

13.4 Notice of Motion - Coastal Recreational Path Alignment

13.4 Notice of Motion - Coastal Recreational Path Alignment

Councillor Cr Worth

I move

That as a matter of urgency Council undertake a review of the Coastal Recreation Path covering a distance of 160 metres of the segment from the Angels Beach Underpass to approx. chainage 160 of the GeoLink plan to determine whether there are options to further improve the safety and the experience of the walk.

Councillor Comment

In having closely reviewed this segment of the path, now that it has been pegged I remain very concerned that from a safety and visual perspective we have not achieved the best outcome for the community as this section is next to the Coast Road.

Construction works are planned to start soon, however with further discussion from Councillors and staff there could well be an opportunity to do better than what is currently proposed, including moving the alignment further to the east.

Staff Comment

A copy of the latest design for this segment of the CRP is attached, with that diagram including the chainages for the path. To further assist Councillors visualize the location of the path, staff have placed survey pegs on site to identify the centre line of the path and the outside (i.e. western) edge of the barrier kerb. The Group Manager Civil Services can provide assistance if a Councillor has questions regarding this drawing or the survey set out.

In respect to the location of the CRP for the first 140 metres heading north from the underpass at Beachfront Parade, the location was determined, in part, following consultation with the Aboriginal community for that section of path, with that consultation also considering the entire section between the underpass and the Flat Rock Tent Park.

This consultation identified that the path, for this first 140 metres, was to clearly follow the road, and also the path between the overpass and Flat Rock Tent Park was to be of a boardwalk construction, to minimise any impact on Aboriginal heritage.

A large part of this decision making related to Aboriginal Cultural sensitivities for this area, remembering that it forms part of the declared Aboriginal Place for East Ballina and is subject to State Government legislation in respect to the activities that can be undertaken in that location, along with the approval process needed.

The feedback from the Aboriginal community was reviewed at subsequent workshops and incorporated into the development application.

13.4 Notice of Motion - Coastal Recreational Path Alignment

The participants have made various concessions to resolve a number of matters that have ultimately lead to an approval that has been unchallenged and generally accepted as a preferred balance in terms of meeting the needs of the broader community and key stakeholders.

From a staff perspective, to now look to push this segment of the path significantly to the east would be a breach of faith, or trust, with the key Aboriginal stakeholders whom, as Registered Aboriginal Parties, enjoy certain statutory rights, and therefore it cannot be supported. Particularly when the approved route meets all relevant engineering and planning standards, recognising that the engineering standards are based on significant research over many years.

Council is constantly working with the Aboriginal community on a range of planning and infrastructure issues across the Shire (the Links Avenue / Angels Beach roundabout being the most recent matter) and a strong relationship between the parties, with compromises being agreed upon, helps to ensure appropriate approvals are in place and that impacts to important cultural heritage values can be mitigated as far as practicable.

Environmental assessments have also been undertaken and there are flora species categorised under Threatened Species legislation located east of The Coast Road along this section.

The retaining wall, at approximate chainage 80 metres, provides an easterly limit to the path location due to these environmental considerations. The purpose of the retaining wall is to avoid earth fill impacts on these species.

The path, at present, represents a best fit considering the constraints, and the path is compliant with the design guidelines for a path located adjacent to a road. These design standards identify the minimum separation for vehicles from the path for this speed zone. These design standards have been applied successfully at other locations in the Shire, including Angels Beach Drive, the Coast Road and Skennars Road.

There may be an opportunity to marginally shift the path further east (estimated at say 0.5 metres) by building the path as a cantilevered path across the existing proposed retaining wall, and by extending the length of the retaining wall. It is possible this amendment does not require regulatory approval as it would be in the existing approved work area, however further design will need to be undertaken to determine the exact requirements, including an assessment of the impacts on the vegetation and the additional costs associated with this option.

If no design amendments are required, staff resources are available to commence the construction of this section as soon as Council determines its final position regarding this matter.

If Council wishes to seek an amendment or another approval for this location, as demonstrated by the recent timing of the Flat Rock Tent Park deviation, it may be another 18 months to two years before the segment can be completed. This assumes consent is ultimately obtained, which would be questionable, due to the impacts, and the availability of an approved route that meets all relevant standards.

13.4 Notice of Motion - Coastal Recreational Path Alignment

In conclusion, recognising that:

- this area was identified as an area of high Aboriginal Archaeological and Cultural Heritage Significance in the 2013 Converge report on Aboriginal Heritage that formed part of Council's review of environmental factors for the planning application for this project, when many of the remaining areas were of low to medium significance
- this area is part of the East Ballina Aboriginal Place
- Council has a planning consent that took years of consultation, research and analysis to obtain
- works are scheduled to start in the near future
- the design meets all Australian safety standards and it is debatable whether a small move to east, if allowed without further planning approval, would make any difference to safety when a barrier kerb is being provided as part of the current design
- a new planning consent would take many months to prepare and may not eventually be approved,

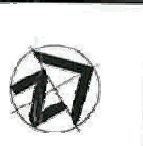
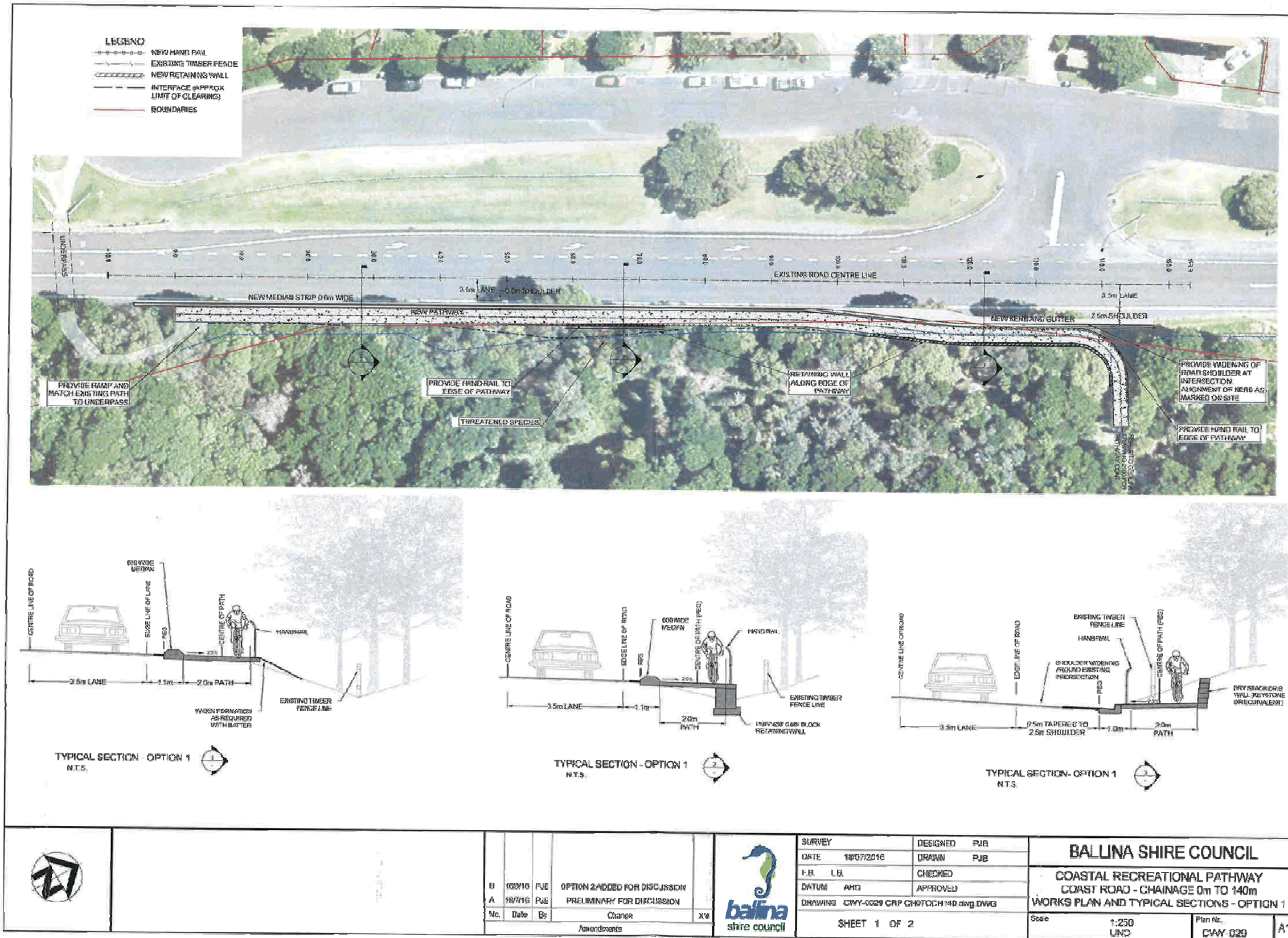
the preference is to proceed with the existing consent to allow this long overdue project to be completed in full by the end of this calendar year. Therefore the contents of the notice of motion cannot be supported from a technical perspective.

COUNCILLOR RECOMMENDATION

That as a matter of urgency Council undertake a review of the Coastal Recreation Path covering a distance of 160 metres of the segment from the Angels Beach Underpass to approximately chainage 160 of the GeoLink plan to determine whether there are options to further improve the safety and the experience of the walk.

Attachment(s)

1. Design Plan - Coastal Recreational Path (segment)

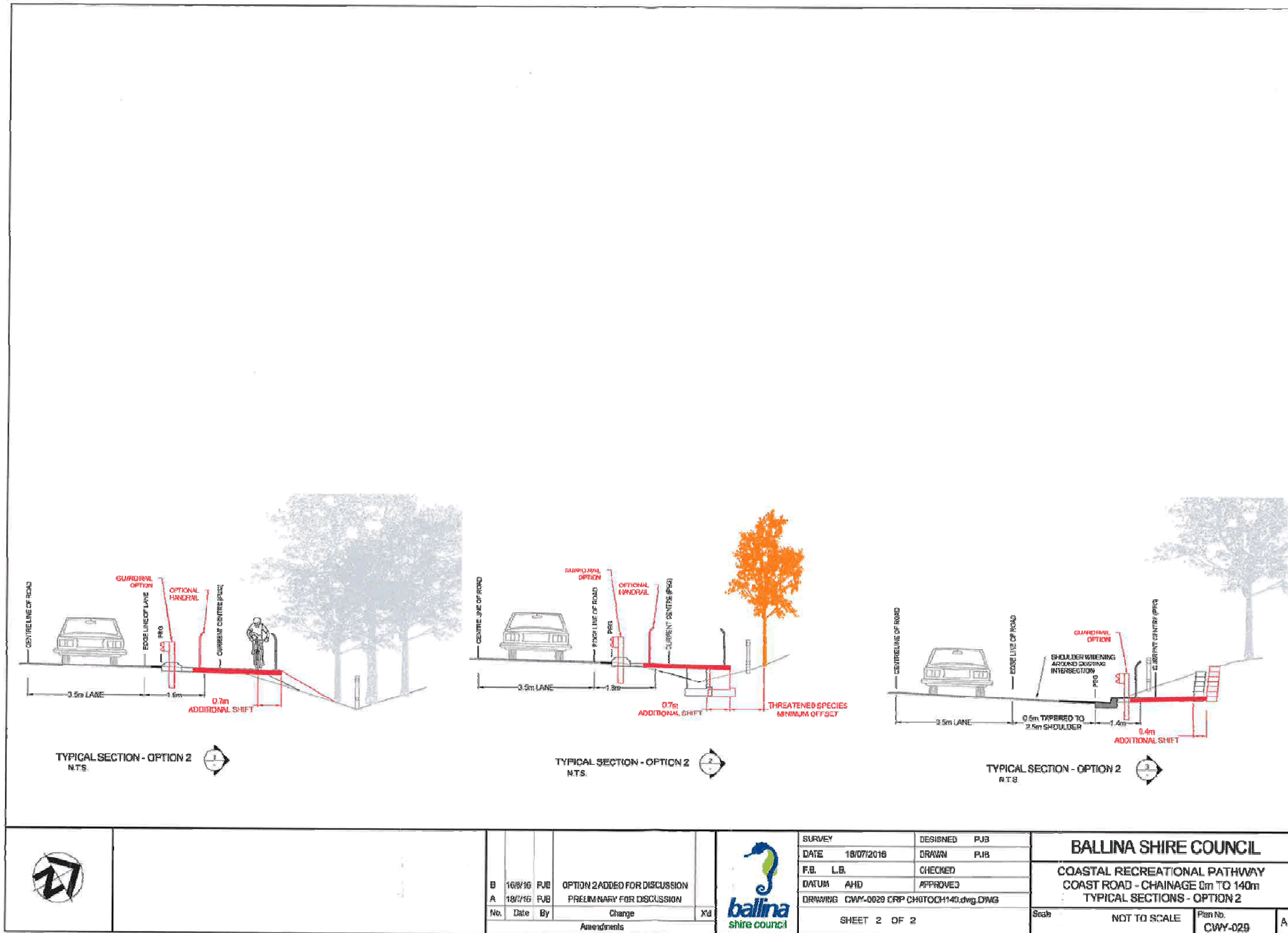


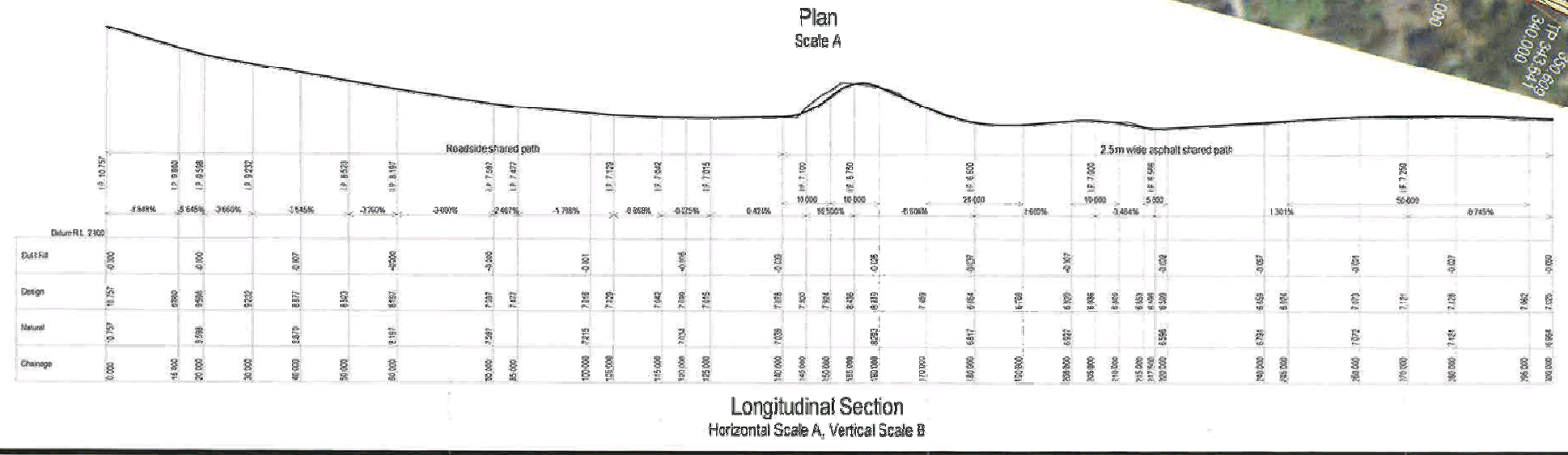
B	18/07/16	FJE	OPTION 2 ADDED FOR DISCUSSION	
A	18/07/16	FJE	PRELIMINARY FOR DISCUSSION	
No.	Date	By	Change	X14
Amendments				



SURVEY	DESIGNED	PJB
DATE	DRAWN	PJB
I.B. L.B.	CHECKED	
DATUM	APPROVED	
DRAWING CWY-0229 CRP GH070CH14D.dwg DWG		
SHEET 1 OF 2		

BALLINA SHIRE COUNCIL		
COASTAL RECREATIONAL PATHWAY		
COAST ROAD - CHAINAGE 0m TO 140m		
WORKS PLAN AND TYPICAL SECTIONS - OPTION 1		
Scale	1:250 UND	Plan No. CWY 029
		A1





LEGEND

- Approximate property boundary
- Existing fence (to be reinstated)
- Design surface contours at 0.2 m
- Proposed asphalt path
- Limit of proposed CRP works

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quality solutions sustainable future

Project Title
Coastal Recreational Path

Client
Ballina Shire Council

Design: MJC
Drawn: MVE
Checked: [Signature]
Approved: [Signature] Date: Aug 2014

Scale
A: 1:1000
B: 1:500

Drawing Title
Detailed Design
Longitudinal Section: Sheet 1 of 20

Drawing Number
2165/101



- LEGEND**
- Approximate property boundary
 - Existing fence to be replaced
 - Design surface contours at 0.2 m
 - Proposed asphalt path
 - Proposed raised boardwalk
 - - - Limit of proposed CRP works

Rev	Description	Date	By	App	Dis

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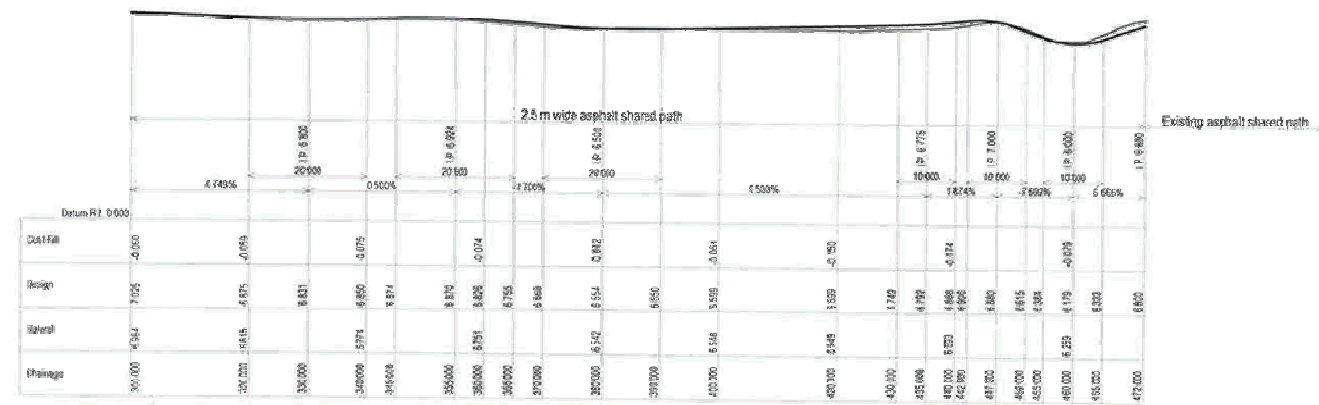
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quality solutions sustainable future

Plan
Scale A



Longitudinal Section
Horizontal Scale A, Vertical Scale B

Project Title
Coastal Recreational Path

Client
Ballina Shire Council

Designed: MVE
 Approved: [Signature]
 Date: Aug 2014
 Checked: [Signature]



Drawing Title
**Detailed Design
Longitudinal Section: Sheet 2 of 20**

2165/102
 Drawing Number
 2165/102
 Reviser

From: Mark.Spry@jltta.com.au
Sent: Wednesday, 10 August 2016 11:20 AM
To: Kelly Brown; Paul Busmanis
Subject: FW: Angels Beach Pathway

Dear Kelly / Paul,

Thank you for inviting Statewide to comment on the issue of 4wd and pedestrian interaction on the proposed Ballina to Lennox Head Coastal Recreation Path at Angels Beach. I refer to our meeting Wednesday 3 August 2016 and Council's recent Notice of Motion:

**13.6 Notice of Motion - Access for 4WD Vehicles at Angels Beach
280716/17 RESOLVED**

(Cr Ken Johnston/Cr Keith Williams)

That the status quo be maintained for four wheel drive access to Angels Beach after the construction of the Coastal Recreational Pathway, as per the Ballina Coastal Reserve Plan of Management 2003.

FOR VOTE - Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Jeff Johnson and Cr Susan Meehan

ABSENT. DID NOT VOTE - Cr Robyn Hordem

I have spent a considerable amount of time over the past 30 years in Ballina and its surrounding areas and continue to stay at Ballina almost monthly. My use of the beaches and interaction with Council and many local friends provides me with an understanding of local issues such as these.

It is difficult for Council to manage increasing population and changes to facility usage whilst maintaining amenity, access, the environment and safety. As indicated by Council staff and my own observations Angels Beach is becoming more popular with beach goers especially in warmer months and holiday periods when there are many people including numerous family groups with small children using the beach. Angels Beach is now referred to as an urban beach.

As indicated in Ballina Council's July 2004 Draft Precinct Plan 4 Ballina Coastal Reserve - Flat Rock, Angel Beach & Black Head, "seasonal congestion" already occurs and "The planned cycleway / walkway will provide increased access to and is likely to increase visitation and place pressure on sensitive areas of high conservation value along Angels Beach hind-dunes"

With increased local and tourist populations and the construction of the shared pathway, interaction between pedestrians and motor vehicles will increase.

General design philosophies and principals utilised by urban designers and engineers aim to segregate and minimise pedestrian and vehicle interaction through a range of controls. It is generally unacceptable for vehicles and pedestrians to share the same path.

In this situation 4wd vehicles would share a 2.5 metre wide asphalt path designed for and utilised by pedestrians for approximately 150 metres. This interaction would result in pedestrians being forced off the path on to an unformed walkway. These interactions should only occur between sun set and sun rise and via prior arrangement with the Reserve Trust Manager when fishers in their 4wds would be accessing the beach. It has been noted though that 4wds access the beach outside of these hours and often during twilight hours when the majority of pedestrians would be using the path before and after work.

11.1 Coastal Recreational Path Project.DOC

Interactions at these times of reduced visibility and high use, with many pedestrians and cyclists already often distracted by the environment, talking with friends, not familiar with the path or wearing headphones is not recommended. Further, interaction would be extremely problematic and potentially dangerous for parents with prams, people in wheel chairs and motorised scooters.

Ballina's Coastal Reserve Plan of Management Volume 1 2003 states as a Shared Cycleway / Walkway, Management Objective: "Provide a continuous cycleway / walkway from Ballina to Lennox Head". It also states Off-Road Vehicle Management on Beaches, Management Objective:

- *"Consideration be given to providing off-road vehicle access to beaches where feasible / environmentally acceptable, retaining beach amenity and safety for other users"*
- *"Provide adequate emergency vehicle (and licensed commercial vehicles) access, within environmental constraints".*

Considering environmental acceptability, retaining beach amenity and safety for other users in line with general population increases, usage changes and increases, and the proposed interaction of pedestrians and vehicles it may be time to reconsider the feasibility.

It is recommended that emergency vehicle access still be maintained.

This situation is not unique to Ballina. All up and down the coast, beach usage continues to be reviewed and change as population increases and demographics change.

If Council intend to proceed with the notice of motion then it is recommended that separation of pedestrian and vehicle movement be achieved through the construction of a separate road alongside the pathway.

I do not recommend four wheel drives and pedestrians share the proposed shared pathway. I believe the safety of those pedestrians using the pathway would be compromised.

Regards

Mark Spry |Regional Risk Manager

Statewide Mutual.

Strength. Stability. Integrity.

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Level 11, 66 Clarence Street Sydney, NSW 2000

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13.6 Notice of Motion - Access for 4WD Vehicles at Angels Beach

13.6 Notice of Motion - Access for 4WD Vehicles at Angels Beach

Councillor Cr Ken Johnston

I move

That the status quo be maintained for four wheel drive access to Angels Beach after the construction of the Coastal Recreational Pathway. This is as per the Ballina Coastal Reserve Plan of Management (April 2003) for Angels Beach.

Councillor Comment

Access is only via the designated vehicle access for:

- Emergency vehicles
- Council vehicles
- Professional fisherman
- Emergency situations only for private vehicles
- Amateur fisherman only between sunset and sunrise

Staff Comment

The design of the Coastal Recreational Path (CRP) is a balance in respect of a range of competing demands including the need to provide the path, protect the environment, recognise and respect Aboriginal history and culture, provide emergency and other access to public land, ensure safety, and promote security.

The CRP is expected to attract a lot of interest and generate high use and appropriate management is required for the safety of path users. Attached to this notice of motion is a plan of the CRP for this area.

The changes at this location are quite significant with the relocation of vehicular access and parking to a site adjacent to the Coast Road. The reason for this is to enable rehabilitation of the dunal areas and increase security for car parking.

The current Angels Beach 4WD access is located some 170 metres north of the proposed carpark, and future vehicular access onto the CRP is proposed to be restricted at the new carpark to avoid the risks associated with contact for pedestrians and cyclists with 4WD vehicles.

If allowed, 4WD vehicles would need to traverse 170 metres of the CRP to reach the beach access point. The path is not considered wide enough for this purpose as its objective is to convey pedestrians and cyclists only.

This arrangement is in accordance with approved development consent. The approved plan reads, in part, *"...restricted access onto the CRP for emergency vehicles via a removable bollard."*

13.6 Notice of Motion - Access for 4WD Vehicles at Angels Beach

A removable bollard for maintenance and emergency access is an arrangement we have installed at many locations in the Shire where circumstances require this type of management response.

Access for recreational 4WD users to Angels Beach has not been stopped as the existing 4WD arrangements at Sharpes Beach are not affected by the CRP, albeit it is acknowledged that in certain tidal conditions the access to Angels Beach is reduced when compared to the current arrangements.

Council cannot support this notice of motion without breaching the conditions of consent. Therefore if Council wishes to amend the consent the appropriate approach would be to lodge a planning application to seek amendment of the consent.

This assessment will require consideration of whether the path design should be altered to ensure appropriate safety measures are incorporated to manage the interaction of vehicles with pedestrians and cyclists.

COUNCILLOR RECOMMENDATION

That the status quo be maintained for four wheel drive access to Angels Beach after the construction of the Coastal Recreational Pathway, as per the Ballina Coastal Reserve Plan of Management 2003.

Attachment(s)

1. Plan of CRP

11.1 Coastal Recreational Path Project.DOC

Ecological Assessment
 Angles Beach to Lennox Head Coastal Recreational Path
 Ballina Shire Council

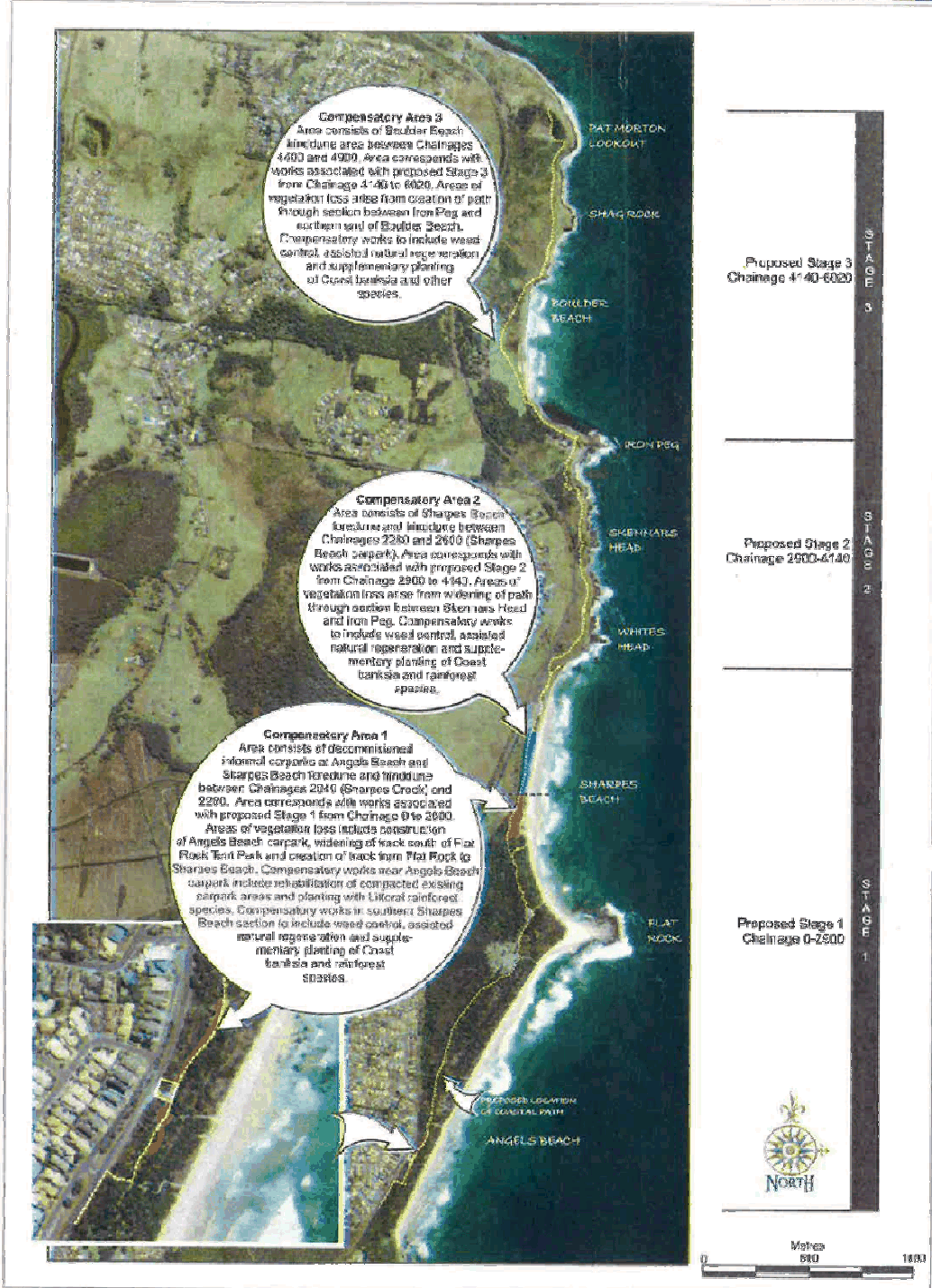


Figure 12 AREAS IDENTIFIED AS SUITABLE FOR COMPENSATORY RESTORATION WORKS

Ballina Athletic Club Inc.
Barry Saxby
10 James Street
Ballina 2478

02/08/2016

Ballina Shire Councillors
Ballina Shire Council
P. O. Box 450
Ballina
2478

Dear Sir/Madam,

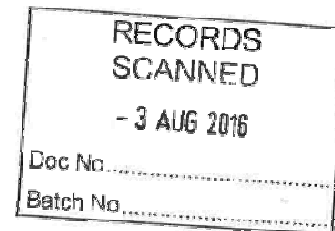
Re: Community Support for the old Sand Mining Road / Pathway Route
& rejection of decision to revegetate same.

At Ballina Shire Council Meeting (28/07/16), item 13.4 – CRP Alignment (0-160m), staff stated the existing pathway north of Black Head for 160 meters "is going to be replanted". This is deplorable. This pathway is, and has been, very beneficial to joggers, runners, walkers, bike riders, local residents and visitors for more than 40 years.

Ballina Athletic Club – Cross Country has run a cross country event on the existing pathway since 1976. Dr. Ted Batterham (Dec.), George Morris and myself established the course following the existing old sand mining road. Each year on the 27th May, the club holds a memorial day for Dr. Ted Batterham, secretary for many years and hardworking member, who was dedicated to maintaining this track. Please see existing pathway in figures 1 to 22.

Today, I draw your attention to 108 individual letters sent to Ballina Shire Council (copy attached) showing strong broad support for 'not closing our historical pathway & or beach accesses. These letters of support come from our runners on Sunday 31/07/2016, who come from the following areas:

▪ Ballina	31
▪ East Ballina	28
▪ Lennox Head	16
▪ Lismore / Goonellabah	10
▪ Tintenbar / Cumbalum	9
▪ Alstonville / Wollongbar	6
▪ West Ballina	4
▪ Ewingsdale	1
▪ Burleigh Heads	1
▪ Byron Bay	1
▪ Other	1



Our route has been in use for 40 years and is consistent with the Ballina Coastal Reserve Plan of Management 2003. It is a more natural experience consistent with the ambience of the rest of the CRP except for the section going along the Coast Road.

It is my understanding that the Ballina Coastal Reserve has been reserved for specific purposes – as referred to in the 'Principles of Crown Land Management' (Crown Lands Act 1989), and in particular (c) and (d) - THE USE AND ENJOYMENT OF SUCH LAND BY THE PUBLIC IS EXPRESSLY PROVIDED FOR AND ENCOURAGED.

I would like to know why there was no public consultation prior to Council staff's decision to revegetate/close our existing pathway in the vicinity of the underpass & north for 160 metres?

Closure of this historically used pathway is unacceptable to us. I do not support the closure of any existing pathway or beach access.

Yours Sincerely



Barry Saxby
Ballina Athletic Club Inc.

___/___/2016

Ballina Shire Councilors
Ballina Shire Council
P. O. Box 450
Ballina
2478

Dear Sir/Madam,

Re: Sand Mining Road / Track.

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Closure of this historically used pathway is unacceptable to us. I do not support the closure of any existing pathway or beach accesses.

Yours Sincerely



Figure 1:
Existing Pathway Intersection Southern View and
CRP Right Turn (Chainage 175).



Figure 2:
Existing Pathway Continuation to Intersection
Adjacent to Angels Beach Underpass.

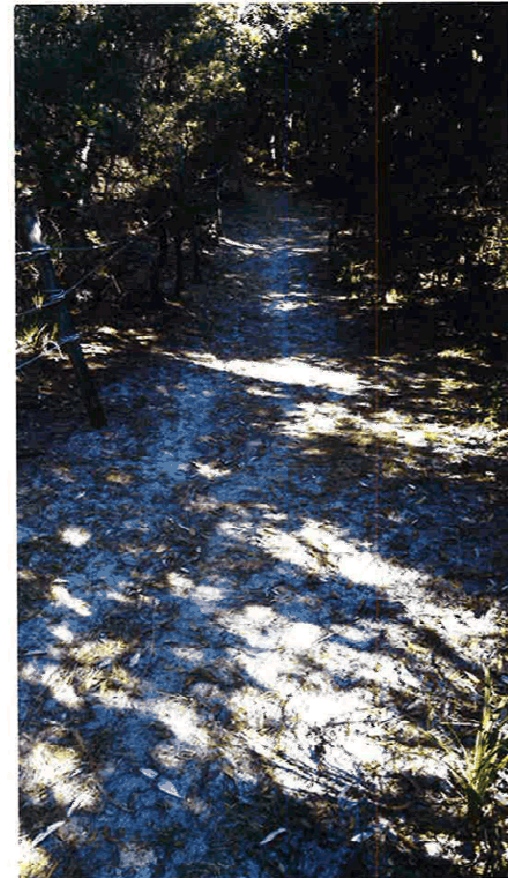


Figure 3:
Existing Pathway Continuation to Intersection
Adjacent to Angels Beach Underpass.



Figure 4:
Existing Pathway Continuation to Intersection
Adjacent to Angels Beach Underpass.



Figure 5:
Existing Pathway Continuation to Intersection
Adjacent to Angels Beach Underpass.



Figure 6:
Existing Pathway Continuation to Intersection
Adjacent to Angels Beach Underpass.



Figure 7:
Existing Pathway Continuation to Intersection
Adjacent to Angels Beach Underpass.



Figure 8:
Existing Pathway Continuation to Intersection
Adjacent to Angels Beach Underpass.



Figure 9:
Existing Pathway Continuation to Intersection
Adjacent to Angels Beach Underpass.



Figure 10:
Existing Pathway Continuation to Intersection
Adjacent to Angels Beach Underpass.

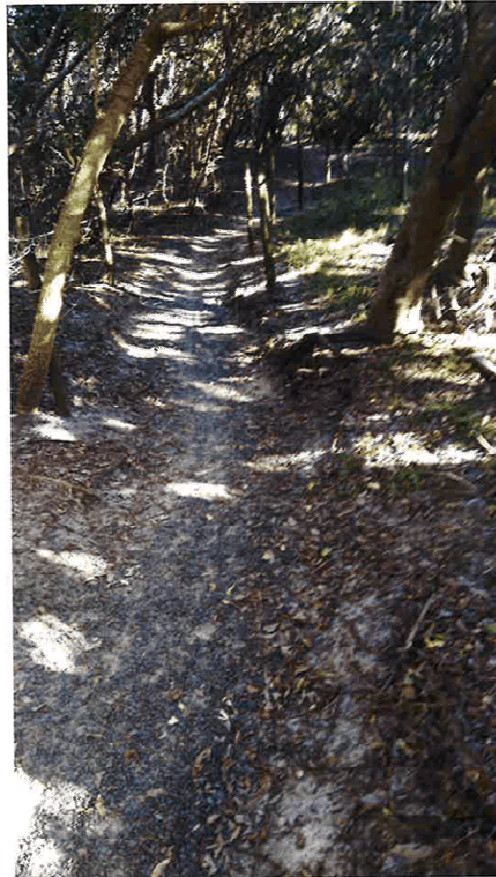


Figure 11:
Existing Pathway Continuation to Intersection
Adjacent to Angels Beach Underpass.



Figure 12:
Existing Pathway Continuation to Intersection
Adjacent to Angels Beach Underpass.



Figure 13:
Existing Pathway Intersection and Angels Beach
Underpass - Right Turn (adjacent CRP Chainage 0).
Note Central Tree & Fencing.



Figure 14:
Existing Pathway Intersection View Continuing
South (Adjacent CRP Chainage 0).



Figure 15: Existing Pathway Intersection Reverse View Continuing North or Left Turn to Angels Beach Underpass (Adjacent CRP Chainage 0) Note Central Tree and Fencing by Angels Beach Dune care.

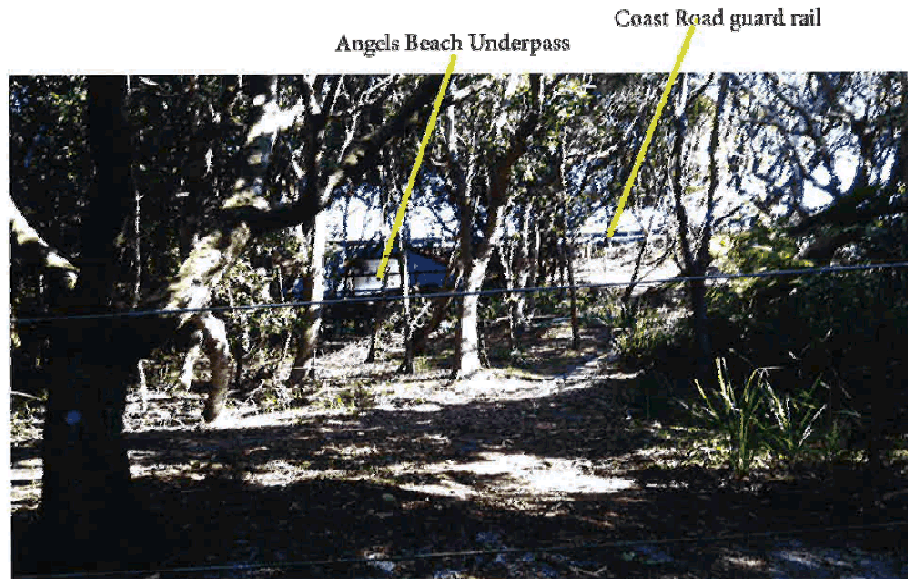


Figure 16: Existing Pathway Intersection West View to Angels Beach Underpass (Adjacent CRP Chainage 0) Note: Blue Underpass, Central Tree and Fencing eastern side of existing path.



Figure 17:
Existing Pathway Intersection East View from Angels Beach Underpass Direction (Adjacent CRP Chainage 0).

Angels Beach Underpass



Figure 18:
Reverse View from Figure 17 to Angels Beach Underpass to CRP Chainage 0.



Figure 19:
Angels Beach Underpass (CRP Chainage 0).



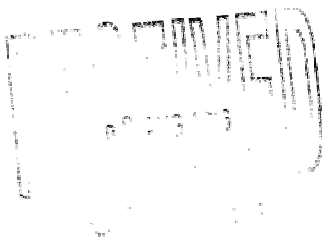
Figure 20:
Existing Pathway Intersection Northward View and
Future CRP Continuation (from CRP chainage 175).



Figure 21:
Existing Pathway Northward Continuation (to CRP
chainage 220).



Figure 22:
Existing Pathway Northward View Continuation
Angels Beach Car Park (from CRP chainage 220).



Ballina Athletic Club Inc.
Barry Saxby
10 James Street
Ballina 2478

08/08/2016

Ballina Shire Councillors
Ballina Shire Council
P. O. Box 450
Ballina
2478

RECORDS
SCANNED
- 9 AUG 2016
Doc No.....
Batch No.....

Dear Sir/Madam,

Re: Community Support for the old Sand Mining Road / Pathway Route
& rejection of decision to revegetate same.

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Ballina Athletic Club – Cross Country has run a cross country event on the existing pathway since 1976. Dr. Ted Batterham (Dec.), George Morris and myself established the course following the existing old sand mining road. Each year on the 27th May, the club holds a memorial day for Dr. Ted Batterham, secretary for many years and hardworking member, who was dedicated to maintaining this track. Please see existing pathway in figures 1 to 22.

Today, I draw your attention to a further 117 (totalling 225) individual letters sent to Ballina Shire Council (copy attached) showing strong broad support for 'not closing our historical pathway & or beach accesses.

Our route has been in use for 40 years and is consistent with the Ballina Coastal Reserve Plan of Management 2003. It is a more natural experience consistent with the ambience of the rest of the CRP except for the section going along the Coast Road.

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Barry Saxby
Ballina Athletic Club Inc.

___ / ___ /2016

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P. O. Box 450
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