



## 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, 25 March, 2004 commencing at 9am.**

### Business

1. Apologies
2. Confirmation of Minutes
3. Declarations of Interest
4. Deputations
5. Mayoral Minutes
6. Staff Reports
  - a. General Manager
  - b. Corporate Services Group
  - c. Civil Services Group
7. Motions on Notice
8. Advisory Committees
9. Reports from Councillors on attendance on Council's behalf
10. Business without notice
11. Confidential Committee of the Whole

Stuart McPherson  
GENERAL MANAGER

### **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.

### **Disclaimer**

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

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1 Apologies

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1. **Apologies**

**2. Confirmation of Minutes**

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on 26 February, 2004 were distributed.

A copy of the Minutes of the Planning Committee Meeting of Ballina Shire Council held on 11 March, 2004 were distributed.

**RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Ballina Shire Council held on 26 February, 2004 , as circulated to members, be taken as read and confirmed.

That the Minutes of the Planning Committee Meeting of Ballina Shire Council held on 11 March, 2004, as circulated to members, be taken as read and confirmed.

3 Declarations of Interest

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3. **Declarations of Interest**

4 Deputations

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4. **Deputations**



5. **Mayoral Minutes – Cr Phillip Silver – General Purpose Maintenance Person in Village Situation**

That Council request an analysis into the merits and demerits from a social and economic point of view of a general purpose maintenance person being located as a dedicated person in village situations.

**6. Decision Making Prior to Ordinary Elections**

By Circular dated 18 March, 2004, the Director General of the Department of Local Government has cautioned Councils about making decisions in relation to significant or controversial development in the period leading up to and immediately after an Ordinary Election. A copy of the advice is attached.

The Circular appears to refer to determinations being fast tracked although there will be different interpretations of it. I take the reference to "immediately after" the election as being for the period up to the Mayoral election, but other interpretations are possible.

I consider the Circular should be received and noted.

**RECOMMENDATION**

That the report be received and noted.

**COUNCIL DECISION MAKING PRIOR TO ORDINARY ELECTIONS  
ATTENTION: MAYORS AND GENERAL MANAGERS –  
CIRCULAR NO 04/06 DLG**

Communities have a right to expect that major decisions affecting their areas will not be undertaken by an outgoing council immediately before an election. There has been a recent example where a community has expressed strong concerns about a development being approved within weeks of the forthcoming ordinary election. Councils need to exercise a great deal of sensitivity in relation to processing controversial developments at this stage. The Department issued a Circular (No. 99/64 of 6/9/99) to all councils immediately prior to the last elections in relation to the period between the election and the election of a new mayor. Similar concerns apply to the pre-election period.

Councils should exercise due caution in relation to controversial or significant developments or other matters of a controversial nature in the period leading up to and immediately after an ordinary election.

If there are instances of consents, approvals or actions being fast tracked to avoid election deadlines, consideration will be given to introducing legislation to prevent further occurrences.

In appropriate cases the matters may also be subject to referral to the Independent Commission Against Corruption or investigation by the Department.

**Garry Payne**  
**Director General**

**7. Cape Byron Marine Park Authority**

As members of Council will recall, it recently determined to nominate Cr Dakin to a position serving the Cape Byron Marine Park Authority.

Council is now in receipt of advice from the Authority which indicates the Authority's, non acceptance of the nomination. The text of the correspondence is reproduced below.

*"Thank you for you letter dated 15<sup>th</sup> December 2003, concerning the nomination of Cr. Sue Dakin as a member of the Cape Byron Marine Park Authority.*

*The Authority has decided not to recommend additional Local Government representatives to the Marine Park Authority Committees at this time.*

*Could you please advise me as soon as the Local Government elections are determined, if you wish to proceed with Cr. Dakin's nomination to the Cape Byron Marine Park Advisory Committee."*

In view of the proximity of the election, the nomination of a Ballina representative should be vigorously pursued immediately following the election. I have indicated to the Marine Park Authority that it should anticipate a reactivation of the request for membership immediately following the election.

**RECOMMENDATION**

That the information be noted and revisited following the election.

8. **Use of Council Seal**

**RECOMMENDATION**

That Council affix the Common Seal to the following documents.

US04/14	Licence agreement (part of old airport terminal building) – Thrifty Car and Truck Rentals Northern NSW (Balinfern Pty Ltd)
US04/15	Licence agreement (part of old airport terminal building) – Aussie Air Adventures (Ronald Lange & Raemond McEwen)
US04/16	Deed of Lease, Alstonville Plateau Historical Society Inc – lease of Crawford House, Alstonville.

**9. Tabled Items**

The items listed below are tabled for Councillor's information:

1. NOROC Regional Economic Development Committee Minutes 26/2/04.
2. NOROC Natural Resource Management Committee Minutes 26/2/04.
3. NOROC Agenda for Ordinary Meeting 12/3/04.
4. Arts Northern Rivers Steering Committee, December 2003 to February, 2004 Highlights Report.
5. Arts Northern Rivers Steering Committee Minutes 23/2/04.

**RECOMMENDATION**

Tabled for the information of Councillors.

**10. General Manager's Sub-Regional Group**

**Objective**

To report the status of the General Manager's Sub-Regional Group, previously referred to as the Voluntary Structural Reform Group.

**Report**

The Group consists of Richmond Valley, Kyogle, Lismore, Ballina, Byron, Tweed and Rous (Water) Councils.

It meets monthly and examines opportunities for sharing information and other resources. Mayors of the Councils concerned participate approximately quarterly. Current projects include acquisition, jointly, of a Human Resources Management system, the joint procurement of forensic investigation and reporting capacity, pursuit of Regional Solutions grant funding of a range of projects that would appear to meet the criteria of regional capacity building and employment generation, examination of potential for regional records and archives management, and regional planning initiatives.

The real value of the Group is the level of understanding and appreciation of the issues facing individual councils and a willingness for the pursuit of the interests of a portion of the Group by all Group members.

**Challenges**

The challenges for the Group include maintaining the regional focus when there is ample workload locally, and to separate the political processes from the operational ones. NOROC is the political instrument, among others, while this Group has the carriage of operational matters.

**RECOMMENDATION**

That the status report be received and noted.

**11. SEACHANGE Councils – Planning and Sustainability Issues**

I attach a copy of a communiqué issued from a 2 day convention held in early February at Maroochydore. The convention looked at many of the aspects of population shift to coastal areas that were examined in a workshop held here in Ballina with the assistance of Macroplan and the (then) recently released 2001 census data.

The convention acknowledged the challenges and opportunities presented by this population shift and, from the communiqué, seeks ways to better engage the Commonwealth and State Governments to assist local government to address the issues.

**RECOMMENDATION**

That Council receive and note the information and support, in every practicable way, the general thrust for more effective engagement of the Commonwealth and State Governments to assist in the addressing of the anticipated issues.



## MAROOCHYDORE COMMUNIQUE - 2/2/2004

On 1 and 2 February 2004, 27 CEOs from rapidly growing councils across Australia met at a Summit held at Maroochydore, Queensland, to discuss the phenomenon known as Sea Change. This change involves the unprecedented, fundamental shift of population to coastal lifestyle areas. The combined population of Sea Change Councils is currently estimated at 4.5 million – more than 20% of the Australian population. Sea Change Councils are experiencing the highest growth rates in Australia.

The movement of population to the coast will continue for at least the next 20 years and will create enormous demand for essential infrastructure such as roads, water, sewerage, and services such as public transport, health care, police and emergency services and education facilities. It was agreed that there is a need for improved coordination between local, State and Federal Government. It was also agreed that the participation of the public and private sectors and the community is essential in achieving successful outcomes.

The following actions were endorsed:

### **Advocacy**

- Establish a national taskforce of CEOs from Sea Change councils to assist Mayors and Councillors of their respective councils to gain the cooperation of State and Federal Governments in addressing the challenge of growth in Sea Change areas.
- Advocate the development of a specific 'Sea Change Funding Program' by Federal and State governments to assist councils and regions to deal with increasing demand associated with rapid growth.

### **Planning for Sustainability**

- Establish a collaborative working relationship with State Governments to develop coordinated regional plans that provide:
  - a focus on sustainability of social capital, the environment and economic activity
  - greater certainty about the extent and rate of growth in sea change communities
  - joint planning of infrastructure and services
  - employment opportunities to match population growth
- Develop a framework for identifying and disseminating examples of best practice strategic planning at regional and local levels that have achieved successful outcomes for sea change communities.

### **Infrastructure and Services**

- Conduct a detailed survey of Sea Change councils to quantify the current shortfall for infrastructure and services and to identify future needs and priorities.
- Identify alternative funding options for the timely provision of infrastructure, for example – betterment taxes, advanced developer contributions and public private partnerships.

### **Community engagement**

- Ensure community ownership and participation in key growth decisions through exercises such as community visioning processes.

**12. Mayoral Election – 2004 Term**

Following the 27 March General Election it will be necessary to conduct the Mayoral election as an immediate priority. The Director General has advised the Local Government & Shires Associations Presidents that the initial term will run until September this year (duration about 6 months) and thereafter annually, for the remainder of the 4½ years term.

As a result of discussions with the Minister at a recent meeting of the Country Mayors, I have made urgent representations to the Minister's office for a review of the duration of this initial Mayoral term. I have suggested that an initial next term is most inappropriate when the new Council is trying to develop the new team, come to terms with the strategic direction it wishes to follow and establish its various operational parameters.

The purpose in reporting this is to advise of the initial term duration, and to stimulate consideration of the date for the meeting to elect the Mayor. The current Mayor, Cr Phillip Silver, serves as the Mayor until the election of the Mayor for the 6 months term is held. It is, in my view, important to hold the Mayoral election as soon after the election process is concluded as possible. The conclusion of the election process will depend on the counting of the votes which will be likely concluded by Friday, 2 April, 2004, although any disputation or re-counts could cause a delay. For that reason the Mayoral election meeting could be scheduled for Monday, 5 April at 5 pm provided the declaration of the poll has been completed by that time AND in the event that the Declaration of the Poll has not been possible by that date the Extraordinary Meeting for the election of the Mayor would be called by the General Manager as soon as practicable, bearing in mind the provisions of the Code of Meeting Practice, following the declaration of the Poll.

**RECOMMENDATION**

That an Extraordinary Meeting, for the purpose of election of the Mayor and Deputy Mayor, be held on Monday, 5 April, 2004 at 5 pm, OR held as soon as practicable after the Declaration of the Poll, providing due notice is given in conformance with the Code of Meeting Practice.

**13. Public Question Time – Proposed Amendment to Code of Meeting Practice**

In response to the decision at last month's meeting the following provisions are suggested for inclusion as amendments to the Code of Meeting Practice:

A public question time at the commencement of the Ordinary Meetings of the Council.

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

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

The Chairman 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. Only the "gist" of the question and Mayor's response will be recorded. The name of the person asking the question will not be recorded.

The standard rules of behaviour in the Chamber will apply.

**RECOMMENDATION**

- (a) That the foregoing operational procedures for the Questions from the Gallery be adopted.
- (b) That the Code of Meeting Practice be amended accordingly and placed on exhibition for the requisite time.

**14. Public Address System for the Council Chamber**

I have been asked to report on the merits and demerits of installing a system in the Chamber.

The matter has previously been reported and a unit was on hand to demonstrate. However, on that occasion there was no interest among the Councillors to see the demonstration and the proposal was dropped.

The merits of sound amplification are straight forward. People will be able to hear what is going on more effectively. People who aren't able to fit into the Chamber, and this is happening quite frequently when matters of public interest arise, would at least be able to hear what is being said. In fact the adequacies of the room to accommodate a large volume of people is a more significant matter that needs the Council's attention.

The demerits encountered last time the matter was investigated included the cost (\$40,000 to \$50,000 depending on the number of microphones, speakers, whether a voting and queuing facility to be included and whether recording of the meeting). I am aware that the costs of this technology have reduced since those last investigations some 18 months ago.

Voice amplification in public meetings, such as Council meetings, is a fairly standard practice and there are specialist service providers available. Operation of the systems can assist the Chairman maintain order. Sensitive microphones that amplify every word uttered near them can also have ramifications for behaviour in the Chamber.

**RECOMMENDATION**

1. That the merits of a sound amplification system be acknowledged.
2. That suitable provision be made in the Draft Financial Plan for 2004/05, expected to be of the order of \$20,000.

**15. Banking and Investments**

In accordance with the Local Government Financial Regulations, the Responsible Accounting Officer must provide Council with a monthly report (setting out all money Council has invested) to be presented at the Ordinary Meeting of Council immediately proceeding the end of the respective month. This report has been prepared for the month of February.

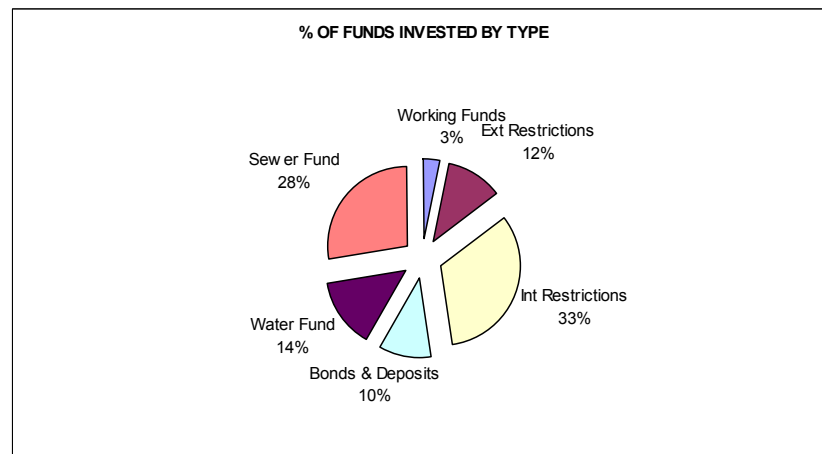
The February balance of investments represents a positive movement from January of \$1,500,000. This amount represents rate instalment and grant monies received and invested.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 27 February 2004 was \$1,403,328 attracting interest between 3.5% and 4.75%.

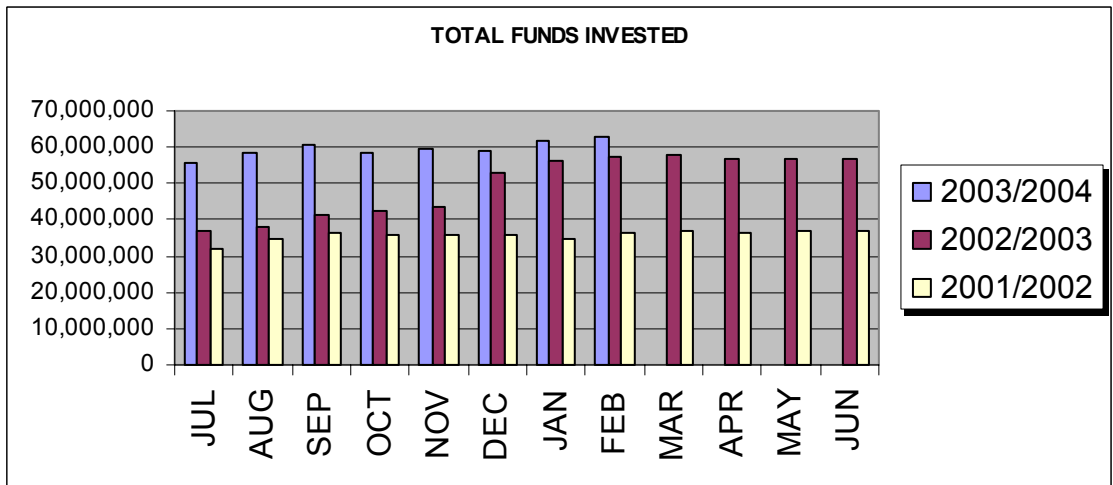
**A. Summary of Investments by Institution**

	Funds Invested With	Rating	% of Total	Amount
<b>Rated Inst</b>	Bank of Western Aust	A-1	15.85%	10,000,000
	Citibank Ltd	A-1+	16.05%	10,126,000
	DSL Bank AG	AAA	4.75%	3,000,000
	Deutsche Bank	A+	3.17%	2,000,000
	HSBC Bank	A	1.60%	1,011,000
	Local Govt Fin Service	A-1	17.37%	10,958,000
	Monumental Global Funding	AA+	4.75%	3,000,000
	South Australian Finance Auth	AA+	3.17%	2,000,000
	Sunlife Canada	AA+	3.17%	2,000,000
	Suncorp-Metway Bank	A-1	16.64%	10,500,000
	Westpac Banking Corp	A+	3.17%	<b>89.70%</b> 2,000,000
<b>Unrated Inst.</b>	Illawarra Mutual Building		2.38%	1,500,000
	Arab Bank Ltd		2.38%	1,500,000
	Australia National Credit Union		3.17%	2,000,000
	Investec Bank Ltd		2.38%	<b>10.30%</b> 1,500,000
			<b>100.00%</b>	<b>Total 63,095,000</b>

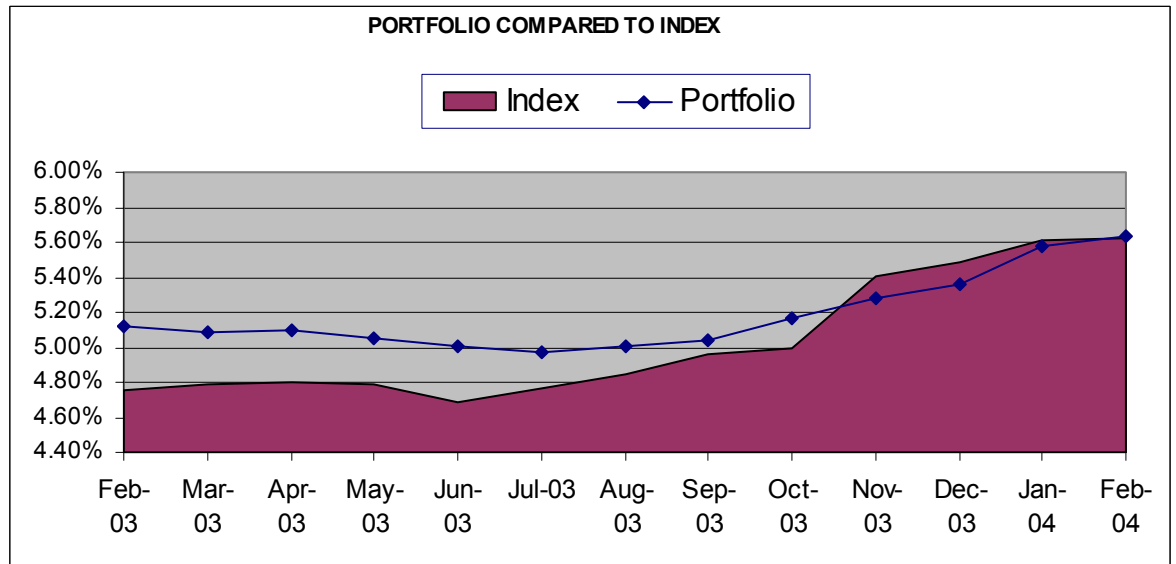
**B. Investment Portfolio Restricted/Unrestricted**



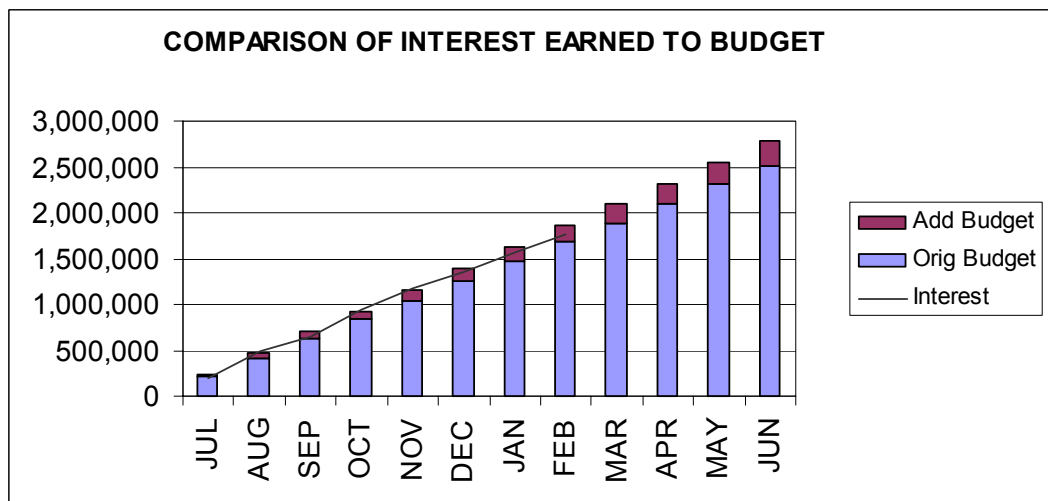
**C. Monthly Comparison of Total Funds Invested**



**D. Comparison of Portfolio Investment Rate to 90 Day BBSW**



**E. Progressive Total of Interest Earned to Budget**



**F. Investments Held as at 29 February 2004****INFORMATION**

Council's Investments as at 29 February, are at an average (weighted) rate of 5.63%, which is above the 90 Day Bank Bill Index of 5.62%. The financial markets have built in a forecast rise of 0.25% which they expect to occur in March. As Council's Investments are renewed at the higher rates, our average rate should continue to climb above the 90 day BBSW.

Council's Investments include the \$9.8m Nth Angels Beach Land and \$7.7m deposit on the Henderson Land. The interest income on both these amounts is quarantined.

DATE	HELD WITH	TYPE	RATE	MATURITY	AMOUNT
22/03/02	South Australian Finance Auth	TD	6.50%	15/08/05	2,000,000
22/03/02	DSL Bank AG	TD	5.75%	15/09/04	3,000,000
22/05/03	Local Govt Fin Service	TD	4.90%	24/05/04	3,000,000
09/09/03	Bank of Western Aust	TD	5.08%	08/03/04	1,000,000
07/10/03	Bank of Western Aust	TD	5.12%	05/04/04	4,000,000
09/10/03	Suncorp-Metway Bank	TD	5.43%	08/10/04	1,000,000
30/10/03	Local Govt Fin Service	TD	5.15%	30/03/04	3,000,000
17/11/03	Bank of Western Aust	TD	5.53%	16/03/04	1,000,000
26/11/03	Suncorp-Metway Bank	TD	5.97%	26/11/04	1,500,000
01/12/03	Bank of Western Aust	TD	5.54%	01/03/04	3,000,000
02/12/03	Suncorp-Metway Bank	CRI	5.59%	02/03/04	1,000,000
02/12/03	Arab Bank Ltd	TD	5.52%	01/03/04	1,500,000
16/12/03	Citibank Ltd	TD	5.58%	16/03/04	559,000
18/12/03	Westpac Banking Corp	FRN	5.95%	18/03/04	2,000,000
23/12/03	Illawarra Mutual Building	TD	5.64%	23/03/04	1,500,000
05/01/04	Suncorp-Metway Bank	TD	5.74%	05/07/04	4,000,000
13/01/04	Aust National Credit Union	TD	5.70%	13/04/04	1,500,000
15/01/04	Sunlife Canada	FRN	5.97%	15/04/04	2,000,000
17/01/04	Monumental Global Funding	FRN	5.92%	17/04/04	3,000,000
19/01/04	Deutsche Bank	FRN	5.77%	19/04/04	2,000,000
19/01/04	Suncorp-Metway Bank	TD	5.62%	19/04/04	2,000,000
20/01/04	Citibank Ltd	TD	5.61%	22/03/04	3,767,000
27/01/04	Local Govt Fin Service	TD	5.56%	29/03/04	3,958,000
28/01/04	HSBC Bank	FRN	5.86%	15/04/04	1,011,000
28/01/04	Bank of Western Aust	TD	5.63%	29/03/04	1,000,000
09/02/04	Citibank Ltd	TD	5.59%	14/04/04	2,000,000
13/02/04	Investec Bank	CRI	6.10%	13/05/04	1,500,000
18/02/04	Local Govt Fin Service	CRI	5.80%	15/04/04	1,000,000
19/02/04	Suncorp-Metway Bank	CRI	5.75%	19/05/04	1,000,000
24/02/04	Citibank Ltd	TD	5.69%	24/05/04	3,800,000
27/02/04	Aust National Credit Union	TD	5.97%	27/08/04	500,000
				<b>Total</b>	<b>63,095,000</b>

TD=Term Deposit

FRN=Floating Rate Note

CRI=Committed Rolling Investment

**RECOMMENDATION**

That Council notes the record of banking and investments for the month of February 2004.

**16. Capital Projects - Funding Review**

This report has been prepared to provide an update on the current financial position of major capital projects and to seek budget amendments where required. The capital projects reviewed are the HACC Centre, Teven Bridges and Ballina Town Centre Beautification.

**HACC Centre**

Council has allocated \$1,639,000 to construct the HACC Centre. The only expenditure incurred to date relates to architectural and project management services provided by Thomson Adsett Architects. Thomson Adsett was the firm appointed by Council to manage the project following a public expression of interest process conducted in 2002.

The current status of the project is that a final concept design for the building is almost complete, following significant consultation with the future tenants, including Ballina Meals on Wheels, Community Home Care and the Department of Disability, Ageing and Home Care (DADHC). Once this design is complete, which is anticipated by late March, the Council planning approval process will commence in April.

In respect to funding, all planning approvals should be completed by the end of the current financial year, which will allow construction works to commence in 2004/05. The funding sources for this work are as follows:

<b>Item</b>	<b>Amount (\$)</b>
Loan Funds	800,000
Section 94 Community Facilities Plan	294,000
Grant Funds	545,000
<b>Total</b>	<b>1,639,000</b>

In respect to loan funds, a \$100,000 loan was raised for this project in 2001. The additional loan funds required, being \$700,000, will be raised at the end of the current financial year with repayments commencing in 2004/05.

**Teven Bridges Reconstruction**

The project is now substantially commenced with \$163,000 expended in 2002/03 and \$818,000 to date in 2003/04. It is anticipated that a total of \$1.2 million will be spent in 2003/04 with the balance of the project due for completion in approximately December 2004.

The project was initially budgeted at a total cost of \$2,100,000 with funding sourced as follows:

<b>Item</b>	<b>Amount (\$)</b>
National Black Spot Grant	750,000
RTA Repair program (requires 50:50 funding)	470,000
Section 94 Contributions – Heavy Vehicle Plan	300,000
Loan Funds	580,000
<b>Total</b>	<b>2,100,000</b>



The Civil Services Group provided a report to Council, in August 2003, which provided preliminary advice that a further \$200,000 may be required to complete the project. Council subsequently resolved to receive and note the contents of that report and no budget amendment was approved.

Civil Services now advise that the additional \$200,000 is required. The options available to finance the \$200,000 are:

- a) reduce other capital works projects to offset this increase or
- b) allocate additional funding.

In respect to option a) the only area where this is possible is through the Civil Services Group's road construction program. The Civil Services Group advise that this is possible, although it is not the preferred option as all works in that program are considered essential.

In respect to option b) the only funding sources that can be increased relate to the Section 94 contributions and loan funds. The Section 94 contributions applied to this project are funded from the Heavy Vehicles Section 94 Plan.

The original budget provided for only \$300,000 in Section 94 funds from the Heavy Vehicles plan. The remaining balance of the Council contribution to this project, being \$580,000, was sourced from loan funds.

With the total cost of the project now estimated at \$2,300,000 the Council commitment is \$1,080,000. This represents the \$300,000 in Section 94 funds, the \$580,000 in loan funds and the additional \$200,000 now sought.

A review of the Heavy Vehicles Section 94 Plan has identified that there is approximately \$800,000 in developer contributions collected to date, from quarries with a nexus to this work. This \$800,000 could be applied to assist in funding this project. The application of these funds would leave a shortfall in Council funding of \$280,000 (i.e. \$1,080,000 less \$800,000).

The remaining shortfall of \$280,000 would need to be funded from loans. The estimated annual loan repayments are approximately \$30,000, based on a term of 15 years. The developer contributions collected per annum from the quarries with a nexus to this project are typically in excess of \$30,000. This means that Council can offset the impact of the loan repayments by applying contributions collected in future years.

The funding scenario outlined above results in there being no net impact on general revenue from this project. Therefore it is recommended that Council endorse a revised funding scenario, as follows, for the Seven bridges:

<b>Item</b>	<b>Amount (\$)</b>
National Black Spot Grant	750,000
RTA Repair program (requires 50:50 funding)	470,000
Section 94 Contributions – Heavy Vehicle Plan	800,000
Loan Funds *	280,000
<b>Total</b>	<b>2,300,000</b>

\* Repayments to be offset by future Section 94 Heavy Vehicle contributions

### Ballina Town Centre Beautification

The original budget for this project, for 2003/04, was \$2,990,000. This comprised stage 1A/1B at \$1,490,000 and stage 2 at \$1,500,000. The funding for this expenditure was sourced entirely from loans.

The stage 1A/1B budget was subsequently increased in the December quarterly budget review by \$148,000. This increase related to works required by Fawcett Park Pty. Ltd. The additional expenditure was totally offset by a contribution from Fawcett Park Pty. Ltd.

During the course of the current financial year the Civil Services Group has also provided budget status reports for this project to the August, September and February meetings. These reports have mentioned, in part, budget concerns which can be summarised as:

**August 2003** Reference to possible \$322,000 over expenditure in stage 1A/1B.

**September 2003** Reference to an additional \$200,000 for stage 1A/1B plus acknowledgement that there is limited funding for underground power

**February 2004** Reference to \$142,000 over expenditure for stage 1A/1B, plus request for Council approval for an additional \$30,000 for public art.

Even though the reports have referred to budgetary issues, the resolutions associated with the reports have not approved any budget amendments, excluding the additional \$30,000 for public art. The particular resolutions are 280803(030), 250903(026) and 260204(023).

The current position is that stage 1A/1B is now essentially complete, at a cost of \$2,450,000, and the revised estimate for stage 2 works is \$1,450,000. This represents an increase to the stage 1A/1B budget of \$812,000 and a reduction to the stage 2 budget of \$50,000. These amendments are shown in the following table:

Item	Approved Budget (\$)	Revised Estimate (\$)	Variance (\$)
Stage 1A/1B	1,638,000	2,450,000	812,000
Stage 2	1,500,000	1,450,000	(50,000)
<b>Total</b>	<b>3,138,000*</b>	<b>3,900,000</b>	<b>762,000</b>

\* Represents original budget of \$2,990,000 plus \$148,000 increase approved in the December budget review.

The net variance of \$762,000 is a major change to the project budget. This figure reflects the cumulative impact of the budget amendments reported to Council in the August, September and February reports. The difficulty for Council is to determine how this variance is to be funded.

Council has previously resolved to finance loan repayments relating to the HACC Centre and the Ballina Town Centre beautification project from the interest income generated on the Angels Beach capital. This income figure for 2003/04 is estimated at \$510,000, of which \$122,000 is required to finance loans raised in 2002/03.

A further \$36,000 rental income from the Waterfront Café is forecast to 30 June 2004. This leaves a total of \$424,00 to finance capital works as shown in the following table:

<b>Item</b>	<b>Amount (\$)</b>
Interest on Angels Beach Investment	510,000
Rental from Waterfront Café	36,000
<b>Sub Total</b>	<b>546,000</b>
Less: 2002/03 Loan Commitments	122,000
<b>Total Revenue Available to Finance Capital Works</b>	<b>424,000</b>

The 2003/04 budget was initially based on Council borrowing new loan funds of \$2.2 million for major capital works. This comprised:

<b>Item</b>	<b>Amount (\$)</b>
HACC Centre	700,000
Ballina Town Centre (2003/04 program)	1,500,000
<b>Sub Total</b>	<b>2,200,000</b>

In addition to this, works to the value of \$1.49 million on the town centre project, allocated in the 2002/03 financial year, that were not completed in that year, have been carried forward to the 2003/04 financial year. This carry forward was reported to the August 2003 meeting of Council. The \$1.49 million was to be financed by \$251,000 in loan funds unexpended from 2002/03, with the balance to be funded by new loans in 2003/04. This resulted in a revised town centre budget of \$2,990,000 financed as follows:

<b>Source of Funds</b>	<b>Amount (\$)</b>
Stage 1A/1B – Unexpended Loans Carried Forward	251,000
Stage 1A/1B – New Loans for 2003/04	1,239,000
Stage 2 – New Loans for 2003/04	1,500,000
<b>Total</b>	<b>2,990,000</b>

As mentioned the December quarterly review increased this budget by \$148,000 through a contribution from Fawcett Park Pty. Ltd.

To finance the variance of \$762,000 it is recommended that Council apply in full the interest and rental income figure of \$424,000 with the shortfall of \$338,000 funded from loans. This means the revised 2003/04 budget and funding source for the town centre project will be as follows:

<b>Revised Budget</b>	<b>Amount (\$)</b>
Stage 1A/1B	2,450,000
Stage 2	1,450,000
<b>Total</b>	<b>3,900,000</b>

<b>Source of Funds</b>	<b>Amount (\$)</b>
Interest on Angels Beach Investment	388,000
Rental from Waterfront Cafe	36,000
Contribution to Works – Fawcett Park Pty. Ltd.	148,000
Loan Funds – New Loans for 2003/04	3,077,000
Loan Funds – Unexpended Loans Carried Forward	251,000
<b>Total</b>	<b>3,900,000</b>

It is important to recognise that the loan funds needed to finance works constructed during 2003/04, will be taken up in June 2004. This means that the repayments flowing from any new loans will not impact on the 2003/04 budget. The full impact of these loan repayments will be incurred in the 2004/05 budget.

It is estimated that by June 30 2004 Council will have expended approximately \$6.6 million on the town centre beautification project. A chronological history of this expenditure is as follows:

<b>Year</b>	<b>Amount (\$)</b>
1998/99	9,000
1999/00	245,000
2000/01	323,000
2001/02	785,000
2002/03	1,350,000
2003/04 (revised estimate)	3,900,000
<b>Total</b>	<b>6,612,000</b>

<b>Source of Funds</b>	<b>Amount (\$)</b>
General Revenue	284,000
Land Development Reserve	500,000
Grant	28,000
Contribution to Works	148,000
Interest Income	640,000
Rental Income	36,000
Loan Funds	4,976,000
<b>Total</b>	<b>6,612,000</b>

At the end of the current financial year total loans will amount to \$4,976,000. As mentioned earlier the loans raised in 2002/03 and 2003/04 are to be repaid from revenues raised from the investment of the Angels Beach capital and rental from the Waterfront Café. The forecast loan commitment to be funded from these sources is shown below.

<b>Item</b>	<b>Loan Amount</b>	<b>Annual Repayment*</b>
Loan 2002/03 – Town Centre	1,000,000	122,000
Loan 2003/04 – Town Centre	3,077,000	337,000
<b>Commitment HACC Centre</b>	<b>700,000</b>	<b>76,000</b>
<b>Forecast Loan Commitment</b>	<b>4,777,000</b>	<b>535,000</b>

\* Estimated loan repayments based on a 15-year loan at 7%

The capital available from Angels Beach is \$9,800,000. The annual interest generated per annum, based on an average rate of return of 5.5% (which is slightly higher than the current year's estimate), is approximately \$539,000. Rental income from the café is estimated at \$72,000 which, when combined with the interest and applied against the loans, will leave a surplus of \$76,000. This is summarised in the following table:

<b>Item</b>	<b>Amount (\$)</b>
Interest on Angels Beach Investment	539,000
Rental from Waterfront Café	72,000
<b>Sub Total</b>	<b>611,000</b>
Less: Estimated Loan Repayments	535,000
<b>Surplus</b>	<b>76,000</b>

Even though there is still a surplus being generated it would be prudent not to incur any further loan repayments against this income source as:

- costs in the construction industry have risen sharply during the past 12 months and this may result in further cost increases in both the town centre beautification project and the HACC centre.
- the rental from the Waterfront Café is a premium rental and there is a commercial risk associated with this rental
- it would be prudent to allow some element of capital growth to be returned to the Angels Beach investment so that in fifteen years time the balance has not substantially deteriorated in real terms. Accordingly the surplus \$76,000 should not be committed but retained and re-invested towards the capital sum.

### **Summary**

In summary the changes recommended in this report are:

- HACC Centre – no change to existing budget
- Teven Bridges – increase in cost of \$200,000, however through the increased use of Section 94 funds, the loan funds to be borrowed by Council has decreased from \$580,000 to \$280,000. Also future loan repayments can be offset by future Section 94 contributions
- Ballina Town Centre beautification – increase in cost of \$762,000. This increase is offset by interest and rental income of \$424,000, plus additional loans funds of \$338,000.

The recommendations that follow are based on the funding summaries outlined in the report.

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**RECOMMENDATIONS**

1. That the information in respect of the HACC Centre project be received and noted.
2. That Council amend the budget for the construction of the Teven Bridges from \$2,100,000 to \$2,300,000 with the funding sourced as follows:

<b>Item</b>	<b>Amount (\$)</b>
National Black Spot Grant	750,000
RTA Repair program (requires 50:50 funding)	470,000
Section 94 Contributions – Heavy Vehicle Plan	800,000
Loan Funds*	280,000
<b>Total</b>	<b>2,300,000</b>

\* Loan repayments to be financed from future Section 94 contributions

3. That Council amend the 2003/04 budget for stage 1A/1B of the Ballina Town Centre beautification to \$2,450,000 and the budget for stage 2 to \$1,450,000 with the funding sourced as follows:

<b>Item</b>	<b>Amount (\$)</b>
Interest on Angels Beach Investment	388,000
Rental from Waterfront Cafe	36,000
Contribution to Works – Fawcett Park Pty. Ltd.	148,000
Loan Funds – New Loans for 2003/04	3,077,000
Loan Funds – Unexpended Loans Carried Forward	251,000
<b>Total</b>	<b>3,900,000</b>

**17. Equal Employment Opportunity (EEO) Policy and Management Plan**

**Background**

Section 345 of the Local Government Act states that NSW councils “must prepare and implement an equal employment opportunity management plan...”.

Ballina Council adopted an Equal Employment Opportunity (EEO) Policy and Management Plan on 23 May 1996. Since that time, Council has reviewed and developed a number of its procedures and provided training to staff to ensure that Council continues to meet its EEO legislative requirements.

Councillors will be aware that there are currently eight intellectually disabled workers employed with the Open Spaces and Reserves section. This group is referred to as the Regional Works Crew. The Department of Family and Community Services (FACS) largely funds these workers.

Due to a recent audit by FACs of the procedures followed by Council in employing and managing these employees the existing EEO policy has been reviewed to satisfy FACs guidelines. The amended EEO policy is attached.

FACs and Council's Consultative Committee have both approved the changes to the policy and the amended policy is now submitted for Council approval.

The review undertaken identified that Council's policy document met general EEO legislative requirements however the document could be amended to make reference to Council's Disability Supported Employment Program. Through making this amendment, Council's EEO Policy and Management Plan now correctly reflect the disability service EEO considerations during the engagement and employment of individuals with disabilities.

**RECOMMENDATION**

That Council, in accordance with Section 345 of Local Government Act 1993, endorses the amended Equal Employment Opportunity Policy and Management Plan as attached to this report.



**Equal Employment  
Opportunity  
Policy and Procedures**

**EQUAL EMPLOYMENT OPPORTUNITY**

Equal Employment Opportunity Policy  
Management Plan



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### **Policy Statement**

Ballina Shire Council is committed to a policy of equal employment opportunity, fair treatment and non-discrimination for all existing and future employees.

All employment practices (recruitment, selection, training and employment, promotion and transfer and all other terms and conditions of service) will be based on the merit of the individual against specific job requirements. Existing and future employees will not be discriminated against in their employment on the grounds of race, colour, national origin, sex, religion, marital status, age, physical and intellectual impairment, political convictions and sexual preferences.

Council will through its Equal Employment Opportunity Management Plan, ensure any discriminatory practices are removed from its policies and procedures and will recognise and encourage employees on the basis of their abilities, aptitudes, qualifications and skills, through the implementation and monitoring of effective Human Resources policies and procedures.

EEO Programs benefit the organisation by providing a wider range of jobs and recruitment and training opportunities, greater opportunity to use the skills, qualifications and the opportunity to gain greater career development and achieve job satisfaction.

The Anti-Discrimination Act (1977) outlawed discrimination on the basis of race, sex, marital status, sexual preference, physical and or intellectual impairment in employment and in the provision of goods and services. As an employer, Ballina Council is bound by the legislation. The implementation of EEO Policies and programs will be monitored and it is important that the EEO Management Plan has the support, co-operation and commitment of Council and all staff.

Stuart McPherson  
**GENERAL MANAGER**

### **Objective**

The purpose of Council's Equal Employment Opportunity Policy are:

1. To eliminate and ensure the absence of discrimination in employment on the grounds of race, sex, marital status, age, homosexuality, physical impairment and intellectual impairment.
2. To promote equal employment opportunity for women, members of racial minorities and physical and intellectually impaired persons within Council.

### **Background**

Ballina Shire Council is committed to a policy of equal employment opportunity, fair treatment and non-discrimination for all existing and future employees.

The Equal Employment Opportunity (EEO) Policy and Management Plan was formally adopted by Council on 23<sup>rd</sup> May 1996. Since that time, Council has implemented a Harassment Prevention Policy and Recruitment & Selection Procedures provided training to staff in order to support Council's commitment to providing an equal employment opportunity, harassment and discriminatory free workplace.

### **Policy**

Equal Employment Opportunity is the right to be considered for a job, training opportunity, or other benefit, for which a person is skilled or qualified. Ballina Council believes the implementation of an EEO Policy and program will create a more productive workplace and will result in better services to the community.

Equal Employment Opportunity (EEO) is the principle which ensures that all employees and potential employees are treated equitably and fairly, regardless of their race, sex, marital status, age, physical or intellectual impairment or sexual preferences.

In practical terms, a commitment to EEO means that staff selections and promotions must be accurate, fair, accountable, systematic and based solely on merit. Decisions about staff selection must be made on job related criteria and should not render Council as the responsible employer to charges of unlawful discrimination. Selections made in accordance with Disability Services are to comply with Ballina Shire Council Supported Employment Program Business Services Policies and Procedures and other legislative requirements.

All staff are obliged to follow non-discriminatory practice and maintain a workplace free from discrimination as it is the Council being the responsible employer, which is legally accountable for discrimination in employment matters.

## Definitions

To increase staff awareness and understanding of EEO practices and principles, definitions of EEO vocabulary are as follows:

### Discrimination

Refers to unequal treatment or opportunities. Discrimination may be direct, indirect or systemic:

- i) **Direct Discrimination** occurs where people are treated differently because different criteria are applied when it is not necessary for them to be applied.
- ii) **Indirect Discrimination** occurs when rules, regulations or practices assume everyone is the same, have the same opportunities, and can meet the same “normal” criteria. These rules and practices are discriminatory in *effect*, as they exclude people with suitable skills who don't meet the apparently fair rules or practices. eg. height requirements for certain jobs, doors that are too heavy for someone in a wheel chair to use, no female toilets at certain worksites.
- iii) **Systemic Discrimination** is rules or practices which result in different patterns of access to different jobs and different access to benefits or services. It is the result of both direct and indirect discrimination.

### Equal Employment Opportunity (EEO)

Is the principle which ensures that all employees and potential employees are treated equitably and fairly, regardless of their race, sex, marital status, age, physical or intellectual impairment or sexual preferences.

### Merit

Means assessing each person's skills and abilities against the needs of the job, and disregarding unlawful personal characteristics which are irrelevant to the job. Merit recognises experience gained both inside and outside formal employment.

### EEO Groups

These groups who have been identified as experiencing high levels of discrimination and disadvantage in the workplace, and for whom EEO strategies are developed to address these disadvantages. EEO groups specified in the NSW Local Government Act are

- i) Women
- ii) People of Non-English speaking backgrounds
- iii) People of Aboriginal or Torres Strait Islander descent
- iv) People with physical disability.

### **Sex Discrimination**

Sex Discrimination refers to less favourable treatment on the grounds of a person's sex, or any characteristic of a person's sex. Sex discrimination also covers discrimination on the grounds of marital status or pregnancy.

### **Race Discrimination**

Race Discrimination refers to less favourable treatment on the grounds of a person's race, or characteristics of his/her race.

### **Aboriginal or Torres Strait Islander**

Is a person of Aboriginal or Torres Strait Islander descent who identifies as Aboriginal or Islander and is accepted as such by the Aboriginal or Island community.

### **Non-English Speaking Background (NESB)**

Refers to people who are born in a country where English is not the main language spoken, or to people born in Australia with one or both parents NESB.

### **Physical Impairment**

Is any defect or disturbance in the structure or functioning of a person's body.

### **Intellectual Impairment**

Is any defect or disturbance of the functioning of a person's brain. This may result in learning problems.

### **Psychiatric Impairment**

Is any condition which impairs a person's thought processes, perception of reality, emotions or judgement, or which results in disturbed behaviour.

### **Physical, Intellectual or Psychiatric Impairment Discrimination**

Occurs when someone is treated less favourably than another person in the same or similar circumstances, because of the impairment.

### **Homosexual Discrimination**

Occurs if a person is treated less favourably than others on the grounds of his/her homosexuality, or their believed homosexuality.

### **Harassment**

Any unwelcome, offensive comment or action concerning a person's race, colour, language, accent, ethnic origin, gender, marital status, pregnancy, disability, political or religious conviction. It is behaviour towards another employee which is intimidating or embarrassing and adversely affects their work environment.

**Breaches of Policy**

Breaches of the Equal Employment Opportunity policy will not be tolerated. Failure to extend equality of employment to all employees is a serious matter and will result in the appropriate disciplinary action. Serious breaches of this policy may result in termination of employment.

## **BALLINA SHIRE COUNCIL EEO MANAGEMENT PLAN**

### **Objective**

To prohibit discrimination in the workplace, and provide affirmative action to eliminate barriers which exclude EEO groups from equal opportunity.

### **Target**

All existing and prospective employees of Council.

### **Specific Action**

- Identify policies and programs that will achieve the objectives of the EEO Policy.
- Develop strategies for communicating Council's policies and programs to staff.
- Collect and record statistical or other information that may be needed to development EEO programs and to monitor their effectiveness.
- Review human resource policies and practices to identify any discriminatory practice. Human resource practices may include recruitment techniques, selection criteria, training and staff development programmes, promotions and conditions of service.
- Set goals and targets to measure the success of the plan in achieving the objectives of the EEO Policy.
- Implement the objectives of Ballina Shire Council Supported Employment Program Business Services Policies and Procedures and continue to proactively identify employment opportunities to support individuals with disabilities.
- Examine any new policies and programs to ensure they are non-discriminatory in their intent and effect.
- Regular review and amendment of the EEO Policy and Procedures.

### **Implementation**

- The Consultative Committee will develop specific policies, guidelines and best practice standards.
- Council's EEO Policy will be circulated to staff and placed on staff notice boards.
- EEO awareness training will be incorporated into corporate training plan. Staff will attend EEO awareness sessions and EEO will be included in the Induction Program for new staff.
- Council will take steps to ensure participation of EEO groups on all workplace committees where feasible.

- Staff participating on staff selection committees will be given training on staff selection, interview techniques and reporting.
- EEO responsibilities and accountabilities are to be included in position descriptions of all staff with management or supervisory responsibilities.
- The EEO Policy and Procedure will be reviewed annually.

### **Jurisdiction**

All employees are obliged to follow non-discriminatory practice in the workplace, as it is Council which is legally accountable for discrimination in employment matters as the responsible employer.

### **Responsibility / Accountability**

#### **i) All Staff**

All staff are responsible for upholding the EEO principles outlined in the EEO Policy and Management Plan, however specific responsibilities lies with line managers and supervisors to prevent discrimination and promote equal opportunity in the workplace.

All staff have the right to seek advice from the Anti-Discrimination Board.

#### **ii) Managers / Supervisors**

Managers and Supervisors are responsible for ensuring that the principles covered in the EEO Policy and Management Plan are upheld by the staff for whom they are responsible.

Managers and Supervisors are responsible for ensuring equality of employment opportunity is extended to all staff, and that no unlawful discrimination occurs in employment practices.

#### **iii. Human Resources / Risk Manager**

The Human Resources / Risk Manager will:

- Work with management and consultative committee to develop and implement the EEO Policy and program including guidelines and best practice standards.
- Research EEO matters and keep management informed of developments in EEO.
- Provide statistical and other human resources information to allow Council to develop and monitor its EEO program.
- Integrate the EEO Policy and practices into human resources management practices and Council programs.
- Advise on grievance handling procedures.
- Assist with the development and review of Human Resources policies and procedures.
- Ensure that the objectives and requirements of Disability Service Standards are implemented and reviewed on regular intervals.



- Ensure the position descriptions of all staff reflect their EEO responsibilities and accountabilities.

iv) **Group Managers**

Group Managers will ensure that Council's EEO Policy and program is implemented within their Group.

Group Managers will ensure that all staff with supervisory responsibilities are aware of employees' rights and obligations under Council's EEO Policy, EEO Management Plan and relevant legislation.

v) **General Manager**

The General Manager will:

- Ensure that Council's EEO Policy and program is implemented within Council.
- Ensure all staff comply with Council's EEO Policy and with legal obligations under relevant legislation.
- Ensure that management audits of the EEO program are undertaken on a regular basis to ensure that the EEO Policies and programs continue to meet their objectives.

**18. Recruitment and Selection**

Council's Recruitment and Selection policies and procedures identify the need for recruitment to be based on merit principles. The principle of merit based appointments, is to ensure that individuals are appointed based on their skills and qualifications and systems are established to ensure that individuals are not directly or indirectly discriminated against.

Although discriminatory practices are removed through this policy, the existing policy does not provide provision for recruitment of individuals with disabilities in accordance with Employment Supported Programs. The need for this amendment arose through Council's Disability Employment Support Program (refer to earlier report in this agenda).

The existing policy has been amended to reflect the objectives of Disability Employment Program. These objectives are:

1. To provide supported employment opportunities that empower people with disabilities with low to medium support needs to develop skills and encourage independence.
2. Provide quality supported employment services to people with disabilities, which enhances their integration into the workplace and broader community.
3. Proactively work towards improving service quality according to Disability Service Standards.
4. Evaluate the services provided to ensure continual improvement, to meet the changing needs of people with disabilities and community standards.
5. Work in partnership with the funding body, service providers, government departments, and other relevant authorities to improve the quality of supported employment services.

The Recruitment and Selection policy and procedures also did not adequately address the need to verify individual's qualifications. Taking into consideration a recent ICAC report, where a senior officer at another organisation falsified qualifications, it was also considered pertinent to amend Council's Recruitment and Selection policy to identify and provide provision to check an individual's credentials.

The Policy has now been amended to include reference to employment through Supported Employment Programs and a requirement to verify an individual's qualifications. The document has been approved by the Department of Family and Community Services, in regard to Council's Regional Works Crew, and endorsed by Council's Consultative Committee.

**RECOMMENDATION**

That Council notes the contents of this report.

**19. Tender – Legal Services**

The existing five year contract for the provision of legal services expires 31 March 2004. Prior to the expiry of this contract tenders were called for a new five year contract. Tenders closed at 4.00pm on Thursday 5 February 2004. A total of 18 tenders were received. The purpose of this report is to provide an update on the tender evaluation process currently underway.

**Tender Specification**

The tender specification was based on a five year contract commencing 1 April 2004 and terminating 31 March 2009. The tender focused on three main areas of legal service being:

**Development And Building Services**

Includes legal services for areas such as advice relating to the Environmental Planning and Assessment Act, the preparation of Statements of Evidence for Land and Environment Court appeals and the overseeing of all aspects of planning appeals to the Land and Environment Court.

**Asset Management**

Legal services relating to the preparation of leases, licences and contract documents including crown reserve lands and caravan parks, negotiations regarding acquisition on sale of land, acquisition, extinguishment and/or alterations to easements and the development and sale of industrial land.

**Regulatory Services**

Legal services relating to the management of the environment, building and parks, including the Public Health Act, Companion Animal Act, Contaminated Land Management Act, Food Act, Protection of the Environment Operation Act and all associated regulations.

The tender specification also asked tenderers to submit information on their reporting systems, systems management and time requirements.

Reporting systems included items such as

- prior to providing advice, provide in writing to Council an estimate of the total costs for the advice to be provided
- provide in writing to Council on a quarterly basis, a summary of all matters being handled by the contractor, along with details of committed costs and estimated future costs
- advise Council of any critical case decisions
- invoice Council on a timely basis for costs incurred, at a minimum monthly
- ensure all invoices to Council provide an itemised account of the Services provided (i.e. billing taxable form) and
- conduct current awareness information sessions, such as regular staff seminars and training sessions, at a minimum, every six months.

The systems management section of the specification asked tenderers to provide commentary on items such as their experience in providing councils with recommended improvements to existing operating systems and cost control measures.

The time requirements section of the tender asked tenderers for access to a hotline (rapid response) for minor issues and a 48 hour response time for written opinions where issues require investigation and research.

The tender was based on the contract being non-exclusive. In other words Council is within its rights to award the contract to more than one tenderer by forming a panel of legal advisors.

### **Tender Submissions**

A total of 18 tenders were received to the advertised tender specification. Details of the tenderers are as follows:

<b>Firm Name</b>	<b>Location</b>
Hunt and Hunt	Eastwood
Coleman and Grieg	Parramatta
Harmers Workplace Lawyers	Sydney
McInnes Legal	Ballina
Doyles Construction Lawyers	Sydney
Huegill and Carusi	Ballina
Michael Dakin and Associates	Ballina
Stone and Partners	Ballina
Marsdens Law Group	Campbelltown
Maddocks	Sydney
Noyce Legal	Parramatta
Abbot Tout	Sydney
W. J. Grace and Co	Ballina
Allens Arthur Robinson	Sydney
Sparke Helmore	Sydney
Walters Solicitors	Lismore
Arraj Lawyers	Sydney
Kells, The Lawyers	Wollongong

### **Tender Evaluation**

A tender evaluation panel was formed to evaluate the tenders. This panel consisted of the General Manager, Group Manager Regulatory Services and Group Manager Corporate Services.

The tender evaluation criteria outlined in the tender specification was:

<b>Criteria</b>	<b>Weighting (%)</b>
Fees	30 %
Capability and Resources	30 %
Relevant Experience	40 %

Each of the assessment criteria can be broken down as follows:

<u>Description</u>	<u>Full Criteria</u>
Fees	<ul style="list-style-type: none"> <li>• Comparison of tenders received.</li> <li>• Comparison of benchmarks.</li> <li>• Analysis of individual tendered items</li> </ul>
Capability and Resources	<ul style="list-style-type: none"> <li>• Demonstrated capability to perform the works as specified.</li> <li>• Ability to perform contract within overall workload.</li> <li>• Tenderers current work load</li> <li>• Knowledge of local conditions (If appropriate).</li> <li>• Technical skills</li> <li>• Appropriate resources (including condition of plant)</li> <li>• Assessed capacity to complete the project satisfactorily and on time</li> </ul>
Relevant Experience	<ul style="list-style-type: none"> <li>• General performance history</li> <li>• Relevant experience with contracts of a similar nature</li> <li>• Profile and experience of staff in relevant field of expertise</li> </ul>

The evaluation process ranked each tenderer against each set criteria based on the three main areas of legal service: i.e.

1. development and building services
2. asset management and
3. regulatory services.

Several Tenderers have generally requested that the details of their tenders be treated as confidential and not revealed to other tenderers or to the wider public.

Based on the scoring methodology outlined in the tender documentation the panel has selected a short list of preferred tenderers. The panel is in the final stages of evaluating this short list and the panel's preferred tenderers will be submitted in a confidential report to Council prior to the ordinary meeting.

### **RECOMMENDATION**

That Council notes the contents of this report and regards the details of tenders, including fees, as confidential information in terms of the Local Government Act and Freedom of Information Act.

## **20. Ballina Byron Gateway Airport- Management**

### **Introduction**

The purpose of this report provides Council with an opportunity to review options for the management of Ballina Airport.

### **Background**

At its Ordinary Meeting of 25 September 2003, Council resolved to confirm its intention to create the position of Airport Manager to enhance the marketing, promotion and management of the Airport. The position was to be responsible also for the legislative, security and operational aspects of the airport.

### **Recruitment Process Outcomes**

In response to the Council resolution, recruitment processes were established. A number of applications were received. An offer of employment was made to one candidate whose industry experience was extensive, including management of airports significantly larger than Ballina. The offer was ultimately not accepted because of family issues. Notwithstanding that this candidate was highly suitable, his interest in the position was predicated again on family situations, not the job opportunity itself. No other candidate was considered as suitable for employment for the expectations held for the position.

There are several possible reasons for the market response. I am of the view that the position holds a broad mix of responsibilities. The need for a person capable of the higher order functions effectively sets our expectations in a suitable person. However, persons of that capability in general would exist in organizations large enough that the less senior responsibilities of the position would be completed by others. Therefore the attraction of the role at Ballina from a career development perspective may not be a strong driver for many. Further, the potential market may be relatively small when considering the number of airports managed in such a way outside of the major metropolitan areas.

Linked to this of course remuneration. An option exists for Council to increase the remuneration and test the market again. Given the above comment, I suggest that remuneration alone is not the answer. Further, my previous advice applies in that the remuneration was determined in accordance with Council's Salary System, which has the function to provide for the measurement of relativities of the positions within Council. No facility exists in that policy or system to increase the remuneration without job redesign. Given the current mix of senior and junior responsibilities in the position, this cannot be achieved.

### **Other Options**

Given the above, and in accordance with the Council's desire to increase the dedication of resources at the airport, I have examined other options to procure the required services.

I consider contract management as providing several advantages. In particular, an organisation is better able to bring a broader mix of personnel, expertise, contacts etc, than one individual person. This is achieved partly through size and partly being involved in more projects than one, being Ballina, which is the limitation of an employee.

Given that one of the drivers of Council's position was that an obvious, single point of contact be available to airport users, the performance contract needs to reflect this as a requirement.

In summary, I believe there are several benefits.

- a. A contractor can provide a greater breadth of resources available to support the person placed at the airport.
- b. Ability to utilise specific expertise. For example within an organisation specialists may exist in terms of airport operations, versus security, versus market and business growth and so on. Conversely an employee cannot retain specialist skills in all facets of the operation.
- c. Economies of scale. For example the costs of preparation of a project to review a safety management plan could be spread across several airports.
- d. It takes advantages of possible contractor links and marketing ties with other airports and regions.
- e. Senior advice only paid for when required.

Largely this option is not dissimilar to the direction Council has recently proceeded with its caravan parks management. That is, on ground local services are provided under an umbrella of support of a specialist service company.

### **Tender**

Given the potential of this option, a brief was prepared to identify if such a market of service providers exists. The tender specification was designed to encourage innovative proposals from organizations with suitable experience to manage, market and promote Ballina Airport to ensure its growth and economic sustainability.

A good response has been received with a mixture of proposals being received which appear to meet the principles sought in the tender and indicate the benefits behind the idea can be achieved.

### **Next Steps**

The preliminary assessment of the proposals indicate that further assessment is worthwhile. As such it is recommended that Council determine to receive a further report, which provides a full assessment of the tenders, including formal cost/benefit comparison to the direct employment option.

At that juncture, Council will be in a position to either accept a tender, or reject all tenders and determine a different course of action such as a further attempt to recruit an employee.

### **RECOMMENDATION**

That Council receive a further report to assess the tenders received for the provision of airport management services, inclusive in the assessment being a direct cost and benefit comparison to the current position of Council being to engage an employee to complete the function.



21. **Ballina Byron Gateway Airport - Runway Pavement Structural Assessment**

**Background**

The runway and taxi ways at the airport were designed and constructed for mid sized jet operations in the early 1990's. As part of an asset maintenance strategy it is required to reassess the pavement condition and remaining life at suitable intervals to determine future upgrading and maintenance requirements and ensure they will perform under the expected future loadings. No testing of this magnitude had been carried out on these pavements since construction, and it is considered prudent to do so now as Council is reintroducing RPT jet operations to confirm the structural adequacy at this time.

**Introduction**

ARRB Transport Research were recently engaged to undertake non-destructive pavement testing on the runway and taxiway at the airport. The report indicates that, whilst the pavement is currently in sound condition, future strengthening work may be required, and Council should proceed to engage a specialist firm to undertake the analysis and design works required.

**Proposal**

Quotations were sought from 3 firms to carry out detailed structural assessment of the pavements and to recommend any necessary improvement works and the timing of such works, if required.

Subsequently a proposal was accepted from Sinclair Knight Merz in response to Council's brief. The brief recognises that should upgrading works be required, it will be necessary to project manage the works to minimise disruption to service and to provide the most cost effective solution.

The initial report from ARRB indicated a relatively immediate need for the strengthening works, when modelled with the jet loads. I have progressed the subsequent engagement quickly in case there is a need or opportunity to complete a stage of the works prior to the introduction of the jet service.

The Sinclair Knight Merz proposal demonstrated a good understanding of Council's needs, is considered good value and provided optional services that may be required depending on the outcome of the design phase of the engagement. The firm is experienced in the airport infrastructure industry and may also be utilised to provide advice which will assist in the introduction of Virgin Blue to Ballina.

### **Conclusion**

Asset management strategy suggests that pavement testing should be carried out at intervals to assess the condition and structural capacity of airport pavements.

Recent non-destructive testing indicates that future strengthening may be required and further analysis is needed. Sinclair Knight Merz has been engaged to carry out the assessment and recommend the scope and timing of any necessary improvement works. It is necessary for Council to endorse the action of staff in appointing Sinclair Knight Merz to carry out the works and approve an increase in expenditure in the airport budget of \$17,703.

### **RECOMMENDATION**

That Council approve an increase in expenditure in the airport budget of \$17,703 for the purpose of the preparation of a pavement design and works procurement program.

**22. Update on Maintenance and Risk Management Works for Ballina Shire Swimming Pool Complexes**

**Introduction**

This report seeks to provide Council with an update on progress on maintenance and safety works previously reported to Council's Ordinary Meeting of September 2003. The report also seeks to advise Council of the need for strategic planning and enhanced funding for the pools.

The report also aims to respond to the matters of shade structures, further to the discussion by Council at its last meeting.

**Commentary**

Since the last report to Council a grant application has been developed and lodged with the Department of Tourism, Sport and Recreation. The application seeks \$200,000 from the Department (the maximum grant possible) towards a program of works estimated to cost up to \$464,000. Outcome of the grant application will not be known until end April 2004.

It is anticipated the full amount of grant sought may not be made available as this would represent an extremely large proportion of the total available to the Department for allocation across the whole region and across all sports.

The previous report to Council listed a substantial range of works required to be undertaken to address maintenance and safety issues. Works to date have addressed repairing electrical faults, lighting issues, access and egress improvements, emergency services infrastructure, viewing stand modification, trip hazard reduction, among other minor works. Pool blankets and a blanket roller have been installed at Ballina Pool.

As previously reported, shade structures were removed prior to the pools opening due to major safety concerns (risk of collapse). Unfortunately, Council's current pools budget is not sufficient to provide for the replacement of the shade structures to date. Funds have been sought in the 2004/05 budget bid process for replacement structures to be erected.

One option before the Council as it develops its 2004/05 budget is the use of S94 funds. \$30,000 has been allocated from Section 94 reserves for the 2004/05 budget considerations to purchase and install shade structures for the Alstonville Pool. Unfortunately no Section 94 funds are available for use at the Ballina Pool.

A range of prices have been received for shade options for the pools. These range from \$6,000 for a relatively small but rugged permanent umbrella over just a small portion of the toddlers pool to more than \$30,000 for wide brim wide cover sails, similar in style to those used in landscaping and as shade in modern building and plaza design.

**Comments on Budget Provision and Expenditure, Asset Management and Future Planning.**

As advised previously, based on the information currently available and the financial costs associated with pool operation and maintenance, there is a need for ongoing review of operations, and if possible, an increase in allocation of funds.

Council will recall that staff continue to develop programmed maintenance programs to increase the rigour in our approach to managing the pool assets. The current backlog of works needed at the pool are a demonstration of the importance of such an approach. The need for a Programmed Maintenance System (PMS) has already been identified across the broader Council. A budget bid has been submitted for the development and implementation of a Built Asset Management System for the whole of Council. The system, if funded by Council, will include a capacity for Programmed Asset Maintenance.

In a previous report, Council was advised of the need to develop a Recreational Waterspace Plan. Such a plan is essentially a strategic tool to allow Council to identify future asset upgrades and improvements, and how these can potentially be delivered. A budget bid has been submitted seeking funds to develop such a plan.

**Conclusion**

In regard to the shade structures, it is recommended, given budget constraints only, that the Council note that no provision (without additional funds) exist for the installation of the shade structures in this financial year.

The Council's attention is also drawn to the substantial progress in relation to maintenance and safety works identified as immediate priorities at the swimming pools.

**RECOMMENDATION**

That Council receive and note the report in relation to the progress of maintenance works at the swimming pools, and the current budget limitation to replace the shade structures.

## **23. Waste Tracking System Report**

### **Introduction**

The purpose of this report is to update the Council in relation to the project to acquire a management system for electronic tracking of liquid trade waste and the activities of waste transporters.

### **Background**

Council has approximately 250 trade waste customers across a range of businesses and industries. Without strict management their trade waste can be highly detrimental to Councils' sewerage infrastructure and the broader environment.

Annually, approximately 400 septic tanks are pumped out and this also represents an element of environmental risk. However, the consequences of dumping such waste can be high.

In June 2002, Ballina Shire Council adopted a revised Liquid Trade Waste Policy. By adopting this policy the foundation was laid to vastly improve Councils environmental management systems with a key element of the new policy being waste tracking.

### **Commentary**

Within the liquid waste industry both generators and transporters have operated their respective businesses in a manner that has led to concerns about impact on the sewerage system and potentially the environment.

Generators have a financial incentive not to maintain their systems by reduced service costs. Transporters have a financial incentive not to dispose of waste properly with a view to increased profits.

There are many forms of wastewater pre-treatment devices that have different maintenance schedules and requirements. Even businesses of the same type can produce dramatically different biological and hydraulic loads on the sewerage system. To alleviate the need for additional human resources, a computer based management system can perform the function of monitoring maintenance of pre-treatment devices. Tracking systems also ensure that waste transporters are carrying out their duties appropriately and in an environmentally safe manner.

Following an extensive period of research, evaluation, quotation and contract negotiations, a new waste tracking system is ready to be implemented.

There are two major benefits of operating a tracking system.

- To better manage waste generators, service events & schedules of sewage pre-treatment devices installed throughout the Shire.

- To provide a system that can monitor the activities of Waste Transport companies and provide a measure of security to the environment from unscrupulous operators and to alleviate potential pollution events.

Various technologies are utilised by the service providers with systems offering varied performance outcomes. Service providers were narrowed down to two organisations being:

- GPS Online – satellite technology.
- Australian Water Technologies (AWT) – infra red or wireless read/write transmission.

The proposed system incorporates a Geographical Positioning System (GPS) to monitor and map vehicle movements. GPS systems are considered to be superior to other systems for environmental monitoring and has potential to be expanded or adapted for other purposes in the future.

The preferred service provider is GPS Online Limited, a Queensland company with extensive experience in GPS technology in Australia and overseas with major clients such as Queensland Rail and the Australian Defence Force.

GPS systems incorporate the use of devices to monitor the inlet & outlet valves of each truck. GPS then monitors the time, date and location of these events as relayed via satellite and recorded by GPS Online's database. Water & Sewerage staff can then access the secure database via the internet. This becomes a significant tool in environmental protection from illegal activity and disposal of waste. Any operation of valves in a location not previously identified generates an alarm event. This event can be located by time, date & location and be investigated sooner rather than later, usually within 24 hours.

Advantages of the GPS system include:

- Provides accurate independent data as evidence in the event of legal proceedings.
- System generates alarm events for faster response to illegal activity
- Preferred system by transporters
- System offers higher level of protection for the environment
- Capable of upgrading and adapting to specific needs easily.
- Monthly payment scheme.
- Monitors the activities of transport companies staff after hours

An additional benefit of the GPS system is that it will provide Council with information about septic waste activities. Again providing information to Council about:

- Load mixing
- Pick up location
- Disposal location
- Time & date of events

Tracking systems utilising GPS technology are already in operation for the transport industry to monitor vehicle movements elsewhere.

### **Conclusion**

Generators of liquid waste and the transporters have a financial interest to dump or illegally dispose of effluent or waste in order to realise higher profits.

From a local government perspective, protection of staff, assets and the environment is paramount. Therefore the need exists to regulate generators and transporters and to efficiently manage the relationship.

A tracking system enables this function to be carried out efficiently and without the need to provide additional human resources. Tracking allows Council to regulate without unnecessary intervention in the day to day activity of generators & transporters and protects the environment.

Costs associated with tracking will be partially redeemed by current trade waste charges already approved and implemented.

The system satisfies community concerns about environmental protection with respect to liquid waste management and shows Council's diligence in this regard. Having accurate independent data makes GPS Online the most appropriate tracking system.

### **RECOMMENDATION**

That Council receive and note the report in relation to the implementation of the GPS Online WasteWatch System.

## **24. Draft Contribution Plan – Studies & Administration of Section 94 Funds**

### **Introduction**

This report presents the responses from the public exhibition period for the draft Contribution Plan for '*Section 94 Planning Studies and Administration*' and recommends that Council adopt the draft Plan subject to some amendments.

### **Background**

The draft Contribution Plan '*Section 94 Planning Studies and Administration*' seeks to levy contributions towards the cost of employing a Developer Contributions Officer to administer Section 94 funds and the cost of undertaking planning studies required for the preparation and revision of contribution plans.

At Council's Ordinary Meeting of December 2003 Council resolved to place the draft Contribution Plan on public exhibition. The draft Plan was exhibited between 15 January 2004 and 13 February 2004.

### **Public Exhibition – Submissions Received**

During the public exhibition period one submission was received, a copy of the submission has been provided under separate cover to Councillors. The submission raised a number of issues, which are addressed below:

#### **Issue**

The costs of studies directly relating to the particular contribution plan and salaries of contract s.94 officers should be included in the revised plans resulting from such studies, similar to that already provided for in the Ballina Road Contribution Plan.

### **Response**

There are a number of ways that councils levy s94 contributions for administration costs, these include:

- Applying a flat administration levy as a percentage of all contributions paid for new development;
- Including an administrative charge within individual contribution plans;
- Adopting a separate contribution plan to levy developer charges for administration.

Adopting a contribution plan specifically for Section 94 administration and planning studies is the most appropriate method for Ballina Council for a number reasons. A separate plan provides greater transparency in outlining the total amount of contributions to be collected for administration purposes and how this money will be expended.



The draft Plan can provide seed funding to allow new contribution plans to be developed. It can also be implemented immediately rather than waiting for completion of reviews of our existing contribution plans and preparation of new plans.

It is intended in the first review of the Roads Contribution Plan to delete the existing administration charge so that all contributions for administration services will be levied under the proposed s94 Planning Studies and Administration Contribution Plan.

Issue

S94 cannot be used for recurrent funding. The works schedule in the plan states the funding for the Developer Contributions Officer is 'ongoing' and therefore a recurrent expense. The Section 94 Guidelines outline that employing an s94 officer, on a contract basis would overcome the issue of recurrent funding.

**Response**

The principle of employing s94 officers is well established and the levying of developer charges towards their salary costs is practiced by many Councils.

Changing the employment conditions of the Developer Contributions Officer to a contract basis would not change the rate of the proposed developer charges or the intent of the draft Plan.

Further, employing staff on a contract basis needs to be assessed against industrial and taxation requirements. In the case of the Developer Contributions Officer, Council staff originally reviewed the position requirements and determined that it was not a contract position. This assessment was made by considering the nature of the work against a list of key indicators to determine whether the position is suitable for an employee or a contractor.

Issue

That there is a lack of specific information detailing the nature, timing and the identified need for any particular planning studies.

**Response**

The draft Plan includes costs of \$50,000 per annum for s94 planning studies. It is acknowledged that there is a degree of difficulty in predicting the timing and exact planning studies that will be undertaken over the next 5 years.

In the 2003/04 financial year s94 planning studies, cost estimates and concept design work has costed in the order of \$75,000 and it is anticipated that this rate of expenditure will continue over the life of the plan.

Only those studies that directly relate to the formulation and/or administration of contribution plans will be funded from the Plan. The cost of planning studies will be monitored over the life of the Plan and if the costs decrease the charges will be adjusted accordingly.

**Issue**

There is a lack of specific detail regarding the Section 94 operating budget included in the works schedule. This could include wages of regular employees involved in accounting, legal, land valuation and training matters.

**Response**

The draft Plan outlines that the Section 94 operating budget will be used for '*accounting services, purchasing of legal advice, land valuations, and section 94 staff training*'. The draft Plan includes costs of \$20,000 per annum for these items.

The draft Plan specifically states that it does not levy contributions towards costs associated with other staff members. It is recommended that the terms 'accounting services' be deleted from the text to avoid any possible misinterpretation that the draft Plan includes funding of finance officers wages.

Issue

That the relationship between the types of studies being undertaken and new development is not adequately established.

**Response**

Council currently levies s.94 contributions on all forms of development, including residential, commercial, industrial and heavy vehicle generating development. The draft Contribution Plan assumes that Council will continue to develop Contribution Plans and provide administrative services for all forms of development.

The costs apportioned between different types of development are in accordance with percentage of contributions currently received by each development type.

**Amendments to the draft Contribution Plan**

a) Costs of Planning Studies

The draft Plan reported to the December Council meeting included costs of \$30,000 per annum for planning studies. Prior to the public exhibition a review of expenditure over the last financial year was undertaken (\$75,000) and consideration of future studies required for s94 works. The cost included in the draft Plan where revised to \$50,000 per annum prior to the exhibition commencing. This had the effect of increasing the contribution charge for a residential allotment by \$27 and the commercial rate by \$1 per square metre.

- b) Contribution Rates for Industrial Development – In preparing the contribution plan, all non-residential development was grouped together and a flat rate charge determined of \$6.43 per m<sup>2</sup> of gross floor area.

During the exhibition period it became apparent that this rate is particularly onerous on industrial developments, which have much larger floor areas than restaurants, shops and offices. Further, developer contributions for industrial developments are most often levied at the time of subdivision and therefore it is appropriate to have a charge relating to the lot area as well as the floor area.

It is recommended that the plan be amended to include the following rates for industrial development:

Industrial development	\$1.10 per m <sup>2</sup> of g.f.a or \$0.66 per m <sup>2</sup> of lot area at the time of subdivision
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This appears to be large reduction in the proposed rate for industrial development, however under the revised rate an average industrial lot of 1200m<sup>2</sup> would be required to pay a contribution of \$792 for s94 planning studies and administration.

Other minor changes have been made to the text of the draft Plan to provide greater clarification and to incorporate the above recommendations.

A copy of the amended Contribution Plan has been provided under separate cover to Councillors.

## Conclusion

The *Draft Contribution Plan – Section 94 Planning Studies and Administration* has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* and the attendant regulations.

The draft Plan will enable Council to levy contributions to fund planning studies which are required to update and expand Council's developer contribution plans. It will also reimburse the salary costs of the Developer Contributions Officer which is currently funded from general revenue.

Section 94 planning studies and administration are provided solely for future development. Therefore the costs of providing these services should be funded by new development through a contribution plan.

It is recommended that the *Draft Contribution Plan – Section 94 Planning Studies & Administration* is suitable for adoption subject to the changes recommended within this report.

**RECOMMENDATION**

- i) That the *Draft Contribution Plan for Section 94 Planning Studies & Administration* be adopted, subject to the following amendments:
  - a) The contribution rate for industrial development amended to \$1.10 per m<sup>2</sup> of gross floor area or \$0.66 per m<sup>2</sup> of lot area.
  - b) Minor changes to the text within the plan to provide clarification about expenditure of planning studies and operational budget.
- ii) Public notice of the decision to adopt the Contribution Plan be given, with an implementation date coinciding with the date of the public notice.

**25. Federal Government Road Safety Black Spot Funding Programme for the Year 2004/2005**

**Introduction**

In August 2003, Council were invited to make submissions for funding under the federal government National Black Spot Programme (NBSP). These submissions were required to address the accident history, accident severity, likely costs to improve the safety at the location and a benefit/cost ratio assessment.

The maximum amount of funding available under the National Black Spot Programme for any one project is capped at \$750,000. It is noted that projects that have a low cost requirement and exhibit a high benefit/cost ratio are more likely to be successful.

**Projects Considered**

A preliminary assessment of the local road network was undertaken to determine possible project sites that would qualify for the NBSP. Projects identified for detailed assessment are listed below, with those which were successful in securing federal black spot funding listed from (a) to (d) and shown in bold text.

- (a) Eltham Road, Pearces Creek (near property No. 1305)
- (b) Ross Lane, Lennox Head (near Sanctuary Village)
- (c) Tintenbar Road, Tintenbar (Tintenbar Hill)
- (d) The Coast Road / Flat Rock Intersection
  
- (e) Bagot Street / River Street (Pacific Hwy) Intersection
- (f) Ross Lane, Knockrow (near Dufficys Lane)
- (g) Green Street / Bruxner Hwy Intersection
- (h) Green Street / South Street / Tanamera Drive Intersection
- (i) Brunswick Street / River Street (Pacific Hwy) Intersection
- (j) Emigrant Creek Lane / Pacific Hwy Intersection (near Sunmaid)
- (k) Old Byron Bay Road / Pacific Hwy Intersection, Newrybar
- (l) Broken Head Road / Pacific Hwy Intersection, Newrybar

This minimum accident criteria is three separate casualty crashes which need to be directly attributable to the project location. This criteria deletes those localities that may have a strong history of accidents but their low level of severity does not result in many injuries being attained, as well as those areas that have accidents over an extended length of road rather than at a specific location (ie spot).

### Successful Project Specifics

- (a) Eltham Road, Pearces Creek. Provide new skid resistance surfacing and road camber correction on curves at the location approximately 2.13km east of Pearces Creek bridge (adjacent to Mr Driussi property at No 1305 Eltham Road).

*Federal Contribution \$130,000      Council Contribution \$0*

- (b) Ross Lane, Lennox Head. Intersection turning lane improvements to Fig Tree Hill and Sanctuary Village, inclusive of widening for school bus set down.

**Federal Contribution \$240,000      Council Contribution \$70,000**

- (c) Tintenbar Road, Tintenbar. Provide new skid resistance surfacing at Tintenbar Hill, between Fernleigh Road to Fredericks Road.

**Federal Contribution \$58,000      Council Contribution \$0**

- (d) The Coast Road / Flat Rock Intersection. Provide for marked turning lanes at the intersection of the access road to Flat Rock, inclusive of shoulder widening.

**Federal Contribution \$31,000      Council Contribution \$20,000**

### Budget Implications

The success of these submissions for 2004/2005 budget year gives rise to the net result of Council having to contribute \$90,000 to secure federal monies to a value of \$459,000. This equates to a much better ratio of 1:5, than matched funding ratios of 1:1 normally associated with civil infrastructure projects.

Council has been quite successful in securing monies from the National Black Spot Programme. The programme allocates in the order of \$14 million per year for the entire state of NSW, to which Ballina Shire has been able to secure \$1.471 million dollars of funding over the last three year period.

Significant effort has been undertaken in gaining a thorough understanding by Council's staff of the selection criteria for the program and in preparing funding submissions. This is the third year in succession that Council has been awarded funds, which is an obviously positive outcome in response to those efforts. The matching funds component will need to form part of the capital works program in the roads budget.

**RECOMMENDATION**

- i) That Council received and note the report of successful federal government Black Spot Funding in an amount of \$459,000 for projects at:
  - (a) Eltham Road, Pearces Creek
  - (b) Ross Lane, Lennox Head
  - (c) Tintenbar Road, Tintenbar
  - (d) The Coast Road / Flat Rock Intersection, Ballina
  
- ii) That the Council authorise the Mayor and General Manager to sign any necessary documents to accept the grants.

## **26. Provision of Fluoride Supplements to the Community**

### **Introduction**

The purpose of this report is to advise Council that the provision of Fluoride tablets and drops to members of the community has been temporarily suspended. The report examines this past long standing practice in the context of current issues.

### **Background**

Ballina Shire Council has supplied fluoride tablets and drops to the community over the counter. This service has been performed since 1965, as an alternative to Council providing fluoride in the water supply.

Under current legislation (Poisons and Therapeutic Goods Act, NSW Poison Regulations) regulating the supply of products such as fluoride, Council is not authorised to stock and distribute fluoride. In view of this requirement, the supply of fluoride tablets and drops has been suspended.

The origin and continuation of the practice of the supply of fluoride is understood to be as follows:

#### **Minute 16761 from the Council Meeting of 11<sup>th</sup> Feb 1965**

##### **“Fluoride Tablets**

*Resolved that fluoride tablets be supplied free of charge from the Council Chambers and the Chemists thanked for their co-operation.  
Carried”*

#### **Minute 9376 from the Council Meeting 24<sup>th</sup> July 1986**

*“Expressed the following attitude in respect to fluoridation of public water supplies.*

- 1. Council supports the general concept of water fluoridation*
- 2. Council supports the proposition that the Government should be able to require a Council to fluoridate its water where such fluoridation has been recommended by the Fluoridation of Public Water Supplies Advisory Committee subject to a water supply authority requesting Government involvement.*
- 3. Council does not support the recommendation of the Water Supply and Resources Committee (Local Government Association of NSW) that fluoridation should be at the discretion of local Councils.”*



## **Ballina Shire Policy Register**

### Fluoride Tablets

*“Prior to the amalgamation of Ballina Municipal Council and Tintenbar Shire Council on 1 Jan 1977, both Councils provided fluoride tablets to its residents free of charge upon request.*

*This policy was current until the recent suspension of the supply of fluoride.*

## **Commentary**

### **Fluoride Technical Information**

Fluoride is a naturally occurring element found in many foodstuffs and also in all water sources. It has been established that it is an essential trace element, for the mineralisation tissues of the body. In children bones and teeth, and in adults, bones.

In unfluoridated water supplies throughout Australia, the fluoride concentrations vary between less than 0.1 milligrams per litre (mg/L) to up to 1.5 mg/L.

In Ballina Shire Council's water supply the following average values occur:

- Marom Creek Supply            less than 0.1 mg/L
- Rous Water Supply            less than 0.1 mg/L

The Australian Drinking Water guidelines, for fluoridated supplies recommend that concentrations vary from 0.7 to 1 mg/L depending on the average daily temperature. The average daily temperature relates to how much water is consumed by the average person, thereby determining total daily fluoride intake.

Throughout Australia debate exists over the relative merits of adding fluoride to a water supply. Fluoride is not added to any water source in this region. It is understood there are no plans for Rous Water to add fluoride to the bulk water supply.

Preliminary investigations indicate that fluoride dosing by Ballina Shire Council at the various sources of water supply within and into the Shire is not viable.

### **Supply of Over the Counter Fluoride in NSW**

An inquiry on the status of the supply of fluoride by regional water authorities in NSW was made through the Water Directorate. The response was limited with no other Council being identified as continuing the practice of the supply of fluoride. Comments from Councils which did respond indicates that regulation and legal implications should prevent the direct supply of fluoride by a Council.

### **Supply of Fluoride by Pharmacy**

Fluoride supplements exist and are currently available through Pharmacies. The option exists for Council to sponsor a program of supply through a Pharmacy network.

Current usage levels are for the financial year 2003/04 are 291 transactions affecting 598 children. For the previous financial year 2002/03, there was 326 transactions affecting 709 children. This constitutes a relatively small proportion of households in the Shire. The cost of supply has been \$990 to date for 2003/04 and \$1,521 for 2002/03.

In the context of the proportion of households using tablets supplied by Council and the unknown effectiveness or benefit of this practice there is little basis for establishing a Pharmacy distribution program.

### **Conclusion**

The existing policy of the supply of fluoride tablets and drops by Council should cease in line with regulation and legal considerations.

Fluoride supplements are available for purchase by the community through pharmacies. The sponsored supply of fluoride supplements through pharmacies by Council is possible. However, in the context of the proportion of households using tablets supplied by Council and the unknown effectiveness or benefit of this practice there is little basis for establishing a Pharmacy distribution program.

### **RECOMMENDATION**

That the Council cease the policy of the supply of fluoride to the community.

## 27. **Ballina Shire Coastline Hazard Definition Study**

### **Introduction**

This report updates Council regarding opinion and advice received following the adoption of the study at the Ordinary Meeting of 11 December 2003. Furthermore, Council is advised of progress regarding the Council resolution of 11 December 2003.

### **Background**

The Ballina Shire Coastline Hazard Definition Study was adopted by Council at its Ordinary Meeting of 11 December 2003.

The above referenced resolution of Council reads:

- “ i) *That Council adopt the draft Ballina Shire Coastline Hazard Definition Study report and rename the report to read 'Ballina Shire Coastline Hazard Definition Study Final Report'.*
- ii) *That Council agree to proceed with the development of a Coastal Zone Management Study and Management Plan in accordance with NSW State Government recommended procedures, subject to the determination of a financial allocation in the next management plan.*
- iii) *That Council received a further report analysing the need for the implementation of interim measures and/or action plans immediately north of Lennox Head village with respect to:*
- *Emergency response planning.*
  - *Interim development control.*
  - *Need and feasibility of temporary protection works.”*

### **Commentary**

The Regulatory Services Group has sought legal opinion from Allens Arthur Robinson regarding the immediate implications of the contents and findings of the study.

Preliminary discussions have confirmed the need to provide advice in Council's S149 Certificate property system about the identified hazard to affected properties.

In the absence of a properly prepared and considered interim development policy for these funds, it is likely that Council will be advised to adopt a precautionary approach to the determination of applications.

Such a policy will need to address Council's and the Government's approach to identifying what may constitute minor alterations and additions to existing buildings and developments, limited life cycle developments, removable and/or demountable structures etc.

With respect to Interim Policy Developments, DIPNR's advice generally seems to accord with this approach (see *Attachment A*).

I also sought further advice from DIPNR regarding Council's proposed short term and long term actions (*Attachment A*). Essentially this advice confirms my previous report on the matter (December 2003).

Accordingly, I have requested a proposal from WBM Oceanics Pty Ltd to assess and prepare a report dealing with the short term action/plans, and having due recognition of DIPNR comments (*Attachment A*).

- Emergency response planning.
- Interim development control.
- Need and feasibility of temporary protection works.

This work is currently unfunded in this year's budget. However, given the implications to the community affected in terms of redevelopment restrictions, it is suggested that the work proceed as soon as possible. Although the submission from the consultant is not yet received, I envisage this study will be approximately \$15,000. I have discussed part funding with DIPNR, however, their budget for this type of work has been expended for this year.

Once the price is known, a funding source will need to be determined by Council.

Regarding the long term actions, being the development of a Coastal Zone Management Study and Plan, Council is advised that appropriate bids have been made for the 2004/05 budget process.

It is forecast that the study and plan may be \$160,000 and may take two years to complete. DIPNR funding would comprise 50%.

### **Conclusion**

The formal identification of the hazard has resulted in a need for Council to respond appropriately given its responsibilities as a public authority. The first step is to identify some interim policy positions of the Council. Whilst these arrangements are being established, Council and the community need to be aware the precautionary approach will likely be limiting to persons submitting applications when compared to the current situation.

### **RECOMMENDATION**

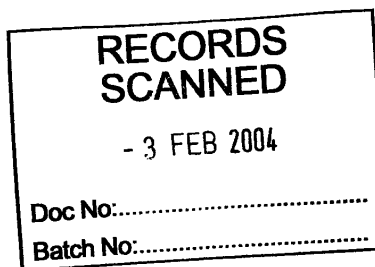
That the report regarding the Ballina Coastline Hazard Definition Study be received and noted.

Attachment A

NSW Department of Infrastructure, Planning and Natural Resources



The General manager  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478



Contact: Richard Hagley  
Phone: (02) 66270 106  
Fax: (02) 66286011  
e-mail: rhagley@dlwc.nsw.gov.au

Our Ref: 300088

Attention: Paul Busmanis

30 January 2004

Dear Paul

**Re: Ballina Shire Coastline Hazard Definition Study**

Thank you for your letter of 22 December 2003 concerning the finalisation of the subject study.

Council should be commended for completing the study and for its resolution to proceed with the subsequent stages of the coastline management plan process. In this way Council would be confident of achieving a long-term plan that is both integrated and sustainable in its approach and solutions to environmental and hazard management of the Ballina Shire coastline.

It is acknowledged that the development, adoption and implementation of a coastline management plan can take substantial time, in some cases 7 to 10 years. Accordingly, in the interim period, the formulation and implementation of interim measures to reduce the hazard threat and to contain particular problems is supported and is considered an integral part of the coastline management plan process.

While Ballina Shire Council is not alone in the desire to investigate interim measures, the form and extent of these measures are highly dependent on a range of factors and their application in the Ballina Shire context. In this regard the following factors warrant close consideration:

- the magnitude and probability of the coastline hazard threat;
- the scale and type of development and infrastructure under hazard threat;
- the possibility of long-term adverse environmental impact, particularly to the coastline and beach environments and amenity;
- the time period over which the interim measures are required;
- the cost of employing the measures and their maintenance requirements; and
- the likelihood that the measures may compromise or pre-empt the outcomes of the long-term coastline management plan. Accordingly any works should be readily removable.

NSW Department of Infrastructure, Planning and Natural Resources  
North Coast Region Alstonville Plaza Main Street Alstonville NSW 2477 PO Box 664 Alstonville NSW 2477  
Telephone: (02) 66270113 International: +61 2 66270113 Facsimile: (02) 66286011

– 2 –

In reference to the area north of Lennox Head village that was subject to Council's resolution, the Department of Infrastructure, Planning and Natural Resources (DIPNR) offers the following advice for consideration in the formulation of an interim measures response.

#### **Coastline Hazard Assessment**

The Ballina Shire Coastline Hazard Definition Study Final Report (WBM Oceanics, October 2003) represents the most up-to-date professional advice on the extent to which coastline hazards will impact on the Seven Mile Beach foreshore at Lennox Head. While based on the current and best information available, it should be recognised that the hazard lines are subject to uncertainties and could be considered somewhat conservative.

The existence of bedrock, indurated sands and historical protection works (seaward of Pacific Parade north of Lennox Head village to Lake Ainsworth) may limit the realisation of the erosion hazard threat. To help quantify the level of protection provided by the historical protection works, an investigation by way of exploratory coring or trenching could be considered as part of the interim measures response.

#### **Emergency Management**

Recent amendments to the Coastal Protection Act, 1979 require Council when preparing a Coastal Zone Management Plan to incorporate provisions for emergency management. In light of the immediate hazard threat from coastal erosion at Lennox Head, it is considered appropriate that an emergency action plan be prepared as a component of an interim measures response.

The emergency action plan would address emergency issues associated with the impacts prior to, during and following a coastal storm event. It would make provision for actions carried out under the State Emergency and Rescue Management Act, 1989 (such as public education, storm warning and evacuation) and works deemed necessary for the protection of property and infrastructure affected by a storm event.

Preparation of the plan should be undertaken through consultation with the SES, NSW Police, Ballina Shire Council and DIPNR. Once finalised the emergency action plan would be incorporated into the local SES disaster plan (DISPLAN).

#### **Development Control**

Development control is ideally considered as part of the long-term management plan for an area taking account of the coastline hazards and broader socio-economic and environmental considerations.

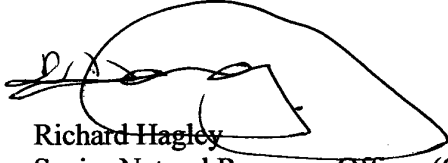
In the interim period, site specific development controls, through the development application process, should aim to reduce the damage potential to development or redevelopment consistent with the hazard exposure of the site. In this regard, setback lines, provision of piled foundations, floor level controls are development control options that may be considered to be applied to individual developments.

It is important to note that decisions made on the type, scale and location of developments do not compromise or pre-determine the management strategies that would be considered by Council in the longer-term coastline management plan development.

– 3 –

I trust this information is of assistance and should you have further queries or wish to discuss the matter further please call me on the contact number above.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Hagley', is written over a faint, large, irregular oval shape that serves as a background for the signature.

Richard Hagley  
Senior Natural Resource Officer (Coast and Estuaries)  
North Coast.

**28. Tender T106 – Supply of Precast Pavers for Stage 2 Ballina CBD Project**

**Introduction**

This report provides information regarding Tender T106 – Supply of Precast Pavers for Stage 2 Ballina CBD Project. At the time of writing this report the tender lodgement period has not closed. It is proposed that results of the tender submissions be provided at the Ordinary Council Meeting on 25 March 2004.

**Background**

A tender has been called for the supply of precast pavers for Stage 2 of the Ballina CBD project. In accordance with Council policy, a twenty-one day tender period has been called from 3 March to 24 March 2004.

The pavers required for Stage 2 comprise 400mm x 400mm x 40mm thick honed and shotblast precast concrete pavers. Like pavers are already in place, located at the pedestrian crossing site in River Street. The same colour scheme and grid line arrangement will be continued along River Street for Stage 2 footpath works.

Originally it was intended to extend the arrangements with the supplier for Stage 1, however price negotiations have been unsatisfactory with variations between stages considered excessive. It is hoped that the process of the tender will assist in determining the market rates. A requirement of the tender is for sample pavers to be provided for comparison purposes.

**RECOMMENDATION**

That the report regarding the supply of precast pavers for Stage 2 of the CBD project be received and noted with tender submissions to be provided at the Ordinary Council Meeting on 25 March 2004.



**29. Tender T107 – Installation of Precast Pavers for Stage 2 Ballina CBD Project**

**Introduction**

This report provides information regarding Tender T107 – Installation of Precast Pavers for Stage 2 Ballina CBD project. At the time of writing this report the tender lodgement period has not closed. It is proposed that results of the tender submissions be provided at the Ordinary Council Meeting on 25 March 2004.

**Background**

A tender has been called for the installation of Precast pavers for Stage 2 of the Ballina CBD project.

In accordance with Council policy, a twenty-one day tender period has been called from 3 March to 24 March 2004.

As previously advised to Council, a feature of Stage 2 footpath works is for such works to be undertaken outside of normal business trading hours.

**RECOMMENDATION**

That the report regarding the installation of precast pavers for Stage 2 of the CBD project be received and noted with tender submissions to be provided at the Ordinary Council Meeting on 25 March 2004.

### **30. Ballina Quays – Retaining Walls**

#### **Introduction**

This report provides Council with information regarding the possible need to reassess current policy on the location of retaining walls in Ballina Quays.

#### **Background**

Council has an existing policy regarding the location of retaining walls in Ballina Quays. This policy requires any new retaining wall to be positioned two metres seaward (offset) of the existing concrete kerb. The existing concrete kerb forms a continuous boundary along the perimeter of the canal system, and divides the landward side from the seaward side (beach side).

Council has recently dealt with four Ballina Quays development applications (September 2003) where consents have been granted for retaining walls located at a 3 metre offset.

The decision of Council referred to above was not in accordance with existing formal policy. Staff recommendations at the time were based on the previous input by specialists.

Furthermore, the Regulatory Services Group advise that pre-lodgement enquiries regarding retaining walls in Ballina Quays refer to the recent three metre offset decision, and DA's are likely to be received for same.

#### **Commentary**

Given the likely "flow on" effect of the Council's decision in September, it is considered prudent to further review the site to see what options exist to marry the community desires with the technical position relative to maintenance costs.

There is significant history associated with the adoption of the existing policy. As such, contact has been made with the consultancy, which provided Council with the previous assessments and recommendations.

I have received preliminary advice that a review of the existing retaining wall policy can be undertaken for approximately \$3,000. This will require a site inspection and possibly collection of survey data. It is envisaged this review will be completed in four weeks. The Canal maintenance budget can currently accommodate this expense.

It is my recommended that a review be undertaken to assess the merits of a 2 metre or 3 metre retaining wall offset.

**RECOMMENDATION**

That Council seek specialist advice and then proceed to review options regarding the retaining wall offset in Ballina Quays.

### 31. RTA Funding Proposals

#### **Introduction**

This report advises Council of preliminary discussions with the RTA regarding 2003/04 shared funding opportunities.

#### **Background**

The RTA has made verbal enquiries regarding Council's willingness to participate in shared funding programs which may become available prior to 30 June 2004.

The two programs advised by RTA comprise Safety Around Schools program and Shared Pathway (Cycleway) program.

#### **Commentary**

I have made prompt replies to the RTA to show interest in their offers. In turn this will require review of Councils budget position, however, the opportunity to secure additional funds is worthwhile. In this report I have made a preliminary assessment of the options for Councils matching funds.

##### a) Safety Around Schools Program

Generally comprises small scale safety improvements, however, I have also added Coral Street pathway as an adjunct to previous improvements at Alstonville High School.

##### i) Empire Vale School

Parking area improvements (pavement and seal)

\$26,000 BSC contribution \$13,000  
Rural Road Maintenance

##### ii) Wardell School

Traffic Island Barrier (Landscaping)

\$8,000 BSC contribution \$4,000  
Road Capital Works

##### iii) Ballina High School

Fencing Swift Street Bus Interchange

\$12,000 BSC contribution \$6,000  
Ballina Paths Capital Works

iv) Alstonville High School

Coral Street Pathway

\$50,000 BSC contribution \$25,000  
Alstonville-Wollongbar Paths Capital Works

b) Shared Pathways (Cycleways)

Additional funding, with the potential to double this years allocation is being mentioned. In this current year the RTA has already offered \$70,000 for their 50% allocation towards Councils nominated project being the Angels Beach shared path. An offer of a further similar amount may be likely. If the RTA's further offer is realised, then the length of the Angels Beach shared path works could be extended.

It is noted that the offer extends to Council's nominated (and approved) project. If a development consent is not issued for the Angels Beach project then an alternative project would need to be nominated.

**RECOMMENDATION**

That the report regarding RTA Funding Proposals be received and noted by Council and adjustments be made to the quarterly review if the grant opportunities are realised.

**32. Burns Point Ferry – Unscheduled Repair 29 February 2004**

**Introduction**

This report advises of a major component failure on the Burns Point Ferry on Sunday 29 February 2004. This report also advises of excellent teamwork from staff and sub-contractors to have the ferry back in operation for customers on Monday morning 1 March 2004.

**Background**

On Sunday morning 29 February 2004 at the commencement of ferry operations (prior to 5.30am) the ferry stopped due to a breakage of the worm wheel gearbox output shaft.

It appears the shaft had a fatigue micro-crack, which gave way through the rest of the shaft. The above shaft is of substantial size, being over 100mm in diameter and in excess of 1m long. Such a component is too expensive to store as an immediate replacement part given the relative risk of failure occurrence.

Council staff and sub-contractors responded to the challenge of such a major repair. Firstly, the steel billet for machining to size was eventually sourced at Woodburn (McGeary Bros Engineering), and machining time for such a large section took almost 6 hours.

Council staff had stripped the gearbox ready for re-assembly, and also needed to manufacture a new bearing block support frame.

At re-assembly, the drive coupling was found to be out of round, and Mac's Engineering was called for further machining work. This work took place on Sunday evening.

Overall, re-assembly was completed by 12.30am Monday 1 March 2004. A period of 19 hours in total.

Ferry operators also assisted by making themselves available for traffic control work. Ferry operators manned both sides of the riverbank and advised customers of the unscheduled stoppage and repair program.

**Commentary**

I am particularly pleased to report on the prompt repair work undertaken by staff and subcontractors given the difficulties associated with the magnitude of repairs and the fact that it occurred on a Sunday. The ferry was back in service for Monday morning customers.

The ferry has an excellent track record regarding hours of operation. A monthly service is scheduled for ½ day per month, and most maintenance is undertaken at this time. Council would also be aware of the annual slippage where a Waterways Authority “Survey” is also undertaken.

The last occasion an unscheduled stoppage (greater than ½ hour) occurred, was in November 2000, which in my view is a testament to the maintenance program.

#### **RECOMMENDATION**

That the report regarding the unscheduled repair on 29 February 2004 of the Burns Point Ferry be received and noted.

### **33. Urban Water Management Strategy Implementation**

#### **Introduction**

The purpose of this report is to advise Council of the progress in implementation of key elements of the Urban Water Management Strategy.

#### **Background**

The Urban Water Management Strategy Policy Statement was adopted by Council on the 25<sup>th</sup> September 2003.

A detailed report on the Urban Water Management Strategy (UWMS) was presented to Council in July 2003 and this report included a summary of the status of initiatives and projects that support the Strategy. Work on these projects has continued and new initiatives commenced. The current status of the implementation of the UWMS is the subject of this report.

#### **Commentary**

#### **Strategic**

##### *i) Strategic Project Management*

The majority of major works associated with the implementation of the UWMS will occur in the Ballina and Lennox Head sewerage catchments. The estimated expenditure for this work totals \$48 million.

A brief has been prepared for the engagement of a strategic project management consultancy to deliver the large, integrated program of work. Following a public expression of interest process, four short listed companies have been invited to tender. The strategic project management tender closes on the 19<sup>th</sup> March. It is expected the results of the tender evaluation will be reported to Council in April.

This engagement will be a significant investment by Council. As such considerable effort has been expended in reviewing the procurement options and the terms of the engagement. The engagement is crucial to ensure adequate resources are available to deliver such an extensive program of work. It should be noted that the retention of client control and management is retained in the brief, in particular for community consultations and other public references.

##### *ii) Section 64 Development Servicing Plans*

New plans have been developed and are currently on public exhibition until the 30<sup>th</sup> April. Following consideration of public submissions it is anticipated these plans will be operating from 1<sup>st</sup> July 2004 in accordance with the State Government criteria for best management practice of water and sewerage services. These plans are essential to recover funds in support of the extensive program of works associated with the UWMS.



iii) Sewage Treatment Load and Project Review

As previously reported, Hunter Water Australia have been engaged to complete three consultancy elements essential to the progression of the UWMS.

Part A involves an accurate assessment of the current loadings and operational capabilities of the treatment plants at Lennox Head, Ballina and Alstonville based on a program of field testing. The majority of this work is now complete.

Load and capability assessments of Lennox Head STP indicate the plant is operating at capacity for short peak load periods. It has been recommended that planned works to increase capacity through modifications to equipment and controls be implemented.

Part B involves a review and recommendation of a preferred option for the interim works at Ballina STP in consideration of the findings of Part A and the proposal to advance an immediate upgrade of the plant to ultimate capacity. This work is complete and Hunter Water Australia have been engaged to now prepare the concept design, environmental impact assessment and procurement evaluation.

Progress on the interim works at Ballina STP continues to be in accordance with timetable negotiated with the EPA and documented in the Pollution Reduction Program target attached to the operating licence.

Part C involves the development of a comprehensive application package for EPA approval for the proposed capacity upgrade of Lennox Head STP. The first components of the work will be presented to the EPA in May. The scope and timetable for additional elements will then be negotiated and progress reported to Council.

### **Community Consultation**

i) Urban Water Community Reference Group

In accordance with the resolution of Council the reference group has been established and the first meeting was held on the 2<sup>nd</sup> March. It is anticipated the group will meet bi-monthly to progress consultation as outlined in the terms of reference for the group.

ii) Alstonville Reclaimed Water Users Group

An effluent reuse scheme is currently being developed that will utilize the effluent from Alstonville STP at surrounding agricultural properties including nurseries, orchards and pasture. Investigation and negotiation is well progressed and it is anticipated effluent reuse levels approaching 100% in dry weather will be achieved. In association with the development of the project a users group has been established and the first meeting was held on 5 December 2003. The next meeting will be held in April to report on project progress.

## **Effluent Management**

### *i) Alstonville Effluent Reuse Scheme*

Work has continued to be progressed with groundwater studies completed and environmental impact assessment substantially complete. It is anticipated the Environmental Impact Statement for the 20 megalitre storage sited at the Gap Road quarry will be placed on public exhibition in May. A public information brochure covering the whole project has been prepared and will be distributed in early April.

### *ii) Mop Crop Trial*

A collaborative partnership has been established with Southern Cross University to investigate the use of effluent in agricultural applications in the Ballina/ Lennox Head area. A two hectare area of land has been licensed adjacent to the Ballina STP to progress the trial over a three year period. Initial site works that include fencing, pumping, pipework etc are complete and a fodder crop is now under study. Modifications to the trial to investigate irrigation methods and regeneration wetland species are planned.

### *iii) Ballina STP Constructed Wetland*

Australian Wetland have been engaged to conduct a feasibility study on the option of constructing a large wetland south and adjacent to the STP. This work has been advanced because of options under consideration for the proposed western arterial road. The outcomes of this integrated infrastructure assessment will be presented to Council in April.

### *iv) 50 Hectare Reclaimed Water Reuse Site*

This project will be progressed under the strategic project management consultancy. However, discussions have commenced exploring the option of applying for Australian Research Council grant funding to support scientific research on the site in collaboration with Southern Cross University.

### *v) Existing Reuse Audit*

A project has commenced to audit all existing reuse applications in Ballina Shire to ensure compliance with guidelines and the establishment of agreements and management plans.

### *vi) Wardell STP Effluent Reuse*

A project has been completed to supply effluent for the irrigation of the Wardell playing fields. This project has been successful with the majority of reclaimed water from the STP being beneficially used during the summer period.

vii) Wardell STP Land Plan of Management

A draft plan of management has been prepared for the land surrounding the Wardell STP such that the effluent reuse potential can be maximised in conjunction with other desirable community outcomes. It is anticipated this plan will be presented to Council in May.

viii) Expansion of the Ballina Urban Open Space Reclaimed Water Irrigation Program

Minor improvement works have been completed to current irrigation facilities. Further plans to expand the program will be examined under the strategic project management consultancy.

### **Biosolids**

i) Biosolids Composting Trial

A small trial has been conducted at the Ballina waste management facility to establish the viability of composting sewage biosolids with fine chopped green waste to produce a product suitable for bulk landscape applications by Council. Improvements to sewage treatment screening works and sludge management facilities will be important to improve product quality.

ii) Biosolids Geotube Trial

A new technology is currently being used at Lennox Head STP that involves pumping stabilised liquid sludge into a large purpose built geotextile bag to dewater the sludge and reduce the volume prior to beneficial reuse.

### **Conclusion**

Implementation of the projects and initiatives outlined in the Urban Water Management Strategy continue to be progressed. In particular the establishment of the strategic project management consultancy will facilitate the advancement of major projects in the strategy including the ultimate upgrade of Ballina Sewage Treatment Works.

### **RECOMMENDATION**

That Council receive and note the report on the progress of implementation of the Urban Water Management Strategy.

**34. Ballina Shire Council Water Reticulation Specification**

**Introduction**

The purpose of this report is to present to Council a draft water reticulation specification for adoption and incorporation into the subdivision code.

**Background**

Ballina Shire Council, as a development consent condition for subdivisions, previously required all developers to contractually engage Council, to perform all water main design and construction works.

A recent change in management policy now permits these works to be undertaken by the developer, following the approval by Council of the water main design. Largely this change is considered necessary given that Council's interest is in the final quality of the work, rather than who delivers the same, and that it is considered inappropriate to establish such a monopoly.

This change does not prohibit Council being available and able to complete the work on behalf of a developer.

To assure that these new assets are constructed in an acceptable manner, it has been necessary to develop a water reticulation specification defining standards and requirements.

**Commentary**

**Potential Standards**

There are many standards that exist in Australia with respect to design and construction of water reticulation mains. Most common are WSAA (Water Services Association of Australia), Auspec, Public Works and so on.

These standards all define generic requirements in varying detail, however they allow scope for interpretation and certain options to be determined when performing the design based on the "Fitness for Purpose" concept.

The "Fitness for Purpose" concept allows designers to make decisions on the standards to be used and the criteria to which these standards pertain. The proposed Council standard and specification defines the minimum standards and criteria to which compliance is required. Providing a definition of minimum standard avoids conflict over design interpretations between developers naturally focussed on least capital cost and the Council focussed on whole of life cost.

Councils in this area use various standards, with differing detail. Below is a summary of the neighbouring Councils specification.

### Neighbouring Council Comparisons

Council	Standard in Use
Lismore	Lismore Council uses its own specification as no other document standard meets their requirements fully. The specification is not adopted as a DCP, however DA conditions refer to Council's adopted standards and Council's specifications are referred to in the DCP
Richmond Valley	RVC has an individual standard that was drafted prior to the amalgamation, and has not been developed to any final stage. This standard was based on the Lismore Council standard, with amendments to suit individual requirements of their area. It has not been formalised in any policy or DCP
Rous Water	<p>Large construction works basically follow Public Works specification (now Department of Commerce) and are usually carried out by contract. No specific standard has been adopted.</p> <p>Minor mains replacement works are carried out by Rous Water staff.</p> <p>Rous has no policy for the adoption of any particular specification.</p>

### Proposed Council Water Reticulation Specification

The basis of the proposed Ballina Shire Council water reticulation specification is to define a high asset quality that ultimately will last an operational life in excess of 50 years. The specification accommodates the wide variety of insitu conditions that exist in the Shire.

One of the important aspects of the specification is the testing provisions that ensure the watermain assets are transferred to Council without defects. These testing provisions are further supported by a requirement for the works to be certified by an independent and qualified assessor than the works have been constructed in accordance with the specification.

### Conclusion

The introduction of the option for developers to install water supply mains has resulted in the need for a suitable specification and standard to govern the design, construction and hand over of these assets. The proposed water reticulation specification will join the existing sewerage specification and be administered under the subdivision code.

### RECOMMENDATION

That Council adopt the proposed water reticulation specification and administer this specification as part of the subdivision code.

- 35 Motions on Notice – Cr Rich – Councillor Attendances Records Published in Annual Report
- 

**35. Motions on Notice – Cr Rich – Councillor Attendances Records Published in Annual Report**

I, Cr Alan Rich, move

*That* for the reporting year, the Ballina Shire Council Annual Report publish the Councillor attendance records at Ordinary, Planning and Extraordinary meetings of Ballina Shire Council.

**Alan Rich, Councillor for B Ward**

**36. Motions on Notice – Cr Rich – Recording Voting of Councillors in Minutes**

I, Cr Alan Rich, move

*That* the Minutes of Ordinary, Planning and Extraordinary meetings of Ballina Shire Council record the individual vote of each councillor where the vote is not unanimous.

**Alan Rich, Councillor for B Ward**

**37. Motions on Notice – Cr Rich – Annual Household Waste Clean-up Day**

I, Cr Alan Rich, move

*That* Ballina Shire Council collect misc oversized household waste items on a designated day for pick up at least once each year. Charges for this service shall be derived from waste rates paid by consumers.

**Alan Rich, Councillor for B Ward**



38. **Motions on Notice – Cr Rich – Ballina Shire Vegetation Management Order**

I, Cr Alan Rich, move

*That* a Vegetation Management Order for the whole of Ballina Shire be adopted using the Lennox Head Community Aspirations Strategic Plan Vegetation Management Order as a model.

39. Motions on Notice – Cr Felsch– Western Arterial Road

15-3-04

NOTICE OF MOTION

I, Cr John Felsch, hereby request that the following notice of motion be debated at the 25<sup>th</sup> March Ordinary Meeting of Council.

That the Ballina Shire Council adopt the route of the Western Arterial Road, subject to environmental and terrain constraints, as being the residents nominated OPTION ( A) or OPTION (B) Route in accordance with the attached submission from the Preferred Route Action Group and residents petitions.



Cr John Felsch

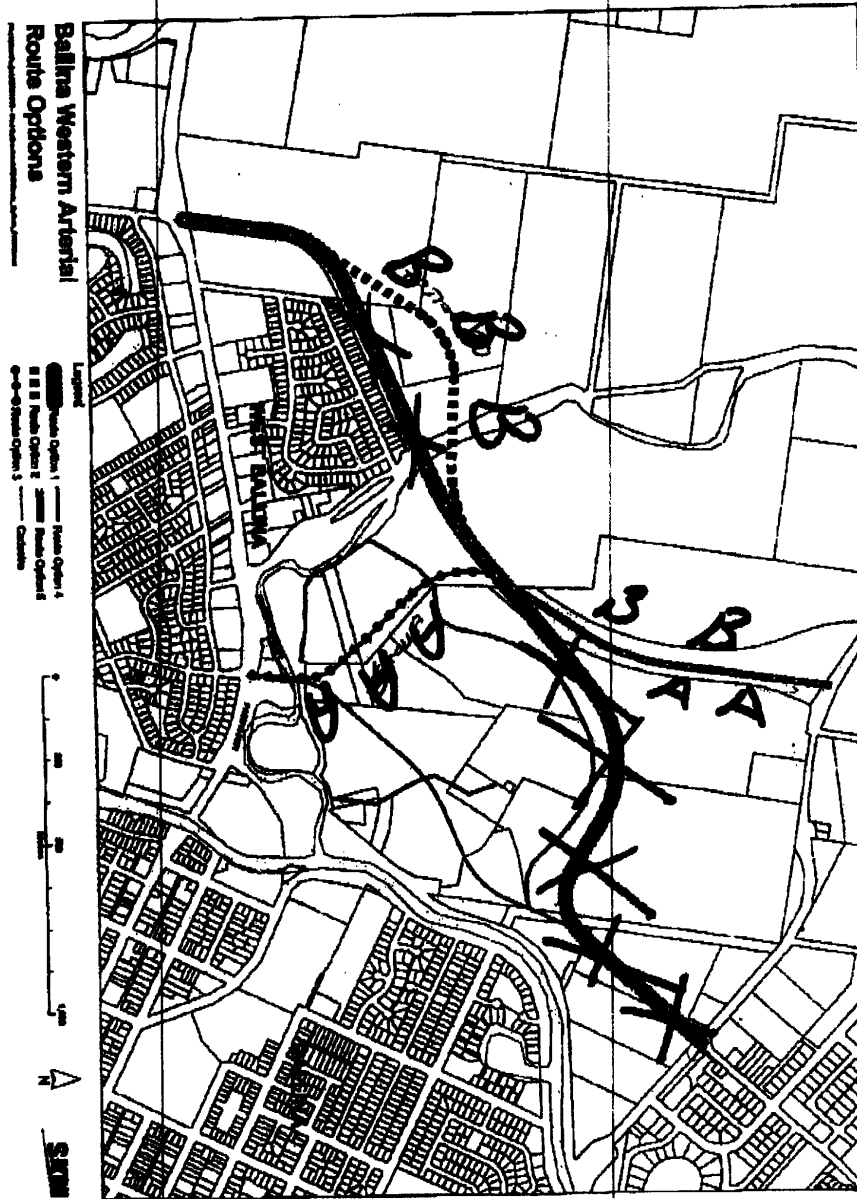
Rational:

Severe stress is currently being placed on the lives of the residents of Horizon Drive and adjacent streets of West Ballina, many of whom are elderly, in regards to the proposed "Council preferred" route of this proposed West Arterial Road being sited, in places, only metres from their homes.

The residents of the three villages at the northern end of the route, are currently experiencing very severe noise impact problems from trucks braking & accelerating on the Pacific Highway outside their homes.

The route options A or B in the notice of motion take the connection with the Pacific Highway further north and away from all residents homes.

The residents along the route have liaised with each other, and have presented their attached petition to Council. The residents are satisfied that if the Ballina Shire Council is to proceed with any form of arterial road then the nominated Option A or Option B is a route which is acceptable to them.



Option 1  
Option 2

Attachment A

4 West Ballina Arterial Road – Project Update

40. **Motions on Notice – Cr Dakin – Ballina Trawler Harbour**

***NOTICE OF MOTION..... 25 March 2004 General Meeting of Council***

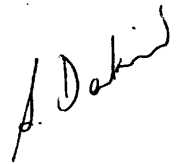
That Council investigate the feasibility of providing public facilities such as a pump out facility and public toilet/shower amenities in the vicinity of the Ballina Trawler Harbour: Such facilities to be available for public use with a view to securing additional berths for recreational boating craft.

↓

**RATIONALE:**

A section of the Ballina Trawler Harbour has been identified as a possible facility for the tie-up of smaller recreational boats. To facilitate the moorings of such craft and the amenity of the harbour, facilities such as those listed above would be required to be in place. Initial investigations are currently being pursued to establish possible funding from government sources for the mooring pontoons and the requirements of governing bodies to enable such facilities to be enhanced. There is input from the recreational fishing sector as well as the professional fishing representatives that such a facility could be achieved in a co-operative approach from the involvement of the Council, recreational fishers representatives as well as the professional fishermen representatives.

Since the demolition of the public finger wharves, pressure on current mooring facilities is extreme. The co-operative approach by both Ballina Fishermen's co-op and recreational fishing persons to providing a short term solution within the vicinity of the Ballina Trawler Harbour should be encouraged and supported.





P.O. BOX 400  
BALLINA N.S.W. 2478

CNR. PACIFIC HIGHWAY & KEPPEL STREET  
BALLINA N.S.W. 2478

PHONE: (02) 6686 2533  
FAX: (02) 6686 7523

27th February, 2004

ABN: 63 309 824 276

The General Manager,  
Ballina Shire Council,  
P.O. Box 450,  
BALLINA NSW 2478

**RECORDS  
SCANNED**

- 2 MAR 2004

Doc No:.....  
Batch No:.....

Dear Sir,

RE: BALLINA TRAWLER HARBOUR

Following recent discussions with Councillors Phil Silver, Sue Dakin, NSW Fisheries and representatives from amateur fishing groups it is obvious that improved facilities are necessary to cater for other vessels apart from the professional fishing fleet.

The Ballina Fishermen's Co-operative Limited being the lessee of the harbour is in favour of better utilization of the existing facility and any improvements which may include extra berths and toilet and showering facilities for the public.

We are agreeable to the Council investigating the feasibility of providing such improvements but must emphasise that the Co-operative contributes over \$50,000-00 per annum by way of lease fees, insurances, rates and maintenance and we are in no position to meet any further costs. The income we currently receive generally only covers costs and the current facilities are adequate for the needs of our Members. Any improvements would mainly benefit private vessel owners and the general public.

The Co-operative is willing to provide a representative to liaise with Council further on this matter.

Yours faithfully,

A.M. PUGLISI  
CHAIRMAN

41. **Combined Crime Prevention Committee/Drug Action Team Minutes – 18/2/04**

1. **Time Commenced**

The meeting commenced at 3.00 p.m.

2. **Attendance and Apologies**

*Attendance*

Cr M Perkins, Chairperson (Crime Prevention Committee & CDAT), Clem Macmahon (Crime Prevention Committee), Andy McTavish (Crime Prevention Committee & CDAT), Mary Willis, Attorney General's Department (Crime Prevention Committee), Sharon Cadwallader (CDAT), Karen Bergan (CDAT), Jim Roberts (Crime Prevention Committee & CDAT), Lyn Gardon (CDAT), Dean Hart, Crime Prevention Division of NSW Attorney General's Department, Lucy Bennett (Wardell Community Access Space) and John Truman (Acting General Manager) were in attendance.

*Apologies*

Cr Peter Moore, Mr Don Page MP, Jennifer Parke, Jo Gormerly, Kellie O'Brien, Sonia Soulsby and Roberto Kenk.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Confirmation of the Minutes of the Previous Meetings**

The Minutes of the previous meeting of the Crime Prevention Committee held 21 January, 2004 were accepted as a true and correct record.

**(Clem Macmahon/Mary Willis)**

The Minutes of the previous meeting of the Drug Action Team held 4 November, 2003 were accepted as a true and correct record.

**(Sharon Cadwallader/Cr Perkins)**

5. **Business Arising from the Crime Prevention Committee Minutes**

a) **Inclusion of Lennox Head in Operational Area**

Mary Willis and Clem Macmahon raised issues in regard to the inclusion of Lennox Head as an operational area within the Plan, and the need to include the facility in the Plan to record measured outcomes against the objectives plan.

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Dean Hart advised of new Crime Prevention planning framework being reviewed that could yield significant changes to these processes. Dean advised that options for the Council would be to seek an extension of the old plan to a fourth year. This is best achieved by submitting the old plan with the new as an addendum. It was also noted that the new document needs to include the outcomes assessment as described above.

In terms of the Lennox Head Operational area, Dean advised that the Committee should make an application to extend the Ballina Operational area to Lennox Head and include that action as a strategy in the new document. The new operational area needs a separate application to the Crime Prevention Plan and it is suggested that this be completed with the remaining application for the Ballina applications which is due on March 12.

It was noted the need for urgency given that without endorsed an Crime Prevention Plan funding to programs such as Street Beat would have to cease.

(Notes provided by the NSW Attorney General's Department are attached to these Minutes).

A Working Party of Cr Moore, Stuart McPherson and Andy McTavish was established to facilitate the operational area applications and the review needs of the plan. (Note – Mary Willis advised that she would co-ordinate the sections relating to community and domestic violence).

**6. Business Arising from the Crime Prevention Committee Minutes**

Nil

**7. General Business**

**b) Alcohol Summit**

Lyn Gardon advised of interim report of the Alcohol Summit included several references to initiatives by the Ballina Drug Action Team.

**c) Committee Processes & Review**

A general discussion was held in relation to the evolution of the processes of the two Committees as they merge. It was agreed that shared philosophical positions exist between social education and policy initiatives with those associated with Crime Prevention. It was further agreed to list the item as an agenda item for the next meeting for members to bring forward ideas for the future structure of the processes of the two groups now working as a combined entity.

**d) Wardell Community Access Space**

Lucy Bennett, on behalf of the Wardell Community Access Space, brought to the Committee's attention general recent issues that are occurring in Wardell:

- It was noted that a new Police Officer was due to commence living in Wardell.
- Suggested Police/Youth Liaison.

- Senior Constable Mick Hogan suggested to be a contact to assist.
- Seek Police support to contact local offenders.
- Ballina Shire Council to review street lighting issues in Wardell in terms of Australian standards.

**e) Correspondence – Ballina Safety House**

Consideration was given to correspondence from Ballina Safety House seeking assistance with prizes for its Yellow Balloon Day.

It was RECOMMENDED that assuming if the funding allocation has not been fully committed, that \$200 be allocated to the request from the Ballina Safety House to support books as prizes to the Yellow Balloon Day. It was noted that the request accords with Strategy 5 in the Crime Prevention Plan and that the Safety House is a partner organization in the plan.

**(Jim Roberts/Clem Macmahon)**

**f) Ballina Domestic Violence Research Project**

Mary Willis tabled a report entitled “The Ballina Domestic Violence Research Project” representing the work of the Ballina Domestic Violence Research Project.

Copies were distributed to Committee members.

**8. Next Meeting**

The next meeting will be held Wednesday, 17 March, 2004 at 3 pm.  
(Apologies were received from Clem Macmahon and Mary Willis for this meeting).

**9. Meeting Close**

There being no further business, the Meeting closed at 5.10 pm.

**RECOMMENDATION**

That Council confirms the Minutes of the Combined Crime Prevention Committee/Drug Action Team Meeting held 18 February, 2004 and that the recommendations contained within the Minutes be approved.



Notes from Dean Hart of the Attorney General's Department follow:

### **Safer Community Compact – 12 Month Interim Extension**

As your plan is due to expire / has expired, the Crime Prevention Division wishes to ascertain your Council's interest in seeking an interim 12 month extension of the endorsement period of the crime prevention plan. The continued endorsement of the Compact will allow Council to apply for an additional year of financial support for strategies identified in the current endorsed plan. This interim 12-month extension is being offered pending the finalisation of a revised Community Crime Prevention Planning Policy.

Applications will need to be approved by the Attorney General and to be eligible for an interim extension Council must provide the following documentation:

1. A covering letter indicating that Council is seeking an interim 12 month extension of the current / previously endorsed Crime Prevention Plan as a Safer Community Compact;
2. Provision of a report on how strategies in your Safer Community Compact have been implemented over the past 3 years;
3. An evaluation of the strategies implemented over the past 3 years;
4. An evaluation of any funded projects from the past 3 years and how effective they have been in targeting the crime concerns identified in your plan;
5. If any variation to the plan is sought, a description of the variation and information as to why this variation is required;
6. A completed grant application indicating which projects have been identified for implementation funding if the extension is approved, information on how the projects link to strategies in the endorsed plan and the amount sought for the 12-month extension (this can be provided at a later date).

**42. Christmas Light Up Committee Minutes – 19/2/04**

**1. Time Commenced**

Due to a lack of attendance the meeting did not proceed.

**2. Attendance and Apologies**

*Attendance*

Cr P Silver, Ms Liz Shepherd (Tourism Manager)

*No Apologies were received*

**3. Declarations of Interest**

There were no declarations of interest.

**4. Confirmation of the Previous Meeting**

The Minutes were not confirmed and will be presented to the Committee at the next meeting.

**5. Matters Arising from the Previous Minutes**

There was no business arising from the previous minutes.

**6. General Business**

The items for discussion under General Business were provided in a report distributed to Committee members. The items for discussion were:

***Review of Christmas Light Up Promotion 2003***

**a) Christmas Light Up for 2004**

**7. Business for Which No Notice has Been Given**

There was no business arising from the previous minutes.

**8. Next Meeting**

The next meeting to be held in June 2004.

**Outline of report prepared to Committee**

**Review Christmas Light Up Promotion 2003**

The preferred strategy of the Christmas Light Up Committee was to discontinue with the Christmas Light Up Competition and offer participants in the promotion the opportunity to win two prizes to be drawn from a hat at the end of the Christmas period. Two prizes were canvassed and donated by the Ramada Riverside Apartments and Macadamia Castle. The first prize was two nights accommodation including breakfast and Champagne on arrival and

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was won by Ian and Gwen Ellul from Sanctuary Village, a previous competition entrant. The second prize was a Family Pass to Macadamia Castle, which was won by Karen Hennigan and Danny Frankham.

Previous competition entrants were contacted personally to advise of the new direction and the reasons behind the new strategy. Participation forms were available through the Northern Star and all previous entrants received the form by post to encourage their ongoing support. There were 46 community and 12 business participants representing an increase of 7 and a decrease of 2 respectively, compared with last year's figures.

All participants were included on the Ballina Shire Christmas Light Up map, which was inserted in the Northern Star on December 14, 2003. The promotion attracted good media exposure on the new direction, which encouraged not only participation in the Light Up but also an increase in the number of enquiries for the Light Up Tour. As a result an additional bus was allocated by the Cancer Council and Burnett bus lines.

The Northern Star was the major sponsor of the promotion with the package valued at approximately \$7,000 of media exposure with display advertisements, map insert and participation forms. There were some complexities with regard to the sponsorship this year with a reduction in the size of the display advertisements creating difficulties with the information required for the participation forms and the number of inserts of the Light Up map. In the past there have been two inserts into the Northern Star a week apart and the artwork to include all the participants was carried out by the Star. This year there was only one insert and the artwork had to be outsourced creating an additional promotional expense to Council.

Decorative holly street fascias were placed along the power poles in River Street, from Moon to Cherry Street and received popular comments from the public and business community. Council covered the public liability Insurance for Santa in River Street and the cost of the helium balloons that were distributed to the children.

#### **Christmas Light Up 2004**

The community support for the discontinuation of the Christmas Light Up competition was well received. It is therefore recommended that this new direction for the Light Up be carried through for 2004 with different prizes being canvassed for the draw.

To continue the support from previous entrants it is envisaged that the participation forms be posted directly to these participants and that media stories be generated highlighting their support of the promotion to further encourage other residents to participate in the programme.

It is intended to extend the street fascia decorations to include Lennox Head and Alstonville and additional holly sought to extend the length of River Street. This expansion will be subject to budget limitations.

It is intended to identify a media sponsor that can best provide additional media exposure with a reduction in the cost to Council for outsourced artwork.

To encourage greater participation in the promotional activity it is intended to commence the media schedule and promotional activity commence in early November with participation forms available at supporting business and Christmas decoration retail outlets pending the support of the media sponsor.

The Christmas Lights should be maintained for Lennox Head, Alstonville and Ballina with an additional tree to be sourced for the Alstonville area. A recent storm destroyed the existing tree.

The above recommendations will maintain the current budget allocation of \$15,000 for next year's estimates.

**RECOMMENDATION**

Provided for the information of Council.

**43. Australia Day Committee Minutes – 19/2/04**

**1. Time Commenced**

The meeting commenced at 4:30pm

**2. Attend and Apologies**

*Attendance*

Cr P Silver (Chairperson), Cr A Rich, Mr Paul Hickey (Corporate Services Group Manager), Ms L Shepherd (Tourism Manager)

*Apologies*

Cr J Felsch

(Cr P Silver/Cr A Rich)

**3. Declarations of Interest**

There were no declarations of interest.

**4. Confirmation of the Previous Meeting**

The Minutes of the previous meeting held on January 14, 2004 were accepted as a true and correct record.

(Cr P Silver/ Cr A Rich)

**5. Matters Arising from the Previous Minutes**

There was no business arising from the previous minutes.

**6. General Business**

**a) Review if Australia Day activities**

A report, distributed prior to the meeting provided an overview of the celebrations at the Amphitheatre on Monday January 26, 2004.

The Committee discussed the event and opportunities for activities associated with next years activities. The following recommendations were made:

It was RECOMMENDED that:

- (a) The Amphitheatre be utilised for the venue for the 2005 Australia Day celebrations

- (b) That the Australia Day awards and nomination forms be refined to ensure that the award recipients are all made aware of their nomination and appropriate information has been provided to the Committee for selection and subsequent announcement during the ceremony
- (c) That the Naturalisation ceremony be refined to ensure that all participants are familiar with their positions and response
- (d) That a community survey be distributed to engage the community for input into future activities and celebration of the day. This survey to be developed and distributed prior to 2005 Australia day celebration and a survey conducted on the day.
- (e) That a letter of appreciation be sent to the Ballina Scope Ladies, The Ballina Shire Band, The Ballina Pipe Band and Alan Rawson for their ongoing support of the event
- (f) That a strategy be developed to encourage greater media exposure and sponsorship opportunities for the event
- (g) That the Committee in the first instance search for their own local Australia Day Ambassador and in the event that this was not achieved that the Australia Day Ambassador Programme be utilised
- (h) That the Committee reconvene in June to plan the celebrations for Australia Day 2005.

(Cr P Silver/ Cr A Rich)

**7. Business for Which No Notice has Been Given**

Nil

**8. Next Meeting**

The next meeting will be held in June 2004.

**9. Meeting Close**

There being no further business, the Meeting closed at 5:15pm.

**RECOMMENDATION**

That Council confirms the Minutes of the Australia Day Committee Meeting held 19 February, 2004 and that the recommendations contained within the Minutes be approved.

**44. CDSE Committee Minutes – 2/3/04**

**1. Time Commenced**

The meeting commenced at 11.00 a.m.

**2. Attendance and Apologies**

*Attendance*

Ballina RSL Club	Bill Coulter
	Tony Cook
Ballina Bowling Club	David Brann
BDCSA	Coral Wheatley
DOCS	Rosie Wheaton
Ballina Shire	Cr Sue Dakin
	Stuart McPherson

**3. Declarations of Interest**

Nil.

**4. Confirmation of the Minutes of the Previous Meeting**

The Minutes of the previous meeting held on 18 November, 2003 were accepted as a true and correct record.

**(Tony Cook/David Brann)**

**5. General Business**

**a) CDSE Newsletter**

Newsletter No. 21 was tabled and discussed. The change in calendar was noted including the suggested timetable for 2004.

**b) Applications for Assistance**

Applications received were considered as follows:

- Broadwater Parents & Citizens – Does not meet adopted criteria;
- Lennox Head Community Pre-School – Deferred for consideration at next meeting.
- Libby Zulpo Appeal – Bus Fittout. It was RECOMMENDED that both Clubs be urged to support to the extent of \$1,000 each.

**(Cr Dakin/Stuart McPherson)**

**c) Donations Program Publicity**

Having discussed, at length, the means by which publicity can be given to the program in order to stimulate the interest of local potential beneficiaries, and in order to appropriately recognise the level of financial support provided to local charitable organizations, it was RECOMMENDED:

- 
- (a) That an annual event be staged by the Clubs to recognise CDSE funds recipients and their projects.
  - (b) That the Clubs be encouraged to acknowledge applications from and approvals to local recipient organizations, including total values of annual support provided, and the local newspapers be alerted appropriately.

(Cr Dakin/Coral Wheatley)

**6. Next Meeting**

The next meeting of the Committee will be held at the Ballina RSL Club at 11 am on 11 May, 2004.

**7. Meeting Close**

There being no further business, the Meeting closed at 12 noon.

**RECOMMENDATION**

That Council confirms the Minutes of the CDSE Committee Meeting held 2 March, 2004 and that the recommendations contained within the Minutes be approved.



**45. Tourism Advisory Committee Minutes – 9/3/04**

**1. Time Commenced**

The meeting commenced at 3:10pm

**2. Attendance and Apologies**

*Attendance*

Cr J Felsch (Chairperson), Mrs J Burton (Norsearch Conference Services) Mrs S Cadwallader, Mrs J Gray, Mrs J Hill, Mr Paul Hickey (Corporate Services Group Manager), Ms Liz Shepherd (Tourism Manager),

*Apologies*

Cr A Kennedy, Mr M Brady

(Cr J Gray/Cr J Felsch)

**3. Declarations of Interest**

There were no declarations of interest.

**4. Confirmation of the Previous Meeting**

The Minutes of the previous meeting were not distributed for confirmation.

**5. Matters Arising from the Previous Minutes**

This was held over until confirmation of minutes at the next scheduled meeting in April 2004.

**6. General Business**

There were no formal items for discussion

**7. Business for Which No Notice has Been Given**

**a) Tourism Industry Representation**

Discussion took place with regard to providing tourism industry input into the Tourism Advisory Committee. Liz Shepherd discussed opportunities for Council to assist with coordinating the industry into clusters with a representative providing a voice to the Committee. This clustering process has been well regarded in other areas throughout the State and these initiatives had attracted external funding to coordinate the group from State and Regional Development.

Janet Gray advised that the Ballina Shire Tourism Networking Executive are currently developing a similar project where they are grouping the tourism industry into clusters of accommodation, luxury and pampering products and adventure tourism.

Mrs Gray is to report back to the next Tourism Advisory Committee meeting on its progress.

**b) Conferencing opportunities for Ballina Shire**

Julie Burton from Norsearch Conferencing Services was invited to attend the meeting by the Tourism Manager to discuss Conferencing opportunities for Ballina Shire. Ms Burton presented a brief paper to the group outlining a Conference and Meeting Promotion project and outlined current initiatives for the Conferencing Market being undertaken by Northern Rivers Tourism.

General discussion took place with regard to the project.

It was RECOMMENDED that Council support the project and that the initiative be explored further with the tourism industry.

**(J Hill/ S Cadwallader)**

**c) Byron Bay Visitor Information Centre**

Discussion took place regarding the 'Expression of Interest' for provision of Visitor Information Services for Byron Shire and the Lease of the Old Station Master's Cottage. Opportunities regarding promotion of Ballina Shire tourism products within the Centre, was also raised by the Committee for further pursuit.

It was RECOMMENDED that promotional opportunities be pursued for operator exposure within the Byron Visitor Information Centre.

**(S Cadwallader/P Hickey)**

**8. Next Meeting**

The next meeting will be held April 13, 2004 at 3:00pm.

**9. Meeting Close**

There being no further business, the Meeting closed at 5:00pm.

**RECOMMENDATION**

That Council confirms the Minutes of the Tourism Advisory Committee Meeting held 9 March, 2004 and that the recommendations contained within the Minutes be approved.

**46. Heritage Committee Minutes – 9/3/04**

**1. Time Commenced**

The meeting commenced at 4.00pm.

**2. Attendance and Apologies**

*Attendance*

Clr M Perkins (Chair)	Clr J Felsch	Mrs H Wilson
Mrs J Gardiner	Mrs L Goodwin	Mr S Barnier (Staff member)
Ms S Hayward (Staff member)		

*Apologies*

Clr A Rich

*Members of the Public Observing*

Mrs M Kennedy	Mr M Milner	Ms Desi Marshall
Ms Karyn Rendall		

**3. Declarations of Interest**

There were no declarations of interest.

**4. Confirmation of the Previous Meeting**

The Minutes of the previous meeting held on 2<sup>nd</sup> December, 2003 were accepted as a true and correct record.

(Clr Felsch/Mrs Wilson)

**5. Matters Arising from the Previous Minutes**

(a) 72 Main Street, Alstonville.

Council resolved not to include 72 Main Street, Alstonville on Schedule 1 of the LEP at its 11 February 2004 meeting. It further resolved the following:

*“That any further consideration of expanding Schedule 1 of the Ballina Local Environmental Plan 1987 be deferred other than consideration of those matters reported to as outcomes of comprehensive heritage studies.”*

The Committee discussed the resolution and particularly the meaning of a ‘comprehensive heritage study’. It was noted that a comprehensive heritage study had been undertaken by the Alstonville community in support of Development Control Plan No. 6 – Alstonville Conservation Area. Mrs Gardiner asked for clarification of the resolution regarding items nominated for inclusion as an Item of Environmental Heritage.

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Mrs Gardiner, on behalf of the Alstonville Plateau Historical Society, flagged the intention of the society to request the Duck Creek Weir be included as an Item of Environmental Heritage on Schedule 1 of the LEP.

(b) Grants Officer

The General Manager, through staff, advised that the employment of a grants officer was currently under consideration in the form of the possible employment of an Economic Development Officer.

(c) Drystone Walls

Malcolm Milner of the Lennox Head Heritage Committee gave a short update on the Drystone Walls exhibition and launch of the Heritage Festival. At this stage, it appears that it will be held at Ramada Riverside Apartments in one of the vacant shops and the morning tea will be held at TAPS restaurant. Invitations will be sent out and some media and advertising assistance provided by Council.

**6. General Business**

**a) Ballina Morgue**

Mrs Kennedy has provided some information to Council on the Morgue and associated cottage located within the precinct of the Ballina Hospital. This information has been placed on the property file held by Council. An item will be placed on the Committee Action Sheet to approach the Department of Health with respect to the future plans for this building.

**b) East Ballina Pioneer Cemetery**

A progress report was requested from Council's Parks and Reserves Manager regarding the East Ballina Pioneer Cemetery, with particular reference to the rubber tree rubbing against headstones. It was noted that a bid for funds to implement the headstone restoration project will be listed for consideration in Council's 2004/05 draft management plan.

**c) Lennox Head Community Based Heritage Study**

It was **recommended** that both the Lennox Head and Ballina Community Based Heritage Studies be resourced in the 2004/05 budget.

**Mrs Wilson/Mrs Goodwin**

**d) Crawford House**

Crawford House renovations are progressing very well. The Alstonville Plateau Historical Society is starting to receive accommodation bookings from community groups.

Steve Barnier asked the APHS to ascertain whether or not it needed to lodge a development application for a change of use for the building. This matter will be followed up the Council's Regulatory Services Group.

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**7. Business for Which No Notice has Been Given**

**a) Alstonville Houses on Bypass Route**

The APHS has approached the RTA to find out if two older style homes that are located in the Alstonville Bypass corridor could be purchased locally. The RTA has advised that the contract to build the Bypass will be let and the APHS will need to approach the contractors direct in relation to that matter.

**b) Letter from Mrs King's re importance of heritage.**

A letter from Mrs Olwen King to all Ballina Shire Councillors was tabled at the meeting. It was decided that the letter was a matter for each individual Councillor to consider.

**8. Next Meeting**

The next meeting will be held on a date to be determined following the forthcoming local government election.

**9. Meeting Close**

There being no further business, the Meeting closed at 5.23pm.

**RECOMMENDATION**

That Council confirms the Minutes of the Heritage Committee Meeting held 9 March, 2004 and that the recommendations contained within the Minutes be approved.

**47. Traffic Advisory Committee Minutes – 10/3/04**

**1. Time Commenced**

The meeting commenced at 2.10pm

**2. Attendance and Apologies**

*Attendance*

John Truman (Group Manager Civil Services), Peter Williams (Asset Manager), Michael Baldwin (RTA Representative), Col McKenzie (Police), Steve Bocking (RSO)

*Part Attendance:*

*Apologies*

Don Page MP, Paul Snellgrove (Regulatory Services), Steve Barnier (Strategic Services)

**3. Declarations of Interest**

There were no declarations of interest.

**4. Confirmation of the Previous Meeting**

The Minutes of the previous meeting held on 11 February 2004 were accepted as a true and correct record.

**5. Matters Arising from the Previous Minutes**

Clarification of Item 2004/2-6 Road Safety Audit – River Drive, that the review of the implemented speed zone would be undertaken utilising traffic classifiers to check 85<sup>th</sup> percentile speeds.

**6. General Business**

**a) 2004/3-1 Road Safety Officer – Progress Report**

Road safety officer advised that he is preparing a 12 month action plan in accordance with RTA needs. Current program is centred on a Scooter Safety Campaign which has been running for past 6 weeks.

**RECOMMENDATION**

That the Road Safety Officers Progress report be received and noted.

b) 2003/2-2 **Request for change of Speed Zone on Fernleigh Road & Tintenbar Road**  
**Letter from Mr Don Page MP (Doc No. 578039)**

**Background Information**

Correspondence has been received requesting that the speed limits along Fernleigh Road and Tintenbar Road, in the vicinity of the Tintenbar Store be reduced.

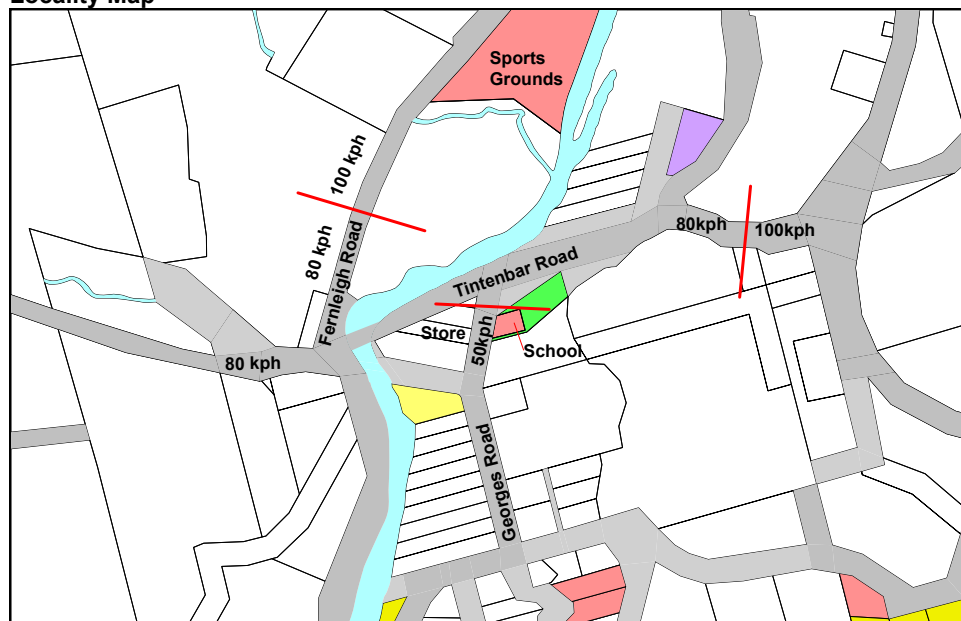
Current speed limits along this road are shown on the locality map.

Tintenbar Road is a rural collector road with a speed limit of 80 kph. It is not warranted that this speed limit be reduced any further. However, enforcement of the signed speed limit may be required, particularly on the downhill stretch east of the Tintenbar Store.

A road safety audit was completed in June last year. The audit also recommended that in this section of road end treatments be installed to protect Emigrant Creek Bridge with some additional delineation and hazard marking around the bridge abutments.

Accident data along Fernleigh Road indicates there has been 1 accident between the sports grounds and Tintenbar Road between 1997-2002. An extension of the 80-kph zone is therefore not considered warranted and the general rural speed limit applies.

**Locality Map**



**Committee Comment**

Police advised of Tintenbar Road being on their complaints register and that ongoing enforcement is planned when resources allow. Also noted that Council has expended monies to provide a school bus pickup area clear of Tintenbar Road.

**RECOMMENDATION**

- i) That Speed limits along Fernleigh Road and Tintenbar Road remain unchanged.
- ii) That the NSW Police continue an ongoing enforcement of the location and monitor speed limits in the area.

**(c) 2004/3-3 Request to reduce the Speed Limit of Ross Lane**

Letter from Ms K Martin (Doc No. 578482)

**Background Information**

Correspondence has been received requesting a reduction in the speed limit of Ross Lane from 100 kph to 70 kph and concern regarding wildlife crossing.

Existing speed counts along Ross Lane (1999) indicate an 85<sup>th</sup> percentile speed between 92-100 kph. It is also noted that the road has a relatively high accident rate of 198 per 100M veh-km.

A road safety audit of Ross Lane was undertaken in May 2003. The road safety audit recommended realignment of the road in two sections, improved delineation and hazard markings and some changes to the advisory speed signage.

It is also noted that Council has been successful in receiving Black Spot funding for intersection improvements at Fig Tree Hill and Sanctuary Village.

Council generally takes advice from NSW National Parks and Wildlife regarding animal corridors and appropriate signage. It is recommended that consultation with the NSW NPWS be undertaken to determine if any further advisory signage is required.

**Committee Comment**

In assessing of accident rates, important to only present speed related accidents in relation to speed safety issues.

Wildlife advisory signage should only be used where greater than baseline rural numbers are present, otherwise signage would be erected along all rural roads limiting the impact of signage in those locations where more likely to be animals.



### **RECOMMENDATION**

- i) That the rural road speed limit along Ross Lane remain unchanged.
- ii) That the speed advisory signage of Ross Lane be updated in accordance with the recommendations of the road safety audit.
- iii) That the NSW Police monitor and enforce speed limits along Ross Lane.
- iv) That correspondence be forwarded to NSW National Parks and Wildlife regarding wildlife corridors in the vicinity of Ross Lane.

**(d) 2004/3-4      Request regarding Speeding along North Creek Road**

Letters from Mr A. O'Neill  
(Doc Nos.575635, 575636, 580402)

### **Background Information**

Council has received correspondence from Mr A. O'Neill regarding speeding along North Creek Road.

North Creek Road has 50-kph speed limit. The road is approximately 9m wide with some adjacent rural, industrial and vacant land.

Speed statistics from September 2003 are attached for the Committees information. The data shows the 85% speed to be in the order 61 kph.

Accident data along North Creek Road shows that 11 accidents have been recorded between 1996 and 2002. However, all of these accidents have occurred at the intersection of Southern Cross Drive. This intersection has recently had stop signs and splitter islands installed to improve delineation and awareness of which vehicles have right of way.

### **Committee Comment**

Issues raised by Mr O'Neil primarily relate to enforcement. Police are well versed on this matter at this location and enforcement is not the responsibility or domain of Council.

### **RECOMMENDATION**

- i) That Council's Civil Services monitor accident rates at the intersection of Southern Cross Drive to determine if any further upgrading is required.
- ii) That speeds along North Creek Road continue to be monitored by NSW Police as part of the general enforcement of the 50kph speed limits in urban areas.

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**7. Business for Which No Notice has Been Given**

**2004/3-5 Swift Street School Bus Interchange**

Letter from the Ballina High School and the P&C Association tabled as to student issues at the interchange.

Noted that Council and RTA have contributed funds towards infrastructure needs. Issues of behavioural manners of users not the domain of Council. RSO to check as to the functionality of Trinity facility and how this issues is being addressed there.

RTA to see if any additional monies may become available at the end of the financial year to install fencing.

**RECOMMENDATION**

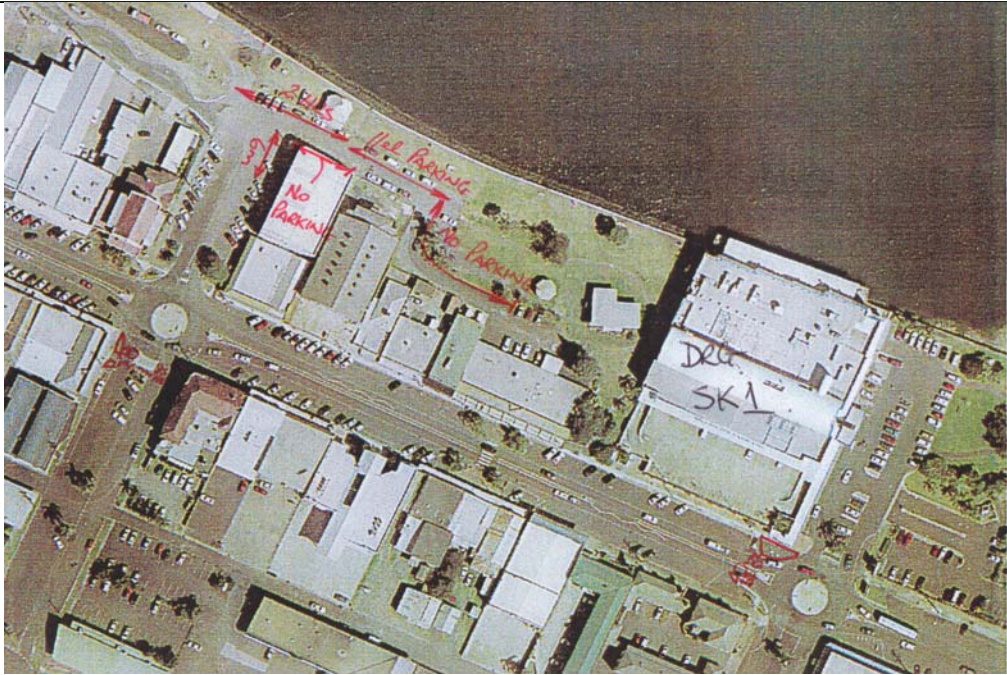
- (i) That Ballina High School be advised that behavioural problems of users is not the responsibility of Ballina Council or the RTA.
- (ii) Investigation into Trinity College facility to ascertain how behavioural issues are being addressed by undertaken by the Road Safety Officer.
- (iii) Group Manager Civil Services to facilitate a working group to review issues, including Dept of Education and Dept of Transport representatives.

**2004/3-6 Parking – Fawcett Lane west of Moon Street**

Parking layout plan tabled as to proposed regulated parking areas in Fawcett Lane, west of Moon Street. Includes a parking area for long vehicles Moon Street intersection, unrestricted parking, two restricted and no parking zone in front of access to the park.

**RECOMMENDATION**

- (i) Regulated parking signs be installed in accordance with the tabled plan SK1.



8. **Next Meeting**

The next meeting will be held on Wednesday 14 April 2004 at 2.00pm.

9. **Meeting Close**

There being no further business, the Meeting closed at 3.15pm.

**RECOMMENDATION**

That Council confirms the Minutes of the Traffic Advisory Committee Meeting held 10 March, 2004 and that the recommendations contained within the Minutes be approved

**48. Public Transport Committee Minutes – 16/3/04**

**1. Time Commenced**

The meeting commenced at 9:30am

**2. Attendance and Apologies**

*Attendance*

Cr Sue Dakin, Ms Linda Vick (Community Representative), Ms Fiona Folan (Community Representative), Mr Peter Williams (Ballina Shire Council), Ms Shauna McIntyre (Public Transport Development Project Officer), Peter Shepherd (Kirklands Coaches), Mr Bernie Heckel (Ballina Taxis), Mr Phil Lobban (Blanch's Bus Services), Mr Roger Ibbotson, Ms Kylie Burgess (Ballina Shire Council)

*Apologies*

Dr Robert Weatherby, Mr John Blanch, Mr Graham Moy

**3. Declarations of Interest**

There were no declarations of interest.

**4. Confirmation of the Previous Meeting**

The Minutes of the previous meeting held on 14 October 2003 were accepted as a true and correct record.

**(Shepherd/ Burgess)**

**5. Matters Arising from the Previous Minutes**

1300 Information Line

Advice has been received that the trial of a 1300 Public Transport Information Line in the Northern Rivers area will no longer be proceeding.

**RECOMMENDATION**

- i) That the Committee send correspondence to the Ministry of Transport to request the reasons why the implementation of the information line has been cancelled and express the Committees disappointment in the decision.

**6. General Business**

**a) 2004/3-1 Bus Shelters at Empire Vale Primary School**

**Background Information**

A request has been received for wet weather shelters to be provided at the Empire Vale Primary School along River Drive. A copy of the correspondence is attached for the Committees information.

The letter also outlines that road widening is required in the vicinity of the school to provide for safe parking.

It is noted that CPTIG grants are not available for projects that are exclusively or predominantly for the use of school students.

**Committee Comment**

There is a number of schools which require bus shelters and upgrading of the surrounding road network to accommodate school buses and transport of students. Discussions have been held with the Department of Education, Ministry of Transport and the CPTIG Administration, however there is limited funding available for capital expenditure projects relating to school bus travel. As a result of this, there is a reliance on local governments to provide funding this infrastructure.

**RECOMMENDATION**

- i) That correspondence be sent to the Department of Education and the Ministry of Transport outlining the details of capital works required to service the transport needs of local schools.
- ii) That the correspondence include the offer that Council will consider providing funding for the projects on the basis that match funding is also provided from the Department of Education and the Ministry of Transport.
- iii) That correspondence be sent to the local schools, including Empire Vale Primary School, advising of the funding proposal.

**(Dakin/Williams)**

b) 2004/3-2 **Country Transport Infrastructure Grants Scheme**

**Background Information**

In February 2003 Council made a submission for funding under the Public Transport Infrastructure Grants Scheme. The projects nominated were identified in the Public Transport Infrastructure Needs Analysis previously prepared for the Committee. Council was successful in obtaining grant monies for the following projects:

**Bus Set Down Areas – Lennox Head**

Grant money totalling \$29,500 was received for two bus set down areas in Lennox Head. The first is located along North Creek Road in the proximity of Tara Downs intersection. The funding will be used to undertake road widening, construct retaining walls and relocate the existing shelter to create a safe passenger set down area.

The second set down area was to be at Ross Street in front of the caravan park. A shelter has recently been installed here and a designated bus zone created. The monies received will be used to provide an additional shelter elsewhere on the bus network.

**Bus Set Down Areas - Alstonville**

Grant Money totalling \$24,000 was received to provide safer bus set down areas and pedestrian facilities at Ballina Street, Alstonville. Two bus shelters, lay-bys and a pedestrian refuge are to provided in the vicinity of Parkland Drive.

The RTA is to also provide part funding for this project.

**Ballina Public Transport Interchange**

Grant money totalling \$24,500 was received for upgrading of the Tamar Street interchange.

Required works to the interchange include reconstructing the kerb and cross-fall of the existing pavement to provide disabled passengers easier access and egress from the taxi zone. Extensions and additional awnings will also be designed and fitted to the shelter to provide improved rain and wind protection.

**Council Funding**

Council is required to provide match funding for the above projects. Provision is being made in the 2004/05 Council Budget and the upgrading works will be undertaken next financial year.

**RECOMMENDATION**

That the information was noted by the Committee.

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**c) 2004/3-3 2004/05 Budget Preparations**
**Background Information**

Council staff are currently preparing the 2004/05 Budget. Submissions are being made from each Section for works to be carried out in the next financial year.

The table below outlines the submissions being made for Public Transport items:

<b>Description</b>	<b>Amount</b>	<b>Comment</b>
Tamar Street Bus Interchange modifications	\$25,000	Required to match funding from CPTIG
North Creek Road/Tara Downs Bus Pull Over Areas	\$29,500	Required to match funding from CPTIG
Ballina Road/Parklands Drive Bus Pull Over Areas and pedestrian facilities	\$19,000	Required to match funding from CPTIG RTA Funding also required
Implementation of works identified in Public transport needs Analysis	\$30,000	To cover a variety of works identified in the Needs analysis.

**RECOMMENDATION**

- i) That an additional \$5000 for the development of Transport Access Guides be included in the requests for budget allocations for Public Transport.

**(Williams/Dakin)**

**d) 2004/3-4 Outcomes of Public Transport Reviews**
**Background Information**

In 2003 the NSW Government undertook two public transport reviews, namely the Ministerial Inquiry into Sustainable Transport (Parry Report) and the Review of Bus Services in NSW (Unsworth Report).

**Ministerial Inquiry into Sustainable Transport**

The final report from this Inquiry was provided in December 2003. The report made 45 recommendations (attached). Some of the recommendations affecting local public transport operations are:

- Establish a network of regional community transport workers across the state that are funded and coordinated by the Ministry of Transport;
- Pilot the use of smart card technology in 2004 and roll out the technology to private bus fleets in 2005 to enable actual travel based payments to be made.
- DIPNR to consider the use of Developer Charges, particularly for funding feeder services from new areas to the existing network.
- Review the level of rebates provided under the Taxi Transport Subsidy Scheme.

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Review of Bus Services in NSW

The Reviews interim report was released in November 2003 with the final report to be presented to the Ministry in February 2004. The interim report made 36 recommendations (attached). Of particular interest are those items listed under *Rural & Regional NSW, Statewide Fares, Ticketing and Concessions* and *SSTS payments*. Some of these items include:

- The introduction of Integrated Regional Transport Planning and Working groups;
- Application of a single fare scale to regional NSW
- Consideration of the SSTS proposal to give schools direct control of transport budgets and responsibility for purchasing services.

**Committee Comment**

John Wheelan has been assigned the responsibility of implementing the recommendations from the State Government reviews.

**RECOMMENDATION**

- i) That correspondence is forwarded to John Wheelan raising the importance of outcomes relating to developer charges, community transport and taxi subsidy schemes for the Ballina Shire.
- ii) That an invitation be sent to Ballina-Byron Community Transport to provide a representative to the Ballina Public Transport Coordination Committee.

**(McIntyre/Shepherd)**

**e) 2004/3-5 Development Application – DA 1999/533**

Applicant: Newton Denny Chapelle  
Subject Land: Emmanuel Anglican College  
Corner Pacific Highway & Horizon Drive,  
West Ballina  
Proposed: Amendment of Pedestrian Refuge  
Consent Conditions

Council has received an application requesting consideration of amendments to conditions of consent numbers 54 (pedestrian refuge of Pacific Highway) and number 55 (pedestrian refuge of Horizon Drive).

**Background Information**

Ardill Payne and Partners (APP) have undertaken a pedestrian count in the vicinity of the Emmanuel Anglican College, West Ballina. Details of the assessment are attached. In summary, APP have proposed that a pedestrian facility of the Pacific Highway be located east of the Quays Drive roundabout and that a manned school crossing area be approved north of Westland Drive.

Details of the existing consent conditions requested to be changed are:



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*No 54 - A pedestrian refuge is to be provided to facilitate crossing of the Pacific Highway. This refuge is to be located once pedestrian need is identified and is to be located, designed and constructed to the requirements and satisfaction of the Roads and Traffic Authority and Council's Chief Engineer.*

*No 55 - A pedestrian refuge is to be provided to facilitate crossing of Horizon Drive. This refuge is to be located south of Westlands Drive intersection with Horizon Drive. This refuge is to be located, designed and constructed to the requirements and satisfaction of the Roads and Traffic Authority and Council's Chief Engineer.*

#### **Traffic Advisory Committee**

The application was referred to the February 2004 meeting of the Ballina Traffic Advisory Committee. The Traffic Advisory Committee resolved that:

- (i) *A pedestrian refuge be constructed in Horizon Drive, North of Westland Drive in conjunction with Stage 5B (year 2005).*
- (ii) *A second pedestrian refuge be constructed in Horizon Drive opposite proposed performing arts buildings with Stage 8 (year 2008).*
- (iii) *A minimum 2m wide concrete pathway along Horizon Drive and Pacific Hwy be constructed connecting the school to the proposed pedestrian refuge crossing of the Pacific Highway east of Quays Drives in conjunction with Stage 8 (year 2008).*

#### **Committee Comment**

The school is currently subsidised with bus travel concessions. However, pathway connectivity is a vital part of the 'public transport system'. Schools place a very high demand upon use of pathway facilities and therefore need to cater for anticipated users.

#### **RECOMMENDATION**

- i) The Public Transport Committee support the Traffic Advisory Committee's recommendation based on the need to provide for a variety of transport modes surrounding schools, including buses, cycling, walking and private vehicles.

### **7. Other Business**

#### **Public Transport around the Airport**

The introduction of Virgin Blue at Ballina Airport will increase the need for passenger transport to and from the terminal.

#### **RECOMMENDATION**

- i) Information be provided to Council's airport management regarding the need to improve public transport accessibility and signage at the airport.

- 
- ii) Correspondence be forwarded to the Ministry of Transport and the Roads and traffic Authority requesting funding for the development of Transport Access Guides and information signs.
  - iii) Committee members investigate providing public transport information on the 'Schoolies' website [www.schoolies.com](http://www.schoolies.com) about transport from Ballina Airport to Byron Bay.
  - iv) The Committee investigate promotion of local public transport facilities in the local newspapers in conjunction with the arrival of Virgin Blue.

**8. Next Meeting**

The next meeting will be held Tuesday 18 May at 9.30am.

**9. Meeting Close**

There being no further business, the Meeting closed at 11:30 am.

**RECOMMENDATION**

That Council confirms the Minutes of the Public Transport Committee Meeting held 16 March, 2004 and that the recommendations contained within the Minutes be approved.

**49. Land Development Committee Minutes – 16/3/04**

**1. Time Commenced**

The meeting commenced at 4.00pm

**2. Attendance and Apologies**

*Attendance*

Cr D. Wright (Chairperson), Cr M Howes, Cr A Kennedy, Cr M Perkins, Mr P Hickey (Corporate Services Group Manager), Mr J Truman (Civil Services Group Manager) Mr S Barnier (Executive Strategic Planner), Mr C Grant (Property Manager)

*Apologies*

Cr. P Silver  
Cr J. Felsch

(Cr A Kennedy/M Perkins)

**3. Declarations of Interest**

There were no declarations of interest.

**4. Confirmation of the Previous Meeting**

The Minutes of the previous meeting held on 19 January 2004 were accepted as a true and correct record.

(A Kennedy/ M Perkins)

**5. Matters Arising from the Previous Minutes**

There was no business arising from the previous minutes.

**6. General Business**

**Wollongbar Expansion Area**

**Recommendation (Cr A Kennedy/ M Perkins)**

That Council endorse the broad housing precincts for the Wollongbar Expansion Area, as outlined in page 10 of the Geolink report titled "Preferred Housing and Development Styles", dated February 2004.

Mr Steve Barnier left the meeting at 4.10pm

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**Easement – Lot 1 DP 579243**

**Recommendation (Cr D Wright/ Cr M Howes)**

1. That Council grant approval, in principle, for the request to install the drainage easement across Lot 1 DP 579243 subject to the following points
2. The applicant prepare and submit detailed engineering plans for the easement for consideration and approval by Council
3. If approved, the applicant lodge plans for the registration of the easement with all costs associated with the registration of the proposed easement to be borne by the developer of Crowley Apartments
4. If approved, all costs associated with the construction of the easement shall be borne by the developer of Crowley Apartments
5. The developer of Crowley Apartments is to monitor and maintain work site integrity and safety, and, having regard to the age of residents in the vicinity of the proposed worksite, including but not limited to the installation of safety barriers and hazard warning lamps
6. Once installed, the easement surface area is to be levelled and turfed at the cost of the developer of Crowley Apartments, and any future subsidence of the surface area due to ground compaction and settling, is to be filled and levelled at the cost of the developer of Crowley Apartments
7. The developer of Crowley Apartments is to pay Council a reasonable fee for the use of operational land, said fee to be negotiated by the General Manager, after receipt of a formal valuation by a valuer nominated by Council. The negotiated fee, plus valuation fee to be met by the developer of Crowley Apartments is to be put to Council for approval.
8. The Council approves the use of the common seal on any plans, documents (Sec. 88B Instrument) and formal agreements, which may be required as a result of this approval, if granted.

**Footnote:** Subsequent to the meeting, Council's Civil Services Group confirmed that the location of the easement is as far west as is possible without removing vegetation on the bank of the creek. Development opportunities in this area are very limited due to the close proximity to the creek line. Therefore, the use of an easement in this location would not impact future development potential. Furthermore, due to the levels of the drainage system in Cherry Street, it is cost prohibitive (in excess of \$15,000) to lift allotment fill levels (of the adjoining Crowley allotment).

Additional modification of the existing Cherry Street drainage system pipe levels would also be required.

### **Affordable Housing**

#### **Recommendation (Cr M Perkins/ Cr A Kennedy)**

That Council notes the contents of this report.

### **Industrial Estates – Update**

#### **Recommendation (Cr M Perkins/ Cr A Kennedy)**

That Council receive and note the information on the Southern Cross and Russellton Industrial Estates.

### **Operational Land**

#### **Recommendation (Cr A Kennedy/ Cr M Perkins)**

That Council receive and note the contents of this report.

## **7. Confidential Session**

That the Committee moves into Confidential Session in Closed Meeting in accordance with Section 9 (2A) of the Local Government Act, 1993, with the exclusion of the press and public, to consider the following items in accordance with

- **Section 10A(2)(c) – Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business**

### **Shelly's on the Beach**

#### **Recommendation (Cr M Perkins/ Cr A Kennedy)**

1. That Council, as the Reserve Trust Manager, approves the inclusion of a five year option, the option being to the licensee, for the licence for Shellys on the Beach, being part crown reserve 82765, as approved in resolution CW280803(001). This inclusion is subject to the approval of the Department of Lands.
2. The amended licence is to include a clause which references the new rules for the commercial leasing of crown lands as per the Shires Association "Local Government Weekly" dated 13 February 2004.
3. The amended licence is to include advice that the licence will be renewed, at the expiration of the option period, by a process of public competition, in a manner determined by Council.
4. The amended licence is to include a clause that advises upon the expiration of the first five year period, that the licence fee for the option period, will be a figure determined by Council based on a commercially determined market valuation, by a valuer approved by Council.

**Recommendation (Cr A Kennedy/ Cr M Perkins)**

That the Committee move into Open Meeting

**8. Business for Which No Notice has Been Given**

Nil

**9. Meeting Close**

There being no further business, the Meeting closed at 4.35pm.

**RECOMMENDATION**

That Council confirms the Minutes of the Land Development Committee Meeting held 16 March, 2004 and that the recommendations contained within the Minutes be approved.

**50. Caravan Parks & Reserve Trust Management Committee Minutes – 17/3/04**

**1. Time Commenced**

The meeting commenced at 4.40pm.

**2. Attendance**

Cr David Wright (Acting Chair)  
Cr Avis Kennedy  
Cr Marilyn Perkins  
Cr Margaret Howes (arrived 4.50pm)  
Cr Alan Rich (arrived 4.55pm)  
Brian Smith (Community Representative)  
Vince Kelly (Community Representative)

**Staff and Consultants**

John Truman (Civil Services Group Manager)  
Jillian Pratten (Manager Open Spaces and Reserves)  
Paul Hickey (Corporate Services Group Manager)  
John Tilton (Australian Tourist Park Management)  
Janelle Harrison (Australian Tourist Park Management)

There were nine people in the gallery.

**3. Apologies**

Apologies were received from Cr Silver and Cr Felsch.

**4. Declarations of Interest**

There were no declarations of interest.

**5. Confirmation of Minutes**

**Recommendation (A. Kennedy / M. Perkins)**

That the minutes of the meeting held 24 February 2004, be accepted as a true and accurate record with the exception of point 7 relating to the storage van occupancy agreement which entitles the van owners to stay for 100 days.

Discussion was held on amending point 7 to allow visitors to stay without the owner being present.

**Recommendation (A. Kennedy / D. Wright)**

That the 100 days per annum entitlement for storage van owners, can be used by the van owner, or their family and friends without the owner being present, with no extra charges incurred until after the 100 days is used. This matter is to be reviewed in 12 months.

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**6. Matters arising from Minutes of the Previous Meeting**

Storage Van Occupancy Agreements – Public Liability Insurance

Discussion was also held on the Department of Land's recommendation for all storage van owners to provide a copy of public liability insurance for \$10million as included as a term in the Occupancy Agreements for stored holiday vans. John Tilton advised the Department of Lands recommended that this be included in agreements but due to feedback received the Department is reviewing this requirement.

**Recommendation (A. Kennedy / D. Wright)**

That Council pursue further enquiries on the full implications of public liability insurance requirement through the Department of Lands with a report to be presented to the next meeting.

**7. Lake Ainsworth Caravan Park – Upgrade**

Comments received on the three new concept plans were:

Cr Rich:

- Still too many cabins to the eastern end of the park. Put up all three plans and end result may be to take bits from all 3 concept plans to create one final plan.

B Smith:

- Agrees with exhibiting all three plans to get more feedback on what people want. People may get pre-conceived notions that a plan is being proceeded with if it is decided to endorse only one plan for exhibiting as in recommendation one.

V Kelly:

- Supports public exhibition but doesn't believe the plans are enough to exhibit on their own and recommends a feasibility study and summary are also exhibited with the plans. Feasibility study should not be carried out by management who should instead provide a brief to a professional consultant to carry out and management would then report back to Committee.

Cr Howes:

- Raised concerns with the proposed new entry into the park on Pacific Parade and its effect on the market road.

**Recommendation (A. Kennedy / D. Wright)**

That Council advertise options two, three and four, as attached, for a minimum period of 28 days, including the Easter school holidays, for public comment. This exhibition is to include a brief feasibility report on the redevelopment of the Lake Ainsworth Caravan Park.

Cr Perkins left the meeting at 5.20pm.



**8. Business for which no notice has been given**

Storage Vans at Shaws Bay Caravan Park

Cr Kennedy left the meeting at 5.22pm.

Vince Kelly recommended Council investigate a settlement method between stored holiday van owners and Council whereby stored van owners are encouraged to remove their vans from Shaws Bay Caravan Park thereby speeding up Council's policy of reducing their numbers to nil.

Cr Rich left the meeting at 5.23pm.

Cr Wright advised this matter would be added to the agenda for the next meeting in order for further discussion to be held.

**9. Close**

The meeting closed at 5.24pm.

**RECOMMENDATION**

That Council confirms the Minutes of the Caravan Parks & Reserve Trust Management Committee Meeting held 16 March, 2004 and that the recommendations contained within the Minutes be approved.

51. **Combined Crime Prevention Committee & Community Drug Action Team Minutes – 17/3/04**

1. **Time Commenced**

The meeting commenced at 3.00 p.m.

2. **Attendance and Apologies**

*Attendance*

Andy McTavish (Ballina Street Beat), Sonya Soulsby (YES Program), Michael Hogan (NSW Police), Cr Peter Moore (Chairperson), Lynette Collins (NSW Police CDAT Liaison), Jenny Grant (NSW Premiers Department), Sharon Cadwalleder (Ballina Chamber of Commerce), Kellie McDermott (Ballina High School).

*Apologies*

Kevin Geaghan (Combined Services Clubs), Don Page MP, Stella Patete (Community Health), Ray Hahn (Drug & Alcohol Counsellor), Lyn Gardon (DEET)

3. **Declarations of Interest**

There were no declarations of interest.

4. **Confirmation of the Previous Meeting**

The Minutes of the previous meeting held on 18 February, 2004 were accepted as a true and correct record.

It was acknowledged that Jenny Grant was an apology for the last meeting.

(Andy McTavish/ Sharon Cadwalleder)

5. **Matters Arising from the Previous Minutes**

a) **Extension of Operational Area**

The Committee discussed the extension of the operational area for Lennox Head. Following discussions the committee chair has had with the NSW Crime Prevention Division it is considered the establishment of the 2004 Safer Community Compact (Crime Prevention Plan) must be a priority. The Division is presently reviewing the delivery of service under operational areas and these reviews appear to be focusing on Crime Prevention Plans as the guide for communities.

**Recommendation** – The Committee continues support for a review of the existing operation plan being done by the AG's department, but as a priority recommend the drafting & establish of the 2004 Ballina Shire Safer

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Community Compact in consultation with the NSW Attorney Generals Department Crime Prevention Division. Alongside all strategies in the existing plan, the new plan is to include strategies aimed at supporting Street Beat, young people and the Lennox Head Community space.

**(Peter Moore/Sharon Cadwalleder)**

## **6. New Business**

### **(a) Committee process & review.**

The amalgamation of CDAT (Community Drug Action Team) & the Shire Crime Prevention Committee was discussed. The committee discussed the importance of CDAT & Crime Prevention issues remaining separately identified on the agenda. Fundamental for the committee should be working with community as a whole & include an agenda of building resilience and social capital.

### **Recommendation**

A terms of reference be written for the new committee process which recognizes the integrated approach to the agenda while maintaining the CDAT & Crime Prevention priorities equally.

**(Michael Hogan/Jenny Grant)**

### **(b) Proposal from Ballina High School for funding the Choose Life Program**

Kellie McDermott tabled a funding proposal for CDAT to assist in a program aimed at supporting students to concentrate on positive life choices. With Ballina being a coastal school, the project will concentrate on surfing and beach life style. The request is for \$2900 to purchase surfing equipment.

The committee believed the program is worthy of community support. Jenny Grant from Premiers Department stated the 2003/04 CDAT funding has been allocated to the Chill Out New years Eve program. The next round for Ballina will open in 2004/05 in July.

### **Recommendation**

The Committee Supports the application in principle and will assist where possible in applications to community & government funding programs.

**(Sonya Soulsby/Peter Moore)**

## **7. General Business**

Jenny Grant informed the Committee of a joint research project being done by the Community & the University of Newcastle, on Drug & Alcohol use. Ballina has been identified as part of the research data collection via police and health agencies.

Jenny Grant informed the Committee the case study of Ballina CDAT chaired by Carmel Nyland for the NSW Government is completed and has been tabled to NSW Cabinet. The recommendation and report will be available in the near future.

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Michael Hogan informed the committee Const. John Harris has been formally appointed Youth Liaison Officer for the Richmond Area Command NSW Police.

Peter Moore informed the committee of the Council resolution to introduce signage in Ross park prohibiting alcohol possession and consumption from 11pm-7am.

The committee supports this decision of council.

The committee will continue to work with police and the community to monitor the issues anti social behavior moving from Ross Park to other parks and the issue of supply and misuse of alcohol to minors.

**8. Next Meeting**

The next meeting will be held Wednesday, 21 April,, 2004 from 3.00 p.m. to 5.00 p.m. at the Ballina Council Chambers.

**9. Meeting Close**

There being no further business, the Meeting closed at 4.45 pm.

**RECOMMENDATION**

That Council confirms the Minutes of the Combined Crime Prevention Committee & Community Drug Action Team Meeting held 17 March, 2004 and that the recommendations contained within the Minutes be approved.

**52. Lennox Head Strategic Plan Monitoring Committee Minutes – 17/3/04**

**1. Time Commenced**

The meeting commenced at 5.05pm

**2. Attendance and Apologies**

*Attendance*

Cr Alan Rich  
Mr Chris Richards  
Mr Phil Murray  
Mr Steve Barnier (Staff)  
Ms Kate Singleton (Staff)

*Apologies*

Cr Phillip Silver (Mayor & Committee Chair)  
Cr Peter Moore  
Cr Avis Kennedy

**3. Declarations of Interest**

There were no declarations of interest.

**4. Confirmation of the Minutes of the Previous Meeting**

As a quorum was not formed those present decided to proceed with a general discussion regarding the work undertaken since the last meeting in December, 2003.

**5. General Business**

Discussion focussed on the Draft Lennox Head Structure Plan which Council has resolved to place on public exhibition for a period of 60 days. The exhibition will be organised to commence within the next week or so.

Councillor Rich noted that he has had feedback that some of the documents placed on the web site are too large to view and requested that issue be considered when organising the exhibition of the draft Structure Plan.

Steve Barnier outlined the role of the draft Structure Plan. The plan provides a framework for provision of new urban release areas in Lennox Head.

The draft Structure Plan recognises that there are certain constraints and limitations affecting the area and identifies areas of land that are considered more suitable for release to provide for future urban development.

The draft plan addresses infrastructure provision including proposed arterial road networks, and preferred locations for sporting and community facilities.

All future development of new release areas will need to comply with the framework established by the draft plan.

**6. Next Meeting**

In the absence of other committee members, a date for the next meeting was not determined.

**7. Meeting Close**

There being no further business, the discussions concluded at 6.15pm.

**RECOMMENDATION**

That Council receives and notes the record of the discussion which took place at the Lennox Head Strategic Plan Monitoring Committee Meeting on 17 March, 2004.

53 Reports from Councillors on Attendance on Council's Behalf

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53. **Reports from Councillors on Attendance on Council's Behalf**  
Nil

54 Business Without Notice

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54. **Business Without Notice**



**55. 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 in the following recommendation are likely to be considered when the Meeting is closed to the public.

(NOTE: Section 10A(4) of the Local Government Act, 1993 provides that members of the public be 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.)

Clause 27 of Council's Code of Meeting Practice gives a fixed period of 10 minutes immediately after the motion to close the part of the meeting is moved and seconded, for members of the public to make representations.

**RECOMMENDATION**

That Council moves into Confidential Session in Closed Meeting in accordance with Section 9 (2A) of the Local Government Act, 1993, with the exclusion of the press and public, to consider the following items in accordance with Section 10A (2) of the Local Government Act, 1993:

- **Section 10A(2)(a) – Personnel matters affecting particular individuals**  
General Manager's Performance Monitor Report by the Mayor, Cr Phillip Silver
- **Section 10A(2)(b) – The personal hardship of any resident or ratepayer.**  
Nil items.
- **Section 10A(2)(c) – Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business**  
Nil items.
- **Section 10A(2)(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**  
Regional Express Agreement  
Tenders - Legal Services
- **Section 10A(2)(e) – Information that would, if disclosed, prejudice the maintenance of law**  
Nil items.
- **Section 10A(2)(f) – Matters affecting the security of the Council, Councillors, Council Staff or Council property**  
Nil items.
- **Section 10A(2)(g) – Advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.**  
Nil items.