



Notice of Ordinary Meeting

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 24 September 2015 commencing at 9.00 am.**

Business

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

Paul Hickey
General Manager

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

Deputations to Council – Guidelines

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

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

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

Public Question Time – Guidelines

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

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

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

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

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

Recording of the questions will not be verbatim.

The standard rules of behaviour in the Chamber will apply.

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

Table of Contents

1.	Australian National Anthem	1
2.	Acknowledgement of Country	1
3.	Apologies.....	1
4.	Confirmation of Minutes.....	1
5.	Declarations of Interest and Reportable Political Donations.....	1
6.	Deputations	1
7.	Mayoral Minutes	1
8.	Development and Environmental Health Group Reports.....	2
8.1	DA 2015/311 - Multi Dwelling Housing, No. 175 Tamar Street, Ballina	2
8.2	Development Consent and Public Infrastructure Approvals - August 2015	10
8.3	Development Applications - Works in Progress - September 2015	11
9.	Strategic and Community Facilities Group Reports.....	18
9.1	LEP Amendment Request - Southern Cross Precinct Expansion	18
9.2	Economic Development Strategy	26
10.	General Manager's Group Reports	32
10.1	Use of Council Seal	32
10.2	Investment Summary - August 2015	34
10.3	Deputy Mayor - Election	39
10.4	Northern Region Joint Regional Planning Panel - Nominations	41
10.5	Policy (Review) - Website - Direct Links and Commercial Advertising	43
11.	Civil Services Group Reports.....	45
11.1	Roads Program and Roads to Recovery Funding Allocations	45
11.2	Section 94 Roads Contribution Plan - Post Exhibition Report	48
11.3	Howards Road, Alstonville - Road Opening, Closing and Land Exchange	61
11.4	Sugar Cane Harvest Management Scheme	65
11.5	Medical Centre Parking Rates in Commercial Centres	70
11.6	Householder's Asbestos Disposal Scheme Continuation	73
11.7	Lake Ainsworth South Eastern Precinct Upgrade Report	76
12.	Public Question Time.....	83
13.	Notices of Motion.....	84
13.1	Notice of Motion - Wave Pool	84
13.2	Notice of Motion - BMX Cycling Facility - Lennox Head	86
13.3	Notice of Motion - Domestic Violence	87
14.	Advisory Committee Minutes	88
14.1	Commercial Services Committee Minutes - 15 September 2015	88

15.	Reports from Councillors on Attendance on Council's behalf	95
	15.1 Mayoral Meetings	95
16.	Questions Without Notice	97
17.	Confidential Session	98

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

The National Anthem will be performed by Councillors and staff.

2. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

I would like to respectfully acknowledge past and present Bundjalung peoples who are the traditional custodians of the land on which this meeting takes place.

3. Apologies

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 August 2015 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 August 2015.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 DA 2015/311 - Multi Dwelling Housing, No. 175 Tamar Street, Ballina

8. Development and Environmental Health Group Reports

8.1 DA 2015/311 - Multi Dwelling Housing, No. 175 Tamar Street, Ballina

Applicant	Ardill Payne & Partners (on behalf of A Donnelly and T Brachmanis)
Property	Lot 2 DP 534198, No. 175 Tamar Street, Ballina
Proposal	Demolition of an existing dwelling house, car port and shed, vegetation management works and the subsequent erection and strata title subdivision of a multi dwelling housing development comprising four x two storey and one x single storey dwellings, site filling and associated infrastructure works
Effect of Planning Instrument	The land is zoned R3 Medium Density Residential under the provisions of the Ballina LEP 2012
Locality Plan	The subject land is depicted on the locality plan attached (Attachment 1)

Introduction

Council is in receipt of Development Application 2015/311 for the demolition of an existing dwelling house, car port and shed, vegetation management works and the subsequent erection and strata title subdivision of a multi dwelling housing development comprising four x two storey and one x single storey dwellings, site filling and associated infrastructure works at Lot 2 DP 534198, No. 175 Tamar Street Ballina. Refer to Attachments 2 and 3.

The purpose of this report is to seek Council's support for a variation to the development control for car parking, as provided within Section 3.1.3 (Table 4.4) of Chapter 4 – Residential and Tourist Development in the Ballina Shire Development Control Plan 2012. An assessment of the development application has been completed by Council staff and the requested variation in relation to car parking for the development is the only issue that requires particular consideration from the elected Council.

Related to this but also a somewhat separate matter, the report also seeks a resolution from Council with respect to an amendment to the Ballina Shire Development Control Plan 2012. Details of this are provided in the following report.

Details of the proposal

The proposal involves:

- the demolition of an existing dwelling house and associated outbuildings;
- vegetation management works - removal of all vegetation from the site, (including four large trees from the rear section of the property) and general domestic landscaping;

8.1 DA 2015/311 - Multi Dwelling Housing, No. 175 Tamar Street, Ballina

- the erection and strata title subdivision of a multi dwelling housing development comprising four x two storey dwellings and one x single storey dwelling.

The dwellings are to be constructed of rendered and painted masonry, timber cladding, masonry stone work with extensive glazing on the eastern elevations.

Each dwelling is to contain two bedrooms, living and kitchen areas, bathrooms (each two storey dwelling will have a second bathroom), laundry and a single car garage.

The existing two vehicular access points to Tamar Street are to be retained and widened, with two visitor car parking spaces to be provided parallel to the street frontage.

Landscaping is to be provided throughout the site, with the majority of private open space areas for each dwelling to be provided on the eastern side of the site.

In addition, site works are required to prepare the property for development, including filling works and relocation of an existing sewer line that traverses the central portion of the site.

Description of subject site

The subject site is located in the western section of Tamar Street, approximately 500m west of the intersection of Tamar Street and Kerr Street, Ballina. It is noted that this section of Tamar Street is characterised by a wide central landscaped median strip

The site has an area of 1005m² and a street frontage of 20m. The site currently contains a single storey timber dwelling house, a timber car port and shed, general domestic landscaping and vegetation (including several larger trees in the rear section of the property).

The site is located in a residential area, characterised by single and two storey dwelling houses, dual occupancy developments and multi unit housing, of varying ages and styles.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The application was placed on public exhibition from 1 July 2015 to 16 July 2015. No submissions were received in relation to the proposed development.

Applicable Planning Instruments

The proposed development has been assessed under the heads of consideration in Section 79 (C) of the Environmental Planning and Assessment Act 1979. The proposal has been assessed as being generally compliant with the BLEP 2012, Council’s DCP 2012 and the remaining matters listed within Section 79 (C) of the Act. As previously stated, the only matter that requires particular consideration of the Council relates to the proposed car parking for the development (as discussed below).

Report

Car Parking

Section 3.1.3 (specifically H. Element – Vehicular Access and Car Parking) of Chapter 4 – Residential and Tourist Development within the Ballina DCP 2012 provides the following car parking rates for residential and tourist uses:

Table 4.4 – Car Parking for Residential and Tourist Uses	
	Car Parking
Dwelling Houses	2 spaces per dwelling*
Secondary Dwellings	Nil
Dual Occupancies	2 spaces per dwelling*
Semi-detached Dwellings	2 spaces per dwelling*
Attached Dwellings	2 spaces per dwelling*
Multi Dwelling Housing and Residential Flat Buildings	1 space per dwelling where total GFA of dwelling is less than 60m ² . 1.5 spaces per dwelling where total GFA of dwelling is between 60m ² and 85m ² . 2 spaces per dwelling where total GFA of dwelling is greater than 85m ² . Plus 1 additional space per 5 dwellings for visitor parking.
Shop top housing	Dwelling requirement plus shop requirement

The application states that the proposed dwellings within the development have a gross floor area (GFA) of 81m² (Dwelling 5) and 83m² (Dwellings 1 to 4).

As shown above, for a dwelling within a multi dwelling housing, where the total GFA is between 60m² and 85m², 1.5 spaces are to be provided per dwelling plus an additional 1 space per 5 dwellings for visitor parking. In this regard, the proposed development would be required to provide 8.5 spaces in order to comply with the existing development control.

8.1 DA 2015/311 - Multi Dwelling Housing, No. 175 Tamar Street, Ballina

The application proposes the provision of seven car parking spaces, comprising a single car garage for each dwelling and two on-site visitor car parking spaces adjacent to Tamar Street. This results in a shortfall of 1.5 spaces, with respect to the DCP requirements. As part of the proposal, the applicant has requested a variation to the development control for car parking.

The applicant has provided the following justification in relation to the parking provided for the proposed development.

According to DCP 2012, the proposal generates the need for 9 car parking spaces ($1.5 \times 5 = 7.5 + 1 = 8.5$, rounded up to 9). The application seeks consent for 7 car parking spaces with two of them being visitor spaces, as such the proposal fails to comply with this section of DCP 2012.

Section 5.4.2 of the RMS Guide to Traffic Generating Development states the following in relation to medium density development:

"5.4.2 Medium Density Residential Flat Buildings

Definition

A medium density residential flat building is a building containing at least 2 but less than 20 dwellings. This includes villas, town houses, flats, semi-detached housing, terrace or town houses and other medium density developments. This does not include aged or disabled persons' housing.

Parking

The recommended minimum number of off-street, resident parking spaces is 1 space for each unit, plus an additional 1 space per each 5 x 2 bedroom unit or part thereof. Also, an additional 1 space per each 2 x 3 or more bedroom unit or part thereof is recommended.

An additional one space per each five units for visitor parking or part thereof is recommended.

The comments made above in Dwelling Houses – Parking are equally applicable to medium density residential flat buildings. Consideration of the locality, and projected levels of parking demand are also particularly important for large developments.

Visitor parking spaces must be clearly designated and readily accessible. Appropriate signposting should be provided at the entrance to the site."

According to the above requirements, the development generates the following car parking demand:

- one space for each unit = five spaces*
- one additional space for each five x 2 bedrooms = one space*
- one visitor space for each five dwellings = one space*
- Total = seven spaces ($5 + 1 + 1 = 7$).*

As detailed above, the application seeks consent for seven car parking spaces and therefore fully complies with the RMS requirements but still fails to satisfy Council's DCP 2012 requirements of 9 car parking spaces.

The objectives of the DCP control are to:

- a. Provide adequate on site car parking for development;*
- b. Ensure car parking is designed in accordance with the current Australian Standard 2890 (Parking Facilities).*
- c. Ensure car parking areas include adequate space and provision for vehicles to manoeuvre safely on site;*
- d. Ensure site accesses have adequate sight distances and are designed to ensure that all vehicles are able to safely enter and exit the site and maintain the safety and integrity of the road network; and*
- e. Ensure streetscape amenity, character and utility is maintained.*

It is argued that the application does in fact provide adequate car parking for the proposed development and therefore complies with objective (a) for the following reasons:

- The proposal is fully compliant with the RMS requirements.*
- The location of the development is within reasonable flat walking or cycling distance of the Ballina CBD, open space/playing fields, hospital, clubs, schools and the River.*
- If in the unlikely instance that car parking cannot be contained on site (during a private event or similar), the surrounding street system has more than adequate capacity to cater for any overflow.*

The proposal complies with objectives (b), (c) and (d) as car parking has been designed in accordance with AS 2890.1 and the proposal fully complies in relation to maneuvering and sight distances. All cars are able to enter and leave the site in a forward direction.

It is argued that the proposal not only maintains the streetscape amenity and character but actually enhances it and therefore complies with objective (e).

In the determination of the proposed variation to the car parking control, several matters require detailed consideration:

1. The current Ballina Shire DCP 2012 provisions have a density control of 1 unit per 200m² of site area (as shown on the Dwelling Density Maps). This control has been in place on the Ballina Island for medium density zoned (or designated as medium density – in the case of the former BLEP 1987 and previous DCPs) land for over 15 years. There is (and has been) an expectation that the controls in the current DCP enable a site to be developed in a viable manner (i.e. with a residential unit of a reasonable size) in accordance with this density control.

In relation to the development of a site with an area of 1000m² (such as the subject property), it is expected that five dwellings may be accommodated on the land. Given the required car parking to be provided under the current DCP 2012 requirements, the GFA of these dwellings may be restricted to 60m² (which is the equivalent to the size of a secondary dwelling/granny flat) in order to comply with the existing controls and this is unlikely to be viable in context with the site area or desirable from a market/economic perspective.

It is unclear as to whether the controls in the current DCP 2012 were developed in context with both smaller scale and large scale residential developments in mind. For the smaller scale residential development, dwellings are likely to comprise of large three bedroom occupancies with a two car garage (resulting in a development that does not meet the dwelling density controls). This will have implications on the marketability and affordability of the dwelling(s). It will also result in a scarcity of reasonable sized (i.e. up to 100m² GFA) two bedroom dwellings.

In considering a larger scale development, compliance with the existing controls for car parking may be achievable (in context with the dwelling density controls), given there is generally a larger site area and also the ability to provide a range of dwelling sizes and styles.

2. The car parking controls for residential flat development under the previous development control plans for the Ballina Shire were as follows: 1 space per 1 bedroom unit, 1.2 spaces per 2 bedroom unit and 1.5 spaces per 3+ bedroom unit, plus 1 space for visitor parking for each 5 units (or part thereof). Under these controls, the proposal would need to provide a total of seven car parking spaces (and therefore would comply).
3. The assessment of car parking under SEPP 65 – Design Quality of Residential Apartment Development has been recently (July 2015) amended. This relates to the provision of on-site parking for unit developments on land in proximity to public transport in both metropolitan and nominated regional areas.

Whilst it is acknowledged that SEPP 65 does not apply to the development (as the proposal does not involve a development with three or more storeys), the principle/control as contained within Objective 3J-1 of the Apartment Design Guide (as referred to in Clause 28 of SEPP 65,

“...on sites within 400 metres of land zoned B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre (NB: Ballina is listed as a nominated regional centre), the minimum car parking requirement for residents and visitors is set out in the (RMS) Guide to Traffic Generating Developments or the car parking requirement prescribed by the relevant Council, whichever is less”

is considered relevant, given the subject site is within 90 metres of the B4 zone and within 500m to the B3 zone.

4. Council’s Civil Services Group has advised that it is supportive of the application of the car parking rate contained within the RMS Guide to Traffic Generating Developments (as previously discussed) for the proposed development and more generally for multi dwelling housing and residential flat buildings across the Ballina Shire.

In view of the matters discussed above, it is considered that the proposal meets the objective of the development control, being the provision of “adequate on site car parking for development” and the requested variation should be supported and granted in order for the development to be determined favourably.

More widely, it is considered that an amendment to the Ballina DCP 2012 should be pursued to change the car parking rates for multi dwelling housing and residential flat buildings to be consistent with the RMS Guide to Traffic Generating Developments. This approach is supported by Council’s Strategic and Community Facilities, Civil Services and Development and Environmental Health Groups. This will ensure that the controls in the DCP are appropriate to the development type, reduce the number of requested variations to the controls (thereby ensuring the controls and integrity of the document are not eroded) and encouraging the development of reasonable sized two bedroom dwellings within multi dwelling housing and residential flat building developments.

(Note: Council’s Strategic and Community Facilities Group have advised that the proposed amendment is able to be incorporated into Draft Amendment No. 6 to the Ballina Shire DCP 2012, as reported to the Ordinary Meeting held on 27 August 2015. The public exhibition of Draft Amendment No. 6 has not yet commenced and is to occur after the September 2015 Ordinary Council Meeting to enable the incorporation of this proposed amendment).

Conclusion

As stated within this report, the only matter for consideration by Council is the requested variation to the development control for car parking, as provided within Section 3.1.3 (Table 4.4) of Chapter 4 – Residential and Tourist Development in Council’s Development Control Plan 2012. An assessment of the development application has been completed by Council staff and the proposed development is generally compliant with the BLEP 2012, Council’s DCP 2012 and the remaining matters listed within Section 79 (C) of the Environmental Planning and Assessment Act 1979.

Section 79 (C) (3A) of the EP& A Act 1979 provides that DCPs are to be applied flexibly to allow for reasonable alternatives that achieve the objectives of the control.

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
- b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
- c) may consider those provisions only in connection with the assessment of that development application.*

In this subsection, standards include performance criteria.

The requested variation to the development control will result in a total of seven car parking spaces being provided for the development. It is considered that this number of car parking spaces is adequate for the proposal, as justified by the applicant and for reasons further outlined in this report.

It must be noted that refusal of the development application on the inability to comply with the car parking rate within the current DCP 2012, with particular regard given to the circumstances outlined above, would appear to lend itself to a Class 1 Appeal in the Land and Environment Court.

RECOMMENDATIONS

1. That the requested variation to the development control for car parking, as provided within Section 3.1.3 (Table 4.4) of Chapter 4 – Residential and Tourist Development in Council’s Development Control Plan 2012 be supported for the reasons outlined in this report. This will enable DA 2015/311 for the demolition of an existing dwelling house, car port and shed, vegetation management works and the subsequent erection and strata title subdivision of a multi dwelling housing development comprising four x two storey and one x single storey dwellings, site filling and associated infrastructure works at Lot 2 DP 534198, No. 175 Tamar Street Ballina to be subsequently determined by the General Manager, or nominated delegate.
2. That Council incorporate within the public exhibition of Draft Amendment No. 6 to the Ballina Shire DCP 2012, amendments to Chapter 2 General and Environmental Considerations, as they relate to car parking requirements for multi dwelling housing and residential flat buildings to make the plan’s provisions consistent with the RMS Guide to Traffic Generating Development as identified within this report.

Attachment(s)

1. Locality Plan - 175 Tamar Street, Ballina
2. DA 2015/311 - Site/layout plans
3. DA 2015/311 - Elevation Plans

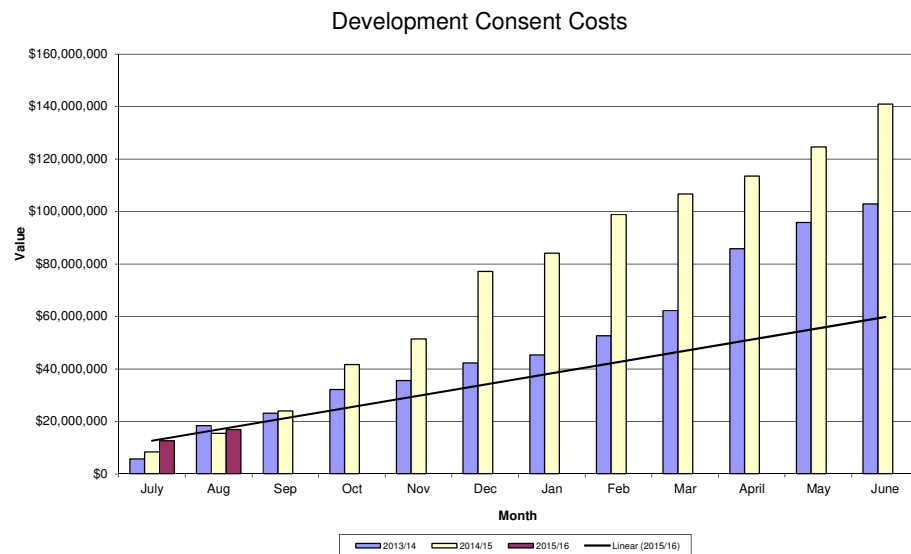
8.2 Development Consent and Public Infrastructure Approvals - August 2015

8.2 Development Consent and Public Infrastructure Approvals - August 2015

During the period of 1 August 2015 to 31 August 2015 the Development and Environmental Health Group issued Development Consents comprising of:

Number of Applications	Value of Work
34 Other Building Related	\$ 964,000
15 Dwelling/Duplexes/Residential Flat Buildings	\$ 3,313,500
7 General Developments	\$ 5,000
Total Value	\$ 4,282,500

The following chart details the cumulative consent figures for 2015/16 as compared to 2014/15 and 2013/14.



There have been no Public Infrastructure / Civil Construction Works Approvals issued for the financial year to date.

RECOMMENDATION

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 August 2015 to 31 August 2015.

Attachment(s)

Nil

8.3 Development Applications - Works in Progress - September 2015

8.3 Development Applications - Works in Progress - September 2015

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

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

DA No.	Date Rec'd	Applicant	Proposal	Status
2015/34	30/01/2015	Northern Rivers Surveying Pty Ltd	Two Lot Subdivision to create 1 x 40.9 and 1 x 48.55 hectare allotments - 145 Brooklet Road, Newrybar	Awaiting Additional Information
2015/138	26/3/2015	Civiltech Consulting Engineers	To undertake coastal protection works along the eastern boundary of the subject allotments comprising a dry rock retaining wall, removal of vegetation and filling of land – 2 Skinner Street, Ballina	On Re-exhibition
2015/211	27/4/2015	Northern Rivers Surveying Pty Ltd	Subdivision of land to create four rural lots comprising two x 20ha, 1 x 18.8 ha and 1 x 41ha allotments - 94 Rishworths Lane Brooklet	Awaiting additional information
2015/300	15/06/2015	Newton Denny Chapelle	Use of the Existing Dwelling House for Tourist and Visitor Accommodation and the Temporary Use of the Land for a Function Centre and Associated	Being Assessed

8.3 Development Applications - Works in Progress - September 2015

			Works – 1 Johnston Road, Newrybar	
2015/302	15/06/2015	Newton Denny Chapelle	Three Lot Torrens Title Subdivision to Create 1 x 1920sqm and 1 x 2510sqm allotments and associated works – 19 Bullinah Crescent, East Ballina	Referred to Government Department
2015/305	15/06/2015	Ron Johnson	Establishment of a Bed and Breakfast Facility – 412 Friday Hut Road, Brooklet	Referred to Government Departments
2015/328	30/06/2015	Newton Denny Chapelle	Change of Use – Office to Medical Centre (Ophthalmology Clinic) - 7/31- 35 Cherry Street, Ballina	Determination Pending
2015/351	15/7/2015	Newton Denny Chapelle	To undertake a residential subdivision comprising 22 residential lots and associated infrastructure works, earthworks and vegetation clearing - Plateau Drive & 93 Rifle Range Road, Wollongbar	Awaiting Additional Information
2015/373	27/7/2015	MJ Lacey	Strata Title Subdivision of an Approved Dual Occupancy – 18 Chilcott Circuit, Cumbalum	Referred to Government Departments
2015/377	28/7/2015	Complex Field Pty Ltd	Subdivision of Two Lots into Four Residential Lots	Being Assessed

8.3 Development Applications - Works in Progress - September 2015

			- 51 & 53 Blue Seas Parade, Lennox Head	
2015/387	31/7/2015	Milestone (Aust) Pty Ltd	Installation of New Business Identification Signage (Dan Murphy) - 89-93 Kalinga Street, West Ballina	Awaiting Additional Information
2015/393	4/8/2015	Ardill Payne & Partners	Alterations and Additions to the Ballina RSL Club – First Floor Renovations - 238-240 River Street, Ballina	Referred to Government Departments
2015/398	5/8/2015	D Kilpin	Erection of a 2 nd Tourist and Visitor Accommodation Unit – 320 Picadilly Hill Road, Newrybar	Awaiting Additional Information
2015/403	7/8/2015	Newton Denny Chapelle	Shopping Centre including Woolworths Supermarket and Specialty Shops, Ballina Heights – Ballina Heights Drive & Euroka Street, Cumbalum	Awaiting Additional Information
2015/409	11/08/2015	Ardill Payne & Partners	Alterations & Additions to Existing Residential Aged Care Facility (Crowley Village) -	Referred to Government Departments
2015/434	21/8/2015	Ardill Payne & Partners	Boundary Adjustment Subdivision to Create Two x 27ha allotments - 572 & 530, Uralba Road, Lynwood	Referred to Government Departments

8.3 Development Applications - Works in Progress - September 2015

2015/444	26/8/2015	Ardill Payne & Partners	Boundary Adjustment Subdivision & Consolidation to Create Eight x Torrens Title Allotments, Comprising Four Larger Allotments (one x 22.6ha, one x 37.9ha, one x 50.7ha and one x 60.5ha) and Four Smaller Allotments (three x 4241m ² and one x 5525m ²) – River Street, Carneys & Owens Lane, East Wardell	On Exhibition
2015/451	27/8/2015	Ballina Christian Education Association	Additions to existing school including additional primary and secondary classrooms and ancillary building and works – 7 Gallans Road, Ballina	On Exhibition
2015/461	31/8/2015	Newton Denny Chapelle	Boundary Adjustment subdivision to create one x 5.7ha and one x 60.86ha allotments and associated works - 400 Houghlahans Rd & Majors Lane, Fernleigh	On Exhibition
2015/468	2/9/2015	Ardill Payne & Partners	Residential Subdivision to create 179 residential lots and two residue lots and associated infrastructure works – Lot 389	On Exhibition

8.3 Development Applications - Works in Progress - September 2015

			DP 1199596 & Lot 409 DP 1202454, Unara Parkway & Deadmans Creek Road, Cumbalum	
2015/473	4/9/2015	Rip Curl Pty Ltd	Installation of Advertising Signage – 148 River Street, Ballina	Being Assessed
2015/475	7/09/2015	Marc Mittag	Erection of a four space garage – 12 Shelly Beach Road, East Ballina	Awaiting Additional Information
2015/476	7/9/2015	Northern Rivers Land Solutions	To establish farm stay accommodation within an existing farm shed and associated works – 81 Shaws Lane, Tuckombil	On Exhibition
2015/485	9/9/2015	Allan P Corke Pty Ltd	To erect new shade structures within the existing car park – 95-105 Fox Street, Ballina	Being Assessed
2015/486	9/9/2015	Planners North	Change of Use, Tenancy Re-Configuration and Shop Fitout – 44 Bangalow Road, Ballina	Being Assessed

8.3 Development Applications - Works in Progress - September 2015

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2013/286	5/08/2013	Ballina Shire Council	Establishment and Operation of a Biochar and Waste-to-Energy Facility - 167 Southern Cross Drive, Ballina	Referred to Government Departments
2014/615	27/11/2014	Ardill Payne & Partners	To undertake the expansion of an existing extractive industry (quarry) - Old Bagotville Road, Bagotville	Application Refused by JRPP at its meeting held 21/8/2015
2015/180	15/04/2015	Ardill Payne & Partners	To undertake the establishment of an Extractive Industry – Sand Quarry with a total extractable resource amount of 400,000m ³ (in situ) – Lot 2 DP 1192234 Old Bagotville Road, Bagotville	Withdrawn
2015/203	22/04/2015	Ardill Payne & Partners	To Undertake the Establishment of a Waste Management Facility comprising of a Waste Transfer Station capable of the temporary storage of up to 100,000 litres and Associated Works – 540 Pimlico Road, Pimlico	Referred to Government Departments

Major Development (Determined by Minister)

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

RECOMMENDATIONS

That Council notes the contents of the report on the status of outstanding development applications for September 2015.

Attachment(s)

Nil

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

9. Strategic and Community Facilities Group Reports

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

Delivery Program Strategic Planning

Objective To invite the Council to consider a request to amend zones incorporated within the Southern Cross precinct expansion planning proposal that has been the subject of a previous Gateway determination.

Background

The Council, at its Ordinary Meeting held on 26 July 2012, received and considered a report regarding a request from Ardill Payne & Partners, acting on behalf of the Commercial Services Section of Council, seeking the commencement of a rezoning process to provide for the expansion of the Southern Cross Industrial Estate in Ballina. In relation to this matter, the Council resolved as follows [Minute No. 260712/22]:

- 1. That Council proceed to prepare a planning proposal to enable urban land uses focused on employment based activities on land between the existing extent of the Southern Cross Industrial Estate, Corks Lane and the Ballina Byron Gateway Airport.*
- 2. That the type and extent of land use zoning under the planning proposal be determined having regard for both employment and environmental outcomes and following the provision and consideration of further information from the applicant in relation to the land uses proposed and the characteristics of the site.*
- 3. That the planning proposal be reported to Council for consideration prior to referral to the Department of Planning & Infrastructure for Gateway determination.*

The Council at its Ordinary Meeting held on 27 June 2013 again considered this matter following the submission of additional information by the proponent (Council's Commercial Services Section). In relation to this matter, the Council resolved as follows [Minute No. 270613/16]:

- 1. That the Council endorses the application of a B6 Enterprise Corridor zone and B7 Business Park zone as the basis for a planning proposal for Gateway determination, applying to Part of Lots 3-6 DP 123781; Lots 3-4 DP 872303; Lot 2 DP 833513; Lot 8 DP 793980; Part of Lot 7 DP 1043261 and adjoining Council road reserve (Corks Lane) in Ballina, as shown in Map 3 of the planning proposal contained in Attachment 1.*
- 2. That the Council submit the planning proposal contained in Attachment 1 to the NSW Department of Planning & Infrastructure for review and Gateway determination.*

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

3. *That upon an affirmative Gateway determination being received from the Department of Planning & Infrastructure, the procedural steps associated with progression of the planning proposal be undertaken.*
4. *That the Council engage a suitably qualified independent planning consultant (at the proponent's cost) to review the site assessment information submitted, and to provide Council with an associated report and recommendations.*
5. *That a further report be presented to the Council in relation to this matter prior to the commencement of community engagement for the planning proposal.*

The then Department of Planning and Infrastructure issued a Gateway determination on 23 July 2013 which allowed the planning proposal to proceed to community consultation subject to a number of conditions. The Gateway determination primarily related to the rezoning of the site from RU2 Rural Landscape zone to B6 Enterprise Corridor and B7 Business Park.

Conditions attached to the Gateway determination required a number of technical studies to be completed prior to public exhibition and the completion of the LEP within a 12 month period.

On 12 May 2015 the Department of Planning and Environment issued an alteration to the Gateway determination, at Council's request, which extended the timeframe for the completion of the LEP from 30 July 2015 to 30 July 2016.

On 14 September 2015 Ardill Payne lodged a submission on behalf of the proponents for amendments to the planning proposal. The request provided for the application of a mixed IN1 General Industrial and IN2 Light Industrial zoning regime to the site as well as changes to the lots proposed to be rezoned. It is this request which is the subject of this report to the Council.

Attachment One to this report contains a copy of the Ardill Payne submission.

Key Issues

- Strategic urban growth
- Employment land
- Progress of planning proposal

Information

This planning proposal relates to land located to the north of the existing Southern Cross Industrial Estate, comprising a number of lots and part lots as described below:

- Part of Lots 3-6 DP 123781 (owned by Ballina Shire Council)
- Lot 3 DP 872303 (owned by Mr B.R. Field)
- Lot 4 DP 872303 (owned by Mr D.M. King)
- Lot 2 DP 833513 (owned by Mr B.R. Field)

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

- Lot 8 DP 793980 (owned by Ballina Shire Council)
- Part Lot 7 DP 793980 (owned by Ballina Shire Council)
- Part Lot 264, DP 1195313 (owned by Ballina Shire Council) and
- adjoining Council road reserve (Corks Lane).

The map below the subject land outlined in red.

Site Identification Map



The planning proposal has arisen in response to a request from Council's Commercial Services Section to rezone land to accommodate demand for employment land in a manner consistent with the Ballina Shire Growth Management Strategy and the Southern Cross Precinct Master Plan 2008.

The proponent's planning consultant has advised that it is proposed to amend the planning proposal previously endorsed by Council and subject to a Gateway determination in the following respects:

- Replacement of the B6 Enterprise Corridor zone and B7 Business Park zone with an IN1 General Industrial and an IN2 Light Industrial zone, and
- Inclusion of Part Lot 7 DP 793980 so that its SP2 Infrastructure - Air Transport Facility zone is changed to part IN1 and IN2, and its existing 40 hectare minimum lot size is changed to a 1,000m² lot size requirement.

Attachment Two to this report contains the proposed Land Zoning Map.

Attachment Three to this report contains the Land Zoning Map previously endorsed by the Council and the subject of the existing Gateway determination.

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

The 1,000m² minimum lot size proposed for Part Lot 7 DP 793980 is consistent with the minimum lot size previously proposed zoning arrangement and is supported.

In respect to building height it is noted that the previous planning proposal did not incorporate a change to the 8.5 metre building height limit applicable to the site. The proponent's consultant has indicated that a 10 metre building height is appropriate for the site as this is consistent with the building height applicable elsewhere within the Southern Cross Industrial Estate (and also the airport site). A 10 metre building height limit is supported for the subject site and is proposed to be incorporated within the revised planning proposal.

The IN2 Light Industrial zone is a new zone which does not currently form a part of Ballina LEP 2012. The proponent has prepared a zoning table related to this zone which forms a part of the submission contained within Attachment One. The zoning table has been reviewed in consultation with the proponent and is considered to be satisfactory. It is noted that the zoning table incorporates the mandatory matters required to be incorporated by the Standard Instrument template.

To support the proposed changes to the planning proposal Ardill Payne advises that the B6 and B7 zoning regime is no longer considered appropriate as the objectives and permissible uses contained within both the B6 and B7 zones would potentially conflict with the existing and continued economic viability and sustainability of the Ballina CBD. The amended zoning regime is considered more appropriate by the proponent's consultants for the following reasons:

- *There is an immediate need for additional industrial zoned land in the locality,*
- *The proposed industrial zones will ensure that there are no uses that will directly compete with or compromise the integrity and economic well-being of the Ballina CBD and other business centres within the Shire,*
- *The proposed industrial zones will meet the future employment needs of the Shire,*
- *The proposed industrial zones are consistent with the provisions of the detailed Masterplan - Illustration 4.2 of the Southern Cross Precinct Masterplan 2008 and the provisions of the Ballina Shire Growth Management Strategy,*
- *The proposed industrial zones are consistent with the Council's strategic planning framework with this expansion area being central to meeting the industrial land supply needs into the future,*
- *The proposed industrial zones and permitted land uses therein are not such that will result in any substantive land use conflict issues with the operations of the airport, and*
- *The proposed industrial zones will allow a broad range of uses that will be ancillary and/or complementary to the airport.*

The planning proposal will also make provision for the Strategic Urban Growth Area (SUGA) Map to be amended. The SUGA affectation is proposed to be removed from the subject site and a small residue area outside of the proponents designated site area, which would otherwise remain on Lot 7 DP 793980.

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

Attachment Four contains a copy of the amended Strategic Urban Growth Area Map.

The subject site is identified in the Ballina Shire Growth Management Strategy (BSGMS endorsed by the Council in 2012) and the Southern Cross Precinct Master Plan (SCPMP endorsed by the Council in 2008). The SCPMP designates a large part of the subject land for industrial purposes with conventional lots (50 x 25m). In respect to the land with a frontage to Corks Lane the SCPMP designates this land as a live / work precinct containing light industrial lots.

The SCPMP does not incorporate the three privately owned properties (Lot 3 and 4 DP 872303 and Lot 2 DP 833513) which form a part of the planning proposal. These lots were however, incorporated within the original planning proposal, with the support of the respective property owners, and assigned a B6 Enterprise Corridor zone.

Council's strategic planning staff recently met on site with the owner of Lot 4 DP 872303, Mr D King, who indicated that he has concerns regarding the proposed IN2 Light Industrial zoning. These concerns, at that time, primarily related to perceived adverse economic and amenity impacts. Mr D King has subsequently made a submission to Council which addresses his various concerns.

Attachment Five to this report contains the submission made by Mr D King.

In terms of the rezoning process the matters raised by Mr King would be most appropriately further considered by the Council during the detailed technical assessment phase and following the public exhibition of the planning proposal. This approach provides Council with the benefit of detailed technical reports, as well as the report of the recommended independent planning expert, through which to evaluate the degree of impact the rezoning and future development of adjoining land will likely have on the King property.

Having regard to the fact that Council through its Commercial Services Section is the rezoning proponent there are also opportunities to give consideration to the issues raised by Mr D King outside of the formal rezoning process.

The existing Gateway determination required that the proponent submit additional information related to the following range of matters and that this information be placed on public exhibition with the planning proposal:

- Ecological and flora and fauna,
- Acid sulfate soils,
- Geotechnical,
- Stormwater impact and flooding,
- Entomological (mosquitoes),
- Bushfire hazard,
- Archaeological / cultural heritage, and
- Aerodrome impacts (airport noise and obstacle limitation surfaces).

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

At this stage of the process the required additional information has not been submitted. The proponent's consultant has advised that whilst much of the information has been significantly completed it has not yet been finalised. Finalisation is expected to occur once the Council has resolved to support the amended planning proposal and an altered Gateway determination has been received.

Council has previously indicated to the Department of Planning that due to its commercial interests in the land it did not seek to be issued with the Minister's delegated plan making functions. It is proposed to again indicate to the Department that the Council it is not seeking delegation of the Minister's plan making functions due to its commercial interest in the land.

Sustainability Considerations

- **Environment**

A detailed flora and fauna ecological assessment will be required to be prepared to support the planning proposal. Once submitted the flora and fauna ecological assessment will be subject to expert review as part of the planning proposal process.

- **Social**

It is considered that the provision of additional industrial zoned land will result in positive social benefits as a consequence of potential employment growth opportunities.

- **Economic**

The provision of additional industrial land is viewed as positive from an economic development perspective. There appears to be demand for industrial zoned land within Ballina Shire which when developed is likely to stimulate economic growth and provide additional employment opportunities.

Legal / Resource / Financial Implications

The approach recommended in this report is consistent with Council's legal responsibilities as a local planning authority. The matters arising from this report can be attended to within existing resources.

The proponent will be required to meet various processing costs in accordance with Council's adopted schedule of fees and charges, as well as providing the necessary additional technical information, as outlined above.

Consultation

No community or agency engagement has occurred to date in relation to this planning proposal. The existing Gateway determination in relation to this matter required that the planning proposal be made publically available for a period of 28 days and that consultation with the following public authorities take place:

- NSW Aboriginal Land Council,
- Office of Environment and Heritage,
- NSW Department of Primary Industry - Agriculture,

9.1 LEP Amendment Request - Southern Cross Precinct Expansion

- Transport for NSW - Roads and Maritime Services,
- NSW Rural Fire Service, and
- Departments of the Commonwealth Responsible for aerodromes and the lessee of the aerodrome.

Consultation with public authorities will take place once an altered Gateway determination has been received and the required technical reports have been submitted.

Options

The options available to the Council include the following:

One - That the Council advance the proposed rezoning and submit an amended planning proposal to the Department of Planning and Environment with a request for an altered Gateway determination; or

Two - That the Council not seek an altered Gateway determination and require that the rezoning proceed on the basis of the existing Gateway determination which provided for a mixed B6 and B7 zoning regime; or

Three - That the Council defer its decision on progressing the proposed rezoning.

Option One is the preferred option on the basis that the zoning regime proposed is generally consistent with the State and local strategic planning framework for this locality. There is also sufficient information to indicate that the proposal warrants further consideration through the LEP amendment process. This approach will result in the planning proposal being amended and an altered Gateway determination being sought from the Department of Planning and Environment.

In accordance with Council's previous resolutions concerning the proposed rezoning of the subject land, and assuming an altered Gateway determination is issued, the proposal will not proceed to public exhibition until such time that the submitted technical documentation has been reviewed by a suitably qualified independent third party and found to be satisfactory.

Option Two has significant disadvantages for Council. Based on the degree of technical assessment already undertaken there appears to be a sound case in support of the proposed IN1 and IN2 zones. Importantly the economic consequences of a significant release of business zoned land on the Ballina CBD have not yet been examined in any detail. To examine the economic impacts associated with the approved B6 and B7 zoning regime on Ballina CBD will create additional delays and cost impacts.

Option Three is open to the Council should it require additional information. A briefing for Councillors would then be organised. It is suggested however, that it may be more appropriate for a briefing to take place following the independent assessment of technical information assuming that issues arise which would warrant a briefing.

RECOMMENDATIONS

1. That Council endorses the application of an IN1 General Industrial zone and an IN2 Light Industrial zone to Part of Lots 3-6 DP 123781; Lots 3-4 DP 872303; Lot 2 DP 833513; Part Lot 7 DP 793980; Lot 8 DP 793980; Part Lot 264, DP 1195313 and the adjoining Council road reserve (Corks Lane) in Ballina, as shown in the Map contained in Attachment 2.
2. That Council endorses the application of a 1,000m² minimum lot size and a 10 metre building height limit for the site proposed to be rezoned, and changes to the Strategic Urban Growth Area Map boundaries as shown in the Map contained in Attachment Four.
3. That Council endorses the preparation of an amended planning proposal and the submission of a request for an altered Gateway determination to the NSW Department of Planning & Environment to reflect the matters referenced in recommendations 1 and 2.
4. That Council advise the Department of Planning and Environment that it does not wish to seek or exercise delegation in relation to the completion of this planning proposal.
5. That Council engage a suitably qualified independent planning consultant (at the proponent's cost) to review the site assessment information once submitted, and to provide Council with an associated report and recommendations.
6. That upon an affirmative altered Gateway determination being received from the Department of Planning & Environment, the procedural steps associated with progression of the planning proposal be undertaken.
7. That a further report be presented to Council in relation to this matter following the completion of the community engagement phase of the planning proposal.

Attachment(s)

1. Attachment One - Proponents Consultant Submission
2. Attachment Two - Proposed Zoning Map
3. Attachment Three - Proposed Zoning Map Subject of Gateway
4. Attachment Four - Proposed Strategic Urban Growth Area Map
5. Attachment Five - Submission from Mr D King

9.2 Economic Development Strategy

9.2 Economic Development Strategy

Delivery Program Strategic Planning

Objective To seek direction from the Council on the preparation of an economic development strategy as the basis to identify programs and activities to enhance economic opportunities in the shire.

Background

Ballina Shire does not currently have an economic development strategy (or similar type document) in place. At present, Council's approach to economic development is a holistic approach based on infrastructure delivery, adequate provision of industrial and residential land and the delivery of individual project based programs where resources are available. Council also actively engages with the chambers of commerce.

Council most recently considered an economic development strategy through a report presented to the Council's Ordinary Meeting held on 15 December 2011. In relation to the matter of a strategy, the Council resolved as follows [Minute No. 151211/30]:

4. *That Council notes the comments outlined in this report in respect to the possibility of preparing an Economic Development Strategy.*

The result of this resolution was that further consideration of an economic development strategy was put on hold.

The Council report considered several options for advancing economic development programs. The reporting noted that it may be beneficial to discuss the benefits/dis-benefits of preparing an economic development strategy with other councils in the region that already have such a strategy in place.

The previous Council report also acknowledged that the preparation of an economic development strategy was one of the recommendations of the Division of Local Government's Promoting Better Practice report for Council.

Council staff has discussed the matter with relevant staff from Lismore City and Clarence Valley councils, as recommended in the previous Council report. Staff have also undertaken research into how other local government jurisdictions have approached economic development recently. Key observations arising from these discussions are outlined in the body of this report.

Subsequent to the previous report Council has also advanced a number of projects and activities that are relevant to the consideration of economic development matters, including:

- Preparation of the Ballina Major Regional Centre Strategy
- Council's commitment to the Small Business Friendly Councils Program
- Airport passenger number growth and expansion plans

9.2 Economic Development Strategy

- Commencement of industrial land expansion investigations.

The potential opportunities associated with the consolidation of these existing related projects and identification of other economic development initiatives through an economic development strategy are outlined in the body of this report.

Key Issues

- Economic development
- Strategic planning
- Business relationships
- Community consultation
- Cost / benefit

Information

The preparation of an economic development strategy would involve the identification of activities, project and programs that Council may build on or pursue to further economic and business opportunity in Ballina Shire. This would include the articulation of existing planned Council projects relevant to economic development. The strategy would also assist in identifying new programs or adjustments to Council functions which, if pursued, would likely have positive economic outcomes for the shire.

Any such strategy would need to reflect the relatively limited extent to which local councils can directly influence, or have a role to play in, the private decisions of local businesses. Notwithstanding, it must be acknowledged that due to the breadth of Council's activities and interactions with local business, a large number of these actions, activities, projects and regulatory functions do impact on these private business decisions, many indirectly. The preparation of an economic development strategy may assist in identifying measures through which adjustments to various Council functions may help to facilitate legitimate and positive business activity.

Recently, Council's work in relation to the Ballina Major Regional Centre Strategy (BMRCS) has identified a number of possible economic initiatives, which warrant further consideration. The preparation of an economic development strategy may be an appropriate forum through which these initiatives may be considered. Such measures include:

- Fostering a culture of entrepreneurship and innovation
- Lifestyle/Events – Identifying opportunities to build on lifestyle characteristics and attract events and cultural activity
- CBD Activation – A program to revitalise the Ballina CBD

Council staff have held discussions with the Economic Development Officers of Lismore City Council and Clarence Valley Council in relation to the utility of having an economic development strategy in place. These Councils have had economic development strategies in place since December 2012 and June 2006 respectively. Tweed Shire Council has recently adopted an economic development strategy (March 2014). The structure of the Tweed Strategy provides a reasonable guide to the type and form that such a strategy may take for Ballina Shire.

The key observation from discussions with Lismore City and Clarence Valley Council staff is that having an economic development strategy assists in targeting Council processes and projects that impact on local business activities to improve economic development outcomes. An economic development strategy also gives effect to the Council's Community Strategic Plan and would integrate with the Council's Operational and Delivery Plan to enhance the visibility and coordination of Council's activities in the economic development area.

From the research undertaken by staff, it is evident that delivery of a positive economic development strategy does not necessarily need to be an expensive activity. As a guide, feedback received from the Ballina Major Regional Centre Strategy project to date has included commentary on the relationship between Council and business and relatively simple things that could be done to improve outcomes.

For example, Council could undertake billing of businesses in a packaged way rather than issuing multiple invoices for different yearly charges at different time intervals from different functional areas of Council. Other relatively low cost initiatives could include facilitation of street art and streamlining of alfresco dining policy.

If pursued, it is proposed that the preparation of an economic development strategy for Ballina Shire would involve the following:

- *Context setting* – Identification of the core competencies of the Shire (in a regional context). This would involve analysis of local economic and demographic data and broader national and global economic trends having regard to the potential impact of these on business and employment in Ballina Shire.
- *Stakeholder engagement* – Building upon community and stakeholder engagements undertaken in relation to the BMRCS and other projects. This would involve further targeted stakeholder engagement such as with local Business Chambers, local business networks (such as the Sourdough Group and Ballina Business Alliance) and key industry groups.
- *Analysis of economic 'touch-points'* – Review of existing Council activities and functions which positively or negatively impact on local business, informed through the stakeholder engagement.
- *Strategy drafting* – Preparation of strategy with emphasis on key focus areas, identified through earlier stages. Such focus areas may include such matters as CBD activation; commercial hierarchies, transport related industry investment (air, road and sea); land supply; entrepreneurial culture and attraction; removing barriers to business; key business clusters (focusing on export income generating industries including agricultural value-adding, creative industries and lifestyle/tourism); and digital disruption and readiness.

The potential advantages of having an economic development strategy include:

- Demonstrating Council's commitment to economic development and being clear about the role Council intends to play

9.2 Economic Development Strategy

- Providing a platform for engagement with business and the broader community
- Communicating the Shire's key strengths and opportunities for business and investment attraction
- Pulling together and focusing existing Council activities that have economic outcomes/opportunities
- Improving relationships and communication with local business and industry
- Identifying opportunities to support economic development through new initiatives
- Identifying opportunities for streamlining Council's internal processes which impact on business activity.

With respect to a project budget for the preparation of the strategy, it is anticipated that this can be accommodated within existing resources and the current work program of the Strategic and Community Facilities Group. It is further noted that recent staff recruitment within the Strategic & Community Facilities Group (replacing vacant positions) has brought additional staff skills which are amenable to the development of a proactive economic development program.

With respect to timing, it is expected that the preparation of a strategy would take in the order of nine months to complete, commencing with research and stakeholder engagement late this year or early in 2016.

Sustainability Considerations

- **Environment**

The preparation of an economic development strategy would involve the consideration of triple bottom line outcomes including balancing the impacts of economic activity on the environment. It is important to recognise the value of the environment to the lifestyle and identity of the Shire in relation to economic development outcomes.

- **Social**

The preparation of an economic development strategy would involve the consideration of triple bottom line outcomes including the implications, both positive and negative, on the broader wellbeing of the Ballina Shire's community.

- **Economic**

It is anticipated that the preparation of an economic development strategy would assist in the economic wellbeing of the shire by providing clear direction on the role of Council and opportunities for activities that contribute positively in relation to business, employment and levels of activity in the Shire in general.

Legal / Resource / Financial Implications

As outlined it is anticipated that the preparation of an economic development strategy can be accommodated within existing resources.

9.2 Economic Development Strategy

Further consideration of action funding and other resource allocation will be required as part of the preparation of a strategy.

Consultation

The preparation of an economic development strategy would involve stakeholder and broader community consultation. A comprehensive community and stakeholder engagement plan would form part of the project planning for the preparation of a strategy.

Further discussion with the elected Council through briefing forums is also proposed to establish the elected Council's preferred role in relation to economic development as part of the delivery of the project.

Options

The following options are presented for the Council's consideration:

1. That Council not prepare an economic development strategy at this time, but rather rely on the continuation of existing plans and programs for the delivery of economic development outcomes in the Shire.

This option is not recommended on the basis that the preparation of an economic development strategy would assist to identify additional opportunities for economic development outcomes whilst also integrating (and incorporating) Council projects and programs that have existing economic benefits.

If the Council requires further information prior to deciding on the progress of a strategy, a Councillor briefing is suggested to enable further discussion.

2. That Council prepare an economic development strategy to articulate and consolidate Council's existing economic development activities and identify additional opportunities to enhance economic outcomes for the Shire.

This option is recommended on the basis of opportunities the process provides to identify new economic development opportunities, improve business and industry relationships with Council, improve Council processes that impact on local business and to articulate and consolidate Council's existing efforts in economic development.

Further, the preparation of an economic development strategy builds upon work undertaken in relation to the Ballina Major Regional Centre Strategy, reinforces Council's involvement in the Small Business Friendly Councils Program and can be undertaken within existing resources.

RECOMMENDATION

That Council prepare an economic development strategy for Ballina Shire, including a review of Council's existing economic development activities and identification of opportunities to enhance economic outcomes for the Ballina Shire community.

Attachment(s)

Nil

10.1 Use of Council Seal

10. General Manager's Group Reports

10.1 Use of Council Seal

RECOMMENDATION

That Council attach the Common Seal to the following documents.

US 15/13	<p>Deed of Agreement - Council and Intrapac Coops Pty Ltd, Joy Iris Sheather, and Vixsun Pty Ltd; and other deeds, agreements, etc required to finalise the power connection and boosted pipelines to this location.</p> <p>Explanation</p> <p>Council has constructed drinking and recycled water reservoirs at Cumbalum to supply water to existing and future residents in that estate. Gravity pipelines have been installed and are operational. Easements over surrounding private land are also required to enable connection of boosted pipelines, electricity supply, and ongoing access for Council staff.</p> <p>A temporary overhead power supply would also need to be constructed by Council to ensure operation of pumps and control systems could occur prior to installation of the final power supply by the developer of the surrounding subdivision.</p> <p>Council approached the landholders (Sheathers) in early 2013 to gain agreement on easement conditions. Council was then instructed in mid 2014 to liaise with the Sheathers' developer representative (Intrapac).</p> <p>During those discussions, Intrapac offered early dedication of the future road reserve and a cost sharing arrangement for construction of the power supply. These arrangements provide cost savings to both parties by avoiding the need for a temporary easement, and avoiding the need for a temporary overhead power supply by constructing only the permanent underground supply. The dedication of the road reserve will also enable Council to connect the boosted pipelines to existing pipelines in Ballina Heights and requires agreement by that landowner/developer (Vixsun).</p> <p>Council officers provided in principle support for these arrangements, subject to a detailed Deed of Agreement to be signed with Council Seal.</p>
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10.1 Use of Council Seal

	<p>In summary, the Deed of Agreement binds Council, the landholders (Sheather and Vixun) and the executer of the works (Intrapac). Intrapac will be responsible for all costs to provide the power supply and bring forward the dedication of the road reserve to the reservoir site.</p> <p>The terms and conditions of the deed of agreement include a financial contribution by Council (limited to \$67,000), expected timeframes for the project completion, penalties for late execution by Intrapac, and approval for Essential Energy to locate the transformer on a small area of land on the north eastern corner of the reservoir site.</p> <p>The \$67,000 contribution has been negotiated between the parties and is considered more than reasonable in recognition of the value of the works for Council. Also Intrapac carries any financial risk associated with the works.</p> <p>The funds are available in the existing Council budget for this expenditure. The works are programmed to be finalised by the end of December 2015.</p> <p>Council recently affixed the Seal to another deed for an easement in favour of Essential Energy to install the electrical substation on the corner of Council's reservoir site at Cumbulam. This substation would be connected by the infrastructure referred to in this latest Deed of Agreement.</p>
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Attachment(s)

Nil

10.2 Investment Summary - August 2015

10.2 Investment Summary - August 2015

Delivery Program Governance and Finance

Objective To provide details of how Council's surplus funds are invested.

Background

In accordance with the Local Government Financial Regulations, the responsible accounting officer of a Council must provide a monthly report (setting out all money Council has invested), to be presented at the ordinary meeting of Council, immediately following the end of the respective month. This report has been prepared for the month of August 2015.

Key Issues

- Compliance with Investments Policy and the return on investments.

Information

Council's investments are all in accordance with the Local Government Act, the Regulations and Council's Investments Policy. The balance of investments as at 31 August was \$69,288,000. This represents an increase from July of \$3,002,000. Council's investments as at 31 August are at an average (weighted) rate of 3.05%, which is 0.91% above the 90 Day Bank Bill Index of 2.14%.

The balance of the cheque account at the Commonwealth Bank, Ballina as at 31 August 2015 was \$6,705,281. This high balance is attributed to the rates instalment period due 31 August and \$3 million was invested early September. The balance is forecast to reduce to approximately \$1.1 million during September.

In respect to the current state of the investment market the monthly commentary from the NSW Treasury (T-Corp) is included as an attachment to this report. The majority of Council's investment portfolio is restricted by legislation (external) and Council (internal) uses for the following purposes:

Reserve Name	Internal/External Restriction	% of Portfolio*
Water Fund (incl developer contributions)	External	15
Wastewater Fund (incl developer contributions)	External	22
Section 94 Developer Contributions	External	7
Bonds and Deposits	External	2
Other External Restrictions	External	13
Land Development	Internal	5
Employee Leave Entitlements	Internal	4
Carry Forward Works	Internal	13
Miscellaneous Internal Reserves	Internal	12
Unrestricted		7
Total		100%

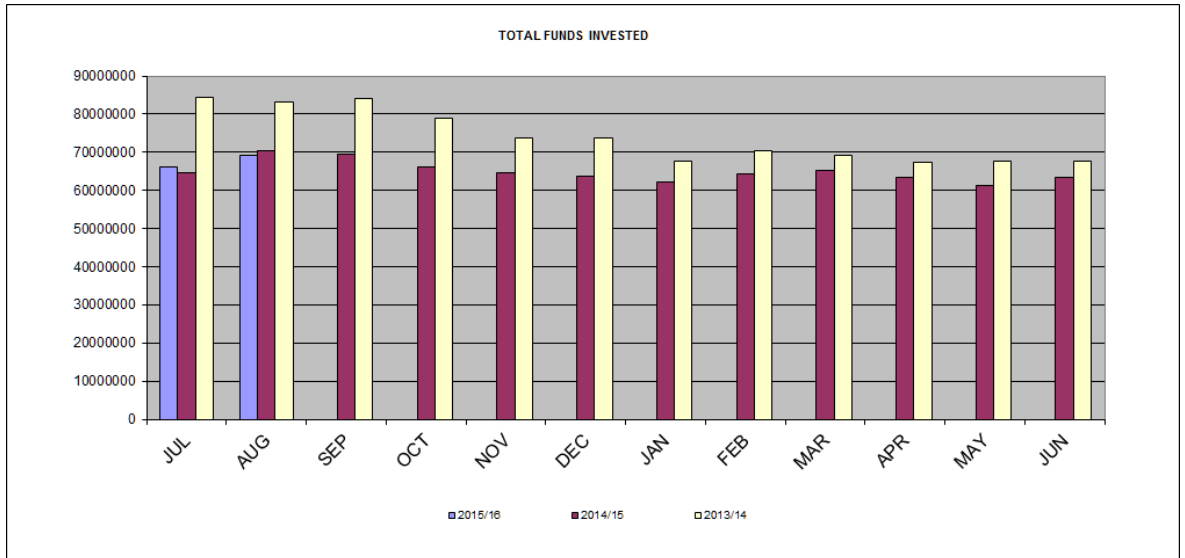
* Based on reserves held as at 30 June 2015

10.2 Investment Summary - August 2015

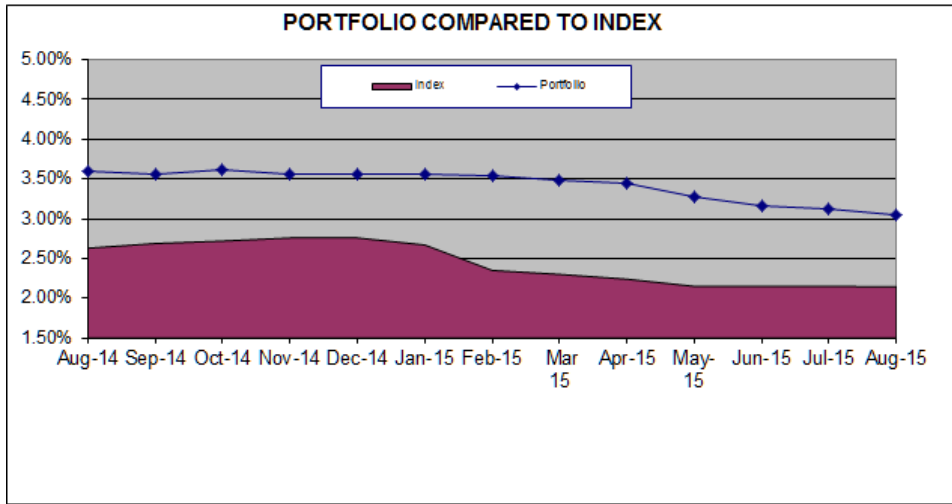
A. Summary of Investments by Institution

Funds Invested With	ADI Rating	Previous	Current	% of		Total
		Month	Month	Quota	Total	
		\$'000	\$'000			
Grandfathered Investments						
Goldman Sachs	A	1,000	1,000	0	1.4%	
National Australia Bank	BBB	1,788	1,788	0	2.6%	
National Wealth M'ment Holdings	A-	2,000	2,000	0	2.9%	7%
Rated Institutions						
AMP Bank	A+	6,000	6,000	20%	8.7%	
Bank of Queensland	A-	4,000	5,000	10%	7.2%	
Bank of Western Aust	AA-	11,000	11,000	20%	15.9%	
Bendigo & Adelaide Bank	A-	2,000	4,000	10%	5.8%	
Commonwealth Bank of Australia	AA-	2,498	2,500	20%	3.6%	
Defence Bank Ltd	BBB+	3,000	3,000	10%	4.3%	
Greater Building Society	BBB	2,000	2,000	10%	2.9%	
ING Bank Ltd	A-	3,000	1,000	10%	1.4%	
Members Equity Bank	BBB+	4,000	4,000	10%	5.8%	
National Australia Bank	AA-	9,000	10,000	20%	14.4%	
Newcastle Perm Bld Society	BBB+	1,000	1,000	10%	1.4%	
Suncorp-Metway Bank	A+	11,000	12,000	20%	17.3%	
Westpac Banking Corporation	AA-	3,000	3,000	20%	4.3%	93%
Unrated ADI's				\$1m	0.0%	0%
Total		66,286	69,288		100%	

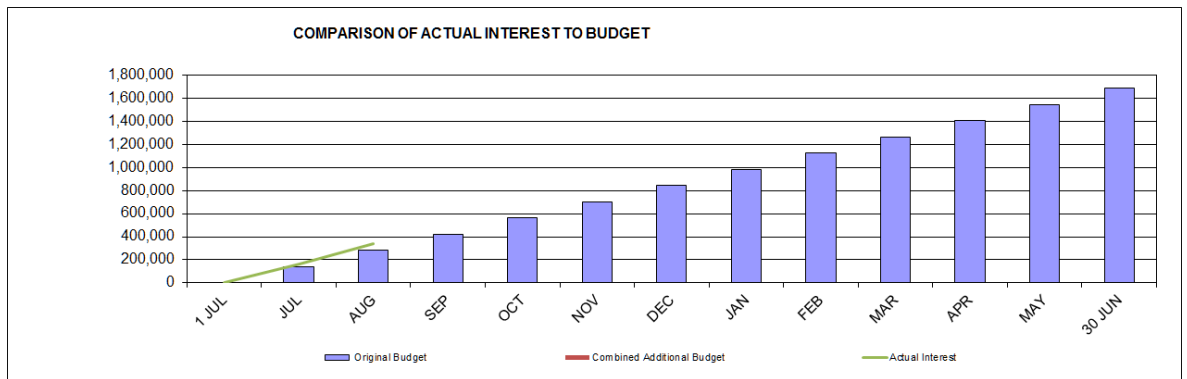
B. Monthly Comparison of Total Funds Invested



C. Comparison of Portfolio Investment Rate to 90 Day BBSW



D. Progressive Total of Interest Earned to Budget



10.2 Investment Summary - August 2015

E. Investments held as at 31 August 2015

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
at call	Commonwealth Bank Of Australia	CDA	1.95%	at call	506	506
20/09/04	National Australia Bank (ASX Listed)	FRN	3.39%	Perpetual	1,788	1,272
12/04/06	Goldman Sachs	FRN	2.66%	12/04/16	1,000	1,001
16/06/06	National Wealth M'ment Holdings	FRN	2.78%	16/06/26	2,000	1,985
24/01/12	ING Bank Ltd	FRTD	4.09%	24/01/17	1,000	1,000
06/02/12	Westpac Bank	FRN	3.80%	06/02/17	1,000	1,020
25/01/13	Commonwealth Bank Of Australia	TD	4.25%	25/01/18	1,994	2,089
07/06/13	Greater Bld Society	FRN	3.59%	07/06/16	2,000	2,005
25/02/14	Westpac Bank	FRN	3.06%	25/05/19	2,000	2,035
22/09/14	Members Equity Bank	TD	3.65%	22/09/15	1,000	1,000
13/04/15	Suncorp-Metway Bank	TD	3.00%	13/10/15	3,000	3,000
04/05/15	BankWest	TD	2.90%	29/09/15	2,000	2,000
04/05/15	Bank of Queensland	TD	2.90%	29/10/15	1,000	1,000
04/05/15	National Australia Bank	TD	2.97%	03/11/15	2,000	2,000
05/05/15	BankWest	TD	2.90%	06/10/15	2,000	2,000
11/05/15	BankWest	TD	2.85%	08/10/15	2,000	2,000
11/05/15	Bank of Queensland	TD	2.95%	11/11/15	1,000	1,000
18/05/15	BankWest	TD	3.00%	19/10/15	1,000	1,000
19/05/15	Bank of Queensland	TD	2.95%	18/11/15	1,000	1,000
25/05/15	National Australia Bank	TD	2.97%	07/12/15	1,000	1,000
25/05/15	National Australia Bank	TD	2.97%	30/11/15	1,000	1,000
25/05/15	Suncorp-Metway Bank	TD	2.95%	02/12/15	1,000	1,000
25/05/15	Members Equity Bank	TD	2.90%	22/09/15	1,000	1,000
26/05/15	National Australia Bank	TD	2.97%	22/02/16	1,000	1,000
01/06/15	Suncorp-Metway Bank	TD	2.95%	01/12/15	1,000	1,000
02/06/15	BankWest	TD	2.90%	03/12/15	1,000	1,000
02/06/15	Bank of Queensland	TD	3.00%	06/01/16	1,000	1,000
05/06/15	National Australia Bank	TD	2.97%	12/01/16	2,000	2,000
15/06/15	Defence Bank	TD	3.05%	15/02/16	1,000	1,000
16/06/15	Defence Bank	TD	3.05%	17/02/16	1,000	1,000
17/06/15	Defence Bank	TD	3.05%	22/02/16	1,000	1,000
22/06/15	BankWest	TD	3.00%	22/12/15	1,000	1,000
22/06/15	Suncorp-Metway Bank	TD	3.00%	19/01/16	1,000	1,000
06/07/15	Suncorp-Metway Bank	TD	2.95%	05/01/16	2,000	2,000
13/07/15	Suncorp-Metway Bank	TD	2.90%	11/01/16	1,000	1,000
23/07/15	AMP Bank	TD	2.90%	25/01/16	2,000	2,000
27/07/15	AMP Bank	TD	2.90%	28/01/16	1,000	1,000
29/07/15	BankWest	TD	2.90%	01/02/16	1,000	1,000
29/07/15	National Australia Bank	TD	2.95%	04/02/16	1,000	1,000
30/07/15	Newcastle Permanent Bld Society	TD	2.80%	27/01/16	1,000	1,000
30/07/15	BankWest	TD	2.90%	10/02/16	1,000	1,000
31/07/15	Bendigo & Adelaide Bank	TD	3.00%	01/08/16	2,000	2,000
04/08/15	AMP Bank	TD	2.90%	09/02/16	2,000	2,000
05/08/15	AMP Bank	TD	2.90%	11/02/16	1,000	1,000
17/08/16	Bendigo & Adelaide Bank	TD	2.95%	16/08/16	2,000	2,000
17/08/16	Members Equity Bank	TD	2.85%	19/02/16	2,000	2,000
18/08/15	Bank of Queensland	TD	2.90%	01/03/16	1,000	1,000
25/08/15	National Australia Bank	TD	2.90%	25/02/16	1,000	1,000
28/08/15	National Australia Bank	TD	2.90%	02/03/16	1,000	1,000
31/08/15	Suncorp-Metway Bank	TD	2.85%	03/03/16	2,000	2,000
31/08/15	Suncorp-Metway Bank	TD	2.85%	29/02/16	1,000	1,000
Totals					69,288	68,872
CDA = Cash Deposit Account		FRN = Floating Rate Note				
FRTD = Floating Rate Term Deposit		TD = Term Deposit				

RECOMMENDATION

That Council notes the record of banking and investments for August 2015.

Attachment(s)

1. TCorp Local Government Economic Commentary - August 2015

10.3 Deputy Mayor - Election

10.3 Deputy Mayor - Election

Delivery Program Governance

Objective To determine whether Council wishes to appoint a Deputy Mayor and if so, how that position is to be elected.

Background

Section 231 of the Local Government Act states:

- (1) *The councillors may elect a person from among their number to be the deputy mayor.*
- (2) *The person may be elected for the mayoral term or a shorter term.*
- (3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*
- (4) *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

Nominations for the office of Deputy Mayor are to be submitted in writing to the General Manager, signed by the nominee and at least one other Councillor, prior to this report being discussed at the ordinary meeting.

Copies of the nomination forms are attached under separate cover.

The Deputy Mayor can be paid an allowance for such time as the Deputy Mayor acts in the office of the Mayor. The Office of Local Government has advised that such an allowance cannot be established on an annual basis and paid as an annual figure. Rather it must reflect actual time acting as the Mayor. Therefore the Deputy Mayor will only receive an allowance if the Mayor is on a period of extended leave and Council has resolved to pay such an allowance.

Key Issues

- To determine whether Council wishes to appoint a Deputy Mayor
- If yes, Council must determine the method of voting

Information

An election must be held if more than one nomination is received.

Council must then determine whether the voting is to be by preferential ballot (if three or more candidates nominated), ordinary ballot (secret ballot) or open voting.

10.3 Deputy Mayor - Election

Section 251(5) of the Local Government (General) Regulation states as follows:

Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot. (Reg 251)

Note: Part 11 of this Regulation provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that "ballot" has its normal meaning of secret ballot.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Council may elect to have a Deputy Mayor to assist with functions and activities when the Mayor is now available.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

There is no legal obligation for Council to elect a Deputy Mayor.

Consultation

Not applicable.

Options

The options are to have or not have a Deputy Mayor and the method of voting. The term of the election can also be for the entire term of Council or for a shorter period. The recommendation that follows reflects Council's traditional practices, which is to have a Deputy Mayor, elected for a period of one year, with the method of voting by ordinary (secret) ballot.

RECOMMENDATIONS

1. That Council elect a Deputy Mayor for the period to September 2016.
2. That the method of voting for the election of Deputy Mayor be by way of ordinary (secret) ballot.
3. That the number of votes at the ballot be revealed at the meeting and that the General Manager, following the meeting, destroy the ballot papers.

Attachment(s)

Nil

10.4 Northern Region Joint Regional Planning Panel - Nominations

10.4 Northern Region Joint Regional Planning Panel - Nominations

Delivery Program Governance and Finance

Objective To select Council's nominees for the Northern Region Joint Regional Planning Panel.

Background

Council's current nominees for the Northern Region Joint Regional Planning Panel (JRPP) are Cr David Wright and Stephen Barnier with our alternate nominees being Cr Susan Meehan and John Truman (Cr Meehan having been appointed when she was Deputy Mayor).

These appointments were for a period of three years and will expire on 29 September 2015. Council now needs to determine how it wishes to handle the new nominees for the Panel.

Key Issues

- Nominees
- Local Government Election 2016

Information

The current arrangements for the Mayor / Deputy Mayor and the two staff members have worked reasonably well. In cases where a personal conflict has arisen the alternate nominees have been able to represent Council.

There is no requirement from the Panel Secretariat for Council to change the nominations after the Local Government Election in September 2016, however it does seem reasonable to only appoint nominees until the election. Council is able to choose to nominate a person for a shorter period of time than the current three years; i.e. from now until 30 September 2016.

Alternatively, Council can change the nominations at any time, as long as the change is at least two weeks before a panel meeting occurs for the Council local government area. So Council could nominate for three years, and still change the nominations after the elections, if the incoming Council wished to.

The Panel Secretariat has advised that Council has two waste management facilities registered with the secretariat and under assessment, so it is important to have current members nominated to ensure that the secretariat can organise meetings quickly once Council staff complete their assessments.

Sustainability Considerations

- **Environment**
The JRPP may consider matters of environmental, social and economic importance.

10.4 Northern Region Joint Regional Planning Panel - Nominations

- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

The Councillor Expenses and Facilities Policy makes allowance for the payment of the NSW Department of Planning's maximum recommended fee per meeting for Councillor representation on the Northern Region Joint Regional Planning Panel (currently \$600 per meeting). Staff are not paid to attend meetings of the JRPP.

Consultation

There has been no public consultation on this matter.

Options

There are numerous options as to who could represent Council being Councillors only, members of the public, staff etc.

The recommendation is the current approach as it has worked reasonably well. The recommendation also makes reference to the September 2016 election as it is reasonable for the new Council to confirm its nominees for this Panel following the election.

RECOMMENDATIONS

1. That Council confirms its nominees for the Joint Regional Planning Panel are the Mayor with the alternate as the Deputy Mayor and the Group Manager – Strategic and Community Facilities, with the alternate as the Group Manager – Civil Services.
2. That Council confirms that these nominees are for the period to the end of September 2016 to allow the newly elected Council to then select new nominees following the quadrennial Council election.

Attachment(s)

Nil

10.5 Policy (Review) - Website - Direct Links and Commercial Advertising

10.5 Policy (Review) - Website - Direct Links and Commercial Advertising

Delivery Program Governance and Finance

Objective To review the Website - Direct Links and Commercial Advertising Policy

Background

All of Council's existing policies are progressively being reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Website - Direct Links and Commercial Advertising policy.

Council first adopted this policy in 2004.

Key Issues

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

Information

This policy was initially introduced to provide guidance to staff in determining when and where commercial advertising could be linked to Council websites.

Essentially the policy does not allow advertising on Council's corporate website, however it also recognizes that other sub-ordinate web sites that operate in a commercial environment may have advertising attached.

The review of this policy identified only minor changes as follows, with the amended policy attached to this report.

- The template for Council policies has changed since this policy was adopted and the new template includes information on definitions, policy history etc.

The changes have been marked in yellow.

Otherwise the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The Policy is designed to provide clear guidelines as to the permissibility of inclusion of commercial advertising within Council websites.

10.5 Policy (Review) - Website - Direct Links and Commercial Advertising

- **Economic**

Council generates revenue from commercial advertising on its commercially-oriented websites.

Legal / Resource / Financial Implications

The review is completed using existing available staff and financial resources.

Consultation

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

Options

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

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

RECOMMENDATIONS

1. That Council adopts the amended Website – Direct Links and Commercial Advertising Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

Attachment(s)

1. Website - Direct Links and Commercial Advertising Policy

11.1 Roads Program and Roads to Recovery Funding Allocations

11. Civil Services Group Reports

11.1 Roads Program and Roads to Recovery Funding Allocations

Delivery Program Engineering Works

Objective To advise Council of the Roads to Recovery allocations for the 2014 to 2019 program.

Background

The roads capital works delivery program since 2001 has included direct funding from the Australian Government under the Roads to Recovery (RTR) program. A requirement of funding is for this program to be additional to Council's recurrent roads program. Annual audits are submitted to verify historical Council funding benchmarks are maintained.

The funding is allocated according to the Local Government Grants Commission assessment of the roads component of the Financial Assistance Grants.

The RTR program has generally been run over a four to five year term, which has required a re-commitment towards the program from the Australian Government as each term of the program expires. Council has received annual funding under the program of approximately \$492,000 (2001) through to \$597,000 (2019). Further funding has been allocated towards the current five year program and this is explained in the information section of this report.

Over the life of the RTR program the annual funding has generally been applied to the roads rehabilitation program to bring forward listed projects within the priority ranking for this program. However, special projects have also benefited such as the replacement of the Teven Bridges, Yellow Creek bridge (Wardell Road Meerschaum Vale) and Gibson Creek bridge (Eltham Road Teven). The RTR program has also been a source of funding to provide Council's co-contribution to a number of other road grant programs such as the Black Spot program and the Regional Road Repair program.

Key Issues

- Level of funding
- Allocations

Information

The current five year RTR program (2014/15 to 2018/19) provides Council with an annual amount of \$597,362. The Australian Government's 2014 budget announcement provided an additional \$350 million towards the RTR program, which resulted in each Council receiving the equivalent of one extra year's funding in the 2015/2016 year. This means in the 2015/2016 year \$1,194,725 is provided to Council.

11.1 Roads Program and Roads to Recovery Funding Allocations

These funds are currently allocated in the Council's delivery program as per attachment one to this report.

More recently the Australian Government announced the reintroduction of indexation of fuel excise, which has resulted in a further \$1.1 billion increase to the RTR program over the next two years. For Council this amounts to an increase of approximately \$512,000 in 2015/16 and \$1,373,000 in 2016/17.

The purpose of this report is to deal with the allocation for the current financial year due to the immediate opportunity. A further report dealing with next year's allocation will be submitted as part of the delivery program preparation during the next budget process.

Three projects have been identified as opportunities for effective and efficient use of the RTR allocation this financial year:

River Street Ballina

This financial year Council was successful with receiving an RMS Safer Roads Program grant for upgrading River Street intersections at Tweed Street and Brunswick Street. This comprises the installation of a separate turning lane at Brunswick Street and also continuing a median across the Tweed Street intersection to disallow turning. RMS grant funding of \$200,000 has been offered and requires a matching amount of \$200,000 from Council.

Wardell Road Alstonville

Wardell Road at Alstonville is currently in progress and is staged over two financial years. The full project is proposed to extend from Coral Street through to Norvell Grove, however this year's program would need to finish prior to Newbon Street and remobilise next financial year for completion. Given this project is already underway including traffic management and detours in place, it is preferred to make use of efficiency gains and allocate \$160,000 of RTR to continue with this project for the total length and complete the construction within the urban precinct. This will avoid remobilisation and re-establishment next financial year.

Fox Street Ballina

Similar to Wardell Road the reconstruction of Fox Street between Cherry Street and Moon Street has a budget allocation over two financial years. The completion of the project at one visit would make use of efficiency gains with one round of traffic management arrangements in and around the hospital precinct. An allocation of \$152,000 of the RTR would facilitate this improved delivery arrangement.

Sustainability Considerations

- **Environment**
Maintenance initiatives offer opportunities for improved road management.

11.1 Roads Program and Roads to Recovery Funding Allocations

- **Social**
Road safety and traffic improvement initiatives contribute to reduced trauma and disruption.
- **Economic**
Road safety and traffic improvement initiatives contribute to improved travel and reduced transport costs.

Legal / Resource / Financial Implications

The above strategy does not record any known legal or resource implications other than the works program being reported is undertaken by Council's engineering works section and there is no impediments to undertaking the works.

The financial implications relate to the Australian Government's RTR program and appropriate reporting and auditing will be undertaken as part of the current program.

Consultation

There had not been any specific consultation regarding the RTR allocation other than the normal reporting of the program within Council's budget and delivery program. This report highlights an additional RTR allocation specifically for this financial year, and identifies suitable projects.

Options

Although the content of this report has provided information to justify the effective and efficient use of the increase to RTR funding for 2015-16, the Councillors may wish to consider alternative projects. It is noted that bringing the above works forward, plus the additional government funds that will be available for that year will enable the 2016/17 program to be adjusted as part of the preparation of the next delivery plan.

If any Councillors would like to suggest alternative projects for these funds, it would be helpful if notice of these suggestions is made available to staff so a cost estimate and any other comments be prepared to assist the discussion.

RECOMMENDATION

That the additional Roads to Recovery funding for 2015/16 be applied to the following projects for the reasons detailed within this report:

- River Street, Ballina \$200,000
- Wardell Road, Alstonville \$160,000
- Fox Street, Ballina \$152,000

Attachment(s)

1. Copy of Roads Delivery Program

11.2 Section 94 Roads Contribution Plan - Post Exhibition Report

11.2 Section 94 Roads Contribution Plan - Post Exhibition Report

Delivery Program Strategic Planning

Objective To provide Council with the results of the public exhibition of the Draft Ballina Shire Roads Contribution Plan version 4.0.

Background

The Ballina Shire Roads Contribution Plan 2010, adopted 25 February 2010 has been reviewed in accordance with an action adopted in the 2014/15 - 2017/18 Delivery Plan. The reviewed plan titled "*Draft Ballina Shire Roads Contribution Plan Version 4.0*" was considered by Council July 2015 and was placed on public exhibition from 5 August until 9 September 2015. This report addresses submissions and post exhibition approval processes.

Key Issues

- Provide an optimised, affordable road network to service future development, demographic and traffic needs
- Provide equitable, apportioned funding of the future road network
- Addressing matters raised in submissions
- Approval of reviewed contributions plan

Information

Exhibition

The details of "Draft Ballina Shire Roads Contribution Plan Version 4.0" were reported to the Council meeting 23 July 2015 which resolved:

- "1. That the Draft Ballina Shire Roads Contribution Plan Version 4.0, included as an attachment to this report, be placed on public exhibition, in accordance with Clause 28 of the Environmental Planning and Assessment Regulation 2000 for a period of not less than 28 days.*
- 2. That Council receive a report on the potential benefits of using the service road beside the Ballina Bypass.*
- 3. That Council write to the Minister, the RMS and our local members regarding the need for two directional ramps at Cumbalum."*

The draft plan was placed on public exhibition from 5 August until 9 September 2015.

Submissions

The following submissions were received.

1. Ardill Payne on behalf of Catholic Parish of St Francis Xavier Ballina, Vixsun PL and Intrapac (refer attachment one)

11.2 Section 94 Roads Contribution Plan - Post Exhibition Report

2. Kevin Woods on behalf of Tekcadl Investments has submitted an email submission and attached the 2004 Tekcadl submission which is still considered relevant (refer attachment two)
3. Council staff recommended changes to works schedule.

Submission One - Ardill Payne

Summary of submission comments are:

- The extent of capital funding and apportionment between new and existing development of draft plan compared with current plan
- Annual capital expenditure
- Population rate assumptions
- Works to cure existing congestion on Ballina Island would reasonably have alternative (to developer contribution) funding sources
- The new model diverting traffic more successfully from CURA B away from CURA A, but still consider the yield overstated. Predicted growth on Tamarind Dr more than double that created by Cumbalum precincts
- Draft plan's increased apportionment of developer contributions from 70% to 87%.
- Client's acknowledgement of user pays requirement for new roads and responsibility to pay fair share

Submission position:

- The plan continues to seek a level of funding from land development industry that is beyond a fair share.
- Growth rates and therefore quantum of work is overstated, based on current and historical growth rates by 50%
- Some work on Ballina Island should be funded by alternate means as existing congestion will become exacerbated more quickly than the rate of land release
- Traffic loads on some trunk roads are either overstated or traffic is generated by factors not associated by land development. For former case the model should be further investigated, for the latter case an alternative source to land developer funding should be sort.

Comments on Submission One

1. Population Growth Rates and Traffic Modelling

The Draft Contributions Plan has been based on rigorous strategic modelling of the Ballina Shire Road Network by Cardno (Qld) PL during 2014 and 2015. The model is an update of the traffic model used by Council for the current (2010) Contributions plan. Unlike earlier models, the 2014/15 model has the benefit of being calibrated and validated using recent traffic counts on key parts of the network that incorporates the Ballina and Alstonville bypasses.

The traffic modelling has been based on a best practice, four step model process that conforms with NSW Roads and Maritime Services (RMS) guidelines. The validation and calibration conforms with the limits designated in these guidelines.

11.2 Section 94 Roads Contribution Plan - Post Exhibition Report

In the period since 2010, demographic projections for the Northern Rivers have been revised with a declining rate of predicted growth by the NSW Department of Planning and Infrastructure. Council's own working projections, which provide estimates of future annual population and dwelling growth in the Shire's various urban localities have similarly been revised downwards.

To enable Version 4.0 of the Roads Contribution Plan to fully account for planned urban development, a '2036+ development scenario' has been used as the basis for traffic modelling that informs the schedule of required works. This scenario takes into account the ultimate planned and projected development of land within the Shire's major land release areas (in Lennox Head, Cumbalum and Wollongbar).

Occupancy rates are also projected to decline into the future, however for the purpose of determining infrastructure need, the draft plan has assumed a modest minimum occupancy rate of 2 persons per dwelling in the 2036+ scenario in Council's major release areas.

This approach ensures population is accounted for but not overstated thus ensuring the schedule of works reflects the sizing of infrastructure required to cater for the anticipated future needs of our growing community

Population growth rates are extremely variable and cyclic. It may be that development occurs at a slower or faster rate than assumed in the Draft Plan, in which case the ultimate road needs will not alter, but contributions collections and the pace of new road construction will automatically adjust to the slower or faster rate of development.

The rate of population growth similarly will not impact on the amount of contribution per lot or dwelling, but will impact on the number of contributions collected in each year.

2. Extent and Quantum of Works

The quantum of works in the Draft Plan is 5% less than that in the existing 2010 Plan when adjusted for inflation in the intervening years (being 21% change in the NSW index for road and bridge construction).

The updated 2014/15 modeling has enabled road links to be identified that will require upgrading to accommodate future traffic volumes generated by new urban development.

The recommended upgrades in the Contributions Plan are based on an arterial road threshold of 16,000 to 18,000 vehicles per day (vpd) before upgrading is required from two lanes to four lanes. This threshold is consistent with Austroads Guidelines and is considered reasonable.

The works schedule is proposed to fully accommodate traffic to be generated from future urban development. If these works are only partially implemented, then the future development, dependent on these works, is likely to be compromised.

3. *Traffic Loads on Some Roads Into Ballina Overstated or Generated by Factors Other than Land Development*

The predicted growth of traffic on Tamarind Drive is cited as an example of this issue. In regard to this road, new urban development at Cumbalum is only one of the drivers of increased traffic on Tamarind Drive.

As a principal arterial feed to Ballina, traffic growth on Tamarind Drive is substantially impacted by the future growth and development within the town of Ballina. Substantial residential, educational, retail, tourist, recreational, industrial, health, and business growth is expected in Ballina which will generate and attract substantial future traffic volumes on Tamarind Drive and other arterial road feeders. This traffic growth is attributable to land development and is in addition to the traffic growth generated by new outer greenfield residential areas such as the Cumbalum precinct.

4. *Apportionment of Works Cost between Existing and New Development is Beyond a Fair Share*

The current plan is based on a 70% to 30% split between new and existing development. One of the objectives of the new plan review is to provide a more rigorous and objective basis for apportionment that is consistent with nexus principles.

The methodology used in the Draft Plan has been derived from principles in "*Development Contributions - Practice Notes, Determining Rates for Different Types of Development*" issued July 2005 by the NSW Department of Infrastructure Planning and Natural Resources.

Accordingly the formulae for apportionment of each item in the works program is based on numerical existing and projected daily traffic numbers for each road link, and the reaching of two to four lane capacity thresholds.

The basis and formulas for apportionment of works program costs are fully detailed in Section 4.4 of the attached *Draft Ballina Shire Roads Contribution Plan Version 4.0*. This apportionment being objective, based on proportional usage is considered to be fair.

Essentially the apportionment follows a basis that where a threshold is triggered by development only, development pays for the full amount.

5. *Alternative Funding Sources for Works on Ballina Island*

The Draft Plan acknowledges that existing traffic already causes considerable congestion on Ballina Island and that future development should not bear the burden of this existing backlog. This existing backlog has been accounted for in the apportionment formulae in the Draft Plan.

11.2 Section 94 Roads Contribution Plan - Post Exhibition Report

Examples are "Item 6 - River Street, Fisheries Creek Bridge to Tweed Street, Upgrade to 4 Lanes" where 49.6 % of the cost has been attributed to new development and 50.4% will need to be funded by Council. The submission's position that Council should seek alternative sources of funding (other than from land developers) for Council's portion of these works is accepted and will be pursued.

6. Per Lot Contribution Should be 65% of the Current Proposed Rate

The proposed contribution of \$11,369.03 per lot is little changed from the indexed contribution of \$11,352 per lot required by the current 2010 Roads Contribution Plan.

The level of road contributions was a key issue in Council's assessment of the 2010 Road Contributions Plan. The road contributions adopted at that time were considered necessary to equip Ballina Shire with a viable road network that could accommodate the increased traffic to be generated by future development.

If this road network is not provided, or only partially provided (if contributions were reduced to 65% of current rates), then future development of the Shire will not have the infrastructure needed for this development to proceed.

Submission Two – Kevin Woods

(Relates to Works Schedule Item 1, Western Arterial Proposed Route 4)

The 2004 submission raised the following concerns that are still relevant:

- Commercial business decisions regarding development of the property for tea trees have been made on the basis that the land would not be affected by the proposed arterial
- Route options 1 or 2 are preferred
- Proposed Route 4 is only 20 m from existing house boundaries and 200 m from houses in Canal Road which will cause unacceptable noise and visual impacts
- Route 4 will dissect our land with no access from it

Suggestions and Issues in September 2015 Email Submission:

- Re-route the Western Arterial west of the sewerage treatment works and join River Street at Barlows Road
- This route will use the existing roundabout at River Street/Barlows Road
- There is less impact on mangroves
- Better access will be provided to the sewerage works
- The cost of an extra 700m of road will be offset in decreased mangroves destruction and legal expenses
- Disappointment is expressed at lack of contact by Council with Tekcadl and lack of opportunity to express views personally

Comments on Submission Two

Suggested Alternative Route Option

Route Option Four was selected for the Draft Plan because it achieves all traffic network objectives and is relatively affordable, being almost \$20M less costly (Current estimate \$31.7M), than the currently adopted Route Option 2 (Current estimate \$51.1M) Submission two proposes an alternative route option that lies west of the sewerage treatment works and joins River Street at Barlows Road (refer attachment four).

1. *Cost*

The suggested route is 2.3 km long compared to 1.8 km for Route Option 4. On this basis it is likely to cost around 25% more than Route Option 4. Based on current costs, its estimated cost is \$39.6M compared to \$31.7M for Route 4 a difference \$7.9M. The additional cost would require the deletion of other projects of this value from the works program as the additional cost could not be accommodated within the Minister's Section 94 Cap.

2. *Route Efficiency*

The suggested route is longer and provides a less direct route for ring road traffic seeking to avoid north/south travel through Ballina Island. It therefore has longer travel times, attracts less traffic and is less effective in offloading traffic that would otherwise use Kerr Street. The efficiency of Route Option 4 avoids the previous necessity of four laning any more of Kerr Street, this would not be the case with the suggested route.

3. *Ecological Impacts*

Both the suggested route and Route Option 4 cross and impact the mangrove riparian zone of Fishery Creek north of River Street. In addition Route Option 4 impacts on an area of mangrove forest, east of the sewerage treatment works.

The SKM options report advised regarding the impact of Option 4 "while this option impacts on an area of mangrove vegetation, it is not located within a SEPP14 wetland and is of lesser habitat and ecological value than other areas within the locality, particularly the Fishery Creek corridor itself and the wetland west of the STP. While this route option would result in some clearing and severance impacts, these are not considered to be substantial in the context of the ecological values of this vegetation remnant".

4. *Access to The Treatment Works and adjoining Land*

Access to the sewerage treatment works and adjoining land can be incorporated into the detailed design of either option.

5. Landowner Impacts

All arterial route options will have a significant impact on the land owners of properties traversed and are largely based on the length/width of the route, proximity to housing and the degree to which the route can align with boundaries to minimise property severance.

The suggested route would avoid traversing the Tekcadl land, but have a larger impact on another landowner. Route 4 traverses Tekcald land, but stays close as possible to boundaries to minimise severance of the land. If the project proceeds, these matters would be taken into account in future land acquisition and compensation processes to secure the future corridor.

These details will be further reviewed at the time the project commences and it may be the case that an alternative route is preferred at that time. However, for the purposes of collecting fair and reasonable contributions until the final costs are understood, the route suggested in the draft plan is considered the more likely option to proceed and be the basis for the calculation of the contribution.

Suggested Amendments from Staff

Changes to the Draft Plan Works Schedule as detailed in Table 1 have been proposed to address a number of matters identified during the exhibition period.

Table 1 - Proposed Changes to Works Schedule		
Item	Proposed Change	Comments
34 Cumbalum Interchange	Increase cost from \$3,157,765 to \$3,460,044	Completed item, accounts for allowable loan interest cost.
34a	New item, \$735,765	Provides for upgrading of existing eastern roundabout to two circulation lanes to cater for increased traffic flow
37 North Ck Rd, Northern 350m joining Hutley Dr & Byron Bay Rd	Decreased cost from \$3,415,082 to \$3,360,044	Revised cost estimate based on design concept for rezoning process.

Potential benefits of using the Service Road beside the Ballina Bypass

(Part 2 of Council Resolution, 23 July 2015)

There is a now disused construction service road to the east of the Ballina Bypass that extends southwards from Flathead Lane to the southern interchange (refer attachment five).

A combination of Flathead Lane, and the Service Road could potentially provide a link between Tamarind Drive and the southern Bypass Interchange. This link would be provide a shorter route between the Cumbalum precinct and the interchange and avoid passing through the Ballina urban area. The ownership details of the route are as follows.

11.2 Section 94 Roads Contribution Plan - Post Exhibition Report

Section	Owner	Length km)
Tamarind Dr to Service Rd	Flathead Ln - public road	0.6
Service Rd south of Flathead Ln	NSW Roads and Maritime Services (RMS)	1.6
Service Rd	Private land	0.8
Connection to interchange	RMS or private land depending on route	0.1

For traffic travelling between the Cumbalum precinct and the southern interchange the following table is an estimated comparison of travel times from the Flathead Lane turnoff on Tamarind Drive to the southern interchange using alternative routes.

Section	Road	Length	Time
Tamarind Dr to Service Rd	Flathead Ln	0.6	31
Flathead Ln to southern Interchange	Service Road	2.5	120
Intersection delay allowance			20
Total			161 seconds
			2 min 41 sec

Section	Road	Length	Time
Flathead Ln turnoff to North Creek Rd	Tamarind Dr	2.2	106
Tamarind Dr to River St	Western Arterial	1.6	84
Western Arterial to southern interchange	River St	2.4	173
Intersection delay allowance			90
Total			453 seconds
			7 min 33 sec

Based on these time estimates the service road would provide a time saving benefit of 4 minutes and 52 sec for a trip between the Cumbalum precinct and the southern Bypass interchange.

The southern connection of the service road link is likely to be compromised by the approval of a highway service centre immediately east of the interchange.

The access roads between the interchange and the service centre would cut across the service road route and not be mutually compatible. This could be overcome by deviating the service road east of the service centre, across privately owned land to River Street. There would be additional cost, route length and time penalty associated with this deviation.

11.2 Section 94 Roads Contribution Plan - Post Exhibition Report

On this basis, it is not recommended to add this project to the plan in this update, however the details of the investigation have been retained to enable further consideration of this option and the recommendation suggests Council examine the option with the RMS in light of the land and access issues discussed above.

Response to Submissions

No changes to the underlying traffic volume predictions or levels of contribution are proposed to the Draft Plan arising from consideration of Submission One.

The submission's position that Council should seek alternative sources of funding (other than from land developers) for Council's portion of cost of works to alleviate existing congestion on Ballina Island is accepted and will be pursued. For example, the recent announcement of a successful black spot grant for the Links Avenue and Angels Beach Drive intersection is a project that will now be funded from external government sources not this plan.

In regard to Submission Two, at this time, proposed Route Option 4 is considered the most affordable and traffic efficient route and is proposed to be retained in the Draft Plan. Adoption of a longer more expensive route option would require the deletion of other items from the Works Schedule. It is acknowledged however that the Western Arterial will be the subject of further detailed economic, social and environmental assessment and negotiations with affected landowners prior to finalising the detailed route and engineering design.

The changes to the Works Schedule proposed by staff (submission three) involve an additional item to ensure the capacity of the Cumbalum Interchange eastern roundabout is sufficient for future traffic and some improvements to costing of two other works items. They have been included in the Post Exhibition Draft Plan which is attachment two.

Summary Details of Post Exhibition Draft Ballina Shire Roads Contribution Plan Version 4.0

The proposed Works Program including changes to the three Works Schedule Items referred to in the previous section is detailed in Table 5.

Proposed Works Program (Post Exhibition)

Table 5 - Proposed Works Program Draft Ballina Shire Roads Contribution Plan Version 4.0		
No.	Description	Estimate Cost
1a	Western Arterial	31,669,625
1a	Western Arterial (Land Component)	754,220
6	River Street Fisheries Ck Bridge to Tweed St - Four Laning	3,886,480
7	Tamarind Dr, North Creek Rd to Kerr St - Four Laning	7,165,698
9	River St, Upgrade Fisheries Creek Bridge	5,343,911

11.2 Section 94 Roads Contribution Plan - Post Exhibition Report

Table 5 - Proposed Works Program Draft Ballina Shire Roads Contribution Plan Version 4.0		
No.	Description	Estimate Cost
10	Tamarind Dr, Duplication of North Creek Canal Bridge - Separate Two Lanes	4,007,933
11	River St, Fisheries Ck Bridge to Sthn Interchange of Bypass - Four Laning	9,582,603
11	Other River St Improvements	133,598
12-14	Hutley Drive Extension	15,303,017
15	Bangalow Road / Hogan Street - new Left In / Left Out	667,989
16	Angels Beach Drive / Sheather Street - new Left In / Left Out	607,263
16	Angels Beach Drive / Sheather Street - LILO (Land Component)	109,307
18	North Creek Road and Bridge	19,432,402
18	North Creek Road and Bridge	12,145
20	Ross Lane Improvements - West	4,683,750
20	Ross Lane Improvements - East	10,590,659
20	Ross Lane Improvements - East Land Component)	97,162
21	Tintenbar Road / Teven Road - Climbing Lanes	1,943,240
21	Tintenbar Road / Teven Road - Climbing Lanes	1,943,240
21	Tintenbar Road / Teven Road - Climbing Lanes (Land Component)	1,215
23	Tamarind Dr to Southern Cross Drive - Right Turn Ban	157,888
27	North Creek Road / Reservoir Rd / Hutley Dr, Traffic calming -	2,793,408
28a	River Street / Cherry Street Roundabout	1,165,944
28b	River Street / Moon Street Roundabout	1,165,944
29	Tamar Street / Cherry Street Roundabout	643,698
30	Angels Beach Dve / Bangalow Rd Roundabout Lanes Extensions	896,480
31, 33	Ballina Heights Dr	4,858,101
34	Cumalum - Interchange	3,460,000
34a	Cumalum Interchange, upgrade eastern roundabout	735,765
35	Sandy Flat Road	3,018,600
37	North Creek Road - Northern 350m joining Hutley Dr & Byron Bay Rd	3,360,044
39	North Creek Rd - Tamarind Dr to Southern Cross Dr, 4 lane	1,436,350
40	Tamarind Dr, 4 lanes Cumalum to North Ck Rd, 4.15 km	10,627,536
41	Bangalow Rd, additional Lane, 200 m east from Angels Beach Dr	1,249,000
	Total	153,529,549

Table 6 provides summary contribution and financial details of the proposed Post Exhibition Draft Ballina Shire Roads Contribution Plan Version 4.0 and a comparison with the current *Ballina Shire Roads Contributions Plan 2010*.

11.2 Section 94 Roads Contribution Plan - Post Exhibition Report

Attribute	2010 Plan	2010 Plan with CPI	Draft Version 4.0 Post Exhibition
Contribution /trip end	\$1,569	\$1,760	\$1,762.64
Admin contrib/trip end	\$24	\$26.67	\$26.44
Contrib /house or lot	\$10,123	\$11,352	\$11,369.03
Admin contrib/house or lot	\$154	\$172	\$170.54
Time horizon	2026		2036+
Population growth	19,394		17,463
Dwelling growth	7,183		10,429
Attributable industry trip growth - 20%	14,788		18,280
Residential trip growth	46,330		56,629
Total daily trips generated at horizon	61,118		74,910
Works Program	\$139,301,000		\$153,529,549
Portion Charged to Development	\$97,510,700		\$132,038,780
Portion Charged to Council	\$41,790,300		\$21,490,769
Contrib/trip end			\$132,038,780/74,910

Sustainability Considerations

- **Environment**

Provision of an efficient road network for future development will minimise congestion, fuel usage and atmospheric emissions. Roadworks construction items will be required to conform with environmental standards and minimise ecological impacts.

- **Social**

An efficient future road network facilitates social interaction and provision of public and private services for Shire residents.

- **Economic**

An efficient future road network enables the development of new urban areas and the intensification of development in existing urban areas. It facilitates the transportation required for the future economic well being of Ballina Shire.

Legal / Resource / Financial Implications

Section 94 developer contribution plans enable the cost of future trunk road network optimisation to be equitably shared between future development and the existing population. The proposed draft contributions plan will fine tune the works program to better align with future demographic and traffic patterns.

Draft Ballina Shire Roads Contribution Plan Version 4.0 has had regard to the nexus, or relationship, between the expected types of development and the demand for additional public facilities to meet that demand.

It has been prepared and publicly exhibited in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2000 and Departmental Practice Notes.

11.2 Section 94 Roads Contribution Plan - Post Exhibition Report

After consideration of any submissions about the draft contributions plan, Regulation 31 advises that Council:

- (a) may approve the plan in the form it was publicly exhibited
- (b) may approve the plan with such alterations the council thinks fit, or
- (c) may decide not to proceed with the plan

Consultation

The Draft Ballina Shire Roads Contribution Plan Version 4.0 has been placed on public exhibition from 5 August to 9 September 2015. Two submissions from the public and a staff submission have been received and considered in this report.

Options

A. Draft Ballina Shire Roads Contribution Plan Version 4.0

1. Approve and implement *Draft Ballina Shire Roads Contribution Plan Version 4.0* as exhibited to repeal and replace *Ballina Shire Roads Contribution Plan 2010*.
2. Approve the Post Exhibition *Draft Ballina Shire Roads Contribution Plan Version 4.0* attached to this report, which incorporates amendments (and consequential table amendments) to the exhibited version as detailed in Table 1 of this report, to repeal and replace *Ballina Shire Roads Contribution Plan 2010*.
3. Approve and implement *Draft Ballina Shire Roads Contribution Plan Version 4.0* with other amendments to repeal and replace *Ballina Shire Roads Contribution Plan 2010*.
4. Do not approve *Draft Ballina Shire Roads Contribution Plan Version 4.0* and retain *Ballina Shire Roads Contribution Plan 2010*.

Option Two is the preferred option. This option fine tunes, without any significant change to the contribution amounts, the current strategic and financial framework established in 2010 to provide the road network required for planned development of Ballina Shire.

B. Potential benefits of using the Service Road beside the Ballina Bypass

1. Pursue this option through negotiations with RMS
2. Do not pursue this option

Option One is the preferred option. It will enable this option to be further investigated prior to the sale of land assets by RMS.

RECOMMENDATIONS

1. That Council approves the Post Exhibition *Draft Ballina Shire Roads Contribution Plan Version 4.0*, as attached to this report, which incorporates amendments (and consequential table amendments) to the exhibited version as detailed in Table 1 of this report, to repeal and replace *Ballina Shire Roads Contribution Plan 2010*.
2. That public notice be given of the adoption of *Ballina Shire Roads Contribution Plan Version 4.0* with the plan to come into effect on the date public notice is given.
3. That Council request NSW Roads and Maritime Services (RMS) to defer sale of sections of land containing the Ballina Bypass Service Road to enable Council and RMS to conduct negotiations into its future use potential.
4. That Council seek alternative sources of funding (other than from land developers) for Council's portion of cost of works to alleviate congestion on Ballina Island.

Attachment(s)

1. Submission from Ardill Payne on behalf of Catholic Parish of St Francis Xavier Ballina
2. Submission from Kevin Woods on behalf of Tekcadl Investments
3. Post Exhibition Draft Ballina Shire Roads Contribution Plan Version 4.0 (Under separate cover)
4. Western Arterial Options
5. Ballina Bypass Service Road Route

11.3 Howards Road, Alstonville - Road Opening, Closing and Land Exchange

11.3 Howards Road, Alstonville - Road Opening, Closing and Land Exchange

Delivery Program Asset Management

Objective To determine Council's response to a proposal to resolve road boundary alignment matters on Howards Road, Alstonville.

Background

Howards Road is an unsealed Council public road located along the eastern side of Branch Creek between Teven Road, Alstonville and Tuckombil Road, Tuckombil. A recent subdivision (DA 2012/476) adjoining Howards Road identified discrepancies with the location of the existing constructed roadway and the road boundaries. These discrepancies range from minor alignment matters to sections where the constructed road is not within the road boundaries.

The purpose of this report is to examine the response options to this issue. Plans showing the land are included as attachments.

Key Issues

- To seek approval to deal with land affected by the opening and closing of sections of road along Howards Road
- To seek approval to acquire land for road where necessary. The provisions of the Land Acquisition (Just Terms Compensation) Act would apply to any acquisition
- To seek approval to exchange land (closed road) as part of the road action where required

Information

To deal with this matter a number of administrative actions are required including opening, closing, acquisition or disposal for various land sections. This report is seeking approval from Council to enable any of these actions to be undertaken to resolve the road anomalies. The following items generally outline how this process will occur:

- a) Negotiations with adjoining land owners to determine a proposed road boundary, land acquisition agreement or land exchange areas
- b) Council approval for the road actions to proceed. This includes road closing applications with Crown Lands, land acquisition where necessary and disposal of unnecessary land
- c) Survey plans and transfer documents prepared
- d) Council approval for use of seal on any associated necessary documents

11.3 Howards Road, Alstonville - Road Opening, Closing and Land Exchange

There are a few properties directly affected by the current alignment of Howards Road and other properties that do not abut the road, but have their property access from Howards Road. The intent of the proposed road actions is to not change any existing property access arrangements from Howards Road.

The road is roughly divided into three sections (northern, middle and southern) to describe current and proposed actions requested in this report.

The property abutting the northern section of Howards Road has not been fully surveyed, however the preliminary survey shows significant road alignment issues. Land will need to be acquired for road with other sections suitable for closing and consolidation with adjoining land.

The property abutting the middle section of Howards Road has been subject to a recent subdivision plan (DP 1205369) over the property. This plan created new road over the existing roadway where no road reserve existed and identified areas of road that could be closed. The sections of land that are no longer required for road can generally be dealt with via a land swap for the new road opened. The sections that are not suitable for land swap or exchange can be sold or granted to and consolidated with other adjoining land.

The property abutting the southern section of Howards Road has not been fully surveyed, however the preliminary survey shows minor (if any) road alignment issues.

Sustainability Considerations

- **Environment**

The proposal is for the currently constructed road to remain as is and only road and property boundaries will change. This has no environmental impact.

- **Social**

Howards Road is a Council public road which provides access to adjoining properties. The proposal is to ensure property and road boundaries are appropriately located.

- **Economic**

The proposal is to have the currently maintained road asset being fully located within a Council road reserve.

Legal / Resource / Financial Implications

The road closing and opening areas are generally dealt with by agreement of monetary value for land area or by a land exchange arrangement of nil monetary value. If areas of land need to be acquired for road, there is a monetary cost to Council which is determined through the Land Acquisition (Just Terms Compensation) Act process.

There will be survey and legal costs associated with the proposed road actions which are to be met by Council.

11.3 Howards Road, Alstonville - Road Opening, Closing and Land Exchange

At this point in time it is difficult to quantify the costs and compensation amounts, however staff expect a budget of \$30,000 is a more likely amount. It will be necessary to charge these expenses to the roads budget. The impact of this is discussed below in the options section of this report.

Consultation

The owners of property abutting the northern section of Howards Road have been informed by letter only at this stage and further discussions will occur. The owners of property abutting the middle section of Howards Road have been consulted and a proposed action plan to open and close sections of road has been agreed upon.

The property abutting the southern section of Howards Road appears to not be affected and therefore no specific consultation with the land owners is proposed at this time.

Options

1. Support addressing the road boundary alignment matters along Howards Road now. This involves managing the road applications, land dealings and providing the funds to cover associated land acquisition, survey and legal costs.
2. Rebuild the road within the existing road reserve and rehabilitate those areas of land formerly occupied by the road. This option is considerably more expensive and does not represent value for money.
3. Maintain the status quo. The constructed road is suitable for its purpose, the administrative land issues are the problem. Under this option the Council could either elect to do nothing and manage any issues should they arise in the future. For example if a landowner placed an obstruction in the road, the Council would either need to refer to the powers available to it under the Roads Act or deal with the deferred acquisition.

It is preferred for insurance and other reasons to pursue option one as it provides a conclusive outcome. The disadvantage of option one is the cost as applying the funds for this purpose diverts them from the delivery of on ground works and services. On balance it is preferred to conduct the further investigations and negotiations to support option one, subject to the approved budget being limited to \$30,000. In the event further information indicates the cost will exceed \$30,000 further reporting will be provided to Council examining the benefits and risks associated with option three to defer further action to a future time.

11.3 Howards Road, Alstonville - Road Opening, Closing and Land Exchange

RECOMMENDATIONS

1. That Council provides approval to resolve the road boundary alignment matters along Howards Road by commencing the required road opening, closing, land exchange or land acquisition.
2. That Council approves the lodgment of any applications or documents associated with the road management actions in point one above.
3. That Council approves the use of the Council seal on any documents associated with road management actions in point one above.
4. The costs to implement the above resolutions are to be funded from the budget allocation for roads.
5. That the approval in points one to three is subject to the estimated costs being up to a maximum of \$30,000. In the event that additional survey or other information indicates this budget is not sufficient, a further report reviewing Council's options is required.

Attachment(s)

1. Aerial Image showing Howards Road (Northern section)
2. Diagram showing Howards Road (middle section)

11.4 Sugar Cane Harvest Management Scheme

11.4 Sugar Cane Harvest Management Scheme

Delivery Program Asset Management

Objective To determine if Council will accept the proposed scheme by issuing a permit to NSW Sugar, considering the impact to road infrastructure and the local industry.

Background

Local and regional roads make up almost 90% of the NSW road network. These roads are managed by councils who are responsible for granting route approval for any Restricted Access Vehicle (RAV). Hence local councils play a critical role in improving freight productivity for regional NSW.

NSW Sugar is a grower owned cooperative with around 500 grower members operating sugar mills located in Broadwater, Condong and Hardwood. The cooperative employs 400 people directly and 250 additional seasonal employees during harvest. The industry accounts for \$230 million of regional economic output.

NSW Sugar has approached the Transport for NSW for a mass concession scheme to assist in managing their transport needs during harvest seasons. Harvesting typically occurs early June up to December.

In response, Transport for NSW and RMS are assisting NSW Sugar in a proposal for a Sugar Cane Harvest Management Scheme (SCHMS). Since the scheme requires approval for their Restricted Access Vehicles, Ballina Shire Council is to review and determine if a permit will be issued to operators under this scheme.

Key Issues

- Impact to roads assets – increased damage and reduced lifespan.
- Impact to local industry – the industry contributes to the local community.

Information

The proposed Sugar Cane Harvest Management Scheme (SCHMS) has been jointly developed by Transport for NSW and RMS to assist the NSW Sugar industry to efficiently manage their transport tasks during harvest periods.

The scheme would operate in the northern NSW region and extends to suitable roads in the local government areas of a small number of councils, these include: Ballina, Byron, Clarence Valley Lismore, Richmond Valley, and Tweed (see Figure 1).

11.4 Sugar Cane Harvest Management Scheme

The NSW Sugar industry contracts out the transportation to a single operator under a 10 year contract (2012-2022). The contractor operates a fleet of 32 prime movers and trailers with GPS tracking, road friendly suspension, and self-regulated mass management system.

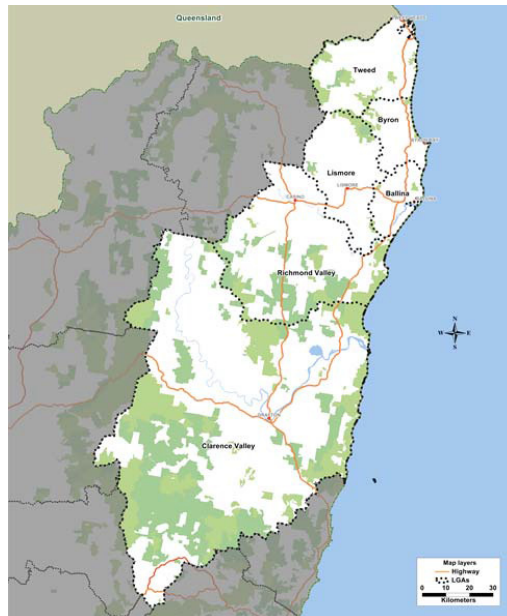


Figure 1: LGAs affected by SCHMS (ref: Transport for NSW presentation on the SCHMS)

The proposal that has been received (draft proposed permit attached) is to allow an additional 5% concessional mass on the Gross Mass Load (GML) on state and council roads which are currently approved for 4.6m high vehicles.

In 2006, the sugar industry applied for an approval to transport using 4.6m high vehicles on Ballina Shire Council's local roads. The conventional height limit of 4.3m exists on all local roads. This application arose from the introduction of new larger capacity road transport bins. This permit was granted based on no negative impact on Council, due to no change in the mass limits. See Figure 2 below for the currently approved 4.6m RAV routes.

11.4 Sugar Cane Harvest Management Scheme

There has been no mention to date of any reimbursement to local government areas to quantify the increased damages in terms of the dollar value of additional maintenance and/or future replacements.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
NSW Sugar is a grower owned cooperative, it's a local industry which operates and provides jobs in the northern NSW region.
- **Economic**
The proposed SCHMS will result in increased damage to the LGA infrastructure (the various 4.6m routes), resulting in a reduced pavement life. This would increase operating budgets and bring forward pavement replacements. However, the proposal supports improved efficiencies for an important local industry.

Legal / Resource / Financial Implications

If the SCHMS is approved and a permit issued to NSW Sugar, road maintenance plans and future pavement replacements will need to be reconsidered. Directly affect Engineering Works' long term financial plan.

Consultation

Consultation has occurred with the other local government areas that are within the NSW Sugar's operational transportation area. The current stance of each council is drafted below:

- *Byron Shire Council* – Plans not to accept the scheme. This is due to the long term impacts.
- *Clarence Valley Council* – Will not accept the scheme (or any other HML requests for permits). This is due to the cost of keeping council infrastructure in good condition, a large factor affecting their budgets.
- *Lismore City Council* – Still considering.
- *Richmond Valley Council* – Will accept the scheme, issuing a one year permit with infrastructure monitoring occurring throughout this period. They acknowledge the scheme will have negative impacts but feel they are manageable due to only having a limited amount of approved 4.6m routes.
- *Tweed City Council* – Not currently opposed to scheme, however when the official permit is received, they will be investigating further the potential impacts to assets and long term financial plans.

11.4 Sugar Cane Harvest Management Scheme

Options

1. To participate in the SCHMS, issuing a permit to NSW Sugar.

Under this option it is preferred to issue a permit for a single harvest period to allow a trial of the scheme.

To facilitate the trial Council would need to take records of the current condition of the pavement of all of our 4.6m routes. This would allow for an accurate review of the scheme to be performed. However it is noted that this initial recording of all 4.6m routes would have certain limitations due to the number of roads within the Shire. Furthermore the trial may show immediate damages to the infrastructure; however the long term (reduced lifespan) may not be able to be reliably determined.

This option has the benefit that it responds to a request to support an important local industry and it reduces the amount of truck movements on our roads during the cane harvest period.

2. To not be involved in the SCHMS, rejecting the permit from NSW Sugar.

It is recognised that it is important to support local industry to the extent possible in their endeavours to become more efficient in their operations. However, without including the additional maintenance costs and reduced life of our infrastructure assets, arguably this proposal represents a subsidy from Council to industry, not an overall efficiency gain. On this basis it is preferred to support the scheme, if industry sees economic merit, only after Council is compensated for the additional cost liability for the management of its road assets.

Option Two is recommended at this point in time. Should this position be supported by Council, staff will continue to liaise with NSW Sugar and the RMS in the event that a more suitable arrangement can be established that supports the needs of the industry without shifting an unreasonable cost liability to Council in regards to managing its road assets.

RECOMMENDATION

That the application for the Sugar Cane Harvest Management Scheme to permit an additional 5% concessional mass on the Gross Mass Load (GML) on state and council roads which are currently approved for 4.6m high vehicles be refused based on the expected impacts on road infrastructure as per the details of this report.

Attachment(s)

1. Draft Permit for SCHMS Mass Exemption

11.5 Medical Centre Parking Rates in Commercial Centres

11.5 Medical Centre Parking Rates in Commercial Centres

Delivery Program Strategic Planning

Objective To review car parking rates for medical centres.

Background

Development applications are assessed for their car parking demands. For the Ballina Central Business District (CBD) this is determined by single rate for offices, retail, café/restaurants and other businesses such as medical centres. The current rate is one space is required per 25m² of gross floor area. The reason Council has adopted this single rate is to recognise the relative frequent change of use that can occur in a CBD, the provision of public parking and that many visits to a CBD are multipurpose however a single car park might be used. The single rate also means that this planning provision does not influence commercial development choices by distinguishing between business types. Therefore the selected rate strikes a balance between the demands for the whole CBD and the more specific demand of an individual property.

However the commercial centre at Alstonville CBD has a medical centre carparking rate of three spaces per consulting room plus one space per two employees plus any dwelling requirement. This report notes the issues created by this policy and suggests a change.

Key Issues

- Standardise car parking requirements for medical centres across

Information

The Local Environmental Plan (LEP) has the definition of a medical centre as follows.

***medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.*

The different car parking rates in different CBD zones has the potential to influence where medical practitioners might locate their businesses. For example, in Alstonville CBD, the current car parking rate for a medical centre means its is very difficult to convert an office or retail space into a health practice due to the need for additional onsite carparking. Recent enquiries for the conversion of a range of available spaces into a physiotherapist practice with two consulting rooms resulted in the practitioner being unable to provide the necessary car parking in Alstonville and this business advised they would seek similiar sized premises in Ballina CBD.

11.5 Medical Centre Parking Rates in Commercial Centres

The medical centre car parking rate described in Chapter 2, 3.19, table 2.3 is the same as the rate for a health consulting room ie three spaces per consulting room plus one space per two employees plus any dwelling requirement which infers the medical centre is ancillary to a dwelling as per the consulting room definition in the LEP which is

health consulting rooms means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than three health care professionals at any one time.

Therefore, in addition to being inconsistent across CBD areas, arguably, the current rate in chapter 2 of the DCP is not the preferred rate for a medical centre.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
There is a current deterrence for health practitioners to establish a business outside of the Ballina CBD due to car parking rates. As a result the villages of Lennox Head and Alstonville may not have the same access to health services as Ballina.
- **Economic**
Commercial centres with a higher medical centre car parking rate will not be as attractive to medical practitioners and therefore may not draw as much ancillary business to the these commercial districts.

Legal / Resource / Financial Implications

The change to a consistent car parking rate for medical centres in all commercial centres does not impact on financial resources or present a legal risk to Council.

The proposed change recommended below could be integrated into a current amendment to the development control plan which is scheduled for public exhibition during October.

Consultation

Feedback from the private sector has been received through the development application pre lodgement process where it became evident that initiating a health practice in Alstonville CBD was problematic due to the car parking rates deccribed in the DCP.

11.5 Medical Centre Parking Rates in Commercial Centres

The Ballina Shire Car Parking Contribution Plan acknowledges that the redesign of the existing Alstonville public car parking area is “*dependent upon future development and the need for additional car parking in the village*”. The reason for this statement is the assessment identified there isn’t a current shortage of public car parking in the CBD. Therefore the small reduction in future car parking relative to the new demand that may be attributable to the proposed change in car parking rates for medical centres can be reasonably managed.

Options

1. Adopt a consistent rate (one space per 25m² of GFA) for medical centres across all commercial centres.
2. Maintain the existing car parking rates in the development control plan.

RECOMMENDATION

That Council place on public exhibition a proposal to amend the development control plan such that the car parking rate for medical centres in the central business districts be standardised to a single rate of one space per 25m² of gross floor area.

Attachment(s)

Nil

11.6 Householder's Asbestos Disposal Scheme Continuation

11.6 Householder's Asbestos Disposal Scheme Continuation

Delivery Program Waste Management

Objective To provide information on asbestos management and a proposed fee.

Background

During 2014/15 Council participated in the New South Wales Environmental Protection Authority's (EPA) trial of the Householders' Asbestos Disposal Scheme (HADS). Under this scheme EPA committed \$3 million across NSW to assist in the offsetting of collection and transport costs for householders to safely dispose of up to 10m² of bonded asbestos. The scheme was part of the NSW EPA Waste Less, Recycle More initiative funded from the waste levy and aimed to minimise the burden on householders to dispose of asbestos correctly and therefore reduce illegal dumping and promote awareness.

The scheme was discontinued on 30 June 2015. The purpose of this report is to look at options for the Council going forward following the discontinuance of the scheme.

Key Issues

- No current asbestos awareness program in place
- Incorrect disposal of asbestos poses a risk to human health and the local environment

Information

The HADS program was trialed in partnership with the NSW EPA, North East Waste and participating regional Councils during the 2014/15 financial year. During the trial period, Council made available asbestos kits which contained items that assisted in the safe wrapping and removal of up to 10m² of bonded asbestos.

Under this scheme, 17 Ballina Shire households disposed of 2.5 tonnes of asbestos to landfill which may have otherwise been incorrectly disposed of. The average load of asbestos taken to the Lismore Waste Management facility during the trial was 150kg at \$49.50 per load.

It is illegal to dispose of asbestos waste in domestic garbage bins or to recycle, reuse or bury asbestos. It is the case that we find illegally dumped waste in bushland or local creeks due to its problematic nature. The issues include that the disposal sites are perceived to be too far away or gate fees are seen as too high. The clean up costs related to asbestos are expensive to Council as licenced professionals are required undertake the works.

11.6 Householder's Asbestos Disposal Scheme Continuation

Since the closure of the scheme there has been a steady interest from residents wanting to dispose of asbestos safely. Council's waste management facility no longer accepts asbestos and residents must transport the materials to Lismore for disposal with current disposal cost of \$330 per tonne.

Council has an opportunity to continue the HADS program and promote awareness to asbestos waste and its proper management.

The recommendation to this report seeks Council to support two actions. Firstly, the Council continue to make available the asbestos kits. It is proposed to introduce a charge of \$30 for these kits. Secondly, it is proposed not to charge for the disposal of household asbestos.

Sustainability Considerations

- **Environment**
Contamination of soils from the illegal dumping of asbestos presents a risk to urban and rural environments.
- **Social**
Awareness to problem wastes mitigates the risk to human health from airborne asbestos fibres.
- **Economic**
Illegal dumping of wastes on public land is costly to remediate.

Legal / Resource / Financial Implications

Based on 2014/15 data, it is estimated to cost between \$1,500 and \$2,000 to dispose of the household asbestos waste. These costs can be met from within the existing budget for landfill management.

Consultation

Consultation has been undertaken with other councils in our region and there is general support to continuing the promotion of the HADS program and providing varying resources to assist residents.

Options

It is recommended that Council continue this program by meeting the costs of disposal and providing the asbestos kits on a cost recovery basis. The Council can elect not to proceed with the program. While this service does represent some cross subsidy from the general public to specific service users, in the circumstances this is preferred having regard to the risk to public health and the environment, plus our exposure to clean up costs, from illegal dumping.

11.6 Householder's Asbestos Disposal Scheme Continuation

RECOMMENDATIONS

1. In accordance with the Local Government Act, Council place on exhibition, the introduction of a new fee of \$30 for the sale of asbestos kits.
2. To promote the safe management and disposal of asbestos, Council continue the arrangement under the Householder's Asbestos Disposal Scheme whereby Council will cover the disposal costs for household asbestos waste delivered to the Lismore Waste Facility.

Attachment(s)

Nil

11.7 Lake Ainsworth South Eastern Precinct Upgrade Report

11.7 Lake Ainsworth South Eastern Precinct Upgrade Report

Delivery Program Engineering Works

Objective To review a proposal from NSW Sport and Recreation in response to Council's decision to close the Eastern Road at Lake Ainsworth.

Background

The Council's decision to close the Eastern Road as part of the project to upgrade the South East Precinct of Lake Ainsworth was communicated to the NSW Office of Sport and NSW Crown Lands. The NSW Office of Sport is the agency responsible for the Lake Ainsworth Sport and Recreation Facility. The Office of Sport has previously submitted objections to this proposal as they are concerned about the reduced level of access to the facility. The eastern road currently traverses Crown land and Council is the appointed Reserve Trust Manager for this Crown land.

In response to our letter, NSW Crown Lands advised Council that the Minister was requesting further negotiations between Council and the NSW Office of Sport. A copy of the letter from Crown Lands has been previously provided to all Councillors and is attachment one to this report.

In response to the Minister's request, a meeting was held with officers from the NSW Office of Sport. The outcome of this meeting is that NSW Office of Sport would like Council to review a proposal from the Office which is expressing their interest in contributing to the cost of the works required to rehabilitate the road and environs and provide a single lane access to the Sport and Recreation facility.

A copy of the letter from NSW Office of Sport is attachment two to this report. This report requests Council to determine a direction in response to the submission from the Office of Sport.

Key Issues

- Environmental protection of Lake Ainsworth
- Improving the amenity of the precinct
- Access to the Sport and Recreation facility

Information

In summary, the Office of Sport proposal asks Council to consider the reconstruction of the eastern road as an access only road to the Sport and Recreation facility with the cost of these works to be funded by the Office of Sport.

The proposal generally follows one of the design options considered by Council where the road would be rehabilitated to improve environmental performance. The road would be single lane to ensure parking is prevented and to maximise the space available for public amenity and landscaping.

11.7 Lake Ainsworth South Eastern Precinct Upgrade Report

The option of a single lane access road was considered by Council at its meeting held 18 December 2014. A copy of the report presented to the Council at that time is provided as attachment three to this report.

As per that report some form of retention of the eastern road was listed as the preferred recommendation(s).

However in response to that report Council resolved as follows (two resolutions):

181214/4 RESOLVED
(Cr Jeff Johnson/Cr Ken Johnston)

That the eastern road be closed and the area be converted to public open space to improve the amenity of the area and to reduce erosion and stormwater runoff entering the Lake.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston and Cr Robyn Hordern
AGAINST VOTE - Cr Keith Johnson, Cr Paul Worth and Cr Ben Smith

181214/1 RESOLVED
(Cr Sharon Cadwallader/Cr Jeff Johnson)

1. *That Council notes the contents of this report in respect to the consultation process for the south eastern precinct of Lake Ainsworth.*
2. *That in respect to the provision of recreational facilities and boardwalk Council's preferred option is confirmed as the:*
 - b) *Removal of the boardwalk, playground equipment and exercise stations with the retention of limited BBQ and picnic facilities.*
3. *That in respect to car parking facilities, Council confirms it support for the additional car parking spaces as per the exhibited document, with these spaces subject to further detailed design and investigation.*
4. *That in respect to the Lennox Head Surf Club redevelopment Council endorses the redevelopment of a new Surf Club as the preferred option for the long term future of this building.*
6. *That Council authorises negotiations with Crown Lands in respect to formalising access around the Lake with Council's preferred option being the use of the road reserve through the Caravan Park. The outcomes from these negotiations are to be reported back to Council before finalisation.*
7. *That Council supports the replacement of the overhead electrical power lines with underground conduits to eliminate the need for maintenance (pruning by the Electrical authorities) and that Council approach Essential Energy to have these works undertaken as a priority.*
8. *That subject to the above mentioned points, Council receive a further report providing updated estimates for the various works identified, along with a preferred allocation of the available funds, to allow Council to then determine the priority order of works and an implementation program.*

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston and Cr Robyn Hordern
AGAINST VOTE - Cr Keith Johnson, Cr Paul Worth and Cr Ben Smith

Even though it is not specifically mentioned in these two resolutions in response to the submissions made by the NSW Office of Sport, there was recognition that the decision to close the eastern road also needed to provide an eastern emergency only access to the Sport and Recreation facility.

11.7 Lake Ainsworth South Eastern Precinct Upgrade Report

A further report to the Reserve Trust meeting held 17 March 2015 estimated the cost to close and rehabilitate the eastern road and provide the emergency access to the scope of works preferred by Council was \$350,000. An extract from that report is as follows.

Emergency Access

Concerns have been expressed that the closure of the Eastern Road would compromise the safety of the Sport and Recreation Facility. The resolution of Council regarding the road closure is silent in this regard, however it is suggested that the Council's objectives of using the existing Eastern Road corridor for public amenity and environmental protection is not incompatible with a design that can also provide access to the Sport and Recreation Facility for emergency vehicles.

Council has prepared cost estimates for three options for the closure of the Eastern Road being

Option 1 - Retain (narrow) existing road surface - emergency access

This would involve the mill out of the edges of bitumen and car parking areas and revegetation. The estimate for this work is \$78,000.

Option 2 - Concrete Shared Path - 2.5m wide

This option includes the mill out of existing bitumen, revegetation and a swale for water sensitive drainage initiatives. The estimate for this work is \$312,500.

Option 3 - Pervious Pavers - 2.5m wide

As for option two, except with paved surface. The estimate for this work is \$350,000.

All three of these options can be built to a standard that allows emergency access.

As a result of that report Council as the Reserve Trust resolved as follows.

RT170315/2 RESOLVED

(Cr Jeff Johnson/Cr Sharon Cadwallader)

- 1. That Council, as Reserve Trust Manager, reaffirms the Council's December 2014 decision to close the eastern road to all vehicular traffic, excluding emergency vehicles.*
- 2. That Council, as Reserve Trust Manager, authorises the General Manager to negotiate with Crown Lands and North Coast Holidays Parks Trust to determine whether a road to the west of the caravan park including some funding, can be forthcoming as an alternative to using Council's road reserve and that a land swap be considered as part of those negotiations.*

Cr Jeff Johnson left the meeting at 04:31 pm.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston and Cr Robyn Hordern

AGAINST VOTE - Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Ben Smith

11.7 Lake Ainsworth South Eastern Precinct Upgrade Report

As this resolution was silent in respect to the preferred eastern road design a further report was then presented to the 16 April 2015 Finance Committee meeting to confirm the scope of works and funding for this south eastern precinct.

The recommendation arising from that meeting, which was then endorsed at the April 2015 Ordinary meeting, was as follows.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Jeff Johnson)

1. That Council adopts the following table as its preferred program of works for the funds currently available for the Lake Ainsworth Improvement Project.

Description	Amount (\$)
Construction	
Ross Street Road Works – Formalise Parking and Road Capacity	286,000
Pacific Parade	50,000
Eastern Road (Stage 1 – Road closure with Offset Car parking)	587,000
Eastern Road (Stage 2 – Option 3)	350,000
Sub Total	1,273,000
Design/Development	
Lake Ainsworth Precinct - Stage 2 (DA/Approvals)	50,000
New Surf Club Development - Stage 2 (DA/Approvals)	100,000
Total	1,423,000
Available Council Budget	1,436,000
Balance (small contingency)	13,000

2. That Council endorses the project required to be completed first under this program is stage one of the eastern road closure.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams, Cr Ken Johnston and Cr Robyn Hordern

AGAINST VOTE – Cr Keith Johnson, Cr Paul Worth and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Susan Meehan

As per this resolution option 3 (*pervious pavers 2.5 m wide*) was the preferred design for the eastern road.

If the Council is inclined to consider the proposal from NSW Office of Sport, it will be necessary to review the design and costs. However it is noted that the difference in scale is small between an option two or three (as above) for general access or emergency only access.

A key issue to consider is the surface type as it is unlikely the pervious paving option would be suitable for general access functions, albeit even with low traffic volumes.

If the Office of Sport provided \$350,000 for these works, in addition to addressing their concerns regarding access, the Council funds allocated to the emergency access could then be reallocated to a first stage of the improvements proposed for the southern access road. In other words Council's existing budget could be substantially increased.

11.7 Lake Ainsworth South Eastern Precinct Upgrade Report

At this point in time no funds are available for the southern portion of the project. This area has similar challenges to the eastern road and therefore there are opportunities for improvements in terms of erosion protection, storm water quality management and formalising car parking arrangements. Additional funding from Council could possibly be combined with funding from North Coast Holiday Parks to undertake improvements in this area.

Sustainability Considerations

- **Environment**

A key objective for this project is to improve the environmental amenity of the Lake Ainsworth precinct.

- **Social**

A key objective for this project is to improve the social amenity of the Lake Ainsworth precinct by consolidating car parking and thereby creating more public open space.

- **Economic**

Lake Ainsworth is an important local facility contributing to the attraction of Lennox Head as a destination.

Legal / Resource / Financial Implications

This report discusses a proposal from NSW Office of Sport which includes advice they are willing to contribute to the cost of providing a single lane eastern access road. This provides an opportunity for Council to bring forward other stages of this project.

Consultation

A public consultation program has been undertaken as part of the planning for this project. Council has also consulted with key stakeholders, including NSW Office of Sport and NSW Crown Lands.

This report has been listed in a Council meeting rather than a Reserve Trust meeting as it relates largely to possible negotiations and funding. It may well be necessary to call a Reserve Trust meeting at a later date if any negotiations proceed.

Options

1. Reject the proposal from NSW Office of Sport.
2. Accept the proposal from NSW Office of Sport.

Option one is consistent with the Council's current resolved position for this matter. This option confirms the Council's position that emergency only access reduces to fullest extent possible the risk of environmental harm from road infrastructure to the lake.

Furthermore, this option provides the maximum opportunity to increase the amount of open space available for the public within the precinct.

11.7 Lake Ainsworth South Eastern Precinct Upgrade Report

Option two enables staff to commence negotiations with the NSW Office of Sport in regards to the design concept and funding contribution for the single lane access option.

Option two provides the following benefits:

- The additional costs to Council to upgrade and maintain Camp Drewe Road, once the eastern road was closed, are avoided or deferred.
- The significant costs to NSW Sport to adjust their main entry arrangements are avoided.
- Flexibility to provide additional car parking, if desirable in the future, is maintained.
- The concerns regarding increased traffic on the adjacent local streets are avoided.
- Funding can be redirected to bring forward other improvement opportunities for the lake precinct.

It is also the opinion of staff that a new access road can be designed that addresses the environmental concerns associated with the current road and still provide significant improvements to the passive open space areas.

It is also important to acknowledge that the Minister can also overrule Council as per the following extract from the Crown Lands letter (attachment one):

“While an easement could be granted under the Crown Lands Act 1989, the Hon Niall Blair Minister for Lands and Water has encouraged Office of Sport and LAS&RC to reach agreement with Council as Reserve Trust Manager, in the first instance.”

Councillors have been very committed to fully closing the eastern road, therefore the recommendation is as per option one.

However the preferred recommendation from a staff perspective remains option two for a number of reasons including:

- a) It is more than reasonable to negotiate to determine what outcomes can be achieved
- b) The Minister has the right to overrule any Council decision and this may reduce our ability to negotiate if that decision is made
- c) From a whole of government perspective there are reduced costs as NSW Sport does not need to rearrange their entry and the need for works on the western road are avoided or deferred
- d) The eastern road would have limited vehicle access and appropriate designs will still result in significant environmental and open space improvements.

If Council wishes to commence negotiations with Office of Sport the recommendation would be as follows:

That Council advise the NSW Office of Sport that it provides in principle support to commence the proposed negotiations, subject to further details regarding the terms of the proposal including the amount of the financial contribution to be made and the final design of the works meeting Council's requirements in respect of the existing environmental concerns and amenity of the area. This matter is to be reported back to Council as a matter of urgency to allow any agreed works to proceed in a timely manner.

Finally mention should also be made of the proposed western road around the caravan park. As per the correspondence from Crown Lands (attachment one) they are willing to consider a land swap with Council for the land we own through the caravan park, however they are not prepared to provide any funding costs for the construction of that road. This leaves a substantial funding shortfall for Council if the western road around the caravan park is to be pursued.

RECOMMENDATION

That in response to the proposal from the NSW Office of Sport, as attached to this report, regarding the closure of the eastern road access at Lake Ainsworth, Council confirms that the proposal is rejected as the Council, and Council as the Reserve Trust, considers, on balance, emergency only eastern access to the NSW Sport and Recreation facility is the preferred arrangement having regard to the need to improve the environmental and social amenity of the precinct.

Attachment(s)

1. Letter - Crown Lands
2. Letter – Office of Sport
3. Council report 18 December 2014 - Lake Asinworth South Eastern Precinct - Consultation

12. Public Question Time

12. Public Question Time

13.1 Notice of Motion - Wave Pool

13. Notices of Motion

13.1 Notice of Motion - Wave Pool

Councillor Cr Williams

I move:

1. That Council investigate the feasibility of the construction and operation of a Wave Pool in Ballina as a matter of urgency, to enable consideration by relevant State Government and Parliamentary Inquiries of the provision of such a facility in Ballina.
2. That Council receive a report on the feasibility with that report to include, as a minimum, the following information:
 - sites of a suitable size that are currently owned by Council or the State Government for either a stand alone facility, or as part of a new aquatic centre incorporating pools
 - potential construction costs
 - potential funding sources
 - potential economic loss to the Shire of a downturn in the tourism industry following recent shark incidents
 - potential economic benefit to the Shire provided directly by the facility and through establishing a reputation as the safest place to surf in Australia.

Councillor Comment

Shark interactions have led to tragedy and a deep fear amongst many in our community. Council has to date done all within its power to address these circumstances. State Government investigations and Summits will lead to further consideration of ideas.

Recent shark incidents, although occurring along the NSW coastline, continue to provide negative media coverage of Ballina. Anecdotal evidence says this is having a significant impact on tourism.

While Council is powerless to effect any in water solution beyond coordination, surveillance and closing of beaches, we should consider what other land based options exist to provide an alternative for the many businesses that rely on surf based tourism.

It is my view that given the current status of pool redevelopment plans, we need to urgently consider the creation of a year round safe surfing venue.

13.1 Notice of Motion - Wave Pool

Wave pool technology is a known quantity and could be readily deployed if the State Government was supportive of the project. Some designs provide for multiple breaks giving an ideal learn to surf environment on the smaller wave. (eg. <http://www.waveloch.com> see also www.wavegarden.com & www.webberwavepools.com) A wave pool would also support our Active Ageing Strategy and enable many of our older surfers to keep surfing even if they can no longer paddle out to the ocean breaks.

Council needs to be in a position to seek support for this concept during this time of heightened awareness and interest. Submissions to the State Parliamentary Inquiry close in late October.

Regardless of what in-water measures are eventually contemplated by the State Government, it is unlikely they will be sufficient to reverse the effect of the negative publicity that Ballina has received.

I believe the creation of a state of the art, safe surfing venue will capture public imagination and enable Ballina to establish a reputation as the best place on the East Coast to learn, practice and keep surfing.

COUNCILLOR RECOMMENDATIONS

1. That Council investigate the feasibility of the construction and operation of a Wave Pool in Ballina as a matter of urgency, to enable consideration by relevant State Government and Parliamentary Inquiries of the provision of such a facility in Ballina.
2. That Council receive a report on the feasibility with that report to include, as a minimum, the following information:
 - sites of a suitable size that are currently owned by Council or the State Government for either a stand alone facility, or as part of a new aquatic centre incorporating pools
 - potential construction costs
 - potential funding sources
 - potential economic loss to the Shire of a downturn in the tourism industry following recent shark incidents
 - potential economic benefit to the Shire provided directly by the facility and through establishing a reputation as the safest place to surf in Australia.

Attachment(s)

Nil

13.2 Notice of Motion - BMX Cycling Facility - Lennox Head

13.2 Notice of Motion - BMX Cycling Facility - Lennox Head

Councillor

Cr Jeff Johnson

I move

1. That Council provide in principle support to a proposal to establish a BMX cycling facility in Lennox Head.
2. That in respect of point one, the General Manager investigate potential site options, cost estimates and grant opportunities and prepare a report to Council advising on the outcomes of this investigation.

Councillor Comment

A group of school students have identified a demand for the establishment of a BMX cycling track in Lennox Head. The students have developed the proposal in consultation with the Lennox Head Residents Association and, following feedback from staff in regards to the process to follow for designing and developing this type of project, now seek in principle support from the Council and authority for Council resources to assist in the further investigation of the proposal.

The students propose a recreational style cycling facility rather than a competitive racing type circuit. Several potential site options have been identified and the students have sought further information from Lismore City Council following their recent announcement of the opening of a new facility at Nesbitt Park, Lismore. The group is also interested in sourcing grants or corporate sponsorship (in kind civil works) to assist the project.

The new subdivision areas within Lennox Head include many families with school aged children and a cycling facility represents an opportunity for additional social and active recreation for a relatively low cost. Furthermore, this project has the potential to relieve the skate park of cycling activity which is not preferred at this site. The purpose of this notice of motion is to identify initial support for the concept and request for staff to assist the students in their endeavours to investigate the proposal.

COUNCILLOR RECOMMENDATIONS

1. That Council provide in principle support to a proposal to establish a BMX cycling facility in Lennox Head.
2. That in respect of point one, the General Manager investigate potential site options, cost estimates and grant opportunities and prepare a report to Council advising on the outcomes of this investigation.

Attachment(s)

Nil

13.3 Notice of Motion - Domestic Violence

13.3 Notice of Motion - Domestic Violence

Councillor

Cr Meehan

I move

That to assist our community, and other communities, in dealing with domestic violence Council will actively promote the Daisy website (www.1800respect.org.au/daisy) and Daisy App through our regular publications such as Community Connect, along with any other domestic violence reduction strategies recognised by the State and Federal Governments.

Councillor Comment

The Daisy website, which I encourage you all to visit, has been set up as part of a national service to help prevent sexual assault and domestic violence. The website also promotes an application (Daisy App) that connects women around Australia to services. A number of councils are now promoting this website through their various community consultation strategies and Ballina Shire Council should also support this program. A relevant extract from the website is as follows:

Domestic and family violence affects one in three Australian women, and sexual assault affects one in five women over the age of 15. Daisy connects women who are experiencing or have experienced sexual assault, domestic and family violence to services in their state and local area. Daisy provides women with an easy way to find a wide range of services.

Responding to violence requires a whole-of-government approach, so in addition to specialist services Daisy also lists legal services, housing and finance services and children's services. You can create a list of favourite services for easy reference.

COUNCILLOR RECOMMENDATION

That to assist our community, and other communities, in dealing with domestic violence Council will actively promote the Daisy website (www.1800respect.org.au/daisy) and Daisy App through our regular publications such as Community Connect, along with any other domestic violence reduction strategies recognised by the State and Federal Governments.

Attachment(s)

Nil

14.1 Commercial Services Committee Minutes - 15 September 2015

14. Advisory Committee Minutes

14.1 Commercial Services Committee Minutes - 15 September 2015

Attendance

Crs David Wright (Mayor - in the chair), Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan, Ken Johnston and Paul Worth.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Rod Willis (Development and Environmental Health Group Manager), Matt Wood (Acting Strategic and Community Facilities Group Manager), Paul Tsikleas (Commercial Services Manager), Neil Weatherson (Airport Manager) and Sandra Bailey (Secretary) were in attendance.

There were no people in the gallery at this time.

1. Apologies

Apologies were received from Crs Jeff Johnson, Robyn Hordern and Ben Smith.

RECOMMENDATION

(Cr Ken Johnston/Cr Keith Johnson)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

2. Declarations of Interest

Cr Paul Worth – declared an interest in Item 4.5 – Land Sale – Lot 15 Plateau Drive, Wollongbar and Item 5.3 – Land Sale Price – Lot 15 Plateau Drive, Wollongbar. (Nature of Interest: non pecuniary non significant – he has land for sale in the vicinity of this estate. He will be remaining in the meeting while the matters are discussed and voting on the matter.

3. Deputations

Nil

4. Committee Reports

4.1 Airport - Long Term Financial Plan

RECOMMENDATION

(Cr Keith Williams/Cr Sharon Cadwallader)

That Council approves the amendments to the existing Airport Long Term Financial Plan as per the attachments to this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

4.2 Teak Tree - Lot 5 Tectona Place Wollongbar

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council approves the placement of a restriction on the title of Lot 5, as per the contents of this report, detailing the building envelope as per the attached Draft TPZ Plan prepared by Newton Denny Chapelle, subject to a straightening of the restriction boundary adjacent to the building envelope (i.e. approximate 10 metre setback) and with the branches of the teak tree to be lopped.
2. Council authorises the General Manager to sign and affix the Council seal to all relevant documentation.

FOR VOTE - Cr Keith Williams, Cr Ken Johnston, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan and Cr David Wright

AGAINST VOTE - Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

4.3 Lease Offer - Lot 2 DP 1003816 Fishery Creek Road, Ballina

RECOMMENDATION

(Cr Susan Meehan/Cr Sharon Cadwallader)

That Council notes the contents of this report in respect to the lease offer to Solo Waste Australia Pty Ltd and Eljo Pty Ltd.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

4.4 Land Sale - Lot 91 Cessna Crescent, Ballina

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council approves the sale of Lot 91 DP 1161854 Cessna Crescent, Ballina, as detailed within this report.
2. That Council authorises the Council seal to be attached to the contract for sale and any other related documents including sale transfers.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

4.5 Land Sale - Lot 15 Plateau Drive, Wollongbar

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council notes the contents of this report in respect to the proposed sale of Lot 15 DP 1204621 Plateau Drive, Wollongbar.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

4.6 Wigmore Arcade Complex - Leasing Update and Roof Replacement

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council notes the contents of this report in respect to the current lease negotiations.
2. That Council approves the amendment of the cash flow forecasts for the Property Development Reserve as per attachment two to this report.
3. That Council approves the amendment of the Wigmore Arcade cash flow forecasts in the Long Term Financial Plan as per Table Two of this report.
4. That Council authorises the General Manager to call tenders to replace the roof of the Wigmore Arcade Complex.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

5. Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

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

5.1 Lease Offer Details - Lot 2 DP 1003816 Fishery Creek Road, Ballina

Reason for Confidentiality

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest due to the ongoing commercial negotiations and the release of any information could prejudice those negotiations.

5.2 Land Sale Price - Lot 91 Cessna Crescent, Ballina

Reason for Confidentiality

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

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

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

5.3 Land Sale Price - Lot 15 Plateau Drive, Wollongbar

Reason for Confidentiality

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

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

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

5.4 Wigmore Arcade Complex - Leasing Update Terms

Reason for Confidentiality

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

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

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest due to the on-going commercial negotiations and the release of any information could prejudice those negotiations.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

(The Council moved into Confidential Session at 4.47 pm).

Open Council

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

(The Council moved into Open Council at 5.10 pm).

14.1 Commercial Services Committee Minutes - 15 September 2015

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

5.1 Lease Offer Details - Lot 2 DP 1003816 Fishery Creek Road, Ballina

RECOMMENDATION

(Cr Keith Johnson/Cr Sharon Cadwallader)

1. That Council offer Solo Waste Australia Pty Ltd and Eljo Pty Ltd (or as nominated) a lease for the subject site as per the terms and conditions outlined in Option One of this report.
2. That Council authorises the use of seal for all documents relating to the lease agreement.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

5.2 Land Sale Price - Lot 91 Cessna Crescent, Ballina

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council approves the sale price and terms, negotiated for Lot 91 DP 1161854 Cessna Crescent, Ballina as per Option One of this report, with a twelve month settlement.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

5.3 Land Sale Price - Lot 15 Plateau Drive, Wollongbar

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Johnson)

1. That Council approves the sale price negotiated for Lot 15 DP 1204621 Plateau Drive, Wollongbar, as per Option One of this report.
2. That Council authorises the Council seal to be attached to the contract for sale and any other related documents including sale transfers.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

5.4 Wigmore Arcade Complex - Leasing Update Terms

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council authorises the General Manager to finalise negotiations with the prospective tenants for Shop 151 River Street and Shops 5, 6 & 12 Wigmore Arcade, based on the terms and conditions outlined within this report.
2. That Council authorises the Council seal to be attached to any lease documentation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

MEETING CLOSURE

5.12 pm

RECOMMENDATIONS

That Council confirms the minutes of the Commercial Services Committee meeting held 15 September 2015 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

15.1 Mayoral Meetings

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

15.1 Mayoral Meetings

Councillor David Wright

Activities since the August 2015 Ordinary meeting:

<u>Date</u>	<u>Function</u>
31/8/15	Meeting – Constituent
31/8/15	Richmond River County Council
1/9/15	Meeting – SBS Television
1/9/15	150 th Celebration of Alstonville Meeting
1/9/15	Alstonville/Wollongbar Chamber of Commerce
2/9/15	Swimming Pool Upgrade – briefing
3/9/15	Ballina Christian School Visit
3/9/15	Rotary Club Ballina on Richmond – Colleen Hewett
4/9/15	Meeting – Susan Chenery
4/9/15	Ballina Players – ‘Moonlight and Magnolias’
5/9/15	Alstonville Farmers’ Market
5/9/15	Heartfelt House Garage Sale
5/9/15	150 th Anniversary Dinner – Alstonville
5/9/15	Tibouchina Town launch
5/9/15	37 th Alstonville Orchid Show
6/9/15	Boules Birthday Bash
7/9/15	Memorial Unveiling – Parkland Drive
7/9/15	Meeting Dave Hegerty
7/9/15	Tree Planting – Freeborn Park
7/9/15	Refugee Vigil – Fawcett Park
8/9/15	Filming – ‘Sunday Night’ Program
8/9/15	A Ward Committee
9/9/15	ETC Office Opening
10/9/15	Ballina Cup
10/9/15	C Ward Committee
11/9/15	Meeting Brett Carn – DAISI
12/9/15	Walk4William – Lennox Head
12/9/15	Alstonville 150 th Street Parade
12/9/15	Matthew Lee Fundraiser – Shaws Bay Hotel
12/9/15	Birthday bash – Showground
12/9/15	Wardell School Fete
13/9/15	Alstonville Markets
13/9/15	Lennox Head Markets
13/9/15	Alstonville 150 th Celebration Church Service – Baptist Church
14/9/15	Preliminary Meeting – Ballina Documentary
15/9/15	Commercial Services Meeting
15/9/15	Council Briefing – Coastal Recreation Path
16/9/15	Meeting Chamber of Commerce
16/9/15	Filming of SBS ‘Insight’
17/9/15	Meeting - Ocean Pool
17/9/15	Xavier Catholic College Year 12 Awards

15.1 Mayoral Meetings

17/9/15	Launch Wigmore Pavers
18/9/15	Southern Cross School – Year Twelve Presentation
18/9/15	Apex Park Alstonville – Meeting
20/9/15	Family Fun Day Event ‘Out of Home Care’
20/9/15	Boules Tournament
20/9/15	Bicycle Week
21/9/15	B Ward Committee
24/9/15	Council Meeting
26/9/15	2015 Northern Rivers Regional Business Awards
29/9/15	Visit Casino Indoor Sporting Centre
29/9/15	Shark Summit

RECOMMENDATION

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

Attachment(s)

Nil

16. Questions Without Notice

16. Questions Without Notice

17. Confidential Session

17. Confidential Session

Nil Items