker and more uncertain international environment, the outlook for inflation afforded scope for a more accommodative stance of monetary policy”.

10.2 Investment Summary - June 2012

Graph "D" shown earlier (i.e. Progressive Total of Interest Earned to Budget) shows the line for actual interest forging ahead of budget. This is almost entirely due to the large amount, \$17 million, of unexpended sewer loan funds and will boost Sewer Fund interest income by some \$220,000 above budget. Other interest income budgets are expected to be broadly in line with budget.

E. Investments held as at 31 May 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	5.02	Perpetual	1,788
08/08/05	Morgan Stanley	FRN	4.22	08/08/12	2,000
12/04/06	Goldman Sachs	FRN	4.74	12/04/16	1,000
16/06/06	National Wealth M'tment 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	4.93	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	3.70	At Call	1,621
20/07/11	ANZ Bank	FND	2.75	At call	32
05/01/12	Suncorp-Metway Bank	TD	6.00	05/07/12	1,000
24/01/12	ING Bank Ltd	FRTD	6.12	24/01/17	1,000
01/02/12	ING Bank Ltd	TD	5.96	30/07/12	1,000
06/02/12	Westpac Bank	FRN	5.46	06/02/17	1,000
22/02/12	ING Bank Ltd	TD	6.04	20/08/12	4,000
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
03/05/12	Suncorp-Metway Bank	TD	5.46	01/08/12	2,000
04/05/12	Bank of Queensland	TD	5.60	05/11/12	2,000
07/05/12	Illawarra Mutual Bld Society	TD	5.30	07/08/12	2,000
09/05/12	Suncorp-Metway Bank	TD	5.30	09/11/12	2,000
14/05/12	BankWest	TD	5.50	13/08/12	2,000
17/05/12	BankWest	TD	5.45	15/08/12	2,000
22/05/12	Community CPS Credit Union	TD	5.45	20/08/12	1,000
22/05/12	Members Equity Bank	TD	5.40	20/08/12	2,000
28/05/12	Members Equity Bank	TD	5.40	27/08/12	1,000
30/05/12	Bank of Queensland	TD	5.25	28/08/12	1,000
Totals:					77,437
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 May 2012.

10.3 Councillor Attendance

10.3 Councillor Attendance

Delivery Program Governance

Objective To provide Councillors with professional development.

Background

Councillor Cadwallader attended the Australian Local Government Women's Association Conference (ALGWA) in Dubbo in March 2012 where she was re-appointed to the Executive of the Association (NSW Branch).

The next Executive meeting is scheduled to be held on 6 and 7 July 2012 in Moruya and Cr Cadwallader is seeking approval to attend this event.

Cr Cadwallader had been granted approval at the April Ordinary meeting to attend ALGWA Executive meetings on 26 May in Gosford and 12 June in Coffs Harbour.

There is no registration fee for the Executive meeting. Airfares, accommodation, cab fares and some meals would be expected costs.

Key Issues

- Benefit of the meetings/conferences and cost.

Information

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

Sustainability Considerations

- **Environment**
Matters of environmental, social or economic significance are typically discussed at ALGWA meetings.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

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

10.3 Councillor Attendance

Consultation

Not Applicable

Options

Approve or not approve the travel.

RECOMMENDATIONS

That Council authorise the attendance of Cr Cadwallader at the ALGWA Executive meeting to be held on 6 and 7 July 2012 in Moruya.

Attachment(s)

Nil

10.4 Code of Conduct - Reporting

10.4 Code of Conduct - Reporting

Delivery Program Administration

Objective To comply with Council's Code of Conduct and directions from the Division of Local Government.

Background

Clause 12.33 of Council's Code of Conduct requires that the General Manager report annually to Council on Code of Conduct complaints. The Code also states that this report should include, as a minimum, a summary of the:

- a) number of complaints received
- b) nature of the issues raised by complainants, and
- c) outcomes of complaints.

This report addresses clause 12.33.

Key Issues

- Number and nature of complaints

Information

For the 12 month period 1 July 2011 to 30 June 2012 there have been no code of conduct complaints.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The Code of Conduct exists to ensure there are appropriate standards of behaviour.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The Council's Code of Conduct, which is based on the Division of Local Government's Model Code of Conduct, requires a report to be submitted annually on Code of Conduct complaints. This report satisfies that legal requirement.

Consultation

This report is provided for information.

10.4 Code of Conduct - Reporting

Options

This report is for information purposes only.

RECOMMENDATIONS

That Council notes the contents of the report on Code of Conduct complaints for the period 1 July 2011 to 30 June 2012.

Attachment(s)

Nil

10.5 Community Group Lease and Licence Renewals

10.5 Community Group Lease and Licence Renewals

Delivery Program Commercial Services

Objective To obtain Council approval to renew leases and/or licences to community groups.

Background

Council currently has a number of community and sporting groups that have a licence or lease over Council property known as either community land or operational land. The majority of these agreements are due to expire on 30 June 2012. Council approval is now sought for the renewal of these agreements.

The following agreements are on community land:

Organisation	Property	Term Yrs	Agreement
Girl Guides Australia (Ballina Branch)	Wigmore Hall, Swift Street, Ballina	4	Licence
Ballina Senior Citizens Incorporated	Wigmore Hall, Swift Street, Ballina	4	Licence
Ballina Shire Concert Band Incorporated	Wigmore Hall, Swift Street, Ballina	4	Licence
Lennox Head Football Club	Skennars Head Sporting Fields, Skennars Head Road, Skennars Head	4	Licence
Newrybar Community Hall	13-15 Old Pacific Highway, Newrybar	4	Licence
Northlakes Community Centre	Whiting Way, Ballina	4	Licence
Ballina Rugby Union Football Club	Quays Reserve, Kalinga Street, Ballina	4	Lease
Ballina Players Theatre Incorporated	Players Theatre, 24 Swift Street, Ballina	4	Lease

10.5 Community Group Lease and Licence Renewals

Alstonville and District Football Club Incorporated	Crawford Park, 21 Alston Avenue, Alstonville	4	Lease
Wollongbar Community Pre-school Incorporated	5 Hall Court, Wollongbar	4	Lease
Wollongbar Progress Association Incorporated and Hall Committee	Wollongbar Hall, Hall Court, Wollongbar	4	Licence
Wollongbar Alstonville Rugby Club Incorporated	Lyle Park, 30-32 Cerreto Circuit, Wollongbar	4	Lease
Lennox Head Community Preschool Incorporated	Preschool Building, 21 Mackney Lane, Lennox Head	4	Lease

The following agreements are on operational land:

Lessee/Licensee	Property	Term Yrs	Agreement
Pimlico Ladies Charitable Organisation	Pimlico Hall, Pimlico	1	Lease
Ballina Lighthouse and Lismore Surf Life Saving Club Incorporated	Shed at Council Works Depot, Southern Cross Drive, Ballina	4	Licence
Ballina and District Equestrian Club Incorporated	Gallans Road, Ballina	4	Lease
TS Lismore Australian Navy Cadets Unit Support Committee	Endeavour Close, Ballina	4	Lease
Lions Club of Ballina Incorporated	Brunswick Street, Ballina	4	Licence
Alstonville Tennis Club	Russellton Industrial Estate, Kays Lane, Alstonville	1	Licence

Key Issues

Renewal of leases and/or licence agreements.

Information

A number of community group leases/licenses are due for renewal on 30 June 2012. These agreements are for Council property classified as operational land or community land.

Council has written to the community groups involved asking if they wish to renew their lease/licence. All of the community groups have requested renewals with all but one agreeing to a four year term. The Pimlico Ladies Charitable Organisation currently lease the Pimlico Hall and has requested a one (1) year lease due to financial concerns and the lack of use of the hall.

It is also noted that the Alstonville Tennis Club renewal at Russellton Industrial Estate is for a one (1) year period, as this land has been earmarked for development pending the relocation of the Alstonville Tennis Club to the new sports fields at Wollongbar.

With regard to the agreements on Community Land under the Local Government Act, Council is required to advertise the application for renewal, write to adjoining owners and place a sign on the property advising of the request for renewal. These notifications have been undertaken.

To date Council has received no objections to the proposed grant of the new agreements.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The services offered by the community groups enhance the social fabric of the shire.
- **Economic**
Currently ,no rental is charged to the community groups.

Legal / Resource / Financial Implications

In regard to the lease/licence fees, Council has not made a practice of charging rental to the applicable community groups. If Council wishes to review this situation a separate report on the matter will be prepared.

Consultation

In accordance with the Local Government Act, the proposal to renew agreements on community land was advertised, adjoining owners notified and a sign placed on the subject properties. No objections have been received at the time of report preparation.

10.5 Community Group Lease and Licence Renewals

Options

1. Renew the community group leases/licenses for the relevant community groups as listed above.
2. Not renew the community group leases/licenses for the relevant community groups as listed above.

Option 1 is the recommended option.

RECOMMENDATIONS

1. That Council authorise the renewal of the following leases/licenses for the care, control and management of the respective facilities:

Organisation	Property	Term Yrs	Agreement
Girl Guides Australia (Ballina Branch)	Wigmore Hall, Swift Street, Ballina	4	Licence
Ballina Senior Citizens Incorporated	Wigmore Hall, Swift Street, Ballina	4	Licence
Ballina Shire Concert Band Incorporated	Wigmore Hall, Swift Street, Ballina	4	Licence
Lennox Head Football Club	Skennars Head Sporting Fields, Skennars Head Road, Skennars Head	4	Licence
Newrybar Community Hall	13-15 Old Pacific Highway, Newrybar	4	Licence
Northlakes Community Centre	Whiting Way, Ballina	4	Licence
Ballina Rugby Union Football Club	Quays Reserve, Kalinga Street, Ballina	4	Lease

10.5 Community Group Lease and Licence Renewals

Ballina Players Theatre Incorporated	Players Theatre, 24 Swift Street, Ballina	4	Lease
Alstonville and District Football Club Incorporated	Crawford Park, 21 Alston Avenue, Alstonville	4	Lease
Wollongbar Community Pre-school Incorporated	5 Hall Court, Wollongbar	4	Lease
Wollongbar Progress Association Incorporated and Hall Committee	Wollongbar Hall, Hall Court, Wollongbar	4	Licence
Wollongbar Alstonville Rugby Club Incorporated	Lyle Park, 30-32 Cerreto Circuit, Wollongbar	4	Lease
Lennox Head Community Preschool Incorporated	Preschool Building, 21 Mackney Lane, Lennox Head		Lease
Pimlico Ladies Charitable Organisation	Pimlico Hall, Pimlico	1	Lease
Ballina Lighthouse and Lismore Surf Life Saving Club Incorporated	Shed at Council Works Depot, Southern Cross Drive, Ballina	4	Licence
Ballina and District Equestrian Club Incorporated	Gallans Road, Ballina	4	Lease
TS Lismore Australian Navy Cadets Unit Support Committee	Endeavour Close, Ballina	4	Lease
Lions Club of Ballina Incorporated	Brunswick Street, Ballina	4	Licence
Alstonville Tennis Club	Russellton Industrial Estate, Kays Lane, Alstonville	1	Licence

2. That the Council seal be attached to the relevant agreements.

10.6 Classification of Land

10.6 Classification of Land

Delivery Program Commercial Services

Objective To declare property recently purchased by Council as Operational Land for the purpose of the Local Government Act 1993.

Background

Council has recently acquired two parcels of land for operational purposes, Lot 1 DP 1171927, at Cumbalum and 3.286 hectares of land formerly described as Part Lot 2 DP 788088, and now consolidated within Lot 244 DP 1775317. The first land acquisition was for Council's water supply planning for the Cumbalum Urban Release Area (Ballina Heights) and the other acquisition was to acquire land that adjoins the Ballina Byron Gateway Airport for operational purposes. Both parcels were the subject of Council resolutions dated 27 January 2011 and 28 April 2011 respectively.

The purchase of the lands has now been finalised and the purpose of this report is to ensure the properties are classified as operational land in accordance with Council's resolutions.

Key Issues

- To declare the land purchased as operational under the terms of the Local Government Act, 1993
- Nature and use of the land

Information

Following the prior resolutions of Council, negotiations progressed and were finalised for the purchase of the properties.

After settlement, and in accordance with the requirements of the Local Government Act, an advertisement was placed in the Advocate on 26 April 2012 notifying the public that Council resolved to purchase the land parcels for the purpose of water reservoirs at Cumbalum, and airport operations, and that upon acquisition the lands would be classified as operational in accordance with Section 31(2) of the Local Government Act 1993.

Public submissions were invited up until Friday 24 May 2012 and no submissions were received.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The land was purchased for the purpose of water reservoirs at Cumbalum and operational purposes at Ballina Byron Gateway Airport.

- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Classification of Lot 1 1171927 and Part Lot 2 DP 788088 and now consolidated within Lot 244 DP 1775317, as operational land pursuant to the Local Government Act 1993 provides Council with appropriate and readily available options for the purpose of construction of water reservoirs at Cumbalum and operational purposes for the Ballina Byron Gateway Airport.

Consultation

In accordance with Section 31(2) of the Local Government Act 1993, a public notice was placed within a local newspaper that Council had resolved upon purchase of Lot 1 DP 1171927 and Part Lot 2 DP 788088 to classify the lands as operational land. The notice appeared in the Advocate on 26 April 2012.

Options

1. Council may resolve to classify the abovementioned parcels of land as operational land.
2. Council may resolve to classify the abovementioned parcels of land as community land.

Option one is the preferred option as it allows the flexibility for the development of infrastructure needed to facilitate urban development for the Cumbalum Urban Release Area and also operational matters at the Ballina Byron Gateway Airport. The land is being used for operational purposes.

RECOMMENDATION

That Council classify Lot 1 DP 1171927 and the 3.286 hectare parcel of land formerly described as part Lot 2 DP 788088 and now consolidated within Lot 244 DP 1775317 as operational land under the provisions of the Local Government Act 1993.

Attachment(s)

Nil

10.7 Land Claim - Ballina Surf Club

10.7 Land Claim - Ballina Surf Club

Delivery Program Commercial Services

Objective To advise Council of the current status of the Land Claim for the Ballina Surf Club and to seek Council support for the actions being taken.

Background

Council was advised in a confidential report to the Commercial Services Committee meeting held on 20 February 2012 that an Aboriginal land claim had been lodged with the Office of the Registrar (Aboriginal Land Rights Act 1983), by the NSW Aboriginal Land Council ("ALC") on behalf of JALI Local Aboriginal Land Council for the following parcels of land:

- *ALC No. 33541 – Lot 533 DP 729679*
- *ALC No. 33570 – Lot 529 DP 729679*
- *ALC No. 33562 – Lot 531 DP 729679*

The major concern with this land claim was that it impacted on the area of land on which car parking and a road alignment were to occur for the proposed re-development of the Ballina Surf Club.

Attachment one to this report contains the site layout plan for the surf club, a plan of the Aboriginal land claims (hatched areas) and a site layout plan for Council's two development applications. The area where the Aboriginal land claim impacts on Council is primarily Lots 529 and 533.

Importantly, Council lodged two development applications, one for the building, which is not impacted by the land claims, and one for the car park and associated infrastructure, which is impacted by the land claims, to at least ensure the main building could obtain planning consent.

Council has subsequently provided development consent for the surf club building, however there is still no planning consent for the car park area.

It should be noted that the original, or first, planning consent for the surf club re-development, DA 2010/74, provides for the realignment of Compton Drive. However Council must acquire a road reserve for the proposed road realignment from the Crown in order to obtain a construction certificate and undertake the works. The Crown has advised that it would like Council to gain JALI's consent to undertake the proposed road realignment prior to it (the Crown) agreeing to the acquisition of the road reserve.

As a result of the February 2012 report, Council staff was authorised to discuss options with JALI to resolve the land claim and the report that now follows outlines the agreed outcomes that will allow the land claim to be removed from the land parcels impacting on the finalization of the surf club redevelopment.

Key Issues

- Potential for land claim to delay finalisation of the surf club carpark and realignment of Compton Drive.
- Agreed outcomes from negotiations.
- Reasonableness of agreed outcomes.

Information

JALI had initially advised Council that it was not willing to request the NSWALC to withdraw the claims over Lots 529, 531 & 533, but it was *"willing to talk to Council and DPI (Department of Primary Industries) with a view to reaching agreement about their resolution"*.

Subsequently, a meeting was held with Council's General Manager and Manager – Commercial Services in attendance, along with representatives from JALI and the NSWALC.

As a result of this meeting and further discussions, agreement, in principle, has now been reached whereby JALI will agree to request NSWALC to remove the land claim over the areas that impact on the surf club development, subject to the following six conditions being met by Council:

1. Site inspection

Council to allow a site inspection. This work was subsequently undertaken by JALI's Cultural and Heritage Site Officers, with correspondence from JALI confirming that there was no evidence of shell material or cultural significance on the study area of Lots 529 or 533. JALI still require a site officer present when excavation is taking place and this is standard practice for construction work in sites of potential significance.

2. Participation programs

Council to encourage Aboriginal participation in surf club activities. To meet this condition it is proposed that the lease entered into by the Ballina Surf Club, with Council, will include a condition requiring the Surf Club to promote programs to encourage the participation of Aboriginal youth and the broader Aboriginal community in surf club activities, where possible.

3. Construction works

Council to promote Aboriginal participation in the construction works. To meet this condition a tenderer's capacity to implement Aboriginal participation will be included in the construction tender as a "non price" evaluation criterion. Also, in accordance with the "Aboriginal participation in construction guidelines" published by the NSW Government (1 January 2007), a tender will only be accepted if it includes:

- (a) a management statement of support for Aboriginal participation; and
- (b) a commitment to provide a statement of opportunities for Aboriginal participation and an Aboriginal participation plan.

This is now standard practice in many Government contracts.

4. Old Bagotville Road Quarry

Council to donate or waive the planning fees in relation to JALI's intention to reactivate the Old Bagotville Road quarry located on JALI owned land at Lot 5 DP 843369 (site map attached).

This proposal only relates to the planning application fees and the advice from Council's planning staff is that the application fees will be approximately \$3,000 to \$5,000 dependent upon the nature of the application submitted.

Council is entitled to waive or donate fees as per its Donation Policies, and as JALI is a not for profit, community based group, it is recommended that Council resolve to provide a maximum donation of \$5,000 for such an application.

It is unclear when, and even if, such an application will be lodged, however by Council approving the donation, JALI has at least certainty over this aspect of the proposal.

This donation of fees does not in any way mean there will be planning approval for a quarry application and JALI needs to be very mindful of Council's recent determinations on the two quarry expansion applications submitted by South East Excavations in this locality.

From JALI's perspective, the operation of the quarry is an important project as it will provide an on-going revenue stream for the organisation, along with employment opportunities.

It was also recommended to JALI that the donation only be offered for a maximum period of five years to ensure it does not remain a resolution in perpetuity.

5. Land Claims

Council to support JALI's claim over the balance of Lot 531. Lot 531, as per the first attachment, is largely the escarpment area in this locality. Council has no plans for this site and there does not appear to be any sound reason as to why Council should not support the proposal.

Council has received legal advice that there is no actual mechanism under the *Aboriginal Land Rights Act 1983* that allows a council, or any other party, to notify the relevant Minister that it has no objection to or otherwise supports a land claim.

However, even though there is no formal mechanism, it was proposed that if JALI amended the existing land claim, Council would write to the relevant Minister and confirm that the land claim, as amended, no longer affects the surf club development and as such the amended land claim is supported.

This point is of significance to JALI. It has acted in good faith in negotiations and would greatly appreciate Council's support to assist it in achieving what is desired.

6. Lennox Head Proposed Rural Fire Services Shed

Council to commit not to pursue the relocation of the fire shed to the proposed Coast Road site at Lennox Head. The latest resolution from Council is to pursue the existing site in Park Lane for the fire shed, at least on an interim basis, until a more suitable site is found. The development application for the existing site should be submitted to Council for planning assessment in the near future.

The Coast Road site is of cultural significance to the Aboriginal community and therefore the preference is not to pursue that site any further.

Sustainability Considerations

- **Environment**
The proposed surf club development will meet the latest environmental standards.
- **Social**
There is a number of cultural issues of significance that form part of these negotiations and it is important that Council respect the heritage of this locality.
- **Economic**
The surf club is designed to provide a benefit to tourism to Ballina by providing a modern facility to provide support to residents and visitors.

Legal / Resource / Financial Implications

Legal advice has been obtained as part of the on-going negotiations. The direct financial implications of this report relate to the waiver of the planning fees for the quarry application, albeit it is uncertain when that will occur.

Consultation

There has been significant consultation undertaken with JALI and the NSW ALC. The consultation has been conducted in a spirit of goodwill and co-operation from all parties.

Options

The options are to agree to the points outlined in this report or not agree. Overall it is considered that JALI has been more than reasonable in these negotiations, and the amendment of the current Aboriginal land claim, which was actually initiated by the NSWALC, will allow the re-development of the Ballina Surf Club to proceed without the uncertainty of such a claim possibly delaying the project.

RECOMMENDATION

That Council authorises the General Manager to finalise an agreement with JALI Local Aboriginal Land Council in respect to the removal of the Aboriginal land claim over lots 529 and 533, DP 729679, as detailed within this report, with the key elements of this agreement being:

- a) The proposed lease of the surf club facility having a clause that promotes surf club programs that encourage Aboriginal participation;
- b) Council promoting Aboriginal participation in the construction of the surf club building;
- c) Council approving a maximum donation of \$5,000 in respect to the planning application fees for any development application lodged by or on behalf of JALI for the operation of a quarry on the JALI owned land at Lot 5 DP 843369, Bagotville;
- d) Council providing written support to the relevant Minister in respect to JALI's Aboriginal land claim over the balance of Lot 531, DP 729679; and
- e) Council confirming that it will no longer pursue the proposed site at the Coast Road, Lennox Head, for the relocation of the existing Lennox Head Rural Fire service shed.

Attachment(s)

- 1. Site layout plan for surf club re-development
- 2. Plan of Aboriginal Land Claim - hatched areas
- 3. Site layout plan for the two Development Applications
- 4. Plan showing Lot 5 DP 843369

10.8 Fair Go Skateboarding Competition

10.8 Fair Go Skateboarding Competition

Delivery Program Tourism

Objective To determine the management of Fair Go Skateboarding Competition.

Background

In November 2011, Council resolved that the General Manager continue to manage and co-ordinate the annual Fair Go Skateboarding Event as part of Council's commitment to festivals and events in the shire. Council also resolved that funding to support this event was to be provided as a separate allocation to the Festivals and Event Support Program, due to its very specific focus on youth and its successful record of operation over the past ten years.

The event has been successfully coordinated by a community-led organising group, with Council being involved in managing the infrastructure elements of the event.

The nature of the event is inherently risky and requires extensive consultation and pre approval from Council's insurer.

Skateboarding Australia has been approached by Council to enter into a three year sponsorship agreement for the management of the event in its entirety, with an annual Council allocation of \$10,000.

Key Issues

Allocation of financial resources

Information

The Fair Go Skateboard Competition is a significant youth event in Ballina Shire that provides an opportunity for the general public to support young people. Fair Go also promotes and connects the Ballina Shire youth with the industries of skateboarding at a professional and structured level.

Several members of the community-led organising committee have advised Council staff that they are unable to offer the same level of support and commitment to the 2012 event due to competing priorities. This has now become an internal resourcing issue for Council staff.

As this situation came to light, Council staff was in negotiations with Skateboarding Australia to deliver a series of youth workshops at the Ballina skate park. Through these discussions it became clear that Skateboarding Australia's vision is to increase the overall awareness and participation opportunities for skateboarders in Australia through the delivery of regular, high quality and professionally managed events. The management of the Fair Go event in its entirety was then put forward to Skateboarding Australia as a potential resolution to Council's resourcing issue.

10.8 Fair Go Skateboarding Competition

Skateboarding Australia expressed resourcing concerns associated with the addition of an event to their yearly calendar. Therefore an offer of a three year sponsorship agreement with Council was discussed to assist with this and ultimately to ensure the longevity of this successful event. The \$10,000 annual sponsorship contribution would form part of Council's Tourism Section's existing budget.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The event promotes and connects the Ballina Shire youth and provides a platform for youth to demonstrate their talents.
- **Economic**
Funding has already been allocated for this event in the Tourism Section's budget to an amount of \$10,000.

Legal / Resource / Financial Implications

If acceptable to Council, the proposed arrangement would see the establishment of a partnership between Council and skateboarding Australia for shared responsibility for conducting the annual event. Council's support would be a commitment of funding for three years through the annual budgetary process.

Consultation

Council staff has met with Skateboarding Australia representatives regarding the management of Fair Go. Skateboarding Australia, through their Northern Rivers Hub Program, has agreed to take on the management of the event in its entirety, supported by a three year sponsorship agreement with Council. With the inclusion of the event in the region's annual Hub Program, Fair Go will form part of an all-year-round skateboarding engagement program, promoting and ensuring maximum opportunities for youth.

It is evident that Skateboarding Australia is in fact better equipped in the delivery of this event, with the support of Council as a major financial sponsor.

Options

Council may either accept or reject the proposed partnership opportunity. Acceptance is the preferred option for the reasons outlined in the report.

RECOMMENDATIONS

That Council enter into a three year sponsorship agreement with Skateboarding Australia for the management of Ballina's Fair Go Skateboarding Event, with Council's commitment being a maximum of \$10,000 per annum and general in-kind support to prepare the skatepark for the annual competition.

10.9 Special Events Policy Review

10.9 Special Events Policy Review

Delivery Program Tourism

Objective To review the Special Events Policy.

Background

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

Council first adopted this policy in 9 December 2004.

Key Issues

- Meet the requirements of Council's regulatory framework and current legislation
- Incorporation of events as exempt development in the revised Local Environmental Plan 2011 (LEP)
- Long term event approval determination
- Changes to delegated authority

Information

Policy Review

The Special Events Policy was first adopted in 2004 to streamline the event application and approval process for event organisers in Ballina Shire. Since its inception, the policy has been successful in approving events of both small and large scales. The policy has also been effective in removing any pre-conceived notions held by the general public associated with lengthy Development Applications required for holding events in the shire.

In order for the policy to be more relevant to users, it is thought that the name of the policy should change from Special Events Policy to Events on Public Land Policy. A copy of the revised draft policy is attached to this report.

In its current format, the Special Event Policy incorporates the Policy, the Guidelines and an Application Form. It is proposed that these be separated as standalone documents.

With changes to relevant legislation, the introduction of the State Environmental Planning Policy (Temporary Structures) and the revised Local Environmental Plan 2011 (LEP) it is evident a review of the existing policy is required. The implications of suggestion changes are detailed below:

Revised Local Environmental Plan (LEP)

Section 76 of the Environmental Planning and Assessment Act 1979 (EP & A Act) enables an environmental planning instrument to provide that development of a specified class or description, that is of minimal environmental impact, is exempt development.

Clause 35 of Ballina Local Environmental Plan 1987 (BLEP 1987) provides that development listed as exempt development in Part 1 of Ballina Shire Development Control Plan – Exempt and Complying Development is exempt development.

At present, Ballina Shire Combined Development Control Plan – Chapter 7 Exempt and Complying Development provides for special events as exempt development (i.e. no development consent required) as follows:

Special Events (such as Street Parades, Processions or Marches, Fun Runs, Cycling Races, Festivals, Cultural Celebrations, Sporting Events, Open Air Theatre, Concerts, Balls, Dance Parties or the like).

- *Where they are held in a public place or public reserve or on a public road; and*
- *When an approval has been obtained from Council under its adopted “Special Events Policy”; and*
- *Provided no permanent structures are erected; and*
- *Provided no clearing or disturbance to native vegetation is required.*

The Standard Instrument Principal Local Environmental Plan (SI Principal LEP) includes a compulsory clause for exempt development. Development listed in Schedule 2 is exempt development in accordance with the SI Principal LEP.

The list of exempt development in draft Ballina Local Environmental Plan 2011 (draft LEP) has been substantially reduced when compared with the current provisions of the Ballina Shire Combined DCP. This reduction is based on a number of considerations including the introduction of uniform State provisions for exempt and complying development (Codes SEPP) and limitations on the use of the LEP based exempt and complying development schedules. The current draft LEP does not include special events as exempt development, nor does the Codes SEPP.

In order to provide for special events as exempt development, a planning proposal will be required to amend the draft LEP to include this land use as exempt development in Schedule 2. This can be undertaken in parallel with the finalisation of the draft LEP.

It is noted that the current exempt provisions for special events contain no limit in terms of the scale or duration of the events. As noted above, the provisions of the EP & A Act regarding exempt development require the development to be of “minimal environmental impact”. On the basis that exempt development is of minimal environmental impact no environmental assessment is required for this category of development.

10.9 Special Events Policy Review

While it could be submitted that the current Council policies and guidelines for special events ensure that the potential environmental impacts are minimised, further consideration should be given to whether some distinction should be made between minor and major events should Council decide to proceed with the preparation of a planning proposal. That is, a review of the scale and nature of events currently identified as exempt development should be undertaken with regard for the provisions of the EP & A Act 1979 to determine whether events of a particular nature or scale should be required to obtain development consent.

Long term approvals

The policy in its current format does not address long term approvals. The draft revised policy attached addresses this, which states:

- i. Existing events in the Ballina Shire requiring long term approval (for a maximum of three years) are to be processed operationally by way of the revised Events on Public Land Policy each year.
- ii. New events to the Ballina Shire requiring long term approval (for a maximum of three years) requires advice to Councillors and is to be processed operationally by way of the revised Events on Public Land Policy each year.
- iii. When a clash of dates or venues occurs with event organisers requiring event approval on public land, and this issue cannot be resolved operationally, this will be determined by Council.

Sustainability Considerations

- **Environment**
Appropriate management of events reduces potential impacts to the environment of the shire.
- **Social**
Events promote social activities and inclusion. This policy also seeks to support community groups conducting events in the shire.
- **Economic**
Events have the potential to generate economic benefits for the shire.

Legal / Resource / Financial Implications

This draft policy aims to assist and ensure events coordinated in the shire are compliant with Council's regulatory framework and legislative requirements. There are no financial implications associated with the revision of this policy.

Consultation

Relevant Council departments have been consulted in the review of the policy.

A Councillor workshop was also held on 19 June 2012 to provide background and clarification in relation to the revised policy.

Options

The options for Council are to adopt the attached draft Events on Public Land Policy, for public exhibition, or decline to do so.

Adoption for public exhibition is the preferred outcome as it is considered the revised document provides a more contemporary management approach to this important Council function.

It is also recommended that council initiate a planning proposal with the aim of enabling events on public land to be conducted as exempt development.

RECOMMENDATIONS

1. That Council endorse the new Events on Public Land Policy (which is a revision of the Special Events Policy), as attached to this report and place this policy on exhibition for public comment. If no submissions are received this decision will be taken to be Council's adoption of the new policy.
2. That a review of the special events identified in the Event Guidelines be undertaken to determine their suitability for identification as exempt development in accordance with the provisions of the Environmental Planning & Assessment Act 1979.
3. That on the basis of the above review, Council proceed with the preparation of a planning proposal to amend Schedule 2 of the Ballina LEP 2011 to include special events as exempt development.
4. That Council proceeds to submit the planning proposal to the NSW Department of Planning & Infrastructure for gateway determination.

Attachment(s)

1. (Draft Review) Events on Public Land Policy
2. Event Guidelines

10.10 Policy (Review) - Planning Agreements

10.10 Policy (Review) - Planning Agreements

Delivery Program Administration

Objective To review the current Planning Agreements Policy.

Background

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

Council first adopted this policy on 22 February 2007.

Key Issues

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

Information

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

- The template for Council policies has changed since this policy was adopted and the new template includes information on definitions, policy history etc.
- Minor alterations to improve some of the wording
- The appendix has been deleted as it was used as a guide only and there are now many more examples of planning agreements that can be used, if needed.

The changes have been marked in yellow with the deletions also highlighted.

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

Sustainability Considerations

- **Environment**
Planing agreements can allow councils and land owners to seek environmental, social and economic outcomes that may not otherwise be possible without the agreement.
- **Social**
As above

10.10 Policy (Review) - Planning Agreements

- **Economic**
As above

Legal / Resource / Financial Implications

There are no direct implications arising from the contents of this report.

Consultation

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

Options

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

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

RECOMMENDATIONS

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

Attachment(s)

1. (Draft Review) Planning Agreements Policy

10.11 Richmond Tweed Regional Library - Industrial Dispute

10.11 Richmond Tweed Regional Library - Industrial Dispute

Delivery Program Libraries

Objective To seek Council direction to assist Lismore City Council resolve the current industrial dispute that exists with the staff that provide the Richmond Tweed Regional Library (RTRL) service.

Background

Council has previously been advised on the industrial dispute that exists between Lismore City Council and the employees who were transferred to Lismore City Council's employment due to on-going uncertainty regarding the legality of their former employment by the RTRL. This uncertainty existed as the RTRL was not considered to be a legal entity, as supported by external legal advice. As Lismore City Council was historically the administering council for the RTRL, by default the legal advice was that Lismore City Council was actually employing the staff even though they were not officially recognised as Lismore employees.

The actual transfer of staff to Lismore occurred in July 2010 and as part of this transfer Lismore undertook a process of reviewing and re-evaluating every employee's job description and salary to ensure the staff were compliant and consistent with Lismore Council's salary system.

This resulted in a number of staff receiving changes in their salary and with that process of review and re-evaluation taking approximately 18 months to complete there is currently a dispute between Lismore and the United Services Union (USU) as to how long any increase in pay should be back dated.

Due to the lack of consensus uncertainty that currently exists between the member councils in respect to the governance of the RTRL, at a meeting of the RTRL Committee delegates in May 2012, it was agreed that each member council would consider this industrial issue, to then provide direction to Lismore City Council as to how this dispute is to be resolved.

This report canvasses that issue, along with the inherent difficulties the uncertainty with the legal structure of the RTRL is now causing in respect to operational matters such as this dispute.

Key Issues

- Merits of industrial dispute
- Financial impact on the RTRL and Ballina Shire Council
- Inherent deficiencies in the existing operating structure for the RTRL

Information

Lismore City Council has provided a briefing note in respect to the history of this current dispute and the following information represents extracts from that note.

Briefing Notes – RTRL Salary Integration Process

Early 2010

RTRL Integration Project Team formed to guide the implementation of the RTRL staff integration process. Team members made up of key managers/service providers from LCC, RTRL management/staff and USU representatives. Team chaired by GM.

January 2010 - Formal Notification to Head Office Union as per Award

LCC provided the Head Office of the United Services Union (Secretary, Mr Ben Kruse) and Northern Region Division (Organiser, Mr Craig Chandler) with official notification of the commencement of consultation over the changes to RTRL management structure and operations. The USU replied via email, but did not respond to this notification formally until 20 April 2010, however, local discussions were held on 16 February 2010 as outlined below.

The email reply concentrated more on jurisdictional issues, given the current industrial relations changes occurring at that time. The communication acknowledged LCC's commitment to consultation and stated:

In the meantime we understand that the service and participating councils are committed to recognising the Local Government (State) Award and State IRC dispute resolution procedures. Neither the email nor the formal correspondence of 29 April 2010 raised any issues of concern that specifically related to the salary system transfer.

February 2010 - Liaison with United Services Union

On 16 February 2010, Mr Chandler, Ms Nicole Eldridge (RTRL Delegate) and Ms Nicole Don (Acting RTRL Manager) attended a meeting with the LCC Project Team.

At this meeting it was highlighted that regional branch and head office information sessions (RTRL Integration Road Shows) for all RTRL staff were being scheduled to commence following the completion of the DLG benchmark data (as outlined in the Background section above) and this was anticipated to be in mid March.

Additionally, information flow would be maintained via:

- Monthly staff newsletter*
- Monthly management team meetings*
- Integration project team meetings*
- Integration project team sub group meetings*
- LCC Consultative Committee*
- RTRL Consultative Committee*

The USU regional and local delegates were invited to participate in the information sessions and consultative committee meetings where outcomes of the integration project team and sub group meetings would be discussed.

March 2010 - Staff Information Sessions – ‘Road Show’

As part of the commitment to consultation, staff information sessions were scheduled in the second half of March 2010 to provide the opportunity for all RTRL staff to attend as well as scheduling a timeframe to enable USU representatives to be in attendance. Member councils were also invited to send a council representative to attend these sessions.

10.11 Richmond Tweed Regional Library - Industrial Dispute

March 2010

Transition plan timeline, setting out all processes required to transition staff into the LCC salary system, was adopted by the Project Team. This information was communicated to staff and the USU Regional USU Organiser – Craig Chandler (who was also in attendance at some project team meetings). The adopted timeline has been updated to include information on the completion date and comments where delays or issues were experienced:-

<i>Activity</i>	<i>Target Date</i>	<i>Completion Date/Comment</i>
<i>Establish detailed structure chart.</i>	<i>30/5/10</i>	<i>Broad structure chart distributed at Road Show sessions. Detailed chart established following discussions with affected staff at HQ.</i>
<i>Letter of Offer explaining LCC Conditions of Employment.</i>	<i>14/6/10</i>	<i>Draft presented on 31/3/10. Final draft emailed to USU Head Office together with timeline 16/6/10. All Letters of Transfer issued 23/6/10.</i>
<i>On-line and Corporate Face-to-Face Induction process with LCC HR Officers. One-to-one and group sessions, site visits, meet and greet.</i>	<i>1-15/7/10</i>	<i>Detailed induction processes conducted at Lismore and at regional branches for all staff as per target date.</i>
<i>Supervisory staff skills training.</i>	<i>14/5/10</i>	<i>Sessions from May – June to coach all supervisory staff on their responsibilities under LCC policy and procedure framework.</i>
<i>Align performance planning and annual assessment processes.</i>	<i>30/11/10</i>	<i>This date was not achieved due to a lack of rigorous process in place for annual assessments. This required additional extensive work to develop progression criteria to meet Award requirements. The majority of assessments have been completed and the reminder prioritised for urgent completion.</i>
<i>Update Position Descriptions</i>	<i>30/11/10</i>	<i>Completed, but this process continued into 2011 as there were many PD's had not been updated for many years, e.g. 15 years (LCC is annual)</i>
<i>Based on agreed priority list, review position grades via Job Evaluation Panel.</i>	<i>30/12/10</i>	<i>Due to the need for research to develop skill steps, to consult and obtain feedback from staff in HQ and across the region to finalise the above PD's, the grading of jobs occurred between April 2010 and October 2011. The main reasons for this delay were, outdated position descriptions, lack of detailed progression criteria in existence, lack of rigorous process for annual assessments and the need for extensive consultation and inclusion of staff feedback across all RTRL branches on the above three areas prior to implementing the changes</i>
<i>Transpose positions across into LCC Salary Structure. (Preliminary report may be required prior to this date on potential financial impacts.)</i>	<i>30/6/11</i>	<i>All positions were transferred into the LCC salary structure in October 2011, with most positions being evaluated into a higher grade in the LCC salary structure, and back paid to 1/7/11.</i>

10.11 Richmond Tweed Regional Library - Industrial Dispute

Activity	Target Date	Completion Date/Comment
Based on agreed priority list, consultation on and adoption of applicable LCC Corporate Procedures, some may need review to incorporate RTRL specific scenarios.	31/8/11	Most completed by June 2011. This work ongoing due to legislation changes and general updating needed of outdated procedures.
Committee merging.	1/3/11	Safety and Consultative Committees have been merged, with site safety reps at branches.

23 June 2010 – Letters of Transfer

All Letters of Transfer issued to staff confirming employment transfer to LCC took effect from 1/7/10. In relation to back pay it was clearly communicated that any back pay entitlement would be considered in light of the library budget for each council area. Further, it was communicated that transition into LCC salary system would occur by 30 June 2011, whilst there was a delay as outlined above, the clause of the Letter of Transfer has been honoured and back pay made effective 1 July 2011. It is Council's view that the appropriate date for back pay is the date identified in the above transition plan that was endorsed and adopted by the Integration Project Team.

KEY ISSUES BEING DISPUTED BY USU

LCC position is **1 July 2011** is appropriate date for any back pay entitlement - in light of:

- 1) The formal and informal previously communicated information on back pay entitlement – unless a role had changed in duties (e.g. integrated roles in LCC administration) there would be no back pay entitlement to the 2010 date
- 2) The actual transition into the LCC salary system scheduled for and occurring in 2011
- 3) The salary and budget implications for each Council area
- 4) RTRL salary budgets already set for 2010/11 financial year when transfer occurred
- 5) Staff assessments continued as per RTRL process following integration, any outstanding assessments now prioritised by Regional Library Manager.

USU position

- 1) Back pay date should align with date of transfer **1 July 2010**
- 2) Delays with assessments in newly graded positions

In summary there is a dispute between the back pay dates of 1 July 2011 (Lismore Council) or 1 July 2010 (USU). As a guide Lismore has advised that if the back pay claim is paid to **1 July 2010** the additional liability in total, and for each member council, is estimated as follows:

Item	Ballina	Byron	Lismore	Tweed	Total
Lower Range (\$)	33,140	25,758	39,143	46,958	145,000
High Range (\$)	37,711	29,311	44,542	53,435	165,000

10.11 Richmond Tweed Regional Library - Industrial Dispute

These figures are based on the full 12 month period between 1 July 2010 and 1 July 2011, therefore if agreement was reached on a pro-rata period, the settlement would be the same apportionment as that agreed period (i.e. if agreement was reached on a halfway point of 31 December 2010 the settlement figure would be 50% of the estimated figures).

In respect to payment of any settlement, Lismore Council is proposing that rather than seeking a direct contribution from the member councils, the RTRL Employee Leave Entitlements (ELE) Reserve would finance the cost.

As at 30 June 2011 this reserve had a balance of \$369,000 which funded approximately 37% of the total RTRL ELE. A payment of between \$145,000 and \$165,000 would reduce the ELE funded proportion to approximately 20%.

From Ballina Shire Council's perspective we aim to maintain our ELE reserve at between 20% to 30% of the total liability, therefore the reduction to 20% would be considered acceptable for this one off payment, with the strategy being to increase that percentage threshold over time.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Libraries are an important component of the social fabric for any community.
- **Economic**
There are indirect financial implications to Council in this report as any funds expended by Lismore City Council on the RTRL are ultimately sourced from the member council contributions.

Legal / Resource / Financial Implications

As this matter involves an industrial dispute both parties, both Lismore Council and the USU will be relying on industrial and legal advice.

Consultation

There has been on-going consultation between Lismore City Council management, the Lismore staff who provide the RTRL services and the USU.

Options

In respect to the current industrial dispute the options available for Ballina Shire Council are to provide a direction to Lismore City Council based on our preferred outcome or to provide Lismore with a more general authority to resolve the matter on behalf of Ballina.

10.11 Richmond Tweed Regional Library - Industrial Dispute

The difficulty in Ballina Shire Council identifying a preferred outcome, whether it is based on Lismore Council's current position (i.e. 1 July 2011), the USU's preference (1 July 2010) or somewhere in between, is that Ballina Shire Council staff and Councillors do not have the detailed knowledge of the exact discussions that have taken place to date and in effect we are being asked to adjudicate, or provide advice, on an industrial matter for staff that are actually employed by Lismore City Council.

The management of staff is clearly enunciated in the Local Government Act as being the responsibility of the General Manager. Therefore from the perspective of the General Manager of Ballina Shire Council it would be inappropriate for this Council to provide advice to Lismore City Council as to how it should resolve this matter.

Rather, it needs to be acknowledged that Lismore City Council has the management experience and expertise to resolve the dispute and there must be an element of trust that Lismore will resolve the matter in the best interests of all the member councils.

Based on this approach the recommendation for this report will be to authorise Lismore City Council to resolve the matter, with Ballina Council not having a pre-determined outcome in mind.

In considering this recommendation it needs to be acknowledged that the background to this dispute does not just rest with Lismore City Council. The first attachment to this report includes four items of correspondence between Lismore and the USU. Particular reference should be made to the USU correspondence dated 5 April 2012 which includes the following points:

- The salary system of the former employees of the RTRL had never been reviewed in the 15 years since its implementation
- The grades and percentage increases per salary step within those grades were below the levels recommended by the Shires Association
- These concerns had been raised with the former director of the RTRL
- There is an argument that up to six years back pay could be sought.

It is clear that Lismore Council inherited some of the problems they have now resolved, or are attempting to resolve, by ensuring that all the former RTRL staff have had their position descriptions updated and salaries re-evaluated.

Ballina Shire Council staff have discussed with the USU why this lack of review had not previously been acted upon prior to the staff being employed by Lismore Council. The verbal advice is that the USU was not aware of the issue as it had never been contacted by any of their members. It was not until 2008 until the matter was raised, and limited action was then taken, until the staff were transferred to the employment of Lismore City Council in 2010.

The other matter that this report highlights is the current deficiency in the governance structure for the RTRL. Reports have previously been submitted to Council recommending the administrative services model as the preferred management option for the RTRL. Council, at its February 2012 Ordinary meeting resolved as follows:

10.11 Richmond Tweed Regional Library - Industrial Dispute

Ballina Shire Council reserves its position on the future of the library until further advice is received from the State Library in relation to the recent changes to Section 12A of the Library Act and Byron Shire Council has reported back on other options that include a return to an independent library system as was discussed at the Feb 7th meeting of the RTRL committee.

In response to this resolution Council received correspondence from the NSW State Librarian again confirming that they had no additional information to provide and that from their perspective the library was considered to be operating effectively. A copy of that correspondence is included as the second attachment to this report.

The Byron Shire Council report mentioned in the above resolution was reported to its Ordinary meeting held 22 March 2012. A copy of that report is included as the third attachment. Byron Shire Council adopted the recommendation in that report which identified the county council as the preferred permanent governance structure.

One of the difficulties with the Byron Shire Council report is that it appears to be based, in part, on legal advice which is not being released to the other member councils. It also appears highly likely that this legal advice is inconsistent with the advice that Lismore City Council originally received in respect to the previous arrangements with the RTRL. Copies of the two main pieces of legal advice received by Lismore on this issue are included as attachment four.

There are many items that Ballina Shire Council staff support in the Byron Shire Council report, however there are also elements where Ballina Shire Council staff disagree. Rather than critiquing the entire report as part of this report, the preferred option is to continue to work with the RTRL Committee, which is now functioning again, to hopefully identify a preferred structure for the future, where there is consensus.

However, even though the RTRL committee is meeting, one of the biggest difficulties that still needs to be overcome is the fact that matters such as the voting of expenditure, the fixing of fees etc cannot be delegated as per Section 377 of the Local Government Act.

Therefore, even though the RTRL Committee may be meeting, due to the inability of the Committee to have all the delegations needed, we now have the situation, as is occurring with this report, where matters are being referred to all four constituent councils for determination.

Recognising that the possibility of obtaining consensus in the region is often difficult, and could in fact take many months, if not longer, or possibly never, Council may well wish to consider some form of interim arrangement to manage the RTRL until a preferred long term solution is confirmed.

For example, Council could enter into a much simpler agreement than what was originally proposed by Lismore City Council and the member councils for the operation of the RTRL, for a period of say three months, with that agreement then continuing on a month to month basis.

10.11 Richmond Tweed Regional Library - Industrial Dispute

The agreement would essentially state that Lismore City Council will provide library services on behalf of Ballina Shire Council, in accordance with our annual contribution and any agreed service levels. This agreement would also allow either party to terminate the agreement with one month's notice.

An agreement of this type would remove the need for matters of an operational nature having to be reported back to Ballina Shire Council due to the uncertainty over the authority of the RTRL Committee. Under this proposal Council is not delegating authority to Lismore Council but we are in fact entering a contractual arrangement for Lismore Council to provide services to Ballina Shire.

This type of arrangement operates in many areas of Council's operations where essentially a contractor is paid to provide a service and the contractor then provides that service with the authority of Council. The prime example is the Alstonville Leisure Centre, where the contractor operates the centre based on a contractual agreement with Council.

Following discussions with Lismore City Council this interim arrangement has not been recommended as it is clear that Lismore City Council staff do not want another protracted political debate on the contents or merits of any interim agreement.

Therefore the onus remains on obtaining consensus on a future governance structure, recognising that there may well be a need to duplicate reports on matters between the RTRL and the constituent councils until this issue is resolved.

To reinforce the difficulties we will have in achieving a consensus outcome for the region in respect to governance, the last RTRL Committee meeting resolved to undertake an audit of the assets and liabilities of the RTRL since Lismore commenced directly managing the RTRL's operations. A copy of the brief for this audit, as prepared by Byron Shire Council, is included as the last attachment to this report.

Even though the Lismore City Council's representatives at the May 2012 RTRL Committee meeting stated they had no objection to the audit, from a Ballina Shire Council perspective the concern that the brief raises is that it appears to be entirely aimed at reviewing Lismore City Council's finances to confirm that the RTRL assets and liabilities have been accounted for appropriately.

Certainly there has been a small number of individuals questioning Lismore City Council's management of the library but to have an independent audit completed of another council's financial practices, with that Council being subject to the same stringent audit controls as all councils, does raise the issue of what level of trust and goodwill there is amongst the members.

10.11 Richmond Tweed Regional Library - Industrial Dispute

Finally, it should be noted that the RTRL Committee is convening on Friday 22 June 2012 to consider a preferred business model. If there was consensus at that meeting then there would no longer be a need to consider any interim contract arrangements. However, it is likely that there will be uncertainty over the governance structure of the library for a lengthy period of time, Council may well wish to consider entering an interim agreement with Lismore City Council to avoid the duplication of reports between Ballina Shire and Lismore City Councils in respect to the provision of library services.

RECOMMENDATIONS

1. That Council delegates authority and / authorises Lismore City Council to finalise the current industrial dispute between the United Services Union and the Lismore City Council staff regarding the back pay owing to the former Richmond Tweed Regional Library staff.
2. That Council notes the contents of this report regarding the need for Council to consider entering an interim contractual arrangement with Lismore City Council if it appears there will be on-going uncertainty in respect to the permanent governance structure for the provision of the Richmond Tweed Regional Library service.

Attachment(s)

1. Correspondence between Lismore City Council and the United Services Union
2. Byron Shire - Report to Ordinary Meeting 22 March 2012
3. Response from State Library to Council dated 21 March 2012
4. Byron Shire - Brief for Audit of Assets and Liabilities
5. Legal Advice from Lindsay Taylor to Lismore City Council

10.12 NOROC - Structural Reform

10.12 NOROC - Structural Reform

Delivery Program Governance

Objective To consider the outcomes from an external review undertaken to streamline the operations of the three county councils of which council is a member; i.e. Rous Water, Richmond River and Far North Coast Weeds.

Background

Council will be aware that there have been on-going discussions with NOROC and its member councils regarding options for improved resource sharing and increased efficiencies. One of the key matters under discussion has been the role of the three county councils in the region, largely due to two of the county councils, being Richmond River and Far North Coast Weeds, being relatively small, which has raised questions about their cost effectiveness and considerations as to what should be their appropriate governance structure.

To review this issue the three county councils engaged the Australian Centre for Local Government, which is based at the University of Technology Sydney (UTS), to provide a structural reform business case for the councils.

That report has now been completed and submitted to NOROC for comment. NOROC has subsequently resolved to ask all NOROC member councils for their feedback on the recommendations outlined in the report.

This report now seeks Ballina Shire Council's feedback on the UTS report, a copy of which is included as the first attachment to this report.

Key Issues

- UTS recommendations
- Difficulty in obtaining consensus amongst the member councils
- Implications for the region
- Options to move forward

Information

The UTS report is reasonably comprehensive and it is not the intention of this report to critique every aspect of that document. UTS has had access to information and resources that are not able to be replicated in preparing this report, therefore the focus of this report is on the preferred recommendation identified by UTS and the implications of that recommendation for Council.

The UTS report identified eight potential options for structural reform, with option seven being the preferred approach; i.e.

Option Seven

Create new county council that incorporates all the existing functions of the current three county councils with a new constitution that provides the flexibility to accommodate the management and delivery of regional initiatives; the governance structure would include representation from only four of the current six constituent councils (excluding Tweed and Kyogle Shire councils).

The comment regarding representation is important in that the constituent councils for the three county councils are currently as follows:

- Rous Water – Ballina, Byron, Lismore, Richmond River
- Richmond River – Ballina, Lismore, Richmond River
- Far North Coast Weeds – Ballina, Byron, Lismore, Tweed

Under this new proposal both Kyogle and Tweed would not have councillor representation and the services provided by the new county council to those two councils would be through service level agreements.

In respect to Ballina Shire Council's existing policy position on county councils and resource sharing, the only resolution that has some linkage to this proposal, resulted from a Mayoral Minute in January 2008, with the resolution being as follows: (resolution 240108/2)

That Council authorises the Mayor and General Manager to approach both the Federal and State Governments, along with the relevant government departments, to investigate the establishment of an appropriate management body that can oversee the preparation and implementation of a range of strategies that will minimise the risk of any future fish kills in the Richmond River, and to ensure best possible water quality for the Richmond River.

These approaches will also address the issue of financial assistance, in the short term, to business operators, who are impacted by the recent fish kill.

This resolution was in part one of the contributors to this overall review as it highlighted the need for some form of entity to assist in managing functions that impacted across the entire region. The actual resolution is somewhat consistent with the UTS recommendation in that it asks for an overarching management body, albeit that the county council model is not identified as the preferred vehicle.

In respect to the recommendation from UTS, the difficulty, as has been demonstrated over many years, not just in this region but in any area where there are multiple local government authorities, is to obtain consensus at a political level in respect to reform.

It is interesting to note that there is a divergence of positions for the councils or organisations that have already resolved a position on the UTS report; i.e.

Rous Water – Endorsed the recommendation

Far North Coast Weeds – Do not support the recommendation and are now undertaking a further report (copy of correspondence attached)

10.12 NOROC - Structural Reform

Richmond River – It is understood that this council's position is the same as Far North Coast Weeds

NOROC – Supported the UTS report (vote was 4-3 highlighting a lack of consensus on the matter).

With there being no consensus in the region it is interesting to note the correspondence from the Minister for Local Government, who has written to NOROC clarifying the process that would be followed for reform. A copy of that correspondence is included as the third attachment to this report.

A key element of the Minister's correspondence is that there does not need to be consensus from all the member councils for the Minister to agree to exhibit any structural reform proposal for public comment; rather there only needs to be evidence of consultation between the member councils.

This being the case, Ballina Shire Council is able to write to the Minister asking for such a review, or alternatively we can continue to consult directly with the county councils and the other NOROC member councils.

Sustainability Considerations

- **Environment**

All councils have a responsibility to consider environmental, social and economic considerations as part of their decision making process.

- **Social**

As above

- **Economic**

As above

Legal / Resource / Financial Implications

In respect to Ballina Shire Council's involvement with the county councils, our 2011/12 contributions are as follows:

- Rous Water – purchase of water – annual cost is approximately \$5m
- Richmond River County Council – annual fee \$175,200
- Far North Weeds – annual fee \$54,000

Consultation

Extensive consultation was undertaken with all members councils by UTS in preparing its report. Any proposal for change will be subject to further consultation. If any changes are proposed there will also be a need for consultation to be undertaken with the staff of the existing authorities to ensure all the Local Government award requirements are met.

Options

In preparing this report Ballina Shire Council staff has not had sufficient resources to undertake a detailed analysis of the UTS report to assess its credibility, or otherwise, or examined any other options available. Rather, the assumption in this report is that the work by UTS (cost approximately \$50,000), which is a very experienced organisation in reviewing council performance, is credible and the recommendation, on balance is the best long term outcome for the NOROC footprint.

From an operational perspective there is no objection to the recommendation suggested by UTS as it is agreed that there appear to be inefficiencies in all three county councils having to comply with the myriad of statutory responsibilities required of local government authorities.

Logically there must be benefits to be gained by streamlining these processes and these benefits and resultant savings, in either dollars or productivity, should result in increased funding or increased resources for service delivery. The difficulty now is to obtain political consensus on a regional basis.

The options available are therefore:

- a) Support the recommendation from UTS and advise the three county councils and NOROC of our support. Council would then await feedback from those organisations as to what the next step will be in this process of structural reform.
- b) Support the recommendation from UTS and ask the Minister for Local Government to commence the exhibition process for public comment. This option recognises that there will not be consensus in the region and asks the Minister to obtain public feedback before making a decision on the issue. The options for the Minister are to proceed, decline or refer the matter to the Local Government Boundaries Commission, following the exhibition period.
- c) Not support the recommendation and adopt a different recommendation. Council may well have a view that one of the other recommendations is preferred.
- d) Not support the recommendation and not adopt any position. Council may well feel that it is not adequately informed to adopt any of the recommendations identified.
- e) Council could defer any decision and await the extra report now being sought by Richmond River and Far North Coast Weeds councils.

Unfortunately, based on experience, there is a lack of confidence that at a political level, and even at a staff level, there is an ability to obtain consensus across the region. Local Government reform has very rarely worked on a consensus basis and almost every instance of reform has occurred through direct State Government intervention.

10.12 NOROC - Structural Reform

This lack of ability to obtain consensus highlights that option b) (forwarding to the Minister) may well be the preferred option as this then ensures that the review is completed at arms length from the member councils, with the Minister being in a position to make a decision for the benefit of all the constituent communities. The Minister is also in a position to seek expert advice from the Local Government Boundaries Commission.

However, from a political perspective, this could well be inappropriate and further efforts should be made to try and obtain consensus, prior to any one council making a direction approach to the Minister. This being the case the preferred approach is option a), which supports the recommendation from the UTS report and allows this position to be forwarded back to the county councils.

RECOMMENDATION

That based on the contents of the structural reform report for the three county councils, as prepared by the University of Technology, Sydney, Council confirms it supports for option seven.

Attachment(s)

1. UTS:CLG Structural Reform Business Case Report (Under separate cover)
2. Far North Coast Weeds - Response to Structural Reform
3. Letter from Minister, Mr Don Page - Process for Amalgamation

10.13 Delivery Program 2012/13 - 2015/16 and Operational Plan 2012/13

10.13 Delivery Program 2012/13 - 2015/16 and Operational Plan 2012/13

Delivery Program Governance

Objective To report on the submissions received in response to the exhibition of the Draft Operational Plan and Delivery Program and to seek adoption of the documents inclusive of amendments.

Background

The Draft Delivery Program and Operational Plan have been placed on public exhibition, with four public meetings held as part of the exhibition process. It is now incumbent upon Council to adopt the Delivery Program and Operational Plan, subject to any matters arising during the exhibition period.

The draft Delivery Program and Operational Plan were distributed to Councillors with the agenda for the 23 April Finance Committee meeting. The draft budget and fees and charges were distributed with the agenda for the 20 March Finance Committee meeting. As the documents are extensive they have not been reproduced for this report as they remain substantially unchanged.

Copies of the documents are available on Council's web site.

Councillors may wish to bring their copies of the draft documents to this meeting to assist with any discussion. Additional copies can be obtained from Council. Final copies of all documents will be reproduced in full once adopted.

Also, at the May Ordinary Meeting of Council, resolutions were adopted that have changed the Draft Delivery Program and Operational Plan from the documents that were exhibited. These changes include 2011/12 projects that are being carried forward to 2012/13 and were discussed in the quarterly financial review reports.

Key Issues

- Contents of submissions
- Any additional amendments

Information

This report has been dissected into two main components being:

1. Submissions to the Draft Delivery Program / Operational Plan and details of the four public meetings held during May and
2. Further amendments to the Draft Delivery Program and Operational Plan based on updated or amended information.

1. Submissions

All submissions have been included as attachments to this report. The submissions have been categorised as:

- Submissions for funding assistance (i.e. donations)
- Submissions to fees and charges
- Submissions to works and services

Submissions for Funding Assistance

The draft budget includes the following allocations for funding assistance:

Donation Description	Budget (\$)
General Donations	60,000
Public Halls	40,000
Southern Cross University - Scholarship	15,000
Rates and Charges	24,000
Planning and Development Fees - Community Groups	3,000
Total	142,000

Standard practice to allocate the General Donations and Public Halls donation budgets is to form a working party, comprising a minimum of three Councillors, with each ward represented. The working party then considers the submissions and recommends to the July Ordinary meeting the preferred distribution of the available funds.

Details of submissions for funding assistance are summarised in the next tables. Applicants are required to complete a standard form that seeks to provide Councillors with consistent information. Complete copies of these submissions are not presented to this meeting, with these submissions to be considered at the July committee meeting.

Table One: Summary of General Submissions for Funding Assistance

Ref:	Organisation / Person	Project / Activity	(\$)
1	NSW Rural Doctors Network	Medical Student Sponsorship	3,000
2	Wollongbar Public School P & C Assoc	Operational Costs for Alst/Woll Fun Run Challenge	680
3	Fitness Matters Lennox Head	Personal Training Fees for persons with depression	2,280
4	Wollongbar Garden Club Inc	Operational costs for annual flower shows	150
5	Ballina & District Orchid Society	Operational costs for annual flower shows	600
6	Friends of Ballina Shire Libraries	Waive tip fees for discarded books after book sales	500
7	Ulysses Motorcycle Club - N/Rivers	Cost associated with traffic control for 2012 toy run	900
8	Ballina Lighthouse RSL Day Club	Cost of transport for taking members to and from meetings	3,168
9	Ballina Breast Cancer Support Group	Operational costs	350
10	National Association of Left-Handed Golfers	Printing of promotional brochures for tournament	1,570

10.13 Delivery Program 2012/13 - 2015/16 and Operational Plan 2012/13

Ref:	Organisation / Person	Project / Activity	(\$)
11	Le-Ba Boardriders	Operational costs to run Skullcandy Oz Grom Open	8,600
12	TS Lismore Naval Cadets (Lessees) 26 Endeavour Close	Waive rates (including outstanding rates)	12,357
13	Ballina Senior Citizens	Costs associated with 2012 Christmas Party	2,000
14	Ballina Sub Section Naval Assoc of Aust	Cost associated with traffic control for 'All Ships Reunion' parade 2012	2,000
15	Tintenbar Branch - Australian Red Cross	Waive tip fees for annual Trash & Treasure sale	100
16	Alstonville Red Cross	Costs associated with attending 2012 zone conference	500
17	Westpac Life Save Rescue Helicopter	Purchase of Custom Pilot's Alpha Eagle Helmet	1,000
18	Statewide Eyesight Preschooler Screening (StEPS)	Waive fee for hire of LHCCC	229.50
19	Probus Club of Ballina Waters	Purchase audio visual equipment	1,402
20	Paddle for Life	Operational costs for Annual Lismore to Ballina Paddle	4,000
21	Kawaihae Outrigger Canoe Club, Ballina	Operational costs for Ballina Paddling Weekend	15,000
22	Wardell Sports Trust Ground	Donation of ride on mower	6,500
23	Ballina Tennis Club	Resurfacing 2 synthetic courts, associated earthworks, erection of root barrier system for adjacent fig tree	20,000
24	North Coast Academy of Sport	Operational costs associated with training and education	5,090
25	Ballina Lions Club	Operational costs associated with fundraising for charitable organisations	2,790
26	Ballina Jet Boat Surf Rescue	Fuel, lubricants, cleaning products, grase, oils associated with running 4WD, jet boat and jet skis	2,500
27	Alstonville Agricultural Society Inc	Concrete floor of poultry shed, maintenance & refurbishment of pony club shed, construction of woodchopping arena	5,000
28	Lennox Head Residents Assoc Inc	Operational costs for Coastcare activities	1,800
29	Wollongbar Public School (Dance Group)	Costs associated with attending the Schools Spectacular	Not Specified
30	Ballina & District Ministers Assoc Inc	Waive fees associated with erecting/dismantling banners for Riverside Carols event	390
31	Ballina District Community Services Ass	Waive fees to hire rooms at LHCCC to run youth program	2,716
32	Australian Seabird Rescue Inc	Operational costs	10,000
33	Ballina & District Ministers Assoc Inc	Operational costs associated with running Riverside Carols event	15,000
34	Lennox Head Landcare	Operational costs	450
35	Lennox Head Chamber of Commerce	Operational costs associated with running Lennox Head Carols	8,000

10.13 Delivery Program 2012/13 - 2015/16 and Operational Plan 2012/13

Ref:	Organisation / Person	Project / Activity	(\$)
36	Ballina Relay for Life (for Cancer Council)	Operational costs to run event	5,000
37	The Developing Foundation	Operational costs to run event	6,212
38	Ballina Community Gardens Inc	Pre-fabricated toilet building plus landscaping	15,870
39	Northern Rivers Dirty Wheels Mountain Bike Club	Establishment of biking facility in Ballina Shire	1,800
40	Lennox Arts Board Inc	Operational costs	2,500
41	East Ballina Lions Club	Refurbish storage shed	5,500

In respect to works related to public hall improvements, Council policy is that assistance is provided to 50% of the cost of works, based on a maximum assistance figure of \$10,000. It will be noted that the policy specifically relates to halls that are located on Council land or Crown land. A submission has been received from one hall that is on land owned by trustees being Pearces Creek Hall.

This hall is actually shown in our policy as being on Crown land when in fact it is owned by trustees. It has been recommended that the policy be corrected by removal of the hall from the policy. It is a matter for Council as to whether it wishes to consider this submission in accord with the policy or to treat it differently.

It is assumed that the Hall Committees will contribute a minimum of 50% of total costs.

Table Two: Submissions for Community Halls

Ref:	Organisation	Project / Activity	Project Value (\$)	Amount Requested (\$)
1	Northlakes Community Centre	Solar water system and/or solar panels for roof	6,000	6,000
2	Wollongbar Progress Assoc	Replacement of toilet suites	5,500	5,500
3	Newrybar Community Hall	Completion of new verandah	54,000	10,000
4	Pearces Creek Public Hall Inc	Int/Ext painting, security for doors, ramp for access to hall	29,720	5,780
5	Tintenbar School of Arts Inc	A new covered entrance and verandah on north side of hall	41,843	10,000
Totals				

Submissions Fees and Charges

1. Ferry fee of \$1 to transport a bike across the river via the ferry

Thirty three submissions were received in respect to this proposed fee. Thirty submissions are opposed to the fee whilst three made positive comment. A summary of some of the comments made follows below.

Comments from submissions opposed to the fee:

10.13 Delivery Program 2012/13 - 2015/16 and Operational Plan 2012/13

- the cost to some cyclists could be substantial, up to \$700 per annum, given the number of trips they are likely to do.
- the proposed fee is excessive when compared to other vehicles. A bicycle is light and small and creates no wear and tear on the ferry. The proposed fee is unfair when compared to a car season ticket.
- cyclists will be deterred from using the ferry which will force them on to roads that are considerably more dangerous.
- many learner cyclists use South Ballina roads to gain confidence and this will deter them from going over to South Ballina.
- the fee sends the message that Council is not supportive of bike riders. This is not good policy given the health and recreational benefits that come from cycling.
- Council should look to fund the ferry via the Roads and Maritime Services as happens at Ulmarra and Lawrence.
- the ferry will always run at a loss and this should be funded by rates. Most cyclists pay rates and so contribute to ferry costs already by funding the annual loss.
- Council should build a bridge and also complete the coastal cycleway.
- safety is a real concern for cyclists. My husband has been hospitalised twice from accidents on major roads. The relative safety of South Ballina means that I am less nervous for his welfare however we are pensioners and cannot afford the \$10 to \$15 per week that it will add to our budget.
- if the fee is introduced cyclists will be entitled to take up a lane rather than hug the sides of the ferry as currently occurs. This will mean reduced income for Council.
- it will be a real inconvenience and a safety issue to fumble around for coins and then scale stairs in bike shoes.
- the Council will need to provide bike racks so we can leave our bikes standing while we go and pay the ferry master. Further there is nowhere that you could put bike racks on the ferry without interfering with vehicle usage.
- if we are paying we should be entitled to reasonable facilities including a toilet, a water source at the ferry to fill our water bottles and a water source at the Wardell park.
- if a person walks their bike on to the ferry then they are in fact a pedestrian and should have to pay the same as a pedestrian.

10.13 Delivery Program 2012/13 - 2015/16 and Operational Plan 2012/13

- cyclists do not add to the cost to run the ferry and cyclists do not reduce the number of cars that fit on the ferry.
- the cycleway network is inadequate which forces riders to go to South Ballina. To charge a fee because Council has not provided adequate services just adds insult to injury.
- Council has been proactive in establishing cycle paths but at times they pose safety risks to cyclists and residents. Cyclists can travel at 20-30 km per hour which presents a safety hazard on a cycleway. This is why South Ballina is popular with cyclists because you can ride on a road at speed with comparative safety. The fee will deter cyclists from going to South Ballina.
- if the fee must be introduced school children should be exempt.
- there is no real difference between bike riders and pedestrians so if you must penalise bike riders the same should happen for pedestrians.

Comments from submissions that are positive about the fee.

- I appreciate having a quick and relatively safe access to Wardell and am prepared to contribute to costs. However it would be more convenient (for both riders and the driver) and equitable to pay for a season ticket of say \$50 to \$60.
- I think it is reasonable to charge a fee for bicycles of non South Ballina residents. However it is not fair to charge South Ballina residents because most will have already purchased a season ticket for a car.
- accept that cyclists should contribute to the up keep of the ferry but negotiating ferry ramps in cycle shoes can be difficult, particularly in the wet. Adding steps to this process would not help. Also there is no bike rack which is an issue. A season pass should be considered. Our bike group is happy to work with council to ensure a win win results.

Staff Comment:

Responses to some of the issues raised in the submissions are:

- the cost of a season ticket for a car is proposed to be \$230 which is predominantly purchased by South Ballina residents. If you assume an average two crossing per day, the cost per trip is the order of 30 cents.

Therefore in contrast the \$1 per trip for a bike could be seen to be high if this is the only option available. It is considered that it is important to offer to provide a season ticket that will streamline the payment process and make it more equitable to the average bike rider.

10.13 Delivery Program 2012/13 - 2015/16 and Operational Plan 2012/13

There are different models that could be chosen in respect to the administration system for the season ticket. i.e. a sticker could be one option. The introduction of fee may need to be delayed until such time as a season ticket system can be introduced. i.e. stickers or tags purchased and available for distribution.

A reasonable fee would be \$25 which is approximately 11% of the vehicle ticket.

- The ferry services at Ulmarra and Lawrence are provided by the Roads and Maritime Service (RMS). This is apparently related to historical arrangements with the RMS. In Ballina's case the RMS used to operate two ferries, one at Burns Point and a second at Wardell.

When the highway route was altered and a bridge placed at Wardell, the stance of the RMS was that it would no longer take responsibility for the Burns Point service given the relatively close proximity of Wardell to South Ballina. If Council chose to run the service it was to be at Council's cost.

- it will still be expected that cyclists will endeavour to stay toward the edge of the ferry and try to avoid taking up vehicular space.
- it is not practical to place bike racks on the ferry. In most instances it will be okay to lean a bike against the ferry rails to pay the toll or in fact one person goes to the ferry master on behalf of two riders.

However it is acknowledged that there may be occasions when there are difficulties if a rider is on their own, the ferry is full and it is rough weather. It may be that the bike could slip and fall possibly on to a motor vehicle. There is no solution offered in respect to this issue other than the fact that it is recommended that riders be able to purchase season tickets which will overcome the need to visit the ferry master.

- it is considered that if a person takes a bike on to the ferry by walking the bike, carrying the bike or riding the bike then it will incur the fee.

The issue is not how the bike enters or leaves the Ferry it is whether or not a bike is transported across the river. However it is proposed that the fee is not payable if it is attached to a car or other vehicle that is paying a higher ferry fee than the bike fee.

However one point that Council may consider is to charge pedestrians the same fee that is charged for bikes. This has not been recommended however it may be seen as reasonable.

- currently the instruction to drivers is that the ferry does not cross the river simply to collect a bike rider. The driver waits until the first car appears and then goes across the river. If the fee is introduced for bike riders then it would be reasonable to expect that the ferry would cross the river to collect the rider even if a car is not in sight.

- the point has been made that South Ballina residents should not have to pay to take a bike across the ferry because virtually all residents will have already paid for a vehicle.

This is a debatable point but from the standpoint of consistency it is suggested that South Ballina residents would also have to pay the bicycle fee.

In conclusion, it is considered that it is equitable to introduce a charge of \$1 for bikes to use the ferry. It is also recommended that a season ticket be introduced at \$25 as this will assist to overcome a number of the issues raised in submissions and it is fair when considering that cars/trucks etc can also purchase a season ticket that subsidises cost. The season ticket system for bikes will look to be administratively efficient, perhaps at the expense of some control, so that it works well for users and Council.

Submissions Works and Services

1. *Council resolution – investigate formalising car park on eastern side of Pacific parade in the vicinity of William street*

Resident concerns raised regarding parking issues that are magnified by cafe customers in the area.

Staff Comment:

Council has now resolved to revert back to nose in parking and no further works are recommended.

2. *Council resolution – consider the installation of signage along or near the Ballina bypass that can promote the benefits of Ballina and surrounds*

The intent is to promote Ballina Shire to highway travellers.

Staff Comment:

A new sign (local information board) has been commissioned for the new truck stop on the highway.

Also, Council has contacted the Roads and Maritime Service (RMS) and been approved to participate in its location motion program. This program looks to obtain necessary RMS approval to erect signage along the highway and also uses the RMS expertise to conduct a public consultation process in terms of the type and style of signage. It does not include funding.

Council has a recurrent budget of \$10,000 for town signs and guides. No recommendation is made in respect to this matter.

3. *Council resolution – consideration be given to providing increased funding for water quality related matters in respect to the Richmond River.*

This resolution was framed at the time that the Richmond River taskforce was formed.

Staff Comment

Arguably this resolution is captured by outcomes of the Richmond River Coastal Zone Management Plan. This Plan looks at numerous aspects of the health of the river including water quality. The plan was prepared on behalf of the Richmond River County Council, Lismore City Council, Richmond Valley Shire Council and Ballina Shire Council.

The plan was recently completed and gazetted, following public exhibition in February. Numerous actions are recommended and each action has been costed and prioritised. In terms of water quality, one program that is under way is the investigation of strategies for the retention of water on backswamp areas.

Another recommendation is that each council conducts a testing regime of water quality. This will enable a database of test results at different locations along the river that will assist with analysis of problem areas and prediction of blackwater events. Other councils conduct a water quality monitoring program on the river however Ballina Shire Council does not. It is estimated that Council would need to allocate approximately \$10,000 per annum to perform the water testing regime.

It is considered that Council should provide for this testing regime and that it be funded by a contribution from Sewer Fund and by reducing existing budgets to stormwater and foreshore protection.

It is recommended that a new vote be raised to \$10,000 to enable water quality monitoring of the Richmond River funded by a contribution from Sewer Fund \$5,000 and reductions to budgets for stormwater deep drainage systems \$3,000 and foreshore protection \$2,000.

4. *Council resolution – to consider a request from Lennox Head Playgroup to enlarge the outdoor play area at the Lennox Head Cultural and Community Centre.*

The users of the centre would like to take advantage of available space adjacent to the existing outdoor area at the centre. They have requested that the fence be relocated to expand the area available to the children in the playgroup.

Staff Comment

The Manager of Open Spaces and Reserves has indicated that the construction of the fencing would not impede any sporting activities taking place on the land. It is also understood that the Lennox Head CWA has no issue with extension of the play area and that the construction of the fencing will not increase the footprint of the land that Council is charged rent from the Dept of Lands.

The estimated cost to relocate the fence is \$2,500 and there is no provision in the draft budget for these works. Given that the works will be directly benefiting one community group it is considered appropriate that the matter is considered along with other donation requests. It is recommended that the request be included for consideration from the community donations allocation.

5. *Arts Northern Rivers - request for support to employ a Creative Industries Manager*

Arts Northern Rivers is promoting the employment of a full time officer for a fixed term of three years, reporting to the CEO of Arts Northern Rivers (ANR). The position would be based at Arts Northern Rivers Office at Alstonville but be expected to travel throughout the region.

The objective of the position is to establish sustainable long term creative industry development programs, resources and infrastructure. The ANR proposal states:

'The Project Manager will work with members of the Northern Rivers Creative Industries Consortium to realize priority actions in the Northern Rivers Arts and Creative Industries Strategy (NRACIS) and address recommendations of a pilot Creative Industries Brokers Project (CIBP) implemented in 2010-11.'

The proposed funding arrangements are shown in the table below. Amounts payable by individual Councils are based on population. The funding by Arts NSW is subject to a successful grant application.

Organisation	Annual amount \$	Amount over three years \$
Arts NSW	40,160	120,480
Arts Northern Rivers	20,000	60,000
Tweed Council	7,840	23,520
Clarence Council	7,520	22,560
Lismore Council	7,840	23,520
Byron Council	4,880	14,640
Kyogle Council	1,960	5,880
Ballina Council	5,880	17,640
Richmond River Council	3,920	11,760
Total	100,000	300,000

Staff Comment

It is not known whether other councils in the region support the proposal and indeed it would be difficult to know until budgets have been adopted.

No recommendation is made in relation to this matter.

6. *Debbie Seib - fencing at Cawarra Park*

A nearby resident to Cawarra Park is concerned at the continual damage that is done to the park by people doing burnouts on the ground. It has been requested that Council fence the park to prevent this hooliganism.

Staff Comment

It is estimated that a very basic barrier of bollards surrounding the park will cost approximately \$5,000 to erect. There are no funds available for this work and if Council wanted to include the project it is recommended that the funds be taken from another capital project.

Public Meetings

Council held four public meetings to explain the 2012/16 Delivery Program and 2012/13 Operational Plan. The meetings were advertised in the local paper, on Council's web site and via community access points.

Brief descriptions of the meetings follow. At each meeting the General Manager presented a summary of the Delivery Program and Operational Plan.

Wardell 28 May 2012: apart from staff and Councillors, four members of the public were in attendance. Three issues raised by members of the community at this meeting were:

- footpath is needed on the eastern side of Carlisle Street between Sinclair Street and Bath Street. This area attracts quite high vehicular and pedestrian traffic as it is where school busses pick up and set down.
- footpath is required to be extended along the western side of Richmond Street past the school.
- the village would benefit from an information board that advised visitors of features and attractions. Consensus was not reached on what would be the best location for such a sign.

Alstonville 30 May 2012: apart from staff and Councillors one member of the public attended this meeting. The member of the public commented that in their opinion Council needed to look at its operations with a view to removing waste and inefficient practices. Particular reference was made to works carried out by Council at Gap Road and Plateau Drive.

Plateau Drive

A comment was made concerning the overall efficiency of Council and additional costs that had been incurred due to a possible lack of forward planning in the construction of the \$3.5m Plateau Drive project.

This project was carried out by an external contractor and originally it was planned for a small quantity of excess material (soil etc) from the construction works to be stockpiled at the north-western end of the project on private land. Unfortunately, the final amount of material was well in excess of the small quantity originally estimated and it was then necessary to relocate that material to Council land in this locality for future use by Council (i.e. Russellton Estate, Wollongbar Sports Fields). This relocation resulted in a contract variation of \$95,000 as a total 10,700 cubic metres was ultimately transferred. As some of this material was then later used at the Lennox Head landslip site it has been suggested by the public that a more direct relocation to Lennox Head could have saved considerable expense.

This argument has merit however due to the timing of the various projects and the site constraints it was not feasible to allow for the material to be directly delivered to Lennox Head during September and October 2011 when the Plateau Drive works were underway. It is also fair to say that an earlier decision could have been made to transfer the material from the private land to Council land before the 10,700 cubic metres was ultimately stockpiled on the private land. Council engineering staff acknowledge this and when implementing any capital project, reviews are always undertaken to assess

10.13 Delivery Program 2012/13 - 2015/16 and Operational Plan 2012/13

where improvements can be made. Importantly, the material stockpiled is being used by Council for other projects, so even though there is a cost in transferring the material, there are also significant savings in fill purchase costs.

Gap Road

Concerns were also raised in respect to the level of finish for 1.2km of resealing works undertaken at Gap Road. Council's engineering staff have subsequently re-inspected that work and there is no evidence of irregularities with most of the work undertaken. However there is a section of widening and resealing at Dillon's Lane, where the shoulder has been incorporated into the Dillon's lane intersection (as part of the original subdivision access works). This section has retained the original "rough" surface as it was not assessed as a failure needing repairs prior to the resealing works for Gap Road. This area is only approximately 80 square metres out of the total 9,600 square metres of resealing works undertaken.

Ballina 30 May 2012: apart from staff and Councillors, one member of the public attended this meeting. Concerns were raised that cars drive on to Cawarra Park and intentionally ruin the surface of the park. It was requested that a fence be placed around the perimeter of the park to prevent this type of activity. A submission has been received in respect to this matter.

Lennox Head 31 May 2012: apart from staff and Councillors, two members of the public attended this meeting. Issues raised at this meeting included:

- it is high time Council placed a cycleway along North Creek Road and Skennars Head Road. This area has high vehicular and pedestrian traffic volumes including school children going to Lennox Public and Xavier schools.
- Council needs to be more proactive in managing the ecology of Lake Ainsworth and other parts of the shire. More staff who are technically competent in this area are needed.
- cycleway is required in Byron Street from the service station to the Byron Bay Road. Also, it would be good to have the cycleway extend along the Byron Bay Road to Fig Tree Hill Estate.

Also, questions were asked in respect to whether or not the following two items were considered to be of sufficient priority in the four year delivery program.

Williams Reserve Shared Path - \$70,000 2013/14

Concerns were raised as to whether or not this work was needed as Council has provided, or is providing the shared path on the western side of Park Lane. The inclusion of this item in our shared pathway program and the PAMP followed a direction from Council and an evaluation by staff that the Williams Reserve path will provide significant linkages to the school, the pre-school, the sporting fields etc. The actual construction of this path may have some environmental constraints and they will need to be evaluated as part of Council's 2013/14 works program.

Midgen Flat Road Reconstruction - \$430,000 in 2012/13 and \$425,000 in 2013/14

Concerns were raised in respect to whether or not this road was a higher priority than many other roads in the shire. Council's road reconstruction program is based on the on-going engineering technical assessments of the roads and this segment of road is in a relatively poor condition. Even though traffic volumes may not be high, the state of the road has resulted in it now being due for reconstruction in 2012/13 and 2013/14.

The public meetings were poorly attended. The meetings were advertised on the internet, in the local paper and at public access points. The poor attendance is possibly a combination of complacency and a reasonably satisfied community. Certainly in the past, when there has been a contentious issue, such as an ordinary rate increase above the rate peg limit, numerous people have attended the meetings.

2. Further amendments to the Draft Delivery Program and Operational Plan

Other matters that have been raised during the exhibition period are as follows.

Budget Matters

Festivals and Events

The draft budget includes a vote of \$50,000 for contributions to assist community run events and festivals. An amount of \$10,000 was allocated to the Alstonville Apex New Years Eve festival. Council has been advised that this event will not be proceeding so the funds are not allocated.

A submission has been received by Le-Ba Boardriders Club with respect to the unallocated \$10,000. It requested consideration be given to allocate this money for the 2012 Skullcandy Oz Grom Open.

Staff Comment

The tourism section is supportive of the budget submission by Le-Ba Boardriders Club, as they meet the criteria for the Festival & Events Support Program.

If this submission is viewed favourably, it is recommended that their request under the 2012/13 Community Donations Program for \$8,600 be denied. It is also advised that the competition is scheduled to run in early July which is prior to Council determinations in respect to the 2012/13 donations allocation.

Biochar grant

Council has received advice that the grant application for assistance to introduce Biochar has been successful. An amount of approximately \$4.3 million has been approved. This project will be subject to further reporting however the 2012/13 budget may need to be adjusted to recognise the grant.

10.13 Delivery Program 2012/13 - 2015/16 and Operational Plan 2012/13

Wollongbar Sports Fields

Council has received advice that the grant application to construct the Wollongbar sports fields has been successful. This is subject to various encumbrances however the 2012/13 budget will need to be adjusted to account for this project.

Workers Compensation

Advice has recently been received that Council's premium will be approximately \$900,000 in 2012/13. This figure will vary depending on actual wages costs and claims however it is clear that the estimate in the advertised Operational Plan \$760,000 is less than required. The increase is mainly attributable to one accident and subsequent rehabilitation.

In 2009/10 the premium was \$436,000 so it has more than doubled in three years. Issues like this certainly make the problems associated with rate pegging very clear.

The premium is spread across various funds and businesses. General Fund will have to accept \$66,000 of the \$140,000 increase which will increase the forecast General Fund deficit to \$106,000.

Open Spaces and Reserves Budget

It has been identified that the Open Spaces and Reserves (OSR) budget is in need of additional funding to cope with cost of living increases and general workload. It is proposed to increase the OSR budget by \$24,000 and these funds will be made up by a variety of small reductions to expenditure votes across the whole organisation.

Works and Services

Hutley Drive - Northern extension

The "northern extension" of Hutley Drive refers to the missing link between the existing constructed section of Hutley Drive and the roundabout at the intersection of the Coast Road, North Creek Road and Ballina Road. A dedicated road corridor covers the length of this missing link, however, it is most likely that the road will need to deviate from the corridor as it approaches the roundabout as direct connection into the roundabout is not feasible.

A proposal to construct the northern extension has been under consideration in Draft Amendment 108 to Ballina LEP 1987 relating to the "Reservoir Site" (Lot 1 DP517111). This site is currently zoned 1(d) Rural (Urban Investigation). The deadline for completion of the LEP amendment is 23 August 2012, although the developers have so far failed to submit the requisite technical information despite repeated requests. Consequently, it is highly likely that this LEP amendment will be discontinued. Furthermore, the property is currently up for sale.

Traffic modelling indicates the need to complete both the northern and southern extensions of Hutley Drive by 2016. Since the rezoning and subsequent development of the land by the owners is unlikely to result in construction of the northern extension within this timeframe it is recommended

10.13 Delivery Program 2012/13 - 2015/16 and Operational Plan 2012/13

that Council commence the process to obtain approval to construct the northern extension to Hutley Drive. To this end it is recommended that a new vote to \$15,000 be raised funded from the roads plan section 94 reserve.

Asset Inspection Officer

A new role of Asset Inspection Officer is proposed within the Engineering Works Section to enable the implementation of risk management procedures for transport and stormwater assets.

A proactive approach to regular asset inspection and reporting, and identifying maintenance works within service level standards and budget constraints, is a best practice approach being advocated by Council's insurer. This also offers Council a level of defence regarding potential legal actions dealing with public liability.

Asset inspection is currently undertaken where necessary (ie RMCC contract with RMS) and on some road and footpath assets as and when existing resources allow. This position will allow a dedicated resource to improve efficiency, effectiveness and introduce best practice in risk management procedures.

The position will be costed directly to the works program hence no budget adjustments are necessary. It is anticipated that the position will cost approximately \$56,000 excluding oncosts and allowances.

Fees and Charges

Impounding Fees- dogs

The current fee structure for impounding dogs incorporates an impound fee and a daily sustenance fee. When applying these fees there is scope for different interpretations depending on when the animal is released. ie is released on the same day of impound etc.

It is proposed to improve the situation by amalgamating the two fees, impound and sustenance and being clear in terms of overnight stays. Hence it is not proposed to change the advertised fees but simplify and clarify the structure.

Current advertised fees

First offence	\$28
Second and subsequent times	\$37
Daily sustenance fee	\$26

Proposed fees

First Offence	
Impounded and released same day	\$28
Impounded and stayed overnight	\$54
Plus each night in addition to first night	\$26

10.13 Delivery Program 2012/13 - 2015/16 and Operational Plan 2012/13

Second and subsequent offence	
Impounded and released same day	\$37
Impounded and stayed overnight	\$63
Plus each night in addition to first night	\$26

Sustainability Considerations

- **Environment**

This report encompasses the entire Council budget and proposed activities and operations. The report has implications for environmental, social and economic outcomes.

- **Social**

As above

- **Economic**

As above

Legal / Resource / Financial Implications

This report deals with all of Council's operations. Legal, resource and financial implications are all relevant to this report.

Consultation

The Draft Delivery Program and Operational Plan have been advertised for public comment during May and June.

Options

Council has a legal obligation to adopt the Operational Plan and Delivery Program. Three Finance Committee meetings have been held to develop the strategies contained within these documents and Council is also in a position to consider community input into the Program and Plan.

The Delivery Program and Operational Plan need to be adopted inclusive of any amendments that are considered warranted.

The recommendations that follow encompass all the items addressed in this report, along with a recommendation to endorse the rating structure for 2012/13.

RECOMMENDATIONS

1. That Council adopts the 2012/16 Draft Delivery Program and 2012/13 Operational Plan, as exhibited, inclusive of any amendments determined at this meeting and resolutions adopted at the May Ordinary meeting of Council.
2. That Council approves the formation of a Committee of three Councillors, representing each ward, in the shire to consider the applications for donations for 2012/13.
3. That the donations policy be amended to exclude Pearces Creek Hall from the policy as it is not on land owned or controlled by Council.
4. That Council introduce a charge of \$1 per trip for a bicycle to cross the Burns Point Ferry and that a season ticket is offered at \$25. The introduction of the fee is delayed until a system to provide the season ticket can be put in place.
5. That a new vote be raised to \$10,000 to enable water quality monitoring of the Richmond River funded by a contribution from Sewer Fund \$5,000 and reductions to budgets for stormwater deep drainage systems \$3,000 and foreshore protection \$2,000.
6. That the request for works to \$2,500 for fencing at Lennox Head Playgroup be considered by the Donations Committee.
7. That an allocation of \$10,000 be provided to Le-Ba Boardriders Club to run a competition in July 2012 from the Festivals and Events Program and that the request for a community donation be denied.
8. That the 2012/13 budget be amended to make provision for the Biochar grant.
9. That the 2012/13 budget be amended to make provision for the development of the Wollongbar sports fields.
10. That the vote for workers compensation premium is increased by \$140,000 to \$900,000 and the numerous budgets that are impacted by workers compensation be adjusted to accept their share of the increase.
11. That the vote for Open Spaces and Reserves expenditure is increased by \$24,000 funded by numerous small reductions to other expenditure votes across the organisation.
12. That Council commence the process to obtain approval to construct the northern extension to Hutley Drive. To this end it is recommended that a new vote to \$15,000 be raised funded from the Roads Plan Section 94 reserves.
13. That Council approve a new full time position inspecting transport and stormwater infrastructure. Expense of the position will be allocated to existing budgets so no adjustments are necessary.

10.13 Delivery Program 2012/13 - 2015/16 and Operational Plan 2012/13

14. That the fee structure for impounded animals be amended to:
- First Offence
- | | |
|--|------|
| Impounded and released same day | \$28 |
| Impounded and stayed overnight | \$54 |
| Plus each night in addition to first night | \$26 |
- Second and subsequent offence
- | | |
|--|------|
| Impounded and released same day | \$37 |
| Impounded and stayed overnight | \$63 |
| Plus each night in addition to first night | \$26 |
15. That Council resolves to make a base rating structure for the levy of the 2012/13 Ordinary Rate as per the following structure.

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.155206	398	49.8
Business	0.539356	398	14.8
Farmland	0.123163	398	32.7
Mining	0.539356	398	0

Attachment(s)

1. Le-Ba Boardriders Club - Festival & Event Support Program (unallocated funds)
2. Arts Northern Rivers - request for support to employ a Creative Industries Manager
3. 2012/2013 Submission to Works & Services - Burnouts in Cawarra Park - Debbie Seib
4. Submissions to proposed bicycle fee for Burns Point Ferry (Under separate cover)

11.1 Local Traffic Committee Report - June 2012

11. Civil Services Group Reports

11.1 Local Traffic Committee Report - June 2012

Delivery Program Asset Management

Objective This report is presented to Council for its consideration of items referred to the Local Traffic Committee meeting held in June 2012

Background

The Local Traffic Committee (LTC) met on 13 June 2012. A copy of the agenda was distributed to all Councillors. This report provides the recommendations of the Committee to Council.

Key Issues

- Consideration of recommendations from the LTC

Information

The agenda contained ten business items of which three items require referral to Council for determination. A copy of the Minutes of the meeting will be forwarded to Councillors once finalised.

Items Referred to Council

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

a) B-Double Route - Horizon Drive, Ballina

The Committee reviewed an application for the gazettal of a B-Double Route on Horizon Drive for a length of 90 metres. The old Pacific Highway is an approved B-Double route. The extension of the approval to Horizon Drive is to provide access to the proposed Bunnings project. Council has granted conditional approval to Development Application 2011/458 for this project.

The Council's attention is drawn to information that submissions have been received from the Emmanuel Anglican College in opposition to the proposal. Copies of these submissions are attached for the information of Council.

The assessment of Council's technical officers is that the swept paths for vehicle turning are suitable and that entry and exit is in a forward direction. The preferred driveway configuration and access directions were considered as part of the proposal for the development application.

Therefore the application meets technical requirements and it is a matter for the Council to determine the community views.

In relation to the issues raised by the school, the following points are noted;

B Doubles using the remainder of Horizon Drive or other local streets will be illegally of route. Enforcement action in response can be undertaken by the NSW Police and by Council.

A condition of the development consent requires the proponent to prepare a vehicle management plan to ensure safe and efficient methods of access to the site are in place. A requirement of the plan is that truck access is not permitted during the posted school zone hours.

The relevant conditions of consent are reproduced below.

Prior to the issue of a construction certificate:

Access and Parking

1.1. *A Vehicle Management Plan including, but not limited to, the number, size of delivery vehicle and hours of operation is to be submitted to and approved by Council. The vehicle management plan is to be approved by Council prior to the issue of the Construction Certificate.*

1.2. *Delivery vehicles are not permitted to enter the site between 8:30am-9:30am and 2:30pm-4.00pm on school days.*

During occupation

1.1. *Delivery Vehicles*

Vehicles servicing the development shall not park and or wait in the loading docks or surrounding residential areas prior to 7.00am or after 6.00pm Monday to Sundays.

1.2. *Delivery vehicles may only enter the site between the hours of 7.00am and 9.00pm, with no vehicles to enter the site between 8.30am – 9.30am and 2.30 pm – 4.00 pm on school days.*

1.3. *All loading and unloading of goods are to be carried out off-street and wholly within the site in accordance with the submitted Vehicle Management Plan.*

Refusal of this application will increase the total number of truck visits to the site as the delivery capacity would need to be provided by a greater number of shorter length vehicles.

Having regard to the information in the agenda and above, the Committee was unanimous in its decision to advise Council of its recommendation for the application for the B-Double route for the first 90m of Horizon Drive to be approved.

b) Road Closures - 2012 Naidoc Week Walk

The Committee reviewed a request for progressive road closures for the annual Naidoc Week Walk scheduled for Monday 2 July 2012. The walk is to start at the Ballina RSL Club car park and proceed along River Street to the Ballina Visitor Information Centre. As this is a moving event, the road closures will be progressively implemented as the walk passes.

The Committee was unanimous in its position to advise Council of its endorsement for the application for the 2012 Naidoc Week Walk.

c) Road Closure - Pacific Parade, Lennox Head - Skullcandy Oz Grom Open

The Committee reviewed an application for the 2012 Skullcandy Oz Grom Open to be held from 7.00am to 5.00pm on 6 to 10 July 2012. The event requires a road closure of Pacific Parade.

The Committee was unanimous in its endorsement for the road closure of Pacific Parade for the 2012 Skullcandy Oz Grom Open.

Sustainability Considerations

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

Legal / Resource / Financial Implications

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

Consultation

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

Options

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

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

RECOMMENDATIONS

1. That Council approve the application for the B-Double route for the first 90m of Horizon Drive, West Ballina.
2. That Council approve the application for the progressive road closure of River Street for the 2012 Naidoc Week Walk on 2 July 2012
3. That Council approve the road closure of Pacific Parade, Lennox Head for the 2012 Skullcandy Oz Grom Open from 7.00am to 5.00pm on 6 to 10 July 2012.

Attachment(s)

1. Attachment One - Items Referred to Council - Item A - Submission from Emmanuel Anglican College
2. Attachment Two - Items Referred to Council - Item a - Submission from Emmanuel Anglican College

11.2 Fig Tree Management - Update

11.2 Fig Tree Management - Update

Delivery Program Open Spaces & Reserves

Objective To update Council regarding the progress of the implementation of resolutions for the management of certain Fig Trees.

Background

Council resolved at its January 2012 meeting as follows:

1. *Regarding the Fig tree at Ballina tennis courts, investigations into a possible root barrier be carried out, and if possible root pruning to be carried out. Should there prove to be no barrier a further report to Council be provided on options for the management of the tree.*
2. *Council establish a priority order of need to manage 2-3 Fig trees in the urban environment, per annum, with a best practice program of care.*
3. *Council lobby energy authorities for aerial bundling of cable and sympathetic pruning of streetscape trees.*
4. *Council commences a program of tree planting in urban spaces of not less than 5 trees per month.*
5. *Council commit to complete Restoration of the 'Memorial Cross' concept with appropriate plantings in Cherry Street.*
6. *That Council approves the removal and replacement of the single Fig tree in Bentinck Street with a replacement tree.*
7. *That the drainage in Bentinck Street site be rectified.*

Subsequently, point six was amended to read as follows.

6. *That Council defer the removal of the Bentinck Street Fig Tree and establish a maintenance program, for a minimum period of at least 12 months, to minimise any damage to the public and private infrastructure and to protect and enhance the health of this tree.*

The following report discusses the response to date for these items.

Key Issues

Management of Fig trees in urban areas.

Information

1. *Fig Tree Roots – Ballina Tennis Courts*

The Fig tree and the adjacent tennis court was inspected however it was not possible to pull back the court surfacing to view the roots and carry out a more comprehensive inspection. The Fig tree is located very close to the tennis court and the installation of a root barrier and the required severing of roots is considered to likely have a severe impact on the health of the tree. Therefore this option is not preferred.

Another option is to prune the root growth on the occasion of the resurfacing of the court, which is expected in the near future. This management proposal would require regular pruning of the roots and the relaying of the court surface would need to take this into account.

2. *Prioritise Management of Figs*

The resolution requires that a priority order for the management of the Fig trees be established with two or three of the trees being managed each year. There does not appear to be an particular technical or administrative reason to rank one of the trees as a higher priority than another as they are all threatening and/or damaging private property and all need to be managed.

Quotes have been received from five arborists and the cost of the proposals varied widely. As the work is specialised each arborist was interviewed on their past experience and knowledge of trees and installation of root barriers. A preferred provider has been selected and the cost of installation of root barriers at the three locations – Tamar Street, Bentinck Street and 31 Tamar Street as well as minor works at the Ballina Tennis Courts will require funding of \$30,000.

This contractor will need to travel to Ballina to carry out the works and so there is economies in carrying out the work on all the trees at the same time.

3. *Bundling of Powerlines and Sympathetic Pruning of Fig Trees*

A letter has been sent to Essential Energy requesting that consideration be given to the bundling of powerlines in streets where significant trees are located.

4. *Tree Planting Program*

Tree plantings have taken place following the January Council meeting. Table 1 shows the species, locations and number planted for both street tree planting and bushland planting. Further tree planting is planned for the winter months as staff resources are now available for this task.

11.2 Fig Tree Management - Update

The Ballina Lions Club is also undertaking several days of planting around the Kingsford Smith and Commemoration Park Reserves. There has also been some interest from other service groups and plantings are being planned. The ongoing planting works by environmental groups has been continued.

5. Memorial Cross

The staged removal the Camphor trees in Crane Street and planting of new trees will continue in the next financial year.

6. & 7. Bentinck Street Drainage and Fig Tree

The installation of a root barrier between the Fig tree and the house in Bentinck Street has been included in the contract works discussed above.

The stormwater pipes located adjacent to the Fig Tree were cleared of debris. The enlarging of the stormwater pipes is not recommended as the damage to tree roots would be significant. Regular clearing of the stormwater pipe and monitoring of the area is the preferred management regime.

Sustainability Considerations

- **Environment**

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

- **Social**

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

- **Economic**

Appropriate street tree planting can increase property values.

Legal / Resource / Financial Implications

There are legal implications relating to the damage that is being caused by the roots of these trees to private property. Council's insurer has advised that if action is not taken then the insurer will not cover any claims relating to damages.

No funds are currently allocated to complete the root barrier installations identified in the resolutions.

Consultation

The management of the trees has been the subject of a Council report and property owners affected by the trees have been consulted.

Options

The intended management regimes in response to the resolutions of Council are reported above. Assuming those remain satisfactory, the outstanding issue is funding for the works.

The Council's budget has just been advertised and is reported elsewhere in this agenda for adoption. Other commitments and existing programs of Council were assessed as higher priority actions for Council at this time.

Therefore the recommendation to this report requests the General Manager to continue to seek out further savings to the budget to fund the works, or report to Council during the year if variations to the budget projections enable the work to be funded.

RECOMMENDATIONS

1. That Council note the information outlined in this report regarding the implementation of resolutions made for tree management.
2. That Council records its continued commitment to the tree management programs and notes that at this time, having regard to all of the priorities of Council, it is not able to fund the works at this time.
3. That the General Manager report in each quarterly review during 2012/13 an updated assessment of the funding possibilities for the works identified in the above report.

Attachment(s)

1. Table 1 - Street Tree and Bushland Planting

11.3 Options to Use Recycled Water in Washing Machine Taps

11.3 Options to Use Recycled Water in Washing Machine Taps

Delivery Program Wastewater

Objective To confirm Council's position in relation to the provision of recycled water to cold washing machine taps.

Background

Council adopted the Ballina Shire Urban Water Management Strategy (UWMS) in 2003. This document established a range of policy positions and provided strategic direction for the planning of the future infrastructure requirements to meet the policy objectives.

In preparing the UMWS an overwhelming position within the community response was a desire for the maximum reuse of recycled water for purposes that avoided demand on the potable water supply. A target to reuse 80% of dry weather flows was adopted and dual reticulation was confirmed as a major contributor to the strategies to achieve this objective.

Recently a study was prepared to enable the Council to review the UWMS. That study was workshopped with Councillors and then reported to Council. In general terms the review identified that the UMWS remained relevant and was consistent with contemporary standards, guidelines and legislation. Staff is now preparing an update of the UMWS having regard to the recommendations in the study and the feedback from Council. The review also noted the work completed to advance the implementation of the UMWS including The Reclaimed Water Reuse (RWR) Master Plan and a social research study. The master plan advanced the dual reticulation from a concept to a deliverable program. The social research study confirmed that community aspirations remain unchanged in respect of the high priority on reducing the demand on the potable water supply and the importance of recycled water being considered as a resource.

Ballina and Lennox Head Waste Water Treatment Plants are in the process of being upgraded to produce high quality recycled water. Development consent for these works was achieved in late 2010. The proposal that was approved included the distribution of recycled water to cold washing machine taps. Notwithstanding this approval, at workshops held with the Council there have been some reservations expressed about this element of the project and in response to this a commitment was made to prepare this report to enable a formal debate.

Key Issues

The supply of recycled water to the laundry washing machine cold water tap.

Information

Technical Information

The Australian Drinking Water Guidelines (ADWG) is frequently revised to ensure it represents the latest scientific evidence on good quality drinking water. The 2011 version of the ADWG was developed by the National Health and Medical Research Council (NHRMC) in collaboration with the Natural Resource Management Ministerial Council (NRMMC).

The ADWG is designed to provide an authoritative reference to the Australian community and the water supply industry on what defines safe, good quality water, how it can be achieved and how it can be assured. The guidelines provide a framework for the good management of drinking water supplies to ensure safety at the point of use. They address both the health and aesthetic quality aspects of supplying good quality water.

To extend the framework within the ADWG, the Australian Guidelines for Water Recycling (AGWR) were published in 2006 by the Environment Protection and Heritage Council, NRMMC and the Australian Health Ministers Conference.

The guidelines provide a risk assessment framework that is applicable to the recycling of water from treated sewage sources. The guidelines are not mandatory but are designed to provide the authoritative reference that can be used to support beneficial and sustainable recycling. The guidelines are intended to be used by anyone involved in the supply, use and regulation of recycled water schemes.

With this framework in mind, the use of recycled water in the cold water washing machine tap is endorsed by water and health regulators within the NSW Government.

The design of the Ballina and Lennox Head recycled water plants have been undertaken with the intention to supply laundry water consistent with the requirements in the AGWR. To achieve this, the treatment plants will incorporate management systems that will ensure the quality of the water supplied is fit for this purpose through design safety factors including microfiltration, residual disinfection through chlorination, online monitoring of the residual chlorine levels in the recycled water at the treatment plant and recycled water reservoirs, the ability to automatically add chlorine at the recycled water reservoirs if required and continual monitoring of the processing plant with automatic diversion if out of specification recycled water is detected. In cases where recycled water is not able to be provided for any reason the system will automatically revert to providing water from the drinking water supply.

Following the construction of the plants and distribution systems, Council will be required to obtain a Section 60 approval from the NSW Office of Water in order to distribute the recycled water to dual reticulated properties. The design of the recycled water system and the levels of redundancy were all determined having regard to consultation with the Office of Water to ensure the regulatory approval will be available at the required time.

11.3 Options to Use Recycled Water in Washing Machine Taps

Typically the washing machine cold water tap makes up between 6 and 8% of the overall water used at a residential property. This was taken into consideration when designing the infrastructure to deliver both drinking water and recycled water to new developments. The 80% reuse target in this relatively high rainfall area has always been considered to be ambitious. Therefore the 6-8% of water reused in new developments is still considered very valuable in terms of assisting Council meet its target. Furthermore, as noted above, water that is reused as a displacement for the drinking water supply is considered the most beneficial form of reuse. To achieve the 80% target, a large proportion of the reuse will need to be derived from sources that do not make a direct saving to the drinking water supply, for example the irrigation of sporting fields. As such the tap water proposal is of relative high importance.

Therefore, from a technical perspective, the proposal is considered important in terms of the Council meeting its objectives. The approved EIS allows the proposal, the system is designed in accordance with authoritative national guidelines, and the system will be subject to government regulation and approval. On this basis there would appear to be no major technical or administrative impediment to its inclusion in the arrangements for new developments.

Community Acceptance

The feedback, as understood by staff, from the Councillor workshops was that the introduction of recycled water into the house may in fact create a risk to the whole scheme if the community perceived quality issues with the recycled water. The feedback suggested that the benefits of providing the recycled water to the laundry may not outweigh the perceived risks.

As this is a judgement about community values, it is a position for the Council to determine and one that is difficult for staff to provide advice. The following information is however provided to assist Council consider this question.

Firstly, a communications strategy is being prepared specifically for the implementation of this scheme. It is recognised that a substantial community education program is required to ensure the scheme is understood by residents using the water and other key stakeholders such as building consultants and plumbers. This communication strategy will enable the Council to build confidence in the community in respect of the technical capabilities of the scheme and the regulatory and risk management frameworks in place for its operation. The Council's communication resources can also be applied to explain these concepts in response to any feedback or process that emerges which threatens the potential to the overall scheme in the manner flagged by Councillors during the workshops. Further to this, the Council has the option of winding back the proposal if for some reason those communications were not successful in the future.

Secondly, the Council conducted a social research study in 2007. As overall community attitudes are generally slow to change for these types of issues, the findings of that study can be considered as still relevant today. If anything, as further debate around water and the introduction of schemes has progressed since 2007, it can be argued that acceptance by the general community of the use of recycled water has increased.

11.3 Options to Use Recycled Water in Washing Machine Taps

The study didn't differentiate between the use of recycled water in the house versus external use, however residents were asked whether there were any potential disadvantages of using recycled water. In response to this, study noted the following.

Interestingly, very few mentioned increased costs for ratepayers and renters. Generally, the only possible disadvantage seen was the supply of unsafe water. While this was seen as a highly unlikely occurrence, residents stressed the importance of providing them with continuous reassurance of water quality.

The study also made the following relevant findings:

- Overwhelmingly the most common reason for valuing an expansion of the recycled water scheme was to reduce the demand for drinking water.
- That residents are quite comfortable placing their faith in the hands of Council as a water and sewer authority and water authorities are seen as having earned their strong reputation.
- Within the community there was some lack of knowledge in relation to water issues, nevertheless it was considered important for Council to progress an expanded recycled water scheme. The response indicated that the community was enthused and held civic pride in the fact that Council held the vision for a highly innovative and long term plan.
- There was strong interest in avoiding the environmental consequences of releases of water to the environment.
- Approximately twice as many participants indicated their preference for an 80% reuse target with reuse for agriculture or coastal vegetation regeneration as opposed to a 35% reuse target for residential purposes. Thus even though residential reuse was valued more for reuse than the other options, the high percentage of reuse was more important.

As discussed above, the RWR Masterplan confirmed the difficulty to achieve the 80% target. The non residential uses add significant cost to the program. Therefore, on the basis that the high target remains important to the community, the most cost effective way to achieve the first proportion of reuse is through maximising the dual reticulation.

Sustainability Considerations

- **Environment**
The use of recycled water in the cold water tap to the washing machine will reduce the demands on the drinking water supply and reduce the discharge of high quality recycled water to the environment.
- **Social**
The use of recycled water has the potential to save the whole community money by reducing the need to develop alternate sources of water supply for future development and growth. Sufficient safeguards are available to protect the health of community from any risks associated with the supply of recycled water.

11.3 Options to Use Recycled Water in Washing Machine Taps

- **Economic**

The use of recycled water avoids the cost of capital for alternate water sources.

Legal / Resource / Financial Implications

The regulatory requirements and best practice framework are discussed above.

Consultation

The EIS that was approved by Council was placed on public exhibition. Consultation has occurred with the NSW Office of Water and the Department of Health.

Previously the UWMS, RWR Masterplan and social research study were the subject of extensive consultation.

Options

Council has regulatory approval and has invested in capital works capable of supporting the provision of recycled water to the cold water washing machine tap in residential properties that will be serviced by the dual reticulation system.

To support this existing strategic approach, Council is developing a communications strategy that will assist to inform the community and respond to issues as they arise.

As noted above, there are significant benefits towards the Councils water objectives that come from this proposal. As there is no evidence to date of community concerns, and there is the option to review the position if such concern emerges, it is recommended that Council proceed as planned.

Alternatively Council can decide to not require the plumbing of recycled water to the cold water tap for the washing machine in the laundry. The Council's reuse target is considered ambitious and therefore in selecting this option a key opportunity that will contribute to this objective is lost.

RECOMMENDATIONS

1. That Council continue to proceed with the planning and implementation of the programs necessary to support the provision of recycled water to the cold washing machine tap in the laundry for new properties to be serviced by dual reticulation.
2. That Council notes that a Communication and Education Strategy in support of the program in point one is being prepared and will be implemented over the extended period prior to the introduction of the service.

11.4 Request to Tender to Transport and Dispose of Council's Waste

11.4 Request to Tender to Transport and Dispose of Council's Waste

Delivery Program Waste Services

Objective To consider alternate waste disposal options.

Background

Council's waste management facility currently compacts the municipal solid waste that is collected at kerbside. This material is then placed in the landfill. Bulky construction, demolition and household dry waste is transported to Queensland for disposal at Veolia's Wattle Glen waste disposal facility outside of Ipswich. This material cannot be compacted by the baler and it is more economic to transport the uncompacted material than it is to landfill it locally. Council currently annually exports approximately 5,000 tonnes of this material to South East Queensland for disposal.

Council implemented a kerbside organics and garden waste service in July 2011 which has resulted in a more than 40% reduction in the amount of material that is placed in the landfill. Cost management of the landfill remains an important undertaking.

The cost of waste disposal at the Ballina landfill is increasing every year due to the State Government's Section 88 Waste Levy which is paid on every tonne of waste received at the facility. The price of the levy is currently \$31.20 per tonne, however this will increase to \$42.40 per tonne on 1 July 2012. The levy is due to increase by \$10 plus CPI per annum for at least the next three years.

Council is reimbursed for the levy if material is exported from the site. During the development of the Council's Integrated Waste Management Strategy, an option to transport and dispose of Council's waste in Queensland was considered.

This option was examined for its potential economic benefits. As well as avoiding the levy, the proposal aimed to take advantage of the economies of scale available at the larger facilities. The savings from this option were proposed to be used to accelerate the repayment of the loans that funded the construction of the new landfill and to provide for a reserve to address post closure requirements at the site. The concept effectively would extend the life of the landfill capacity available to Council that is under the full management and control of Council.

It is fair to say the Councillors were concerned about some of the possible negative perceptions of the proposal. Regardless, the Queensland Government, aware of the potential cross border issues arising from the NSW levy, introduced a levy of its own and the proposal became less economically attractive.

11.4 Request to Tender to Transport and Dispose of Council's Waste

Following a decision of the new Government in Queensland, as of 1 July 2012 there will be no levy on waste taken into Queensland. In response to this, some discussions have been held in relation to the merits of revisiting the earlier proposal. This report invites Council to determine whether there is interest in proceeding further.

Key Issues

Efficient waste disposal.

Information

The transportation and disposal of our inert waste currently taken to Queensland costs about \$55 per tonne. The large landfills in South East Queensland are typically designed to a best practice standard with either gas capture or flaring and the costs of disposal are significantly lower than the cost of disposing of waste at the Ballina landfill.

Interest has been expressed to Council in respect of the provision of a service contract that is significantly cheaper than the above rate and for an attractive length of term.

This proposal is not analysed in detail here because if the Council is interested to proceed further, the next step would be to source competitive bids. Therefore it is important that the details of the relatively informal offer remain undisclosed at this point in time. It is however the opinion of staff that the proposal does represent a significant opportunity to save money and that a formal market test will allow the Council to review the concept in detail.

In addition to preserving the local landfill and saving costs, the proposal will allow a massive reduction in the bird population at the landfill site. This is important having regard to the proximity of the landfill to the airport. Further, leachate and gas production at the local landfill would be reduced.

The attached article from a recent edition of the Sydney Morning Herald is interesting in that it shows that the market will be of interest from locations further from Queensland than Ballina.

Sustainability Considerations

- **Environment**

The larger Queensland facilities have installed best practice gas capture and leachate management. This more than offsets the cost to the environment from fuel used to transport the waste.

- **Social**

No negative social impacts have been identified from this proposal.

- **Economic**

Current interest shows there is a significant opportunity for Council to save a considerable amount of waste disposal costs.

11.4 Request to Tender to Transport and Dispose of Council's Waste

Legal / Resource / Financial Implications

There is no legal impediment to taking waste to Queensland for disposal. This has the potential to save Council a significant amount on operational and levy costs.

Consultation

Council has consulted other Councils within the region and have sought counsel from the waste transport and disposal industry in preparing this report.

Both regional private corporate disposal operations in South East Queensland have been consulted and have expressed an interest in receiving Ballina's waste.

Options

The Council can maintain the status quo or seek a competitive tender for the transport and disposal of inert or dry waste and mixed waste. Seeking market interest does not represent a final commitment of Council.

There is not a lot of staff time required to prepare the necessary documentation. Therefore it is recommended that Council seek tenders and this will enable the extent of savings to be properly defined and Council can then be in a position to assess the benefits of these savings against the other broader issues relevant to the proposal.

RECOMMENDATIONS

That Council invite tenders for a contract to transport and dispose to landfill inert and putrescibles waste.

Attachment(s)

1. Article from Sydney Morning Herald

11.5 Ballina Shire Coastline Emergency Action Subplan for Coastal Erosion

11.5 Ballina Shire Coastline Emergency Action Subplan for Coastal Erosion

Delivery Program Engineering Works

Objective Presentation of the draft Emergency Action Subplan for Coastal Erosion for public exhibition, to meet the requirements of the Minister of the Environment and Heritage.

Background

Council staff and the consulting team (Geolink and BMT WBM Pty Ltd) have progressed with the preparation of a Draft Coastal Zone Management Plan, which is now under final review.

The draft plan was initially completed in 2010, however with the NSW legislative changes it has required redrafting. This has included the reassessment of coastal hazard lines to account for the current State Government Sea Level Rise (SLR) benchmarks. The SLR reassessment was undertaken during 2011. This included updated aerial photography assessment, being subsequent to the Ballina Coastline Hazard Definition Study (WBM, 2003).

As noted above, the final draft of the plan is under review by Council staff and Office of Environment and Heritage staff and will be presented to Council shortly.

Part of the above plan includes a section dealing with emergency management for coastal erosion events. The purpose of this report is to present the Emergency Action Subplan as a separate stand alone document. The reason for this approach is due to a direction of the Minister acting under the Coastal Protection Act 1979. The Minister has highlighted a number of NSW coastal communities vulnerable to erosion events, and has directed the completion of firstly the Emergency Action Subplan, and secondly the completion of a draft Coastal Zone Management Plan. Although the Minister's direction deals with Seven Mile Beach, Lennox Head, the progress of the draft plan and EAP has been well advanced, and includes reporting along the shire's entire coastline.

Key Issues

- Completion of the Emergency Action Subplan for coastal erosion events in accordance with the direction of the Minister for the Environment and Heritage.
- Public exhibition of the draft Emergency Action Subplan in accordance with the above direction.

Information

The draft Emergency Action Subplan (EAS) for coastal erosion is provided as Attachment Two. The EAS details actions to be carried out by Council resources, in response to a coastal erosion event. The erosion event includes the period before, during and after an event. A key outcome of the subplan is to better define Council's roles and responsibilities for smaller erosion events which may not necessarily trigger SES and DISPLAN actions.

Illustration 1.1 and Table 2.1 from the draft EAP are shown as Attachment One, and this provides an overview of roles and responsibilities to which the draft EAS refers.

The draft EAS is currently being reviewed by SES and will be referred to the LEMC. The SES has been consulted and involved with the preparation of the draft Coastal Zone Management Plan prior to the current re-drafting noted in the background section of this report.

It is therefore proposed to place the draft EAP on public exhibition in accordance with the Minister's procedures, and provide a further report to Council following exhibition and consultation.

Sustainability Considerations

- **Environment**

The draft EAP and the draft Coastal Zone Management Plan are prepared in accordance with the principles set out in the Coastal Protection Act 1979 which includes environmental values.

- **Social**

The draft EAP and the draft Coastal Zone Management Plan are prepared in accordance with the principles set out in the Coastal Protection Act 1979 which includes social values.

- **Economic**

The draft EAP and the draft Coastal Zone Management Plan are prepared in accordance with the principles set out in the Coastal Protection Act 1979 which includes economic values.

Legal / Resource / Financial Implications

The outcomes of the draft EAP does not directly impact resources or financial positions. The draft EAP does clarify Council's actions from a public safety and liability perspectives.

Consultation

The public exhibition of the draft EAP follows NSW Government requirements for the establishment of the Emergency Action Subplan for coastal erosion. The Office of Environment and Heritage has assisted with review of the draft documentation. Furthermore, the SES is currently being consulted regarding the current draft EAP, which had previously been reviewed as part of the earlier draft Coastal Zone Management Plan (Geolink, 2010). Further reporting to Council will follow public exhibition.

Options

There is no option in regard to adopting a plan due to Ministerial direction. Council can suggest changes or amendments to the draft plan.

RECOMMENDATIONS

The draft Emergency Action Subplan for Coastal Erosion be placed on public exhibition, incorporating any immediate SES feedback, to be followed by a further report to Council following exhibition.

Attachment(s)

1. Illustration 1.1 & Table 2.1
2. Draft Emergency Action Subplan for Coastal Erosion

12. Public Question Time

12. Public Question Time

13.1 Notice of Motion - Cawarra Park

13. Notices of Motion

13.1 Notice of Motion - Cawarra Park

Councillor

Cr Cadwallader

I move

That Council allocate \$5,000 as part of the 2012/13 budget for installation of bollards at Cawarra Park in an effort to prevent damage caused to the park by vehicles driving over it.

Councillor Comment

I wish to bring to your attention the regular occurrence of 'burnouts' being performed on *Cawarra Park*. This appears to have yet again occurred this past weekend and recently there was extensive damage done to the baseball pitch which Council staff kindly filled in with crushed blue metal.

This type of thing happens quite regularly at Cawarra Park (every month or so). Residents immediately adjacent to the park are disrupted in the middle of the night by the burnouts, loud revving of motors, yelling of the 'revellers' and subsequent screeching of tyres when they make their 'escape' on the street. By the time the police are summoned, the offending vehicles have disappeared.

Is it possible for Council to install some form of 'bollard & rail' fencing or similar low fencing, to prevent further damage to the park?

COUNCILLOR RECOMMENDATIONS

That Council allocate \$5,000 as part of the 2012/13 budget for installation of bollards at Cawarra Park in an effort to prevent damage caused to the park by vehicles driving over it.

Attachment(s)

Nil

13.2 Notice of Motion - Sale of 2-4 Ross Street, Lennox Head

13.2 Notice of Motion - Sale of 2-4 Ross Street, Lennox Head

Councillor

Cr Jeff Johnson

I move

That Council withdraws its offer to sell Council owned land at 2-4 Ross Street, Lennox Head.

Councillor Comment

The decision to initiate the sale of the last Council owned beachfront blocks of land at 2-4 Ross St was made without community consultation or with regards to the strategic importance and long term planning of the area being taken into account.

Since Council's original decision to sell the land, 7 local community groups have voted against the sale and have called on Council to withdraw the sale. Furthermore, within a period of 2 weeks over 1200 people, the vast majority from Lennox Head, signed a petition calling on the land not to be sold and instead reclassified as Community Land.

The Lake Ainsworth Precinct is already congested on most weekends and throughout the summer and Easter holiday periods. When you consider that there are plans to increase the population of Lennox Head by another 5000 people, and the planning proposals currently before the Council for up to 10000 new residents within 5 minutes drive of Lennox (Cumbalum A and B) the need for more open space will increase. The Lake Ainsworth Precinct is only going to attract more cars and people in the future.

The management plan needs to be reviewed and the long term strategic plan for the area taken into consideration. Open space is already limited in an area that is projected to grow by up to 400% (when taking in the Cumbalum proposals).

The community is overwhelmingly against the sale of these blocks due to these reasons. Council owned industrial land and commercial properties could be sold if money was required for certain projects. The community does not want these blocks sold. This land should be reclassified as community land so that it can provide future amenity to an already congested and popular precinct.

13.2 Notice of Motion - Sale of 2-4 Ross Street, Lennox Head

Staff Comment

The NSW State Government has now authorised the purchase of this land and a contract for sale has been prepared. This means all the administrative processes have now been completed, however prior to signing the contract documents it was determined more appropriate to allow this notice of motion to be re-considered in case the elected Council has changed its position on the sale. The June Ordinary Council meeting is in excess of three months since the last rescission motion on this issue (22 March 2012 Council meeting) therefore the motion is valid.

COUNCILLOR RECOMMENDATION

That Council withdraws its offer to sell Council owned land at 2-4 Ross Street, Lennox Head.

Attachment(s)

Nil

13.3 Notice of Motion - Payment of Lease for Ross Street Land

13.3 Notice of Motion - Payment of Lease for Ross Street Land

Councillor

Cr Jeff Johnson

I move

That Council receives an urgent report into the transfer arrangements and terms negotiated with the State Government for the handover of the management of the Lake Ainsworth Caravan Park.

Councillor Comment

As part of the negotiated handover of the Lake Ainsworth Caravan Park, a two year lease (1 year plus 1 year option for Council) was agreed to. This lease was to be set at 50% of the market value of a lease on the property. This money has not been paid to the Council and this motion seeks to receive a report on the terms that were negotiated as part of the handover, what efforts to date have gone into collecting the outstanding rent, and what other action can be taken to recover this money. The amount owed is approximately \$32,000.

COUNCILLOR RECOMMENDATIONS

That Council receives an urgent report into the transfer arrangements and terms negotiated with the State Government for the handover of the management of the Lake Ainsworth Caravan Park.

Attachment(s)

Nil

13.4 Notice of Motion - Reclassification of Land at Lennox Head

13.4 Notice of Motion - Reclassification of Land at Lennox Head

Councillor Cr Johnson

I move

That Council initiate the process to change the classification of the blocks located at 2-4 Ross Street, Lennox Head from Operational to Community.

COUNCILLOR RECOMMENDATIONS

That Council initiate the process to change the classification of the blocks located at 2-4 Ross Street, Lennox Head from Operational to Community.

Attachment(s)

Nil

13.5 Notice of Motion - Wardell Sports & Recreation Grounds

13.5 Notice of Motion - Wardell Sports & Recreation Grounds

Councillor

Cr Jeff Johnson

I move

1. That Council undertake line marking at the Wardell Sport and Rec ground to allow the local schools to hold their annual Sports Carnivals there.
2. That the funding for this be sourced from the 2012/2013 Council Donations Budget, and be completed in time for the proposed carnival on the 20 July 2012.

Councillor Comment

It is my understanding that the approximate cost for the line marking has been estimated at \$900, with the majority of this being 'staff time'. Empire Vale, Fernleigh, Cabbage Tree and Wardell Public Schools will benefit from having the Wardell Sport and Rec field marked.

If the Wardell Sport and Rec Field is not marked and the Carnival is not able to be staged, the 4 Schools would have to pay for bus travel to a ground in Ballina which would cost approximately \$260 per school. Also they wouldn't have the capacity to transport necessary equipment for the carnival so it would have to be hired at an additional cost. Three schools P&C's also use the carnival for major fund raisers on the day through catering and raffles. Due to transport and logistics this would not be viable at other venues. So this income stream for the P&C's would be lost, and therefore impact on the P&C contributions to schools in regards to excursions, readers and other educational resources funded by P&C.

I believe that Council has provided some line marking in the past and that there is a positive community benefit that will be gained if Council supports this motion.

Staff Comment

The reason this motion is before the Council to determine is in response to a staff decision to decline the request for the reasons discussed below.

The Council has historically provided a line marked athletics track in Ballina and one in Alstonville for the purposes of school carnivals. This service is provided without charge. Many of the schools within Ballina Shire would require bus services to these ovals. Therefore staff considered it would be unfair to respond to this request without a similar offer being made to the other schools. Furthermore, the request was considered to be an activity of the NSW State Government and therefore should be funded by the Government. The line marking is labour intensive and the cost to complete the task is estimated to be \$900.

13.5 Notice of Motion - Wardell Sports & Recreation Grounds

Staff is currently preparing a report to be presented to Council in respect of defining service levels for our Open Spaces and Reserves functions. The Council receives many requests or feedback in relation to its services and it is considered very beneficial in terms of communications with the community for these to be defined to the extent possible in a policy form. The frequency of our mowing cycles and facility cleaning schedules are good examples. Often the complaints are about specific areas of interest to a resident, however the program context is shire wide. The purpose of the proposed report is to enable the Council to be aware of the correlation between cost and service level, and use this information to confirm the policy direction in respect of the allocation of Council resources. Within this context it was proposed to discuss in the report the service level options for the line marking of sports fields. Many councils provide this service to schools and clubs, but often do so by charging a fee.

If the Council is inclined to support this request now, it is suggested that the resolution identify the expense as a donation. This way, requests from other schools can be reported to Council as a donation request and the Council can assess the merit of each application until a formal policy position is developed. In respect of donations however, it is also noted that at the May meeting the Council requested that a report be prepared dealing with donations to schools. Council's Finance Manager will be preparing that report in the near future.

COUNCILLOR RECOMMENDATIONS

1. That Council undertake line marking at the Wardell Sport and Rec ground to allow the local schools to hold their annual Sports Carnivals there.
2. That the funding for this be sourced from the 2012/2013 Council Donations Budget, and be completed in time for the proposed carnival on the 20 July 2012.

Attachment(s)

Nil

14.1 Facilities Committee Minutes - 18 June 2012

14. Advisory Committee Minutes

14.1 Facilities Committee Minutes - 18 June 2012

Attendance

Crs Ben Smith (Chair), Sharon Cadwallader, Keith Johnson, Phillip Silver (Mayor), Robyn Hordern, David Wright, Jeff Johnson, Alan Brown and Susan Meehan.

Steve Barnier (Acting General Manager), John Truman (Civil Services Group Manager) Paul Tsikleas (Commercial Services Manager), Chris Allison (Projects and Contracts Co-ordinator) and Sandra Bailey (Secretary) were in attendance.

There were five people in the gallery at this time.

1. Apologies

Nil

Absent

Cr Peter Moore.

2. Declarations of Interest

Nil

3. Deputations

- **Steve McArthur, Ballina Basketball Association and Scott Balza, Basketball NSW**, - spoke in relation to Item 4.1 - Ballina Sports and Events Centre - Options Review.

4. **Committee Reports**

4.1 **Ballina Sports and Events Centre - Options Review**

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Jeff Johnson)

That this matter be deferred to a Council workshop.

FOR VOTE - Cr Ben Smith, Cr Sharon Cadwallader, Cr David Wright and Cr Jeff Johnson

AGAINST VOTE - Cr Keith Johnson, Cr Phillip Silver, Cr Hordern Robyn, Cr Alan Brown and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Peter Moore

The **Motion** was **LOST**.

A **Motion** was moved by Cr Susan Meehan and seconded by Cr Alan Brown

1. That Council confirms that Option 2B, as per the attached revised Design Options Review prepared by PDT Architects, is the preferred outcome for the proposed sports and events centre and the General Manager is authorised to continue to progress this project, in consultation with PDT Architects, with the aim of the existing contract being to obtain development consent that will assist in seeking grant funding for the project.
2. That Council approves an additional allocation of \$18,000 from the Community Infrastructure Reserve to allow PDT Architects to undertake a master plan for the Kingsford Smith Reserve precinct.

An **Amendment** was moved by Cr David Wright and seconded by Cr Sharon Cadwallader

That Council approves an additional allocation of \$18,000 from the Community Infrastructure Reserve to allow PDT Architects to undertake a master plan for the Kingsford Smith Reserve precinct.

The **Amendment** was **CARRIED**.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Johnson, Cr Phillip Silver, Cr David Wright and Cr Jeff Johnson

AGAINST VOTE - Cr Ben Smith, Cr Hordern Robyn, Cr Alan Brown and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Peter Moore

The **Amendment** then became the **Motion** and was **CARRIED**.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Johnson, Cr Phillip Silver, Cr David Wright and Cr Jeff Johnson

AGAINST VOTE - Cr Ben Smith, Cr Hordern Robyn, Cr Alan Brown and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Peter Moore

RECOMMENDATION

(Cr David Wright/Cr Sharon Cadwallader)

That Council approves an additional allocation of \$18,000 from the Community Infrastructure Reserve to allow PDT Architects to undertake a master plan for the Kingsford Smith Reserve precinct.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Johnson, Cr Phillip Silver, Cr David Wright and Cr Jeff Johnson

AGAINST VOTE - Cr Ben Smith, Cr Hordern Robyn, Cr Alan Brown and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Peter Moore

MEETING CLOSURE

5.00 PM

RECOMMENDATIONS

That Council confirms the minutes of the Facilities Committee meeting held 18 June 2012 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

Attendance

Crs David Wright (Chair), Sharon Cadwallader, Ben Smith, Keith Johnson, Phillip Silver (Mayor), Robyn Hordern, Jeff Johnson, Alan Brown and Susan Meehan.

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

There were three people in the gallery at this time.

1. Apologies

Nil

Absent

Councillor Peter Moore

2. Declarations of Interest

Nil

3. Deputations

Nil

5. Confidential Session

RECOMMENDATION

Cr Robyn Hordern/Cr Ben Smith

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

5.1 Wigmore Arcade Redevelopment

Reason for Confidentiality

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

- d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

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 would adversely impact on Council's ability to negotiate with the existing tenants and any potential developers of the complex.

5.2 Land Sale - North Creek Road, Ballina

Reason for Confidentiality

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the information may prejudice negotiations.

FOR VOTE - Cr Phillip Silver, Cr Ben Smith, Cr Keith Johnson, Cr Robyn Hordern, Cr David Wright, Cr Sharon Cadwallader, Cr Susan Meehan, Cr and Cr Alan Brown

ABSENT. DID NOT VOTE - Cr Peter Moore

AGAINST VOTE - Cr Jeff Johnson

(The Council moved into Confidential Session at 5.03 pm).

Cr Jeff Johnson departed the meeting during the presentation given on Item 5.1 of the Confidential Session at 5.35 pm

Open Council

RECOMMENDATION

(Cr Robyn Hordern/Cr Alan Brown)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Jeff Johnson

(The Council moved into Open Council at 6.08 pm).

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

5.1 Wigmore Arcade Redevelopment

A presentation was given by Paul Pitronaci from the BN Group on this item.

RECOMMENDATION

(Cr Keith Johnson/Cr Alan Brown)

1. That Council endorses the concept plans for the redevelopment of the Wigmore Arcade Complex, as presented by the BN Group to this meeting.
2. That Council authorises the General Manager to further progress these plans through consultation with the existing tenants and more detailed financial analysis of the proposal.
3. That Council authorises the General Manager to negotiate the terms for the extension of the existing leases at the Wigmore Arcade Complex, based on the preferred option outlined within this report.
4. That Council receive a further report on the Wigmore Arcade Complex outlining the financial analysis of the plans presented by the BN Group, the feedback from tenants and the response to the expression of interest process currently underway.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Jeff Johnson

5.2 Land Sale - North Creek Road, Ballina

RECOMMENDATION

(Cr Keith Johnson/Cr Alan Brown)

1. Council authorises the General Manager to finalise the sale of land described as Part Lot 2 DP 1172175, North Creek Road Ballina as per option two of this report.
2. That the use of Council's Common Seal be approved to be affixed to the Contract for Sale of Land and Transfer, the Plan of Subdivision to create proposed Lot 2, the S88B Instrument, and any other associated documentation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Jeff Johnson

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Keith Johnson/Cr Robyn Hordern)

That the recommendations made whilst in Confidential Session, be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Jeff Johnson

4. Committee Reports

4.1 Henderson Farm Development

RECOMMENDATION

(Cr Robyn Hordern/Cr Ben Smith)

1. The Council approves funding of up to \$60,000 from the Commercial Opportunities Reserve to finance the cost of preparing and lodging a development application for a residential subdivision on a pro-rata basis, for Council's portion of the Henderson Farm land, with Lennox Developments Pty. Ltd., based upon each party's respective land holdings proposed to be rezoned for residential development. The proposal is that Lennox Developments Pty Ltd contribute 77% and Council contribute 23%.
2. That Council authorise the General Manager to finalise negotiations with Lennox Developments Pty Ltd for a joint development application funding agreement and to execute the relevant documentation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Jeff Johnson

MEETING CLOSURE

6.12 pm

RECOMMENDATIONS

That Council confirms the minutes of the Commercial Services Committee meeting held 18 June 2012 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

15.1 Mayoral Meetings

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

15.1 Mayoral Meetings

Councillor Phillip Silver

Activities since the May 2012 Ordinary meeting:

<u>Date</u>	<u>Function</u>
25/5/12	Companion Animals meeting with Minister Page & Parliamentary Secretary Cornwell with staff in Ballina
25/5/12	Launch coastal Country Music Festival in Ballina
26/5/12	Opening Tin Studio Art space in Ballina
26/5/12	Switch on Fripp Oval Lights and Ballina Bombers match in Ballina
28/5/12	Meeting Lismore-Murwillumbah Train Study with staff in Ballina
28/5/12	Bypass Ready Taskforce meeting in Ballina
29/5/12	Budget consultation in Ballina
30/5/12	Delegation re Lighthouse Surf Club with staff in Ballina
30/5/12	Delegation re Cumbalum B with staff in Ballina
30/5/12	Delegation re pools and marina in Ballina
4/6 - 6/6/12	Shires Conference in Sydney
12/6/12	Citizenship ceremony in Ballina
13/6/12	Launch Xavier Catholic College Hall opening at Skennars Head
13/6/12	NBN - State budget
15/6/12	Medical local presentation in Ballina
15/6/12	Chicago opening in Ballina
20/6/12	Rous Water Ordinary meeting in Lismore
20/6/12	Ballina Bypass Alliance promotion in Ballina
22/6/12	Richmond Tweed Regional Library meeting in Mullumbimby
25/6/12	County Council merger meeting in Lismore
25/6/12	Kyogle Shire Council Ordinary meeting re County Council merger in Kyogle

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 Re-Tender - Precast Paving Units for Ballina Town Centre Upgrade

This report contains information relating to as this report contains confidential pricing information that if released could prejudice tender negotiations..

17.2 Non Payment of Section 94 Contributions

This report contains information relating to Non compliance with development consent conditions.

17.3 Senior Staff - Contractual Conditions

This report contains information relating to as matters relate to the personal affairs of staff.

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 Re-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..

17.2 Non Payment of Section 94 Contributions

Reason for Confidentiality

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

- a) personnel matters concerning particular individuals (other than councillors); and
- e) information that would, if disclosed, prejudice the maintenance of law

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 Non compliance with development consent conditions.

17.3 Senior Staff - Contractual Conditions

Reason for Confidentiality

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

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

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