



Notice of Ordinary Meeting

Notice is hereby given that an Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, Cnr Cherry & Tamar Streets, Ballina on **Thursday 24 January 2013 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 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.

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1. Australian National Anthem
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 6. Deputations
 7. Mayoral Minutes
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1. Australian National Anthem

The National Anthem will be performed by Bodhi Scott-Jones.

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 20 December 2012 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 20 December 2012.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 Half Yearly Update - Compliance Work Plan 2012/2013

8. Regulatory Services Group Report

8.1 Half Yearly Update - Compliance Work Plan 2012/2013

Delivery Program Development Services

Objective To provide Council with an update on the progress of the annual Compliance Work Plan

Background

At the June 2012 Ordinary Meeting, Council adopted a Compliance Work Plan for the 2012/13 financial year. This report provides a half yearly update report on that Work Plan.

Key Issues

- Level of Compliance
- Results achieved

Information

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

1. *Audit of Major Developments within the Shire (Ongoing Program)*
2. *Audit of Identified Development Consents (Ongoing Program)*
3. *Complete the Audit of all Development Consents issued within the Southern Cross Industrial Estate*
4. *Audit of outstanding Developer Contributions and Water and Sewer Charge Payments*
5. *Review of all Development Consents issued within the Russellton Industrial Estate.*

In addition to these areas of identified priority, the Compliance Team respond to customer requests received from members of the general public as well as from Council employees and State and Federal Government Agencies. As the general public become more aware of the statutory provisions that apply across the Shire, and Council's better resourced approach to the enforcement of these requirements, increasing numbers of customer requests are being received.

Generally it can be said about the matters identified in the Compliance Work Plan, that compliance is improving. The majority of outstanding issues currently under investigation relate to the certification of works to the required standard following the completion of developments. For example the issuing of Final Occupation Certificates after Interim Occupation Certificates have been issued.

8.1 Half Yearly Update - Compliance Work Plan 2012/2013

Council is also aware of investigations currently underway relating to the disposal of demolition and construction materials, and liquid and other industrial wastes, and a further matter that has been successfully prosecuted. These have recently been reported to Council either confidentially or by separate public report.

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

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

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

This program originally commenced in the 2008/09 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 2008 and 2009 development applications. Compliance resources have also been involved in auditing developments being carried out on environmentally and culturally sensitive sites on an ongoing basis to ensure ongoing compliance. As this program now covers over four 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 June 2012 meeting, 41 of these 65 major developments were in compliance with the issued development consents.

Council is advised that since the June 2012 meeting, an additional 19 major developments were identified to be in compliance with the issued development consents.

Regarding the remaining five consents:

- Four developments have been inspected and require further follow up inspections. These developments, whilst listed as separate development applications, relate to one rural subdivision in East Wardell, where the landowner has been placed into receivership. Compliance is working with the receivers and the new landowners to bring the environmental restoration in line with the approved revegetation management plans approved for each development; and
- One development has not been activated and has 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 June 2012 meeting, 54 of these 89 major developments were in compliance with the issued development consents. Council is advised that since the June 2012 meeting, an additional 30 major developments were identified to be in compliance with the issued development consents.

8.1 Half Yearly Update - Compliance Work Plan 2012/2013

Regarding the remaining five consents:

- Three 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;
- One development has been inspected and requires further follow up inspections. This development has commenced however works on site have not been completed at the time of the last inspection; and
- One development has not been activated and has 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 June 2012 meeting, 42 of these 77 major developments were in compliance with the issued development consents. Council is advised that since the June 2012 meeting, an additional 15 major developments were identified to be in compliance with the issued development consents.

Regarding the remaining 20 consents:

- Five have not commenced at the time of the inspection;
- 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;
- Two developments have not commenced and have lapsed; 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 Program)*

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, (e.g. 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 2008/09 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, 2008 and 2009 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 June 2012 meeting, 129 of these 143 identified developments were in compliance with the issued development consents. Council is advised that since the June 2012 meeting, an additional 12 identified developments were identified to be in compliance with the issued development consents.

Regarding the remaining two consents:

- One development has not been activated and has lapsed;

8.1 Half Yearly Update - Compliance Work Plan 2012/2013

- One development has been inspected and requires further follow up inspections. This development relates to a business within Newrybar that has recently undertaken civil works to create the carpark and improve Council's road infrastructure. Further inspections are required to bring the On-Site Sewage Management System and business into compliance with the approved development consent.

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 June 2012 meeting, 94 of these 131 identified developments were in compliance with the issued development consents. Council is advised that since the June 2012 meeting, an additional 34 identified developments were identified to be in compliance with the issued development consents.

Regarding the remaining three consents:

- Two developments have not been activated and have lapsed;
- One development has been inspected and require further follow up inspections. This development relates to a business within Wardell that requires reports certifying all building works undertaken to the building.

Of the 131 identified 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 June 2012 meeting, 70 of these 131 identified developments were in compliance with the issued development consents. Council is advised that since the June 2012 meeting, an additional 33 major developments were identified to be in compliance with the issued development consents.

Regarding the remaining 28 consents:

- 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.

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

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 June 2012 meeting, 375 of these 507 developments were in compliance with the issued development consents. Council is advised that since the June 2012 meeting, an additional 24 identified developments were identified to be in compliance with the issued development consents.

Regarding the remaining 108 consents:

8.1 Half Yearly Update - Compliance Work Plan 2012/2013

- 32 have not commenced at the time of the inspection. These developments will be inspected during this financial year for commencement and if applicable compliance with the issued consents;
- 76 developments have been inspected and require further follow up inspections. This is due to works on site not being complete at the time of the inspection, a change in the land use that has not been formally consented to but may be permissible as 'exempt development' under State Policy, or non compliance with conditions of consent being detected. Investigations into these potential 'exempt development' uses are continuing.

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

This is a new program for inclusion in the Compliance Work Plan for 2011/12. 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.

A review of the 30 identified anomalies by Regulatory Services has concluded that:

- 17 developments have complied with all conditions of consent and all required contributions have been paid;
- Two developments remain active and require further follow up for payment of outstanding contributions;
- Five consents have lapsed, and therefore no contributions are payable;
- One development was for a staged development and Stage Two has not proceeded. Any contributions listed as outstanding apply to this Stage; and,
- Five developments have been finalised and contributions to an assessed value of \$19,003 are not recoverable.

Action is now being taken to, where possible, seek recovery of the identified outstanding contributions.

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

This is a new program for inclusion in the Compliance Work Plan for 2012/13 and was planned to commence in December 2012 on the completion of the audit of the Southern Cross Industrial Estate.

Given the Southern Cross Industrial Audit has not been completed, along with the other issues previously identified in this Report, this program has not commenced as proposed. This program will be reviewed in March 2013 with a view to commencement at that time.

Sustainability Considerations

- **Environment**
Compliance with issued development consents enhances the protection of the built and natural environments.
- **Social**
Not applicable
- **Economic**
Payment of development contributions assists in the delivery of additional local infrastructure.

This program aims to efficiently utilise the resources allocated for enforcement activities.

Consultation

This report has been provided for public information.

Options

The options are to note the contents of the report or to amend the identified compliance project work program where Council believes there may be higher priorities that need to be addressed. The recommendation is to note the report as Council has previously endorsed the preferred compliance work plan for 2012/13 and the priorities are considered to reflect the highest priorities for the broader community.

RECOMMENDATION

That Council notes the contents of this report on the status of the Compliance Work Plan for 2012/13.

Attachment(s)

Nil

8.2 Development Applications - Works in Progress - January 2013

8.2 Development Applications - Works in Progress - January 2013

The following schedule sets out current development applications that have not yet been dealt with for the reasons cited:

Please note that duplex and dual occupancy applications are not included in this report.

DA No.	Date Rec'd	Applicant	Proposal	Status
2011/166	15/04/2011 (Application Amended 8/11/2012)	SJ Connelly CPP Pty Ltd	Eight Lot Residential Subdivision and 15 Unit Town House Development 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 Drive, Ballina	Being Assessed
2011/506	23/11/2011	C Lonergan	Regularise and Expand existing Caravan Park from 55 Sites to 178 Sites and construct new Amenities Block and Recreation Building, 440 South Ballina	Awaiting Additional Information

8.2 Development Applications - Works in Progress - January 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
			Beach Road, South Ballina	
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	Being Assessed
2011/541	20/12/2011	Ballina Shire Council	Construction of a Surf Club Storage Building, 78 space carpark, bulk earthworks and landscape works; Cedar Crescent, Light House Parade & Compton, Drive East Ballina	Awaiting Additional Information
2012/271	10/07/2012	SJ Connelly CPP Pty Ltd	Two Lot Subdivision to create 1 x 2ha and 1 x 40ha allotments - 142 Martins Lane, Knockrow	Being Assessed
2012/291	23/07/2012	Newton Denny Chapelle	To undertake a staged 47 Lot Community Title residential subdivision with lots ranging in size from 303m ² to 773m ² , associated road, earth and infrastructure servicing works, creation of a public road and one 6.4 hectare Torrens Title residue lot - 565-589 River Street, East	Being Assessed

8.2 Development Applications - Works in Progress - January 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
2012/346	27/08/2012	Australian Fishing Tournaments Pty Ltd	The erection of a temporary sign for the boat and leisure show - 319-321 River Street, Ballina	Being Reconsidered – Subject to Special Event Signage Policy
2012/357	30/08/2012	Newton Denny Chapelle	The subdivision of 4 Lots into 5 Lots and a Road Reserve - Hutley Drive & Henderson Drive, Lennox Head	Awaiting Additional Information
2012/369	7/09/2012	MJ Hickey & M Harley	Erection of General Store and associated Residence and special purpose subdivision -13 Fig Tree Hill Drive, Lennox Head	Awaiting Additional Information
2012/407	5/10/2012	Peter Turner & Associates	Alterations to Existing Hotel – 19 Pacific Parade, Lennox Head	Being Assessed
2012/432	16/10/2012	SJ Connelly CPP Pty Ltd	Two Lot Boundary Adjustment Subdivision to create 1 x 10ha and 1 x 60.4ha allotments – 13 Edward Place & Newrybar Swamp Road, Knockrow	Being Assessed
2012/452	26/10/2012	D Roberts	Erection and Use of a New Building and Existing Dwelling House for the purposes of a Community Building – 44 Fishery Creek Road, Ballina	Awaiting Additional Information
2012/465	5/11/2012	SJ Connelly CPP Pty Ltd	To establish a tourist facility	Referred to Government

8.2 Development Applications - Works in Progress - January 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
			comprising a two bedroom holiday cabin involving the conversion of an existing building - 841 Fernleigh Road, Brooklet	Departments
2012/476	14/11/2012	Newton Denny Chapelle	Two Lot Rural Subdivision to create 1 x 13ha and 1 x 26ha allotments - 68 Howards Road, Alstonville	Referred to Government Departments
2012/481	15/11/2012	RW Edols	Erection of a tourist facility including 12 villas and associated facilities and infrastructure and a dual occupancy dwelling - 259 Keith Hall Lane, Keith Hall	Referred to Government Departments
2012/484	19/11/2012	Newton Denny Chapelle	Erection of Two Multi-Grow (igloo) Structures - 253 Wardell Road, Lynwood	Being Assessed
2012/495	26/11/2012	Newrybar Public School P&C Association	To conduct weekly farmers' markets - 10 Broken Head Road, Newrybar	Being Assessed
2012/499	29/11/2012	Paul R Gray Architect Pty Ltd	To erect storage sheds for the purpose of the bulk storage of plant and equipment associated with the existing scaffold - 152 Newrybar Swamp Road, Knockrow	Awaiting Additional Information
2012/501	29/11/2012	AE Buchan	To enable permanent	On Exhibition

8.2 Development Applications - Works in Progress - January 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
			residential use of existing short term holiday accommodation units - Units 1&2/9A Rayner Lane, Lennox Head	
2012/507	30/11/2012	N Smith C/- Presbyterian Church	Alterations and Additions to Existing Church - 54-56 Crane Street, Ballina	Being Assessed
2012/514	10/12/2012	Tim Fitzroy & Associates	Alterations and Additions to Bus Depot - 28 Russellton Drive, Alstonville	Awaiting Additional Information
2012/517	11/12/2012	SJ Connelly CPP Pty Ltd	Alterations & Additions to Caretaker's Residence - 7 Shelly Beach Road, East Ballina	Awaiting Additional Information
2012/522	13/12/2012	Newton Denny Chapelle	Staged consent for a two lot subdivision to create 1 x 0.2 ha allotment (Proposed Lot A – special purpose lot) and 1x 7.7 ha residue allotment and associated public road reserve and conceptual approval (subject to a future development application) for the development of Proposed Lot A for an emergency services facility (NSW Rural Fire Service)	Awaiting Additional Information

8.2 Development Applications - Works in Progress - January 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
			and associated access road - Henderson Drive, Lennox Head	
2012/527	19/12/2012	Therian P/L & Planit Consulting Pty Ltd	To demolish existing building and erection of animal shelter facility for the Northern Rivers Animal Services - 61 Piper Drive, Ballina	Being Assessed
2012/530	20/12/2012	L Johnston	Alterations and additions to existing shop (St Vincent De Paul) - 7 Martin Street, Ballina	Being Assessed
2012/534	21/12/2012	Ardill Payne	Change of Use involving the establishment of a motor showroom, spray booth, workshop and alterations and additions to the existing building - 2 Owens Crescent, Alstonville	Being Assessed
2012/535	21/12/2012	Newton Denny Chapelle	Alterations and additions to existing dental surgery involving inclusion of an additional practitioner and construction of gravel carpark - 21-23 Daley Street, Alstonville	Being Assessed
2012/537	21/12/2012	John Gosper	Change of Use to enable permanent residential use of existing short term tourist accommodation - Unit No. 52/2	On Exhibition

8.2 Development Applications - Works in Progress - January 2013

DA No.	Date Rec'd	Applicant	Proposal	Status
			Martin Street, Ballina (Ramada)	

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2012/334	17/08/2012	Ballina Shire Council	The construction of Hutley Drive connection to the Pacific Pines Estate via a round-about, connection to Elevation Estate & Vegetation clearance in SEPP 14 affected area – North Creek Road, Lennox Head	Awaiting Additional Information

Major Development (Determined by Minister)

Major Project No./DA No.	Date Rec'd	Applicant	Proposal	Status
MP 07_0026 MOD 4 (DA 2008/510)	01/08/2012	Geolink (on behalf of The Royal Bank of Scotland)	To modify the approved concept plan and project application layout - Hutley Drive, Lennox Head	Council issued a written response to Department of Planning 2/11/2012. Awaiting Minister's Determination

RECOMMENDATION

That Council notes the contents of the report on the status of outstanding development applications for January 2013.

Attachment(s)

Nil

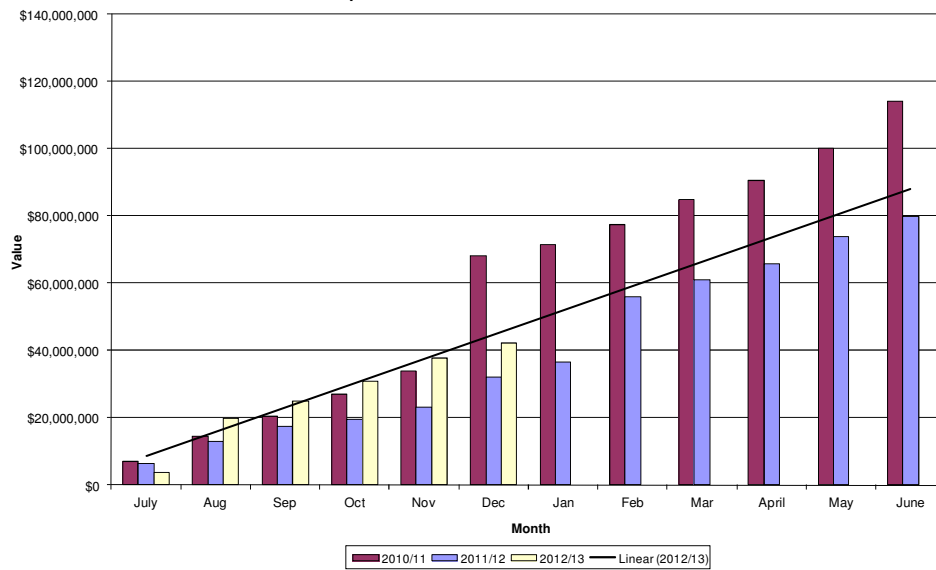
8.3 Development Consent Statistics - December 2012

8.3 Development Consent Statistics - December 2012

During the period of 1 December 2012 to 31 December 2012 the Regulatory Services Group issued Development Consents comprising of:

Number of Applications	Value of Work
27 Other Building Related	\$ 2,978,000
5 Dwelling/Duplexes/Residential Flat Buildings	\$ 1,452,000
13 General Developments	\$ 6,000
Total Value	\$ 4,436,000

The following chart details the cumulative consent figures for 2012/13 as compared to 2011/12 and 2010/11. A trend line has also been provided for 2012/13 to assist in the comparison.



RECOMMENDATION

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

Attachment(s)

Nil

9. Strategic & Community Group Services Reports

9. Strategic & Community Services Group Reports

Nil Items

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.

US01/13	<p>Instrument of Delegation – Plumbing and Drainage Act 2011.</p> <p>Council resolved in December 2012 to accept the delegations from the NSW Department of Fair Trading under the Plumbing and Drainage Act 2011. The Instrument of Delegation requires the seal to be affixed.</p>
US01/14	<p>Request to remove Encumbrance P165885 from Lot 39 DP 246774, being 10 Mellis Circuit, Alstonville as owned by T J & N S Smee.</p> <p>A mowing encumbrance was placed upon vacant residential land within DP 246774 such that while ever the land remained vacant, the owner was to pay an annual mowing fee to Council. The charging of the fee ceased once a dwelling was erected upon the land. Lot 39 DP 246774 has a dwelling erected upon it.</p>
US01/15	<p>Requests to remove mowing encumbrances relating to the former Tintenbar Shire Council.</p> <p>As per the previous item Council receives requests from time to time to remove mowing encumbrances on land typically originating from the former Tintenbar Shire Council. These encumbrances were placed on the land titles and entitled Council to charge the landowner the cost of mowing of the land until such time as a dwelling was built on the land. Most of the land encumbered has dwellings already erected and it is not until a change in ownership that the removal of the encumbrance is required. At times the requests for removal are urgent due to pressing land sales and Council's inability to respond until a formal Council resolution is obtained can cause some distress, particularly for elderly people. Therefore it is proposed that Council provide a resolution authorizing the removal of mowing encumbrances placed by the former Tintenbar Shire Council to avoid any unnecessary delays into the future.</p>

Attachment(s)

Nil

10.2 Investment Summary - December 2012

10.2 Investment Summary - December 2012

Delivery Program Financial Management

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

Background

In accordance with the Local Government Financial Regulations, the responsible accounting officer of a council must provide a monthly report (setting out all money Council has invested), to be presented at the ordinary meeting of Council, immediately following the end of the respective month. This report has been prepared for the month of December 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 December was \$83,390,000. This represents an increase from November of \$300,000.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 31 December 2012, was \$2,200,576.

Council's investments as at 31 December are at an average (weighted) rate of 4.59% which is 1.46% above the 90 Day Bank Bill Index of 3.13%.

The majority of the approximately \$83 million of investments held by Council are restricted by legislation (external) and Council (internal) uses for the following purposes:

Reserve Name	Internal/External Restriction	Approx % of Portfolio*
Water Fund (incl developer contributions)	External	14
Wastewater Fund (incl developer contributions)	External	14
Wastewater Fund (unexpended loan)	External	24
Section 94 Developer Contributions	External	9
Bonds and Deposits	External	2
Other External Restrictions	External	6
Land Development	Internal	9
Employee Leave Entitlements	Internal	2
Carry Forward Works	Internal	8
Miscellaneous Internal Reserves	Internal	11
Unrestricted		1
Total		100%

* Based on reserves held as at 30 June 2012

Key Issues

- Investment return
- Compliance with Investment Policy

10.2 Investment Summary - December 2012

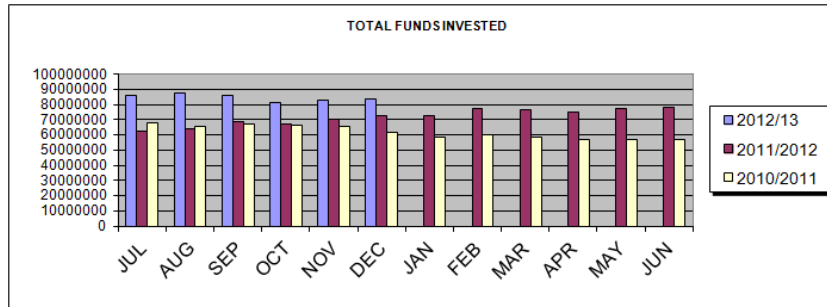
Information

A. Summary of investments by institution

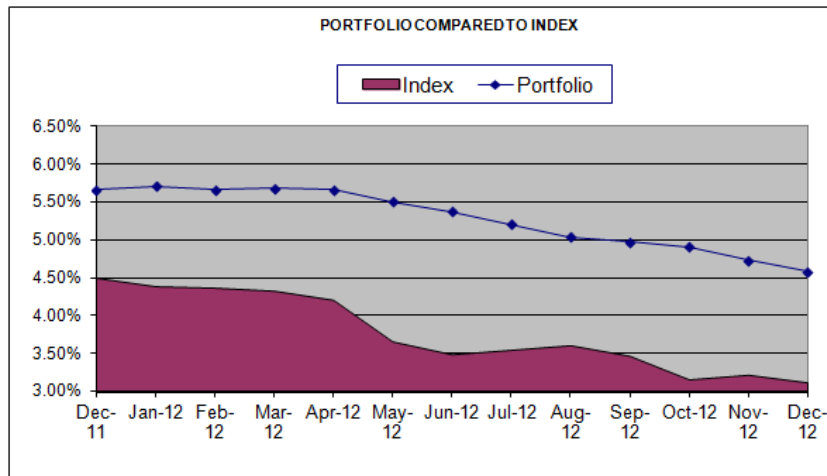
Funds Invested With	ADI Rating	Previous Month (\$'000)	Current Month (\$'000)	Quota %	% of Total	Total
Grandfathered Investments						
Deutsche Bank	A+	4,000	4,000	0	4.8	
Goldman Sachs	AA-	1,000	1,000	0	1.2	
HSBC Australia	AA-	1,000	1,000	0	1.2	
Longreach Capital Markets 28*	AA+	1,000	1,000	0	1.2	
National Australia Bank	AA-	1,788	1,788	0	2.1	
National Wealth M'ment Holding	A	2,000	2,000	0	2.4	13%
Rated Institutions						
ANZ Bank	AA-	26	26	20	0	
Bank of Queensland	BBB+	7,000	7,000	10	8.4	
Bank of Western Australia	AA-	6,000	6,000	20	7.2	
Commonwealth Bank of Aust	AA-	8,276	4,576	20	5.5	
Illawarra Mutual Bld Soc	BBB	4,000	8,000	10	9.6	
ING Bank Ltd	A	13,000	12,000	20	14.4	
Members Equity Bank	BBB	7,000	7,000	10	8.4	
National Australia Bank	AA-	12,000	12,000	20	14.4	
Suncorp Metway Bank	A+	14,000	15,000	20	18	
Westpac Banking Corporation	AA-	1,000	1,000	20	1.2	87%
Total		83,090	83,390			100%

* Rating is on capital only by Citigroup Pty Ltd

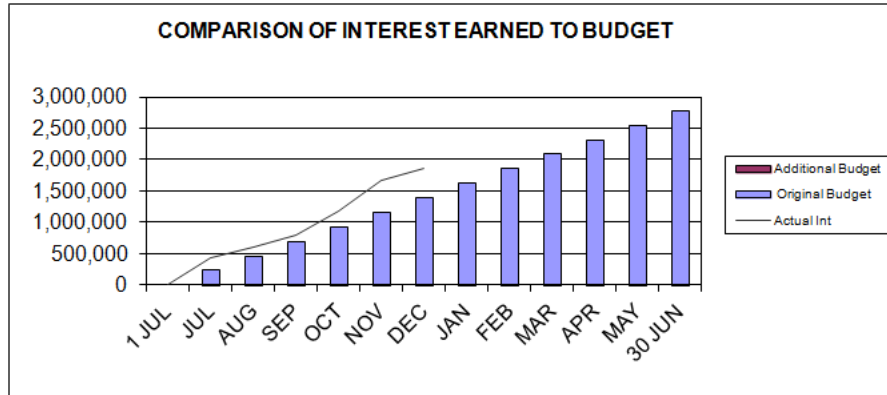
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



Comment

The Reserve Bank Board does not have a meeting in January so there are no changes to the cash rate setting. The next meeting is on 5 February 2013.

Commentators are split on future movements, with some calling at least two more 0.25 movements down in the next six months whilst others are saying the Board will sit tight - only time and statistics will tell.

The US 'Fiscal Cliff' has been avoided for the time being with agreement between the Senate (Democratic majority) and Congress (Republican majority) reached on 2 January. Still there are other problems ahead for them as the US \$16.4 trillion debt ceiling has been hit and the US Treasury is now using emergency measures to help pay its bills over the next couple of months.

Economists at Bank of America believe the uncertainty that will come with a bitter battle between the houses over the debt ceiling is the biggest risk to the economy in the first quarter of the year.

On a brighter note the US economy starts 2013 with the labour market still gradually strengthening and the housing market poised to build on the signs of recovery that emerged in the second half of last year.

10.2 Investment Summary - December 2012

E. Investments held as at 31 December 2012

Purchase Date	Issuer	Type	Rate%	Call or Maturity Date	Purchase Value \$'000
23/04/04	Deutsche Bank	FRN	4.12	23/04/14	2,000
23/04/04	Deutsche Bank	FRN	4.12	23/04/14	2,000
20/09/04	National Australia Bank	FRN	4.53	Perpetual	1,788
12/04/06	Goldman Sachs	FRN	3.71	12/04/16	1,000
16/06/06	National Wealth M'ment Holdings	FRN	3.73	16/06/16	2,000
28/06/07	Longreach Series 28	FND	0.00	27/06/14	1,000
14/03/08	HSBC Australia Ltd	FRN	5.30	14/03/13	1,000
17/12/08	Commonwealth Bank of Australia	FRTD	4.30	17/12/13	1,000
17/12/08	Commonwealth Bank of Australia	TD	5.93	17/12/13	998
03/02/10	Commonwealth Bank of Australia	FND	2.95	At Call	2,578
20/07/11	ANZ Bank	FND	2.50	At call	26
24/01/12	ING Bank Ltd	FRTD	5.08	24/01/17	1,000
06/02/12	Westpac Bank	FRN	4.81	06/02/17	1,000
24/07/12	Suncorp-Metway Bank	TD	5.10	21/01/13	4,000
30/07/12	ING Bank Ltd	TD	5.18	30/01/13	1,000
01/08/12	Suncorp-Metway Bank	TD	5.15	29/01/13	2,000
09/08/12	Members Equity Bank	TD	5.10	05/02/13	2,000
13/08/12	BankWest	TD	5.10	13/02/13	3,000
28/08/12	ING Bank Ltd	TD	5.03	25/01/13	1,000
28/08/12	Bank of Queensland	TD	5.20	28/02/13	1,000
04/09/12	Bank of Queensland	TD	5.10	02/01/13	1,000
11/09/12	National Australia Bank	TD	4.96	11/03/13	2,000
03/10/12	Members Equity Bank	TD	4.95	02/04/13	1,000
19/10/12	National Australia Bank	TD	4.55	17/04/13	4,000
19/10/12	National Australia Bank	TD	4.55	17/04/13	1,000
22/10/12	Members Equity Bank	TD	4.85	19/02/13	2,000
23/10/12	ING Bank Ltd	TD	4.62	20/02/13	1,000
29/10/12	National Australia Bank	TD	4.50	29/04/12	3,000
31/10/12	Suncorp-Metway Bank	TD	4.45	29/01/13	2,000
01/11/12	National Australia Bank	TD	4.51	01/05/13	2,000
05/11/12	ING Bank Ltd	TD	4.64	07/05/13	1,000
05/11/12	Illawarra Mutual Bld Society	TD	4.54	01/02/13	2,000
05/11/12	Illawarra Mutual Bld Society	TD	4.54	01/02/13	2,000
06/11/12	Bank of Queensland	TD	4.75	06/02/13	2,000
06/11/12	ING Bank Ltd	TD	4.55	06/03/13	2,000
09/11/12	Suncorp-Metway Bank	TD	4.55	07/02/13	2,000
13/11/12	ING Bank Ltd	TD	4.63	11/02/13	2,000
19/11/12	Members Equity Bank	TD	4.70	18/02/13	2,000
18/11/12	BankWest	TD	4.45	31/01/13	1,000
22/11/12	BankWest	TD	5.10	05/02/13	2,000
26/11/12	Bank of Queensland	TD	4.80	26/02/13	3,000
27/11/12	Suncorp-Metway Bank	TD	4.60	27/02/13	2,000
18/12/12	ING Bank Ltd	TD	4.75	18/06/13	3,000
24/12/12	Suncorp-Metway Bank	TD	4.60	23/04/13	3,000
24/12/12	Illawarra Mutual Bld Society	TD	4.50	25/04/13	4,000
Totals:					83,390
TD=Term Deposit		FRN=Floating Rate Note		FND=Managed Fund	
ELN= Equity Linked Note		FRTD= Floating Rate Term Deposit			

RECOMMENDATION

That Council notes the record of banking and investments for 31 December 2012.

Attachment(s)

Nil

10.3 Facilities Committee - Chair

10.3 Facilities Committee - Chair

Delivery Program Governance

Objective To seek a Chairperson for the Facilities Committee.

Information

At the Facilities Committee meeting held on 18 December 2012 Cr Susan Meehan was elected as Chair of that Committee.

Cr Meehan now wishes to withdraw from this position due to her many other Council (Chair of Arts Northern Rivers, Rous County Deputy Chair etc) and personal commitments.

This being the case a new nomination for Chair of the Facilities Committee should be confirmed at this meeting.

RECOMMENDATION

That Council notes Cr Meehan's notice to withdraw as Chair of the Facilities Committee and seeks nominations for a replacement Chair.

Attachment(s)

Nil

10.4 Ward Committees - Membership

10.4 Ward Committees - Membership

Delivery Program Administration

Objective To obtain approval to amend the membership of the "C" Ward Committee

Background

At the September 2012 Ordinary meeting Council resolved to retain the existing Committee structure and membership of the three Ward committees. Council also resolved to call expressions of interest for additional membership of the Ward committees, particularly from sporting bodies.

Expressions of interest were called and closed on 23 November 2012 with a number of nominations received. The nominations received were reported to Council's December Ordinary meeting. Since that time a further nomination has been received for membership of the "C" Ward Committee from the Alstonville Community Pre-School.

Key Issues

- Suitability for membership

Information

A nomination has been received from the Alstonville Community Pre-School to become a member of the "C" Ward Committee.

The organisation advise that they are a not for profit group with 11 financial members and 300 "friends of the pre-school".

Sustainability Considerations

- **Environment**
Ward committees consider matters that relate to environmental, social and economic issues.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

Nil

Consultation

Expressions of interest were called and closed on 23 November 2012.

10.4 Ward Committees - Membership

Options

The options are to approve or not approve the nomination. The recommendation is to approve the nomination.

RECOMMENDATION

That Council approves additional membership to the "C" Ward Committee from the Alstonville Community Pre-School.

Attachment(s)

Nil

10.5 Flat Rock Tent Park - Adoption of Fees

10.5 Flat Rock Tent Park - Adoption of Fees

Delivery Program Commercial Services

Objective To adopt the new fees for Flat Rock Tent Park as exhibited.

Background

Council resolved at its Ordinary Meeting of 20 December 2012 to advertise a set of draft Flat Rock Tent Park fees, and associated notes, for 2013/14 for public comment. The purpose of this report is to consider any submissions received and to formally adopt the fees.

Key Issues

- Change in fees
- Submissions

Information

The draft fees as presented to Council in December were exhibited for public comment. As a result of that exhibition, and as at the time of writing this report, no submissions have been received, albeit that there is still one day remaining for the exhibition period. Any submission arriving prior to the Council meeting will be forwarded to Councillors.

A copy of the exhibited fees have not been reproduced for this meeting with the information from the Commercial Services Committee meeting agenda for the meeting held 18 December 2012 available on Councillor's IPADs and the Council web site (www.ballina.nsw.gov.au).

Sustainability Considerations

- **Environment**
Council needs to operate the tent park in a sustainable manner, taking into account any environmental impacts.
- **Social**
The tent park plays a major social role in that people holidaying in the tent park come from broad socio-demographic groups; this creates a large social interaction of people.
- **Economic**
The tent park provides economic benefits to both Council and the broader business community.

Legal / Resource / Financial Implications

Council is legally required to exhibit and adopt its fees.

10.5 Flat Rock Tent Park - Adoption of Fees

Consultation

The documents were placed on public exhibition from 21 December 2012 to 18 January 2013.

The documents were exhibited to encourage public comment and exhibited at Council's normal consultation points (administration centre and libraries) and on the Council website.

Options

Council can adopt or not adopt the fees and charges as exhibited. The recommendation is to adopt the fees as exhibited.

RECOMMENDATION

That Council adopts the draft Flat Rock Tent Park fees and associated notes, as exhibited, for 2013/14.

Attachment(s)

Nil

10.6 Policy (Review) - Code of Meeting Practice

10.6 Policy (Review) - Code of Meeting Practice

Delivery Program Governance

Objective To consider any submissions and adopt the recently exhibited Code of Meeting Practice.

Background

Council at the 25 October 2012 Ordinary meeting resolved to place on public exhibition changes to the existing Code of Meeting Practice.

The document was placed on public exhibition with the closing date of 27 December 2012. Exhibition of the Code of Meeting Practice is required by the Local Government Act to be for a minimum period of 28 days, with a minimum of 14 days after the exhibition period allowed for submissions to be presented.

Following the exhibition period the document must be resubmitted to Council for formal adoption, along with consideration of any submissions.

Key Issues

- Changes exhibited
- Relevance of policy
- Address submissions

Information

The draft policy document was exhibited for a period of 28 days, with an extra 14 days allowed for public comment. The exhibition was notified via Council's website and by way of advertisement in the local newspaper. Copies of the document were made available at Council's Community Access Points. The policy was also exhibited through Council's new electronic newsletter Community Connect eNews, with a link to an online feedback form.

The changes exhibited by Council were as follows:

- Deletion of Questions Without Notice
- Limitation on deputations to a maximum of two items on the agenda
- An additional clause highlighting that mobile phones must be silenced in Council meetings.

A copy of the amended draft, as exhibited, is included as an attachment to this report.

One submission was received. The submission supports the proposed changes as exhibited by Council and also provides the following suggestions to further improve the policy:

10.6 Policy (Review) - Code of Meeting Practice

- **Clause 8.6 Public Question Time** is not often used by members of the public. If a matter is important then the member of public could contact the Councillors representing their Ward or contact Council's Administration.

Staff Comment: It is agreed that this section of the meeting has generally not been used by members of the broader community and typically is used by a limited number of people often in respect to vested interest matters and / or to score political points. The concept of deleting this section of the agenda has been raised by staff previously however to date it has not been supported by Council.

Some councils set down different meeting times for people to meet and raise issues with Councillors and that could possibly be another option to consider. Alternatively, as per the submission, there are plenty of other times where members of the public can arrange to meet with Councillors and / or staff. No change is recommended, however it is agreed that this section of the meeting is not adding any good governance to the meeting process.

- **Clause 8.8 Food and Beverages** the submission suggests that this be monitored more closely and that the sign outside the chamber prohibiting food and beverages be enlarged. Also this prohibition should also extend to Councillors.

Staff Comment: This prohibition already applies to Councillors and the issue is more a matter of monitoring. This can be more actively undertaken by the Chair with support from Councillors. The signage is being reviewed by Council staff.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The Code of Meeting Practice helps to provide consistency and equity and appropriate standards of behaviour in the management of Council meetings.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Nil

Consultation

The draft policy was placed on public exhibition for public comment, with one submission received.

10.6 Policy (Review) - Code of Meeting Practice

One item was also identified through other consultation being undertaken by Council where it was highlighted that the reference to other documents on page two in the Code needed to be updated in respect to publications released by the Division of Local Government (DLG). The reference to the latest DLG Model Code of Conduct and Guidelines is now March 2013 (not June 2008 as exhibited) and the DLG Practice Note is now August 2009 (not November 2005). As these are only reference publications it is recommended that they be changed without any further exhibition.

Options

Council can adopt the policy as exhibited, amend the policy and re-exhibit or make no changes to the original document. As Council had resolved to exhibit the document for public comment the recommendation is to adopt the document as exhibited which includes the deletion of Councillor questions without notice and a limitation on deputations to a maximum of two items on the agenda.

RECOMMENDATION

That Council adopts the amended Code of Meeting Practice, as exhibited, and as attached to this report, inclusive of any updates to the reference publications listed on page two of the Code.

Attachment(s)

1. Exhibition Copy - Draft Review - Code of Meeting Practice
2. Code of Meeting Practice Submission - Mrs Betty Reynolds

10.7 Policy (Review) - Code of Conduct

10.7 Policy (Review) - Code of Conduct

Delivery Program Administration

Objective To adopt the Division of Local Government's new model Code of Conduct.

Background

Section 440 (7) of the Local Government Act states as follows:

Codes of conduct

A council must, within 12 months after each ordinary election, review its adopted code and make such adjustments as it considers appropriate and as are consistent with this section.

Council considered this review at the October 2012 meeting with no changes being made to the existing Code. That report did flag that the Division of Local Government (DLG) would shortly be releasing a new Code, which would mean that Council will receive a further report on this in the not too distant future.

The DLG has now released their new model Code of Conduct and the purpose of this report is to seek Council's endorsement of that Code. Council is able to make amendments to this Code however changes must strengthen the Code, not weaken it.

A copy of the new Model Code, Procedures for its Administration and a Summary, as published by the DLG, are attached to this report.

Key Issues

- Changes to the existing Code
- Obligations for Councillors and Council staff under the new Code

Information

The DLG advises that the changes made to the Model Code are the result of extensive consultation with councils and key stakeholders. The Code and associated procedures are supported by new provisions in the Local Government Act to more effectively deal with serious or repeated breaches of the Code through expanded and strengthened penalties.

Key features of the new framework include:

- Greater flexibility to resolve non-serious complaints and to minimise costs
- Improved complaints management, with complaints about councillors and the general manager managed from start to finish by qualified and independent conduct reviewers
- Greater fairness and rigour in the investigation process through clearer procedures

10.7 Policy (Review) - Code of Conduct

- Stronger penalties for ongoing disruptive behaviour and serious misconduct to more effectively deter and address such behaviour, allowing councils to get on with the business of serving their communities.

This information is outlined in the attachments to this report. In reviewing the new model Code the major changes are in Part 8, which deals primarily with complaint management.

Administrational arrangements

Councils are required to make the following administrative arrangements to prepare for the new Code commencing 1 March 2013.

- Adopt the new Model Code and Procedures by 1 March 2013

It is recommended that Council adopt the Code, as attached, without change.

- Appoint members of staff, other the General Manager, to act as the complaints coordinator and alternate complaints coordinator before 1 March 2013

The preferred position for complaints co-ordinator is the Manager – Finance and Governance, who is also Council’s Public Officer. This position has one of the main governance rules in Council and is considered to be a suitable coordinator. In respect to the alternate position the recommendation is to appoint the Manager – Human Resources and Risk, who also has experience in managing complaints. The preference is not to allocate members of the senior management team to these positions, due to their close working relationship with Councillors.

- Ensure panels of conduct reviewers, appointed using the selection process prescribed under the new procedures, are in place by 30 September 2013

At the September 2012 Ordinary meeting Council resolved to write to the existing members of the previous Conduct Review Panel to seek confirmation that they would remain panel members. Only one member withdrew. The current members, who are listed below, were originally selected using the procedures outlined in the Code framework, with the only exception being that we did not advertise in a Sydney paper as now required.

The following position is on an honorary basis:

- Inspector Greg Moore (not allowed, due to his employment, to accept payment for this service)

The following are positions are remunerated for any work undertaken:

- Mr Gary Faulks
- Mr Peter Cordery
- Mr Donald Scott
- Mr Kim Holwell
- Mr Dennis O'Sullivan
- Mr Andrew McGinley

10.7 Policy (Review) - Code of Conduct

As the original advertising process did not include notification in a Sydney newspaper it appears that Council will have to go through this process of selection once again. Therefore the recommendation is to advertise for expressions of interest and to write to existing members advising of this need to advertise and for them to address the criteria outlined in the new Model Code.

In respect to remunerating panel members, prior to the last term of Council, there was a mixture of panel members providing their services on a voluntary basis and others being remunerated. During the last term it was considered to be more equitable to pay all the panel members the same amount (Inspector Moore had to decline any payment).

Council then adopted the Tweed Shire Council's payment approach which was based on the NSW Government's Premier and Cabinet's publication titled Guidelines for NSW Board and Committee Members: Appointments and Remuneration (<http://www.boards.dpc.nsw.gov.au/publications-for-agencies>).

This publication provides maximum daily fees for boards and committees and the figures provided in that publication, which were effective from 1 November 2004, are as follows:

Chair	\$342 full day	\$171 half day
Member	\$207 full day	\$104 half day

Tweed had then annually adjusted the figures by CPI with the latest figures being used by Council being:

Chair	\$390 full day	\$195 half day
Member	\$236 full day	\$118 half day

In reviewing the Department and Cabinet's publication for Appointments and Remuneration it appears that the State Government has placed a freeze on the fees and for **existing boards and committees** the original 2004 fees are still being applied, whereas for **new boards and committees** the figures have changed to the following:

Chair	\$350 full day	\$220 half day
Member	\$175 full day	\$110 half day

These figures are still less than that currently offered by Council.

The use of the Premier and Cabinet publication is somewhat cumbersome in that the figures are not independently updated, they are based on half and full days and not hourly rates. Ideally it would be preferable to have another independent remuneration process adopted, however no easily accessible and equitable process has been identified.

The majority of other councils rely on the fees proposed by the panel member however this can be quite costly as some professionals can charge hourly rates well in excess of \$100.

Council has still managed to attract a strong panel membership based on the current allowances and it is recommended that a similar allowance be provided to continue an equitable approach.

10.7 Policy (Review) - Code of Conduct

It is interesting to note that if the original 2004 State Government board and advisory committee allowances are indexed by 2.0% per annum the resultant fees are approximately \$401 (Chair) and \$243 (Member) per full day. This being the case an up to date allowance framework could be:

Chair	\$400 full day	\$200 half day
Member	\$250 full day	\$125 half day

It is recommended that the Chair fee also apply to when one only panel member is involved in managing a complaint. The figures are also considered to be GST exclusive, remembering Council is reimbursed for any GST paid.

Overall this fee structure is still considered to be relatively affordable and is fairly consistent with the current fee structure.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The Code of Conduct relates the standards of conduct for Council officials, which includes councillors, council staff, administrators, council committee members, conduct reviewers and delegates of council.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The Local Government Act provides legislation that must be followed in respect to the Code of Conduct.

Consultation

This report is provided for public information.

Options

It is necessary for Council to comply with the Local Government Act, which means we must adopt the new Code of Conduct, subject to any improvements that Council may wish to implement. The preference is to comply with the Model Code, without any changes, as this ensures consistency with the DLG's recommendations.

In preparing for the new Code, Council must ensure that a Complaints Co-ordinator and an alternate, other than the General Manager, be nominated before 1 March 2013. The recommendations are to appoint the Manager – Finance and Governance and Manager – Human Resources and Risk to these two positions.

10.7 Policy (Review) - Code of Conduct

In respect to the members of the Conduct Review Panel, Council must confirm the new members by 30 September 2013 and be satisfied that they have been selected using the process prescribed under the new procedures. Therefore the recommendation is to conduct an expression of interest process, with existing members offered the opportunity to reapply.

In respect to remuneration, as detailed in the report, a structure similar to the current framework is proposed, based on the following figures:

Chair	\$400 full day	\$200 half day
Member	\$250 full day	\$125 half day

RECOMMENDATIONS

1. That Council adopts the New Model Code of Conduct and Administrative Procedures, as produced by the Division of Local Government, and as attached to this report, as its Code of Conduct.
2. That Council appoints the positions of Manager – Finance and Governance as Complaints Co-ordinator and Manager – Human Resources and Risk as Alternate Complaints Co-ordinator.
3. That Council approves an expression of interest process for nominees for Council's Conduct Review Committee Panel, with existing members offered the opportunity to reapply.
4. The following fee structure is to apply for remuneration for panel members:

Chair	\$400 full day	\$200 half day
Member	\$250 full day	\$125 half day

These figures are exclusive of GST, the Chair rate is payable when only one panel member is managing a complaint and the figures are subject to annual CPI increases.

Attachment(s)

1. New Model Code of Conduct - March 2013
2. Administrative Procedures - Model Code of Conduct - March 2013
3. Summary of Model Code of Conduct - March 2013

10.8 Policy (Review) - Councillor Expenses and Facilities

10.8 Policy (Review) - Councillor Expenses and Facilities

Delivery Program Governance

Objective To seek Council's views on the provision of telecommunication facilities to Councillors.

Background

At the October 2012 Ordinary meeting Council considered a review of the Councillor Expenses and Facilities Policy. The policy was endorsed for public exhibition with some minor clarifications regarding carers and timeframes for submission of expenses claims.

Councillors also sought a further report on options for clause 3.2.1 of the policy, which currently states:

3.2.1 Telecommunications including Internet

Each Councillor shall be entitled to:

- *Installation of one home telephone line to enable either telephone or facsimile connection*
- *Provision, maintenance and consumables for a multi function centre at each Councillor's premises for Council use*
- *Provision of a caller-id unit*
- *Provision of tablet technology (i.e. IPAD or similar)*
- *Provision of a mobile telephone / smart phone*
- *Suitable hands free device for the Councillor's private vehicle*

The above equipment will be provided to a standard as determined by the General Manager in accordance with Council approved budgets and the communication needs of Council. Internet services, in accordance with the Council's corporate internet service provider plan, will also be available to Councillors through the provision of the Council supplied smart phone and / or tablet computer.

This clause relates to the telecommunications technology provided to Councillors and the purpose of this report is to examine the options available.

Key Issues

- Cost and benefit of facilities provided
- Ensuring the service remains contemporary

Information

There are three main components to the provision of telecommunications being the phone, the computer / tablet and auxiliary devices such as printers / faxes etc. Each of these is dealt with in detail as follows.

10.8 Policy (Review) - Councillor Expenses and Facilities

- Telephone – Currently Council offers a home telephone line, caller identification and a mobile phone. With the ever improving technology provided by smart phones it is considered that Council is in a position now where the need for the home phone line and caller ID unit is redundant. This was originally offered as either mobile phones did not exist, or were only limited in use, whereas today the mobile phone, or smart phone, is extremely important due to the extra functions provided (i.e. emails, meeting calendar etc).

By only providing the smart phone, Council centralises the contact number for a Councillor to one number and also limits the duplication and cost of providing two phone services. Therefore, for telephones, the recommendation for phone technology is to provide an internet connected smart phone, along with the provision of a hands free device for a Councillor's private vehicle to ensure that the phone can be answered legally while driving. A mobile data plan of 1GB per month is currently provided at no cost to Councillors and this is deemed appropriate.

- Computers / Tablets – The merits of computers and tablets for Councillors have been debated for many years at Council, with traditionally Councillors not being provided with this service. However during the last term of Council the Expenses Policy was amended to include the provision of tablet technology. From a staff perspective the tablets are working well and the recommendation is to retain this service. The only change recommended is the option to include the provision of a bluetooth keyboard as this can assist with typing and comes at a minimal cost. A data plan of 3GB per month is currently provided at no cost to Councillors and this is deemed appropriate.
- Auxiliary Devices – Council has traditionally provided a multi function device for printing and for receiving facsimiles. The number of facsimiles being received by Council continues to decrease rapidly and it is considered that this technology is now almost redundant. Printing, on the other hand, still remains important and the advice from Council's Information Services staff is that Council could provide a laser multi-function centre device that would allow scanning, copying and printing (excluding facsimile) for minimal cost. This is the recommended approach.

The provision of these three items (smart phone, tablet and multi function device) should address the essential needs of Councillors.

Clause 2.1.2 of the Expenses and Facilities Policy also places a limit on expenditure levels for telecommunication use, with the reimbursement of phone calls and internet plans limited to \$80 per month.

Given that Councillors are provided with access to internet services via smart phones and tablet, it is considered that reimbursement for home internet is not warranted. With this in mind it is recommended that Council maintain the existing level of reimbursement for telephone calls (\$80 per month) but exclude reimbursement for home internet as this is effectively duplicating a service already provided by Council.

10.8 Policy (Review) - Councillor Expenses and Facilities

Finally the Expenses Policy does not place any limit on stationery (i.e. paper, toner cartridges etc) use, with clause 3.2.2 simply stating that Councillors can receive standard stationery items on an as required basis. There have been no issues with excessive use of this section of the policy to date and no change is recommended.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The Expenses and Facilities Policy is designed to assist Councillors in undertaking their role as an elected member of the community.
- **Economic**
Budgets are provided for Councillor equipment.

Legal / Resource / Financial Implications

The changes outlined in this report result in only a minor impact on the Council budget and may actually result in some small savings.

Consultation

The Local Government Act requires changes to the Expenses Policy to be exhibited for public comment.

Options

The options are to endorse the changes outlined in this report for exhibition, amend the proposed changes or not make the changes. The updating of the provision of telephone, tablet and auxiliary equipment to reflect contemporary standards is a reasonable approach to ensure that Councillors are provided with modern technology and the recommendation that follows supports the exhibition of these changes.

Changes to clause 2.1.2 are also recommended to exclude the reimbursement of home internet charges due to Council providing ready access to the internet through the smart phones and tablets. Currently clause 2.1.2 states as follows:

Telephone/Internet

Councillors will be reimbursed for Council related telephone call charges, for a Council approved phone line, and /or internet service provider fees for Council related business, up to a combined maximum figure of \$80 per calendar month, upon receipt of a copy of the tax invoice(s) and a declaration by that Councillor that the amount claimed relates to Council related activities.

10.8 Policy (Review) - Councillor Expenses and Facilities

*If the mobile phone plan provided by Council imposes a surcharge for low usage, the surcharge will be regarded as rental costs and not deducted from a Councillor's allowance. If the cost of calls made from a Council provided mobile and / or landline are less than \$5.00 for any one month, that cost will **not** be deducted from the Councillor's allowance as the administrative cost of deducting that charge more than offsets the return to Council.*

Where Council provides phone or fax lines to Councillors, those numbers will be available for publication in Council documents and media.

It is proposed to replace this clause with the following clause, which removes the references to a Council approved phone line and internet service provider fees. The reference to the low usage surcharge in the first sentence of paragraph two of the current policy is also recommended for removal, as it no longer applies as part of mobile phone agreements. Finally a new clause is included at the end which makes reference to excess usage charges being deducted from a Councillor's allowance.

Telephone/Internet

Councillors will be reimbursed for Council related telephone call charges up to a maximum figure of \$80 per calendar month, upon receipt of a copy of the tax invoice(s) and a declaration by that Councillor that the amount claimed relates to Council related activities.

*If the cost of calls made from a Council provided mobile phone are less than \$5.00 for any one month, that cost will **not** be deducted from the Councillor's allowance as the administrative cost of deducting that charge more than offsets the return to Council.*

Where Council provides a mobile telephone service to Councillors, that number will be available for publication in Council documents and media.

Any excess data charges incurred on smart phones or tablets shall be deducted from a Councillor's allowance.

RECOMMENDATION

That Council authorises the exhibition, with the following changes to Clauses 2.1.2 and 3.2.1, of the Councillor Expenses & Facilities Policy:

Clause 2.1.2 Establishment of Monetary Limits and Standards

Telephone and Tablets

Councillors will be reimbursed for Council related telephone call charges up to a maximum figure of \$80 per calendar month, upon receipt of a copy of the tax invoice(s) and a declaration by that Councillor that the amount claimed relates to Council related activities.

*If the cost of calls made from a Council provided mobile phone are less than \$5.00 for any one month, that cost will **not** be deducted from the Councillor's allowance as the administrative cost of deducting that charge more than offsets the return to Council.*

10.8 Policy (Review) - Councillor Expenses and Facilities

Where Council provides a mobile telephone service to Councillors, that number will be available for publication in Council documents and media.

Any excess data charges incurred on smart phones or tablets shall be deducted from a Councillor's allowance.

3.2.1 Telecommunications and Auxiliary Equipment

Each Councillor shall be entitled to:

- *Provision of a smart phone (1GB limit per month) including a suitable hands free device for the Councillor's private vehicle (one only)*
- *Provision of tablet technology (i.e. IPAD or similar with a 3GB limit per month)*
- *Provision of a laser multi-function centre device that allows scanning, copying and printing (excluding facsimile) along with consumables such as cartridges and paper for printing.*

The above equipment will be provided to a standard as determined by the General Manager in accordance with Council approved budgets and the communication needs of Council. Internet services, in accordance with the Council's corporate internet service provider plan, will be available to Councillors through the provision of the Council supplied smart phone and / or tablet computer.

Attachment(s)

Nil

10.9 Delivery Program and Operational Plan - Quarterly Review

10.9 Delivery Program and Operational Plan - Quarterly Review

Delivery Program Governance

Objective To provide a quarterly review on the implementation of the actions identified in the Delivery Program and Operational Plan.

Background

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

Delivery Program

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

Even though Council is only required to receive six monthly progress reports the preferred practice has been to receive more timely quarterly reports. This report represents the second review of the 2012/13 - 2015/16 Delivery Program and the 2012/13 Operational Plan, with the information contained in the report based on work undertaken up to 31 December 2012.

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

In reviewing this information it is important to recognise that many of the benchmarks are based on the full 12 months, whereas the information included is only for six months of the year. Therefore a program can still be on target even though on a pro-rata basis it may appear behind, as a large part of the actions or work may be undertaken during the remainder of the year.

For reference purposes copies of the current Delivery Program and Operational Plan are available on Council's web site and also accessible by Councillors on their ipads.

Key Issues

- Compare actual results against the adopted goals and priorities

10.9 Delivery Program and Operational Plan - Quarterly Review

Information

The Delivery Program and Operational Plan are the two key corporate documents that establish Council's goals and priorities for the term of the Council and the current financial year. The attachment to this report provides a comprehensive overview of the actions being progressed, with the information also linked to Council's Community Strategic Plan (CSP) Objectives.

The attachment has two main sections being:

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

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

In respect to the Operational Plan there are a total of 71 tasks listed in the Plan and the following two tables provide an overview of the status of those tasks on a number and percentage basis.

Program Actions Overview - By Number of Tasks

Group / Status	GM	Regulatory	Civil	Strategic	Total
Green	25	4	15	15	59
Amber	1	1	9	0	11
Red	0	0	1	0	1
Total	26	5	25	15	71

Program Actions Overview - By Percentage

Group / Status	GM	Regulatory	Civil	Strategic	Total
Green	96	80	60	100	83
Amber	4	20	36	0	16
Red	0	0	4	0	1
Total	100	100	100	100	100

As per these tables the majority of these tasks are either green or amber with the main items of concern being:

- *Progress Coastline Shared Path and Recreational Path (page 1)* - The development application for this project has still not been lodged as we continue to wait for the finalisation of the Aboriginal consultation which is mandatory for any application.
- *Finalise Coastline and Floodplain Management Plans (page 5)* – These projects involve complex modelling and reliance on external parties and there are concerns that the due date for completion of 30 June may not be achieved
- *Develop an education package and delivery plan to ensure safe roll out of recycled water from the Ballina and Lennox Head Wastewater Treatment Plants (page 6)* – This project has a deadline of December 2012 and even though the project is well advanced it was not complete by December. Importantly the project should still be completed in full this financial year

10.9 Delivery Program and Operational Plan - Quarterly Review

- Prepare Master Plan for Kingsford Smith Precinct (page 7) – This project has not commenced as we are still waiting for the soil testing for the old depot site to be completed. That information will then allow Council to determine its preferred site location for the sports / events centre
- Implement actions as per water loss management program (page 19) – This is an interesting one in that the figures in the second part of this report highlight that our loss percentage is continuing to increase (27%). The Smith Drive works proposed are considered to be a major contributor to this leakage and the completion of these works over the next six months should assist in reducing this overall percentage.

In respect to the service delivery targets there are a total of 78 identified in the Operational Plan and the following two tables provide an overview of how Council is performing against those targets, again on a number and percentage basis.

Service Delivery Targets Overview - By Number of Activities

Group / Status	GM	Regulatory	Civil	Strategic	Total
Green	21	16	20	3	60
Amber	6	4	4	0	14
Red	0	0	3	1	4
Total Tasks	27	20	27	4	78

Service Delivery Targets Overview - By Percentage

Group / Status	GM	Regulatory	Civil	Strategic	Total
Green	78	80	74	75	77
Amber	22	20	15	0	18
Red	0	0	11	25	5
Percentage Total	100	100	100	100	100

Most are on track as per the agreed targets with the variances of note being:

- Asset Management – Percentage of DA referrals completed within 21 days – 36% (target > 70%) (page 1 of second section of attachment) – This is the Development Engineering assessment section of Council and it remains a key area where improvements need to be made either in processes or the addition of extra resources to meet the agreed benchmark. For this second quarter the result was impacted by one staff being on extended sick leave for the entire quarter, however the result for the first quarter was also below the target at 45%. The staff in this section, and other related sections, such as planning, continue to pursue process improvements to generate increased efficiencies.
- Commercial Services – Vacancy Rate for Council commercial properties – 21% (target <20%) (page 2 of second section of attachment) – The vacancies for Wigmore increased substantially on 1 January, albeit that the overall vacancy rate at 21% is only just over the target of 20%. It is imperative that Council determine the future of Wigmore Arcade as early as possible to provide some certainty to existing and any future tenants. A report is scheduled for the February 2013 Council meeting on this issue.
- Community Services – Casual Hiring of the Richmond Room – 35 (target 250) (page 2 of second section) – The Richmond Room remains poorly

10.9 Delivery Program and Operational Plan - Quarterly Review

utilised and staff are pursuing options to allow the Ballina Lighthouse RSL Day Club, as the main tenant of the Richmond Room, to relocate to another building. This would then free up the Richmond Room for the extension of the Ballina Library, as was originally envisaged when the Richmond Room was built.

Sustainability Considerations

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

Legal / Resource / Financial Implications

The Delivery Program and Operational Plan outline the allocation of Council's resources and finances.

Consultation

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

Options

This report provides an overview of the performance of Council to the end of December 2012. Overall the majority of programs are proceeding as scheduled with Council, as usual, undertaking a wide variety of works and services across the Shire. The options are to note the contents of the report or identify any changes to the approved tasks and targets.

RECOMMENDATION

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

Attachment(s)

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

10.10 Capital Expenditure - Quarterly Update

10.10 Capital Expenditure - Quarterly Update

Delivery Program Financial Management

Objective To provide a quarterly update on the status of Council's capital works program.

Background

Council has a major capital works program included in the annual Operational Plan and due to the scale and magnitude of the program it is important that updates are provided on a regular basis. The current practice is to provide a quarterly status report on all the major capital works included in the plan. This status report provides details on key milestone dates, along with a comparison between budget and actual expenditure.

This report is to 31 December 2012 and represents the second report for the 2012/13 financial year.

Key Issues

- Status of works

Information

To assist in understanding the status of the capital works the attachments to this report provide information on the following items:

- Estimate 2012/13 - Represents the budget as per Council's adopted Operational Plan
- Carry Forwards - Represents budgets carried forward from the previous financial year that were approved by Council at the August 2012 Ordinary meeting
- Approved Variations – Other variations previously approved by Council resolution through a Quarterly Budget Review or a separate report on a particular project
- New Variations – Represents further changes to the budgets based on the latest available information
- Latest Estimate - Sum of the original budget plus budget changes (Approved and New)
- Expenditure to Date - Expenditure to date of report (i.e. 31 December in this case)
- % Expended - Percentage of budget expended to date
- Milestone Dates - Represents target dates for completion of the major milestones
- Status - Allows additional comments to be provided, where necessary

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

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

Open Spaces

The major works to be completed this year are the Pat Morton Headland Toilets, Missingham Park Shade Structure, Saunders Oval extension and improved lighting for Kingsford Smith Oval.

The Pat Morton toilets have commenced, Councillors have agreed through a briefing on the preferred design for Missingham Park, the extension of Saunders Oval has commenced and the lighting for Kingsford Smith has been ordered. This means all projects should be completed this financial year.

Engineering Works

Drainage

The Coogee Street, Tresise Place and Grant Street works remain on hold due to failures in other locations that may result in the need for the reallocation of this funding. There are concerns that failures for drainage are increasing and the Civil Services Group are undertaking more detailed assessment of certain areas to determine the condition of the drainage infrastructure.

The overall funding for drainage remains an area of Council's operations that ideally should be provided with increased funding.

Urban and Rural Roads

The recent good weather continues to allow many of these projects to be well advanced or completed. Council has now paid the RMS for the McLeay Culvert and Cumbalum Interchange works which results in the total roads budget being 59% expended for the year to date.

The new variations include \$928,000 for improvement works as part of the handover of the former Bruxner Highway due to the Alstonville bypass. This work is funded from monies transferred to Council by the RMS and this information was provided to Councillors at the Ballina and Alstonville Bypass briefing held 28 November 2012.

The Section 94 reseal works is funded from developer contributions collected through Council's Heavy Vehicle Haulage Section 94 plan. The detail of where these monies are being expended has been provided to Councillors through the Councillor bulletin dated 29 October 2012.

The reductions to the McLeay Culvert and Cumbalum Interchange works are based on the final costs provided by the RMS. This has resulted in Council being able to reduce its loan borrowings for these works.

10.10 Capital Expenditure - Quarterly Update

Shared Paths and Footpaths

A number of segments of the Coastal Shared Path have been completed with planning approvals still being sought for the balance. The latest time frame for the completion of the Aboriginal community consultation phase is January 2013 (previously November 2012), with the planning assessment phase to commence after that. At best, planning consents will be available by March / April 2013.

Operations Support

For the Asset Management Program there has been a reduction of \$6,500 for the Northern Rivers Gallery as this work has been funded from an existing operating budget.

In respect to new plant, the replacement program remains behind schedule due to long lead times that follow the placement of an order. Council did not need to obtain loan funding of \$1.3 million in 2011/12, which had been approved for an expansion of the fleet, due to delays in purchasing.

Decisions on loan funding will need to be considered at some point during the 2012/13 financial year as some of the items to be funded from loans have now been purchased. For the purposes of this report the \$1.3 million in loan funding has been included as some or all of these funds will be needed by year end. A final decision on the exact amount to be borrowed will be reported to Council prior to the end of the 2012/13 financial year and most likely at the May or June Ordinary meeting.

The second page of the Operations Support attachment provides a dissection of the major plant purchases and their status. The figures provided in this dissection represent the gross purchase price without the net trade in figure included. This information helps in understanding the actual plant purchases planned for the year.

Commercial Services

The majority of the projects in this program are underway with the Ballina Surf Club (total project cost of \$5.8m) and the Airport Apron Extension (total of \$5.5m) being the larger projects. There remain some budget concerns with the Airport Apron Extension; however changes to the scope of works are being made to reduce the expenditure to meet the approved budget.

In respect to the Lennox Head Rural Fire Shed the development consent for the 10 year interim occupation of the existing site, at the corner of Park and Mackney Lane, has now been approved. The funding allocated (\$55,000) is intended to provide works that will improve the amenity of the site and the conditions in which the volunteers are operating. The actual works planned and estimated costs are:

- Driveway and Kerb - \$18,000
- Car Parking - \$20,000
- Fencing - \$5,000
- Landscaping - \$3,000
- Interior - \$4,000
- Approvals - \$5,000

10.10 Capital Expenditure - Quarterly Update

The Lennox Head Residents Association has recently objected, after the advertising period for the development application, to the current location of the shed and they are stating that the offer of the alternative site on the Coast Road should be accepted by Council. At this point Council has resolved to only provide in principle support for that site due to the conditions attached to the dedication to Council.

The Residents Association are stating that the existing fire shed site could be put to much better use, such as car parking for the Community Centre and for additional market stalls during peak times. Those comments are correct, however the reason the Council allocated funding for the current site was to improve the amenity and conditions for the volunteers until the shed is relocated.

As there is now development consent Council has the option of proceeding, or not proceeding, with these works. The arguments in support of proceeding include:

- a) A large part of the works relate to formalising the car parking and surrounds and these works will remain and be of benefit even when the fire shed is removed
- b) It is highly unlikely that the fire shed will be relocated in the near future due to the costs of relocating to the Coast Road side, along with the uncertainty over whether or not a development consent will even be approved for that site
- c) The volunteers have been located in the current interim site for around three years and it is important that Council provide support for those volunteers through the works planned
- d) The landscaping will significantly improve the aesthetics of the existing site.

The arguments against proceeding now include:

- a) Some of the funds could be wasted if the building is relocated in the short to medium term
- b) There are better uses for this site such as car parking
- c) The development consent for the Lennox Head Community Centre considered parking on this site as part of the parking for that Centre
- d) There will be some community outcry due to the loss of this informal parking area, particularly as the works planned will result in the site being fenced off for use solely by the volunteers.

On balance the preference of staff is to proceed with these works primarily due to the on-going uncertainty over when the fire shed will be relocated and due to the fact that a large part of the works, such as the car parking and landscaping, will be of benefit even when the fire shed is removed.

10.10 Capital Expenditure - Quarterly Update

It is currently planned to commence these works in early February and the recommendations for this report include a recommendation to proceed with the works. However, if Councillors wish to comply with the Lennox Head Residents Association request for deferral, then the recommendation should be amended. Any deferral should also clarify the process Councillors wish to see followed to determine the future for the fire shed.

In respect to the balance of the Commercial Services attachment the one budget change recommended is for the Southern Cross Estate – Stage 15 with the deletion of the \$110,000 budget. These funds will not be required this year as the major works being undertaken relate to the rezoning process. That expense is recorded as an operating expense.

Water, Waste and Wastewater

For Water the actual expenditure figure will significantly increase during the first half of 2013 with Council letting the tender for the construction of the Ballina Heights Reservoir at the November 2012 Ordinary meeting. One change to the budget is recommended with Trunk Mains – WD26 Lennox Head Distribution – being deleted as the works will not be required this year.

In respect to Waste, the current budget includes \$750,000 for Biochar as approved by Council at the November 2012 Ordinary meeting. Also the DECC Levy Works budget has now been distributed across works approved by DECC, with the major expenditure being purchase of new plant and equipment, to assist with Council's waste retrieval operations.

For Wastewater the expenditure continues to be significant due to the Ballina and Lennox Head Wastewater Treatment plant upgrade contract. This expenditure will increase even further as Council let the tender for the recycled water contract at the November 2012 Ordinary meeting.

The one budget change recommended is an increase in the budget of \$2.0 million for "Other" works as part of the Ballina Upgrade contract. This is the line item where the contract variations are being allocated for this project. The major variation relates to the Effluent Streams Modifications with details of all variations having previously been reported to Council (last report on status of this contract was submitted to the October 2012 Council meeting). Any budget adjustments are funded from loan funds already taken up or reserves.

Sustainability Considerations

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

10.10 Capital Expenditure - Quarterly Update

Legal / Resource / Financial Implications

The budget implications are outlined in the information section of this report. All changes are typically funded from offsets in other works, or revenue sources such as grants, developer contributions, loans or reserves.

Consultation

This report is presented for public information.

Options

As per the following table there is once again an extremely high level of capital expenditure forecast for 2012/13 with the Ballina Surf Club, Airport Apron Extension, River Street Upgrade and Wastewater Treatment Plant Upgrades continuing or commencing.

Capital Works Summary – 31 December 2012 (\$'000)

Section	Budget (%)	Expended (%)	Percentage
Open Spaces	708,200	84,700	12
Engineering Works	18,344,800	10,327,000	56
Operations Support	3,259,100	1,502,100	46
Commercial Services	16,953,000	6,643,100	39
Water	2,680,000	115,900	4
Waste	1,050,000	94,500	9
Wastewater	36,739,600	11,450,800	31
Total	79,734,700	30,218,100	38

The Water and Wastewater expenditures should increase significantly during the next six months due to the commencement of the recycled water contract as approved by Council at the November 2012 Ordinary meeting.

In respect to budgets the changes recommended as part of this report are primarily items that have previously been approved and are funded from areas other than general revenue (i.e. loans, developer contributions, grants etc). The changes reflect the latest information available therefore it is recommended that they be approved.

This report is largely for information purposes along with confirming some limited budget changes. This means the options are to approve or not approve those changes with the recommendation being to approve due to the fact that the changes are largely items that have previously been reported to Council and are nearly all matched by funding sources other than revenue.

In respect to the Lennox Head Rural Fire Shed the recommendation is to proceed with those works for the reasons outlined in the report, albeit that Council may wish to defer those works to further investigate other options.

RECOMMENDATIONS

1. That Council notes the contents of the Capital Expenditure - Quarterly Update report for the period ended 31 December 2012.
2. That Council approves the budget changes as identified in the "New Variations" column as per the attachments to this report.
3. That Council authorises the interim occupation works for the Lennox Head Rural Fire Shed to proceed as per the information outlined in this report. These works are proceeding as they will provide a community benefit, they largely will remain with the existing site when the Fire Shed is relocated and there still remains a great deal of uncertainty as to when the shed will be relocated.

Attachment(s)

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

10.11 Integrated Planning and Reporting - Community Strategic Plan

10.11 Integrated Planning and Reporting - Community Strategic Plan

Delivery Program Governance

Objective To obtain Council approval for the exhibition of the Draft Community Strategic Plan and to endorse a proposed timeline for the development of the Draft Delivery Program and Operational Plan for 2013/14.

Background

The Division of Local Government's Integrated Planning and Reporting Framework (the IPR Framework) has a number of steps that a council must follow after a quadrennial election in respect to corporate documents that support the IPR Framework.

Some of the key steps listed in the Local Government Act are:

- A council must review the Community Strategic Plan (CSP) before 30 June following the election (section 402). The endorsed CSP must be exhibited for 28 days for public comment before formal adoption.
- A council must establish a Delivery Program after each ordinary election to cover the principal activities of the four year period commencing on 1 July following the election (section 404)
- A council must have an adopted Operational Plan each year, detailing the activities to be engaged in by the council, as part of the implementation of the Delivery Program, for that year (section 405).

The report that follows provides further details on these documents and the timeline proposed to meet the various deadlines outlined in the Local Government Act.

Key Issues

- Compliance with the Local Government Act
- Schedule of meeting dates

Information

A large part of the Councillor Induction Program conducted to date has focused on Council's existing resources, where those resources are allocated and possible priorities for the next four years.

The briefing held with Councillors present on 7 November 2012 outlined the IPR Framework, which includes the Community Strategic Plan (CSP), Delivery Program and Operational Plan. These documents are essential as they advise the community how Council intends to, or has, allocated its resources.

Under the IPR Framework Council must have an adopted CSP, Delivery Program and Operational Plan in place by 30 June.

10.11 Integrated Planning and Reporting - Community Strategic Plan

Ideally the CSP should be completed first, with the Delivery Program and Operational Plan then based on the priorities in the CSP.

As outlined at the 7 November briefing the CSP is a very broad document that identifies the main aspirations and future vision of the community. The examples of CSPs provided at that briefing highlighted that many of the CSPs produced by councils are similar in that typically communities are seeking common goals (i.e. connected, safe, protecting the environment, employment, good infrastructure, balancing environment and growth etc).

The consensus from the briefing was that staff would prepare a draft CSP based on the extensive consultation that has been undertaken by Council in recent times. Examples of this consultation include:

- Community Satisfaction Survey (500 people)
- Youth Council and Youth Forum (just under 100 people)
- Two specialised forums undertaken by the firm who completed the Community Survey (16 people)
- Feedback from Community Connect and other publications of Council
- Councillor feedback from the briefings held to date
- Existing strategies and plans
- Consultation with Council staff. With just under 300 staff employed by Council this is also a good sample for community feedback.

Details of the entire engagement process, under the IPR Framework must be formally documented in a Community Engagement Strategy.

A copy of that strategy is included as the first attachment to this report.

Phase one (preparation of the Draft CSP) of that document has now been completed with a Draft CSP ready and the next stage will be to exhibit the draft for public comment, subject to Council approval. That exhibition will also include formally writing to a range of organisations such as members of Council's ward committees and government agencies.

The Draft CSP is included as a separate attachment to this report.

Key elements of the document include:

- 1) Explanation of the Community Strategic Plan – This section provides an overview of the NSW Division of Local Government's Integrated Planning and Reporting Framework.
- 2) Detail on Ballina Shire – Provides a summary of key information, past and present, for Ballina Shire.
- 3) Challenges we face - In preparing for the future it is important to recognise and understand the challenges we face.
- 4) The future we desire – The CSP creates a picture of the future based on the extensive community engagement process.

10.11 Integrated Planning and Reporting - Community Strategic Plan

- 5) Directions we will follow - To create the future, four key themes have been identified, by applying a quadruple bottom line (QBL) approach. The use of QBL means that our planning, reporting and decision making will consider the social, economic, environmental and governance implications in the context of achieving our overall vision. The four themes are a Connected Community (Social), Prosperous Economy (Economic), Health Environment (Environment) and Engaged Leadership (Governance). These themes are used throughout the CSP and they will also be applied in preparing the Delivery Program and Operational Plan.
- 6) Measuring our success - The key measurements and indicators applied in measuring our success are outlined in this section.

Overall the document is considered to reflect the community aspirations derived from the consultation reasonably well and it complies with the IPR Framework. Therefore the recommendation is to approve the public exhibition of the draft CSP.

In recommending this Councillors should be mindful that elements of the document such as the vision, the community values, the four themes, are all important concepts that if supported could be applied for the entire next four years. So it is essential that Councillors are comfortable and supportive of the approach outlined in the document.

For example, for the vision, a number of options were considered such as:

- a) *A shire that provides a healthy lifestyle, a prosperous natural environment and a community with a strong sense of place (existing vision)*
- b) *Through effective leadership a shire that provides opportunities for its residents, enhances the natural environment and preserves our wellbeing and safety.*
- c) *A healthy lifestyle and environment and a prosperous community*
- d) *A shire that provides a healthy and prosperous place to live*
- e) *A shire that values the natural environment and fosters a vibrant social and economic community*
- f) *A shire providing an environment conducive to a healthy and prosperous lifestyle of which we are proud*
- g) *Our Ballina Shire - embraces community, preserves environment, enhances economy, fosters leadership.*

In the consultation no one vision stood out as a preferred response. Ideally the aim is to have a vision that can be remembered, is used, and is representative of the community. In examining options key issues such as environment, lifestyle, economy and leadership were all individual factors that various people wanted to see included (although most people did not want them all included) which then made any vision lengthy.

10.11 Integrated Planning and Reporting - Community Strategic Plan

Ultimately it was decided to provide a vision that highlights the role of Council in building and protecting what we have today, while planning for the future.

This resulted in the following vision being selected:

We are nurturing the community of today while preparing for the challenges of tomorrow

There was some debate about the word nurture however ultimately it was considered appropriate. The benefit of this vision is that it is relatively easy to remember, it reinforces the role of Council and it does not try to pick out the various elements of our role (i.e. environment, lifestyle etc) in the one sentence, which then often results in some of the elements being missed.

In respect to values a review of other council's CSPs highlights a consistency in the use of words such as respect, safe, trust, cares, accessible, innovative etc. To again put some meaning into a mix of words it was decided to use acronyms to help people more easily remember the key values applied in the CSP. This resulted in the following three options being considered with option three (CARES) being the preferred approach.

1. *Caring Respectful Equity Accessible Trust Innovative
Natural Guidance (Creating)*
2. *Friendly Accessible Innovative Respectful Natural Energetic
Safe Spirit (Fairness)*
3. *Creative Accessible Respectful Energetic Safe (Cares)*

In respect to the QBL a wide range of headings could be applied including:

A Liveable Place, An Enterprising Place, A Sustainable Place, An Accessible Place, A Leading Organisation (Bega Shire Council using five key theme with environment being split between built and natural)

Live, Work, Enjoy, Responsible Leadership (Sutherland Shire Council)

Prospering Community, Community Living, Environmental Stewardship, Governance and Civic Leadership (Glen Innes Severn Council)

Again a number of options were considered with the following directions (or themes) and outcomes selected to meet the requirements of the QBL and to reflect the feedback received.

Connected Community (CC)

- CC1 We feel safe
- CC2 We feel connected to the community
- CC3 There are services and facilities that suit our needs

Prosperous Economy (PE)

- PE1 We attract new business and visitors
- PE2 My business can grow and diversify
- PE3 We can work close to home

10.11 Integrated Planning and Reporting - Community Strategic Plan

Healthy Environment (HE)

- HE1 We understand the environment
- HE2 We use our resources wisely
- HE3 Our built environment blends with the natural environment

Engaged Leadership (EL)

- EL1 Our Council works with the community
- EL2 Council's finances and assets are well managed
- EL3 We are all valued customers

The outcomes under each direction are important as when Council prepares its Delivery Program and Operational Plan all the actions in those documents will need to be linked, or integrated, with these outcomes. Council staff have reviewed our existing Delivery Program and Operational Plan and are confident that the outcomes selected for the CSP will support any actions identified in the Delivery Program and Operational Plan.

In respect to the preparation of the Draft Delivery Program and Draft Operational Plan in recent years Council has held a series of four Finance Committees to formulate those documents. Any recommendations from the Finance Committee meetings are then submitted to the next Ordinary meeting of Council, which effectively allows Councillors and the community two opportunities to comment on the outcomes from those meetings.

The proposed program and content for the Finance Committee meetings is as follows.

Finance Committee (1) – Monday 4 March 2013

This meeting will focus primarily on revenue matters such as:

- A) Ordinary rates – Including information on the current rating structure and options for change. This report examines how the land values impact on the yield from rates for various localities in the Shire, along with the revenue generated from the rating categories of farmland, residential and business.
- B) Water and Wastewater charges – Council has adopted long term strategic business plans for both these operations and anticipated increases in charges outlined in those plans can be reviewed at this meeting.
- C) Waste Charges – This business continues to change as factors such as the NSW waste levy increase. With Council considering options such as transporting waste to Queensland there are a number of variables that Council will need to consider in setting its waste charges for 2013/14.
- D) Other Issues – A number of matters of interest arose during the Councillor Induction program and it is anticipated that separate reports will be provided to address questions or queries outstanding from the Induction program.

10.11 Integrated Planning and Reporting - Community Strategic Plan

Finance Committee (2) – Monday 25 March 2013

The purpose of this meeting is to review how resources are allocated against existing programs and whether or not Council wishes to reconsider the allocation of those resources. Council will also be provided with an indicative capital works program for its recurrent and non-recurrent funded items. This meeting will be particularly important for Council in indentifying the major community infrastructure works it wishes to see funded during this term.

Finance Committee (3) – Monday 8 April 2013

This meeting will focus on the key projects and actions, rather than capital works, for the Delivery Program and Operational Plan documents. As this will be the first Delivery Program for the newly elected Council there will be a strong emphasis on the four year program of actions.

Finance Committee (4) – Monday 22 April 2013

This meeting is optional and provides an opportunity for review or to address any issues outstanding. In recent years this meeting has not been required.

All the Finance Committee meetings are open to the public and additional Councillor meetings, public meetings or consultation can also be factored in at any time.

Sustainability Considerations

- **Environment**
Environmental, social and economic factors represent a key part of the Integrated Planning and Reporting Framework.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

In respect to the CSP there are no direct financial or resource implications as those decisions will be made as part of the preparation of the Delivery Program and Operational Plan.

Council is legally obliged to adopt a CSP.

Consultation

As detailed in this report there has been extensive consultation undertaken in preparing the CSP and further consultation is now recommended through a formal exhibition process.

Options

In respect to the CSP the options are to exhibit the document for public comment or for Councillors to amend the document or defer it to a further workshop. Overall it is considered that the Draft CSP has taken into account the extensive consultation undertaken to date and the recommendation is to proceed to exhibition.

In respect to the program and timelines for formulation of the Delivery Program and Operational Plan the program outlined has worked well in recent years and is also recommended for endorsement. This is a preliminary program only and can be changed if Councillors feel the need for additional or less meetings.

RECOMMENDATIONS

1. That Council approves the public exhibition of the Draft Community Strategic Plan as per the attachment to this report.
2. That Council notes the timeline proposed for the formulation of the Delivery Program and Operational Plan for 2013/14.

Attachment(s)

1. Community Engagement Strategy
2. Draft Community Strategic Plan (Under separate cover)

11.1 Tender - Waste Transport and Disposal

11. Civil Services Group Reports

11.1 Tender - Waste Transport and Disposal

Delivery Program Waste Services

Objective To consider a tender for waste transportation and disposal services.

Background

Council's waste management facility currently compacts, using a baler system, the solid waste that is collected at kerbside (i.e. the general waste bin). Once compacted this material is then placed in the landfill.

Bulky construction and demolition (C&D) waste is transported to Queensland for disposal at Veolia's Wattle Glen waste disposal facility outside of Ipswich. This material is not able to be compacted by Council's baler due to its density and it is more economic to transport this uncompacted material than it is to landfill it locally. Council annually exports approximately 3,400 tonnes of C&D to South East Queensland for disposal. Council implemented a kerbside organics service in July 2011, which has resulted in a more than 40% reduction in the amount of material that is placed in the landfill.

The cost of waste disposal at the 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 \$42.40 per tonne however this will increase to approximately \$54 per tonne on 1 July 2013. 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 paid on any material that is exported from the landfill.

During the development of 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 financial benefits. As well as avoiding the levy, the proposal aimed to take advantage of the economies of scale and environmental benefits available at the larger facilities.

Any financial savings from this option were proposed to allow Council to finalise the repayment of the loans that funded the construction of the current landfill and to then provide for a reserve to address post closure requirements at the site. This concept would effectively extend the life of the landfill available to Council.

The Queensland Government originally introduced a levy of its own to provide a disincentive, or to raise revenue, from cross border waste transport. This then made the proposal, at the time, less economically attractive. Following a decision of the new Queensland Government, as of 1 July 2012, there is no levy on waste taken into Queensland.

11.1 Tender - Waste Transport and Disposal

At the June 2012 Ordinary meeting Council resolved to invite tenders for a contract to transport and dispose to landfill, inert and putrescible waste.

The purpose of this report is to advise Council of the responses to the tender process.

Key Issues

- Award the tender in accordance with the Local Government (General) Regulations (2005)
- Engage suitably qualified and experienced contractors that having regard to the circumstances provides the most advantageous tender.

Information

Council currently bales all material that is collected in our kerbside general waste collection service (i.e. the general waste bin, not the recycling or organics bins) as well as non bulky waste presented at the site by private operators and residents. Baling is necessary to deal with compaction issues on the landfill and to avoid attracting birds, as the site is directly adjacent to the airport.

Council currently exports all bulky dry waste including C&D and bulky items received at the Ballina Waste Management Facility, as this material is not able to be processed through the baler.

Organic material that is collected in our kerbside service is transferred to Lismore's Wyrallah Road disposal site for processing. The recyclable material collected in our kerbside service is bulked up and transported to the Visy recycling facility in Queensland for sorting. Visy was awarded this contract following a joint tender process with Lismore City Council.

Council resolved at the June 2012 Ordinary meeting to go to the market seeking tenders for the transport and disposal of the C&D waste that was currently being exported, as well as the putrescible waste being baled and disposed of at the Ballina facility.

Council was then approached through NOROC, by the other councils from within the region, including Richmond Valley, Kyogle, Lismore, Byron and Tweed, to prepare tender documentation to allow this to be taken to the market as a joint tender for services.

Tenders were advertised in October 2012 which closed in November 2012. Once submissions were received it was intended that the tenders would be assessed separately by each council and each party would enter a separate contract for services under the agreement. This report outlines the outcomes of the tender process for Ballina Council.

Tender Process

A tender evaluation plan (TEP) was prepared prior to close of tenders. The TEP included evaluation criteria for the submission on the basis of price and non-price criteria. The non-price criteria related to the experience of the tenderers in areas such as: transport, disposal of C&D and putrescible waste, site management and environmental controls.

11.1 Tender - Waste Transport and Disposal

Tenders were received from:

- 1 Solo Resource Recovery
- 2 Remondis Australia Pty Ltd
- 3 Veolia Environmental Services Pty Ltd

These three respondents are the major operators in South East Queensland and it was anticipated that they would be the respondents to this tender.

All three have been assessed as capable of undertaking the work and they all have extensive experience in the collection, transport and disposal of waste.

Two of the applicants propose to use the same sites for disposal, being Ti-Tree landfill in Willowbank Queensland for putrescibles and the Wattle Glen site in Redbank Plains Queensland for inert material, whereas the third tenderer proposes to dispose of all waste to the Swanbank disposal facility in Queensland.

All disposal sites have the appropriate approvals and licensing to allow them to receive Council's waste and both the Swanbank and Ti-Tree facilities have best practice landfill gas capture and power generation. All three sites have appropriate leachate management and environmental controls.

Both the Remondis and Veolia submissions included alternative proposals that provided cost incentives based on larger sized vehicle options or multiple participants signing up, with the potential to significantly reduce transportation rates. The following table summarises the tendered financial offers:

Table - Tender Summary (Prices)

Item	Solo Resource Recovery	Remondis	*Remondis Alternative Proposal	Veolia	**Veolia Alternative Proposals
C&D collection transport & disposal per tonne	88.37				56.85 - 75.85
C&D collection transport & disposal per load	1,402.04 (60 metre bin)				14.00 – 20.21 per m
C&D collection transport & disposal per tonne/km	0.2232				0.1322 – 0.1764
Disposal cost only C&D	15.00	20.00 per tonne	16.50 -20.00	10.85	10.85
Transport cost only C&D per tonne/km	0.1888	45.50	33.25 per tonne		0.11 – 0.146
Putrescibles collection transport and disposal per tonne	105.89			98.09	79.09 – 98.09
Putrescibles collection transport and disposal per load	2,011.98			1,569.44	1,569.44 – 2,791.06
Putrescibles collection transport and disposal per tonne/km	0.2364			0.2281	0.1839 – 0.2281
Disposal cost only putrescibles per tonne	49.00	85.00	50.00 – 85.00	33.09	33.09
Transport cost only putrescibles per tonne/km	0.16	45.50	33.25 per tonne	0.146	0.11 – 0.146

* The Remondis alternative offer involved a sliding scale of rates based on the overall tonnage processed within the tender. It allowed the combination of multiple Council's tonnages to be used in the calculations with increased tonnages leading to lower rates.

11.1 Tender - Waste Transport and Disposal

** The alternative Veolia option offered reduced rates should they be able to use larger configurations for transport. The standard offer was based around a 60m bin. Their alternative offer included two types of 100m walking floors and a B double option.

A comparison of the figures in this table confirms that across nearly every item the Veolia alternative proposal offers the best economic value to Council.

Impact on Our Operations

Council officers have modelled the structure that will be necessary to operate the waste facility as a transfer station rather than as a disposal site. This change of operations leads to a minimal reduction in labour and plant however exporting waste will mean we no longer need to operate the baler, we no longer pay the Waste Levy and we save landfill capacity for future use. There are also some savings in the maintenance of the current cells.

The major financial benefit in exporting waste to QLD will be the elimination of the Waste Levy which currently sits at \$42.40 per tonne. This is due to increase by \$10 plus CPI on 1 July 2013, so the levy is likely to be around \$54 per tonne at that time. Ultimately the levy will be around \$80 per tonne.

The loans that were taken out to construct the current cells will still be paid under this transportation arrangement so there is no saving in that large component of the landfill costs. The annual loan principal and interest repayment figures currently total \$1.53 million, with that figure reducing to \$1.185 million in 2016/17, \$204,000 in 2017/18 and zero in 2018/19.

The rates of the preferred tenderer range between \$56.85 and \$75.85 per tonne depending on the size of the transport vehicle for C&D and \$79.09 and \$98.09 per tonne for putrescibles. The lower rates are based on larger vehicles for transport and this option is supported by staff. It should be noted that there will be a one-off cost for Council of approximately \$20,000 to \$50,000 to accommodate larger trucks at the Ballina landfill site.

As mentioned earlier the Ballina landfill facility cannot process the bulky material (i.e. C&D) through the baler with this type of material having been exported under contract since the baler was introduced in 2007. The contract for this work has now expired and Council needs to award a new contract to transport and dispose of this material as a minimum. This tender provides for the option to include putrescibles (general mixed waste) in the transportation contract.

The total cost for managing putrescibles for Council is approximately \$220 per tonne including the fixed costs such as loan repayments. For the calendar year 2012, 13,164 tonnes of putrescibles were deposited at the landfill.

With loan repayments per annum totalling \$1.53 million this means the cost per tonne for these loans is approximately \$116 for putrescibles, as it is now only putrescibles that are deposited at Ballina. As Council currently charges \$220 per tonne the balance of the charge represents other variable operating costs.

Based on the tendered figures from Veolia the annual cost of transporting this putrescible waste will be \$1.041m to \$1.291 million with the lower cost being the larger transport option, which is the preferred approach.

11.1 Tender - Waste Transport and Disposal

The annual cost of transporting C&D, based on the 2012 tonnage figure of 3,393 tonnes, will be \$192,000 to \$257,000 with the lower figure again being the preferred option. The actual cost for transporting C&D for the 2011/12 financial year was \$403,000 so the new contract offers significant savings for this item.

The transportation of putrescibles is a new figure in the waste budget so in considering this option we need to examine the \$1.041m to \$1.291m (with \$1.041m being the preferred option) new transportation cost against existing costs to determine whether transportation is the preferred approach.

As mentioned earlier it appears that permanent staff levels will be maintained to manage the transportation of the waste. Casual staff are currently heavily used to manage various peaks and troughs in the workload at the landfill and there is general consensus that we should be able to reduce this requirement and save around \$60,000 per annum in labour hire costs through having a sole focus on transportation. Although it is anticipated that there will be no reduction in permanent staff numbers, if there are higher efficiencies identified than anticipated, redeployment options within Council would be explored for surplus staff.

Importantly the Waste Levy will not be paid, which based on the 2012 tonnage levels and the tonnage rate, will save Council approximately \$700,000 (i.e. \$53 per tonne by 13,164 tonnes) for 2013/14. Once the additional \$10 per tonne, plus CPI, is added for the next few years based on a tonnage rate of \$80 the annual saving increases to in excess of \$1.05m. There will also be some direct savings in the existing operating costs for the baler, which are estimated at approximately \$120,000, excluding any direct staff costs that may be allocated elsewhere.

Savings in these three items (casual staff, Waste Levy, operating expenses), are estimated to total \$880,000 initially and then increase to approximately \$1.2 million per annum.

There will also be savings in the existing C&D transportation cost as the new contract offers significant financial benefits and clearly the tenderers are pursuing economies of scale by providing transportation for a range of waste (i.e. C&D and putrescibles)

Finally a significant benefit that is not a monetary saving in the short term, but is still of major benefit to Council, is the extension in the life of the existing cells. The total bill at the time the previous cells were remediated and the new cells opened, was approximately \$10 million. One of the major issues we currently face is that we are now paying loans for the remediation of the former cells and also paying for the construction of the current cells.

Ideally the preferred approach is to have adequate cash reserves in place and then allow those reserves to fund any remediation and cell opening costs. Once those works are completed the reserves can again be built up over time to prepare for future remediation and cell extensions.

Current estimates are that it will cost \$2m to \$2.5m to open a new cell and the longer this cost can be delayed, the more time Council has to repay any existing loans and build cash reserves for the future.

11.1 Tender - Waste Transport and Disposal

The risk is that if we don't commence transporting putrescibles as part of this contract, the current loans are likely to expire at the same time the existing cells are consumed. This will then require Council to again borrow for future cell development and any remediation works.

Sustainability Considerations

- **Environment**

Exporting waste, as proposed in these tenders will mean the waste is disposed of in the most environmentally sensitive manner. The proposed sites have best practice design, state of the art leachate management systems and landfill gas capture where the gas is utilised for power generation. The NOROC regional waste strategy also identified that the environmental benefits from the larger landfill sites more than offset the environmental impact of increased transportation.

- **Social**

No negative social impacts have been identified during the development of this proposal.

- **Economic**

The business case to export waste has been based around ensuring Council is not financially worse off. There are considerable additional economic benefits in the saving of landfill airspace and the payment of loans without the expiration of the assets for which those loans were raised.

Legal / Resource / Financial Implications

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

The market for waste disposal is represented by high capital outlays on facilities where large scale operations are required to reduce the overall rates through economies of scale. The tender has resulted in a strong response from the market in that the major competitors in the South East of Queensland have all submitted tenders. This indicates that the tender as presented represents a fair representation of the market despite the limited number of tenderers.

There is no legal impediment to transporting and disposing of waste into Queensland, and with the scale and technology involved the use of these options are becoming increasingly favoured. The size and scale of operations allows the inclusion of state of the art gas capture and leachate management at the waste facilities at extremely competitive prices.

The financial impacts have been outlined in the information section of this report.

Consultation

A public tender process was conducted.

11.1 Tender - Waste Transport and Disposal

Options

Under the Local Government (General) Regulations 2005 Council must either accept the tender that appears to be most advantageous or decline to accept any of the tenders.

Council also has the option in this case to accept any of the alternatives that were presented by the preferred tenderer, being the offer of Veolia, with a view to reducing the overall cost of the proposed contract.

With the preferred tenderer having presented a number of options involving the transport of waste in larger trucks and configurations the best option for Council would be to accept an offer in the cheapest / largest vehicle we are able to accommodate at the Ballina Waste Centre. This is likely to involve collection in smaller 60m bins initially and planning has already been initiated to ensure the acceptance and loading of larger vehicles in the near future.

Overall, even though the net existing operating costs for the landfill are expected to remain similar to current costs under the transportation option for putrescibles, the major benefit is the extension to the life of the current cells. With Council currently pursuing regional options the longer we can defer any cell construction costs, the better, as it may alleviate the need for these costs to even be incurred and it allows Council a longer timeframe to build up its own reserves.

Finally the landfill sites operating in South East Queensland are state of the art facilities that provide significant environmental benefits. Therefore we should not let an arbitrary line such as the State border influence a decision that results in net environmental benefits, maintains existing service levels to the community and prolongs the life of our existing landfill, which is a finite resource of Council. Therefore the recommendation is to accept the Veolia alternative tender. The tender period is for three years, with an option for Council to extend it for a further 12 months, if needed.

RECOMMENDATIONS

1. That Council declines to accept any of the conforming tenders submitted, as detailed in this report, as the alternative tender, as offered by Veolia Environmental Services, represents the best value to the community.
2. That Council accepts the alternative tender as offered by Veolia Environmental Services, to transport and dispose of both putrescibles and non-putrescible waste, as outlined in this report, as it represents the best value to the community.
3. That Council authorises the Mayor and General Manager to sign the contract documentation and attach the Council Seal to any documents associated with this contract.

Attachment(s)

Nil

11.2 Street Lighting - Impact on Sea Turtles

11.2 Street Lighting - Impact on Sea Turtles

Delivery Program Engineering Works

Objective To provide guidance on minimising the impact of artificial lighting on sea turtle nesting along the coastal zone.

Background

At the Council meeting on 26 November 2012, Council resolved to adopt a new street light shielding policy, subject to public exhibition and no submissions being received, and to receive a report on minimising the environmental impacts of street lighting particularly in the coastal zone. No submissions were received therefore the policy is formally adopted.

The debate surrounding the second item was based primarily on the effect of street lighting on the turtle nesting areas along Seven Mile Beach and in particular the foreshore at the Lennox Head CBD. This report is intended to give guidance on the impact of lighting from public reserves, car parks and street lights in proximity to the Ballina Shire coastal zone.

Key Issues

- Turtle Nesting and Light Pollution
- Developed Ballina Shire Beach Areas

Information

- Turtle Nesting and Artificial Light

From the research staff have undertaken sea turtles generally look for a dark sandy beach area at which to nest and lay their eggs. The light from coastal developments near various nesting locations around the world has impacted on the nesting habits of the various species of turtles. Turtles discouraged by artificial light may even drop their eggs in the ocean after a number of attempts to find a suitable location, which dramatically reduces the survival rate of the hatchlings.

The artificial light can also disorientate hatchlings on the beach causing them to go inland rather than toward the water, as it is believed that they have an innate attraction to the brightest light which is normally the moonlight on the water. Going inland toward artificial light, the hatchlings die of dehydration, or become victims of prey (Sea Turtle Conservancy, 2011).

Studies have proven that a reduction in the amount of artificial light visible from turtle nesting beaches improves hatchling survival rates (Sea Turtle Conservancy, 2011). Street lighting is known to affect various species of turtles from the eastern Australian populations.

11.2 Street Lighting - Impact on Sea Turtles

The use of low-pressure sodium vapour lamps has been affective for loggerhead turtle hatchlings however they still attract other species (Environment Australia, Unknown, 2003).

- Coastal Reserves and Developments

The east coast boundary of the Ballina Shire includes approximately 18 kilometres of coastal reserves and vacant crown land covering approximately 320 hectares (Ballina Shire Council, 2003, 2011). A majority of the land fronting the Ballina Shire coastline is protected from development and subsequent artificial lighting and therefore offers potential nesting areas, however the information provided in the 'Recovery Plan for Marine Turtles in Australia' (Environment Australia, Unknown, 2003), highlights the main recorded turtle nesting sites around Australia, none of which are on the NSW coastline. The document has not recognised any nesting areas on the northern NSW coastline. However it is known that turtles have and do nest in this area, in smaller numbers.

With the knowledge of low numbers of nesting turtles in the Ballina Shire and the fact that there are large stretches of beach with no or minimal artificial light impact, it could be concluded that the light from existing developed beach areas such as Lighthouse Beach, Shelley Beach, Boulders Beach, Flat Rock and Lennox Head, is likely to have minimal impact on turtle nesting habits.

The Lennox Head Management Plan includes the redevelopment of the beach front land forming part of the Lennox Head CBD. It is understood that part of this redevelopment will include the replacement and improvement of the lighting on the walkway and land reserve adjacent the beach and this is seen as imperative to assist in crime prevention at that location and in particular the sand dune area. It is again understood that given the available information, the lighting improvements at the Lennox Head foreshore should not impact on nesting turtles along Seven Mile Beach given the long stretch of remaining beach adjacent, which is not, or is only very slightly affected by artificial lighting.

The existing lighting on the foreshore at Lennox Head is close to the end of its useful life as the fittings and supporting poles have corroded from the harsh environment. The area that these fittings is intended to light up is mostly that discussed in the previous paragraph and as already stated, important to the safety of the community and crime prevention. The shielding of these lights may reduce light spill on to the beach, however given the popularity of this section of main beach this may not provide the best location for turtle nesting. Street lighting in the beach zone of Lennox Head is generally well back from the sand dune area and would not be expected to require shielding in the current locations.

However, given the known impact of artificial light on turtle nesting, any further development or light replacements, including the existing parks, reserves and road reserves, should take into consideration the impact of bright artificial light in the vicinity of any of the Shire's beaches and should be designed to minimise unnecessary light shining onto the beaches.

11.2 Street Lighting - Impact on Sea Turtles

State Environmental Planning Policy (Infrastructure) 2007 contains provisions exempting a wide range of infrastructure, including street lighting, subject to the works meeting certain criteria. The proposed lighting works will need to be assessed on a case by case basis both in relation to whether they are exempt works and in terms of their potential impact on the environment, including ecological impacts.

Sustainability Considerations

- **Environment**
The impact of artificial lighting has some negative impacts on the environment in the coastal zone
- **Social**
The use of artificial lighting is important to improve safety for the community in developed areas of the coastal zone
- **Economic**
Not applicable

Legal / Resource / Financial Implications

Council has no funds allocated for improved or alternative lighting for this location in the current budget.

Consultation

The following works were cited in this report:

Ballina Shire Council. (2003, 2011, November). *Plans of Management*.

Retrieved January 10, 2013, from Ballina Shire Council:

http://www.ballina.nsw.gov.au/cp_content/resources/Draft_Ballina_Coastal_Reserve_Plan_of_Management_Amendment.pdf

Environment Australia, Unknown. (2003, July). *Marine publications*. Retrieved January 11, 2013, from Australia Government _ Department of Sustainability, Environment, Water, Population and Communities:

<http://www.environment.gov.au/coasts/publications/turtle-recovery/pubs/marine-turtles.pdf>

Sea Turtle Conservancy. (2011). *Sea Turtle Threats: Artificial Lighting*.

Retrieved January 10, 2013, from www.conserveturtles.org:

<http://www.conserveturtles.org/seaturtleinformation.php?page=lighting>

11.2 Street Lighting - Impact on Sea Turtles

Options

This report is primarily for information and it is a matter for Council to determine whether it takes any specific action. Even though turtle numbers may be low in this area it is agreed that lighting installations in the coastal zone, particularly future replacements, should be designed to minimise the impact on sea turtles, while at the same time not compromising the safety benefits of that lighting.

Therefore the recommendation is to consider the impact of lighting on sea turtles in the coastal zone, as part of any future development considerations. Even though any development already considers impacts on the environment it is considered important that Council specifically resolve on the issue of sea turtles for future reference.

RECOMMENDATIONS

1. That Council notes the contents of this report in respect to the impact of street lighting on the nesting of sea turtles.
2. That Council, in the design of any new or replacement lighting on the coastal fringe take into consideration the affect of artificial lighting on the nesting habits of sea turtles. This is to include lighting on new building developments, street lighting, car park and reserve lighting.

Attachment(s)

Nil

12. Public Question Time

12. Public Question Time

13.1 Notice of Motion - Christmas Decorations

13. Notices of Motion

13.1 Notice of Motion - Christmas Decorations

Councillor Cr Meehan

I move

That Council provide adequate funding in the 2013/14 budget to allow the decoration of a tree in the Ballina town centre as part of the 2013/14 Christmas / New festive season.

Councillor Comment:

Ballina Shire appears to have had a successful Christmas period, with locals and visitors alike enjoying the Christmas spirit by lighting their homes and sharing time with family and friends. River Street has been transformed with welcoming flags, plantings, furniture and paving into a popular, user friendly and attractive place.

Council currently provides some limited funding for Christmas decorations in the various town centres, however it would be good if Council could provide one central location with adequate decorations to more proactively promote the festive season. As a tourist destination we need to maximize the experience for our visitors and a well decorated Christmas tree in our improved town centre, would give the space a real focus and add to the festive spirit.

COUNCILLOR RECOMMENDATION

That Council provide adequate funding in the 2013/14 budget to allow the decoration of a tree in the Ballina town centre as part of the 2013/14 Christmas / New festive season.

Attachment(s)

Nil

13.2 Notice of Motion - Coal Seam Gas

13.2 Notice of Motion - Coal Seam Gas

Councillor

Cr Meehan

I move:

That Council ask NOROC to investigate the benefits of jointly funding research with Southern Cross University to provide baseline data collection on pre coal seam gas (CSG) groundwater, with a view to providing \$30,000 a year for three years to match available Australian Research Council funding.

Councillor Comment

CSG is an emerging regional issue and our community is particularly concerned about possible environmental contamination by the industry.

This benchmarking would establish baselines and make a significant contribution to increasing our understanding of CSG and address some of the issues for the community about CSG and its impact on the environment. This motion has the support of Rous Water.

Dr Isaac Santos from Southern Cross University is looking for a partner to match Australian Research Council grant funds to resolve the chemistry of groundwater, creek water, and the atmosphere in CSG exploration areas. NOROC is the logical partner as CSG is an issue for all member councils. The project is outlined below:

“A massive growth of the coal seam gas industry has occurred in NSW and QLD in the last decade. Even faster growth rates are predicted for the next few years. However, our basic understanding about the potential impacts the CSG industry may cause to creeks, groundwater, and the atmosphere is very limited. The lack of basic research has created unrest in several regional communities.

SCU has recently obtained a large infrastructure grant from the Australian Research Council that puts us in a unique position to fill some of the major emerging knowledge gaps. Our SCU geochemistry group is interested in addressing the following questions:

- 1) Will creek hydrology and chemistry be impacted by coal seam gas exploration? Many of our creeks are thought to be fed by groundwater seepage. Fracking and groundwater extraction by CSG mining may change the way groundwater interacts with creek waters. We propose to develop an effective and inexpensive approach to classify our waterways into groundwater - or rain-water dominated creeks. Current approaches often rely on expensive and time consuming hydrogeological models that are always site specific. We believe that using natural geochemical tracers (such as radon, a natural groundwater tracer) will allow us to cover large areas with much less effort and perhaps allow water monitoring to catch up with CSG expansion.

13.2 Notice of Motion - Coal Seam Gas

- 2) What is the baseline groundwater chemistry in coal seam gas exploration areas? Groundwater is an important resource in many rural communities. It is unclear whether and how aquifer connectivity will be disturbed by CSG exploration. We propose to determine the baseline chemical composition of groundwater potentially (or currently) impacted by CSG exploration and to prepare regional maps of groundwater chemistry. SCU has all the analytical facilities and expertise to perform high precision measurements of key parameters including metals, ions, methane (concentrations and isotopes), radioisotopes, carbon dioxide, and stable isotopes in regional groundwater. The results can reveal the current conditions of aquifers so that comparisons can be made after changes in aquifer connectivity potentially imposed by CSG developments.
- 3) How can we best monitor the fate of coproduced waters in the environment? CSG mining generates large amounts of coproduced water. This water often has a unique chemical composition that may be beneficial to some activities and harmful to others. We propose to use natural chemical tracers such as dissolved inorganic carbon, stable isotopes, and radium isotopes to identify releases of coproduced waters into creeks and follow its fate in the water cycle.
- 4) What is the impact of CSG exploration on the nearby atmospheric chemistry? Is CSG exploration releasing greenhouse gases into the atmosphere? Local residents from some intensive CSG exploration have complained about headaches, bleeding noses, and a series of other illnesses after the development of the CSG industry. SCU has cutting edge, high precision technology to detect leakages of gases from wells, pipelines, compression stations or ponds. We can map gases such as methane and carbon dioxide (concentrations and isotopes) in and out of coal seam gas exploration areas at great spatial resolution.

Our portable, high precision instrumentation can be deployed in a car or small aircraft to obtain real time results that can be used to determine the local source of methane and carbon dioxide to the atmosphere (e.g. natural wetland sources as opposed to leakage of gases from CSG industries)”

COUNCILLOR RECOMMENDATION

That Council ask NOROC to investigate the benefits of jointly funding research with Southern Cross University on baseline data collection on pre CSG groundwater, with a view to providing \$30,000 a year for three years to match available Australian Research Council funding.

Attachment(s)

Nil

13.3 Notice of Motion - Refurbishment of Wigmore Arcade

13.3 Notice of Motion - Refurbishment of Wigmore Arcade

Councillor

Cr Jeff Johnson

I move that

1. Council receive an urgent report that outlines the costs involved to refurbish the Wigmore Arcade.
2. That this report be discussed at a Council workshop.

Councillor Comment

The Wigmore Arcade is looking a bit dated and would benefit from a refurbishment. I believe that Council should be considering refurbishing the Wigmore Arcade to bring new life into the Arcade, provide a boost for the existing tenants, and to encourage new tenants into the Arcade. A recent report to council concluded that the building is structurally sound and therefore Council should be looking for cost-effective ways to revitalize this important Council asset. The uncertainty surrounding the Wigmore Arcade, which is highlighted by the current tenants only being offered month by month lease arrangements, is leading to a number of shops closing down or relocating. This is having a significant impact on the cash flow that the Wigmore Arcade provides to Council.

While Council is still considering a redevelopment of the site, other options such as a refurbishment need to also be considered as a matter of urgency.

COUNCILLOR RECOMMENDATIONS

1. Council receive an urgent report that outlines the costs involved to refurbish the Wigmore Arcade.
2. That this report be discussed at a Council workshop.

Attachment(s)

Nil

14. Advisory Committee Minutes

14. Advisory Committee Minutes

Nil Items

15.1 Mayoral Meetings

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

15.1 Mayoral Meetings

Councillor David Wright

Activities since the December 2012 Ordinary meeting:

<u>Date</u>	<u>Function</u>
5/1/13	Meeting Alstonville Football Club
7/1/13	Ballina Junior Cricket Carnival Opening
8/1/13	Meeting Crawford Park Residents
14/1/13	Meeting Kevin Hogan (National candidate)
14/1/13	Australia Day Meeting Award Nominee Selection
15/1/13	Meeting RMS at Wardell
15/1/13	Meeting Wigmore tenants
16/1/13	RRCC General Manager meeting in Lismore
20/1/13	McLeans Ridges CSG Day
21/1/13	Structural Review meeting
22/1/13	Australia Day Meeting Program
24/1/13	January Council meeting

RECOMMENDATION

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

Attachment(s)

Nil

16. Questions Without Notice

16. Questions Without Notice

17. Confidential Session

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

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

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

17.1 Industrial Update

This report examines staff industrial matters that are currently being managed by the General Manager.

17.2 Fawcett Park Café – Leasing Proposals

This report contains information relating to ongoing commercial negotiations with interested parties in respect to the leasing of this café.

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 Industrial Update

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 the matter may involve discussions regarding individual staff members.

17.2 Fawcett Park Café – Leasing Proposals

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 due to ongoing commercial negotiations with interested parties.