



Notice of Reserve Trust Manager Meeting

A Reserve Trust Manager Meeting will be held in the Ballina Shire Council Chambers, 40 Cherry Street, Ballina on **Thursday 27 April 2017 commencing at 12 noon.**

Business

1. Apologies
2. Declarations of Interest
3. Deputations
4. Committee Reports

A handwritten signature in black ink, appearing to read 'Paul Hickey', with a long horizontal stroke underneath.

Paul Hickey
General Manager

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1. Apologies
 2. Declarations of Interest
 3. Deputations
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1. Apologies

2. Declarations of Interest

3. Deputations

4.1 Captain Cook Memorial Park Masterplan - Access Road

4. Committee Reports

4.1 Captain Cook Memorial Park Masterplan - Access Road

Delivery Program Open Spaces and Reserves

Objective To review the traffic options proposed for access through Captain Cook Park, Ballina.

Background

Council, as the Richmond River Reserve Trust manager adopted the Captain Cook Memorial Park Landscape Master Plan on 5 February 2014. The Master Plan proposed a one way vehicle access from River Street to Moon Street through the park. A copy of the masterplan is provided as attachment one.

In considering the Master Plan for the Captain Cook Memorial Park, Ballina the Reserve Trust at its meeting 26 January 2016 requested a "report regarding the proposed one-way road from River Street to Moon Street which is currently included in the Master Plan."

This report was presented to Council on 26 May 2016 and included recommendations from the Local Traffic Committee. It was resolved that Council receive "a further report on advantages and disadvantages of all road options for Captain Cook Park (i.e. no road, one way road and two way road)".

Key Issues

- Traffic impacts in the master planning of Captain Cook Memorial Park
- Advantages and disadvantages of the road options

Information

The masterplan proposed the one way traffic configuration as a means of creating additional public space in the park. However the previous report to Council also identified numerous conflicts in implementing the proposed one way access from the adopted Master Plan.

Significant traffic management issues will be created by the one-way proposal at the River Street interface due to conflicts with the existing pedestrian crossing, access to the RSL carpark and pedestrian footpath traffic.

The proposed one-way access from River Street will be significantly restricted by the location of existing assets, services and infrastructure making it operationally and economically less viable.

This report provides additional analysis through the development of a detailed traffic designs and traffic engineering advice for the two proposed road options.

4.1 Captain Cook Memorial Park Masterplan - Access Road

The option of having no road was not investigated further as this would remove existing service access to a number of local businesses.

Option One – One-way Eastbound Access from River Street

The traffic plan developed for Option One (attachment two) proposes an alternative solution to the road access from River Street. It proposes construction of an on road ramp to allow traffic to cross the verge with minimal disturbance to the existing infrastructure. This proposal requires installation of both visual and tactile measures to inform pedestrian traffic.

Advantages

1. Reduced potential for traffic flow restriction or conflict during peak activity periods
2. Replicates the traffic and parking arrangement in Fawcett Street
3. No requirement to install turning head or establish an easement
4. Potential improved through traffic and passive surveillance.

Disadvantages

1. Restricts space for pedestrian access from River Street
2. Creates additional pedestrian and vehicle traffic conflict points
3. Potential greater cost of implementation
4. Conflict with existing services and infrastructure
5. Greater potential for inconvenience and impacts to the community and businesses during construction
6. Not recommended by the Ballina Local Traffic Committee
7. Impact road and parking spaces on River Street
8. More impact on usable open space if implemented.

Option Two – Two-way Traffic Movement

The traffic plan developed for Option Two (attachment three) proposes a formal two-way road that is generally consistent with the existing infrastructure. It has identified the requirement for additional turning head and potential need for an easement over a small portion of existing adjoining business carpark to allow for vehicle turning.

Advantages

1. Retains and formalises the existing familiar traffic arrangement for businesses and the community
2. Relatively more cost effective to implement
3. Allows for a more inviting pedestrian promenade and space for a memorial feature from the River Street entrance
4. Recommended by the Ballina Local Traffic Committee
5. Limited impact to existing infrastructure and traffic arrangements
6. Less impact on the open space.

Disadvantages

1. Requires an additional turning head
2. Requirement for an easement to be created over the existing carpark of adjoining businesses
3. No through traffic may limit passive surveillance.

The two way option proposed in the masterplan was developed by an external landscape architect consultant.

In light of the concerns about both the one way and two way options in the masterplan, Council's engineering design staff have examined this issue and the proposal in attachment two attempts to avoid the River Street conflict issues while maintaining an appropriate balance between access and public amenity in the park.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The potential social impacts of both proposed road options for Captain Cook Memorial Park have been considered.
- **Economic**
The potential economic impacts of both proposed road options for Captain Cook Memorial Park have been considered.

Legal / Resource / Financial Implications

The proposed road options were submitted to the Ballina Local Traffic Committee meeting held 13 April 2016.

The Committee recommended:

"In regard to the Captain Cook Memorial Park Master Plan proposal for a one way access from River Street to Moon Street the Committee advise that two way access with no connection to River Street is the preferred option."

Council currently has \$150,000 budgeted in the 2016/17 financial year to undertake works implementing the Captain Cook Master Plan. This relates to landscaping at the western end of the Park.

Consultation

The Captain Cook Masterplan was placed on formal exhibition prior to being adopted by Council.

Options

Option One - Amend the Captain Cook Memorial Park Master Plan to delete the proposed one way access from River Street to Moon Street and replace it with a two way access with no connection to River Street as recommended by the Ballina Traffic Committee.

Option Two - Do not amend the Captain Cook Memorial Park Master Plan

Option One is the preferred option due to the adverse traffic impacts of the proposed access onto River Street and associated advice from the Ballina Local Traffic Committee.

While this is a departure from the masterplan, as per the information in the above report, the attached design attempts to avoid the River Street conflict issues while maintaining an appropriate balance between access and public amenity in the park.

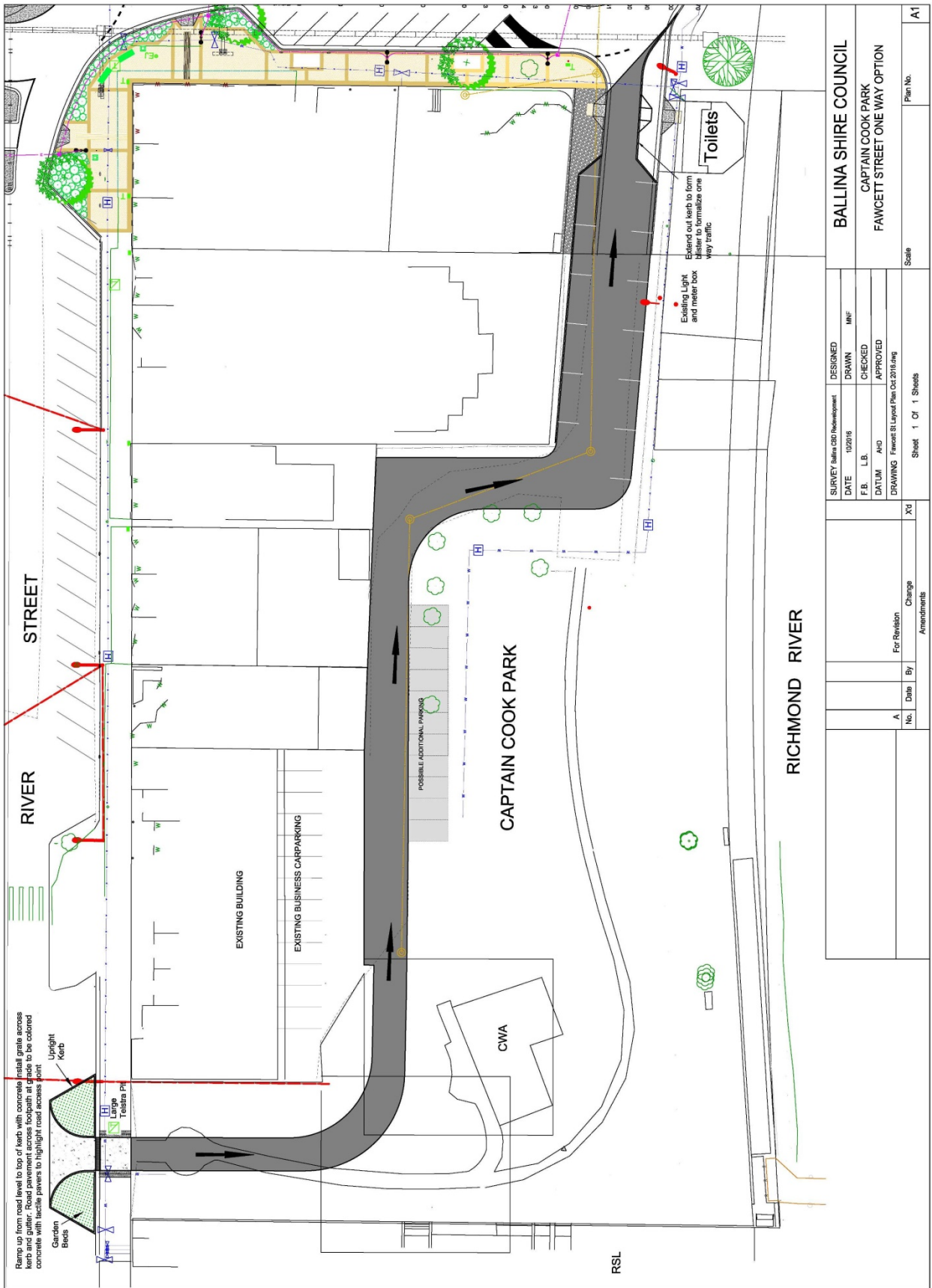
RECOMMENDATION

That Council, as the Richmond River Reserve Trust Manager, approves an amendment to the Captain Cook Memorial Park Master Plan to delete the proposed one way access from River Street to Moon Street and replace it with a two way access with no connection to River Street, as per the design attached to this report and as recommended by the Ballina Traffic Committee.

Attachment(s)

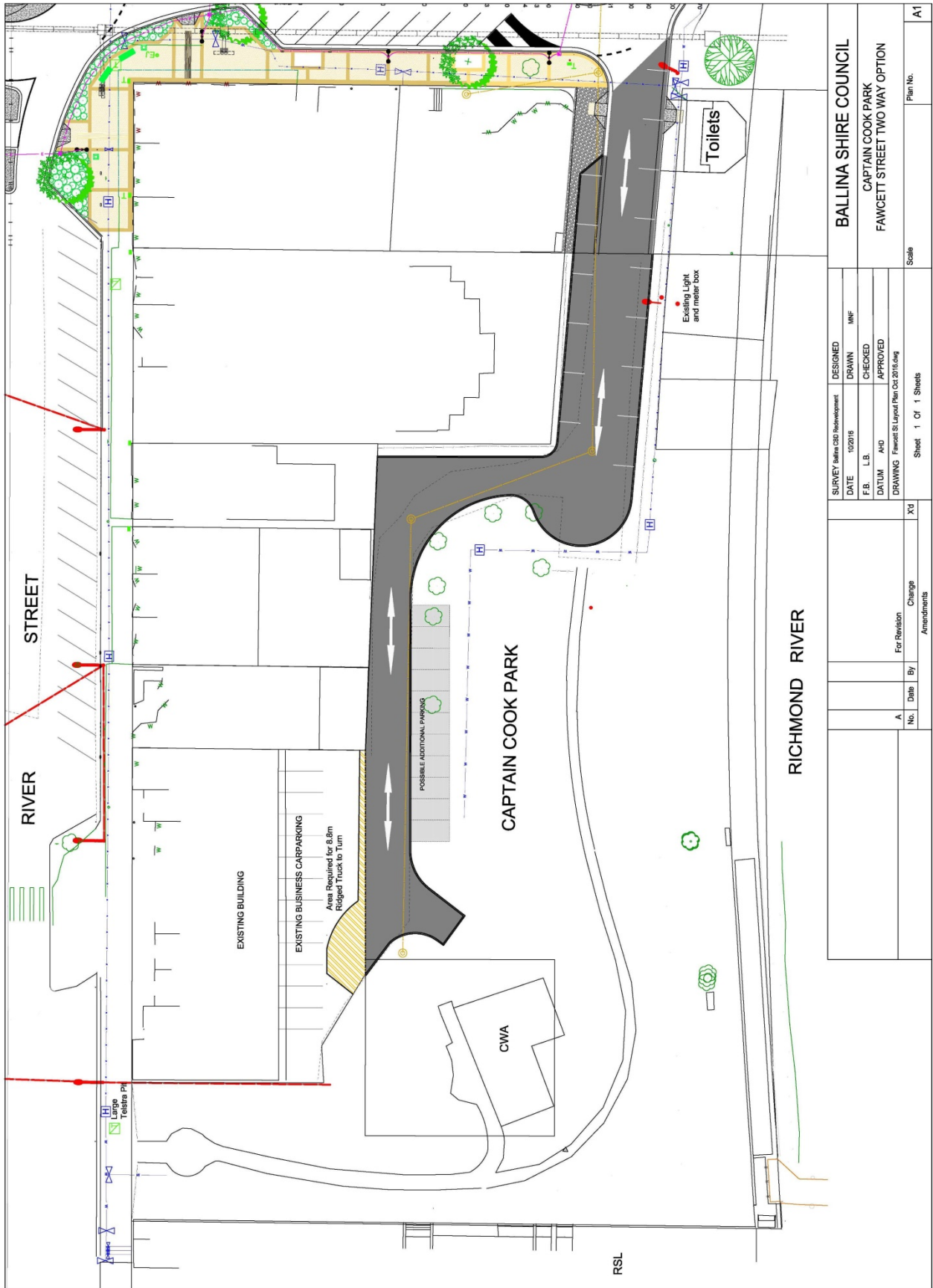
1. Captain Cook Masterplan (Under separate cover)
2. Traffic Plan - Option One
3. Traffic Plan - Option Two

4.1 Captain Cook Memorial Park Masterplan - Access Road



DESIGNED		DRAWN		MNF	
DATE 10/2016		F.B. L.B.		CHECKED	
DATUM AHD		APPROVED		DRAWING	
Fawcett St Layout Plan Oct 2015.dwg		Sheet 1		Of 1 Sheets	
Scale		X1d		Change	
For Revision		Date		By	
A		No.		Amendments	
Ballina Shire Council		Captain Cook Park		Fawcett Street One Way Option	
Plan No.		A1		Scale	

4.1 Captain Cook Memorial Park Masterplan - Access Road



DESIGNED		DRAWN		MWF	
DATE	10/20/16	F.B.	L.B.	CHECKED	
DATUM	AHD	APPROVED			
DRAWING Fawcett St Layout Plan Oct 2016.dwg					
For Revision		Change		Scale	
No.	Date	By	Amendments	Sheet 1 Of 1 Sheets	
A				Xc	
BALLINA SHIRE COUNCIL			CAPTAIN COOK PARK		
			FAWCETT STREET TWO WAY OPTION		
			Plan No. A1		

5.1 Rescission Motion - Missingham Markets

5. Notices of Motion

5.1 Rescission Motion - Missingham Markets

Councillor Cr Cadwallader
Cr Parry
Cr McCarthy

We move

That point three of Resolution RT230217/2, as follows, be rescinded:

1. That the Trust authorises the General Manager to negotiate with Mr Burless regarding the operation of the Ballina Farmers Market on Commemoration Park for a period of three years, consistent with the sentiments expressed in this report.
2. That a temporary licence be granted to Mr and Mrs Smith to operate a single market stall on Saturday mornings at the refurbished Missingham Park carpark site for a period of twelve months.
3. **That no market activities or stalls, aside from those authorised under points 1 and 2 and where food or produce is to be sold as part of an approved event or festival, be authorised in the Missingham Park and Commemoration Park locality for a period of three years or the Ballina Farmers Market ceases to operate on the land.**
4. Once negotiations are complete, that Council authorises the Council seal to be attached to the licences.

In the event that the rescission motion is carried, we intend to move the following alternative motion for point three:

3. That a temporary licence be granted to Mr Stan Morrow to operate a market stall on Saturday mornings at the refurbished Missingham Park carpark site for a period of twelve months.

Councillor Comments

It is our understanding that Mr Morrow is prohibited to trade at the Commemoration Park site as his produce is grown on leased land, which has always been the case. He is a traditional founding member of the Missingham Markets and has been growing in Ballina Shire for 40 years. In the interests of fairness and equity his situation should have been considered along with the Smiths. This is his only source of income.

Staff Comments

The Ballina Farmers Market has recently relocated to Commemoration Park and occurs weekly on Sunday mornings. Council (acting as Reserve Trust Manager) resolved to grant a licence to operate this market a further three years in February 2017. Council has also granted the Smith's a licence to operate a single produce stall at the Missingham Park carpark site on Saturday mornings for 12 months.

The proposal to issue another licence to Mr Stan Morrow for a farm produce stall at the Missingham Park carpark site and in the same vicinity as the Ballina Farmers Market at Commemoration Park has a number of potential repercussions that Councillors should be aware of in considering this matter.

In regard to the history of the Morrow's produce stall, staff understand that the Morrow family have not been prohibited from trade at the Ballina Farmers Market at Commemoration Park or at the previous market site at Missingham Park.

The Morrows have previously provided staff with a copy of an email sent by them to the market operator declining to have a market stall at the Farmers Market.

Staff understand that this decision to leave the market was after the Morrow family had received approval from the market operator to sell produce grown on a leased farm at the market. Importantly, the Morrow's produce outlet historically involves a number of stakeholders including Stan Morrow.

It is understood that Stan Morrow has approached the market management to rejoin the market since this time but was not able to nominate a family member as a produce stall representative and point of contact for the market operators.

Council staff have also experienced sensitivities around the need for all family members to be included in any correspondence or contact from Council in relation to the Morrow produce outlet.

As indicated previously to the Trust, additional produce stalls at Missingham Park could be viewed as splitting the market over two sites and may create a situation that adversely impacts the long term potential for a comprehensive farmers market in Ballina.

If a split market arrangement is enabled there is a risk that the Ballina Farmers Market will no longer be attractive to an external operator (much of the value of the market comes, which remains in its infancy, from the ability of the operator to run the business with some certainty about its future in relation to tenure, costs, location, stallholder involvement).

This arrangement is likely to have economic and social impacts to not only the appointed operator of the markets but also the current stallholders of the Ballina Farmers Market due to the split in customer base and the potential decreased takings of stallholders.

5.1 Rescission Motion - Missingham Markets

In considering the above, it is important to recognise that one of the primary reasons for seeking a market operator for the market was to attract suitable expertise to actively manage the market.

Now under the licence agreement in place for the Ballina Farmers Market it is the responsibility of the market operator to address the day to day management of the market including such matters as insurance and site safety issues, promoting the market, coordinating stallholders, regulating market products, managing enquiries and addressing stallholder issues and concerns.

Importantly, in relation to this, it is the role of the market operator (as opposed to the Trust) to manage and address disputes and issues arising in relation to stallholders and/or the products they sell.

If a licence is granted to Mr Morrow it is likely that other parties will seek licences and without an appointed market operator there will likely be difficulty capping the number of stalls in this location and regulating the products sold.

Additional stalls at the Missingham site are likely to have resource impacts where Council is required to be involved in the day to day management of the market (beyond enforcing licence conditions) such as the regulation of market products and stall holder disputes.

These are issues that have traditionally plagued the market over previous years and another significant reason why Council appointed a market manager.

The issue of acquiring appropriate insurance for the market was also an important consideration in formalising management arrangements for the Missingham Market.

In 2015 staff sought advice from Council's insurer who indicated that the market activity could be covered under Council's existing insurance provided that each stallholder holds their own insurance and that Council provides a staff member for the market to:

- oversee market day set up and pack down
- monitor stallholder products, insurances and compliance with other market licence conditions and
- provide day-to-day management including the attendance to potential public safety risks that might arise during the operation of the market.

The resources required to cover Council staff to undertake these duties were further investigated to determine the financial viability of this option. The estimated costs associated with Council staff resourcing were found to be substantial.

It is also the case that Council has not received any information from Mr Morrow that is suitable to enable assessment of the proposed market stall in accordance with Council's Markets on Public Land Policy. The foreshadowed motion implies that this process would be set aside.

5.1 Rescission Motion - Missingham Markets

If the rescission motion is successful, direction is sought in relation to the application of the assessment and administrative processes required under the Markets on Public Land Policy and in relation to the granting of further licences to other potential stallholders in the Missingham Park and Commemoration Park area.

Having regard for the above and the contents of the previous reporting on this matter to the Trust, the staff recommendation is that no additional licences be issued for farmers market activity in the Missingham Park and Commemoration Park locality.

COUNCILLOR RECOMMENDATIONS

That point three of Resolution RT230217/2, as follows, be rescinded:

3. That no market activities or stalls, aside from those authorised under points 1 and 2 and where food or produce is to be sold as part of an approved event or festival, be authorised in the Missingham Park and Commemoration Park locality for a period of three years or the Ballina Farmers Market ceases to operate on the land.

Attachment(s)

Nil